



To: Honorable Mayor and Village Council

Date: September 9, 2015

From: Edward Silva, Village Manager

Re: DRTF Land Use and
FLUM 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, CREATING THE VILLAGE'S COMPREHENSIVE PLAN LAND USE CATEGORY, "FRANJO ACTIVITY CENTER"; PROVIDING FOR PERMITTED USES; CREATING POLICIES IN SUPPORT THEREOF AND AMENDING CERTAIN PROVISION IN CONFLICT THERETO; AND RELATING TO A LARGE SCALE AMENDMENT OF THE FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM RESIDENTIAL, MEDIUM RESIDENTIAL MEDIUM, HIGH RESIDENTIAL, BUSINESS OFFICE, NEIGHBORHOOD MIXED-USE, AND MIXED-USE CORRIDOR, TO FRANJO ACTIVITY CENTER (FAC); PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

A. BACKGROUND:

Since incorporation in 2002, the residents of Palmetto Bay have envisioned a thriving downtown district in the Village's southwest corner in and around South Dixie Highway. This area, commonly known as the Franjo Triangle and Island District, or the FT&I district, is long overdue for a transformation that benefits the Palmetto Bay community. The FT&I district is a high exposure area located along one of the most heavily traveled arterials in Miami-Dade County.

In late Spring of 2013, the Village Manger formed the Downtown Redevelopment Task Force (DRTF) for the purpose of exploring innovative approaches to facilitate that vision of a vibrant downtown within the southwestern corner of the Village. The membership of the

DRTF consisted of over 40 residents and professionals from across the Village representing a full diversity of interest and expertise in the areas of land development including real estate, landscaping, architecture, engineering, banking, marketing, community events, private residents, business owners, restaurateurs, etc.

The DRTF received initial funding and vital support from the Village Council on September 18, 2013 at the Mayor and Village Council's final hearing for the FY 2013/14 Operating & Capital Budget. Funding was provided to commence with implementation of tasks and projects critical to implementing the preliminary planned improvements in the downtown redevelopment area. During that time, the DRTF continued to meet. The result of their monthly meetings was the formulation of a downtown concept for the Village of Palmetto Bay which was subsequently presented to the Mayor and Village Council in April of 2014.

Since that time, the Mayor and Village Council have been presented with (1) a market study from Lambert Advisory which demonstrated potential market capture of retail, office and residential demand, (2) a traffic study by Marlin Engineering, which demonstrated how the roadway infrastructure and transportation network must be configured to manage projected demand, and (3) a concurrency (aka capacity) study performed by Kimley-Horn and Associates, Inc., to identify infrastructure needed to support the anticipated development¹ (collectively referred to as the "Studies" and attached hereto at Exhibits A, B, and C). It is the findings of these reports that were used to establish baseline data to guide the development of new zoning and land use provisions necessary to implement the envisioned Downtown Palmetto Bay. The Studies and their findings are hereby incorporated into this staff report.

B. PROPOSED CHANGES:

This report and associated ordinance seeks to amend the Comprehensive Plan (Comp Plan) with a new land use category entitled Franjo Activity Center (FAC), by amending, deleting and creating goals, objectives, and policies (GOP) within the Comprehensive Plan; and amends the Future Land Use Map (FLUM), changing certain lands within the downtown area to the new FAC land use designation, as more particularly described at Attachment A of the proposed ordinance. The amendments shall supersede and replace those GOP's and land use designations related to lands commonly associated with the FT&I zoning area of the Village's downtown. The proposed amendment does not conflict with those portions of the downtown that will continue to reflect FT&I zoning designations. In addition, the proposed land use amendment does the following:

1. provides for a mixed use, compact development component where integration of uses is implemented district wide;
2. residential density allocation is assigned as a maximum number of units throughout the entire district and not just a single property;
3. the FAC includes reserve units that may be assigned to properties to encourage development associated with based incentives within the Land Development Regulations (LDR);
4. allows for a transfer of rights (TDR) within the district for residential units;

¹ The market study was accepted on April 6, 2015, the traffic study was accepted on March 2, 2015, and the capacity study was accepted on July 13, 2015.

5. establishes a level of service (LOS) threshold for urban parks within the downtown district.

Mixed Use. The intended outcome of the proposed amendments is to achieve greater flexibility that facilitates development. The first component of that effort involves allowing the integration of mixed uses as a district wide concept versus on an individual property basis. This is not to say properties along certain roads will not have vertically integrated uses (Franjo Road and US-1 more particularly). Such integration will be directed by the corresponding zoning provisions. This method provides a more practical approach given development of the downtown is likely to occur organically as market forces dictate. Hence, some blocks may only be developed with residential, whereas others may be oriented towards office/retail demand.

