



To: Honorable Mayor and Village Council

Date: May 2, 2016

From: Edward Silva, Village Manager

Re: DRTF Land Use and FLUM
Amendment – 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO A LARGE SCALE AMENDMENT OF THE FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM RESIDENTIAL, AND MEDIUM RESIDENTIAL, TO FRANJO ACTIVITY CENTER (FAC); AND AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S LAND USE CATEGORY, FAC; ADJUSTING THE NUMBER OF UNITS PERMITTED WITHIN THE FAC FROM 5,389 TO 5,661; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:

This item was passed and approved without modification at First Reading on February 1, 2016. The Report and Ordinance stands as it was submitted for First Reading (First Reading Report is attached as Exhibit B). Subsequent to the hearing, the item was transmitted to the State of Florida's Department of Economic Opportunity (DEO) for their required review. The DEO approved the item on March 17, 2016. The South Florida Water Management District requested the Village complete its Water Facility Supply plan update and that plan is underway. Miami-Dade County Department of Environmental Protection identified a notation error regarding total acreage involved and a mapping error. The acreage scrivener's error was identified during First Reading. A corrected land use map is attached herein and needs to be moved into the Ordinance in lieu of the original (copy of Land Use Map is attached as Exhibit A). Their last comment involves renaming the County's public works department at Objective 4D.1 to *Miami-Dade County Department of Solid Waste Management*. Village staff's responses were provided to the commenting agencies and are attached herein at "ORC Report".

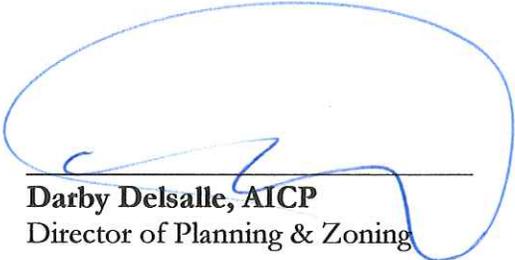
RECOMMENDATION:

Approval is recommended.

Attachments:

Exhibit A (Land Use Map)

Exhibit B (First Reading Report)

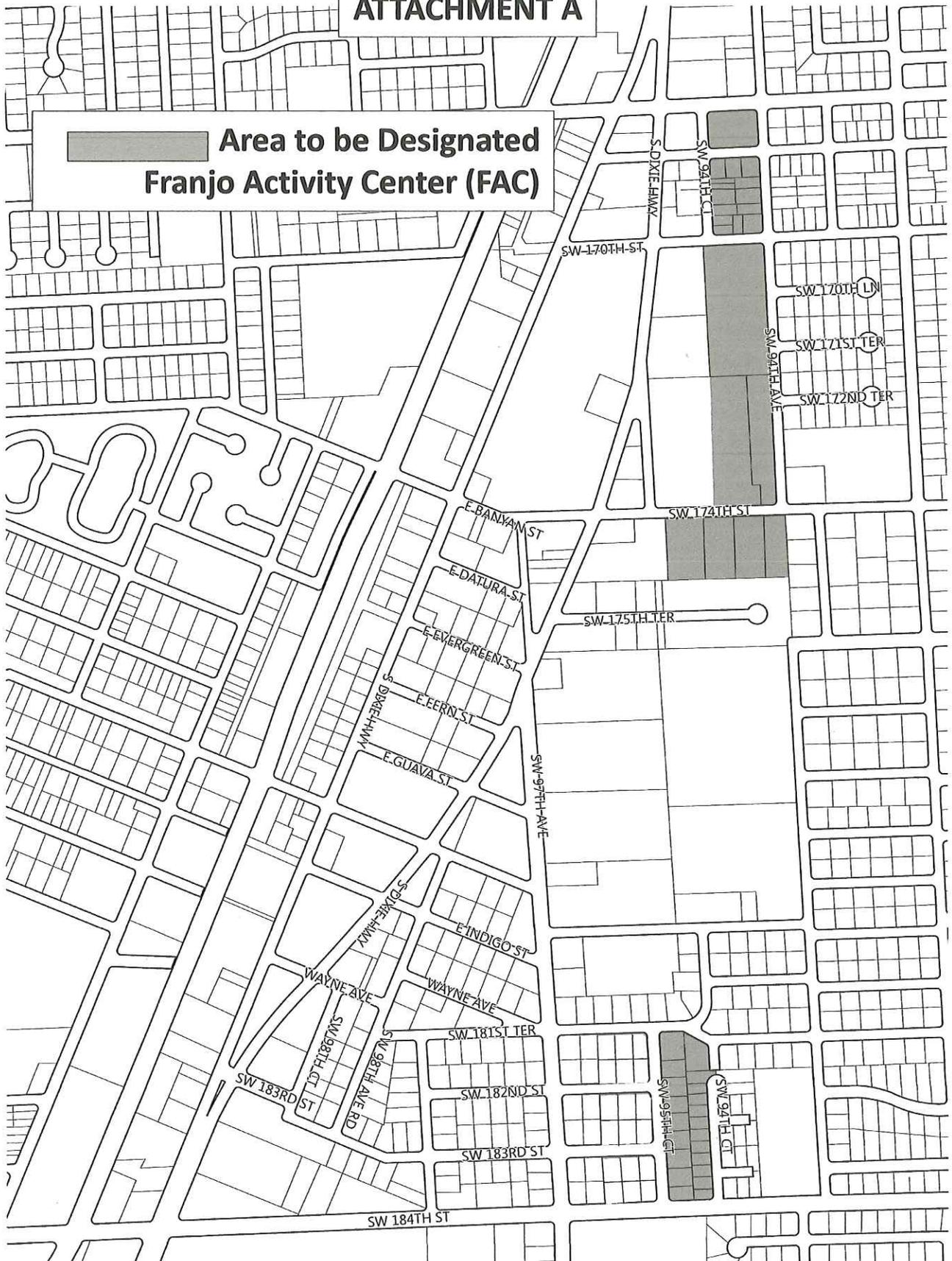


Darby Delsalle, AICP
Director of Planning & Zoning

REVISED LAND USE MAP

ATTACHMENT A

**Area to be Designated
Franjo Activity Center (FAC)**



ORC REPORT



To: Honorable Mayor and Village Council

Date: February 1, 2016

From: Edward Silva, Village Manager

Re: DRTF Land Use and
FLUM Amendment –
1st Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO A LARGE SCALE AMENDMENT OF THE FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM RESIDENTIAL, AND MEDIUM RESIDENTIAL MEDIUM, TO FRANJO ACTIVITY CENTER (FAC); AND AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S LAND USE CATEGORY, FAC; ADJUSTING THE NUMBER OF UNITS PERMITTED WITHIN THE FAC FROM 5,389 TO 5,661; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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. A major step towards achieving this goal was reached on December 14, 2015, when the Village adopted the Franjo Activity Center (FAC) land use designation and created the Downtown Urban Village zoning district. The achievement was the result of an effort initiated in the late spring of 2013, when the Village Manager convened the Downtown Redevelopment Task Force (DRTF). 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's initial study area spanned approximately 330 acres in and around Franjo Road and the South Dixie Highway Island area. That first implementation of the FAC land use designation involved approximately 184 acres. It is now desired to capture certain portions of the original study that lay along the eastern edges of the newly approved FAC designated area. This request adds 17 acres to the total FAC area and involves the inclusion of 272 residential units. The residential unit adjustment to the FAC are reflective of those units that were either already permitted by the existing land use designation of the lots involved, or their actual development status thereof. No commercial square footage is being added to the FAC land use category.

PROPOSED CHANGES:

The proposed ordinance seeks to similarly designate certain lots that lay on the eastern edges of those lands already designated FAC. Proposed changes also include the amendment of the FAC land use designation within the Land Use Element of the Comprehensive Plan (Comp Plan), that should include the residential units already permitted or constructed on those properties to be designated.

COMPREHENSIVE PLAN/FLUM AMENDMENTS:

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

ANALYSIS:

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

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

Analysis: In reviewing the Village's Comprehensive Plan, the following Goals, Objectives, and Policies (GOP) below were identified within the Village's Comprehensive Plan as relating to this proposed amendment. Each GOP is

provided with a brief analysis. The finding of those analysis's is provided at the end of this criterion.

GOAL 1: To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.

Analysis: See Background Section. The proposed land use amendment is in furtherance of the 40 member DRTF team and the three (3) comprehensive, the innovative studies that the Village Council relied upon that supported the initial creation and designation of the FAC. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or
(2) the number of residential unit that exist in their current development state.
No commercial square footage is being added to the FAC land use category.

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

Analysis: The density permitted by the proposed land use category allows for a more compact urban form where mixed uses can be provided for throughout the district with the integration of both horizontal and vertical forms. The included areas either have available infrastructure or are located in areas where it may be added.

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

Analysis: See Goal 1, Policy 1.1.8 and the Background Section of this report. The proposed FAC land use category is predicated on existing or potentially available infrastructure within the area. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or

(2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category. 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: See Goal 1, Policy 1.1.8 and the Background Section of this report. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or
(2) the number of residential unit that exist in their current development state.
No commercial square footage is being added to the FAC land use category. Any future development or redevelopment will be evaluated at the time of site plan application.

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: The propose FAC land use category is predicated on a roadway infrastructure that is provided for the Downtown Urban Village (DUV) zoning district lays wholly inside the FAC land use designation. The DUV road network and transit connectivity is anticipated to accommodate development within an acceptable LOS. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or
(2) the number of residential unit that exist in their current development state.
No commercial square footage is being added to the FAC land use category.

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: See Goal 1, Policy 1.1.8 and the Background Section of this report. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or
(2) the number of residential unit that exist in their current development state.
No commercial square footage is being added to the FAC land use category. Any future development or redevelopment will be evaluated at the time of site plan application.

Objective 4B.1 Sanitary Sewer level of service

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

Analysis: 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: 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: See Goal 1, Policy 1.1.8 and the Background Section of this report. 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.

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: See Objective 4A.1 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: See Objective 4A.1.

Finding: Consistent (for all of Criteria 1).

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

Analysis: See Background Section of this report. This is an extension of the DRTP's initiatives and the Village Council's actions to establish the FAC land use and the DUV zoning regulations. The request captures certain lots that lay along the eastern edge of the existing FAC designated lands. The amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

Finding: Consistent.

Criteria (3) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use.

Analysis: See Criteria 1 and the Background Section. The amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

Finding: Consistent.

Criteria (4) Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: The change in land use would likely increase the value of the land as the district provides greater opportunity for redevelopment.

Finding: Consistent.

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

Analysis: See Criteria 1 and the Background Section. The proposed DUV zoning to be placed in concert with this FAC designation will rely upon the Urban Village and Neighborhood Village sectors which were designed as a transition from the more intense portions of the DUV core. The amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

Finding: Consistent.

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

Analysis: See the Background Section, Criteria 1, 3, 4, and 5, and the Studies.

Finding: Consistent.

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

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

Finding: Consistent.

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

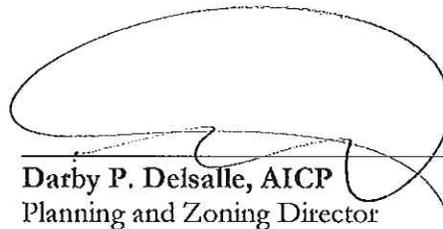
Finding: Decision for the Village Council.

FISCAL/BUDGETARY IMPACT:

There is no fiscal or budgetary impact anticipated at this time. However, any future development will likely positively add to land values and increase ad valorem revenue.

RECOMMENDATION:

Approval is recommended.



