



ULDC REVISIONS STAFF REPORT

ZONING COMMISSION, NOVEMBER 6, 2025

I. General Data

Project Name: Reasonable Accommodation for Certified Recovery Residences
ULDC Articles: 2
Project Manager: Jerome Ottey, Principal Site Planner
Agency Manager: Wendy N. Hernández, Interim Zoning Director
Staff Recommendation: Staff recommends **approval** based on the findings and conclusions presented in this report.

II. Item Summary

Summary: The item before the Board is a proposed revision to the Palm Beach County Unified Land Development Code (ULDC), to modify specific requirements related to a reasonable accommodation process for certified recovery residences, for consistency with changes that were adopted in F.S. § 397.487(15).

Assessment: The proposed revisions implement requirements to ensure consistency with F.S. § 397.487(15) which was recently amended through Senate Bill 954, CH 2025-182 to require local governments to adopt an ordinance allowing a reasonable accommodation process for certified recovery residences. The ULDC currently has a reasonable accommodation process for Community Residential Housing, which includes certified recovery residence use; however, the Statute requires an expedited review and approval process for reasonable accommodation for the certified recovery residence, and specific requirements for revocation of the approvals of reasonable accommodation for this specific use. The proposed revisions are therefore narrow in scope and capture the additional requirements per the statute, not already contemplated in the ULDC.

III. Hearing History

BCC Permission to Advertise: At the October 23, 2025 BCC Hearing, this item was on the Regular Agenda. There was no Board discussion or public comment on this item. Commissioner Sachs made a motion to approve the Request for Permission to Advertise for First Reading and Final Adoption on November 13, 2025 at 9:30 a.m. The motion was seconded by Commissioner Weiss. The motion passed by a vote of 5-0-0.

ZC Recommendation: *Scheduled for November 6, 2025*

LDRC Determination: *Scheduled for November 6, 2025*

BCC First Reading and Adoption: *Scheduled for November 13, 2025*

IV. Intent

The item before the Board is a proposed revision to the Palm Beach County Unified Land Development Code (ULDC), to modify specific requirements related to a reasonable accommodation process for certified recovery residences, for consistency with changes that were adopted in F.S. § 397.487(15).

V. Background

On August 26, 2021, the County adopted regulations for Community Residential Housing to account for various types of group living for unrelated persons with disabilities such as physical, elderly and substance abuse, through Ordinance No. 2021-022. Prior to this modification, all types of group housing for unrelated persons were contemplated under the Congregate Living Facility use, and categorized as Types 1, 2, and 3. Ordinance No. 2021-022 established the Family Community Residence, Transitional Community Residence, and the Recovery Community uses. These three uses particularly included certified recovery residences. Pursuant to F.S. § 397.311, a certified recovery residence is defined as “a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.” Certified recovery residences are further broken down into four levels in the Statute:

- **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.**
- **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.**
- **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.**
- **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.**

In addition to the creation of these uses, Ordinance No. 2021-022 established a Type 2 Waiver request as the reasonable accommodation process for a Family Community Residence, Transitional Community Residence, and Recovery Community. The Ordinance allowed a BCC approved Type 2 Waiver to be submitted by an Applicant to:

- To deviate from the minimum separation distance between one Community Residence or Recovery Community and another Community Residence or Recovery Community;
- to allow the use when the State of Florida does not offer a license or certification for the type of Community Residence proposed;
- to increase the maximum allowed number of unrelated residents living as a family;
- to allow a Transitional Community Residence in a single-family residential zone and established neighborhood.

VI. Data and Analysis

This section provides the background, data and analysis, and summarizes the proposed revisions depicted in strike-out and underline in Exhibit 1.

A. Proposed Amendment

This amendment is comprised of several components, each of which is discussed separately below and corresponds with the specific strike out and underline changes to the ULDC shown in **Exhibit 1**.

This amendment proposes to establish a specific timeline for when a final decision must be issued, consistent with F.S. § 397.487(15). Pursuant to the statute a final decision must be made within 60 days of receipt of a complete application. A “complete” application is considered a “sufficient” application per Art. 2.A.7., Sufficiency Review, of the ULDC. A sufficient application is one that has the required information in the application, along with additional data necessary to evaluate the application. Consistent with the statute, the ULDC is proposed to be revised to require a sufficient Type 2 Waiver application for a reasonable accommodation for certified recovery residences be issued a final determination within 60 days, unless there is mutual agreement for an extension of time. This final determination is approval by the BCC.

The modification for the expedited processing is specifically for the Type 2 Waiver for a certified recovery residence. If the proposed use is not a certified recovery residence, requesting accommodation, the processing of the Waiver would be subject to the time frames currently established in the Code and Statute, for a decision to be rendered in 180 days from sufficiency, unless there is an agreement for an extension of time.

The Statute also includes the allowance for revocation of a reasonable accommodation for a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation or failure to maintain certification or licensure required under F.S. ch. 397, if it is not reinstated within 180 days. The proposed amendment has included the language as stated by the Statute, allowing for an ability for reinstatement of the Waiver.

B. Business Impact Estimate

In 2024, the Florida Legislature adopted SB 1628 to remove the exemption for business impact estimates related to comprehensive plan and land development regulation ordinances, unless those changes are required for compliance with federal or state law or regulation. This request is proposed to ensure compliance with F.S. § 397.487(15) which was recently amended to require local governments to adopt an ordinance, allowing a reasonable accommodation process for certified recovery residences. Therefore, a business impact estimate is not required.