Density. Residential density is also viewed through the prism of a district wide approach versus individual lots. This innovated approach to land planning relies upon a greater understanding of the carrying capacity of the district as a whole as it relates to public infrastructure (roads, potable water, waste water, etc.). The Studies completed in support of this amendment provided the baseline data, thus informing the level of development that can be supported. The number of units requested within this proposal is reflected of the Studies at 5,389 district wide. Of those units, 4,143 are specifically allocate to each property with the remaining 1,246 to be deposited into a reserve for the Village to allocate at the time of site plan approval. The requested unit count ensures that (a) each lot has the opportunity to a vested development right reflective of likely density outcomes throughout the district and (b) sufficient capacity is offered within the FAC to achieve potential development capture identified within the Lampert Market study.

Reserve Units. To encourage development of the downtown area, the FAC provides for reserve units which may be assigned to individual properties subject to availability. These are units in excess of those which are vested within the downtown zoning provisions. Their allocation is “first come, first serve”, are generally linked to incentive based provisions of the proposed downtown LDRs, and are recoverable by the Village if the receiving property does not construct them within a specified time period (again as provided for within the proposed zoning provisions).

Transfer of Development Rights. The FAC provides for residential transfer of development rights (TDR) within the district. This is done because it is understood not all lots within the downtown will develop with residential units. However, it remains the desire of the Village to potentially capture those units as future residential development comes on-line in the out years of the downtown implementation phases as described in the Studies. Any units not utilized within the prescribed time frame are deposited into the reserve unit category as provided by the proposed LDRs.

Parks. The final component includes a new LOS for park facilities within the downtown area. The desire is to capture civic areas needed to support projected development and to ensure adequate open space is provided for a sustainable downtown. This measure ensures a truly livable and workable urban environment.

The remaining amendments to the Comp Plan relate to miscellaneous goals, objectives and policies which support the five (5) items presented above.

C. COMPREHENSIVE PLAN/FLUM AMENDMENTS – PROCEDURALLY:

The instrument to amend the Village's Comprehensive Plan and FLUM is an ordinance which requires two (2) Council Meetings and a Local Planning Agency (LPA) hearing. The LPA will be held the same date as the second council meeting of which both will be public hearings as required by law. Pursuant to section 163.3187, Florida Statutes, the Comprehensive Plan and FLUM amendments must be transmitted to the State of Florida's Department of Economic Opportunity (DEO) subsequent to passing the items on first reading. The second reading and LPA cannot be scheduled until the DEO issues their Objections, Recommendations and Comments (ORC) Report to the Village either authorizing the amendments or providing a statement of no objections. By state statute, the DEO has 30 days to respond to the transmittal. Should they fail to respond, the amendments are automatically deemed acceptable. Please note, however, the DEO's initial response within the 30 day window may be to merely set a future date for a subsequent final report.

D. ANALYSIS:

The following is a review of the request pursuant to the Village's Comprehensive Plan Amendment criteria found at Section 30-30.8(b) of the Land Development Code. The Background and the Proposed Changes Section, of this report, and the Studies at Exhibit A, B, and C, are hereby incorporated by reference into this Analysis. The analysis below addresses both the Comprehensive Plan and the FLUM amendments.

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: In reviewing the Village's Comprehensive Plan, the following Goals, Objectives, and Policies (GOP) below were identified within the Village's Comprehensive Plan as relating to this proposed amendment. Each GOP is provided with a brief analysis. The finding of those analysis's is provided at the end of this criterion.

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.

Analysis: The proposed land use amendment is reflective of, and guided by a 40 member team comprising the DRTF, and three (3) comprehensive, and innovative Studies, all with an eye to neighborhood protection, visionary planning, and place making. The tenets of the amendment rely upon sustainable development, and provides for urban open space acquisition.

Policy 1.1.8 Discourage land use patterns indicative of urban sprawl in the FLUM and any amendment applications by dictating compact development, mixed use where appropriate, and efficient use of public facility capacity and resources, while protecting single-family neighborhoods.

Analysis: The density permitted by the proposed land use category allows for a more compact urban form where mixed uses can be provided for throughout the district with the integration of both horizontal and vertical forms. The attached Studies identify appropriate infrastructure improvements to support anticipated residential and commercial growth throughout the development phases. Because not all properties will likely build out to maximum permitted potential (i.e. some properties are built or will be built solely for commercial uses and are unlikely to provide residential), a specified amount of residential and commercial capacity is held in reserve in order to incentive development and market capture.

Policy 1.1.13 Encourage Medium Density Residential (MDR) and Medium High Density Residential (MHDR) development along the business district in order to promote future land use patterns that will minimize the amount greenhouse gas (GHG) emission generated within the Village, and concentrate future development in areas with adequate infrastructure and facilities, thus discouraging urban sprawl.

