

ORDINANCE NO. 2026-_____

**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.2432., "REASONABLE ACCOMMODATION," AND SECTION 155.2434., "COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATE," TO COMPLY WITH FLORIDA CHAPTER 2025-182, LAWS OF FLORIDA, RELATING TO CERTIFIED RECOVERY RESIDENCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 26, 2025, the Florida Legislature enacted Chapter 2025-182, titled "Certified Recovery Residences," requiring, by January 1, 2026, the governing body of each county or municipality to adopt an ordinance to establish procedures for the review and approval of certified recovery residences; and

WHEREAS, while the City Commission amended its land use regulations on June 12, 2018, by adopting Ordinance No. 2018-60, to establish procedures for the review and approval of certified recovery residences, principled on findings and conclusions of a study it commissioned, *Pompano Beach, Florida: Principles to Guide Zoning for Community Residences for People With Disabilities* dated February 2018; and

WHEREAS, the City's land use regulations make the reasonable accommodations required by the Fair Housing Act and American with Disabilities Act; however, there are certain procedural time periods that conflict with Chapter 2025-182, Laws of Florida and require amendment; and

WHEREAS, advertisements have been published in a newspaper of general circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the

public of a public hearing on this proposed Ordinance, in accordance with Section 166.041(3)(a), Florida Statutes; and

WHEREAS, two public hearings before the City Commission were held pursuant to the published notice described above, at which hearings the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.2432., "Reasonable Accommodation," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

§ 155.2432. REASONABLE ACCOMMODATION

A. Purpose

The purpose of this section is to establish a uniform mechanism for processing of requests for reasonable accommodation to its ordinances, rules, policies, and procedures for persons with disabilities as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) ("ADA"). The provisions of this Code that establish community residences and recovery communities as permitted uses and Special Exceptions in various zoning districts subject to a spacing distance between community residences and/or recovery communities and possession of a license or certification from the State of Florida are intended to constitute this required reasonable accommodation. Further reasonable accommodations for community residences and recovery communities may be granted to allow more than ten occupants in a community residence or to reduce off-street parking requirements established in this Code.

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C. Reasonable Accommodation Procedure

1. Step 1: Pre-Application Meeting

Optional (See Section 155.2301.).

2. Step 2: Neighborhood Meeting

Not applicable.

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.).

Application Requirements:

a. A request by an applicant for reasonable accommodation under this section shall be made in writing by completion of a reasonable accommodation request form. The reasonable accommodation form shall contain such questions and requests for information as are necessary for processing the reasonable accommodation request and shall include, at a minimum, the following information: applicant's name, telephone number, and address; address of housing or other location at which accommodation is requested; a description of qualifying disability or handicap; description of the accommodation and the specific regulation(s) and or procedure(s) from which accommodation is sought; reasons the reasonable accommodation may be necessary for the individual with disabilities to use and enjoy the housing or other service; name, address and telephone number of representative, if applicable; any other relevant information; and the signature of the applicant or representative, if applicable, or qualifying entity. The application must be date stamped upon receipt by the city.

b. Sensitive and Personal Information: Should the information provided by the applicant to the city include medical information or records, including records indicating the medical condition, diagnosis or medical history of the applicant, such individual may, at the time of submitting such medical information, request that the city, to the extent allowed by law, treat such medical information as confidential information of the applicant. The city shall thereafter endeavor to provide written notice to the applicant, and/or their representative, of any request received by the city for disclosure of the medical information or documentation which the applicant has previously requested, be treated as confidential by the city. The city will cooperate with the applicant, to the extent allowed by law, in actions initiated by such individual to oppose the disclosure of such medical information or documentation, but the city shall have no obligation to initiate, prosecute or pursue any such action, or to incur any legal or other expenses (whether by retention of outside counselor allocation of internal resources) in connection therewith, and may comply with any judicial order without prior notice to the applicant.

c. If additional information is required, the city must notify the applicant in writing within the first thirty (30) days after receipt of the application and allow the applicant at least thirty (30) days to respond and determine the application complete.

4. Step 4: Public Hearing Scheduling and Notice

A public hearing may be held at a date and time determined by the Development Services Director, or their designee, to solicit input from the public on the application. An agenda of the meeting shall be posted a week before the date of the public hearing. This application type shall not be considered an "application for a development permit" and thus is not subject to the standards established in Section 155.2305, Public Hearing Scheduling and Notice. The Development

Services Director or their designee shall not be required to render their decision at the public hearing.

5. Step 5: Staff Review and Action

a. Applicable to a final decision by the Development Services Director or designee must be issued on the application within 60 days after receipt of a complete application. 45 days, 30 days for a community residence, of the determination that the application is complete and after notice and public hearing to receive comments, input and information from the public (provided, however, the Development Services Director or designee shall not be required to render their decision at said public hearing). However, if a decision is not rendered within 60 days of the City's receipt of a complete application, the requested reasonable accommodation is deemed approved, unless there is a mutual written agreement by the applicant and the city to extend the review period or the Development Services Director or their designee requires additional information as described in subparagraph b.

