

ORDINANCE NO. 2025-14

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 1, GENERALLY, ESTABLISHING THE PROCESS AND PROCEDURES FOR THE REVIEW AND APPROVAL OF REASONABLE ACCOMODATION REQUESTS, INCLUDING CERTIFIED RECOVERY RESIDENCES; PROVIDING A PROCESS FOR REASONABLE ACCOMMODATION REQUESTS FOR PERSONS WITH DISABILITIES AS PROVIDED BY THE FAIR HOUSING ACT, THE AMERICANS WITH DISABILITIES ACT AND OTHER STATE AND FEDERAL REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council (the “City Council”), as the governing body of the City of Greenacres (the “City”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (the “Zoning Code”); and

WHEREAS, Pursuant to Section 397.487(15)(a), Florida Statutes, all counties and municipalities shall adopt an ordinance establishing the process and procedures for the review and approval reasonable accommodation requests, including certified recovery residences by January 1, 2026; and

WHEREAS, the process and procedures for the review and approval for reasonable accommodation requests must also be consistent with the Fair Housing Amendments Act (FHA) and the Americans with Disabilities Act (ADA) to ensure equal housing for persons with disabilities; and

WHEREAS, the purpose of this Ordinance is to establish the process and procedures for the review and approval of reasonable accommodation requests, including

certified recovery residences, for consistency with the State and all applicable Federal regulations, as required by Section 397.487(15)(a), Florida Statutes; and

WHEREAS, the Planning and Zoning Board held a duly advertised public hearing on November 13, 2025, and has considered the proposed amendment for compliance with staff findings relevant to the criteria for a Zoning Text Amendment, as detailed in the Development and Neighborhood Services Staff Report and Recommendation, labeled Exhibit “A,” revised on November 14, 2025, and it has been determined, in accordance with said Exhibit “A”, that the proposed amendment to the City’s Code of Ordinances are appropriate; and

WHEREAS, the City Council finds that this Ordinance is necessary to strengthen consistency in how the City manages reasonable accommodation requests to ensure equal housing for persons with disabilities, and for the preservation of public health, safety and welfare of the City’s residents; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. Chapter 16, Zoning Regulations, Article IV, Supplementary District Regulations, Division 1, Generally, of the City of Greenacres Code of Ordinances, is hereby amended as follows (additions are indicated by underlining and deletions are indicated by strikethrough):

Sec. 16-614. - Reasonable Accommodations.

- (a) *Purpose and Applicability.* This section implements the city's policy for processing requests for reasonable accommodation for the establishment of certified recovery residences and in the application of the City's ordinances, rules, policies, practices, and procedures for persons with disabilities as provided by the Federal Fair Housing Amendments Act (FHA), 42 U.S.C. §3601 et seq., and Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §12131 et seq., as amended from time to time. For purposes of this section, a "disabled individual" or "disabled person" means an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA; a "qualifying entity" means a licensed service provider of the State of Florida as defined by F.S. §397.311(26), as amended. Any disabled individual or qualifying entity may request reasonable accommodation from the city's land use or applicable zoning laws, rules, policies, practices and/or procedures as provided by the FHA and the ADA by applying for a reasonable accommodation in accordance with this section. All qualifying entities must provide proof of the licensable service component the qualifying entity hold pursuant to F.S. Ch. 397, as amended. All applications for a reasonable accommodation must submit proof that he/she requires a reasonable accommodation because he/she is disabled and/or handicapped under the FHA and/or ADA, including the person's legal name and documentation demonstrating that the individual qualifies under FHA/ADA.
- (b) *Application Requirements.* A request by a disabled person or individual ("applicant") for a reasonable accommodation under this section, shall be made in writing by completing an application which is available from the city's development and neighborhood services department. An application for reasonable accommodation shall, at a minimum, include:
- (1) The name, address, telephone number, and e-mail of the property owner, the applicant and, if applicable, the authorized representative;
 - (2) The applicable property information of the subject property including property address and parcel identification number; and
 - (3) A description of the accommodation requested and identification of the specific regulation(s), standard(s), or procedure(s) from which relief is sought.
 - (4) A description of why the requested accommodation is necessary. A certification stating the following: I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST IS TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE INFORMATION WITH THIS REQUEST, MY REQUEST SHALL BECOME NULL AND VOID.
 - (5) Applicants may include any additional information they wish the city to consider; however, the city shall not require disclosure of medical records or personal information beyond what is necessary to establish eligibility under applicable federal law.
- (c) *Confidentiality of Medical Information.* If the information required to be provided by the applicant to the city, includes medical information and/or records, including

records relating to the medical condition, diagnosis or medical history of the applicant, the applicant at the time of the submission of the medical information, may request that the city treat the medical information as confidential information of the applicant. In such case, the city shall endeavor to keep the applicant's medical information confidential to the extent permitted by law. The city shall thereafter use its best efforts to provide written notice to the applicant and/or the applicant's authorized agent, attorney or representative, of any request received by the city for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the city. The city will cooperate with the applicant to the extent allowed by law, in actions initiated by persons or entities that challenge or oppose the city's nondisclosure of medical information or records of the applicant. However, the city shall have no obligation to defend against any other action seeking to compel the production of public records or to incur any legal or other expenses in connection therewith, and may produce the records to the extent the city determines the records are not exempt from the Public Records Act, or to comply with any judicial or administrative order without prior notice to the applicant.