Analysis: Please see the Studies. The LDR's that correspond to this proposed FAC designation offer maximum base densities that range from 14 to 24 units per acre. That density count reflects the lowest permitted density thresholds of the MDR (14-23 units per acre) and MHDR (24-40 units per acre) land use designations. When combining the base maximum density with the remaining reserve units, the average density within the FAC equals 29 units per acre.

Objective 1.3 Public Facility Levels-of-Service
Make sure suitable land is available for roads and infrastructure needed to support proposed development and redevelopment, and the expansion of necessary public facility capacity and services are concurrent with the impacts of development.

Analysis: Please see Goal 1, Policy 1.1.8 and the Studies. The proposed FAC land use category is predicated on the infrastructure reviews provided by the Studies. As reflected in the Studies, it is believed infrastructure can accommodate or appropriately be provided to accommodate anticipated development as identified in the Lampert Market Study and its phasing schedule.

Policy 1.4.4 Consistent with the provisions of the Interlocal Agreement between Palmetto Bay and the School Board, the Village will consider the individual and cumulative impacts of land use plan amendments and rezoning applications that increase residential density on existing and

planned public elementary and secondary schools, and solicit input from the School Board on local school impacts in advance of the hearings for subject amendments or applications.

Analysis: The Village has four (4) public schools within its boundaries. As reflected in the table below, all four (4) do not exceed maximum enrollment capacity. The Comprehensive Plan sets a threshold level of service (LOS) of 1 child per available permanent station. The LOS in the chart below is reflected as the Actual 2014-2015 Utilization. A current approval exists for a charter school within the downtown area which is further expected to absorb any growth in school populations. The Village is also served by a number of high quality private schools.

**Miami-Dade County Public School 5-Year District Facility Work Plan
 Student Enrollment, Capacity and Utilization Matrix for FY 2014-15**

Locations	Actual 2014-2015 COFTE ¹	Actual 2014-2015 FISH Capacity ²	No. of Class Rooms	Actual Average 2014-2015 Class Size	Actual 2014-2015 Utilization
Perrine Elementary School	757	840	42	18.0	.90
Coral Reef Elementary School	853	932	49	17.4	.80
Howard Drive Elementary School	637	771	39	16.3	.72
Southwood Middle School	1441	1727	86	16.8	.78

Source: Miami-Dade County Public School 2011-2016 Capital Plan and individual school reporting through July 16, 2014.

Notes:

1. COFTE - Capital Outlay Full Time Equivalency

Objective 2A.1 Transportation Level of Service

To the maximum extent controllable by the Village of Palmetto Bay, all roadways within the village shall operate at or above the roadway level of service standards contained in this Element.

Analysis: Please see Goal 1, Policy 1.1.8, Objective 1.3, and the Studies. The propose FAC land use category is predicated on the infrastructure reviews provided by the Studies. The corresponding Land Development Regulations provide for a road network and transit connectivity to accommodate anticipated development within an acceptable LOS.

Policy 2B.2.4 Provide incentives, such as increased allowable density or reduced parking requirements, to developers of all residential, commercial and/or general office land uses within identified mixed-use land use categories that place public transit facilities within their parcels.

Analysis: The proposed FAC land use designation is within three (3) of Miami-Dade County's Rapid Transit Stations and a designated Community

Urban Center. Specifically, it is situated adjacent to the South Dade Busway and it is a mixed use designation. The proposed land use category provides for reserve units and transfer of development rights (TDR) to encourage densities and intensities that support transit use.

Objective 4A.1 Potable Water Level of Service

Coordinate effectively with the Village's water service provider, Miami-Dade County Water and Sewer Department (WASD) to ensure that potable water service to the Village will meet or exceed the adopted level-of-service (LOS) standard throughout the planning period.

Analysis: Please see Policy 1.1.8 and the attached Studies. In completing the capacity study, WASD was consulted to ascertain necessary data in determining LOS based on projected absorption rate of future development. The Studies reflect existing carrying capacity and necessary improvements to meet LOS. The FAC was developed in consideration of, and consistent with those Studies.

Objective 4B.1 Sanitary Sewer level of service

Coordinate effectively with the Village's wastewater service provider (WASD), to ensure that wastewater service to the Village will meet or exceed the adopted level-of-service standard thorough the planning period.

Analysis: Please see Objective 4A.1 above.

Objective 4C.1 Maintain Adopted Level-of-Service Standards

Coordinate with the Federal Emergency Management Agency (FEMA), South Florida Water Management District (SFWMD), and Miami-Dade County to ensure the Village's storm water management system meets or exceeds adopted LOS design standards over the planning period.

