



AGENDA

LOCAL PLANNING AGENCY

JANUARY 8, 2026

AT 5:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Vice Chair - Deana Peterson

Board Member - Paul Grosso

Board Member - Christina Ouillette

Board Member - Caitlynne Palmieri

Board Member - Lance Vogl

Board Member - Vacant

Board Member - Vacant

Ex Officio Board Member - Mark Sechrist

ADMINISTRATIVE

Development Director - Jodi Kugler

Board Secretary - Susej T. Meleqi

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

- 1. ADVISORY BOARD MEMBER OATH
- 2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- 3. APPROVAL OF 11/13/2025 LPA MINUTES

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

- 4. CODE AMENDMENT ADDING LANGUAGE RELATED TO REASONABLE ACCOMMODATION (RC):

ORDINANCE No. 2547-2026; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 8.07.07 OF THE CITY'S LAND DEVELOPMENT CODE IN COMPLIANCE WITH RECENTLY ENACTED LEGISLATION, SENATE BILL 954; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 1/8/2026

Prepared by: Susej Meleqi

Title of Item:

ADVISORY BOARD MEMBER OATH

Summary Explanation/Background Information on Agenda Request:

Advisory Board Members serving the City of Stuart will take an Oath before the City Clerk/City Attorney for public record.

Funding Source:

N/A

Recommended Action:

Board Member take an Oath.

ATTACHMENTS:

1. Board Member Oath_ LPA



CITY OF STUART

Oath of Office

I, _____, am qualified under the Constitution, Laws of Florida, and the Code of Ordinances for the City of Stuart, Florida to serve as a member of the LOCAL PLANNING AGENCY and that I will well and faithfully perform the duties of an advisory board member on which I am about to enter, so help me God.

Name

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence _____ or online notarization _____, this 8th day of January 2026, _____, who is personally known to me or who has produced Florida driver license as identification.

Deputy City Clerk

(Notary Seal)

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 1/8/2026

Prepared by: Susej Meleqi

Title of Item:

ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

Summary Explanation/Background Information on Agenda Request:

Per the City code Division 6 Sec. 2-115. - Membership; officers and staff; (b) Nomination and election of officers shall occur at the annual organizations meeting of the LPA. The organizational meeting shall occur after the annual reorganization meeting of the city commission. (c) Regular officers of the LPA shall be a chair and a vice-chair who shall be appointed by the LPA at its annual reorganization meeting.

Funding Source:

N/A

Recommended Action:

Board Members to make two (2) motions to elect a Chair and Vice Chair.

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 1/8/2026

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 11/13/2025 LPA MINUTES

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 11/13/2025 LPA MINUTES

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 11132025 LPA Minutes

**MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
NOVEMBER 13, 2025
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY

**Chair - Kelly Laurine
Vice Chair - Deana Peterson
Board Member - Werner Bols
Board Member - Margaret Bromfield
Board Member - Ryan Strom
Board Member - Lance Vogl
Board Member - Vacant
Ex Officio Board Member - Mark Sechrist**

ADMINISTRATIVE

**Development Director - Jodi Kugler
Board Secretary - Susej T. Meleqi**

CALL TO ORDER

5:51 PM

ROLL CALL

PRESENT: Chair Laurine, Vice Chair Peterson, Board Member Bromfield, Board Member Vogl
ABSENT: Board Member Bols and Board Member Strom

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

**5:52 PM MOTION: Approve.
MOVED BY: Deana Peterson
SECONDED BY: Lance Vogl
Motion approved unanimously.**

APPROVAL OF MINUTES

1. APPROVAL OF 08/21/2025 LPA MINUTES

**5:52 PM MOTION: Approve.
MOVED BY: Deana Peterson
SECONDED BY: Lance Vogl
Motion approved unanimously.**

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

None.

