

Zoning Standards for Community Residences for People with Disability



CITY OF FORT LAUDERDALE

City of Fort Lauderdale
Department of Sustainable Development
Urban Design and Planning

Background

- 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
 - Example: 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

Family

- One (1) or more persons living together and interrelated by bonds of consanguinity, marriage or legal adoption, 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.

Community Residence

- Community Residence is defined as 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.

Two Types of Community Residence

- Family Community Residence
- Transitional Community Residence

Family Community Residence

- Family Community Residence is defined as 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.

Transitional Community Residence

- Transitional Community Residence is defined as a type of community residence that is a temporary living arrangement for more than three (3) unrelated people with disabilities with a limit on length of tenancy that is measured in weeks or months, not years.

Family Community Residence

PERMITTED

- A maximum of 3 or fewer residents are permitted in all residential zoning districts
- Between 4 and 10 residents and located at least 1,000 feet from a community residence, or from a community residential home

CONDITIONAL APPROVAL

- Between 4 and 10 residents and located less than 1,000 feet from a community residence, or from a community residential home
- Residences of more than 10 residents are permitted in all residential zoning

Transitional Community Residence

PERMITTED

- Maximum of 3 or fewer residents are permitted in all residential zoning districts
- Between 4 and ten 10 residents and located at least 1,000 feet from a community residence, or from a community residential home are permitted in all multifamily zoned property

CONDITIONAL APPROVAL

- Between 4 and 10 residents located less than 1,000 feet from a community residence, or from a community residential home
- Residences of more than 10 residents are permitted in all residential zoning

Criteria for Conditional Approval

- 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
- Operating as a functional family (also known as emulating a biological family) that fosters normalization and community integration of its residents.

Reasonable Accommodation

A request pursuant to the Unified Land Development Regulations (ULDR) for a case specific modification of the ULDR so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space

- 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 these standards in relation to persons with disability

Parking Standards

Use	Parking Space Requirement

Townhouse / cluster / coach homes with four units or less	See Duplex, Townhouse/cluster, coach homes, four units or less, Townhouse/cluster, coach homes, five or more units, Mobile home park and Single family standard and zero-lot-line. In addition to the above requirements, community residences shall provide one additional parking space for each resident that maintains a motor vehicle on premises over and above the standard parking calculations for the type of dwelling unit
Dwellings / Community Residences	

Next Steps

- Study to Determine Existing Community Residences in the City
- Meeting with Neighbors including Council of Fort Lauderdale Civic Associations (Feb 2018)
- City Commission Meeting for 1st Reading – Feb/March 2018
- City Commission Meeting for 2nd Reading/Adoption - Feb/ March 2018

THANK YOU