

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 40 "LAND DEVELOPMENT CODE," ARTICLE II, "DEFINITIONS," SECTION 40.201 "DEFINITIONS" TO INCLUDE THE DEFINITIONS FOR "CERTIFIED RECOVERY RESIDENCE"; AND ALSO AMENDING CHAPTER 40 "LAND DEVELOPMENT CODE," ARTICLE III, "ADMINISTRATION," DIVISION 2 "APPLICATIONS, REVIEW PROCEDURES AND PUBLIC NOTICE" SECTION 40.312 "REASONABLE ACCOMMODATION PROCEDURES" OF THE CITY OF MARGATE'S CODE OF ORDINANCES TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida law provides that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the City of Margate, Florida (the "City") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the City is committed to ensuring compliance with federal civil rights laws, including the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the American with Disabilities Act, 42 U.S.C. ss. 12131 et seq.; and

WHEREAS, in the early 1970s, the federal government enacted

1 laws for states to develop a continuum of care for individuals
2 and families affected by substance abuse; and

3 **WHEREAS**, in response to the federal laws, the Florida
4 Legislature enacted Chapters 396 and 397, F.S., relating to
5 alcohol and drug abuse, respectively; and

6 **WHEREAS**, in 1993, the Florida Legislature adopted
7 legislation combining Chapters 396 and 397 of the Florida
8 Statutes into a single law, the "Hal S. Marchman Alcohol and
9 Other Drug Services Act" (the "Marchman Act"), which encourages
10 individuals to seek services on a voluntary basis within the
11 existing financial and space capacities of a service provider;
12 and

13 **WHEREAS**, the Department of Children and Families (DCF) is
14 responsible for administering substance abuse and mental health
15 prevention, treatment, and recovery statewide consistent with
16 the Marchman Act; and

17 **WHEREAS**, on June 25, 2025, the Governor signed into law
18 Senate Bill 954, which amends Section 397.487, Florida Statutes
19 ("Voluntary Certification of Recovery Residences"), and requires
20 the City to enact an ordinance providing for procedures for
21 review and approval of certified recovery residences, including
22 a process for requesting reasonable accommodations from any
23 local land use regulation that serves to prohibit the
24 establishment of a certified recovery residence; and

25 **WHEREAS**, it is necessary to amend the City's Land
26 Development Code to comply with Section 387.487, Florida
27 Statutes, as amended; and

28 **WHEREAS**, creating procedures to request a reasonable
29 accommodation to establish a certified recovery residence
30 protected by federal law will provide people with disabilities
31 equal access to housing opportunities within the City while
32 preserving the overall intent and purpose of the City's planning
33 and land use regulations; and

1 **WHEREAS**, after conducting a public hearing and reviewing
2 the recommendations of City staff, and comments from the public,
3 the City Commission finds that the proposed amendments to its
4 Code are in compliance and consistent with Florida law and with
5 its adopted Comprehensive Plan; and

6 **WHEREAS**, the City Commission held a public hearing, at
7 which all members of the public so desiring had an opportunity
8 to be heard; and

9 **WHEREAS**, the City Commission finds that this Ordinance is
10 in the best interest and welfare of the residents of the City.

11 NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
12 THE CITY OF MARGATE, FLORIDA:

13
14 **Section 1.** **Recitals.** The recitals set forth above are
15 true and correct and are incorporated herein by this reference.

16 **Section 2:** **Amending the City Code.** CHAPTER 40 "LAND
17 DEVELOPMENT CODE," ARTICLE II, "DEFINITIONS," SECTION 40.201
18 "DEFINITIONS" of the City of Margate Code of Ordinances be, and
19 the same is hereby amended to read as follows:

20 **Chapter 40. LAND DEVELOPMENT CODE**

21 * * *

22 **Article II. DEFINITIONS**

23 * * *

24 **Section 40.201-DEFINITIONS**

25 * * *

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32 *Family care facilities.* A facility which provides residence,
33 supervision, and support in a family setting to eight (8) or
34 fewer unrelated individuals who are handicapped, aged, disabled,

1 or in need of adult supervision. This definition does not
2 include a "certified recovery residence."

3 * * *

4
5 [Note to Municipal Code: The rest of this section shall remain
6 as codified.]

