



Mayor Eugene Flinn
Vice Mayor John DuBois
Council Member Karyn Cunningham
Council Member Tim Schaffer
Council Member Larissa Siegel Lara

Village Manager Edward Silva
Village Attorney Dexter Lehtinen
Village Clerk Meighan J. Alexander

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than seven days prior to the meeting.

VILLAGE LOCAL PLANNING AGENCY MEETING AGENDA
Monday, November 2, 2015 - 7:00 P.M. (to immediately precede Regular Council Meeting)
Village Hall Chambers, 9705 E. Hibiscus Street

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **DECORUM STATEMENT:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.
3. **ORDINANCE FOR SECOND READING/PUBLIC HEARING**
 - A. AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, RELATING TO SECTION 30-50.21, "PUBLIC FACILITIES"; CREATING SECTION 30-50.21(a)(5); ALLOWING GOVERNMENT APPROVED FACILITIES TO PROCEED TO PERMITTING AND CONSTRUCTION DURING APPEAL, SUBJECT TO SPECIFIED CONDITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.
 - B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-60.3 OF THE LAND DEVELOPMENT CODE RELATING TO PERGOLAS, TRELLISES, CANVAS SHADE STRUCTURES, AND OTHER SIMILAR STRUCTURES LOCATED WITHIN RESIDENTIAL

DISTRICTS; PROVIDING FOR ORDINANCES IN CONFLICT,
CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

4. NEXT MEETING AND ADJOURNMENT

PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



To: Honorable Mayor and Village Council

Date: November 2, 2015

From: Edward Silva, Village Manager

Re: Appeals to Sec. 30-50.21
Ordinance for 2nd Reading

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, RELATING TO SECTION 30-50.21, "PUBLIC FACILITIES"; CREATING SECTION 30-50.21(a)(5); ALLOWING GOVERNMENT APPROVED FACILITIES TO PROCEED TO PERMITTING AND CONSTRUCTION DURING APPEAL, SUBJECT TO SPECIFIED CONDITIONS; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:

This item was heard at first reading on October 19, 2015 and was approved without any changes. The remainder of this report was as it was submitted at first reading.

BACKGROUND:

On August 20, 2009, the Village Council adopted section 30-50.21, which established an exclusive procedure for the review and adoption of government related site plans. The provisions adopted by the Village are common to many governments and exist due to the unique nature of government facilities and their role to deliver a variety of services to the public. As a result, effective government service delivery often requires the siting of facilities in a variety of zoning districts. Neighborhood parks and libraries contribute to a higher quality of life and appropriate facility location is essential for life saving facilities.

From time to time, approved government facility site plans are subjected to legal challenge. These challenges can result in the delay of delivering the desired public service offered by the facility yet to be constructed. The proposed ordinance allows for a government with an approved site plan to proceed to permitting and construction despite a legal challenge. In so doing, that government accepts all risk for proceeding and agrees in advance to comply with the result of the final findings of the legal proceeding. Although the current code, 30-50.21 (public facilities), may allow permitting and construction during appeal due to its "exclusive procedures" provision (making other code sections inapplicable, including the requirement of exhaustion of appeal), this proposed code amendment clarifies the matter.

ANALYSIS:

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

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

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.

Analysis: Typically the siting of a government facility is done with the aim to provide a specified level of service to its residents. The proposed amendment facilitates the construction of those facilities, at the government's own risk, when the associated site plan is the subject of an appeal.

Finding: Consistent.

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

Analysis: Please see Background section of this report. Section 30-50.21 already provides for an exclusive procedure for the site plan review of government facilities for reasons explained in the Background Section. The proposed ordinance furthers that aim by providing for provisions that allow for a government to pursue, at its own risk, permitting and construction during that time when the site plan is subject to legal challenge.

Findings: Consistent.

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

Analysis: Please see Background section of this report. The reason many governments employ an exclusive procedure for the site plan review of government facilities is due to the unique nature their operations. Such uses do not naturally lend themselves to the development standards of traditional zoning categories. As such, exclusive procedures ensure needed government facilities can be sited. This does not preclude individuals from appealing the decision rendered by a government in approving a site

plan. Unfortunately, not all appeals have merit. The result of such a scenario could be an unnecessary delay in delivering the desired service. The proposed ordinance does not deny the right to appeal, nor does it circumvent compliance with the final legal ruling. It merely allows the government to proceed, at their own risk with permitting and construction.

Findings: Consistent.

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

Analysis: Please see Criteria 3 and the Background section of this report.

Finding: Consistent.

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

Analysis: The proposed ordinance does not alter permitted uses, intensities, or densities.

Finding: Consistent.

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

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

Finding: Consistent.

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

Analysis: Please see Criteria 1 and the Background Section of this report. The principal intent of the proposed ordinance is to facilitate the delivery of government services in a timely manner.

Findings: Consistent.

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

Analysis: The proposed ordinance relates to permitting and construction of an approved government site plan that is under appeal and does not relate to land use patterns.

Findings: Not applicable.

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

Analysis: Please see Criteria 2, 3, 4, and 7, and the Background Section of this report.

Finding: Consistent.

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

Analysis: As per the direction of the Village Council.

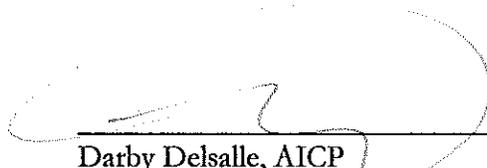
Finding: As determined by the Village Council.

FISCAL/BUDGETARY IMPACT:

None anticipated at this time

RECOMMENDATION:

Approval.



Darby Delsalle, AICP
Planning & Zoning Director

- 1 (5) Notwithstanding any contrary provisions of this Code, during an appeal of a
2 development order for a government facility approved pursuant to this section,
3 zoning approvals relating to that development order being appealed shall be issued
4 upon the request of the applying government, providing that:
5 a. the applying government indicates in writing that it will conform as necessary
6 to any subsequent changes mandated as a result of the appellate process by
7 the court or by the Village Council; and
8 b. that other applicable requirements of law are met.
9

10
11 **Section 3. Conflicting Provisions.** The provisions of the Code of Ordinances of the
12 Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
13 provisions of this ordinance are hereby repealed.
14

15 **Section 4. Severability.** The provisions of this Ordinance are declared to be severable,
16 and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be
17 invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences,
18 sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative
19 intent that this Ordinance shall stand notwithstanding the invalidity of any part.
20

21 **Section 5. Codification.** It is the intention of the Village Council and it is hereby
22 ordained the provisions of this Ordinance shall become and be made part of the Code of
23 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
24 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
25 changed to "Section" or other appropriate word.
26

27 **Section 6. Effective Date.** This ordinance shall take effect immediately upon
28 enactment.
29

30
31 **PASSED and ENACTED** this ____ day of _____, 2015.
32

33 First Reading: _____
34 Second Reading: _____
35
36
37

38 Attest: _____
39 Meighan Alexander Eugene Flinn
40 Village Clerk Mayor
41

42 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
43 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
44
45

46 _____
47 Dexter W. Lehtinen
48 Village Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____



To: Honorable Mayor and Village Council

Date: November 2, 2015

From: Edward Silva, Village Manager

Re: Pergolas, Trellises, and
Canopy Shade Structures
Ordinance for 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-60.3 OF THE LAND DEVELOPMENT CODE RELATING TO PERGOLAS, TRELISES, CANVAS SHADE STRUCTURES, AND OTHER SIMILAR STRUCTURES LOCATED WITHIN RESIDENTIAL DISTRICTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:

This item was heard at first reading on October 5, 2015 and was approved with any changes. The remainder of this report was as it was submitted at first reading.

BACKGROUND:

Between 2007 and 2009, the Mayor and Village Council adopted a series of ordinances that constituted the laws governing land development throughout the Village. These rules would replace those that were put in place by Miami-Dade County within their own land development regulations. The standards adopted by the Village largely reflected those previously adopted by the County, however, at times the new provision were more restrictive. Such was the case with carports, canvas shade structures, pergolas, trellises and other similar shade structures. It appears the intent of the new code was to provide an open space and separation standard that reflected an enhancement over the County code. In some regard, that intent was fulfilled with the adoption of the Village's code. However, the simplification may also have inadvertently created restrictions for accessory structures that do not necessarily create such an impact.

One outcome of the newly adopted Village standard was the elimination of carports within the front yard setback areas of low density residential districts. The prior code permitted metal panned roofed carports to be located up to five (5) feet away from a front property line. Such construction is not always considered desirable in the context of a front yard area as they typically do not contribute to the architectural character of the principal building and surrounding landscape features. This outcome proved to be a positive, however it also eliminated other accessory structure types that

might be considered desirable as they could contribute to the overall esthetic quality of the property in general.

The new provisions also generalized setback criteria for all accessory structure types. The result was the application of uniform front and side yard setbacks to all accessory structures regardless of type. The positive result of this provision ensured larger buildings with walls, wide columns and hard construction roofing were appropriately separated from adjacent properties. But it also eliminated other desirable features such as trellises, pergolas, and other similar partial shade structures within the side yards of many properties. This change also affected canvas shade structures. Often located at the side of a home, they were generally used to provide limited shelter for automobiles, legally parked marine craft, and for small side yard patios. All of these structures were open on all four (4) sides, and as with the case of pergolas and trellises, open to the sky.

