



# DEVELOPMENT SERVICES

David L. Recor, ICMA-CM, Development Services Director

E: david.recor@copbfl.com | P: 954.786.4664 | F: 954.786.4504

DATE: April 13, 2018

TO: Planning & Zoning Board

VIA: David Recor, Development Services Director

FROM: Jennifer Gomez, Assistant Development Services Director

RE: Memo #18-141 - Text Amendments

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On March 13, 2018 the City Commission adopted Resolution 2018-99, accepting a study entitled "Pompano Beach, Florida: Principles to Guide Zoning for Community Residences for People with Disabilities" dated February 2018, (hereinafter, "the Study"). The study was prepared by a planning and law expert on zoning for community residences since 1974 who has written model zoning guidelines for community residences on behalf of the American Planning Association and American Bar Association, provided consulting services on zoning for community residences to dozens of communities, and served as an expert witness for the Department of Housing and Urban Development ("HUD"). The full study was reviewed by the Planning & Zoning Board at the February meeting and is available in full at the following link:

<http://pompanobeachfl.gov/grouphomes>

A review of the locations of community residences in the City of Pompano Beach found there is existing clustering of community residences on blocks and/or concentrations in neighborhoods that have created or are creating de facto social service districts in the City. This clustering interferes with the ability of community residences for people with disabilities to achieve their core goals of normalization and community integration of their residents.

The proposed ordinance comprehensively revamps the city's zoning treatment of these land uses in accord with sound zoning and planning principles, the nation's Fair Housing Act, and applicable Florida State Statutes. A recommendation of approval at the Planning & Zoning Board shall constitute zoning in progress.

Key features of the zoning scheme include the following:

- New use entitled "family community residence" for four to ten people with disabilities. This is listed as a permitted use in all residential districts and all other zoning districts where residential uses are

allowed, subject to a rationally-based spacing distance of a typical block of 660 linear feet from an existing community residence or recovery community, and a licensing or certification requirement for the operator or the home itself. When a family community residence is proposed to be located within 660 feet of an existing community residence or recovery community or when there is no licensing or certification available for it, it needs the heightened scrutiny of a Special Exception approval.

- New use entitled "transitional community residences" for four to ten people. This is listed as a permitted use in all multi-family residential districts and all other zoning districts where multi-family residential uses are allowed, subject to a rationally-based spacing distance of a typical block of 660 linear feet from an existing community residence or recovery community and a licensing or certification requirement for the operator or the home itself. When a family community residence is proposed to be located in a single-family district, within 660 feet of an existing community residence or recovery community, or when there is no licensing or certification available for it, it needs the heightened scrutiny of a Special Exception approval.
- New use entitled "recovery community" that consists of two or more dwelling units in a multi-family structure. This is listed as a permitted use in all multi-family residential districts and all other zoning districts where multi-family residential uses are allowed, subject to a longer spacing distance of 1,200 linear feet and a licensing or certification requirement for the operator or the home itself. When a recovery community is proposed to be located in a within 1,200 feet of an existing community residence or recovery community, or when there is no licensing or certification available for it, it needs the heightened scrutiny of a Special Exception approval.
- All three new uses include a licensing or certification requirement for the operator or the home itself, and all existing operators must be brought into compliance with the certificate requirement by March 1, 2019. If licensing or certification is not offered by the State, the applicant must apply for Special Exception approval. Any recovery community that has been denied state licensing or certification required by this ordinance must cease operations.
- The ordinance establishes off-street parking requirements for community residences and recovery residences that are narrowly tailored to the actual need of the different types of community residences based on the population served.
- To implement this Code, an application that the City of Pompano Beach designates must be completed in full and submitted to the Director of Development Services prior to occupancy or construction of the proposed community residence to determine whether the proposed community residence is a permitted use or requires a special exception, to

determine the maximum number of occupants allowed under city code, provisions that apply to all residential uses, and to identify whether any further accommodation is needed in accord with Section 155.2432 Reasonable Accommodation of this Code.