7 * * *

8
9 Section 3. Amending the City Code. CHAPTER 40 "LAND
10 DEVELOPMENT CODE," ARTICLE III, "ADMINISTRATION," DIVISION 2
11 "APPLICATIONS, REVIEW PROCEDURES AND PUBLIC NOTICE" SECTION
12 40.312 "REASONABLE ACCOMMODATION PROCEDURES" of the Code, is
13 hereby amended to read as follows:
14

15 **Chapter 40. LAND DEVELOPMENT CODE**

16
17 * * *

18
19 **Article III. ADMINISTRATION**

20
21 * * *

22
23 **DIVISION 2. APPLICATIONS, REVIEW PROCEDURES AND PUBLIC NOTICE**

24
25 * * *

1

2 **SECTION 40.312 REASONABLE ACCOMMODATION PROCEDURES**

3

4 * * *

5 (A) This section implements the policy of the City of Margate
6 for processing of requests for reasonable accommodation to its
7 ordinances, rules, policies, and procedures for persons with
8 disabilities as provided by the Federal Fair Housing Amendments
9 Act (42 USC 3601 et seq.) (FHA) and Title II of the Americans
10 with Disabilities Act (42 USC 12131 et seq.) (ADA), and Section
11 397.487(15)(a), Florida Statutes (collectively, "Applicable
12 Laws"), unless otherwise defined herein, the terms in this
13 Section shall be defined as provided in Section 397.311, Florida
14 Statutes, as may be amended from time to time.

15

16 1. For purposes of this section, a "disabled" individual
17 or person is an individual that qualifies as disabled
18 and/or handicapped under the FHA and/or ADA
19 ("Applicant"). Any person who is disabled (or qualifying
20 entities) may request a reasonable accommodation with
21 respect to the City's land use or zoning laws, rules,
22 policies, practices and/or procedures as provided by the

1 FHA and the ADA pursuant to the procedures set out in
2 this section.

3 2. For purposes of this section, a "Certified Recovery
4 Residence" shall have the same meaning as that which is
5 provided in section 40.201 of the City's Code.

6 3. For purposes of this section, a "Certified recovery
7 residence administrator" shall mean a recovery residence
8 administrator who holds a valid certificate of
9 compliance.

10 4. For purposes of this section, a "Community housing"
11 shall mean a certified recovery residence offered,
12 referred to, or provided by a licensed service provider
13 that provides housing to its patients who are required to
14 reside at the residence while receiving intensive
15 outpatient and higher levels of outpatient care. A
16 certified recovery residence used by a licensed service
17 provider that meets the definition of community housing
18 shall be classified as a Level IV level of support, as
19 described in ss.397.311(5), Florida Statutes.

20 5. For purposes of this section, the "Department" shall
21 mean the City's Development Services Department.

1 6. For purposes of this section, the "Department director"
2 is the City's Development Services Department Director.

3 7. For purposes of this section, a "licensed service
4 provider" is a public agency, a private for-profit or
5 not-for profit agency, a physician or any other private
6 practitioner licensed under Chapter 397 of the Florida
7 Statutes, or a hospital that offers substance abuse
8 services through one or more licensed service components.

9 8. For purposes of this section, a "Recovery residence"
10 shall have the same meaning as that which is set forth in
11 section 40.201 of the City's Code.

12
13 (B) A request by an Applicant for reasonable accommodation under
14 this section shall be made in writing by completion of
15 a reasonable accommodation request form, which form is
16 maintained by (and shall be submitted to) the Development
17 Services Department.

18 1. The reasonable accommodation form shall contain such
19 questions and requests for information as are necessary for
20 processing the reasonable accommodation request.
21 The reasonable accommodation request form shall be

1 substantially in the form set forth in subsection (K),
2 below.

3 2. The City shall date-stamp each application upon
4 receipt. Within five (5) calendar days after receiving such
5 an application, the Department shall confirm receipt of the
6 application using the contact information provided by the
7 applicant. An application will be considered complete by
8 the Department if it is submitted in the required form with
9 all mandatory information and material. This provision does
10 not preclude the identification and correction of
11 information submitted by the applicant after an application
12 is accepted.

13
14 (C) Should the information provided by the Applicant to the City
15 include medical information or records, including records
16 indicating the medical condition, diagnosis or medical history
17 of Applicant, such individual may, at the time of submitting
18 such medical information, request that the City, to the extent
19 allowed by law, treat such medical information as confidential
20 information of the Applicant.

21 1. The City shall thereafter endeavor to provide written
22 notice to the Applicant and/or their representative, of any

1 request received by the City for disclosure of the medical
2 information or documentation which the Applicant has
3 previously requested be treated as confidential by the
4 City.

