




**ADMINISTRATIVE MEMORANDUM NO. 18 - 026**

DATE: January 18, 2018

TO: Planning and Zoning Board

VIA: David Recor, ICMA-CM, Director of Development Services   
Jennifer Gomez, AICP, Assistant Director of Development Services 

FROM: Jean E. Dolan, AICP, Principal Planner 

RE: Ch. 155, Article 3, Zoning Code  
Amendment to Require Generators for Nursing Homes and Adult Living Facilities

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## Background

Following Hurricane Irma (September 2017) and the tragic death of several individuals housed in nursing homes with no backup power generation capabilities, the Florida Department of Elder Affairs and the Agency for Health Care Administration issued temporary, emergency rules on September 16, 2017, requiring Assisted Living Facilities (ALFs) and nursing homes in the State to implement a plan within 60 days (by November 15, 2017) providing for the installation, operation, maintenance and testing of a generator system to maintain an ambient temperature of no more than 80 degrees for a period of at least 96 hours, in the event of the loss of electric power. The City Staff has prepared the attached draft ordinance to permanently require nursing homes and ALFs to provide electric generators that meet these and more stringent standards.

At the October 24, 2017 City Commission hearing, Mayor Fisher brought up the issue of requiring a permanent requirement for generators at ALFs and nursing homes and requested Staff to prepare the necessary amendments to the City's Code of Ordinances.

## Text Amendments

The attached text amendments to Article 3, Use Standards for ALFs and nursing homes require all existing and new facilities to provide a permanent emergency generator to provide the capacity and on-site fuel storage to keep the facility at the maximum of 80 degrees for a minimum of 96 hours and also provide for the electric generation capacity to run all electrical devices that protect life and safety for the facility's residents and patients. The deadline for installation for all existing such facilities is June 1, 2018. Violators will be brought before the Special Magistrate and may be fined \$500 per day until the facility is found in compliance with these regulations.

The current zoning code already provides for locational and screening requirements for mechanical equipment which includes these required generators. In some cases, existing nursing homes and ALFs may need administrative waivers from code

requirements such as parking, landscaping and location standards if their existing site cannot accommodate the generator as regulated by current code.

**Staff Request**

Staff recommends approval of the draft Ordinance requiring generators at all nursing home and ALFs to protect the life and safety of residents and patients dependent on those facilities. This recommendation will be presented to the City Commission when they consider the attached Ordinance.

**Suggested Motion**

Recommend approval of the draft ordinance to require generators for Nursing Homes and ALF with any minor amendments that may be necessary prior to first reading by City Commission.