To facilitate an understanding of the ordinance, an enclosed FAQs seek to answer questions one might have regarding the extensive and complex amendments proposed for Pompano Beach's Land Usage Code to zone for community residences for people with disabilities, which include recovery residences, and for recovery communities. A positive recommendation of approval from the Planning & Zoning Board on these text amendments will begin zoning in progress. The amendments will go on the next available City Commission meeting for formal adoption.

The following table lists and briefly describes the most significant changes.

Page	Section	Change
1-4	155.2406 E-F	<p>Adds special exception review standards for community residences and recovery communities in the following circumstances:</p> <ol style="list-style-type: none"> <li>1. When the proposed community residence is within 660' of another community residence or recovery community.</li> <li>2. When the State of Florida does not offer a license or certification for a type of community residence</li> <li>3. When a community residence is in a district where listed as a special exception.</li> <li>4. When recovery community is within 1,200 of a recovery community or community residence.</li> <li>5. When a recovery community is in a district where it is listed as a special exception.</li> </ol> <p>Note: Staff recommends readers familiarize themselves with the three</p>

		new uses (described on pages 14-19) prior to reading the Special Exception criteria.
5	155.2406 K	<p>States that existing community residences or recovery communities must receive licensure, certification, or recertification from the designated state entity by March 1, 2019. Failure to do so shall mean the use no longer constitutes a Lawful Special Exception and must cease operation.</p> <p>Requires Reasonable Accommodation for a family or transitional community that is occupied by more than ten unrelated individuals.</p>
7-8	155.2432	<p>Modifies the City's reasonable accommodation in order to:</p> <ol style="list-style-type: none"> <li>1. Clean up some existing inconsistencies (housekeeping)</li> <li>2. Provide an expedited process and new standards for community residences seeking to exceed the 10 residents as of right.</li> </ol>
9-14	Various	Modifies the description of various zoning districts to recognize the new uses permitted.
14-17	155.4202	<p>Modifies and adds various Residential: Household Living Uses. Strikes the existing use "Community Residential Home with Six or Fewer" because it is now covered under the umbrella of the other community residences. Adds two new uses called Family Community Residence and Transitional Community Residence. Specifies that reasonable accommodation is required for uses that exceed 10 residents. Specifies that community residences that are denied certification or have</p>



		<p>certification suspended must cease operation.</p> <p>Please note, these changes are the core of the ordinance.</p>
17-21	155.4203	<p>Modifies and adds various Residential: Group Living Uses. Strikes the existing use "Community Residential Home" because it is now covered under the umbrella of the other community residences. Adds a new use called Recovery Community. Specifies that recovery communities that are denied certification or have had certification suspended must cease operation. Revises various other uses for consistency with the new uses.</p>
21-22	155.5102.	Adds parking standards
22-26	ARTICLE 9: DEFINITIONS AND INTERPRETATION	<p>Carries forward several new definitions created by the ordinance. Revises definitions of various other uses for consistency with the new uses.</p>
27	153.05	<p>Carries forward several new definitions created by the ordinance. Revises definitions of various other uses for consistency with the new uses.</p>
28-31	155.2434	<p>Creates a new application and process called Community Residence and Recovery Community Certificate. This form will be used to determine compliance with the new ordinance.</p>
32-33	155.8402	<p>Adds standards associated with the revocation of a Community Residence and Recovery Community Certificate</p>
Separate Tables	TABLE 155.3708.H.2 & TABLE 155.3708.H.2:	<p>Modifies the EOD and DPOD permitted use tables to address the new uses. Due to the need to treat these uses as any other residential uses, these uses are regulated in these districts much like they would be</p>

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	<b>PRINCIPAL USES</b>	elsewhere in the city. Please note, like any new structure, any new development would only be permitted in a structure with a Building Typology allowed within the applicable sub-area.
<b>Separate Document</b>	<b>Appendix C</b>	Adds a new modest fee for (1) Special Exceptions for Community Residence and Recovery Communities