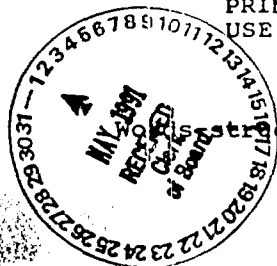


AN ORDINANCE AMENDING ORDINANCE NUMBER 82-2, THE COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING SECTION 7.9, A-2-RURAL AGRICULTURE DISTRICT, AMENDING SUBSECTION 7.9b.1), PERMITTED PRINCIPAL USES, BY ADDING PRINCIPAL USE (g) FAMILY CARE FACILITIES, AMENDING SUBSECTION 7.9b.3), PERMITTED PROVISIONAL USES AND STRUCTURES, BY ADDING PROVISIONAL USES AND STRUCTURES, BY ADDING PROVISIONAL USE (p) GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II) AND CARE UNITS; AMENDING SECTION 7.10, E-ESTATES DISTRICT, AMENDING SUBSECTION 7.10b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (b) FAMILY CARE FACILITIES, AMENDING SUBSECTION 7.10b.3), PERMITTED PROVISIONAL USES AND STRUCTURES, BY AMENDING PROVISIONAL USE (e) TO DELETE CONVALESCENT HOMES, HOSPICES, REST HOMES, HOMES FOR THE AGED, ADULT FOSTER HOMES, CHILDREN'S HOMES AND REHABILITATION CENTERS, BY ADDING PROVISIONAL USE (f) GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), CARE UNITS, AND NURSING HOMES; AMENDING SECTION 7.11, RSF-RESIDENTIAL, SINGLE-FAMILY DISTRICT, AMENDING SUBSECTION 7.11b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (c) FAMILY CARE FACILITIES, AMENDING SUBSECTION 7.11b.3) PERMITTED PROVISIONAL USES AND STRUCTURES, BY AMENDING PROVISIONAL USE (f) TO DELETE REST HOMES, HOMES FOR THE AGED, ADULT FOSTER HOMES, HOSPICES, CHILDREN'S HOMES, AND REHABILITATION CENTERS, AND TO ADD GROUP CARE FACILITIES (CATEGORY I); AMENDING SECTION 7.12, RMF-6-RESIDENTIAL MULTI-FAMILY DISTRICT, AMENDING SUBSECTION 7.12b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (e) FAMILY CARE FACILITIES, AMENDING SUBSECTION 7.12b.3) PERMITTED PROVISIONAL USES AND STRUCTURES, BY AMENDING PROVISIONAL USE (f) TO DELETE REST HOMES, HOMES FOR THE AGED, ADULT FOSTER HOMES, HOSPICES, CHILDREN'S HOMES, AND REHABILITATION CENTERS, AND TO ADD GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II); AMENDING SECTION 7.13, RMF-12-RESIDENTIAL MULTI-FAMILY DISTRICT, AMENDING SUBSECTION 7.13b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (e) FAMILY CARE FACILITIES, GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), CARE UNITS, AND NURSING HOMES; AMENDING SUBSECTION 7.13b.3), PERMITTED PROVISIONAL USES AND STRUCTURES, BY AMENDING PROVISIONAL USE (e) TO DELETE REST HOMES, HOMES FOR THE AGED, ADULT FOSTER HOMES, CHILDREN'S HOMES, REHABILITATION CENTERS, AND HOSPICES, AND TO RELETTER ACCORDINGLY; AMENDING SECTION 7.14, RMF-16-RESIDENTIAL MULTI-FAMILY DISTRICT, AMENDING SUBSECTION 7.14b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (d) FAMILY CARE FACILITIES, GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), CARE UNITS, AND NURSING HOMES; AMENDING SECTION 7.15, RT-RESIDENTIAL TOURIST DISTRICT, AMENDING SUBSECTION 7.15b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (d) FAMILY CARE FACILITIES, GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), CARE UNITS, AND NURSING HOMES; AMENDING SECTION 7.16, VR-VILLAGE RESIDENTIAL DISTRICT, AMENDING SUBSECTION 7.16b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (e) FAMILY CARE FACILITIES, AMENDING SUBSECTION



