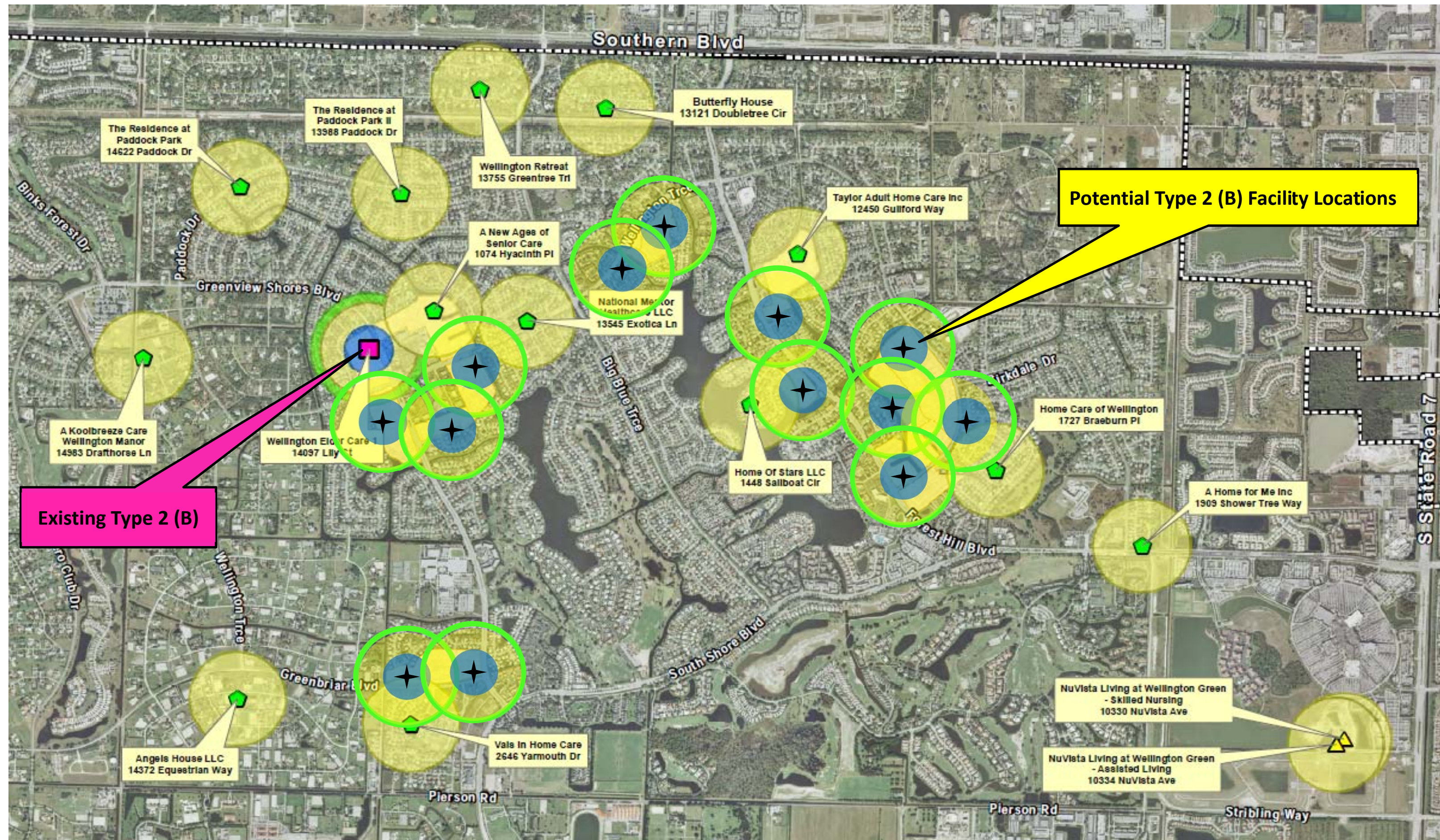


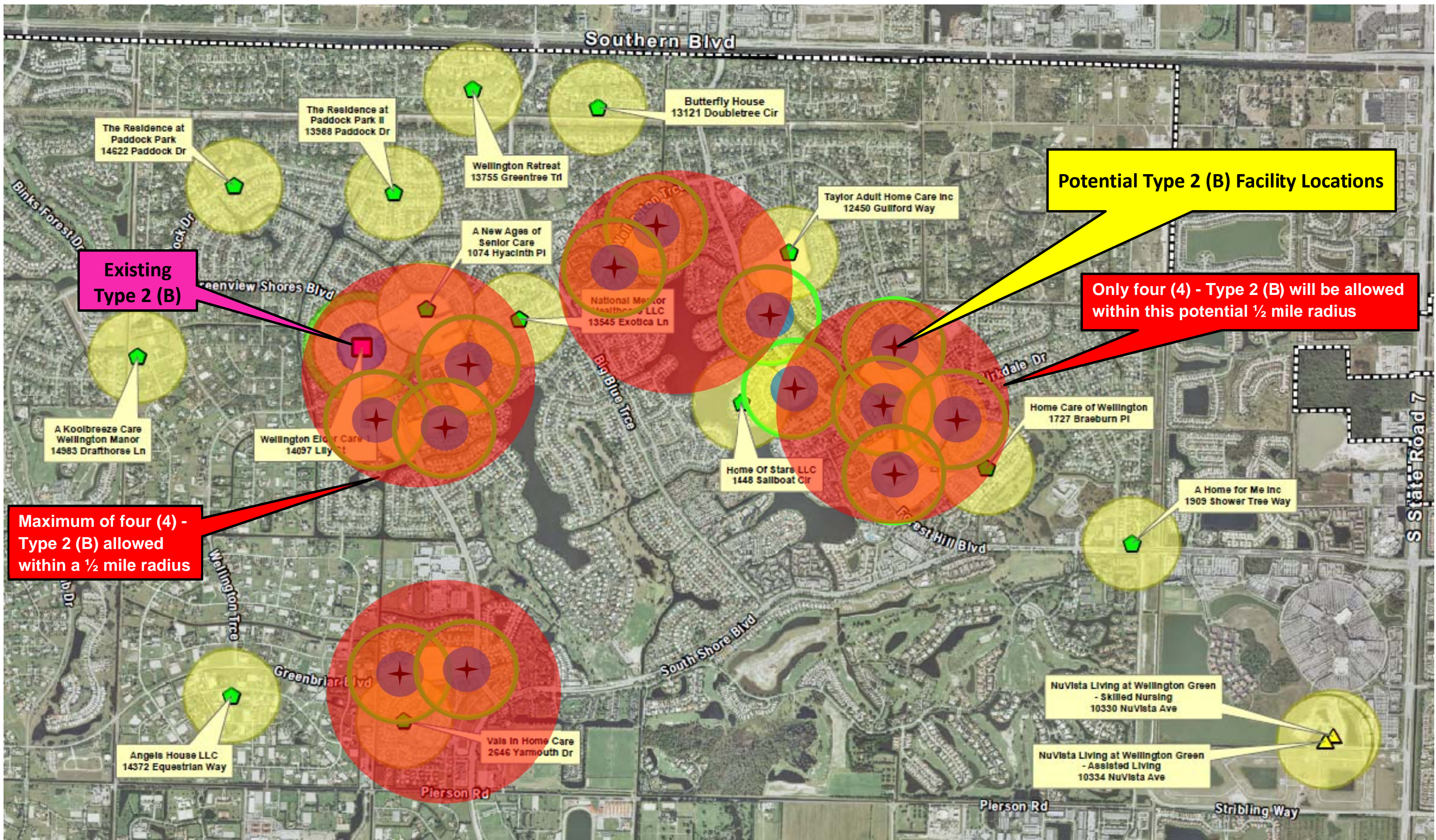
500 ft. buffer from Single-Family district      1,000 ft. buffer from another CLF      Existing Type 1 CLF      Existing Type 3 CLF

