

ORDINANCE NO. _____

1
2
3 AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE
4 OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE
5 COUNCIL; CREATING STANDARDS FOR ESTABLISHMENT AND
6 REVIEW OF VILLAGE ADVISORY COMMITTEES TO BE INCLUDED
7 IN THE VILLAGE CODE OF ORDINANCES AS CHAPTER 2, ARTICLE
8 II, DIVISION 3, ENTITLED "ADVISORY BOARDS OR COMMITTEES";
9 PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION,
10 SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by
11 Councilwoman Larissa Siegel Lara.)
12

13 WHEREAS, Chapter 2, Article II, Division 2, Section 2-46 of the Village Code contains
14 general information concerning Boards or Committees within the Village; and
15

16 WHEREAS, Village Code provides that the Council, "may create advisory committees for
17 any purpose it deems advisable; and further, "The Council shall determine the number, composition
18 and method for designating advisory committee members, and the duration of the committee"¹; and
19

20 WHEREAS, standards for creation and review of the Advisory Boards or Committees of
21 the Council is appropriate, as a clear standard for implementation and management is necessary.
22

23 BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE VILLAGE OF
24 PALMETTO BAY, FLORIDA, AS FOLLOWS:
25

26 Section 1. Chapter 2 Article II, Division 3, is hereby created, as follows:
27

28 Division 3. Advisory Boards or Committees

29 Sec. 2-52. Statement of Policy.
30

31 It is the intent of the Village Council of the Palmetto Bay, Florida, to enact a comprehensive
32 policy to promote economy, efficiency, and improved service in the transaction of public business
33 by Village Advisory Boards or Committees; therefore, the Village is hereby creating uniform policies
34 and procedures for their creation, operation, and review.

35 All rules and procedures provided in this division shall apply uniformly to all advisory boards
36 or committees, including all subcommittees, which shall include, but not be limited to, non-statutory
37 committees, task forces, and advisory boards established by the Village council pursuant to this
38 article.

39 Nothing in this Ordinance shall be construed or considered to be a delegation of any
40 legislative power or other governmental authority by the municipal government or by any local
41 official.

¹ Village Code of Ordinances, Section 2-46(c)

1 **Sec. 2-53. Definition**

2
3 For the purpose of this Division, the "Boards" or "Committees" shall include all non-
4 statutory advisory committees and ~~advisory~~ boards established by the Village Council to make
5 recommendations; and advise the Council; ~~and initiate~~ regarding programs in the Village. The
6 following definitions are provided:
7

- 8 (a) Internal Committees: Committees that focus upon the levels of service provided by the
9 Village government in order to meet the Village's residents, businesses, and institutions'
10 needs.
11
12 (b) External Boards: Boards that focus upon shared cooperative efforts with stake-holders
13 and engage participation.
14

15 **Sec. 2-54. General purpose.**

16 The general purpose of advisory boards and committees, as created herein or as may be created
17 from time to time, is to engage all residents and stakeholders of the Village and receive input,
18 feedback, and recommendations concerning various Village objectives. In addition to specific
19 missions and scopes of various advisory boards and committees, it shall be the general purpose of all
20 advisory committees and boards ~~bodies~~ in the Village to:

- 21 (a) Provide recommendations to the Village Council regarding public policies and programs;
22 (b) Serve as a venue for increased public engagement and discussion on any public policies
23 and programs;
24 (c) Conduct analysis and discussion on any public policies and programs; ~~and~~
25 (d) Offer input that has been benchmarked and verified as technically and financially
26 feasible; and
27 (e) Consider the Village's Strategic Plan, Comprehensive Plan, and other planning
28 documents in connection with the Advisory Board or Committee's recommendations,
29 and report the extent to which (if any) such recommendations are inconsistent with
30 such plans or documents.
31

32 The input, feedback, and recommendations of each Board or Committee shall be non-binding upon
33 the Village Council.

34 **Sec. 2-55. Boards and Committees and missions and scopes identified.**

35 The following boards and committees are hereby created, with the corresponding objectives:
36

- 37 (a) Parks and Recreation Committee:
38 a. Mission: to provide recommendations to the Village Council in matters of Village
39 parks and recreation levels of service.
40 b. Advisory scope: to review the following:

- i. State of the Parks' structures
- ii. State of the Parks' recreational facilities
- iii. Recreational programming and fees
- iv. Parks accessibility
- v. Parks safety

(b) Community Outreach Committee:

- a. Mission: to provide recommendations to the Village Council in matters of community engagement and public awareness
- b. Advisory scope: to review the following:
 - i. Communication strategies
 - ii. Communication execution
 - iii. Intergration of community calendars
 - iv. Village hosted events
 - v. Sponsorship opportunities
 - vi. Stakeholder engagement practices

(c) Village Services Committee:

- a. Mission: to provide recommendations to the Village Council in matters of Village services
- b. Advisory scope: to review the following:
 - i. Level of infrastructure
 - ii. Infrastructure maintenance
 - iii. Safety initiatives
 - iv. Transportation initiatives
 - v. Service management practices
 - vi. Effectiveness of current laws and procedures
 - vii. Fee structures
 - viii. Capital outlay and management

(d) Administrative Advisory Committee:

- a. Mission: to provide recommendations to the Village Council in matters of Village administrative process that impact all Village Departments
- b. Advisory scope: to review the following:
 - i. Financial performance
 - ii. Budget development process
 - iii. Budget review process
 - iv. Inter-governmental engagement process
 - v. Organizational structure effectiveness

- vi. Procurement practices
- vii. Customer service performance and practices

Sec. 2-56. Creation of new advisory boards and committees

- (a) All new Village advisory boards or committees that do not fall under one of the objectives listed in Section 2-54 shall be created only by modification to this ordinance. All members, liaison, and any subsequently created or existing Subcommittees, shall be accomplished via resolution.
- (b) After passage on first reading of an ordinance creating a new board and prior to the public hearing held on said ordinance, the Councilmember sponsoring said Board and Committee shall submit to the Village Clerk, a memorandum setting forth the following information concerning the proposed new board, which shall be distributed to the Village Council:
 - (1) Whether the establishment of the board will create sufficient betterment to the community to justify the Village investment in the creation of a Board or Committee.
 - (2) Whether another board or agency, either public or private, which is already in existence could serve the same purpose.
 - (3) The costs, both direct and indirect, of establishing and maintaining the board.
 - (4) Whether the board is necessary to enable the Village to obtain State, County, or federal grants or other financing.
 - (5) Whether the creation of a new board is the best method of achieving the benefit desired.
- (c) The public hearing shall be held no earlier than six (6) weeks after passage on first reading of the ordinance creating said board.

Sec. 2-57. Membership Appointment.

- (a) Advisory Board or Committees shall be made up of at least five members; regardless of the number of members, all Boards or Committee shall be odd-numbered. The Mayor, Vice Mayor and member of the Council shall each have at least one appointment to each Board or Committee without approval of the Council. Boards or Committees beyond five members shall be appointed by the Council at large. Members of Advisory Boards or Committees under this Section shall either:
 - (1) Be a resident of the Village; or
 - (2) Be employed within the Village; or
 - (3) Own a business located in the Village.
- (b) The Village Council shall appoint a non-voting Council Liaison to each Board or Committee. Administration shall appoint a non-voting staff representative to each Board or Committee. The Mayor shall be a non-voting Honorary Liaison to each Board or Committee.

- 1 (c) The Council may must, by Resolution, specify any additional structures or procedures for the
2 advisory committees and boards covered by this Chapter, including increasing the size and
3 specifying the method of appointment for additional members.
4

5 **Sec 2-58. Membership Limitations.**
6

7 Members of the Advisory Boards or Committee shall not:

- 8 (a) Serve on more than one (1) Committee created by this Section at the same time.
9 (b) Receive compensation and shall not otherwise obtain direct or indirect financial gain from
10 their service in the Committee.
11 (c) Be related to the Village Council members. Related shall mean: spouse, child, sister,
12 brother, parent or in-laws.
13 (d) Be a registered candidate for elective political office, unless the Village Council, by majority
14 vote, waives this prohibition.
15 (e) Be eligible to serve if, at any time during their term, the person has filed a lawsuit against the
16 Village that is pending, unless the Village Council, by majority vote, waives this prohibition.
17 (f) Ethical requirements applicable to Village Council members and village employees are
18 likewise applicable to all members of advisory committees or boards.
19

20 Advisory board or Committee members may be removed by affirmative majority of the Village
21 council. The Village Council need not state grounds for the removal of a Board or Committee
22 member.

