

BCC Mtg. Date: December 2, 2025

Effective Date: December 8, 2025

ORDINANCE NO. 2025-29

AN ORDINANCE OF ORANGE COUNTY, FLORIDA PERTAINING TO THE ESTABLISHMENT OF CERTIFIED RECOVERY RESIDENCES AND PROCEDURES FOR REASONABLE ACCOMMODATION REQUESTS; PROVIDING A PROCESS TO REVIEW AND APPROVE REASONABLE ACCOMMODATION REQUESTS TO THE COUNTY'S ZONING CODE FOR PERSONS WITH DISABILITIES AS PROVIDED BY THE FAIR HOUSING AMENDMENTS ACT, TITLE II OF THE AMERICANS WITH DISABILITIES ACT AND OTHER APPLICABLE STATE AND FEDERAL REGULATIONS; AMENDING CHAPTER 38 OF THE ORANGE COUNTY CODE ("ZONING"); CREATING A NEW SECTION 38-1403 ("REASONABLE ACCOMMODATION PROCESS"); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the purpose of this ordinance is to establish procedures for the review of reasonable accommodation requests from the County's land development ordinances, rules, policies and procedures, including for the establishment of certified recovery residences, for persons with disabilities as provided by the Fair Housing Amendments Act and the Americans with Disabilities Act and other applicable state and federal regulations;

WHEREAS, the County desires to provide a reasonable accommodation application procedure to ensure that people with disabilities enjoy equal access to housing opportunities while still preserving the overall intent and purpose of the County's Zoning Code;

WHEREAS, the Planning and Zoning Commission, sitting as the Local Planning Agency, has determined that this ordinance is consistent with and furthers the goals, objectives, and policies of the County's Comprehensive Plan;

WHEREAS, the Board finds that it is in the public's interest to amend Chapter 38 of the Orange County Code to establish procedures for processing reasonable accommodation requests.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. *Creation of Section 38-1403 ("Reasonable accommodation process").* Section 38-1403, presently "Reserved," is created to read as follows:

Sec. 38-1403. Reasonable accommodation process.

(a) *Purpose, intent, and general provisions.*

- (1) The purpose and intent of this Section is to establish a process where a person with a disability, as provided by the Federal Fair Housing Amendments Act (“FHA”) or Title II of the Americans with Disabilities Act (“ADA”), may request the County for a reasonable accommodation from the Zoning Code standards to allow the disabled person, as that term is defined and recognized by federal, State or local law, or by judicial interpretation, to legally use and enjoy a dwelling.
- (2) A reasonable accommodation process is necessary because in some instances certain standards in the Zoning Code, if strictly applied, would inhibit or prevent the use of a dwelling due to a person's disability. As such, the process outlined in this Section is necessary where a disabled individual or individuals, or a person, entity or group acting on behalf of a disabled individual or individuals (“Applicant”), requests a reasonable accommodation and seeks relief from one or more of such zoning standards in order to have an equal opportunity to legally use and enjoy a dwelling ("Request for a Reasonable Accommodation").
- (3) An Applicant may submit a Request for a Reasonable Accommodation on his/her own behalf or may be represented at all stages of the application process by a person designated by the Applicant as their authorized agent, attorney, or representative.
- (4) Each Request for a Reasonable Accommodation must be considered on a case-by-case basis based on an individualized assessment because the nature and extent of a disability and the surrounding facts and issues will necessarily vary as applicable in each case.
- (5) The granting of a Request for a Reasonable Accommodation shall not be deemed to constitute a rezoning of property, a special exception approval, or an approval to allow any other uses that would otherwise require a rezoning, special exception, variance, or waiver pursuant to the County Code.

(b) *Application.*

- (1) A Request for a Reasonable Accommodation may be made by completing a written application on a form prescribed by the Zoning Division.
- (2) Such form shall instruct the Applicant regarding what information is required for the application to be deemed complete and sufficient. Such form shall, at a minimum, include sections for:
 - a. The name and contact information of the Applicant or the Applicant's authorized representative;
 - b. the property address and parcel identification number for the location where the accommodation is requested; and
 - c. a description of the accommodation requested and the specific regulation or policy from which the relief is sought.
- (3) If Applicant is proposing to operate a residence that provides services or housing to disabled individuals, Applicant shall demonstrate that:
 - a. Applicant is licensed or certified by the State of Florida to operate the proposed residence;
 - b. For housing within a "recovery residence" as defined in Chapter 397, Fla. Stat., Applicant shall provide evidence of a certification or license from the Florida Association of Recovery Residences, National Alliance for Recovery Residences, or other nationally recognized accrediting agency or entity for recovery residences; or

If Applicant cannot provide one of the above-referenced licenses or certifications, Applicant may still meet the requirement of this paragraph by demonstrating that all of the following four (4) criteria are met:

- a. The proposed residence will be operated in a manner effectively similar to that of a licensed or certified residence; and
- b. Staff will be adequately trained in accordance with standards typically required by licensing or state certification for such residence; and
- c. The residence will emulate a biological family and be operated to achieve normalization and community integration; and

- d. The rules and practices governing how the residence operates will protect the residents from abuse, exploitation, fraud, theft, neglect, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.
- (4) Should the information provided by the Applicant to the County include medical information or records, including records indicating the medical condition, diagnosis, or medical history of the requesting individual, such individual may, at the time of submitting such medical information, request that the County, to the extent allowed by law, treat such medical information as confidential information of the requesting individual.
- (c) *Application process.*
- (1) Upon receipt of the Request for a Reasonable Accommodation application on the prescribed form, the Zoning Manager or authorized designee shall date-stamp the application.
 - (2) Within thirty calendar days after receipt, the Zoning Manager shall determine whether the application is complete and sufficient, and notify the Applicant in writing of the application's completeness and sufficiency. If it is determined that the application is incomplete or insufficient, the Zoning Manager's written notice shall identify what additional information is required. The Applicant shall have thirty calendar days from the date of the written notice to respond to the request for additional information. If the Applicant fails to provide the requested additional information within the thirty-day period, a notification shall be issued to the Applicant advising the Applicant that the application is considered withdrawn.
 - (3) Once the application is deemed complete and sufficient by the Zoning Manager, a final written decision shall be made within sixty days. If a final written decision is not issued within the sixty-day period after receipt of a complete and sufficient application, the request shall be deemed approved, unless the Applicant and County

agree jointly in writing to a reasonable extension of time.

