

VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of October 1, 2012
Village Hall Chambers
9705 East Hibiscus Street

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Mayor Shelley Stanczyk
Vice Mayor Brian W. Pariser
Council Member Patrick Fiore
Council Member Howard Tendrich
Council Member Joan Lindsay

Staff present:
Village Manager Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Alexander
Director of Planning and Zoning Darby Delsalle

Mayor Stanczyk called the meeting to order at 7:05 p.m. Mayor Stanczyk asked the members of the military that were present that evening to come forward and lead the pledge of allegiance. She provided each member of the military with a commemorative lapel pin and the entire Council thanked them for their service. She recognized the following recruits:

Derek Brown	Angela Pinsong
Maria Castro	Dwight Biwright
Starling Fleming	Giovanni Brockonsio
Meshak Horn	Clement Fernandez
Lauren Ohaber	

Mayor Stanczyk asked the Council to table the meeting of the Local Planning Agency to allow for special recognition of guests present this evening. Vice Mayor Pariser moved to table the meeting. Seconded by Councilwoman Lindsay. All voted in favor.

Vice Mayor Pariser moved to re-open the Local Planning Agency meeting. Seconded by Councilwoman Lindsay. All voted in favor. The meeting re-convened.

2. ORDINANCES FOR FIRST READING (PUBLIC HEARING)

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S GREEN INCENTIVE PROGRAM; MODIFYING SECTION 5-54 ENTITLED "SCOPE OF GREEN PROGRAM"; TO INCLUDE USES OF PUBLIC ASSEMBLAGE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilwoman Lindsay.

Director Delsalle provided staff report, noting that there are eight separate ordinances, which is required, as the Florida Statutes dictate that each ordinance must pertain to one subject matter. He advised that there is one staff report to cover the Neighborhood Protection issues.

Director Delsalle explained that the first ordinance would mandate that institutional type uses and non-residential uses within residential neighborhoods would be required to comply with green regulations. He stated that the next ordinance concerning clarifying and identifying staging during construction of a project. He reported that the third ordinance speaks to parking concerns and requiring studies be performed by a traffic engineer.

Attorney Boutsis offered that the fourth Ordinance is modified to remove the superfluous provisions concerning Charter Schools.

Director Delsalle advised that Sections 30-60.15 and 30-110, which are sections concerning places of public assemblage, was clarified. Section 30-60.15 was incorporated into 30-110. He stated that the setback criteria were transferred into one section to facilitate a clear definition in Section 30-110.

Director Delsalle explained that the Ordinance concerning section 30-60.6 relates to lighting and limits residential district lighting to 15 feet. He advised that the Ordinance modifying section 30-30.2 concerns fines consistent with Chapter 162 of the Florida Statutes.

Attorney Boutsis advised that she had provided her memorandum concerning scrivener's errors and assured the Council that there was no intention to change setbacks.

Director Delsalle continued by noting that Division 30-50 would be modified to provide clear permitted and conditional list of uses within the zoning districts. He concluded his report by noting that the final Ordinance consolidates language from Section 30-60.15 into Division 30-110 relating to religious facilities, private schools, child care facilities and other non-governmental public assembly uses.

Attorney Boutsis noted that under the provisions of home rule authority, the Village must be consistent with Miami-Dade County Code. Director Delsalle noted that staff would like to incorporate into the record the discussions held at the three workshops on this matter.

Mayor Stanczyk opened the public hearing. No one wished to be heard. She closed the public hearing.

Following brief comment, Mayor Stanczyk called the question. All voted in favor. The ordinance passed on first reading unanimously (5-0.)

- B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REMOVAL OF DUPLICATE PROVISION RELATING TO CHARTER SCHOOLS; REMOVING CHAPTER 9 PROVISIONS AND RESERVING THE CHAPTER AS CHARTER SCHOOLS ARE REGULATED UNDER 30-120 OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilwoman Lindsay.

Attorney Boutsis advised that there is a duplicate provision in Chapter 9. This modification would clarify the language of Division 30-120 and reserve Chapter 9.

Mayor Stanczyk opened the public hearing. Mr. Anthony Gorman, 14140 SW 72 Avenue, addressed the Council.

Attorney Boutsis explained that the entire ordinance is being stricken in this case, as it is a duplicate.

Mayor Stanczyk closed the public hearing.

Mayor Stanczyk called the question. All voted in favor. The ordinance passed on first reading unanimously (5-0.)

