



AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
FEBRUARY 11, 2026
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes for the Regular Meeting of January 14, 2026.

4. OLD BUSINESS

5. NEW BUSINESS

5.1 ***(Legislative)* - PAB 2025-0019 - CITY OF FERNANDINA BEACH**

The City of Fernandina Beach requests a Land Development Code (LDC) Text Amendment to LDC Section 1.07.00 Definitions and Acronyms (fl sb 954 § 397.311), Table 2.03.02. Table of Land Uses, table 7.01.04(a). Parking Space Requirements and 6.02.00 creating Supplemental Standards for Specific Uses as it relates to new statutory requirements Florida Senate Bill 954 for certified recovery residences and updates to group home facility definitions and standards.

6. STAFF REPORT

6.1 Update regarding the forthcoming 2050 Vision Plan and the preparations for the Comprehensive Plan Evaluation and Appraisal Review (EAR)

7. BOARD BUSINESS

7.1 City Updates

7.2 Sunshine Law Presentation

8. PUBLIC COMMENT

9. ADJOURNMENT

NEXT PAB REGULAR MEETING IS SCHEDULED FOR MARCH 11, 2026.

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any

action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
JANUARY 14, 2026
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

**1. CALL TO ORDER: 5:00 PM
ROLL CALL / DETERMINATION OF QUORUM**

MEMBERS PRESENT:

Richard Doster (Chair)	Victoria Robas
Daphne Forehand (Vice-Chair)	Peter Stevenson
Mark Bennett	

MEMBERS ABSENT:

Nick Gillette
Barbara Gingher

OTHERS PRESENT:

Margaret Pearson, Planning Manager	Mia Sadler, Planner
Glenn Akramoff, City Deputy Manager	Teresa Prince, City Attorney
Mackennah Tarmey, Recording Secretary	

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes for the December 10, 2025 Regular Meeting.

ACTION TAKEN: A motion was made by Member Bennett, seconded by Vice-Chair Forehand, to approve the Minutes for the Regular Meeting of December 10, 2025, with the noted amendment.

Member Stevenson commented that he believes that impact fees discussion should have been included under Old Business.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

4. OLD BUSINESS

There was discussion regarding the impact fees letter and its inclusion within the agenda packet. Member Robas suggested that because there is no record of the letter, this item perhaps be moved to either staff comments or board business. Ms. Pearson said that the memo that was written was internal communication and that it is a matter of public record.

5. NEW BUSINESS

5.1 (Legislative) - PAB 2025-0021 - CITY OF FERNANDINA BEACH

The City of Fernandina Beach requests a Land Development Code (LDC) Text Amendment to LDC

Section 11.03.02 - Review and Compliance Report by the Technical Review Committee, in order to remove all references of the Airport Advisory Commission, which no longer exists.

Ms. Pearson introduced the case and described the requests from Staff to create text amendments in order to remove all references of the Airport Advisory Commission which has been dissolved. She described that this amendment would align with the ordinance regarding the dissolution during the Regular Meeting of the City Commission of June 3, 2025. A copy of a Certificate of Approval (COA) from the HDC or additional report from other departments would be provided to the TRC for the compliance report.

Member Robas inquired about the reference to the HDC in paragraph L. Ms. Pearson clarified that it means that it would need to be a written recommendation, not just verbal request, and that a copy of a COA from the HDC would be provided.

Member Robas also asked about the HDC impact.

Member Stevenson commented that he disagrees with Paragraph L, that it sounds chopped, that it needs have clearer language. Ms. Pearson clarified the definition and elaborated on the reasoning behind the way it was written.

Chair Doster interjected and noted that this writing is correct and that there should not be any changes.

ACTION TAKEN: A motion was made by Member Bennett, seconded by Member Robas, to recommend approval of PAB 2025-0021 to the City Commission for Land Development Code (LDC) Text Amendment to LDC Section 11.03.02.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

5.2 (Legislative) - PAB 2025-0022 - CITY OF FERNANDINA BEACH

The City of Fernandina Beach requests a Land Development Code (LDC) Text Amendment to LDC Section 9.05.00 - Technical Review Committee, Subsection 9.05.02 Membership, to correlate City Department Names with their Respective Member Representative on the Technical Review Committee

Ms. Pearson presented the case and recommended approval to the City Commission.

Member Robas asked that Planning and Zoning designation should be changed to Planning and Conservation. It was also clarified that the zoning process is under the umbrella of the Planning and Conservation.

ACTION TAKEN: A motion was made by Vice-Chair Forehand, seconded by Member Robas, to recommend approval of PAB 2025-0022 to the City Commission for Land Development Code (LDC) Text Amendment to LDC Section 9.05.05 with the modification under Section 9.05.02(A) that the term “Planning and Zoning” be changed to “Planning and Conservation”.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

6. BOARD BUSINESS

6.1 Elections of Chair and Vice-Chair

There was discussion about the tenure of the Chair and Vice-Chair.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Robas to re-elect Member Doster as Chair of the Planning Advisory Board for the 2026 calendar year.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Chair Doster to re-elect Member Forehand as Vice-Chair of the Planning Advisory Board for the 2026 calendar year.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

7. STAFF REPORT

Glenn Akramoff, Deputy City Manager, elaborated on the memo sent out to the City Manager about the Nassau County impact fees. He noted that it had been passed on to the City Commission but that he had not received any feedback yet. He welcomed any meeting request from Board Members to discuss this further. He then updated Board Members on City Staff-initiated 2-year plan for the Board's vision. Lastly, he announced that on February 12, 2026, the City Commission will hold their annual Vision session and that one of the discussion items will cover how Fernandina Beach's development is perceived by the "outside world"; and that some of important points could be added into a work plan for the Board.

Ms. Pearson asked Mr. Akramoff to address the recent Flood Adaptation Plan recognition. Mr. Akramoff announced that the City of Fernandina Beach received the Northeast Florida Regional Council award for resiliency for the Flood Adaptation Plan. He noted that he has already met with planning and stormwater to begin implementation and that a report would be created to keep track of the implementation actions. The Plan includes 17 items to be implemented and a lot of it fits into day-to-day business. He then offered to share this report with Board Members if they show interest.

Member Bennett asked about news reports regarding some legislative bills, especially one about potential administrative taking of land above 100 acres.

Member Stevenson asked about a follow up on SB 180. Mr. Akramoff said that there have been thousands of bills that have come across his desk for viewing and he's happy to view them as they come.

The Board then redirected the conversation back to the County impact fees increase.

Ms. Prince commented that Member Gillette may not have had all of the information at the time the discussion was initiated and that there was minimal discussion about any agreement. She then noted that the City has not formally discussed any of these changes and is waiting for further action and direction to be taken.

Mr. Akramoff said that Staff will not adopt anything that the City is not comfortable with. Chair Doster commented that his understandings is that the new development fees are to discourage development. Mr. Akramoff described how mobility fees work and how the City would negotiate with the County on the prioritization of City projects that could absorb some of these fees.

