

**RESOLUTION NO. 2017-98**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A CONTRACT WITH DOVER, KOHL & PARTNERS FOR AN AMOUNT NOT TO EXCEED \$18,500.00, FOR THE FIRST PHASE OF REVIEW OF THE DUV CODE AND TO MAKE LINE ITEM CHANGES TO THE EXISTING DOWNTOWN URBAN VILLAGE CODE, AND TO GENERATE THOSE EXPLICIT DECISIONS NEEDED ON THE MOST CRITICAL ISSUES TO THE DUV CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Councilmember David Singer)**

**WHEREAS**, on April 3, 2017, the Village Council passed a moratorium to prevent development within the Downtown Urban Village; and

**WHEREAS**, the Village Council now wishes to continue to re-evaluate the Downtown Urban Village code and define a process to complete the re-write of the code; and

**WHEREAS**, the Village Council now wishes to have the independent review and recommendations brought forward so that changes can be adopted to the existing code; and

**WHEREAS**, the Mayor and Village Council desire to approve a contract with Dover, Kohl and Partners.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** The Village establishes the following process to re-write the DUV code. The resources assigned to each step of the process must be specified by Resolution.

Step 1: Develop DUV guidelines. This step generates a specific

1 blue-print for re-writing the code. The blue-print will be approved by  
2 Council.

3  
4 Step 2: Build and re-write the DUV code. This step will deliver up  
5 to two drafts, the potential revision of the blue-print, as well as public  
6 input related to the blue-print and code re-write. The final draft will be  
7 approved by Council.

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9 Step 3: Test code. This step will use real applications to test the  
10 effectiveness of the code revisions. Potential remedies to code failures  
11 will be proposed.

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13 Step 4: Approval. The final version of the code must be approved  
14 by Council.

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16 **Section 2.** The Village of Palmetto Bay Mayor and Council hereby  
17 authorizes Phase 1 of the Dover, Kohl and Partners proposal to meet  
18 Step 1 of the DUV code re-write. This phase must be completed in 30  
19 days.

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21 **Section 3.** This Resolution shall take effect immediately upon  
22 approval.

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24 PASSED AND ADOPTED this 22<sup>nd</sup> day of August, 2017.

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27 DocuSigned by:  
28 *Missy Arocha*  
29 0EDC211E5E8C48C...  
30 Missy Arocha  
31 Village Clerk

32 DocuSigned by:  
33 *Eugene Flinn*  
34 3B8854AD589F494...  
35 Eugene Flinn  
36 Mayor

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

39 DocuSigned by:  
40 *Claudio Riedi, Esq.*  
41 4470B200EB374C2...  
42 Claudio Riedi, Esq.  
43 Village Attorney

1 FINAL VOTE AT ADOPTION:  
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3 Council Member Karyn Cunningham YES  
4  
5 Council Member David Singer YES  
6  
7 Council Member Larissa Siegel Lara YES  
8  
9 Vice-Mayor John DuBois YES  
10  
11 Mayor Eugene Flinn YES

DOVER, KOHL & PARTNERS  
t o w n p l a n n i n g

Mr. Edward Silva  
Village Manager, Village of Palmetto Bay  
9705 East Hibiscus Street, Palmetto Bay, FL 33157

**Subject: Proposal for Revising the DUV Code for the Village of Palmetto Bay**

Dear Mr. Silva:

At the Village's request, we have prepared the following proposal for revising your DUV code. This work would follow up on our previous work on the DUV code undertaken with Marcela Cambolor & Associates (MC&A).

In an effort to meet the Village's constrained timeframe to amend the DUV, address inconsistencies, and clarify language as needed, we propose a three-phase approach involving our firm (DKP) and MC&A along with professional assistance from Spikowski Planning Associates to ensure the successful amendment of the DUV code.

**PHASE 1** would begin immediately. This phase would take direction from the recent DKP/MC&A public involvement effort and our formal report to the Village and would result in a policy document, in the form of a list, that describes the specific DUV code changes we think are the minimum that need to be made. This tool will be used to confirm with the Village Council and staff exactly what direction we are to follow before code writing begins. We'd be explicit in this work program about the policy decisions that these code changes would reflect (preferably listed specifically; or for some, maybe just naming the subject that we must study further during Phase 2). These policy decisions would include the most critical issues, such as the mapping of sub-district/transect zone assignments; clearing up the questions about transitions to surrounding areas; where the Main Street is really meant to be; how bonuses are to be used and who would decide on them; height limits at least generally; and where the train station should be assumed to land. We would perform Phase 1 at our regular hourly rates, with the total fee not exceeding \$18,500.

**PHASE 2**, if authorized by the Village, would include drafting the actual code revisions, changing as little as possible but as much as necessary. Near the end of Phase 2 we would provide an editable file with our recommended code changes and would make one joint presentation to the Village to explain our work. We would perform Phase 2 at our regular rates, with the total fee for Phase not to exceed \$60,000 without prior authorization.

**PHASE 3**, if agreed upon by all parties at a future date, could include meetings with staff, community, or boards; preparing alternative language for the code; participating in public hearings; etc. We would perform Phase 3 at our regular rates.

If you have any questions or wish to suggest changes to this scope of services, please contact us at your earliest convenience. If this proposal is acceptable as presented, please sign in the space provided and return a signed copy to our office.

Read and agreed to on this \_\_\_\_ day of August 2017, by:

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Victor Dover, Principal, Dover, Kohl & Partners

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Edward Silva, Village Manager, Village of Palmetto Bay