7.16b.3), PERMITTED PROVISIONAL USES AND STRUCTURES, BY AMENDING PROVISIONAL USE (g) TO ADD GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), AND BY AMENDING PROVISIONAL USE (p) TO DELETE REST HOMES; AMENDING SECTION 7.17, MHSD-MOBILE HOME SUBDIVISION DISTRICT, AMENDING SUBSECTION 7.17b.1), PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (c) FAMILY CARE FACILITIES; AMENDING SECTION 7.18, MHRP-MOBILE HOME RENTAL PARK, AMENDING SUBSECTION 7.18b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY ADDING PRINCIPAL USE (b) FAMILY CARE FACILITIES; AMENDING SECTION 7.20, C-1-COMMERCIAL PROFESSIONAL DISTRICT, AMENDING SUBSECTION 7.20b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY AMENDING PRINCIPAL USE (d) TO ADD CARE UNITS AND GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II) AND TO DELETE HOMES FOR THE AGED, HOSPICES, AND SANATORIUMS, AND BY AMENDING PRINCIPAL USE (g) TO DELETE REST HOMES AND CONVALESCENT CENTERS AND BY REQUIRING NURSING HOMES TO BE SUBJECT TO SECTION 8.53; AMENDING SECTION 7.22, C-3-COMMERCIAL INTERMEDIATE, AMENDING SUBSECTION 7.22b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY AMENDING PRINCIPAL USE (c) TO ADD CARE UNITS, BY AMENDING PRINCIPAL USE (g) TO ADD GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), BY AMENDING PRINCIPAL USE (h) TO DELETE HOMES FOR THE AGED AND HOSPICES, BY AMENDING PRINCIPAL USE (l) TO ADD NURSING HOMES, AND BY AMENDING PRINCIPAL USE (p) TO DELETE SANATORIUMS; AMENDING SECTION 7.23, C-4-COMMERCIAL GENERAL, AMENDING SUBSECTION 7.23b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY AMENDING PRINCIPAL USE (c) TO ADD CARE UNITS, BY AMENDING PRINCIPAL USE (g) TO ADD GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), BY AMENDING PRINCIPAL USE (h) TO DELETE HOMES FOR THE AGED AND HOSPICES, BY AMENDING PRINCIPAL USE (m) TO ADD NURSING HOMES, BY AMENDING PRINCIPAL USE (p) TO DELETE REST HOMES, AND BY AMENDING PRINCIPAL USE (q) TO DELETE SANATORIUMS; AMENDING SECTION 7.24, C-5-COMMERCIAL INDUSTRIAL DISTRICT, AMENDING SUBSECTION 7.24b.1), PERMITTED PRINCIPAL USES AND STRUCTURES, BY AMENDING PRINCIPAL USE (c) TO ADD CARE UNITS, BY AMENDING PRINCIPAL USE (g) TO ADD GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), BY AMENDING PRINCIPAL USE (h) TO DELETE HOSPICES, BY AMENDING PRINCIPAL USE (m) TO ADD NURSING HOMES, BY AMENDING PRINCIPAL USE (p) TO DELETE REST HOMES, AND BY AMENDING PRINCIPAL USE (q) TO DELETE SANATORIUMS; AMENDING SECTION 7.24.1, C-6-COMMERCIAL PROFESSIONAL INFILL DISTRICT, AMENDING SUBSECTION 7.24.1b.3), PERMITTED PROVISIONAL USES AND STRUCTURES, BY AMENDING PROVISIONAL USE (d) TO DELETE REST HOMES, HOMES FOR THE AGED, ADULT FOSTER HOMES, AND REHABILITATION CENTERS, AND TO ADD CARE UNITS, GROUP CARE FACILITIES (CATEGORY I AND CATEGORY II), AND NURSING HOMES; AMENDING SECTION 8.23, OFF-STREET PARKING AND STACKING: REQUIRED AMOUNTS, RESIDENTIAL USES, BY ADDING FAMILY CARE FACILITY, GROUP CARE FACILITY (CATEGORY I AND CATEGORY II), AND CARE UNIT TO THE LISTING OF USES SUBJECT TO OFF-STREET PARKING AND STACKING CRITERIA AND BY DELETING THE REFERENCE TO CONVALESCENT HOME, HOME FOR THE AGED, AND REHABILITATION FACILITY AND BY DELETING THE TWO (2) PER 5 BEDS CRITERIA AND BY ADDING CRITERIA SET FORTH IN SECTION 8.53; AMENDING SECTION 8.28, OFF-STREET LOADING REQUIREMENTS, AMENDING