Chair Doster asked for updates at the next meeting. Mr. Akramoff noted that although there has not been much movement, he would provide the Board with any updates if any became available.

Ms. Prince said that the Planning Advisory Board should not necessarily be involved in this process because of the nature of politics and how the Board does not deal with County business. She then noted that Member Gillette may have voiced opposition to these fees because of his professional association.

Although Mr. Stevenson suggested that the Board should still be able to keep our eye on these fees, Ms. Prince went on to discourage Board involvement in the matter.

Member Robas asked that Mr. Akramoff provide her with a very broad Flood Adaptation Plan. He answered that the one provided is easily digestible and that he'll be happy to supply her with that information.

Member Stevenson brought up the upcoming annexation of an 18-acre property to be presented at an upcoming City Commission meeting, and some concerns voiced by neighboring communities. Mr. Akramoff assured the Board that the City is prepared for these discussions.

Member Stevenson inquired about the existing Interlocal Agreement with the County regarding mobility fees. Ms. Prince provided information about County Ordinance 2014-16 and will update the Board of any updates or changes.

Mr. Akramoff gave a quick update on upcoming Board cases, especially additional Land Development Code text amendments along with another annexation.

8. PUBLIC COMMENT

Margaret Kirkland, 1377 Plantation Point Drive, hopes that when we move forward with the Comprehensive Plan that we ensure that we have sustainability for the island and the rest of the County. She reiterated that our island is nothing without resiliency and wants to ensure that the City is preparing for these things. She would like to see the TRC have additional expertise in critical issues, like water and trees, to provide better assessment of where there could and couldn't be development.

Ms. Pearson commented that wetlands delineation letters were received for a recent annexation and also noted that a Flood Plan Manager is present as committee member. She also emphasized the fact that when there is a need for special assessment, the City reaches out to a field expert. Ms. Prince also commented about the jurisdictional elements like DEP and St Johns Water Management and that the City's TRC members are very qualified.

Margaret Kirkland, 1377 Plantation Point Drive, commented that since she has been here since 2011, she has met very few people who have any understanding of the maritime forest and the island we live on. She noted that she knows experts in these fields but feels like the County and City are very tentative in accepting information from these experts.

9. ADJOURNMENT: 5:52 PM

Mackennah Tarmey, Recording Secretary

Richard Doster, Chair

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Margaret Pearson, Senior Planner

Date: January 09,
2026

Submitted By: Mackennah Tarmey, Planning
Technician



**STAFF REPORT
PAB 2025-0019
Planning Advisory Board Hearing
FEBRUARY 11, 2026**

APPLICATION FOR TEXT ADMENTEMENTS TO THE LDC TO BRING THE LDC INTO COMPLIANCE WITH CHAPTERS 397 AND 419, FLORIDA STATUTES.

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Department of Planning and Conservation. ***

APPLICATION & BACKGROUND INFORMATION:

APPLICANT/AGENT:	City of Fernandina Beach
REQUESTED ACTION:	Amendments to the LDC Section 1.07.00 Acronyms and Definitions, Table 2.03.02. Table of Land Uses, Table 7.01.04(A). Parking Space Requirements, Creation of Section 6.02.09 Certified Recovery Residences and Amendment of Current Section 06.02.16 Group Homes.
LOCATION AND DESCRIPTION OF SITE:	City Wide
APPLICABLE COMPREHENSIVE PLAN POLICIES:	Objective 3.04. Group Homes and Foster Care Facilities Policies 3.04.01.-3.04.05. Objective 3.05. Relocation
APPLICABLE LAND DEVELOPMENT CODE SECTIONS:	LDC Sections 1.07.00 Acronyms and Definitions, Table 2.03.02 Table of Land Uses, Table 7.01.04(A), Parking Space Requirements, 6.02.00 Supplemental Standards for Specific Uses and 06.02.16 Group Homes.

BACKGROUND:

During the 2025 Legislative Session, the Legislature made amendments to Section 397.847 of the Florida Statutes, mandating that each municipality's governing body enact an ordinance for the evaluation and approval of certified recovery residences, as well as establish a procedure for requesting reasonable accommodations.

Furthermore, the version of Section 419.001 of the Florida Statutes from 2007, which served as the foundation for the current Section 6.02.16 of the LDC concerning 'group homes,' has undergone several updates to broaden the definition of a 'Community Residential Home.'

As defined in Section 419.001 of the Florida Statutes (2025), Community Residential Homes are outlined along with additional regulations for homes that qualify as Community Residential Homes but accommodate six or fewer residents.

The following amendments to the LDC are proposed.

1. Section 1.07.00 Acronyms and Definitions, which covers Acronyms and Definitions, has been revised to include definitions for Certified Recovery Residence and Community Residential Home. Additionally, the definition of Group Home Facility has been updated. These modifications to the definitions are consistent with Sections 397.311 and 419.001 of the Florida Statutes.
2. Table 2.03.02 The Land Uses now includes Certified Recovery Residences, indicating that their use is allowed in R-3, MU-1, MU-8, and C-3 zones, if they meet supplemental standards.



STAFF REPORT
PAB 2025-0019
Planning Advisory Board Hearing
FEBRUARY 11, 2026

3. Section 6.02.00 Supplemental Standards for Specific Uses presents a new Section 6.02.09, which enables the establishment of Certified Recovery Residences through a development application and compliance with the LDC. The section numbering has been revised to reflect the inclusion of the Certified Recovery Residences section. Additionally, it allows for modifications to the Supplemental Standards for Group Homes to ensure alignment with the current Section 419.001 of the Florida Statutes (2025).
4. Table 7.01.04(A) Parking Space Requirements adds Certified Recovery Residences to the table among hospitals, nursing homes, rest homes, and the like, and provides that Certified Recovery Residences must have the greater of 1 space per bed or the existing regulation of .25 space per bed and 1 space for each 2 employees on the largest shift.

The planning team engaged with the City's legal department and external counsel to verify adherence to the current LDC language and the stipulations of the Florida State Statutes concerning Group Homes and Certified Recovery Residences. A memorandum was received from Nabors Giblin & Nickerson PA, detailing the issue, facts, and analysis for the proposed amendments to the LDC, which is included as Exhibit A.

STAFF RECOMMENDATION:

Staff finds the requested amendments to be sufficiently compliant with the Comprehensive Plan, Land Development Code, and established City Commission Goals to ensure that sites zoned for group homes will be available at suitable locations to ensure that the needs of persons requiring such housing are met.