23 **Sec 2-59. Term of Office.**

- 24 (a) The terms of office of the members of each Board or Committee shall serve a two-year term
25 once appointed.
26 (b) No Board member shall serve more than six consecutive years on any one board.
27 (c) Notwithstanding any other provision of this Code or any resolution, the term of every board
28 member nominated by a Council member shall automatically expire when:
29 a. The nominating Council member leaves office; or
30 b. The nominating Council member's term of office expires.
31 An incoming Council member may re-appoint the individual member, if they so desire, for
32 an additional term or any period of time they chose.
33 (d) Should a vacancy on a Board or Committee remain unfilled for thirty (30) days, which is
34 subject to individual Councilmember appointment, it may be filled by nomination of the
35 Village Council. However, that member's appointment shall be subject to the provisions of
36 subsection 2-58(d), listed above, as if they were nominated by a Council member.
37 (e) If at any time, a member of the Village Council desires the removal of a member of the
38 Committee, said removal shall occur via resolution with majority vote.
39

40 **Sec. 2-60. Oath Requirement.**
41

42 All Committee members shall be required to subscribe to an oath or affirmation to be filed by the
43 Village Clerk, swearing to support, protect and defend the Constitution and laws of the United

1 States, and of the State, the Charter and all ordinances of the Village of Palmetto Bay and in all
2 respects to faithfully discharge their duties.

3
4 **Sec. 2-61. Applicability and Explanation of Laws.**

5
6 All Committee members shall be subject to the State of Florida, Miami-Dade County Code of
7 Ethics and all rules, resolutions and regulations present and future of Palmetto Bay regarding
8 committees including decorum, ban on political activity and advocacy in committees and public
9 comment. Upon appointment, a Village representative shall provide Committee members with a
10 copy of the applicable ethics laws and provide an explanation of the State of Florida and Miami-
11 Dade County Code of Ethics (sunshine law, public records law, conflict of interest policy), and a
12 copy of this Division to the Committee member.

13
14 **Sec. 2-62. Public Meetings.**

15
16 All meetings and business of the Committees shall comply with the requirements of Chapters 119
17 (Public Records) and 286 (Sunshine), Florida Statutes. All meetings of the Boards and Committees
18 shall be open to the public at all times. Meetings shall be conducted in accordance with Robert's
19 Rules of Order.

20
21 Approval of the minutes of the previous meeting shall be included in each agenda of a regular
22 committee meeting and the draft minutes shall be presented to the Village Clerk's Office for
23 dissemination to each committee member no later than three (3) business days prior to the meeting.

24
25 Regular committee meetings will be canceled by the Village Clerk if the meeting minutes of the prior
26 regular committee meeting (or any other previously pending minutes at the time of approval of these
27 rules, regulations & procedures) are not submitted for committee approval by the established
28 deadline.

29
30 Rescheduling of canceled regular committee meetings shall take place upon the submission of
31 minutes of the prior meeting for approval.

32
33 **Sec. 2-63. Regular Meetings.**

34
35 Each Committee shall hold at least one regular publicly noticed meeting each quarter at a location
36 open to the public within the Village.

37
38 During the initial (organizational) meeting of a committee and during the first meeting of a
39 committee of each calendar year, the committees shall, by a majority vote, set a meeting schedule for
40 regular meetings throughout the year. The committee meeting schedule shall include the date, time,
41 and location of the meetings and must receive approval from the Village Clerk to avoid scheduling
42 conflicts. Changes in the schedule may be made and will be properly published in accordance with
43 the Sunshine Law.

