

Town of Lauderdale-By-The-Sea
Regular Planning and Zoning Board

Agenda

Wednesday, February 4, 2026

6:00 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Regular Planning and Zoning Board

Wednesday, February 4, 2026, 6:00 PM
Jarvis Hall 4505 N. Ocean Drive, 33308

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **APPROVAL OF MINUTES**

3.a. December 2025 Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a. ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES," DIVISION 9 "ZONING RELIEF PROCEDURES," SECTION 30-138 "ZONING RELIEF PROCEDURES" OF THE TOWN'S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30- 138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

6. **OLD BUSINESS**

7. **UPDATES/BOARD MEMBER COMMENTS**

8. **ADJOURNMENT**

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 3.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: February 4, 2026

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: APPROVAL OF MINUTES

Subject Title: December 2025 Minutes

Explanation:

Recommendation:

Exhibits:

1. Unapproved December 10, 2025 Minutes

NON APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Wednesday, December 10, 2025**

1. CALL TO ORDER

Chair Karen Sylvester called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:02PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Chair Karen Sylvester, Vice Chair Leslie Richardson, Board Member Ron Piersante, Board Member Jeff Goldman and Board Member MaShawn Simpson. Present in person were Town Attorney James White, Development Services Director (DSD) Jhanelle Campbell, Assistant Development Services Director David Lee, Planner Alex Battle, and Board Clerk Megan Small.

The discussions and actions taken, etc. during the meeting were not limited to what was typed.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – November 5, 2025

Board Member Goldman made a motion to approve the P&Z Minutes of November 5, 2025 as written and was seconded by Board Member Piersante. The motion to approve carried 5-0.

4. PUBLIC COMMENTS

Chair Sylvester opened the meeting to the public for comments. She closed this agenda item as there were no requests from the public to speak now.

5. NEW BUSINESS

5.A.

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE V, “ZONING,” DIVISION 2 “DISTRICTS,” “SUBDIVISION I. – RM-25 DISTRICT REGULATIONS,” “SUBDIVISION M.- B-1 DISTRICT REGULATIONS,” AND “SUBDIVISION Q.- SUPPLEMENTAL REGULATIONS” OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE.

Development Services Director (DSD) Campbell presented with a slide presentation and explained that tonight was for the Board to review proposed Ordinance 2025-06 which updated several zoning provisions in the RM-25 and B-1 Zoning Districts. The Town Commission requested this ordinance to remove outdated or inconsistent standards, improve clarity, predictability and flexibility for reinvestment and to align zoning regulations with existing land use patterns and contemporary redevelopment trends. DSD Campbell went over all of the changes for both RM-25 and B-1, one-by-one, which were also written about in the Planning and Zoning Board Agenda Item Report on pages 7 through 11 in the agenda packet. DSD Campbell answered Board Member Simpson’s question regarding the fence height measurement fix due to height discrepancies of new construction elevated for flood requirements. When measuring fences from adjoining lower properties, a problem was caused because the new construction was now higher and fence

measurements started from the ground. There were pool and/or privacy concerns. She called for any more questions on the changes.

Vice Chair Leslie Richardson asked for examples of addresses or parcels restricted by the limitation of 250 feet (within 250 feet of Commercial Boulevard). The requirement now was that mixed-use parcels were to be located within 250 feet of Commercial Boulevard. As the DSD explained, she also showed this area on a map and named some properties that were affected. She answered Board Member Piersante that Walgreens was affected. Chair Sylvester asked if there should be a cap of 25% for commercial regarding the changes to Flexible Residential Floor Area Cap in mixed-use developments and DSD Campbell explained why she did not put a ceiling on it. The DSD pulled up the conditional use section of the code to explain. She also explained what other municipalities did. She reminded that the first floor had to be commercial and had to be a business allowed in the B-1 zoning district. Board Member Simpson felt that if residential was more than 50%, it would change the whole personality of that small sliver of land. Board Member Simpson asked about the scrivener's correction and the DSD explained. As there were no other board questions, the Chair opened Public Comments and closed it as there were no members of the public wishing to speak. The Chair suggested going over each amendment/change one more time. Each item was called and some were re-discussed. There were no further comments/questions and the Chair called for a motion on the item as presented.

Board Member Goldman made a motion to recommend approval to the Town Commission of proposed Ordinance 2025 with the changes for RM-25 and B-1 zoning districts as presented under New Business and the motion was seconded by Board Member Piersante. The motion to recommend approval to the Town Commission carried 5-0.

6. OLD BUSINESS

DSD Campbell gave an update on her presentation last night at the Town Commission Meeting per the Planning and Zoning Board's request. The presentation was on the subject of eliminating the installation of generators in the side setback for new construction of single-family and duplexes. DSD Campbell explained that the Commission declined to move forward with that ordinance. The provisions would remain the same as they were today. A discussion ensued that if generator cases did come in front of the board in the future, the Planning and Zoning Board would still make recommendations to the Town Commission to either approve or deny.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Vice Chair Richardson made a motion to adjourn at approximately 6:39PM and the motion was seconded by Board Member Simpson. The motion to adjourn carried 5-0.

Chair Karen Sylvester

ATTEST:

Date Accepted: _____



Planning and Zoning Board Agenda Item Report

Meeting Date: February 4, 2026

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section: NEW BUSINESS

Subject Title: ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES," DIVISION 9 "ZONING RELIEF PROCEDURES," SECTION 30-138 "ZONING RELIEF PROCEDURES" OF THE TOWN'S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30- 138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation: ORDINANCE SUMMARY

The proposed Ordinance (**Exhibit 1**) amends Chapter 30 of the Town Code to formalize and streamline the review and approval process for applicants seeking to establish a certified recovery residence, including requests for reasonable accommodation from land use regulations, as required by Senate Bill 954 (Chapter 2025-182, Laws of Florida) (**Exhibit 2**). The Ordinance ensures consistency with Section 397.487(15)(a), Florida Statutes, while preserving compliance with longstanding federal and state disability protections. As a change to Chapter 30 of the Code, the Ordinance requires review and recommendation by the Planning and Zoning Board in your capacity as the Local Planning Agency for the Town.

BACKGROUND

Recovery residences serve individuals recovering from substance use disorders, which are recognized disabilities under federal and state law. These rights are governed by longstanding legal precedent and are not expanded by the proposed Ordinance.

Florida's substance abuse regulatory framework is based on the Hal S. Marchman Alcohol and Other Drug Services Act (Chapter 397, Florida Statutes), administered by the Florida Department of Children and Families (DCF). In 2025, the Florida Legislature adopted SB 954, requiring local governments to adopt ordinances formalizing and streamlining approval and

reasonable accommodation procedures for certified recovery residences.

TOWN ATTORNEY ANALYSIS

The Town Attorney has advised that adoption of this Ordinance is required to comply with state law. The proposed Ordinance meets the minimum statutory requirements and aligns with applicable federal and state law and caselaw precedent.

The Ordinance establishes an administrative review process that does not alter underlying zoning or land use regulations (no effect on height or other zoning regulations). Applications for certified recovery residences will be reviewed and approved by the Development Services Director. Requests for reasonable accommodation will be granted only where required by law. Appeals will be decided administratively by the Town Manager.

TOWN COMMISSION ACTION – FIRST READING

The proposed Ordinance was presented to the Town Commission at its January 27, 2026 (**Exhibit 3**) meeting, was recommended for approval, and was approved on first reading.

Several clarifying changes were suggested by the Mayor. There was consensus from the Commission for the Town Attorney to review the legality of the proposals and include those that are deemed legal for the Commission to consider at second reading. The proposed changes were:

1. No Additional Public Hearings (Section 30-138(b)(1))

Insert language clarifying that no additional public hearing shall be required as part of the reasonable accommodation process beyond the minimum hearing requirements, if any, required by law.

2. Minimum Necessary Accommodation (Section 30-138(b)(5)(b))

Insert language specifying that any accommodation granted, including conditions of approval, shall be limited to the minimum reasonable accommodation necessary to provide equal opportunity and to comply with applicable federal and state law.

3. Proof of Certification at Intake (Section 30-138(b)(5)(a)(i))

Require submittal of a current valid certificate of compliance evidencing the residence's status as a certified recovery residence as part of the initial application.

4. Limit Information Requests (Section 30-138(b)(4)(a))

Clarify that the Town shall request only such additional information as is reasonably necessary to determine application completeness and evaluate the request under the applicable criteria.

5. Administrative Review and Appeal (Section 30-138(b)(6)(a))

Confirm that the review and appeal process is administrative in nature and shall not be referred to any board or the Town Commission unless specifically required by law.

Recommendation: Staff recommends that the Planning & Zoning Board recommend approval of the proposed Ordinance to the Town Commission.

Exhibits:

1. Exhibit 1-Ordinance 2026-03 Certified Recovery Residences- FINAL
2. Exhibit 2 - Senate Bill 954
3. Exhibit 3-2026-03 Town Commission Agenda Memo - First Reading



Business Impact Estimate

This form should be included in the “set for public hearing” agenda item for ordinances, and must be posted on the Town’s website by the time notice of the proposed ordinance is published.

Ordinance title:

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
- The ordinance relates to the issuance or refinancing of debt;
- The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the Town;
- The ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

3. Estimate of direct compliance costs that businesses may reasonably incur:

4. Any new charge or fee imposed by the proposed ordinance:

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

7. Additional information (if any):

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

39 **WHEREAS**, on June 25, 2025, the Governor signed into law Senate Bill 954, which
40 amends Section 397.487, Florida Statutes (“Voluntary Certification of Recovery Residences”),
41 and requires the Town to enact an ordinance providing for procedures for review and approval of
42 certified recovery residences, including a process for requesting reasonable accommodations from
43 any local land use regulation that serves to prohibit the establishment of a certified recovery
44 residence; and

45 **WHEREAS**, it is necessary to amend the Town’s Unified Land Development Regulations
46 in the Code to comply with Section 387.487, Florida Statutes, as amended; and

47 **WHEREAS**, creating procedures to request a reasonable accommodation to establish a
48 certified recovery residence protected by federal law will provide people with disabilities equal
49 access to housing opportunities within the Town while preserving the overall intent and purpose
50 of the Town’s planning and land use regulations; and

51 **WHEREAS**, other kinds of residences or group homes and other land uses protected by
52 federal law will continue to be regulated by Section 30-138(a); and

53 **WHEREAS**, on January 27, 2026, at a duly noticed public hearing in accordance with law,
54 the Town’s Planning and Zoning Board, sitting as the Local Planning Agency reviewed and
55 recommended [approval/approval with modifications/rejection] of the proposed Ordinance; and

56 **WHEREAS**, after conducting a public hearing and reviewing the Planning and Zoning
57 Board’s recommendations, the recommendations of Town staff, and comments from the public,
58 the Town Commission finds that the proposed amendments to its Code and Unified Land
59 Development Regulations are in compliance and consistent with Florida law and with its adopted
60 Comprehensive Plan; and

61 **WHEREAS**, the Town Commission held a public hearing, at which all members of the
62 public so desiring had an opportunity to be heard; and

63 **WHEREAS**, the Town Commission finds that this Ordinance is in the best interest and
64 welfare of the residents of the Town.

65 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
66 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA¹:**

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

106 (2) Definitions.³ As used in this division, the following words and phrases shall have the
107 following meanings:
108

109 Certified recovery residence. A recovery residence that holds a valid certificate of
110 compliance and is actively managed by a certified recovery residence administrator.
111

112 a. A Level I certified recovery residence houses individuals in recovery who have
113 completed treatment, with a minimum of 9 months of sobriety. A Level I
114 certified recovery residence is democratically run by the members who reside
115 in the home.
116

117 b. A Level II certified recovery residence encompasses the traditional perspectives
118 of sober living homes. There is oversight from a house manager who has
119 experience with living in recovery. Residents are expected to follow rules
120 outlined in a resident handbook provided by the certified recovery residence
121 administrator. Residents must pay dues, if applicable, and work toward
122 achieving realistic and defined milestones within a chosen recovery path.
123

124 c. A Level III certified recovery residence offers higher supervision by staff with
125 formal training to ensure resident accountability. Such residences are staffed 24
126 hours a day, 7 days a week, and offer residents peer-support services, which
127 may include, but are not limited to, life skill mentoring, recovery planning, and
128 meal preparation. Clinical services may not be performed at the residence. Such
129 residences are most appropriate for persons who require a more structured
130 environment during early recovery from addiction.
131

132 d. A Level IV certified recovery residence is a residence offered, referred to, or
133 provided by, a licensed service provider to its patients who are required to reside
134 at the residence while receiving intensive outpatient and higher levels of
135 outpatient care. Such residences are staffed 24 hours a day and combine
136 outpatient licensable services with recovery residential living. Residents are
137 required to follow a treatment plan and attend group and individual sessions, in
138 addition to developing a recovery plan within the social model of living in a
139 sober lifestyle. No clinical services are provided at the residence and all
140 licensable services are provided offsite.
141

142 Certified recovery residence administrator. A recovery residence administrator who
143 holds a valid certificate of compliance.
144

145 Community housing. A certified recovery residence offered, referred to, or provided by
146 a licensed service provider that provides housing to its patients who are required to
147 reside at the residence while receiving intensive outpatient and higher levels of
148 outpatient care. A certified recovery residence used by a licensed service provider that

³ Refer to sec. 397.311, Florida Statutes, as amended, for a list of terms and definitions associated with the state substance abuse law.

149 meets the definition of community housing shall be classified as a Level IV level of
150 support, as described in ss.397.311(5), Florida Statutes.

151
152 Department. the Town’s Development Services Department.

153
154 Department director. The Town’s Development Services Department Director.

155
156 Licensed service provider. A public agency, a private for-profit or not-for profit agency,
157 a physician or any other private practitioner licensed under Chapter 397 of the Florida
158 Statutes, or a hospital that offers substance abuse services through one or more licensed
159 service components.

160
161 Recovery residence. A residential dwelling unit, the community housing component of
162 a licensed day or night treatment facility with community housing, or other form of
163 group housing, which is offered or advertised through any means, including oral,
164 written electronic, or printed means, by any person or entity as a residence that provides
165 a peer-supported, alcohol-free living environment.

166
167 (3) Procedure for Processing a Certified Recovery Residence Request.

168
169 a. Application. A request by an applicant for establishing a certified recovery residence
170 under this division shall be submitted in writing to the Department on an application
171 form approved by the Town. This form will be maintained by the Department, as
172 amended from time to time. The application shall contain such questions and requests
173 for information as necessary for processing the certified recovery residence application
174 request, including the following:

175
176 (i) Name and contact information of the applicant or the applicant’s authorized
177 representative;

178
179 (ii) Property address, parcel identification number, description of the property, and
180 a survey of the property;

181
182 (iii) Consent of the current owner of the subject property, if the applicant is not the
183 owner of the subject property;

184
185 (iv) A letter of intent identifying the existing zoning district of the property,
186 including any previously approved conditions or modifications;

187
188 (v) Description of the accommodation requested and the specific regulation or
189 policy from which relief is sought; and

190
191 (vi) Confirm the general location of off-street parking.

192
193 b. Assistance. The Town will provide reasonable assistance to ensure that the process is
194 accessible and that the applicant's request is documented on the form provided by the

195 Town. The applicant's request for assistance or meeting shall be made in writing to the
196 Department to ensure that resources and staff are available to guide the applicant
197 through the review and approval process.

198
199 c. Fees. No fees or costs may be imposed for applications submitted under this section
200 or an appeal of a decision on such application to the Town Commission.

201
202 d. Application completeness and accuracy. The Town shall date-stamp each certified
203 recovery residence application upon receipt. Within five (5) calendar days after
204 receiving such an application, the Department shall confirm receipt of the
205 application using the contact information provided by the applicant. An application
206 will be considered complete by the Department if it is submitted in the required form
207 with all mandatory information and material. This provision does not preclude the
208 identification and correction of information submitted by the applicant after an
209 application is accepted.

210
211 (4) Decision Process for Certified Recovery Residence.

212
213 a. Review. The Town must notify the applicant in writing within the first 30 calendar
214 days after receipt of an application, whether additional information is required, and
215 allow the applicant at least thirty (30) calendar days to respond.

216
217 b. Request for Additional Information.
218
219 (i) If necessary, within the first 30 calendar days after receipt of the application,
220 the Department Director may request additional information from the applicant,
221 specifying in sufficient detail what information is required. The applicant shall
222 have at least 30 calendar days after the date the information is requested to
223 respond.

224
225 (ii) If the applicant fails to respond to the request for additional information, the
226 Department Director shall deny the request for relief upon the basis that it has
227 been deemed abandoned or withdrawn. No further action by the Town
228 concerning said relief request shall be required.

229
230 c. Written Decision.

231
232 (i) Within sixty (60) calendar days after receipt of a completed application, the
233 Department must issue a final written determination on such application:

- 234
235 1. The determination must be approved in whole or in part, with or without
236 conditions; or
237 2. Deny the request, stating with specificity the objective, evidence-based
238 reasons for denial, and identifying any deficiencies or actions necessary for
239 reconsideration.

240
241 (ii) If a final written determination is not issued within 60 days after receipt of a
242 completed application, the request is deemed approved unless the parties agree
243 in writing to a reasonable extension of time.
244

245 d. Expiration of approval. Approval of a request for reasonable accommodation for the
246 establishment of a certified recovery residence shall expire after one hundred eighty
247 (180) days if not implemented. In the event the applicant ceases to operate the property
248 as a Certified Recovery Residence, any approved accommodations shall immediately
249 expire and the property shall be in compliance with the Town Code.
250

251 (5) Reasonable Accommodations for Certified Recovery Residences. The Town shall apply the
252 following procedures and criteria in considering a reasonable accommodation request for
253 establishing a Certified Recovery Residence:

254 a. Procedures for requesting a reasonable accommodation and criteria.

255 (i) Application. A request by an applicant for reasonable accommodation under
256 this section shall be made in writing to the Department on a "reasonable
257 accommodation request application form," which form is maintained by the
258 Town. The application shall contain such questions and requests for
259 information as are necessary for processing the reasonable accommodation
260 request including the following:

- 261 1. Name, address, and telephone number of applicant.
- 262 2. Address of subject property and parcel identification number.
- 263 3. Consent of the owner of the subject property.
- 264 4. Current use of the property.
- 265 5. Basis for the claim that the applicant is protected under applicable law(s).
- 266 6. The Town's regulation(s) from which reasonable accommodation is being
267 requested.
- 268 7. Identification of the specific accommodation requested and why the
269 accommodation is necessary to make the subject property accessible to the
270 individual.

271 (ii) Assistance. If the applicant needs assistance in making a request for a
272 reasonable accommodation or meeting the requirement that the request be
273 made in writing, the Town will provide reasonable assistance to ensure that
274 the process is accessible, and that the applicant's request is documented on the
275 form provided by the Town.

276 b. Criteria for determining reasonable accommodations. In reviewing the application for
277 reasonable accommodation for a certified recovery residence, the following criteria will
278 be applied:
279

- 280 (i) Whether the applicant has established that he/she, or the individual on whose
281 behalf the application was submitted, is protected under applicable laws.
282 (ii) Whether the applicant has established that the requested accommodation is
283 reasonable and necessary to afford the disabled individual an equal opportunity
284 to use and enjoy the property.
285 (iii) Whether the requested accommodation would impose an undue financial or
286 administrative burden on the Town.
287 (iv) Whether the requested accommodation would require a fundamental alteration
288 in the nature of the land use and zoning regulations of the Town.
289 (v) Whether alternative reasonable accommodations could provide an equivalent
290 level of benefit, if applicable.
291 (vi) Whether applicant adheres to all applicable state and federal laws relating to
292 Certified Recovery Residences and can demonstrate the same, inclusive of all
293 required licensures or credentials for operation of a Certified Recovery
294 Residence.
295 (vii) Whether the licensed service provider has a paid certified employee on call
296 during the time when individuals are at a community housing location, if
297 applicable.
298 (viii) Any other relevant criteria under applicable laws.
299 (ix) For Level IV Certified Recovery Residences that are operating as Community
300 Housing and are actively managed by a certified recovery residence
301 administrator approved for 100 residents pursuant to Florida Statutes and is
302 wholly owned or controlled by a licensed service provider:
303
304 1. If electing to manage up to 150 residents: whether the residence maintains
305 a service provider personnel-to-patient ration of 1 to 9 and maintains onsite
306 supervision at the residence during times when residents are at the residence
307 with a personnel-to-resident-ratio of 1 to 10; and
308 2. If electing to manage up to 300 residents: whether the residence maintains
309 a service provider personnel-to-patient ratio of 1 to 8, and maintains onsite
310 supervision at the residence during times when residents are at the residence
311 with a personnel-to-resident ratio of 1 to 6.
312

313 (6) Appeal. An applicant aggrieved by a decision of the Department Services Director under
314 this section may appeal the decision to the Town Manager.

315
316 a. Exhaustion required. A request for relief under this section shall be required prior to
317 any person filing a lawsuit based upon applicable laws. Completion of the relief
318 procedures provided herein shall constitute the exhaustion of all administrative
319 remedies available from the Town.

320
321 b. Effect while pending. While an application for relief or appeal of a decision of same is
322 pending before the Town, the Town will not enforce the subject code, rules, policies,

323 and procedures, except the Town may seek injunctive relief if an imminent threat to the
324 health, safety and welfare of the public is present.

325
326 (7) Revocation. The Department may revoke a granted accommodation of a certified recovery
327 residence for cause, including, but not limited to, a violation of the conditions of approval
328 or the lapse, revocation, or failure to maintain licensure required under this section, if not
329 reinstated within 180 calendar days.

330
331 (8) Compliance. The establishment of a reasonable accommodation process does not relieve
332 the Town from its obligations under the Fair Housing Amendments Act (42 U.S.C. ss. 3601
333 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.).
334 The regulation for which the applicant is seeking reasonable accommodation must not
335 facially discriminate against or otherwise disparately impact the applicant.

336
337 (9) Declarations. The application of this subsection does not supersede any current or future
338 declaration or declaration of condominium adopted pursuant to Chapter 718; any
339 cooperative document adopted pursuant to Chapter 719; or any declaration or declaration
340 of covenant adopted pursuant to Chapter 720.

341
342 ***

343 **Section 3. Conflicting Provision.** All prior ordinances or resolutions or parts thereof in
344 conflict herewith are hereby repealed, but only to the extent of such conflict.

345
346 **Section 4. Severability.** The provisions of this Ordinance are declared to be
347 severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason,
348 be held to be invalid or unconstitutional by any court of competent jurisdiction, then such decision
349 shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this
350 Ordinance.

351
352 **Section 5. Codification.** It is the intention of the Town Commission and it is hereby
353 ordained that the provisions of this Ordinance shall become and be made a part of the Code of
354 Ordinances of Lauderdale-By-The-Sea, Florida, that the sections of this Ordinance may be
355 renumbered or re-lettered, and that the word “Ordinance” shall be changed to “Section,” or such
356 other appropriate word or phrase, to accomplish such intentions.

357
358 **Section 6. Effective Date.** This Ordinance shall take effect immediately upon the
359 adoption hereof.

360
361 Passed on the first reading, this ____ day of _____, 2026.

362
363 Passed on the second reading, this ___ day of _____, 2026.

