

Summary of Ordinance

Pursuant to Senate Bill 954, effective, July 1, 2025, this Ordinance creates Section 3.03.00, Lake County Code, Land Development Regulations, to be entitled, *Certified Recovery Residences*, and amends Appendix E, Chapter II, Lake County Code, Land Development Regulations, entitled *Definitions*, and Chapter III, Section 3.01.03, entitled, *Schedule of Permitted and Conditional Uses*, to include certified recovery residences pursuant to Section 397.487, Florida Statutes, defining certified recovery residences, including certified recovery residences as a permitted use in specified zoning districts, and establishing a process for requesting reasonable accommodations from land use regulations that may prohibit their establishment in a particular zoning district.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE NO. 2026-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; CREATING SECTION 3.03.00, LAKE COUNTY CODE, LAND DEVELOPMENT REGULATIONS, TO BE ENTITLED, *CERTIFIED RECOVERY RESIDENCES*; AMENDING SECTION 3.01.03, LAKE COUNTY CODE, LAND DEVELOPMENT REGULATIONS, TO INCLUDE CERTIFIED RECOVERY RESIDENCES AS A PERMITTED USE IN SPECIFIED ZONING DISTRICTS; AMENDING CHAPTER II, LAKE COUNTY CODE, LAND DEVELOPMENT REGULATIONS, ENTITLED *DEFINITIONS*; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2025, the State of Florida adopted Senate Bill 954 (SB 954) amending Section 397.487, Florida Statutes, and requiring local governments to adopt an ordinance providing the procedures for the review and approval of certified recovery residences; and

WHEREAS, Chapter 397, Florida Statutes, defines a “certified recovery residence” to mean a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator and includes four levels of residences based on the length of stay and the scope of services provided to the individuals residing therein; and

WHEREAS, no clinical services are authorized to be rendered at a certified recovery residence and all licensable services are provided offsite; and

WHEREAS, SB 954, effective July 1, 2025, requires local governments to adopt an ordinance by January 1, 2026, and that ordinance shall include a process for requesting reasonable

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1 accommodations from any local land use regulation that serves to prohibit the establishment of a
2 certified recovery residence; and

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4 **WHEREAS**, the Board now finds it is in the best interests of the residents of Lake County
5 to adopt this Ordinance defining certified recovery residences, including certified recovery
6 residences as a permitted use in specified zoning districts, and establishing a process for requesting
7 reasonable accommodations from land use regulations that may prohibit their establishment in a
8 particular zoning district.

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10 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
11 Lake County, Florida, as follows:

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13 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
14 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
15 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

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17 **Section 2. Amendment.** Chapter II, Lake County Code, Appendix E, Land
18 Development Regulations, entitled *Definitions*, is hereby amended to read as follows:

19
20 **CHAPTER II DEFINITIONS**

21
22 *****

23 **Cattery. See Kennel.**

24 **Channel.** A trench, the bottom and the upper edges of its sides normally below water.

25 **Certified Recovery Residences.** As defined by Section 397.311(5), Florida Statutes, as
26 amended.

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28 *****

29 *{All other definitions within Chapter II shall remain unchanged.}*

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31 **Section 3. Creation.** Chapter III, Section 3.03.00, Lake County Code, Appendix E,
32 Land Development Regulations, to be entitled *Certified Recovery Residences*, is hereby created to
33 read as follows:

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35 **3.03.00 – Certified Recovery Residences.**

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37 **3.03.01 Intent and purpose.** This section is established pursuant to Section
38 397.487, Florida Statutes, to provide for the review and approval of reasonable accommodation
39 requests to County land use and zoning ordinances, rules, regulations, policies, and procedures
40 that may prohibit establishment of certified recovery residences. Facilitating reasonable
41 accommodation requests ensures that individuals with a disability have equal opportunity to use
42 and enjoy dwellings, buildings, or structures, or to provide accessibility in another manner, as
43 provided by the Federal Fair Housing Amendments Act of 1988 (FHA), 42 U.S.C. 3601, and Title
44 II of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131. For the purposes of this
45 procedure, a disability shall be defined as provided within the FHA and ADA, as amended. Any
46 person who is disabled, acting as an agent of a disabled person, or providing services for qualifying

1 disabled individuals, may request a reasonable accommodation allowing for the establishment of
2 a certified recovery residence pursuant to the procedures set forth herein.

