

LAND DEVELOPMENT CODE

Sec. 3.01.09. Sun City Center Senior Citizen Overlay District

A. Generally

The purpose of the Sun City Center Senior Citizen Overlay District (SPI-SCCSC) is to restrict occupancy of a dwelling unit within the boundaries of the Overlay on the basis of age. The Overlay district is consistent with the Housing for Older Persons Act of 1995, which exempts housing for older persons from provisions of the Fair Housing Act. The Housing for Older Persons Act of 1995 allows housing intended and operated for persons 55 years of age or older to be exempt from the Fair Housing Act's prohibition of discrimination on the basis of familial status, provided that, in addition to other requirements, at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older.

The Sun City Center Senior Citizen Overlay District will foster and preserve the health, safety, comfort, welfare and support systems developed to benefit senior citizens in this age restricted self-contained community. The Overlay provides for the efficient preservation, protection, and enhancement of the values and amenities, specific rights, and privileges provided in an age restricted senior citizen community.

B. Applicability

All residential development on parcels located within the geographic area defined by Figure 3.4 shall be subject to the SPI-SCCSC regulations. In the event there exists a conflict between occupancy requirements contained in deed restrictions and/or covenants and the residency requirements contained herein, the occupancy requirements contained in deed restrictions and/or covenants shall prevail. The provisions of the overlay are not applicable to non-residential development. Additionally, these regulations shall not be applicable to persons in occupancy prior to the effective date of this Section. Nonconforming status may only be granted to persons in occupancy prior to the effective date of this ordinance. Said nonconforming status shall terminate upon the abandonment of the dwelling in which the person or persons not meeting the age restrictions of subsection C. resided prior to the effective date of this ordinance.

C. Regulations

1. The SPI-SCCSC district is an overlay zone that shall be combined with residentially zoned and/or developed parcels located within the designated overlay district (Figure 3.4).
2. The regulations of the underlying zoning districts within the overlay district shall remain in effect.
3. Each dwelling unit within the overlay shall have as an occupant at least one person not less than 55 years of age and no person 18 years of age or under shall reside in the dwelling for a period of time exceeding 30 calendar days per year.
4. All Senior Citizen occupancy requirements for State, Federal, and local exemptions to fair housing regulations, as amended, must be met and maintained or the overlay will become void. It shall be the responsibility of the Sun City Center Community Association, its designees or its successors to ensure that accurate records of occupancy requirements have been met and maintained.

D. Variance for Underage Occupancy

Unless otherwise provided for in existing deed restrictions and/or covenant, persons not meeting the age restrictions of subsection C. above may apply for a variance. Variances shall be considered pursuant to the procedures of Part 10.02.00 and the requirements of Part 11.04.00 of this Code, with the exception that the requirements of subsection 11.04.02.A.2 shall not apply.

1. Findings Required

All findings of fact shall be made in the indicated order by the Land Use Hearing Officer, who is not empowered to grant a variance without an affirmative finding of fact on one of the criteria below. Each finding of fact shall be supported by substantial evidence in the record.

2. Variances shall be considered for exceptional or unusual family situations and shall be valid for a period of two years. Exceptional or unusual family situations shall include but not be limited to instances where an underage spouse or cohabiting adult family member wishes to continue occupying a dwelling unit within the boundaries of the overlay or it is necessary for a person 18 years of age or younger to reside in a dwelling unit within the boundaries of the overlay in excess of 30 calendar days in a year after one of the following events:

- a. The death of the resident meeting the age requirement; or
- b. The long term medical relocation of the resident meeting the age requirement;
- or c. An emergency situation involving the immediate family of a household meeting the age restrictions of subsection C. above requires that a person 18 years of age or younger maintain residence in a dwelling unit within the boundaries of the overlay for a period in excess of 30 calendar days.

It shall be the responsibility of the applicant to provide evidence of exceptional or unusual family situations and to provide proof that the requested variance is in compliance with all applicable residency requirements for State, Federal, and local exemptions to fair housing regulations