

ORDINANCE 2025-20

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING ARTICLE VI (SUPPLEMENTAL DISTRICT REGULATIONS) OF CHAPTER 110 (ZONING) THE LAND DEVELOPMENT REGULATIONS BY CREATING DIVISION 16, "CERTIFIED RECOVERY RESIDENCES"; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES FOR THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES; PROVIDING FOR REQUESTS FOR REASONABLE ACCOMMODATIONS; PROVIDING FOR REVOCATION OF REASONABLE ACCOMMODATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has determined that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment; and

WHEREAS, in 2025, the Florida Legislature passed SB 954 which the Governor signed into law, thus creating Chapter 2025-182, amending Chapter 397, Florida Statutes, pertaining to the establishment of a process for review and approval of certified recovery residences; and

WHEREAS, the new version of Florida Statute § 397.487(15)(a) provides the following:

By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence;

and

WHEREAS, this new statutory language necessitates revisions to the City's Zoning Code; and

WHEREAS, the Board of Commissioners intends for this Ordinance and all actions of the City pursuant this Ordinance to be consistent with the Fair Housing Amendments Act of 1988, 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.

WHEREAS, the Planning Commission has reviewed the amendments being proposed by City staff and recommended approval of the same; and

WHEREAS, the recommendations of staff have been found meritorious by the Board of Commissioners; and

WHEREAS, the Board of Commissioners has received input from the public at two public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Article VI (Supplemental District Regulations) of the City of Madeira Beach Land Development Regulations be amended to create Division 16 (Certified Recovery Residences) and shall read as follows:

DIVISION 16 – CERTIFIED RECOVERY RESIDENCES

Sec. 110-948 - Definitions. Pursuant to § 397.311, Florida Statutes the following definitions are incorporated fully into this division.

Certificate of compliance means a certificate that is issued by a credentialing entity to a recovery residence or a recovery residence administrator.

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.

Certified recovery residence administrator means a recovery residence administrator who holds a valid certificate of compliance.

Credentialing entity means a nonprofit organization that develops and administers professional, facility, or organization certification programs according to applicable nationally recognized certification or psychometric standards.

Sec. 110-949 - Review and approval of certified recovery residences.

- (1) *Purpose.* The purpose of this section is to implement a procedure for processing, reviewing, and approving certified recovery residences and requests for reasonable accommodations from any City land use regulation that may prohibit the establishment of a certified recovery residence in the City.

(2) Application.

(a) *Submittal.* A request by an applicant for the approval of a certified recovery residence, or for reasonable accommodation from any of the City's land use regulations that may prohibit the establishment of a certified recovery residence, shall be submitted by the applicant, in writing, to the City's Community Development Department on a form prescribed by the City's Community Development Department. Upon receipt of the application, the City shall date-stamp the application and, if additional information is required, notify the applicant in writing within thirty (30) days after receipt of the application and allow the applicant at least thirty (30) days to respond.

(b) *Final Determination.* If the establishment of a certified recovery residence complies with the Land Development Regulations and is consistent with the City's Comprehensive Plan and other applicable law, approval of the application shall be rendered administratively by the Community Development Director. In the event the applicant requests reasonable accommodation from any of the City's land use regulations, a final determination on the application shall be issued by the Board of Commissioners in accordance with the terms set forth in this section. In either event, a final determination on the application shall be issued within sixty (60) days after receipt of the completed application. If a final determination is not issued within sixty (60) days after receipt of the completed application, the request is deemed approved, unless the applicant and the City agree, in writing, to a reasonable extension of time. The final determination must:

(1) Approve the request in whole or in part, with or without conditions; or

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

(c) *Application Contents.* An application submitted pursuant to this section must include, at a minimum, the following information:

(1) The name and contact information of the applicant or the applicant's authorized representative;

(2) The property address and parcel identification number;

- (3) A description of the accommodation requested and the specific regulation or policy from which relief is sought; and
 - (4) Any other information requested on the application form provided by the City's Community Development Department.
- (d) Findings for Reasonable Accommodations. In determining whether the reasonable accommodation request shall be granted or denied, the applicant shall be required to:
- (1) Establish that the property that is the subject of the request for reasonable accommodation will be used as a certified recovery residence pursuant to Chapter 397, Florida Statutes;
 - (2) Establish that the requested accommodation is necessary to establish the property as a certified recovery residence;
 - (3) Agree to adhere to the requirements set forth in Chapter 397, Florida Statutes, throughout the use of the property as a certified recovery residence;
 - (4) Provide a copy of an existing conditions survey of the property, certified by a Registered Surveyor licensed in the State of Florida, clearly indicating the exact dimensions, setbacks, and location of existing structures, easements, and other site improvements; and
 - (5) Provide a scaled drawing showing all proposed site development, if applicable, including structures, landscaping, fencing, and any other proposed site improvements.

Sec. 110-950 - Revocation of Reasonable Accommodations.

Any reasonable accommodation approved by the Board of Commissioners shall be deemed revoked if the applicant or the property upon which the reasonable accommodation is granted is found, by a court of law or by the special magistrate, to have violated a condition of approval or if the certification or licensure required under Chapter 397, Florida Statutes, for the certified recovery residence lapses, is revoked, or otherwise fails to be maintained, and the certification or licensure is not reinstated within 180 days of the date of lapse, revocation, or other means of expiration.

Section 2. For purposes of codification of any existing section the Land Development Regulations of the City of Madeira Beach herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 4. In the event a court of competent jurisdiction finds any part or provision of this Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 5. The Codifier shall codify the substantive amendments to the Land Development Regulations of the City of Madeira Beach contained in Section 1 of this Ordinance as provided for herein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. This Ordinance shall become effective immediately upon its final passage and adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF MADEIRA BEACH, FLORIDA, THIS _____ day of _____, 2025.**

Anne-Marie Brooks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk

APPROVED AS TO FORM:

Thomas J. Trask, City Attorney

PASSED ON FIRST READING:

PUBLISHED:

PASSED ON SECOND READING:
