



**Planning and Zoning
Commission
Minutes
February 5, 2026
Council Chambers
6:00 PM**



I CALL TO ORDER

Present: 5- Glen Jaffee (Chair), Greg Hardwick, Jody Barry, Eddie Baird, Ken Linehan

Absent: 0 -

Chair Glen Jaffee called the meeting to order at 6:00 pm on February 5, 2026. Staff in attendance included: Director of Community Development Mike Daniels, Attorney Ryan G. Knight, and Senior Planner Barrett Chaix.

II PLEDGE OF ALLEGIANCE

III ELECTION OF CHAIR AND VICE-CHAIR

Chair Glen Jaffee read an introduction describing the role of the Planning and Zoning Commission in City Government, and introduced the Commission's new member, Ken Linehan. Linehan introduced himself and provided a brief biography of himself and his work background.

Chair Jaffee opened the floor for nominations for the election of chair and vice-chair for the year 2026.

RESULT: Elect Glen Jaffee as Chair of Planning and Zoning Commission for 2026

MOVER: Baird

SECONDER: Hardwick

AYES: Baird, Linehan, Hardwick, Barry, Jaffee

NAYS: None

RESULT: Elect Jody Barry as Chair of Planning and Zoning Commission for 2026

MOVER: Baird

SECONDER: Hardwick

AYES: Baird, Linehan, Hardwick, Barry, Jaffee
NAYS: None

IV MINUTES OF PREVIOUS MEETING

1 MINUTES OF THE NOVEMBER 6, 2025 PLANNING AND ZONING COMMISSION

RESULT: Approve the Minutes of the November 6, 2025 Planning and Zoning Commission
MOVER: Hardwick
SECONDER: Baird
AYES: Baird, Linehan, Hardwick, Barry, Jaffee
NAYS: None

V PUBLIC PERIOD

Chair Jaffee opened the public period. Seeing no one in the audience who wished to speak, he then closed the public period.

VI PUBLIC HEARING

1 LDC TEXT AMENDMENT: REASONABLE ACCOMMODATION REQUESTS FOR CERTIFIED RECOVERY RESIDENCES

Mike Daniels provided a presentation on the proposed ordinance.

Senate Bill 954 (“Bill”) was approved by the Governor on June 25, 2025, and became effective July 1, 2025. It amended Florida Statutes Section 397.487, to add a new subsection 15 which requires the governing body of each local government to “adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction.” The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence. The Bill includes additional criteria required to be included in the Ordinance. This proposed Ordinance amending the Land Development Code (LDC) incorporates the requirements of SB 954 and establishes a process for the review and approval of reasonable accommodation requests for Certified Recovery Residences.

A new subsection 5.16 is proposed to be added to the LDC outlining how individuals may request accommodations from zoning or land use regulations when such accommodations are necessary for a certified recovery residence to operate. This includes application requirements,

review procedures, timelines, an appeal process and standards consistent with the Fair Housing Act. The applicant for a reasonable accommodation request can be any person who is disabled or a provider of services to disabled individuals.

The applicant is responsible for demonstrating that they, or those who are being provided services, are protected individuals under the FHA or ADA. Applications for certified recovery residence reasonable accommodations are reviewed by the Community Development Director, or designee, for consistency with the FHA or ADA and whether the applicant has shown the following:

- (1) They are protected under the FHA and/or ADA by demonstrating that they, or those being provided recovery services, are handicapped or disabled by showing:
 - a. A physical or mental impairment which substantially limits one (1) or more major life activities;
 - b. That they are regarded as having such impairment; and
 - c. A record of having such impairment.
- (2) The requested accommodation is reasonable and necessary to afford the applicant an equal opportunity to use and enjoy the dwelling, building or structure, or provides accessibility in another manner.
- (3) The requested accommodation would not impose an undue financial or administrative burden on the City.
- (4) The requested accommodation would not require a fundamental alteration in the nature of the land use and zoning regulations of the County.

Approvals or denials of requests are issued in writing and must include the applicant's right to appeal the determination to the City Manager. Granting a reasonable accommodation request does not alleviate the requirement for a Certified Recovery Residence to comply with all other applicable code requirements.

Staff recommends that the Planning and Zoning Commission recommend approval of the Land Development Code amendment to City Council, to establish a process for reasonable accommodations for Certified Recovery Residences.

Concluding the presentation, Chair Jaffee opened the public hearing. There being no one who wished to speak, he closed the public hearing, and opened the discussion for the commission.

Commissioner Hardwick asked for clarification on the effect of the statute on the process for variances from the code and appeals in court. Mike Daniels explained that the main difference is that variances have to

demonstrate a hardship, whereas reasonable accommodation does not have the same threshold. Commissioner Barry pointed out the similarities with the Live Local Act in that it sets up an administrative process instead of a public hearing.

Commissioner Baird asked about the process of revocation, and asked for examples of what conditions may be violated to trigger a revocation. Attorney Ryan Knight stated that some examples were lying on their application or losing their state license. Another instance, could be if the qualifying individual no longer lived there. Commissioner Baird asked about the process of revocation and which bodies could carry out the revocation. He stated that a final order is not required by statute. As drafted, a special magistrate or court order is required for a revocation. Baird suggested having the City Manager make a determination, with the applicant having a burden of overturning on appeal.

Hardwich suggested that the applicant need to re-apply every year. Daniels suggested that could be made a condition of approval for a reasonable accommodation. Knight suggested that cities have treated it more as a variance that runs with the property, or one that has to be re-visited.

Jaffee stated that the City needs to really think through this and this definition of disability, which is very broad. It reminded him of emotional support animals. He asked to imagine our neighborhoods with drug and rehab houses next door to you or across the street. With AirBnBs and Live Local Act, we tried to put up roadblocks and speed bumps to keep these out of residential areas, because everyone wants to control where these drug and rehab houses can go. We need to be able to make it very easy to immediately correct. Knight explained that there isn't much we can do in the way of speed bumps as the state has required the City to review and approve or deny in 30 days.

Commissioner Linehan asked for clarification on whether certified recovery residences were already allowed in the City. Daniels replied that they were, and five unrelated persons in a single family home were allowed by right. Jaffee asked if we could put restrictions in our code to cover these specific uses. Daniels replied that it would run afoul of Senate Bill 180. Hardwick stated he was more concerned about what cities could do to ensure they stayed in compliance. Daniels replied that the only requirement is that they follow the state requirements for certified recovery residences.

There was discussion with Knight to include provisions for annual verification of certified recovery residences and the timeline for potential changes. Jaffee asked to see more about the city's land development

code as it pertains to Certified Recovery Residences.

RESULT:	Motion requesting that applicable staff continues to work with the City's legal counsel to further look into and to propose to us at the appropriate time potential options for recertification, reapplication and/or revocation of accommodations as contemplated within the proposed ordinance and compliance with Florida Statute 397.487 also to include the person or persons or body and or bodies that would make a determination that a violation has existed that would result in a revocation of accommodation.
MOVER:	Baird
SECONDER:	Hardwick
AYES:	Hardwick, Baird, Barry, Linehan, Jaffee
NAYS:	None

2 LDC TEXT AMENDMENT: ADMINISTRATIVE REVIEW OF PLATS AND REPLATS

Daniels provided a presentation on the item.

Senate Bill 784 took effect on July 1, 2025. This legislation requires that a subdivision plat or replat be approved administratively if the plat or replat complies with the requirements of Florida Statute 177.091. The bill requires local governments to designate, by ordinance or resolution, an administrative authority to receive, review, and process a plat or replat submittal, and designate an administrative official responsible for approving, approving with conditions, or denying a proposed plat or replat. This legislation preempts the City's authority to prescribe the plat approval process as currently set forth within the City's Land Development Code, which requires board review and approval in a public hearing.

On August 25, 2025, Resolution 13-2025 was approved by City Council. The resolution stipulated:

1. The City's Community Development Department is hereby designated as the administrative authority to receive, review, and process plat or

replat submittals.

2. The City Manager, or his or her designee, is hereby designated as the administrative official responsible for approving, approving with conditions, or denying a proposed plat or replat.

The adoption of Resolution 13-2025 was an interim step to meet the new statutory obligation to ensure that the platting process is administrative. The next step in the process is to amend the Land Development Code to meet the requirements of the statute. Due to the structure of the code and the multiple references to the platting process, the code amendment was more complex and required more time to compile into an ordinance. As a result, staff created a code amendment revising sections 2.25.2(b) and 6.4.2 of the City's Land Development Code which is presented in underline/strikethrough format.

At the meeting of January 15, 2025, staff recommends the Planning and Zoning Commission forward a recommendation of approval of the ordinance to City Council.

Hardwick asked what happens if you disapprove with staff. Daniels explained that staffs review is based on statute. Jaffee asked about the distinction between the neighborhood meeting and the community meeting in the presentation. Senior Planner Chaix described the current code description of the neighborhood meeting in the standard application process.

RESULT:	Recommend City Council approve the ordinance designating administrative authority to receive review and process plat and replat submittals pursuant to Chapter 177 Florida Statutes.
MOVER:	Baird
SECONDER:	Barry
AYES:	Hardwick, Baird, Barry, Linehan, Jaffee
NAYS:	None

VII OLD BUSINESS

Staff provided an update on the process of the grocer on Maitland Concourse North Lot 3 and other projects that had come before the Commission.

VIII NEW BUSINESS

IX OTHER BUSINESS THE COMMISSION DEEMS ADVISABLE

X ADJOURNMENT

Chair Jaffee adjourned the meeting at 7:25 P.M.