Darby P. Delsalle, AICP
Planning and Zoning Director

ORDINANCE NO. _____

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AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO A LARGE SCALE AMENDMENT OF THE FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM RESIDENTIAL, AND MEDIUM RESIDENTIAL MEDIUM, TO FRANJO ACTIVITY CENTER (FAC); AND AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S LAND USE CATEGORY, FAC; ADJUSTING THE NUMBER OF UNITS PERMITTED WITHIN THE FAC FROM 5,389 TO 5,661; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan for the Village of Palmetto Bay was originally adopted on August 1st, 2005, provided for a range of permitted uses and development intensities for certain lands within the Village which included the designations of Mixed Use Corridor and Neighborhood Mixed Use; and

WHEREAS, on December 14, 2015, the Mayor and Village Council, in partial fulfilled the vision of the Downtown Redevelopment Task Force (DRTF) vision, adopted the Franjo Activity Center (FAC) land use designation for the purpose of supporting the development of a downtown within the southwest quadrant of the Village; and

WHEREAS, the DRTF envisioned an area larger than that adopted by the Village Council on December 14, 2015; and

WHEREAS, the Mayor and Village Council now desire to incorporate additional lands into the FAC land use designation that lay along the edges of the adopted district; and

WHEREAS, the specific authority and requirements for municipalities to do Comprehensive Planning in Florida emanates from Chapter 163, Florida Statutes; and

WHEREAS, as the Comprehensive Plan, and amendments thereto are adopted via Ordinance; and

WHEREAS, after receiving input and participation by the public at first reading of the proposed amendment, the Village Council transmitted the proposed amendment to the Florida

1 Department of Economic Opportunity (DEO) and to all other agencies, as required under law,
2 for their review pursuant to Section 163.3184, Florida Statutes; and
3

4 **WHEREAS**, the DEO reviewed the proposed FLUM and return its Objections,
5 Recommendations and Comments (ORC) Report to the Village; and
6

7 **WHEREAS**, the Mayor and Village Council conducted a second duly noticed public
8 hearing on the amendment as required under law following the receipt of approval by the DEO;
9 and
10

11 **WHEREAS**, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been
12 designated as the Local Planning Agency for the Village; and
13

14 **WHEREAS**, on _____, 2016, the Local Planning Agency approved the
15 proposed amendment; and
16

17 **WHEREAS**, the Village Council have reviewed the criteria of 30-30.8(b) and find the
18 ordinance in compliance with the applicable standards and the Comprehensive Plan; and
19

20 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto Bay desire to
21 amend the Land Use Element of the Comprehensive Plan and the FLUM.
22

23 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE**
24 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS**
25 **CAPACITY AS THE LOCAL PLANNING AGENCY OF THE VILLAGE OF**
26 **PALMETTO BAY, FLORIDA, AS FOLLOWS:**
27

28 **Section 1.** **Recitals.** The above recitals are true and correct and incorporated herein
29 by this reference.
30

31 **Section 2.** **Compliance with Criteria.** In evaluating an application for a
32 Comprehensive Plan amendment, from Neighborhood Mixed Use and Mixed Use Corridor, the
33 Palmetto Bay Village Council is applying the standard under 30-30.8(b), of the Village's Code.
34

35 **Section 3.** The Land Use Element of the Village's Comprehensive Plan is amended
36 to read as follows:
37

38 1.0 FUTURE LAND USE ELEMENT'
39

40 GOAL 1 TO GUIDE THE VILLAGE OF PALMETTO BAY FROM BIRTH TO
41 EARLY MATURITY AS AN OUTSTANDING AND TRULY LIVABLE
42 COMMUNITY IN SOUTHEAST FLORIDA BY BUILDING ON, AND
43 IMPROVING, THE EXISTING LAND USE BLUEPRINT THROUGH
44 VISIONARY PLANNING AND PLACE-MAKING, COST EFFICIENT
45 PROVISION OF HIGH QUALITY FACILITIES AND SERVICES,
46 QUALITY NEIGHBORHOOD PROTECTION, AND ENHANCEMENT

1 OF ITS UNIQUE AND BEAUTIFUL COASTAL ENVIRONMENTAL
2 RESOURCES.

3
4 Objective 1.1 Future Land Use Map

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

10
11 * * *

12
13 Policy 1.1.1: The following future land use categories contained on the Village's Future
14 Land Use Map are identified, and the use and development standards for each
15 defined, below:

16
17 * * *

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

30
31 * * *

32
33 Total densities and intensities of development within the Franjo Activity
34 Center shall be as follows:

- 35 • Residential Land Uses – ~~5,389~~ 5,661 dwelling units, of which 1,246 are to
36 be held in reserve by the Village to be allocated by the Village at the time
37 of site plan approval;

38
39 * * *

40
41 **Section 4.** The amended Future Land Use Map is incorporated by reference and
42 attached hereto as Attachment A, and shall be included in the "2013-2025 Future Land Use
43 Map."

44
45 **Section 5.** Transmittal. The Village Council, acting in its capacity as the Local
46 Planning Agency, approves the above amendment, as further modified herein, to the FLUM,

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

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

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

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

21 **Section 9. Effective Date.** This Ordinance shall take effect immediately upon
22 enactment.
23

24 **PASSED and ENACTED** this ____ day of _____, 2016.
25
26

27 First Reading: _____
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29 Second Reading: _____
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33 Attest: _____
34 Meighan Alexander Eugene Flinn
35 Village Clerk Mayor
36
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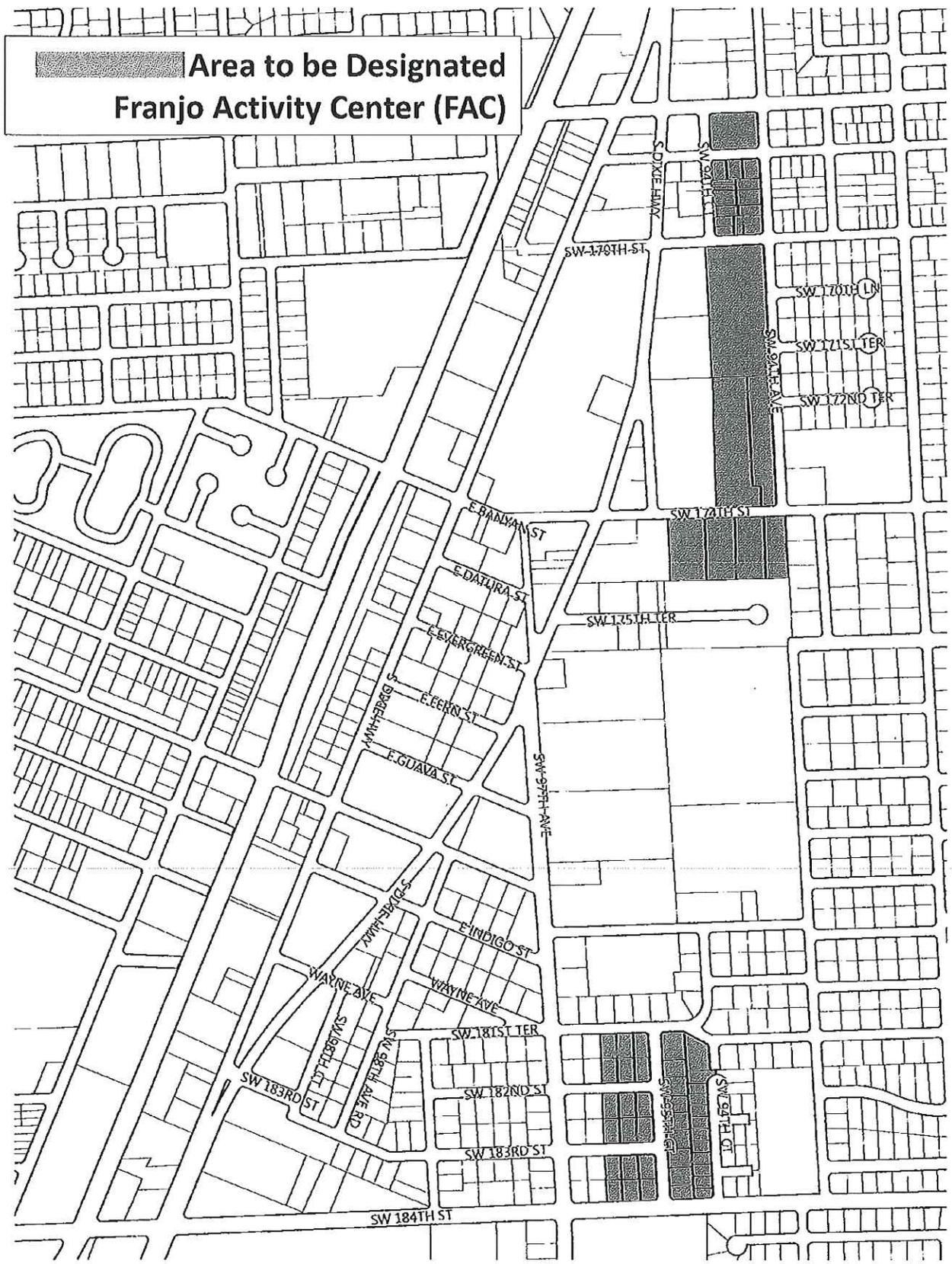
38 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
39 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
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44 _____
45 Dexter W. Lehtinen
46 Village Attorney

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

ATTACHMENT A

 Area to be Designated
Franjo Activity Center (FAC)



1 Application Details | [[Back to Applications List](#)]

 printer-friendly version

Miami-Dade County Public Schools

Concurrency Management System

MDCPS Application Number:	PH3316022300099	Local Government (LG):	Palmetto Bay
Date Application Received:	2/23/2016 8:56:13 AM	LG Application Number:	Palmetto Bay 16-1ESR
Type of Application:	Public Hearing	Sub Type:	Land Use
Applicant's Name:	DUV Edges		
Address/Location:	9705 E Hibiscus Street		
Master Folio Number:	3350320043120		
Additional Folio Number(s):			
Name of Subdivision:			
T-Plat number:			
PROPOSED # OF UNITS		Seats Required:	Elementary: 27
SINGLE-FAMILY DETACHED UNITS:	0		Middle: 15
SINGLE-FAMILY ATTACHED UNITS:	0		Senior: 24
MULTIFAMILY UNITS:	272		

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
4381	DR HENRY E PERRINE ACADEMY OF THE ARTS	63	27	27	YES	Current CSA
6861	SOUTHWOOD MIDDLE	193	5	15	YES	Current CSA
7431	MIAMI PALMETTO SENIOR	209	4	24	YES	Current CSA

*An Impact reduction of 0.2282 included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

Darby Delsalle

From: Ray, Suzanne E. <Suzanne.E.Ray@dep.state.fl.us>
Sent: Wednesday, March 23, 2016 12:44 PM
To: Darby Delsalle; DCPexternalagencycomments
Subject: Palmetto Bay 16-1ESR Proposed

To: Darby Delsalle, AICP, Director

Re: Palmetto Bay 16-1ESR – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 245-2172 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000



Darby Delsalle

From: Darby Delsalle
Sent: Monday, March 21, 2016 12:12 PM
To: 'Manning, Terese'
Cc: Travis Kendall; Vanessa Bencomo; James Stansbury (james.stansbury@deo.myflorida.com); Adam Antony Biblo (adam.biblo@deo.myflorida.com)
Subject: RE: Palmetto Bay, DEO #16-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Ms. Manning,

I hope the day finds you well. The following is offered pursuant to our telephone conversation in order to clarify the FAC land use expansion application you are presently reviewing. The application reflects the number of permitted residential units within the FAC increasing by 272. However, the 272 number does not reflect an actual increase in units based upon that which is already built or may be permitted under the existing land use. Specifically, the properties involved already have a combined total of 213 existing units connected to Miami-Dade County's water supply system. That leaves 59 potential units which are already permitted by existing land use. The application before you merely transfers those existing development rights, whether constructed or potential, into the FAC land use designation, and incorporates those lands therein. Thus, there is a zero net gain of overall residential units. If you have any additional questions, please contact me.

Darby Delsalle, AICP
Director of Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157
T: 305-259-1234
F: 786-338-7432
www.palmettobay-fl.gov

From: Manning, Terese [mailto:tmanning@sfwmd.gov]
Sent: Monday, March 21, 2016 11:10 AM
To: Darby Delsalle
Cc: Travis Kendall; Vanessa Bencomo; James Stansbury (james.stansbury@deo.myflorida.com); Adam Antony Biblo (adam.biblo@deo.myflorida.com)
Subject: RE: Palmetto Bay, DEO #16-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Mr. Delsalle,

Thank you for sending me the information on the land use densities and unit counts. The information partially addresses our first comment on the Village's Proposed Comprehensive Plan Amendment #16-1ESR. The information provided shows that there will be an increase in the number of units a total of 272. Thus an analysis demonstrating sufficient water supply to serve the proposed amendment should be provided. Attached to this e-mail are three examples of how other local governments have submitted a water supply analysis to support their amendments. Please let me know if you need additional information.

Terry Manning, Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road, MSC 4222

West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

From: Darby Delsalle [<mailto:ddelsalle@palmettobay-fl.gov>]
Sent: Wednesday, March 16, 2016 1:35 PM
To: Manning, Terese <tmanning@sfwmd.gov>
Cc: Travis Kendall <tkendall@palmettobay-fl.gov>; Vanessa Bencomo <vbencomo@palmettobay-fl.gov>
Subject: RE: Palmetto Bay, DEO #16-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Manning,

Thank you for your response. As to the first comment, the application does not increase densities although it may appear to do so. The unit count is based on a combination of existing development and existing land use for the areas involved. The attached table may help to demonstrate the point. Some of the existing development of the effected properties exceeds their underlying land use designations. To avoid creating nonconformities or deprivation of existing rights, those existing units were made part of the unit count. For those lots either vacant or developed at densities less than the underlying land use, unit count was based on the maximum permitted density of that designation. The net effect is no real increase in potential density above that which already exists today.

With regard to the second comment, the Village has begun to prepare its water facilities plan and anticipate going to first reading in either May or June.

I hope my response helps clarify the matter. If you have any additional comments, please contact me.

Darby Delsalle, AICP
Director of Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157
T: 305-259-1234
F: 786-338-7432
www.palmettobay-fl.gov

From: Manning, Terese [<mailto:tmanning@sfwmd.gov>]
Sent: Tuesday, March 15, 2016 4:20 PM
To: Darby Delsalle
Cc: Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Isabel Cosio Carballo (isabelc@sfrpc.com); Isabel Moreno; James Stansbury (james.stansbury@deo.myflorida.com); Mark R. Woerner (mwoerner@miamidade.gov); Maria A. Valdes (MAVALD@miamidade.gov)
Subject: FW: Palmetto Bay, DEO #16-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Delsalle:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Village of Palmetto (Village). The amendment package would increase the area of the Franjo Activity Center by 17 acres and increase the number of allowable residential units by 272. The District offers the following recommendations for revising the proposed amendment package and requests that the Village address these recommendations prior to adopting the amendment:

- The amendment does not include an analysis demonstrating sufficient water supply to serve the proposed amendment. The proposed increase in density to residential land use designations and the number of allowable residential units may result in additional water demand. A potable water supply capacity analysis should be provided reflecting maximum allowable development for the existing and proposed land use designations.
- The Village is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower East Coast (LEC) Water Supply Plan Update by the District Governing Board. The District's Governing Board approved the LEC Water Supply Plan Update on September 12, 2013. Therefore, the Village's Work Plan was to be adopted by March 12, 2015. The Village will need to include updated water demand and population projections for the identified planning period. The development anticipated to be included in the Franjo Activity Center area should also be included in the Work Plan. The Work Plan must also identify any water supply projects needed to meet projected water demands. Further information on updating Work Plans is available at: www.sfwmd.gov/work_plan_support

The District offers its technical assistance to the Village and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the Village's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District at the address below. Please contact me if you need assistance or additional information.

Sincerely,

Terry Manning, Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road, MSC 4222
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

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Darby Delsalle

From: Darby Delsalle
Sent: Wednesday, March 16, 2016 1:35 PM
To: 'Manning, Terese'
Cc: Travis Kendall; Vanessa Bencomo (vbencomo@palmettobay-fl.gov)
Subject: RE: Palmetto Bay, DEO #16-1ESR Comments on Proposed Comprehensive Plan Amendment Package
Attachments: Copy of Area and Density Calculations Edges LU amendment.xlsx

Dear Ms. Manning,

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With regard to the second comment, the Village has begun to prepare its water facilities plan and anticipate going to first reading in either May or June.

I hope my response helps clarify the matter. If you have any additional comments, please contact me.

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Village of Palmetto Bay
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From: Manning, Terese [<mailto:tmanning@sfwmd.gov>]
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Cc: Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Isabel Cosio Carballo (isabelc@sfrpc.com); Isabel Moreno; James Stansbury (james.stansbury@deo.myflorida.com); Mark R. Woerner (mwoerner@miamidade.gov); Maria A. Valdes (MAVALD@miamidade.gov)
Subject: FW: Palmetto Bay, DEO #16-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Delsalle:

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- The amendment does not include an analysis demonstrating sufficient water supply to serve the proposed amendment. The proposed increase in density to residential land use designations and the number of allowable residential units may result in additional water demand. A potable water supply capacity analysis should be provided reflecting maximum allowable development for the existing and proposed land use designations.
- The Village is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower East Coast (LEC) Water Supply Plan Update by the District Governing Board. The District's Governing Board approved the LEC Water Supply Plan Update on September 12, 2013. Therefore, the Village's Work Plan was to be adopted by March 12, 2015. The Village will need to include updated water demand and population projections for the identified planning period. The development anticipated to be included in the Franjo Activity Center area should also be included in the Work Plan. The Work Plan must also identify any water supply projects needed to meet projected water demands. Further information on updating Work Plans is available at: www.sfwmd.gov/work_plan_support

The District offers its technical assistance to the Village and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the Village's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District at the address below. Please contact me if you need assistance or additional information.

Sincerely,

Terry Manning, Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road, MSC 4222
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

FAC Edges Amendment Density Calculation Table

Area #	Region Description	Gross Acres*	Land Use	LU Density	Actual Built Units**	Counted Units	Bases For Calculation	Notes
1	SE Corner	10.5	LR	63	39	63	Acres x Low Density	6 units per acre
2	AG property South	5	LR	30	3	30	Acres x Low Density	6 units per acre
3	Apartment Building	1.5	MDR	34.5	70	70	Existing Development	23 units per acre
4	Duplex's around Apt Bldg	1.5	LMDR	19.5	22	22	Acres x Low/Med	13 units per acre
5	Townhouse Development	4.5	LR	27	58	58	Existing Development	6 units per acre
6	Duplex Area North	2.5	LR	15	20	20	Existing Development	6 units per acre
7	AG property north	1.5	LR	9	1	9	Acres x Low Density	6 units per acre
Totals		27		198	213	272		
			Current FAC Unit Count			5389		
			Proposed FAC Unit Count			5661		

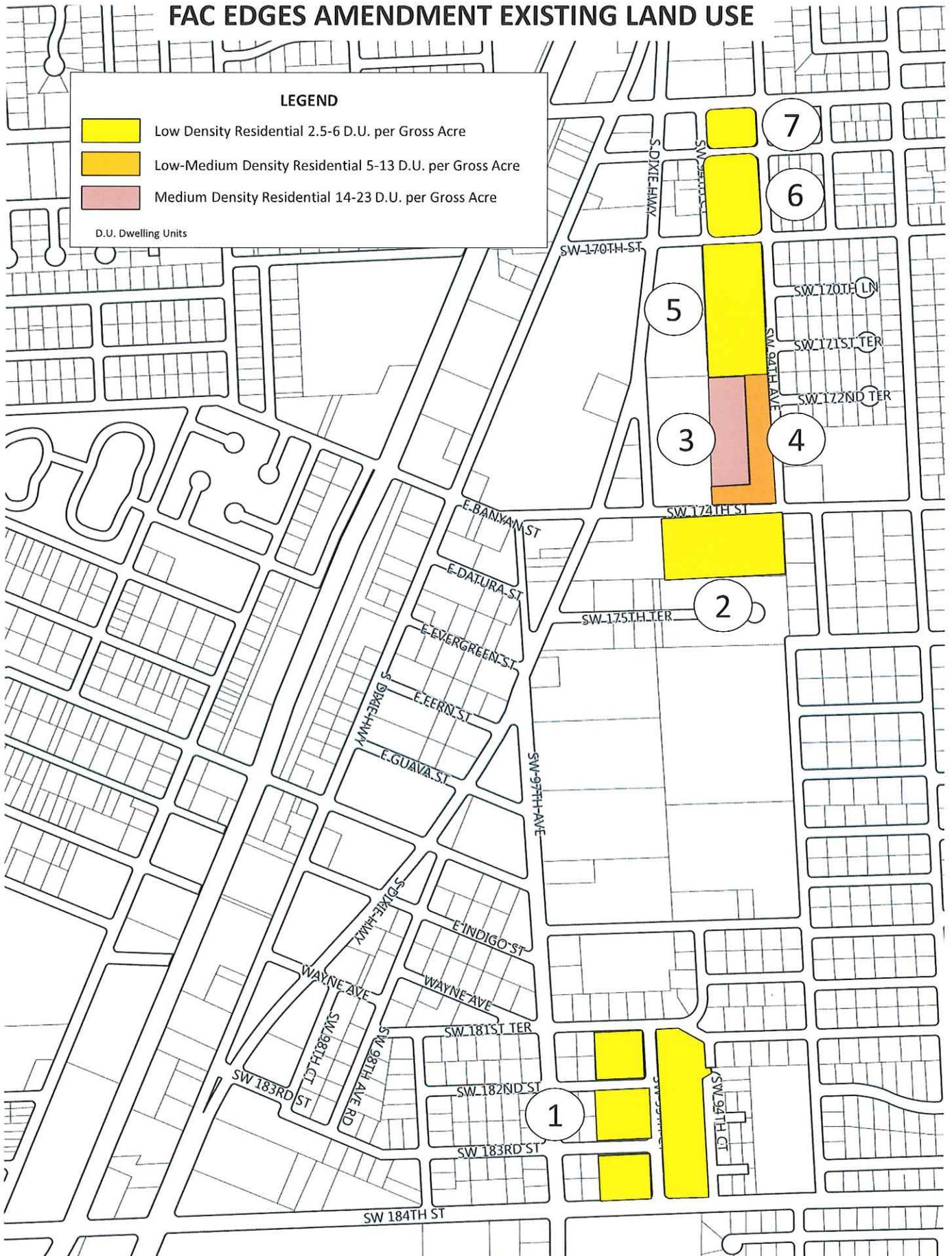
* Gross Acreage is approximated.

** Actually Built Units is approximated given the portion some properties were previously counted.

FAC EDGES AMENDMENT EXISTING LAND USE

LEGEND

-  Low Density Residential 2.5-6 D.U. per Gross Acre
 -  Low-Medium Density Residential 5-13 D.U. per Gross Acre
 -  Medium Density Residential 14-23 D.U. per Gross Acre
- D.U. Dwelling Units



Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

March 17, 2016

The Honorable Eugene Flinn
Mayor, Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Dear Mayor Flinn:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Village of Palmetto Bay (Amendment No. 16-1ESR), which was received on February 17, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendments if adopted.

The Village is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the Village. If other reviewing agencies provide comments, we recommend the Village consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

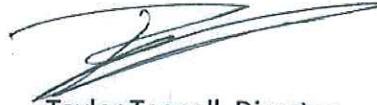
The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

We appreciate the opportunity to work with the Village of Palmetto Bay on sustainability and community development issues. If you have any questions concerning this review, please contact Adam Antony Biblo, at (850) 717-8503, or by email at Adam.Biblo@deo.myFlorida.com.

Sincerely,



Taylor Teepell, Director
Division of Community Development

TT/aab

Enclosure: Procedures for adoption of comprehensive plan amendments

cc: Darby P. Delsalle, AICP, Director, Palmetto Bay Department of Planning and Zoning
Isabel Cosio Carballo, Executive Director, South Florida Regional Council

SUBMITTAL OF
ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

[Continued on reverse]

_____ In the case of future land use map amendment, an adopted future land use map, in color format, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency to the ORC report from the State Land Planning Agency.



miamidade.gov

Department of Regulatory and Economic Resources
Planning Division, Metropolitan Planning Section
111 NW 1 Street • Suite 1250
Miami, Florida 33128-1902
305-375-2835 Fax: 305-375-2560
www.miamidade.gov/planning

March 11, 2016

Mr. Darby P. Delsalle, AICP, Director
Department of Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Re: Future Land Use Map Amendment designating approximately 27-Acres as the Franjo Activity Center; DEO No. Palmetto Bay 16-1ESR

Dear Mr. Delsalle:

The Miami-Dade County Department of Regulatory and Economic Resources (Department) has reviewed the proposed Future Land Use Map Amendment to the Village of Palmetto Bay Comprehensive Plan to designate approximately 27 Acres as the Franjo Activity Center. Our review is conducted to identify points of consistency or inconsistency with the goals, objectives, policies and relevant provisions of the Miami-Dade County Comprehensive Development Master Plan (CDMP), and whether the proposed amendments impact County public facilities and services.

