

ORDINANCE 2023-115

AN ORDINANCE OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, TITLE XVII, LAND DEVELOPMENT CODE, CHAPTER 185, ZONING CODE, SUBCHAPTER 'PLANNED UNIT DEVELOPMENT (PUD)', BY MODIFYING THE TIMELINES RELATED TO PRELIMINARY DEVELOPMENT PLAN SUBMITTALS; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CITY OF PALM BAY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay Code of Ordinances, Title XVII, Land Development Code, Chapter 185, Zoning Code, Subchapter 'Planned Unit Development (PUD)', Section 185.066, Procedure for Approval of a Preliminary Development Plan and Tentative Zoning, is hereby amended and shall henceforth read as follows:

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

The following procedures, applications, and exhibits shall be required when applying for tentative zoning approval of a preliminary plan:

- (A) *Preliminary development plan application.*

* * *

- (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 the preliminary development plan~~ >>review the PDP<< 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. >>Pursuant to Section 166.033(2), Florida Statutes, the city will not request additional information from the applicant more than three (3) 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.<<

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 city will not request additional information from the applicant more than three times, 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) ~~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 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~~ ~~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~~.

(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 city council. Once plans are ready for the city council, the applicant shall be notified.~~

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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 3. It is the intention of the City Council of the City of Palm Bay that the provisions of this Ordinance shall be made a part of the City of Palm Bay Code of Ordinances and the sections may be renumbered to accomplish such intention.

SECTION 4. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Palm Bay that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

SECTION 5. The provisions within this ordinance shall take effect immediately upon the enactment date.

Read in title only at Meeting 2023-XX, held on _____, 2023; and read in title only and duly enacted at Meeting 2023-XX, held on _____, 2023.

Rob Medina, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

Reviewed by CAO: _____

Applicant: City of Palm Bay

Case: T23-00028

cc: Case File

Strikethrough words shall be deleted; highlighted words that will included will be placed in between two arrow symbols (>> <<). Deletions and additions constitute the proposed amendment. Words remaining are now in effect and remain unchanged.