

Legislation Text

File #: 18-347, Version: 3

P.H. 2018-68: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMpano BEACH, FLORIDA, AMENDING CHAPTER 153, "RENTAL HOUSING CODE," BY AMENDING SECTION 153.05, "DEFINITIONS," TO MODIFY DEFINITIONS, RELATED TO VARIOUS COMMUNITY RESIDENCES; AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2406, "SPECIAL EXCEPTION," TO PROVIDE SPECIAL EXCEPTION REQUIREMENTS AND REVIEW STANDARDS FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING SECTION 155.2432, "REASONABLE ACCOMMODATION," TO MODIFY STANDARDS AND PROCEDURES FOR REASONABLE ACCOMMODATION AND ESTABLISH SAME FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING ARTICLE 2, "ADMINISTRATION," PART 4, "APPLICATION-SPECIFIC REVIEW PROCEDURES," TO CREATE SECTION 155.2434, "COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATE," TO ESTABLISH PURPOSE, APPLICABILITY AND PROCEDURES; BY AMENDING ARTICLE 3, "ZONING DISTRICTS" OF THE ZONING CODE, TO DESIGNATE SPECIFIC RESIDENTIAL, BUSINESS AND COMMERCIAL DISTRICTS WITHIN THE CITY FOR LOCATION OF COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING TABLE 155.3708.H.2 "PRINCIPAL USES REGULATING TABLE," TO MODIFY REFERENCES FOR VARIOUS COMMUNITY RESIDENTIAL USES; BY AMENDING TABLE 155.3709.E.2, "PRINCIPAL USES REGULATING TABLE," TO MODIFY REFERENCES FOR VARIOUS COMMUNITY RESIDENTIAL USES; BY AMENDING ARTICLE 4, "USE STANDARDS" OF THE ZONING CODE TO DESIGNATE ZONING DISTRICTS, AND MODIFY AND PROVIDE DEFINITION REQUIREMENTS AND STANDARDS FOR RESIDENTIAL HOUSEHOLD LIVING USES, FAMILY COMMUNITY RESIDENCES, TRANSITIONAL COMMUNITY RESIDENCES, RESIDENTIAL GROUP LIVING USES, RECOVERY COMMUNITIES, CONTINUING CARE RETIREMENT COMMUNITIES, AND ROOMING AND BOARDING HOUSES; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO MODIFY AND ESTABLISH THE MINIMUM NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING SECTION 155.8402, "CIVIL REMEDIES," TO PROVIDE FOR REVOCATION OF COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATES, INCLUDING PROCEDURES, NOTICE AND APPEAL; BY AMENDING ARTICLE 9, "DEFINITIONS AND INTERPRETATION" OF THE ZONING CODE, TO MODIFY AND PROVIDE DEFINITIONS RELATING TO DISABILITY, DWELLINGS, FAMILIES, FAMILY COMMUNITY RESIDENCES, ASSISTED LIVING FACILITIES, COMMUNITY RESIDENCES, RECOVERY COMMUNITIES, TRANSITIONAL COMMUNITY RESIDENCES AND SIMILAR USES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM MAY 22, 2018

FIRST READING: MAY 8, 2018

(Staff Contact: Jennifer Gomez/David Recor)

Summary Explanation/Background:

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.

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.

To facilitate an understanding of the ordinance, the attached 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.

In summary, the ordinance creates three new uses called Family Community Residence, Transitional Community Residence and Recovery Community. It further specifies that reasonable accommodation is required for any Family Community Residence uses and Transitional Community Residence uses that exceeds 10 residents. The ordinance provides a certification and spacing requirement for all three uses and also provides a process for Special Exception approval in certain circumstances. The ordinance provides a requirement that all existing community residences or recovery communities must receive licensure from the designated state entity by March 1, 2019. Specifies that community residences and/or recovery communities that are denied certification or have certification suspended must cease operation. The attached Planning & Zoning Report provides a detailed description of the purpose behind each change.

The Planning & Zoning Board recommended approval at its April 25, 2018 Meeting by 5 to 1 vote.

Note to Commissioners: Since the first reading of the ordinance, staff has received feedback and suggested changes on the ordinance. The enclosed Memo #18-199 includes a description of each change. The enclosed ordinance has been corrected to include all of the revisions. Staff is requesting the Commission consider the second reading with the minor revisions described within Memo #18-199.

Origin of request for this action: Development Services

Fiscal impact and source of funding: N/A



Strategic Plan Top Priority - Short-Term Rental Strategy and City-Wide Actions