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4 **3.03.02 Reasonable Accommodation Application.** A request for a reasonable
5 accommodation to land use and zoning ordinances, rules, regulations, policies, and procedures that
6 may prohibit establishment of certified recovery residences may be made by any person who is
7 disabled, acting as an agent of a disabled person, or providing services for qualifying disabled
8 individuals. An Applicant must demonstrate their eligibility for the reasonable accommodation
9 process, as well as establish that the proposed accommodation will serve the purposes of ensuring
10 that disabled individuals have equal opportunity to use and enjoy dwellings, buildings, or
11 structures.

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13 A. *Application Form and Content.* An application for a reasonable accommodation
14 must be submitted by an Applicant to the County Manager or designee. A
15 completed application must be signed by all owners of the property, or their agents,
16 and notarized. Signatures by agents must be accompanied by proof of authorization
17 as an agent. In case of corporate ownership, the authorized signatures shall be
18 accompanied by a notation of the signatory's office in the corporation. The
19 application shall include the following information:

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21 1. The name and address and contact information for the applicant or
22 authorized agent.
- 23 2. The property address and parcel identification number.
- 24 3. Documentation sufficient to establish that the requesting individual is
25 disabled and protected under the FHA or ADA.
- 26 4. A description of the accommodation requested and the specific regulation
27 or policy from which relief is sought (e.g., describe in detail the need for
28 accommodation, identifying the County land use and zoning ordinances,
29 rules, regulations, policies, and procedures that prohibit establishment of a
30 certified recovery residence on the identified property, and describe the
31 nature of the accommodation requested).
- 32 5. A narrative describing the scope and intent of the proposed development,
33 including the intended use as well as the capacity of the proposed certified
34 recovery residence.
- 35 6. Statement of ownership and management of the proposed certified recovery
36 residence, inclusive of a detailed staffing plan to accommodate the proposed
37 scope.
- 38 7. Complete legal description of the subject property.
- 39 8. General location map showing the relation of the proposed site to existing
40 and proposed features and land uses: major streets, existing utilities and
41 public features, and the land uses of the surrounding area; and
- 42 9. For sites proposing new construction, the following is required:
 - 43 a. Statement describing availability of utilities to be used; and
 - 44 b. Calculation of gross acreage of the site and area devoted to
45 impervious surfaces such as structures and parking areas.

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47 B. *Timely Review of an Application.* Upon receipt of the request, the County Manager
48 or designee shall date-stamp the application. All decisions to grant or deny a

1 reasonable accommodation shall be consistent with the Fair Housing Amendments
2 Act of 1988 (FHA), 42 U.S.C. ss.3601 et seq., and Title II of the Americans with
3 Disabilities Act (ADA), 42 U.S.C. ss. 12131 et seq. A request for a reasonable
4 accommodation shall be considered as part of an application for Site Plan approval,
5 if applicable, and no other meetings shall be required to consider the reasonable
6 accommodation.

- 7
8 1. If additional information is required, the Applicant will be notified in
9 writing within thirty (30) days after receipt of the application. An Applicant
10 will be given at least thirty (30) days to respond to a request for additional
11 information. A complete application shall be processed and reviewed within
12 the timeframe established in Section 397.487, Florida Statutes.
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14 2. Requests for extensions to the timeframes herein must be made in writing
15 prior to the expiration deadline.
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17 3. A written determination from the County Manager or designee shall
18 constitute a final determination for purposes of the sixty (60) day timeframe
19 set forth in Section 397.487, Florida Statutes. The determination must:
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21 a. Approve the request in whole or in part, with or without conditions;
22 or
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24 b. Deny the request, stating with specificity the objective, evidence-
25 based reasons for denial and identifying any deficiencies or action
26 for reconsideration.
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28 4. If a final written determination is not issued within sixty (60) days after
29 receipt of a completed application, the request is deemed approved unless
30 the parties agree in writing to a reasonable extension of time.