ORDINANCE NO. 2025-XXX

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, RELATING TO THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 5 – DEVELOPMENT STANDARDS TO ADD CODE OF ORDINANCES SECTION 5.16 ESTABLISHING A PROCESS FOR THE REVIEW OF REASONABLE ACCOMMODATION REQUESTS FOR CERTIFIED RECOVERY RESIDENCES PURSUANT TO FLORIDA STATUTES SECTION 397.487; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 397.487(15)(a), Florida Statutes, mandates that each municipality and county in the State of Florida must adopt an ordinance establishing procedures for the review and approval of certified recovery residences; and

WHEREAS, Section 397.487(15)(a), Florida Statutes, further mandates the inclusion within such ordinance of a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; and

WHEREAS, Section 397.487(15)(b), Florida Statutes, provides that the regulation of the Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 et seq.); and

WHEREAS, the City of Maitland Planning and Zoning Commission held a public hearing, with all required public notice, to provide recommendations to the City Council on this Ordinance to amend the Land Development Code and recommend that the City Council adopt the Ordinance; and

WHEREAS, adoption of this Ordinance ensures that the City of Maitland complies with Section 397.487(15), Florida Statutes, and that the best interest of the public health, safety, and welfare is served.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Maitland, Florida, that: [NOTE: Words that are underlined constitute additions to the original text and strike through shall constitute deletions to the original text, and other text shall remain unchanged from the language existing prior to adoption of this Ordinance]

SECTION 1. The findings set forth in the recitals above are adopted and fully incorporated herein by reference.

SECTION 2. Article 5, Section 5.16, -Request for Accommodations for Certified Recovery Residences-of the City of Maitland Code of Ordinances, is hereby created to read as follows:

SECTION 5.16. – REQUEST FOR ACCOMMODATIONS FOR CERTIFIED RECOVERY RESIDENCES

5.16.1 - Purpose and applicability.

The purpose of this section is to establish procedures for review and approval of reasonable accommodation requests to the City’s land use and zoning ordinances, rules, regulations, policies, and procedures that may prohibit establishment of certified recovery residences pursuant to section 397.487, Florida Statutes. Facilitating reasonable accommodation requests ensures that individuals with a disability and/or handicap have equal opportunity to use and enjoy dwellings, buildings or structures, or to provide accessibility in another manner, as provided 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. §§ 12131 et seq. (“ADA”). For purposes of this section, a “disabled” person is an individual who 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, regulations, policies, or procedures as provided by the FHA and the ADA pursuant to the procedures set out in this section.

5.16.2 - Applicant.

Any person who is disabled or a provider of services to disabled individuals qualifying for a reasonable accommodation, collectively referred to as “Applicant” in this subsection, may request a reasonable accommodation to the City’s land use and zoning ordinances, rules, regulations, policies, and procedures that prohibit establishment of certified recovery residences. It is the responsibility of the Applicant to establish that they, or those who are being provided recovery services, are protected individuals under the FHA and/or ADA by demonstrating that the proposed accommodation is reasonable and necessary to afford the Applicant, or those who are being provided services, an equal opportunity to use and enjoy a residential dwelling.

5.16.3 - Application Procedure.

A request for reasonable accommodation shall be made to the

Community Development Director. An application for reasonable accommodation must, at a minimum, provide the following:

(a) Name and contact information of the Applicant or the Applicant's authorized representative;

(b) Property address and parcel identification number of where the reasonable accommodation is being requested. If the Applicant is not the owner of the property, then the contact information for the owner and an owner's authorization form is also required;

(c) A description of the accommodation and the specific regulation(s) and/or procedures from which the accommodation is sought;

(d) Reasons the accommodation may be necessary for the Applicant or those who are being provided services;

(e) A description of the qualifying disability or handicap;

(f) A certification signed by the Applicant stating: 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;

(g) A verification of disability status form executed by someone with personal knowledge of the Applicant's, or those who are being provided services', disability, such as a medical or social services professional;

(h) Any additional information or documentation the Applicant feels is necessary to supplement the request for reasonable accommodation.

(i) Signature of the Applicant and date.

The Community Development Director will date-stamp the application upon receipt and notify the Applicant, in writing, within 30 days if additional information is required. The Applicant must provide the additional information within 30 days. Failure of the Applicant to provide a response within 30 days will result in the application being denied, unless the

Applicant requests an extension of time in writing.

5.16.4 -Review.

Within 60 days of receiving a completed application, the Community Development Director, or designee, shall review the request for reasonable accommodation and make a determination consistent with the FHA and/or ADA, after considering all of the following:

- (a) Whether the Applicant has established that they are protected under the FHA and/or ADA by demonstrating that they or those being provided recovery services, are handicapped or disabled, as defined in the FHA and/or ADA. To do this, the following must be shown:
 - (1) A physical or mental impairment which substantially limits one (1) or more major life activities;
 - (2) That they are regarded as having such impairment; and
 - (3) A record of having such impairment.
- (b) Whether the requested accommodation is reasonable and necessary to afford the Applicant an equal opportunity to use and enjoy the dwelling, building or structure, or provides accessibility in another manner.
- (c) Whether the requested accommodation would impose an undue financial or administrative burden on the City.
- (d) Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the City.
- (e) If the Community Development Director, or designee, finds that the requested accommodation will impose an undue financial or administrative burden on the City or will require a fundamental alteration in the nature of the City's land use and zoning regulation, they may consider whether an alternative reasonable accommodation exists which would effectively meet the disability-related need. An alternative reasonable accommodation may be the requested accommodation with conditions. In conducting the review, the Community Development Director, or designee, may make a site visit to the property where the reasonable accommodation is being requested.

5.16.5 - Determination.

Once review of the request is complete, the Community Development Director, or designee, will make a determination in writing to:

(a) Approve the reasonable accommodation request in whole or in part, with or without conditions; or

(b) Deny the reasonable accommodation request, in accordance with state and federal law, and state the objective evidence-based reasons for denial and identify any deficiencies or actions necessary for reconsideration.

The written determination by the Community Development Director, or designee, shall also include the Applicant's right and method to appeal the determination. If the written determination is not issued within 60 days after receipt of the completed application, the reasonable accommodation request is deemed approved unless the parties agree in writing to a reasonable extension of time.

5.16.6 - Appeals.

Applicant shall have 30 days from the date of the Community Development Director or designee's, written determination to appeal the determination or any conditions included therein, to the City Manager. Appeals must be made in writing and include the name of the Applicant, address and contact information, a written summary of the reason for the appeal, and an explanation of why the determination or condition is in error. Appeals shall be submitted to the City Manager. The City Manager shall issue a final decision on the appeal within 45 days of submitting the appeal to the City Manager.

5.16.7 - No Fee.

There shall be no fee imposed by the City for the reasonable accommodation request process outlined in this section.

5.16.8 - Stay of Enforcement.

While a request for reasonable accommodation, or its appeal, is pending, the City will not enforce any applicable land use and zoning ordinances, rules, regulations, policies, and procedures against the Applicant.

5.16.9 – Expiration of Approvals.

Approval of requests for reasonable accommodation shall expire within one hundred eighty (180) days if not implemented.

5.16.10 - Revocation of Reasonable Accommodation.

Any reasonable accommodation received shall be deemed revoked if the Applicant or the property upon which the accommodation is granted is found in violation of any conditions of the approval granting the reasonable accommodation by a court of law or by the special magistrate hearing code enforcement cases. Failure to obtain state certification or a required state license, or failure to maintain state certification or a required state license or alternate certification permitted by this section, shall result in revocation of the reasonable accommodation and cessation of operations within sixty (60) days of termination of the license or certification.

5.16.11 - Confidential Information.

Should the information provided by the Applicant to the City include medical information or records, including records indicating the medical condition, diagnosis, or medical history of the disabled individual(s), such individual(s) may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the disabled individual(s).

5.16.12 General Provisions. The following general provisions are applicable to all reasonable accommodation requests:

(a) The Applicant may apply for a reasonable accommodation on their own behalf or may be represented at all stages of the reasonable accommodation process by an attorney, legally appointed guardian, or other person designated by Applicant as a power of attorney.

(b) In the event that a reasonable accommodation is granted, the Applicant shall continue to comply with any and all other applicable building and/or permitting processes required by the City's Code of Ordinances and Land Development Code and all other state and federal laws.

(c) A reasonable accommodation is specific to the Applicant and does not run with the subject property.

SECTION 3. Conflicts. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Codification. The City Clerk shall cause the Code of Ordinances of the City of Maitland to be amended as provided by this Ordinance and may renumber, re-letter, and rearrange the codified parts of this Ordinance if necessary to facilitate the finding of the law.

SECTION 5. Severability. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

RESOLUTION NO. 13-2025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAITLAND, PROVIDING FOR LEGISLATIVE FINDINGS; SETTING FORTH ADMINISTRATIVE DESIGNATIONS CONSISTENT WITH THE REQUIREMENTS OF SECTION 177.071, FLORIDA STATUTES (2025); PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE; AND PROVIDING FOR SUNSET.

WHEREAS, s. 177.071, *Florida Statutes*, as amended by SB 784 (the “Act”), which took effect on July 1, 2025, requires that a plat or replat submitted under the Act be administratively approved if the plat or replat complies with the requirements of s. 177.091, *Florida Statutes*; and

WHEREAS, the Act requires the City of Maitland to designate, by ordinance or resolution, an administrative authority to receive, review, and process a plat or replat submittal, which shall include designation of an administrative official responsible for approving, approving with conditions, or denying a proposed plat or replat; and

WHEREAS, the City Council of the City of Maitland acknowledges the requirements of the Act, its obligation to comply with the Act’s requirements, and the preemption of the City’s authority to prescribe the plat approval process as currently set forth within the City’s Land Development Code; and

WHEREAS, the City Council of the City of Maitland acknowledges that it is necessary for the City to amend its Land Development Code in order to ensure consistency with the requirements of the Act; and

WHEREAS, accordingly, the City Council of the City of Maitland has determined that it is necessary, via resolution, to designate an administrative authority to receive, review, and process a plat or replat submittal and an administrative official to approve, approve with conditions or deny applications for same, until such time as the City’s Land Development Code can be amended to ensure consistency and comply with the requirements of the Act; and

WHEREAS, the City Council of the City of Maitland has determined that the administrative designations set forth herein are in the best interests of the City and the health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS. The foregoing recitals are hereby adopted as the legislative findings of the City Council of the City of Maitland, Florida.

SECTION 2. ADMINISTRATIVE DESIGNATIONS. Given the preemption regarding

plat processing and approval authority set forth in the Act, and notwithstanding any conflicting provision(s) set forth within the City's Land Development Code:

- 1) the City's Community Development Department is hereby designated as the administrative authority to receive, review, and process plat or replat submittals; and
- 2) the City Manager, or his or her designee, is hereby designated as the administrative official responsible for approving, approving with conditions, or denying a proposed plat or replat.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then all remaining provisions and portions of this Resolution shall remain in full force and effect.


SECTION 4. CONFLICTS. All resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

SECTION 6. SUNSET. This Resolution shall remain effective until such time as it is repealed and/superseded by subsequent resolution and/or until such time as the City amends its Land Development Code to address the requirements of the Act, at which time this Resolution and the designations set forth herein shall sunset and no longer remain in effect.


DONE AND RESOLVED in regular session of the City Council of Maitland this 25th day of August 2025.

**CITY COUNCIL OF THE CITY OF
MAITLAND, FLORIDA**



John P. Lowndes, Mayor

ATTEST:



Lori S. Hollingsworth, City Clerk

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA, SETTING FORTH ADMINISTRATIVE DESIGNATIONS CONSISTENT WITH THE REQUIREMENTS OF SECTION 177.071, FLORIDA STATUTES (2025); AMENDING THE LAND DEVELOPMENT CODE SECTION 2.5. SUBDIVISION 2.5.2(b) - SITE DEVELOPMENT AND PLATTING; SECTION 6.4. SUBDIVISION 6.4.2. - BOND INSPECTION, REPORT AND ACCEPTANCE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND SETTING AN EFFECTIVE DATE.

WHEREAS, s. 177.071, *Florida Statutes*, as amended by SB 784 (the “Act”), which took effect on July 1, 2025, requires that a plat or replat submitted under the Act be administratively approved if the plat or replat complies with the requirements of s. 177.091, *Florida Statutes*; and

WHEREAS, the Act requires the City of Maitland to designate, by ordinance or resolution, an administrative authority to receive, review, and process a plat or replat submittal, which shall include designation of an administrative official responsible for approving, approving with conditions, or denying a proposed plat or replat; and

WHEREAS, the City Council of the City of Maitland acknowledges the requirements of the Act, its obligation to comply with the Act’s requirements, and the preemption of the City’s authority to prescribe the plat approval process as currently set forth within the City’s Land Development Code; and

WHEREAS, the City Council of the City of Maitland acknowledges that it is necessary for the City to amend its Land Development Code in order to ensure consistency with the requirements of the Act; and

WHEREAS, accordingly, on August 25, 2025, the City Council of the City of Maitland passed resolution, to designate an administrative authority to receive, review, and process a plat or replat submittal and an administrative official to approve, approve with conditions or deny applications for same, until such time as the City’s Land Development Code can be amended by ordinance to ensure consistency and comply with the requirements of the Act; and

WHEREAS, the City Council of the City of Maitland has determined that the administrative designations set forth herein are in the best interests of the City and the health, safety, and welfare of its citizens.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Maitland, Florida, that: [NOTE: Words that are underlined constitute additions to the original text and strike through shall constitute deletions to the original text, and other text shall remain unchanged from the language existing prior to adoption of this Ordinance]

SECTION 1: The foregoing recitals are true and correct and incorporated herein

SECTION 2: SECTION 2.5, Subdivision 2.5.2(b) – Site Development and Platting of the City of Maitland’s Land Development Code is amended as follows:

(b) *Subdivision.*

(1) *Purpose.* The purpose of this section is to provide a uniform mechanism for the approval of divisions of land and to ensure that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the City by:

- (A) Providing for the orderly growth and development of the City;
- (B) Coordinating streets within proposed subdivision plats with the City's street system and transportation plans, and with other public facilities;
- (C) Ensuring there is adequate potable water, sewer, and drainage;
- (D) Providing rights-of-way for streets and utility easements;
- (E) Avoiding congestion and overcrowding;
- (F) Preserving valuable and scenic natural features;
- (G) Ensuring there is adequate open space and recreation facilities to serve development; and
- (H) Ensuring there is proper recordation of land ownership or property owner association records, where applicable.

(2) *Applicability.*

- (A) Except as provided in subsection (B) below, any land in the City divided into two (2) or more lots shall receive subdivision approval in accordance with the procedures and standards of this section prior to its conveyance, sale, or development.
- (B) The following shall be exempt from the requirements of this section:
 - 1. The sale or exchange of small parcels of land to or between adjoining property owners where the sale or exchange does not create additional lots.
 - 2. Property that has never been subdivided, that meets the requirements of a minor subdivision in subsection (3)(A) below,

and that is proposed to be divided into two (2) lots; such property may be subdivided as a lot split in accordance with Section 2.5.2(d), Lot Split.

(3) *Major and Minor Subdivisions Distinguished.*

(A) *Minor Subdivision.* A minor subdivision is the subdivision of land that:

1. Abuts an existing standard street which the Public Works Director determines does not require improvements such as additional width, resurfacing, curbing, or street drainage;
2. Requires no new improvements for potable water, sewer, or drainage; and
3. Includes no more than four lots for commercial development that have common access to existing public streets, or no more than ten (10) lots for residential development.

(B) *Major Subdivision.* All other division of land subject to this section shall constitute a major subdivision.

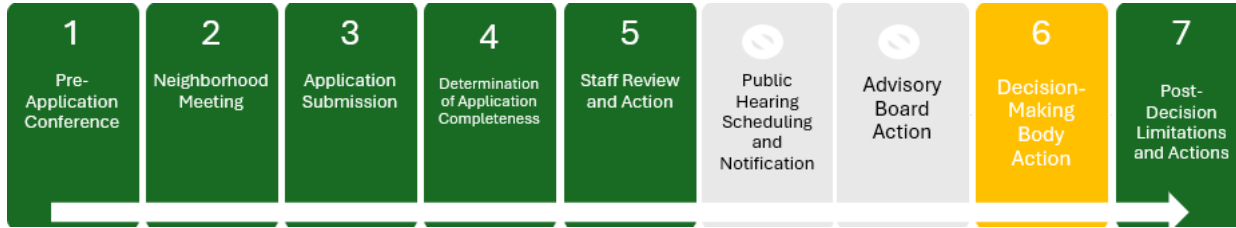
(4) *Major Subdivision Procedure.*

(A) *Overview.* The procedure for review of and decision on a major subdivision consists of the following two (2) steps:

1. First, review of and decision on a preliminary subdivision plan (preliminary plat) ~~by the P&Z.~~ is reviewed administratively and is processed through the City's Community Development Department.
2. Then, following required site improvements or receipt by the City of sufficient surety bonds for site improvements that have not been completed, review of and decision on a final subdivision plat ~~by the City Council.~~ approved by the Development Review Committee (DRC). The plat shall then be referred to the City Manager for signature.

(B) *Preliminary Subdivision Plan (Preliminary Plat) Procedure.* This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an application for a preliminary subdivision plan (preliminary plat). Figure 2.5.2(b)(4)(B) identifies key steps in the preliminary subdivision plan (preliminary plat) procedure.

Figure 2.5.2(b)(4)(B): Summary of Preliminary Subdivision Plan (Preliminary Plat) Procedure



1. *Pre-Application Conference.* Applicable, see Section 2.4.1.
2. *Neighborhood Meeting.* Applicable, see Section 2.4.2.
3. *Application Submission.* Applicable, see Section 2.4.3.
4. *Determination of Application Completeness and Sufficiency.* Applicable, see Section 2.4.4.
5. *Staff Review and Action.* Applicable, see Section 2.4.5. The DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (D)1 below. The DRC’s decision shall be one of the following:
 - a. Approval of the application;
 - b. Approval of the application with modifications and/or conditions of approval; or
 - c. Denial of the application.
6. *Scheduling of Public Hearing and Notification.* ~~Applicable, see Section 2.4.6.~~ Not Applicable.
7. *Public Hearing Procedures.* ~~Applicable, see Section 2.4.7.~~ Not Applicable.
8. *Advisory Board Review and Recommendation.* Not applicable.
9. *Decision-Making Body Hearing, Review, and Decision.* Not Applicable, except for the Park and Recreation site requirements as set forth in LDC Section 6.2.3 (e)(1), which shall be approved at the time of approval of the preliminary plat. see Section 2.4.9. The P&Z shall review the application at a quasi-judicial public hearing and make a decision based on the review standards in subsection

(D)1 below. The P&Z's decision on the preliminary plat application shall be one of the following:

- a. ~~Approval of the application;~~
- b. ~~Approval of the application with modifications and/or conditions of approval; or~~
- c. ~~Denial of the application.~~

- 10. *Notification of Applicant of Decision.* Applicable. See [Section 2.4.10](#)
- 11. *Post-Decision Limitations and Actions.* Applicable, see Section 2.4.11. The approval of a preliminary plat shall automatically expire at the end of 12 months from approval unless a final subdivision plat has been submitted in accordance with subsection (C) below. The applicant may apply in writing to the ~~P&Z~~ Community Development Director for an extension of time.

(C) *Final Subdivision Plat Procedure.* This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a final subdivision plat. Figure 2.5.2(b)(4)(C) identifies key steps in the final subdivision plat procedure.