ACTION ITEMS

2. 1560 BOONE LLC., THE PROPERTY OWNER IS REQUESTING A MAJOR AMENDMENT TO THE WINDEMERE POINT COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR PHASE 3B LOCATED AT 1961 NW FEDERAL HIGHWAY. (RC)(QJ):

ORDINANCE No. 2546-2025; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO PHASE 3B OF THE "WINDEMERE POINT" COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), PROVIDING FOR AN AMENDMENT TO THE MASTER SITE PLAN TO AUTHORIZE THE DEVELOPMENT OF A 1,995 SQUARE FOOT POPEYE'S RESTAURANT WITH DUAL DRIVE-THROUGH LANES, WHICH IS A REDUCTION FROM THE PREVIOUSLY APPROVED 2,800 SQUARE FOOT MIXED-USE STRUCTURE INCLUDING RETAIL; SAID PROPERTY BEING LOCATED AT THE SOUTHEAST SIDE CORNER OF N.W. WINDEMERE DRIVE AND NW FEDERAL HIGHWAY; THEREBY PROVIDING FOR CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Lee Baggett swore in 4 people, Robert Storrow, Applicant, Jeff Anton, Engineer, Mechelle Arbuzow, City Planner, and Jodi Kugler, Development Director.

Mechelle Arbuzow, City Planner, presented the required public notice and reviewed the project location, zoning, future land use designation, proposed development, parking, traffic impacts, stormwater drainage, tree mitigation, landscape plan, public works/utilities and engineering review, waiver table, signage, and staff recommendation.

The applicant explained the project history, including prior approvals, and stated that the proposed Popeyes restaurant is similar to a previously approved drive-through restaurant but at a smaller scale. The applicant emphasized reduced traffic impacts, an updated traffic study, and compliance with City requirements.

Vice Chair Peterson questioned why, given the reduced building size, the applicant was requesting an increased number of signs, and stated that the proposed Popeyes was not consistent with the existing plaza or other Popeyes locations.

Chair Laurine asked for clarification regarding what approvals were being requested since the project had prior approvals and inquired as to why staff did not support the proposed signage.

Board Members continued discussion with staff and the applicant regarding signage.

MOTION - 6:20 PM Motion to accept the Popeyes development with a reduction in

signage to the six signs previously approved under the PDQ approval.

PUBLIC COMMENT:

1. Lloyd Nevala - Jensen Beach; Spoke on the entrances to get into the plaza and asked for them to look at the traffic study as it was done in 2017. In opposition of this project.
2. Peg Konnick - Jensen Beach; Spoke on the traffic and the exit of this plaza and a no right turn sign, in opposition of this project.
3. Joan Dickinson - Jensen Beach; Spoke on the community and how friendly it is, is concerned about a double lane drive through.
4. Robin Tarbutton - Jensen Beach; Worried about the garbage that the restaurant will bring, spoke about rat infestation, healthy community.
5. Colleen Nevala - Jensen Beach; She would prefer this being a retail and is worried about the light.

The applicant's representative thanked the community for their participation, referenced the original PUD approvals, discussed issues related to the plaza's management company, confirmed an updated traffic study was completed in August 2025, and stated that dumpster facilities do not abut the adjacent residential properties.

Board Members, staff, and the applicant engaged in further question-and-answer discussion with members of the public.

6:52 PM AMENDED & FINAL MOTION: Approve the popeyes with a reduced number of signs (6) and a modification to the architecture style to fit the plaza.

MOVED BY: Deana Peterson

SECONDED BY: Margaret Bromfield

Motion approved unanimously.

