

ORDINANCE NO. 2025-009

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO REASONABLE ACCOMMODATIONS FOR CERTIFIED RECOVERY RESIDENCES; PROVIDING FINDINGS; CREATING SECTION 6.03.00 OF THE LAND DEVELOPMENT CODE; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR THE ESTABLISHMENT OF RECOVERY RESIDENCES AND AN APPLICATION PROCEDURE; DECLARING THE SUSPENSION OR FAILURE TO OBTAIN CERTIFICATION A PROPER BASIS FOR REVOCATION OF REASONABLE ACCOMMODATION; DECLARING THAT RECOVERY RESIDENCES ARE SUBJECT TO THE SAME REGULATIONS AND HAVE THE SAME RIGHTS AS RESIDENTIAL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Be it ordained by the Town Council of the Town of Howey-in-the-Hills, Florida:

Section 1. Findings. In adopting this ordinance, the Town Council of the Town of Howey-in-the-Hills, Florida (the “Town”), finds and declares the following:

(1) The Florida Legislature amended Section 397.487, Florida Statutes, through session law Chapter 2025-182. The amendments require municipalities to establish procedures for the review and approval of certified recovery residences.

(2) The Town Council determines that the proposed amendments to the Land Development Code set forth in Section 2 of this ordinance are consistent with the amendments to Section 397.487, Florida Statutes. It is in the interest of the citizens, residents, and property owners of the Town to enact the amendments to the Town’s Code of Ordinances contained in Section 2 of this ordinance.

Section 2. Amendments to the Town’s Land Development Code. Section 6.03.00 of the Land Development Code is created as follows (words that are underlined are additions; words that are ~~stricken~~ are deletions):

6.03.00. – CERTIFIED RECOVERY RESIDENCES

Sec. 6.03.01. – Purpose.

The purpose of this section is to establish a uniform mechanism for processing requests for reasonable accommodation to Town ordinances, rules, policies, and procedures for certified recovery residences in accordance with the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) (“FHA”). The provisions of this article that establish recovery residences as permitted uses and conditional uses in various zoning districts subject to a spacing distance between recovery residences and possession of a license or certification from the State of Florida

are intended to constitute this required reasonable accommodation. Further reasonable accommodations for recovery residences may be granted to allow more than six occupants in a recovery residence or to reduce off-street parking requirements established in this Code.

Sec. 6.03.02. – Definitions.

- a. Certificate of compliance means a certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator.
- b. Certified recovery residence means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.
 1. A Level I certified recovery residence houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.
 2. A Level II certified recovery residence encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.
 3. A Level III certified recovery residence offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.
 4. A Level IV certified recovery residence is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.
- c. Community housing means a certified recovery residence offered, referred to, or provided by a licensed service provider that provides housing to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. A certified recovery residence used by a licensed service provider that meets the definition of community housing shall be classified as a Level IV level of support.

- d. Credentiaing entity means a nonprofit organization that develops and administers professional, facility, or organization certification programs according to applicable nationally recognized certification or psychometric standards.
- e. Recovery residence shall mean a residential dwelling unit, multiple dwelling units in a single multi-family structure, the community housing portion of a licensed day or night treatment facility with community housing, or other form of group housing, that are not held out to the general public for rent or occupancy, that provide a drug-free and alcohol-free living arrangement for people in recovery from drug and/or alcohol addiction, which, taken together, do not emulate a single biological family and are under the auspices of a single entity or group of related entities. Recovery residences include land uses for which the operator is eligible to apply for certification from the State of Florida. When located in a multiple-family structure, a recovery residence shall be treated as a multiple family structure under building and fire codes applicable in the Town.
- f. Recovery means a process of personal change through which individuals achieve abstinence from alcohol or drug use and improve health, wellness, and quality of life.

Sec. 6.03.03. – Application for reasonable accommodation.

The application must include, at a minimum:

- a. The name and contact information of the applicant or the applicant’s authorized representative;
- b. The property address and parcel identification number;
- c. A description of the accommodation requested and the specific regulation or policy from which relief is sought;
- d. The current level of certification or licensure held by the recovery residence, with proof thereof attached; and
- e. All application materials submitted to the credentialing entity to obtain certification or licensure.

Sec. 6.03.04. – Designated zoning districts.

Recovery residences may be established under this Article in any multi-family residential zoning district.

Sec. 6.03.05. – Procedure following application.

- a. Following submittal of a complete application under section 6.03.03, a recovery residence shall be allowed as of right in the designated zoning districts except as required

by state law when:

- i. It is at least 1,200 linear feet from the closest existing recovery residence as measured from the nearest property line of the proposed recovery residence to the nearest property line of the closest existing recovery residence, and
- ii. The operator or applicant is licensed or certified by the State of Florida to operate the proposed recovery residence.
- b. A recovery residence that does not comply with the standards of subsection a, or which will house more than 6 individuals, may be allowed only by conditional use in accord with the standards established in Section 4.12.00 of this Code, and only if it can be determined that the proposed recovery residence will operate in a manner that provides the same sort of protection to residents that licensing or certification provides.
- c. The application will be date-stamped upon receipt. If the Town determines that it needs further information, the Town will notify the applicant in writing within 30 days of receipt of the application. The applicant will have 30 days from the date of notification to respond and supplement their application. If the application is not supplemented within 30 days of the Town's notification, the Town will issue a written denial.
- d. The Town will issue a final written determination within 60 days of receipt of a completed application. This determination will:
 - i. Approve the request in whole or in part, with or without conditions; or
 - ii. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.
- e. If a final written determination is not issued within 60 days of receipt of a completed application, the application is deemed approved unless the Town and the applicant agree in writing to a reasonable extension of time.

Sec. 6.03.07. – Application of ordinances and codes.

A recovery residence that has been approved as a reasonable accommodation under this Article shall be treated as a residential use of property having all rights and responsibilities accorded to residential use. No restrictions, prohibitions, or other provisions, including those related to building and fire codes, that are not applicable to residential uses will apply to recovery residences.

Sec. 6.03.06. – License, certification, or recertification denied or suspended.

A recovery 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 has been denied

recertification is not allowed in the Town, and any reasonable accommodation granted is revoked, and the residence must (i) cease operations and vacate the premises or (ii) take affirmative steps to obtain licensure or certification within 60 days of the date on which its license or certification was denied or suspended or recertification denied. The Town, in its discretion, will determine whether the affirmative steps taken are sufficient to suspend revocation of reasonable accommodation.

Section 3. Codification. The amendments in Section 2 of this Ordinance shall be codified and made part of the official Code of Ordinances of the Town of Howey-in-the-Hills.

Section 4. Severability. If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

Section 5. Effective Date. This ordinance takes effect immediately upon enactment.

APPROVED AND ADOPTED by the Town Council of the Town of Howey-in-the-Hills on the ____ day of _____, 2025.

Town of Howey-in-the-Hills, Florida
By: Town Council

By: _____
Graham Wells, Mayor

Attest:

John Brock
Town Clerk

First Reading:
Advertised:
Second Reading: