

Collaborative Living Discussion

Mayor's Neighborhood Roundtable

February 13, 2023

What Will We Discuss Today?

- Identified need in the community
- Allow for a new group living use
- Background on a protected class of individuals
- Walk through what a collaborative living facility group living use may look like as an option in our community
- Provide some examples of how this use could be applied
- Time for questions and discussion

Federal Fair Housing Act

- Title VIII of the Civil Rights Act of 1968
- Amended in 1988 to extend protections to individuals with disabilities
- Individuals recovering from alcohol and drug addiction are considered persons with a disability and protected under the Fair Housing Act

Reasonable Accommodation

A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.

Reasonable Accommodation

LINCOLN MUNICIPAL CODE

TITLE 1 GENERAL PROVISIONS

Chapter 1.28 REASONABLE ACCOMMODATION

Contents:

1.28.010 Purpose.

1.28.020 Applicability.

1.28.030 Application Requirements.

1.28.040 Reviewing Authority and Procedure.

1.28.050 Decision.

1.28.060 Notice of Request for Reasonable Accommodation.

1.28.010 Purpose.

This chapter provides a procedure to request reasonable accommodation for persons with disabilities or handicaps seeking equal access to housing under the Rehabilitation Act, the Americans With Disabilities Act, the Federal Fair Housing Amendments Act and the Nebraska Fair Housing Act (the Acts) in the application of the City of Lincoln's building codes, fire or safety codes, zoning laws, and other land use regulations, policies and procedures. (Ord. 18536 §1; May 9, 2005).

1.28.020 Applicability.

A request for reasonable accommodation may be made by any person with a disability or handicap, as defined in the Acts, or by an entity acting on behalf of a person or persons with disabilities or handicaps to provide or secure equal opportunity to use and enjoy a dwelling and/or otherwise receive services or participate in programs or activities provided by the City when the application of a City of Lincoln building code, fire or safety code, zoning law or other land use regulation, policy or practice acts as a barrier to such equal opportunities. The provisions of this chapter do not apply to the City's Bureau of Fire Prevention's application of any code or regulation adopted by the State Fire Marshal pursuant to its delegated authority from the State Fire Marshal. As defined in the Acts, a person with a disability or handicap is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

A request for reasonable accommodation may include a modification or exception to rules, standards and practices when such modification or exception is necessary to eliminate regulatory barriers and provide a person with a disability or handicap with equal opportunity to use and enjoy a dwelling and/or to otherwise receive services or participate in programs or activities provided by the City. Requests for reasonable accommodation shall be made in the manner prescribed by Section 1.28.030. (Ord. 18607 §1; August 29, 2005; prior Ord. 18536 §2; May 9, 2005).

1.28.030 Application Requirements.

TITLE 27 ZONING

Chapter 27.62 CONDITIONAL USES

27.62.050 Group Living Use Group

A building or premises may be used for the following use types as a permitted conditional use in the designated zoning districts and in compliance with the conditions of approval applicable for that use type.

