



**REQUEST:** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) to Implement Zoning Standards for Community Residences for People with Disabilities.

<b>Case Number</b>	T18001
<b>Applicant</b>	City of Fort Lauderdale
<b>ULDR Sections</b>	<u>Section 47-5.10</u> List of Permitted and Conditional Uses, RS-4.4 Residential Single Family/ Low Density District;
	<u>Section 47-5.11</u> List of Permitted and Conditional Uses, RS-8 and RS-8A Residential Single Family/Low Medium Density District;
	<u>Section 47-5.12</u> List of Permitted and Conditional Uses, RD-15 Residential Single Family/Duplex/Low Medium Density District;
	<u>Section 47-5.13</u> List of Permitted and Conditional Uses, RDs-15 Residential Single Family. Medium Density District;
	<u>Section 47-5.14</u> List of Permitted and Conditional Uses, RC-15 Residential Single Family/Cluster Dwellings/Low Medium Density District;
	<u>Section 47-5.15</u> List of Permitted and Conditional Uses, RCs-15 Residential Single Family/Medium Density District;
	<u>Section 47-5.16</u> List of Permitted and Conditional Uses, RM-15 Residential Low Rise Multifamily/Medium Density District;
	<u>Section 47-5.17</u> List of Permitted and Conditional Uses, RMs-15 Residential Low Rise Multifamily/Medium Density District;
	<u>Section 47-5.18</u> List of Permitted and Conditional Uses, RML-25 Residential Low Rise Multifamily/Medium High Density District;
	<u>Section 47-5.19</u> List of Permitted and Conditional Uses, RMM-25 Residential Mid Rise Multifamily/Medium High Density District;
	<u>Section 47-5.20</u> List of Permitted and Conditional Uses, RMH-25 Residential High Rise Multifamily/Medium High Density District;
	<u>Section 47-5.21</u> List of Permitted and Conditional Uses, RMH-60 Residential High Rise Multifamily/High Density District;
	<u>Section 47-13</u> Regional Activity Center Districts; <u>Section 47-18</u> , Specific Use Requirements;
	<u>Section 47-20</u> Parking and Loading Requirements;
	<u>Section 47-24</u> Table I, Development Permit and Procedures;
<u>Section 47-24.13</u> Reasonable Accommodation Procedures;	
<u>Section 47-24.14</u> Community Residences Registration and Conditional Use Permit Requirements; and,	
<u>Section 47-35</u> Definitions.	
<b>Notification Requirements</b>	10-day legal ad
<b>Action Required</b>	Recommend approval or denial to City Commission
<b>Authored By</b>	Karlanne Grant, Planner III <span style="float: right;">HG EP</span>

**BACKGROUND:**

Since the federal Fair Housing Act ("FHA") was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities. The FHA makes it unlawful to utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area. Because of this, staff has taken a preemptive approach to provide zoning standards for community residences for people with disabilities.

**DESCRIPTION:**

To provide provisions for persons with disability, the proposed language distinguishes the different types of living arrangements:

- Community Residence which is defined as is a residential living arrangement for unrelated individuals with disabilities living as a single functional family in a single dwelling unit who are in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services, related to the residents' disabilities. A community residence seeks to emulate a biological family to normalize its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment; treatment is incidental as in any home. Supportive inter-relationships between residents are an essential component. A community residence may be either a Family community residence or a Transitional community residence;
- Family Community Residence is defined as family community residence is a type of community residence that is a relatively permanent living arrangement for four (4) to ten (10) unrelated people with disabilities with no limit on how long a resident may live in the home. The length of tenancy is measured in years. Oxford House is an example of a community residence; and,
- Transitional Community Residence which is defined as a type of community residence that is a temporary living arrangement for more than three unrelated people with disabilities with a limit on length of tenancy that is measured in weeks or months, not years. The residents in a transitional community residence do not typically, but may as conditioned under a reasonable accommodation approval, operate as a single functional family. A transitional community residence may be certified as a recovery residence by the state of Florida's designated credentialing entity established under Section 397.487 of the Florida Statutes, but do not include community residential homes as defined under section 419.001(1)(a), Florida Statutes and licensed by the State of Florida.