5 2. The City will cooperate with the Applicant, to the
6 extent allowed by law, actions initiated by such individual
7 to oppose the disclosure of such medical information or
8 documentation, but the City shall have no obligation to
9 initiate, prosecute or pursue any such action, or to incur
10 any legal or other expenses (whether by retention of
11 outside counsel or allocation of internal resources) in
12 connection therewith, and may comply with any judicial
13 order without prior notice to the Applicant.

14 (D) The City Manager, or their designee, shall have the
15 authority to consider and act on requests
16 for reasonable accommodation, after notice and public hearing to
17 receive comments, input and information from the public
18 (provided, however, the City Manager or designee, shall not be
19 required to render their decision at said public hearing). The
20 City may not require public hearings beyond the minimum required
21 by law to grant the requested accommodation.

1 1. When a reasonable accommodation request form has been
2 completed and submitted to the Development Services
3 Department, it will be referred to the City Manager, or
4 designee, for review and consideration.

5 2. The City must notify the applicant in writing within the
6 first thirty (30) calendar days after receipt of an
7 application, whether additional information is required,
8 and allow the applicant at least thirty (30) calendar days
9 to respond.

10 a. If necessary, within the first thirty (30)
11 calendar days after receipt of the application, the
12 Department Director may request additional information
13 from the applicant, specifying in sufficient detail
14 what information is required. The applicant shall have
15 at least thirty (30) calendar days after the date the
16 information is requested to respond.

17 b. If the applicant fails to respond to the request
18 for additional information, the Department Director
19 shall deny the request for relief upon the basis that
20 it has been deemed abandoned or withdrawn. No further
21 action by the City concerning said relief request shall
22 be required.

1 3. The City Manager, or designee, shall issue a final
2 written determination within ~~forty-five (45)~~ sixty (60)
3 calendar days of the date of receipt of a completed
4 application and may, in accordance with federal law:

5 a. The determination must be approved in whole or in
6 part, with or without conditions Grant
7 ~~the accommodation request; or~~

8 b. ~~Grant a portion of the request and deny a portion~~
9 ~~of the request, and/or impose conditions upon the~~
10 ~~grant of the request; Deny the request, stating with~~
11 specificity the objective, evidence-based reasons for
12 denial, and identifying any deficiencies or actions
13 necessary for reconsideration, in accordance with
14 federal law.

15 c. If a final written determination is not issued
16 within sixty (60) days after receipt of a completed
17 application, the request is deemed approved unless the
18 parties agree in writing to a reasonable extension of
19 time.

20
21 ~~3. Any amendment made to an application shall result in a~~
22 ~~new forty-five day review time period.~~

1 ~~4. Any such denial shall be in writing and shall state the~~
2 ~~grounds therefore.~~

3 5. All written determinations shall give notice of the
4 right to appeal.

5 4. Approval of a request for reasonable accommodation
6 shall expire after one hundred eighty (180) days if not
7 implemented. In the event the applicant ceases to operate
8 the property pursuant to a reasonable accommodation that
9 has been granted, any approved accommodations shall
10 immediately expire and the property shall be in compliance
11 with the City Code.

12 (E) The notice of determination shall be sent to the requesting
13 party (i.e. the Applicant or their representative) by certified
14 mail, return receipt requested.

15 ~~1. If reasonably necessary to reach a determination on the~~
16 ~~request for reasonable accommodation, the City Manager, or~~
17 ~~designee, may, prior to the end of said forty-five-day~~
18 ~~period, request additional information from the Applicant,~~
19 ~~specifying in sufficient detail what information is~~
20 ~~required.~~

1 ~~a. The Applicant shall have fifteen (15) calendar days~~
2 ~~after the date of the request for additional~~
3 ~~information to provide the requested information.~~

4 ~~b. In the event any additional information is provided,~~
5 ~~the forty-five-day period to issue a written~~
6 ~~determination shall no longer be applicable, and the~~
7 ~~City Manager, or designee, shall issue a written~~
8 ~~determination within thirty (30) calendar days after~~
9 ~~receipt of the additional information.~~

10 ~~c. If the requesting party fails to provide the~~
11 ~~requested additional information within said fifteen-~~
12 ~~day period, the City Manager, or designee, shall issue~~
13 ~~a written notice advising that the Applicant had failed~~
14 ~~to timely submit the additional information and~~
15 ~~therefore the request~~
16 ~~for reasonable accommodation shall be deemed abandoned~~
17 ~~and/or withdrawn and no further action by the City with~~
18 ~~regard to said reasonable accommodation request shall~~
19 ~~be required.~~

20 (F) In determining whether the reasonable accommodation request
21 shall be granted or denied, Applicant shall be required to
22 establish that they are protected under the FHA and/or ADA by

1 demonstrating that they are handicapped or disabled, as defined
2 in the FHA and/or ADA.