MOTION(S) TO CONSIDER

I move to recommend (approval or denial) of PAB case number 2025-0019 to the City Commission requesting that the Amendments to the LDC Section 1.07.00 Acronyms and Definitions, Table 2.03.02 Table of Land Uses, Table 7.01.04(A). Parking Space Requirements, Creation of Section 6.02.09 Certified Recovery Residences and amendment of current Section 06.02.16 Group Home, as presented, (is or is not) sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Respectfully submitted by:
Planning and Conversation Staff

M E M O R A N D U M

To: File: City of Fernandina Beach

From: KHM

Re: Certified Recovery Residence and Group Home Land Development Code Amendments

Date: January 23,2026

ISSUE: This memorandum is intended to summarize a draft amendment to the Land Development Code of the City of Fernandina Beach (the “LDC”) to bring the Code into compliance with Chapters 397 and 419, Florida Statutes.

FACTS: During the 2025 Legislative Session, the Legislature amended Section 397.487, Florida Statutes, to require that the governing body of each municipality adopt an ordinance for the review and approval of certified recovery residences and provide a process for requesting reasonable accommodations. In addition, the version of Section 419.001, Florida Statutes (2007), upon which current Section 6.02.16 of the LDC governing ‘group homes’ was based has been updated several times to expand the definition of a “Community Residential Home.” Section 419.001, Florida Statutes (2025) defines Community Residential Homes and provides additional regulations for homes that otherwise meet the definition of a Community Residential Home but have six or fewer residents.

ANALYSIS: The following amendments to the LDC are intended to bring the LDC into compliance with Chapters 397 and 419, Florida Statutes.

Section 1.07.00 Acronyms and Definitions

- Creates a definition of Certified Recovery Residence to mirror Section 397.311, Florida Statutes.
- Creates a definition of Community Residential Home to mirror Section 419.001, Florida Statutes
- Amends the definition of Group Home Facility to mirror the relevant portions of the definition of Community Residential Home and Section 419.001, Florida Statutes

Table 2.03.02. Table of Land Uses

- Adds Certified Recovery Residences to the table of land uses and provides that it is permissible subject to supplemental standards in R-3, MU-1, MU-8, and C-3.

Creation of Section 6.02.09 Certified Recovery Residences

- Provides purpose and intent
- Provides for the establishment of Certified Recovery Residences through an application for development and compliance with the LDC

Exhibit A

- Provides a process through which applicants seeking to establish a certified recovery residence may request reasonable accommodation from any portion of the LDC that serves to prohibit the establishment of a certified recovery residence.
- Provides for the Technical Review Committee to review any such request and issue a written determination within the timeline set forth in Section 397.487(15)(b), Florida Statutes.
- Provides for appeals from such written determinations.
- Provides that no fees shall be imposed in connection with such a request.
- Provides that the City Manager or designee may revoke or modify a reasonable accommodation granted in accordance with Section 397.487(15)(e), Florida Statutes.
- Provides a statement of nondiscrimination in accordance with Section 397.487(15)(f), Florida Statutes.

Amendment of Current Section 6.02.16 Group Homes

- Updates the Section number to account for the addition of the section on Certified Recovery Residences.
- Amends Subsection E. to remove references to the former Department of Children and Family Services, refer back to the definition of Community Residential Homes, and reference the additional agencies that have been added to Section 419.001, Florida Statutes, since this section of the LDC was last amended.
- Prohibits establishment of a Group Home that otherwise meets the definition of a Community Residential Home within 1,000 feet of another Group Home and adds the restriction on establishment of such Group Homes within 1,200 feet of a Community Residential Home, to comply with Section 419.001(2), Florida Statutes.
- Prohibits establishment of a Community Residential Home within a radius of 1,200 feet of another existing Community Residential Home (amended from “Group Home”) and provides that a Community Residential Home (amended from “Group Home”) within 500 feet of an area of single-family zoning substantially alters the nature and character of the area, to comply with Section 419.001(3)(c)3., Florida Statutes.

Table 7.01.04(A). Parking Space Requirements

- Adds certified recovery residences to the table among hospitals, nursing homes, rest homes, and the like, and provides that Certified Recovery Residences must have the greater of 1 space per bed or the existing regulation of .25 spaces per bed and 1 space for each 2 employees on the largest shift

1.07.00 ACRONYMS AND DEFINITIONS

* * *

Certified recovery residence means a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment that holds a valid certificate of compliance issued by a credentialing entity approved by the Florida Department of Children and Families or such agency’s successor or designee and is actively managed by a certified recovery residence administrator, as defined in Section 397.311, Florida Statutes, as amended.

* * *

Community residential home means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such dwelling unit shall be at least seven (7) residents but not more than fourteen (14) residents.

* * *

Group home facility means a residential facility dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such facility shall be at least four (4) residents but not more than ~~fourteen~~ **fifteen (15)** residents.

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Table 2.03.02. Table of Land Uses

ZONING DISTRICTS																				
_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON
PRINCIPAL LAND USES:																				

* * *

Certified Recovery Residences						S			S	S				S						
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6.02.09 Certified Recovery Residences

- A. Purpose. The purpose of this section is to address the establishment of certified recovery residences and provide procedures for the review and approval of requests for reasonable accommodation in the application of the City's ordinances, rules, policies, and procedures consistent with the Federal Fair Housing Act (42 U.S.C. Section 12131 et seq.) (the "FHA") and Title II of the Americans with Disability Act (42 U.S. C. Section 12131 et seq.) (the "ADA").
- B. Establishment. Certified recovery residences shall be reviewed and approved through an application for development pursuant to Chapter 11 of the Land Development Code. A certified recovery residence may be established only in the zoning districts outlined in Table 2.03.02 Table of Land Uses, and must comply with Chapter 6 of this Code for that zoning district and all other applicable land development regulations unless granted reasonable accommodation pursuant to this section. Certified recovery residences shall further comply with the following requirements:
1. Certified recovery residences must hold a valid certificate of compliance issued by a credentialing entity approved by the Florida Department of Children and Families or such agency's successor or designee and be actively managed by a certified recovery residence administrator, as defined in Section 397.311, Florida Statutes, as amended.
 2. Certified recovery residences shall comply with Chapter 397, Florida Statutes, applicable provisions of Chapter 419, Florida Statutes, and applicable rules and regulations promulgated by the Department of Children and Families.
 3. Certified recovery residences shall comply with applicable local, State, or federal, physical plant and fire safety standards, and shall furnish proof of appropriate County, State, or federal licensure, as applicable, before issuance of a City occupational license-local business tax receipt (LBTR).
 4. Certified recovery residences shall be used only for the purpose of providing a peer-supported, alcohol-free, and drug-free living environment and may not be used for administrative or office-type activities other than in support of the certified recovery residence.
 5. Certified recovery residences shall provide a buffer "A" as set forth in Section 4.05.05 of the Land Development Code.
 6. Certified recovery residences located in residential areas shall not have signage. Certified Recovery residences in nonresidential areas may have signage as set forth in Section 5.03.00 of the Land Development Code.
- C. Reasonable Accommodation. Applicants seeking to establish a certified recovery residence may request reasonable accommodation from any portion of the Land Development Code that serves to prohibit the establishment of a certified recovery residence in conjunction with an application for development. All activities governed by this section shall be conducted consistently 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. A reasonable accommodation shall not alter the applicant's obligation to comply with other applicable federal, state, county, or City requirements, rules, regulations, or laws. The procedures for review and approval of applications for reasonable accommodation are as follows:

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1. **Filing Application.** Application for reasonable accommodation for the establishment of a certified recovery residence shall be filed with the Planning and Conservation Department.
2. **Application Contents.** A complete application for reasonable accommodation for the establishment of a certified recovery residence shall include the following information:
 - i. The name and contact information of the applicant making the request. If the applicant is not the certified recovery residence administrator who will be actively managing the certified recovery residence, the certified recovery residence administrator's name, contact information, and a copy of the certified recovery residence administrator's certification must also be provided. If the applicant is not the owner of the property where reasonable accommodation is being requested, then Owner's Authorization for Agent Representation Form with the contact information for the owner must be included.
 - ii. The location where reasonable accommodation is requested, including the address and parcel identification number.
 - iii. A statement as to the nature of the applicant's disability under the Federal Fair Housing Act (42 U.S.C. Section 12131 et eq.) (the "FHA") and Title II of the Americans with Disability Act (42 U.S. C. Section 12131 et seq.) (the "ADA"), the proposed reasonable accommodation, and the nature of the premises which makes the accommodation necessary. The application must not include information or records specific and personal to any individual's medical diagnoses, prognoses, history, or treatment.
 - iv. Citation to the portion of the Land Development Code or other land development regulation, rule, policy, or procedure from which applicant seeks a reasonable accommodation and a statement of how the portion of the Land Development Code or other land development regulation, rule, policy, or procedure serves to prohibit the establishment of a certified recovery residence.
 - v. Additional information or documentation necessary to support the request for reasonable accommodation, such as a survey or plot diagram indicating applicable setback lines or location of proposed construction.
 - vi. Certification stating the following: "I certify, under penalty of perjury, that the information provided in this request is true and correct. I understand that if knowingly provide false information with this request, my request shall become null and void."
 - vii. Signature of the applicant and date.
3. **Application Receipt and Review.** Upon receipt of a completed application, the City will time stamp the application upon receipt and review shall commence. During review, the City shall notify the applicant in writing within 30 days if additional information or documentation is required. The applicant must provide the requested information within 30 days.
4. **Required findings.** The Technical Review Committee shall review completed applications. The Technical Review Committee may make a site visit to the property that is the subject of the application and may utilize consultants in conducting the review. The Technical Review Committee shall not grant any reasonable accommodation unless it makes a positive finding based on competent, substantial evidence in each of the following criteria:
 - i. the portion of the Land Development Code or other land development regulation, rule, policy, or procedure that is the subject of the application serves to prohibit the establishment of a certified recovery residence.
 - ii. The reasonable accommodation does not impose an undue financial or administrative burden on the City.

- iii. The reasonable accommodation does not fundamentally alter the essential nature of the City's zoning scheme or require a fundamental deviation in the nature of the land use and zoning regulations of the City.
5. Alternative reasonable accommodation. If the Technical Review Committee finds that the requested reasonable accommodation will impose an undue financial or administrative burden on the City or will fundamentally alter the essential nature of the City's zoning scheme or require a fundamental deviation in the nature of the land use and zoning regulations of the City, the Technical Review Committee may consider whether an alternative reasonable accommodation exists that would effectively meet the needs of the applicant.
6. Written Determination. Within 60 days of receipt of the completed application, the Technical Review Committee shall issue a final written determination to the applicant approving the application in whole or in part, with or without conditions, approving an alternative reasonable accommodation, or denying the request for reasonable accommodation. The final written determination shall state with specificity the objective, evidence-based reasons for the determination and, if the written determination is a denial, shall identify any deficiencies or actions necessary for reconsideration. If a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.
7. Appeal. The final written determination may be appealed to the circuit court.
8. Fees. There shall be no fee imposed by the City in connection with a request for reasonable accommodation or any appeal. The City shall have no obligation to pay a requesting party's or an appealing party's attorney fees or costs in connection with the request or any appeal.
9. Revocation or modification. The City Manager or designee may revoke or modify a reasonable accommodation for a certified recovery residency granted under this Section for cause, including, but not limited to, a violation of the conditions of approval set forth in the final written determination or the lapse, revocation, or failure to maintain certification or licensure required under Chapter 397, Florida Statutes, if not reinstated within 180 days. The City shall provide 30 days written notice of the revocation or proposed modification.
10. Nondiscrimination. This Section does not relieve the City of its obligations under 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. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

6.02.1009 *Renumbering Sections in between*

* * *

6.02.1617 **Group Homes**

- A. Group homes are allowable in the following zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section: RE, R-1, R1-G, RLM, R-2, R-3, MU-1, MU-8, and C-3.
- B. Group homes shall obtain an occupational license. All group homes shall comply with applicable local, State, or federal, physical plant and fire safety standards, and shall furnish proof of appropriate County, State, or federal licensure, as applicable, before issuance of a City occupational license.

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- C. Group homes shall be used only for the purpose of providing assistance or specialized care and may not be used for administrative or related office-type activities other than in support of the facility.
- D. No counseling or other client service for non-residents is permissible.
- E. A group home shall adhere to the following requirements as provided by Policy 3.054.065 of the City's Comprehensive Plan:
 - 1. Group homes of six (6) or fewer residents ~~that otherwise meet the definition of a licensed as community residential homes by the Department of Children and Family Services (DCFS)~~ shall be deemed a single-family unit, and shall be allowed in single-family or multi-family zoning districts, provided that such homes shall not be located within a radius of 1,000 feet of another existing duly licensed group home of six (6) or fewer residents ~~or a radius of 1,200 feet of another existing community residential home.~~
 - 2. ~~Community residential homes-Group homes duly licensed by the DCFS as community residential care facilities~~ which have from seven (7) to fourteen (14) unrelated residents operating as the functional equivalent of a family, including supportive staff as referenced in section 419.001, F. S., shall be allowed in multi-family residential districts, unless the City finds that the proposed group home siting as proposed:
 - a. Does not otherwise conform to existing zoning regulations applicable to other multi-family uses in the City;
 - b. Does not meet applicable licensing criteria established and determined by ~~the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families, the DCFS,~~ including requirements that the group home be located to assure the safe care and supervision of all clients in the home; or
 - c. Would result in an excessive concentration of community residential homes. A ~~community residential group~~ home that is located within a radius of 1,200 feet of another existing community residential home in a multi-family zone shall be an over-concentration of such homes that substantially alters that nature and character of the area. A ~~community residential group~~ home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.
 - 3. All distance requirements cited in this subsection shall be measured from the nearest point of the existing group home or area of single-family zoning to the nearest point of the proposed group home.
 - 4. All sites for group homes shall contain requisite infrastructure including: potable water, adequate surface water management, an approved system of wastewater disposal, and an adequate system for solid waste collection and disposal. The sites shall also be free of safety hazards and all structures shall comply with the City's ordinances and applicable State laws, including applicable State licensing and program requirements.
- F. Group homes shall provide a buffer "A," as set forth in Section 4.05.05.
- G. On-site management shall be provided twenty-four (24) hours per day, seven (7) days per week.

