

ORDINANCE NO. 1329

AN ORDINANCE OF THE CITY OF MAITLAND, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 4.7 "BOARDS AND COMMITTEES"; ARTICLE IV. "DEVELOPMENT REVIEW COMMITTEE"; ARTICLE V. "PLANNING AND ZONING COMMISSION"; AND CHAPTER 21 "ZONING", SECTION 21-5, SUPPLEMENTAL DISTRICT REGULATIONS; TO REDUCE MEMBERSHIP OF THE DEVELOPMENT REVIEW COMMITTEE, AND TO MAKE ARTICLE V. CONSISTENT WITH THE PLANNING AND ZONING BY-LAWS; AND TO REGULATE FRONT YARD PARKING ON SINGLE-FAMILY AND DUPLEX LOTS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2017, the Planning and Zoning Commission's (P&Z) By-Laws were updated to address operating procedures and duties of the P&Z; and

WHEREAS, "Chapter 4.7 Boards and Committees, Planning and Zoning Commission," must be updated to be consistent with the established By-Laws; and

WHEREAS, due to modifications to processes within Chapter 7.5, Land Development Regulations of the Maitland City Code, "Chapter 4.7 Boards and Committees, Development Review Committee" (DRC) will be updated to reduce the number of DRC members; and

WHEREAS, the City has received complaints about parking on grass in the front of residences in the City, and therefore Section 21-5, Supplemental District Regulations of the Maitland City Code is proposed for amendment to address this matter; and

WHEREAS, the P&Z, which also sits as the Local Planning Agency and the Land Development Regulation Commission, duly scheduled advertised and held a public hearing on January 18, 2018 to consider the proposed amendment; and

WHEREAS, at the P&Z meeting of January 18, 2018 the Planning and Zoning provided a recommendation of approval with modifications to Chapter 4.7; and

WHEREAS at the P&Z meeting of February 2, 2018, the P&Z provided a recommendation of approval with modifications of the proposed amendment to Section 21-5; and

WHEREAS, the Development Review Committee (DRC), at their regularly scheduled meeting of February 21, 2018 provided a recommendation for approval of the proposed amendment; and

WHEREAS, the P&Z and DRC 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 P&Z and DRC and reviewed all comments, both written and verbal, regarding the proposed amendment considers that said amendment will be in the best interest of the residents of the City of Maitland, Florida; and

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

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

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

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

SECTION 2. Chapter 4.7 “Boards and Committees” Article IV “Development Review Committee”, of the City of Maitland Code of Ordinances is hereby amended as follows:

ARTICLE IV. – DEVELOPMENT REVIEW COMMITTEE

Sec. 4.7-14. - Committee membership and officers.

* * *

(a) *Membership.* The committee shall consist of the following individuals (or their designees):

- (1) Community development director, or designee.
- (2) Chief of the fire department, or designee.
- (3) Public works director, or designee.

* * *

SECTION 3. Article V “Planning and Zoning Commission” of the City of Maitland Code of Ordinances is hereby amended as follows:

ARTICLE X. – PLANNING AND ZONING COMMISSION

Sec. 4.7-20. - Commission membership and officers.

* * *

(a) *Membership.* The commission shall consist of five (5) members appointed by and serve at the pleasure of the city council. Members of the commission shall be residents of the City of Maitland. No person shall be appointed with private or personal interests likely to conflict with the general public interest.

(b) *Terms of members.* Commission members shall each serve on the commission for a term of three (3) years. A member may be re-appointed by the city council for one (1) successive term. If a member is appointed to fill a vacancy, pursuant to subsection 4.7-20(c) below, that appointment shall not be considered a full term unless the appointment period is for eighteen (18) months or greater.

(c) *Filling vacancies.* Vacancies shall be filled by appointment of the city council for the remainder of the unexpired term of office. The city council shall fill such vacancies within thirty (30) days of notification from the chairman of the commission or city clerk.

(d) *Removal from office.* Members of the Commission may be removed from office by the affirmative vote of three (3) of the members of the City Council for cause upon written charges and after public hearing, if requested by the member. If any member is absent from three consecutive regular meetings, or from fifty (50%) percent of the scheduled meetings in any continuous six-month period and that member has not resigned, that member is assumed to have resigned from the Commission. That member shall be notified within thirty (30) days by the City Clerk that the member’s office is vacant and City Council shall promptly fill such vacancy. The member shall have the right to reapply.

(e) *Officers and committees.* The commission shall annually elect a chair and vice-chair and may create and fill other offices and committees as needed.

(f) *Executive secretary and administrative assistance.* The city manager shall designate a department which shall provide clerical and administrative support to the commission as may be reasonably required by the commission for the proper performance of its duties.

(g) *Funding and compensation.* Members of the commission shall receive no salaries or fees, but may receive necessary travel, per diem, and other expenses while on official business for the city. The city council shall make available to the commission such appropriations as it may see fit for expenses necessary in the conduct of commission work.

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Section 4.7-21. – Commission procedures

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a) *Adoption of rules.* The commission shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Code.

(b) *Meetings.* Unless the Presiding Officer shall otherwise set the time, date, or location of a meeting, the regular meetings of the Commission shall be held on the first Thursday of each month and, only if deemed necessary by both the Presiding Officer and the Community Development Department Director, on the third Thursday of each month at a time determined by the Commission in the Maitland City Council Chambers or other appropriate public meeting place consistent with Florida Statutes. The meeting on the third Thursday may be a work session. Special meetings may be called by the Presiding Officer with forty-eight (48) hours written notice (i.e., notice posted at City Hall), provided a quorum can be assembled.

(c) *Minutes and records.* The commission shall keep minutes of its proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, the minutes shall reflect this fact. The commission shall also reflect in its minutes all official actions, which minutes shall be a public record and be filed in the office of the city clerk.

(d) *Quorum and votes.* The Commission shall consider a quorum present when a simple majority of the total membership of the Commission is in attendance. A meeting shall not be called to order unless a quorum is present.

If any matter coming before the commission shall inure to the special private gain (pursuant to F.S. § 112.3143) of a member of the commission, said member shall declare his/her conflict of interest with the pending request. After a conflict of interest has been declared, the declarant shall file a memorandum of voting conflict form within fifteen (15) days with the community development department disclosing the nature of the interest in conflict. Said form will be attached to and made a part of the commission minutes.

* * *

Section 4.7-22. – General functions, powers and duties.

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(a) *Amendments to land development code.* The commission shall make findings and recommendations to the city council as to the consistency and relationship of any proposed land development regulation or amendment thereto, or proposed land development code or amendment thereto, with the adopted comprehensive development plan, or any element or portion thereof. Any proposal to create or amend a land development regulation, or to create or amend a land development code, shall be reviewed at a public hearing held by the commission prior to forwarding its findings and recommendations to the city council.

(b) *Amendments to comprehensive plan.* The Commission shall make a recommendation to the city council with regard to each application. The recommendation must include a finding that the proposed amendment:

- will not have a significant negative effect on the city's budget;
- will not diminish the service level of the city's transportation system, and if it will, then an adequate agreement between the property owner(s) and the city has been consummated that will provide for improvement of the city's transportation system in such a way that the proposed amendment will not diminish the level of service and will incur no cost to the city;
- will not have a negative impact on the environment as a result of the proposed amendment;
- is consistent with the comprehensive development plan;
- that service levels will not be reduced to below adopted service levels if the amendment is granted and the city is able to provide adequate public services to the affected property;
- and the amendment is not incompatible with surrounding neighborhoods and land uses.

The commission shall hold public hearings as may be required to adopt or amend the plan.

(c) *Development review.* The commission shall determine whether specific proposed developments conform to the principles and requirements of the comprehensive development plan and land development regulations. Following a public hearing, the Planning and Zoning Commission shall provide instructions to the Development Review Committee for consideration in their review of the processed application.

(d) *Recommend principles and policies.* The commission shall recommend to city council principles and policies for guiding action affecting development in the city and its environs.

(e) *Other duties.* The commission shall perform other duties which may be lawfully assigned to it.

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SECTION 4. Chapter 21 "Zoning" of the City of Maitland Code of Ordinances is hereby amended as follows:

Sec. 21-5. - Supplemental district regulations

* * *

(XVII)

Front Yard Parking on single-family and duplex lots.

Parking of any motor vehicle wherein any portion of the motor vehicle is within the front yard on a single-family or duplex lot shall only be permitted upon a paved parking area as depicted on an approved site plan.

For the purpose of Front Yard Parking:

- (a) Paved parking area means a legally permitted area by the City of Maitland located adjacent to a curb cut providing vehicular access between a street and an off-street parking area constructed of a non-erodible surface such as asphalt, concrete, pavers or four inches of gravel with permanent border.

- (b) Motor Vehicle means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles run only upon a track, bicycles, or mopeds.
- (c) For the purpose of this section, “front yard” shall mean that part of a lot between the nearest wall of the residence and an adjoining street and shall extend the full width of the lot along the adjoining street.
- (d) For the purpose of this section, “residence” shall mean that portion of the principle structure that is fully enclosed as habitable space.
- (e) For single-family and duplex dwelling units constructed prior to April 1, 2018 without a paved parking area, front yard vehicle parking shall only be allowed on an area defined by the Community Development Department after application with proposed site plan by the residence owner. The Community Development Department shall approve the application if it defines an area appropriate for paved parking, including non-pervious and other restrictions.
- (f) Where a single-family or duplex dwelling unit is without a paved parking area sufficient to contain two standard four-wheeled automobiles, front-yard parking of motor vehicles immediately adjacent to, the paved parking area is permitted.
- (g) In no instance shall front-yard parking be permitted on or over any portion of a public sidewalk or any water meter.

* * *

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 7. CODIFICATION. It is the intent of the City Council of the City of Maitland that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

SECTION 8. Effective date. This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Maitland.

PASSED ON FIRST READING THIS 12th DAY OF MARCH, 2018.

PASSED AND ADOPTED THIS 26th DAY OF MARCH, 2018.


CITY OF MAITLAND, FLORIDA

A. DALE MCDONALD, MAYOR

ATTEST:


MARIA WALDROP, CITY CLERK