ORDINANCE NO. 1671

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTERS 1, 5, AND 9 OF THE LAND DEVELOPMENT CODE TO ADD A DEFINITION FOR CERTIFIED RECOVERY RESIDENCE AND ESTABLISH A PROCESS FOR THE REVIEW OF REASONABLE ACCOMMODATION REQUESTS FOR CERTIFIED RECOVERY RESIDENCES PURSUANT TO SECTION 397.487, FLORIDA STATUTES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, SCRIVENER'S ERRORS, LIBERAL INTERPRETATION, MODIFICATIONS, AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Senate Bill No. 954 ("the Bill") adopted during the 2025 legislative session requires that by January 1, 2026, the governing body of each municipality adopt an ordinance establishing procedures for review and approval of certified recovery residences; and

WHEREAS, the Bill also requires the ordinance to include a process for requesting reasonable accommodations from any local land use regulation that prohibits the establishment of certified recovery residences; and

WHEREAS, adoption of this Ordinance ensures that the City of Panama City Beach complies with section 397.487, Florida Statutes, and serves the best interest of the public health, safety and welfare.

NOW, THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. From and after the effective date of this ordinance, section 1.07.02 of the Land Development Code of the City of Panama City Beach is hereby amended to add the definition of Certified Recovery Residence in its appropriate alphabetical order and to amend the definition of Licensed Facility with all other provisions of Section 1.07.02 remaining unchanged (new text **bold and underlined**, deleted text ~~struck through~~):

> ***Certified Recovery Residence* – A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator, as defined in Section 397.311(37), F.S. This term shall be interpreted consistent with the definitions in Chapter 397, F.S., as amended from time to time.**
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> ***Licensed Facility* –** A location providing day or ***Residential*** care or treatment for elderly persons or disabled adults. The term "facility" may include, but is not limited to, any training center, state institution, nursing home, assisted living facility, adult family-care home, adult day care center, ***Group Home***, mental health treatment center, ***Certified Recovery Residence,*** or continuing care community.

SECTION 2. From and after the effective date of this ordinance, section 5.04.05 of the City's Land Development Code is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

5.04.05 Community Residential Homes and Licensed Facilities

A. ***Community Residential Homes*** with six (6) or fewer residents are allowable **in** all districts except the C and R districts, subject to the standards of this zoning district, a minimum separation of one thousand (1,000) feet between each facility and the standards of this section, excluding paragraphs E and F.

B. ***Licensed Facilities*** with seven (7) to fourteen (14) residents are allowable in the R-2, R-3, CL, CM and CH zoning districts, subject to the standards of the R-3, CL, CM and CH zoning districts and the standards of this section.

C. ***Licensed Facilities*** with fifteen (15) or more residents are allowable in the R-3, CL, CM and CH zoning districts, subject to the standards of these zoning districts and the standards of this section.

D. ***Community Residential Homes*** and other ***Licensed Facilities*** which house persons of limited mobility are prohibited within the Coastal High Hazard Overlay District.

E. When located next to a property that is ***Used*** or zoned for ***Single Family Residential*** purposes, the side and rear yards shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

F. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.

G. ***Community Residential Homes*** and other applicable ***Licensed Facilities*** shall meet all requirements of section 419.001, *F.S.*

H. ***Nursing Homes*** are allowable in the R-3, CL, CM and CH zoning districts, subject to the standards of those zoning districts and the standards of this section.

1. ***Nursing Homes*** are prohibited in the Coastal High Hazard Overlay District.

2. ***Nursing Homes*** in the R-3 zoning district shall in all respects be consistent with the ***Residential*** structures in the neighborhood and be consistent with the ***Residential*** character of the neighborhood. Determination of consistency shall be based on the design of the structure; the amount and location of off-***Street*** parking; the location, size and design of the ***Driveway***; ***Building*** orientation; landscaping; number, size and location of ***Accessory Structures***; and the size and location of swimming pools or other outdoor ***Recreation*** facilities and equipment.