Family has been also been redefined to ensure inclusion of all different types of a family unit. Family has been redefined as follows:

A family is one (1) or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, and/or a group of persons not more than three (3) in number who are not so interrelated, occupying the whole or

part of a dwelling as a single housekeeping unit, supplied with a kitchen or facilities for doing their own cooking on the premises, and who share common living facilities. Any person under the age of 18 years whose legal custody has been awarded to the State Department of Health and Rehabilitative Services or to a child-placing agency licensed by the Department, or who is otherwise considered to be a foster child under the laws of the state, and who is placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition. A family does not include any nursing home; club; boarding or lodging house; dormitory; fraternity; sorority; or group of individuals whose association is seasonal or similar in nature to a resort, motel, hotel, boarding or lodging house.

For reference and purposes of comparison the current definition of family is as follows:

One (1) or more persons living together in a single housekeeping unit, supplied with a kitchen or facilities for doing their cooking on the premises

In addition to the above amendments, the new uses are being added to the list of permitted and conditional use tables. Staff has also added language to Section 47-18, Specific Use Requirements to state specific requirements for the different uses as well as criteria for conditional approval in Section 47-24, Development Permits and Procedures.

Family Community Residences and Transitional Community Residences specific use requirements are divided based on the number of residents and distance separation as follows:

Family Community Residence:

- Family community residences with a maximum of three (3) or fewer residents are permitted in all residential zoning districts;
- Family community residences with between four (4) and ten (10) residents and located less than one thousand (1,000) feet from a community residence, or from a community residential home as defined by Section 419.001(1)(a), Florida Statutes, when measured from the closest point of the property line of the proposed community residence to the closest point of the property line of an existing community residence or community residential home, may be permitted within all residential zoning districts subject to conditional use requirements;
- Family community residences with between four (4) and ten (10) residents and located at least one thousand (1,000) feet from a community residence, or from a community residential home as defined by Section 419.001(1)(a), Florida Statutes, when measured from the closest point of the property line of the proposed community residence to the closest point of the property line of an existing community residence or community residential home, are permitted in any residential zoning district; and,
- Family community residences of more than ten (10) residents are permitted in all residential zoning districts subject to conditional use requirements.

### Transitional Community Residence:

- Transitional community residences with a maximum of three (3) or fewer residents are permitted in all residential zoning districts;
- Transitional community residences with between four (4) and ten (10) residents located less than one thousand (1,000) feet from a community residence, or from a community residential home as defined by Section 419.001(1)(a), Florida Statutes, when measured from the closest point of the property line of the proposed community residence to the closest point of the property line of an existing community residence or community residential home, may be permitted within all residential zoning districts subject to conditional use requirements;
- Transitional community residences with between four (4) and ten (10) residents and located at least one thousand (1,000) feet from a community residence, or from a community residential home as defined by Section 419.001(1)(a), Florida Statutes, when measured from the closest point of the property line of the proposed community residence to the closest point of the property line of an existing community residence or community residential home, are permitted in all multifamily zoned property; and,
- Transitional community residences of more than ten (10) residents are permitted in all residential zoning districts subject to conditional use requirements.

Criteria for conditional approval include:

- Operating in a manner that does not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying a de facto social service district by concentrating transitional community residence or community residence;
- Being located a sufficient distance from any existing transitional community residence or community residence; and,
- Operating as a functional family (also known as emulating a biological family) that fosters normalization and community integration of its residents.

Lastly, a section to implement a procedure for processing requests for Reasonable Accommodation for people with disability has been added in Section 47-24, Development Permits and Procedures. Persons with disability requesting Reasonable Accommodation shall present the requests to the Special Magistrate who shall make findings of fact in support of all determination. Reasonable accommodation can be requested for any aspect of this section in relation to the above requirements as they relate to persons with disabilities.

The review the proposed ordinance in its entirety, please refer to **Exhibit 1**.

### **Comprehensive Plan Consistency:**

The proposed amendments are consistent with the City's Comprehensive Plan. Specific Goals, Objectives and Policies are addressed as follows:

ELEMENT:	Housing Element
GOAL:	Goal 1
OBJECTIVE:	Objective 1.1: Enhance Neighborhood Preservation Goals

POLICY: Policy 1.1.7: Promote neighborhood compatibility strategies and include appropriate regulations within the ULDR.

This ULDR amendment is part of the *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the *Neighborhood Enhancement Cylinder of Excellence*, specifically advancing:

Goal 5: Be a community of strong, beautiful, and healthy neighborhoods.

Objective 2: Enhance the beauty, aesthetics, and environmental quality of neighborhoods.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.

**EXHIBITS:**

1. Proposed Ordinance