Exhibit A





500 ft. buffer from Single-Family district      1,000 ft. buffer from another CLF      Existing Type 1 CLF      Existing Type 3 CLF







**Exhibit C**  
**Jon E. Schmidt and Associates**  
Land Planning and Landscape Architecture

**Justification Statement**  
**Zoning Text Amendment Request**  
**CLF Location Requirement Text Amendment**  
**Wellington Planning, Zoning & Building Department**  
**Original Submittal: February 28, 2017, Resubmitted: 03/28/17 & 04/11/17**

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**Request**

On behalf of the Applicant, R & R LLC, Owner of Wellington Elder Care, ("Applicant"), Jon E. Schmidt and Associates, Inc. ("Agent") respectfully requests approval of this Zoning Text Amendment application to amend the supplemental regulations within the Unified Land Development Code ("Code") to allow additional Type 2 (B) Congregate Living Facilities ("CLF") closer than 1,000 but limit them within ½ mile radius. This code amendment will apply Village-wide.

The Applicant is specifically requesting to amend Unified Land Development Code Article 6, Chapter 4, Sec. 6.4.3.30.c.i to allow up to four (4) Type 2 (B) congregate living facilities within a ½ mile radius, while still limited them to 1,000 feet from all other types of congregate living facilities. All other Type 2 (B) CLF regulations would still apply.

**Proposed Zoning Text Amendment**

The Applicant is proposing the following text amendment to the Village of Wellington Unified Land Development Code:

Article 6, Chapter 4, Sec. 6.4.3.30.c.i

30. Congregate living facility

c. Location. For the purposes of the required separation, measurements shall be made from structure to structure, except where the separation required is between a structure and a district boundary, in which case, the separation is measured from structure to district boundary.

i. A congregate living facility, Type 1, 2 (A), 3 and 4, shall not be located within a radius of one thousand (1,000) feet of another congregate living facility; and

ii. A congregate living facility, Type 1 shall be located wherever a single-family dwelling unit is a permitted use.

iii. Location of Type 2, 3 and 4.

(a) Districts.

1. Type 2 (A) shall be permitted in the RM and RH districts as a permitted use, provided that it is not located within a radius of twelve hundred (1,200) feet

of another congregate living facility, Type 2 and five hundred (500) feet from a single-family residential district, unless approved as a conditional/requested use by Council.

2. Type 2 (B) shall be:

- a. ~~Prohibited in single-family residential districts; A Type 2 (B) shall~~
- b. Prohibited not be located within a radius of five hundred (500) feet of a single-family residential district unless approved by Council;
- c. Prohibited within one thousand (1,000) feet of a Type 1, 2 (A), 3, or 4 congregate living facility; and
- d. There shall be no more than four (4) Type 2 (B) congregate living facilities within a ½ mile radius.

(b) Access.

1. Type 2 (B), shall be located within a quarter (¼) road mile of a collector or arterial roadway to ensure minimal access is required for emergency vehicles.
2. Type 3 and 4 shall have primary access to a collector or arterial roadway, provided that a Type 3 and Type 4 facility having twenty-five (25) residents or less may be located on a local street.

(c) Location.

1. Types 2 (A) and 3, shall be located within five (5) road miles of a full service professional fire-rescue station.
2. Type 2 (B), shall be located within one and one-half (1.5) road miles of a full service professional fire-rescue station and three (3) road miles of a full service medical Hospital to reduce the time required for emergency response.
3. Type 4, shall be located within three (3) miles of a full service professional fire-rescue station.

