

**Land Development Code  
Amendment to allow for  
reasonable accommodations  
for certified recovery  
residences**

**Community Meeting: December 8, 2025**

**Land Development Code Text Amendment  
File 2025-170**

Certified recovery residence means a recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator.

“Certified recovery residence administrator” means a recovery residence administrator who holds a valid certificate of compliance.

*Institutional-residential use* means temporary or permanent housing associated with an institutional organization, such as a group home, certified recovery residence, foster care facility, convent, nursing facility, student housing, life care/elderly housing, or educational and/or scientific research facility.

\*\*\*\*\*

### **Sec. 102-187. Variances Granted by the Planning Commission.**

- (a) **Purpose.** The purpose of this section is to establish authority, procedures, and standards for the granting of variances from certain provisions of this Land Development Code, as specified in this section.
- (b) **Authority and scope of authority.** The Planning Commission is authorized to grant the following variances according to the standards of subsection (d) of this section:
  - (1) Front, side, and rear yard non-shoreline setback requirements in chapter 131;
  - (2) Bufferyard requirements in chapter 114, article V;
  - (3) Off-street parking and loading space requirements in chapter 114, article III;
  - (4) Landscaping requirements in chapter 114, article IV;
  - (5) Access standards in chapter 114, article VII; and
  - (6) Fence height requirements in chapter 114, article I.
  - (7) **Variances to provide a reasonable accommodation to establish a certified recovery residence.**
- (c) **Application and procedures.** An application for a variance shall be submitted to the Planning Director. The Planning Director shall review the entire application and all public responses thereto and prepare a staff report with recommendations for the Planning Commission. The variance application shall be heard at a regularly scheduled meeting of the Planning Commission. Notice, posting and hearing requirements shall be in accordance with section 110-5.
- (d) **Standards.** The Planning Commission has the authority to grant a variance to the standards described in (b)(1) through (67), with or without conditions, if and only if the applicant demonstrates that all of the following standards are met:
  - (1) The applicant shall demonstrate a showing of good and sufficient cause;
  - (2) Failure to grant the variance would result in exceptional hardship to the applicant;
  - (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;
  - (4) Property has unique or peculiar circumstances;

- (5) Granting the variance will not give the applicant any special privilege denied to another property owner in the immediate vicinity;
- (6) Granting the variance is not based on disabilities, handicaps or health of the applicant or members of his family;
- (7) Granting the variance is not based on the domestic difficulties of the applicant or his family; and
- (8) The variance is the minimum necessary to provide relief to the applicant.

(9) Variances to provide a reasonable accommodation consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. to establish a certified recovery residence shall include:

- a. A description of the accommodation needed, identifying the ordinances, rules, or policies for which the applicant needs reasonable accommodation, and why it is necessary.
- b. Detailed description of the requested accommodation to include an explanation of the specific modification or exception being sought.
- c. Demonstration of need with supporting materials, such as site plans, operational guidelines, certification credentials, resident selection criteria, and proof of compliance with health/safety standards shall accompany the variance application to strengthen the case and facilitate expeditious review.

**(fe) Decision by the Planning Commission.** The Planning Commission's decision shall be in writing by Resolution.

**(gf) Development under approved Planning Commission variances.** The granting of a setback variance by the Planning Commission is based on the design and placement of the structure(s) as shown on the approved site plans and does not reduce or waive any other required setbacks for any future structures or additions. Work not specified or alterations to the site plan may not be carried out without additional approval(s).