



**TOWN OF LAKE PARK
PLANNING AND ZONING BOARD
Meeting Date: January 5, 2026
Agenda Item # PZ 26-02**

DESCRIPTION:

Proposed amendments to section 78-6 of the Town's zoning code entitled "Applications and Regulations for Reasonable Accommodation for Residents of Recovery Residences", to include certain provisions required by the recently enacted Senate Bill 954 and additional modifications.

Background

The Town has in place a process known as "reasonable accommodation" which provides a mechanism for the Town to regulate "Certified Recovery Residences". This process is codified within section 78-6 of the Zoning Code. This section, with the proposed amendments is contained in the proposed ordinance in Attachment 1.

Prior to discussing the amendments, an explanation of the process is provided here, as the Board has not previously dealt with this code section.

Certified Recovery residences are defined by the Town as "a recovery residence that holds a valid certificate of compliance from a credentialing entity approved by the department of children and families, and is actively managed by a certified recovery residence administrator"

A recovery residence is a residential setting that someone receiving treatment or post-treatment can live that provides a peer-supported, alcohol-free, and drug free living environment. It is not a substance abuse treatment center. Any treatment is conducted off-site.

Certification of a recovery residence is voluntary by the state, however the Town requires that a residence be certified through the Florida Association of Recovery Residences, Inc. (FARR)

Reasonable accommodation is a statutorily established method by which an individual who is disabled and/or handicapped [as those terms are defined in the Americans with Disabilities Act (ADA) and/or the Fair Housing Amendments Act (FHA), or a provider of services to the disabled], can request a modification or

alteration in the application of a specific Code provision, rule, policy, or practice.
The proposed accommodation sought by the disabled individual must be reasonable
and necessary to afford such person an equal opportunity to use and enjoy housing.

Under the ADA, addiction is generally considered a disability because it is an impairment that affects the brain and neurological functions. Addiction to alcohol is generally considered a disability whether the use of alcohol is in the present or in the past. For people with an addiction to opioids and other drugs, the ADA only protects a person in recovery who is no longer engaging in the current illegal use of drugs.

Reasonable Accommodation in Lake Park

The typical request for accommodation is for modification of the **Town's definition of family** which limits the number of people living together in a household but unrelated to no more than 3 unrelated individuals. Typically a recovery residence houses 2 individuals per room, thus often resulting in 6-12 non-related individuals.

If the applicants demonstrate that the individuals are in recovery from a substance abuse addiction, they could be considered disabled under the ADA and FHA, and thus a request for "reasonable accommodation" could be made to allow a greater number of unrelated individuals than the code permits

At this time, there is one FARR certified recovery residence in the Town, located on W. Kalmia, for addiction and mental health disorders. (As the recovery residence limited themselves to no more than three unrelated individuals they were not required to go through the reasonable accommodation process.)

Town's Current Ordinance

The current version of the Town's ordinance reflects updates in 2016 and 2018. At that time the Town needed a means to regulate the influx of "sober homes" that occurred between 2013 and 2017, particularly in single-family districts. Many operators saw recovery residences merely as a means for financial gain, with little oversight of those residing in them. Neighborhoods were impacted by parked car, noise, and wandering individuals.

The current ordinance addressed many of those issues by requiring 1) State certification of the recovery residence and 2) a certified administrator living on site.

The ordinance requires that anyone seeking a reasonable accommodation must apply to the Town describing the code relief requested, documenting the disabilities and providing justification for the request. The request is considered by a town magistrate in a quasi-judicial hearing, where the need for the accommodation is balanced with the impact on the community.

The magistrate can take into consideration impacts on the neighborhood such as an overconcentration of recovery residences in one area or lack of parking, and deny the request. The magistrate can also condition approvals such as requiring all resident vehicles to be parked in a driveway. A “Reasonable Accommodation Order” is issued by a town magistrate following a public hearing, based on the facts presented by the applicant and town staff. Violation of conditions of approval are subject to code enforcement actions.

Proposed Amendments

In 2025 the legislature adopted SB 954, codified in 397.487 FS, which mandates that by January 1, 2026 local governments adopt an ordinance establishing procedures for the review and approval of recovery residences, and set out certain minimum provisions that are required to be included. (This SB is included as attachment 2)

As stated above, the Town currently has such an ordinance which addresses most of the statutory requirements.

However, the Town is now required to follow state-mandated timeframes for review and determination as to whether a reasonable accommodation should be granted. The current ordinance does not have specific timeframes, and is being amended to set out those required by statute, as follows:

- Application must be “date stamped” by department when received.
- Once submitted, the Town has 30 days to require additional information, applicant has 30 days to respond.
- Once the application is deemed complete by the department, the Town has 60 days in which to issue a final written determination, unless the parties agree to a time extension.
For the Town, within those 60 days the department must review the application, formulate a recommendation and schedule a magistrate hearing with proper notice. The hearing must be held, and then an order issued with magistrate’s written determination and reasoning
- If no written determination is made in 60 days, the request is considered approved.

The statutory requirements do not substantially change the Town’s process, other than specifying the timeframe for a decision.

Unrelated to the statute, staff is also proposing the following additional changes:

Establishment of an expiration date for the approval: provides a maximum 120 days after approval for the recovery residence to start, or the approval will be considered expired.

Deletion of the requirements for annual re-certification by the Town. Both the Town attorney and Staff believe this is no longer needed. By requiring any recovery residence to be state –certified, this triggers an annual review by the State. The Town would respond if any code violations are received.

New sections 1) addressing the **revocation of the reasonable accommodation** if the recovery residence is found in violation of conditions of its approval, or there has been a significant time lapse in its state license, and 2) providing a process for revisions to the original approval.

Consistency with the Comprehensive Plan

The ordinance is consistent with Comprehensive Plan policies:

Future Land Use Element, Policy 5.1:

The Town shall protect, preserve, maintain and improve its core residential neighborhoods and historic resources, and protect these areas from physical degradation and the intrusion of incompatible uses.

Housing Element, Policy 4.3:

The Town shall enforce compliance with the Americans with Disabilities Act (ADA) in order to ensure that persons with disabilities have equal access to housing, employment and services

There is no economic impact to existing businesses.

Notice of Hearing was published in the legal ad section of the Palm Beach Post.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments contained in Ordinance 01-2026.

MOTION:

Motion to recommend approval of the proposed amendments contained in Ordinance 01-2026 to the Town Commission