Analysis: Please see Objective 4A.1 above.

Policy 4C.2.1 Encourage future development into areas that are already served, or programmed to be served, by under-capacity storm water management facilities.

Analysis: Please see the Studies. The downtown area is already served by potable water and sanitary sewer. Future improvements to that infrastructure may be required as the Village achieves full build-out of the anticipated development capture as projected by the Lampert Market Study.

Objective 4D.1 Existing and Future Needs

Coordinate with Miami-Dade County Department of Public Works Waste Management (PWWM), the entity responsible for solid waste collection and disposal, to help ensure maintenance of a safe, dependable, and efficient solid waste collection and disposal system for Village of

Palmetto Bay residents and businesses and in compliance with the adopted level of service.

Analysis: Please see Objective 4A.1 above.

Policy 7.1.8 Ensure that ample parks and open space is a key component in the development of the Palmetto Bay Village Center and the Franjo Road/US 1 Commercial Area mixed-use areas.

Analysis: The proposed FAC provides for a park LOS unique to a downtown setting to ensure a proper quantity of open space is available to support anticipated residents and visitors to the area. The land use category is bolstered by a provision to provide for the acquisition of park lands so that the Village may appropriately site those amenities.

Objective 7.4 Park Land Acquisition

Continue to explore opportunities to acquire land necessary for maintaining and enhancing the parks and recreation level-of-service (LOS) standards, strategically located in order to maximize accessibility to residents served.

Analysis: Please see Objective 7.1.8 above.

Objective 11.1 Potable Water Level of Service

Coordinate effectively with the Village's water service provider Miami-Dade County Water and Sewer Department (WASD), to ensure that potable water service to the Village will meet to exceed the adopted level-of-service (LOS) standard throughout the planning period.

Analysis: Please see Objective 4A.1.

Finding: Consistent (for all of Criteria 1).

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 Criteria 1, inclusive of Policies 1.1.8 and 1.1.13. Establishment of the current land use designations within the downtown area followed a traditional planning charrette model which included community meetings, design workshops, and an infrastructure overview. That effort laid the conceptual ground work a downtown center within the South Dade/Palmetto Bay area. That charrette process went in tandem with the "Perrine Park-Cutler Ridge Water and Sewer Improvements", which was funded by the Building Better Communities Bond Program adopted by Miami-Dade County voters in November of 2004. The program brought the needed water infrastructure necessary to support a future downtown. Adoption of the FT&I code was consistent with Miami-Dade County's

Comprehensive Master Development Plan (MDCDMP), which had previously designated the area a Community Urban Center, with three nearby rapid transit stations. However, the development intensities adopted within the FT&I code only reflected the minimum permitted development standard of the MDCDMP and were less than those prescribed by Policy 1.1.8. Today, the existing land use designations continue to fall short of the development intensity expectations as provided at Policy 1.1.13 of the Village's Comprehensive Plan.

Since that time, the infrastructure funded by the Bond has been completed, but little in the way of development has been pursued or completed. What was built occurred primarily before all, or portions of the corresponding codes were adopted. The design of those developments, in part, miss the mark of a truly urban walkable/bike-able form. Further, there has been no new construction since 2010. This condition persists despite significant growth in permit activity for new construction along the US-1 corridor with our neighbors to the north and south. The conclusion thereto, as supported by the Lampert Market Study and other analysis performed by staff, is that the current land use designations do not appropriately respond to market realities.

The method employed in developing the FAC land use designation builds off the original FT&I charrette effort, but delves deeper into analysis by providing a detailed market study, traffic study, and a capacity study to provide a fuller understanding of what can be built reflective of market demand. This effort was led by a community group of land based professionals that understood the desires of their fellow residents to have a vibrant downtown. The result was an adjustment to the urban form to ensure better design standards to support pedestrians, bicyclists and mass transit, provide greater flexibility and development incentives, and an adjustment of the permitted intensity to better reflect market realities in a framework supported by a sustainable infrastructure.

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: See Criteria 1. The uses to be permitted within the proposed downtown district will be reflective of those currently permitted within the MM and MC designations. The main difference pertains to how the uses are integrated and how residential density is distributed.

With the exception of certain roadways (Franjo and US-1) as shall be delineated in the corresponding land development regulations (LDR), the

proposed FAC designation views the concept of mixed use as a district wide phenomenon and not merely the integration of a single parcel. Thus, the outcome could be a parcel built for a singular use, say office, whereas across the avenue there may be sited a residential building. Hence, mixed use is achieved district wide, and in a fashion that provides flexibility to the development community responding to market forces. Because the current land use requires all parcels to have a mixed use component, the proposed change brings those properties with a single use category (residential, office, retail, etc.) into greater conformity by way of the FAC land use designation.

