

ORDINANCE 25-38

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 118, ZONING, ARTICLE II, DIVISION 4 TO ADD A NEW SECTION 118-136 TO ESTABLISH REGULATIONS AND PROCEDURES FOR CERTIFIED RECOVERY RESIDENCES, INCLUDING A PROCESS FOR REQUESTING REASONABLE ACCOMMODATION AS REQUIRED BY CHAPTER 2025-182, LAWS OF FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR A REASONABLE ACCOMMODATION PROCESS IN ACCORDANCE WITH FEDERAL AND STATE LAW; PROVIDING FOR APPLICATION REQUIREMENTS, REVIEW PROCEDURES, AND DEADLINES; PROVIDING FOR REVOCATION AND REINSTATEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida adopted Chapter 2025-182, Laws of Florida, effective July 1, 2025, amending §§397.487 and 397.4871, Florida Statutes, relating to certified recovery residences; and

WHEREAS, Chapter 2025-182 requires all municipalities and counties to adopt ordinances establishing a process for the review and approval of certified recovery residences no later than January 1, 2026; and

WHEREAS, the City Commission of the City of Winter Garden recognizes that certified recovery residences provide important housing opportunities for persons in recovery from substance use disorders and are protected under the Fair Housing Amendments Act of 1988 and the Americans with Disabilities Act; and

WHEREAS, the City of Winter Garden is committed to ensuring its land use and zoning processes provide equal housing opportunities for individuals with disabilities while maintaining compliance with state and federal law; and

WHEREAS, the City Commission finds that it is in the best interest of the public health, safety, and welfare to establish clear, consistent procedures for processing requests for reasonable accommodation by certified recovery residences.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Winter Garden, Florida, that:

SECTION 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Adoption. Chapter 118, Zoning, Article II, Division 4 of the Code of Ordinances of the City of Winter Garden, Florida, is hereby amended to add a new **Section 118-136**, to read as follows:

Sec. 118-136.- Certified Recovery Residences.

A. Definitions. For purposes of this Section, the following terms shall have the meanings set forth in §397.311, Florida Statutes, as amended:

1. **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, Florida Statutes, as amended, including Level I through Level IV certified recovery residences.
2. **Certificate of compliance** – A certificate issued by a credentialing entity to a recovery residence or administrator.
3. **Certified recovery residence administrator** – An administrator who holds a valid certificate of compliance.
4. **Reasonable accommodation** – A waiver or modification of land use, zoning, or other regulations to afford persons with disabilities an equal opportunity to use and enjoy a dwelling, consistent with the Fair Housing Amendments Act and the Americans with Disabilities Act.

B. Applicability.

This Section applies to a certified recovery residence seeking a reasonable accommodation from land use, zoning or land development code regulations within the City. This Section shall not supersede any declaration of covenants, conditions, or restrictions of a condominium, cooperative, or homeowners' association governed by Chapters 718, 719, or 720, Florida Statutes. Except for the seeking of a reasonable accommodation, the review and approval of a certified recovery residence is governed by the City's standard review and approval processes and compliance with applicable codes and ordinances.

C. Application for Reasonable Accommodation.

(i) Form of Application. Applications under this Section shall be filed with the Planning and Zoning Department on a form provided by the City and shall include:

1. Applicant's name, mailing address, telephone number, and email address;
2. Address and parcel identification number of the subject property;
3. Identification of the specific regulation from which relief is sought; and
4. A description of the reasonable accommodation requested along with citations to the applicable code or ordinance provisions at issue and the basis for requesting such accommodation.
5. A copy of the applicable certificate of compliance pertaining to the applicant.

(ii) Processing.

1. The Planning and Zoning Department shall date-stamp all applications upon receipt.
2. Within thirty (30) days of receipt, the City may request additional information in writing. Applicants shall have at least thirty (30) days to respond.

3. Within sixty (60) days of receipt of a completed application, the Planning Director or designee shall issue a written determination approving, approving with conditions, or denying the request based on evidence-based findings.
4. If no determination is issued within sixty (60) days of a completed application, and no written extension has been agreed to, the request shall be deemed approved.

(iii) Application Fee.

1. Each applicant for approval of a reasonable accommodation from land use, zoning or land development code regulations within the city shall pay an application fee to help defray the cost to the city of reviewing the application and making a determination as to whether or not the request for a reasonable accommodation satisfies the review criteria outlined in Sec. 118-136.D below. This application fee will not be refundable, whether or not the request for a reasonable accommodation is approved.

D. Review Criteria.

Decisions on a request for a reasonable accommodation under this Section shall be based on making the minimum reasonable accommodation necessary to accomplish the purpose of the request and meet the requirements of the Fair Housing Amendments Act of 1988, the Americans with Disabilities Act, and Chapter 2025-182, Laws of Florida. Conditions may be imposed on the reasonable accommodation, provided such conditions are consistent with federal and state law.

E. Revocation and Reinstatement.

(a) **Revocation.** An accommodation granted under this Section may be revoked by the City if the certified recovery residence: (i) loses its certificate of compliance under Florida law, or (ii) closes or vacates the premises.

(b) **Reinstatement.** If the certificate of compliance is reinstated within one hundred eighty (180) days of revocation, the accommodation may be reinstated administratively by the Planning Director.

(c) **Appeal.** Any certified recovery residence who is adversely affected by a decision made concerning a request for a reasonable accommodation or revocation of accommodation shall have the right to appeal such decision to the City Commission by filing a notice of appeal with the City Clerk within ten (10) days of the applicable decision along with stating the specific basis of the appeal. The City Commission will conduct a quasi-judicial hearing on the appeal within sixty (60) days of the filing of the appeal unless otherwise agreed to by the Planning Director and the certified recovery residence.

SECTION 3. Conflicts. In the event of a conflict between this Ordinance and any other ordinance or provision of law, this Ordinance shall control to the extent allowable by law.

SECTION 4. Severability. If any portion of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a

separate, distinct provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5. Codification. This Ordinance shall be codified in the Code of Ordinances of the City of Winter Garden, Florida. Section numbering, formatting, and headings may be altered as necessary.

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

FIRST READING: NOV. 13, 2025

SECOND READING: DEC 11, 2025

ADOPTED this 11TH day of DEC, 2025, by the City Commission of the City of Winter Garden, Florida.

CITY COMMISSION OF THE CITY OF
WINTER GARDEN, FLORIDA

John Rees
John Rees, Mayor

ATTEST:

Angela J. Grimmage
Angela J. Grimmage, City Clerk

