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O R D I N A N C E
N U M B E R 2 0 1 5 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY REVISING SECTION 3-9-62, ASSISTED LIVING FACILITY (ALF); PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

R E C I T A L S

13 WHEREAS, the County's Land Development Regulations (LDRs) were originally
14 adopted in 1981 and took effect on December 8, 1981; and

15 WHEREAS, over time, Staff was directed to revise the existing LDRs and has
16 been working over the last several years to accomplish the desired revisions; and

17 WHEREAS, the purpose of these revisions is to update development regulations
18 by removing some outdated regulations and requirements and adding new standards, to
19 make the LDRs more user-friendly, and to be consistent with the County's
20 Comprehensive Plan; and

21 WHEREAS, in order to thoroughly review and update the existing LDRs, Staff
22 has divided the project into three phases; and

23 WHEREAS, Phase I focuses on revisions to the conventional zoning districts and
24 some sections of Article I. In General and Article III. Special Regulations of Chapter 3-9.
25 Zoning; and

26 WHEREAS Phase II will focus on all overlay codes and the remaining sections of
27 Article I. In General and Article III. Special Regulations of Chapter 3-9. Zoning; and

1 WHEREAS, Phase III will focus on regulations found primarily in Chapter 3-5.
2 Planning and Development, which may include topics such as wetlands, landscaping
3 and buffers, and site and commercial design standards; and

4 WHEREAS, Phase I was approved by the Board of County Commissioners of
5 Charlotte County, Florida ("Board") on November 25, 2014; and

6 WHEREAS in order to thoroughly review and revise the County's LDRs, staff
7 divided Phase II into small groups; and

8 WHEREAS, Staff is presenting Phase II.1 to the Planning and Zoning Board
9 ("P&Z Board") and the Board for consideration; and

10 WHEREAS, staff is recommending that Chapter 3-9 of the Code of Laws and
11 Ordinances of Charlotte County, Florida, be amended by revising Section 3-9-62,
12 Assisted Living Facility (ALF); and

13 WHEREAS, revisions have previously been heard by the P&Z Board and, based
14 on the memorandum dated December 19, 2014, and the evidence presented to the P&Z
15 Board, has been recommended for approval on January 12, 2015; and

16 WHEREAS, the Board considered the revisions in a public hearing held on
17 February 24, 2015; and

18 WHEREAS, the Board has determined that the changes are consistent with the
19 County's Comprehensive Plan and are in the best interests of the County and its
20 citizens.

21 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners
22 of Charlotte County, Florida:

23 Section 1. Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County,
24 Florida, is hereby amended by revising Section 3-9-62, Assisted Living Facility (ALF), by

1 adding the underlined language and by ~~deleting the stricken language~~ to provide as
2 shown in Exhibit "A" which is attached hereto and by this reference provided herein.

3
4 Section 2. Conflict with Other Ordinances. The provisions of this Ordinance shall
5 supersede any provision of exiting ordinances in conflict herewith to the extent of said
6 conflict.

7
8 Section 3. Severability. If any subsection, sentence, clause, phrase, or portion
9 of this Ordinance is for any reason held invalid or unconstitutional by any court of
10 competent jurisdiction, such portion shall be deemed a separate, distinct, and
11 independent provision and such holding shall not affect the validity of the remainder of
12 this Ordinance.

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14 Section 4. Effective Date. This Ordinance shall take effect upon its filing with the
15 Office of the Secretary of State, State of Florida.

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[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULLY ADOPTED this _____ day of _____, 2015.

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BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:

Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney

LR2014-2992

Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

Sec. 3-9-62. ALF

1 **Sec. 3-9-62. Assisted Living Facility (ALF)**

2 This section provides minimum regulations and standards for an Adult Assisted Congregate Living
3 Facilities (ACLF's).

4 (a) Location.

5 (1) An Adult Congregate Living Facility (ALF) shall be a principal permitted use or Conditional Use
6 within the RMF-T, OMI, CG, CN, and CT zoning districts.

