

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2025-

AN ORDINANCE OF THE CITY COMMISSION PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE BY AMENDING SECTION 3-200, “PRINCIPAL USES”; AMENDING SECTION 3-201, “GROUP HOMES, ASSISTED LIVING FACILITIES, AND CHILD CARE FACILITIES,” TO CLARIFY STATUTORY CAPACITY AND LICENSING REQUIREMENTS; ADDING SECTION 3-202, “CERTIFIED RECOVERY RESIDENCES,” TO ESTABLISH PROCEDURES FOR REVIEW AND APPROVAL CONSISTENT WITH STATE AND FEDERAL LAW; AMENDING ARTICLE 16, “DEFINITIONS,” TO ADD DEFINITIONS FOR “ADULT DAY CARE CENTER,” “CERTIFIED RECOVERY RESIDENCE,” “DWELLING UNIT,” AND “GROUP RESIDENTIAL HOME”; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Coral Gables, Florida is a duly constituted municipality with powers and authority conferred by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 397.487, Florida Statutes, as amended by Chapter 2025-182, Florida Laws (CS/SB 954, 2025 Regular Session), requires each county and municipality to adopt an ordinance establishing procedures for the review and approval of certified recovery residences, including a process for requesting reasonable accommodations from local land-use regulations; and

WHEREAS, the City Commission finds it necessary and appropriate to amend the City Code to align with state law, clarify applicable definitions and standards for certified recovery residences and provide consistent administrative procedures for review and approval; and

WHEREAS, the City recognizes its obligation under the Fair Housing Amendments Act of 1988 (42 U.S.C. §3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §12131 et seq.) to ensure equal housing opportunities for persons with disabilities, including those recovering from substance use disorders; and

WHEREAS, the City Commission further finds that providing clear, consistent regulations for group residential homes and certified recovery residences supports state-licensed care operations, and advances the public health, safety, and welfare; and

WHEREAS, in conjunction with these amendments, the City Commission further finds it appropriate to clarify the definition of “Adult Day Care Center” consistent with Section 429.901, Florida Statutes, and Chapter 58A-6, Florida Administrative Code, to distinguish such facilities from assisted living facilities and other residential care uses under the City Code; and

WHEREAS, after notice of public hearing duly was published and notified, a public hearing was held before the Planning and Zoning Board/Local Planning Agency of the City of Coral Gables on November 19, 2025, at which hearing all interested persons were afforded the opportunity to be heard and these text amendments were recommended for approved (vote: 7 - 0);

WHEREAS, the City Commission held a public hearing on December 9, 2025 at which hearing all interested persons were afforded an opportunity to be heard, and the item was approved on first reading (vote: _ to _); and,

WHEREAS, after notice was duly published, a public hearing for Second Reading was held before the City Commission, at which hearing all interested parties were afforded the opportunity to be heard, and the item was approved on second reading.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended as follows¹.

Section 3-200. Principal Uses

Section 3-201. General to Group Residential Homes, Assisted Living Facilities (ALF), and Child Care Facilities

Each Group Residential Home, ~~or~~ Assisted Living Facility, ~~or~~ Child Care Facility shall ~~comply be in conformance~~ with all applicable provisions of the Florida Building Code, ~~the~~ Miami-Dade County Health Code, ~~appropriate~~ applicable state licensing agencies, and standards and regulations of any other agency or department which has authority over facilities of this type. For purposes of this Section, Community Residential Homes shall have the meaning provided in Chapter 419, Florida Statutes. Homes with six (6) or fewer residents shall be treated as single-family residential uses consistent with state law, while homes with seven (7) to fourteen (14) residents shall comply with applicable state licensing, spacing, and siting requirements. All group residential homes shall operate as

¹ Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

the functional equivalent of a family. Accessory services customarily associated with residential care, such as dining, recreation, staff offices, or limited medical support areas, may be provided on-site. Where applicable, siting and review of such homes shall be conducted in accordance with Chapter 419, Florida Statutes.

Section 3-202. Certified Recovery Residences.

A. Purpose.

The purpose of this section is to establish procedures for the review and approval of Certified Recovery Residences, as defined in Section 397.311(5), Florida Statutes, consistent with Section 397.487, Florida Statutes, the federal Fair Housing Amendments Act (42 U.S.C. § 3601 et seq.), and Title II of the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.). The intent of this section is to provide a fair, consistent, and efficient process for the consideration of reasonable accommodation requests related to the establishment of certified recovery residences, while ensuring compliance with applicable codes and the protection of public health, safety, and welfare.

