

43 **WHEREAS**, the Council finds that the proposed amendment is in compliance with the 2030
44 Comprehensive Development Plan; and

45 **WHEREAS**, Additions to the Code are identified herein by underline, deletions from the Code are
46 identified by ~~strikethrough~~ and portions of the Code remaining unchanged that are not reprinted
47 herein are identified by ellipses (***)

48 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF**
49 **MAITLAND, FLORIDA, AS FOLLOWS:**

50 **SECTION 1.** The findings set forth in the recitals above are hereby adopted as legislative findings
51 of the City Council pertaining to this Ordinance.

52 **SECTION 2.** Chapter 7.5 “Land Development Regulations” Article VII “Planned Development,
53 of the City of Maitland Code of Ordinances is hereby amended as follows:

54 **ARTICLE VII. - PLANNED DEVELOPMENT**

55 **Sec. 7.5-53. - Planned development application procedures.**

56 * * *

57 (V) *Review by development review committee.* Following a public hearing by the planning and zoning
58 commission (P&Z), the Development Review Committee (DRC) shall review the petition and any
59 testimony that was made at the hearing- and shall work with the applicant to ensure that the proposal
60 is consistent with the Land Development Code (LDC) and other applicable regulations and
61 agreements. The applicant may continue to work with DRC until such time that the DRC determines
62 the proposal is consistent with all applicable regulations and the item is ready to be placed on the next
63 available P&Z or City Council agenda, if the streamline approach is taken pursuant to 7.5-53.(IV).
64 Should the applicant determine they no longer desire to work with DRC to resolve the items, the
65 applicant may choose to proceed to the next required P&Z or City Council meeting, where staff shall
66 advise of the applicant’s decision to proceed without completing modifications required by DRC.

67
68 ~~Within sixty (60) days of the public hearing, the development review committee shall~~The DRC shall
69 make a recommendation for approval, approval with conditions, or denial of the proposed petition.
70 The development review committee shall formulate its recommendation and make findings with regard
71 to the following factors: ...

72 * * *

73
74 (VI) Recommendation by planning and zoning commission. ~~No later than ninety (90) days after the public~~
75 ~~hearing, †The~~ planning and zoning commission shall make its written recommendation to the city
76 Council unless Item (IV)(b) above has been selected. As part of its recommendation to the city council,
77 the planning and zoning commission shall make a written finding certifying consistency with the
78 comprehensive development plan, and that satisfactory provision and arrangement has been made
79 concerning the factors itemized for review by the development review committee in (V) above.

80 * * *

81 **SECTION 3.** Article X “Site Plan and Permitted Conditional Uses Review Process” of the City
82 of Maitland Code of Ordinances is hereby amended as follows:

83 **ARTICLE X. - SITE PLAN AND PERMITTED CONDITIONAL USE REVIEW PROCESS**

84 **Sec. 7.5-83. - Application procedure.**

85

86 * * *

87 (III) Planning and zoning commission review and decision process for projects within a special district or
88 overlay district involving design or development plan waivers and applicable for areas such as those
89 further described in (a) through (f) below.

90 The planning and zoning commission shall hold a public hearing for development applications
91 where design or development plan waivers are requested and where the project is located within
92 special district or overlay districts designated in the comprehensive development plan. Any party
93 may appear in person, or by agent or by attorney. Such applications include such as:

- 94 (a) Maitland Avenue Corridor (with frontage on Maitland Avenue).
- 95 (b) Cultural Corridor (including a change of use).
- 96 (c) Horatio Avenue Corridor.
- 97 (d) Downtown Maitland permitted use (with design waivers).
- 98 (e) Downtown Maitland conditional use (with or without design waivers).
- 99 (f) Floating zone public/semi -public-Principal use(s).
- 100 (g) Multiple family residential-New development.

101 * * *

102 Following the public hearing, the planning and zoning commission shall provide instructions to the
103 development review committee for consideration in their review of the processed application.

104 The Development Review Committee (DRC) shall review the petition and any public testimony- that
105 was made at the hearing and shall work with the applicant to ensure that the proposal is consistent with
106 the Land Development Code (LDC) and other applicable regulations and agreements. The applicant
107 may continue to work with DRC until such time that the DRC determines the proposal is consistent
108 with all applicable regulations and the item is ready to be placed on the next available P&Z or City
109 Council agenda, if the streamline approach is taken pursuant to 7.5-83.(IV). Should the applicant
110 determine they no longer desire to work with DRC to resolve the items, the applicant may choose to
111 proceed to the next required P&Z or Council meeting, where staff shall advise of the applicant's
112 decision to proceed without completing modifications required by DRC.

113 Upon completing its review of the application, the development review committee shall recommend
114 approval, approval with changes or denial of the application. In doing so, the development review
115 committee shall formulate its recommendation and make findings with regard to the criteria outlined in
116 subsection (II)(b) above.

117 * * *

118 ~~Within forty five (45) days after the planning and zoning commission public hearing,~~ Upon
119 consideration of the recommendations of the development review committee, the planning and zoning
120 commission may approve, approve with conditions or deny the request. In doing so, the planning and zoning
121 commission shall make a written finding, certifying consistency with the comprehensive development plan,
122 and finding that satisfactory provision and arrangement has been made concerning the factors itemized for
123 review by the development review committee referenced in subsection (II)(b) above. The written finding
124 shall also certify compliance with the specific rules and specific criteria governing the special or overlay
125 district or Downtown Maitland Conditional Use.

126 * * *

127 **SECTION 4.** Article XI “Subdivision Process” of the City of Maitland Code of Ordinances is
128 hereby amended as follows:

129 **ARTICLE XI. - SUBDIVISION PROCESS**

130 Sec. 7.5-93. - Subdivision application procedures.

131 * * *

132 (IV) *Review by development review committee.* Following a public hearing by the planning and zoning
133 commission, the development review committee shall review the petition and any public hearing
134 testimony and/or any planning and zoning comments or directions and shall work with the applicant
135 to ensure that the proposal is consistent with the Land Development Code (LDC) and other applicable
136 regulations and agreements. The applicant may continue to work with DRC until such time that the
137 DRC determines the proposal is consistent with all applicable regulations and the item is ready to be
138 placed on the next available P&Z or City Council agenda, if the streamline approach is taken pursuant
139 to 7.5-93.(III). Should the applicant determine they no longer desire to work with DRC to resolve the
140 items, the applicant may choose to proceed to the next required P&Z or Council meeting, where staff
141 shall advise of the applicant’s decision to proceed without completing modifications required by DRC.

142
143 The DRC shall make a recommendation for approval, approval with conditions, or denial of the
144 proposed petition. The development review committee shall formulate its recommendation and make
145 findings with regard to the following factors:

146
147 (V) Recommendation by Planning and Zoning Commission. ~~Within forty five (45) days after the planning~~
148 ~~and zoning commission's public hearing, t~~The planning and zoning commission shall receive and
149 review the development review committee's findings and recommendation unless (iii)(b) has been
150 chosen by the planning and zoning commission.

151 * * *

152 **SECTION 5.** Article XIV “Zoning Amendments” of the City of Maitland Code of Ordinances is hereby
153 amended as follows:

154 **ARTICLE XIV. - ZONING AMENDMENTS**

155 * * *

156 Sec. 7.5-131. - Applicability.

157 The procedures contained in this article are applicable to all amendment requests to the zoning code or
158 zoning district boundaries, except for requests to rezone property to the planned development district. ~~A~~
159 ~~z~~Zoning text and map amendments may be proposed by the city council, the planning and zoning
160 commission acting as the local planning agency and land development regulations commission or any
161 department or agency of the city using this process, but not required to submit all application requirements
162 listed in this article. A zoning map amendment may ~~also~~ be proposed by any individual, corporation,
163 partnership or agency other than the city, which request is required to adhere to all requirements of this
164 article. Proposals for zoning text amendments shall be processed administratively and only upon
165 concurrence of and direction by a majority vote of the City Council.

166 For zoning map amendments, i~~f~~ the area is not contiguous to the same district as being requested, the area
167 must contain at least fifty thousand (50,000) square feet of lot area and have at least two hundred (200) feet
168 of street frontage to be considered in this process.

169 * * *

170 Sec. 7.5-133. - Application procedures.

171 * * *

172 (II) Notice of planning and zoning commission hearing. After receipt of a complete petition, the city shall
173 give notice in a newspaper of general circulation, as defined in Florida Statutes, at least fifteen (15)
174 days in advance of the planning and zoning commission public hearing date on which the petition is
175 to be heard. Notice shall be posted on the property subject to the petition, except for city initiated
176 zoning amendments. Notices shall also be posted in two (2) public places, as well as the city web site.
177 Except for City-initiated petitions, nNotice shall be sent by first class regular United States mail to
178 property owners within five hundred (500) feet of the subject property. The distance shall be measured
179 by a straight line from the point on the boundary of the property subject to the planned development
180 zoning amendment petition nearest to the point of the boundary of any property within five hundred
181 (500) feet thereof. Notice shall be deemed to have been delivered when deposited in the United States
182 mail, postage prepaid thereon, and addressed to the property owner whose name is shown on the most
183 current tax roll in Orange County or Seminole County.

184 * * *

185 (V) Recommendation by planning and zoning commission. ~~No later than forty five (45) days after the~~
186 ~~public hearing, t~~The planning and zoning commission shall make its written recommendation to the
187 city council. Before any zoning amendment recommendation is forwarded to city council, the planning
188 and zoning commission shall make a written finding certifying consistency with the comprehensive
189 development plan, and that satisfactory provision and arrangement has been made concerning the
190 factors itemized for review by the development review committee in (IV) above.

191 * * *

192 **SECTION 6. SEVERABILITY.** If any section, sentence, phrase, word or portion of this
193 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
194 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of
195 this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

196 **SECTION 7. CONFLICTS.** In any case where a provision of this Ordinance is found to be in
197 conflict with a provision of any other ordinance of this City, the provision which establishes the higher
198 standards for the promotion and protection of the health and safety of the people shall prevail.

199 **SECTION 8. CODIFICATION.** It is the intent of the City Council of the City of Maitland that
200 the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in
201 codifying the provisions of this Ordinance.

202 **SECTION 9. Effective date.** This Ordinance shall take effect immediately upon adoption as
203 provided by the Charter of the City of Maitland.

204 PASSED ON FIRST READING THIS _____ DAY OF _____, 2017.

205 PASSED AND ADOPTED THIS _____ DAY OF _____, 2017.

206

207 CITY OF MAITLAND, FLORIDA

208 _____

209 A. Dale McDonald, Mayor

210

211 ATTEST:

212 _____

213 Maria Waldrop, City Clerk

DRAFT