I. **The process to request a reasonable accommodation from this Code for a *Certified Recovery Residence* as a *Licensed Facility* is set forth in section 9.04.00.**

SECTION 3. From and after the effective date of this ordinance, section 9.04.00 of the City's Land Development Code is created to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

9.04.00 Reasonable Accommodation Process for *Certified Recovery Residences*

A. Purpose and Applicability. The purpose of this section is to establish a process for the review and approval of *Certified Recovery Residences* within the City, as required by Section 397.487(15), F.S., and pursuant to the federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601–3614) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131–12134). This section shall apply only to *Certified Recovery Residences*, as defined in this Code and state law, seeking reasonable accommodation from a zoning or land-use regulation that would otherwise prevent their establishment or operation.

B. Application for Accommodation. A *Certified Recovery Residence* or its authorized representative may request reasonable accommodation from one or more local land development regulations that prohibit or limit the establishment of the *Certified Recovery Residence*. The request shall be submitted by application to the City's Building and Planning Department. No application fee shall be required for a reasonable accommodation request under this section. At a minimum, the application shall include:

1. Applicant Information: Name, address, email, and phone contact of the applicant and the property owner, if different, along with owner's written authorization for the request if the applicant is not the owner.

2. Property Identification: The street address of the proposed *Certified Recovery Residence* and the parcel identification number.

3. Description of Accommodation: A detailed description of the specific, reasonable accommodation or relief requested, and identification of the particular local regulation, ordinance, policy, or rule from which relief is sought.

4. Basis for Accommodation: An explanation of why the accommodation is reasonable and necessary for one or more residents or prospective residents of the recovery residence to have an equal opportunity to use and enjoy the dwelling. This must include a statement of how the residents are considered "disabled" or "handicapped" as defined in the Fair Housing Act/ADA.

5. Proof of Certification: Documentation evidencing that the residence is a *Certified Recovery Residence* under Florida law, such as a copy of the current certificate of compliance issued pursuant to § 397.487, F.S.

6. Disability Verification: A brief verification from a health care or social service professional or other individual with knowledge of the residents' situation attesting that the current or prospective residents of the house are individuals in recovery from substance use disorder and therefore persons with a disability under federal law. Specific diagnoses or medical details are not required; the verification need only confirm that the reasonable accommodation is for persons with a qualifying disability.

7. **Certification of Truthfulness: The application shall include a statement to be signed by the applicant certifying, under penalty of perjury, that the information provided is true and correct. The application shall also acknowledge that any misrepresentation of material facts may result in denial or revocation of the accommodation. The application and certification must be executed by the operator or sponsor of the *Certified Recovery Residence*, or another qualified applicant (including a person with a disability or a provider of housing/services to such persons).**

8. **Additional Supporting Information (Optional): The applicant may provide any additional information, documents, or statements deemed relevant to support the request for reasonable accommodation.**

C. **Processing of Application; Timeframes. Upon receipt of an application for reasonable accommodation, the City's Building and Planning Department shall process it promptly as follows:**

1. **Acknowledgment and Completeness Review: The City shall date-stamp the application on the day it is received. If the application does not contain the required information listed in subsection B above, or if additional information or clarification is needed, the City must notify the applicant in writing within 30 days of receiving the application and specify what additional information is required. The applicant shall have 30 days thereafter to submit the requested additional information.**

2. **Incomplete Applications: If the applicant fails to provide the requested additional information within 30 days of the City's request, the application may be denied as incomplete.**

3. **Extensions: These timeframes may be extended by mutual agreement of the City and applicant. Extensions must be confirmed in writing and signed by both parties.**

D. **Review and Decision-making Criteria. A request for reasonable accommodation under this section is an administrative decision. No public hearing or public notice is required beyond the minimum notice or procedure required by Florida law. The review shall be conducted by the Building and Planning Director or another appropriate administrative official ("Reviewing Official"). The Reviewing Official shall evaluate the request in accordance with applicable federal law and the requirements of Section 397.487, F.S.. The analysis shall include, at a minimum, the following considerations:**

1. **Protected Status: Whether the application has established that one or more current or proposed residents of the dwelling are persons with a disability as defined by the Fair Housing Act or ADA and thus entitled to a reasonable accommodation. This typically means showing that the individuals have a physical or mental impairment that substantially limits one or more major life activities, have a record of such impairment, or are regarded as having such an impairment. The Reviewing Official may rely on the disability verification provided and shall not inquire into the details of medical conditions beyond what is necessary to determine qualification under the law.**

2. **Necessity: Whether the requested accommodation is necessary to afford the disabled persons an equal opportunity to use and enjoy the dwelling. In this context, "necessary" means there is an identifiable relationship between the requested modification or exception and the individuals' disability such that the regulation in question would deny or limit housing opportunities without the accommodation.**

3. **Reasonableness: Whether the requested accommodation is reasonable. A proposed accommodation may be found unreasonable if it would impose an undue financial or administrative burden on the City, or if it would fundamentally alter the nature of the City's zoning or land use scheme. The Reviewing Official shall consider alternative accommodations that may provide the applicant with similar benefits while imposing less burden or alteration. The City may also consider the physical characteristics and occupancy of the proposed residence in determining reasonableness (for example, ensuring that building safety codes regarding occupancy load are not violated, absent a code exception being part of the request).**

4. **Public Safety Considerations: Whether the accommodation would unduly impact the public health, safety, or welfare, beyond the typical impacts of a residential use. The City may not deny an accommodation simply due to generalized community opposition, speculative fears, or prejudice. However, if the specific accommodation would directly threaten public safety (for instance, waiving a critical fire code requirement with no alternative safety measure), the City may deem it unreasonable.**

5. **In making the determination, the Reviewing Official may consult with the City Attorney for guidance on federal and state law requirements. The Reviewing Official may also propose alternative accommodations or conditions that would effectively address the applicant's needs while mitigating any significant impacts of the request. The applicant shall have an opportunity to review and accept any such alternative or conditions as a modification of the request.**

E. **Written Decision and Effect. The Reviewing Official shall issue a final written determination granting or denying the reasonable accommodation within 60 days after receipt of a completed application. This written decision shall be mailed, or hand delivered to the applicant and shall state the grounds for the decision, including findings on the criteria in subsection D above. The decision shall include a notice to the applicant of their right to appeal. The decision shall take one of the following forms, consistent with F.S. 397.487(15):**

1. **Approval: Approve the accommodation request, in whole or in part, and with or without conditions. If approved with conditions or for a lesser accommodation than requested, the decision shall explain any differences from the request. Reasonable conditions may be imposed to ensure that the accommodation will not fundamentally alter the neighborhood or create a public nuisance – for example, requiring compliance with a specific management plan, setting a maximum number of residents consistent with building occupancy limits, or similar stipulations.**

2. **Denial: Deny the accommodation request, but only if the denial is consistent with federal and state law. A denial must specify in detail the objective,**

evidence-based reasons for the denial. Permissible reasons for denial include a failure to meet the definition of disabled individuals, insufficient demonstration of necessity, an undue financial/administrative burden on the City, or a fundamental alteration of the City's land use plan. The written denial shall also identify any deficiencies or actions that the applicant could take to seek reconsideration. For example, the denial may invite the applicant to provide additional information or accept a lesser accommodation that the City finds reasonable.

3. **Deemed Approved if Late: If the City fails to issue a written determination within 60 days after receiving a completed application, the request is deemed approved by law, unless the applicant and City have agreed in writing to extend the time.**

F. Appeal. The applicant may appeal the Reviewing Official's decision. The appeal must be filed in writing with the Building and Planning Department within 30 days of the date of the written determination. The appeal shall state the specific grounds for contesting the decision and provide any additional supporting information the applicant deems relevant.