The proposed amendment seeks to strike a compromise between what the Village adopted and what it intended to achieve in so doing. The first proposal is to permit pergolas, trellises and other similar shade structures to encroach up to 20 feet into a required setback of the principal building. At no time can such a structure be larger than 400 square feet, and be closer than five (5) feet to a front or side property. Properties zoned R-1, R-1M, R-2, and R-TH, would be permitted a greater reduction to side yard setback with a minimum of three (3) feet. The eligible structure type must be open on all four (4) sides, be open to the sky, and have no supporting column larger than six (6) inches in width. Height is capped at twelve (12) feet as measured from grade to the highest point. This provision allows for a form of construction that may contribute to the landscaping esthetic while providing a limited size, open air, partial shade structure for side yard patios or quasi car port shelter.

The second proposal of the attached ordinance is to restore the canvas shade structure provisions previously provided by the County code. It is worth noting here that the County Code spoke more specifically to a canvas carport structure, however staff recognizes a broader utility for such structures to also be located over patio areas. Development standards for this form of structure would comport to those provided for pergolas and trellises, however these structure shall not be permitted within front yard setback areas and are permitted a canvas roof covering.

ANALYSIS:

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

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

Analysis: The Village's Comprehensive Plan or Concurrency Management Plan does not address accessory building requirements.

Finding: Not applicable.

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

Analysis: Please see Background section of this report. The proposed ordinance is internally consistent with the remaining portions of Section 30-60.3 and Division 30-50 in that it seeks to fulfill the implied intent of those provisions.

Findings: Consistent.

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

Analysis: Please see Background section of this report. As reflected in the Background Section of this report, the code provisions adopted between 2007 and 2009 were effective in providing separation standards for substantial accessory structure. Those provisions also had an unanticipated impact on structures of lesser massing. The proposed change provides flexibility to site smaller, open air shade structures of limited scale that may be used over a patio or parking area as provided therein. A second potential outcome to of the proposed ordinance could be to bring existing structures made nonconforming by the 2007 to 2009 actions back into full conformity.

Findings: Consistent.

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

Analysis: Please see Criteria 3 and the Background section of this report. The proposed ordinance does not change permitted uses, however it does provide some flexibility in siting open air accessory shades structures that are 400 square feet in size or less. Although the proposed provisions continues to be more restrictive than that previously permitted by the County, it may nonetheless bring certain other structures made nonconforming by the 2007 to 2009 actions into greater conformance with Village code. The provisions reflect conditions that may currently exist with properties throughout the Village.

Finding: Consistent.

Criteria (5) Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and service; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and

wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: The proposed ordinance does not alter permitted use, intensities or densities. As such, it does not impact the above systems.

Finding: Consistent.

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

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

Finding: Consistent.

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

Analysis: Please see Criteria 3 and 4, and the Background Section of this report. The proposed amendment strikes a balance by continuing to prohibit larger and more substantive structures within certain required yard areas while accommodating open air structures that may contribute to the aesthetic quality of a home. The provision regarding canvas shade structures restores a previous accommodation provided by the County code, thus bringing any such structure previously approved into fuller conformity.

Findings: Consistent.

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

Analysis: Please see Criteria 3, 4, and 7, and the Background Section of this report.

Findings: Consistent.

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

Analysis: Please see Criteria 2, 3, 4, and 7, and the Background Section of this report.

Finding: Consistent.

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

Analysis: As per the direction of the Village Council.

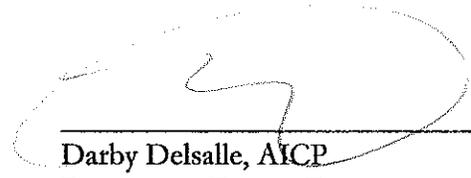
Finding: As determined by the Village Council.

FISCAL/BUDGETARY IMPACT:

There is no anticipated fiscal impact. All such structures will continue to require building permits.

RECOMMENDATION:

Approval.



Darby Delsalle, AICP
Planning & Zoning Director

ORDINANCE NO. _____

1
2
3
4 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE
5 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING;
6 AMENDING SECTION 30-60.3 OF THE LAND DEVELOPMENT CODE
7 RELATING TO PERGOLAS, TRELLISES, CANVAS SHADE
8 STRUCTURES, AND OTHER SIMILAR STRUCTURES LOCATED
9 WITHIN RESIDENTIAL DISTRICTS; PROVIDING FOR ORDINANCES
10 IN CONFLICT, CODIFICATION, SEVERABILITY AND AN
11 EFFECTIVE DATE.
12
13

14 WHEREAS, on October 1, 2007, the Mayor and Village Council adopted Ordinance 07-31,
15 which established section 30-60.3, of the Village's Land Development Code, creating development
16 standards for accessory buildings, utility sheds, swimming pools, and screen enclosures, to include
17 required minimum setbacks; and
18

19 WHEREAS, on August 20, 2009, the Mayor and Village Council adopted Ordinance 09-17
20 creating Division 30-50, Zoning Districts, establishing, among other zoning district regulations,
21 setback standards for accessory structures; and
22

23 WHEREAS, the two ordinances identified above replaced prior regulations established by
24 Miami-Dade County addressing, among other things, setback standards for accessory structures; and
25

26 WHEREAS, the adopted Village provisions simplified Miami-Dade County's provisions,
27 and in some cases, are more restrictive; and
28

29 WHEREAS, the Mayor and Village Council, now desire a set development standards for
30 pergolas, trellises, canvas shade structures and other similar structures, that compliment a low
31 density residential development character in a manner reflective of the community's values and life
32 style; and
33

34 WHEREAS, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been
35 designated as the Local Planning Agency for the Village; and
36

37 WHEREAS, on _____, 2015, the Local Planning Agency approved the proposed
38 amendment; and
39

40 WHEREAS, the Village Council reviewed the criteria at 30-30.7(b) and found the ordinance
41 in compliance with the applicable standards and the Comprehensive Plan; and
42

43 WHEREAS, the Mayor and Village Council now desire to establish specific development
44 standards for pergolas, trellises, canvas shade structures and other similar structures.
45

1 NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND VILLAGE
2 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
3

4 **Section 1.** Pursuant to the requirements of 30-30.7(b) of the Village's Code of
5 Ordinances, the following text change is in compliance with the review criteria and the
6 Comprehensive Plan.
7

8 **Section 2.** Section 30-60.3 of the Village's Code of Ordinances entitled "Accessory
9 buildings; utility sheds; swimming pools; screen enclosures" is amended as follows:
10

11 **DIVISION 30-60. - GENERAL REGULATIONS**
12

13 * * *

14
15 **Sec. 30-60.3. - Accessory buildings; utility sheds; swimming pools; screen enclosures.**

16 (a) *Accessory buildings, prior construction and use.* No accessory building shall be constructed upon
17 a lot until the construction of the principal use has been completed, unless construction of
18 the principal and accessory buildings is being concurrently constructed. No accessory
19 building shall be used unless the principal building exists on the front portion of the same
20 lot. No permit shall be issued for an accessory building unless the principal building is in
21 use, or unless a permit is obtained simultaneously for both buildings and construction
22 progresses concurrently. Accessory buildings/structures or uses shall conform to the same
23 setbacks as specified within each zoning district as the principal structures except as
24 provided by section 30-60.3 herein.
25

26 * * *

27
28 (g) *Pergolas, trellises, and other similar structures.* Pergolas, trellises, and other similar structures may
29 be sited within the required setbacks of a principal building provided:

- 30 (1) the structure is located within a R-1, R-1M, E-M, E-S, E-1, E-1C, E-2, R-2, or R-TH
31 district;
32 (2) the encroachment does not exceed 20 feet of the required principal building setback;
33 (3) that at no time the structure is closer than 5 feet to any property line, with the
34 exception of R-1, R-1M, R2, and R-TH, which shall permit a minimum setback of 3
35 feet from an interior property line;
36 (4) the structure cannot exceed 400 square feet in total area;
37 (5) the maximum height cannot exceed 12 feet as measured from grade to its highest
38 point of the structure;
39 (6) the structure shall be open on all four sides, with no one supporting column wider
40 than 6 inches;
41 (7) only one such structure is permitted to encroach into a required principal building
42 setback; and
43 (8) the structure shall be open from floor to sky.
44

45 (h) *Canvas shade structures.* Canvas shades structures shall be prohibited from encroaching into a
46 required principal building front yard setback. Encroachments of canvas shades structures

1 into the required principal building side and rear yard setbacks are permitted pursuant to
2 sections 30-60.3(g)(1)-(7).

3
4 **Section 3. Conflicting Provisions.** The provisions of the Code of Ordinances of the
5 Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
6 provisions of this ordinance are hereby repealed.

7
8 **Section 4. 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 5. Codification.** It is the intention of the Village Council and it is hereby
15 ordained the provisions of this Ordinance shall become and be made part of the Code of
16 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
17 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
18 changed to "Section" or other appropriate word.

19
20 **Section 6. Effective Date.** This ordinance shall take effect immediately upon
21 enactment.

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

25
26
27 First Reading: _____
28 Second Reading: _____

29
30
31
32 Attest: _____
33 Meighan Alexander Eugene Flinn
34 Village Clerk Mayor

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

39
40
41 _____
42 Dexter W. Lehtinen
43 Village Attorney

44
45 FINAL VOTE AT ADOPTION:
46

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