44
45 Advisory committees and board meetings shall not conflict the regular Village council meetings.
46 Advisory committees and board meeting schedules that conflict with any previously established

1 advisory board meeting schedules are discouraged, and the clerk will advise the corresponding
2 advisory board(s) of any such conflict(s). Advisory boards shall make every attempt to resolve any
3 possible conflict with other advisory board schedules when approving their regular meetings for the
4 fiscal year. While all parties involved will make every effort to avoid the scheduling of more than one
5 public meeting at the same time, it is recognized that it may be necessary, from time to time, to
6 arrange more than one advisory board meeting at the same time in order to ensure that each
7 advisory board is able to duly meet and conduct business.

8
9 **Sec 2-64. Special Meetings.**

10
11 Special meetings may be held upon the call of the Chairperson or a majority of the advisory board or
12 committee. Notice of special meetings shall be by sent via e-mail to the Committee member's e-mail
13 address on file with the Village Clerk's Office and shall be received by the committee member with a
14 minimum of 24 hours' notice before the meeting. Special meetings shall be publicly noticed in
15 compliance with Ch. 286 F.S. and held at a public location within the Village, as set by the
16 Chairperson with coordination by the Village Clerk.

17
18 **Section 2-65. Agenda.**

19
20 The agenda for all meetings of the Advisory Board or Committee shall be prepared by the
21 Chairperson or in the absence of the Chairperson, the Vice Chairperson. Consistent with the legal
22 requirements regarding public notice of meetings, additional agenda items may be proposed at any
23 time by any member of the Advisory Board or Committee either during an advisory board or
24 committee meeting with respect to the Agenda for the next meeting or by request to the Village
25 Clerk's Office. If requested through the Village Clerk's office, the Village Clerk's office will notify
26 the Chairperson and other committee members of the request to add an agenda item and the item
27 will be added. Upon receipt of the Committee's Agenda, the Clerk will post said Agenda posted at
28 Village Hall and on the Village's website.

29
30 Items proposed after the agenda is distributed may only be heard under "New Business" and upon
31 an affirmative vote of the majority of the Committee members present at the meeting, but no vote
32 shall be taken on such "New Business" until the next meeting at which the item has been published
33 in the Agenda. Public comment shall be allowed at all meetings.

34
35 All agenda materials including back-up material and minutes shall be provided to the Village Clerk's
36 Office no later than three (3) business days prior to a regularly scheduled committee meeting.

37
38 **Sec 2-66. Quorum.**

39
40 Fifty percent (50%) of the Committee members appointed to the Committee shall constitute a
41 quorum. Provided there is a quorum, a majority of those present and voting shall be required to
42 adopt any motion or take any action. No actions may be taken without a quorum present although
43 those in attendance may still have discussion.

44
45 **Sec 2-67. Voting.**

1 Each Committee member shall be entitled to one (1) vote on matters coming before the Committee.
2 The Committee shall act as a body in making its decisions. No member present at a meeting may
3 abstain from voting except in cases of a conflict of interest, as provided in Florida Statutes and the
4 Miami-Dade County Code of Ethics. A member must be present to vote. Proxy votes shall not be
5 permitted.

6
7 **Sec. 2-68. Attendance.**

8
9 In the event a Committee member fails to attend three (3) regularly scheduled meetings in one
10 calendar year, without excuse and without prior notice to the chairperson, the Committee member
11 will automatically be removed from the Committee and the Council will be notified of the vacancy.

12
13 **Sec 2-69. Officers and Elections.**

14
15 Every Committee shall elect a Chairperson and Secretary annually, or as vacancies occur, at the first
16 meeting conducted to serve for a term of one (1) year. The Board or Committee may not meet in
17 the absence of a Secretary or his/her designee.

18
19 **Sec 2-70. Records.**

20
21 Minutes of all Committee meetings shall be recorded by the Secretary and shall be available for
22 public inspection. The Secretary shall forward all approved minutes to the Village Clerk's Office
23 within five (5) days following the meeting. Once approved, the Village Clerk shall archive all meeting
24 minutes and post same on the Village's website until at least three months post sunseting of the
25 committee.

26
27 **Sec 2-71. Access to Village Information and Records.**

28
29 Advisory Committees and Boards shall have access to all necessary information and records, as
30 follows:

- 31 (1) Advisory Committees and Boards, upon a vote of the Committee or Board, shall request
32 the information in writing with specificity from the Village Manager; and
33 (2) The Village Manager shall supply such requested information or records to the extent
34 that such request is not excessive, oppressive, involve undue costs, or contain
35 confidential or exempt material.

36
37 **Sec 2-712 Board and Committee Reports.**

38
39 The Chairperson or his/her designee shall present a quarterly written report to the Village Council,
40 which shall be submitted in writing to the Village Clerk's Office and the Village Manager. All reports
41 shall be approved by the Committee prior to submission to the Village Clerk's Office and Village
42 Manager's Office and or prior to presentation to the Village Council.

43
44 The quarterly report shall be part of the Village Council official Agenda, under Item 8, Board and
45 Committee Reports. The report shall, minimally, answer the following four questions:

- 46 1. How many meetings were held.

- 1 2. What were the main topics of discussion.
- 2 3. What are the Board/Committee's recommendations.
- 3 4. What does the Board/Committee need from the Council.

4
5 In any event, no committee shall be permitted to meet or otherwise conduct business during any
6 period that the committee is not in compliance with all document requirements and is up to date on
7 its minutes and/or quarterly reports to the Village Council. The only exception to this is any action
8 required to bring minutes and/or quarterly reports up to date and to have such documents properly
9 transmitted to the Village Clerk and Village Council.

10
11 Upon the request of the Village council, the advisory boards shall submit an annual written report to
12 the Village. The advisory boards may submit such other single and/or multiple issue reports and/or
13 other correspondence to the Village council as deemed appropriate by a majority of the
14 corresponding advisory board. All reports shall be approved by the advisory board prior to
15 submission to the Village clerk's office or presentation to the Village council.

16 **Sec. 2-723 "Sunset" review of boards.**

17
18 Each year, the Village Council shall review each Board or Committee in the following manner:

19 (a) By February of each year, each board's chairperson shall submit a written report, through the
20 Village Clerk's office, setting forth the following information concerning the board:

- 21 (1) Whether the board is serving the purpose for which it was created.
- 22 (2) Whether the board is serving current community needs.
- 23 (3) A list of the board's major accomplishments.
- 24 (4) Whether there is any other board, either public or private, which would better serve the
25 function of the board.
- 26 (5) Whether the ordinance creating the board should be amended to better enable the board
27 to serve the purpose for which it was created.
- 28 (6) Whether the board's membership requirements should be modified.
- 29 (7) The cost, both direct and indirect, of maintaining the board.
- 30 (8) Whether the County board is meeting performance measures developed to determine
31 their effectiveness in achieving stated goals.

32 (b) At the March Regular Council Meeting, the Village Clerk shall place discussion concerning the
33 Board or Commission on the Village Council Agenda, together with any recommendation that the
34 Village Manager wishes to provide. At this meeting, the Chairperson shall make an oral presentation
35 to the Village Council.

36 (c) The Village Council, by majority vote, shall determine whether to abolish, continue, consolidate,
37 or modify the Board or Committee. Absent any action by the Village Council, the Board or
38 Committee shall continue in existence.

39
40 **Section 4. Conflicting Provisions.** The provisions of the Code of Ordinances of the
41 Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
42 provisions of this ordinance are hereby repealed.

43
44 **Section 5. Severability.** The provisions of this Ordinance are declared to be severable,
45 and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be

1 invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences,
2 sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative
3 intent that this Ordinance shall stand notwithstanding the invalidity of any part.
4

5 **Section 6. Codification.** It is the intention of the Village Council and it is hereby
6 ordained the provisions of this Ordinance shall become and be made part of the Code of
7 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
8 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
9 changed to "Section" or other appropriate word.

10
11 **Section 7. Effective Date.** This ordinance shall take effect immediately upon
12 enactment.

