LDC 26-0189
Implementation of the Requirements
of Senate Bill 954 for Certified Recovery Residences

Section 2.02.07. - Procedures for the Review and Approval of Certified Recovery Residences

A. This section, and the procedure for review of reasonable accommodation requests set forth in the Development Review Procedures Manual Section 9.8, implements Chapter 2025-182, Laws of Florida (Section 397.487 (15)(a), Florida Statutes), regarding certified recovery residences and the processing of requests for reasonable accommodation to the Land Development Code for establishment of certified recovery residences, in accordance with the Federal Fair Housing Amendments Act (42 U.S.C. ss. 3601, et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. ss. 12131, et seq.). The procedure for review of reasonable accommodation requests set forth in the Development Review Procedures Manual Section 9.8 has been approved by the Board of County Commissioners concurrently with the adoption of this section.

B. A certified recovery residence that requires a reasonable accommodation from a requirement of the Land Development Code that prohibits the establishment of a certified recovery residence shall be reviewed and processed in accordance with subsection C.

C. The Administrator may approve a reasonable accommodation granting relief from the strict application of this Code to a certified recovery residence, subject to the implementing procedures set forth in the Development Review Procedures Manual, Section 9.8.

D. The Administrator shall determine whether to approve a request for a reasonable accommodation from a requirement of the Land Development Code that serves to prohibit the establishment of a certified recovery residence. The Administrator shall confer with staff of the County Attorney's Office in the review of a request. The decision shall be based on a consideration of eligibility for a reasonable accommodation based on current law, including but not limited to the following criteria:

1. Whether the applicant has established that the requested accommodation from a regulation within the Land Development Code that prohibits the establishment of a certified recovery residence is reasonable and necessary to afford the certified recovery residence an equal opportunity to use and enjoy a residential dwelling; and

2. Whether the requested accommodation would impose an undue financial or administrative burden on the County; and

3. Whether the requested accommodation would require a fundamental alteration of a material nature in the County's land development regulations. The applicant shall demonstrate that the proposed accommodation does not constitute a fundamental alteration of the zoning scheme and other policies of the Land Development Code. Factors to be considered in determining whether the proposed accommodation would result in a fundamental alteration of a material nature in the zoning scheme include, but are not limited to, whether the accommodation is:

a. Compatible with surrounding uses and structures in the zoning district; and

b. Substantially similar to surrounding uses and structures expressly permitted in the zoning district.

An example of a request requiring a fundamental alteration of a material nature in the County's land development regulations would be a request to allow a certified recovery residence in a zoning district that prohibits all residential dwelling units.

E. The Administrator shall issue a written determination within sixty (60) days of the date of receipt of a completed application. The Administrator shall:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

F. If a written determination on a request for a reasonable accommodation is not issued by the Administrator within sixty (60) days after receipt of a completed application, the request shall be deemed approved unless the Administrator and the applicant agree in writing to a reasonable extension of time.

G. Conditions. The Administrator may place conditions on the approval of a reasonable accommodation for establishment of a certified recovery residence.

H. Revocation. A reasonable accommodation for a certified recovery residence may be revoked for cause by the Administrator including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification or licensure required under section 397.487, Florida Statutes, if not reinstated within 180 days.

PART 12.01.00 - DEFINITIONS

Certified recovery residence: A dwelling unit that serves as a recovery residence, as defined in Section 397.311, Florida Statues, holding a valid certificate of compliance pursuant to Section 397.487, Florida Statutes, and actively managed by a certified recovery residence administrator as such term may be defined in Chapter 397, Florida Statutes, as amended.

* * *

Community Residential Home: Any building, buildings, section of a building, or distinct part of a building, residence, private home, boarding-house, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food services, and one or more personal care services (as defined by this Code) to persons not related to the owner or operator by blood, marriage, or adoption and licensed, certified or approved by the State Department of Health and Rehabilitative Services. Such facilities shall contain congregate kitchen, dining and living areas, with separate sleeping rooms and may contain independent kitchens as long as three full meals are provided by the required congregate kitchen. Further, such facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this Code, Community Residential Homes shall not be deemed to include boarding houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; certified recovery residences; or nursing, convalescent and extended care facilities. "Placed", as used in reference to Community Residential Homes in this Code, shall mean the persons placed, supported or sponsored by, or the residents of a facility licensed by the State of Florida Health and Rehabilitative Services.

