



**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION
POLICY AND PROCEDURE**

**Jon MacGillis, ASLA
Zoning Director**

PPM # ZOO-039

Issued: 07-22-08

Effective: 07-22-08

SUBJECT: Type I Congregate Living Facilities (CLFs) / Community Residential Homes (CRH)

AUTHORITY: ULDC Article 4.B.1.A.34 Congregate Living Facilities

PURPOSE: To ensure consistency with Florida State Statute 419, Community Residential Homes when constructing or utilizing an existing single-family structures for six or fewer residents.

BACKGROUND: Pursuant to ULDC Article 4.B.1.A.34.d., Congregate Living Facility is required to meet the minimum lot size and dimensions of the district in which it is located. However, pursuant to FS 419.001(2), Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. At the time of home occupancy for a Type I CLF / CRH, the applicant is required to notify the local government that the home is licensed by the licensing entity.

The Zoning Director will recommend the ULDC Article 4.B.1.A.34 to be amended in the 2009-01 ULDC Round to ensure consistency with State Statute 419.001 requirements.

Definitions:

Pursuant to FS 419.001, "Licensing entity" or "licensing entities" means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Family Services, or the Agency for Health Care Administration, all of which are authorized to license a community residential home to serve residents, as defined in paragraph (d) - Resident.

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Pursuant to FS 419.001, "Resident" means any of the following: a frail elder as defined in s. [429.65](#); a physically disabled or handicapped person as defined in s. [760.22\(7\)\(a\)](#); a developmentally disabled person as defined in s. [393.063](#); a non-dangerous mentally ill person as defined in s. [394.455\(18\)](#); or a child who is found to be dependent or a child in need of services as defined in s. [39.01\(14\)](#), s. [984.03\(9\)](#) or (12), or s. [985.03](#).

PROCEDURES: When reviewing a building permit or zoning sign off for a Business Tax Receipt (BTR) for a Type I CLF / CRH, the following shall apply:

- 1) The minimum lot size and dimension referenced in ULDC Article 4.B.1.A.34.d., shall not apply;
- 2) The applicant shall apply for the BTR;
- 3) The applicant shall demonstrate compliance with the minimum separation requirements pursuant to State Statutes and the ULDC. He may access the website at <http://www.floridahealthfinder.com> to search for other CLF/CRH in the area;
- 4) Staff shall sign the application for BTR if:
 - it meets the zoning requirements for a single family home, and,
 - meets the 1,000 foot separation from another Type 1 CLF/CRH;
- 5) Staff shall ensure the Building, Health and Fire Department are circled as required inspections on the application, and
- 6) Staff shall sign the State AHCA application for 1-6 residents and instruct the applicant to call for inspections and obtain BTR and State License.

Note: County Tax Collector will not issue BTR unless State License is presented. State Agency will not issue License unless local authority signs for the zoning on the AHCA application.



Director

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