SUBSECTION 8.28c., TO ADD NURSING HOMES AND CARE UNITS TO THE LISTING OF USES SUBJECT TO OFF-STREET LOADING REQUIREMENTS; AND BY ADDING A NEW SECTION 8.53, LOCATION REQUIREMENTS FOR GROUP HOUSING; AMENDING SECTION 20, DEFINITIONS, TO REVISE THE DEFINITIONS OF "CONVALESCENT HOME", "DETOXIFICATION CENTER", "HOSPICE", AND "NURSING HOME", AND TO DELETE THE DEFINITION OF "HOME FOR THE AGED", AND TO DEFINE THE FOLLOWING: "ADULT CONGREGATE LIVING FACILITY (ACLF)", "CARE UNIT", "FAMILY CARE FACILITY", "GROUP CARE FACILITY (CATEGORY I AND CATEGORY II)", "GROUP HOME", "GROUP HOUSING", AND "GROUP HOUSING UNIT"; BY PROVIDING FOR CONFLICT AND SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents by enacting and enforcing zoning and business regulations necessary for the protection of the public; and

WHEREAS, Chapter 163, Part II, (Local Government Comprehensive Planning and Land Development Regulation Act), Florida Statutes, provides that counties shall have the power and responsibility to plan comprehensively for their future development and growth including the adoption and implementation of appropriate land development regulations which are necessary or desirable to implement a comprehensive plan, including the regulation of land uses and zoning as provided in Section 163.3202, Florida Statutes; and

WHEREAS, the Future Land Use Element of the Growth Management Plan requires that certain Land Development Regulations be adopted to implement the Plan; and

WHEREAS, Policy 5.8 of the Future Land Use Element requires that Adult Congregate Living Facilities (ACLFs) and other types of elderly housing be permitted within the Urban Designated Area at a maximum density of 26 units per acre, that applications be reviewed on a case by case basis with the actual density being calculated during this process, and that the Zoning Ordinance be amended to establish permitted densities for this type of development based on the size of the living units, and Objective 1.7 of the Housing Element requires that provision for the location in predetermined

Words ~~struck through~~ are deleted; words underlined are added.

areas, of group homes, residential treatment and foster care facilities be addressed in the Land Development Regulations; and

WHEREAS, the Golden Gate Area Master Plan of the Growth Management Plan permits various types of provisional uses in residential zoning districts within the Golden Gate Estates Designated Area; and

WHEREAS, the Golden Gate Area Master Plan requires that ACLFs, other types of elderly housing, group homes, residential treatment facilities, and foster care facilities which met the provisional use locational criteria be permitted within the Golden Gate Estates Designated Area at a maximum density of 26 units per acre, that applications be reviewed on a case by case basis with the actual density being calculated during this process, and that the Zoning Ordinance be amended to establish permitted densities for this type of development based on the size of the living units; and

WHEREAS, the Collier County Planning Commission (Local Planning Agency) has determined that this proposed zoning ordinance (Locational Criteria for Group Homes, Residential Treatment Facilities, and Foster Care Facilities) is consistent with the adopted Growth Management Plan as required by Section 163.3194(2)(a), Florida Statutes;

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida:

SECTION ONE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.9, A-2 - Rural Agriculture District, Subsection 7.9b.1), Permitted Principal Uses, is hereby amended by adding Principal Use (g) Family Care Facilities, as follows:

(g) Family Care Facilities (subject to Section 8.53).

043 PAGE 323

Words ~~struck-through~~ are deleted; words underlined are added.

SECTION TWO:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.9, A-2 - Rural Agriculture District, Subsection 7.9b.3), Permitted Provisional Uses and Structures, is hereby amended by adding Provisional Use (p) Group Care Facilities (Category I and Category II) and Care Units, as follows:

- (p) Group Care Facilities (Category I and Category II) and Care Units (subject to Section 8.53).

SECTION THREE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.10, E-Estates District, Subsection 7.10b.1), Permitted Principal Uses and Structures, is hereby amended by adding Principal Use (b) Family Care Facilities, as follows:

- (b) Family Care Facilities (subject to Section 8.53).

SECTION FOUR:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.10, E-Estates District, Subsection 7.10b.3), Permitted Provisional Uses and Structures, is hereby amended by amending Provisional Use (e) to delete convalescent homes, hospices, rest homes, homes for the aged, adult foster homes, children's homes and rehabilitation centers and to add Provisional Use (f) Group Care Facilities (Category I and Category II), Care Units, and Nursing Homes, as follows:

- (e) Owner occupied child care centers (Subject to Section 8.48) ~~convalescent-homes, hospices, rest homes, homes-for-the-aged, adult-foster-homes, children's-homes, and-rehabilitation-centers.~~
- (f) Group Care Facilities (Category I and Category II); Care Units; and Nursing Homes (subject to Section 8.53).

SECTION FIVE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section

7.11, RSF-Residential, Single-Family District, Subsection 7.11b.1), Permitted Principal Uses and Structures, is hereby amended by adding Principal Use (c) Family Care Facilities, as follows:

(c) Family Care Facilities (subject to Section 8.53).