13
14 First reading: _____

15
16 Second reading: _____

17
18 PASSED AND ENACTED this _____ day of _____, 2015.
19

20
21 Attest: _____

22 Meighan Alexander
23 Village Clerk

Eugene Flinn
Mayor

24
25
26 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
27 AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA ONLY:
28

29
30 _____
31 Dexter W. Lehtinen
32 Village Attorney

33
34
35 FINAL VOTE AT ADOPTION:

36
37 Council Member Karyn Cunningham _____

38
39 Council Member Tim Schaffer _____

40
41 Council Member Larissa Siegel Lara _____

42
43 Vice-Mayor John DuBois _____

44
45 Mayor Eugene Flinn _____



To: Honorable Mayor and Village Council

Date: April 24, 2015

From: Darby P. Delsalle, AICP
 Planning and Zoning Director

Re: AG to R-1 Sliver
 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .27 ACRES (+/-), FROM AG AGRICULTURAL TO R-1 SINGLE FAMILY DISTRICT; FOR A PORTION OF THE PROPERTY LOCATED AT 15840 SW 89 AVENUE BEARING FOLIO 33-5028-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

UPDATE SINCE 1ST READING:

This ordinance was heard on first reading at the April 6, 2015 Mayor and Village Council Meeting and was moved without modification upon a unanimous vote. There are no changes from first reading. The remainder of this report is as it was previously submitted to the Mayor and Village Council.

BACKGROUND:

The property in question is a remnant parcel located at approximately 15840 SW 89th Avenue, consists of approximately .27 acres¹, and is landlocked by adjoining properties. In 2005, as part of broader zoning application request, the property in question was rezoned from AU, Agricultural to RU-1, Single Family Residential² (Resolution No. 05-108). That application included contiguous land to the east that was later subdivided via waiver of plat pursuant to the Mayor and Village Council's approved final order. The remnant portion that remained, although part of the rezoning request, was not required to be part of the plat waiver.

At the time of the 2005 application, the lands within the Village of Palmetto Bay were still zoned according to Miami-Dade County's Official Zoning. This changed in 2009, when as

¹ The .27 acre property in question is part of a larger 1.76 acre parcel. The balance of the larger parcel is zoned R-1.

² RU-1, Single Family Residential is Miami-Dade County's version of the Village's R-1 Single Family Zoning designation. AG, Agricultural, is the Village's equivalent to Miami-Dade County's AU, Agricultural.

part of ordinance number 09-17, the Village adopted its own Official Zoning Map, thus replacing the Miami-Dade Zoning Map. The overall net affect, with few exceptions, was the re-labeling of zoning designations throughout the Village in a manner consistent with the Village's newly adopted Land Development Code provisions. During that zoning mapping/adoption process, this small section was inadvertently rezoned back to AG, Agricultural. As such the Village is now seeking to realign the zoning of this remnant parcel to reflect the original intent of the Mayor and Village Council's action in 2005.

The remnant parcel in question is described as follows:

A portion of 28 55 40 1.76 acres specifically E 219ft of W 444ft of S 55ft of N 205ft of SE ¼ of SW ¼ of NE ¼. Said lands situate, lying and being in Miami-Dade County, Florida, and containing 11,760 square feet or .27 acres, more or less.

ZONING HEARING HISTORY:

On January 11, 1967, the Dade County Board of County Commissioners pursuant to Resolution No. 3-ZAB-23-67 approved a rezoning from AU (agricultural) to RU-1 (single family residential) for a portion of the larger parcel.

On December 15, 2005, the Mayor and Village Council of The Village of Palmetto bay pursuant to Resolution No. 05-108 rezoned the remainder of the parcel from AG (agriculture/residential) to R-1 (single family residential).

In October 2009, the Village created its Land Development Code and Comprehensive Zoning Map, and re-designated the subject property as AG (agriculture/residential). (Documentation not provided in this back-up as it is voluminous and is existing Code).

NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE DESIGNATION
Subject Property:	
R-1; Single Family Residential	Low-Medium Density Residential
AG; Agricultural/Residential	
Surrounding Properties:	
NORTH:	
R-1; Single Family Residential District	Low-Medium Density Residential
EAST:	
R-1; Single Family Residential District	Low-Medium Density Residential
SOUTH:	
R-1; Single Family Residential District	Low-Medium Density Residential
WEST:	
R-1; Single Family Residential District	Low-Medium Density Residential

ANALYSIS:

The following is a review of the request pursuant to the Village's rezoning criteria found at Section 30-30.7(b), of the Land Development Code. The Background Section and the Analysis is hereby incorporated by reference.

