



Pursuant to Unified Land Development Code (ULDC) Article 2.C.5.F, Reasonable Accommodation;

The Owner or Applicant shall schedule a Pre-Application Appointment by contacting the Zoning Division at 561-233-5578 to discuss their request for Reasonable Accommodation. Staff shall review the policies and procedures and the application requirements within Art. 2.C.5.F., to make a determination based on individual assessment. Approvals of Reasonable Accommodation are non-transferrable, new owners/operators must re-apply. Submit **Form #93-General Application - Administrative Processes along with a Justification Statement** (as per instructions below) in person to PZB Zoning Division at 2300 N. Jog Road, West Palm Beach, Florida 33411.

1. POLICY AND PROCEDURES

Authority: Refer to the Palm Beach County, Unified Land Development Code, Article 2.C.5.F, Reasonable Accommodation, for related rules, policies, practices and procedures for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et. Seq.), FHA, or Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et. Seq.) Any person who is disabled, or qualifying entities, may request Reasonable Accommodation.

The County shall provide assistance and accommodation as is required pursuant to FHA and ADA, in connection with a disabled person's request for Reasonable Accommodation, including assistance with reading application questions, and responding to questions related to completing application or appeal forms, among others, to ensure the process is accessible. Refer to ULDC Art.2.C.5.F.4., for the Application Procedures, and Art.2.C.5.F.4.a.1, for specific information that maybe considered as confidential once submitted.

Fees: There shall be no fee imposed by the County for a request for Reasonable Accommodation under Article 2.C.5.F.4.c, or an appeal of a determination on such request, and the County shall have no obligation to pay a requesting party's or an appealing party as applicable, attorneys' fees or costs in connection with the request, or an appeal.

***Request:** Prior to a request for Reasonable Accommodation, the applicant shall exhaust any and all existing, available, approval processes or explain why an undue hardship will be created by a requirement that the applicant complete such approval processes. If no approval process exists or an undue hardship is determined to exist, a request for Reasonable Accommodation shall be made. Pursuant to the Fair Housing Act, **what constitutes a reasonable accommodation is a case-by-case determination; and not all requests are reasonable.** If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and/or zoning scheme, it is not considered a "reasonable" accommodation.

***Grounds for Reasonable Accommodation:**

In making a determination regarding the reasonableness of a requested accommodation, the following factors shall be considered:

- Special needs created by a disability;
- Potential benefit that can be accomplished by the requested modification;
- Potential impact on the surrounding uses;
- Physical attributes of the property and structures;
- Alternative accommodations which may provide an equivalent level of benefit;
- In the case of a determination involving a single family dwelling, whether the household would be considered a single housekeeping unit if it were not using special services that are required because of the disabilities of the residents;
- Whether the requested accommodation would impose an undue financial or administrative burden on the County; and,
- Whether the requested accommodation would require a fundamental alteration in the land use and/or zoning scheme.

2. APPLICANT'S REQUEST

Applicant's Request * for a Reasonable Accommodation shall demonstrate that the request does not impose an undue financial or administrative burden on the local government; and explain why the character of the single family neighborhood would not be fundamentally altered by the additional occupants of this facility. Additionally, the applicant shall include the following information in the Justification Statement:

- The name(s) of the facility or member with a disability requesting reasonable accommodation,
- A copy of the State of Florida License or Certificate;
- A description of the accommodation needed. Identify the rules, policies or practice requiring accommodation and why the request is necessary in order for persons with disabilities to live in the dwelling;
- An Administrative Program Outline of how the facility will be operated and any guidelines that the residents may need to follow;
- Floor plan of the existing/proposed single family dwelling identifying any necessary modifications;
- Number of residents that will live in the dwelling;
- Number of staff who will serve the dwelling and hours of service provided;
- Anticipated number of vehicles used by the residents and staff;
- Number of off-street parking spaces available;
- Square footage of the dwelling;
- Number of bedrooms in the dwelling; and,
- The anticipated impacts of the facility on emergency services, parking, traffic, noise, police and fire response, and water,

* **Submit all explanations in the Justification Statement (separate sheet).**

Visit the Zoning Web page to download Form #93:

<http://discover.pbcgov.org/pzb/zoning/Pages/Applications-Forms.aspx>