3. STUART LANDINGS II MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT FOR LOT NO. 3 LOCATED AT 3991 SE FEDERAL HIGHWAY(RC)(QJ):

ORDINANCE No. 2545-2025; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FOR A MAJOR AMENDMENT FOR LOT NO. 3 OF THE STUART LANDINGS II COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), ALSO BEING ASSOCIATED WITH LOT #1 AND LOT #2 OF THE STUART LANDINGS II CPUD; PROVIDING FOR AN AMENDMENT TO THE MASTER SITE PLAN FOR LOT NO. 3 OF THE STUART LANDINGS II CPUD TO ACCOMMODATE A 470 SQUARE FOOT COFFEE RUSH CONVENIENCE RESTAURANT WITH TWO DRIVE THROUGH FACILITIES AND THE EXISTING 2,845 SQUARE FOOT BURGER KING RESTAURANT AND SINGLE DRIVE-THROUGH FACILITY; PROVIDING FOR AMENDED DEVELOPMENT CONDITIONS, A TIMETABLE FOR DEVELOPMENT, AND MASTER SITE PLAN APPROVAL FOR A PARCEL OF LAND LOCATED AT 3991 S.E. FEDERAL HIGHWAY, BEING MORE FULLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Baggett, Swore in 3 people - Kenneth Rah, Engineer, Ron Yost, Applicant, and Jodi Kugler, Development Director.

Ms. Kugler presented the public notice requirements and reviewed the project location, zoning, future land use, proposed development, prior PUD approvals, proposed Land Development Code deviations, solid waste and recycling, traffic study, landscaping, architectural renderings, project background, and staff recommendation.

Ron Yost, Owner of Coffee Rush, provided background on the company and described operational practices.

Mr. Jeff, Owner of the shopping plaza, spoke on the history of the PUD and the plaza and expressed support for the proposed Coffee Rush development.

Vice Chair Peterson questioned whether the proposed signage exceeded allowable size. Ms. Kugler clarified that upon further review following discussions with the applicant, the signage was found not to exceed the allowable size.

Board Member Vogl asked about the proposed building height and exterior color palette.

Board Members discussed traffic circulation, shared access with the existing Burger King, drive-through configuration, architectural compatibility, and consistency with the surrounding commercial development. Staff responded to questions regarding traffic impacts and confirmed that the proposal would reduce overall trip generation compared to previously approved development entitlements.

PUBLIC COMMENT:

1. Mark Valentine - Stuart; expressed concern on the noise and hours of operations
2. John Yevick II - Stuart; expressed concern on the noise and asked if there was a noise study and light study.

**7:30PM MOTION: Approve as presented with a complimentary earth tone colors.
MOVED BY: Margaret Bromfield
SECONDED BY: Lance Vogl
Motion approved unanimously.**

STAFF UPDATE

ADJOURNMENT

7:41 PM

Susej T. Meleqi, Board Secretary

, Chair

**Minutes to be approved at the LPA
Meeting this 8th day of January, 2026.**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 1/8/2026

Prepared by: Lee Baggett

Title of Item:

CODE AMENDMENT ADDING LANGUAGE RELATED TO REASONABLE ACCOMMODATION (RC):

ORDINANCE No. 2547-2026; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 8.07.07 OF THE CITY'S LAND DEVELOPMENT CODE IN COMPLIANCE WITH RECENTLY ENACTED LEGISLATION, SENATE BILL 954; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Florida Statutes § 163.3202 requires the City of Stuart to adopt or amend and enforce land development regulations that are consistent with and implement the City's comprehensive plan.

Florida Senate Bill 954, an act relating to certified recovery residences, was adopted and became effective on July 1, 2025, and further required the City to amend Section 8.07.07 of its Land Development Code in providing reasonable accommodations to individuals with disabilities to ensure equal access to housing.

The City Commission finds that the Code of Ordinances, from time to time, needs to be amended and updated to provide benefit to the community, clarify any ambiguities, and be consistent with state and federal laws.

Funding Source:

N/A

Recommended Action:

Staff recommends that the City Commission approve Ordinance No. 2547-2026.