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32 C. *Standards for Review.* The Applicant shall be required to establish that the
33 requesting individual is disabled and protected under the FHA or ADA by
34 demonstrating that the individual is disabled, as defined in the FHA or the ADA.
35 Although the definition of a disability may be subject to judicial interpretation, for
36 purposes of this Section the Applicant must show:

- 37
38 1. A physical or mental impairment which substantially limits one or more
39 major life activities;
40 2. A record of having such impairment; and
41 3. The individual is regarded as having such impairment.
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43 In evaluating a request for reasonable accommodation, the County Manager or
44 designee shall consider competent evidence related to the following:

- 45
46 1. Whether the individual claiming to be disabled meets the definition of a
47 disabled person;
48 2. Whether there is an identifiable relationship, and a rational nexus, between

- 1 the requested accommodation and the disabled individual’s needs;
2 3. Whether a sufficient alternative to the request exists, if the request is
3 determined to not be reasonable;
4 4. Whether granting the request would change the essential nature of the Land
5 Development Regulations as compared to a strict application of the Land
6 Development Regulations to the circumstances of the request; and
7 5. Whether the request, if granted, would impose undue financial and
8 administrative burdens on the County.

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10 D. *Revocation.* Any accommodation granted for a certified recovery residence may
11 be revoked for cause including, but not limited to, a violation of the conditions of
12 approval, or the lapse, revocation, or failure to maintain certification or licensure
13 required under this section, if not reinstated within 180 days, or if the need for the
14 accommodation ends or the person qualifying for the reasonable accommodation
15 no longer resides at the dwelling.

16
17 E. *Property Interest Not Created.* The granting of an accommodation under this
18 section does not create a property interest and a revocation of the accommodation
19 occurring in accordance with subsection E above shall result in a compensable
20 taking of property. The granting of an accommodation under this Section is
21 personal to the Applicant and shall not run with the land, and shall remain in place
22 for only so long as the Applicant’s need for the accommodation exists or for so long
23 as the Applicant resides at the dwelling.

24
25 F. *Remedy Non-Conforming Status.* It shall be the responsibility of the property owner
26 to remove or correct any nonconforming standard authorized by a grant of a
27 reasonable accommodation once the need for the accommodation ends, or the
28 accommodation is revoked, and to do so within a reasonable period of time.

29
30 G. *Appeal.* A decision on a request for a reasonable accommodation is appealable to
31 the Board of Adjustment pursuant to the procedures outlined in Section 14.15.00
32 of these regulations. The County shall not be obligated to pay the Applicant’s
33 attorney or any other fees or costs in connection with the original application or for
34 the appeal.

35
36 **Section 4. Amendment.** Section 3.01.03, Lake County Code, Land Development
37 Regulations, entitled *Schedule of Permitted and Conditional Uses*, shall be amended as follows:
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41 *{The remainder of this page is left intentionally blank.*
42 *Schedule of Permitted and Conditional Uses to follow.}*

1 **3.01.03 Schedule of Permitted and Conditional Uses.**

	ZONING DISTRICTS																						
Use Classifications	A	RA	AR	R1	R2	R3	R4	R6	R7	R10	RP	RMRP ¹	RM	C1 ²	C2 ²	C3 ²	CP _{6,7}	LM	HM	MP _{6,7}	CFD ⁶	RV	CONDITION/ LDR SECTION
RESIDENTIAL USES																							
Single-Family Dwelling Unit	P	P	P	P	P	P	P	P	P		P	P ¹	P	P ²	P ²	P ²	P	P	P	P			Sec. 3.01.02.A.1
Bed & Breakfast Home	P	P	P	C	C	C	C	C			C												Sec. 3.12.03
Bed & Breakfast Inn	C	C	C	C							P			P	P	P	P						Sec. 3.12.02
Two-Family Dwelling Unit						P	P	P	P	P	P												Sec. 3.01.02.A.2
Multi-Family Dwelling Unit							P	P	P	P	C			P	P	P	P	P ⁸	P ⁸	P ⁸	P ⁸		Sec. 3.01.02.A.3 & F.S. §125.01055(7)(a)
Recreational Vehicle Park																						P	Sec. 3.01.02.A.5
Mixed-Use Residential District														P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸		Sec. 3.01.02.G & F.S. §125.01055(7)(a)
AGRICULTURAL USES																							
General Agriculture	P																	P ³	P ³	P ³	P		Sec. 3.01.02.B.1
Non-Intensive Agricultural	P	P	P	P																	P		Sec. 3.01.02.B.2
Agricultural Housing/Camps	P	C																					Sec. 3.02.02.B.4 & F.S. §163.3162(5)
Chicken Farms	P/C																						See F.S. §163.3162(3) & 3.03.00
Egg Processing Facilities	P/C																						See F.S. §163.3162(3) & 3.03.00
Exotic Animals	C																						3.01.02.B.14
Family Gardens		P	P	P	P	P	P	P	P	P	P	P	P										Sec. 3.01.02.B.3