This Department recently reviewed and commented on the land use amendment which established the "Franjo Activity Center" (FAC) [DEO No. 15-3 ESR; November 10, 2015], and on December 14, 2015, the Village adopted the FAC land use designation and created the Downtown Urban Village zoning district.

The subject application proposes to amend the Future Land Use Map to change the land use designation of 27 acres within the Village's downtown area from "Low Density Residential," "Low-Medium Density Residential" and "Medium Density Residential" to "Franjo Activity Center;" amend the Village's Land Use element of the comprehensive plan to add 27 acres (or 17-acres) to the total FAC area and the inclusion of 272 residential units; and adjust the number of units permitted within the FAC from 5,389 to 5,661 units. The Land Use Plan map of the Miami-Dade County CDMP depicts the subject areas as primarily "Low Density Residential" and "Medium Density Residential." The Low Density Residential designation allows densities from 2.5 to 6 dwelling units per acre (DU/Ac), and the Medium Density Residential designation allows residential densities from 13 to 25 DU/Ac.

Based on the information provided and the County CDMP's goals, objectives and policies, the proposed future land use amendment will not have significant impacts on County services and infrastructure. However, we offer the following comments:

2016.03.11 10:00 AM

Darby Delsalle, AICP
Village of Palmetto Bay
March 11, 2016
Page 2 of 2

1. The Village's Cover Letter states that the proposed amendment "...relates to certain lands within the southwest portion of the Village consisting of approximately 27 Acres." However, Item 12B, Page 2, states "[T]his request adds 17 acres to the total FAC area ..." The Village should clarify whether the proposed amendment area is 17 acres or 27 acres.
2. Please note that the residential lots located east of, and fronting, SW 95 Court (south of SW 181 Terrace) were included in the Franjo Activity Center when it was established; see DEO 15-3ESR.
3. Page 5, Objective 4D.1: The Miami Dade County Department of Public Works and Waste Management has been renamed as the "*Miami-Dade County Department of Solid Waste Management*."

Thank you for the opportunity to comment on the Village's Future Land Use Map amendment. If you have any questions, please do not hesitate to contact me or Napoleon Somoza, Section Supervisor, at 305-375-2835.

Sincerely,



Mark R. Woerner, AICP
Assistant Director for Planning

MRW:NVS:smd

Cc: Ray Eubanks, Florida DEO



MEMORANDUM

AGENDA ITEM #III.D

DATE: MARCH 7, 2016

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED AMENDMENT
CONSENT AGENDA

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Council staff has not identified adverse effects to regional resources and facilities or extra-jurisdictional impacts that would result from the following map and text amendments.

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Broward County 16-1ESR (received 02-01-16)	√	N/A	03/07/2016	01/26/2016	9-0
This proposed text amendment would change the density and intensity of approved land uses within the Miramar Regional Activity Center designation of the Broward County Land Use Plan. The Miramar RAC is located north of Bass Creek Road, between Palm Avenue and Flamingo Road. This amendment increases the number of dwelling units by 1,250 for a total of 8,710 and reduces 950,000 square feet of industrial.					



Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Broward County 15-8ESR (received 02-01-16)	N/A	√	03/07/2016	01/26/2016	9-0
This adopted amendment amends the Broward County Land Use Plan (BCLUP) map from 5.1 acres of Estate (1) Residential and 5.1 acres of Low (5) Residential to Irregular (7) Residential in the Town of Davie. It impacts 10.2 acres generally located on the southwest corner of Davie Road and Southwest 49 th Court.					
Broward County 16-2ESR (received 02-08-16)	√	N/A	03/07/2016	01/26/2016	Unanimously
This proposed amendment requires a municipality to estimate its supply of affordable housing utilizing the data and methodology referenced within the "Administrative Rules Document: Broward County Land Use Plan."					
City of Doral 15-4ESR (received 02-08-16)	N/A	√	03/07/2016	01/27/2016	4-0
This adopted amendment amends the City of Doral's Comprehensive Plan Future Land Use element text for the Community Mixed Use (CMU) Land Use category to reduce the minimum site area from 15 acres to 7 acres. This allows retail and commercial service uses in single-use buildings and provide a 30% housing density bonus for the provision of 20% of total units as workforce housing.					
City of Fort Lauderdale 15-2ESR (received 02-22-16)	N/A	√	03/07/2016	01/20/2016	5-0
The adoption of this amendment increased the allowable number of residential units in the Downtown Regional Activity Center (RAC) by an additional 5,000 dwelling units, which resulted in the total number of allowable units to 16, 060 in the City's Land Use Plan and 13, 100 in the County's Land Use Plan. The City of Fort Lauderdale set aside 15% of the additional 5,000 dwelling units as affordable housing as part of Broward County Land Use Plan amendment.					
City of Hialeah 15-4ESR (received 02-05-16)	N/A	√	03/07/2016	01/12/2016	7-0
This adopted amendment revises the Comprehensive Plan Land Use Map to designate the boundaries of					

a new Transit Oriented Development District.

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
City of Hialeah 16-1ESR (received 02-05-16)	√	N/A	03/07/2016	01/12/2016	5-2

This proposed text amendment is related to the Neighborhood Business District Overlay and Special Corridor Gateways in Future Land Use Element of the Comprehensive Plan. The amendment seeks to expand the scope of the Neighborhood Business District Overlay to include industrial areas, supplement existing intensity standards, ensure that the properties in said District will be developed as mixed use, and provide enhanced development and redevelopment incentives for properties located in special, highly visible "Corridor Gateways" within the Neighborhood Business District Overlay.

City of Homestead 15-1ESR (received 02-01-16)	N/A	√	03/07/2016	01/20/2016	6-0
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This adopted amendment enables the development of a single-family residential project. It consists of two land use changes (1) 19.8 acres from Heavy Commercial Use (HCU) to Medium Residential Use (MRU) and (2) 34.3 acres from Light Commercial Use (LCU) to MRU. The site is located within the southernmost portion of the City limits and takes advantage of existing urban infrastructure.

City of Lauderdale Lakes 15-1ESR (received 02-11-16)	√	N/A	03/07/2016	01/26/16	5-0
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The proposed amendment updated the City's Water Supply Facilities Work Plan that identifies and plans for the water supply sources and facilities needed to serve existing and new development with the local government's jurisdiction. The South Florida Water Management District offered some recommendations for revising the proposed amendment package and requested that the City address these recommendations prior to adopting the amendment.

Village of Palmetto Bay 15-3ESR (received 02-16-16)	N/A	√	03/07/2016	12/14/2015	5-0
--	-----	---	------------	------------	-----

This adopted amendment to the Village of Palmetto's Bay's Comprehensive Plan and Future Land Use Map (FLUM) relates to certain lands within the southwest portion of the Village consisting of approximately 182.5 acres. The amendment is intended to facilitate and encourage the development of a vibrant multimodal downtown district referred to as Franjo Activity Center, adjacent to the Miami-

Dade County South Dade Express bus lanes.

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Village of Palmetto Bay 16-1ESR (received 02-16-16)	√	N/A	03/07/2016	02/01/2016	*TBP
This proposed large-scale amendment of the Future Land Use Map (FLUM) changes the land use designation of certain lands within the downtown area of the Village of Palmetto Bay from low density residential, low medium residential, and medium residential to Franjo Activity Center (FAC) and amends the Village's Comprehensive Plan's land use category adjusting the number of units permitted within the FAC.					
Village of Palmetto Bay 15-2ER (received 02-18-16)	N/A	√	03/07/2016	01/04/2016	5-0
This adopted amendment to the Village of Palmetto Bay's Comprehensive Plan relates to a policy in support of the Coastal High Hazard Area map. It amends the Coastal Management Element by adding Policy 5.4.5 to provide language adopting the State of Florida Coastal High Hazard Area Map. The amendment was pursued at the request of DEO in fulfillment of the Evaluation and Appraisal Report (EAR) based amendments.					
City of Sunny Isles Beach 16- 1ESR (received 02-08-16)	√	N/A	03/07/2016	01/21/2016	5-0
The proposed amendment updates the City's Water Supply Facilities Work Plan that identifies and plans for the water supply sources and facilities needed to serve existing and new development with the local government's jurisdiction.					
City of Sunny Isles Beach 16-2ER (received 02-08-16)	√	N/A	03/07/2016	01/21/2016	5-0
The City prepared an Evaluation and Appraisal Report of its Comprehensive Plan in order to update baseline data and analysis, and identify additional amendments that may be needed to address community-specific needs and challenges. This amendment consists of twelve applications for amendments to the City's Comprehensive Plan.					

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
City of Sunrise 16-CIE1 (received 02-23-16)	N/A	√	03/07/2016	01/26/2016	5-0
This adopted amendment contains the Five-Year Schedule of Capital Improvements and the annual update of the Capital Improvements Element for FY 2015/16 to FY 2019/20.					

* TBP – To Be Provided

Recommendation

Find the proposed and adopted plan amendments from the local governments listed in the table above generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.



COUNCIL MEETING AGENDA
Monday, March 7, 2016 – 10:30 a.m.

FDOT DISTRICT 6 - AUDITORIUM
1000 N.W. 111 AVENUE
MIAMI, FL

I. Pledge of Allegiance and Roll Call

II. Approval of Council Agenda

III. Action Items

- A. Minutes of Previous Meeting
- B. Financial Report
- C. Intergovernmental Coordination and Review Report
- D. Consent: Comprehensive Plan Amendment Reviews
 - Broward County 15-8ESR
 - Broward County 16-1ESR
 - Broward County 16-2ESR
 - City of Doral 15-4ESR
 - City of Fort Lauderdale 15-2ESR
 - City of Hialeah 15-4ESR
 - City of Hialeah 16-1ESR
 - City of Homestead 15-1ESR
 - City of Lauderdale Lakes 15-1ESR
 - Village of Palmetto Bay 15-2ER
 - Village of Palmetto Bay 15-3ESR
 - Village of Palmetto Bay 16-1ESR
 - City of Sunny Isles Beach 16-1ESR
 - City of Sunny Isles Beach 16-2ER
 - City of Sunrise 16-CIE1

IV. Discussion Items

- A. Executive Committee Report
- B. Executive Director's Report
- C. Legal Counsel Report
- D. Ex Officio Reports

V. Program Reports and Activities

- A. Presentation
 - 1) "Saltwater Intrusion and its Potential Impact on South Florida's Water Supply"
Guest Speaker: Peter J. Kwiatkowski, P.G, Manager of the Resource Evaluation Section, Water Supply Bureau of the South Florida Water Management District


South Florida Regional Council
3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
954.985.4416 Phone, 954.985-4417 FAX
www.sfregionalcouncil.org

- B. Revolving Loan Fund Reports
 - 1) SFRPC Revolving Loan Funds Status Report
- C. Development of Regional Impact Status Report
- D. Southeast Florida Clean Cities Program Update

VI. Announcements and Attachments

- A. Correspondence and Attendance Form
- B. Upcoming Meetings
 - 1) April 4th, 10:30 a.m. (SFRC Offices, Hollywood)
 - 2) May 2nd, 10:30 a.m. (MENC, Key Largo)
 - 3) June 6th, 10:30 a.m. (SFRC Offices, Hollywood)

VII. Councilmember Comments

VIII. Adjournment

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Agency at least 5 days before the hearing by contacting the South Florida Regional Planning Council at one of the following: (1) 3440 Hollywood Blvd, Suite 140, Hollywood, Florida 33021; (2) Phone 954-985-4416; (3) Fax 954-985-4417; or (4) sfadmin@sfrpc.com. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, 1 (800) 955-8771 (TTY/VCO), 1 (800) 955-8770 (Voice), 1 (800) 955-8773 (Spanish).

Agenda packets for upcoming Council meetings will be available at the Council's website, <http://sfrpc.org/resources/agenda/> ten days prior to the meeting.

If you would like to be added to the e-mail list to receive the link to the agenda, please e-mail the Council at sfadmin@sfrpc.com.

For those not able to attend in person, please dial 1-888-670-3525, Code 2488435943#



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

1000 NW 111 Avenue
Miami, FL 33172

**JIM BOXOLD
SECRETARY**

February 25, 2016

Darby P. Delsalle, AICP
Planning and Zoning Director
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

**Subject: Comments for the Village of Palmetto Bay Franjo Activity Center
Amendment to the Comprehensive Plan (Palmetto Bay 16-1ESR)**

Dear Mr. Delsalle:

The Florida Department of Transportation, District Six, completed a review of the proposed amendment to the City's Comprehensive Plan regarding the additional acreage designated as Franjo Activity Center. The District reviewed the amendment package per Chapter 163 Florida Statutes and found the proposed amendment would not significantly impact transportation resources and facilities of state importance.

Please contact me at 305-470-5445 if you have any questions concerning our response.

Sincerely,

Kenneth Jeffries
Transportation Planner

**Cc: Harold Desdunes, P.E., Florida Department of Transportation, District 6
Carl Filer, P.E., Florida Department of Transportation, District 6
Lisa Colmenares, AICP, Florida Department of Transportation, District 6
Ray Eubanks, Department of Economic Opportunity**



VILLAGE OF PALMETTO BAY

February 11, 2016

D. Ray Eubanks
Florida Department of Economic Opportunity
Division of Community Planning
The Caldwell Building
107 E Madison Street
Tallahassee, FL 32399-4120

Re: Future Land Use Map Amendment designating 27± acres as Franjo Activity Center.

Mr. Eubanks:

Pursuant to Florida Statute 163.3184, please find enclosed the proposed amendment to the Village of Palmetto Bay's Comprehensive Plan and Future Land Use Map (FLUM) as it relates to certain lands within the southwest portion of the Village consisting of approximately 27 Acres. The amendment is pursued at the Village's initiative to facilitate and encourage the development of a vibrant multimodal downtown district adjacent to the Miami-Dade County's, South Dade Express bus lanes. The submittal was approved upon first reading of the Village Council on February 1, 2016. The proposed amendment is subject to the expedited state review process. Copies of the amendment and supporting report have been forwarded to South Florida Regional Planning Council, Florida Department of Transportation, South Florida Water Management District, Florida Department of Environmental Protection, Florida Department of State, Florida Department of Education, Miami-Dade County Public Schools, and those municipal jurisdictions adjacent to the Village of Palmetto Bay (Town of Cutler Bay, Village of Pincrest, Coral Gables and Miami-Dade County).

If you have any questions, please feel free to contact me.

Sincerely,

Darby P. Delsalle, AICP, Director
Department of Planning and Zoning

9705 East Hibiscus Street, Palmetto Bay, FL 33157
Tel: (305) 259-1234 ♦ www.palmettobay-fl.gov

James F. Murley
Executive Director
South Florida Regional Planning Council
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Transportation Planner
Intermodal Systems Development
Florida Department of Transportation, District 6
Adam Leigh Cann Building
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Miami, Florida 33172

Armando L. Vilaboy
South Florida Water Management District
Intergovernmental Representative
9001 NW 58th Street
Miami, FL 33178

Kathryn Lyon
Town of Cutler Bay
Community Development
10720 Caribbean Blvd., Suite 110
Cutler Bay, Florida 33189

Stephen Olmsted
Village of Pinecrest
Building & Planning Department
12645 Pinecrest Parkway
Pinecrest, Florida 33156

Ramon Trias
City of Coral Gables
Planning and Zoning Division
427 Biltmore Way, Suite 201
Coral Gables, FL 33134

Eric Silva
Miami-Dade County
Development Services Division
Stephen P. Clark Center
111 NW 1st Street, 11th floor
Miami, Florida 33128

Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Florida Department of Education
Office of the Commissioner
Turlington Building, Suite 1514
325 West Gains Street
Tallahassee, Florida 32399

Florida Department of Environmental Protection
3900 Commonwealth Boulevard M.S. 47
Tallahassee, Florida 32399

Ivan Rodriquez
Miami-Dade County Public Schools
1450 NE 2nd Avenue, Room 525
33132



Village of Palmetto Bay

To: Mayor and Village Council

Date: February 1, 2016

From: Edward Silva
Village Manager

Re: DRTF Land Use and
FLUM Amendment

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, RELATING TO A LARGE SCALE AMENDMENT OF THE FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM RESIDENTIAL, AND MEDIUM RESIDENTIAL MEDIUM, TO FRANJO ACTIVITY CENTER (FAC); AND AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S LAND USE CATEGORY, FAC; ADJUSTING THE NUMBER OF UNITS PERMITTED WITHIN THE FAC FROM 5,389 TO 5,661; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

A. BACKGROUND

Since incorporation in 2002, the residents of Palmetto Bay have envisioned a thriving downtown district in the Village's southwest corner in and around South Dixie Highway. A major step towards achieving this goal was reached on December 14, 2015, when the Village adopted the Franjo Activity Center (FAC) land use designation and created the Downtown Urban Village zoning district. The achievement was the result of an effort initiated in the late Spring of 2013, when the Village Manager convened the Downtown Redevelopment Task Force (DRTF). 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's initial study area spanned approximately 330 acres in and around Franjo Road and the South Dixie Highway Island area. That first implementation of the FAC land use

designation involved approximately 184 acres. It is now desired to capture certain portions of the original study that lay along the eastern edges of the newly approved FAC designated area. This request adds 17 acres to the total FAC area and involves the inclusion of 272 residential units. The residential unit adjustment to the FAC are reflective of those units that were either already permitted by the existing land use designation of the lots involved, or their actual development status thereof. No commercial square footage is being added to the FAC land use category.

B. PROPOSED CHANGES

The proposed ordinance seeks to similarly designate certain lots that lay on the eastern edges of those lands already designated FAC; and to amend the FAC land use designation within the Land Use Element of the Comprehensive Plan (Comp Plan), to include the residential units already permitted or constructed on those properties to be so designated.

C. COMPREHENSIVE PLAN/FLUM AMENDMENTS – PROCEDURALLY

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

D. ANALYSIS

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

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

Analysis: In reviewing the Village's Comprehensive Plan, the following Goals, Objectives, and Policies (GOP) below were identified within the Village's Comprehensive Plan as relating to this proposed amendment. Each GOP is

provided with a brief analysis. The finding of those analysis's is provided at the end of this criterion.

GOAL 1: To guide the Village of Palmetto Bay from birth to early maturity as an outstanding and truly livable community in southeast Florida by building on, and improving, the existing land use blueprint through visionary planning and place-making, cost efficient provision of high quality facilities and services, quality neighborhood protection, and enhancement of its unique and beautiful coastal environmental resources.

Analysis: See Background Section. The proposed land use amendment is in furtherance of the 40 member DRIF team and the three (3) comprehensive, the innovative studies that the Village Council relied upon that supported the initial creation and designation of the FAC. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or
(2) the number of residential unit that exist in their current development state.
No commercial square footage is being added to the FAC land use category.

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

Analysis: The density permitted by the proposed land use category allows for a more compact urban form where mixed uses can be provided for throughout the district with the integration of both horizontal and vertical forms. The included areas either have available infrastructure or are located in areas where it may be added.

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

Analysis: See Goal 1, Policy 1.1.8 and the Background Section of this report. The proposed FAC land use category is predicated on existing or potentially available infrastructure within the area. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or
(2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category. 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: See Goal 1, Policy 1.1.8 and the Background Section of this report. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or
(2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category. Any future development or redevelopment will be evaluated at the time of site plan application.

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: The propose FAC land use category is predicated on a roadway infrastructure that is provided for the Downtown Urban Village (DUV) zoning district lays wholly inside the FAC land use designation. The DUV road network and transit connectivity is anticipated to accommodate development within an acceptable LOS. Further, this amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

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: See Goal 1, Policy 1.1.8 and the Background Section of this report. Further, this amendment does not add any more residential units beyond:
(1) those already permitted by the current land use of the properties involved; and/or
(2) the number of residential unit that exist in their current development state.
No commercial square footage is being added to the FAC land use category. Any future development or redevelopment will be evaluated at the time of site plan application.

Objective 4B.1 Sanitary Sewer level of service

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

Analysis: 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: 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: See Goal 1, Policy 1.1.8 and the Background Section of this report. 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.

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: See Objective 4A.1 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: See Objective 4A.1.

Finding: Consistent (for all of Criteria 1).

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

Analysis: See Background Section of this report. This is an extension of the DRTF's initiatives and the Village Council's actions to establish the FAC land use and the DUV zoning regulations. The request captures certain lots that lay along the eastern edge of the existing FAC designated lands. The amendment does not add any more residential units beyond:

(1) those already permitted by the current land use of the properties involved; and/or

(2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

Finding: Consistent.

Criteria (3) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use.

Analysis: See Criteria 1 and the Background Section. The amendment does not add any more residential units beyond:

(1) those already permitted by the current land use of the properties involved; and/or

(2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

Finding: Consistent.

Criteria (4) Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: The change in land use would likely increase the value of the land as the district provides greater opportunity for redevelopment.

Finding: Consistent.

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

Analysis: See Criteria 1 and the Background Section. The proposed DUV zoning to be placed in concert with this FAC designation will rely upon the Urban Village and Neighborhood Village sectors which were designed as a transition from the more intense portions of the DUV core. The amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

Finding: Consistent.

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

Analysis: See the Background Section, Criteria 1, 3, 4, and 5, and the Studies.

Finding: Consistent.

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

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

Finding: Consistent.

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

Finding: Decision for the Village Council.

E. FISCAL/BUDGETARY IMPACT

There is no fiscal or budgetary impact anticipated at this time. However, any future development will likely positively add to land values and increase ad valorem revenue.

F. RECOMMENDATION

Staff recommends approval.

Darby P. Delsalle, AICP
Planning and Zoning Director

ORDINANCE NO. _____

1
2
3 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS
5 THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING
6 AGENCY, RELATING TO A LARGE SCALE AMENDMENT OF THE
7 FUTURE LAND USE MAP (FLUM) CONSISTENT WITH 163.3161 AND
8 163.3184, FLORIDA STATUTES; CHANGING THE LAND USE
9 DESIGNATION OF CERTAIN LANDS WITHIN THE DOWNTOWN AREA
10 OF THE VILLAGE OF PALMETTO BAY, AS FURTHER DESCRIBED AT
11 ATTACHMENT A, FROM LOW DENSITY RESIDENTIAL, LOW MEDIUM
12 RESIDENTIAL, AND MEDIUM RESIDENTIAL ~~MEDIUM~~, TO FRANJO
13 ACTIVITY CENTER (FAC); AND AMENDING THE VILLAGE'S
14 COMPREHENSIVE PLAN'S LAND USE CATEGORY, FAC; ADJUSTING
15 THE NUMBER OF UNITS PERMITTED WITHIN THE FAC FROM 5,389 TO
16 5,661; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF
17 ECONOMIC OPPORTUNITY; PROVIDING FOR ORDINANCES IN
18 CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE
19 DATE.
20

21
22 **WHEREAS**, the Comprehensive Plan for the Village of Palmetto Bay was originally
23 adopted on August 1st, 2005, provided for a range of permitted uses and development intensities for
24 certain lands within the Village which included the designations of Mixed Use Corridor and
25 Neighborhood Mixed Use; and
26

27 **WHEREAS**, on December 14, 2015, the Mayor and Village Council, in partial fulfilled the
28 vision of the Downtown Redevelopment Task Force (DRTF) vision, adopted the Franjo Activity
29 Center (FAC) land use designation for the purpose of supporting the development of a downtown
30 within the southwest quadrant of the Village; and
31

32 **WHEREAS**, the DRTF envisioned an area larger than that adopted by the Village Council
33 on December 14, 2015; and
34