ATTACHMENTS:

- 1. Ordinance 2547-2026 Code Amendment on Reasonable Accommodation
- 2. Sec. 8.07.07. Reasonable accommodation.
- 3. Senate Bill 954



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2547-2026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 8.07.07 OF THE CITY'S LAND DEVELOPMENT CODE IN COMPLIANCE WITH RECENTLY ENACTED LEGISLATION, SENATE BILL 954; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, Florida Statutes § 163.3202 requires the City of Stuart to adopt or amend and enforce land development regulations that are consistent with and implement the City's comprehensive plan; and

WHEREAS, Florida Senate Bill 954, an act relating to certified recovery residences, was adopted and became effective on July 1, 2025, and further required the City to amend its ordinance on providing reasonable accommodations to individuals with disabilities to ensure equal access to housing; and

WHEREAS, on January 8, 2026, the Local Planning Agency held a duly noticed public hearing to consider this ordinance; and

WHEREAS, the City Commission held duly noticed public hearings on January 26, 2026, and February 9, 2026 to consider this ordinance for full public participation on the Land Development Code amendment process.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA:

SECTION 1: Recitals. The foregoing recitals are hereby ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2: The provisions of the Land Development Code as amended are hereby adopted as shown hereinbelow.

Section 8.07.07 Reasonable accommodation.

A. *Purpose.* It is the policy of the City of Stuart, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities as provided by the Fair Housing Amendments Act (42 U.S.C. § 3601, et seq.) (“Fair Housing Act”) and Title II of the Americans with Disabilities Act (42 U.S.C. § 12131, et seq.) (“ADA”). For purposes of this section, “disability” shall be defined consistent with the definition as contained within the Fair Housing Act and ADA. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of the Fair Housing Act and ADA.

B. *Applicability.*

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, an opportunity to seek an exception in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities to accommodate a disability recognized by the Fair Housing Act or ADA.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

C. *Requesting reasonable accommodation.*

1. ~~Any eligible person as defined in section 2 applicant~~ may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
2. Requests for reasonable accommodation shall be submitted in writing to the City Attorney’s Office and provide the following information:
 - (a) Name and address of the individual(s) requesting reasonable accommodation;
 - (b) Name and address of the property owner(s):
 - (i) If the property is not owned by the applicant, a copy of the lease as well as written authorization from the owner to seek the accommodation;
 - (c) Address of the property and parcel identification number for which accommodation is requested;
 - (d) Description of the requested accommodation with reference to the regulation(s), policy or procedure for which accommodation is sought; and
 - (e) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
3. Upon receipt, the City shall date stamp the written request for accommodation.
4. Any information identified by an applicant as confidential, such as medical information or records, shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection to the extent allowed by law. The

City shall endeavor to provide written notice to the applicant of any request received by the City for disclosure of the medical information or records. The City will cooperate with the applicant in their opposition to the disclosure of such medical information or record, but the City shall not be responsible or obligated to take any action on behalf of the applicant.

45. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

D. *Reviewing authority.*

1. Requests for reasonable accommodation shall be reviewed using the criteria set forth in section 5E herein below.
2. If additional information is required by the City, the City shall notify the applicant in writing within 30 days after receipt of the written request for reasonable accommodation and allow the applicant 30 days to respond. If necessary to reach a determination on the request for reasonable accommodation, the City may request further information from the applicant specifying in detail the information that is required. If the applicant fails to timely provide the requested additional information, the City shall issue a written notice advising that the applicant had failed to submit the requested information within a timely manner and that the request for reasonable accommodation shall be deemed abandoned or withdrawn and no further action by the City shall be required.
3. A final written ~~response~~determination to the request for reasonable accommodation shall be provided within 360 days of the date of receipt of the fully completed application, and may either seek additional information, grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings. Note: ~~Incomplete applications shall not be deemed submitted and will not be reviewed until complete.~~ The determination shall:
 - (i) approve the request in whole or in part, with or without conditions; or
 - (ii) deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.
- ~~3. If necessary to reach a determination on the request for reasonable accommodation, the city may request further information from the applicant specifying in detail the information that is required. In the event that a request for additional information is made, a new response to the request shall be made within a reasonable time after receiving the requested information.~~

E. *Required findings.* The written decision to ~~grant~~approve, ~~grant~~approve with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;

2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction or would otherwise grant an undue benefit to the applicant that is not enjoyed by other landowners; and;
4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

F. *Written decision on the request for reasonable accommodation.*

1. The written decision on the request for reasonable accommodation shall address the criteria set forth in section ~~5E~~ herein above and provide a response to each item.
2. The written decision may be provided to the applicant via email to the email address provided on the application.
3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. *Appeals.*

1. An appeal of the decision must be ~~filed~~submitted to the City Attorney's Office within 30 days of the mailing of the written decision and to the applicant ~~must follow the procedure as set forth in section 8.07.01; Appeals from decisions of administrative departments.~~ All appeals shall contain a statement containing sufficient detail of the grounds for the appeal. The City shall schedule a hearing before the City's magistrate on the next available magistrate hearing date. The applicant and City may agree to schedule the hearing at a later hearing date. After public notice and a quasi-judicial hearing before the City's magistrate, the magistrate shall render a written decision within 30 days. An appeal of a decision by the magistrate shall be handled exclusively in the Nineteenth Judicial Circuit, in and for Martin County, Florida. The applicant must appeal to the Nineteenth Judicial Circuit via a petition for writ of certiorari within 30 days from the date of the filing of the written magistrate order by the City Clerk.
2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
- ~~3. All appeals shall contain a statement of the grounds for the appeal.~~

H. Revocation of an Approved Reasonable Accommodation Request

1. The City Manager may initiate an action to revoke a prior approval on a request for reasonable accommodation upon any of the following grounds:
 - (i) The applicant provided false or misleading information in the applicant's request for reasonable accommodation;
 - (ii) The property subject to the request for reasonable accommodation has been found to be in violation of the conditions of approval issued by the City;

(iii) Any applicable state or federal certification has expired, has been revoked or the applicant has failed to maintain the certification or licensure as required under Chapter 397, Florida Statutes; or

(iv) The approved reasonable accommodation request has subsequently become injurious to the health, safety and welfare of the public.

2. If the City Manager finds cause for the existence of any of the above-referenced grounds for revocation, the City Manager shall serve upon the applicant a written notice of intent to revoke the approval of the reasonable accommodation request. The applicant shall have 30 days in which to provide a written response.

3. If the applicant fails to come into compliance or cure any of the identified grounds for revocation, the City Manager shall schedule a publicly noticed hearing before the City's magistrate. The City Manager shall serve a notice of the hearing upon the applicant.

4. After public notice and a quasi-judicial hearing before the City's magistrate, the magistrate shall render a written decision within 30 days. An appeal of a decision by the magistrate shall be handled exclusively in the Nineteenth Judicial Circuit, in and for Martin County, Florida. The applicant must appeal to the Nineteenth Judicial Circuit via a petition for writ of certiorari within 30 days from the date of the filing of the written magistrate order by the City Clerk.

I. Unless stated otherwise, an approval of a reasonable accommodation request shall be valid for one year. An applicant may renew the reasonable accommodation request prior to the expiration. The request for renewal shall contain information necessary for processing the reasonable accommodation renewal request.

J. There shall be no fee imposed upon the applicant in connection with a request for reasonable accommodation under this section or an appeal of a determination of such request to the City's magistrate. In addition, the City shall have no obligation to pay an applicant's attorney's fees or costs in connection with the request and/or appeal process.

First read on the ___ day of January, 2026.

Second reading on the ____ day of February, 2026.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

CHRISTOPHER COLLINS, MAYOR
SEAN REED, VICE MAYOR
EULA CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on continued second and final reading this ____ day of _____ 2026.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CHRISTOPHER COLLINS
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ.
CITY ATTORNEY

Sec. 8.07.07. Reasonable accommodation.

A. *Purpose.* It is the policy of the City of Stuart, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

B. *Applicability.*

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, an opportunity to seek an exception in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities to accommodate a disability recognized by the Fair Housing Act or ADA.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

C. *Requesting reasonable accommodation.*

1. Any eligible person as defined in section 2 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
2. Requests for reasonable accommodation shall be in writing and provide the following information:
 - (a) Name and address of the individual(s) requesting reasonable accommodation;
 - (b) Name and address of the property owner(s):
 - (i) If the property is not owned by the applicant, a copy of the lease as well as written authorization from the owner to seek the accommodation;
 - (c) Address of the property for which accommodation is requested;
 - (d) Description of the requested accommodation with reference to the regulation(s), policy or procedure for which accommodation is sought; and
 - (e) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
3. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
4. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

D. *Reviewing authority.*

1. Requests for reasonable accommodation shall be reviewed using the criteria set forth in section 5.
2. A written response to the request for reasonable accommodation shall be provided within 30 days of the date of receipt of the fully completed application and may either seek additional information, grant, grant with modifications, or deny a request for reasonable accommodation in accordance with

-
- the required findings. Note: Incomplete applications shall not be deemed submitted and will not be reviewed until complete.
3. If necessary to reach a determination on the request for reasonable accommodation, the city may request further information from the applicant specifying in detail the information that is required. In the event that a request for additional information is made, a new response to the request shall be made within a reasonable time after receiving the requested information.
- E. *Required findings.* The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:
1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
 2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
 3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction or would otherwise grant an undue benefit to the applicant that is not enjoyed by other landowners and;
 4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.
- F. *Written decision on the request for reasonable accommodation.*
1. The written decision on the request for reasonable accommodation shall address the criteria set forth in section 5 and provide a response to each item.
 2. The written decision may be provided to the applicant via email to the email address provided on the application.
 3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- G. *Appeals.*
1. An appeal of the decision must be filed within 30 days of the written decision and the applicant must follow the procedure as set forth in section 8.07.01; Appeals from decisions of administrative departments.
 2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
 3. All appeals shall contain a statement of the grounds for the appeal.

2025954er

1
2 An act relating to certified recovery residences;
3 amending s. 397.487, F.S.; requiring, by a specified
4 date, the governing body of each county or
5 municipality to adopt an ordinance to establish
6 procedures for the review and approval of certified
7 recovery residences; requiring that such ordinance
8 include a process for requesting reasonable
9 accommodations from any local land use regulation that
10 serves to prohibit the establishment of a certified
11 recovery residence; specifying criteria for the
12 ordinance; providing that the ordinance may establish
13 additional requirements for the review and approval of
14 reasonable accommodation requests; requiring that such
15 additional requirements be consistent with federal law
16 and not conflict with the act; prohibiting the
17 ordinance from requiring public hearings beyond the
18 minimum required by law; providing that the ordinance
19 may include provisions for revocation of a granted
20 accommodation for cause, if the accommodation is not
21 reinstated within a specified timeframe; providing
22 construction; amending s. 397.4871, F.S.; providing
23 that the personnel-to-resident ratio for a certified
24 recovery residence must be met only when the residents
25 are at the residence; providing that a certified
26 recovery residence administrator for Level IV
27 certified recovery residences which maintains a
28 specified personnel-to-patient ratio has a limitation
29 on the number of residents it may manage; providing an

2025954er

30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsections (15) and (16) are added to section
35 397.487, Florida Statutes, to read:

36 397.487 Voluntary certification of recovery residences.-

37 (15) (a) By January 1, 2026, the governing body of each
38 county or municipality shall adopt an ordinance establishing
39 procedures for the review and approval of certified recovery
40 residences within its jurisdiction. The ordinance must include a
41 process for requesting reasonable accommodations from any local
42 land use regulation that serves to prohibit the establishment of
43 a certified recovery residence.