7 (2) An Adult Congregate Living Facility (ALF) providing services for three (3) six or less residents
8 clients unrelated to the owner or administrator by blood or marriage shall be permissible is a
9 Permitted Use only by special exception within the AE, AG, AE-10, RE, RSF, RMF, and MHC
10 zoning districts.

11 (3) An Adult Congregate Living Facility (ALF) providing services to four (4) seven or more residents
12 clients unrelated to the owner or administrator by blood or marriage shall be permissible is
13 permitted only by Special Exception within the AG, AERE, AE-10, RSF, AG, RMF, and MHC
14 zoning districts.

15 (4) Within the MHP district, an ALF may be permitted only by Special Exception. Adult Congregate
16 Living Facilities shall be prohibited in the AC district.

17 (5) No adult Congregate Living Facility (ALF) in a single-family residential zone zoning district, or
18 generally located off major roadways within the Established Single-family Neighborhood, shall
19 be located less than one thousand five hundred (1,0500) feet from an established, existing
20 ACLF in a single-family residential zone or Established Single-family Neighborhood, as
21 documented by the appropriate County zoning Department. The distance shall be measured
22 from the nearest point of the existing ALF to the nearest point of the proposed ALF, on a
23 straight line connecting the closest point of the property lines of these ACLF's. An Adult
24 congregate living facility (ALF) which is in existence on the effective date of this section, in a
25 single-family residential zone, or generally located off major roadways within the Established
26 Single-family Neighborhood, which have has been licensed by the State and which are is
27 presently located within one thousand five hundred (1,0500) feet of another ALF, shall not be
28 considered nonconforming.

29 (b) Development Standards.

30 (1) All An adult Congregate Living Facility (ALF) shall meet the development standards applicable to
31 the zoning district in which they are located, and it shall meet all applicable "Special
32 Regulations" set forth in Article III of this Chapter.

33 (2) For an AGLF in a residential zoning district, no external evidence of such use, distinguishing the
34 living facility (ALF) from a regular dwelling, shall be visible from adjacent properties, public or
35 private, except a sign with a maximum area of four square feet within a single-family zoning
36 district, or a maximum area of 12 square feet within a multi-family zoning district.

37 (3) The requirements and standards of the appropriate State Department of Health and
38 Rehabilitative Services shall be met and evidence of current appropriate State licenses must
39 be shown.

40 (4) There shall be one (1) parking space per four (4) beds in accordance with section 3-9-90.

41 (5) Adult Congregate Living Facilities shall be subject to the sign regulations for residential structures
42 within the zoning district in which the facility is located.

43 (6) Evidence of current state department of health and rehabilitative services licensure must be
44 shown.



Land Development Regulations
Chapter 3-9. Zoning
Article III. Special Regulations

Sec. 3-9-62. ALF

1 ~~(7) When any property ceases to be used as an adult congregate living facility, after being granted~~
2 ~~a special exception for such use, and such use ceases for a period of time exceeding three~~
3 ~~hundred sixty five (365) days, then the approval granted by special exception shall be void and~~
4 ~~the use shall be terminated.~~

5 ~~(84) Compliance with the terms of this section and documentation issued hereunder with regard to~~
6 ~~zoning compliance are not a substitute for or exemption from the requirements of eCounty~~
7 ~~Occupational Licenses, and all necessary licenses and approval from the state department of~~
8 ~~health and rehabilitative services.~~

9 ~~(c) Application Procedure.~~

10 ~~(1) Any person or entity desiring to obtain county zoning certification necessary for state licensure~~
11 ~~to operate an adult congregate living facility within the County shall be required to complete~~
12 ~~and submit an information sheet on a form approved by the zoning director, which shall, at a~~
13 ~~minimum, state:~~

14 a. ~~Maximum number of residents to be served at the ACLF.~~

15 b. ~~The legal description for the site proposed as an ACLF.~~

16 c. ~~Evidence of special exception, if required.~~

17 **Cross reference**— Definition of Assisted adult Congregate Living Facility, § 3-9-2.