Similarly, residential density is also viewed through the prism of a maximum number of potential units district wide as opposed to specified allocation per lot or acre. To be clear, all properties, via the land development regulations (LDR) will be afforded a vested development residential density as is typically done in traditional zoning and land use provisions. However, the proposed FAC designation also includes a pool of reserve units that may be allocated to a development in excess of the vested residential in order to achieve development potential and to capture market share. The designation also provides for transfer of development rights from one property to another within the downtown district. Thus, actual density is achieved by adding maximum range of a parcel to any allocation of reserve or TDR units. In light of the Marlin Engineering Traffic Study, Kimley Horn Capacity Study, and the design of the downtown LDR's, this methodology may be considered a sustainable approach to development since the carrying capacity of the of the infrastructure has been studied and designed to support the anticipated absorption identified in the Lampert Market Study.

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: Please see Criteria 1 and 4 of this analysis and the attached Studies. The FAC land use designation is located along the southwestern edge of the Village where the greatest infrastructure capacity exists. The overall layout of the underlying LDR's is designed to divert unintended impacts that may occur away from the interior portions of the Village. The FAC land use category is tailored to reflect market realities based upon a sustainable framework of infrastructure to support commercial, office, and retail development, and market rate housing as reflected in the three supporting studies and underlying LDR's. It is believed the net effect will be an increase in positive development activity and increase in overall property values. Increased land values within the downtown area will likely result in lowering the share of real estate tax burden on the Village's single family residential community from the current 80% contribution ratio.

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: Please see Criteria 1, 3, and 4 and the attached Studies.

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: Please see the History Section, Criteria 1, 3, 4, and 5, and the Studies.

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: Please see this entire Analysis. The Comprehensive Plan serves as a blueprint for future commercial and residential land uses, housing, and conservation, as well as cultural and recreational amenities. An important component of the comprehensive plan is identifying the new infrastructure and growth demands needed to support the future physical and economic development of the community. The proposed amendment, corresponding studies and this Analysis section, support that effort.

Finding: Consistent.

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

Finding: Decision for the Village Council.

E. FISCAL/BUDGETARY IMPACT:

Ad valorem revenue generated by the anticipated development is provided for in the Lampert Market Study.

F. RECOMMENDATION:

Staff recommends approval.



Darby Dellsalle, AICP
Planning & Zoning Director

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2 **WHEREAS**, that Report recommended the creation of land use and zoning designations
3 aimed to guide the redevelopment of that portion of the Village commonly referred to as the Franjo
4 Triangle and Island (FT&I) area; and
5

6 **WHEREAS**, the findings of the Report were previously incorporated into the
7 Comprehensive Plan of the Village of Palmetto Bay on August 1, 2005, and subsequently thereto, on
8 May 1, 2006, into the Village's Land Development Code as Section 30-50.18, entitled "FT&I, Franjo
9 Triangle and U.S. 1 Island District" (FT&I); and
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11 **WHEREAS**, in light of the lack of development activities that occurred subsequent to that
12 action, the Village Manager, in May of 2013, convened the Downtown Redevelopment Task Force
13 (DRTF), consisting of 40 land use based professionals, the vast majority of residents of the Village,
14 to initiate a broad review of existing zoning and land use regulations, together with other
15 development indicators including marketing, demographics, infrastructure, and financial feasibility,
16 to be viewed through the prism of supply and demand forces that may guide future success of a
17 Downtown Palmetto Bay; and
18

19 **WHEREAS**, that effort built upon the principals of the previous FT&I study, and further
20 sought ways simplify code provisions adopted as a result of that study, in order to provide a flexible
21 development code capable of capturing market demand; and
22

23 **WHEREAS**, on September 18, 2013, the DRTF received initial funding and vital support
24 from the Village Council at the Mayor and Village Council's final hearing for the FY 2013/14
25 Operating & Capital Budget; and
26

27 **WHEREAS**, at the April 2014 regular Mayor and Village Council meeting, the DRTF
28 presented their downtown concept for the Village of Palmetto Bay; and
29

30 **WHEREAS**, since that time, the Mayor and Village Council were presented with (1) a
31 market study from Lambert Advisory on April 6, 2015, which demonstrated potential market
32 capture of retail, office and residential demand, (2) a traffic study by Marlin Engineering on March 2,
33 2015, which demonstrated how the roadway infrastructure must be configured to manage projected
34 demand, and a (3) concurrency (aka capacity) study by Kimley Horn on July 6, 2015, which
35 demonstrated the capacity of the infrastructure to support the desired future development; and
36

37 **WHEREAS**, in fulfillment of the DRTF's vision, and as reflected in the supporting studies
38 identified in these WHEREAS clauses, the Mayor and Village Council now desire to change the land
39 use designation of certain lands within the Village's downtown area, as more particularly described at
40 Attachment A, ; and
41

42 **WHEREAS**, the adoption of an ordinance requires two readings, a public hearing as the
43 Local Planning Agency, and a public hearing for second reading of the ordinance; and
44

1 **WHEREAS**, an amendment which changes permitted uses to the Comprehensive Plan for
2 the Village of Palmetto Bay has been prepared to be fully consistent with Chapter 163, Florida
3 Statutes; and
4

5 **WHEREAS**, a large scale amendment (10 acres or more) to the Comprehensive Plan for the
6 Village of Palmetto Bay has been prepared to be fully consistent with Chapter 163, Florida Statutes;
7 and
8

9 **WHEREAS**, the Village Council acting in its capacity as the Local Planning Agency has
10 acted in accordance with state law, and in specific compliance with Section 163.3174, Florida
11 Statutes and has reviewed and recommends approval of the amendment to its Land Use Element of
12 the Comprehensive Plan; and
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14 **WHEREAS**, after receiving extensive input and participation by the public at first reading
15 of the proposed amendment, the Village Council transmitted the proposed amendment to the
16 Florida Department of Economic Opportunity and to all other agencies, as required under law, for
17 their review pursuant to Section 163.3184, Florida Statutes; and
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19 **WHEREAS**, the Florida Department of Economic Opportunity (DEO) reviewed the
20 proposed FLUM and return its Objections, Recommendations and Comments (ORC) Report to the
21 Village; and
22

23 **WHEREAS**, the Village Council considered the ORC and made certain changes to the
24 proposed amendment to the Comprehensive Plan, which changes shall be incorporated in the
25 Comprehensive Plan of the Village of Palmetto Bay, as applicable; and
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27 **WHEREAS**, the Mayor and Village Council conducted a second duly noticed public hearing
28 on the amendment as required under law following the receipt of approval by the DEO; and
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30 **WHEREAS**, the Village Council have reviewed the criteria of 30-30.8(b) and find the
31 ordinance in compliance with the applicable standards and the Comprehensive Plan; and
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33 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto Bay desire to amend
34 the Land Use Element of the Comprehensive Plan and the FLUM.
35

36 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE**
37 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS**
38 **CAPACITY AS THE LOCAL PLANNING AGENCY OF THE VILLAGE OF**
39 **PALMETTO BAY, FLORIDA, AS FOLLOWS:**
40

41 **Section 1.** Recitals. The above recitals are true and correct and incorporated herein by
42 this reference.
43

44 **Section 2.** Compliance with Criteria. In evaluating an application for a Comprehensive
45 Plan amendment, from Neighborhood Mixed Use and Mixed Use Corridor, the Palmetto Bay
46 Village Council is applying the standard under 30-30.8(b), of the Village's Code.

1
2 **Section 3.** The Land Use Element of the Village's Comprehensive Plan is amended to
3 read as follows:

4
5 1.0 FUTURE LAND USE ELEMENT

6
7 GOAL 1 TO GUIDE THE VILLAGE OF PALMETTO BAY FROM BIRTH TO EARLY
8 MATURITY AS AN OUTSTANDING AND TRULY LIVABLE COMMUNITY
9 IN SOUTHEAST FLORIDA BY BUILDING ON, AND IMPROVING, THE
10 EXISTING LAND USE BLUEPRINT THROUGH VISIONARY PLANNING
11 AND PLACE-MAKING, COST EFFICIENT PROVISION OF HIGH
12 QUALITY FACILITIES AND SERVICES, QUALITY NEIGHBORHOOD
13 PROTECTION, AND ENHANCEMENT OF ITS UNIQUE AND BEAUTIFUL
14 COASTAL ENVIRONMENTAL RESOURCES.

15
16 Objective 1.1 Future Land Use Map

17 Adoption and implementation of the Future Land Use Map (FLUM), including the
18 land use amendments to individual parcels as referenced in the supporting Data,
19 Inventory, and Analysis, and presented in Exhibit 1 and the element goals,
20 objectives, and policies herein as the official and primary standard governing land use
21 density and intensity in the Village of Palmetto Bay.