- a. Domestic shelters are allowed in the AG, AGR, R-T and all residential zoning districts under the following conditions:
 1. The distance between the proposed use and any existing domestic shelter measured from lot line to lot line shall not be less than one mile.
 2. The maximum number of residents occupying the shelter shall not exceed one person per:
 - i. 3,000 square feet of lot area in the AG, AGR and R-1 zoning districts;
 - ii. 2,000 square feet of lot area in the R-2, R-3 and R-T zoning districts;
 - iii. 1,000 square feet of lot area in the R-4 zoning district;
 - iv. 750 square feet of lot area in the R-5, R-6, R-7 and R-8 zoning districts.
- b. Group homes are allowed in the AG, AGR, R-T and all residential zoning districts under the following conditions:
 1. Such use shall be permitted only so long as the facility continues to be validly licensed by the State of Nebraska.
 2. The distance between the proposed use and any existing group home measured from lot line to lot line is not less than:
 - i. One-half mile in the AG, AGR, R-1, R-2, R-3 and R-T zoning districts;
 - ii. 1,200 feet in the R-4, R-5, R-6, R-7 and R-8 zoning districts.
- c. Transitional living facilities are allowed in the AG, AGR, O-1, O-3, R-T, B-4, B-5, and all residential zoning districts under the following conditions:
 1. The maximum number of persons who may reside in the facility is as follows. For purposes of this section, a building containing more than one dwelling unit used for the purpose of transitional living shall be considered one facility.
 - i. AG, AGR, and R-1 through R-4 zoning districts: Maximum 6 persons per dwelling unit; maximum 6 persons per premises.
 - ii. R-5 through R-8 zoning districts: Maximum 6 persons per dwelling unit; maximum 12 persons per premises.
 - iii. O-1, O-3, R-T, B-4, and B-5 zoning districts: No maximum number of persons.
 2. The distance between the proposed use and any other existing such use or any temporary shelter for the homeless, group home, domestic shelter, fraternity or sorority, or residential healthcare facility measured from lot line to lot line is not less than:

Group Living Conditional Uses

27.62.50 Group Living Use Group

- Domestic Shelters
- Group Homes
- Transitional Living Facilities

Collaborative Living Facility

Name: Collaborative Living Facility

Definition: Collaborative Living Facility means a structure in which not less than three persons unrelated by blood, marriage, or adoption reside for the purpose of accommodating their shared disability.

Collaborative Living Facility

Collaborative Living Facility is allowed in the AG, AGR, R-T, O-1, O-3, B-4, and B-5 zoning districts and all residential zoning districts under the following conditions:

1. The maximum number of residents occupying a facility in an allowed residential district shall not exceed ten.
2. The maximum number of persons occupying the facility shall not exceed one person per:
 - a. 2,250 square feet of lot area in the AG, AGR, and R-1 zoning districts;
 - b. 1,750 square feet of lot area in the R-2, and R-3 zoning districts;
 - c. 1,100 square feet of lot area in the R-4 and R-5 zoning districts;
 - d. 875 square feet of lot area in all other residential zoning districts.
3. No maximum number of persons for a facility located within the R-T, O-1, O-3, B-4, and B-5 zoning districts.
4. 0.5 parking spaces per resident shall be provided and said spaces shall be located on the premise of such facility.
5. The distance between the proposed use and any other existing such use measured from lot line to lot line is not less than:
 - a. 1,000 feet in the AG, AGR, and R-1 through R-4 districts;
 - b. 500 feet in all other residential zoning districts.

Collaborative Living Facility

Collaborative Living Facility is allowed in the AG, AGR, R-T, O-1, O-3, B-4, and B-5 zoning districts and all residential zoning districts under the following conditions:

1. The maximum number of residents occupying a facility in an allowed residential district shall not exceed ten.
2. The maximum number of persons occupying the facility shall not exceed one person per:
 - a. 2,250 square feet of lot area in the AG, AGR, and R-1 zoning districts;
 - b. 1,750 square feet of lot area in the R-2, and R-3 zoning districts;
 - c. 1,100 square feet of lot area in the R-4 and R-5 zoning districts;
 - d. 875 square feet of lot area in all other residential zoning districts.
3. No maximum number of persons for a facility located within the R-T, O-1, O-3, B-4, and B-5 zoning districts.
4. 0.5 parking spaces per resident shall be provided and said spaces shall be located on the premise of such facility.
5. The distance between the proposed use and any other existing such use measured from lot line to lot line is not less than:
 - a. 1,000 feet in the AG, AGR, and R-1 through R-4 districts;
 - b. 500 feet in all other residential zoning districts.

