



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 Code  
49 are identified by ~~strikethrough~~ and portions of the Code remaining unchanged that are not reprinted herein  
50 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  
54 findings 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  
61 zoning commission the Development Review Committee shall review the petition and any testimony  
62 that was made at the hearing- ~~and shall work with the applicant to ensure that the proposal is~~  
63 ~~consistent shall provide reasonable assistance to the applicant to bring the project in~~  
64 ~~compliance with the Land Development Code and other applicable regulations and~~  
65 ~~agreements.~~ The applicant may continue to work with Development Review Committee until such  
66 time that the Development Review Committee determines the proposal is consistent with all  
67 applicable regulations and the item is ready to be placed on the next available practical Planning  
68 and Zoning Commission or City Council agenda, if the streamline approach is taken pursuant to 7.5-  
69 53.(IV). Should the applicant determine they no longer desire to work with Development Review  
70 Committee to resolve the items, the applicant may choose to proceed to the next required Planning  
71 and Zoning Commission or City Council meeting, where staff shall advise of the applicant’s decision  
72 to proceed without completing modifications required by Development Review Committee. In all  
73 cases, the Development Review Committee will generate and forward a written  
74 recommendation that will accompany the petition to the next step of the review process.

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

80  
81 \* \* \*

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

88 \* \* \*

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

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

92 Sec. 7.5-83. - Application procedure.

93  
94 \* \* \*

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

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

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

109 \* \* \*

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

112 The Development Review Committee shall review the petition and any public testimony- that was  
113 made at the hearing and shall work with the applicant to ensure that the proposal is consistent  
114 shall provide reasonable assistance to the applicant to bring the project in compliance with the  
115 Land Development Code and other applicable regulations and agreements. The applicant may  
116 continue to work with Development Review Committee until such time that the Development  
117 Review Committee determines the proposal is consistent with all applicable regulations and the item  
118 is ready to be placed on the next available practical Planning and Zoning Commission or City  
119 Council agenda, if the streamline approach is taken pursuant to 7.5-83.(IV). Should the applicant  
120 determine they no longer desire to work with Development Review Committee to resolve the items,  
121 the applicant may choose to proceed to the next required Planning and Zoning Commission or City  
122 Council meeting, where staff shall advise of the applicant’s decision to proceed without completing  
123 modifications required by Development Review Committee. In all cases, the Development  
124 Review Committee will generate and forward a written recommendation that will accompany  
125 the petition to the next step of the review process.

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

133 \* \* \*

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

142 \* \* \*

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

145 ARTICLE XI. - SUBDIVISION PROCESS

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

147 \* \* \*

148 (IV) *Review by development review committee.* Following a public hearing by the planning and  
149 zoning commission, the development review committee shall review the petition and any public  
150 hearing testimony and/or any planning and zoning comments or directions and shall ~~work with the~~  
151 ~~applicant to ensure that the proposal is consistent~~ **provide reasonable assistance to the applicant**  
152 **that the project complies** with the Land Development Code and other applicable regulations and  
153 agreements. The applicant may continue to work with Development Review Committee until such  
154 time that the Development Review Committee determines the proposal is consistent with all  
155 applicable regulations and the item is ready to be placed on the next **available practical** Planning  
156 and Zoning Commission or City Council agenda, if the streamline approach is taken pursuant to 7.5-  
157 93.(III). ~~Should the applicant determine they no longer desire to work with Development Review~~  
158 ~~Committee to resolve the items, the applicant may choose to proceed to the next required Planning~~  
159 ~~and Zoning Commission or City Council meeting, where staff shall advise of the applicant’s decision~~  
160 ~~to proceed without completing modifications required by Development Review Committee.~~ **In all**  
161 **cases, the Development Review Committee will generate and forward a written**  
162 **recommendation that will accompany the petition to the next step of the review process.**

163

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

167

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

172 \* \* \*

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

175 ARTICLE XIV. - ZONING AMENDMENTS

176 \* \* \*

177 Sec. 7.5-131. - Applicability.

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

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

190 \* \* \*

191 Sec. 7.5-133. - Application procedures.

192 \* \* \*

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

205 \* \* \*

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

212 \* \* \*

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

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

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

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

225 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

226 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

227

228 CITY OF MAITLAND, FLORIDA

229 \_\_\_\_\_

230       A. Dale McDonald, Mayor

231

232 ATTEST:

233 \_\_\_\_\_

234 Maria Waldrop, City Clerk