22
23 * * *

24
25 Policy 1.1.1: The following future land use categories contained on the Village's Future Land
26 Use Map are identified, and the use and development standards for each defined,
27 below:

28
29 * * *

30
31 ~~*Neighborhood Mixed Use (NMU):* This designation accommodates convenience
32 business/retail uses and services within or near neighborhoods for day-to-day
33 living needs. The vertical and horizontal integration of uses is permitted, and
34 existing neighborhood compatibility and interconnection is essential. Supporting
35 low intensity institutional uses are also allowed. Strong adherence and
36 implementation of the Village's Urban Design Manual is required especially with
37 respect to compatibility, and contribution to the character of the street and
38 neighborhood. On-street parking is allowed and off-street parking is highly
39 encouraged to be located in the rear of buildings. Convenience business uses
40 include small grocery stores, laundromats, and business and office uses with
41 relatively low traffic generation characteristics such as florists and law office.
42 Residential density shall range from a minimum of 6 to a maximum of 18
43 dwelling units per gross acre, with the exception of the Franjo Triangle Live
44 Work Area, where the density shall not exceed 8.5 units per acre.~~

1 Mixed Use Corridor (MUC): Vertical integration of primary uses is required in this
2 category, with business and office uses on the ground and bottom floors, and
3 residential uses on the upper floors. Existing car dealerships, hotels, apartment
4 hotels governmental offices, and civic uses are exempt from the integration
5 requirement. Compliance with Village's Urban Design Manual is required
6 especially with respect to compatibility, and contribution to the character of the
7 street and community. On-street parking is allowed and off-street parking is
8 highly encouraged to be located in the rear of buildings. Residential density shall
9 range from a minimum of 18 to a maximum of 40 dwelling units per gross acre.

10
11 Franjo Activity Center (FAC). This designation encourages development or
12 redevelopment that seeks to facilitate multi-use and mixed-use projects that
13 encourage mass transit, reduce the need for automobile travel, provide incentives
14 for quality development, provide for the efficient use of land and infrastructure,
15 provide for urban civic open space, and give definition to a pedestrian urban
16 form. The Franjo Activity Center is intended to support the achievement of a
17 residential to non-residential balance that increases the opportunities for
18 transportation demand management alternatives including but not limited to
19 walking and transit, reduced vehicle miles traveled, and reduced single use trips.
20 The Franjo Activity Center shall serve as a significant, multifamily, employment,
21 office and commercial center of the Village.

22
23 Development within the Franjo Activity Center shall:

- 24
25 1. Focus on the effective mix of office, service, retail, entertainment, residential,
26 community facilities, open space and transportation uses that will promote a
27 lively, livable, and successful downtown area;
- 28 2. Encourage a pedestrian oriented core;
- 29 3. Promote mass transit and other forms of transportation as an alternative to
30 the automobile that will link to the Miami-Dade mass transit system and the
31 Village's local I-bus service or any predecessor service thereto;
- 32 4. Encourage the integration of transportation and transit systems with land
33 use;
- 34 5. Allow for development and redevelopment activities at varying density and
35 intensity ranges, and allow for the transfer of densities and intensities for
36 properties within the boundaries of the FAC, as may be permitted by the
37 Village;
- 38 6. Promote compact, innovative land development;
- 39 7. Promote creative situating of buildings, transportation routes, and open
40 space to create vistas that will unite the downtown areas, link the downtown
41 with the rest of Franjo Activity Center area, and

42
43 Total densities and intensities of development within the Franjo Activity Center
44 shall be as follows:

- Residential Land Uses – 5,389 dwelling units, of which 1,246 are to be held in reserve by the Village to be allocated by the Village at the time of site plan approval;
- Commercial/Office/Retail – 1,500,000 square feet, of which 500,000 square feet are held in reserve to be allocated by the Village at the time of site plan approval.
- Urban Open Space/ Recreation Uses with a level of service within the FAC of .25 acres per 1,000 residents within the FAC.

Community facilities will continue to be permitted with the FAC designation. Industrial uses and those uses which are determined to be detrimental to the goals of the FAC Master Plan are prohibited.

The Village may use innovative land development regulations such as transit and pedestrian-oriented development, transfer development rights, development bonuses and minimum land use densities/intensities to ensure an appropriate land use pattern for the Franjo Activity Center. These regulations shall encourage the integration of transportation and transit systems with land use in order to promote effective multi-modal transportation.

* * *

Policy 1.1.2:

For the purpose of gross residential density determinations within land use categories, water bodies and non-residential use areas are not included. ~~For mixed use parcels with vertical use integration, only the actual physical area devoted to residential use may be utilized.~~

* * *

Objective 1.3

Public Facility Levels-of-Service

Make sure suitable land is available for roads and infrastructure needed to support proposed development and redevelopment, and the expansion of necessary public facility capacity and service concurrent with the impacts of development.

* * *

Policy 1.3.6 Identify alternative level-of-service components.

which support Complete Street elements such as bicycle capacity, pedestrian facilities, and multimodal options.