Collaborative Living Facility

Collaborative Living Facility is allowed in the AG, AGR, R-T, O-1, O-3, B-4, and B-5 zoning districts and all residential zoning districts under the following conditions:

1. The maximum number of residents occupying a facility in an allowed residential district shall not exceed ten.
2. The maximum number of persons occupying the facility shall not exceed one person per:
 - a. 2,250 square feet of lot area in the AG, AGR, and R-1 zoning districts;
 - b. 1,750 square feet of lot area in the R-2, and R-3 zoning districts;
 - c. 1,100 square feet of lot area in the R-4 and R-5 zoning districts;
 - d. 875 square feet of lot area in all other residential zoning districts.
3. No maximum number of persons for a facility located within the R-T, O-1, O-3, B-4, and B-5 zoning districts.
4. 0.5 parking spaces per resident shall be provided and said spaces shall be located on the premise of such facility.
5. The distance between the proposed use and any other existing such use measured from lot line to lot line is not less than:
 - a. 1,000 feet in the AG, AGR, and R-1 through R-4 districts;
 - b. 500 feet in all other residential zoning districts.

Collaborative Living Facility

Collaborative Living Facility is allowed in the AG, AGR, R-T, O-1, O-3, B-4, and B-5 zoning districts and all residential zoning districts under the following conditions:

1. The maximum number of residents occupying a facility in an allowed residential district shall not exceed ten.
2. The maximum number of persons occupying the facility shall not exceed one person per:
 - a. 2,250 square feet of lot area in the AG, AGR, and R-1 zoning districts;
 - b. 1,750 square feet of lot area in the R-2, and R-3 zoning districts;
 - c. 1,100 square feet of lot area in the R-4 and R-5 zoning districts;
 - d. 875 square feet of lot area in all other residential zoning districts.
3. No maximum number of persons for a facility located within the R-T, O-1, O-3, B-4, and B-5 zoning districts.
4. 0.5 parking spaces per resident shall be provided and said spaces shall be located on the premise of such facility.
5. The distance between the proposed use and any other existing such use measured from lot line to lot line is not less than:
 - a. 1,000 feet in the AG, AGR, and R-1 through R-4 districts;
 - b. 500 feet in all other residential zoning districts.

Collaborative Living Facility

Collaborative Living Facility is allowed in the AG, AGR, R-T, O-1, O-3, B-4, and B-5 zoning districts and all residential zoning districts under the following conditions:

1. The maximum number of residents occupying a facility in an allowed residential district shall not exceed ten.
2. The maximum number of persons occupying the facility shall not exceed one person per:
 - a. 2,250 square feet of lot area in the AG, AGR, and R-1 zoning districts;
 - b. 1,750 square feet of lot area in the R-2, and R-3 zoning districts;
 - c. 1,100 square feet of lot area in the R-4 and R-5 zoning districts;
 - d. 875 square feet of lot area in all other residential zoning districts.
3. No maximum number of persons for a facility located within the R-T, O-1, O-3, B-4, and B-5 zoning districts.
4. 0.5 parking spaces per resident shall be provided and said spaces shall be located on the premise of such facility.
5. The distance between the proposed use and any other existing such use measured from lot line to lot line is not less than:
 - a. 1,000 feet in the AG, AGR, and R-1 through R-4 districts;
 - b. 500 feet in all other residential zoning districts.

Collaborative Living Facility Discussion

Seven Oaks
Neighborhood
west of
Williamsburg Village

R-3 Residential

3041 Orwell Street

Lot Size = 9,000 SF

Allows 5 individuals at 1,750 SF per person

5 individuals require 3 parking spaces required at .5 spaces per person – the two-car garage and driveway would meet this requirement.



Collaborative Living Facility Discussion

E Street and
Goodhue Blvd.