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Sec. 2.02.02. - Allowable Uses In Zoning Districts

Table of Allowable Uses in Zoning Districts

Key: **P** = Permitted. **C** = Conditional Use, permitted pursuant to standards of Article VI (no public hearing required unless specified in applicable section) and the procedures of Section 10.01.00. **s** = Special Use, noticed public hearing required and subject to standards of Article VI. Reviewed pursuant to Section 10.02.00. **A** = Accessory use, permitted pursuant to Article VI. **N** = Potentially permitted pursuant to Section 6.11.65. **CNR** = Conditional Use/No Review, permitted without prior zoning review subject to requirements of Part 6.11.00. **Blank** = Prohibited.

				AS				*RSC*						*RDC*		*RMC*					*SPI*												
																										UC			*AP*					
	AM	*A*	*AR*	*0.4*	*-1*	*C-1*	*AI*	*2*	*3*	*4*	*6*	*9*	*10*	*6*	*12*	*6*	*9*	*12*	*16*	*20*	*BPO*	*OR*	*CN*	*CG*	*CI*	*M*	*1*	*2*	*3*	*1*	*2*	*3*	*4*	*5*	*V*
Agricultural Uses																																		
Agriculture	P	P	P	P	P	P	P																			N								
Agricultural Equipment Storage	C	C																								C								
Agricultural Manufacturing	C	C	C	C	C	C	C																			C								
Agricultural Stands—Temporary or permanent	C	C	C	C	C	C	C														C		C	C	C	N	C	C	C						C
Animals	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR	CNR		CNR				N	CNR	CNR	CNR						
Animal Production Unit, Type 1 and 2	C	C	C	C	C	C	C																											
Beekeeping	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Family Farm	C	C	C																															
Family Homestead	C	C	C	C																														
Family Lot		C	C	C	C	C																												
Farm Worker Housing[7]	C	C	C	C	C	C	C	C													C	C	C	C										
Land Application Disposal	S	S	S	S	S	S	S																			S								
Landscaping Contractor's Nursery	C	C	C	C	C		P																		P	P								
Plant Farm	C	C	C	C	C	C	C																P	P	P	C								
Pug Mills (in Agricultural Zoning Districts, part of an approved land excavation site)	C	C	C				C																											
Stables (Private)	C	C	C	C	C	C	C																			N						C	C	C
Stables (Public)	C	C	C	C	C	C	C																			N						C	C	C
Residential Uses[18]																																		
Accessory Dwellings	C	C	C	C	C	C		C	C	C	C	C[14]		C[15]		C[15]	C[15]	C[15]	C[15]								C[15]		C[15]						
Accessory Kitchen	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S		S					S		S						
Accessory Structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C
Affordable Housing Development																																		
With a density bonus	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C							C		C						
Without a density bonus	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C							C		C						
Apartments, Commercial																					C		C	C			C	C						
Backyard Chickens								C	C	C	C	C	C	C	C	C	C	C	C	C		C					C		C						
Bed and Breakfast Establishment	C	C	C	C	C	C		C	C	C	C			C		C	C	C	C				C	C	C		C		C				C	C	

[18] For allowances in accordance with the Federal Fair Housing Amendments Act (42 U.S.C. ss. 3601, et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. ss. 12131, et seq.) for Certified Recovery Residences proposed in districts not permitting residential dwelling units, see Section 2.02.07. Pursuant to LDC Section 2.02.07, requests for accommodation for a Recovery Residence to be located in a zoning district where residential uses are not permitted is not considered a reasonable accommodation.

LDC 26-0189	Division Director Sign-off	J. Brian Grady