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## Staff Analysis and Recommendation

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**To:** Honorable Mayor and Members of the Town Council  
**From:** Alex Rey, Town Manager  
**Subject:** Community Homes and Minimum Housing Standards  
**Date:** October 2, 20018

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**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO COMMUNITY RESIDENCES; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE VI, “ZONING DISTRICT REGULATIONS”, PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING DEFINITIONS FOR TERMS; PROVIDING MINIMUM HOUSING STANDARDS; ALLOWING COMMUNITY HOMES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR REGISTRATION OF COMMUNITY HOMES; PROVIDING FOR RENEWAL AS WELL AS TERMINATION OF REGISTRATIONS; PROVIDING FOR CERTIFICATION OR LICENSING REQUIREMENTS; PROVIDING FOR COMPLIANCE BY EXISTING BUT UNREGISTERED COMMUNITY RESIDENCES; PROVIDING FOR APPLICATION REQUIREMENTS; PROVIDING FOR DISTANCE SEPARATION; PROVIDING FOR REASONABLE ACCOMODATIONS; PROVIDING FOR CONDITIONAL USE PERMITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **A. BACKGROUND**

On June 5, 2018, the Town Council directed the Town Attorney to explore amendments to the Town Code that would articulate a procedure to adequately provide for community homes in residential districts. Examination of the code yielded insufficient language regarding the protection of disabled individuals residing in community homes, as well as minimum housing standards for all residential properties. While the Fair Housing Act as amended (42 U.S.C. §3601) and American with Disabilities Act (42 U.S.C. ch. 126 § 12101 et seq) provide protections for persons with

disabilities and prohibit housing discrimination of disabled individuals, it is important that the Town's Land Use Code reflect these protections and, at the same time, ensure that appropriate provisions exist to ensure that disabled individuals can benefit from residence and rehabilitation in community residences that function as families, in order to achieve normalization and community integration. A close examination of the Code found four deficiencies that needed to be addressed. The first related to a lack of language requiring certification or licensing of community residences by the appropriate agencies. The second related to lack of reasonable minimum housing standards, that can prevent overcrowding of residences. The third deficiency was the provisions did not provide for minimum distance separation between community residences to prevent clustering. And third, the LDC lacked provision for reasonable accommodations as well as conditional use standards for the successful establishment of community homes in residential neighborhoods. Language requiring registration of Community Residences was added as well, in order to ensure that the town can establish whether all previously mentioned requirements are satisfactorily met.

## **B. PROPOSED CHANGES**

The following described elements are presented in the same order that they appear in the proposed ordinance.

*Addition of minimum Housing Standards.* The first deficiency of the Town's Code is a lack of housing standards to prevent overcrowding of residential homes and community homes. The proposed amendment adopts standards loosely based on Miami Dade's standards as well as other nearby municipalities, to ensure that all Town of Miami Lakes residents enjoy suitable housing. This amendment properly aligns the LDC with the Housing Element of the Town's Comprehensive Development Master Plan (CDMP).

*Adjustment of language throughout Article VI. – Zoning District Regulations.* Language in all zoning districts currently allowing residential uses was amended in order to clarify that community residences are an allowed residential use.

*Creation of Division 27.* The rest of the adjustments are achieved via the introduction of Division 27 detailing particulars regarding the need for registration, licensing and/or certification, distance separation, as well as providing for procedures to allow for reasonable accommodations and conditional uses as warranted by the individual circumstances of each community home. The new language also provides procedures for existing homes to come into compliance within 60 days, as well as for loss of certification or license, as required.

## **C. STAFF RECOMMENDATION**

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance allowing community homes in residential districts.

## **D. ANALYSIS**

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be

considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

**1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.**

*Analysis:* See Section “A”, Background and Section “B”, Proposed Changes of this report. As presented in Sections “A” and “B”, the proposed ordinance provides regulations consistent with State and Federal Law to permit community homes in all districts that allow residential uses. The ordinance also provides for minimum housing standards in order to prevent overcrowding, as well a minimum distance separation to prevent clustering. The ordinance, as proposed conforms to the following policy of CDMP below:

Policy 3.4.1: Provisions of opportunities for group, assisted living and foster care homes will be provided in residential districts in the Miami Lakes Land Development Code.

Policy 3.5.1: Within one year of plan adoption, incorporate appropriate architectural and site design regulations to improve the structural and aesthetic qualities of single-family and multi-family units in Miami Lakes.

*Finding:* Complies

**2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.**

*Analysis:* See Section “A”, Background and Section “B”, Proposed Changes of this report. The proposed ordinance conforms with the Town’s LDC’s. A review of the LDC’s found no conflicts. The amendment brings the Town’s code into alignment with Fair Housing Act, American with Disabilities Act and the Town’s CDMP.

*Finding:* Complies.

**3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.**

*Analysis:* See Section “A”, Background and Section “B”, Proposed Changes of this report. The current LDC is reflective of changes introduced prior to current case law regarding application of the Fair Housing Act and the American with Disabilities Act to community residences housing individuals with addictions. This update properly aligns the LDC to current application and interpretation of those Acts.

*Finding:* Complies.

**4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or**

**neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

*Analysis:* See Section “A”, Background and Section “B”, Proposed Changes of this report, and Criteria 1 and 3. The proposed ordinance properly aligns the LDC code with the Town’s CDMP.

*Finding:* Complies.

- 5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.**

*Analysis:* The proposed ordinance does not impact the above systems.

*Finding:* Complies.

- 6. Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

*Analysis:* The proposed ordinance does not impact the above systems.

*Finding:* Complies.

- 7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

*Analysis:* See Section “A”, Background and Section “B”, Proposed Changes of this report. The proposed ordinance properly aligns the LDC provisions with the Town’s CDMP and State and Federal law while also ensuring the Town has at its capacity to ensure the protection of vulnerable populations. The result is increased clarity and appropriate procedures to safeguard the general welfare.

*Finding:* Complies.

- 8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

*Analysis:* See Section “A”, Background, Section “B”, Proposed Changes, and Criterion 7 of this report. Community residences are primarily a residential use and as such are allowed in residential districts.

*Finding:* Complies.

- 9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

*Analysis:* See Section “A”, Background, Section “B”, Proposed Changes, and Criteria 1, 3, and 7 of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. The proposed ordinance provides an opportunity for to ensure the Town has the capacity to provide services demanded by its residents.

*Finding:* Complies.

**10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

*Analysis:* See Summary Section and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed LDC amendment is appropriate and consistent with the public interest.

*Finding:* As determined by the Town Council.