



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



I CALL TO ORDER

Chair Glen Jaffee called the meeting to order at 6:00 pm on March 5, 2026. Staff in attendance included: Director of Community Development Mike Daniels, Attorney Drew Smith, Cheif Planner Sara Blanchard and Senior Planner Barrett Chaix.

Present: 4- Glen Jaffee (Chair), Jody Barry (Vice-Chair), Eddie Baird, Ken Linehan
Absent: 1- Greg Hardwick

II PLEDGE OF ALLEGIANCE

III MINUTES OF PREVIOUS MEETING

1 MINUTES OF THE FEBRUARY 5, 2026 PLANNING AND ZONING COMMISSION

RESULT: Approve the minutes of the February 5, 2026 Planning and Zoning Commission, after fixing the spelling error on Page 7.
MOVER: Berry
SECONDER: Baird
AYES: Baird, Linehan, Barry, Jaffee
NAYS: None

IV PUBLIC PERIOD

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

V PUBLIC HEARING

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

Mike Daniels presented information on the proposed LDC Text Amendment: Reasonable Accomodation Requests for Certified Recovery Residences, which was continued from the February 5th meeting of the

Planning and Zoning Commission.

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.

At the Planning and Zoning Commission meeting of February 5, 2026, Commissioners requested that staff work with the City Attorney to propose revisions to the draft ordinance particularly regarding the revocation of reasonable accommodation section of the ordinance (Section 5.16.10). Staff has worked with the City Attorney to revise the draft ordinance, and it is included in this agenda packet and is highlighted in yellow for ease of reference. Proposed changes include:

- Requiring the applicant to provide annual confirmation to the City that all necessary state licenses or certifications remain active, and, if not provided, shall result in revocation of the reasonable accommodation.
- The applicant may appeal the determination of revocation to the City Manager.

Commissioner Baird asked what other options were considered for the basis of revocation. City Attorney Drew Smith replied that the other ways was any violation of conditions of approval of the reasonable accommodation. Any kind of condition imposed upon them, and that condition is violated, that would be basis of revocation. Baird and Smith discussed the limits of the authority that City's have under the statue. Any issues like nuisance should be written into the conditions of accommodation. Commissioner Linehan asked about the October 31st stated in the ordinance, and Smith replied that September 30th should be the correct date and asked that any motion to approve, make that modification. Jaffee asked about the reporting of applications to advisory boards, and requested that staff make P & Z aware of any impending applications.

Chair Jaffee asked for public comment and opened the public hearing. There being none, he asked if there was a motion.

RESULT:	Motion to recommend approval of the ordinance, with the aforementioned date amended to Oct 31.
MOVER:	Linehan
SECONDER:	Barry
AYES: 4	Baird, Linehan, Barry, Jaffee
NAYS: 0	None

2 **LDC TEXT AMENDMENT DOWNTOWN MAITLAND ZONE DISTRICT**

Sara Blanchard, Chief Planner provided a presentation on the LDC Text Amendment of the Downtown Maitland Zone District.

At their meeting of November 10, 2025, City Council approved the Evaluation and Appraisal Report (EAR)-Based Comprehensive Development Plan amendments consistent with State Law. Within 12 months of adoption of the CDP, the Land Development Code must be updated for consistency with the newly adopted CDP.

Included with this amendment was a change to how residential density and commercial intensity are allocated in the Main Street Future Land Use designation. This CDP update eliminated the *Density Incentive for Community Enhancement* (DICE) program which was the method established in the CDP (and implemented in the Land Development Code) to achieve maximum density/intensity in Downtown Maitland. It provided a mechanism by which prospective developers could propose raising the density on properties, if they could provide a community enhancement approximately equal to the value of the benefit they would receive for that increased density.

Prior to this revision, the CDP had granted the higher residential densities and commercial intensities to larger parcel sizes in Downtown Maitland. The DICE program was implemented by the creation of a Planned Development zone district, in Article 3, Zone Districts, and was reserved for the Main Street (downtown) future land use designation: the Downtown Maitland Planned Development (DM-PD) district. The only things that distinguished this district from the Planned Development district available to the rest of the city, were the provision of the density incentive (DICE) program and limiting certain uses in the Main Street Future Land Use designation.

The proposed LDC text amendment implements the changes made to the

adopted 2050 CDP, by modifying the standards for density/intensity of Downtown Maitland parcels, from ones based on parcel size, to a uniform density for all parcels regardless of size. It also deletes the DM-PD district and any references throughout the LDC, while folding the use restrictions of the Main Street Future Land Use into the Principal Use, Accessory Use, and Temporary Use tables of Article 4.

Since the DICE program was introduced in 2019 with the CDP 2035, no applicant has elected to use the program to achieve higher density/intensity in downtown Maitland. Therefore, no properties are affected by the elimination of this zone district from the LDC. Similarly, no properties in the Downtown Maitland zone district will have their potential maximum densities/intensities reduced by these amendments. The only material change will be for parcels under 3 acres in size to potentially be able to potentially develop to the same density and intensity as parcels over 3 acres in size have been able to.

Baird asked if the density and intensity would really be increased. Blanchard replied that the CDP had already been updated with an increase for smaller parcels and this LDC amendment would be to match the CDP. Linehan pointed out that a reference to Downtown Maitland - PD district was not stricken. Staff acknowledged that the reference should be stricken as well. Jaffee discussed the history of the discussion around downtown density.

RESULT:	Recommend approval of the ordinance with the aforementioned additional stricken reference.
MOVER:	Baird
SECONDER:	Linehan
AYES:	Baird, Linehan, Barry, Jaffee
NAYS:	None

VI OLD BUSINESS

Director Daniels provided an update on projects and other items that had been before the board, including the former Wells Fargo building.

VII NEW BUSINESS

Chair Jaffee brought up the history of regulating residential projects in Downtown Maitland and requiring mixture of uses. He wanted the Planning and Zoning Commission to spend some time on the topic. A discussion ensued about whether it was good policy to require multifamily to have 60% non-residential uses on the first floor, regardless of the size of the lot. Linehan said he is participating in a statewide project regarding missing-middle housing on lots less than an acre. The hindrances are additive in nature and consist of stormwater, parking and non-residential requirements. It makes it so projects don't work. Therefore, he supports removing non-residential requirements on smaller lots. Daniels suggested putting this on the agenda for a future meeting as a discussion item first, then once narrowed down, have an action item. Vice-chair Barry suggested the need for a demand study so we do not end up with "dark" retail spaces. We have to be very careful to not overbuild retail spaces.

VIII ADJOURNMENT

Chair Jaffee adjourned the meeting at 6:59 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. The Applicant shall provide confirmation and evidence to the City annually that all necessary state licenses or certifications remain active. Said annual confirmations shall be due by October 31 of each year. If not provided timely, failure to supply the required confirmation and evidence 30 days after written notice of delinquency has been provided by the City by certified mail to the last known address of the Applicant shall result in revocation of the reasonable accommodation.

Upon occurrence of any basis set forth herein for revocation of the reasonable accommodation, the Community Development Director, or designee, will notify the Applicant in writing of such revocation and the effective date of same. The written determination by the Community Development Director, or designee, shall also include the Applicant's right and method to appeal the revocation. Appeals of revocation shall be in accordance with Section 5.16.6, herein.

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.