B. Establishment of a Certified Recovery Residence.

A certified recovery residence may be established within the City subject to compliance with applicable provisions of the City Code, the Florida Building Code, and other laws and regulations of competent jurisdiction. Where these regulations may hinder the establishment of a certified recovery residence, a reasonable accommodation may be requested pursuant to this section.

C. Filing a reasonable accommodation request to establish a certified recovery residence.

1. A request for a reasonable accommodation from any provision of the City's land-development regulations that may hinder the establishment of a certified recovery residence shall be made in writing to the Planning and Zoning Division and shall include:
 - a. The name and contact information of the applicant making the request. If the applicant is not the certified recovery residence administrator who will be actively managing the recovery residence, his/her name, contact information, and a copy of his/her certification must also be provided. If the applicant is not the owner of the property where the reasonable accommodation is being requested, then the contact information for the owner must be included.
 - b. The location where reasonable accommodation is requested, including the address and parcel identification number.
 - c. A description of the accommodation needed, identifying the ordinances, rules, or policies for which the applicant needs reasonable accommodation, and why it is necessary.
 - d. Certification stating the following: "I certify, under penalty of perjury, that the information provided in this request is true and correct. I understand that if I knowingly provide false information with this request, my request shall become null and void."

- e. Any additional information or documentation the applicant feels is necessary to support the request for reasonable accommodation.
- f. The signature of the applicant and date.
2. The application shall not include information or records specific to any individual resident's medical history, diagnosis, or treatment.
3. The City shall acknowledge receipt of a complete application and may request additional information within thirty (30) days. The applicant shall provide any requested information within thirty (30) days thereafter.

D. Review and Determination.

1. The Planning and Zoning Division shall review the completed request and prepare a written recommendation to the City Manager or designee, who shall issue a determination within sixty (60) days of receiving a complete application. The determination shall consider:
 - a. Whether the requested accommodation is reasonable and necessary to afford equal housing opportunity;
 - b. Whether the accommodation would impose an undue financial or administrative burden on the City; and
 - c. Whether the accommodation would require a fundamental alteration of the City's zoning or land-use policies.
 - d. The City Manager or designee may consult with appropriate departments or external professionals and may conduct a site visit if deemed necessary.
 - e. The determination shall be in writing and shall state the basis for approval, conditional approval, or denial. The written determination shall also advise the applicant of the right to appeal.

E. Fees.

1. There shall be no fee imposed by the City in connection with a request for reasonable accommodation or any subsequent reconsideration of such request.
2. The City shall have no obligation to pay a requesting party's attorney's fees or costs in connection with a request for reasonable accommodation.
3. The City Commission may by resolution establish a reasonable fee to recover administrative costs associated with processing requests under this section, provided such fee does not exceed the actual costs incurred and does not serve as a barrier to equal housing opportunity.

F. General Provisions.

1. An applicant may apply for a reasonable accommodation on their own behalf or may be represented at any stage of the process by an attorney, legal guardian, or other authorized representative designated in writing.
2. The granting of a reasonable accommodation shall not relieve the applicant from complying with all other applicable permitting, licensing, or code requirements not subject to the approved accommodation.
3. The approval of a reasonable accommodation is specific to the applicant and the property for which it is granted and does not automatically run with the land or transfer to subsequent owners, unless expressly stated in the approval.

4. A granted reasonable accommodation does not exempt the applicant or operator from compliance with any applicable federal, state, or local law, including Chapter 397, Florida Statutes.
5. Nothing in this section shall be construed to diminish or enlarge the rights of any person under the federal Fair Housing Amendments Act of 1988 or Title II of the Americans with Disabilities Act.
6. A certified recovery residence that ceases operation for more than one hundred eighty (180) consecutive days shall be deemed to have abandoned its reasonable accommodation approval.
7. Certified recovery residences and other family-like group homes housing six (6) or fewer residents are deemed single-family uses for the purposes of local zoning pursuant to § 419.001(2), Florida Statutes. Larger facilities may be permitted only where authorized by these regulations through a reasonable-accommodation approval under subsection (C).

G. Revocation.

1. The City may revoke or modify an approved reasonable accommodation if:
 - a. The certified recovery residence fails to maintain the certification required by Section 397.487, Florida Statutes, and such certification is not reinstated within one hundred eighty (180) days; or
 - b. The operator violates a condition of approval or operates the residence in a manner inconsistent with the approved application.
2. Prior to revocation or modification, the City shall provide written notice of the proposed action to the property owner and operator at least thirty (30) days in advance, stating the reason for the proposed action and affording the opportunity to cure the deficiency.
3. If the violation or lapse is not cured within the time specified in the notice, the reasonable accommodation shall be deemed revoked.
4. Revocation or modification of an approved reasonable accommodation shall constitute final administrative action of the City.

