

2.4. Use Definitions and Standards

2.4.3. Residential Uses

A-K. No change

L. Group Living.

1. *Characteristics.* A dwelling licensed, certified, or accredited by local, state or federal agencies in which unrelated persons with disabilities reside. Characterized by residential occupancy of a structure by a group of people that does not meet the definition of a dwelling unit or family. Group living structures provide a common eating area for residents and residents often receive care or training.
2. *Accessory Uses.* Accessory uses commonly found are those permitted for single-family.
3. *Examples.* Examples include group homes and certified recovery residences.
4. *Exclusions.*
 - a. Lodging where tenancy is arranged for one week or less are considered to be a form of transient lodging (see Commercial Uses, Lodging).
 - ~~b. Halfway houses or social services.~~

6.11 Certified recovery residences.

A. **Purpose.** The purpose of this section is to implement a procedure for processing, reviewing, and approving certified recovery residences within the City and requests for reasonable accommodations from any City land use regulation that serves to prohibit the establishment of a certified recovery residence, as the same is defined by F.S. Ch. 397.

B. **Application.**

1. **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 serve to prohibit the establishment of a certified recovery residence, shall be submitted by the applicant, in writing, to the City's Planning and Zoning Department on a form prescribed by the Director. 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, allowing the applicant at least thirty (30) days to respond.
2. **Final Determination.** If the establishment of a certified recovery residence complies with and is consistent with the LDR and other applicable laws, approval of the application shall be rendered administratively by the Director. In the event the applicant requests reasonable accommodation from any provision of the LDR, a final

determination on the application shall be issued by the Commission 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:

- a. Approve the request in whole or in part, with or without conditions; or
- b. Deny the request, stating with specificity the applicable provision(s) of the LDR, evidence-based reasons for denial, and identifying any deficiencies or actions necessary for reconsideration.

3. Application Contents. An application submitted pursuant to this section must include, at minimum, the following information:

- 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. Any other information requested on the application form provided by the City's Planning and Zoning Department.

4. Findings for Reasonable Accommodations. In determining whether the reasonable accommodation request shall be granted or denied, the applicant shall be required to establish that:

- a. The property that is the subject of the request for a reasonable accommodation will be used as a certified recovery residence pursuant to F.S. Ch. 397;
- b. The requested accommodation is necessary to establish the property as a certified recovery residence; and
- c. The applicant agrees to adhere to the requirements set forth in F.S. Ch. 397, throughout the use of the property as a certified recovery residence; and
- d. The accommodation does not constitute a fundamental alteration of the City's LDR and/or other City programs/policies. An accommodation amounts to a fundamental alteration if it would eliminate an essential aspect of the relevant code provision or policy. Factors to be considered in determining whether the proposed accommodation would result in a fundamental alteration of the City's LDR include, but are not limited to, whether the accommodation is:

- i. Compatible with surrounding uses and structures in the zoning district;
and

ii. Substantially similar to surrounding uses and structures expressly permitted in the zoning district.

An applicant shall not be entitled to a reasonable accommodation if the requested accommodation is incompatible with surrounding uses and structures in the zoning district and/or is not substantially similar to surrounding uses and structures expressly permitted in the zoning district. A requested increase in density shall not be considered a reasonable accommodation.

5. **Revocation of Reasonable Accommodations.** Any reasonable accommodation received 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 City's Code Enforcement Special Magistrate, to have violated a condition of approval or if the certification or licensure required under F.S. Ch. 397, 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.

9.1 Defined Terms

A. Definitions. The following words, terms and phrases, when used in this LDR, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified Recovery Residence: A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

Certified Recovery Residence Administrator: A recovery residence administrator who holds a valid certificate of compliance.