



To: Honorable Mayor and Village Council

Date: September 9, 2015

From: Edward Silva, Village Manager

Re: LDR's and Rezoning
1st Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; CREATING SECTION 30-50.23, ENTITLED "DOWNTOWN URBAN VILLAGE", CREATING ZONING DEVELOPMENT REGULATIONS FOR A DOWNTOWN PALMETTO BAY DISTRICT; AND AMENDING THE OFFICIAL ZONING MAP; CHANGING THE ZONING OF CERTAIN LANDS AS DESCRIBED ON THE MAP AT ATTACHMENT A FROM R-1, SINGLE FAMILY DISTRICT; R-2, TWO FAMILY RESIDENTIAL DISTRICT; R-4L, LIMITED APARTMENT HOUSE DISTRICT; R-4H, HOTEL MOTEL DISTRICT; R-O, BUSINESS OFFICE; MM, MIXED-USE MAIN STREET; MN, MIXED USE NEIGHBORHOOD; AND MC, MIXED-USE COMMERCIAL; TO DUV, DOWNTOWN URBAN VILLAGE DISTRICT; IN PALMETTO BAY, FLORIDA; 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 must be configured to manage projected demand, and (3) a concurrency (aka capacity) study performed by Kimley Horn and Associate, 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 efforts and vision of the DRTF, and 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 create new downtown zoning provisions, entitled the Downtown Urban Village (DUV), and to rezone certain lands therein as further described at Attachment A of this report. The provisions follow the model of a form based code (FBC) which speaks to both permitted use as well as physical form. The methodology includes innovative approaches to incentivized development and urban planning. The provisions are all inclusive, addressing building form, landscaping, street patterns, bicycle facilities, heights, parking, permitted uses, site review, and development incentives. The following is a presentation on those elements.

Form Based Code (FBC). Conventional zoning, aka Euclidean Zoning, uses tools to control the development intensity and focuses on the separation of uses, and permissible property uses on a lot by lot basis. Form Based Codes (FBC) employ zoning regulations that focus more on the goals and objectives within an area. It relies upon the relationship between public and private spaces such as the interaction between streets, blocks, and buildings in terms of form, scale and massing, and the use of frontage areas. By focusing on the build-out of the public realm, FBC development standards pay greater attention to the physical form of development, including specific standards for the design of streets, open spaces, new structures and redevelopment of existing structures, as development occurs incrementally overtime.

Urban Design. The DUV urban design standards guide the way in which sites are arranged within the improved network of streets, walkways, and open space within the Village's downtown. Buildings are organized on the sites with specific setbacks, build-to lines and prescribed heights which vary based on their location within the DUV. This methodology results in a ratio of building height to street width standard, which establishes different views to important areas within the DUV. Architecture standards within the generally prescribed development patterns provide guidance to developers to apply during design of the physical

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.

form of the building. Standards for the buildings and the public realm are provided in a rubric of coexistence so as to create a sense of place throughout the DUV.

The DUV standards include how sites are to be accessed, where services are located, and the treatment of parking facilities. The existing suburban pattern for parking in front of the building with minimal landscaping will give way to a pattern of development where buildings are brought forward to address the street, thus activating them with a mixture of uses and parking; all of which shall occur behind the building. This feature deemphasizes the automobile, prioritizes the pedestrian and bicyclist, while creating the sense of place-making within the DUV.

Building Typology. Each of the sectors, presented below, prescribes a selection of building typologies consistent with the vision for the DUV. The building typologies are meant to give greater flexibility to property owners, while upholding the standards to implement an area wide vision. The flexibility provided by this pallet of building typologies allows developers to better implement both mixed use and single use project in many different compatible forms and scales, all of which are in line with the vision of the Village. The DUV provides for five (5) building typologies. They are as follows:

Flex Block. Flex block is a building typology suited for developments situated on large parcels or consolidated blocks. This form has more than 2 street frontages and provides for a greater commercial footprint. Mixed use is required with integration both vertically and horizontally. Generally this building form would be situated on parcels two (2) acres or larger.

Flex Building. Flex building is similar to flex block, however this form would generally occur on smaller properties. This form would not typically exceed 2 street frontages. Mixed use is generally encouraged and in some cases required, with integration both vertical and horizontal.

Row-House. This building form is predominately residential. Limited retail/service uses may be permitted primarily at corner lots.