C. Consistency with the Comprehensive Plan

A preliminary review by the Planning Division indicates that the proposed amendments will not result in inconsistencies with the Comprehensive Plan.

VII. Assessment and Conclusions

The proposed revisions implement requirements to ensure consistency with F.S. § 397.487(15) which was recently amended through Senate Bill 954, CH 2025-182 to require local governments to adopt an ordinance allowing a reasonable accommodation process for certified recovery residences. The ULDC currently has a reasonable accommodation process for Community Residential Housing, which includes certified recovery residence use; however, the Statute requires an expedited review and approval process for reasonable accommodation for the certified recovery residence, and specific requirements for revocation of the approvals of reasonable accommodation for this specific use. The proposed revisions are therefore narrow in scope and captures the additional requirements per the statute, not already contemplated in the ULDC.

Attachments

Exhibit 1 – Proposed changes in strike out and underline format	E – 1
Exhibit 2 – Planning Consistency Determination Letter	E – 3

EXHIBIT 1
REASONABLE ACCOMMODATION FOR CERTIFIED RECOVERY RESIDENCES

This exhibit revises the following Article(s): **Art. 2 – Application Processes and Procedure**

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. ~~Stricken and italicized~~ means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

Part 1. ULDC Art. 2.B..., Application Processes and Procedures, Public Hearing Processes, Review, Resubmittal, and Certification, Exceptions; and Type of Applications, Type 2 Waiver, are hereby amended as follows:

CHAPTER B PUBLIC HEARING PROCESSES

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Section 4 Review, Resubmittal, and Certification

Review of an application shall be initiated by the DRO on the date it is deemed sufficient. The deadlines for Staff comments, Resubmittal by the Applicant, and Certification shall be indicated on the Annual Zoning Calendar. [Ord. 2018-002] [Ord. 2020-001]

A. Exceptions for PO Deviations

1. PO Deviations

PO Deviations shall be submitted to the Zoning Division on the Application Submittal date. Sufficiency review is completed by the DRO to ensure the request complies with Art. 2.B.7.G, Public Ownership (PO) Deviations and PPM #ZO-O-063. The Zoning Division is only responsible for ensuring the correct allowable deviations are being requested and placing the application and Staff summary on a BCC Zoning Agenda. PO Deviations, pursuant to Art. 11, Subdivision, Platting, and Required Improvements, shall be submitted directly to the County Engineer for review. [Ord. 2019-005] [Ord. 2020-001]

2. Type 2 Waiver for Community Residences or Recovery Communities

A Type 2 Waiver under Art. 2.B.7.D.5, Standards for Community Residences, Recovery Communities, or Congregate Living Facilities for a Community Residence or Recovery Community that is specifically for a certified recovery residence pursuant to F.S. ch. 397, shall be deemed certified for a public hearing upon determination of a sufficient application. If a final decision on the application is not rendered within 60-calendar days after the date of sufficiency determination, the request is deemed approved unless both parties agree in writing to a reasonable extension of time, in accordance with F.S. § 397.487.

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Section 7 Type of Applications

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D. Type 2 Waiver

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5. Standards for Community Residences, Recovery Communities, or Congregate Living Facilities

When considering a DO application for a Type 2 Waiver for a Family Community Residence, Transitional Community Residence, Recovery Community, or Congregate Living Facility, the BCC and ZC shall make a finding of approval, approval with conditions, or denial, based on the Standards indicated below. The requested Type 2 Waiver by an Applicant constitutes the procedure by which an Applicant shall apply for the additional Reasonable Accommodation for a Family Community Residence, Transitional Community Residence, and Recovery Community. A request for a Community Residence, Recovery Community, or Congregate Living Facility, which fails to meet any of the applicable Standards below shall be deemed adverse to public interest and shall not be approved: [Ord. 2021-022]

a. **Family Community Residence or Transitional Community Residence**

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b. **Recovery Community or Congregate Living Facility**

....

c. **Revocation**

Pursuant to F.S. § 397.487, a DO for a Type 2 Waiver for a certified recovery residence may be revoked for cause, including, but not limited to, a violation of the Conditions of Approval or the lapse, revocation or failure to maintain certification or licensure required under F.S. ch. 397, if not reinstated within 180 days.

EXHIBIT 2
PLANNING CONSISTENCY DETERMINATION LETTER



**Planning, Zoning
& Building Department**
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Compliance 233-5500
Contractor Regulations 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbc.gov/pzb



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**INTER-OFFICE COMMUNICATION
PLANNING, ZONING AND BUILDING DEPARTMENT
PLANNING DIVISION**

TO: Mr. James Williams, Chair, and
Members of the Zoning Commission

FROM: Travis Goodson, Principal Planner 
Planning Division

DATE: October 16, 2025

RE: Comprehensive Plan Consistency Determination for proposed
Unified Land Development Code (ULDC) revisions

The Planning Division has determined that the two proposed ULDC revisions, known as Green Market and Reasonable Accommodation for Certified Recovery Residences, as found in the packet provided by the Zoning Division and scheduled for the November 6, 2025 meeting, are generally consistent with the Comprehensive Plan.

Additional review will be required for any revision(s) to an amendment other than for the purpose of correcting grammatical or spelling errors.

cc: Thuy Shutt, AIA, FRA-RA, Planning Director
Jeffrey W. Gagnon, AICP, Deputy Planning Director
Lisa Amara, Zoning Director
Wendy N. Hernandez, Deputy Zoning Director
Jerome Ottey, Principal Site Planner, Zoning Division

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