6.02.1718 Renumbering Sections continues to the end of section

* * *

Table 7.01.04(A). Parking Space Requirements

Type of Use or Activity	Minimum Number of Spaces
Assembly places (religious facilities, funeral homes, schools, theaters, auditoriums, arenas, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 4 seats
Barber Shops, Beauty Salons, Nail Salons, Skincare, or Tattoo Parlor	2 spaces per customer service station, plus 1 space for each 300ft ² of gross floor area
Business and commercial activities, including retail sales, and business activities not otherwise specified	1 space per 300 ft ² of gross floor area
Clubs and lodges (including fraternities, sororities, and other social or civic membership organizations)	1 space per 4 seats in the largest assembly area
Day-care and child-care centers	1.5 spaces per employee on the largest shift
Drive-in establishments	1 space per 60 ft ² of gross floor area
Duplex dwellings	2 per unit ²
Gasoline service stations	1 space per 350 ft ² of floor area, plus 3 spaces per repair bay
Hospitals, nursing homes, rest homes, convalescent homes, certified recovery residences , assisted care facilities, other similar facilities, and other medical facilities providing overnight accommodations	0.25 spaces per 1 bed plus, 1 space for each 2 employees on the largest shift For certified recovery residences, 1 space per bed or the above parking requirements, whichever is greater
Lodging accommodations, without restaurants or lounges	1space per sleeping room
Lodging accommodations, with restaurants or lounges	1space per sleeping room, plus 50% of the parking required by this section for the restaurant or lounge
Libraries and museums	1 space for each 500 ft ² of gross floor area
Manufacturing, warehousing and industrial uses	1 space for each 2 employees on the largest shift, plus 1 space for each company vehicle operating from the premises
Marinas	0.5 space for each boat berth, plus 1 space per each 2 employees on the largest shift ¹
Medical offices and clinics	1 space per 200 ft ² of gross floor area
Mortuary and funeral homes	1 space for each 4 seats in the chapel, plus 1 space for each 3 employees
Multi-family dwellings	2 spaces per dwelling unit ³
Offices (general, professional, or government)	1 space per 300 ft ² of gross floor area
Public parks and recreation facilities	1 space per 1,000 ft ² feet of active use area
Restaurants, eating, drinking, or entertainment establishments (without drive-in facilities)	1 space per 50 ft ² of the customer services area or 1 space per 250 ft ² of the gross floor area for those establishments without customer service areas (such as take-out windows only)
Schools and educational uses;	2 spaces for each classroom, office, and

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[Title XXIX](#)
PUBLIC HEALTH

[Chapter 397](#)
SUBSTANCE ABUSE SERVICES

[View Entire Chapter](#)

397.487 Voluntary certification of recovery residences.—

(1) The Legislature finds that a person suffering from addiction has a higher success rate of achieving long-lasting sobriety when given the opportunity to build a stronger foundation by living in a recovery residence while receiving treatment or after completing treatment. The Legislature further finds that this state and its subdivisions have a legitimate state interest in protecting these persons, who represent a vulnerable consumer population in need of adequate housing. It is the intent of the Legislature to protect persons who reside in a recovery residence.

(2) The department shall approve at least one credentialing entity by December 1, 2015, for the purpose of developing and administering a voluntary certification program for recovery residences. The approved credentialing entity shall:

(a) Establish recovery residence certification requirements.

(b) Establish procedures to:

1. Administer the application, certification, recertification, and disciplinary processes.
2. Monitor and inspect a recovery residence and its staff to ensure compliance with certification requirements.
3. Interview and evaluate residents, employees, and volunteer staff on their knowledge and application of

certification requirements.

(c) Provide training for owners, managers, and staff.

(d) Develop a code of ethics.

(e) Establish application, inspection, and annual certification renewal fees. The application fee may not exceed \$100. Any onsite inspection fee shall reflect actual costs for inspections. The annual certification renewal fee may not exceed \$100.

(3) A credentialing entity shall require the recovery residence to submit the following documents with the completed application and fee:

(a) A policy and procedures manual containing:

1. Job descriptions for all staff positions.
2. Drug-testing procedures and requirements.
3. A prohibition on the premises against alcohol, marijuana, illegal drugs, and the use of prescribed

medications by an individual other than the individual for whom the medication is prescribed. For the purposes of this subsection, “marijuana” includes marijuana that has been certified by a qualified physician for medical use in accordance with s. [381.986](#).

4. Policies to support a resident’s recovery efforts.

5. A good neighbor policy to address neighborhood concerns and complaints.

(b) Rules for residents.

(c) Copies of all forms provided to residents.

(d) Intake procedures.

(e) Sexual predator and sexual offender registry compliance policy.

(f) Relapse policy.

(g) Fee schedule.

(h) Refund policy.

- (i) Eviction procedures and policy.
- (j) Code of ethics.
- (k) Proof of insurance.
- (l) Proof of background screening.
- (m) Proof of satisfactory fire, safety, and health inspections.

(4) A certified recovery residence must be actively managed by a certified recovery residence administrator. All applications for certification must include the name of the certified recovery residence administrator who will be actively managing the applicant recovery residence.

(5) Upon receiving a complete application, a credentialing entity shall conduct an onsite inspection of the recovery residence.

(6) All owners, directors, and chief financial officers of an applicant recovery residence are subject to level 2 background screening as provided under s. 408.809 and chapter 435. A recovery residence is ineligible for certification, and a credentialing entity shall deny a recovery residence's application, if any owner, director, or chief financial officer has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in s. 408.809(4) or s. 435.04(2) unless the department has issued an exemption under s. 435.07. Exemptions from disqualification applicable to service provider personnel pursuant to s. 397.4073 or s. 435.07 shall apply to this subsection. In accordance with s. 435.04, the department shall notify the credentialing agency of an owner's, director's, or chief financial officer's eligibility based on the results of his or her background screening.

(7) A credentialing entity shall issue a certificate of compliance upon approval of the recovery residence's application and inspection. The certification shall automatically terminate 1 year after issuance if not renewed.

(8) Onsite followup monitoring of a certified recovery residence may be conducted by the credentialing entity to determine continuing compliance with certification requirements. The credentialing entity shall inspect each certified recovery residence at least annually to ensure compliance.

(a) A credentialing entity may suspend or revoke a certification if the recovery residence is not in compliance with any provision of this section or has failed to remedy any deficiency identified by the credentialing entity within the time period specified.

(b) A certified recovery residence must notify the credentialing entity within 3 business days after the removal of the recovery residence's certified recovery residence administrator due to termination, resignation, or any other reason. The certified recovery residence has 90 days to retain a certified recovery residence administrator. The credentialing entity must revoke the certificate of compliance of any certified recovery residence that fails to comply with this paragraph.