Stacked Apartment. This building form is residential and does not typically contain mixed usage.

Single Family House. This building form allows for detached single family homes. Site layout can accommodate traditional side yard setbacks or zero lot line configurations which provide for wider side yards.

Sectors. The DUV district establishes four (4) sectors within the overall downtown area. As the primary organizational unit of this FBC, these sectors serve to identify the pattern of development, the compatible uses, density/intensity/location of building, and open spaces. The sectors are generally categorized by intensity with highest being the 'Downtown Core' and 'Downtown General' sectors, to the lesser intense 'Urban Neighborhood' and 'Neighborhood General' sectors.

Downtown Core and Downtown General. These two districts are mixed use and allow for the greatest intensity commercial uses. Unlike Downtown Core, Downtown General permits new automobile sales provided certain development standards are met. Both have a base maximum density of 24 units per acre. Base Maximum height is 5 stories with an incentive cap of eight (8) stories, however that is reduced to four (4) and six (6) respectively for those lands adjacent to Palmetto Bay Park. Primary building types permitted include Flex Block and Flex Building.

Urban Neighborhood. This sector is immediately south of the Downtown Core sector, includes properties on the east and west sides of Franjo Road, and serves as a transition to the Neighborhood General sector. The sector provides for the same building typologies as the two (2) sectors above and also includes row-houses, stacked apartments, and single family homes. Maximum permitted heights are based on building typology and range from five (5) stories to three (3) stories. As with Downtown Core and Downtown General, the sector is incentive based allowing heights to reach eight (8) stories for flex block and six (6) stories for flex building typologies. Base maximum residential density is 24 units per acre. The range of permitted uses begins to narrow from the prior two (2) sectors, and with two potential exceptions, developable block size is reduced.

Neighborhood Village. This sector is the least intense of the four (4) within the DUV district. Much of it is nestled within the traditional residential areas of the downtown with portions located along the southwestern edge of the DUV district. Its character is primarily residential with maximum heights that range between three (3) and four (4) stories depending on building typology. Base maximum residential density is 14 units per acre. Flexible Block building typology is not permitted. Residential is the primary use permitted within the sector with limited retail/service uses at its peripheries.

Specific frontage types are permitted within each of the building typologies of the DUV. The intention of varied frontage types is to provide further flexibility with the built-form. With added emphasis to place-making within the public realm, frontage types will allow for a transition from the public to private domains throughout the DUV.

Streets. New Streets are provided to breakup super blocks and improve connectivity within the DUV. In addition, the retrofit of existing streets is proposed to further improve connectivity and ensure any new trips generated by a new development is within acceptable level of service (LOS) concurrency standards as provided by the Marlin Engineering Traffic Study. Standards are provided for each street, within a set typology, designed to include the concepts of the 'Complete Streets Movement' where they are transformed from just moving vehicular traffic to include, pedestrians, bicyclists, and public transportation. This includes designs with wider sidewalks, street trees, bicycle facilities, and areas for outdoor gathering.

Open Space. A network of public open spaces is prescribed for implementation within the DUV. It is generally accepted within the planning field that open spaces provide immeasurable benefits within the context of the urban form. Such elements provide people an incentive to spend more time outside in a safe, comfortable environment. When designed in a comprehensive manner, one which complements the proposed street configuration with extensive sidewalk connectivity, open spaces will contribute to the overall intra-mobility of the DUV.

C. ZONING AND MAP AMENDMENTS – PROCEDURALLY:

The instrument to amend the Village's zoning provisions and official zoning map 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. Normally the second reading and LPA hearing proceed to the next regularly scheduled Mayor and Village Council meeting, however this request has a companion item which includes amendments to the Village's Comprehensive Plan (Comp Plan) and the Future Land Use Map (FLUM). Final approval of this proposed ordinance cannot proceed until the Comp Plan/FLUM amendment is approved first.

As with the above, changes to the Comp Plan and FLUM are by way of ordinance. 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 date for a subsequent final report. Once the final ORC is received from DEO, both ordinances will be scheduled for second reading and final adoption.

D. ANALYSIS:

The following is a review of the request pursuant to the zoning amendment criteria found at Section 30-30.7(b) of the Land Development Code. The Background Section and the Proposed Changes Section of this report is hereby incorporated by reference into this analysis. The Studies attached at Exhibits A, B and C are hereby incorporated into all portions of this analysis. The analysis below addresses both the downtown zoning regulations and the rezoning amendments.

