

ORDINANCE
NUMBER 2025 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9: ZONING, BY REVISING ARTICLE I: IN GENERAL, SECTION 3-9-2: RULES OF CONSTRUCTION; DEFINITIONS TO CHANGE THE NAME OF "ADULT CONGREGATE LIVING FACILITY" TO "ASSISTED LIVING FACILITY" AND TO REVISE THE DEFINITION OF "ASSISTED LIVING FACILITY", AND BY AMENDING ARTICLE III: SPECIAL REGULATIONS TO CREATE NEW SECTION 3-9-62.1: CERTIFIED RECOVERY RESIDENCES; PETITION TLDR-25-04; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING FOR INCLUSION IN THE CHARLOTTE COUNTY CODE; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, in order to comply with requirements of new legislation under Senate Bill (SB) 954: Certified Recovery Residences, which was approved by the Governor on June 25, 2025, County Staff, in Petition TLDR-25-04, is proposing revisions to Chapter 3-9, Zoning, by revising Article I: In General, Section 3-9-2: Rules of Construction; Definitions, changing the name of "Adult Congregate Living Facility" to "Assisted Living Facility" and also revising the definition of "Assisted Living Facility"; and by amending Article III: Special Regulations to create new Section 3-9-62.1: Certified Recovery Residences; all as provided in Exhibit "A" which is attached hereto; and

WHEREAS, Petition TLDR-25-04 was heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County Staff and the evidence presented to the P&Z Board, the P&Z Board recommended approval on October 13, 2025; and

34 WHEREAS, after due consideration, based on the findings and analysis
35 provided by County Staff and the evidence presented to it, the Board finds that
36 approval of Petition TLDR-25-04 is consistent with the County's Comprehensive
37 Plan and is in the best interests of the County and its citizens.

38 NOW, THEREFORE, BE IT ORDAINED by the Board of County
39 Commissioners of Charlotte County, Florida:

40 Section 1. Adoption. Chapter 3-9, Zoning, of the Code of Laws and
41 Ordinances of Charlotte County, Florida, is hereby amended by adding the
42 underlined language and by deleting the stricken language as shown in Exhibit
43 "A" which is attached hereto and by this reference provided herein.

44 Section 2. Conflict with Other Ordinances. The provisions of this
45 Ordinance shall supersede any provision of existing ordinances in conflict
46 herewith to the extent of said conflict.

47 Section 3. Severability. If any subsection, sentence, clause,
48 phrase, or portion of this Ordinance is for any reason held invalid or
49 unconstitutional by any court of competent jurisdiction, such portion shall be
50 deemed a separate, distinct, and independent provision and such holding shall
51 not affect the validity of the remainder of this Ordinance.

52 Section 4. Effective Date. This Ordinance shall take effect upon
53 filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 25th day of November, 2025.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
_____, Chairman

ATTEST:

Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR2025-0908

KMD

Section 3-9-2: Rules of Construction; Definitions

Assisted Adult Congregate Living Facility (ALF) shall mean any appropriate Florida department or agency, such as Agency for Health Care Administration (AHCA), of health and rehabilitative services licensed building or buildings, section of a building, or distinct portion of a building, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which provides full-time residential arrangements in the least restrictive and most home-like setting, for seniors and adults who need assistance with activities of daily living undertakes through its ownership or management to provide, for a period exceeding twenty-four (24) hours, housing, food service, and one (1) or more personal services for adult resident clients, not related to the owner or administrator by blood or marriage, who require such services. Recovery residences and certified recovery residences are defined in Florida Statutes, as may be amended. The procedures for the review and approval of such uses are established in Section 3-9-62.1, as may be amended.

Section 3-9-62.1: Certified Recovery Residences

This section provides procedures for the review and approval of a recovery residence and establishes requirements for such use.

1. A zoning determination request shall be required in order to determine the specific use and development standards.
2. It is required to demonstrate the compatibility with surrounding existing single-family homes.
3. No recovery residence use in a single-family residential zoning district shall be located less than 1,000 feet from an existing such use in a single-family residential zone or established single-family.
4. The requirements and standards of the appropriate state department or agency shall be met and evidence of current appropriate state or agency licenses must be shown.
5. The requirements of county occupational licenses shall apply.

