



**AGENDA**  
**LOCAL PLANNING AGENCY MEETING**  
**MONDAY, JANUARY 13, 2020 – 7:00 PM**  
*(To occur prior to the Zoning Hearing)*  
**VILLAGE HALL COUNCIL CHAMBERS**  
**9705 E. HIBISCUS STREET, PALMETTO BAY, FLORIDA**

**ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE VILLAGE OF PALMETTO BAY COUNCIL SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE VILLAGE OF PALMETTO BAY COUNCIL BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COUNCIL BE GRANTED BY THE MAJORITY VOTE OF THE COUNCIL MEMBERS PRESENT.**

- 
- 1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER.**
  - 2. REQUESTS, PETITIONS, AND PUBLIC COMMENT**
  - 3. REQUEST: REFERRAL TO THE VILLAGE COUNCIL FOR AN ORDINANCE FOR FIRST READING**

- AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE OF PALMETTO BAY'S ADOPTED COMPREHENSIVE PLAN AND ADOPTED FUTURE LAND USE MAP, BY AMENDING THE TEXT OF POLICY 1.1.1. OF THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT AS PER ATTACHMENT "A"; AND AMENDING THE FUTURE LAND USE MAP FROM FRANJO ACTIVITY CENTER (FAC) TO LOW DENSITY RESIDENTIAL ON THE SOUTH EASTERN PORTION OF THE "FAC" PERIMETER FROM SW 97TH AVENUE TO SW 95TH COURT IN THE WEST TO EAST DIRECTION AND SW 181ST STREET TO SW 184TH STREET IN THE NORTH TO SOUTH DIRECTION AS PER ATTACHMENT "B"; AND PROVIDING FOR AN EFFECTIVE DATE.

Upon the Land Planning Agency issuing a recommendation for adoption of the amendment, the Village Council shall hold a public hearing and publish a Notice for the adoption of the Ordinance on First Reading.

**3. COUNCIL COMMENTS**

## 5. ADJOURNMENT

---

---

**WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:**

- **We will respect the right of all citizens in our community to hold different opinions;**
  - **We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;**
  - **We will strive to understand differing perspectives;**
  - **We will choose our words carefully;**
  - **We will speak truthfully without accusation and we will avoid distortion;**
  - **We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.**
- 
- 

### **NOTICE OF APPEAL RIGHTS**

Decisions of the Village of Palmetto Bay Council (VPB) are appealed to the Circuit Court. Appeals to Circuit Court must be filed within 30 days of the execution of the Village of Palmetto Bay resolution. Pursuant to Florida Statutes 286.0105, the Village hereby advises the public that if a person decides to appeal any decision made by this Council with respect to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, the affected person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. Further information and assistance may be obtained by contacting the Village Clerk at (305) 259-1234. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 375-5955.



## VILLAGE OF PALMETTO BAY NOTICE OF LOCAL PLANNING AGENCY MEETING FOR A COMPREHENSIVE PLAN AMENDMENT

The Village of Palmetto Bay shall conduct a Local Planning Agency Meeting on Monday, January 13, 2020 at 7:00 p.m. (*prior to the Zoning Hearing*). The Local Planning Agency Meeting shall be held at Village Hall, 9705 East Hibiscus Street, Council Chambers, Palmetto Bay, Florida. Discussion and public input will be welcomed concerning the following item:

**Location:** Downtown Palmetto Bay  
**Legal Description:** See Attachment C, and map, Attachment B  
**Applicant:** Village of Palmetto Bay  
**Request:** Referral to the Village Council for an Ordinance for First Reading

- AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE OF PALMETTO BAY'S ADOPTED COMPREHENSIVE PLAN AND ADOPTED FUTURE LAND USE MAP, BY AMENDING THE TEXT OF POLICY 1.1.1. OF THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT AS PER ATTACHMENT "A"; AND AMENDING THE FUTURE LAND USE MAP FROM FRANJO ACTIVITY CENTER (FAC) TO LOW DENSITY RESIDENTIAL ON THE SOUTH EASTERN PORTION OF THE "FAC" PERIMETER FROM SW 97TH AVENUE TO SW 95TH COURT IN THE WEST TO EAST DIRECTION AND SW 181ST STREET TO SW 184TH STREET IN THE NORTH TO SOUTH DIRECTION AS PER ATTACHMENT "B"; AND PROVIDING FOR AN EFFECTIVE DATE.

Upon the Land Planning Agency issuing a recommendation for adoption of the amendment, the Village Council shall hold a public hearing and publish a Notice for the adoption of the Ordinance on First Reading.

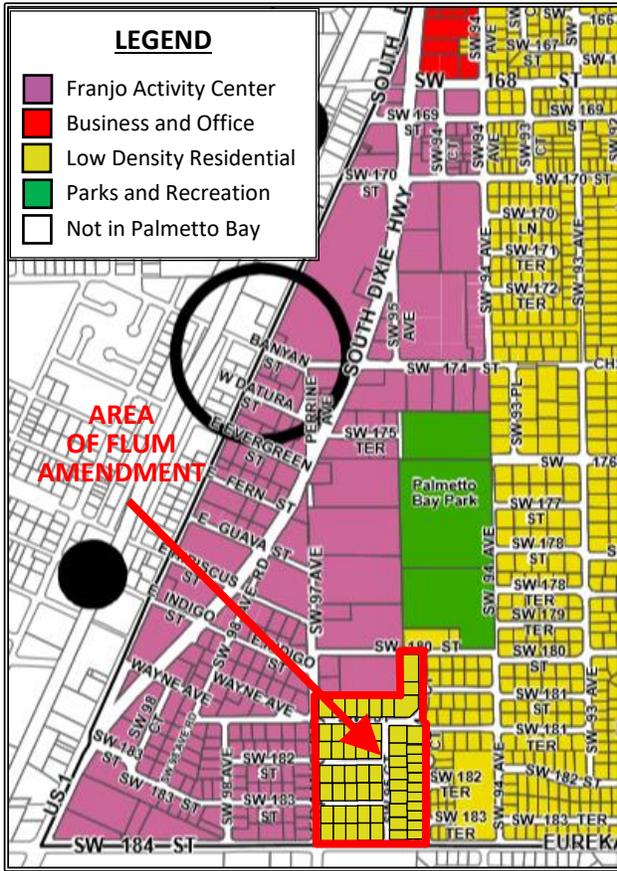
All persons are invited to appear and be heard. The documents pertaining to this Hearing may be inspected at the Department of Planning & Zoning at Village Hall, 9705 East Hibiscus Street, Palmetto Bay, Florida, during regular working hours. Any meeting may be opened and continued, and, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall for more information.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

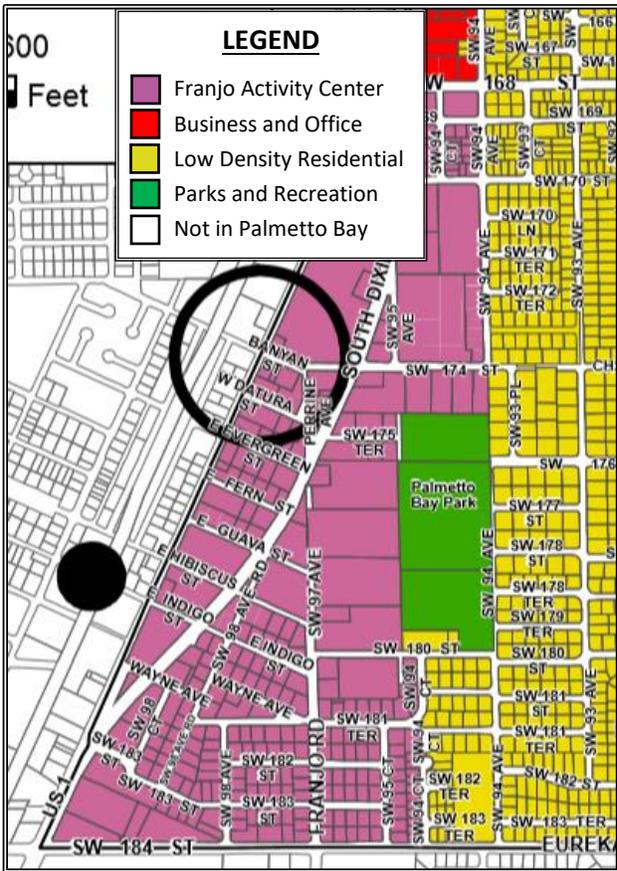
In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than seven (7) days prior to the proceedings.

[www.palmettobay-fl.gov](http://www.palmettobay-fl.gov)

# ATTACHMENT B FUTURE LAND USE MAP AMENDMENT



*Proposed  
Village of Palmetto Bay Future Land Use Map  
(excerpt)*



*Adopted (current)  
Village of Palmetto Bay Future Land Use Map  
(excerpt)*

## **ATTACHMENT C LEGAL DESCRIPTION**

A parcel of land being a portion of Sections 28, 32 and 33 all of Township 55 South, Range 40 East, said parcel of land being more particularly described as follows:

BEGIN at the intersection of the centerline of Southbound Dixie Highway (S.R. 5) and the South line of the Southeast One-Quarter (SE 1/4) of said Section 32, said South line being the centerline of SW 184<sup>th</sup> Street'

THENCE Northeasterly along the said centerline of Southbound Dixie Highway (S.R. 5) to the intersection of the centerline of Northbound Dixie Highway (S.R. 5);

THENCE Southerly along the centerline of Northbound Dixie Highway (S.R. 5) to the intersection with the North line of the Northwest One-Quarter (NW 1/4) of said Section 33, said North line being the centerline of SW 168<sup>th</sup> Street;

THENCE Easterly along said North line of the Northwest One-Quarter (NW 1/4) of Section 33 to the intersection with the East line of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33, said East line being the centerline of SW 94<sup>th</sup> Avenue;

THENCE Southerly along the said East line of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 and along the East line of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 to the intersection with the North line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33;

THENCE Westerly along the said North line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 to the West line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33;

THENCE Southerly along the said West line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 and continue Southerly along the West line of the East One-Half (E 1/2) of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33, said line being the centerline of Park Drive (SW 95<sup>th</sup> Avenue) to the intersection with the North line of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33;

THENCE continue Southerly along the East line of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33 to the North line of Lot 9, Block 1, FRANJO PARK SECTION TWO, Plat Book 65, Page 84, Public Records of Miami-Dade County Florida,

THENCE Westerly along the Westerly prolongation of the said North line of Lot 9, Block 1, to a line being 30 feet West of and parallel with the East line of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33;

THENCE Southerly along said parallel line to the intersection with a line 30 feet North of and parallel with the South line of the North One-Half (N 1/2) of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33;

THENCE Westerly along the said parallel line to the intersection with the East line of the Southeast One-Quarter (SE 1/4) of said Section 32, said East line being the centerline of SW 97<sup>th</sup> Avenue;

THENCE Southerly along the said East line of the Southeast One-Quarter (SE 1/4) of Section 32 to the

intersection with the South line of the said Southeast One-Quarter (SE 1/4) of said Section 32, said South line being the centerline of SW 184<sup>th</sup> Street;

THENCE Westerly along the said South line of the Southeast One-Quarter (SE 1/4) of Section 32 to the POINT OF BEGINNING.



Village of Palmetto Bay  
Florida

STAFF ANALYSIS

FILE: VPB20-001 HEARING DATE: January 13, 2020  
 APPLICANT Village of Palmetto Bay COUNCIL DISTRICT: 3

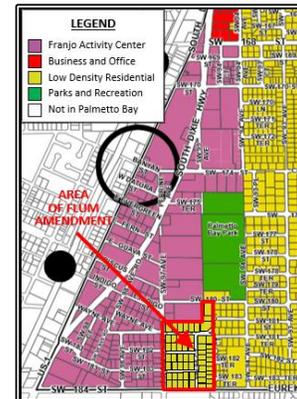
**GENERAL INFORMATION**

**REQUEST:**

The request sponsored by the Mayor and Village Council, is to amend the Village of Palmetto Bay Future Land Use Plan Map and the Village of Palmetto Comprehensive Plan to change the Village of Palmetto Bay Future Land Use Plan Map for the land area and properties described below from *Franjo Activity Center (FAC)* land use designation to *Low Density Residential (LDR)* land use designation. Supporting the future land use map (FLUM) LDR will be a concurrent rezoning for this area from *Downtown Urban Village (DUV)* to *Downtown Urban Village (DUV), Neighborhood Village Sector (NV) and Urban Village Sector to Single Family Residential District (R-1)*. The uses and density/intensity for the changes are provided below.

Table 1  
Future Land Use Category Comparison and Location of Re-designation

Future Land Use Category	FAC	LDR
Permitted Uses	Mixed uses per DUV zoning code	single-family housing and townhomes
Dwelling Units (DU) in Category	up to 5,661 DU total for category	not regulated for category
Commercial Space in Category	up to 1,500,000 square feet floor area	commercial uses not permitted
Density / Intensity	regulated by DUV zoning district 37 properties at 14 DU/acre <sub>gross</sub> 14 properties at 24 to 6 DU/acre <sub>gross</sub>	2.5 to 6 DU/acre <sub>gross</sub>



The proposed Comprehensive Plan text amendment changes Future Land Use Element Policy 1.1.1. concerning the Franjo Activity Center (FAC), retaining existing FAC policy, and also:

- 1) to remove its eligibility for transfer of development rights (TDR);
- 2) to remove the allocation of floating Reserve Residential Units (RRU) and Commercial Reserve Units (CRU); and
- 3) to remove applicability of development bonus programs.

**MAP AMENDMENT:**

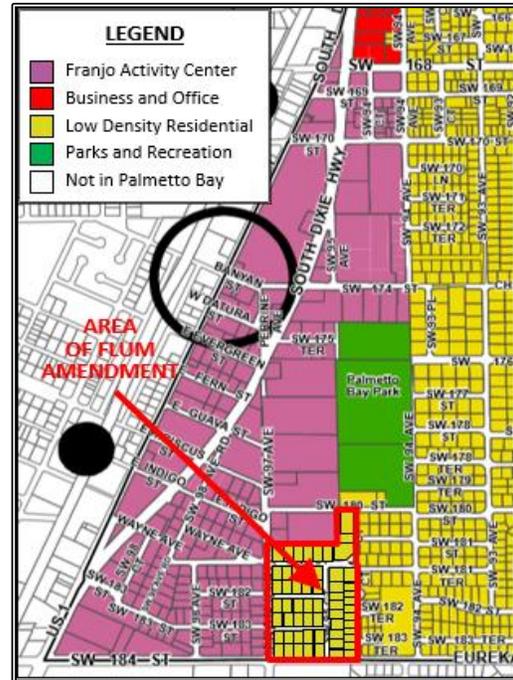
**LOCATION:**

**East: Village of Palmetto Bay**  
 Single-Family Residential Area  
 Low Density Residential (LDR) FLUM designation

**West: Village of Palmetto Bay**  
 Mixed-use downtown redevelopment area  
 Franjo Activity Center (FAC) FLUM designation

**North: Village of Palmetto Bay**  
 Mixed-use downtown redevelopment area  
 Franjo Activity Center (FAC) FLUM designation

**South: Town of Cutler Bay**  
 Retail and office, multi-family residential, single-family residential, private school  
 Mixed Use (MU) FLUM designation



Excerpt of Village of Palmetto Bay adopted Future Land Use Map with proposed

There are five blocks that the proposed FLUM amendment will change. In total, the gross area including rights-of-way is 19.21 acres, with a total of 61 properties comprising a total of 14.89 net acres of land. On the 61 properties are 60 existing single-family homes, mostly. One property is an undeveloped, landlocked parcel belonging to Miami-Dade County.

