



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: February 4, 2026

Originating Department: Community Development
Ordinance #01-2026 - Amendment – Town of Lake Park Land Development Regulations (LDR's) – Section 78-6 - Applications and Regulations for Reasonable Accommodation for Residents of Recovery Residences – 2nd and Final Reading

Agenda Category: Public Hearing-Ordinance Second Reading

Approved by Town Manager: _____ **Date:** _____

Cost of Item: Legal display
Ad and Legal
Review
524-500-34920

Account Number: 514-108-31100

Funding Source: Advertising, Legal

Finance Signature: Barbara Gould

Advertised: December 26,
2025,
January 25,
Date: 2026 **Newspaper:** Palm Beach Post – regular legal ad

Attachments: Staff Report; Ordinance #01-2026; SB 954; Business Impact Estimate; Legal Notice

Please initial one:

Yes I have notified everyone

x Not applicable in this case

Summary Explanation/Background:

The Community Development Department is requesting that the Town Commission consider Ordinance No. 01- 2026 that would amend Section 78-6 - Applications and Regulations for Reasonable Accommodation for Residents of Recovery Residences within the Town of Lake Park's Land Development Regulations (LDR's).

Recently approved state legislation (SB 954 - 2025) Code provides that the Town must amend it's LDR's to ensure reasonable accommodation of certified recovery residences (a.k.a., sober homes), provide that the personnel-to-resident ratio for a certified recovery residence must be met only when the residents are at the residence, etc.

Note: The basic requirements of reasonable accommodation (Section 397.487, Florida Statute) provide that an individual who has been determined to be disabled and/or handicapped [as defined in the Americans with Disabilities Act (ADA) and/or the Fair Housing Amendments Act (FHA)], or a provider of services to the disabled, may 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 and the FHA, addiction is generally considered a disability as it is an impairment that affects the brain and neurological functions.

Typically, in Lake Park, an accommodation request generally is for a 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.

Note: Generally, recovery residence houses provides for two (2) individuals per room, thus often resulting in 6 to 12 non-related individuals and requiring approval by a town magistrate (quasi-judicial hearing) to balance the need for the accommodation with the potential impact on the community.

The Town's existing code provisions include/address most of the SB 954 statutory requirements; however, there is a need to amend the LDR's to provide for the addition of state mandated maximum timeframes for review. Specifically, once an application is submitted, the Town has 30 days to require additional information to deem the application complete.

Once complete, the Town has 60 days to review, hold a magistrate hearing and issue a final, written determination. If no written determination is made in 60 days, the request is considered approved.

Additionally, staff is proposing the following additional changes to the LDR's to clarify and streamline the Town's existing process:

- 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.
- 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.

The proposed Ordinance (and amendments) was prepared by the Town Planner and reviewed by the Community Development Director and the Town Attorney.

The proposed Ordinance (and amendments) were considered by the Town of Lake Park's Planning and Zoning Board on January 5, 2026 and unanimously approved to be recommended to the Town Commission without additional conditions/suggestions.

The proposed Ordinance was approved on 1st Reading during the January 21, 2026 Town Commission Meeting (no proposed changes), and is now being presented on 2nd and final reading.

Note: The proposed Ordinance and amendments to Section 78-6 - Applications and Regulations for Reasonable Accommodation for Residents of Recovery Residences within the Town of Lake Park's Land Development Regulations has been properly advertised and noticed in accordance with state law (copy of legal ad is enclosed).

Recommended Motion:

I move to approve Ordinance #01-2026 on 2nd and final reading amending Section 78-6 - Applications and Regulations for Reasonable Accommodation for Residents of Recovery Residences within the Town of Lake Park's Land Development Regulations.