SECTION SIX:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.11, RSF-Residential, Single-Family District, Subsection 7.11b.3), Permitted Provisional Uses and Structures, is hereby amended by amending Provisional Use (f) to delete rest homes, homes for the aged, adult foster homes, hospices, children's homes and rehabilitation centers and to add Group Care Facilities (Category I), as follows:

~~(f) Rest-homes, homes for the aged, adult foster homes, hospices, children's homes, rehabilitation centers~~
Group Care Facilities (Category I) (subject to Section 8.53).

SECTION SEVEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.12, RMF-6-Residential Multi-Family District, Subsection 7.12b.1), Permitted Principal Uses and Structures, is hereby amended by adding Principal Use (e) Family Care Facilities, as follows:

(e) Family Care Facilities (subject to Section 8.53).

SECTION EIGHT:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.12, RMF-6-Residential Multi-Family District, Subsection 7.12b.3), Permitted Provisional Uses and Structures, is hereby amended by amending Provisional Use (f) to delete rest homes, homes for the aged, adult foster homes, hospices, children's homes and rehabilitation centers and to add Group Care Facilities (Category I and Category II), as follows:

- (f) ~~Rest-Homes, homes-for-the-aged, adult-foster-homes, hospices, children's-homes, rehabilitation-centers~~
Group Care Facilities (Category I and Category II)
(subject to Section 8.53).

SECTION NINE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.13, RMF-12-Residential Multi-Family District, Subsection 7.13b.1), Permitted Principal Uses and Structures, is hereby amended by adding Principal Use (e) Family Care Facilities, Group Care Facilities (Category I and Category II), Care Units, and Nursing Homes, as follows:

- (e) Family Care Facilities; Group Care Facilities (Category I and Category II); Care Units; and Nursing Homes (subject to Section 8.53).

SECTION TEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.13, RMF-12-Residential Multi-Family District, Subsection 7.13b.3), Permitted Provisional Uses and Structures, is hereby amended by deleting Provisional Use (e), rest homes, homes for the aged, adult foster homes, children's homes, rehabilitation centers and hospices, as follows, and to reletter accordingly.

- (e) ~~Rest-homes, homes-for-the-aged, adult-foster homes, children's-homes, rehabilitation centers, hospices.~~

SECTION ELEVEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.14, RMF-16 - Residential Multi-Family District, Subsection 7.14b.1), Permitted Principal Uses and Structures, is hereby amended by adding Principal Use (d) Family Care Facilities, Group Care Facilities (Category I and Category II), Care Units, and Nursing Homes, as follows:

- (d) Family Care Facilities; Group Care Facilities (Category I and Category II); Care Units; and Nursing Homes (subject to Section 8.53).

SECTION TWELVE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.15, RT - Residential Tourist District, Subsection 7.15b.1), Permitted Principal Uses and Structures, is hereby amended by adding Principal Use (d) Family Care Facilities, Group Care Facilities (Category I and Category II), Care Units, and Nursing Homes, as follows:

- (d) Family Care Facilities; Group Care Facilities (Category I and Category II); Care Units; and Nursing Homes (subject to Section 8.53).

SECTION THIRTEEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.16, VR-Village Residential District, Subsection 7.16b.1), Permitted Principal Uses and Structures, is hereby amended by adding Principal Use (e) Family Care Facilities, as follows:

- (e) Family Care Facilities (subject to Section 8.53).

SECTION FOURTEEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.16, VR-Village Residential District, Subsection 7.16b.3), Permitted Provisional Uses and Structures, is hereby amended by amending Provisional Use (g) to add Group Care Facilities (Category I and Category II), and amending Provisional Use (p) to delete rest homes, as follows:

- (g) Garden supply stores - outside display in rear; general offices; gift shops; glass and mirror sales - which may include storage and installation; gourmet shops; and Group Care Facilities (Category I and Category II) (subject to Section 8.53).
- (p) Radio and television sales and services; research and design labs; ~~rest-homes~~; restaurants - not including drive-ins. (See Section 8.11).

SECTION FIFTEEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section

7.17, MHSB-Mobile Home Subdivision District, Subsection 7.17b.1), Principal Uses and Structures, is hereby amended by adding Principal Use (c) Family Care Facilities, as follows:

(c) Family Care Facilities (subject to Section 8.53).

SECTION SIXTEEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.18, MHRP-Mobile Home Rental Park, Subsection 7.18b.1), Permitted Principal Uses and Structures, is hereby amended by adding Principal Use (b) Family Care Facilities, as follows:

(b) Family Care Facilities (subject to Section 8.53).

SECTION SEVENTEEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.20, C-1-Commercial Professional District, Subsection 7.20b.1), Permitted Principal Uses and Structures, is hereby amended by amending Principal Use (d) to add Care Units and Group Care Facilities (Category I and Category II) and to delete homes for the aged, hospices, and sanatoriums and amending Principal Use (g) to delete rest homes and convalescent centers and to add the requirement that nursing homes are subject to Section 8.53, as follows:

- (d) Care Units and Group Care Facilities (Category I and Category II) (subject to Section 8.53) and Homes-for-the-aged; hospitals; hospices and sanatoriums.
- (g) Real estate offices; research design and development activities; ~~rest-homes; convalescent centers;~~ and nursing homes (subject to Section 8.53).

SECTION EIGHTEEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.22, C-3-Commercial Intermediate, Subsection 7.22b.1), Permitted Principal Uses and Structures, is hereby amended by amending Principal Use (c) to add Care Units, amending

043 PAGE 328

Words-struck-through are deleted; words underlined are added.

Principal Use (g) to add Group Care Facilities (Category I and Category II), amending Principal Use (h) to delete homes for the aged and hospices, amending Principal Use (l) to add nursing homes, and amending Principal Use (p) to delete sanatoriums, as follows:

- (c) Care Units (subject to Section 8.53); ~~carpet and floor covering sales (including storage and installation);~~ child care centers; churches and other places of worship; clothing stores; confectionery and candy stores.
- (g) Gift shops; gourmet shops; and Group Care Facilities (Category I and Category II) (subject to Section 8.53).
- (h) ~~Hardware stores; health food stores; hobby supply stores; homes-for-the-aged; and hospitals, and hospices.~~
- (l) ~~Meat market; medical office or clinic for human care; millinery shops; museums; music stores; and nursing homes (subject to Section 8.53).~~
- (p) ~~Souvenir stores; stationery stores; shopping centers (See Section 10.5); and supermarkets, and sanatoriums.~~

SECTION NINETEEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.23, C-4-Commercial General, Subsection 7.23b.1), Permitted Principal Uses and Structures, is hereby amended by amending Principal Use (c) to add Care Units, amending Principal Use (g) to add Group Care Facilities (Category I and Category II), amending Principal Use (h) to delete homes for the aged and hospices, amending Principal Use (m) to add nursing homes, amending Principal Use (p) to delete rest homes, and amending Principal Use (q) to delete sanatoriums, as follows:

- (c) Care Units (subject to Section 8.53); ~~carpet and floor covering sales - which may include storage and installation; churches and other places of worship (See Section 8.11); clothing stores; cocktail lounges (See Section 8.11); commercial recreation uses - indoor; commercial schools; confectionery and candy stores.~~
- (g) Garden supply stores - outside display in side and rear yards; gift shops; glass and mirror sales - including storage and installation; gourmet shops; and Group Care Facilities (Category I and Category II) (subject to Section 8.53).

043 PAGE 329

Words-struck-through are deleted; words underlined are added.

- (h) Hardware stores; hat cleaning and blocking; health food stores; ~~homes-for-the-aged~~; hospitals and hospices; hotels, motels and time share facilities when located within an Activity Center as designated in the Future Land Use Element and Future Land Use Map of the Growth Management Plan.
- (m) New car dealerships - outside display permitted; news stores; night clubs (See Section 8.11); and nursing homes (subject to Section 8.53).
- (p) Radio and television sales and services; radio stations (offices and studios), and auxiliary transmitters and receiving equipment, but not principal transmission tower; research and design labs; ~~rest-homes~~; restaurants - including drive-in or fast food restaurants (See Section 8.11).
- (q) Shoe repair; shoe stores; shopping centers (See Section 10.5); souvenir stores; stationery stores; and supermarkets and-sanatoriums.

SECTION TWENTY:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.24, C-5-Commercial Industrial District, Subsection 7.24b.1), Permitted Principal Uses and Structures, is hereby amended by amending Principal Use (c) to add Care Units, amending Principal Use (g) to add Group Care Facilities (Category I and Category II), amending Principal Use (h) to delete hospices, amending Principal Use (m) to add nursing homes, amending Principal Use (p) to delete rest homes, and amending Principal Use (q) to delete sanatoriums, as follows:

- (c) Care Units (subject to Section 8.53): cabinet shops; canteen services; carpet storage and installation; carpet floor covering sales which may include storage and installation; car washes; churches and other places of worship (See Section 8.11); clothing stores; cocktail lounges (See Section 8.11); commercial boat houses, and commercial boat storage - non-waterfront; commercial recreation - outdoor; commercial recreation uses - indoor; commercial schools; communications services and equipment repair; confectionery and candy stores; contractors storage - outside; crematoriums.
- (g) Garden supply stores - outside display in side and rear yards; gift shops; glass and mirror sales which may include storage and installation; gourmet shops; Group Care Facilities (Category I and Category II) (subject to Section 8.53); gunsmiths.
- (h) Hardware stores; hat cleaning and blocking; health food stores; hobby supply stores; hospitals and hospices; hotels, motels and time share facilities when located within an Activity Center as

Words-struck-through are deleted; words underlined are added.

designated in the Future Land Use Element and Future Land Use Map of the Growth Management Plan.

- (m) New car dealerships - outside display permitted; news stores; night clubs (See Section 8.11); and nursing homes (subject to Section 8.53).
- (p) Radio and television stations and transmitters, but not tower; radio and television sales and services; research and design labs; ~~rest-homes~~; restaurants including drive-ins or fast food restaurants; retail and repair establishments for sale and repair of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junk yards or automobile vehicle wrecking yards), heavy machinery and equipment, farm equipment; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and similar uses.
- (q) Secondhand stores, service establishments catering to commerce and industry; sign company; sign painting shops; shoe repair; shoe stores; shopping centers (See Section 10.5); souvenir stores; stationery stores; supermarkets; and swimming pool maintenance shops and sanatoriums.

SECTION TWENTY-ONE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 7.24.1, C-6-Commercial Professional Infill District, Subsection 7.24.1b.3), Permitted Provisional Uses and Structures, is hereby amended by amending Provisional Use (d) to delete rest homes, homes for the aged, adult foster homes, and rehabilitation centers and to add Care Units, Group Care Facilities (Category I and Category II), and Nursing Homes, as follows:

- (d) ~~Rest-homes, homes for the aged, adult foster homes, and rehabilitation centers.~~ Care Units, Group Care Facilities (Category I and Category II), and Nursing Homes (subject to Section 8.53).

SECTION TWENTY-TWO:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 8.23, Off-Street Parking and Stacking: Required Amounts, Residential Uses, is hereby amended to add Family Care Facility, Group Care Facility (Category I and Category II), and Care Unit to the listing of uses subject to off-street

022 C43 PAGE 331

Words struck-through are deleted; words underlined are added.

parking and stacking criteria and by deleting the reference to convalescent home, home for the aged, and rehabilitation facility and by deleting the two (2) per 5 beds criteria and adding criteria set forth in Section 8.53, as follows:

~~Convalescent-Home; Nursing Home; -Home-for-the-Aged; Rehabilitation-Facility; Family Care Facility, Group Care Facility (Category I and Category II), and Care Unit - Two-(2)-per-5-beds. See Section 8.53.~~

SECTION TWENTY-THREE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 8.28, Off-Street Loading Requirements, Subsection 8.28c., is hereby amended to add nursing homes and care units to the listing of uses subject to off-street loading requirements, as follows:

- c. For each auditorium, convention hall, exhibition hall, museum, hotel or motel, office building, sports arena, stadium, two (2) or more buildings or uses may be permitted, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby; hospitals, nursing homes, care units, sanatoriums, welfare institutions, or similar uses which have an aggregate gross floor area of:

Over 5,000 square feet, but not over 20,000 square feet: one (1) space; plus for each additional 25,000 square feet (over 20,000 square feet) or major fraction thereof: one (1) space.

SECTION TWENTY-FOUR:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, is hereby amended to add a new Section, Section 8.53, Location Requirements for Group Housing, to read as follows:

8.53 Location Requirements for Group Housing:

- a. All Group Housing structures shall meet the following requirements in addition to the requirements specified for each type of structure:
- 1) Site Development Plan (SDP) approval in conformance with Section 10.5 of Zoning Ordinance 82-2, as amended (with the exception of a Family Care Facility).
 - 2) All applicable State and County building and fire code standards.

043 PAGE 332

Words-struck-through are deleted; words underlined are added.

