



STAFF REPORT

LAND DEVELOPMENT DIVISION

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Prepared by

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CASE NUMBER

T23-00028

PLANNING & ZONING BOARD HEARING DATE

December 6, 2023

APPLICANT

City of Palm Bay

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.066(3) to modify the timelines related to preliminary development plan submittals.

Existing Land Use Not Applicable

Site Improvements Not Applicable

Site Acreage Not Applicable

SURROUNDING ZONING & USE OF LAND

North Not Applicable

East Not Applicable

South Not Applicable

West Not Applicable

BACKGROUND:

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 185: Zoning Code, Section 185.066(3) to modify the timelines related to preliminary development plan submittals.

The Growth Management Department is requesting to align timelines referenced in the Land Development Code (LDC) related to preliminary development plan submittals with the timelines required by Section 166.033, Florida Statutes. The current timelines referenced in the LDC are not adequate for determining completeness and providing for City interdepartmental coordination and staff review prior to final action through a public hearing by City Council.

Proposed language for this amendment is attached in legislative style with additions between **>>arrow<<** symbols and deletions in ~~strike~~through format.

PURPOSE

Provide for realistic timelines for determining completeness and staff review of preliminary development plan submittals by aligning Section 185.066(3) of the Zoning Code with Section 166.033, Florida Statutes.

ANALYSIS:

With the continued influx of development permit applications received by the City, the Growth Management Department is seeking to modify the timelines related to preliminary development plans to align with Section 166.033, Florida Statutes, which provides municipalities more appropriate and realistic timeframes to ensure applications submitted are complete and adequately reviewed by all necessary City departments. The current timeline for routing, reviewing, providing all staff comments, preparing a staff report, and scheduling preliminary development plan applications for Planning and Zoning Board is approximately 45 days.

The current timeline is exceptionally challenging given the application submittal requirements and the level of detail required for a preliminary development plan seeking a Planned Unit Development (PUD) tentative zoning. Additionally, the complexity of these plans and all supplemental submittal documents requires more comprehensive review time than any other development permit application. The development review departments are challenged with meeting timelines set forth by the Zoning Code for PUD applications, especially given the quantity of development permit applications received by the department, and current staff capacity.

STAFF RECOMMENDATION:

Staff recommends case T23-00028 for approval.

TITLE XVII: LAND DEVELOPMENT CODE

Chapter 185: Zoning Code

§ 185.066 PROCEDURE FOR APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN AND TENTATIVE ZONING.

(3) Submittal.

(a) The PUD zoning application and preliminary development plan **>>PDP<<** shall be submitted to the Land Development Division. Plans will not be distributed for city staff review until all items are submitted and sufficient for review. **>>The PDP application must be complete and accompanied by two (2) copies of the preliminary development plan, as described in these regulations, an approved electronic copy, a filing fee, and a list of all owners of adjacent property and/or property directly opposite of the proposed subdivision. Such property owner information shall be obtained from the most recent County Tax Appraiser's rolls.<<**

1. City staff will determine sufficiency of **>>review the PDP<<** the preliminary development plan application package **>>for completeness and notify the applicant in writing whether the application submitted is sufficient or otherwise specify any deficiencies in the application. The City shall provide this notification in accordance with the timelines set forth in Section 166.033, Florida Statutes.<<** within five business days of submittal. The development coordinator will email notice of any missing items within five business days. The application has 30 days to address the deficiencies by submitting the required additional information.

2. Once the preliminary development plan application package is determined sufficient, the development coordinator will distribute the package to city staff within two business days.

3. City staff has ten business days to submit comments back to the development coordinator.

4. This process is repeated for subsequent submittals with the development coordinator having two business days to distribute and city staff having a maximum of ten business days to submit comments back to the development coordinator. Pursuant to F.S. § 166.033(2), when an application for a development permit or development order is certified by a professional listed in F.S. § 403.0877 before a third request for additional information is issued the city will offer a meeting to attempt to resolve outstanding issues. The **>>the<<** city will not request additional information from the applicant more than three times, **>>without requesting a meeting with the applicant to discuss outstanding issues<<** unless the applicant waives this limitation in writing. If not waived, the city will proceed to process the application for approval or denial.

5. The PDP application must be complete and accompanied by two (2) copies of the preliminary development plan, as described in these regulations, an approved electronic copy of the plat, a filing fee, and a list of all owners of adjacent property and/or property directly opposite of the proposed subdivision. Such property owner information shall be obtained from the most recent County Tax Appraiser's rolls.

6. The applicant will be notified when all city staff and outside agency comments have been sufficiently addressed. Preliminary development plans must be approved by the city council. Once the plans are ready for the city council, the applicant will need to submit adequate paper copies for the council agenda packets.

(b) **>>Once the application is deemed complete, the<<** The Land Development Division shall process and coordinate the review of the preliminary development plan by the appropriate city departments. The appropriate city departments, to include police and fire departments, shall review and comment on the submitted information. Written comments from the city departments shall be returned to the Land Development Division to be incorporated into a staff report **>>and prepared for a regularly scheduled meeting of the Planning and Zoning Board in accordance with the timelines set forth in Section 166.033, Florida Statutes<<** generated by the Land Development Division. The staff report is submitted to the Planning and Zoning Board at the time of the next regular meeting of the Board.

(c) The preliminary development plan application shall be heard by the Planning and Zoning Board at a public meeting in the month following the submittal deadline date. Insufficient or incomplete applications will be postponed to the next available meeting following receipt of a sufficient and complete application. Courtesy notice letters of the meeting shall be sent to the owners of abutting and opposite properties of the proposed subdivision. Failure by owners to receive such courtesy notice shall not affect any action or proceedings taken however. Notice of such a meeting shall also be posted on the property for which subdivision is sought.

(d) >>Preliminary development plans must be approved by the city council. Once the plans are ready for the city council, the applicant shall be notified.<<