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: The underlying land use designation is Low-Medium Residential which permits up to 13 units per acre. The R-1 zoning fits within that land use density category. The property is a remnant parcel surrounded by lands of similar zoning.

Finding: Consistent.

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

Analysis: Please see Background Section of this report. The parcel in question is currently zoned differently from all of the properties that surround it. In this case, the parcel was inadvertently rezoned back to AG in 2009 contrary to Mayor and Village Council's original action in 2005. Changing of the remnant parcel's zoning would make it consistent with the surrounding properties and thus, consistent with all requirements of Chapter 30.

Finding: 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: Not applicable. There were no changes to land use policy, the rezoning that occurred in 2009 was the result of a mapping over-site. This rezoning resets the land to the zoning adopted by the Mayor and Village Council in 2005.

Finding: Consistent.

Criteria (4) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.

Analysis: See Background and Neighborhood Characteristics Sections of this report. The rezoning is consistent with the surrounding uses and will mirror the zoning on all sides if approved.

Findings: Consistent.

Criteria (5) Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services; 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: Please see Criteria 1. The proposed rezoning is a small sliver of land consisting of approximately .27 acres. Any impact on infrastructure and services would be de minimis. Any impact would be measured at the time of development application.

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 rezoning is a small sliver of land consisting of .27 acres. The site is an in area populated with single and multifamily homes. There does not appear to be any significant natural resources at the site.

Finding: Consistent.

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

Analysis: The rezoning is consistent with the surrounding zoning on all four sides.

Finding: 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: The rezoning is consistent with the surrounding zoning on all four sides.

Finding: Consistent.

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

Analysis: The rezoning is consistent with the surrounding uses and will mirror the zoning on all four sides.

Finding: Consistent.

Criteria (10) Other matters which the Local Planning Agency or the Village Council in its legislative discretion may deem appropriate.

Finding: Decision for the Village Council.

RECOMMENDATION: Approval.

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING THE OFFICIAL ZONING MAP; CHANGING .27 ACRES (+/-), FROM AG AGRICULTURAL TO R-1 SINGLE FAMILY DISTRICT; FOR A PORTION OF THE PROPERTY LOCATED AT 15840 SW 89 AVENUE BEARING FOLIO 33-5028-000-0191, IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the property in question is a remnant parcel located at approximately 15840 SW 89 Avenue, consists of approximately .27 acres, and is landlocked by adjoining properties; and

WHEREAS, in 2005 as part of broader zoning application request, the property in question was rezoned from AU, Agricultural to RU-1, Single Family Residential¹ (Resolution No. 05-108); and

WHEREAS, in 2009, the Mayor and Village Council adopted Ordinance No. 09-17, which created the Village's Official Zoning Map, thus replacing the Miami-Dade County Zoning Map; and

WHEREAS, in creating the Official Zoning Map, this small section was inadvertently rezoned back to AG, Agricultural; and

WHEREAS, the surrounding properties are all zoned R-1; and

WHEREAS, pursuant to Chapter 166, Florida Statutes, a change of zoning, otherwise known as a district boundary change, of less than 10 acres, requires a public hearing on second reading, and a Land Planning Agency public hearing prior to approval of the rezoning by ordinance; and

WHEREAS, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been designated as the Local Planning Agency for the Village; and

WHEREAS, on May 4, 2015, the Local Planning Agency approved the proposed amendment; and

WHEREAS, to approve a rezoning, the request must be consistent with the Village's Comprehensive Plan and a basic finding of compatibility to Code Section 30-30.7(b) must be rendered by the Mayor and Village Council; and

¹ RU-1, Single Family Residential is Miami-Dade County's version of the Village's R-1 Single Family Zoning designation. AG, Agricultural, is the Village's equivalent to Miami-Dade County's AU, Agricultural.