- (d) *Processing.* When a reasonable accommodation request form has been completed and submitted to the development and neighborhood services department, the application shall be date-stamped and within 30 days of receipt of the application, the department shall determine whether the application is complete. If incomplete, the department must notify the applicant in writing, identifying the specific additional information required. The applicant shall be provided with no less than 30 days to submit the requested information. The review period is tolled until the city receives the additional information.

Within 60 days after the city receives a complete application, the department shall issue a final written determination to approve, approve with conditions, or deny the request.

The development and neighborhood services director or designee may:

- (1) Grant the reasonable accommodation request; or
- (2) Grant the reasonable accommodation request in part and deny the remainder, with or without conditions; or
- (3) Deny the request, in accordance with state and federal law.

The determination shall be in writing and sent to the applicant by regular mail to the address specified on the application form. If the determination is for denial, the reasons for the denial are required to be stated. The final determination shall give notice of the right and method to appeal. If the final written determination is not issued within 60 days after receipt of the completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

- (e) *Evaluation Criteria.* In determining whether a reasonable accommodation request should be granted or denied, the applicant, or, if applicable, the qualifying entity, must establish that the applicant is protected under the provisions of the FHA and/or ADA

by demonstrating that the applicant is handicapped or disabled, as defined in the FHA and/or ADA. Although the definition of disability is subject to judicial interpretation, for purposes of this section, the disabled individual who is the subject of the reasonable accommodation request must show:

- (1) A physical or mental impairment which substantially limits one or more major life activities;
- (2) A record of having such impairment; and
- (3) That the disabled individual is regarded as having such impairment.

After satisfying the foregoing three criteria, the applicant must demonstrate that the proposed accommodation being sought is reasonable and necessary to afford him/her an equal opportunity to use and enjoy a dwelling.

- (f) *Appeals.* Whenever an applicant disagrees with the decision of the development and neighborhood services director, or designee, or any of the conditions imposed as part of the terms under which the reasonable accommodation is approved, they may elect to appeal the application to the Planning and Zoning Board within 30 days of the written decision date.
- (g) *Fees.* No fee shall be imposed by the development and neighborhood services department in connection with a request for reasonable accommodation under this section, or for an appeal of a decision of the development and neighborhood services director or their designee. The city shall have no liability for or legal obligation to pay an applicant's attorney's fees or costs, including the attorney's fees and costs incurred in any appeal at any appellate level.
- (h) *General Provisions.* The following general provisions shall be applicable:
 - (1) The city shall display a notice in the city's public notice bulletin board (and shall maintain copies available for review in the development and neighborhood services department and the city clerk's office), advising the public that disabled individuals (and qualifying entities, if applicable) may request a reasonable accommodation as provided in this section.
 - (2) A disabled individual, or if applicable a qualifying entity who has applied for a reasonable accommodation or may be represented at all stages of the reasonable accommodation process by a person designated by the disabled individual as their authorized agent, attorney, or representative. If any attorney, authorized agent, or other representative is representing the individual, or, if applicable, a qualifying entity, a written authorization designating the attorney, authorized agent, or representative shall be submitted together with the application.
 - (3) The city shall provide assistance and accommodation as is required pursuant to FHA and ADA in connection with a disabled person's request for reasonable accommodation, including without limitation, assistance with interpreting the reasonable accommodation application form and responding to the questions

contained therein, completing the form, filing an appeal, and appearing at hearings to ensure the process is accessible.

(4) A reasonable accommodation is specific to the individual with a disability and/or handicap, does not run with the land, and does not alter an individual's obligation to comply with other applicable federal, state, county, or City requirements, rules, regulations, or laws.

(i) *Revocation.* The development and neighborhood services director or their designee shall have the authority to revoke or modify a reasonable accommodation if the applicant or the property upon which the accommodation is granted is found in violation of any condition of approval, the City Code, or any applicable state or federal law or regulation, as determined by a court of law or the Special Magistrate.

SECTION 2. Amending Related Code Sections. The Chapter 16, Zoning Regulations, of the City's Code of Ordinances, is hereby amended to update all references to "Code Enforcement Division" with "Code Compliance Division" throughout the Chapter to reflect the current organization structure and ensure consistency across the Zoning Code.

SECTION 3. Repeal of Conflicting Ordinances. All other ordinances or parts thereof or parts of the Code conflicting or inconsistent with this ordinance are hereby cancelled, repealed or revised to be consistent with provisions and elements of this Ordinance.

SECTION 4. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if

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this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 5. Inclusion in the Code. It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 6. Effective Date. The provisions of this Ordinance shall become effective immediately upon adoption.

Passed on the first reading this __ day of __, 2025.

PASSED AND ADOPTED on the second reading this ____ day of _____, 2026.

Chuck Shaw, Mayor

Voted:

Susy Diaz, Deputy Mayor, *District IV*

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Council Member, *District I*

Voted:

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Elisa Leheny, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney