To: Honorable Mayor and Village Council

Date: September 9, 2015

From: Edward Silva, Village Manager

RE: CHHA Policy Amendment

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO THE VILLAGE'S COMPREHENSIVE PLAN; AMENDING THE COASTAL MANAGEMENT ELEMENT BY ADDING POLICY 5.4.5 TO PROVIDE LANGUAGE ADOPTING THE STATE OF FLORIDA COASTAL HIGH HAZARD AREA MAP; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

BACKGROUND:

The Comprehensive Plan for the Village of Palmetto Bay ("Comprehensive Plan") was originally adopted on August 1st, 2005, to ensure that the development patterns for future land uses within the Village match the community vision and quality-of-life expectations of its residents. The most recent revision was completed on February 2, 2015. That amendment provided for the inclusion of a Coastal High Hazard Area (CHHA) map as required by Section 163.3175(2)(h) *Florida Statutes.* The State of Florida has requested language be added to the Comprehensive Plan that would have the net effect of capturing any future adjustments to the State CHHA map as they may relate to lands within the Village.

ANALYSIS:

The following is a review of the request pursuant to the Village's criteria found at Section 30-30.8(b) of the Land Development Code. The Background Section and the Analysis Section, at Subsection I of this report is hereby incorporated by reference into this analysis.

Criteria (1) Whether the proposal is internally consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: The proposed amendment provides for the addition of a policy as required pursuant to Section 163.3175(2)(h) *Florida Statutes*, which ensures any changes to the State CHHA map will be appropriately referenced within the Village's Comprehensive Plan.

Finding: Consistent.

Criteria (2) Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing Comprehensive Plan, and whether the changes support or work against the proposed amendment.

Analysis: See the Background section and Criteria 1 above.

Finding: Consistent.

Criteria (3) 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 neighboring property land use.

Analysis: The proposed amendments do not change the existing permitted uses.

Finding: Consistent.

Criteria (4) 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 CHHA map is an essential element to the State of Florida's planning effort with regard to weather events that may result in flooding and needed evacuations. The planning effort is to ensure life safety and the protection of property values.

Finding: Consistent.

Criteria (5) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.

Analysis: See Criteria 1 and 3.

Finding: Consistent.

Criteria (6) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the Comprehensive Plan.

Analysis: See Criteria 1, 3 and 4.

Finding: Consistent.

Criteria (7) Whether the proposed amendment meets the requirements of Section 163.3161, Florida Statutes, entitled "The Local Government Comprehensive Planning and Land Development Regulation Act."

Analysis: See Criteria 1, 3 and 4.

Finding: Consistent.

Criteria (8) Other matters which the Local Planning Agency or the Village Council, in its legislative discretion, may deem appropriate.

Finding: Decision for the Village Council.

FISCAL/BUDGETARY IMPACT:

None at this time.

RECOMMENDATION

Approval.

Darby Dellsalle, AICP
Planning & Zoning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO THE VILLAGE'S COMPREHENSIVE PLAN; AMENDING THE COASTAL MANAGEMENT ELEMENT BY ADDING POLICY 5.4.5 TO PROVIDE LANGUAGE ADOPTING THE STATE OF FLORIDA COASTAL HIGH HAZARD AREA MAP; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan for the Village of Palmetto Bay ("Comprehensive Plan") was adopted on August 1st, 2005, to ensure that the development patterns for future land uses within the Village match the community vision and quality-of-life expectations of its residents; 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, pursuant to Section 163.3175(2)(h) *Florida Statutes,* the Village's comprehensive plan must provide for a policy which adopts the State of Florida Coastal High Hazard Area map; and

WHEREAS, on September 9, 2014, the Village Council approved the proposed ordinance on first reading, and directed staff to transmit the amendments to the State of Florida's Department of Economic Opportunity (DEO), and other applicable agencies for transmittal and review pursuant to Section 163.3184, *Florida Statutes*; and

WHEREAS, the DEO, issued their Objections, Recommendations and Comments (ORC) Report on _____, 2015 accepting and approving the proposed amendment; and

WHEREAS, on _____, 2015, and prior to second reading, the Village Council, acting in its capacity as the Local Planning Agency, adopted the EAR based amendments.

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

Section 1. **Recitals.** The above recitals are true and correct and incorporated herein by this reference.

Section 2. That policy 5.4.5 of the Coastal Management Element of the Comprehensive Plan, is created to read follows:

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

5.0 Coastal Management Element

* * *

Objective 5.4 **Coastal High Hazard Area (CHHA)-Development**

Protect human life and limit public expenditures that subsidize private development permitted within the Coastal High Hazard Area (CHHA), as defined in Section 163.3178(2)(h), F.S. as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, beyond the planned densities and intensities depicted on the Future Land Use Map or those which are necessary to support the limited remaining infill development and/or support overriding health and safety concerns.

* * *

Policy 5.4.5 The Village of Palmetto Bay recognizes that the boundaries of its Coastal High Hazard Area (CHHA) map must be adjusted to be consistent with the definition of the CHHA found at Section 163.3178(2)(h), F.S., as "…the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." The Village of Palmetto Bay CHHA boundary was most recently illustrated by the Florida Statewide Regional Evacuation Study at pages 174, 175, 190, and 191.

Section 3. **Transmittal.** The Village Council, acting in its capacity as the Local Planning Agency, directed Village staff to transmit the EAR based amendments to the DEO.

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

Section 5. **Severability.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

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

Additions shown by underlining and deletions shown by ~~overstriking~~.
"***" indicates portions of code excluded.

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

PASSED and ENACTED this ____ day of _____, 2015.

First Reading: _____

Second Reading: _____

Attest: _____ _____

Meighan Alexander — Eugene Flinn

Village Clerk — Mayor

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

_____

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 _____

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"***" indicates portions of code excluded.