

ORDINANCE NO. _____

1
2
3
4 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE
5 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AD
6 VALOREM TAXATION; AMENDING CHAPTER 26, CREATING
7 SECTION 21-106 AND AMENDING SECTIONS 21-101 AND 21-105 AS IT
8 RELATES TO THE QUALIFYING INCOME OF SENIORS; PROVIDING
9 FOR A PROPERTY TAX EXEMPTION UNDER STATE AMENDMENT
10 11 RELATING TO SENIORS OVER THE AGE OF 65 WITH
11 QUALIFYING INCOME, LIVING IN A RESIDENCE FOR 25 YEARS
12 WITH A HOMESTEAD PROPERTY VALUED UNDER \$250,000;
13 PROVIDING REQUIREMENT OF APPLICATION AND SUBMISSION
14 OF SUPPORTING DOCUMENTATION TO THE MIAMI-DADE
15 COUNTY PROPERTY APPRAISER; PROVIDING FOR ORDINANCES
16 IN CONFLICT, CODIFICATION, SEVERABILITY AND AN
17 EFFECTIVE DATE.
18

19 WHEREAS, previously, in 2005, pursuant to Ordinance No. 05-07, adopted August 1,
20 2005, the Village provided qualifying seniors a \$25,000 ad valorem exemption; and thereafter the
21 Village subsequently, pursuant to Ordinance No. 07-14 adopted on May 7, 2007, provided a senior
22 exemption to its qualifying seniors with an increased exemption to \$50,000; and,
23

24 WHEREAS, during the 2012 National Elections, the State of Florida voted on Amendment
25 11, which amendment was enacted to the Florida Constitution; and,
26

27 WHEREAS, Amendment 11 provides an exemption, through an amendment to the State
28 Constitution to allow counties and municipalities to grant an additional homestead tax exemption
29 equal to the assessed value of homestead property if the property has a just value less than \$250,000
30 to an owner who has maintained permanent residency on the property for not less than 25 years,
31 who has attained age 65, and who has a low household income as defined by general law;
32

33 WHEREAS, the Village had enacted the senior exemption, in accordance with state law,
34 however, the Department of Elections advises that as Amendment 11 was passed, each municipality,
35 if it chooses to implement the new senior exemption, must do so prior to March 1st; and,
36

37 WHEREAS, the Village desires to not only provide the \$50,000 exemption to persons over
38 65 with a qualifying low income (approximately \$25,000); but to also provide the Amendment 11
39 exemption which would exempt from municipal ad valorem taxation persons over 65, with a
40 property valued at less than \$250,000, that have lived at the premises for the past 25 years and is a
41 qualified low household income (approximately \$25,000); and,
42

43 WHEREAS, the Mayor and Village Council desire to provide the below tax exemption to
44 its seniors.

1
2 BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE
3 OF PALMETTO BAY, FLORIDA, AS FOLLOWS:
4

5 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being
6 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
7

8 **Section 2.** The Village Council hereby grants a limited income senior citizen exemption
9 to certain qualifying senior citizens who are over 65 years old with an Annual Adjusted Income
10 Limitation for qualifying as low income as defined under state law, with a property valued at less
11 than \$250,000, and live in the premises for the past 25 years.
12

13 **Section 3. Codification.** The adoption of this exemption shall be included in Section
14 26-106 of the Village's Code of Ordinances as delineated below:
15

* * *

16 **Sec. 26-101. - Additional exemption for persons 65 years of age or older.**

17 In accordance with Section 6(f), Article VII of the Florida Constitution and Florida
18 Statute § 196.075, any person 65 years of age or over who has legal or equitable title
19 to real estate located within the Village Of Palmetto Bay, Miami-Dade County,
20 Florida, and maintains thereon his/her permanent residence, which residence
21 qualifies for and receives homestead exemption pursuant to Section 6(a), Article VII
22 of the Florida Constitution, and whose household income does not exceed the
23 Annual Adjusted Income Limitation for qualifying low income as defined under state
24 law shall be entitled to make application for an additional homestead exemption of
25 \$50,000.00. This additional homestead exemption, if granted, shall be applicable to
26 all ad valorem tax millage rates levied by the Village.
27

