To: Mayor and Village Council

Date: October 28, 2013

From: Eve A. Boutsis, Village Attorney

Re: E-1 Lot Coverage Ordinance for Second Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING DIVISION 30-50.6(d), "ZONING DISTRICTS"; MODIFYING SECTION 30-50.6(d), TO PERMIT 17% LOT COVERAGE FOR TWO-STORY CONSTRUCTION AND 22% LOT COVERAGE FOR SINGLE STORY CONSTRUCTION FOR PROPERTIES ZONED E-1; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Tim Schaffer].

BACKGROUND:

During the June 19, 2013 Committee of the Whole (COW) Meeting, the Mayor and Village Council directed staff to review existing lot coverage regulations in the Estate Single-Family Residential Zoning District (E-1), and report back with possible recommendations. At the September 9, 2013 Council meeting the findings of that study (Exhibit 1) were submitted as part of the backup to the Village Manager's report. Council Person Tim Schaffer subsequently requested that the item be brought forward as an Ordinance, reflective of those findings contained therein.

On October 7, 2013, the item was read at first reading and forwarded for LPA and second reading consideration without any changes. The attached proposed ordinance is reflective of that action.

ANALYSIS:

The proposed ordinance was reviewed for consistency with the criteria established in Section 30-30.7(b). The Background section provided above shall be considered supplemental information to this analysis and thusly shall be incorporated into each criterion delineated below. The following is a review of those criteria:

Criteria (1): Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the Village's Concurrency Management Program.

Analysis: **Goal 1:** To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality

neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.

As reflected in the study attached at Exhibit 1, the proposed amendment provides a development standard more consistent with the standard previously provided by Miami-Dade County. Further, the amendment encourages single-story construction consistent with the existing residential development pattern of the community. Both initiatives fulfill the community's development expectations without exceeding the existing development pattern. As such, the proposed amendment supports Goal 1 of the Village's Comprehensive Plan.

The proposed amendment does not alter the permitted uses or densities, concurrency standards are not affected.

Finding: Consistent.

Criteria (2): Whether the proposal is in conformance with all applicable requirements of Chapter 30.

Analysis: See Criteria (1). The proposed amendment reflects a relatively small adjustment to the lot coverage criterion for two-story construction, and an accommodation for additional square footage when all the structures on the receiving property are limited to one story. The proposed amendment brings the Village's lot coverage code into greater alignment with the existing development pattern of the community and the previous standard applied by Miami-Dade County. No other provisions of the Land Development Code are applicable to this proposed amendment.

Findings: Consistent.

Criteria (3) Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.

Analysis: See Criteria (1) and (2). As reflected in the study submitted at Exhibit 1, and incorporated herein by reference, the amendment encourages the continuation of the existing development pattern of the community and aligns the Village's Land Development Code in a manner more consistent with the previous Miami-Dade County zoning.

Findings: Consistent.

Criteria (4) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and locations of uses involved, the impact on the

adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.

Analysis: Please see Criteria (3). The proposed amendment does not reduce maximum lot coverage, does not change permitted uses, and does not change permitted density. The amendment does encourage the continuation of the existing development pattern of the community and aligns the Village's Land Development Code in a manner more consistent with the previously used Miami-Dade County zoning.

Finding: Consistent.

Criteria (5) Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and service; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: N/A.

Finding: Consistent.

Criteria (6) Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer wildlife habitats, and vegetative communities.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Consistent.

Criteria (7) Whether, and to the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis See Criteria (3) and (4) above.

Findings: Consistent.

Criteria (8) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on land use pattern shall be identified.

Analysis See Criteria (3) and (4) above.

Findings: Consistent.

Criteria (9) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose of Chapter 30.

Analysis: See Criteria (1), (2), (3) and (4) above. As reflected in the Criteria above and the study attached at Exhibit 1, there is no conflict to the public interest.

Findings: Consistent.

Criteria (10) Other matters which the local planning agency or Village Council in its legislative discretion may deem appropriate.

Analysis: As per the direction of the Village Council.

Finding: As determined by the Village Council.

FISCAL/BUDGETARY IMPACT:
There does not appear to be any fiscal or budgetary impact of this amendment.

RECOMMENDATION:
Decision for the Village Council.

Darby Delsalle, AICP
Planning & Zoning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING DIVISION 30-50.6(d), "ZONING DISTRICTS"; MODIFYING SECTION 30-50.6(d), TO PERMIT 17% LOT COVERAGE FOR TWO-STORY CONSTRUCTION AND 22% LOT COVERAGE FOR SINGLE STORY CONSTRUCTION FOR PROPERTIES ZONED E-1; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. [Sponsored by Council Person Tim Schaffer].

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay created the E-1 Zoning District on August 20, 2009, and assigned zoning to all lands within the Village that were previous designated with the Miami-Dade County's EU-1 zoning; and,

WHEREAS, in so doing the Village of Palmetto Bay also adopted a simplified approach to calculating lot coverage by combining principal and accessory uses into one calculation resulting in a maximum lot cover of 16%; and,

WHEREAS, the formula created by the Village assumed typical sizes for accessory structures whereas the County assumed the size would adjust relative to the size of the receiving property; and,

WHEREAS, the Village now seeks to strike a balance between the two approaches and in so doing, desires to increase the maximum permitted lot coverage to 17% therein aligning it more closely with the total square footage permitted by the County; and,

WHEREAS, the Village recognizes the predominant residential development pattern throughout the Village is reflective of single story construction, and as such desires to encourage that pattern; and,

WHEREAS, to achieve that objective, the Village desires to permit a maximum lot coverage of 22% for properties zoned E-1 provided all construction on the receiving property is limited to one-story; and,

WHEREAS, in so doing, the Mayor and Village Council desire to amend Section 30-50.6(d).

BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Section 30-50.6(d), of the Village's Code of Ordinances relating to E-1 Zoning District lot coverage requirements shall be amended as follows:

Sec. 30-50.6. E-1, One Acre Estate Single-Family District.

* * *

(d) *Dimensional regulations.*

(1)	Minimum lot area	One acre including ROW
(2)	Maximum density	One unit including ROW
(3)	Minimum lot frontage	125 feet
(4)	Minimum lot depth	200 feet from center line of ROW
(5)	Maximum lot coverage	~~0.16~~0.17 of lot area including accessory buildings, or 0.22 if all construction on the property is limited to one story.
(6)	Reserved.	
(7)	Minimum open space	~~0.84~~0.83 of lot area, or 0.78 if all construction on the property is limited to one story.
(8)	Minimum landscaped pervious area	0.45 of lot area
(9)	Minimum building size	2,000 square feet
(10)	Maximum building height	35 feet
(11)	[Reserved]	
(12)	Maximum number of stories	Two
(13)	Uninhabitable sheds less than 100 square feet shall not exceed eight feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.	
(14)	*Septic tanks.* Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.	

* * *

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 3. This ordinance shall be codified and included in the Code of Ordinances.

Section 4. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall take effect immediately upon enactment.

First reading: _____

Second reading:_____

PASSED AND ENACTED this _____ day of _____, 2013.

Attest: _____ _____

Meighan Alexander
Village Clerk

Shelley Stanczyk
Mayor

APPROVED AS TO FORM:

_____

Eve A. Boutsis
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Tim Schaffer _____

Council Member Joan Lindsay _____

Vice-Mayor John DuBois _____

Mayor Shelley Stanczyk _____