

1 CITY OF MARGATE, FLORIDA

2  
3 ORDINANCE NO. \_\_\_\_\_

4  
5 AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,  
6 AMENDING CHAPTER 40 "LAND DEVELOPMENT CODE,"  
7 ARTICLE II, "DEFINITIONS," SECTION 40.201  
8 "DEFINITIONS" TO INCLUDE THE DEFINITIONS FOR  
9 "CERTIFIED RECOVERY RESIDENCE"; AND ALSO AMENDING  
10 CHAPTER 40 "LAND DEVELOPMENT CODE," ARTICLE III,  
11 "ADMINISTRATION," DIVISION 2 "APPLICATIONS,  
12 REVIEW PROCEDURES AND PUBLIC NOTICE" SECTION  
13 40.312 "REASONABLE ACCOMMODATION PROCEDURES" OF  
14 THE CITY OF MARGATE'S CODE OF ORDINANCES TO  
15 ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL  
16 OF, AND REASONABLE ACCOMMODATION FOR CERTIFIED  
17 RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW;  
18 PROVIDING FOR CONFLICT; PROVIDING FOR  
19 SEVERABILITY; PROVIDING FOR CODIFICATION; AND  
20 PROVIDING FOR AN EFFECTIVE DATE.

21  
22 **WHEREAS**, Florida law provides that municipalities shall  
23 have the governmental, corporate, and proprietary powers to  
24 enable them to conduct municipal government, perform municipal  
25 functions, and render municipal service, and exercise any power  
26 for municipal purposes, except when expressly prohibited by law,  
27 and to adopt ordinances in furtherance of such authority; and

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

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

38 **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 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 \* \* \*

4

**CODING:** Words in ~~struck-through~~ text are deletions from existing text, words in underscoring text are additions to existing text, and **shaded** text are changes between First and Second Readings.

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.

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

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

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

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

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

(viii) Any other relevant criteria under applicable laws.

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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 ratio 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.

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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5  
6 \* \* \*  
7

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

11  
12 **SECTION 5:** If any section, sentence, clause, or  
13 phrase of this ordinance is held to be invalid or  
14 unconstitutional by a court of competent jurisdiction, then  
15 said holding shall in no way affect the validity of the  
16 remaining portions of this Ordinance.

17  
18 **SECTION 6:** It is the intention of the City  
19 Commission that the provisions of this Ordinance shall become  
20 and be made a part of the City of Margate Code, and that the  
21 sections of this Ordinance may be renumbered or relettered  
22 and the word "ordinance" may be changed to "section",  
23 "article" or such other appropriate word or phrase in order  
24 to accomplish such intentions.

25  
26 **SECTION 7:** This Ordinance shall become effective  
27 immediately upon adoption at its second reading.

28  
29 PASSED ON FIRST READING THIS 15TH day of APRIL 2026.

30 PASSED ON SECOND READING THIS 6TH day Of MAY 2026.

31 ATTEST:

32  
33  
34 \_\_\_\_\_  
35 JENNIFER M. JOHNSON  
36 CITY CLERK

34 \_\_\_\_\_  
35 ANTONIO V. ARSERIO  
36 MAYOR

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ORDINANCE \_\_\_\_\_

RECORD OF VOTE - 1ST READING      RECORD OF VOTE - 2ND READING

Schwartz	<u>YES</u>	Schwartz	_____
Simone	<u>YES</u>	Simone	_____
Ruzzano	<u>YES</u>	Ruzzano	_____
Caggiano	<u>YES</u>	Caggiano	_____
Arserio	<u>YES</u>	Arserio	_____