28 **Sec. 26-102. - Application required.**

29 Every person claiming the additional homestead exemption pursuant to this chapter
30 must file an application therefore with the Miami-Dade County Property Appraiser
31 no later than March 1st of each year for which such exemption is claimed. Such
32 application shall include a sworn statement of household income for all members of
33 the household and shall be filed on a form prescribed by the Florida Department of
34 Revenue. On or before June 1st of each year every applicant must file supporting
35 documentation with the property appraiser. The necessary documentation to be filed
36 with the Florida Department of Revenue shall include copies of all federal income
37 tax returns, wage and earning statements, and such other documentation as required
38 by the property appraiser, including documentation necessary to verify the income
39 received by all of the members of the household for the prior year.
40

1 competent jurisdiction to secure relief within twenty (20) calendar days from the date of this
2 assessment.

3
4 **Section 7. Severability.** The provisions of this Ordinance are declared to be severable
5 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
6 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
7 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
8 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

9
10 **Section 8. Repeal of Conflicting Provisions.** To the extent any provisions of the
11 Code conflict with this Chapter, those provisions are repealed in its entirety.

12
13 **Section 9. Effective Date.** This Ordinance shall be effective upon adoption.

14
15 **Section 10.** This ordinance shall be codified and included in the Code of Ordinances.

16
17 PASSED AND ENACTED this [] day of [], 2013.

18
19
20 Attest: _____
21 Meighan Alexander Shelley Stanczyk
22 Village Clerk Mayor

23
24 APPROVED AS TO FORM:

25
26 _____
27 Eve A. Boutsis,
28 Village Attorney

29
30 FINAL VOTE AT ADOPTION:

31
32 Council Member Patrick Fiore _____
33
34 Council Member Tim Schaffer _____
35
36 Council Member Joan Lindsay _____
37
38 Vice-Mayor John Dubois _____
39
40 Shelley Stanczyk _____
41



To: Honorable Mayor and Village Council

Date: January 28, 2013

From: Ron E. Williams, Village Manager

Re: Run-off Election of November,
2014 – First Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; ESTABLISHING THE RUN-OFF ELECTION DATE FOR THE ELECTION OF NOVEMBER, 2014, IN ACCORDANCE WITH SECTION 5.1(C) OF THE VILLAGE CHARTER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilman Patrick Fiore)

BACKGROUND AND ANALYSIS:

At the Committee of the Whole Meeting of January 16, 2013, Councilman Patrick Fiore raised the discussion of the date of the Run-Off Election for the November, 2014, Election. In April of 2009, the Village conducted a mail-in ballot election wherein the electorate voted to allow the Charter to be amended to permit modification of the run-off election date by Ordinance.

In the past, the Miami-Dade County Elections Department informed the Village that each run-off election is technically a “stand-alone” election, as all municipal precincts are opened without a County, national or state-wide election mandating a precinct opening. Elections staff had advised that the minimum time necessary between general and run-off elections is two weeks. Councilman Fiore and the other members of the Council present, using the run-off election of 2012 as an example, expressed that two weeks between the general and the run-off election were insufficient to allow for the timely mailing of absentee ballots. Following review of the calendar, staff recommends the Council consider November 25, 2014, as that date would be three weeks following the November 4, 2014 election and would theoretically allow sufficient time for printing and mailing of absentee ballots.

FISCAL/BUDGETARY IMPACT:

The estimated cost of the run-off election has not been yet provided by the Elections Department at this time; however, moving the date from two weeks to three weeks does not impact the cost of the election, as it is stand-alone regardless.

RECOMMENDATION:

Staff recommends the Council establish a date so the Village Clerk can inform the Elections Department.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ELECTIONS; ESTABLISHING THE RUN-OFF ELECTION DATE FOR THE ELECTION OF NOVEMBER, 2014, IN ACCORDANCE WITH SECTION 5.1(C) OF THE VILLAGE CHARTER; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Sponsored by Councilman Patrick Fiore)

WHEREAS, Section 5.1(C) of the Charter of the Village of Palmetto Bay provides that should a run-off election be necessary, said Run-off Election date shall be established by Ordinance; and

WHEREAS, in order to facilitate the operation of the Run-Off Election, particularly allowing for sufficient time to mail absentee ballots, the Village Council has determined that three (3) weeks between the general election and the run-off election is appropriate; and,

WHEREAS, the Village Council, following public hearing, has the authority to schedule the run-off election date by Ordinance.

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

Section 1. The above whereas clauses are incorporated by reference into this ordinance.

Section 2. The Village of Palmetto Bay will schedule its Run-off Election for:

November 25, 2014

Section 3. The Village Clerk is authorized to utilize the services of Miami-Dade County Supervisor of Elections for any assistance required in the administration of the election of November, 2014, and the subsequent Run-Off Election, if necessary.

Section 4. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall become effective upon adoption on second reading.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed.

Section 7. This ordinance shall take effect immediately upon enactment.

1 **PASSED AND ENACTED** this ____ day of March, 2013.

2
3
4 Attest:

5 _____
6 Meighan Alexander
7 Village Clerk

8 _____
9 Shelley Stanczyk
10 Mayor

11 APPROVED AS TO FORM:

12 _____
13 Eve A. Boutsis,
14 Office of the Village Attorney

15
16
17 FINAL VOTE AT ADOPTION:

18 Council Member Patrick Fiore _____
19
20 Council Member Tim Schaffer _____
21
22 Council Member Joan Lindsay _____
23
24 Vice-Mayor John DuBois _____
25
26 Mayor Shelley Stanczyk _____
27
28
29
30



To: Honorable Mayor and Village Council

Date: January 28, 2013

From: Eve A. Boutsis, Village Attorney

Re: Park Noise Levels
Ordinance for First Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; MODIFYING DIVISION 30-60 ENTITLED "GENERAL REGULATIONS"; REVISING SECTION 30-60.29 RELATING TO NOISE STANDARDS; PROVIDING CLARIFICATION RELATING TO NOISE LEVELS FOR VILLAGE OF PALMETTO BAY FACILITIES BETWEEN THE HOURS OF 8:00 A.M. AND 11:00 P.M.; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

BACKGROUND:

In November 2012, the Mayor and Village Council of the Village of Palmetto Bay enacted modifications to the noise regulations found at 30-60.29. The revisions modified how noise would be calculated and also modified the residential district noise levels of the Village. The intent was to provide guidelines for maximum permitted noise levels within residentially designated properties so as to preserve the overall residential quality of Village neighborhoods and to provide a fair and equitable process and guidelines for issuing development orders.

Many of the Village's parks are located within the Village's residential zoning designations. On a regular basis the Village's parks provide the opportunity for residents and the general public to play sports, including but not limited to football, soccer, baseball, softball, and tennis tournaments. These events may cause intermittent spectator noise levels to exceed the thresholds of the Village's newly enacted noise ordinance. In addition, the Village also rents out or utilizes pavilions and facilities for events which may exceed the thresholds of the Village's enacted noise ordinance. Such events include, but are not limited to Slam Fest, Thalatta wedding rentals and events, and various sport games, leagues and tournaments. In order to provide balance between the residential uses and the ability for residents to use the Village parks as intended, it would be necessary to modify the noise code for Village facilities during the hours of 8:00 A.M. and 11:00 P.M.

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 criteria herein. 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: 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.

Goal 7: Provide a balanced, multi-purpose system of excellent parks, greenways, and trails that meet or exceed the needs of palmetto bay's residents, businesses and visitors.

Policy 7.1.4: Ensure recreation facilities are well-managed and well-maintained, and that quality recreation programs are available to all residents. This shall be partially achieved by keeping an up-to-date inventory of park facilities and sites, and surveying the park and recreation needs of Village residents on a regular basis.

Objective 7.3: Coordinate planning for recreational improvements with each level of government, including the Miami-Dade County School Board, Miami-Dade County, and the private sector in order to promote enhanced recreational opportunities, including environmental education activities, in a cost-effective manner.