(c) If a certified recovery residence's administrator has been removed due to termination, resignation, or any other reason and had been previously approved to actively manage more than 50 residents pursuant to s. 397.4871(8)(b), the certified recovery residence has 90 days to retain another certified recovery residence administrator pursuant to s. 397.4871. The credentialing entity must revoke the certificate of compliance of any certified recovery residence that fails to comply with this paragraph.

(d) If any owner, director, or chief financial officer of a certified recovery residence is arrested and awaiting disposition for or found guilty of, or enters a plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, any offense listed in s. 435.04(2) while acting in that capacity, the certified recovery residence must immediately remove the person from that position and notify the credentialing entity within 3 business days after such removal. The credentialing entity must revoke the certificate of compliance of a certified recovery residence that fails to meet these requirements.

(e) A credentialing entity shall revoke a certified recovery residence's certificate of compliance if the certified recovery residence provides false or misleading information to the credentialing entity at any time.

(f) Any decision by a department-recognized credentialing entity to deny, revoke, or suspend a certification, or otherwise impose sanctions on a certified recovery residence, is reviewable by the department. Upon receiving an adverse determination, the certified recovery residence may request an administrative hearing pursuant to ss.

120.569 and 120.57(1) within 30 days after completing any appeals process offered by the credentialing entity or the department, as applicable.

(9) A person may not advertise to the public, in any way or by any medium whatsoever, any recovery residence as a “certified recovery residence” unless such recovery residence has first secured a certificate of compliance under this section. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10)(a) A certified recovery residence may allow a minor child to visit a parent who is a resident of the recovery residence, provided that a minor child may not visit or remain in the recovery residence between the hours of 9 p.m. and 7 a.m. unless:

1. A court makes a specific finding that such visitation is in the best interest of the minor child; or
2. The recovery residence is a specialized residence for pregnant women or parents whose children reside with them. Such recovery residences may allow children to visit or reside in the residence if the parent does not yet have a time-sharing plan pursuant to s. 61.13, provided that the parent files with the court for establishment of a plan within 14 days of moving into the residence.

(b) A certified recovery residence may not allow a minor child to visit a parent who is a resident of the recovery residence at any time if any resident of the recovery residence is currently required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435.

(11) Notwithstanding any landlord and tenant rights and obligations under chapter 83, a recovery residence that is certified under this section and has a discharge policy approved by a department-recognized credentialing entity may immediately discharge or transfer a resident in accordance with that policy under any of the following circumstances:

- (a) The discharge or transfer is necessary for the resident’s welfare.
- (b) The resident’s needs cannot be met at the recovery residence.
- (c) The health and safety of other residents or recovery residence employees is at risk or would be at risk if the resident continues to live at the recovery residence.

(12) Any person discharged from a recovery residence under subsection (11) who willfully refuses to depart after being warned by the owner or an authorized employee of the recovery residence commits the offense of trespass in a recovery residence, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(13) Beginning January 1, 2025, a certified recovery residence may not deny an individual access to housing solely on the basis that he or she has been prescribed federally approved medication that assists with treatment for substance use disorders by a licensed physician, a physician’s assistant, or an advanced practice registered nurse registered under s. 464.0123.

(14) A local ordinance or regulation may not further regulate the duration or frequency of a resident’s stay in a certified recovery residence located within a multifamily zoning district after June 30, 2024. This provision shall expire July 1, 2026.

(15)(a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

- (b) At a minimum, the ordinance must:
 1. Be 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.
 2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.
 3. Require the local government to date stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of a completed application. The determination must:

- a. Approve the request in whole or in part, with or without conditions; or
- b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:
- a. The name and contact information of the applicant or the applicant's authorized representative;
 - b. The property address and parcel identification number; and
 - c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of 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 this section, if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable accommodation process does not relieve the local government from its obligations under 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. The regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(16) The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

History.—s. 2, ch. 2015-100; s. 2, ch. 2017-80; s. 7, ch. 2019-159; s. 2, ch. 2020-38; s. 3, ch. 2021-128; s. 10, ch. 2021-156; s. 4, ch. 2023-298; s. 15, ch. 2024-71; s. 3, ch. 2024-176; s. 27, ch. 2025-156; s. 1, ch. 2025-182.

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[Title XXX](#)

SOCIAL WELFARE

[Chapter 419](#)

COMMUNITY RESIDENTIAL HOMES

[View Entire Chapter](#)

419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the term:

(a) “Community residential home” means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) “Licensing entity” or “licensing entities” means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, or the Agency for Health Care Administration, all of which are authorized to license a community residential home to serve residents.

(c) “Local government” means a county as set forth in chapter 7 or a municipality incorporated under the provisions of chapter 165.

(d) “Planned residential community” means a local government-approved, planned unit development that is under unified control, is planned and developed as a whole, has a minimum gross lot area of 8 acres, and has amenities that are designed to serve residents with a developmental disability as defined in s. [393.063](#) but that shall also provide housing options for other individuals. The community shall provide choices with regard to housing arrangements, support providers, and activities. The residents’ freedom of movement within and outside the community may not be restricted. For the purposes of this paragraph, local government approval must be based on criteria that include, but are not limited to, compliance with appropriate land use, zoning, and building codes. A planned residential community may contain two or more community residential homes that are contiguous to one another. A planned residential community may not be located within a 10-mile radius of any other planned residential community.

(e) “Resident” means any of the following: a frail elder as defined in s. [429.65](#); a person who has a disability as defined in s. [760.22\(3\)\(a\)](#); a person who has a developmental disability as defined in s. [393.063](#); a nondangerous person who has a mental illness as defined in s. [394.455](#); or a child who is found to be dependent as defined in s. [39.01](#), or a child in need of services as defined in s. [984.03](#).

(f) “Sponsoring agency” means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home. Such homes with six or fewer residents are not required to comply with the notification provisions of this section; provided that, before licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local

government in which the proposed site is to be located in order to show that there is not a home of six or fewer residents which otherwise meets the definition of a community residential home within a radius of 1,000 feet and not a community residential home within a radius of 1,200 feet of the proposed home. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity. For purposes of local land use and zoning determinations, this subsection does not affect the legal nonconforming use status of any community residential home lawfully permitted and operating as of July 1, 2016.

(3)(a) When a site for a community residential home has been selected by a sponsoring agency in an area zoned for multifamily, the agency shall notify the chief executive officer of the local government in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the licensing entity indicating the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The sponsoring agency shall also provide to the local government the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located. The local government shall review the notification of the sponsoring agency in accordance with the zoning ordinance of the jurisdiction.

(b) Pursuant to such review, the local government may:

1. Determine that the siting of the community residential home is in accordance with local zoning and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.
2. Fail to respond within 60 days. If the local government fails to respond within such time, the sponsoring agency may establish the home at the site selected.
3. Deny the siting of the home.