3) All applicable State and County licensing requirements.

b. Family Care Facility: A Family Care Facility shall be treated as a single dwelling unit for the purpose of determining applicable development standards and, therefore, shall conform to the standards identified for a single-family dwelling unit or mobile home in the zoning district assigned to the property as well as other applicable standards found in Zoning Ordinance 82-2, as amended. However, a new Family Care Facility shall not be located within a radius of 1,000 feet of another existing Family Care Facility.

c. Group Care Facility (Category I and Category II): A Group Care Facility shall be governed by the development standards identified in the zoning district assigned to the property and the following standards:

- 1) Minimum Habitable Floor Area: 1,500 square feet plus 200 square feet per live-in person, beginning with the seventh live-in person.
- 2) Minimum Lot Area: 6,000 square feet plus 1,500 square feet per live-in person, beginning with the seventh live-in person.
- 3) Parking Required: 2 parking spaces per 5 beds (Minimum requirement: 2 parking spaces).
- 4) Separation Requirements:
 - a) A new Group Care Facility shall be required to be located greater than a radius of 1,200 feet from any other existing Group Care Facility (applicable to the RMF-6, RMF-12, RMF-16, RT, and VR zoning districts).
 - b) A new Group Care Facility shall be required to be located greater than a radius of 500 feet from any other existing Group Care Facility (applicable to the A-2, Estates, and RSF 1-5 zoning districts).
 - c) Distance requirements shall be measured along a straight line from the nearest point of the existing Group Care Facility to the nearest point of the proposed new Group Care Facility.
- 5) Special Setback Requirements: No structure shall be erected within 20 feet of any abutting lot or parcel which is zoned residential, nor within 25 feet of a road right-of-way.
- 6) Landscaping Requirements: As per Sections 8.30 and 8.37 or as may be deemed appropriate during site development plan review.

d. Care Unit: A Care Unit shall be governed by the development standards identified in the zoning district assigned to the property and the following standards:

043 PAGE 333

Words-struck-through are deleted; words underlined are added.

- 1) Maximum Permitted Density: 26 group housing units per gross acre.
- 2) Parking Required: 2 parking spaces per 5 beds. (Minimum requirement: 2 parking spaces).
- 3) Special Setback Requirements: No structure shall be erected within 20 feet of any abutting lot or parcel which is zoned residential, nor within 25 feet of a road right-of-way.
- 4) Landscaping Requirements: As per Sections 8.30 and 8.37 or as may be deemed appropriate during site development plan review.

e. Nursing Home: A Nursing Home shall be governed by the development standards identified in the zoning district assigned to the property and the following standards:

- 1) Maximum Permitted Density: 26 group housing units per gross acre.
- 2) Parking Required: 2 parking spaces per 5 beds. (Minimum requirement: 2 parking spaces).
- 3) Special Setback Requirements: No structure shall be erected within 20 feet of any abutting lot or parcel which is zoned residential, nor within 25 feet of a road right-of-way.
- 4) Landscaping Requirements: As per Sections 8.30 and 8.37 or as may be deemed appropriate during site development plan review.

SECTION TWENTY-FIVE:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 20, Definitions, shall be amended to revise the definitions of "Convalescent Home", "Detoxification Center", "Hospice", and "Nursing Home" as follows:

~~Convalescent Home: See Nursing Home, Rest-Home, or Extended-Care-Facility.~~

~~Detoxification Center: A medical facility open twenty-four (24) hours per day meeting comparable standards to a hospital or nursing home. A Such facility shall be for the temporary emergency shelter of intoxicated persons, or those persons suffering from alcoholism, drug abuse or other similar condition for the purpose of detoxification. See Group Care Facility (Category II) or Care Unit.~~

~~Hospice: An institution designed to provide comfort and relief for the emotional and physical needs of the terminally ill. See Group Care Facility (Category I) or Care Unit.~~

043 PAGE 334

Words-struck-through are deleted; words underlined are added.

~~Nursing Home: --Rest-Home-or-Extended-Care-Facility-or Adult-Congregate-Living-Facility: A private home, institution, building, residence, or other place, whether operated for profit or not, including those places operated by units of government, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance, personal care, or nursing for three-(3)-or-more persons not related by blood or marriage to the operator, who by reason of illness, physical or mental infirmity, or advanced age, are unable to care for themselves, provided, that this definition shall include homes offering services for less than three-(3)-persons where the homes are held out to the public to be establishments which regularly provide nursing and custodial services. --(See also Homes for the Aged.)~~
This type of facility is designed to accommodate three (3) or more persons and is comprised of individual group housing units.

