

ORDINANCE NO. 2025-052

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," BY AMENDING SECTION 13-41, "REQUESTS FOR ACCOMMODATION," IN ORDER TO UPDATE THE CITY'S CODE TO COMPORT WITH RECENT CHANGES TO STATE LAW REGARDING PROCEDURES FOR HANDLING AND PROCESSING REQUESTS FOR ACCOMMODATION FROM THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Senate Bill 954 (2025) pertaining to "Certified Recovery Residences," the City must amend its Code of Ordinances to update its procedures for handling and processing requests for accommodation from the City's Land Development Code before the statute's effective date of January 1, 2026; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the change is consistent with and furthers the goals, objectives, and policies of the City's Comprehensive Plan; and

WHEREAS, the Planning and Zoning Board reviewed the proposed text amendment at a public hearing held on November 12, 2025, and voted to recommend that the changes be approved; and

WHEREAS, the City Commission is charged with protecting the health, safety, and welfare of its residents and believes this ordinance to be in the best interests of the residents.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, "Land Development Code," Article I, "Administration, Regulations and Procedures," Division 3, "Implementation Procedures," Section 13-41, "Requests for accommodation," to read as follows:

Sec. 13-41. - Requests for accommodation.

- (a) *Purpose.* The purpose of this section is to implement a procedure for processing requests for reasonable accommodation to the City's Code of Ordinances, Land Development Regulations, Rules, Policies, and Procedures for persons with disabilities as defined by the federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) ("FHA") and Title II of the Americans with Disabilities Amendments Act (42 U.S.C. Section 12131, et seq.) ("ADA"). For purposes of this section, a "disabled" person is an individual that qualifies as disabled and/or handicapped under the FHA and/or ADA. Any person who is disabled (or qualifying entities) may request a reasonable accommodation with respect to the City's Land Development Code, Code of Ordinances, rules, policies, practices and/or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section.
- (b) *Notice to the public of availability of accommodation.* The city shall display a notice on the city's public notice bulletin board, on the city's website, and shall maintain a copy available for review in the department of sustainable development and the city clerk department, advising the public that disabled individuals (and qualifying entities) may request a reasonable accommodation as provided herein.

- (e) *Decision process.*

- (1) The city manager, or his/her designee, shall have the authority to consider and act on requests for reasonable accommodation, recertification of an approved reasonable accommodation, and amendment to an approved reasonable accommodation. When a reasonable accommodation request form has been completed and submitted to the department of sustainable development, it must be date-stamped upon receipt.
- (2) Next, it will be referred to the city manager, or his/her designee, for review and consideration. The city manager, or his/her designee, shall issue a written determination within no more than ~~forty-five (45)~~ sixty (60) days of the date of receipt of a completed application and may, in accordance with federal law, (1)

grant the accommodation request, (2) grant a portion of the request and deny a portion of the request, and/or impose conditions upon the grant of the request, or (3) deny the request, in accordance with federal law, stating with specificity, the evidence-based reasons for denial and identifying deficiencies or actions necessary for reconsideration. ~~Any such denial shall be in writing and shall state the grounds therefore.~~ All written determinations shall give notice of the right to appeal. The notice of determination shall be sent to the requesting party (i.e. the disabled individual or his/her representative) by certified mail, return receipt requested. If a final written determination is not issued within sixty (60) days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

- (3) If reasonably necessary to reach a determination on the request for reasonable accommodation, the city manager, or his/her designee, may, prior to the end of said forty-five (45) day period within thirty (30) days of the receipt of the request for reasonable accommodation, request additional information from the requesting party, specifying in sufficient detail what information is required. The requesting party shall have ~~fifteen (15)~~ thirty (30) days after the date of the request for additional information to provide the requested information. ~~In the event a request for additional information is made, the forty-five (45) day period to issue a written determination shall no longer be applicable, and If the requesting party fails to provide the requested additional information within said thirty (30) day period,~~ the city manager, or his/her designee, shall issue a written determination within thirty (30) days after receipt of the additional information. ~~If the requesting party fails to provide the requested additional information within said fifteen (15) day period, the city manager, or his/her designee, shall issue a written notice advising that the requesting party had failed to timely submit the additional information and therefore the request for reasonable accommodation shall be deemed abandoned and/or withdrawn and no further action by the city with regard to said reasonable accommodation request shall be required.~~

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS _____ DAY OF _____, 2025.

PASSED SECOND READING THIS _____ DAY OF _____, 2025.

Attest:

Jacqueline Railey, Mayor

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Railey	_____	_____
Wasserman	_____	_____
Welch	_____	_____
Rydell	_____	_____
Brodie	_____	_____