

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

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| <b>DRC Date:</b>  | October 9, 2025   | <b>Level of Review:</b> | 4                   |
| <b>PC Date:</b>   | November 5, 2025  | <b>Type:</b>            | LDC Text Amendment  |
| <b>BoCC</b>       | December 2, 2025  | <b>Case Numbers:</b>    | LDCT-2025-22        |
| <b>Date:</b>      | December 16, 2025 | <b>Case Name:</b>       | Recovery Residences |
| <b>Applicant:</b> | Polk BoCC         | <b>Case Planner:</b>    | Aleya Inglima       |

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| <b>Request:</b>                  | This is a County-initiated request to amend the use tables in Chapter 2, Chapter 4, and Chapter 5, to add large group homes into residential future land use districts; amending chapter 10, definitions, to add recovery residences to conform with state statute. |
| <b>Location:</b>                 | n/a                                                                                                                                                                                                                                                                 |
| <b>Property Owner:</b>           | n/a                                                                                                                                                                                                                                                                 |
| <b>Parcel Size (Number):</b>     | n/a                                                                                                                                                                                                                                                                 |
| <b>Development Area:</b>         | n/a                                                                                                                                                                                                                                                                 |
| <b>Nearest Municipality:</b>     | n/a                                                                                                                                                                                                                                                                 |
| <b>DRC Recommendation:</b>       | Approval                                                                                                                                                                                                                                                            |
| <b>Planning Commission Vote:</b> | Pending Hearing                                                                                                                                                                                                                                                     |

**Among the changes to Section 205, Section 401.01.01, Section 401.02, Section 401.03, Section 401.04, Section 401.05, Section 401.06, Section 401.08, Section 403.01, Section 502 are:**

- Ensures compliance with state requirements regarding recovery residences within residential zoning districts by adding Group Homes, Large to residential land use districts.

**Among the changes to Chapter 10 are:**

- Updating terminology by adding “recovery residences” within the definitions for “group homes” and “group living facilities”.
- Adding the definition of “recovery residences” consistent with state law.

## **Summary:**

This is a County-initiated request to amend the use tables in Chapters 2, 4, and 5 of the Land Development Code to add large group homes as a C3 within Residential Low (RL) future land use districts, and to amend Chapter 10 to add the term “recovery residences” in order to conform with state statute.

This text amendment brings the County’s regulations into compliance with House Bill 1163, which updates state law regarding recovery residences, group homes, and group living facilities. The amendment clarifies definitions and strengthens standards for housing individuals in recovery. The term “recovery residences” is incorporated alongside “group homes” and “group living facilities” to ensure recognition throughout the Code.

## Findings of Fact

1. *LDCT-2025-22 is a County-initiated request to amend the use tables in Chapter 2, Chapter 4, and Chapter 5, to add large group homes into residential future land use districts; amending Chapter 10, definitions, to add recovery residences to conform with state statute.*

2. *LDC Chapter 10 defines group homes under small, large, and group living facility:*

*“GROUP HOME, SMALL (Rev. 12/01/09 - Ord. 09-073): A full time, family type living arrangement, in a private residential home where room, board, and personal care is provided on a 24 hour basis for no more than six (6) unrelated persons along with a maximum of two full-time supervisors or house parents. This category includes, but is not limited to, community residential homes, adult family care homes, foster homes, and other similar group living homes. Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division*

*GROUP HOME, LARGE (Rev. 12/01/09 - Ord. 09-073): A full time living arrangement, in a private residential home, where room, board, and personal care is provided on a 24 hour basis for 7 to 14 unrelated persons along with a maximum of two full-time supervisors or houseparents. This category includes, but is not limited to, congregate/assisted living, community residential homes, foster homes, and other similar group living homes. Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.*

