

**AN ORDINANCE OF WELLINGTON, FLORIDA'S COUNCIL;
APPROVING A ZONING TEXT AMENDMENT [PETITION NUMBER 17 -
37 (2017 - 25 ZTA)] TO AMEND THE VILLAGE OF WELLINGTON
LAND DEVELOPMENT REGULATIONS ARTICLE 6, CHAPTER 4
SECTION 6.4.4.30 CONGREGATE LIVING FACILITY (CLF) RELATED
TO THE SEPARATION REQUIREMENT FOR TYPE 2(B) CLF TO
ALLOW A MAXIMUM OF FOUR (4) TYPE 2(B) CLF WITHIN A HALF
(1/2) MILE RADIUS; PROVIDING A CONFLICTS CLAUSE; PROVIDING
A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the purpose and intent of a Congregate Living Facility Type 2(B) is to provide senior housing for persons 65 years of age or older licensed by the Florida Agency for Health Care Administration (AHCA); and

WHEREAS, Wellington has determined removal of the 1,000 feet separation for a Type 2 (B) CLF and limiting the number of Type 2(B) to four (4) within a ½ mile radius is in the best interest of the community; and

WHEREAS, the Planning, Zoning and Adjustment Board, sitting as the Local Planning Agency, after notice and public hearing on May 10, 2017 recommended approval of the Zoning Text amendments with a 6-0 vote; and

WHEREAS, the Council has taken the recommendations from the Local Planning Agency, Wellington staff and the comments from the public into consideration when considering the amendments to the Land Development Regulations that are the subject of this Ordinance; and

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF WELLINGTON,
FLORIDA THAT:**

SECTION 1. Wellington's Land Development Regulations (LDR) Section 6.4.4.30.c. "Location" is hereby amended to read as follows:

LDR Sec. 6.4.4.30.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.

SECTION 2. Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Wellington Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision

1 shall not affect the validity of this Ordinance as a whole as a whole or any portion or part
2 thereof, other than the part so declared to be invalid.

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4 **SECTION 4.** This Ordinance shall become effective immediately upon adoption
5 of the Village Council following second reading.
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PASSED this 23rd day of May 2017, upon first reading.

PASSED AND ADOPTED this 13th day of June 2017, on second and final reading.

WELLINGTON

FOR AGAINST

BY: _____	_____	_____
Anne Gerwig, Mayor		
_____	_____	_____
John T. McGovern, Vice Mayor		
_____	_____	_____
Michael Drahos, Councilman		
_____	_____	_____
Michael J. Napoleone, Councilman		
_____	_____	_____
Tanya Siskind, Councilwoman		

ATTEST:

BY: _____
Chevelle D. Nubin, Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: _____
Laurie Cohen, Village Attorney