City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Legislation Details (With Text)

File #:	18-196 **Version:** 2	**Name:**	
Type:	Ordinance / Regular Agenda	**Status:**	Passed
File created:	1/30/2018	**In control:**	City Commission
On agenda:	2/27/2018	**Final action:**	2/27/2018

Title: P.H. 2018-41: (PUBLIC HEARING 2ND READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.4203., "RESIDENTIAL: GROUP LIVING USES," AND SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES," TO CREATE NEW STANDARDS REQUIRING BOTH ASSISTING LIVING FACILITIES AND NURSING HOMES TO BE EQUIPPED WITH A PERMANENT EMERGENCY GENERATOR; TO ALLOW THE DEVELOPMENT SERVICES DIRECTOR TO APPROVE SITE PLAN MODIFICATIONS FOR THE PLACEMENT OF SUCH GENERATORS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 13, 2018

Sponsors:

Indexes:

Code sections:

Attachments: 1. City Attorney Transmittal Memo, 2. 2018-84 for Second Reading, 3. Signed P&Z Recommendation Generators 18-006, 4. Staff Report, 5. January 18 PZB Minutes ALF Generators, 6. CRA Support Memo

Date	Ver.	Action By	Action	Result
2/27/2018	2	City Commission	ADOPTED	Pass
2/13/2018	1	City Commission	APPROVED FIRST READING	Pass

P.H. 2018-41: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.4203., "RESIDENTIAL: GROUP LIVING USES," AND SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES," TO CREATE NEW STANDARDS REQUIRING BOTH ASSISTING LIVING FACILITIES AND NURSING HOMES TO BE EQUIPPED WITH A PERMANENT EMERGENCY GENERATOR; TO ALLOW THE DEVELOPMENT SERVICES DIRECTOR TO APPROVE SITE PLAN MODIFICATIONS FOR THE PLACEMENT OF SUCH GENERATORS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 13, 2018

(**Staff Contact:** Jean E. Dolan/David Recor)

Summary Explanation/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 emergency 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. 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. The City Attorney has prepared the attached draft ordinance to permanently require nursing homes and ALFs to provide electric generators that meet these and more stringent standards. On January 24, 2018, the Planning and Zoning Board reviewed the Ordinance and recommended approval 6-0 with the recommendation that Commission consider allowing the Nursing Home/ALF to contract with a generator company such that only a permanent connection be required but the generator itself could be delivered on-demand. The City Attorney was not comfortable making that change and so the original version of the draft ordinance is attached for consideration.

At first reading it was stated that text to ensure generator and fuel capacity to "power HVAC systems to maintain a temperature of not more than 80 degrees" would be added to the ordinance for second reading. The revised ordinance is provided in the attachments to this agenda item.

Origin of request for this action: Mayor/City Attorney/Development Services
Fiscal impact and source of funding: N/A