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MAYOR EDMUND MALKOON

First Reading

Second Reading

Mayor Malkoon

Vice-Mayor Strauss

Commissioner Pouloupoulos

Commissioner DeNapoli

Commissioner Graziano

_____	_____
_____	_____
_____	_____
_____	_____

ATTEST:

Acting Town Clerk Courtney Easley
(CORPORATE SEAL)

APPROVED AS TO FORM ONLY:

Susan L. Trevarthen, Town Attorney

2025954er

1
2 An act relating to certified recovery residences;
3 amending s. 397.487, F.S.; requiring, by a specified
4 date, the governing body of each county or
5 municipality to adopt an ordinance to establish
6 procedures for the review and approval of certified
7 recovery residences; requiring that such ordinance
8 include a process for requesting reasonable
9 accommodations from any local land use regulation that
10 serves to prohibit the establishment of a certified
11 recovery residence; specifying criteria for the
12 ordinance; providing that the ordinance may establish
13 additional requirements for the review and approval of
14 reasonable accommodation requests; requiring that such
15 additional requirements be consistent with federal law
16 and not conflict with the act; prohibiting the
17 ordinance from requiring public hearings beyond the
18 minimum required by law; providing that the ordinance
19 may include provisions for revocation of a granted
20 accommodation for cause, if the accommodation is not
21 reinstated within a specified timeframe; providing
22 construction; amending s. 397.4871, F.S.; providing
23 that the personnel-to-resident ratio for a certified
24 recovery residence must be met only when the residents
25 are at the residence; providing that a certified
26 recovery residence administrator for Level IV
27 certified recovery residences which maintains a
28 specified personnel-to-patient ratio has a limitation
29 on the number of residents it may manage; providing an

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30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsections (15) and (16) are added to section
35 397.487, Florida Statutes, to read:

36 397.487 Voluntary certification of recovery residences.—

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

44 (b) At a minimum, the ordinance must:

45 1. Be consistent with the Fair Housing Amendments Act of
46 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans
47 with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

48 2. Establish a written application process for requesting a
49 reasonable accommodation for the establishment of a certified
50 recovery residence, which application must be submitted to the
51 appropriate local government office.

52 3. Require the local government to date-stamp each
53 application upon receipt. If additional information is required,
54 the local government must notify the applicant in writing within
55 the first 30 days after receipt of the application and allow the
56 applicant at least 30 days to respond.

57 4. Require the local government to issue a final written
58 determination on the application within 60 days after receipt of

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59 a completed application. The determination must:
60 a. Approve the request in whole or in part, with or without
61 conditions; or
62 b. Deny the request, stating with specificity the
63 objective, evidence-based reasons for denial and identifying any
64 deficiencies or actions necessary for reconsideration.
65 5. Provide that if a final written determination is not
66 issued within 60 days after receipt of a completed application,
67 the request is deemed approved unless the parties agree in
68 writing to a reasonable extension of time.
69 6. Require that the application include, at a minimum:
70 a. The name and contact information of the applicant or the
71 applicant's authorized representative;
72 b. The property address and parcel identification number;
73 and
74 c. A description of the accommodation requested and the
75 specific regulation or policy from which relief is sought.
76 (c) The ordinance may establish additional requirements for
77 the review or approval of reasonable accommodation requests for
78 establishing a certified recovery residence, provided such
79 requirements are consistent with federal law and do not conflict
80 with this subsection.
81 (d) The ordinance may not require public hearings beyond
82 the minimum required by law to grant the requested
83 accommodation.
84 (e) The ordinance may include provisions for the revocation
85 of a granted accommodation of a certified recovery residence for
86 cause, including, but not limited to, a violation of the
87 conditions of approval or the lapse, revocation, or failure to

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88 maintain certification or licensure required under this section,
89 if not reinstated within 180 days.

90 (f) The ordinance and establishment of a reasonable
91 accommodation process does not relieve the local government from
92 its obligations under the Fair Housing Amendments Act of 1988,
93 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with
94 Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for
95 which the applicant is seeking a reasonable accommodation must
96 not facially discriminate against or otherwise disparately
97 impact the applicant.

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

103 Section 2. Paragraph (c) of subsection (8) of section
104 397.4871, Florida Statutes, is amended to read:

105 397.4871 Recovery residence administrator certification.—

106 (8)

107 (c) Notwithstanding paragraph (b), a Level IV certified
108 recovery residence operating as community housing as defined in
109 s. 397.311(9), which residence is actively managed by a
110 certified recovery residence administrator approved for 100
111 residents under this section and is wholly owned or controlled
112 by a licensed service provider, may:

113 1. Actively manage up to 150 residents so long as the
114 licensed service provider maintains a service provider
115 personnel-to-patient ratio of 1 to 8 and maintains onsite
116 supervision at the residence during times when residents are at

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117 the residence ~~24 hours a day, 7 days a week,~~ with a personnel-
118 to-resident ratio of 1 to 10.

119 2. Actively manage up to 300 residents, so long as the
120 licensed service provider maintains a service provider
121 personnel-to-patient ratio of 1 to 8 and maintains onsite
122 supervision at the residence during times when residents are at
123 the residence with a personnel-to-resident ratio of 1 to 6.

124
125 A certified recovery residence administrator who has been
126 removed by a certified recovery residence due to termination,
127 resignation, or any other reason may not continue to actively
128 manage more than 50 residents for another service provider or
129 certified recovery residence without being approved by the
130 credentialing entity.

131 Section 3. This act shall take effect July 1, 2025.



Town Commission Agenda Item Report

Meeting Date: January 27, 2026

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Ordinance

Agenda Section:

ORDINANCES 1st Reading

Subject Title: ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE IV, "DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES," DIVISION 9 "ZONING RELIEF PROCEDURES," SECTION 30-138 "ZONING RELIEF PROCEDURES" OF THE TOWN'S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Explanation:

Background

Senate Bill 954 (Chapter 2025-182) requires local government to adopt an ordinance, subject to certain restrictions, to formalize and streamline the local government permitting process for applicants seeking approval of, and reasonable accommodations from land use regulations for, a certified recovery residence. Recovery residences are residential units that serve persons recovering from addictions, which are a form of disability protected by state and federal law. The rights of these residences and their ability to locate in the Town are pursuant to longstanding federal and state law, and are not affected by this Ordinance.

Florida Substance Abuse Program

In the 1960s and 1970s, the federal government enacted a series of laws for state to follow to address the care for individuals and families affected by substance abuse, and funding requirements for alcoholism and drug abuse. Thereafter, in response to the federal government's early initiatives, the State of Florida enacted Chs. 396 and 397, F.S. relating to alcohol and drug abuse.

In 1993, the two chapters were combined into a single law entitled the “Hal S. Marchman Alcohol and Other Drug Substance Services Act” (“Marchman Act”), which is currently codified in Ch. 397, Florida Statutes. The purpose of the Marchman Act is to administer the substance abuse services in the State of Florida. It provides the legal process for individual citizens, affected by substance abuse or addiction, to receive proper medical attention, stabilization, and treatment. The Florida Department of Children and Family (“DCF”) is responsible for the implementation and oversight of the Marchman Act. DCF’s responsibilities under the Marchman Act include but are not limited to:

- Licensing and regulations
- Developing standards
- Coordinating with courts and community-based organizations
- Maintaining data
- Providing training and technical assistance to professionals responsible for implementing the Marchman Act.

DCF is also responsible for implementing federal programs and policies related to substance abuse and mental health, as well as the programs funded through the Substance Abuse and Mental Health Services Administration.

In 2025, the Florida Legislature adopted SB 954, codified in Chapter 2025-182, Laws of Florida, which requires local governments in the State of Florida to formalize and streamline the review and approval process for applicants seeking to establish a “certified recovery residence”, including those seeking reasonable accommodations from local land use regulations. To ensure consistency with the “certified recovery residence” requirements in Chapter 2025-182 Laws of Florida and Section 397.487(15)(a), F.S., the Town desires to amend Chapter 30 of the Town Code to rename Section 30-138 and create Section 30-138(b) (**Exhibit 1**).

The Town’s Planning and Zoning Board, sitting as the Town’s Land Planning Agency (LPA), will review the Ordinance at its February meeting.

Analysis

The Town Attorney advised that the Town Commission must adopt this Ordinance to comply with state law. The proposed Ordinance meets the minimum requirements of the new state statute, and is also drafted to comply with the background requirements of federal and state statutes and the caselaw interpreting them.

The application processes under the proposed Ordinance will be administered against the backdrop of the existing Town zoning and land use laws, and will not change those requirements. Given the highly constrained scope of review, and consistent with best practices and with legal recommendation, the proposed Ordinance provides that applications will be administratively approved.

Consistent with the recommendations of the Town Attorney based on the body of state and federal law constraining these decision-making processes, the proposed Ordinance provides for administrative approval of applications, and of appeals from decisions on those applications. Therefore, the proposed Ordinance provides that applications for certified recovery residences will be reviewed and approved by the Development Services Director. Any appeals of the Development Services Director's determination are also administrative under the proposed Ordinance, to be decided by the Town Manager.

Based upon appropriate documentation, the application process may also involve the Development Services Director being asked to grant a reasonable accommodation from strict compliance with the Town's laws. Such a request must be granted only to the extent such accommodation is demonstrated to be required by federal and state statutes and caselaw. Applications for reasonable accommodation will also be administratively approved and subject to administrative appeal to the Town Manager in a similar manner, under the proposed Ordinance.

Any suggested changes to the approval process, or other aspects of the proposed Ordinance, will need to be analyzed legally and addressed on second reading.

Recommendation:

Approval of Ordinance 2026-03, as required by Chapter 2025-182, Laws of Florida, on first reading.

Exhibits:

1. Ord 2026-03 Business Impact Estimate
2. Exhibit 1- Ordinance 2026-03



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Ordinance title: Ordinance 2026-03

ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, Development Permits, Applications, Requirements and Review Procedures, DIVISION 9 Zoning Relief Procedures, Section 30-138 Zoning Relief Procedures OF THE TOWNS CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30-138, and create section 30-138(B) To ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
- The ordinance relates to the issuance or refinancing of debt;
- The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The ordinance is required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by the Town;
- The ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - b. Sections 190.005 and 190.046, regarding community development districts;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

N/A

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Lauderdale-By-The-Sea:

N/A

3. Estimate of direct compliance costs that businesses may reasonably incur:

N/A

4. Any new charge or fee imposed by the proposed ordinance:

N/A

5. Estimate of the Town of Lauderdale-By-The-Sea's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

N/A

6. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

N/A

7. Additional information (if any):

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

39 **WHEREAS**, on June 25, 2025, the Governor signed into law Senate Bill 954, which
40 amends Section 397.487, Florida Statutes (“Voluntary Certification of Recovery Residences”),
41 and requires the Town to enact an ordinance providing for procedures for review and approval of
42 certified recovery residences, including a process for requesting reasonable accommodations from
43 any local land use regulation that serves to prohibit the establishment of a certified recovery
44 residence; and

45 **WHEREAS**, it is necessary to amend the Town’s Unified Land Development Regulations
46 in the Code to comply with Section 387.487, Florida Statutes, as amended; and

47 **WHEREAS**, creating procedures to request a reasonable accommodation to establish a
48 certified recovery residence protected by federal law will provide people with disabilities equal
49 access to housing opportunities within the Town while preserving the overall intent and purpose
50 of the Town’s planning and land use regulations; and

51 **WHEREAS**, other kinds of residences or group homes and other land uses protected by
52 federal law will continue to be regulated by Section 30-138(a); and

53 **WHEREAS**, on January 27, 2026, at a duly noticed public hearing in accordance with law,
54 the Town’s Planning and Zoning Board, sitting as the Local Planning Agency reviewed and
55 recommended [approval/approval with modifications/rejection] of the proposed Ordinance; and

56 **WHEREAS**, after conducting a public hearing and reviewing the Planning and Zoning
57 Board’s recommendations, the recommendations of Town staff, and comments from the public,
58 the Town Commission finds that the proposed amendments to its Code and Unified Land
59 Development Regulations are in compliance and consistent with Florida law and with its adopted
60 Comprehensive Plan; and

61 **WHEREAS**, the Town Commission held a public hearing, at which all members of the
62 public so desiring had an opportunity to be heard; and

63 **WHEREAS**, the Town Commission finds that this Ordinance is in the best interest and
64 welfare of the residents of the Town.

65 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
66 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA¹:**

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

106 (2) Definitions.³ As used in this division, the following words and phrases shall have the
107 following meanings:

108
109 Certified recovery residence. A recovery residence that holds a valid certificate of
110 compliance and is actively managed by a certified recovery residence administrator.

111
112 a. A Level I certified recovery residence houses individuals in recovery who have
113 completed treatment, with a minimum of 9 months of sobriety. A Level I
114 certified recovery residence is democratically run by the members who reside
115 in the home.

116
117 b. A Level II certified recovery residence encompasses the traditional perspectives
118 of sober living homes. There is oversight from a house manager who has
119 experience with living in recovery. Residents are expected to follow rules
120 outlined in a resident handbook provided by the certified recovery residence
121 administrator. Residents must pay dues, if applicable, and work toward
122 achieving realistic and defined milestones within a chosen recovery path.

123
124 c. A Level III certified recovery residence offers higher supervision by staff with
125 formal training to ensure resident accountability. Such residences are staffed 24
126 hours a day, 7 days a week, and offer residents peer-support services, which
127 may include, but are not limited to, life skill mentoring, recovery planning, and
128 meal preparation. Clinical services may not be performed at the residence. Such
129 residences are most appropriate for persons who require a more structured
130 environment during early recovery from addiction.

131
132 d. A Level IV certified recovery residence is a residence offered, referred to, or
133 provided by, a licensed service provider to its patients who are required to reside
134 at the residence while receiving intensive outpatient and higher levels of
135 outpatient care. Such residences are staffed 24 hours a day and combine
136 outpatient licensable services with recovery residential living. Residents are
137 required to follow a treatment plan and attend group and individual sessions, in
138 addition to developing a recovery plan within the social model of living in a
139 sober lifestyle. No clinical services are provided at the residence and all
140 licensable services are provided offsite.

141
142 Certified recovery residence administrator. A recovery residence administrator who
143 holds a valid certificate of compliance.

144
145 Community housing. A certified recovery residence offered, referred to, or provided by
146 a licensed service provider that provides housing to its patients who are required to
147 reside at the residence while receiving intensive outpatient and higher levels of
148 outpatient care. A certified recovery residence used by a licensed service provider that

³ Refer to sec. 397.311, Florida Statutes, as amended, for a list of terms and definitions associated with the state substance abuse law.

149 meets the definition of community housing shall be classified as a Level IV level of
150 support, as described in ss.397.311(5), Florida Statutes.

151
152 Department. the Town's Development Services Department.

153
154 Department director. The Town's Development Services Department Director.

155
156 Licensed service provider. A public agency, a private for-profit or not-for profit agency,
157 a physician or any other private practitioner licensed under Chapter 397 of the Florida
158 Statutes, or a hospital that offers substance abuse services through one or more licensed
159 service components.

160
161 Recovery residence. A residential dwelling unit, the community housing component of
162 a licensed day or night treatment facility with community housing, or other form of
163 group housing, which is offered or advertised through any means, including oral,
164 written electronic, or printed means, by any person or entity as a residence that provides
165 a peer-supported, alcohol-free living environment.

166
167 (3) Procedure for Processing a Certified Recovery Residence Request.

168
169 a. Application. A request by an applicant for establishing a certified recovery residence
170 under this division shall be submitted in writing to the Department on an application
171 form approved by the Town. This form will be maintained by the Department, as
172 amended from time to time. The application shall contain such questions and requests
173 for information as necessary for processing the certified recovery residence application
174 request, including the following:

175
176 (i) Name and contact information of the applicant or the applicant's authorized
177 representative;

178
179 (ii) Property address, parcel identification number, description of the property, and
180 a survey of the property;

181
182 (iii) Consent of the current owner of the subject property, if the applicant is not the
183 owner of the subject property;

184
185 (iv) A letter of intent identifying the existing zoning district of the property,
186 including any previously approved conditions or modifications;

187
188 (v) Description of the accommodation requested and the specific regulation or
189 policy from which relief is sought; and

190
191 (vi) Confirm the general location of off-street parking.

192
193 b. Assistance. The Town will provide reasonable assistance to ensure that the process is
194 accessible and that the applicant's request is documented on the form provided by the

195 Town. The applicant's request for assistance or meeting shall be made in writing to the
196 Department to ensure that resources and staff are available to guide the applicant
197 through the review and approval process.

199 c. Fees. No fees or costs may be imposed for applications submitted under this section
200 or an appeal of a decision on such application to the Town Commission.

202 d. Application completeness and accuracy. The Town shall date-stamp each certified
203 recovery residence application upon receipt. Within five (5) calendar days after
204 receiving such an application, the Department shall confirm receipt of the
205 application using the contact information provided by the applicant. An application
206 will be considered complete by the Department if it is submitted in the required form
207 with all mandatory information and material. This provision does not preclude the
208 identification and correction of information submitted by the applicant after an
209 application is accepted.

211 (4) Decision Process for Certified Recovery Residence.

213 a. Review. The Town must notify the applicant in writing within the first 30 calendar
214 days after receipt of an application, whether additional information is required, and
215 allow the applicant at least thirty (30) calendar days to respond.

217 b. Request for Additional Information.

219 (i) If necessary, within the first 30 calendar days after receipt of the application,
220 the Department Director may request additional information from the applicant,
221 specifying in sufficient detail what information is required. The applicant shall
222 have at least 30 calendar days after the date the information is requested to
223 respond.

225 (ii) If the applicant fails to respond to the request for additional information, the
226 Department Director shall deny the request for relief upon the basis that it has
227 been deemed abandoned or withdrawn. No further action by the Town
228 concerning said relief request shall be required.

230 c. Written Decision.

232 (i) Within sixty (60) calendar days after receipt of a completed application, the
233 Department must issue a final written determination on such application:

235 1. The determination must be approved in whole or in part, with or without
236 conditions; or

237 2. Deny the request, stating with specificity the objective, evidence-based
238 reasons for denial, and identifying any deficiencies or actions necessary for
239 reconsideration.

240
241 (ii) If a final written determination is not issued within 60 days after receipt of a
242 completed application, the request is deemed approved unless the parties agree
243 in writing to a reasonable extension of time.
244

245 d. Expiration of approval. Approval of a request for reasonable accommodation for the
246 establishment of a certified recovery residence shall expire after one hundred eighty
247 (180) days if not implemented. In the event the applicant ceases to operate the property
248 as a Certified Recovery Residence, any approved accommodations shall immediately
249 expire and the property shall be in compliance with the Town Code.
250

251 (5) Reasonable Accommodations for Certified Recovery Residences. The Town shall apply the
252 following procedures and criteria in considering a reasonable accommodation request for
253 establishing a Certified Recovery Residence:

254 a. Procedures for requesting a reasonable accommodation and criteria.