**Table 2**  
**Affected Properties, Subdivisions, and Land Areas of FLUM Amendment**

ADDRESS	FOLIO	OWNER	SUBDIVISION	EXISTING USE	GROSS LOT AREA sq.ft. (total, acres)	NET LOT AREA sq.ft. (total, acres)	BUILDING FLOOR AREA	YEAR BUILT
<b>BLOCK 1 - partial block north of SW 181 Terrace and west of SW 94 Court</b>					4.05	3.25		
1 9555 SW 181 Terrace	33-5033-008-0040	Claremedica Real Estate, LLC	Franjo Park Sec 1	professional offices	21,282	14,155	1,914	1957
2 9625 SW 181 Terrace	33-5033-008-0020	Rod E Overholt, John M Overholt	Franjo Park Sec 1	single family home	12,960	10,710	1,746	1957
3 behind 9625 SW 181 Tr.	33-5033-000-0931	Miami-Dade County	unplatted	vacant government land	2,700	2,700	0	0
4 9601 SW 181 Terrace	33-5033-008-0030	Alain Turnez, Elizabeth Hernandez Guerra	Franjo Park Sec 1	single family home	15,660	13,410	2,022	1957, 1062
5 9555 SW 181 Terrace	33-5033-008-0040	Hsingchih Lee, Hensu Lu	Franjo Park Sec 1	single family home	15,657	13,407	1,800	1957, 1958
6 9545 SW 181 Terrace	33-5033-008-0050	Pablo L Blanco, Alielkis H Mendez	Franjo Park Sec 1	single family home	15,660	13,410	1,774	1967
7 9525 SW 181 Terrace	33-5033-010-0010	Gardy Constant	Franjo Park Sec 2	single family home	15,660	13,410	1,498	1958, 1966
8 9501 SW 181 Terrace	33-5033-010-0020	Charles E Ousley, Mona Ousley	Franjo Park Sec 2	single family home	18,416	15,041	2,587	1958, 1991
9 18100 SW 94 Court	33-5033-010-0030	Mark G Feldman, Joann Feldman	Franjo Park Sec 2	single family home	15,870	11,745	1,736	1958, 1988
10 18040 SW 94 Court	33-5033-010-0040	Martha B Rivas, Fernando Robiana	Franjo Park Sec 2	single family home	14,975	12,600	1,489	1958
11 18020 SW 94 Court	33-5033-010-0050	Augusto Guell, Gilda Guell	Franjo Park Sec 2	single family home	12,150	9,900	1,409	1958
12 18000 SW 94 Court	33-5033-010-0060	Melanie Lynn Isis, Lester Hal Bodian	Franjo Park Sec 2	single family home	15,537	11,000	1,665	1958, 2012

**Table 2 (continued)**  
**Affected Properties, Subdivisions, and Land Areas of FLUM Amendment**

ADDRESS	FOLIO	OWNER	SUBDIVISION	EXISTING USE	GROSS LOT AREA <small>sq. ft. (total, acres)</small>	NET LOT AREA <small>sq. ft. (total, acres)</small>	BUILDING FLOOR AREA	YEAR BUILT
<b>BLOCK 2 - between SW 181 Terrace and SW 182 Street, east of Franjo Road, west of SW 95 Court</b>					<b>3.20</b>	<b>2.43</b>		
13 9630 SW 181 Terrace	33-5033-008-0100	Angelica & James Atkinson Jr Trust	Franjo Park Sec 1	single family home	17,382	11,305	1,932	1957, 1993
14 9620 SW 181 Terrace	33-5033-008-0090	DuFranc DeGuerre, Gladys DeGuerre	Franjo Park Sec 1	single family home	12,240	10,115	2,305	1957, 1993
15 9600 SW 181 Terrace	33-5033-008-0090	Alexa Smith Hughes	Franjo Park Sec 1	single family home	12,240	10,115	1,715	1957
16 9560 SW 181 Terrace	33-5033-008-0070	Zam Khan Kam, Ngin Lian Mang	Franjo Park Sec 1	single family home	12,240	10,115	2,832	1956, 1982
17 9550 SW 181 Terrace	33-5033-008-0080	Julie F Westrich, Mathew D Westrich	Franjo Park Sec 1	single family home	15,687	11,300	1,886	1957, 1993
18 9545 SW 182 Street	33-5033-008-0150	Rodrigo Cuellar, Bianca Cuellar	Franjo Park Sec 1	single family home	15,687	11,300	1,672	1957
19 9555 SW 182 Street	33-5033-008-0140	Robert E Bijur	Franjo Park Sec 1	single family home	12,240	10,115	1,746	1957
20 9601 SW 182 Street	33-5033-008-0130	Susan P May	Franjo Park Sec 1	single family home	12,240	10,115	1,690	1958
21 9625 SW 182 Street	33-5033-008-0120	Thomas J Snowden, Diane L Snowden	Franjo Park Sec 1	single family home	12,240	10,115	1,862	1958
22 9635 SW 182 Street	33-5033-008-0110	Joy P Hew, Rem Jason Desmond Hew, Karina	Franjo Park Sec 1	single family home	17,382	11,305	1,944	1958
<b>BLOCK 3 - between SW 182 Street and SW 183 Street, east of Franjo Road, west of SW 95 Court</b>					<b>3.21</b>	<b>2.43</b>		
23 9630 SW 182 Street	33-5033-008-0200	Barbara J Golob	Franjo Park Sec 1	single family home	17,382	11,305	1,876	1957
24 9620 SW 182 Street	33-5033-008-0190	Javier Diaz	Franjo Park Sec 1	single family home	12,240	10,115	1,743	1958, 1982
25 9600 SW 182 Street	33-5033-008-0180	Barry D Stevenson	Franjo Park Sec 1	single family home	12,240	10,115	1,997	1958
26 9580 SW 182 Street	33-5033-008-0170	Elga Lopez	Franjo Park Sec 1	single family home	12,240	10,115	1,896	1958
27 9550 SW 182 Street	33-5033-008-0160	Paul John Scholer Trust	Franjo Park Sec 1	single family home	15,687	11,300	1,850	1958
28 9545 SW 183 Street	33-5033-008-0250	OM Valuations, Inc.	Franjo Park Sec 1	single family home	15,687	11,300	1,991	1958, 2009
29 9555 SW 183 Street	33-5033-008-0240	Wallace A Marljar, Helen R Marljar	Franjo Park Sec 1	single family home	12,240	10,115	1,980	1958
29 9601 SW 183 Street	33-5033-008-0230	Anna Della Bello	Franjo Park Sec 1	single family home	12,240	10,115	1,987	1958, 1993
30 9625 SW 183 Street	33-5033-008-0220	Andrew Ciuro	Franjo Park Sec 1	single family home	12,490	10,115	1,790	1958
31 9635 SW 182 Street	33-5033-008-0210	Luis E Lema, Maria D Lema, Francisco A Lema, Gloria	Franjo Park Sec 1	single family home	17,382	11,305	1,882	1958
<b>BLOCK 4 - between SW 183 Street and SW 184 Street, east of Franjo Road, west of SW 95 Court</b>					<b>3.21</b>	<b>2.43</b>		
32 9630 SW 183 Street	33-5033-008-0300	Carlos Comas, Margarita Comas	Franjo Park Sec 1	single family home	17,382	11,305	1,632	1958, 1993
33 9620 SW 183 Street	33-5033-008-0290	Thomas C Wyss Trust	Franjo Park Sec 1	single family home	12,240	10,115	1,981	1958, 72, 95
34 9600 SW 183 Street	33-5033-008-0280	Richard Torres	Franjo Park Sec 1	single family home	12,240	10,115	1,695	1958, 1971
35 9580 SW 183 Street	33-5033-008-0270	Luis De Jesus Menendez, Etelvina M Meana	Franjo Park Sec 1	single family home	12,240	10,115	1,862	1958, 1973
36 9550 SW 183 Street	33-5033-008-0260	Lisa L Lungaro	Franjo Park Sec 1	single family home	15,687	11,300	1,467	1958, 1976
37 9545 SW 184 Street	33-5033-008-0350	Milton Martinez	Franjo Park Sec 1	single family home	15,687	11,300	2,455	1958, 93, 201
38 9555 SW 184 Street	33-5033-008-0340	Rosibel Martinez	Franjo Park Sec 1	single family home	12,240	10,115	1,401	1958
38 9601 SW 184 Street	33-5033-008-0330	Farrell M Sippel, Carol Sippel	Franjo Park Sec 1	single family home	12,240	10,115	1,676	1958, 1993
39 9625 SW 184 Street	33-5033-008-0320	Rolando Bocos	Franjo Park Sec 1	single family home	12,490	10,115	1,558	1958, 1962
40 9635 SW 184 Street	33-5033-008-0310	Joe W Longwith, Myrtice Longwith	Franjo Park Sec 1	single family home	17,382	11,305	1,843	1958, 1969

**Table 2 (continued)**  
**Affected Properties, Subdivisions, and Land Areas of FLUM Amendment**

ADDRESS	FOLIO	OWNER	SUBDIVISION	EXISTING USE	GROSS LOT AREA <small>sq. ft. (total, acres)</small>	NET LOT AREA <small>sq. ft. (total, acres)</small>	BUILDING FLOOR AREA	YEAR BUILT	
<b>BLOCK 5 - between SW 181 Terrace and SW 184 Street, east of SW 95 Court, west of SW 94 Court</b>					<b>5.53</b>	<b>4.35</b>			
41	9470 SW 181 Terrace	33-5033-010-0070	Camille Gilbreath	Franjo Park Sec 2	single family home	25,500	19,588	3,043	1958, 1965
42	18135 SW 95 Court	33-5033-010-0080	Aurelio Baroniell, Susan Alonso	Franjo Park Sec 2	single family home	17,848	12,811	1,528	1958
43	18145 SW 95 Court	33-5033-010-0090	Manuel J Faundes, Kelley Callan Faundes	Franjo Park Sec 2	single family home	13,177	11,052	2,042	1958, 76, 94
44	18155 SW 95 Court	33-5033-010-0100	Luis B Gonzalez	Franjo Park Sec 2	single family home	13,411	11,036	1,783	1958, 1993
45	18201 SW 95 Court	33-5033-010-0110	Andrzej Nowak, Krstyna Nowak	Franjo Park Sec 2	single family home	13,139	11,014	2,434	1985
46	18211 SW 95 Court	33-5033-010-0120	Karen Robbins, James Robbins	Franjo Park Sec 2	single family home	13,368	10,993	2,747	1962, 1993
47	18221 SW 95 Court	33-5033-010-0130	Angela R Berry	Franjo Park Sec 2	single family home	13,221	10,971	3,107	1994
48	18301 SW 95 Court	33-5033-010-0140	Elizabeth M Webster Trust	Franjo Park Sec 2	single family home	13,199	10,949	2,411	1971
49	18311 SW 95 Court	33-5033-010-0150	Maria Del Pilar Ulloa	Franjo Park Sec 2	single family home	13,177	10,927	2,411	1971
50	18321 SW 95 Court	33-5033-010-0160	Patience Eboeime, Mamille Felix	Franjo Park Sec 2	single family home	18,353	12,116	1,696	1969
51	18342 SW 94 Court	33-5033-052-0010	IH3 Property Florida LP	Emerald Oaks	single family home	10,400	5,863	1,892	2000
52	18332 SW 94 Court	33-5033-052-0020	Allen Eagle, Mary Eagle	Emerald Oaks	single family home	7,511	6,011	1,506	2000
53	18322 SW 94 Court	33-5033-052-0030	CPF Properties, LLC	Emerald Oaks	single family home	7,516	6,016	1,992	2000
54	18312 SW 94 Court	33-5033-052-0040	Radames Marrero, Nancy Marrero	Emerald Oaks	single family home	7,522	6,022	1,506	2000
55	18302 SW 94 Court	33-5033-052-0050	Eric E Arneson, Tenaye Arneson	Emerald Oaks	single family home	7,526	6,026	2,305	2000
56	18252 SW 94 Court	33-5033-052-0060	Frederic T Friedman	Emerald Oaks	single family home	7,531	6,031	1,520	2000
57	18242 SW 94 Court	33-5033-052-0070	Gecheng Zha	Emerald Oaks	single family home	7,537	6,037	1,892	1999
58	18232 SW 94 Court	33-5033-052-0080	Alexey Titov, Julia Titov	Emerald Oaks	single family home	7,540	6,040	1,892	1999
59	18222 SW 94 Court	33-5033-052-0090	Fuad Shakeer, Vidya Shakeer	Emerald Oaks	single family home	7,545	6,045	2,305	1999
60	18212 SW 94 Court	33-5033-052-0100	18212 Investments, LLC	Emerald Oaks	single family home	7,566	6,066	1,892	2000
61	18202 SW 94 Court	33-5033-052-0110	Firoze M Nizam	Emerald Oaks	single family home	8,446	7,739	1,892	2001
<b>TOTAL FOR ALL 5 BLOCKS</b>						<b>19.21</b>	<b>14.89</b>	<b>60 homes</b>	

**Legal Description**

A parcel of land being a portion of Sections 28, 32 and 33 all of Township 55 South, Range 40 East, said parcel of land being more particularly described as follows:

BEGIN at the intersection of the centerline of Southbound Dixie Highway (S.R. 5) and the South line of the Southeast One-Quarter (SE 1/4) of said Section 32, said South line being the centerline of SW 184<sup>th</sup> Street;

THENCE Northeasterly along the said centerline of Southbound Dixie Highway (S.R. 5) to the intersection of the centerline of Northbound Dixie Highway (S.R. 5);

THENCE Southerly along the centerline of Northbound Dixie Highway (S.R. 5) to the intersection with the North line of the Northwest One-Quarter (NW 1/4) of said Section 33, said North line being the centerline of SW 168<sup>th</sup> Street;

THENCE Easterly along said North line of the Northwest One-Quarter (NW 1/4) of Section 33 to the intersection with the East line of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33, said East line being the centerline of SW 94<sup>th</sup> Avenue;

THENCE Southerly along the said East line of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 and along the East line of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 to the intersection with the North line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33;

THENCE Westerly along the said North line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 to the West line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33;

THENCE Southerly along the said West line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 and continue Southerly along the West line of the East One-Half (E 1/2) of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33, said line being the centerline of Park Drive (SW 95<sup>th</sup> Avenue) to the intersection with the North line of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33;

THENCE continue Southerly along the East line of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33 to the North line of Lot 9, Block 1, FRANJO PARK SECTION TWO, Plat Book 65, Page 84, Public Records of Miami-Dade County Florida,

THENCE Westerly along the Westerly prolongation of the said North line of Lot 9, Block 1, to a line being 30 feet West of and parallel with the East line of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33;

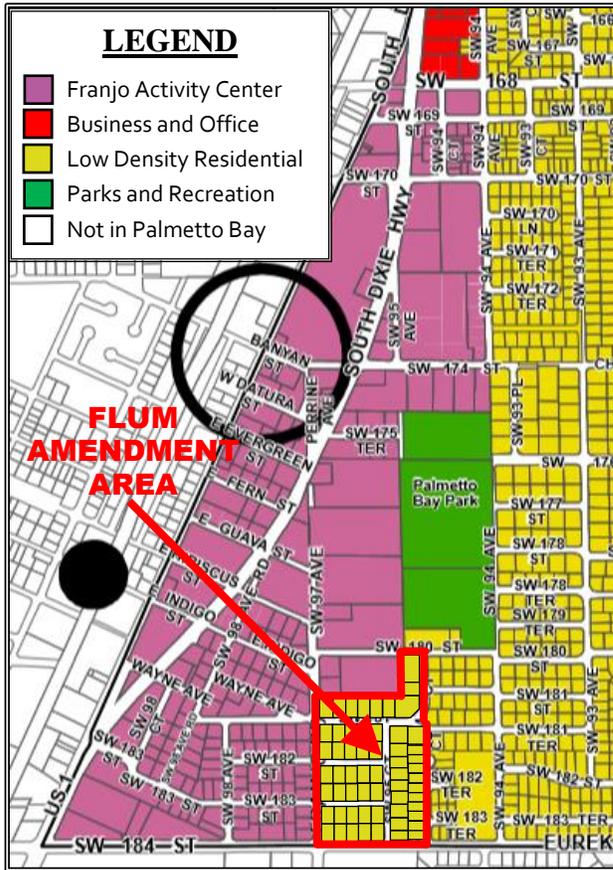
THENCE Southerly along said parallel line to the intersection with a line 30 feet North of and parallel with the South line of the North One-Half (N 1/2) of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33;

THENCE Westerly along the said parallel line to the intersection with the East line of the Southeast One-Quarter (SE 1/4) of said Section 32, said East line being the centerline of SW 97<sup>th</sup> Avenue;

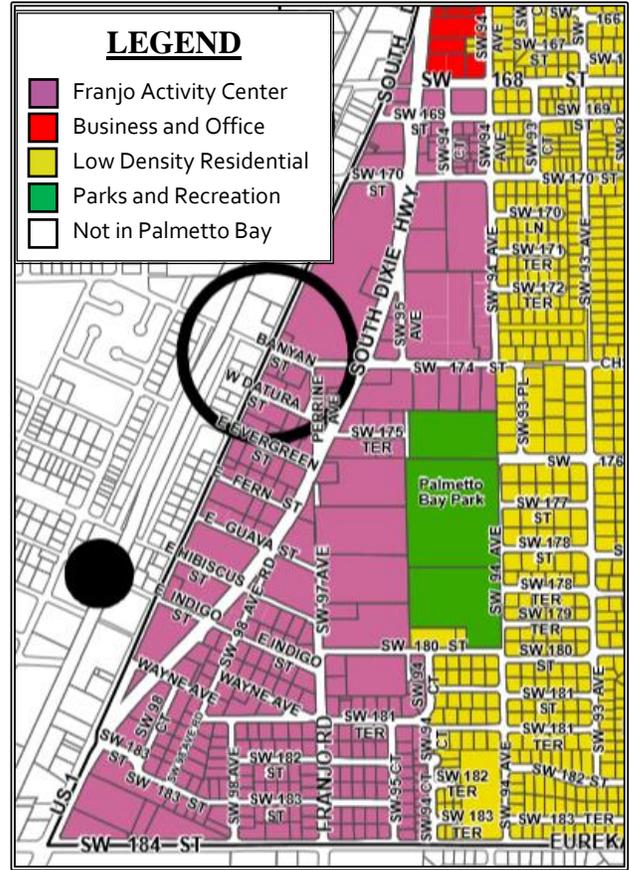
THENCE Southerly along the said East line of the Southeast One-Quarter (SE 1/4) of Section 32 to the intersection with the South line of the said Southeast One-Quarter (SE 1/4) of said Section 32, said South line being the centerline of SW 184<sup>th</sup> Street;

THENCE Westerly along the said South line of the Southeast One-Quarter (SE 1/4) of Section 32 to the POINT OF BEGINNING.

### Future Land Use Map Amendment



Excerpt of Proposed  
Village of Palmetto Bay Future Land Use Map



Excerpt of Adopted (current)  
Village of Palmetto Bay Future Land Use Map

## **PROPOSED ORDINANCE – COMPREHENSIVE PLAN AMENDMENT**

An ordinance of the Mayor and Village Council of Palmetto Bay, Florida, relating to the Village of Palmetto Bay's adopted Comprehensive Plan and adopted Future Land Use Map, by amending the text of Policy 1.1.1. of the Comprehensive Plan Future Land Use Element as per attachment "A" (*maps on page 6*); and amending the Future Land Use Map from Franjo Activity Center (FAC) to Low Density Residential on the southeastern portion of the "FAC" perimeter from SW 97<sup>th</sup> Avenue to SW 94<sup>th</sup> Court in the west to east direction and SW 181<sup>st</sup> Street to SW 184<sup>th</sup> Street in the north to south direction as per attachment "B" (*legal description on pages 4-5*); and providing for an effective date.

### **Village of Palmetto Bay Comprehensive Plan Future Land Use Element Policy Amendment**

*(deletions to Policy 1.1.1 shown in red strike-through format. Additions shown in black underline format.)*

Policy 1.1.1 Estate Density Residential (EDR): The residential densities allowed in this category shall not exceed 2.5 dwelling units per gross acre. This density category is characterized solely by detached single family homes on relatively large lots.

Low Density Residential (LDR): The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by detached single family housing. It could also include large fee-simple townhomes with extensive surrounding open space or a mixture of both housing types, provided that the maximum gross density is not exceeded.

Low-Medium Density Residential (LMDR): This category allows a range in density from a minimum of 5.0 to a maximum of 13.0 dwelling units per gross acre. The types of housing typically found in areas designated as low-medium density include single-family homes, townhouses, and low-rise condominiums /apartments. Zero-lot line single-family developments in this category shall not exceed a density of 7.0 units per gross acre.

Medium Density Residential (MDR): This category allows a range in density from a minimum of 14.0 to 23.0 dwelling units per gross acre. The types of housing typically found in areas designated as medium density include townhouses, low-rise condominiums/apartments, and high-rise condominiums/apartments.

Medium-High Density Residential (MHDR): This category allows a range in density from a minimum of 24.0 to 40.0 dwelling units per gross acre and/or up to 70.0 hotel units, including townhouses, low and high-rise condominiums/apartments and hotel units. Ancillary or auxiliary uses associated with high density use,

including common area sport use, tennis courts, pool, gymnasium, and/or restaurant bar are provided under this district.

Office and Residential (OR): Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Developments under this category must be compatible with any existing, zoned or Plan-designated adjacent and nearby land uses. The maximum scale and intensity of development shall be based on, and compatible with, the proximity and scale of adjacent and nearby residential uses. Points of ingress and egress, including service drives, for office and hotel uses must be located away from adjacent and nearby residential uses. The residential portions of OR sites must also be designed to transition to adjacent existing residential parcels with substantial and effective visual and acoustic buffering. Residential density may be approved up to one density category higher than the average land use density of adjacent parcels. If no residentially-designated parcels exist adjacent to an OR parcel or no higher density categories exist on the Village FLUM, the maximum density allowed shall be 13.0 units per gross acre.

When residential uses are mixed with office uses, the overall scale and intensity shall be no greater than that which would be approved if the parcel was in either office only or residential use only, whichever is higher. Within the OR category, business uses ancillary and to serve the on-site uses may be integrated in an amount not to exceed 15.0 percent of the total floor area. The maximum floor area ratio (FAR) permitted is 0.4 for a one-story building and 0.6 for a two-story building.

Business and Office (BO): This category accommodates the full range of sales service activities including retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, theaters, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments (such as private commercial marinas). These uses may occur in self-contained centers, high rise structures, campus parks and municipal centers business districts. The specific range and intensity of uses appropriate in BO areas vary by location as a function of such factors as availability of public services, roadway access and neighborhood compatibility. Special limitations may be imposed on uses in BO where necessary to protect environmental resources including wellfield protection areas. Through the assignment of zoning districts and special conditions, the specific range and intensity of uses appropriate for a specific site will be determined. Strip commercial shopping centers with inadequate lot depth, which allow only a single row of commercial structures and parking in front, are discouraged in this designation. The floor area ratio (FAR) is 0.4 for the first story, plus 0.11 for each additional story up to six (6) stories.

Mixing of residential use with commercial, office, and hotels is also permitted in BO areas provided that the scale and intensity is not out of character with adjacent nearby development, and the project does not negatively affect any area neighborhoods. Where these conditions are met, residential density may be approved up to one density category higher than the average land use density of adjacent parcels. If no residentially-designated parcels exist adjacent to a BO

parcel or no higher density categories exist on the Village FLUM, the maximum density allowed shall be 13.0 units per gross acre.

Institutional Use (IU): The IU category allows hospitals, non-profit medical facilities, fire-rescue stations, cemeteries, libraries, solid waste transfer stations, private and public utility plants and facilities, government offices and facilities, and military installations. Offices are allowed in this category. Internally integrated business areas, up to 10 percent of the total IU development floor area, may also be approved in this category. Major utility facilities allowed in the IU should generally be located away from residential areas. The Business and Office land use category intensity requirements are applied to all development in this category.

Civic Use (CU): This land use designation allows primarily universities and colleges, cemeteries, churches, public and private schools. Offices are allowed in this category. Internally integrated business areas, up to 10 percent of the total CU development floor area, may also be approved.

Village Mixed Use (VMU): The land use designation is designed to encourage compact, mixed-use development comprised of business, office, residential, civic, institutional, recreation, open space, and hotel. Development must emphasize the efficient reuse of existing infrastructure, preservation of natural systems, integration of pedestrian and bicycle facilities, and an urban form characterized by close-knit neighborhoods and sense of community. The minimum VMU parcel size is 25.0 gross acres. Each parcel must also adhere to a unified "Development Plan" established through a public charrette process to specify the permitted uses, densities/intensities, building scale and types, and design features and controls. Residential density shall range from a minimum of 5.0 to a maximum of 10.0 dwelling units per gross acre, subject to the approved Development Plan. Non-residential intensities should average a floor area ratio (FAR) of 0.5; subject to limits adopted as part of an approved "Master Plan".

The mix of uses proposed in any "Master Plan" accepted by the Village Council for a VMU site will be adopted into the Future Land Use Element of this Comprehensive Plan during the next regularly scheduled amendment cycle.

Franjo Activity Center (FAC): This designation encourages development or redevelopment that seeks to facilitate multi-use and mixed-use projects that encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, provide for the efficient use of land and infrastructure, provide for urban civic open space, and give definition to a pedestrian urban form. The Franjo Activity Center is intended to support the achievement of a residential to non-residential balance that increases the opportunities for transportation demand management alternatives including but not limited to walking and transit, reduced vehicle miles traveled, and reduced single use trips. The Franjo Activity Center shall serve as a significant, multifamily, employment, office and commercial center of the Village.

Development within the Franjo Activity Center shall:

1. Focus on the effective mix of office, service, retail, entertainment, residential, community facilities, open space and transportation uses that will promote a lively, livable, and successful downtown area;

2. Encourage a pedestrian oriented core;
3. Promote mass transit and other forms of transportation as an alternative to the automobile that will link to the Miami-Dade mass transit system and the Village's local I-bus service or any predecessor service thereto;
4. Encourage the integration of transportation and transit systems with land use;
5. Allow for development and redevelopment activities at varying density and intensity ranges, ~~and allow for the transfer of densities and intensities for properties within the boundaries of the FAC, as may be permitted by the Village;~~
6. Promote compact, innovative land development;
7. Promote creative siting of buildings, transportation routes, and open space to create vistas that will unite the downtown areas, link the downtown with the rest of Franjo Activity Center area, and

Total densities and intensities of development within the Franjo Activity Center shall be as follows:

- Residential Land Uses – 5,661 dwelling units, ~~of which 1,246 are to be held in reserve by the Village to be allocated by the Village at the time of site plan approval;~~
- Commercial/Office/Retail – 1,500,000 square feet, ~~of which 500,000 square feet are held in reserve to be allocated by the Village at the time of site plan approval.~~
- Urban Open Space/ Recreation Uses with a level of service within the FAC of .25 acres per 1,000 residents within the FAC.

Community facilities will continue to be permitted with the FAC designation. Industrial uses and those uses which are determined to be detrimental to the goals of the FAC Master Plan are prohibited.

~~The Village may use innovative land development regulations such as transit and pedestrian oriented development, transfer development rights, development bonuses and minimum land use densities/intensities to ensure an appropriate land use pattern for the Franjo Activity Center. These regulations shall encourage the integration of transportation and transit systems with land use in order to promote effective multi-modal transportation.~~

Environmental Protection (EP): Parcels designated EP are environmentally-sensitive lands under the ownership of government or non-profit entities. No development except low intensity, passive recreational uses are permitted. Limited administrative office, retail, and storage uses incidental to protection use are allowed.

Parks and Recreation (PR): The Future Land Use Map (FLUM) specifically illustrates larger park and recreation areas, as well as, golf courses. Compatible parks are encouraged in all residential land use categories. The siting and use of future parks and recreation areas shall be guided by the Recreation and Open Space Element and the Capital Improvements Element of this plan, and by other applicable goals,

objectives, and policies of the Comprehensive Plan. Certain commercial activities ancillary to recreational uses and related to resources of the park, such as boat supply stores, fuel docks, or tennis and golf clubhouses are also permitted and may be considered for approval in the PR category. Other commercial recreation, entertainment or cultural uses may also be considered for approval in the PR category if they would enhance the quality, utility, or enjoyment of the site and its natural, historical, or archeological resources and facilities.

Environmentally Protected Parks (EPP): This category includes existing lands that are environmentally sensitive and/or exhibit unique archeological features. All EPP areas shall be managed consistent with the goals, objectives, and policies for development of the applicable environmental resources or protection area. Accordingly, resource-enhancing facilities including boardwalks, nature trails, canoe trails and launches, and interpretive facilities may be provided in these areas.

Agricultural Use (AU): This FLUM category is applied to existing lands in active agricultural use. Agricultural land uses include crops, groves, and other types of typical agricultural activities. Residential density is limited to no more than one (1) dwelling unit per five (5) gross acres.

Water Bodies (WB): Major existing inland canals, lakes, and other water bodies are shown on the FLUM. No residential or non-residential development is permitted. Access and usage facilities such as docks and boat ramps are permitted subject to the approval of the jurisdiction with authority over the water body, the Village Council, and the Miami-Dade County Department of Regulatory and Economic Resources.

## **BACKGROUND**

The Local Planning Agency (LPA) hearing is held pursuant to the requirements of the State of Florida Growth Management Act, Ch. 163.3174 Florida Statutes, with the criteria for the expedited amendment process governed by Ch. 163.3184. Both are excerpted and contained in Appendix A.

The Comprehensive Plan amendment decision criteria are provided by the Village of Palmetto Bay land development regulations contained in Section 30-30.8 of the Village of Palmetto Bay code. The pertinent section of the Growth Management Act and of the Village code are also excerpted below.

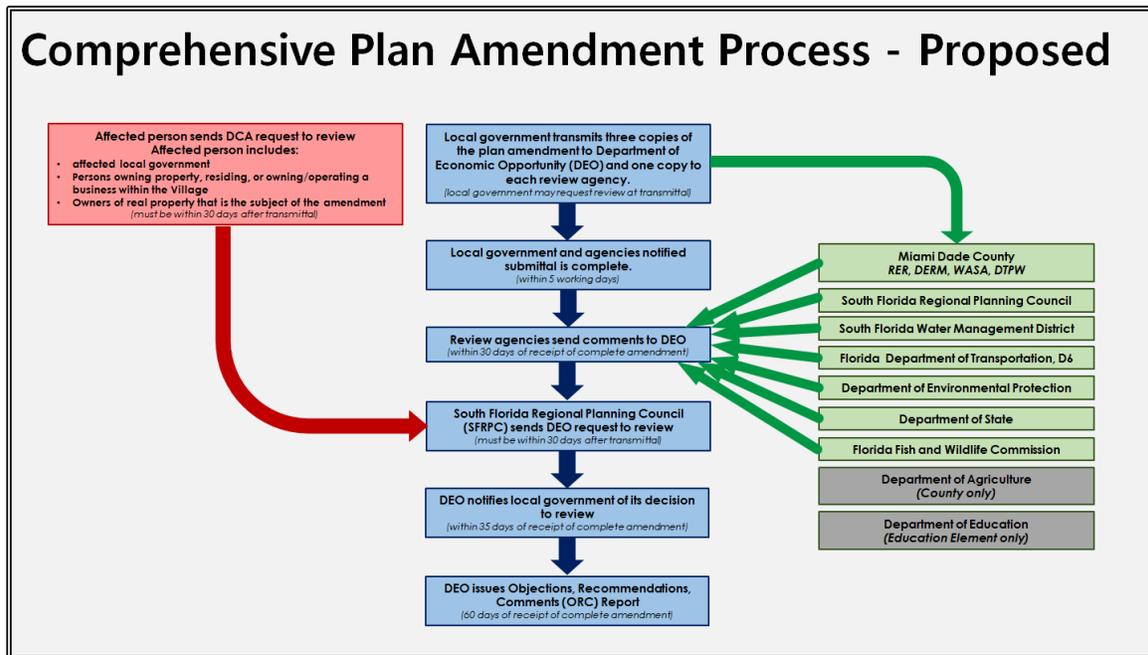
### ***Sec. 30-30.8. - Amendment to the comprehensive plan.***

- (a) *Application. An application for an amendment to the text of the comprehensive plan or to the future land use map of the plan shall follow the general procedures of subsection 30-30.2(a)–(f), except that the village or its representatives shall not be required to submit an application. An amendment to the comprehensive plan shall be by ordinance and comply with the requirements of F.S. § 166.041.*
- (1) *The application shall contain at least the following information:*
- a. *A statement identifying the section proposed to be amended.*
  - b. *An explanation of the text of the amendment desired.*
  - c. *An explanation of the need and justification for the proposed change, including the data and analysis that supports the amendment.*
  - d. *An explanation of the how the proposed amendment meets the requirements of F.S. § 163.3161, et seq., "The Local Government Comprehensive Planning and Land Development Regulation Act."*
- (2) *For an amendment to the future land use map, the application shall also include the following information:*
- a. *A legal description and a description by street address of the property whose land use designation is proposed to be changed.*
  - b. *Current and proposed future land use map designation for the subject property.*
  - c. *The existing and proposed zoning designation for the subject property.*
  - d. *The existing and proposed use of the subject property, if applicable.*
- (b) *Process and criteria for review. All proposed amendments, regardless of the source, shall be evaluated by the department of planning and zoning, the local planning agency and the village council. If the amendment is proposed by the village, the village shall prepare the necessary information for the amendment to be reviewed pursuant to the requirements of F.S. § 163.3161. In evaluating proposed amendments, the village council shall consider the following criteria:*
- (1) *Whether the proposal is internally consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.*
  - (2) *Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing comprehensive plan, and whether the changes support or work against the proposed amendment.*
  - (3) *Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring*

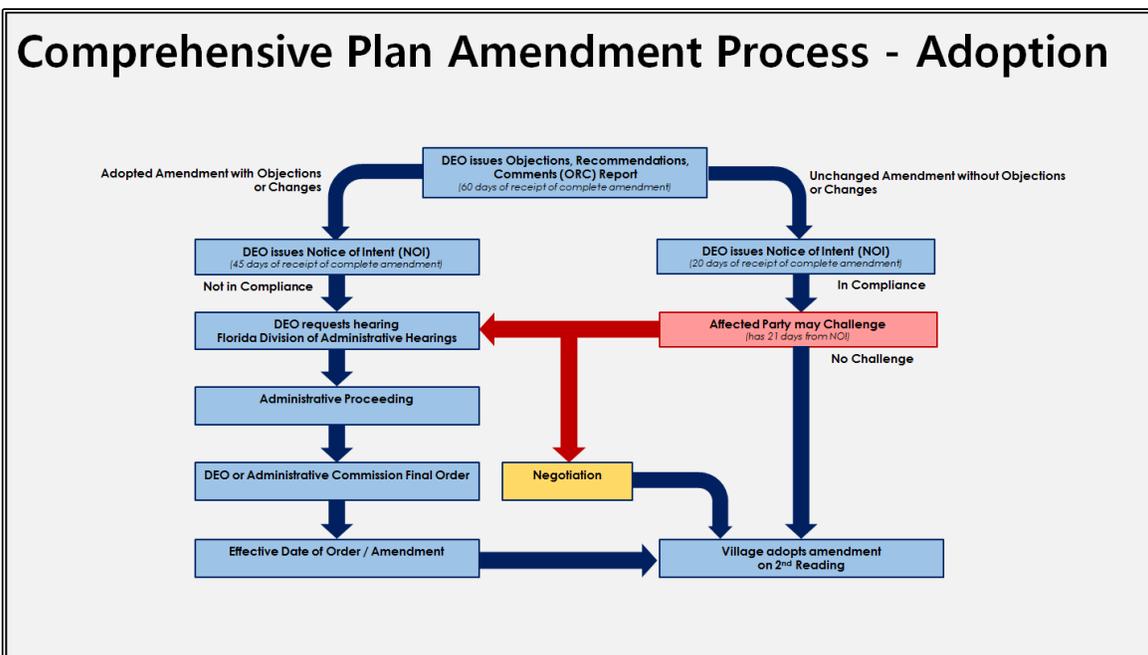
- properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use.*
- (4) Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.*
  - (5) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.*
  - (6) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the comprehensive plan.*
  - (7) Whether the proposed amendment meets the requirements of F.S. § 163.3161, entitled "The Local Government Comprehensive Planning and Land Development Regulation Act."*
  - (8) Other matters which the local planning agency or the village council, in its legislative discretion, may deem appropriate.*
- (c) Final action by the village council. The applicant shall be advised of the time and place of the village council meetings. The notice and hearings on the proposed amendment shall comply with the requirements of this chapter, F.S. Ch. 163 and § 166.041. After the necessary public hearing(s), the village council shall take action to deny or approve the application, or approve it with modifications or conditions for purposes of transmittal to the Florida Department of Community Affairs (DCA) pursuant to F.S. § 163.3161.*
- (1) If denied, the applicant may resubmit the application as provided under section 30-30.2.*
  - (2) If approved for purposes of transmittal, the village shall thereafter provide the necessary administrative support for the department of community affair's review process required under F.S. § 163.3161 et seq., the village council shall have the legislative discretion to adopt, adopt with conditions, or not adopt the amendment once the state review process has been completed.*
- (Ord. No. 09-28, § 1, 12-7-2009)*

Subsequent to the LPA referral, the first reading of the amendment to the Future Land Use Map is scheduled for January 27, 2020 if the Village of Palmetto Bay Local Planning Agency refers the amendment to the Village Council. At the first reading of the Future Land Use Element and Future Land Use Plan amendment to transmit for State and intergovernmental review, the companion amendment to the Downtown Urban Village (DUV) zoning code, Section 30-50.23, will also be brought before the Village Council for its decision on first reading, based on the criteria contained in Section 30-30.6 of the Village of Palmetto Bay code. The transmittal of the proposed Comprehensive Plan amendment is summarized by the exhibit below.

After transmittal, the proposed comprehensive plan amendment will be reviewed by the DEO and other state and local agencies, governments and other jurisdictions. Within 60 days of transmittal, the DEO will determine the results of its review, incorporating the review of other agencies, and issue its Objections, Recommendations and Comments (ORC) Report. After receiving the ORC Report, the Village will respond to the objections, recommendations and comments contained therein and continue with the process of adoption. If there are no objections from affected parties (resulting in an administrative hearing process), then 30 days after adoption, the amendment becomes effective. At the time of or subsequent to 30 days after adoption, the companion zoning map amendment if approved will also become effective. The process for adoption of the transmitted amendment is summarized by the exhibit below.



*Comprehensive Plan Amendment Process, Expedited Review –after transmittal on first reading*



*Comprehensive Plan Amendment Process, Expedited Review –adoption process for second reading after receipt of State Department of Economic Opportunity (DEO) and intergovernmental agency comments*

For reference to the subsequent first reading, the proposed amendments to the DUV zoning code will be the companion item to the Comprehensive Plan amendment. The criteria for the criteria for the amendment of the zoning ordinance are governed by the Village of Palmetto Bay land development regulations contained in Section 30-30.7 of the Village of Palmetto Bay code. The pertinent section of the Village code is excerpted below, and the following exhibit compares the criteria for the Comprehensive Plan amendment by Section 30-30.8 and the amendment of the zoning code by Section 30-30.7. At the first reading, the staff will provide a combined report for the amendment to the Comprehensive Plan and the zoning code.

***Sec. 30-30.7. - Amendment to the official zoning map or the text of the Land Development Code.***

- (a) *Application. Application for an amendment to the text of this chapter or to the official zoning map shall follow the general procedures of section 30-30.2, except that the village or its representatives shall not be required to submit an application. The application shall be approved by the adoption of an ordinance reflecting the map or code change and comply with F.S. § 166.041. The application shall contain at least the following information:*
- (1) *A statement identifying the text or map area proposed to be amended.*
  - (2) *An explanation of the text of the amendment desired.*
  - (3) *An explanation of the need and justification for the proposed change.*
  - (4) *For an amendment to the official zoning map, the application shall also include the following information:*
    - a. *A legal description and a description by street address of the property whose zoning designation is proposed to be changed.*
    - b. *Current and proposed comprehensive plan land use map designation for the subject property.*
    - c. *The existing and proposed zoning designation for the subject property.*
    - d. *The existing and proposed use of the subject property, if applicable.*
- (b) *Process and criteria for review. All proposed amendments, regardless of the source, shall be evaluated by the department of planning and zoning, the local planning agency and the village council. In evaluating proposed amendments, the village council shall consider the following criteria:*
- (1) *Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the village's concurrency management program.*
  - (2) *Whether the proposal is in conformance with all applicable requirements of Chapter 30.*
  - (3) *Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.*
  - (4) *Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.*
  - (5) *Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services; would exceed the capacity of the facilities and*

- services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.*
- (6) Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.*
  - (7) Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.*
  - (8) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on land use pattern shall be identified.*
  - (9) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of Chapter 30.*
  - (10) Other matters which the local planning agency or the village council in its legislative discretion may deem appropriate.*
- (c) Final action by the village council. The applicant shall be advised of the time and place of the village council meeting. The notice and hearings on the proposed amendment shall be provided pursuant to this chapter, F.S. Ch. 163 and F.S. § 166.041. After the necessary public hearing(s), the village council shall take action to deny, approve the application, or approve it with modifications or conditions. If denied, the applicant may re-submit the application as provided for under section 30-30.2.*
  - (d) Official zoning map. Each amendment to zoning district boundaries or other zoning requirement as portrayed on the official zoning map shall be entered promptly on the official zoning map after the amendment has been approved by the village council. The village shall be responsible for assuring that the physical updating and amendment of the official zoning district map is carried out in a timely manner.*
  - (e) Zoning in progress, hold on permits or certificate of uses. When an amendment to Chapter 30 or a rezoning of a parcel of land has been approved on first reading by the village council, no development application pending before the village with respect to the area or text which is the subject of the proposed amendment shall be approved unless the development application would be in conformity with both the existing legislation and the proposed legislation for a period of six months from the date of the approval on first reading by the village council. This period may be extended one time for an additional three months by resolution of the village council.*
- (Ord. No. 09-28, § 1, 12-7-2009)*

**Table 3**  
**Comparison of Village Criteria for**  
**Comprehensive Plan Amendments and Zoning Amendments**

CRITERIA	COMPRE- HENSIVE PLAN AMENDMENT	ZONING AMENDMENT	LPA report
Whether the proposal is internally consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.	30-30.8(b)(1)	30-30.7(b)(1)	p. 29
Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing comprehensive plan, and whether the changes support or work against the proposed amendment	30-30.8(b)(2)	30-30.7(b)(3)	p. 43
Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use.	30-30.8(b)(3)	30-30.7(b)(4)	p. 43
Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.	30-30.8(b)(4)	30-30.7(b)(7)	p. 44
Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.	30-30.8(b)(5)	30-30.7(b)(8)	p. 48
Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the comprehensive plan.	30-30.8(b)(6)	30-30.7(b)(9)	p. 48
Whether the proposed amendment meets the requirements of F.S. § 163.3161, entitled "The Local Government Comprehensive Planning and Land Development Regulation Act.	30-30.8(b)(7)	Not Applicable	p. 49
Whether the proposal is in conformance with all applicable requirements of Chapter 30.	Not Applicable	30-30.7(b)(2)	-
Other matters which the local planning agency or the village council, in its legislative discretion, may deem appropriate.	30-30.8(b)(8)	30-30.7(b)(10)	p. 49
Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.	Not Applicable	30-30.7(b)(5)	-
Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.	Not Applicable	30-30.7(b)(6)	-



On January 24, 1957, an application by Porter-Wagor-Russell, Inc. was filed with Dade County to rezone approximately 30 acres of land that include the parts within this FLUM amendment from AU (Agricultural) to RU-1 (single-family residential) in order to plat and develop for single family residential homes on the site. The application also included a special permit request to construct a community water system including wellfields, pumphouse, and water treatment and storage plant in specific areas of the site. By Resolution 11060, the application for rezoning and the community water system was approved with conditions. The conditions do not affect the amendment. Homes were constructed in the Franjo Park, Section 1 and Section 2 Subdivision in 1957 and 1958.

### Emerald Oaks Subdivision

On November 11, 1956, an application by Estate Builders was filed with the Miami-Dade County Board of County Commissioners that was approved on July 27, 1972 by Resolution Z18272. There are no records available at this time that provide additional detail.

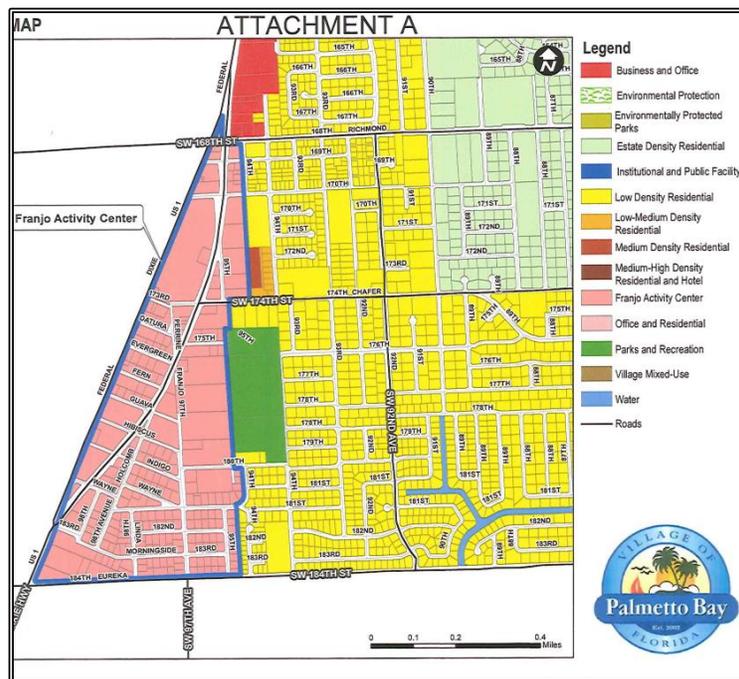
On April 30, 1986, the Miami-Dade County Board of County Commissioners approved and appeal of administrative decision, with the overrule and reversal permitting plans entitled "The Salvation Army South Dade Corps", dated January 15, 1985 were in accord with the permitted plans approved by the Board under Resolution Z-295-74, adopted October 8, 1974.

Homes were constructed in the Emerald Oaks Subdivision between 1999 and 2001.

### Franjo Activity Center (FAC) Designation

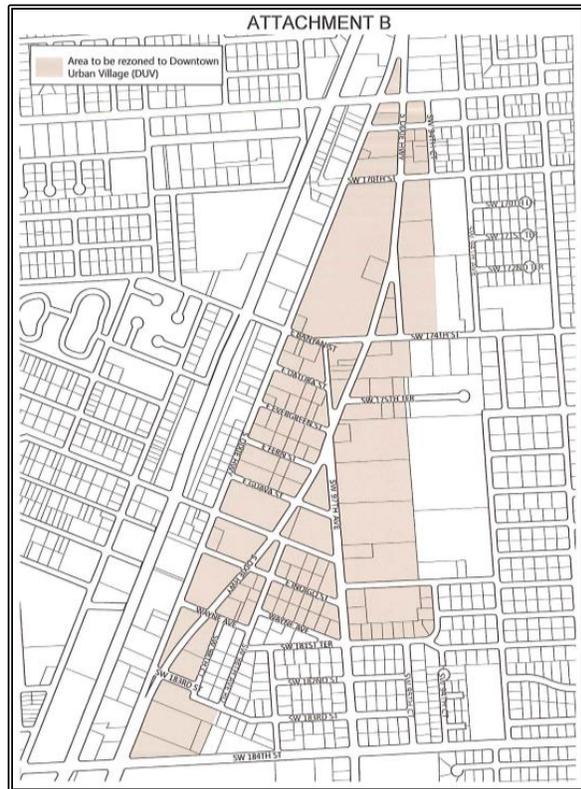
On December 14, 2015, the Village of Palmetto Bay Council approved Ordinance 2015-18, adopting comprehensive plan amendment to change the Future Land Use Map and corresponding text in the Future Land Use Element from: Low-Density Residential, Low-Medium Density Residential, Medium-Density Residential, Business-Office, Neighborhood Mixed-Use and Mixed-Use Corridor to Franjo Activity Center (FAC) along with textual changes defining the intent of the designation as well as total densities and intensities.

The area encompassed by the re-designation is shown in the Attachment A, excerpted from Ordinance 2015-18.



### Downtown Urban Village (DUV) Rezoning

On December 14, 2015, the Village of Palmetto Bay Council approved Ordinance 2015-19, adopting rezoning of the lands described by Attachment B, which is the same as the boundaries of the Franjo Activity Center (FAC) from: R-1, Single Family District; R-2, Two-Family Residential District; R-4L, Limited Apartment House District; R-4H, Hotel Motel District; R-O, Business-Office; MM, Mixed-Use Main Street; MN, Mixed-Use Neighborhood; and MC, Mixed-Use Commercial; to DUV, Downtown Urban Village. The area encompassed by the redesignation is shown in the exhibit to the right, "Attachment B" from the ordinance.



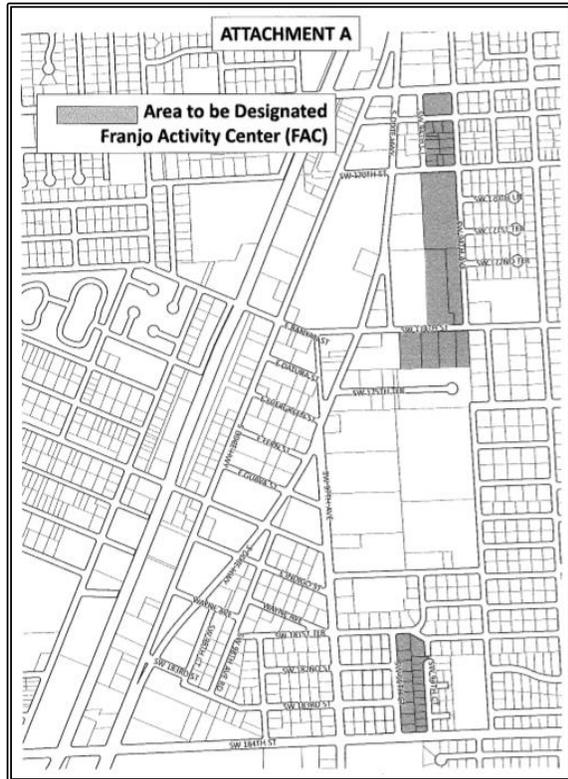
### Downtown Urban Village (DUV) Rezoning – First Addition

On January 4, 2016, the Village of Palmetto Bay Council approved Ordinance 2016-04, adopting rezoning of the lands described by Attachment B, from: R-1, Single-Family Residential; R-O, Business Office; MM, Mixed-Use Main Street; MN, Mixed-Use Neighborhood; and LW, Live-Work District; to DUV, Downtown Urban Village, and amending textual parts of the DUV code as provided in Appendix A. The area encompassed by the addition is shown in the exhibit to the right, "Attachment B" from the ordinance.



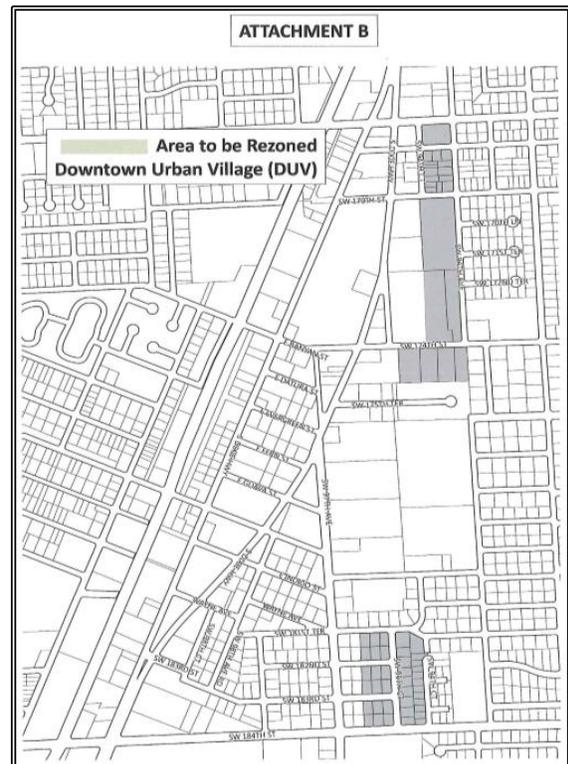
### Franjo Activity Center Designation - Addition

On May 2, 2016, the Village of Palmetto Bay Mayor and Council approved Ordinance 2016-11 that amended the Village of Palmetto Bay FLUM to add to the FAC multiple parcels near the Franjo Triangle, between SW 184<sup>th</sup> Street and SW 181<sup>st</sup> Terrace and between SW 94<sup>th</sup> Court and SW 95<sup>th</sup> Court; and also parcels between SW 168<sup>th</sup> Street and SW 175<sup>th</sup> Terrace, and between SW 94<sup>th</sup> Avenue and US-1. The areas encompassed by the addition is shown in the exhibit to the right, "Attachment A" from the ordinance.



### Down Urban Village (DUV) Rezoning – Second Addition

On January 4, 2016, the Village of Palmetto Bay Mayor and Council approved Ordinance 2016-12, adopting rezoning of multiple parcels between SW 184<sup>th</sup> Street and SW 181<sup>st</sup> Terrace and between SW 94<sup>th</sup> Court and Franjo Road; and also parcels between SW 168<sup>th</sup> Street and SW 175<sup>th</sup> Terrace, and between SW 94<sup>th</sup> Avenue and US-1. Effectively, the rezoning of various parcels was from: Agriculture District (AG), Single Family Residential District (R-1), Two-Family Residential District (R-2), Apartment District (R-3M), Limited Apartment District (R-4L) and Interim District (I) to Downtown Urban Village (DUV). The area encompassed by the addition is shown in the exhibit to the right, "Attachment B" from the ordinance.





The 2019 assessed values for the 60 homes in this area average \$266,264, with a range from \$217,740 to \$411,132. Based on floor area of the homes, the average value is \$142 per sq. ft., and the average land value is \$14 per sq. ft. Overall, indicators point to a single-family residential area that is stable.

The area is low scale and suburban in character, with predominantly 1-story homes on average size, landscaped single family lots. Average lot size in the area is 10,294 sq. ft., (range is 19,588 sq. ft. to 5,863, lower range in Emerald Oaks sub-division along SW 94<sup>th</sup> Court) with an average lot coverage of 16% (range is 14% to 18%, higher in Emerald Oaks sub-division along SW 94<sup>th</sup> Court).

### Future Land Use Element Text Amendment Area

The Future Land Use Element Policy 1.1.1 text amendment applies to the entire Franjo Activity Center (FAC). The existing FAC comprises 195 gross acres including all interior rights-of-way and ½ of rights-of-way at the boundaries. If the proposed map amendment is adopted, the area of the FAC will be reduced to 176 acres.

Overall, the existing development in the FAC is characterized by a horizontal mix of residential and commercial uses, and a range of building heights between 1-story and 6-stories. Development in the FAC ranges from structures dating back to the nineteen-fifties to structures that are currently under construction. There is one historic structure, The Perrine House which was built to stimulate economic development under FDR's New Deal, and later served as a meeting place for the Perrine Women's Club and served as city hall in 1948. The structure is not designated.

Since the designation of the Franjo Activity Center in 2015, redevelopment of the area has begun and continues to the present, mostly along the US-1 Corridor and Franjo Road.



Existing Franjo Activity Center area shown in pink and bounded by blue line

Recent development approvals are summarized in Table 4.

**Table 4**  
**New Major Development Approvals in the Franjo Activity Center**

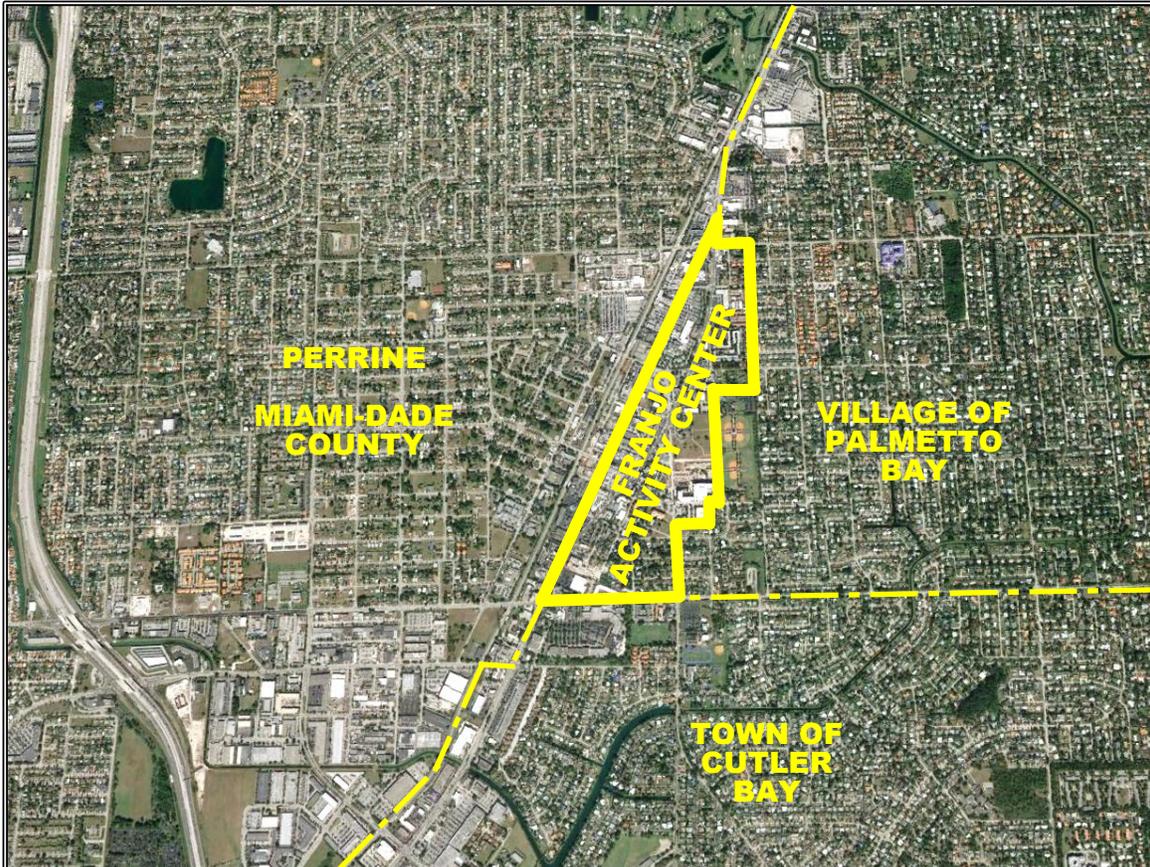
Project Name	Address	Zone	Date of Approval	Net Acres	Residential	Retail	Office	Live Work	Other Non-Res.	School	Total Commercial
<b>CONSTRUCTED</b>											
Atlantico	17945 Franjo Road	DUV DV	6/20/2016	3.98	271	7,010	0	0	0	0	7,010
<b>UNDER CONSTRUCTION</b>											
Soleste	18301 South Dixie Hwy	DUV DV	10/16/2017	1.95	200	0	3,100	3,400	0	0	6,500
<b>APPROVED</b>											
Sandpiper	9700 E. Indigo Stret	DUV DV	6/19/2017	1.33	88	0	0	0	0	0	0
Park View	SW 174th Street	DUV UV/NV	6/19/2017	3.50	235	0	0	0	0	0	0
Shores	17800 Franjo Road	DUV DV	7/23/2018	2.75	220	0	0	0	0	0	0
The Collection	17405-13 South Dixie Hwy	DUV DG	2/12/2018	2.74	0	6,004	0	0	185,255	0	191,259
South Dade Development	18300/18320 SW 98 Av / 9810 SW 183	DUV DG/NV	11/18/2019	0.90	50	0	0	8,135	0	0	8,135
<b>PLANNED &amp; NOT COMMITTED</b>											
Dream Starts	16999 South Dixie Highway	DUV DG	TBD	0.99	31	0	16,746	0	0	12,304	29,050
Franjo Medical Offices	18320 Franjo Road	DUV UV	TBD	0.95	0	0	0	0	0	0	0
<b>TOTALS</b>				<b>19.09</b>	<b>1,095</b>	<b>13,014</b>	<b>19,846</b>	<b>11,535</b>	<b>185,255</b>	<b>12,304</b>	<b>241,954</b>

The Franjo Activity Center was approved in 2015 by Ordinance 2015-18 for 5,389 residential units for the entire area, of which 1,246 were held in reserve to be allocated by the Village Council at the time of site plan approval; and for 1,500,000 sq. ft. of "commercial/office/retail", of which 500,000 sq. ft. was held in reserve to be allocated by the Village Council at the time of site plan. In 2016, the number of residential units permitted within the entire FAC was adjusted to 5,661 by Ordinance 2016-11, with the number of residential reserve units remaining the same. All of the projects with residential units have used reserve units that are proposed to be removed from Policy 1.1.1. In total, the approved projects have used 651 of the Reserve Residential Units, of which 595 remain and will be available based on the densities permitted by the zoning code without Council approval.

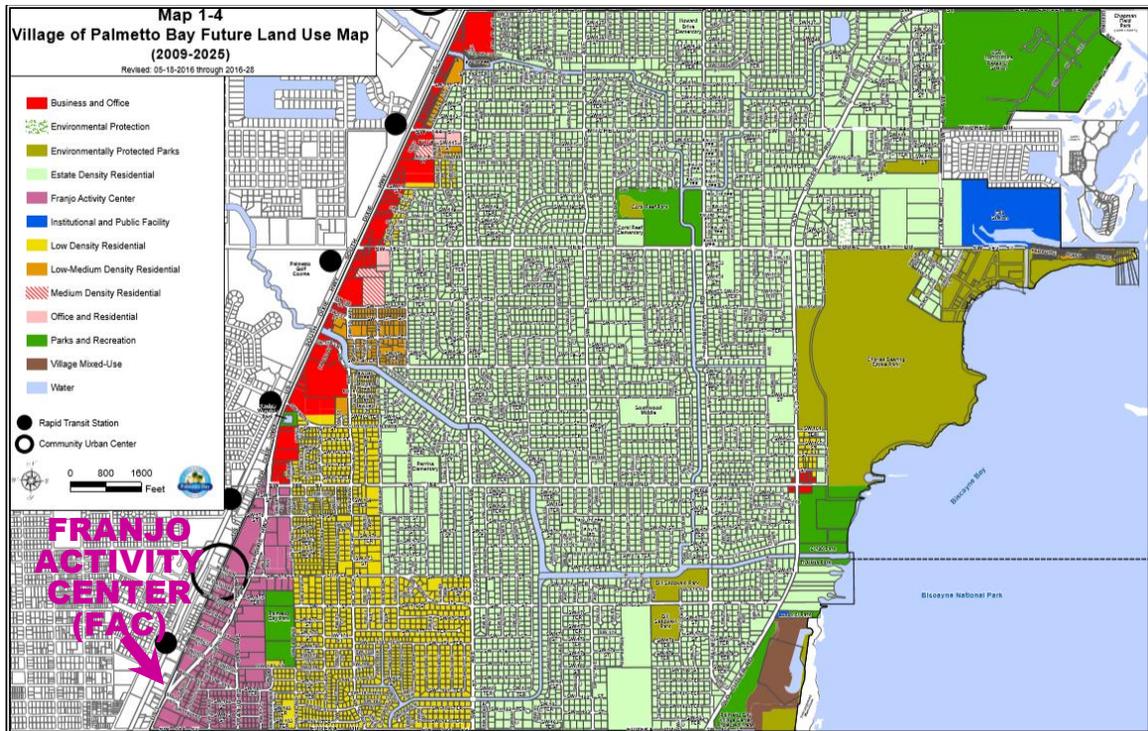
Out of the total of 5,661 residential units permitted for the FAC, 4,566 (81%) are available for future development, and of the 1,500,000 sq. ft. of "commercial/office/retail" space, 1,270,350 sq. ft. (85%) are available for future development.

## **DEVELOPMENT AND CONTEXT OF SURROUNDING AREAS**

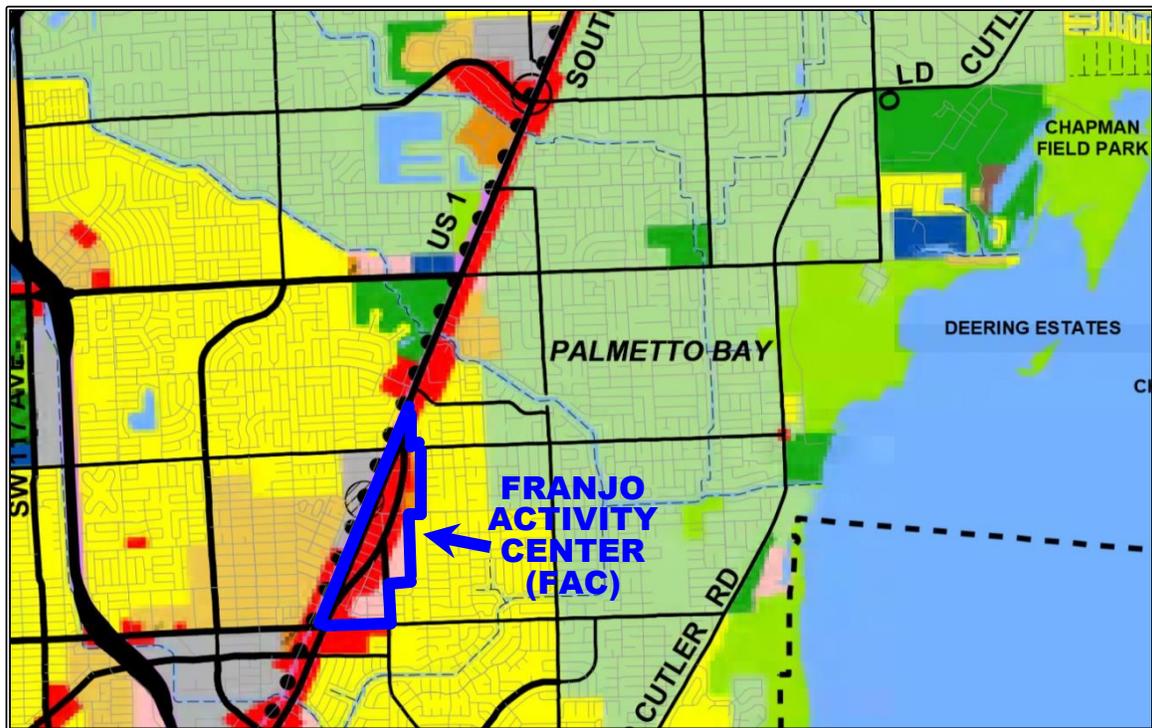
The existing development of the surrounding areas is defined by the Village of Palmetto Bay adopted Future Land Use Map to the North and East, By the Miami-Dade County adopted Comprehensive Development Master Plan (CDMP) Future Land Use Map to the west, and by the Town of Cutler Bay adopted Future Land Use Map to the south. The development for each area is summarized in Table 5.



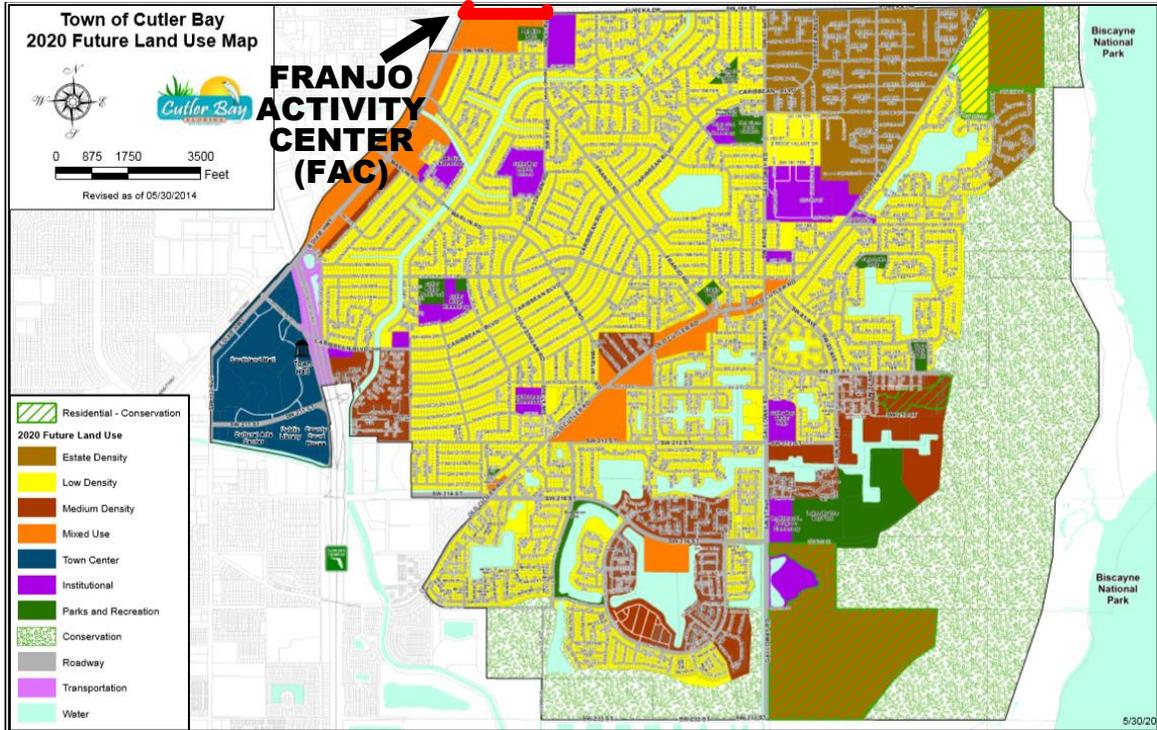
*Franjo Activity Center Context*



Village of Palmetto Bay adopted Future Land Use Map  
Franjo Activity Center (FAC) shown in magenta



Miami-Dade County adopted Comprehensive Development Master Plan (CDMP) Future Land Use Map  
Franjo Activity Center (FAC) outlined in blue line



*Town of Cutler Bay Future Land Use Map*  
South boundary of Franjo Activity Center (FAC) indicated by red lines at top

**Table 5**  
**Summary of Existing Development Context Surrounding the Franjo Activity Center**

	<b>NORTH</b>	<b>EAST</b>	<b>SOUTH</b>	<b>WEST</b>
<b>Jurisdiction</b>	Village of Palmetto Bay	Village of Palmetto Bay	Town of Cutler Bay	Miami-Dade County Perrine
<b>Future Land Use Designations</b>	<ul style="list-style-type: none"> <li>Business and Office</li> </ul>	<ul style="list-style-type: none"> <li>Low-Density Residential</li> <li>Parks &amp; Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Mixed Use</li> </ul>	<ul style="list-style-type: none"> <li>Industrial and Office</li> <li>Business and Office</li> <li>Low-Medium Density Residential</li> </ul>
<b>Uses Permitted</b>	range of sales service activities including retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, theaters, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments (such as private commercial marinas).	detached single family housing, that could also include large fee-simple townhomes with extensive surrounding open space or a mixture of both housing types	Sales and service activities, professional and clerical offices, hotels, motels, medical buildings and offices, cultural and entertainment uses, community facilities, institutional, parks and open space, and residential uses in a high quality mixed use environment. Vertical mixed use buildings are allowed in all underlying zoning districts in the Mixed Use districts, with the sales and service components being located on the ground floors and residential and office uses being located on higher floors. Horizontal mixed use development (different uses in different buildings on the same site or block face) is allowed, with specific uses determined by the underlying zoning district. Vertical mixed use buildings shall be encouraged on sites that can accommodate the mix of uses under the prescribed parameters, while horizontal mixed use development is encouraged on sites that cannot otherwise accommodate vertical mixed use.	<b>IO:</b> manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, construction and utility equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings, full range of telecommunication facilities <b>BO:</b> retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas, light industrial uses are also permitted in the within an approved Employment Center, and telecommunication facilities <b>LMDR:</b> single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
<b>Residential Density</b>	Not applicable	2.5 – 6 DU/acre <sub>gross</sub>	up to 75 DU/acre <sub>gross</sub>	6 – 13 DU/acre <sub>gross</sub>
<b>Maximum Intensity (FAR)</b>	0.95 FAR	FAR not applicable	2.5 FAR	1.25 FAR (UIA-UDB)
<b>Maximum Height</b>	6 stories	2 stories and 35 feet (R-1)	72 feet 35 feet adjacent to residentially zoned area	per zoning district

**ANALYSIS**

The following is a review of the request pursuant to the criteria found at Section 30-30.7(b) of the Land Development Code.

**Criterion 1** Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the Village's concurrency management program.

Analysis: The proposed Future Land Use Plan Map amendment would redesignate 60 private single-family lots and 1 vacant government owned lot from the *Franjo Activity Center (FAC)* land use designation to the *Low Density Residential (LDR)* land use designation. The uses and density/intensity for the changes are provided below.

**Table 6  
 Future Land Use Category Comparison**

<b>Future Land Use Category</b>	<b>FAC</b>	<b>LDR</b>
<b>Permitted Uses</b>	Mixed uses per DUV zoning code	single-family housing and townhomes
<b>Dwelling Units (DU) in Category</b>	up to 5,661 DU total for category	not regulated for category
<b>Commercial Space in Category</b>	up to 1,500,000 square feet floor area	commercial uses not permitted
<b>Density / Intensity</b>	regulated by DUV zoning district: 47 properties at 14 DU/acre <sub>gross</sub> 14 properties at 24 to 6 DU/acre <sub>gross</sub>	2.5 to 6 DU/acre <sub>gross</sub>

Both categories for the FLUM amendment are already in the FLUM, and therefore, there are no internal policy conflicts caused by the map amendment. The redesignation to LDR is for the purposes of:

- To enhance the long term stability of a an already stable and well maintained single family neighborhood by reducing the potential for development within the neighborhood by mixed use structures of incompatible scale and uses that are permitted in the FAC category
- As a stable neighborhood, there is no basis of economic development needed for stimulating reinvestment. The neighborhood is stable in its current use, density and form.
- The redesignation to LRD is consistent with the LDR designation to the east, and the transition area between the LDR-designated area moves from the middle of the neighborhood to Franjo Road which is a section-line road and creates a more logical pattern for future development.