35 **WHEREAS**, the Mayor and Village Council now desire to incorporate additional lands into
36 the FAC land use designation that lay along the edges of the adopted district; and
37

38 **WHEREAS**, the specific authority and requirements for municipalities to do
39 Comprehensive Planning in Florida emanates from Chapter 163, Florida Statutes; and
40

41 **WHEREAS**, as the Comprehensive Plan, and amendments thereto are adopted via
42 Ordinance; and
43

44 **WHEREAS**, after receiving input and participation by the public at first reading of the
45 proposed amendment, the Village Council transmitted the proposed amendment to the Florida

1 Department of Economic Opportunity (DEO) and to all other agencies, as required under law, for
2 their review pursuant to Section 163.3184, Florida Statutes; and
3

4 **WHEREAS**, the DEO reviewed the proposed FLUM and return its Objections,
5 Recommendations and Comments (ORC) Report to the Village; and
6

7 **WHEREAS**, the Mayor and Village Council conducted a second duly noticed public hearing
8 on the amendment as required under law following the receipt of approval by the DEO; and
9

10 **WHEREAS**, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been
11 designated as the Local Planning Agency for the Village; and
12

13 **WHEREAS**, on _____, 2016, the Local Planning Agency approved the proposed
14 amendment; and
15

16 **WHEREAS**, the Village Council have reviewed the criteria of 30-30.8(b) and find the
17 ordinance in compliance with the applicable standards and the Comprehensive Plan; and
18

19 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto Bay desire to amend
20 the Land Use Element of the Comprehensive Plan and the FLUM.
21

22 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE**
23 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS**
24 **CAPACITY AS THE LOCAL PLANNING AGENCY OF THE VILLAGE OF**
25 **PALMETTO BAY, FLORIDA, AS FOLLOWS:**
26

27 **Section 1.** **Recitals.** The above recitals are true and correct and incorporated herein by
28 this reference.
29

30 **Section 2.** **Compliance with Criteria.** In evaluating an application for a Comprehensive
31 Plan amendment, from Neighborhood Mixed Use and Mixed Use Corridor, the Palmetto Bay
32 Village Council is applying the standard under 30-30.8(b), of the Village's Code.
33

34 **Section 3.** The Land Use Element of the Village's Comprehensive Plan is amended to
35 read as follows:
36

37 1.0 FUTURE LAND USE ELEMENT
38

39 GOAL 1 TO GUIDE THE VILLAGE OF PALMETTO BAY FROM BIRTH TO EARLY
40 MATURITY AS AN OUTSTANDING AND TRULY LIVABLE COMMUNITY
41 IN SOUTHEAST FLORIDA BY BUILDING ON, AND IMPROVING, THE
42 EXISTING LAND USE BLUEPRINT THROUGH VISIONARY PLANNING
43 AND PLACE-MAKING, COST EFFICIENT PROVISION OF HIGH
44 QUALITY FACILITIES AND SERVICES, QUALITY NEIGHBORHOOD
45 PROTECTION, AND ENHANCEMENT OF ITS UNIQUE AND BEAUTIFUL
46 COASTAL ENVIRONMENTAL RESOURCES.

1
2 Objective 1.1 Future Land Use Map

3 Adoption and implementation of the Future Land Use Map (FLUM), including the
4 land use amendments to individual parcels as referenced in the supporting Data,
5 Inventory, and Analysis, and presented in Exhibit 1 and the element goals,
6 objectives, and policies herein as the official and primary standard governing land use
7 density and intensity in the Village of Palmetto Bay.
8

9 * * *

10
11 Policy 1.1.1: The following future land use categories contained on the Village's Future Land
12 Use Map are identified, and the use and development standards for each defined,
13 below:
14

15 * * *

16
17 *Franjo Activity Center (FAC)*. This designation encourages development or
18 redevelopment that seeks to facilitate multi-use and mixed-use projects that
19 encourage mass transit, reduce the need for automobile travel, provide incentives
20 for quality development, provide for the efficient use of land and infrastructure,
21 provide for urban civic open space, and give definition to a pedestrian urban
22 form. The Franjo Activity Center is intended to support the achievement of a
23 residential to non-residential balance that increases the opportunities for
24 transportation demand management alternatives including but not limited to
25 walking and transit, reduced vehicle miles traveled, and reduced single use trips.
26 The Franjo Activity Center shall serve as a significant, multifamily, employment,
27 office and commercial center of the Village.
28

29 * * *

30
31 Total densities and intensities of development within the Franjo Activity Center
32 shall be as follows:

- 33 • Residential Land Uses – ~~5,389~~ 5,661 dwelling units, of which 1,246 are to be
34 held in reserve by the Village to be allocated by the Village at the time of site
35 plan approval;
36

37 * * *

38
39 **Section 4.** The amended Future Land Use Map is incorporated by reference and
40 attached hereto as Attachment A, and shall be included in the "2013-2025 Future Land Use Map."
41

42 **Section 5.** Transmittal. The Village Council, acting in its capacity as the Local Planning
43 Agency, approves the above amendment, as further modified herein, to the FLUM, which is
44 attached to this ordinance. The Village Council, acting in its capacity as the Local Planning Agency,
45 further recommends to the Village Council that it authorize the Village Clerk to transmit the

1 attached amendments to the FLUM to the State of Florida Department of Economic Opportunity
2 (DEO) and all other governmental bodies, agencies, or private individuals as required by State law.
3

4 **Section 6.** Severability. The provisions of this ordinance are declared to be severable,
5 and if any sentence, section, 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 sentences,
7 sections, clauses or phrases of the ordinance, but they shall remain in effect it being the legislative
8 intent that this ordinance shall stand notwithstanding the invalidity of any part.
9

10 **Section 7.** Conflicts. The provisions of the Comprehensive Plan of the Village of
11 Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of
12 this ordinance are hereby repealed.
13

14 **Section 8.** 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 Comprehensive
16 Plan of the Village of Palmetto Bay, Florida.
17

18 **Section 9.** Effective Date. This ordinance shall upon enactment.
19

20 **PASSED and ENACTED** this ____ day of _____, 2016.
21

22
23 First Reading: _____
24

25 Second Reading: _____
26

27
28 Attest: _____
29 Meighan Alexander
30 Village Clerk
31

Eugene Flinn
Mayor

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

35
36 _____
37 Dexter W. Lehtinen
38 Village Attorney
39

40
41 FINAL VOTE AT ADOPTION:
42

43 Council Member Karyn Cunningham _____
44

45 Council Member Tim Schaffer _____
46

- 1 Council Member Larissa Siegel Lara _____
- 2
- 3 Vice-Mayor John DuBois _____
- 4
- 5 Mayor Eugene Flinn _____

PROPOSED
ORDINANCE

1 Department of Economic Opportunity (DEO) and to all other agencies, as required under law,
2 for their review pursuant to Section 163.3184, Florida Statutes; and
3

4 **WHEREAS**, the DEO reviewed the proposed FLUM and return its Objections,
5 Recommendations and Comments (ORC) Report to the Village; and
6

7 **WHEREAS**, the Mayor and Village Council conducted a second duly noticed public
8 hearing on the amendment as required under law following the receipt of approval by the DEO;
9 and
10

11 **WHEREAS**, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been
12 designated as the Local Planning Agency for the Village; and
13

14 **WHEREAS**, on _____, 2016, the Local Planning Agency approved the
15 proposed amendment; and
16

17 **WHEREAS**, the Village Council have reviewed the criteria of 30-30.8(b) and find the
18 ordinance in compliance with the applicable standards and the Comprehensive Plan; and
19

20 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto Bay desire to
21 amend the Land Use Element of the Comprehensive Plan and the FLUM.
22

23 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE**
24 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS**
25 **CAPACITY AS THE LOCAL PLANNING AGENCY OF THE VILLAGE OF**
26 **PALMETTO BAY, FLORIDA, AS FOLLOWS:**
27

28 **Section 1. Recitals.** The above recitals are true and correct and incorporated herein
29 by this reference.
30

31 **Section 2. Compliance with Criteria.** In evaluating an application for a
32 Comprehensive Plan amendment, from Neighborhood Mixed Use and Mixed Use Corridor, the
33 Palmetto Bay Village Council is applying the standard under 30-30.8(b), of the Village's Code.
34

35 **Section 3.** The Land Use Element of the Village's Comprehensive Plan is amended
36 to read as follows:
37

38 1.0 FUTURE LAND USE ELEMENT'

39
40 GOAL 1 TO GUIDE THE VILLAGE OF PALMETTO BAY FROM BIRTH TO
41 EARLY MATURITY AS AN OUTSTANDING AND TRULY LIVABLE
42 COMMUNITY IN SOUTHEAST FLORIDA BY BUILDING ON, AND
43 IMPROVING, THE EXISTING LAND USE BLUEPRINT THROUGH
44 VISIONARY PLANNING AND PLACE-MAKING, COST EFFICIENT
45 PROVISION OF HIGH QUALITY FACILITIES AND SERVICES,
46 QUALITY NEIGHBORHOOD PROTECTION, AND ENHANCEMENT

1 OF ITS UNIQUE AND BEAUTIFUL COASTAL ENVIRONMENTAL
2 RESOURCES.

3
4 Objective 1.1 Future Land Use Map

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

10 * * *

11
12
13 Policy 1.1.1: The following future land use categories contained on the Village's Future
14 Land Use Map are identified, and the use and development standards for each
15 defined, below:

16 * * *

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

30 * * *

31
32
33 Total densities and intensities of development within the Franjo Activity
34 Center shall be as follows:

35 • Residential Land Uses – ~~5,389~~ 5,661 dwelling units, of which 1,246 are to
36 be held in reserve by the Village to be allocated by the Village at the time
37 of site plan approval;

38 * * *

39
40
41 **Section 4.** The amended Future Land Use Map is incorporated by reference and
42 attached hereto as Attachment A, and shall be included in the "2013-2025 Future Land Use
43 Map."

44
45 **Section 5.** Transmittal. The Village Council, acting in its capacity as the Local
46 Planning Agency, approves the above amendment, as further modified herein, to the FLUM,

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

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

12
13 **Section 7. Conflicts.** The provisions of the Comprehensive Plan of the Village of
14 Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of
15 this ordinance are hereby repealed.

16
17 **Section 8. Codification.** It is the intention of the Village Council and it is hereby
18 ordained the provisions of this Ordinance shall become and be made part of the Comprehensive
19 Plan of the Village of Palmetto Bay, Florida.

20
21 **Section 9. Effective Date.** This Ordinance shall take effect immediately upon
22 enactment.

23
24 **PASSED and ENACTED** this ____ day of _____, 2016.

25
26
27 First Reading: _____

28
29 Second Reading: _____

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

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

40
41
42
43 _____
44 Dexter W. Lehtinen
45 Village Attorney
46

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



To: Honorable Mayor and Village Council

Date: May 2, 2016

From: Edward Silva, Village Manager

Re: DUV Edges Rezoning & Amendment
- 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-50.23, ENTITLED "DOWNTOWN URBAN VILLAGE", TO INCLUDE THE AMENDED PAGES AT ATTACHMENT A; AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF THOSE LANDS EFFECTED AS DESCRIBED AT ATTACHMENT B, FROM AG, AGRICULTURAL DISTRICT; R-1, SINGLE FAMILY DISTRICT; R-2; TWO FAMILY RESIDENTIAL, R-3M APARTMENT DISTRICT; R-4L, LIMITED APARTMENT DISTRICT; AND I, INTERIM DISTRICT; TO DOWNTOWN URBAN VILLAGE DISTRICT; IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:

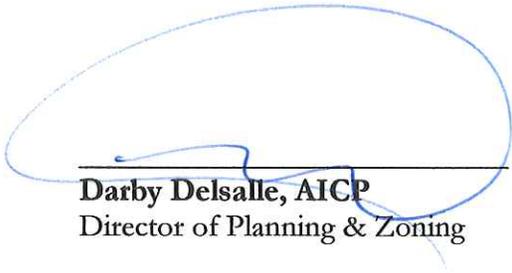
This item was passed and approved without modification at First Reading on February 1, 2016. The Report and Ordinance stands as it was submitted for First Reading (First Reading Report is attached as Exhibit A). Subsequent to the hearing, the land use companion items were transmitted to the State of Florida's Department of Economic Opportunity (DEO) for their required review. That review is now complete and this item is eligible for final consideration. There were no changes made since the First Reading that occurred on February 1, 2016.