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: In reviewing the Village's Comprehensive Plan, the following Goals, Objectives, and Policies (GOP) below were identified as relating to the 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 downtown zoning provisions are reflective of (as guided by a 40 member team comprising the DRTF, and three (3) comprehensive and innovative studies (see Exhibits A, B, and C), the principals established within this Goal. The effort was committed with an eye to neighborhood protection, visionary planning, and place making. The provisions rely upon sustainable development (available infrastructure), neighborhood protection (diverting traffic away from interior portions of the Village), and provides for urban open space acquisition to ensure a livable downtown.

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 throughout the district. Mixed use integration is viewed through the prism of a district wide concept and greater flexibility provided through the use of both horizontal and vertical forms.

The attached Studies identify appropriate infrastructure improvements to support anticipated residential and commercial growth. 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. Within the urban framework of the downtown, the street grid is fashioned so that cut-through traffic from the district into the neighborhoods is eliminated, and building heights are scaled downwards as they approach the park and residential communities on the east side.

Policy 1.1.12 Encourage balanced future land use patterns along the US 1 commercial corridor that would ensure a natural buffer or transition area between the commercial uses and the single family residential areas, thus ensuring the concentration of future development in areas with adequate infrastructure and facilities.

Analysis: Please see Studies. The proposed zoning provisions rely upon a large park (Palmetto Bay Park) and reduced density and height standards for those areas adjacent or near to single family residential neighborhoods. The proposed downtown road network conforms to the Marlin Engineering Traffic Study for purposes of reaching desired LOS for traffic, and the overall concept of the district is aimed at encouraging mass transit. The street grid is also designed to eliminate cut-through traffic from the district into the residential neighborhoods on the east side. The Kimley Horn Capacity Study identifies existing available

infrastructure and required modifications to accommodate development anticipated by the Lampert Market Study.

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 Policy 1.1.12 and 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. Miami-Dade County WASD, has already constructed several upgrades to the potable water and waste water capacity of the area. Other improvements have been made by the Village to upgrade stormwater needs. The form based design of the proposed downtown district encourages redevelopment that is anti-sprawl in an area where adequate infrastructure and facilities exist.

Objective 1.2 Land Development Code

Maintain, and revise as necessary, an effective Land Development Code (LDC), which clearly implements the goal, objectives and policies of this Element, and the adopted Comprehensive Plan as a whole, and regulates development quality and impacts.

Analysis: Evaluation of this objective must be viewed through the entire analysis of Criteria 1 as related to the GOPs within the Land Use Element of the Comprehensive Plan. As such, all GOPs which start with the number "1" are hereby incorporated into this analysis and found to be consistent with the objective.

Policy 1.2.1 Continue to update the Village's Land Development Code so that it is consistent with this Future Land Use Element and other applicable elements of the adopted Comprehensive Plan, and provides Village businesses, residents and developers with a clear and concise set of zoning and other regulations for implementing Palmetto Bay's future vision.

Analysis: Please see Objective 1.2.

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 concurrent with the impacts of development.

Analysis: Please see Goal 1, Policy 1.1.8 and the Studies. The proposed downtown zoning provisions are predicated on the infrastructure reviews provided by the Studies. It is believed infrastructure can accommodate or appropriately be provided to accommodate anticipated development.

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 public schools within its boundaries. As reflected in the table below, all four 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

Policy 1.7.3 Continue to provide planted medians to distinguish major thoroughfares and reduce the greenhouse gas (GHG) emission in the Village. The Village should prepare a study to determine which streets could accommodate landscape medians and then implement the plan through the capital improvements element and budget.

Analysis: The street plans within the downtown zoning regulations call for tree plantings within the swale areas, and where applicable, within medians.

Policy 1.7.4 Create unique landscape designs and standards for medians for each major thoroughfare to distinguish each from the other and to provide a special identity to separate the Village from neighboring municipalities.

Analysis: See Policy 1.7.3.

Policy 1.7.5 Provide landscaping within an average 50 foot right-of-way, whenever feasible adjacent to non-residential development.

Analysis: See Policy 1.7.3. All right-of-ways are at least 50 feet wide and are required to have landscaping.

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 proposed downtown zoning district is predicated on the infrastructure reviews provided by the Studies. The corresponding Land Development Regulations provide for a road network to accommodate anticipated development within acceptable LOS.