Policy 7.3.4: Work with civic and non-profit groups to provide recreation programs, such as baseball, soccer, and softball, for residents within public parks.

As the "Village of Parks", this budding municipality offers top quality venues for everything from athletic events, shelter rentals, weddings and special celebrations, Village sponsored special events, and the everyday regular active and passive enjoyment of our residents and visitors. This effort is provided in a clear effort to achieve top quality service with minimal impact to our community. The services provided reflect the types of amenities our community has come to expect. The proposed modification sets the noise level for Village facilities from 8:00 A.M. to 11:00 P.M. to a maximum of 65 dBA as was previously provided prior to November of 2012. This change will ensure the Village may continue to operate at its current service level consistent with the above goals, objectives and policies.

Finding: Consistent

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

Analysis: No other provision of Chapter 30 appears to conflict with the proposed changes. Adoption of the change will ensure continued use of the parks consistent with existing programming.

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: The November 2012 modification to the noise code had the inadvertent effect of impacting existing programming at Village parks. Resetting the noise standard to the previously permitted 65 dBA from 8:00 A.M. to 11:00 P.M. will ensure continued use of the parks consistent with existing programming.

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: See Analysis under Criteria 1.

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 impact the above services.

Finding: Not applicable

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 See Analysis under Criteria 1.

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 See Analysis under Criteria 1.

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: See Analysis under Criteria 1 and 2.

Findings: 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 at this time.

RECOMMENDATION:

Decision for the Village Council.


Darby Delsalle, AICP
Planning & Zoning Director

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

4 **Section 1.** Chapter 30, of the Village's Land Development Code, at Divisions 30-60.29 is
5 amended to read as follows:
6

7 **DIVISION 30-60 GENERAL REGULATIONS**
8

9 * * *

10
11 **30-60.29 Noise.**

12 * * *

- 13
14 (d) **Maximum permissible sound.**
15 (1) **Continuous sound.**

- 16 a. No person shall cause, suffer, allow, or permit the operation of any
17 source of sound in such a manner as to create a sound level that
18 exceeds the sound level limits listed in Table 1 when measured at, or
19 across the real property line of the emitting property within a land
20 use designation. Sound pressure levels in excess of those established
21 in Table 1 would constitute a noise disturbance and be in violation of
22 this Code.

23
24 Table 1
25 Permissible Sound Level Limits (dBA)
26 By Emitting Property Category

Emitting Property Designation	Time	Sound Level Limit (dBA)
Residential and Noise-Sensitive Zone	7:00 a.m. to 11:00 p.m.	60
	11:00 p.m. to 7:00 a.m.	55
Public Facilities and Institutional	7:00 a.m. to 11:00 p.m.	65
	11:00 p.m. to 7:00 a.m.	60
Commercial	7:00 a.m. to 11:00 p.m.	70
	11:00 p.m. to 7:00 a.m.	65
Agricultural	7:00 a.m. to 11:00 p.m.	70
	11:00 p.m. to 7:00 a.m.	65

- 27
28 b. These limits may not be exceeded by any single incident representing
29 the normal, usual operation of the sound source, during any three

1 sampling intervals, the duration of which shall be no less than one-
2 half minute, within any one-hour period.

3
4 c. Exemption. Village of Palmetto Bay facilities shall be permitted a
5 maximum sound level limit of 65 dBA's from 8:00 a.m. to 11 p.m.
6 Maximum permitted sounds levels outside this time frame shall
7 comply with applicable zoning designation identified in Table 1
8 above.

9 * * *

10
11 **Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this
12 ordinance are repealed.

13
14 **Section 3.** This ordinance shall be codified and included in the Code of Ordinances.

15
16 **Section 4.** If any section, clause, sentence, or phrase of this ordinance is for any reason
17 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the
18 validity of the remaining portions of this ordinance.

19
20 **Section 5.** This ordinance shall take effect immediately upon enactment.

21
22 PASSED AND ENACTED this [] day of _____, 2013.

23
24 Attest: _____
25 Meighan Alexander Shelley Stanczyk
26 Village Clerk Mayor
27

28 APPROVED AS TO FORM:

29
30 _____
31 Eve A. Boutsis
32 Village Attorney

33
34 FINAL VOTE AT ADOPTION:

35
36 Council Member Patrick Fiore _____
37
38 Council Member Tim Schaffer _____
39
40 Council Member Joan Lindsay _____
41
42 Vice-Mayor John DuBois _____
43
44 Mayor Shelley Stanczyk _____



To: Honorable Mayor and Village Council

Date: January 28, 2013

From: Eve A. Boutsis, Village Attorney

Re: Height Standard
Ordinance for First Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE'S CODE OF ORDINANCES, AT DIVISION 30-50 RELATING TO AMENDING THE RESIDENTIAL DISTRICT HEIGHT REGULATIONS SO AS TO MEASURE HEIGHT CONSISTENTLY WITH MIAMI-DADE COUNTY FROM THE ROOF'S EVE AND PROVIDE AN EXCEPTION TO THE HEIGHT REQUIREMENT FOR CERTAIN MECHANICAL EQUIPMENT AND PARAPETS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

BACKGROUND:

In 2010 the Village adopted its land development code, which included a definition as to height of buildings to reflect the roof ridge and to include all mechanical equipment, parapets, etc., within the height envelop. This measurement method was not utilized by Miami-Dade County, and as such existing structures, if damaged would not necessarily be able to be rebuilt due to the change in the Village's methodology for determining height. This difference in methodology in determining roof height came to the Village's attention due to a variance application request for a property located within Paradise Point. Those structures built under the County code are taller than those structures that could be constructed, as of right, under the Village code. Thereafter, during the December Committee of the Whole meeting a majority of the Council directed staff to modify the code to reflect the methodology for determining height as provided previously under the Miami-Dade County Code.

As such, the proposed ordinance employs a similar measuring methodology as previously utilized by Miami-Dade County so that any existing structures built under the County Code will be deemed conforming and any new structures being built can enjoy the same development height standard.

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 herein. 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 Comprehensive Development Master Plan does not address building heights.

Finding: Not applicable

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

Analysis: No other provision of Chapter 30 appears to conflict with the proposed changes. Adoption of the change will ensure those structure built in compliance with the previous height standard will be deemed conforming as provided by Section 30-10.4.

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: When the Village adopted the new measurement standard in 2010, the result was to place properties built to the previous review standard into a nonconforming status. This difference in calculation came to the Village's attention due to a variance application request for a property located within Paradise Point. With the desire to cure the unintentional designations caused by the 2010 legislation, the Council directed that staff modify the code to reflect a similar methodology to that previously implemented by the Miami-Dade County. Adoption of the change as to how height is calculated will ensure that those structures built in compliance with the previous height methodology from the County be considered conforming in height. In other words, the methodology for calculated height would be consistent.

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: See Analysis under Criteria 3.

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 impact the above services.

Finding: Not applicable

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 See Analysis under Criteria 3

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 patter shall be identified.

Analysis See Analysis under Criteria 3.

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: See Analysis under Criteria 2. The proposed ordinance reflects a development methodology that was similarly applied throughout the Village under Miami-Dade County.

Findings: Consistent.

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

Memorandum on Roof Height Ordinance
1st Reading
January 28, 2013
Page 4 of 4

Analysis: As per the direction of the Village Council.

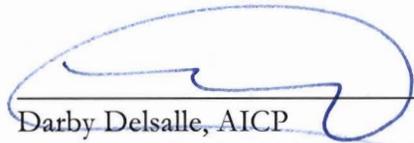
Finding: As determined by the Village Council.

FISCAL/BUDGETARY IMPACT:

None at this time.

RECOMMENDATION:

Decision for the Village Council.



Darby Delsalle, AICP
Planning & Zoning Director

1 **Section 1.** The Village of Palmetto Bay hereby modifies 30-50.1, et seq., which provisions shall
2 read as follows:

3 * * *

4
5
6 **DIVISION 30-50**

7
8 **ZONING DISTRICTS**

9
10 **30-50.1** Districts and General Provisions.