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

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Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

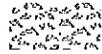
Mayor Eugene Flinn _____

Existing Zoning for 15840 SW 89 AVE



0 100 200
Feet

Created: 3/6/2015



AG



E-M



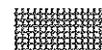
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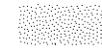
R-1



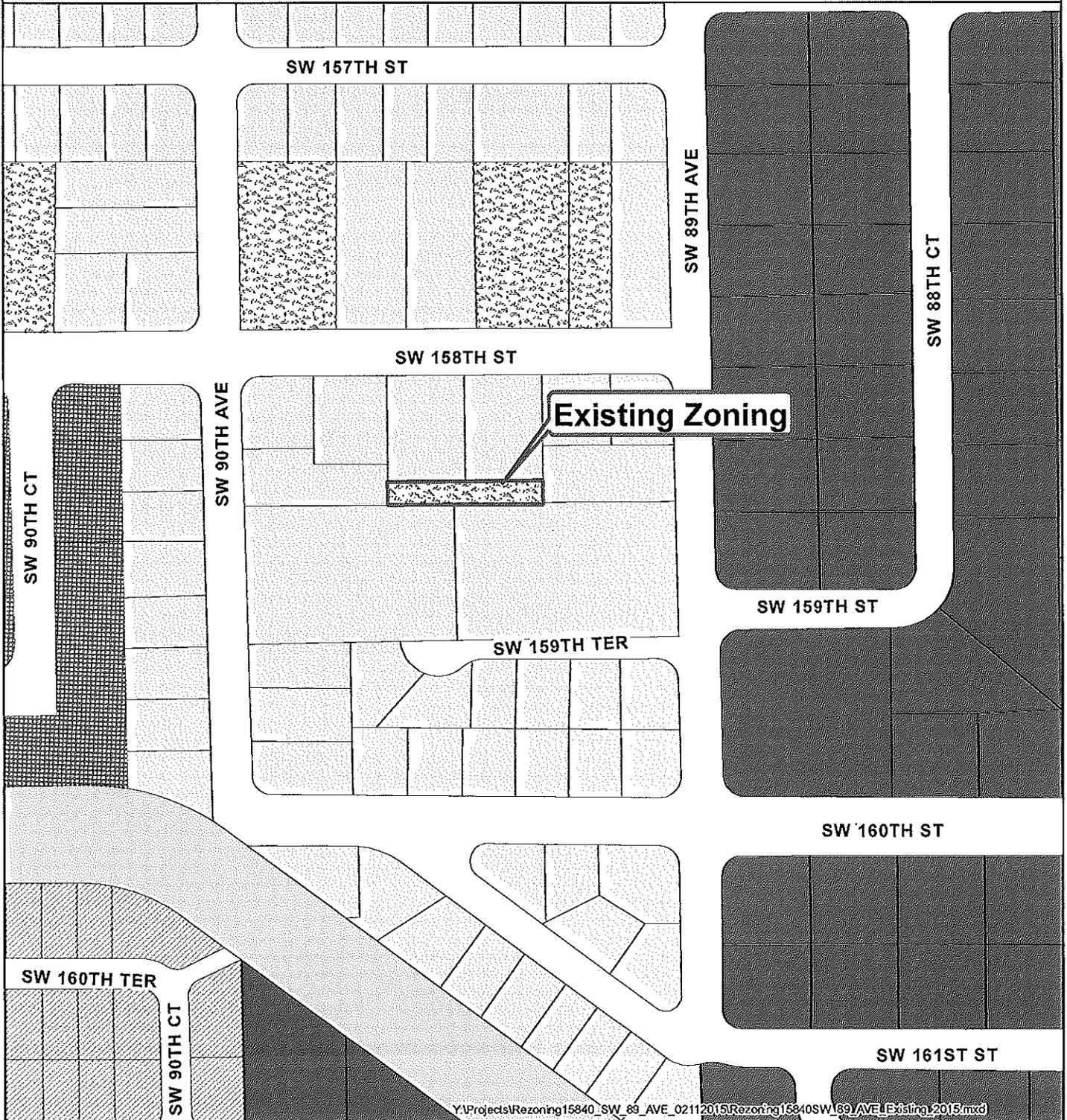
R-1M



R-3



Water

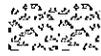


Proposed Zoning for 15840 SW 89 AVE



0 100 200
Feet

Created: 03/06/2015



AG



E-M



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R-1



R-1M



R-3



Water