The proposed text amendment changes Future Land Use Element Policy 1.1.1. concerning the Franjo Activity Center, retaining existing FAC policy, and also:

- 1) removes its eligibility for transfer of development rights (TDR);

- 2) removes the allocation of floating Reserve Residential Units (RRU) and Commercial Reserve Units (CRU); and
- 3) removes applicability of development bonus programs

The text changes do not impact use, density or intensity in the FAC, and serve to stabilize development expectations by removing decisions by Village Council on the specific allocation of development benefits which are on a first-come-first-serve basis until they reserve units run out. By removing these floating units, the pattern and distribution of densities and intensities is more predictable and more equitable.

Neither the map amendment nor the text amendment will on the whole impact minimum levels of service standards with regard to water, sewer, school and roadway infrastructure because the number of residential development units and the number of non-residential development units is not changed.

### **Consistency with the Comprehensive Plan Policy**

The specific goals, objectives and policies of the Village of Palmetto Bay adopted Comprehensive Plan that are relevant to the proposed amendment supports are listed below (in navy blue, italicized typeface), with an evaluation for each policy in red typeface. As broader aspirational statements of intent, the Goals and Objectives are not directly evaluated, but provided for reference to the intent of policies. Each policy is evaluated as:

- **Supportive**: the proposed amendment directly furthers the policy in a measurable or otherwise material way
- **Consistent**: the proposed amendment does not further the policy as above and does not countervail or reduce it.
- **Not Consistent**: the proposed amendment directly countervails the policy.

### **1 Future Land Use Element**

**Goal 1** *To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.*

**Objective 1.1** *Future Land Use Map: Adoption and implementation of the Future Land Use Map (FLUM), including the land use amendments to individual parcels as referenced in the supporting Data, Inventory, and Analysis, and presented in Exhibit 1 and the element goals, objectives, and policies herein as the official and primary standard governing land use density and intensity in the Village of Palmetto Bay.*

*Policy 1.1.1 Low Density Residential (LDR): The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by detached single family housing. It could also include large fee-simple townhomes with extensive surrounding open space or a mixture of both housing types, provided that the maximum gross density is not exceeded.*

Supportive: The LDR land use designation is consistent with the larger residential area to the east and within which the neighborhood is a part of.

Franjo Activity Center (FAC): This designation encourages development or redevelopment that seeks to facilitate multi-use and mixed-use projects that encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, provide for the efficient use of land and infrastructure, provide for urban civic open space, and give definition to a pedestrian urban form. The Franjo Activity Center is intended to support the achievement of a residential to non-residential balance that increases the opportunities for transportation demand management alternatives including but not limited to walking and transit, reduced vehicle miles traveled, and reduced single use trips. The Franjo Activity Center shall serve as a significant, multifamily, employment, office and commercial center of the Village.

Supportive: The FAC designation is not applicable to this area, as it is a stable single-family neighborhood that is viable in the long term, and could be destabilized by FAC development that could be out of scale to the neighborhood

*Objective 1.2 Land Development Code: Maintain, and revise as necessary, an effective Land Development Code (LDC), which clearly implements the goal, objectives, and policies of this Element, and the adopted Comprehensive Plan as a whole, and regulate development quality and impacts.*

*Policy 1.2.1 Continue to update the Village Land Development Code so that it is consistent with this Future Land Use Element and other applicable elements of the adopted Comprehensive Plan, and provides Village businesses, residents and developers with a clear and concise set of zoning and other regulations for implementing Palmetto Bay's future vision.*

Supportive: The Future Land Use Element map and text amendment are to be considered with a corresponding amendment to the Downtown Urban Village (DUV) zoning code.

*Policy 1.2.2 Utilize creative, yet proven, land development techniques in the new Land Development Code that will allow developers to generate the unique mixed-use character expressed in the community charrettes*

*and the future land use designations for the Franjo Road/U.S. 1 Commercial Area and Palmetto Bay Village Center focus areas.*

Supportive: The Future Land Use Element map and text amendment are to be considered with a corresponding amendment to the Downtown Urban Village (DUV) zoning code which is being modified to improve certainty of development rights, and improve the distribution and equity of development in the DUV zoning district and thereby the FAC future land use designated area. This amendment is a resulting recommendation of a series of 10 public Council workshops held in 2019 to amend the Downtown Urban Village and Franjo Activity Center land development regulations.

*Objective 1.3 Public Facility Levels-of-Service: Make sure suitable land is available for roads and infrastructure needed to support proposed development and redevelopment, and the expansion of necessary public facility capacity and service concurrent with the impacts of development.*

Consistent: Overall development maximums are not affected by the proposed amendment. Roads and infrastructure needed to support proposed development and redevelopment, and the expansion of necessary public facility capacity and service concurrent with the overall impacts of development is not affected.

*Policy 1.3.1 The adopted level-of-service standards in this Plan shall be required to be maintained throughout the planning, design, and construction phases of development approvals in the Village.*

Consistent: Overall development maximums are not affected by the proposed amendment. Roads and infrastructure needed to support proposed development and redevelopment is not affected.

*Policy 1.3.2 Require that all new development and redevelopment maintain the adopted level-of-service standards for public facilities in this Plan concurrent with the build-out of planned projects.*

Consistent: Overall development maximums are not affected by the proposed amendment. The adopted level-of-service will remain consistent with the 2019 update of the Franjo Activity Center Traffic Impact Analysis.

## **2 Transportation Element**

*Goal 2A Provide for a safe, convenient, effective, and efficient motorized and non-motorized transportation system that is intricately related to the land use pattern and improves the level of mobility of all residents and visitors within the Village.*

*Objective 2A.1 Transportation Level of Service: To the maximum extent controllable by the Village of Palmetto Bay, all roadways within the Village shall operate at or above the roadway level of service standards contained in this element.*

*Policy 2A.1.1 The Village of Palmetto Bay recognizes the Urban Development Boundary (UDB) designated by Miami-Dade County and the Urban Infill Area (UIA) within its municipal limits. Pursuant thereto, the minimum acceptable peak-period LOS for all State and County roads within the UDB shall be the following:*

- 1. All development applications within the Urban Infill Area Transportation Concurrency Exception Area are exempt from transportation concurrency requirements; however the following level of service thresholds are established for reviewing projects within the UIA TCEA: (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service E (100% of capacity), (2) Where mass transit service having headways of 20 minutes or less is provided within a half-mile distance, roadways shall operate at Level of Service of 120% of capacity (3) Where extraordinary transit service, such as express bus service exists, parallel roadways within a half-mile shall operate at no greater than 150% of their capacity; and*

Consistent: Overall development maximums are not affected by the proposed amendment. The adopted level-of-service will remain consistent with the 2019 update of the Franjo Activity Center Traffic Impact Analysis.

*Policy 2A.1.4 The minimum acceptable p.m. peak period operating level of service for all Village maintained streets within Palmetto Bay shall be Level of Service E.*

Consistent: See response to Policy 2A.1.1

*Policy 2A.1.6 In connection with future development, all roadway, transit, bicycle and/or pedestrian improvements shall be built by respective developer(s), in accordance with the Village's adopted subdivision regulations, and in place prior to issuance of a final Certificate of Occupancy.*

Supportive: The companion Downtown Urban Village zoning code amendment contains provisions to assure roadway, transit, bicycle and/or pedestrian improvements shall be built by respective developer(s).

*Objective 2A.4 Community and neighborhood Protection: Development and expansion of the transportation system within Palmetto Bay should be done in a way that does not adversely impact community and neighborhood integrity.*

Supportive: See response to Policy 2A.1.1. Also, the FLUM amendment will help to reduce traffic intrusion into the single-family neighborhood to the east of the FAC and Franjo Road.

*Policy 2A.4.2 The Village will continue to preserve and protect the integrity of its existing transportation system from the avoidable intrusion of roadway widening and request that appropriate state and county agencies consider all other capacity improvements, including public transit, bicycle, and pedestrian enhancements, prior to moving forward with any road widening projects that impacts the character of Palmetto Bay.*

*To this end, the Village strongly opposes any recommended roadway widening, now or in the future, to SW 136th Street, SW 144th Street, SW 152nd Street, or SW 168th Street east of US 1 or the widening of SW 67th Avenue, SW 72nd Avenue, SW 77th Avenue, SW 82nd Avenue, SW 87th Avenue, SW 92nd Avenue, and SW 97th Avenue between northbound lanes of US 1 and SW 184th Street.*

Consistent: See response to Policy 2A.1.1. The FAC includes part of SW 168<sup>th</sup> Street, and SW 97<sup>th</sup> Avenue (Franjo Road). Franjo Road and SW 168<sup>th</sup> Street, and will not be widened or expanded to provide additional capacity for the proposed map or text amendment. This amendment does not change development maximums, and is not expected to result in a capacity deficit to these facilities.

*Goal 2C Preserve and enhance desirable development patterns that support Palmettos Bay's vision to provide for a safe, convenient, and efficient motorized and non-motorized transportation system to satisfy the transportation needs of the residents and visitors of the residents.*

*Objective 2C.1 Future Land Use Coordination: The transportation system shall be coordinated with the Future Land Use Map (FLUM) and the goals, objectives, and policies of the Future Land Use Element to ensure that transportation facilities and services are available to adequately serve existing and proposed population densities, land uses, and housing and employment patterns.*

*Policy 2C.1.1 In connection with future development, require that adequate and safe internal circulation improvements take into consideration the provision that pedestrian and/or bicycle facilities be in place prior to issuance of final Certificate of Occupancy*

Supportive: The companion Downtown Urban Village zoning code amendment contains provisions to require that adequate and safe internal circulation improvements take into consideration the provision that pedestrian and/or bicycle facilities be in place prior to issuance of final Certificate of Occupancy.

### 3 *Housing Element*

There are no policies in the Housing Element for which the proposed amendment is supportive, consistent, or not consistent.

### 4 *Infrastructure Element*

#### (A) *Potable Water Sub-Element*

*Goal 4A A quality, dependable potable water supply sufficient to meet the existing and future needs of Village residents and businesses on a timely basis, at a reasonable cost and in compliance with utility regulatory standards*

*Objective 4A.1 Potable Water Level of Service: Coordinate effectively with the Village's water service provider, Miami-Dade County Water and Sewer Department (WASD) to ensure that potable water service to the Village will meet or exceed the adopted level-of-service (LOS) standard throughout the planning period.*

*Policy 4A.1.1 The adopted level of service standard adopted by the Miami-Dade Water and Sewer Department (WASD) for potable water service within the Village of Palmetto Bay is:*

- a. The Regional Treatment: System shall operate with rated maximum daily capacity no less than 2% above the maximum daily flow for the preceding year, and an average daily capacity 2% above the average daily system demand for the preceding five years. The maximum daily flow shall be determined by calculating the average of the highest five single day flows for the previous 12 months.*
- b. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Rescue Department, minimum fire flows based on the land use served shall be maintained as follows:*

<i>Land Use</i>	<i>Min. Fire Flow (gpm)</i>
<i>Single Family Residential Estate</i>	<i>500</i>
<i>Single Family and Duplex; Residential on Minimum lots of 7,500 sf</i>	<i>750</i>
<i>Multi-Family Residential; Semiprofessional Offices</i>	<i>1,500</i>
<i>Hospitals; Schools</i>	<i>2,000</i>
<i>Business and Industry</i>	<i>3,000</i>

- c. *Water Quality: Meet all federal, state, and county primary potable water standards.*
- d. *Countywide Storage: Storage capacity for finished water shall equal no less than 15% of countywide average daily demand.*

Consistent: Overall development maximums are not affected by the proposed amendment. Potable water service infrastructure level-of-service will not be affected.

*Policy 4A.2.1 Encourage future development and redevelopment in areas that are already served, or programmed to be served, by Miami-Dade County WASD potable water facilities.*

Supportive: The Future Land Use Map amendment further compacts development towards the direction of existing infrastructure facilities.

*(B) Sanitary Sewer Sub Element*

*Goal 4B Environmentally-sound and cost-effective wastewater treatment and distribution facilities that protect public health and safety and meet the village's current and future needs*

*Objective 4B.1 Sanitary Sewer level of service: Coordinate effectively with the Villages wastewater service provider (WASD), to ensure that wastewater service to the Village will meet or exceed the adopted level-of-service standard thorough the planning period.*

*Policy 4B.1.1 The adopted level of service standard established by the Miami-Dade County Water and Sewer Department (WASD) for sanitary sewer service within the Village of Palmetto Bay is:*

- a. *Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.*
- b. *Effluent discharged from wastewater treatment plants shall meet all federal, state, and county standards.*
- c. *The system shall maintain the capacity to collect and dispose of 102 percent of average daily sewage demand for the preceding 5 years.*

Consistent: Overall development maximums are not affected by the proposed amendment. Potable water service infrastructure level-of-service will not be affected.

*Policy 4B.1.3 All Village development order approvals must ensure the Village's adopted sanitary sewer LOS standard will be maintained from planning through to construction and operation.*

Consistent: The companion Downtown Urban Village zoning code amendment contains provisions to require that the LOS standard be maintained.

*Objective 4B.2 Existing Wastewater Facilities and Efficient Expansion: Coordinate with the Miami-Dade Water and Sewer Department (WASD) to help ensure the cost-efficient use of existing facilities and coordinate prudent future expansion plans consistent with projected needs to accommodate development at the densities and intensities prescribed in the Future Land Use Element.*

*Policy 4B.2.1 Encourage future development into areas that are already served, or programmed to be served, by Miami-Dade County WASD sanitary sewer facilities.*

Supportive: The Future Land Use Map amendment further compacts development towards the direction of existing infrastructure facilities.

*Policy 4B.2.3 Coordinate Village population projections, commercial growth, land use changes, and development approvals with the Miami-Dade County Water and Sewer Department (WASD) to assist that agency in effectively planning Palmetto Bay's future wastewater needs.*

Consistent: Overall development maximums and population projections are not affected by the proposed amendment. Wastewater service infrastructure level-of-service will not be affected.

*(C) Stormwater Management (Drainage) Sub-Element*

*Goal 4C Protect the health and safety of the public by ensuring storm water management facilities and services are properly maintained, environmentally-sound, cost-effective, and meet the community's present and future demands.*

*Objective 4C.1 Maintain Adopted Level-of-Service Standards: Coordinate with the Federal Emergency Management Agency (FEMA), South Florida Water Management District (SFWMD), and Miami-Dade County to ensure the Village's storm water management system meets or exceeds adopted LOS design standards over the planning period.*

*Policy 4C.1.1 The storm water management LOS standards for Village of Palmetto Bay are: Water Quality Standard. Stormwater facilities shall be designed to meet the design and performance standards established in Ch. 62-302.500 and 25.025, F.A.C., with treatment of first one (1) inch of rainfall runoff Water Quality Standard. Where two or more standards impact a specific development, the most restrictive standard shall apply:*

*a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.*

- b. *Treatment of the runoff from the first one (1) inch of rainfall onsite or the first 0.5 inch of runoff, whichever is greater.*

Supportive: Stormwater LOS standards will be maintained as required through the site plan approval that is consistent with zoning code requirements. The companion amendment to the Downtown Urban Village zoning district will enhance the provision of green space and other permeable space, as well as promote rooftop rainwater harvesting.

*(D) Solid Waste Sub-Element*

*Goal 4D Promote the efficient and economical balance of public and private solid waste collection and disposal services for the Village of Palmetto Bay that will meet established requirements in a manner that will protect the public health, safety, and environmental resources of the community.*

*Objective 4D.1 Existing and Future Needs: Coordinate with Miami-Dade County Department of Public Works Waste Management (PWWM), the entity responsible for solid waste collection and disposal, to help ensure maintenance of a safe, dependable, and efficient solid waste collection and disposal system for Village of Palmetto Bay residents and businesses and in compliance with the adopted level of service.*

*Policy 4D.1.1 The adopted Level of Service standards maintained by the Miami-Dade County Department of Public Works Waste Management (PWWM), for solid waste services within Village of Palmetto Bay are 9.9 pounds/capita/day to maintain solid waste disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements or contracts along with anticipated non-committed waste flows for a period of five (5) years in accordance with the County's Comprehensive Development Master Plan.*

Consistent: Overall development maximums and population projections are not affected by the proposed amendment. Solid waste collection system and capacity will not be affected.

**5 Coastal Element**

The land area for which the amendment pertains to is not in a Coastal High Hazard Area. There are no policies in the Coastal Element for which the proposed amendment is supportive, consistent, or not consistent.

## **6 Conservation Element**

There are no policies in the Conservation Element for which the proposed amendment is supportive, consistent, or not consistent.

## **7 Recreation and Open Space Element**

*Goal 7 Provide a balanced, multi-purpose system of excellent parks, greenways, and trails that meet and exceed the needs of Palmetto Bay's residents, Businesses, and Visitors.*

*Objective 7.1 Parks and Recreational System Needs: Maintain and enhance Village parks and open space lands and facilities consistent with the adopted level-of-service (LOS) standard.*

*Policy 7.1.2 Through the maintenance and expansion of existing park facilities and the acquisition and/or development of new parks and open space, achieve: (1) a village-wide level of service (LOS) standard of 5.0 acres per 1,000 residents by 2025; and (2) a separate LOS of .25 acres per 1,000 residents for developments within the Franjo Activity Center area.*

Consistent: Overall development maximums and population projections are not affected by the proposed amendment. Solid waste collection system and capacity will not be affected.

