



**TOWN OF LAKE PARK
TOWN COMMISSION
Meeting Date: February 4, 2026**

STAFF REPORT: COMMUNITY DEVELOPMENT DEPARTMENT

DESCRIPTION:

Ordinance 01-2026 on Second Reading (for final adoption):

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.

Request

The Community Development Department is requesting that the Town Commission consider adoption on second reading of Ordinance No. 01- 2026, to amend section 78-6 of the Town Code which provides for reasonable accommodation to regulate certified recovery residences. The amendments include certain provisions mandated by the recently enacted Senate Bill 954 (SB 954) and additional modifications proposed by staff.

SB 954 requires that all local governments adopt an ordinance establishing procedures for review and approval of certified recovery residences which includes a process for reasonable accommodation from any local land use regulation that might serve to prohibit such a use.

The Town already has in place a process for review and approval, however certain additions are needed due to the legislation. This process is codified within section 78-6 of the Town Code. This section, with the proposed amendments is contained in the proposed ordinance no. 01-2026, submitted along with this report.

Background

A certified recovery residence is a residential setting (i.e. house or apartment) that someone receiving treatment or post-treatment can live that provides a peer-supported, alcohol-free, and drug free living environment. The Town requires that a residence be certified through the Florida Association of Recovery Residences, Inc. (FARR), which is a credentialing entity approved by the department of children and families. It is also

required that the residence is actively managed by a” certified recovery residence administrator”

A recovery residence is not a substance abuse treatment center. Any treatment is conducted off-site.

“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. 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 FHA 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.

This “reasonable accommodation” would then allow a number of unrelated individuals to live in essence as a family, taking meals together, sharing chores, etc. This type of peer setting has been demonstrated to be valuable for recovery.

At this time, there are three FARR certified recovery residence in the Town. However, these recovery residences limited themselves to no more than three unrelated individuals they were not required to go through the reasonable accommodation process. Previous recovery residences that went through the Town’s reasonable accommodation process are no longer in existence.

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 better regulate the influx of “sober homes” that occurred between 2010 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 wondering individuals.

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

The Town’s 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

Ordinance 01-2026 contains the proposed amendments. SB 965 is provided in **attachment 2**. As previously stated the Town currently has such an ordinance which addresses most of the statutory requirements.

However, a significant change to the Town code is the addition of state-mandated timeframes for review and determination as to whether a reasonable accommodation should be granted. This timeframe is shown below:

- 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.

- 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.

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

Legal Requirements

The required Economic Impact Estimate is included as attachment 4. There is no economic impact to existing businesses.

Notice of Hearing was published in the legal ad section of the Palm Beach Post on December 26, 2025, and notice of second reading was published January 25.(attachment 5)

Planning and Zoning Board Recommendation:

The Planning and Zoning Board considered the proposed amendments at its January 5, 2026 Public Hearing. No public comments were received and no changes to the ordinance were made. The Board voted 5-0 to recommend approval to the Town Commission.

Town Commission – January 21, 2026

The Town Commission unanimously approved Ordinance 01-2026 on first reading at the January 21 Public Hearing. No public input was received.

Proposed Motion for Town Commission:

“I move to approve Ordinance No. 01-2026 on second reading to amend section 78-6 of the Town Code which provides for reasonable accommodation to regulate certified recovery residences.”