The current Village of Wellington Land Development Code does not allow Type 2 (B) congregate living facilities to be located within 1,000 feet of any another licensed congregate living facility of any type, including another Type 2 (B). The Type 2 (B) congregate living facility is limited to senior housing only. There is a demand for this particular type of senior housing in the Village of Wellington as demonstrated by the lengthy waiting list at the licensed Wellington Elder Care facility located on Lily Ct. However, the elimination of the 1,000-foot distance requirement will not necessarily lead to more Type 2 (B) CLFs because of the occupancy triggers Florida Building Code requirements for fire sprinkler systems, emergency egress doors and fire hydrant proximity that are greater than those of the typical multi-family dwelling unit. These significant improvement expenses are required in addition to the those required by the Conditional Use and site plan application requirements of the Village. Furthermore, because the Type 2 (B) CLF is limited to seniors over the age of sixty (60) years old, it will not increase the possibility of additional group or sober homes in the Village.

The Type 2 (B) congregate living facilities provides for senior housing in a home-like environment, versus an institution. Type 2 (B) CLFs are statutory defined in §429, Florida Statutes, as “Assisted Living Facilities”; and are more stringently regulated by the Village than by standards of the Florida Agency for Health Care Administration (“AHCA”). The Code restricts Type 2 (B) CLFs to house only senior persons within residences that exceed minimum facility standards of the State. This includes minimum staffing levels and regulations.

Because Type 3 and Type 4 CLFs, as defined by the Wellington Code, may house non-elderly residents, this amendment is being limited to just Type 2 (B) CLFs. No other code standards are being amended as it relates to the minimum standards for facilities, location and residents. Type 2 (B) CLFs will still be conditional uses, subject to determinations of compatibility with the surrounding neighborhood by the Village Council. The Applicant believes that Type 2 (B) CLFs have different characteristics than other CLFs due to the age, agility, and level of independence of the elderly residents. Therefore, by allowing additional Type 2 (B) CLFs will provide for additional housing for seniors, but not at a detriment to other residents and the established neighborhoods within the Village of Wellington.

Below are some of the benefits of allowing this text amendment for additional Type 2 (B) CLFs:

- Establishes new senior housing options to promote aging in place in a residential like setting versus an institutional-like environment;
- Promotes re-investment in multi-family neighborhoods and older areas of the Residential Renaissance Overlay (RROZD);
- Allows seniors to increase their number of friends; and
- Offers better professional health care service in a centralized location as opposed to in-home health agencies and/or hospital like settings.

According to the Village of Wellington, an application for Zoning Text Amendment must take the following standards into consideration:

*A. Reason and need for the requested text change. (Why is the proposed zoning text amendment necessary?)*

Response: The Applicant would like to expand their existing Type 2 (B) CLF based on market demand and a lengthy waiting list of potential residents. The requested Zoning Text Amendment will also promote investment in multi-family neighborhoods and help implement objectives of the Residential Renaissance Overlay (RROZD). An increase in number of Type 2 (B) residents will allow properties to be renovated to serve as Type 2 (B) CLFs in the targeted, distressed multi-family areas.

*B. Reason for the present text being invalid or inappropriate. (State specific evidence or example of the claim.)*

Response: The Applicant feels that a successful Congregate Living Facility should be able to expand as long as they are consistent with all the other goals and policies of the Comprehensive Plan and consistent with the Village of Wellington Code. By restricting Type 2 (B) CLFs to 1,000 sf distance requirement, it will cause a successful CLF to look for another location over 1,000 feet away, when that facility could be provide a better service to the community by expanding and sharing resources in a combined or expanded facility.

- C. *Explain how the proposed amendment complies with the objectives and purposes of Wellington's Comprehensive Plan. (With appropriate consideration as to whether the proposed change will further the purposes of these objectives or other Wellington Codes, regulations and actions designed to implement the Comprehensive Plan)*

Response: The proposed Zoning Text Amendment is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan. Furthermore, the Village Comprehensive Plan establishes that new senior housing policies should be adopted to promote aging in place, to provide housing options, and to allow congregate living facilities for seniors (Housing Element Objective 1.8 and its supporting policies). Less restriction of Type 2 (B) CLFs will fulfill these stated objectives.

On behalf of the Applicant and property owner, please accept this application for a Zoning Text Amendment.