H. Appeals.

1. Right to Appeal. An applicant who disagrees with the City Manager's written determination, including any conditions imposed as part of the approval, may file an appeal to the City Commission.
2. Filing. The appeal must be submitted in writing to the City Clerk within ten (10) calendar days of the date the determination is issued and must clearly state the grounds for appeal.
3. Scheduling. Upon receipt of a timely appeal, the City Clerk shall place the matter on the next available legally advertised regular City Commission meeting for which the agenda has not yet been published. If the agenda for the next regular meeting has already been published, the appeal shall be scheduled for the following regular meeting.
4. Review. The City Commission shall conduct a de novo review of the determination, considering the record and any additional competent and substantial evidence

presented, and may affirm, modify, or overturn the determination, including imposing reasonable conditions consistent with applicable law.

5. Finality. The City Commission's decision on the appeal shall constitute the City's final administrative action, subject only to judicial review as provided by law.

Section 3-202~~3~~. Assisted Living Facilities.

Section 3-203~~4~~. Childcare Facilities.

Section 3-204~~5~~. Family day-care home.

Section 3-205~~6~~. Bed and breakfast establishments.

Section 3-206~~7~~. Home office.

Section 3-207~~8~~. Heliport and helistops.

Section 3-208~~9~~. Automobile Service Stations Minimum requirements.

Section 3- 209~~10~~. Live work minimum requirements.

* * *

Article 16. Definitions

Adult Day Care Center means a nonresidential facility, as defined in Section 429.901, Florida Statutes, that provides daytime health, social, and support services for adults for less than twenty-four (24) hours in a protective setting. An adult day care center may operate as a freestanding facility or as a program within a hospital, nursing home, or assisted living facility, provided that no overnight stay or residential occupancy occurs. Such facilities shall be licensed and surveyed by the State of Florida in accordance with Chapter 58A-6, Florida Administrative Code.

* * *

Certified Recovery Residence means a dwelling unit or structure certified pursuant to § 397.487, Florida Statutes, that provides a family-like living environment for persons recovering from substance use disorders and that offers peer support and shared accountability to maintain sobriety. Such residences do not provide on-site medical treatment, detoxification, or clinical counseling services. A certified recovery residence may house no more than six (6) residents, excluding on-site staff, unless approved through the reasonable-accommodation process set forth in Section 3-202(C). For zoning purposes, a certified recovery residence shall be considered a family-like residential use, consistent with § 419.001(2), Florida Statutes, and is not subject to the limitation on unrelated persons in the general Family definition in this Code.

* * *

Dwelling unit means a building or portion of a building providing independent living facilities ~~for one (1) family~~ including provision for living, sleeping and complete kitchen facilities.

* * *

Group Home (Institutional) means ~~any building or part thereof~~ a residential care facility, whether operated for profit or not, ~~that is~~ ~~which~~ undertaken through its ownership or management to provide, for a period exceeding twenty-four (24) hours, services to individuals who require such services. Residents ~~of group homes~~ shall include individuals who are elderly, developmentally disabled, physically disabled, or dependent children.; This classification does but shall not include facilities housing individuals under correctional supervision who are violent, criminal or dangerously mentally ill.

* * *

Group Residential Home means a dwelling unit licensed or certified by the State of Florida that provides a residential living environment for unrelated individuals who function as the equivalent of a family. Such uses include, but are not limited to, community residential homes, foster care facilities, assisted living facilities, or similar residential care settings. Homes with a licensed capacity of six (6) or fewer residents shall be treated as single-family residential uses consistent with state law, while homes with seven (7) to fourteen (14) residents shall comply with applicable licensing and review requirements pursuant to Chapter 419, Florida Statutes. Accessory services customarily associated with residential care, such as dining areas, recreation rooms, staff offices, or limited medical support spaces, may be provided on-site. Where a facility is licensed under another statutory chapter, including Chapter 393, Florida Statutes, the applicable state standards for capacity and operation shall govern.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the “Zoning Code” of the City of Coral Gables, Florida; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS ____ OF ____, A.D., 2025.

APPROVED:

VINCE LAGO
MAYOR

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

BILLY Y. URQUIA
CITY CLERK

CRISTINA SUAREZ
CITY ATTORNEY