



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

**File #:** LN-775

ZONING BOARD OF APPEALS  
Meeting Date: AUGUST 21, 2025

### **SPECIAL EXCEPTION [TRANSITIONAL COMMUNITY RESIDENCE] - AIM PARTNERS LLC**

**Request:** Special Exception  
**P&Z#** 25-17000008  
**Owner:** AIM Partners LLC  
**Project Location:** 2500 NE 19 ST  
**Folio Number:** 484330140140  
**Land Use Designation:** LM (Low-Medium 5-10 DU/AC)  
**Zoning District:** RD-1 (Two-Family Residence)  
**Commission District:** 1 (Audrey Fesik)  
**Agent:** Vedanti Vyas  
**Project Planner:** Scott Reale

### **Summary:**

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4202(J) (3)(c) [Transitional Community Residence Standards] of the City's Zoning Code in order to utilize the subject property (Zoning District: RD-1) for a Transitional Community Residence.

The property is located along the east side of NE 25<sup>th</sup> Avenue and south side of NE 19<sup>th</sup> Street in the Connor Estates subdivision.

### **ZONING REGULATIONS**

#### **155.4202. RESIDENTIAL: HOUSEHOLD LIVING USES**

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#### **J. Transitional Community Residence**

##### **1. Districts Where Permitted**

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
S	S	S	S	S	S	P	P	P	P	P		P	P	P	

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
						P						P	P	P	P	P

## 2. Definition

A transitional community residence is a community residence that provides a temporary living arrangement for four to ten unrelated people with disabilities with a limit on length of tenancy less than a year that is measured in weeks or months as determined either in practice or by the rules, charter, or other governing document of the community residence. A community residence for people engaged in detoxification is an example of a very short-term transitional community residence.

## 3. Standards

### a. Districts Where Listed as a Permitted use

A transitional community residence shall be allowed as of right in the designated zoning districts, except as required by Chapter 419 of state law, when:

i. It is at least 660 linear feet from the closest existing community residence housing four or more individuals or recovery community as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence or recovery community, and

ii. The operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence much such as an Oxford House but with a programmatic or actual limit on length of tenancy.

b. A transitional community residence that does not comply with both standards a. and b. may be allowed only by Special Exception in accord with the standards established in Section 155.2406.D. of this Code.

### c. Districts Where Listed as a Special Exception

In the zoning districts where a transitional community residence is allowed only by Special Exception in accord with the applicable standards in Section 155.2406.D. and E. of this Code.

## 4. Reasonable Accommodation Required for More than Ten Occupants

To establish a transitional community residence for more than ten occupants, the applicant shall submit a request for Reasonable Accommodation in accord with the procedures and applicable standards in Section 155.2432 of this Code except as required by state law.

## 5. License Certification, or Recertification Denied or Suspended

A transitional community residence that has been denied a license the State of Florida requires or certification offered by the State of Florida, had its license or certification suspended, or be denied recertification is not allowed in the City of Pompano Beach and must cease operations and vacate the premises within 60 days of the date on which its license or certification was denied or suspended or recertification denied.

## PROPERTY INFORMATION AND ANALYSIS

1. This use is being requested “*after-the-fact*.” The residence is already operating under the name **The Luminous Care** *without* the required Special Exception approval or Community Residence Certificate, which is in violation of zoning regulations.
2. A transitional community residence community residence is a community residence that provides a temporary living arrangement for four to ten unrelated people with disabilities with a limit on length of tenancy less than a year that is measured in weeks or months as determined either in practice or by the rules, charter, or other governing document of the community residence. A community residence for people engaged in detoxification is an example of a very short-term transitional community residence. These residences are distinct from a Family Community Residence, which is more long-term in nature.
3. The subject property has two open Code Compliance Cases (Case #25-09001727 and Case #25-09000861) and one active Lien (Lien #24-09005337). An extensive 911-BSO call log associated with the subject property was also provided to staff.

4. The same operator is managing another unapproved Transitional Community Residence located five houses away on the same block at 2620 NE 19<sup>th</sup> Street, approximately 300 feet away from the proposed location. A second application may be heard at a later date, pending the outcome of this application.
5. The existing single-family dwelling is over 3,000 square feet and has five bedrooms. Seven beds are shown in the applicant's floor plan.
6. Ordinance No. 2018-60 (adopted 6/12/2018) codified regulations governing community residences. The zoning code revisions were guided by the June 2018 study, *Pompano Beach, Florida: Principles to Guide Zoning for Community Residences for People with Disabilities* by Daniel Lauber, AICP, accepted via Resolution #2018-99 and revised in Resolution #2018-178. This study is included in the backup for this agenda item.
7. The subject property is zoned Two-Family Residence (RD-1) and most of the other homes on this block face are zoned Single-Family Residence 2 (RS-2). Both the RD-1 and RS-2 zoning districts allow Transitional Community Residences by Special Exception.
8. A Special Exception for a Transitional Community Residence in a single-family or two-family residential zoning district shall be approved by simple majority vote of the Board members present, only on a finding that there is competent substantial evidence in the record that the application meets *six* review standards including normalization and community integration, residential character and avoidance of clustering, compatibility with residential zoning, impact on residential stability, state certification or license, and standards when no license/certification exists (equivalent operation standards). These six review standards are outlined in detail in this report. The applicant has submitted narrative responses to these review standards as well as operational details on the Luminous Care treatment modality. The applicant asserts they are state-licensed and accredited by the Joint Commission as a Partial Hospitalization Program (PHP). However, no supporting documentation was submitted with the application.

### **LAND USE PATTERNS**

Subject property (Zoning | Existing Use):

- RD-1 | Transitional Community Residence (unpermitted)

Surrounding Properties (Zoning District / Existing Use):

- North: RD-1 | two-family dwelling
- South: RD-1 | single-family dwelling
- East: RS-2 | single-family dwelling
- West: RD-1 | triplex

### **SPECIAL EXCEPTION REVIEW STANDARDS FOR COMMUNITY RESIDENCES**

A Special Exception for a community residence (family or transitional) shall be approved by simple majority vote of the Board members present, only on a finding that there is competent substantial evidence in the record that the Special Exception meets the following applicable standards:

3. In districts where a community residence is allowed as a Special Exception, the community residence shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception meets the applicable standards:

a. The applicant demonstrates that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and/or recovery community and that the presence of other community residences and/or any recovery communities will not interfere with the normalization and community integration of the residents of the proposed community residence;

b. The applicant demonstrates that the proposed community residence, in combination with any existing community residences and/or recovery communities, will 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 or clustering community residences and/or any recovery community on a block or in a neighborhood, and

c. The applicant demonstrates that the proposed community residence will be compatible with the residential uses allowed as of right in the zoning district;

d. When the proposed community residence would be located in a single-family zoning district, the applicant demonstrates that the proposed transitional community residence, alone or in combination with any existing community residences, will not alter the residential stability of the single-family zoning district;

e. The applicant demonstrates that the applicant or the proposed community residence has been granted certification by the State of Florida or license required by the State of Florida; and

f. When the State of Florida does not offer certification or require a license for this type of transitional community residence and the population it would serve, the application demonstrates that:

i. The proposed community residence will be operated in a manner effectively similar to that of a licensed or certified community residence;

ii. Staff will be adequately trained in accord with standards typically required by licensing or state certification for a community residence;

iii. The community residence will emulate a biological family and be operated to achieve normalization and community integration; and

iv. The rules and practices governing how the community residence is operated will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

## **STAFF REVIEW AND RECOMMENDATION**

### **Summary of Findings:**

Based on its analysis, staff finds that the application *does not* meet all applicable review standards for Special Exception approval. Key deficiencies include:

- The applicant offers only general statements without providing supporting documentation, data, or third-party evidence to demonstrate compliance with integration and normalization standards.
- The existence of another unapproved community residence on the same block, operated by the same applicant, strongly indicates clustering, which conflicts with zoning standards meant to prevent concentration of such uses.
- A history of 911 emergency calls to the subject property suggests potential behavioral or supervision issues, raising concerns about resident safety, operational stability, and compatibility with surrounding residential uses.
- The proximity of two facilities managed by the same operator may contribute to the perception or creation of a de facto social service district, undermining the residential character of the neighborhood.
- The application lacks verified documentation of required state licensure or certification, or evidence of equivalency when such licensure is not available.
- The applicant has not provided evidence of staff training, resident safeguards, or operational protocols typically expected in licensed or certified community residences.
- The facility is currently operating *without* required City approval, in *violation* of zoning regulations and procedural requirements.

Accordingly, staff recommends **denial** of the Special Exception request.

If the Board finds competent substantial evidence in the record to support the Special Exception, staff recommends the following conditions be included in the approval Order:

1. Obtain all required City approvals, including a valid Community Residence Certificate, and maintain a BTR for rental operations.
2. The applicant shall resolve all outstanding issues identified in the open code violation cases to the satisfaction of the Code Compliance Department, including payment of any applicable fines and completion of any required corrective actions.
3. Provide proof of certification or licensure (e.g., FARR or equivalent), or demonstrate that no certification is required and the residence meets equivalent operational standards.
4. Occupancy shall not exceed seven (7) residents at any time.
5. Applicant shall provide a copy of the standard rental/lease agreement to be used with occupants, denoting both length of stay and house rules and regulations.



# CITY OF POMPANO BEACH

## AERIAL MAP



**Legend**

-  Pompano Beach Parcels
-  Applicant Parcel

Scale:  
1:2,000

AIM PARTNERS LLC

2500 NE 19 ST

Special Exception

Created by:  
Department of  
Development Services

