



ZONING MEMORANDUM

November 10, 2025

Prepared for
Town of Howey-in-the-Hills
Attn: Sean O'Keefe, Town Manager



Ordinance 2025-009: Recovery Residences Land Development Code Standards

Project Description and Background:

The laws of Florida were changed this past year, requiring local governments to establish standards in their land development regulations allowing certified recovery residences consistent with Section 397.487, Florida Statutes. Ordinance 2025-009 creates these standards to be incorporated into the Howey-in-the-Hills Land Development Code. Specifically, these standards do the following:

- Provide definitions for certificate of compliance, certified recovery residences, community housing, credentialing entity, recovery residence, and recovery
- Create an application process
- Allow recovery residences as a permitted use in multi-family zoning districts as long as they are 1,200 linear feet from the nearest existing recovery residence and operated by a certified person (High Density Residential 1 (HDR-1) and High Density Residential 2 (HDR-2))
- Establish application review and timeliness determination procedures
- Define that recovery residences will be treated as a residential use
- Define that recovery residences which are not certified by the State are not allowed in the Town, or if there is a loss in certification, there is a 60-day remedy period

Staff Recommendation: Approve proposed Ordinance 2025-009, as it is consistent with the requirements of Section 397.487, Florida Statutes.

Motion Examples:

1. Recommend Town Council adopt Ordinance 2025-009.
2. Recommend Town Council deny Ordinance 2025-009. [provide specific reasons for recommendation of denial]
3. Continue action on Ordinance 2025-009. [provide specific reasons for continuance and identify additional items needed for consideration]

46 are intended to constitute this required reasonable accommodation. Further reasonable
 47 accommodations for recovery residences may be granted to allow more than six occupants in a
 48 recovery residence or to reduce off-street parking requirements established in this Code.
 49

50 **Sec. 6.03.02. – Definitions.**
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- 52 a. Certificate of compliance means a certificate that is issued by a credentialing entity to a
 53 recovery residence or a recovery residence administrator.
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- 55 b. Certified recovery residence means a recovery residence that holds a valid certificate of
 56 compliance and is actively managed by a certified recovery residence administrator.
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- 58 1. A Level I certified recovery residence houses individuals in recovery who have
 59 completed treatment, with a minimum of 9 months of sobriety. A Level I certified
 60 recovery residence is democratically run by the members who reside in the home.
 61
 - 62 2. A Level II certified recovery residence encompasses the traditional perspectives
 63 of sober living homes. There is oversight from a house manager who has
 64 experience with living in recovery. Residents are expected to follow rules outlined
 65 in a resident handbook provided by the certified recovery residence administrator.
 66 Residents must pay dues, if applicable, and work toward achieving realistic and
 67 defined milestones within a chosen recovery path.
 68
 - 69 3. A Level III certified recovery residence offers higher supervision by staff with
 70 formal training to ensure resident accountability. Such residences are staffed 24
 71 hours a day, 7 days a week, and offer residents peer-support services, which may
 72 include, but are not limited to, life skill mentoring, recovery planning, and meal
 73 preparation. Clinical services may not be performed at the residence. Such
 74 residences are most appropriate for persons who require a more structured
 75 environment during early recovery from addiction.
 76
 - 77 4. A Level IV certified recovery residence is a residence offered, referred to, or
 78 provided by, a licensed service provider to its patients who are required to reside
 79 at the residence while receiving intensive outpatient and higher levels of
 80 outpatient care. Such residences are staffed 24 hours a day and combine
 81 outpatient licensable services with recovery residential living. Residents are
 82 required to follow a treatment plan and attend group and individual sessions, in
 83 addition to developing a recovery plan within the social model of living in a sober
 84 lifestyle. No clinical services are provided at the residence and all licensable
 85 services are provided offsite.
 86
- 87 c. Community housing means a certified recovery residence offered, referred to, or provided
 88 by a licensed service provider that provides housing to its patients who are required to
 89 reside at the residence while receiving intensive outpatient and higher levels of outpatient
 90 care. A certified recovery residence used by a licensed service provider that meets the
 91 definition of community housing shall be classified as a Level IV level of support.

- 92
- 93 d. Credentialing entity means a nonprofit organization that develops and administers
- 94 professional, facility, or organization certification programs according to applicable
- 95 nationally recognized certification or psychometric standards.
- 96
- 97 e. Recovery residence shall mean a residential dwelling unit, multiple dwelling units in a
- 98 single multi-family structure, the community housing portion of a licensed day or night
- 99 treatment facility with community housing, or other form of group housing, that are not
- 100 held out to the general public for rent or occupancy, that provide a drug-free and alcohol-
- 101 free living arrangement for people in recovery from drug and/or alcohol addiction, which,
- 102 taken together, do not emulate a single biological family and are under the auspices of a
- 103 single entity or group of related entities. Recovery residences include land uses for which
- 104 the operator is eligible to apply for certification from the State of Florida. When located
- 105 in a multiple-family structure, a recovery residence shall be treated as a multiple family
- 106 structure under building and fire codes applicable in the Town.
- 107
- 108 f. Recovery means a process of personal change through which individuals achieve
- 109 abstinence from alcohol or drug use and improve health, wellness, and quality of life.
- 110

111 **Sec. 6.03.03. – Application for reasonable accommodation.**

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113 The application must include, at a minimum:

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- 115 a. The name and contact information of the applicant or the applicant’s authorized
- 116 representative;
- 117
- 118 b. The property address and parcel identification number;
- 119
- 120 c. A description of the accommodation requested and the specific regulation or policy from
- 121 which relief is sought;
- 122
- 123 d. The current level of certification or licensure held by the recovery residence, with proof
- 124 thereof attached; and
- 125
- 126 e. All application materials submitted to the credentialing entity to obtain certification or
- 127 licensure.
- 128

129 **Sec. 6.03.04. – Designated zoning districts.**

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131 Recovery residences may be established under this Article in any multi-family residential zoning

132 district.