2026-__ Ordinance Establishing Certified Recovery Residence (SB 954)

Assisted Living Facility																					P		F.S. Ch. 429, Pt. I	
Cemetery	C																					P		Sec. 3.01.02.E.1
College or University	C														P	P	P					P		Sec. 3.01.02.E.2
Church															P	P	P	P				P		Sec. 3.01.02.E.3
Comprehensive Transitional Education Facility																						P		Sec. 3.01.02.E.11
Community Residential Home										P					P	P			P			P		Sec. 3.01.02.E.4
Cultural Institution															P	P	P	P	P			P		Sec. 3.01.02.E.5
Day Care Center															P	P	P	P				P		Sec. 3.01.02.E.6
<u>Certified Recovery Residence</u>																<u>P</u>	<u>P</u>	<u>P</u>						<u>See 3.03.00</u>
Dormitory																P	P	P				P		Sec. 3.01.02.E.7
Expressway Interchange, Wekiva																						P		
Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P		Sec. 3.01.02.E.8
Family Residential Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P		Sec. 3.01.02.E.9
Landfill	C																		P	C	C	P		Sec. 3.01.02.E.12
Nursing Home										C	C	C				P	P					P		Sec. 3.01.02.E.13
Primary or Secondary School	C	C	C	C	C	C	C	C	P	P	P	C	C	P	P	P			P			P		Sec. 3.01.02.E.10
Public Safety Service	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.01.02.E.16
Utilities, Limited	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec.3.01.02.E.14
Utilities, Major	C														P	P	P	P	P	P	P	P		Sec.3.01.02.E.15
Wireless Antennas, Towers and Equipment																						a., b. & c. below covered in Sec. 3.13.00		
a. Camouflaged	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
b. Amateur Radio Station Operators/Receive Only Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

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c. All others must meet 3.13.00 requirements	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	
Floating Solar Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F.S. §163.32051
Solar Facility	P																						F.S. §163.3205
Resiliency Facility														P	P	P	P	P	P	P			F.S. §163.3210
RECREATIONAL USES																							
Club Private or Country															P	P	P	P				P	Sec. 3.01.02.F.1
Parks and Recreation	p ⁵	Sec. 3.01.02.F.4																					
Hunting and Fishing Resorts	C	C	C	C	C										C						P	C	Sec. 3.01.02.F.3

- 1 Note 1. Only rental mobile home dwelling units are allowed in RMRP.
- 2 Note 2. Residences permitted with site plan approval when used in conjunction with business.
- 3 Note 3. Agricultural uses in these use classifications are limited to hay production.
- 4 Note 4. Reserved.
- 5 Note 5. Active Recreation Uses as defined by the Comprehensive Plan permitted with site plan approval.
- 6 Note 6. Uses shown as "P" under the CP, MP, and CFD district are only permitted to the extent the use is specifically identified in an approved zoning ordinance
- 7 for a particular property.
- 8 Note 7. Uses shown as "P" under the CP and MP districts are only permitted to the extent they are specifically identified, or specifically not excluded, in an
- 9 approved zoning ordinance for a particular property.
- 10 Note 8. Multi-family uses are permitted in CFD, PUD, CP, LM, and HM districts, and Mixed-Use Residential uses are permitted in CFD, PUD, CP, C-1, C-2, C-3, LM
- 11 and HM, if they comply with the requirements of Section 125.01055(7)(a), Florida Statutes, and Section 11-40, Lake County Code. Otherwise, Multi-family uses
- 12 are not permitted in CFD, PUD, CP, LM and HM districts, and Mixed-Use Residential is only permitted as otherwise allowed under these regulations.