## **8 Intergovernmental Coordination Element**

*Goal 8 Establish and improve intergovernmental relationships with public, quasi-public, private and non-profit entities involved in planning and development activities. Resource protection and allocation, and utility and infrastructure provision, including coordination of plans and programs affecting the Village of Palmetto Bay and its neighboring communities.*

*Objective 8.1 Non-Transportation Coordination Activities and Participation: Maintain and greatly enhance, where possible, intergovernmental coordination initiatives and activities with governmental agencies, quasi-public companies, local service providers and non-profits, such as Miami-Dade County, South Florida Water Management District, and Miami-Dade County School Board, to maximize the capital improvement, service and financial benefits from those entities to the residents and businesses of Palmetto Bay.*

*Policy 8.1.4 The Village Manager and his designee shall disseminate information on proposed comprehensive plan and/or land development regulation amendments by the Village, neighboring cities, Miami-Dade County, and other governmental agencies which will have potentially significant impacts.*

Consistent: Village staff will provided notification prior to the transmittal and adoption hearings to planning staff of Miami Dade County, the City of Coral Gables, the Village of Pinecrest, and the Town of Cutler Bay. Further, consistent with the requirement of Florida Statutes 163.3184.

*Policy 8.1.7 The Village's Comprehensive Plan will be consistent, where feasible, with the State of Florida Comprehensive Plan, the South Florida Strategic Regional Policy Plan, the Miami-Dade County Comprehensive Development Master Plan, the Comprehensive Plans of adjacent governments, and applicable regional water supply plan(s).*

Consistent: Village staff will include the agencies and governments that maintain these plans as part of the intergovernmental coordination process in transmitting the proposed amendment.

*Policy 8.1.8 Effectively coordinate with South Florida Regional Planning Council on socioeconomic data projections, comprehensive plan amendments, affordable housing, and other regional issues.*

Consistent: Village staff will provide notification prior to the transmittal and adoption hearings to the Executive Director of the South Florida Regional Planning Council (SFRPC), and consistent with the requirement of Florida Statutes §163.3184.

*Objective 8.3 Communicate Village Plans to Affected Outside Entities: Village of Palmetto Bay's plans and programs proposed in the Comprehensive Plan or through other approved policy documents that impact adjacent communities, Miami-Dade County, the region and the State shall be fully communicated and considered through effective coordination mechanisms.*

Consistent: Village staff has provided notification by newspaper ad, Village website and 2,854 letters prior to the transmittal and adoption hearings, to all property owners within a 2,500-ft. radius of the borders of the subject property, including the subject amendment properties.

*Policy 8.3.1 Review of proposed development within the Village of Palmetto Bay shall include findings, where appropriate, indicating any significant impacts on adjacent communities, including unincorporated Miami-Dade County, and their comprehensive plans. Special attention will be given to proposed development on the Village borders.*

Consistent: Overall development maximums and population projections are not affected by the proposed amendment. Traffic impacts to adjacent communities are not affected.

## **9 Capital Improvements Element**

*Goal 9 Provision of High-Quality road, utility and infrastructure facilities and services and public education facilities necessary to correct current deficiencies and accommodate new development and redevelopment for the residents and businesses for palmetto bay consistent with the level-of-service standards establish in this comprehensive plan.*

*Objective 9.3 Concurrency and Level-of-Service Standards (LOS) Standards: Make the availability of high-quality public facilities at adopted LOS standards concurrent with the impacts of development, an important basis for future land planning and capital decisions.*

*Policy 9.3.3 Evaluate proposed Plan amendments and requests for new development or redevelopment according to the following guidelines:*

- 1. Will the action contribute to condition of public hazard as described in the Infrastructure Element?*
- 2. Will the action exacerbate any existing public facility capacity deficiency, as described in the Transportation Element, Infrastructure, and recreation and Open Space, Public Educational Facilities Elements, and Water Supply Elements?*
- 3. Will the action generate public facility demands that may be accommodated by capacity increases, which will maintain adopted level-of-service standards either planned in the Five-Year Schedule of Capital Improvements or by developer commitment?*
- 4. Is the action consistent with the goals, objectives, and policies of the Future Land Use Element, including the Future Land Use Map?*
- 5. If the Village provides public facilities, in part or while, is the action financially feasible pursuant to this Element?*

Consistent: Overall development maximums and population projections are not affected by the proposed amendment. Infrastructure for transportation, recreation and open space, public educational facilities, potable water and wastewater are not affected.

## **10 Educational Facilities Element**

*Goal 10 Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the county and other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.*

*Objective 10.1 Work with Miami-Dade: County Public Schools towards the reduction of the overcrowding which currently exist in Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective 2. Provide additional solutions to overcrowding so that county-wide enrollment in Miami-Dade County's public schools meet state adopted requirements for class size.*

*Policy 10.1.6 Miami-Dade County Public Schools comments shall be sought and considered on comprehensive growth management plan amendments and other land use and zoning decisions, or Development of Regional Impact with the terms of the state mandated Interlocal Agreement pursuant to Sections 1013.33 and 163.31777 Florida Statutes.*

Consistent: Overall development maximums and population projections are not affected by the proposed amendment. Public school infrastructure is not affected; however, Village staff will seek comments from Miami-Dade County Public Schools.

*Policy 10.1.7 In accordance with Section 163.3174(1), Florida Statutes the School Board of Miami-Dade County shall be invited to appoint a non-voting member to the Village's Local Planning Agency in order to receive comment on applications which could impact the school district.*

Consistent: Village staff notified Miami-Dade Public Schools (MDPS) of the proposed amendment, entered pertinent data regarding the amendment into the MDPS concurrency Management System, and requested participation and/or verification of available capacity for the proposed Future Land Use Plan amendment.

## **11 Water Supply Facility Plan**

There are no policies in the Water Supply Facility Plan for which the proposed amendment is supportive, consistent, or not consistent.

**Finding:** The proposal is Consistent with Criterion 1

**Criterion 2**      **Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing comprehensive plan, and whether the changes support or work against the proposed amendment.**

**Analysis:**      Land development conditions have changed to the extent of new development since the the effective date of the existing comprehensive plan designation. New development in the Franjo Activity Center, as summarized in Table 4 on page 24, has stimulated vigorous public interest and comment to refine the FAC map designation and to create greater predictability of development densities and intensities in the FAC. These comments led to a series of 10 Village Council workshops in 2019, and to amendment of the DUV zoning code and amendment of the text and map of the Franjo Activity Center Future Land Use designation

**Finding:**      **Consistent**

**Criterion 3**      **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.**

**Analysis:**      The proposed Future Land Use Plan Map amendment would redesignate 60 private single-family lots and 1 vacant government owned lot from the *Franjo Activity Center (FAC)* land use designation to the *Low Density Residential (LDR)* land use designation. Both categories for the FLUM amendment are already in the FLUM, and therefore, there are no internal policy conflicts caused by the map amendment. The redesignation to LDR is for the purposes of:

- To enhance the long term stability of an already stable and well maintained single family neighborhood by reducing the potential for development within the neighborhood by mixed use structures of incompatible scale and uses that are permitted in the FAC category
- As a stable neighborhood, there is no basis of economic development needed for stimulating reinvestment. The are is stable in its current use, density and form.
- The redesignation to LRD is consistent with the LDR designation to the east, and the transition area between the LDR-designated area moves from the middle of the neighborhood to Franjo Road which is a section-line road and creates a more logical pattern for future development.

The proposed text amendment changes Future Land Use Element Policy 1.1.1. concerning the Franjo Activity Center, retaining existing FAC policy, and also: 1) removes its eligibility for transfer of development rights (TDR); 2) removes the allocation of floating Reserve Residential Units (RRU) and Commercial Reserve Units (CRU); and 3)removes applicability of development bonus programs.

The text changes serve to stabilize development expectations by removing decisions by Village Council on the specific allocation of development benefits which are on a first-come-first-serve basis until they reserve units run out. By

removing these floating units, the pattern and distribution of densities and intensities is more predictable and more equitable.

Both the proposed map amendment and the text amendment would result in a lessening of the possibility for incompatible land uses, and a lessening of the impact on adjacent or neighboring properties, greater consistency with existing development, and greater compatibility with existing and proposed land uses.

**Finding:** Consistent

**Criterion 4** **Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

The text amendment does not reduce the maximum available development units in the Franjo Activity Center. Further, by removing the variability of public hearings on the allocation of development units to specific properties, the distribution of development in the FAC is enhanced in terms of certainty and equity, both which would positively affect property values and the general welfare.

The Future Land Use Plan Amendment may adversely affect property values by reducing theoretical development potential based only on residential density on a per lot basis. In practice, the as-of-right development potential of these properties is also affected by many other factors, some related to land development regulations regarding height, setbacks, other form standards, parking requirements, open space requirements and others regulations. Further, the as-of-right development potential for a property is also affected by the actions of the property owner, not the least of which is assemblage of adjacent properties.

**Table 7, on pages 45, 46 and 47 summarizes for each property the theoretical development potential based only on residential density, without consideration to other factors that variously contribute to and/or affect as-of-right development potential for a property.**

**Table 7**  
**Future Land Use Plan Amendment Residential Density Criteria**

ADDRESS	FOLIO	AS-BUILT DENSITY <i>as built, DU/gross acre</i>	CURRENT DENSITY <i>permitted, DU/gross acre</i>	PROPOSED DENSITY <i>permitted, DU/net acre</i>	CURRENT PERMITTED RESIDENCES	PROPOSED PERMITTED RESIDENCES	Muni Zoning Basis on DCPA Record	
<b>BLOCK 1 - partial block north of SW 181 Terrace and west of SW 94 Court</b>					<b>65</b>	<b>28</b>		
1	9555 SW 181 Terrace	33-5033-008-0040	2.0	24	8.5	12	3	R-1
2	9625 SW 181 Terrace	33-5033-008-0020	3.4	24	8.5	7	2	R-1
3	behind 9625 SW 181 Tr.	33-5033-000-0931	0.0	24	8.5	1	1	R-1
4	9601 SW 181 Terrace	33-5033-008-0030	2.8	14	8.5	5	3	R-1
5	9555 SW 181 Terrace	33-5033-008-0040	2.8	14	8.5	5	3	R-1
6	9545 SW 181 Terrace	33-5033-008-0050	2.8	14	8.5	5	3	R-1
7	9525 SW 181 Terrace	33-5033-010-0010	2.8	14	8.5	5	3	R-1
8	9501 SW 181 Terrace	33-5033-010-0020	2.4	14	8.5	6	3	R-1
9	18100 SW 94 Court	33-5033-010-0030	2.7	14	8.5	5	2	R-1
10	18040 SW 94 Court	33-5033-010-0040	2.9	14	8.5	5	2	R-1
11	18020 SW 94 Court	33-5033-010-0050	3.6	14	8.5	4	2	R-1
12	18000 SW 94 Court	33-5033-010-0060	2.8	14	8.5	5	2	R-1
<b>BLOCK 2 - between SW 181 Terrace and SW 182 Street, east of Franjo Road, west of SW 95 Cour</b>					<b>58</b>	<b>21</b>		
13	9630 SW 181 Terrace	33-5033-008-0100	2.5	24	8.5	10	2	R-1
14	9620 SW 181 Terrace	33-5033-008-0090	3.6	24	8.5	7	2	R-1
15	9600 SW 181 Terrace	33-5033-008-0090	3.6	14	8.5	4	2	R-1
16	9560 SW 181 Terrace	33-5033-008-0070	3.6	14	8.5	4	2	R-1
17	9550 SW 181 Terrace	33-5033-008-0080	2.8	14	8.5	5	2	R-1
18	9545 SW 182 Street	33-5033-008-0150	2.8	14	8.5	5	2	R-1
19	9555 SW 182 Street	33-5033-008-0140	3.6	14	8.5	4	2	R-1
20	9601 SW 182 Street	33-5033-008-0130	3.6	14	8.5	4	2	R-1
21	9625 SW 182 Street	33-5033-008-0120	3.6	24	8.5	7	2	R-1
22	9635 SW 182 Street	33-5033-008-0110	2.5	24	8.5	10	2	R-1

**Table 7 (continued)**  
**Future Land Use Plan Amendment Residential Density Criteria**

ADDRESS	FOLIO	AS-BUILT DENSITY <i>as built, DU/gross acre</i>	CURRENT DENSITY <i>permitted, DU/gross acre</i>	PROPOSED DENSITY <i>permitted, DU/net acre</i>	CURRENT PERMITTED RESIDENCES	PROPOSED PERMITTED RESIDENCES	Muni Zoning Basis on DCPA Record	
<b>BLOCK 3 - between SW 182 Street and SW 183 Street, east of Franjo Road, west of SW 95 Court</b>					59	21		
23	9630 SW 182 Street	33-5033-008-0200	2.5	24	8.5	10	2	R-1
24	9620 SW 182 Street	33-5033-008-0190	3.6	24	8.5	7	2	R-1
25	9600 SW 182 Street	33-5033-008-0180	3.6	14	8.5	4	2	R-1
26	9580 SW 182 Street	33-5033-008-0170	3.6	14	8.5	4	2	R-1
27	9550 SW 182 Street	33-5033-008-0160	2.8	14	8.5	5	2	R-1
28	9545 SW 183 Street	33-5033-008-0250	2.8	14	8.5	5	2	R-1
29	9555 SW 183 Street	33-5033-008-0240	3.6	14	8.5	4	2	R-1
29	9601 SW 183 Street	33-5033-008-0230	3.6	14	8.5	4	2	R-1
30	9625 SW 183 Street	33-5033-008-0220	3.5	24	8.5	7	2	R-1
31	9635 SW 182 Street	33-5033-008-0210	2.5	24	8.5	10	2	R-1
<b>BLOCK 4 - between SW 183 Street and SW 184 Street, east of Franjo Road, west of SW 95 Court</b>					59	21		
32	9630 SW 183 Street	33-5033-008-0300	2.5	24	8.5	10	2	R-1
33	9620 SW 183 Street	33-5033-008-0290	3.6	24	8.5	7	2	R-1
34	9600 SW 183 Street	33-5033-008-0280	3.6	14	8.5	4	2	R-1
35	9580 SW 183 Street	33-5033-008-0270	3.6	14	8.5	4	2	R-1
36	9550 SW 183 Street	33-5033-008-0260	2.8	14	8.5	5	2	R-1
37	9545 SW 184 Street	33-5033-008-0350	2.8	14	8.5	5	2	R-1
38	9555 SW 184 Street	33-5033-008-0340	3.6	14	8.5	4	2	R-1
38	9601 SW 184 Street	33-5033-008-0330	3.6	14	8.5	4	2	R-1
39	9625 SW 184 Street	33-5033-008-0320	3.5	24	8.5	7	2	R-1
40	9635 SW 184 Street	33-5033-008-0310	2.5	24	8.5	10	2	R-1

**Table 7 (continued)**  
**Future Land Use Plan Amendment Residential Density Criteria**

ADDRESS	FOLIO	AS-BUILT DENSITY <i>as built, DU/gross acre</i>	CURRENT DENSITY <i>permitted, DU/gross acre</i>	PROPOSED DENSITY <i>permitted, DU/net acre</i>	CURRENT PERMITTED RESIDENCES	PROPOSED PERMITTED RESIDENCES	Muni Zoning Basis on DCPA Record	
<b>BLOCK 5 - between SW 181 Terrace and SW 184 Street, east of SW 95 Court, west of SW 94 Cour</b>					<b>77</b>	<b>37</b>		
41	9470 SW 181 Terrace	33-5033-010-0070	1.7	14	8.5	8	4	R-1
42	18135 SW 95 Court	33-5033-010-0080	2.4	14	8.5	6	2	R-1
43	18145 SW 95 Court	33-5033-010-0090	3.3	14	8.5	4	2	R-1
44	18155 SW 95 Court	33-5033-010-0100	3.2	14	8.5	4	2	R-1
45	18201 SW 95 Court	33-5033-010-0110	3.3	14	8.5	4	2	R-1
46	18211 SW 95 Court	33-5033-010-0120	3.3	14	8.5	4	2	R-1
47	18221 SW 95 Court	33-5033-010-0130	3.3	14	8.5	4	2	R-1
48	18301 SW 95 Court	33-5033-010-0140	3.3	14	8.5	4	2	R-1
49	18311 SW 95 Court	33-5033-010-0150	3.3	14	8.5	4	2	R-1
50	18321 SW 95 Court	33-5033-010-0160	2.4	14	8.5	6	2	R-1
51	18342 SW 94 Court	33-5033-052-0010	4.2	14	8.5	3	1	R-1
52	18332 SW 94 Court	33-5033-052-0020	5.8	14	8.5	2	1	R-1
53	18322 SW 94 Court	33-5033-052-0030	5.8	14	8.5	2	1	R-1
54	18312 SW 94 Court	33-5033-052-0040	5.8	14	8.5	2	1	R-1
55	18302 SW 94 Court	33-5033-052-0050	5.8	14	8.5	2	1	R-1
56	18252 SW 94 Court	33-5033-052-0060	5.8	14	8.5	2	1	R-1
57	18242 SW 94 Court	33-5033-052-0070	5.8	14	8.5	2	1	R-1
58	18232 SW 94 Court	33-5033-052-0080	5.8	14	8.5	2	1	R-1
59	18222 SW 94 Court	33-5033-052-0090	5.8	14	8.5	2	1	R-1
60	18212 SW 94 Court	33-5033-052-0100	5.8	14	8.5	2	1	R-1
61	18202 SW 94 Court	33-5033-052-0110	5.2	14	8.5	3	2	R-1
<b>TOTAL FOR ALL 5 BLOCKS</b>			<b>3.1</b>	<b>16.6</b>	<b>6.6</b>	<b>318</b>	<b>127</b>	

**Criterion 5** Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.

**Analysis** The proposed Future Land Use Plan Map amendment would redesignate 60 private single-family lots and 1 vacant government owned lot from the *Franjo Activity Center (FAC)* land use designation to the *Low Density Residential (LDR)* land use designation. Both categories for the FLUM amendment are already in the FLUM, and therefore, there are no internal policy conflicts caused by the map amendment. The redesignation to LDR is for the purposes of:

- To enhance the long term stability of an already stable and well maintained single family neighborhood by reducing the potential for development within the neighborhood by mixed use structures of incompatible scale and uses that are permitted in the FAC category
- As a stable neighborhood, there is no basis of economic development needed for stimulating reinvestment. The area is stable in its current use, density and form.
- The redesignation to LDR is consistent with the LDR designation to the east, and the transition area between the LDR-designated area moves from the middle of the neighborhood to Franjo Road which is a section-line road and creates a more logical pattern for future development.