Policy 2A.1.2 Palmetto Bay recognizes five "rapid transit stations" and two community urban centers serving the South Dade Busway that illustrated on both the Village of Palmetto Bay Future Land Use Map and the Miami-Dade County Land Use Plan as locations for future transit oriented development. Consistent with the Miami-Dade County's CDMP, the Village will continue to exempt development applications from traffic concurrency requirements that lie within one-quarter (1/4) mile of one of these rapid transit stations or community urban centers provided that they include office, hotel, or residential land uses and are designed in such a manner to support convenient use of the transit corridor.

Analysis: Please see the Studies. The proposed downtown zoning provisions are adjacent to three (3) of Miami-Dade County's Rapid Transit Stations and one (1) of the two (2) Community Urban Centers. The proposed development regulations contemplate those requested by this policy with intent to encourage mass transit usage. Although not all portions of the district are exempt from transportation concurrency pursuant to the 1/4 mile rule above, a street grid is provided with the regulations consistent with the Marlin Engineering Traffic Study, so as to manage the anticipated development projected by the Lampert Market Study, and in order to keep traffic flows within an acceptable LOS.

Policy 2A.1.4 Consistent with Miami-Dade County, continue to exempt proposed development from transportation concurrency requirements that are located within an Enterprise Zone Established pursuant to Chapter 290 of the Florida Statutes.

Analysis: Please see Policy 2A.1.2 above. The district is entirely within an Enterprise Zone established pursuant to Chapter 290 of the Florida Statutes.

Policy 2A.1.8 Preserve and protect existing rights-of-way to the extent that they continue to be necessary, and require that new rights-of-way be dedicated in perpetuity in connection with future development, where are necessary to maintain the Village's minimum level of service standards.

Analysis: Please see Policy 1.1.12 and the Studies. The proposed downtown district includes a street grid designed pursuant to the Marlin Engineering Traffic Study, to support the anticipated absorption of development as identified in the Lampert Market Study, within an acceptable LOS.

Objective 2A.5 Bicycle and Pedestrian Facilities

Increase the amount of pedestrian and bicycle activity within the Village by providing adequate facilities to promote friendly pedestrian and bicycle environments.

Analysis: The proposed downtown zoning provisions provide for wide pedestrian walkways, bicycle lanes, and bicycle racks throughout the district.

Objective 2B.1 Transit and System Improvements

Increase utilizations of transit service by local residents, employees, and visitors to help reduce motor vehicle use and traffic congestion.

Analysis: Please see Policy 2A.1.2. The proposed downtown provisions are geared to encouraging the use of mass transit. This is further facilitated by the districts close proximity to three (3) of Miami-Dade County's Rapid Transit Stations and a designated Community Urban Center.

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

Analysis: Please see Policies 2A.1, 2A.1.2, 2A.1.8, 2A.5, and the Studies. The downtown zoning provisions are consistent with the Marlin Engineering Traffic Study and the Kimley Horn Capacity Study in identifying appropriate existing and needed infrastructure to accommodate development anticipated by the Lampert Market Study.

Objective 2C.1 Future Land Use Coordination

The transportation system shall be coordinated with the Future Land Use Map (FLUM) and the goals, objectives and policies of the Future Land Use Element to ensure that transportation facilities and services are available to adequately serve existing and proposed population densities, land uses, housing, and employment patterns.

Analysis: Please see analysis at Goal 2C.

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. Those studies reflect existing carrying capacity and necessary improvements to meet LOS. The downtown provisions were 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 through 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 7.1.3 Maintain a balance of active parks, passive parks, and natural areas to meet the needs and expectations of Village residents, and seek future opportunities to increase the number of pocket parks and other urban open spaces distributed throughout the Village.

Analysis: The proposed downtown zoning regulations provide for a public open space component which is further supported by the proposed underlying Franjo Activity Center (FAC) land use designation. Within the zoning provisions, a minimum square footage standard is established to ensure public open space can be provided within the fabric of the downtown.

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: Please see Policy 7.1.3. The proposed downtown zoning provisions are intended to work in tandem with the proposed FAC land use designation which establishes a unique park LOS within the downtown setting to ensure a proper quantity of open space is available to support the anticipated residents and visitors to the area. The provisions provide for the acquisition of lands so that the Village may appropriately site such amenities.

Policy 7.2.4 Continue to look for opportunities to provide parking spaces and bicycle racks at recreation sites where they are now lacking or inadequate.

