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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 7.5 “LAND DEVELOPMENT REGULATIONS” ARTICLE VII. “PLANNED DEVELOPMENT, ARTICLE X. “SITE PLAN AND PERMITTED CONDITIONAL USES REVIEW PROCESS”, ARTICLE XI “SUBDIVISION PROCESS” AND ARTICLE XIV “ZONING AMENDMENTS” TO REMOVE REVIEW TIMELINES BETWEEN PLANNING AND ZONING COMMISSION PUBLIC HEARING AND THE PLANNING ZONING COMMISSION RECOMMENDATION MEETING; AND TO AMEND ZONING AMENDMENT NOTIFICATION PROCESS FOR CITY-INITIATED ZONING AMENDMENTS AND MODIFYING THE PROCESS TO REQUEST ZONING TEXT AMENDMENTS. PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to reduce the advertising costs associated with the bulk mailing requirements of public hearing notices for zoning amendment petitions by exempting city-initiated administrative petitions from this portion of the notice requirements; and

WHEREAS, the City Council finds that the number of days identified in the code, that a petition must be brought back before the Planning and Zoning Commission for the recommendation meeting after the initial public hearing, places an unnecessary time constraint on both applicants and staff.

WHEREAS, the removal of the time requirement, would permit applicants the ability to submit revised plans to address comments and concerns thereby resulting in a more concise staff recommendation report and a more complete final plan set for reliance upon by the Planning and Zoning Commission and City Council; and

WHEREAS, the City Council finds it necessary and appropriate and a more efficient use of staff resources to amend provisions within the Code of Ordinances that permits the public to request text changes to the zoning code prior to input by City Council; and

WHEREAS, the Planning and Zoning Commission, which also sits as the Local Planning Agency and the Land Development Regulation Commission, duly scheduled, advertised and held a public hearing to consider the proposed amendment on August 17, 2017; and

WHEREAS, the Development Review Committee, at their regularly scheduled meeting of August 17, 2017 provided a recommendation for approval of the proposed amendment; and

WHEREAS, at the Planning and Zoning Commission meeting of August 17, 2017, the Planning and Zoning Commission provided a recommendation of approval of the proposed amendment; and

WHEREAS, the Planning and Zoning Commission and Development Review Committee found the proposed amendment to be in substantial compliance with the 2030 City of Maitland Comprehensive Development Plan; and

WHEREAS, the City Council has duly considered the recommendations of the Planning and Zoning Commission and Development Review Committee and reviewed all comments, both written and

44 verbal, regarding the proposed amendment considers that said amendment will be in the best interest of
45 the residents of the City of Maitland, Florida; and

46 **WHEREAS**, the City Council finds that the proposed amendment is in compliance with the 2030
47 Comprehensive Development Plan; and

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

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

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

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

57 **ARTICLE VII. - PLANNED DEVELOPMENT**

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

59 * * *

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

72
73 ~~Within sixty (60) days of the public hearing, the development review committee shall~~The
74 Development Review Committee shall make a recommendation for approval, approval with
75 conditions, or denial of the proposed petition. The development review committee shall formulate its
76 recommendation and make findings with regard to the following factors: ...

77
78 * * *

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

85 * * *

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

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

89 Sec. 7.5-83. - Application procedure.

90
91 * * *

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

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

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

106 * * *

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

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

120
121 Upon completing its review of the application, the development review committee shall recommend
122 approval, approval with changes or denial of the application. In doing so, the development review
123 committee shall formulate its recommendation and make findings with regard to the criteria outlined in
124 subsection (II)(b) above.

125 * * *

126 ~~Within forty five (45) days after the planning and zoning commission public hearing, U~~pon
127 consideration of the recommendations of the development review committee, the planning and zoning
128 commission may approve, approve with conditions or deny the request. In doing so, the planning and zoning

129 commission shall make a written finding, certifying consistency with the comprehensive development
130 plan, and finding that satisfactory provision and arrangement has been made concerning the factors
131 itemized for review by the development review committee referenced in subsection (II)(b) above. The
132 written finding shall also certify compliance with the specific rules and specific criteria governing the
133 special or overlay district or Downtown Maitland Conditional Use.

134 * * *

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

137 **ARTICLE XI. - SUBDIVISION PROCESS**

138 **Sec. 7.5-93. - Subdivision application procedures.**

139 * * *

140 (IV) *Review by development review committee.* Following a public hearing by the planning and zoning
141 commission, the development review committee shall review the petition and any public hearing
142 testimony and/or any planning and zoning comments or directions and shall work with the applicant
143 to ensure that the proposal is consistent with the Land Development Code and other applicable
144 regulations and agreements. The applicant may continue to work with Development Review
145 Committee until such time that the Development Review Committee determines the proposal is
146 consistent with all applicable regulations and the item is ready to be placed on the next available
147 Planning and Zoning Commission or City Council agenda, if the streamline approach is taken pursuant
148 to 7.5-93.(III). Should the applicant determine they no longer desire to work with Development
149 Review Committee to resolve the items, the applicant may choose to proceed to the next required
150 Planning and Zoning Commission or City Council meeting, where staff shall advise of the applicant’s
151 decision to proceed without completing modifications required by Development Review Committee.

152
153 The Development Review Committee shall make a recommendation for approval, approval with
154 conditions, or denial of the proposed petition. The development review committee shall formulate its
155 recommendation and make findings with regard to the following factors:

156
157 (V) Recommendation by Planning and Zoning Commission. ~~Within forty five (45) days after the planning~~
158 ~~and zoning commission's public hearing,~~ The planning and zoning commission shall receive and
159 review the development review committee's findings and recommendation unless (iii)(b) has been
160 chosen by the planning and zoning commission.

161 * * *

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

164 **ARTICLE XIV. - ZONING AMENDMENTS**

165 * * *

166 **Sec. 7.5-131. - Applicability.**

167 The procedures contained in this article are applicable to all amendment requests to the zoning code or
168 zoning district boundaries, except for requests to rezone property to the planned development district. ~~A~~
169 ~~z~~Zoning text and map amendments may be proposed by the city council, the planning and zoning
170 commission acting as the local planning agency and land development regulations commission or any
171 department or agency of the city using this process, but not required to submit all application requirements
172 listed in this article. A zoning map amendment may ~~also~~ be proposed by any individual, corporation,

173 partnership or agency other than the city, which request is required to adhere to all requirements of this
174 article. Proposals for zoning text amendments shall be processed administratively and only upon
175 concurrence of and direction by a majority vote of the City Council.

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

179 * * *

180 Sec. 7.5-133. - Application procedures.

181 * * *

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

194 * * *

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

201 * * *

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

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

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

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

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

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

216

217 CITY OF MAITLAND, FLORIDA

218 _____

219 A. Dale McDonald, Mayor

220

221 ATTEST:

222 _____

223 Maria Waldrop, City Clerk