Figure 2.5.2(b)(4)(C): Summary of Final Subdivision Plat Procedure



- 1. *Pre-Application Conference.* Not applicable.
- 2. *Neighborhood Meeting.* Not applicable.
- 3. *Application Submission.* Applicable, see Section 2.4.3.
- 4. *Determination of Application Completeness and Sufficiency.* Applicable, see Section 2.4.4.
- 5. *Staff Review and Action.*

- a. Applicable, see Section 2.4.5. The DRC shall review the application. If the DRC determines that the proposed final plat does not comply with the requirements of this LDC, the applicant may submit a revised final plat within sixty (60) days to address the concerns of the DRC. The applicant may request in writing an extension to the 60-day resubmittal time frame to the Community Development Director. The DRC shall review and make a recommendation on the application based on the review standards in subsection (D)2 below. The DRC's decision shall be one of the following:
 1. Approval of the application;
 2. Approval of the application with modifications and/or conditions of approval; or
 3. Denial of the application.
- b. Minor changes to an approved preliminary plat and/or construction drawings may be approved, provided such changes are limited to changes the Community Development Director (or, at the Community Development Director's option, the DRC), in consultation with the Public Works Director, determines are consistent with the comprehensive development plan and comply with this LDC and other applicable City Code provisions. A decision approving or denying minor changes may be appealed to the City Council in accordance with Section 2.5.4(d), Appeals to City Council. Modifications that qualify as minor changes include, but are not limited to, the following:
 - i. Realignment of internal roadways or driveways that improve traffic flow, turn movements, or other safety considerations;
 - ii. Relocation of parking or retention areas within the site to increase percolation or reduce runoff;
 - iii. Relocation of easements of utilities to provide more effective service levels;
 - iv. Changes that add or delete less than five percent of the square footage of any lot, or add or delete less

than five percent of street frontage or lot width for any lot, as long as the approved preliminary plat or construction drawings conform to the development standards of the zone district;

- v. Changes that decrease density, height, intensity, or permeable surface coverage; and
- vi. Realignment of an approved wall or fence, to avoid existing trees or attempt to resolve a problem peculiar to the site.

6. *Scheduling of Public Hearing and Notification.* Not applicable.

7. *Public Hearing Procedures.* Not applicable.

8. *Advisory Board Review and Recommendation.* Not applicable.

9. *Decision-Making Body Hearing, Review, and Decision.* Not applicable except for the Park and Recreation site requirements as set forth in LDC Section 6.2.3 (e)(2), which at the time of approval of the final plat, and prior to signing of the record plat, the developer shall transfer land or funds as determined pursuant to LDC Section 6.2.3(e)(1). At the time of approval of the final plat, the City Council shall also specify the nature of the park and/or recreational facilities to be developed in accordance with the transfer of land or funds.

~~Applicable. The City Council shall review the application and make a decision based on the review standards in subsection (D)2 below. The City Council's decision on the final plat application shall be one of the following:—~~

~~a. Approval of the application; or—~~

~~b. Denial of the application.—~~

~~10. *Notification to Applicant of Decision.* Applicable, see Section 2.4.10.—~~

1011. *Post-Decision Limitations and Actions.* Applicable, see Section 2.4.11. Following approval of the final subdivision plat, by the DRC and City Council approval of the Park and Recreation site requirements set forth in LDC Section 6.2.3(e)(2), the plat shall be signed by the Mayor-City Manager, and its acceptance and recordation shall be contingent on the following:

- a. All required work shall be completed and ready for acceptance or approval by the City within 24 months after City Council's Manager's approval of the final subdivision plat. The City may extend the acceptance or approval period by 12 months at the discretion of the ~~City Council~~ Community Development Director, following a written request sent to the Community Development Director at least 30 days prior to the expiration of the 24-month period.
- b. Any performance bond shall be used and released in accordance with Section 6.4, Administration and Enforcement.
- c. The applicant shall record the plat in the official county records within 30 days after the plat is officially signed by the City Manager at the applicant's expense.

(D) *Major Subdivision Review Standards.*

- 1. *Preliminary Subdivision Plan (Preliminary Plat).* A preliminary subdivision plan (preliminary plat) shall be approved only on a finding there is competent substantial evidence in the record that that all of the following standards are met:
 - a. The preliminary plat and its general layout and design complies with all applicable standards in Article 5: Development Standards, and Article 6: Subdivision Standards.
 - b. The preliminary subdivision plat (preliminary plat) complies with any site plan of which it is a part.
 - c. The preliminary plat, including any proposed phases, conforms with the applicable levels of service in the comprehensive development plan.
 - d. Existing utility services and transportation systems are adequate for the proposed development.
 - e. The preliminary plat is consistent with the comprehensive development plan.

f. The preliminary plat complies with all other applicable requirements of this LDC, the City Code, and other City regulations.

2. *Final Subdivision Plat.* A final subdivision plat shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

a. There is substantial conformity with the approved preliminary subdivision plan (preliminary plat), including any changes approved by the Community Development Director or the DRC in accordance with subsection (C)5 above.

b. The final subdivision plat conforms to the requirements of Ch. 177, Fla. Stat.

c. The engineering plans for the final subdivision plat have been approved by the City, as applicable.

d. The final subdivision plat complies with any site plan of which it is a part.

e. The final subdivision plat complies with all other requirements of this LDC and other City regulations.

f. A performance bond and maintenance bond has been provided to the City in accordance with subsection (6) below, as applicable.

(5) *Minor Subdivision Procedure.*

(A) *Overview.* The procedure for review of and decision on a minor subdivision consists of review of and decision on a final subdivision plat is made by the City Council/DRC, following the provision of required site improvements or receipt by the City of sufficient surety bonds for site improvements that have not been completed. Upon DRC approval, the plat shall be referred to the City Manager for signature.