R-7 Residential

1445 E Street

Lot Size = 10,200 SF

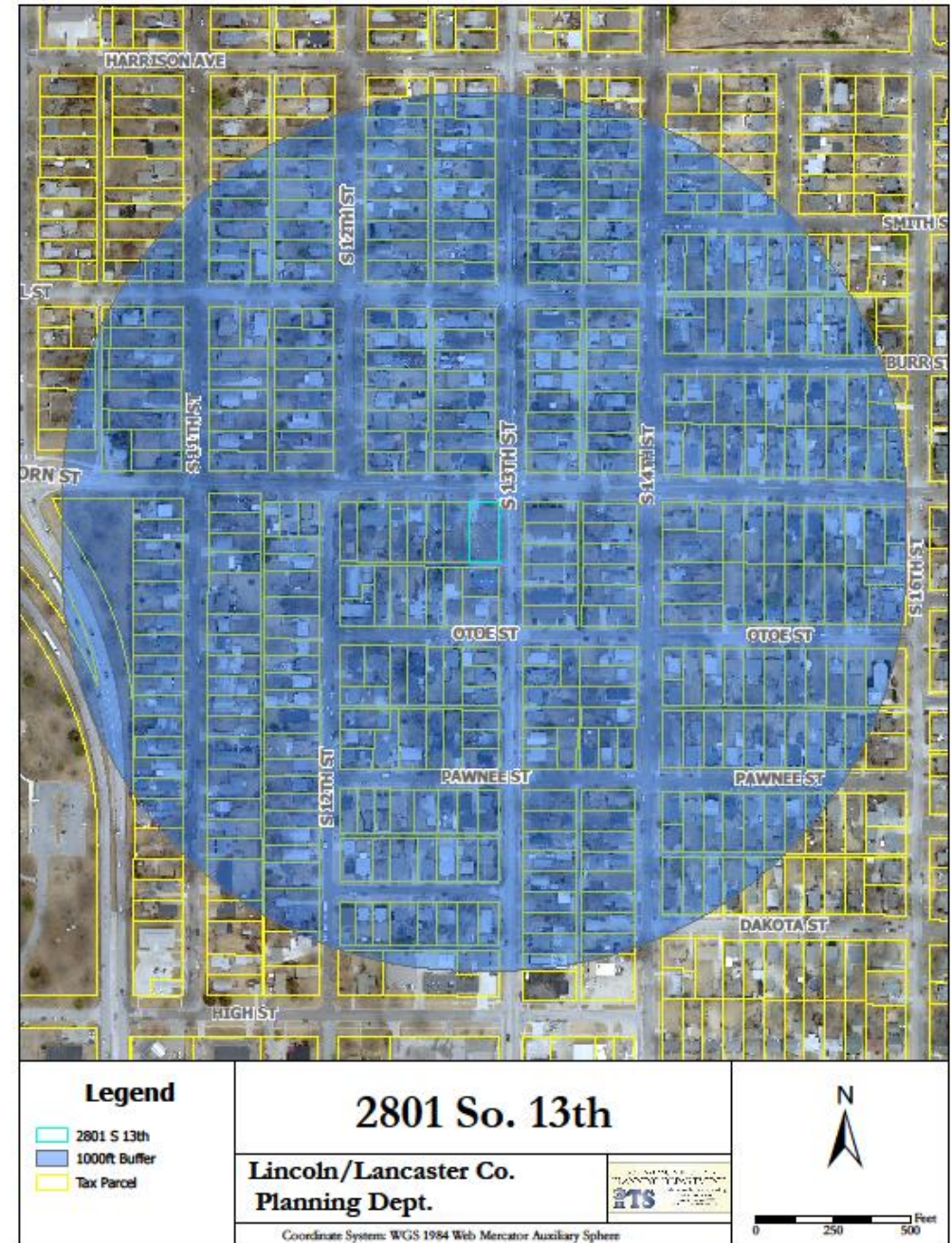
Allows 10 individuals at 875 SF per person as 10 is maximum allowed

5 parking spaces required at .5 spaces per person. This site would be flexible on parking with a large rear yard that could be used for additional parking accessed from the abutting alley.