RECOMMENDATION:

Approval is recommended.

Attachments:

Exhibit A (First Reading Report)


Darby Delsalle, AICP
Director of Planning & Zoning



To: Honorable Mayor and Village Council

Date: February 1, 2016

From: Edward Silva, Village Manager

Re: DUV Amendment and
Rezoning of Downtown –
1st Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-50.23, ENTITLED "DOWNTOWN URBAN VILLAGE", TO INCLUDE THE AMENDED PAGES AT ATTACHMENT A; AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF THOSE LANDS EFFECTED AS DESCRIBED AT ATTACHMENT B, FROM AG, AGRICULTURAL DISTRICT; R-1, SINGLE FAMILY DISTRICT; R-2; TWO FAMILY RESIDENTIAL, R-3M APARTMENT DISTRICT; R-4L, LIMITED APARTMENT DISTRICT; AND I, INTERIM DISTRICT; TO DOWNTOWN URBAN VILLAGE DISTRICT; IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

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. A major step towards achieving this goal was reached on December 14, 2015, when the Village adopted the Downtown Urban Village (DUV) zoning district and the Franjo Activity Center (FAC) land use designation. The achievement was the result of an effort initiated in the late spring of 2013, when the Village Manager convened the Downtown Redevelopment Task Force (DRTF). 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's initial study area spanned approximately 330 acres in and around Franjo Road and the South Dixie Highway Island area. Those first two phases of implementation of the DUV zoning designation involved approximately 184 acres (the second phase was adopted on January 4, 2016). It is now desired to capture certain portions of the original study that lay along the eastern edges of the newly approved DUV zoned areas. This request adds 17 acres to the total DUV area. The sectors to be applied to the areas will be Neighborhood

Village and Urban Village and will have a base density of 14 units per acre. Descriptions of the two (2) sector is provided below.

Urban Village. This sector is immediately south of the Downtown Village sector, includes properties on the east and west sides of Franjo Road, and serves as a transition from the Downtown Village sector to the Neighborhood Village sector. The sector provides for a broad range of building typologies that 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 Village (DV) and Downtown General (DG) sectors, the UV 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 that permitted within the DV and DG sectors. Generally, 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 areas 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.

PROPOSED CHANGES:

The proposed ordinance seeks to expand the new DUV zoning provisions onto certain lands as described above in this report. The DUV design standards themselves are not being altered. Adoption of the ordinance will have the effect of adjusting the sector boundaries within the DUV land development regulations including street typologies and permitted base densities. No other portions of the regulations are to be modified. The proposed ordinance also changes the Official Zoning map of those specified lands to the DUV district designation. The actual proposed changes to the DUV land development regulations are as follows:

1. The *Village of Palmetto Bay Illustrative Vision Plan* is being updated to reflect the expanded DUV boundaries.
2. At *Section 2.02, Sector Plan, Figure 2* is being updated to reflect the sectors within the expanded DUV boundaries.
3. At *Section 2.03, New Streets Plan, Figure 3* is being updated to reflect any new street within the expanded DUV boundaries.
4. At *Section 2.06, Residential Density Plan, Figure 6* is being updated to reflect the base residential densities within the expanded DUV boundaries.
5. At *Section 3.01C, Sector Summary UV*, is being updated to reflect the UV sector areas within expanded DUV boundaries.
6. At *Section 3.01D, Sector Summary NV*, is being updated to reflect the NV sector areas within expanded DUV boundaries.
7. At *Section 5.01, Street Type Plan, Figure 63* is being updated to reflect the street typologies within the expanded DUV boundaries.

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: See Background Section. The proposed downtown zoning provisions are in furtherance of the 40 member DRTF team and the three (3) comprehensive, the innovative studies that the Village Council relied upon that supported the initial creation and designation of the FAC. The Neighborhood Village and Urban Village sectors will apply to the rezone lands, as they were designed to be a transition from the higher intensity sectors of the DUV. Base density is set at 14 units per acre consistent with those areas intended to be lesser in intensity.

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 zoning allows for a more compact urban form where mixed uses can be provided for throughout the district with the integration of both horizontal and vertical forms. The included areas either have available infrastructure or are located in areas where it may be added.

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: See Background Section. The proposed amendment is consistent with the efforts initiated by the DRTF and as previously adopted by the Village Council.

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: See Goal 1, Policy 1.1.8 and the Background Section of this report. The proposed DUV zoning is predicated on existing or potentially available infrastructure within the area. Further, this amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category. 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: See Goal 1, Policy 1.1.8 and the Background Section of this report. The proposed DUV zoning is predicated on existing or potentially available infrastructure within the area. Further, this amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category. It is believed infrastructure can accommodate or appropriately be provided to accommodate anticipated development.

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: See Goal 1, Policy 1.1.8 and the Background Section of this report. The proposed DUV zoning is predicated on existing or potentially available infrastructure within the area. Further, this amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category. It is believed infrastructure can accommodate or appropriately be provided to accommodate anticipated development.

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: See Goal 1, Policy 1.1.8 and the Background Section of this report. Further, this amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category. Any future development or redevelopment will be evaluated at the time of site plan application.

Objective 4B.1 Sanitary Sewer level of service

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

Analysis: 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: 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: See Goal 1, Policy 1.1.8 and the Background Section of this report. 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.

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

Analysis: See Objective 4A.1 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: 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: See Objective 4A.1 above.

Finding: Consistent.

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

Analysis: See Background Section of this report. This is an extension of the DRTF's initiatives and the Village Council's actions to establish the FAC land use and

the DUV zoning regulations. The request captures certain lots that lay along the eastern edge of the existing DUV zoned lands. The amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category. 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 Background Section of this report. This is an extension of the DRTF's initiatives and the Village Council's actions to establish the FAC land use and the DUV zoning regulations. The request captures certain lots that lay along the eastern edge of the existing FAC designated lands. The amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

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: See Criteria 1, 2 and 3, and the Background Section of this report. The amendment does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

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: See Criteria 1 and the Background Section of this report.

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: See Criteria 1. In general, the proposed zoning provision will not impact the above communities in question as the area is largely residential in nature. 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: See Criteria 1 through 4 of this analysis and the Background Section of this report. 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: See Criteria 1 and the Background Section. The proposed DUV zoning to be placed in concert with this FAC designation will rely upon the Urban Village and Neighborhood Village sectors which were designed as a

transition from the more intense portions of the DUV core. The change does not add any more residential units beyond:

- (1) those already permitted by the current land use of the properties involved; and/or
- (2) the number of residential unit that exist in their current development state.

No commercial square footage is being added to the FAC land use category.

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: See Criteria 1, 2, 3, 4, 7, and 8, and the Background Section of this report. Based on the above reviews, 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.

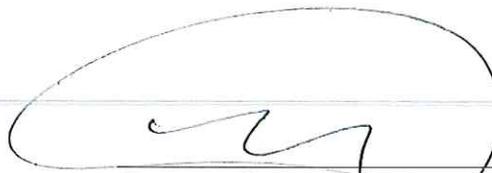
Finding: Decision for the Village Council.

FISCAL/BUDGETARY IMPACT:

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

RECOMMENDATION:

Approval is recommended.



Darby P. Delsalle, AICP
Planning and Zoning Director

PROPOSED
ORDINANCE

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; AMENDING SECTION 30-50.23, ENTITLED "DOWNTOWN URBAN VILLAGE", TO INCLUDE THE AMENDED PAGES AT ATTACHMENT A; AND AMENDING THE OFFICIAL ZONING MAP BY CHANGING THE ZONING OF THOSE LANDS EFFECTED AS DESCRIBED AT ATTACHMENT B, FROM AG, AGRICULTURAL DISTRICT; R-1, SINGLE FAMILY DISTRICT; R-2; TWO FAMILY RESIDENTIAL, R-3M APARTMENT DISTRICT; R-4L, LIMITED APARTMENT DISTRICT; AND I, INTERIM DISTRICT; TO DOWNTOWN URBAN VILLAGE DISTRICT; IN PALMETTO BAY, FLORIDA; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on December 14, 2015, the Mayor and Village Council, in partial fulfilled the vision of the Downtown Redevelopment Task Force (DRTF) vision, adopted the Downtown Urban Village (DUV) zoning regulations for the purpose of supporting the development of a downtown within the southwest quadrant of the Village; and

WHEREAS, the DRTF envisioned an area larger than that adopted by the Village Council on December 14, 2015; and

WHEREAS, the Mayor and Village Council now desire to incorporate additional lands into the DUV land use designation that lay along the edges of the adopted district; and

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

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

WHEREAS, on _____, 2016, the Local Planning Agency approved the proposed amendment; and

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

1 WHEREAS, the Mayor and Village Council, now desire to enact land development
2 regulations for lands within the downtown area as provided at Attachment A, and to rezone the
3 certain lands within Village's downtown area accordingly, as further described at Attachment B.
4

5 **BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE**
6 **VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
7

8 **Section 1.** **Compliance with Code Section 30-30.7(b).** The Mayor and Village
9 Council find the downtown zoning land development regulations and rezoning consistent with
10 Code Section 30-30.7(b) of the Code of Ordinances.
11

12 **Section 2.** **Compliance with FS Chapter 166.** The Village Council, in compliance
13 with Chapter 166, *Florida Statutes*, after the first reading and Local Planning Agency hearing,
14 approved the request to rezone.
15

16 **Section 3.** **Amendment of Downtown Urban Village Regulations.** Section 30-
17 50.23 is amended within the Village's Code of Ordinances to read as provided at Attachment A
18 of this ordinance.
19

20 **Section 4.** **Codification.** It is the intention of the Village Council and it is hereby
21 ordained the provisions of this Ordinance shall become and be made part of the Code of
22 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
23 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
24 changed to "Section" or other appropriate word.
25

26 **Section 5.** **Rezoning.** That all lands as described and so designated at Attachment B
27 of this ordinance are rezoned accordingly and be shall reflected on the Village of Palmetto Bay's
28 Official Zoning Map.
29

30 **Section 6.** **Conflicting Provisions.** The provisions of the Code of Ordinances of
31 the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
32 provisions of this ordinance are hereby repealed.
33

34 **Section 7.** **Severability.** The provisions of this Ordinance are declared to be
35 severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be
36 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
37 sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect. It is the
38 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
39

40 **Section 8.** **Effective Date.** This Ordinance shall take effect immediately upon
41 enactment.
42

43
44 **PASSED and ENACTED** this ____ day of _____, 2016.
45

1 First Reading: _____

2
3 Second Reading: _____

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5
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7 Attest: _____
8 Meighan Alexander Eugene Flinn
9 Village Clerk Mayor

10
11 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
12 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

13
14
15
16 _____
17 Dexter W. Lehtinen
18 Village Attorney

19
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23 FINAL VOTE AT ADOPTION:

24
25 Council Member Karyn Cunningham _____
26
27 Council Member Tim Schaffer _____
28
29 Council Member Larissa Siegel Lara _____
30
31 Vice-Mayor John DuBois _____
32
33 Mayor Eugene Flinn _____

ATTACHMENT A
DUV AMENDMENT

Village of Palmetto Bay Illustrative Vision Plan



VILLAGE OF PALMETTO BAY

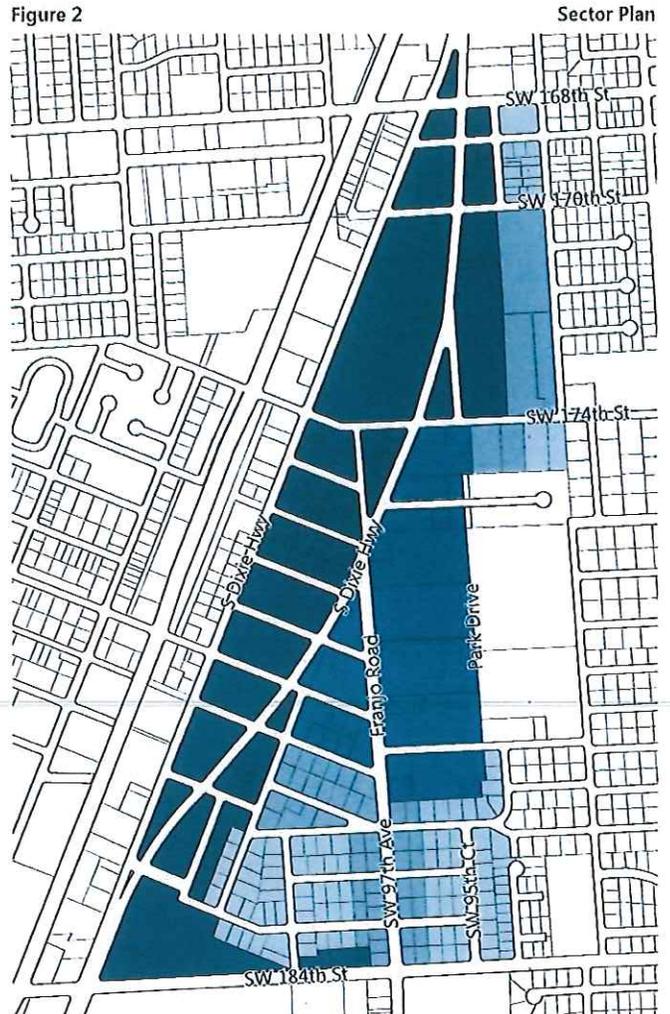
Rowhouse typologies are introduced, with the ability to provide a mixed-use component to the district but remain compatible with higher intensity residential typologies like Stacked Apartment buildings. Single-Family houses may be developed as a more urban typology like sideyard and courtyard houses, which maintain the street edge and continue to respect the public realm.