Analysis: Please see Policy 2A.5. The downtown zoning provisions provide the placement of bicycle racks near and/or adjacent to recreation areas as well as throughout the district.

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.

Policy 11.2.1 Encourage future development and redevelopment in areas that are already served, or programmed to be served, by WASD potable water facilities.

Analysis: Please see Objective 4A.1.

Objective 11.5 Future Growth Needs

Accommodate the future growth needs of the Village through proper planning and effective coordination with the appropriate water management agencies.

Analysis: Please see the Background Section, Objective 4A.1 and the studies. The Village undertook an extensive planning approach to arrive at these proposed zoning provisions. The efforts included the assembly of over 40 land based professionals which met over a period of approximately 18 months to identify the core needs, issues and desired outcomes. The Village embarked on a thorough set of studies which explored market capture rates, feasibility, traffic carrying capacity, and infrastructure capacity. These studies were performed in consultation with both Village and County agencies. These efforts form the backbone of the downtown zoning provisions.

Policy 11.5.1 Encourage future development into areas that are already served, or programmed to be served, by under-capacity stormwater management facilities.

Analysis: Please see Policy 4C.1.

Finding: Consistent.

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

Analysis: Like all zoning districts, the proposed downtown zoning provides a set of standards designed to achieve certain development objectives. It builds upon and serves as an upgrade and replacement of the previous FT&I zoning regulations. Much like the FT&I code, the proposal provides for a complete set of development provisions, including definitions tailored to a more urban form and addresses such design controls as, heights, setbacks, roadways, bicycle and pedestrian networks, landscape standards, permitted uses (and accessory uses), building form typology and open space requirements. As

with the other zoning districts, those development standards not specifically addressed within the proposed downtown district shall be governed by the remaining portions of Chapter 30. As such, no portion of the proposed code is in conflict with 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: See Criteria 1. Establishment of the FT&I code followed a traditional planning charrette model which included community meetings, design workshops, and an infrastructure overview. That effort laid the conceptual ground work for 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. Today, the FT&I code continues to fall short of the development intensity expectations as provided at Policies 1.1.8 and 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 proceeded consistent with the FT&I code. What was built occurred primarily before all, or portions of that code 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 FT&I code does not appropriately respond to market realities.

The method employed in developing the proposed downtown district builds off the original FT&I 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 (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: The uses to be permitted within the proposed downtown district will be reflective of those currently permitted within the FT&I. The main difference between the two codes is the use of broad category listings as opposed to an enumeration of every possible use that is permitted. The net effect is similar, however the category list allows greater ease of application as new uses and business models come into being which fit into a particular category but may not be a specific use.

Both the current and proposed codes are mixed use districts, however the proposed code provides greater flexibility by removing the vertical integration concept. With the exception of certain roadways (Franjo and US-1), the proposed code 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 a development community responding to market forces.

One of the challenges presented by the current FT&I zoning was the creation of nonconformities throughout the district. Almost all rezonings in one fashion or another create nonconformities. However, the FT&I code prevented even modest adjustment to properties that were not quite redevelopment ready. Not all properties are ripe for redevelopment at the same time. The net effect was to freeze in time many of the existing properties that may have actually benefited from small scale upgrades until such time that full scale redevelopment was more economically feasible. The proposed downtown provisions provide for a 30% rule which would allow upgrades to existing developments without triggering the full downtown development standards. In essence, an existing development may add no more than 30% floor area to a building before triggering the downtown code.

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 of this Analysis and the attached Studies.

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: Please see Criteria 1. In general, the proposed zoning provision will not impact the above communities in question as the area is largely commercial in nature with some residential communities. The provisions do fulfill certain GOP's of the Comprehensive Plan with regard to landscaping on-site and within the rights-of-ways. Other provisions provide for open space.

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: Please see Criteria 1 and 4 of this analysis and the attached Studies. The downtown district is located along the southwestern edge of the Village. The overall layout of the downtown district is designed to divert unintended impacts that may occur away from the interior portions of the Village. Its standards are tailored to reflect market realities within a sustainable framework of infrastructure to support commercial, office, and retail development, and market rate housing. It is believed the net effect will be an increase in overall property values. This outcome will likely result in a shift of the share of real estate tax burden away from the Village's, single family residential communities' current 80% contribution ratio.