3 1. Although the definition of disability is subject to
4 judicial interpretation, for purposes of this chapter the
5 disabled individual must show:

- 6 a. A physical or mental impairment which substantially
7 limits one (1) or more major life activities; or
8 b. A record of having such impairment; or
9 c. A record of having such impairment; or
10

11 (G) In reviewing the application for reasonable accommodation
12 for a certified recovery residence, the following criteria will
13 be applied:

14
15 (i) Whether the applicant has established that he/she, or
16 the individual on whose behalf the application was
17 submitted, is protected under applicable laws.

18
19 (ii) Whether the applicant has established that the
20 requested accommodation is reasonable and necessary to
21 afford the disabled individual an equal opportunity to use
22 and enjoy the property.

1
2 (iii) Whether the requested accommodation would impose an
3 undue financial or administrative burden on the City.

4
5 (iv) Whether the requested accommodation would require a
6 fundamental alteration in the nature of the land use and
7 zoning regulations of the City.

8
9 (v) Whether alternative reasonable accommodations could
10 provide an equivalent level of benefit, if applicable.

11
12 (vi) Whether applicant adheres to all applicable state and
13 federal laws relating to Certified Recovery Residences and
14 can demonstrate the same, inclusive of all required
15 licensures or credentials for operation of a Certified
16 Recovery Residence.

17
18 (vii) Whether the licensed service provider has a paid
19 certified employee on call during the time when individuals
20 are at a community housing location, if applicable.

21
22 (viii) Any other relevant criteria under applicable laws.

1
2 (ix) For Level IV Certified Recovery Residences that are
3 operating as Community Housing and are actively managed by a
4 certified recovery residence administrator approved for 100
5 residents pursuant to Florida Statutes and is wholly owned
6 or controlled by a licensed service provider:
7

8 1. If electing to manage up to 150 residents: whether
9 the residence maintains a service provider personnel-
10 to-patient ration of 1 to 9 and maintains onsite
11 supervision at the residence during times when
12 residents are at the residence with a personnel-to-
13 resident-ratio of 1 to 10; and
14

15 2. If electing to manage up to 300 residents: whether
16 the residence maintains a service provider personnel-
17 to-patient ratio of 1 to 8, and maintains onsite
18 supervision at the residence during times when
19 residents are at the residence with a personnel-to-
20 resident ratio of 1 to 6.
21

1 (H) Within thirty (30) calendar days after the City Manager's,
2 or designee's, determination on a reasonable accommodation
3 request is mailed to the requesting party, such applicant may
4 appeal the decision.

5 1. All appeals shall contain a statement containing
6 sufficient detail of the grounds for the appeal. Appeals
7 shall be to the City Commission who shall, after public
8 notice and a public hearing, render a determination as soon
9 as reasonably practicable, but in no event later than sixty
10 (60) calendar days after an appeal has been filed.

11 2. A request for relief under this section shall be
12 required prior to any person filing a lawsuit based upon
13 applicable laws. Completion of the relief procedures
14 provided herein shall constitute the exhaustion of all
15 administrative remedies available from the City.

16 (I) There shall be no fee imposed by the City in connection with
17 a request for reasonable accommodation under this section or an
18 appeal of a determination on such request to the City
19 Commission, and the City shall have no obligation to pay an
20 Applicant's (or an appealing party's, as applicable) attorneys'
21 fees or costs in connection with the request, or an appeal.

1 (J) While an application for reasonable accommodation, or appeal
2 of a determination of same, is pending before the City, the City
3 will not enforce the subject zoning ordinance, rules, policies,
4 and procedures against the Applicant, except the City may seek
5 injunctive relief if an imminent threat to the health, safety and
6 welfare of the public is present.

7 (K) *The following general provisions shall be applicable:*

8 1. The City shall display a notice in the City's public
9 notice bulletin board (and shall maintain copies available
10 for review in the Development Services Department, the
11 Building Department, and the City Clerk's Office), advising
12 the public that disabled individuals (and qualifying
13 entities) may request reasonable accommodation as provided
14 herein.

15 2. An Applicant may apply for a reasonable accommodation on
16 their own behalf or may be represented at all stages of
17 the reasonable accommodation process by a person designated
18 by the Applicant.