- C. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING SECTION 30-30.2 RELATING TO DEVELOPMENT APPROVAL PROCEDURES; MODIFYING SECTION 30-30.2(q) RELATING TO FINES TO BE CONSISTENT WITH CHAPTER 162, FLORIDA STATUTE; MODIFYING DIVISION 30-50 ENTITLED "ZONING DISTRICTS"; MODIFYING PERMITTED AND CONDITIONAL LIST OF USES WITHIN THE ZONING DISTRICTS; CONSOLIDATING SECTION 30-60.15 INTO DIVISION 30-110 RELATING TO RELIGIOUS FACILITIES, PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-GOVERNMENTAL PUBLIC ASSEMBLY USES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Vice Mayor Pariser moved this item forward. Seconded by Councilwoman Lindsay.

Attorney Boutsis noted that Section 30-60.15 was stricken and included in 30-110.1. Furthermore, the 30-50 provisions were combined into one category.

Mayor Stanczyk opened the public hearing. The following individuals addressed the Council: Chet England, 15300 SW 80 Avenue; David Zisman, 14135 Farmer Road; and David Singer, 8260 SW 154 Street.

Mayor Stanczyk asserted that the setbacks have not been modified. Director Delsalle advised that properties built under an approved site plan would be governed by that original site plan; however, if subsequent to development, the code changed, then the property may be non-conforming.

The public hearing continued: Carol Vega, 8845 SW 178 Terrace and Lois Chumbley, 7480 SW 159 Terrace, addressed the Council.

Councilman Tendrich opined that a moratorium is unnecessary for modification to the existing code at this level.

Councilwoman Lindsay stated that many expressed concern about the moratorium, but she did not believe any development was placed on hold. She asserted that the code required important modification and consolidation.

Vice Mayor Pariser asked if any party had applied for an administrative waiver. Director Delsalle replied that no one had.

The public hearing continued: Attorney Jerry Proctor, 200 S Biscayne Boulevard, Miami; James McGhee, 8621 SW 142 Street; Brenda Storch, 7885 SW 179 Terrace; and Gary Pastorella, 6940 SW 147 Terrace.

Councilwoman Lindsay noted that provision 30-110 includes a public hearing requirement. She asked whether a development order could be expanded to include activities that weren't previously included in the order.

Director Delsalle advised that any development order existing guides the development. Councilwoman Lindsay noted that if someone comes forward with an application, a public hearing would be required and that Council could approve a development order that would include parking requirements and other essential elements. She expressed concern that if an entity had a development order and decided to lease property, that lease may change the scope of the development order that was approved. Attorney Boutsis stated that staff would consider language for second reading.

Councilwoman Lindsay moved to strike the sentence from lines 34 and 35, page 20 of 29, stated that a special event permit is required should a nonprofit or other civic group seeks to use the facilities. Seconded by Councilman Tendrich.

Mayor Stanczyk expressed her opposition.

Councilwoman Lindsay stated that the YMCA should be permitted to use basketball courts at certain locations.

Attorney Boutsis stated that she understood from comments at workshops that the intent was to prevent commercial enterprises from operating within residential districts, such as a cafeteria becoming a weekend banquet hall.

Following discussion, Councilwoman Lindsay withdrew her motion. Councilman Tendrich concurred, withdrawing the second.

Mayor Stanczyk called the question. All voted in favor. The ordinance passed on first reading unanimously (5-0.)

- D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60, ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.6 RELATING TO LIGHTING; PROVIDING HEIGHT LIMITATIONS FOR RESIDENTIAL DISTRICTS OF LIGHT POLES TO 15 FEET; AND PROVIDING FURTHER CLARIFICATION OF STANDARDS FOR RESIDENTIAL DISTRICTS, AND GENERAL REGULATIONS RELATING TO LIGHTING; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Lindsay moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis stated that the title is self-explanatory.

Mayor Stanczyk opened the public hearing. The following people addressed the Council: Eric Tullberg, 7884 SW 179 Terrace, and Gary Pastorella, 6940 SW 147 Terrace.

Councilman Fiore expressed that the ordinances presented this evening are unnecessary and the Village should be welcoming new families and new businesses.

Attorney Boutsis stated that staff is incorporating its report into each of the ordinances.

Councilwoman Lindsay opined that many residents have experienced problems with developments in the past and the Village needs regulations that are not burdensome to anyone. Mayor Stanczyk concurred, stating that the Council needs to address the issues important to the residents. Vice Mayor Pariser stated that the number one goal in the comprehensive plan is neighborhood protection. He thanked everyone who had participated in the process.