*GROUP LIVING FACILITY (Rev. 12/01/09 - Ord. 09-073): Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, which undertakes through its ownership or management to provide housing, meals, and one or more personal services on a 24 hour basis for 15 or more unrelated persons. This category includes, but is not limited to, congregate/assisted living facilities, and other similar group living facilities. Such facilities, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division.”*

3. *LDC Chapter 10 defines family: FAMILY (Revised 09/02/09 - Ord. 09-054): Any of the following groups living together sharing common living, sleeping, cooking, and eating facilities and with at least one person who has attained the legal age of 18:*

*a) Any number of people related by birth, marriage, civil union, adoption, guardianship, or duly-authorized custodial relationship; or*

*b) No more than six (6) unrelated people.*

4. *Section 303 states that “Group Home, Large (7-14 Residents) (Rev. 12/01/09 - Ord. 09-073)*

*The following shall apply to Group Home, Large containing 7-14 residents:*

1. *There shall be no exterior alterations which change the residential character of the structure. This provision does not apply to structures being utilized as a Large Group Home in the INST-1 and INST-2 land use districts.*
2. *Large Group Homes shall comply with the applicable separation distances as outlined in the Florida Statutes for each respective use. The distances shall be measured at the closest points from property line to property line.*
3. *Large Group Homes shall be permitted one non-illuminated sign mounted flush to the dwelling unit and not more than two square feet in area shall be allowed.*
4. *The applicant for a Large Group Home shall clearly demonstrate that adequate forms of transportation are available to the residents of the facility (such as nearby public transit or a private transit system provided on site) as well as accommodations on site to support the travel of persons involved in providing services to the individuals residing on the premises (such as vehicle parking that does not change the residential appearance of the site).*
5. *The applicant for a Large Group Home shall demonstrate that the dwelling is of adequate size and design to support the needs of the residents interned in the home. This shall include, but is not limited to, sleeping quarters, kitchen facilities, handicapped accessibility, and communal spaces.*
6. *Such homes, when required, shall be licensed by either the Department of Children and Families, Department of Elderly Affairs, Department of Juvenile Justice, Agency for Health Care Administration, Agency for Persons with Disabilities or other applicable state agency, department or division”*

#### **Development Review Committee Recommendation:**

The Land Development Division, based on the Findings of Fact, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **APPROVAL** of LDCT-2025-22.

#### **Analysis:**

House Bill 1163 was updated to address certified recovery residences within local zoning regulations. While previous statutes did not specifically address where such residences could be located, HB 1163 now limits the ability of local governments to restrict certain certified recovery residences, particularly those in multifamily structures.

Under HB 1163, for recovery residences voluntarily certified before July 1, 2025, local governments:

- Must classify these residences as non-transient residential uses for local zoning purposes.
- May not adopt ordinances or regulations that prohibit or restrict certified recovery residences in multifamily structures or regulate the duration or frequency of their use.
- Must allow certified recovery residences in all zoning districts permitting multi-family residential uses.

- Must allow multi-family structures to be used as certified recovery residences, housing up to two residents per bedroom, without requiring zoning or land use changes, variances, special exceptions, or comprehensive plan amendments.

The bill defines a recovery residence as a residential dwelling or community housing component that offers a peer-supported, alcohol-free, and drug-free living environment for individuals recovering from substance use disorders. These residences may operate in single-family or multifamily settings and vary in size, structure, and duration of occupancy.

This amendment aligns with HB 1163 and local zoning practices with federal protections under the Fair Housing Act and Americans with Disabilities Act, which restrict local governments from discriminating against housing for persons with disabilities, including those recovering from substance use disorders.

To comply with this legislation, this amendment will add the definition of “recovery residences” and to ensure zoning and land use regulations reflect the new state requirements.