(B) *Minor Subdivision Review Procedure.* This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a minor subdivision. Figure 2.5.2(b)(5)(B) identifies key steps in the minor subdivision procedure.

Figure 2.5.2(b)(5)(B): Summary of Minor Subdivision Procedure



1. *Pre-Application Conference*. Optional, see Section 2.4.1.
2. *Neighborhood Meeting*. Optional, see Section 2.4.2.
3. *Application Submission*. Applicable, see Section 2.4.3.
4. *Determination of Application Completeness and Sufficiency*. Applicable, see Section 2.4.4.
5. *Staff Review and Action*. Applicable, see Section 2.4.5. The DRC shall review the application, prepare a staff report, and make a decision on the application based on the review standards in subsection (C) below. The DRC's decision shall be one of the following:
 - a. Approval of the application; or. Upon approval, the application shall be referred to the City Manager for signature.
 - b. Denial of the application. A denial shall include a statement of the reasons for the denial.
6. *Scheduling of Public Hearing and Notification*. Not applicable.
7. *Public Hearing Procedures*. Not applicable.
8. *Advisory Board Review and Recommendation*. Not applicable.
9. *Decision-Making Body Hearing, Review, and Decision*. Not Applicable, see Section 2.4.9. If approved by the DRC, the application shall be referred to the City Council for approval on the consent agenda. Following approval, the Mayor shall sign the approved minor subdivision.
10. *Notification to Applicant of Decision*. Applicable, see Section 2.4.10.

11. *Post-Decision Limitations and Actions.* Applicable, see Section 2.4.11. Following approval of the final subdivision plat by the DRC, the plat shall be signed by the City Manager, and its acceptance shall be contingent on:
 - a. The applicant shall record the plat in the official county records within 30 days after the plat is officially signed by the City Manager at the applicant's expense.

(C) *Minor Subdivision Review Standards.* A minor subdivision plat shall be approved only on a finding there is competent substantial evidence in the record that all of the following standards are met:

1. The minor subdivision plat complies with all applicable standards in Article 5: Development Standards, and Article 6: Subdivision Standards.
2. The minor subdivision plat conforms to the requirements of Ch. 177, Fla. Stat.
3. The minor subdivision plat conforms to any site plan of which it is a part.
4. The minor subdivision plat is consistent with the comprehensive development plan.
5. The minor subdivision plat complies with all other applicable requirements of this LDC, the City Code, and other City regulations.
6. If applicable, a performance bond and maintenance bond has been provided to the City in accordance with subsection (6) below.

(6) *Required Bonds.*

(A) When Required.

1. A performance bond is required to be provided to the City as a condition for approval of the final plat in accordance with Section 6.3, Required Improvements.
2. A maintenance bond is required to be provided to the City prior to the release of the performance bond.

(B) The performance bond and maintenance bond required in accordance with approval of a final subdivision plat or minor subdivision plat shall be in the form of a surety bond issued by a bonding company from the United

States Treasury's list of approved bonding companies, or such other guarantee acceptable to the City.

- (C) The amount of a required bond shall be based on the sum of engineering and construction cost, including landfill, as determined by the construction contract proposal submitted by a properly licensed contractor and confirmed by the Public Works Director.
- (D) The amount of the performance bond shall be equal to one hundred ten (110) percent of the cost calculated in subsection (C) above. The bond shall remain in force and effect until such time as all required improvements have been inspected and accepted by the City in accordance with Section 6.4.2, Inspection, Report, and Acceptance.
- (E) The amount of the maintenance bond shall be equal to twenty (20) percent of the cost calculated in subsection (C) above. The bond shall remain in force and effect until two (2) years after the City has accepted the improvements.

SECTION 3: SECTION 6.4. Subdivision 6.4.2 - Inspection, Report and Acceptance of the City of Maitland's Land Development Code is amended as follows:

6.4.2. Inspection, Report, and Acceptance.

- (a) Upon receipt of this certificate of completion, the Public Works Director shall make a final inspection of each of the contract operations on the subdivision. If the work conforms to all plans and specifications, the City Manager shall ~~inform the City Council in writing and recommend~~ approve acceptance by the City. The City Council's Manager's action accepting the improvements shall constitute authority for release of the developer's performance bond.
- (b) In the event the developer has not completed the construction of all improvements within the authorized time limitations, the Director of Finance shall, when directed by the City Manager, notify the surety company or such other organization furnishing the bond or its equivalent of pending default.

SECTION 4: Conflicts. All ordinances or parts thereof in herewith are and the same are hereby repealed.

SECTION 5: Severability. If any section, paragraph, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6: The provisions of this Ordinance shall be as and become and be made a part of the Maitland Land Development Code. The Code is granted liberal authority to codify the provisions of this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon its adoption.

ADOPTED by the City Council of the City of Maitland, Florida, this ___ day of ___,
2026

CITY OF MAITLAND, FLORIDA

By: _____
John P. Lowndes, Mayor

ATTEST:

Lori S. Hollingsworth, City Clerk