Councilman Tendrich remarked that he believes the work is important; however, he did not believe a moratorium was necessary.

Mayor Stanczyk called the question. The ordinance passed on first reading (4-1, Councilman Fiore being opposed.)

- E. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60, ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.11 RELATING TO PRE-CONSTRUCTION AND

CONSTRUCTION STANDARDS TO PROVIDE ADDITIONAL DETAILED REQUIREMENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Lindsay moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis stated that staff would incorporate their previous report.

Mayor Stanczyk opened the public hearing. The following individual addressed the Council: Bev Gerald, 14271 SW 74 Court.

Mayor Stanczyk closed the public hearing.

Following brief comment, Mayor Stanczyk called the question. The ordinance passed on first reading (4-1, Councilman Fiore being opposed.)

- F. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60 ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.29 RELATING TO NOISE STANDARDS; REVISING HOURS OF OPERATION OF TEMPORARY PUBLIC ADDRESS SYSTEMS; DELETING NOISE ORDINANCE FROM CHAPTER 15 OF THE CODE OF ORDINANCES AS IT IS A DUPLICATE PROVISION OF 30-30.29; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Lindsay moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis stated that staff seeks a motion to amend the title, as 30-30.29 should read 30-60.29. Councilwoman Lindsay moved to amend the title. Seconded by Councilman Tendrich. All voted in favor. The motion passed (5-0.)

Mayor Stanczyk opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace addressed the Council. Mayor Stanczyk closed the public hearing.

Councilman Tendrich moved to include "Saturday and Sunday" in the loudspeaker provision. Attorney Boutsis clarified the section was line 26, page 3 of 15.

Discussion ensued. Attorney Boutsis clarified that individuals cannot apply for an exception to an ordinance. Vice Mayor Pariser seconded the motion.

Following brief comment, Mayor Stanczyk called the question. The motion failed (1 to 4, Councilman Tendrich being solely in favor.)

As members in the audience expressed their desire to speak, Mayor Stanczyk reopened the public hearing. The following individuals addressed the Council: Lois Chumbley; Beatriz Herrmann, 17251 SW 86 Avenue; Eric Tullberg; David Singer;

and Brenda Storch, 7885 SW 179 Terrace. Mayor Stanczyk closed the public hearing.

Following brief remarks, Mayor Stanczyk called the question. The Ordinance passed on first reading (3 to 2, Councilmen Fiore and Tendrich being opposed.)

- G. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-70 ENTITLED "PARKING REGULATIONS"; REVISING SECTION 30-70.4 TO PROVIDE FURTHER CLARITY IN THE REQUIREMENTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Lindsay moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis advised that the modification include requiring a certified traffic engineer.

Mayor Stanczyk opened the public hearing. No one wishes to be heard. She subsequently closed the public hearing.

Director Delsalle noted that staff is incorporating the report from Item 2 A.

Mayor Stanczyk called the question. The ordinance passed on first reading (4-1, Councilman Fiore being opposed.)

- H. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-100 ENTITLED "ENVIRONMENTAL REGULATIONS"; REVISING SECTION 30-100.3 RELATING TO LANDSCAPING BUFFER AND MAINTENANCE STANDARDS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Lindsay moved this item forward. Seconded by Vice Mayor Pariser.

Attorney Boutsis advised that staff is incorporating their report and the errata sheet.

Vice Mayor Pariser asked that the definition of buffer specifically be included. Director Delsalle noted that the definition would be included in 30-40.

Councilman Tendrich has if the six foot high wall is required as a buffer. Attorney Boutsis advised that in this district, a wall is required; in the commercial district, a wall or fence.

Mayor Stanczyk opened the public hearing. The following individuals came forward and were heard: James McGhee and Eric Tullberg.

Mayor Stanczyk closed the public hearing. She called the question. The ordinance passed on first reading (4-1, Councilman Fiore being opposed.)

Councilman Fiore moved to reconsider the vote on Item 2 C. Seconded by Councilman Tendrich. All voted (5-0) for the reconsideration.

Councilman Tendrich asked for clarification regarding child care facilities. Attorney Boutsis explained that the home rule powers of Miami-Dade County mandate the requirement.

Mayor Stanczyk called the question on reconsideration. The ordinance passed on first reading (4 to 1, Councilman Fiore being the sole opposition.)

3. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 9:40 pm.

Prepared and submitted by:


Meghan J. Alexander, CMC
Village Clerk

*Adopted by the Village Council on
this 5th day of November, 2012.*


Shelley Stanczyk, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, 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. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.