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: Please see Criteria 1, 4, and 7 and the attached Studies. In addition to that already stated in the above reviews, traffic patterns have been established to eliminate cut-through traffic into the interior portions of the Village from the downtown district.

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: Please see Criteria 1, 2, 3, 4, 7, and 8, and the attached Studies. Based on the above reviews and the attached Studies, the request is in harmony with Chapter 30.

Finding: Consistent.

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

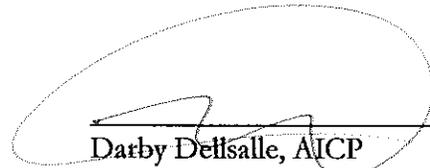
Finding: Decision for the Village Council.

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

1 of retail, office and residential demand, (2) a traffic study by Marlin Engineering (March 2, 2015),
2 which demonstrated how the roadway infrastructure must be configured to manage projected
3 demand, and (3) a concurrency (aka capacity) study performed by Kimley Horn (July 13, 2015), to
4 identify infrastructure needed to support the anticipated development; and
5

6 **WHEREAS**, the Mayor and Village Council now desire to fulfill the vision of the DRTF as
7 supported by the findings of the Studies, by adopting new downtown provisions and the rezoning
8 certain lands therein, in order to promote the development of the Village's southwest corner; and
9

10 **WHEREAS**, pursuant to Chapter 166, *Florida Statutes*, new zoning provisions, and a change
11 of zoning, otherwise known as a district boundary change, of more than 10 acres, requires a public
12 hearing on second reading, and a Local Planning Agency public hearing prior to approval of the
13 rezoning by ordinance; and
14

15 **WHEREAS**, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been
16 designated as the Local Planning Agency for the Village; and
17

18 **WHEREAS**, on _____, 2015, the Local Planning Agency approved the proposed
19 amendment; and
20

21 **WHEREAS**, to approve a zoning code and/or zoning map amendment, the request must
22 be consistent with the Village's Comprehensive Plan and a basic finding of compatibility to Code
23 Section 30-30.7(b) must be rendered by the Mayor and Village Council; and
24

25 **WHEREAS**, the Mayor and Village Council, now desire to enact Land Development
26 Regulations for lands within the downtown area as provided at Attachment A, and to rezone the
27 certain lands within Village's downtown area accordingly, as further described at Attachment B.
28

29 **BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE**
30 **VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
31

32 **Section 1.** **Compliance with Code Section 30-30.7(b).** The Mayor and Village
33 Council find the downtown zoning land development regulations and rezoning consistent with Code
34 Section 30-30.7(b) of the Code of Ordinances.
35

36 **Section 2.** **Compliance with FS Chapter 166.** The Village Council, in compliance
37 with Chapter 166, *Florida Statutes*, after the first reading and Local Planning Agency hearing,
38 approved the request to rezone.
39

40 **Section 3.** **Creation of Downtown Land Development Regulations.** Section 30-
41 50.23 is created within the Village's Code of Ordinances to read as provided at Attachment A of this
42 ordinance.
43

44 **Section 4.** **Codification.** It is the intention of the Village Council and it is hereby
45 ordained the provisions of this Ordinance shall become and be made part of the Code of

1 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
2 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
3 changed to "Section" or other appropriate word.

4
5 **Section 5. Rezoning.** That all lands as described and so designated at Attachment B of
6 this ordinance are rezoned accordingly and be so reflected on the Village of Palmetto Bay's Official
7 Zoning Map.

8
9 **Section 6. Conflicting Provisions.** The provisions of the Code of Ordinances of the
10 Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
11 provisions of this ordinance are hereby repealed.

12
13 **Section 7. Severability.** The provisions of this Ordinance are declared to be severable,
14 and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be
15 invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences,
16 sections, clauses or phrases of the Ordinance, but they shall remain in effect. It is the legislative
17 intent that this Ordinance shall stand notwithstanding the invalidity of any part.

18
19 **Section 8. Effective Date.** This ordinance shall take effect immediately upon
20 enactment.

21
22
23 **PASSED and ENACTED** this ____ day of _____, 2015.

24
25 First Reading: _____

26
27 Second Reading: _____

28
29
30 Attest: _____

31
32 Meighan Alexander
33 Village Clerk

Eugene Flinn
Mayor

34
35 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
36 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

37
38
39
40 _____
41 Dexter W. Lehtinen
42 Village Attorney

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FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____

