

RESOLUTION NO. 2018-07

1
2
3 A RESOLUTION OF THE MAYOR AND VILLAGE
4 COUNCIL OF THE VILLAGE OF PALMETTO BAY,
5 FLORIDA, RELATING TO ZONING-IN-PROGRESS (ZIP)
6 PURSUANT TO SECTION 30-30.10; DURING WHICH
7 TIME THE COUNCIL WILL STUDY AND AMEND THE DUV
8 CODE; BY THE EARLIER OF 60 DAYS FOLLOWING THE
9 EXPIRATION OF THE EXISTING ZONING-IN-PROGRESS
10 RESOLUTION WHICH IS JANUARY 15, 2018 OR THE
11 FINAL ADOPTION OF THE VILLAGE'S REVISIONS TO
12 THE LAND DEVELOPMENT CODE FOR THE DURATION
13 OF THE ZIP, A MORATORIUM IN THE DOWNTOWN
14 URBAN VILLAGE (DUV) ZONING DISTRICT ON THE
15 APPROVAL OF: ANY RESERVE RESIDENTIAL UNITS,
16 TRANSFER OF DEVELOPMENT RIGHTS (TDR), AND/OR
17 BONUS FLOORS UNDER THE DUV ZONING CODE OR
18 WITHIN THE DUV; PROVIDING THAT THE MORATORIUM
19 DOES NOT APPLY TO PENDING SITE PLAN
20 APPLICATIONS THAT WERE FILED IN SUBSTANTIALLY
21 COMPLETE FORM PRIOR TO APRIL 4, 2017; AND
22 PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by*
23 *Village Administration)*
24

25 WHEREAS, the Village Council needs an additional 60 days in
26 order to consider the results of a comprehensive study and effects of
27 approving reserve units, TDRs, and bonus floors under the DUV Code
28 and within the DUV;
29

30 WHEREAS, the Village Council, now desires to continue to
31 exercise its' right to research and study those districts and zoning
32 standards within the DUV area and therefor directs the Village Manager
33 to return within 60 days of this action to bring forward an ordinance which
34 provides updated zoning standards for the DUV area;
35

36 WHEREAS, to preserve the *status quo* it is necessary to continue
37 a Zoning-In-Progress on the approval of: any reserve residential units,
38 transfer of development rights, and/or bonus floors under the DUV
39 zoning code or within the DUV;
40

1 **WHEREAS**, the existing zoning-in-progress Resolution expires on
2 January 15, 2018, and the sixty (60) day extension provided for in this
3 Resolution will expire on March 16, 2018.
4

5 **BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE**
6 **VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
7

8 **Section 1.** Upon the date of approval of this resolution, staff shall
9 comply with 30-30.10, Council shall consider within 60 days of the
10 expiration of the existing Zoning-In-Progress Resolution with an
11 ordinance which provides updated zoning standards for the DUV area. In
12 the interim, no reserve residential units, transfer of development rights
13 (TDR), and/or bonus floors under the DUV zoning code or within the
14 DUV shall be submitted or issued for developments. This zoning in
15 progress resolution shall expire the earlier of: 60 days after the expiration
16 of the existing Zoning-In-Progress resolution which is January 15, 2018,
17 or upon the first reading of zoning ordinance.
18

19 **Section 2.** The Village Council approves this proposed Zoning-In-
20 Progress resolution extension. The Village Council has determined that a
21 zoning in progress resolution to allow the preparation of a detailed and
22 comprehensive analysis of the area in question is reasonably necessary
23 and desirable, and as such, the Village Council approves this Zoning-In-
24 Progress resolution extension; and order a fixed time, not to exceed 60
25 calendar days.
26

27 **Section 3.** Upon adoption of the Zoning-In-Progress Resolution,
28 the Village Clerk shall publish the adopted Resolution in a newspaper of
29 general circulation published in the Village, or Miami-Dade County,
30 Florida within ten days following the date of adoption.
31

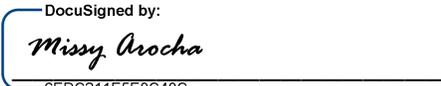
32 **Section 4.** During the 60-day Zoning-In-Progress period of time no
33 reserve residential units, transfer of development rights (TDR), and/or
34 bonus floors under the DUV zoning code or within the DUV shall be
35 submitted or issued for developments.
36

37 **Section 5.** Nothing in this Resolution should be construed or
38 applied to abrogate the vested right of a property owner to develop or
39 utilize his/her property in any other way commensurate with zoning and

1 other regulations, including any required renewal of permits for existing
2 legally erected premises.

3
4 **Section 7.** This Resolution shall take effect immediately upon
5 enactment.

6
7 **PASSED AND RESOLVED THIS 22nd day of JANUARY, 2018.**

8
9
10 Attest: 
11 Missy Arocha
12 Village Clerk


Eugene Flinn
Mayor

13
14 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
15 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

16
17 
18 Dexter W. Lehtinen
19 Village Attorney

20
21
22 **FINAL VOTE AT ADOPTION:**

- 23 Council Member Karyn Cunningham YES
- 24 Council Member David Singer YES
- 25 Council Member Larissa Siegel Lara YES
- 26 Vice-Mayor John DuBois YES
- 27 Mayor Eugene Flinn YES