44 (b) At a minimum, the ordinance must:

45 1. Be consistent with the Fair Housing Amendments Act of
46 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans
47 with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

48 2. Establish a written application process for requesting a
49 reasonable accommodation for the establishment of a certified
50 recovery residence, which application must be submitted to the
51 appropriate local government office.

52 3. Require the local government to date-stamp each
53 application upon receipt. If additional information is required,
54 the local government must notify the applicant in writing within
55 the first 30 days after receipt of the application and allow the
56 applicant at least 30 days to respond.

57 4. Require the local government to issue a final written
58 determination on the application within 60 days after receipt of

2025954er

59 a completed application. The determination must:

60 a. Approve the request in whole or in part, with or without
61 conditions; or

62 b. Deny the request, stating with specificity the
63 objective, evidence-based reasons for denial and identifying any
64 deficiencies or actions necessary for reconsideration.

65 5. Provide that if a final written determination is not
66 issued within 60 days after receipt of a completed application,
67 the request is deemed approved unless the parties agree in
68 writing to a reasonable extension of time.

69 6. Require that the application include, at a minimum:

70 a. The name and contact information of the applicant or the
71 applicant's authorized representative;

72 b. The property address and parcel identification number;
73 and

74 c. A description of the accommodation requested and the
75 specific regulation or policy from which relief is sought.

76 (c) The ordinance may establish additional requirements for
77 the review or approval of reasonable accommodation requests for
78 establishing a certified recovery residence, provided such
79 requirements are consistent with federal law and do not conflict
80 with this subsection.

81 (d) The ordinance may not require public hearings beyond
82 the minimum required by law to grant the requested
83 accommodation.

84 (e) The ordinance may include provisions for the revocation
85 of a granted accommodation of a certified recovery residence for
86 cause, including, but not limited to, a violation of the
87 conditions of approval or the lapse, revocation, or failure to

2025954er

88 maintain certification or licensure required under this section,
89 if not reinstated within 180 days.

90 (f) The ordinance and establishment of a reasonable
91 accommodation process does not relieve the local government from
92 its obligations under the Fair Housing Amendments Act of 1988,
93 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with
94 Disabilities Act, 42 U.S.C. ss. 12131 et seq. The regulation for
95 which the applicant is seeking a reasonable accommodation must
96 not facially discriminate against or otherwise disparately
97 impact the applicant.

98 (16) The application of this section does not supersede any
99 current or future declaration or declaration of condominium
100 adopted pursuant to chapter 718; any cooperative document
101 adopted pursuant to chapter 719; or any declaration or
102 declaration of covenant adopted pursuant to chapter 720.

103 Section 2. Paragraph (c) of subsection (8) of section
104 397.4871, Florida Statutes, is amended to read:

105 397.4871 Recovery residence administrator certification.-

106 (8)

107 (c) Notwithstanding paragraph (b), a Level IV certified
108 recovery residence operating as community housing as defined in
109 s. 397.311(9), which residence is actively managed by a
110 certified recovery residence administrator approved for 100
111 residents under this section and is wholly owned or controlled
112 by a licensed service provider, may:

113 1. Actively manage up to 150 residents so long as the
114 licensed service provider maintains a service provider
115 personnel-to-patient ratio of 1 to 8 and maintains onsite
116 supervision at the residence during times when residents are at

2025954er

117 the residence ~~24 hours a day, 7 days a week,~~ with a personnel-
118 to-resident ratio of 1 to 10.

119 2. Actively manage up to 300 residents, so long as the
120 licensed service provider maintains a service provider
121 personnel-to-patient ratio of 1 to 8 and maintains onsite
122 supervision at the residence during times when residents are at
123 the residence with a personnel-to-resident ratio of 1 to 6.

124

125 A certified recovery residence administrator who has been
126 removed by a certified recovery residence due to termination,
127 resignation, or any other reason may not continue to actively
128 manage more than 50 residents for another service provider or
129 certified recovery residence without being approved by the
130 credentialing entity.

131 Section 3. This act shall take effect July 1, 2025.