SECTION TWENTY-SIX:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 20, Definitions, shall be amended to delete the definition of "Home for the Aged" as follows:

~~Home-for-the-Aged:--A-facility-for-the-care-of-the-aged with-routine-nursing-and/or-medical-care-and-supervision provided--A-home-for-the-aged-is-in-the-nature-of-a nursing-home, but-with-clientele-restricted-to-the-aged-~~

SECTION TWENTY-SEVEN:

Ordinance 82-2, the Comprehensive Zoning Regulations for the Unincorporated Area of Collier County, Florida, Section 20, Definitions, shall be amended to add the definitions of "Adult Congregate Living Facility (ACLF)", "Care Unit", "Family Care Facility", "Group Care Facility (Category I and Category II)", "Group Home", "Group Housing", and "Group Housing Unit" in alphabetical order as follows:

Adult Congregate Living Facility (ACLF): Any building(s), section of a building, distinct part of a building, residence, private home, boarding home, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, housing, food service, and one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services and to provide limited nursing services, when specifically licensed to do so pursuant to Florida Statute 400.407. The facility shall be licensed and approved by Florida Department of Health and Rehabilitative Services. A facility offering personal services or limited nursing services for fewer than four adults is within the meaning of this definition if it

Words-struck-through are deleted; words underlined are added.

formally or informally advertises to or solicits the public for residents or referrals and holds itself out to the public to be an establishment which regularly provides such services.

Care Unit: A residential treatment facility, other than a nursing home, where, for compensation, persons receive food, lodging, and some form of on-site therapeutic care (as applicable and required by State and County licensing requirements) on a daily basis. This type of care may involve psychiatric, psychological, medical, physiological therapies, behavior modification, and other such services. This type of facility shall contain fifteen (15) or more residents, plus live-in supervisors, and shall permit all of the list of uses as permitted by Group Care Facilities (Category I and Category II) (i.e., adult congregate living facilities, foster care facilities, the developmentally disabled, crisis and attention care, displaced adult care, homeless shelters, mental health care, offender halfway houses, spouse abuse care, substance abuse care, and youth shelters).

Family Care Facility: A residential facility designed to be occupied by not more than six (6) residents, plus not more than two (2) live-in supervisors, and constitutes a single dwelling unit (i.e., adult congregate living facilities, foster care facilities, and the developmentally disabled, but not the following types of uses: crisis and attention care, displaced adult care, homeless shelters, mental health care, offender halfway houses, spouse abuse care, substance abuse care, and youth shelters). This use shall be applicable to single-family dwelling units and mobile homes.

Group Care Facility: A type of facility, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

- a. Category I: A Group Care Facility designed to accommodate seven (7) to fourteen (14) cared for residents, plus not more than four (4) live-in supervisors (i.e., adult congregate living facilities, foster care facilities, and the developmentally disabled).
- b. Category II: A Group Care Facility designed to accommodate seven (7) to fourteen (14) cared for residents, plus not more than four (4) live-in supervisors. This type of facility offers a higher level of personal and therapeutic care than a Category I facility (i.e., crisis and attention care, displaced adult care, homeless shelters, mental health care, offender halfway houses, spouse abuse care, substance abuse care, and youth shelters).

Group Home: A building used as a dwelling for a group of unrelated persons living together in a family living environment as a unit under the supervision of a local or state agency. Such facility includes the term "foster care home". The facility shall meet the physical, emotional, and social needs of the persons in the home.

043 page 336

Words ~~struck-through~~ are deleted; words underlined are added.

Group Housing: Housing structures designed to meet the special needs (such as housing, health, and socialization) of certain segments of the population, such as youth, the elderly, or the developmentally disabled. Group housing refers to the following types of structures: Family Care Facilities, Group Care Facilities (Category I and Category II), Care Units, and Nursing Homes. (As referenced in Section 8.53).

Group Housing Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment and physically separated from any other rooms or group housing units, which may be in the same structure, with or without complete kitchen facilities, with sanitary facilities, and containing sleeping facilities. A group housing unit is applicable to the following types of structures: Family Care Facilities, Group Care Facilities (Category I and Category II), Care Units, and Nursing Homes.

SECTION TWENTY-EIGHT: Conflict and Severability:

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion.

SECTION TWENTY-NINE: Effective Date.

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 16 day of April, 1991.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

James C. Giles, Clerk
JAMES C. GILES, CLERK

BY: Patricia Anne Goodnight, Chairman
PATRICIA ANNE GOODNIGHT, CHAIRMAN

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Marjorie M. Student
MARJORIE M. STUDENT
ASSISTANT COUNTY ATTORNEY

This ordinance filed with the
Secretary of State's Office the
21st day of April, 1991
and acknowledgement of that
filing received this 16th day
of May, 1991

By: Theresa Chesnut
Deputy Clerk

ZO-89-13 ORDINANCE
nb/5196

043 PAGE 337

Words-struck-through are deleted; words underlined are added.

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

Ordinance No. 91-34

which was adopted by the Board of County Commissioners on the 16th day of April, 1991, during Special Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 23rd day of April, 1991.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: /s/Maureen Kenyon
Deputy Clerk