11 * * *

12
13
14 (i) Lot Coverage is the percentage of the overall area of the site that the building(s) occupy
15 (building(s) area under roof at ground level/total lot area = lot coverage percentage).

16
17 (j) Height measurement for certain structures.

18 Height shall be measured from the grade of the property to the top of the eave a pitched
19 roof or to the top surface of a flat roof. Chimneys, conveyors, cooling towers, elevator
20 bulkheads and shafts and enclosures for mechanical equipment, fire towers, and parapet
21 walls shall not extend more than five (5) feet above the height of the building upon which it
22 rests. Any required airplane beacons shall comply with Federal Aviation Regulations.

23 * * *

24
25
26 **30-50.2** **AG, AGRICULTURAL DISTRICT.**

27 * * *

28
29
30 (e) Dimensional regulations.

- 31
32 (1) Minimum lot area Five (5) acres in area including ROW
33
34 (2) Maximum density One (1) unit per five (5) acres including ROW
35
36 (3) Minimum lot frontage 200 feet
37
38 (4) Minimum lot depth 330 feet from center line of ROW
39
40 (5) Maximum lot coverage 0.16 of lot including all buildings
41
42 (6) Reserved
43

- 1 (7) Minimum open space 0.84 of lot area
- 2
- 3 (8) Minimum landscaped pervious area 0.30
- 4
- 5 (9) Maximum building height 35 feet ~~above grade to the roof ridge~~
- 6
- 7
- 8 * * *
- 9

10 **30-50.3 R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT.**

12 * * *

14 (d) Dimensional regulations.

- 15
- 16 (1) Minimum lot area 7,500 net square feet
- 17
- 18 (2) Maximum density One (1) unit per 7,500 net square feet
- 19
- 20 (3) Minimum lot frontage 75 feet
- 21
- 22 (4) Minimum lot depth 100 feet
- 23
- 24 (5) Maximum lot coverage 0.37 of net lot area including accessory buildings
- 25
- 26 (6) Reserved.
- 27
- 28 (7) Minimum open space 0.63 of net lot area
- 29
- 30 (8) Minimum landscaped pervious area 0.30 of the lot area
- 31
- 32 (9) Minimum building size 1,125 square feet
- 33
- 34 (10) Maximum building height 35 feet ~~above grade to the roof ridge~~

36 * * *

38 **30-50.35 R-1M, MODIFIED SINGLE FAMILY DISTRICT.**

40 * * *

42 (d) Dimensional regulations.

- 43
- 44 (1) Minimum lot area 5,000 net square feet
- 45

- 1 (2) Maximum density One (1) unit per 5,000 net square feet
- 2
- 3 (3) Minimum lot frontage 50 feet (see subsection (f), below)
- 4
- 5 (4) Minimum lot depth 100 feet
- 6
- 7 (5) Maximum lot coverage 0.42 of net lot area including accessory buildings
- 8
- 9 (6) Reserved.
- 10
- 11 (7) Minimum open space 0.58 of net lot area
- 12
- 13 (8) Minimum landscaped pervious area 0.30 of the lot area
- 14
- 15 (9) Minimum building size 1,000 square feet
- 16
- 17 (10) Maximum building height 35 feet ~~above grade to the roof ridge~~
- 18
- 19 (11) Maximum number of stories Two (2), not including non-liveable areas
- 20
- 21 (12) Accessory building height not exceeding 15 feet ~~above grade to the roof ridge~~

22 * * *

25 **30-50.4 E-M, ESTATE MODIFIED SINGLE-FAMILY DISTRICT.**

27 * * *

29 (d) Dimensional regulations.