(d) *Zoning Manager's decision.* The Zoning Manager shall issue a final written decision on the application. The Zoning Manager's decision shall:

- (1) Grant the reasonable accommodation request;
- (2) Grant a portion of the request and deny the remaining portion;
- (3) Grant the request or a portion of the request, subject to conditions; or
- (4) Deny the request.

A decision denying a Request for Reasonable Accommodation, or a conditional or partial approval, shall state with specificity the objective, evidence-based reasons for denial and identify any deficiencies or actions necessary for reconsideration.

Such final written decision shall be sent to the Applicant via certified mail, return receipt requested, to the address specified by the Applicant on the application form and shall give notice to the Applicant of the right to appeal.

(e) *Criteria.* The Applicant shall be required to establish that the requesting individual is disabled and protected under the FHA or ADA by demonstrating that the individual is disabled, as defined in the FHA or the ADA. Although the definition of disability may be subject to judicial interpretation, for purposes of this Section the Applicant must show:

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

In evaluating a Request for a Reasonable Accommodation, the Zoning Manager shall consider competent evidence relating to the following:

- (1) Whether the individual claiming to be disabled meets the definition of a disabled person;

- (2) Whether there is an identifiable relationship, and a rational nexus, between the requested accommodation and the disabled individual's needs;
- (3) Whether a sufficient alternative to the request exists, if the request is determined to not be reasonable;
- (4) Whether granting the request would change the essential nature of the Zoning Code as compared to a strict application of the Zoning Code to the circumstances of the request;
- (5) Whether the request, if granted, would impose undue financial and administrative burdens on the County.

It shall also be the obligation of the Applicant to establish that granting the reasonable accommodation will not result in an over-concentration or clustering of similar uses that will fundamentally alter the residential character of the surrounding neighborhood.

The Zoning Manager is entitled to obtain information that is necessary to evaluate whether a requested reasonable accommodation may be necessary because of a disability. If an individual's disability is obvious, or otherwise known to the Zoning Manager, and if the need for the requested accommodation is also readily apparent or known, then the Zoning Manager may not request any additional information about the disability or the disability-related need for the accommodation. However, if the disability is known or readily apparent to the Zoning Manager, but the need for the accommodation is not readily apparent or known, the Zoning Manager may request only information that is necessary to evaluate the disability-related need for the accommodation. The Zoning Manager may not ordinarily inquire as to the nature and severity of a disability. However, the Zoning Manager may request reliable disability-related information that:

- (1) is necessary to verify that the person meets the Fair Housing Amendments Act and Americans with Disability Act's definition of "disability,";
- (2) describes the needed accommodation; and
- (3) shows the relationship between the individual's disability and the need for the requested accommodation.

Depending on the individual's circumstances, information verifying that the individual meets the Act's definition of disability can usually be provided by the individual but also may come from a doctor or medical professional, a peer support group, a non-medical service agency, or a reliable third party who has direct knowledge about the individual's disability. Once the Zoning Manager has established that the individual meets the definition of a disabled person, he/she should seek only the information necessary to evaluate if the request is needed because of a disability.

(f) *Duration of reasonable accommodation; Revocation.*

(1) A Reasonable Accommodation shall be personal to the Applicant and shall not run with the land, and shall remain in place for only as long as:

- a. The Applicant's need for the accommodation exists or remains, or
- b. The Applicant resides at the dwelling.

(2) It shall be the responsibility of the property owner to remove or correct any nonconforming Zoning Code standard authorized by the grant of a Request for a Reasonable Accommodation once the need for the accommodation ends, and to do so within a reasonable period of time.

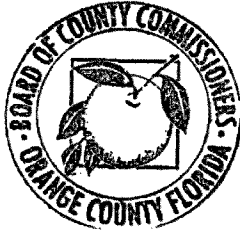
(3) Any reasonable accommodation received may be revoked by the County if the Applicant or the property upon which the accommodation is granted is found in violation of any provision or condition of the approval granting the reasonable accommodation.

(g) *Appeal.* A decision on a Request for a Reasonable Accommodation is appealable to the Board of Zoning Adjustment ("BZA") pursuant to the procedures identified in Chapter 30. The BZA's review of the appeal shall be limited to a consideration of whether the criteria pertaining to a Request for a Reasonable Accommodation were properly and fairly considered and applied, taking into account all laws, ordinances, and judicial or legal precedent or guidance into consideration, and whether sufficient alternatives were evaluated.

(h) *No Fee.* No fees or costs may be imposed by the County for a Request for a Reasonable Accommodation or for an appeal of a decision on such a request. The County shall not be obligated to pay the Applicant's attorney's or other fees and costs in connection with the application or an appeal.

Section 2. Effective date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS 2nd DAY OF DECEMBER, 2025.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners
By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jennifer Jan-Klutz*
Deputy Clerk