b. If reasonably necessary to reach a determination on the request for reasonable accommodation, the Development Services Director or their designee may request additional information from the requesting party and specify in sufficient detail the required information. Within 15 days of the date of the request, the requesting party shall provide the additional requested information. A request for additional information by the Development Services Director tolls the time period to issue a written determination. Once the additional information is provided, the Development Services Director, or designee, shall issue a written determination. If the requesting party fails to provide the requested additional information within the applicable time period, the Development Services Director, or designee, shall issue a written notice advising that the requesting party failed to submit the additional information within the requisite time period, and that the request for reasonable accommodation is therefore deemed abandoned and/or withdrawn and no further action by the city with regard to this reasonable accommodation request shall be required.

c. The Development Services Director or designee may, in accord with federal law, issue a written determination that:

i. a. Grants the accommodation request;

ii. b. Grants a portion of the request and denies a portion of the request, and/or impose with or without conditions upon the grant of the request, in accord with federal law; or

iii. c. Denies the request, in accord with federal law stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

~~Any such denial shall be in writing and shall state the grounds for the denial. All written determinations shall give notice of the right to appeal to a Special Magistrate. The notice of determination shall be sent to the requesting party (i.e. the applicant or its representative) by certified mail, return receipt requested. If reasonably necessary to reach a determination on the request for reasonable accommodation, the Development Services Director, or designee, may, before this 45-day period ends, 30 days in the case of a community residence, request additional information from the requesting party and specify in sufficient detail the required information. Within 15 days of the date of the request, the requesting party shall provide the additional requested information. When a request for additional information is made, the 45-day period, 30 days for a community residence, to issue a written determination shall no longer be applicable, and the Development Services Director, or designee, shall issue a written determination within 30 days after receiving the additional information, 15 days in the case of a community residence. If the requesting party fails to provide the requested additional information within the applicable 30 or 15-day period, the Development Services Director, or designee, shall issue a written notice advising that the requesting party failed to submit the additional information within the requisite time period, and the request for reasonable accommodation is therefore deemed abandoned and/or withdrawn and that no further action by the city with regard to this reasonable accommodation request shall be required.~~

6. Appeals of Staff's Decision (if applicable)

Any applicant denied a Reasonable Accommodation by the Development Services Director or designee may request a hearing to appeal the denial before the City's Special Magistrate. This appeal must be filed in writing and submitted to the Development Services Director within ten (10) days of receiving the denial in writing. The hearing before the Special Magistrate shall be de novo and governed by the Standards in Subsection D. below. Appeal of the Special Magistrate's decision shall be to the Broward Circuit Court or, if a ~~housing discrimination~~ claim is made under the nation's Fair Housing Act or ADA, to federal district court.

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E. Effect of Pending Application for Reasonable Accommodation

While an application for reasonable accommodation is pending before the city, the city will not enforce the subject zoning ordinance, rules, policies, and procedures against the applicant.

F. Appeal

~~A party aggrieved by the decision of the City Manager may appeal the decision to the City Commission in accordance with the procedures in Section 155.2424, Appeal. All appeals shall contain a statement containing sufficient detail of the grounds for the appeal.~~

G. Additional Provisions for Reasonable Accommodations

~~The following general provisions shall be applicable:~~

1. The city shall display a notice in the city's public notice bulletin board (and shall maintain copies available for review in the ~~DDS~~ offices of the Director of Development Services and the City Clerk's office), advising that public disabled individuals (and qualifying entities) may request reasonable accommodation as provided ~~herein~~ in this Section.
2. An applicant may apply for a reasonable accommodation on his/her own behalf or may be represented at all stages of the reasonable accommodation process by a person designated by the applicant.
3. The city shall provide such assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including, without limitation, assistance with reading application questions, responding to questions, completing the form, filing an appeal, and appearing at a hearing etc. to ensure the process is accessible.

SECTION 2. That Section 155.2434., "Community Residence and Recovery Community Certificate," of Chapter 155, "Zoning Code," of the Code of Ordinances of the City of Pompano Beach is amended to read as follows:

§ 155.2434. COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATE

A. Purpose

The purpose of a Community Residence and Recovery Community Certificate is to ensure that any proposed or existing community residence or recovery community complies with the applicable standards in this Code including to determine whether the proposed use is allowed as of right under the definition of "family" in this Code; is allowed as of right subject to the standards in Sections 155.4202.I.3., 155.4202.J.3., or 155.4203.B.3.; requires a special exception; requires a reasonable accommodation to be occupied by more than ten unrelated individuals under Section 155.2432 and either Section 155.4202.I.3.c. or 155.4202.J.3.c.; complies with minimum floor area requirements applicable to all residential rental uses in Pompano Beach; and provides the minimum amount of off-street parking required by this Code.

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C. Community Residence and Recovery Community Certificate Procedure

1. Step 1: Pre-Application Meeting

Not Applicable.

2. Step 2: Neighborhood Meeting

Not Applicable.

3. Step 3: Application Submittal and Acceptance

Applicable (See Section 155.2303.).

4. Step 4: Staff Review and Action

Applicable to a final decision by the Development Services Director (See Section 155.2304.).

5. Step 5: Public Hearing Scheduling and Notice

Not applicable.

6. Step 6: Advisory Body Review and Recommendation

Not applicable.

7. Step 7: Decision-Making Body Review and Decision

Not applicable.

D. Community Residence and Recovery Community-Application-Contents

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SECTION 3. If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2026.

PASSED SECOND READING this _____ day of _____, 2026.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

JES/mcm
1/21/26
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