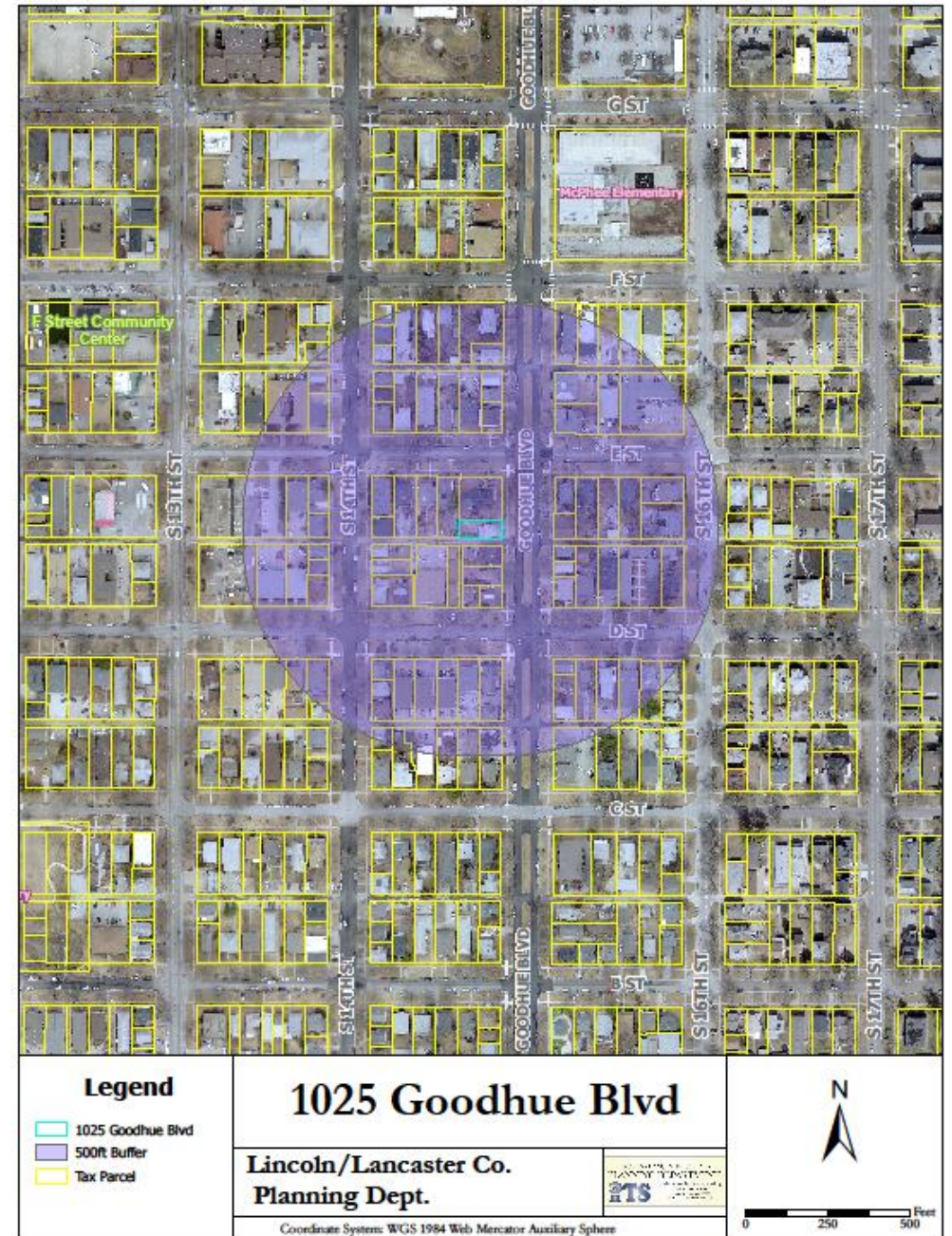
Collaborative Living Facility Discussion

13th and Van Dorn
R-4 Zoning – 1,000
foot spacing



Collaborative Living Facility Discussion

E Street and
Goodhue Blvd.
R-7 Zoning – 500
foot spacing



Collaborative Living Discussion

Questions and Discussion