This amendment aligns with current statutory requirements. Specifically, the County must demonstrate the following:

1. Reasonable Accommodation: That the CU application process constitutes reasonable accommodation from the County’s other, more restrictive Land Development Code (LDC) regulations.
2. Consistency with Federal Law: That the process is consistent with the Fair Housing Amendments Act (FHAA) and the Americans with Disabilities Act (ADA).
3. Procedural Timelines: That applications are properly date-stamped upon receipt, with:
  - 30 days for staff to request any additional information from the applicant,
  - 30 days for the applicant to respond, and
  - 60 days to issue a final written decision.

In addition, the application must include a description of the specific accommodation being requested and identify the regulations or policy from which relief is sought. In these cases, the regulation or policy at issue is that a Community Recovery Residence (CRR) is not permitted by right in the applicable land use district, and the relief sought is approval through the Conditional Use process.

Rather than creating a new use category for Recovery Residences, staff has elected to acknowledge them under existing policy and definitions for Group Homes. For planning purposes, and to avoid conflict with fair housing regulations, the County does not differentiate *who* is living in the group home, rather the LDC speaks to *how many people* are in the facility. Small Group Homes (6 or fewer residents) are essentially the same as any other single-family home, since the County’s definition of a family includes no more than six (6) unrelated people in a home. These require simple administrative approval through a Pre-Application meeting or Land Use Verification letter (Level 1 Review).

Large Group Homes (7-14 residents) currently require a Level 3 Review approval in some residential districts. They have not been permitted in Residential Low districts because of the higher intensity of this use. This amendment, in compliance with HB 1163, will allow them in RL sub-districts pursuant to a Level 3 Review, as is required elsewhere.

Finally, Group Living Facilities (15 or more residents) are more commercial in nature and require a Level 3 Review in all residential districts except Residential High (Level 2 Review). Also note, HB 1163 will not allow the County to restrict the use of multi-family developments for use as a recover residence. No such restrictions are in place now or with the adoption of this ordinance.

For requests requiring only C1 approval, compliance with FHAA and ADA requirements will not present an issue, as those decisions are administratively controlled by staff. However, for C3 approvals, staff reports to the Planning Commission should explicitly outline FHAA and ADA requirements. This ensures that any conditions imposed by the Planning Commission do not conflict with federal law.

### **Limits of the Proposed Ordinance**

The proposed ordinance is limited to updating the County's Land Development Code to align with the requirements of House Bill 1163 by:

- Adding the definition of “recovery residences” consistent with state law.
- Recognizes certified recovery residences as a type of non-transient residential use for zoning purposes.
- Updating terminology by adding “recovery residences” alongside “group homes” and “group living facilities” where applicable in the Code.
- Ensures compliance with state requirements regarding the siting of certified recovery residences within multifamily residential zoning districts.

### **Consistency with the Comprehensive Plan**

*OBJECTIVE 2.204-B: Polk County shall implement provisions within the Future Land Use Element and the Land Development Code to ensure that opportunities are available to provide adequate sites in residential areas for group living facilities licensed by the Florida Department of Children and Families.*

*POLICY 2.204-B1: Licensed "family care homes" and "group homes" shall be located within residential areas throughout the County in accordance with the Florida Statutes. "Adult congregate-living facilities" may be located within all Future Land Use designations, in accordance with policies within the Future Land Use Element, standards within the County's land development regulations, and upon issuance of a conditional use permit or functional equivalent by the County.*

*POLICY 2.204-B2: Group-living facilities located immediately adjacent to existing residential areas shall be designed so that the group-living facilities have a similar scale and intensity as the residential land use designation or adjacent existing residential dwellings units, otherwise, the group living facilities shall be setback and/or buffered to mitigate dissimilar scales. See Policy 2.116-A4.*

The ordinance does not alter existing regulations for single-family dwellings or other residential uses beyond what is required by state law. Local authority remains limited by the Fair Housing Act, the Americans with Disabilities Act, and the provisions of HB 1163, which preempt local governments from imposing restrictions that would effectively prohibit or discriminate against certified recovery residences.

**Comments from Other Agencies:** None

**Draft Ordinance:** Under separate attachment