2.0 TRANSPORTATION ELEMENT

* * *

1 Goal 2.C Preserve and enhance desirable development patterns that support Palmetto
2 Bay's vision to provide for a safe, convenient, and efficient motorized and non-
3 motorized transportation system to satisfy the transportation needs of the
4 residents and visitors of the residents.
5

6 Objective 2.C.1 Future Land Use Coordination
7 The transportation system shall be coordinated with the Future Land Use Map
8 (FLUM) and the goals, objectives, and policies of the Future Land Use Element
9 to ensure that transportation facilities and services are available to adequately
10 serve existing and proposed population densities, land uses, and housing and
11 employment patterns.
12

13 * * *

14
15 Policy 2C.1.5: Continue to coordinate with Miami-Dade County and the Miami-Dade County
16 Metropolitan Planning Organization to support redevelopment of the portion of
17 southwest Palmetto Bay located along the South Dade Busway as a transit
18 oriented center. The extents of the transit oriented center are illustrated as
19 Franjo Activity Center ~~"Neighborhood Mixed-Use" and Mixed-Use Corridor~~²²
20 land use categories on the Future Land Use Map and further described in the final
21 ~~Franjo Road/US-1 Commercial Area Charrette Report: A Citizens' Vision Plan~~
22 ~~accepted by Village Council in November 2004.~~
23

24 * * *

25 26 7.0 RECREATION AND OPEN SPACE ELEMENT

27
28 Goal 7 Provide a balanced, multi-purpose system of excellent parks, greenways, and
29 trails that meet and exceed the needs of Palmetto Bay's residents, businesses, and
30 visitors.
31

32 Objective 7.1 Parks and Recreational System Needs
33 Maintain and enhance Village parks and open space lands and facilities consistent
34 with the adopted level-of-service (LOS) standard.
35

36 * * *

37
38 Policy 7.1.2 Through the maintenance and expansion of the existing park facilities and the
39 acquisition and/or development of new parks and open space, achieve: (1) a
40 Village-wide level of service (LOS) standard of 5.0 acres per 1,000 residents by
41 2025; and (2) a separate LOS of .25 acres per 1,000 residents for developments
42 within the Franjo Activity Center area.
43

44 **Section 4.** The amended Future Land Use Map is incorporated by reference and
45 attached hereto as Attachment A, and shall be included in the "2013-2025 Future Land Use Map."
46

1 **Section 5.** Transmittal. The Village Council, acting in its capacity as the Local Planning
2 Agency, approves the above amendment, as further modified herein, to the FLUM, which is
3 attached to this ordinance. The Village Council, acting in its capacity as the Local Planning Agency,
4 further recommends to the Village Council that it authorize the Village Clerk to transmit the
5 attached amendments to the FLUM to the State of Florida Department of Economic Opportunity
6 (DEO) and all other governmental bodies, agencies, or private individuals as required by State law.
7

8 **Section 6.** Severability. The provisions of this ordinance are declared to be severable,
9 and if any sentence, section, clause or phrase of this ordinance shall, for any reason, be held to be
10 invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences,
11 sections, clauses or phrases of the ordinance, but they shall remain in effect it being the legislative
12 intent that this ordinance shall stand notwithstanding the invalidity of any part.
13

14 **Section 7.** Conflicts. The provisions of the Comprehensive Plan of the Village of
15 Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of
16 this ordinance are hereby repealed.
17

18 **Section 8.** Codification. It is the intention of the Village Council and it is hereby
19 ordained the provisions of this Ordinance shall become and be made part of the Comprehensive
20 Plan of the Village of Palmetto Bay, Florida.
21

22 **Section 9.** Effective Date. This ordinance shall take effect immediately upon
23 enactment.
24

25 **PASSED and ENACTED** this ____ day of _____, 2015.
26
27

28 First Reading: _____

29 Second Reading: _____

30
31
32
33
34 Attest: _____

35 Meighan Alexander
36 Village Clerk

Eugene Flinn
Mayor

37
38
39 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
40 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
41
42
43

44 _____
45 Dexter W. Lehtinen
46 Village Attorney

1
2 FINAL VOTE AT ADOPTION:
3
4 Council Member Karyn Cunningham _____
5
6 Council Member Tim Schaffer _____
7
8 Council Member Larissa Siegel Lara _____
9
10 Vice-Mayor John DuBois _____
11
12 Mayor Eugene Flinn _____

FUTURE LAND USE MAP

ATTACHMENT A

- Legend**
- Business and Office
 - Environmental Protection
 - Environmentally Protected Parks
 - Estate Density Residential
 - Institutional and Public Facility
 - Low Density Residential
 - Low-Medium Density Residential
 - Medium Density Residential
 - Medium-High Density Residential and Hotel
 - Franjo Activity Center
 - Office and Residential
 - Parks and Recreation
 - Village Mixed-Use
 - Water
 - Roads