(c) The local government shall not deny the siting of a community residential home unless the local government establishes that the siting of the home at the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.
2. Does not meet applicable licensing criteria established and determined by the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.

(4) Community residential homes, including homes of six or fewer residents which would otherwise meet the definition of a community residential home, which are located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other. A planned residential community must comply with the applicable local government's land development code and other local ordinances. A local government may not impose proximity limitations between homes within a planned residential community if such limitations are based solely on the types of residents anticipated to be living in the community.

(5) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

(6) If agreed to by both the local government and the sponsoring agency, a conflict may be resolved through informal mediation. The local government shall arrange for the services of an independent mediator. Mediation shall be concluded within 45 days of a request therefor. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.

(7) The licensing entity shall not issue a license to a sponsoring agency for operation of a community residential home if the sponsoring agency does not notify the local government of its intention to establish a program, as

required by subsection (3). A license issued without compliance with the provisions of this section shall be considered null and void, and continued operation of the home may be enjoined.

(8) A dwelling unit housing a community residential home established pursuant to this section shall be subject to the same local laws and ordinances applicable to other noncommercial, residential family units in the area in which it is established.

(9) Nothing in this section shall be deemed to affect the authority of any community residential home lawfully established prior to October 1, 1989, to continue to operate.

(10) Nothing in this section shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

(11) The siting of community residential homes in areas zoned for single family shall be governed by local zoning ordinances. Nothing in this section prohibits a local government from authorizing the development of community residential homes in areas zoned for single family.

(12) Nothing in this section requires any local government to adopt a new ordinance if it has in place an ordinance governing the placement of community residential homes that meet the criteria of this section. State law on community residential homes controls over local ordinances, but nothing in this section prohibits a local government from adopting more liberal standards for siting such homes.

History.—s. 1, ch. 89-372; s. 1, ch. 90-192; s. 4, ch. 91-429; s. 36, ch. 93-206; s. 6, ch. 95-152; s. 42, ch. 96-169; s. 222, ch. 97-101; s. 46, ch. 98-280; s. 14, ch. 98-338; s. 53, ch. 99-193; s. 23, ch. 99-284; s. 7, ch. 2000-135; s. 93, ch. 2004-267; s. 34, ch. 2006-86; s. 110, ch. 2006-120; s. 1, ch. 2006-177; s. 99, ch. 2007-5; s. 30, ch. 2008-245; s. 3, ch. 2010-193; s. 237, ch. 2014-19; s. 29, ch. 2015-30; s. 1, ch. 2016-74; s. 3, ch. 2020-76; s. 43, ch. 2025-153.



NOTICE OF PUBLIC HEARING PLANNING ADVISORY BOARD CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Wednesday, February 11, 2026, at 5:00 p.m. in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following:

LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENTS

PAB CASE 2025-0019: CITY OF FERNANDINA BEACH REQUESTS AMENDMENTS TO LDC 1.07.00 DEFINITIONS AND ACRONYMS (FL SB 954 § 397.311), Table 2.03.02. TABLE OF LAND USES, TABLE 7.01.04(A). PARKING SPACE REQUIREMENTS AND 6.02.00 CREATING SUPPLEMENTAL STANDARDS FOR SPECIFIC USE AS IT RELATES TO NEW STATUTORY REQUIREMENTS FLORIDA SENATE BILL 954 FOR CERTIFIED RECOVERY RESIDENCES AND UPDATES TO GROUP HOME FACILITY DEFINITIONS AND STANDARDS.

Interested parties may appear at said hearing and be heard as to the advisability of any action which may be considered. Any person with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3100, TTY 711, (TTY number for all City offices) or through the Florida Relay Service at 711 at least 24 hours in advance to request such accommodation. The PAB serves as an advisory committee. Every application is submitted to the City Commission for final decision making. Copies of the applications may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. To make an appointment with a planner, please call 904-310-3480.

Sunshine Law: Board Basics

Office of the City Attorney

January 2026 Version

*Disclaimer: This is intended for general information purposes only.
Call the City Attorney's Office to seek counsel's advice if you have
specific questions on a situation.*



FERNANDINA BEACH
FLORIDA

Sunshine Law (Open Meetings)

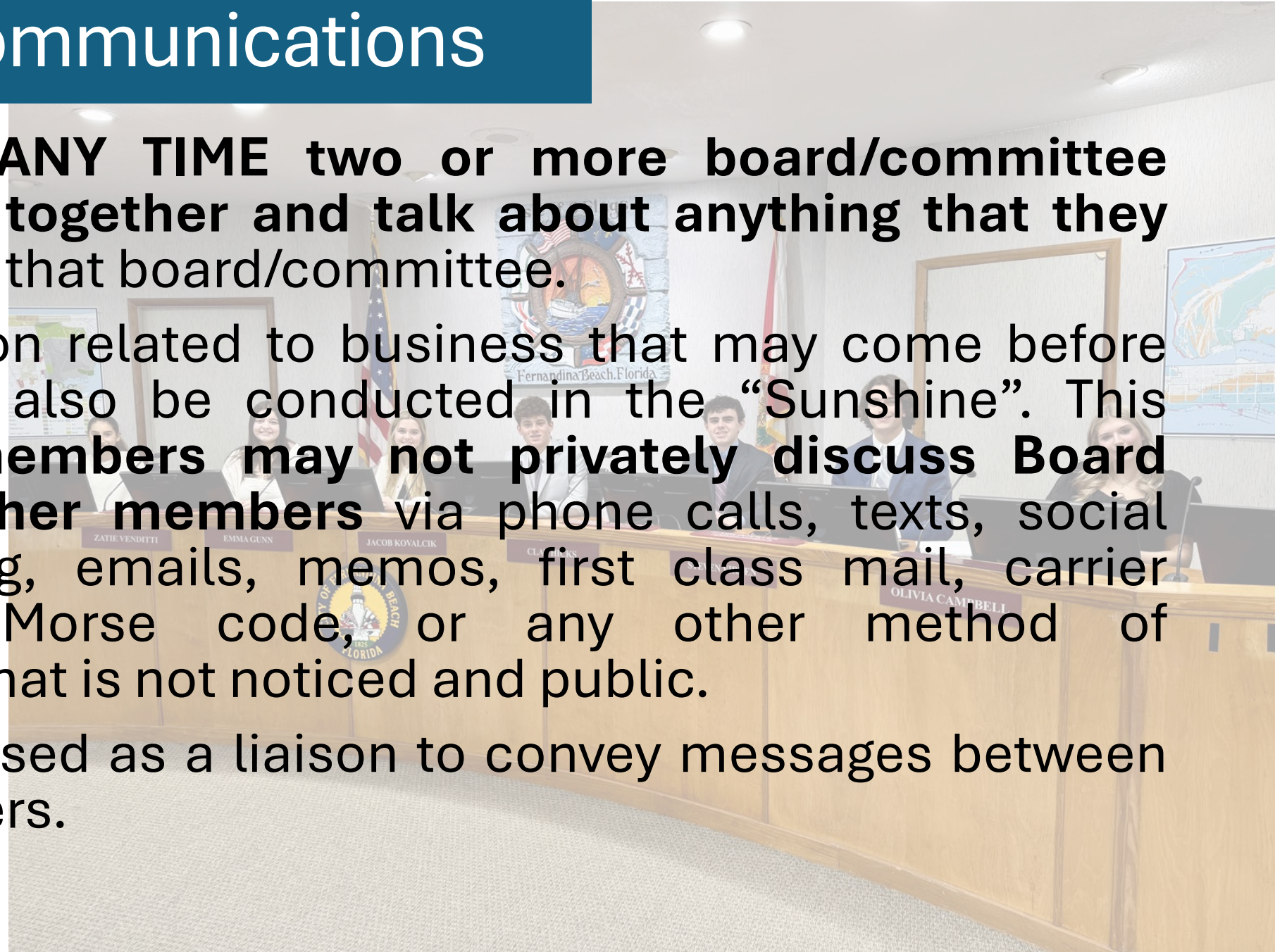
- Florida's "Government in the Sunshine Law" provides a right of access to governmental proceedings.
- Three requirements:
 - 1) meetings must be open to the public
 - 2) notice must be provided
 - 3) minutes must be taken
- Where it's found: Article I, Section 24 of the Florida Constitution & Florida Statutes Chapter 286.011