255 (i) Application. A request by an applicant for reasonable accommodation under
256 this section shall be made in writing to the Department on a "reasonable
257 accommodation request application form," which form is maintained by the
258 Town. The application shall contain such questions and requests for
259 information as are necessary for processing the reasonable accommodation
260 request including the following:

- 261 1. Name, address, and telephone number of applicant.
262 2. Address of subject property and parcel identification number.
263 3. Consent of the owner of the subject property.
264 4. Current use of the property.
265 5. Basis for the claim that the applicant is protected under applicable law(s).
266 6. The Town's regulation(s) from which reasonable accommodation is being
267 requested.
268 7. Identification of the specific accommodation requested and why the
269 accommodation is necessary to make the subject property accessible to the
270 individual.

271 (ii) Assistance. If the applicant needs assistance in making a request for a
272 reasonable accommodation or meeting the requirement that the request be
273 made in writing, the Town will provide reasonable assistance to ensure that
274 the process is accessible, and that the applicant's request is documented on the
275 form provided by the Town.

276 b. Criteria for determining reasonable accommodations. In reviewing the application for
277 reasonable accommodation for a certified recovery residence, the following criteria will
278 be applied:
279

- 280 (i) Whether the applicant has established that he/she, or the individual on whose
281 behalf the application was submitted, is protected under applicable laws.
282 (ii) Whether the applicant has established that the requested accommodation is
283 reasonable and necessary to afford the disabled individual an equal opportunity
284 to use and enjoy the property.
285 (iii) Whether the requested accommodation would impose an undue financial or
286 administrative burden on the Town.
287 (iv) Whether the requested accommodation would require a fundamental alteration
288 in the nature of the land use and zoning regulations of the Town.
289 (v) Whether alternative reasonable accommodations could provide an equivalent
290 level of benefit, if applicable.
291 (vi) Whether applicant adheres to all applicable state and federal laws relating to
292 Certified Recovery Residences and can demonstrate the same, inclusive of all
293 required licensures or credentials for operation of a Certified Recovery
294 Residence.
295 (vii) Whether the licensed service provider has a paid certified employee on call
296 during the time when individuals are at a community housing location, if
297 applicable.
298 (viii) Any other relevant criteria under applicable laws.
299 (ix) For Level IV Certified Recovery Residences that are operating as Community
300 Housing and are actively managed by a certified recovery residence
301 administrator approved for 100 residents pursuant to Florida Statutes and is
302 wholly owned or controlled by a licensed service provider:
303
304 1. If electing to manage up to 150 residents: whether the residence maintains
305 a service provider personnel-to-patient ration of 1 to 9 and maintains onsite
306 supervision at the residence during times when residents are at the residence
307 with a personnel-to-resident-ratio of 1 to 10; and
308 2. If electing to manage up to 300 residents: whether the residence maintains
309 a service provider personnel-to-patient ratio of 1 to 8, and maintains onsite
310 supervision at the residence during times when residents are at the residence
311 with a personnel-to-resident ratio of 1 to 6.
312

313 (6) Appeal. An applicant aggrieved by a decision of the Department Services Director under
314 this section may appeal the decision to the Town Manager.

315
316 a. Exhaustion required. A request for relief under this section shall be required prior to
317 any person filing a lawsuit based upon applicable laws. Completion of the relief
318 procedures provided herein shall constitute the exhaustion of all administrative
319 remedies available from the Town.

320
321 b. Effect while pending. While an application for relief or appeal of a decision of same is
322 pending before the Town, the Town will not enforce the subject code, rules, policies,

323 and procedures, except the Town may seek injunctive relief if an imminent threat to the
324 health, safety and welfare of the public is present.

325
326 (7) Revocation. The Department may revoke a granted accommodation of a certified recovery
327 residence for cause, including, but not limited to, a violation of the conditions of approval
328 or the lapse, revocation, or failure to maintain licensure required under this section, if not
329 reinstated within 180 calendar days.

330
331 (8) Compliance. The establishment of a reasonable accommodation process does not relieve
332 the Town from its obligations under the Fair Housing Amendments Act (42 U.S.C. ss. 3601
333 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.).
334 The regulation for which the applicant is seeking reasonable accommodation must not
335 facially discriminate against or otherwise disparately impact the applicant.

336
337 (9) Declarations. The application of this subsection does not supersede any current or future
338 declaration or declaration of condominium adopted pursuant to Chapter 718; any
339 cooperative document adopted pursuant to Chapter 719; or any declaration or declaration
340 of covenant adopted pursuant to Chapter 720.

341
342 ***

343 **Section 3. Conflicting Provision.** All prior ordinances or resolutions or parts thereof in
344 conflict herewith are hereby repealed, but only to the extent of such conflict.

345
346 **Section 4. Severability.** The provisions of this Ordinance are declared to be
347 severable, and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason,
348 be held to be invalid or unconstitutional by any court of competent jurisdiction, then such decision
349 shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this
350 Ordinance.

351
352 **Section 5. Codification.** It is the intention of the Town Commission and it is hereby
353 ordained that the provisions of this Ordinance shall become and be made a part of the Code of
354 Ordinances of Lauderdale-By-The-Sea, Florida, that the sections of this Ordinance may be
355 renumbered or re-lettered, and that the word “Ordinance” shall be changed to “Section,” or such
356 other appropriate word or phrase, to accomplish such intentions.

357
358 **Section 6. Effective Date.** This Ordinance shall take effect immediately upon the
359 adoption hereof.

360
361 Passed on the first reading, this ____ day of _____, 2026.

362
363 Passed on the second reading, this ___ day of _____, 2026.

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MAYOR EDMUND MALKOON

First Reading

Second Reading

Mayor Malkoon

Vice-Mayor Strauss

Commissioner Pouloupoulos

Commissioner DeNapoli

Commissioner Graziano

ATTEST:

Acting Town Clerk Courtney Easley
(CORPORATE SEAL)

APPROVED AS TO FORM ONLY:

Susan L. Trevarthen, Town Attorney