- 30
- 31 (1) Minimum lot area 15,000 net square feet
- 32
- 33 (2) Maximum density One unit per 15,000 net square feet
- 34
- 35 (3) Minimum lot frontage 120 feet
- 36
- 37 (4) Minimum lot depth 115 feet
- 38
- 39 (5) Maximum lot coverage 0.32 net lot area including accessory buildings
- 40
- 41 (6) Reserved.
- 42
- 43 (7) Minimum open space 0.68 of net lot area
- 44
- 45 (8) Minimum landscaped pervious area 0.35 of lot area

- 1
2 (9) Minimum building size 1,500 square feet
3
4 (10) Maximum building height 35 feet ~~above grade to the roof ridge~~

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7
8 **30-50.5 E-S, ESTATE SUBURBAN SINGLE-FAMILY DISTRICT.**

9
10 * * *

11
12 (d) Dimensional regulations.

- 13
14 (1) Minimum lot area 25,000 square feet including ROW
15
16 (2) Maximum density One (1) unit per 25,000 square feet including ROW
17
18 (3) Minimum lot frontage 125 feet
19
20 (4) Minimum lot depth 135 feet
21
22 (5) Maximum lot coverage 0.32 including accessory building.
23
24 (6) Reserved.
25
26 (7) Minimum open space 0.68 of lot area
27
28 (8) Minimum Landscaped pervious area 0.35 of lot area
29
30 (9) Minimum building size 2,000 square feet
31
32 (10) Maximum building height 35 feet ~~above grade to the roof ridge~~

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34 * * *

35
36 **30-50.6 E-1, ONE ACRE ESTATE SINGLE-FAMILY DISTRICT.**

37
38 * * *

39
40 (d) Dimensional regulations.

- 41
42 (1) Minimum lot area One (1) acre including ROW
43
44 (2) Maximum density One (1) unit including ROW
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- (3) Minimum lot frontage 125 feet
- (4) Minimum lot depth 200 feet from center line of ROW
- (5) Maximum lot coverage 0.16 of lot area including accessory buildings
- (6) Reserved.
- (7) Minimum open space 0.84 of lot area
- (8) Minimum Landscaped pervious area 0.45 of lot area
- (9) Minimum building size 2,000 square feet
- (10) Maximum building height 35 feet ~~above grade to the roof ridge~~

* * *

30-50.7 E-1C, 2.5 ACRES ESTATE SINGLE-FAMILY DISTRICT.

* * *

(d) Dimensional regulations.

- (1) Minimum lot area 2.5 acres including ROW
- (2) Maximum density One unit per 2.5 acres including ROW
- (3) Minimum lot frontage 150 feet
- (4) Minimum lot depth 250 feet from center line of ROW
- (5) Maximum lot coverage .16 of lot area including accessory buildings
- (6) Reserved.
- (7) Minimum open space .84 of lot area
- (8) Minimum Landscaped pervious area .55 of lot area
- (9) Minimum building size 3,000 square feet
- (10) Maximum building height 35 feet ~~above grade to roof ridge~~
- (11) Maximum number of stories Two (2)

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30-50.8 E- 2, FIVE ACRE ESTATE SINGLE-FAMILY DISTRICT.

* * *

(d) Dimensional regulations.

- (1) Minimum lot area Five (5) acres including ROW.
- (2) Maximum density One unit per 5 acres including ROW
- (3) Minimum lot frontage 200 feet
- (4) Minimum lot depth 330 feet from center line of the ROW
- (5) Maximum lot coverage 0.16 including accessory buildings
- (6) Reserved.
- (7) Minimum open space 0.84 of lot area
- (8) Minimum Landscaped pervious area 0.55 of the lot area
- (9) Minimum building size 3,000 square feet
- (10) Maximum building height 35 feet ~~above grade~~

* * *

30-50.9 R-2, TWO-FAMILY RESIDENTIAL DISTRICT.