1. **The appeal shall be reviewed and decided by the City Manager. The City Manager may consult with the City's legal counsel or other staff in evaluating the appeal.**

2. **No formal public hearing is required for the appeal, and the City Manager may allow the applicant to submit written arguments or evidence. The appeal decision shall be based on the same criteria in subsection D and in accordance with fair housing laws, considering the record of the application and any new information submitted on appeal.**

3. **The City Manager shall issue a written decision on the appeal within 45 days of the City's receipt of the appeal request. This decision on appeal shall be final. The City Manager may affirm the original decision, modify it, or reverse it. The final appeal decision shall be provided to the applicant via mail or hand delivery.**

G. Revocation of Accommodation. In accordance with Section 397.487(15), F.S., the City may revoke a reasonable accommodation for a *Certified Recovery Residence* for cause. Grounds for revocation include, but are not limited to:

1. **The operator of the *Certified Recovery Residence* has materially violated the terms or conditions of the accommodation approval or is operating in a manner that constitutes a public nuisance or threat to neighborhood safety.**

2. **The recovery residence allows its certification or license to lapse or be revoked for a period of 180 days or more.**

3. **The applicant ceases to meet the requirements of this section for a reasonable accommodation.**

The Building and Planning Director or his/her designee shall provide written notice to the operator of the *Certified Recovery Residence* stating the alleged grounds for revocation and giving the operator at least 15 days to respond or correct the violation,

if it is correctable. Thereafter, the Building and Planning Director shall issue a written determination deciding whether to revoke the accommodation approval. If revoked, the recovery residence shall lose the benefit of the accommodation and must comply with all applicable zoning and land-use regulations or cease operation, unless and until a new accommodation is granted. The operator may appeal a revocation to the City Manager in the same manner as provided in subsection F.

H. Other Provisions. The following general provisions apply to this section and any requests or approvals hereunder:

1. No Waiver of Other Code Requirements: A granted reasonable accommodation is limited to the specific relief from land development regulations expressly stated in the written approval. It does not waive the applicant's obligation to obtain any other required permits or approvals for development (e.g. building permits, business tax receipts if applicable, fire safety inspections, etc.), nor does it allow violation of any other general health and safety regulations. The *Certified Recovery Residence* must comply with all other applicable laws and codes that are not the subject of the accommodation.

2. Personal Accommodation: An approved reasonable accommodation shall not be considered a zoning change, variance, or development order applicable to the property generally. It is a personal accommodation granted to benefit the disabled residents for whom the request was made. The accommodation does not run with the land unless expressly provided by the City.

3. Duration of Approval: Unless earlier revoked, an approved reasonable accommodation shall remain in force for as long as the *Certified Recovery Residence* remains in operation at the approved location and retains its state certification. If the use of the property as a *Certified Recovery Residence* is abandoned or discontinued for 30 consecutive days or more, the approved accommodation automatically expires.

4. Consistency with Law: This section is intended to be interpreted consistent with and not more restrictively than the requirements of federal and state law. In the event of any conflict between this section and mandatory provisions of the Fair Housing Act, ADA, or Section 397.487, F.S., the provisions of those laws shall control.

SECTION 4. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances or Land Development Code of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 6. SCRIVENER'S ERRORS. It is the intention of the City, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Land Development Code of Panama City Beach, Florida, and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article"

or other appropriate designation. Additionally, corrections of typographical errors which do not affect the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 7. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 8. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified because of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City.

SECTION 9. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances and Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, and ADOPTED in regular session this 11 day of December 2025.

CITY OF PANAMA CITY BEACH

By: _____
Stuart Tettemer, Mayor

ATTEST:

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Lynne Fasone, MMC, City Clerk

Posted on pcbfl.gov on the 24th day of November 2025.
Posted on publicnoticesbaycountyfl.gov on the 29th day of October and on the 21st day of November, 2025.

EXAMINED AND APPROVED by me this 11 day of December 2025.

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Stuart Tettemer, Mayor