133

134 **Sec. 6.03.05. – Procedure following application.**

135

- 136 a. Following submittal of a complete application under section 6.03.03, a recovery
- 137 residence shall be allowed as of right in the designated zoning districts except as required

138 by state law when:

- 139
- 140 i. It is at least 1,200 linear feet from the closest existing recovery residence as
- 141 measured from the nearest property line of the proposed recovery residence to the
- 142 nearest property line of the closest existing recovery residence, and
- 143
- 144 ii. The operator or applicant is licensed or certified by the State of Florida to operate
- 145 the proposed recovery residence.
- 146
- 147 b. A recovery residence that does not comply with the standards of subsection a, or which
- 148 will house more than 6 individuals, may be allowed only by conditional use in accord
- 149 with the standards established in Section 4.12.00 of this Code, and only if it can be
- 150 determined that the proposed recovery residence will operate in a manner that provides
- 151 the same sort of protection to residents that licensing or certification provides.
- 152
- 153 c. The application will be date-stamped upon receipt. If the Town determines that it needs
- 154 further information, the Town will notify the applicant in writing within 30 days of
- 155 receipt of the application. The applicant will have 30 days from the date of notification to
- 156 respond and supplement their application. If the application is not supplemented within
- 157 30 days of the Town's notification, the Town will issue a written denial.
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- 159 d. The Town will issue a final written determination within 60 days of receipt of a
- 160 completed application. This determination will:
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- 162 i. Approve the request in whole or in part, with or without conditions; or
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- 164 ii. Deny the request, stating with specificity the objective, evidence-based reasons
- 165 for denial and identifying any deficiencies or actions necessary for
- 166 reconsideration.
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- 168 e. If a final written determination is not issued within 60 days of receipt of a completed
- 169 application, the application is deemed approved unless the Town and the applicant agree
- 170 in writing to a reasonable extension of time.
- 171

172 **Sec. 6.03.07. – Application of ordinances and codes.**

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174 A recovery residence that has been approved as a reasonable accommodation under this Article

175 shall be treated as a residential use of property having all rights and responsibilities accorded to

176 residential use. No restrictions, prohibitions, or other provisions, including those related to

177 building and fire codes, that are not applicable to residential uses will apply to recovery

178 residences.

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180 **Sec. 6.03.06. – License, certification, or recertification denied or suspended.**

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182 A recovery residence that has been denied a license the State of Florida requires or certification

183 offered by the State of Florida, had its license or certification suspended, or has been denied

184 recertification is not allowed in the Town, and any reasonable accommodation granted is
185 revoked, and the residence must (i) cease operations and vacate the premises or (ii) take
186 affirmative steps to obtain licensure or certification within 60 days of the date on which its
187 license or certification was denied or suspended or recertification denied. The Town, in its
188 discretion, will determine whether the affirmative steps taken are sufficient to suspend
189 revocation of reasonable accommodation.

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191 **Section 3. Codification.** The amendments in Section 2 of this Ordinance shall be codified and
192 made part of the official Code of Ordinances of the Town of Howey-in-the-Hills.

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194 **Section 4. Severability.** If any provision or portion of this ordinance is declared by a court of
195 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions
196 and portions of this ordinance shall remain in full effect.

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198 **Section 5. Effective Date.** This ordinance takes effect immediately upon enactment.

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200 **APPROVED AND ADOPTED** by the Town Council of the Town of Howey-in-the-Hills on the
201 ____ day of _____, 2025.

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Town of Howey-in-the-Hills, Florida
By: Town Council

By: _____
Graham Wells, Mayor

Attest:

John Brock
Town Clerk

First Reading:
Advertised:
Second Reading:

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MEMORANDUM

TO: Town Council
FROM: GrayRobinson, P.A.
DATE: October 27, 2025
SUBJECT: Ordinance 2025-009 – Reasonable Accommodations for Certified Recovery Residences

During the 2025 session, the Florida Legislature adopted revisions to Section 397.487 of the Florida Statutes – “voluntary certification of recovery residences.” The revisions require that local governments establish a simplified procedure for the review and approval of certified recovery residences, which the Legislature believes will have a positive impact on residents of the state by providing safe treatment for those struggling with addiction while maintaining the character of the surrounding area.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

ORDINANCE NO. 2025-009

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO REASONABLE ACCOMMODATIONS FOR CERTIFIED RECOVERY RESIDENCES; PROVIDING FINDINGS; CREATING SECTION 6.03.00 OF THE LAND DEVELOPMENT CODE; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR THE ESTABLISHMENT OF RECOVERY RESIDENCES AND AN APPLICATION PROCEDURE; DECLARING THE SUSPENSION OR FAILURE TO OBTAIN CERTIFICATION A PROPER BASIS FOR REVOCATION OF REASONABLE ACCOMMODATION; DECLARING THAT RECOVERY RESIDENCES ARE SUBJECT TO THE SAME REGULATIONS AND HAVE THE SAME RIGHTS AS RESIDENTIAL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:

¹ See Section 166.041(4)(c), Florida Statutes.

- a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
- b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):
The Ordinance provides a process to approve reasonable accommodations for certified recovery residents within the town. This serves the public interest by providing a safe place for people struggling with addiction to recover, while also maintaining the safety and surrounding character of the town.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the Town regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None

4. Additional information the governing body deems useful (if any):
None.