Who is covered under the Sunshine Law?

- Councils, boards, and commissions of state agencies, counties, municipal corporations and political subdivisions
- Elected or appointed councils, boards, or commissions.
- Private companies doing business on behalf of a government agency.
- One person acting on behalf of a board or commission.

Meetings & Communications

- A “meeting” is **ANY TIME two or more board/committee members come together and talk about anything that they could vote on** for that board/committee.
- All communication related to business that may come before the Board must also be conducted in the “Sunshine”. This means **Board members may not privately discuss Board matters with other members** via phone calls, texts, social media messaging, emails, memos, first class mail, carrier pigeon notes, Morse code, or any other method of communication that is not noticed and public.
- Staff cannot be used as a liaison to convey messages between the Board members.



Can we still socialize or attend the same functions?

- Yes, you can socialize. HOWEVER, you may not discuss any business or matters that might come before the Board over coffee.
- If multiple board members are attending a public function (like a public forum, town hall, or grand opening event), the City often publishes a “Notice of Gathering”. This notifies the public that while two or more members might be in attendance, it is not a function of the board and no discussions or decisions related to the Board can be made.
- Posting a Notice of Gathering does not mean that Board members can discuss topics which may come before them at the event.

Public Attendees/ Comments

- Meetings must be open to the public at all times
- Non-disruptive video and audio recording is permitted
- Members of the public must be given a reasonable opportunity to be heard on any proposition before a board or commission votes on it.
- Boards may institute guidelines on when the public may speak during the meeting, and for how long.



City Public Meeting Notices

The City must post notices of meetings that have the **time and place** of the meeting, agenda or **statement of subject matter**, and **be displayed in a designated spot** and on the website

Physical Posting

Locations

- City Hall
- Peck Center
- Utilities Billing
- Rec Centers

Online Calendar

<https://www.fbfl.us/calendar.aspx>

Agenda Links

<https://www.fbfl.us/867/Agendas>

Penalties for Open Meetings Violations

Action taken by a board in violation may be invalidated ab initio or by a court

Second degree misdemeanors with a punishment of imprisonment up to 60 days and a \$500 fine

Suspension/Removal from office by the Governor

Fines up to \$500 and reasonable attorneys' fees

Public Records Law

- Article I, Section 24 of the Florida State Constitution and Florida Statutes Chapter 119.
- Applies to all units of government, including districts, municipalities, counties, state departments and agencies

What is a “Public Record”?

All documents, papers, letters, maps, photos, films, recordings, emails, text messages, social media posts, etc. conducting public business to formalize knowledge, regardless of the physical form or means of transmission. This includes records that only exist in digital form such as databases and Outlook calendars.

A record is public based on the nature of the record (content), not the physical location.

Records must perpetuate knowledge to be considered public – a working draft not shared with anyone in any form is not public, but once it’s sent via email or printed and handed to someone else, it becomes public. ALL versions of drafts that have been shared are public.

Public Records Notes

Requestors don't have to provide any identifying information or reason to request a record.

If you make or receive a public record, you are responsible for maintaining that record.

The Clerk's Office may contact you to produce records if a request is received.

If you receive a request, you have a responsibility to respond: Let the requestor know the request is received and that it will be responded to promptly.

Answering Public Records Requests: Just FOIA

- The City uses an online system called Just FOIA to track requests.
- Citizens are not required to fill out the form to make request; however, it's the best way to get the right information to the requestor.
- Best practice: if someone calls or comes in person with a request – fill out the form for them!
- <https://fernandinabeachfl.justfoia.com/Forms/Launch/d705cbd6-1396-49b7-939e-8d86c5a87deb>



City of Fernandina Beach Public Records Request

204 Ash Street - Fernandina Beach, Florida 32034
Phone: (904) 310-3115 Fax: (904) 310-3454

Pursuant to [Chapter 119 Florida Statutes](#), I hereby request the following currently existing records of the City of Fernandina Beach, Florida.

Requests are not required to be in writing, nor is the requester required to provide their name or an explanation as to why the request is being made. For those who wish to make a written request, you may complete and submit this form or otherwise please contact the City Clerk's Office (904) 310-3119.

The request must be clear enough to enable the City to conduct a meaningful search. The City may ask questions about the request in order to fully respond in a timely manner.

Answering Public Records Requests: Do's and Don'ts

- DO SAY:
 - How would you like to receive that record?
 - I will respond to that request promptly.
- DON'T SAY:
 - You've got to ask the Clerk/go fill out the form.
 - I need your name and number to process a request.
- Reminder: Requests come in many forms – verbal, e-mail, handwritten note. All must be responded to promptly.



Penalties for Public Records Violations

Fines of up to \$500

Suspension and removal or impeachment

First-degree misdemeanor, up to 1 year in prison and a \$1000 fine

A person who has been denied the right to inspect public records can bring a civil action to enforce the statute. These actions are subject to immediate hearing and take priority over other pending cases.

Resources for Public Meetings and Public Records Requests

City Staff

- City Attorney Teresa L. Prince tprince@fbfl.city
- City Clerk Caroline Best cbest@fbfl.city

Florida Statutes

Searchable Statutes:
<http://www.leg.state.fl.us/Statutes/index.cfm?Tab=statutes&ubmenu=-1>

State Attorney General

- AG Opinions
- Sunshine Manual PDF
- Training resources

<https://www.myfloridalegal.com/>

Questions?