The proposed text amendment changes Future Land Use Element Policy 1.1.1. concerning the Franjo Activity Center, retaining existing FAC policy, and also: 1) removes its eligibility for transfer of development rights (TDR); 2) removes the allocation of floating Reserve Residential Units (RRU) and Commercial Reserve Units (CRU); and 3) removes applicability of development bonus programs.

The text changes serve to stabilize development expectations by removing decisions by Village Council on the specific allocation of development benefits which are on a first-come-first-serve basis until they reserve units run out. By removing these floating units, the pattern and distribution of densities and intensities is more predictable, more equitable. As such, the text amendment allows for a more orderly, and compatible land use pattern.

Both the proposed map amendment and the text amendment would result in a more orderly and compatible land use pattern.

**Finding:** **Consistent.**

**Criterion 6** Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the comprehensive plan.

**Analysis:** The proposed amendment is not in conflict with the public interest, as expressed by the Goal of the adopted Village of Palmetto Bay Future Land Use Element, which is:

*Future Land Use Element Goal 1*

*"To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in Southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources."*

The text amendment promotes a more predictable development in the downtown area of Palmetto Bay that will provide high quality facilities and services, and by drawing development demand into a compact area served directly by roadway and transit infrastructure, helps to protect neighborhoods and coastal area in the long term from ever-increasing development pressures.

**Finding: Consistent.**

**Criterion 7** Whether the proposed amendment meets the requirements of F.S. § 163.3161, entitled "The Local Government Comprehensive Planning and Land Development Regulation Act.

**Analysis:** The amendment process, extensive notice (2,854 mailed letters to notice the LPA meeting), public participation, opportunity for intervention by affected parties, application of required criteria and response with data and analysis assure that the proposed amendment meets the spirit, intent and law of § 163.3161, F.S. entitled "The Local Government Comprehensive Planning and Land Development Regulation Act; § 163.3174 F.S., entitled "Local Planning Agency Requirements"; and § 163.3184 F.S, entitled "Criteria For Expedited Amendment Process"

**Finding: Consistent**

**Criterion 8** Other matters which the Local Planning Agency or the Village Council in its legislative discretion may deem appropriate.

**Analysis:** The Local Planning Agency may consider other appropriate factors to determine whether the proposed amendment is appropriate and consistent with the public interest.

**Finding: Decision for the Village Council.**

## **FISCAL/BUDGETARY IMPACT**

Overall fiscal and budgetary impacts will not result by altering the tax base strictly in terms of the maximum number of development units in the Franjo Activity Center; however, to the extent that the proposed Village of Palmetto Bay Comprehensive Plan amendment stimulates compatible and quality development through greater certainty of land development code requirements, certainty and equity in the distribution of development units, and community harmony about the nature, form and intensity of development in the FAC, then the Village should expect positive fiscal and budgetary impacts through a more timely increase in tax base.

## **RECOMMENDATION**

### **Policy Amendment (text)**

Regarding the proposed amendment to the adopted Village of Palmetto Bay Comprehensive Plan, Future Land Use Element Policy 1.1.1, concerning the Franjo Activity Center (FAC), retaining existing FAC policy, and also:

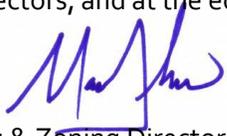
- 1) to remove its eligibility for transfer of development rights (TDR);
- 2) to remove the allocation of floating Reserve Residential Units (RRU) and Commercial Reserve Units (CRU); and
- 3) to remove applicability of development bonus programs.

The Village of Palmetto Bay Planning and Zoning Division Staff recommend that the Local Planning Agency (LPA) forward the amendment without modification to the Village Council for the first reading as an ordinance, and to transmit the amendment for State Department of Economic Opportunity review and intergovernmental review.

### **Future Land Use Map Amendment**

Regarding the proposed amendment to the Village of Palmetto Bay Future Land Use Map (FLUM) for the land area and properties as described changing land use designation from *Franjo Activity Center (FAC)* to *Low Density Residential (LDR)*:

The Village of Palmetto Bay Planning and Zoning Division Staff recommend that the Local Planning Agency (LPA) forward the amendment with modification to the Village Council for the first reading as an ordinance, and to transmit the amendment for State Department of Economic Opportunity (DEO) review and intergovernmental review; the modifications being to reconsider retaining within the FAC, the 7 properties that front Franjo Road on the east side, and the 7 properties directly east of those, for the purposes of: 1) reinforcing the Main Street concept for Franjo Road; 2) creating a more effective buffer to the single-family neighborhood of effects such as noise, light and privacy; and 3) to ameliorate the reduction in residential density for these 14 properties. Further, Staff recommends to the LPA that it direct Staff to incorporate in the proposed companion zoning code amendment, a section addressing Sector transition requirements to address form and massing compatibility at the edges between directly abutting zoning district sectors, and at the edges of the overall DUV zoning district.

Mark Alvarez   
Interim Planning & Zoning Director  
Village of Palmetto Bay, Florida  
[malvarez@palmettobay-fl.gov](mailto:malvarez@palmettobay-fl.gov)

## APPENDIX A

### STATE OF FLORIDA GROWTH MANAGEMENT ACT

#### SHORT TITLE; INTENT AND PURPOSE Ch. 163.3161 F.S. (referred to by Criteria 7)

#### LOCAL PLANNING AGENCY REQUIREMENTS Ch. 163.3174 F.S.

#### CRITERIA FOR EXPEDITED AMENDMENT PROCESS Ch. 163.3184 F.S.

##### **163.3161 Short title; intent and purpose.—**

- (1) *This part shall be known and may be cited as the "Community Planning Act."*
- (2) *It is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and manage future development consistent with the proper role of local government.*
- (3) *It is the intent of this act to focus the state role in managing growth under this act to protecting the functions of important state resources and facilities.*
- (4) *It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.*
- (5) *It is the intent of this act to encourage and ensure cooperation between and among municipalities and counties and to encourage and ensure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.*
- (6) *It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.*

- (7) *It is the intent of this act that the activities of units of local government in the preparation and adoption of comprehensive plans, or elements or portions therefor, shall be conducted in conformity with this act.*
- (8) *The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.*
- (9) *It is the intent of the Legislature that the repeal of ss. 163.160 through 163.315 by s. 19 of chapter 85-55, Laws of Florida, and amendments to this part by this chapter law, not be interpreted to limit or restrict the powers of municipal or county officials, but be interpreted as a recognition of their broad statutory and constitutional powers to plan for and regulate the use of land. It is, further, the intent of the Legislature to reconfirm that ss. 163.3161-163.3248 have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.*
- (10) *It is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations, comprehensive plans and amendments thereto, and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f). Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking, as provided by law. Any such relief must ultimately be determined in a judicial action.*
- (11) *It is the intent of this part that the traditional economic base of this state, agriculture, tourism, and military presence, be recognized and protected. Further, it is the intent of this part to encourage economic diversification, workforce development, and community planning.*
- (12) *It is the intent of this part that new statutory requirements created by the Legislature will not require a local government whose plan has been found to be in compliance with this part to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in s. 163.3191, unless otherwise specified in law. However, any new amendments must comply with the requirements of this part.*

*History.—ss. 1, 2, ch. 75-257; ss. 1, 20, ch. 85-55; s. 1, ch. 93-206; s. 4, ch. 2011-139*

**163.3174 Local planning agency.—**

- (1) *The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. Notwithstanding any special act to the contrary, all local planning agencies or equivalent agencies that first review rezoning and comprehensive plan amendments in each municipality and county shall include a representative of the school district appointed by the school board as a nonvoting member of the local planning agency or equivalent agency to attend those meetings at which the agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. However, this subsection does not prevent the governing body of the local government from granting voting status to the school board member. The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative. All local planning agencies shall provide opportunities for involvement by applicable community college boards, which may be accomplished by formal representation, membership on technical advisory committees, or other appropriate means. The local planning agency shall prepare the comprehensive plan or plan amendment after hearings to be held after public notice and shall make recommendations to the governing body regarding the adoption or amendment of the plan. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:*
  - (a) *If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to adopt and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.*
  - (b) *In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.*
- (2) *Nothing in this act shall prevent the governing body of a local government that participates in creating a local planning agency serving two or more jurisdictions from continuing or creating its own local planning agency. Any such governing body which continues or creates its own local planning agency may designate which local planning agency functions, powers, and duties will be performed by each such local planning agency.*
- (3) *The governing body or bodies shall appropriate funds for salaries, fees, and expenses necessary in the conduct of the work of the local planning agency and shall also establish a schedule of fees to be charged by the agency. To accomplish the purposes and activities authorized by this act, the local planning agency, with the approval of the governing body or bodies and in accord with the fiscal practices thereof, may expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; however, acceptance of loans must be approved by the governing bodies involved.*
- (4) *The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:*
  - (a) *Be the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan. During the preparation of the plan or plan*

- amendment and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with public notice, on the proposed plan or plan amendment. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or plan amendment, but final recommendation of the adoption of such plan or plan amendment to the governing body shall be the responsibility of the local planning agency.*
- (b) *Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the governing body such changes in the comprehensive plan as may from time to time be required, including the periodic evaluation and appraisal of the comprehensive plan required by s. 163.3191.*
- (c) *Review proposed land development regulations, land development codes, or amendments thereto, and make recommendations to the governing body as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof, when the local planning agency is serving as the land development regulation commission or the local government requires review by both the local planning agency and the land development regulation commission.*
- (d) *Perform any other functions, duties, and responsibilities assigned to it by the governing body or by general or special law.*
- (5) *All meetings of the local planning agency shall be public meetings, and agency records shall be public records.*

*History.—s. 6, ch. 75-257; s. 1, ch. 77-223; s. 5, ch. 85-55; s. 2, ch. 92-129; s. 9, ch. 95-310; s. 9, ch. 95-341; s. 1, ch. 2002-296; s. 10, ch. 2011-139; s. 2, ch. 2012-99.*

**163.3184 Process for adoption of comprehensive plan or plan amendment.—**

(1) **DEFINITIONS.**—As used in this section, the term:

- (a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.
- (b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, with the appropriate strategic regional policy plan, and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.
- (c) "Reviewing agencies" means:
  1. The state land planning agency;
  2. The appropriate regional planning council;
  3. The appropriate water management district;
  4. The Department of Environmental Protection;
  5. The Department of State;
  6. The Department of Transportation;
  7. In the case of plan amendments relating to public schools, the Department of Education;
  8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;
  9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and
  10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(2) **COMPREHENSIVE PLANS AND PLAN AMENDMENTS.**—

- (a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).
- (b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.
- (c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245 or an amendment to an adopted sector plan; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; propose a development that is subject to the state coordinated review process pursuant to s. 380.06;

*or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167, must follow the state coordinated review process in subsection (4).*

**(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—**

- (a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.*
- (b) 1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 working days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.*
- 2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.*
- 3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:*
  - a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.*
  - b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.*
  - c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.*
  - d. Military installation comments shall be provided in accordance with s. 163.3175.*
- 4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:*

- a. *The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.*
  - b. *The Department of State shall limit its comments to the subjects of historic and archaeological resources.*
  - c. *The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.*
  - d. *The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.*
  - e. *The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.*
  - f. *The Department of Education shall limit its comments to the subject of public school facilities.*
  - g. *The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.*
  - h. *The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.*
- (c) 1. *The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.*
2. *All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2.*
  3. *The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.*
  4. *An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become*

*effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.*

**(4) STATE COORDINATED REVIEW PROCESS.—**

- (a) Coordination.—The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c). Each comprehensive plan or plan amendment proposed to be adopted pursuant to this subsection shall be transmitted, adopted, and reviewed in the manner prescribed in this subsection. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this subsection, to the local governing body responsible for the comprehensive plan or plan amendment.*
- (b) Local government transmittal of proposed plan or amendment.—Each local governing body proposing a plan or plan amendment specified in paragraph (2)(c) shall transmit the complete proposed comprehensive plan or plan amendment to the reviewing agencies within 10 working days after the first public hearing pursuant to subsection (11). The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of this subsection. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment.*
- (c) Reviewing agency comments.—The agencies specified in paragraph (b) may provide comments regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment. Written comments submitted by the public shall be sent directly to the local government.*
- (d) State land planning agency review.—*
  - 1. If the state land planning agency elects to review a plan or plan amendment specified in paragraph (2)(c), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the proposed plan or plan amendment. Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments in its report regarding whether the plan or plan amendment is in compliance and whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall identify measures the local government may take to eliminate, reduce,*

*or mitigate the adverse impacts. When a federal, state, or regional agency has implemented a permitting program, a local government is not required to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. This subparagraph does not prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments regarding densities and intensities consistent with this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments.*

- 2. The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document.*
- (e) Local government review of comments; adoption of plan or amendments and transmittal.—*
- 1. The local government shall review the report submitted to it by the state land planning agency, if any, and written comments submitted to it by any other person, agency, or government. The local government, upon receipt of the report from the state land planning agency, shall hold its second public hearing, which shall be a hearing to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.*
  - 2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c).*
  - 3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.*
  - 4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine if the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections*

*raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet website. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site shall be prima facie evidence of compliance with the publication requirements of this subparagraph.*

5. *A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.*

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

- (a) *Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.*
- (b) *The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. Under the expedited state review process, this petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3. Under the state coordinated review process, this petition must be filed with the division within 45 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (4)(e)3.*
  1. *The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.*
  2. *If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of*

*Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.*

- (c) *An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.*
  - 1. *In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.*
  - 2. *a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.*
    - b. *In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.*
  - 3. *In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.*
- (d) *If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall make every effort to enter a final order expeditiously, but at a minimum within the time period provided by s. 120.569.*
- (e) *If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.*
  - 1. *If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall make every effort to refer the recommended order and its determination expeditiously to the Administration Commission for final agency action, but at a minimum within the time period provided by s. 120.569.*
  - 2. *If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall make every effort to enter its final order expeditiously, but at a minimum within the time period provided by s. 120.569.*
  - 3. *The recommended order submitted under this paragraph becomes a final order 90 days after issuance unless the state land planning agency acts as provided in subparagraph 1. or subparagraph 2. or all parties consent in writing to an extension of the 90-day period.*
- (f) *Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).*

(6) COMPLIANCE AGREEMENT.—

- (a) *At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.*
- (b) *Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.*
- (c) *Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.*
- (d) *The local government shall hold a single public hearing for adopting remedial amendments.*
- (e) *For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.*
- (f) *For challenges to amendments adopted under the state coordinated process, the state land planning agency shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement within 20 days after receiving a complete plan or plan amendment adopted pursuant to a compliance agreement.*
  1. *If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional*

*pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.*

2. *If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).*
  - (g) *This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.*
  - (h) *This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.*

(7) *MEDIATION AND EXPEDITIOUS RESOLUTION.—*

- (a) *At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.*
- (b) *Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.*
- (c) *Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.*
- (d) *For a case following the procedures under this subsection, absent written consent of the parties or a showing of extraordinary circumstances, if the administrative law judge recommends that the amendment be found not in compliance, the Administration Commission shall issue a final*

*order within 45 days after issuance of the recommended order. If the administrative law judge recommends that the amendment be found in compliance, the state land planning agency shall issue a final order within 45 days after issuance of the recommended order. If the state land planning agency fails to timely issue a final order, the recommended order finding the amendment to be in compliance immediately becomes the final order.*

**(8) ADMINISTRATION COMMISSION.—**

*(a) If the Administration Commission, upon a hearing pursuant to subsection (5), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions that would bring the comprehensive plan or plan amendment into compliance.*

*(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.*

*1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government is not eligible for grants administered under the following programs:*

*a. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.048.*

*b. The Florida Recreation Development Assistance Program, as authorized by chapter 375.*

*c. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.*

*2. If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.*

*3. The sanctions provided by subparagraphs 1. and 2. do not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in this paragraph.*

**(9) GOOD FAITH FILING.—***The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it,*

*a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.*

*(10) EXCLUSIVE PROCEEDINGS.—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.*

*(11) PUBLIC HEARINGS.—*

*(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subparagraph (3)(b)1. and paragraph (4)(b) and for adoption of a comprehensive plan or plan amendment pursuant to subparagraphs (3)(c)1. and (4)(e)1. shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.*

*(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:*

- 1. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166.*
- 2. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.*

*(c) Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.*

*(12) CONCURRENT ZONING.—At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this section. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.*

*(13) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).*

*History.—s. 9, ch. 75-257; s. 1, ch. 77-174; s. 4, ch. 77-331; s. 7, ch. 83-308; s. 8, ch. 84-254; s. 8, ch. 85-55; s. 9, ch. 86-191; s. 7, ch. 92-129; s. 77, ch. 92-279; s. 55, ch. 92-326; s. 10, ch. 93-206; s. 34, ch. 94-356; s. 1445, ch. 95-147; s. 5, ch. 95-181; s. 11, ch. 95-310; s. 2, ch. 95-322; s. 26, ch. 96-410; s. 16, ch. 97-99; s. 2, ch. 97-253; s. 3, ch. 98-146; s. 12, ch. 98-176; s. 15, ch. 2000-158; s. 34, ch. 2001-254; s. 7, ch. 2002-296; s. 2, ch. 2004-384; s. 6, ch. 2005-290; s. 19, ch. 2006-1; s. 3, ch. 2007-198; s. 7, ch. 2009-96; s. 6, ch. 2011-14; s. 17, ch. 2011-139; s. 15, ch. 2012-5; s. 1, ch. 2012-75; s. 8, ch. 2012-99; s. 3, ch. 2015-30; s. 3, ch. 2016-148.*