19 3. The City shall provide such reasonable assistance
20 and accommodation as is required pursuant to FHA and ADA in
21 connection with an Applicant's request
22 for reasonable accommodation, including, without

1 limitation, assistance with reading application questions,
2 responding to questions, completing the form, filing an
3 appeal, and appearing at a hearing, etc., to ensure the
4 process is accessible.

5 (L) *Contents of a Reasonable Accommodation Request Form:*

6 1. Name of Applicant.

7 2. Telephone Number.

8 3. Address or other relevant contact information.

9 4. Address of housing or other location at
10 which accommodation is requested, including parcel
11 identification number, description of the property.

12 5. Describe qualifying disability or handicap.

13 6. Describe the requested accommodation and the specific
14 regulation(s) and/or procedure(s) from
15 which accommodation is sought.

16
17 7. Name, address and telephone number of Applicant's
18 authorized representative, if applicable.

19 8. Other information, including:

- 20 a. Consent of the current owner of the subject
21 property, if the applicant is not the owner of the
22 subject property;

1
2 b. A letter of intent identifying the existing zoning
3 district of the property, including any previously
4 approved conditions or modifications

5
6 c. A signed and sealed Boundary Survey meeting the
7 technical standards of the Florida Department of
8 Professional Regulation, Board of Land Surveyors, no
9 older than five (5) years, in pdf format that is a
10 minimum three hundred (300) dpi that shows the
11 following:

12 1. The location of all existing structures,
13 paved areas, and recorded easements on the
14 property.

15 2. Existing roadway details adjacent to the
16 property including, but not limited to, rights-
17 of-way, pavement widths, lane widths, markings,
18 sidewalks, driveways (curb cuts), curbs and
19 gutters, turn lanes, bus bays, medians, median
20 openings, traffic signals and signal equipment,
21 streetlights, pull boxes, utility poles and

1 utility equipment, drainage structures, and
2 fire hydrants.

3 d. Confirm the general location of off-street
4 parking.

5
6 10. Signature of Applicant or Representative, if
7 applicable, or Qualifying Entity.

8 M. The City may revoke a granted accommodation of a certified
9 recovery residence for cause, including, but not limited to, a
10 violation of the conditions of approval or the lapse, revocation,
11 or failure to maintain licensure required under this section, if
12 not reinstated within 180 calendar days.

13 N. The establishment of a reasonable accommodation process does
14 not relieve the City from its obligations under the Fair Housing
15 Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the
16 American with Disabilities Act (42 U.S.C. ss. 12131 et seq.).
17 The regulation for which the applicant is seeking reasonable
18 accommodation must not facially discriminate against or
19 otherwise disparately impact the applicant.

20
21 O. The application of this subsection does not supersede any
22 current or future declaration or declaration of condominium

1 adopted pursuant to Chapter 718; any cooperative document adopted
2 pursuant to Chapter 719; or any declaration or declaration of
3 covenant adopted pursuant to Chapter 720.

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9 **SECTION 4:** All ordinances or parts of ordinances
10 in conflict herewith are repealed to the extent of such
11 conflict.
12

13 **SECTION 5:** If any section, sentence, clause, or
14 phrase of this ordinance is held to be invalid or
15 unconstitutional by a court of competent jurisdiction, then
16 said holding shall in no way affect the validity of the
17 remaining portions of this Ordinance.
18

19 **SECTION 6:** It is the intention of the City
20 Commission that the provisions of this Ordinance shall become
21 and be made a part of the City of Margate Code, and that the
22 sections of this Ordinance may be renumbered or relettered
23 and the word "ordinance" may be changed to "section",
24 "article" or such other appropriate word or phrase in order
25 to accomplish such intentions.
26

27 **SECTION 7:** This Ordinance shall become effective
28 immediately upon adoption at its second reading.
29

30 PASSED ON FIRST READING THIS _____ day of _____ 2026.

31 PASSED ON SECOND READING THIS _____ day of _____ 2026.
32

33 ATTEST:
34
35 _____

JENNIFER M. JOHNSON
CITY CLERK

MAYOR ANTONIO V. ARSERIO

ORDINANCE _____

RECORD OF VOTE - 1ST READING	RECORD OF VOTE - 2ND READING
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Schwartz	_____	Schwartz	_____
Simone	_____	Simone	_____
Ruzzano	_____	Ruzzano	_____
Caggiano	_____	Caggiano	_____
Arserio	_____	Arserio	_____