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2
3 **ORDINANCE NO. 2016-13**

4 **AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF**
5 **THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS**
6 **CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE**
7 **LOCAL PLANNING AGENCY, AMENDING POLICY 1.13 OF THE**
8 **VILLAGE'S COMPREHENSIVE PLAN LAND USE CATEGORY,**
9 **"VILLAGE MIXED-USE", TO INCLUDE ALL PERMITTED**
10 **RESIDENTIAL USES TO BE CLASSIFIED AS MULTIFAMILY AND**
11 **TO PROVIDE A NOTATION REGARDING TRANSFER OF**
12 **DEVELOPMENT RIGHTS CONSISTENT WITH POLICY 1.1.14 OF**
13 **THE COMPREHENSIVE PLAN; PROVIDING FOR ORDINANCES**
14 **IN CONFLICT, CODIFICATION, SEVERABILITY AND AN**
15 **EFFECTIVE DATE.**

16 **WHEREAS**, in 2008, the Mayor and Village Council created the Land Use Designation
17 Village Mixed Use (VMU), which provided for a range of permitted uses and development
18 intensities for certain lands within the Village; and
19

20 **WHEREAS**, the newly created VMU district provided for up to 400 residential units of
21 which 300 were identified as "Senior Living Facility" and 100 were identified as "Multifamily
22 Residential"; and
23

24 **WHEREAS**, Senior Living Facility is not clearly defined as to the nature of the
25 development pattern be it single family or multifamily residential; and
26

27 **WHEREAS**, for clarity of desired development form, the Policy 1.1.3 of the
28 Comprehensive Plan is to be amended to reflect a total of up to 400 permitted multifamily
29 residential uses of which 300 may be allocated for a senior living facility; and
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31 **WHEREAS**, for purposes of consistency throughout the Village's Comprehensive Plan a
32 note is added to reflect the VMU land use designation's eligibility to participate in Transfer of
33 Development Rights program as provided for at Policy 1.1.14; and
34

35 **WHEREAS**, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been
36 designated as the Local Planning Agency for the Village; and
37

38 **WHEREAS**, on May 2, 2016, the Local Planning Agency approved the proposed
39 amendment; and
40

41 **WHEREAS**, the Village Council have reviewed the criteria of 30-30.8(b) and find the
42 ordinance in compliance with the applicable standards and the Comprehensive Plan; and
43

44 **WHEREAS**, in light of the above, Village of Palmetto Bay desires to sponsor an
45 amendment to Land Use Element of the Village's Comprehensive Plan which would amend
46 Policy 1.1.3 as described herein.

1
2 NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND COUNCIL
3 OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
4

5 **Section 1. Recitals.** The above recitals are true and correct and incorporated herein
6 by this reference.

7 **Section 2.** The Land Use Element of the Village's Comprehensive Plan is amended
8 to read as follows:
9

10 **1.0 FUTURE LAND USE ELEMENT**

11
12 **GOAL 1 TO GUIDE THE VILLAGE OF PALMETTO BAY FROM BIRTH TO**
13 **EARLY MATURITY AS AN OUTSTANDING AND TRULY LIVABLE**
14 **COMMUNITY IN SOUTHEAST FLORIDA BY BUILDING ON, AND**
15 **IMPROVING, THE EXISTING LAND USE BLUEPRINT THROUGH**
16 **VISIONARY PLANNING AND PLACE-MAKING, COST EFFICIENT**
17 **PROVISION OF HIGH QUALITY FACILITIES AND SERVICES,**
18 **QUALITY NEIGHBORHOOD PROTECTION, AND**
19 **ENHANCEMENT OF ITS UNIQUE AND BEAUTIFUL COASTAL**
20 **ENVIRONMENTAL RESOURCES.**
21

22 **Objective 1.1 Future Land Use Map**

23 Adoption and implementation of the Future Land Use Map (FLUM),
24 including the land use amendments to individual parcels as referenced in
25 the supporting Data, Inventory, and Analysis, and presented in Exhibit 1
26 and the element goals, objectives, and policies herein as the official and
27 primary standard governing land use density and intensity in the Village of
28 Palmetto Bay.
29

30 * * *

31
32 Policy 1.1.3 The Palmetto Bay Village Center is an ~~(approximately 39 acres)~~ has been
33 designated on the FLUM as "Village Mixed-Use" land use. The entire 80.0 acre
34 site is located northeast of the intersection of SW 184th Street and Old Cutler
35 Road and is subject to the Master Plan accepted by the Village Council in
36 October 2004. Approximately 39 acres of that land is designated "Village Mixed
37 Use" which may include the following maximum development potential:

- 38 • Multifamily residential, including but not limited to Apartment Building,
39 Rowhouse/Townhouse, and/or Senior Living Facilities Facility— up to
40 400-300-units
- 41 • ~~Multifamily Residential~~— up to 100 units
- 42 • Commercial – incidental and supporting uses
- 43 • Office – up to 315,000 square feet (including ancillary uses).

Page 2 of 4

Additions shown by underlining and deletions shown by ~~overstriking~~.

"****" indicates portions of code excluded.

- 1 • Any increase in commercial square footage or residential units approved
2 by Transfer of Development rights pursuant to applicable Code shall not
3 exceed maximum permitted land use density by more than 25%.

4
5 None of the above uses shall create substantial adverse impacts on the Biscayne
6 National Park or Biscayne Bay.

7
8 * * *

9
10 **Section 3. Conflicting Provisions.** The provisions of the Comprehensive Plan of
11 the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
12 provisions of this ordinance are hereby repealed.

13
14 **Section 4. Severability.** The provisions of this Ordinance are declared to be
15 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be
16 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
17 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being
18 the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

19
20 **Section 5. Codification.** It is the intention of the Village Council and it is hereby
21 ordained the provisions of this Ordinance shall become and be made part of the Comprehensive
22 Plan of the Village of Palmetto Bay, Florida.

23
24 **Section 6. Effective Date.** This ordinance shall take effect immediately upon
25 enactment.

26
27 **PASSED and ENACTED** this 2nd day of May, 2016.

28
29 First Reading: March 7, 2016
30 Second Reading: May 2, 2016

31
32
33 Attest: Meighan Alexander
34 Meighan Alexander
35 Village Clerk

Eugene Flinn
Eugene Flinn
Mayor

36
37
38 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
39 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

40
41 Dexter W. Lehtinen
42 Dexter W. Lehtinen
43 Village Attorney
44
45

1
2 FINAL VOTE AT ADOPTION:
3
4 Council Member Karyn Cunningham NO
5
6 Council Member Tim Schaffer YES
7
8 Council Member Larissa Siegel Lara YES
9
10 Vice-Mayor John DuBois NO
11
12 Mayor Eugene Flinn YES
13