

VILLAGE OF PALMETTO BAY
Minutes of the Local Planning Agency Meeting of Monday, December 7, 2009
Deering Estate Visitor's Center
16701 SW 72 Avenue

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

Mayor Eugene P. Flinn, Jr.
Vice Mayor Brian W. Pariser
Council Member Ed Feller
Council Member Howard Tendrich
Council Member Shelley Stanczyk

Staff present:
Village Manager Ron E. Williams
Village Attorney Eve A. Boutsis
Village Clerk Meighan J. Rader

Mayor Flinn called the meeting to order at 7:10 p.m. Mayor Flinn recognized former Councilman Paul Neidhart and congratulated him on his appointment as the new Executive Director of the Economic Development Council. He asked Mr. Neidhart to lead the pledge of allegiance.

2. ORDINANCE FOR FIRST READING (PUBLIC HEARING)

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING AS THE LAND PLANNING AGENCY, RELATING TO ZONING; EXTENDING THE EXISTING MORATORIUM BY TWO MONTHS ON THE ISSUANCE OF BUILDING PERMITS FOR DEVELOPMENTS OF MORE THAN FIVE CONTIGUOUS ACRES SO THAT THE VILLAGE CAN ADOPT THE FINAL PORTIONS OF THE VILLAGE'S LAND DEVELOPMENT CODE, INCLUDING BUT NOT LIMITED TO ZONING PROCEDURES, TELECOMMUNICATIONS AND GREEN/LEED DESIGN CRITERIA; SUCH TEMPORARY MORATORIUM TO APPLY TO ALL PROPERTIES OVER FIVE ACRES IN CONTIGUOUS SIZE LOCATED WITHIN THE VILLAGE OF PALMETTO BAY; EXEMPTING PUBLIC FACILITIES DEVELOPED FOR THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilman Tendrich moved this item forward. Seconded by Councilwoman Stanczyk.

Attorney Boutsis provided staff report.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace, noted that the map provided should be corrected to depict certain major roadways and canals. The public hearing was closed.

Mayor Flinn called the question. The proposed Ordinance passed on first reading (4-1, Councilwoman Stanczyk opposed.)

3. ORDINANCE FOR SECOND READING (PUBLIC HEARING)

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO TELECOMMUNICATIONS TOWERS, ANTENNAS AND SATELLITE DISHES; AMENDING SECTION 30-60.52 OF THE CODE AND REPLACING SAME; RELATING TO LOCATION, CO-LOCATION, SETBACKS, LANDSCAPING, MINIMUM REQUIREMENTS, MINIMUM STANDARDS, DISTANCE REQUIREMENTS; APPEALS; PROCEDURES; APPLICATION FEE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this matter forward. Seconded by Councilman Tendrich.

Attorney Boutsis advised that the Village had adopted Section 30-60.52, which mirrored County language; however, this proposed Ordinance is offered as modified based upon community input and including best practices from around the State.

Director of Planning and Zoning Julian Perez concurred, adding that the proposed comprehensive ordinance addresses state and federal regulations, includes priority placing standards, and offers assistance for aesthetically pleasing placement of the towers.

Attorney Boutsis noted that there is also a public hearing process included; however, all FCC regulations must be first complied with. She advised that the regulations contain the inclusion of a FCC declaratory ruling concerning co-location applications.

Mayor Flinn suggested the Village include language that states that the Village will comply with all federal statutes and rulings; otherwise, modification of the ordinance may be necessary with each FCC declaratory ruling.

Vice Mayor Pariser moved to include such language, stating that guidelines shall be "amended from time to time." Seconded by Councilman Feller. Following brief discussion, the motion was approved unanimously (5-0.)

Councilwoman Stanczyk moved to remove mention of locating cell towers in proximity to public and/or private schools as one of the priorities.

Councilman Feller remarked that the towers do not have to be free standing; rather, they are often incorporated into a wall or a small tower on top of a building. Mayor Flinn asked if free standing towers could be prohibited. Attorney Boutsis replied that free standing towers are permitted by FCC. The motion failed for lack of second.

Mayor Flinn opened the public hearing. No one wished to be heard. The public hearing was closed.

Mayor Flinn called the question. All voted in favor of the Ordinance, as amended (5-0.)

4. ORDINANCE FOR THIRD READING (PUBLIC HEARING)

- A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, CHAPTER 30 ENTITLED "ZONING," CREATING DIVISION 30, ENTITLED "DEVELOPMENT APPROVAL PROCEDURES"; WHICH DIVISION SHALL BE PART OF THE VILLAGE'S LAND DEVELOPMENT CODE; PROVIDING FOR ZONING APPLICATION PROCESS, PUBLIC HEARING NOTICE REQUIREMENTS, PROCESS FOR REVIEWING VARIANCES, CODE AMENDMENTS, COMPREHENSIVE PLAN AMENDMENTS, ADMINISTRATIVE MODIFICATIONS, AND APPEAL PROCEDURES; REVIEWING THE PROCEDURES ORDINANCES AS THE LAND PLANNING AGENCY AND AS THE VILLAGE COUNCIL; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Councilwoman Stanczyk moved this item forward. Seconded by Councilman Feller.

Director Perez provided staff report. He explained that the proposed ordinance contains amendments approved by the Council. Attorney Boutsis concurred and noted that all procedures for zoning applications are included.

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

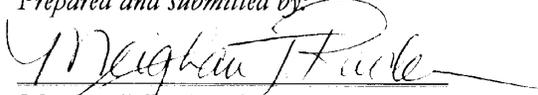
Vice Mayor Pariser asked for clarification concerning Section 30-30.2(f), page 8, line 34 regarding the procedures for the Village to be paid for legal review. Attorney Boutsis advised that line 32 addresses "extraordinary" review.

Councilwoman Stanczyk moved to approve the Ordinance, including all modifications. Seconded by Councilman Tendrich. All voted in favor. The Ordinance was adopted unanimously (5-0.)

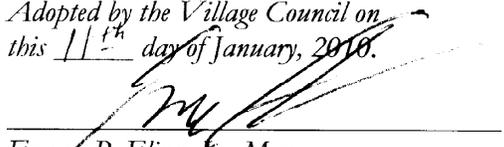
5. NEXT MEETING AND ADJOURNMENT

The Meeting was officially adjourned at 7:53 pm.

Prepared and submitted by:


Meighan J. Rader, CMC
Village Clerk

Adopted by the Village Council on
this 11th day of January, 2010.


Eugene P. Flinn, Jr., 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 AUTHORIZES 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.