* * *

(e) Dimensional regulations:

- (1) Minimum lot area 3,750, each net lot area
- (2) Maximum density Two (2) units
- (3) Minimum lot frontage Each lot, min. of 37.5 feet, with 25 foot front setback line
- (4) Minimum lot depth 100 feet

- (5) Maximum lot coverage 0.30 including accessory buildings
- (6) Reserved.
- (7) Minimum open space 0.70 of net lot area
- (8) Minimum landscaped pervious area 0.30 of lot area
- (9) Minimum building size 1,125 square feet
- (10) Maximum building height 35 feet ~~above grade to the roof ridge~~

* * *

30-50.10 R-TH, TOWNHOUSE DISTRICT

* * *

(f) Dimensional regulations for town homes:

- (13) Minimum landscaped pervious area 0.50 of common open space, shall be unencumbered with any structure or off-street parking and maintained with grass, trees and shrubbery
- (14) Maximum building height 40 feet ~~above grade to the roof ridge~~

* * *

30-50.11 R-3, FOUR UNIT APARTMENT DISTRICT.

* * *

(d) Multi-family housing development dimensional regulations. The development shall contain either a minimum of three (3) housing types, or where a single housing type is proposed, the model plans shall include a minimum of four (4) different building facades). Attached individual garages shall not be credited towards parking requirements. The walling off of the community from arterial roadways shall be prohibited. Relief from this requirement may only be permitted pursuant to the Village's non-use variance process.

* * *

- (10) Maximum building height 40 feet

1 (11) Maximum number of stories shall be three (3) and shall not exceed 40 feet ~~(to the~~
2 ~~roof ridge)~~

3
4 **30-50.12 R-3M, APARTMENT DISTRICT.**

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6 * * *

7
8 d. Building or structure or part thereof shall be erected or altered to a height of
9 two (2) stories and shall not exceed 35 feet.

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11 * * *

12
13 **30-50.13 R-4L, LIMITED APARTMENT DISTRICT.**

14
15 * * *

16 d. Height. No building or structure, or part thereof shall be erected or altered
17 to a height exceeding six (6) stories, and shall not exceed 75 feet above finished
18 grade.

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20 * * *

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22 **30-50.14 R-4H, HOTEL /APARTMENT HOUSE DISTRICT.**

23
24 * * *

25
26 (g) Height. On sites which abut dedicated rights-of-way of 100 feet or more, each proposed
27 building or structure which exceeds 100 feet in height shall be designed and situated such that the
28 shadow created by the sun at 12:00 noon on December 31 (a sun angle of 41 degrees) will not fall on
29 any adjacent property except for public road rights-of-way. Shadow studies shall be provided to the
30 Department. Buildings or structures may be proposed to any height except as controlled by this
31 shadow provision and other provisions in the Code, such as floor area ratio, setbacks, airport
32 regulations, etc. For all other sites, no building or structure or part thereof shall be of a height
33 greater than the width of the widest street upon which such building abuts, unless approved for
34 additional height as a result of public hearing.

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37
38 **30-50.15 R-5, OFFICE DISTRICT.**

39
40 * * *

41
42
43 (d) Minimum square foot content and height of buildings and floor area ratio.
44

1 (1) Minimum square foot content. The gross interior square foot area of the principal
2 structure shall not be less than 1,000 square feet.
3

4 (2) Heights. The maximum height of any structure shall be two (2) stories but not to
5 exceed 24 feet ~~above finished grade~~.
6

7 * * *

8
9 Section 2. All ordinances or parts of ordinances in conflict with the provisions of this
10 ordinance are repealed.
11

12 Section 3. This ordinance shall be codified and included in the Code of Ordinances.
13

14 Section 4. If any section, clause, sentence, or phrase of this ordinance is for any reason
15 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect
16 the validity of the remaining portions of this ordinance.
17

18 Section 5. This ordinance shall take effect immediately upon enactment.
19

20 PASSED AND ENACTED this ____ day of _____, 2013.
21
22

23 Attest: _____
24 Meighan Alexander, Shelley Stanczyk,
25 Village Clerk Mayor
26

27 APPROVED AS TO FORM:
28
29 _____

30 Eve A. Boutsis,
31 Office of Village Attorney
32

33 FINAL VOTE AT ADOPTION:
34

35 Council Member Patrick Fiore _____
36

37 Council Member Tim Schaffer _____
38

39 Council Member Joan Lindsay _____
40

41 Vice-Mayor John DuBois _____
42

43 Mayor Shelley Stanczyk _____