Landscaping should be consistent with the neighborhood scale of the district with shade trees planted in landscape islands or planting strips and some shallow-depth landscaping in any setbacks separating building entrances and frontage features from the public sidewalks.

Parking is permitted both on-site and off-site within the NV Sector.

Key

(DV)	Downtown Village	
(DG)	Downtown General	
(UV)	Urban Village	
(NV)	Neighborhood Village	



Section 2.05 Street Hierarchy Plan

The Street Hierarchy, Figure 5, plan illustrates the types of streets, both existing and new, to be constructed/redeveloped within the Village of Palmetto Bay. Streets designed according to the standards within these regulations contain many new character elements that will contribute to the improved street network and ped/bike character of the Downtown Urban Village (DUV).

For all street types, a build-to line shall be established consistent with the street type that is identified in Figure 62 and the corresponding standards illustrated in Sec.5.01 A-E. For the stoop and porch frontage types in Sec.4.05 D-E, within the Urban Village (UV) and Neighborhood Village (NV) sectors, the setbacks shall be 10 feet.

The following streets and corresponding Figure 5, outline the hierarchy of streets from top priority down. This hierarchy of streets is important for development where frontage and access shall be considered.

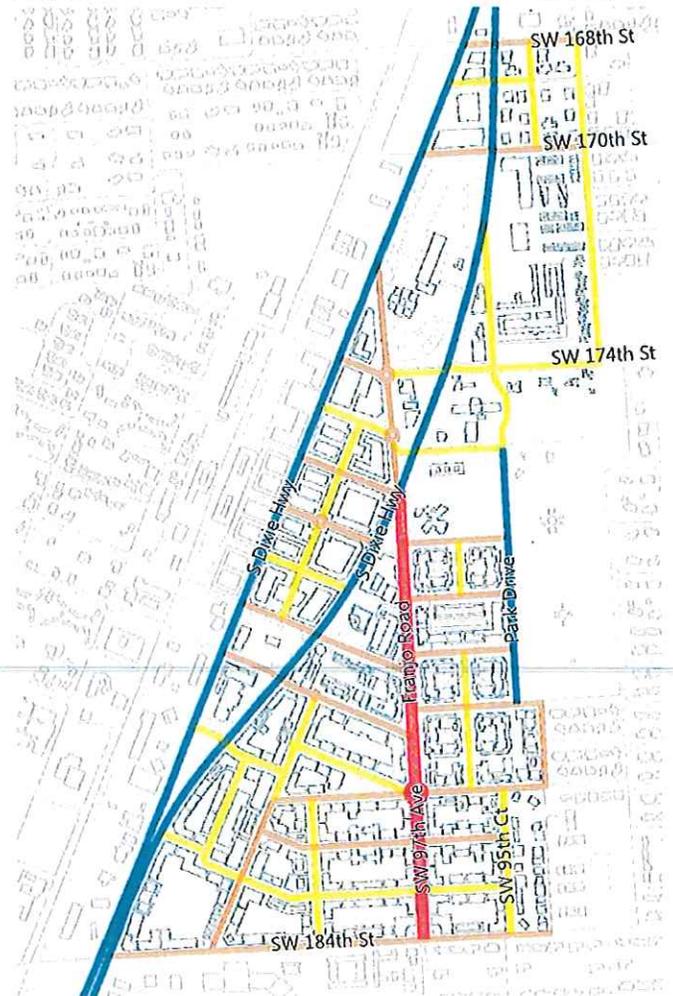
Key

- Priority 'A' Street
- A Street
- Priority 'B' Street
- B Street



Figure 5

Street Hierarchy Plan



Section 2.06 Residential Density Plan

The Residential Density Plan, Figure 6, illustrates the range of densities that shall be permitted on the parcels within the Downtown Urban Village (DUV). All densities shall be based on the gross lot area, meaning that parcels shall be extended to the center line of the street for the purpose of calculating the lot area.

- A. **Minimum Average Unit Size:** In total, a mixture of unit sizes and types shall be provided in all residential components of development. The number of units in a multi-family building to be constructed in the Downtown Urban Village (DUV) shall meet the minimum average required unit size of 750 sq.ft. minimum. This will encourage development of mainly one (1), two (2) and three (3) bedroom residential units. The minimum unit size for any residential units that shall be permitted within the DUV is 625 sq.ft. min.

Key

- 24 du/ac max. base density (gross)
- 14 du/ac max. base density (gross)

Maximum Base Density: Maximum base density refers to the number of initial residential units permitted per acre before adding available reserve residential units and/or TDR residential units.

Table 2 Minimum Area of Multi-Family Units

Multi-Family Units	Area (min.)
Studio	625 sq.ft.
1 Bedroom	650 sq.ft.
2 Bedroom	850 sq.ft.
3 Bedroom	1,100 sq.ft.

Figure 6 Residential Density Plan



C. Urban Village (UV)*

Sector Summary

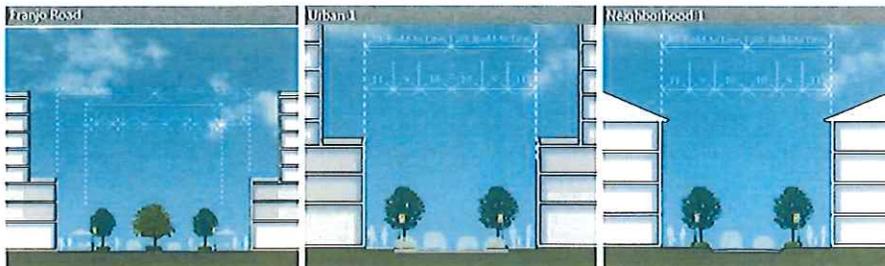
UV Urban Village		Building Types	Lot Size W x D	Residential Density*	Building Height	Uses by Story	Private Open Space
	Flexible Block	160'x160'	24 du/ac	3 stories (min.) 5 stories (max.) 8 stories (with bonus)	1st 2nd+	C-R/O/R C-R/O/R	15% of site
	Flex Building	80'x100'	24 du/ac	3 stories (min.) 5 stories (max.) 6 stories (with bonus)	1st 2nd+	C-R/O/R C-R/O/R	15% of site
	Row-house	80'- 125'x100'	24 du/ac	2 stories (min.) 3 stories (max.)	1st 2nd+	C-R/O/R R	400 sq.ft. per unit
	Stacked Apartment Building	80'-200'x 100'	24 du/ac	2 stories (min.) 4 stories (max.)	1st 2nd+	R R	10% of site
	Single-Family House	45'- 100'x100'	24 du/ac	3 stories (max.)	1st 2nd+	R R	10% of site

*Maximum Base Density: Maximum base density refers to the number of initial residential units permitted per acre before adding available reserve and/or TDR units.

Streets and Building Placement

Street Type	ROW	Build-To-Line		Sidewalk	Bike Lanes	Uses (at Street)	Glazing (at Street)
		Primary	Secondary				
Franjo Road (FR)	70'	50' (from centerline of road, up to 2 stories)	65' (from centerline of road, >2 stories)	20'	Yes	C-R	70% (min)
Urban 1 (TS-U1)	50' or 60'	30' (from centerline of road)	45' (from centerline of road)	10'	N/A	C-R O R	70% min. (C-R/O only)
Neighborhood 1 (TS-N1)	50' or 60'	30' (from centerline of road)	45' (from centerline of road)	10'	N/A	R	N/A

Key: Commercial-Retail: C-R Office: O Residential: R



(*) Notwithstanding any provision of this code amendment or the Downtown Urban Village Ordinance, any land, development applications or permit requests regarding properties within the Neighborhood Village or Urban Village, which are currently (as of January 4, 2016, which is the date of passage of this amendment on second reading) constructed as single family residences shall be analyzed and approved or permitted under the rules applicable to R-1 zoning district at the time of application or permit request.

D. Neighborhood Village (NV)*

Sector Summary

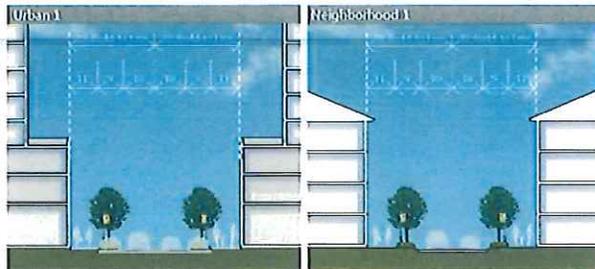
NV Neighborhood Village						
Building Types	Lot Size W x D	Residential Density*	Building Height	Uses by Story		Private Open Space
				1st	2nd+	
Flex Building	80'x100'	24 du/ac	3 stories (min.) 5 stories (max.) 6 stories (with bonus)	1st 2nd+	C-R/O/R O/R	15% of site
Row-house	80'- 125'x100'	24 du/ac	2 stories (min.) 3 stories (max.)	1st 2nd+	C-R/O/R R	400 sq.ft. per unit
Stacked Apartment Building	80'-200'x 100'	24 du/ac	2 stories (min.) 4 stories (max.)	1st 2nd+	R R	10% of site
Single-Family House	45'- 100'x100'	24 du/ac	3 stories (max.)	1st 2nd+	R R	10% of site

*Maximum Base Density: Maximum base density refers to the number of initial residential units permitted per acre before adding available reserve and/or TDR units.



Street Type	ROW	Build-To Line		Sidewalk	Bike Lanes	Uses (at Street)	Glazing (at Street)
		Primary	Secondary				
Urban 1 (TS-U1)	50' or 60'	30' (from centerline of road)	45' (from centerline of road)	10'	N/A	C-R O R	70% min. (C-R/O only)
Neighborhood 1 (TS-N1)	50' or 60'	30' (from centerline of road)	45' (from centerline of road)	10'	N/A	R	N/A

Key: Commercial-Retail: C-R Office: O Residential: R



(*) Notwithstanding any provision of this code amendment or the Downtown Urban Village Ordinance, any land, development applications or permit requests regarding properties within the Neighborhood Village or Urban Village, which are currently (as of January 4, 2016, which is the date of passage of this amendment on second reading) constructed as single family residences shall be analyzed and approved or permitted under the rules applicable to R-1 zoning district at the time of application or permit request.

30-50.23.5 Street Connectivity Standards

Section 5.01 Purpose

This section identifies the standards, by which all streets both new and existing, shall be met with regards to the dedication, construction and/or redevelopment by both the Village of Palmetto Bay and its individual property owners, in addition to any other public entities/stakeholders.

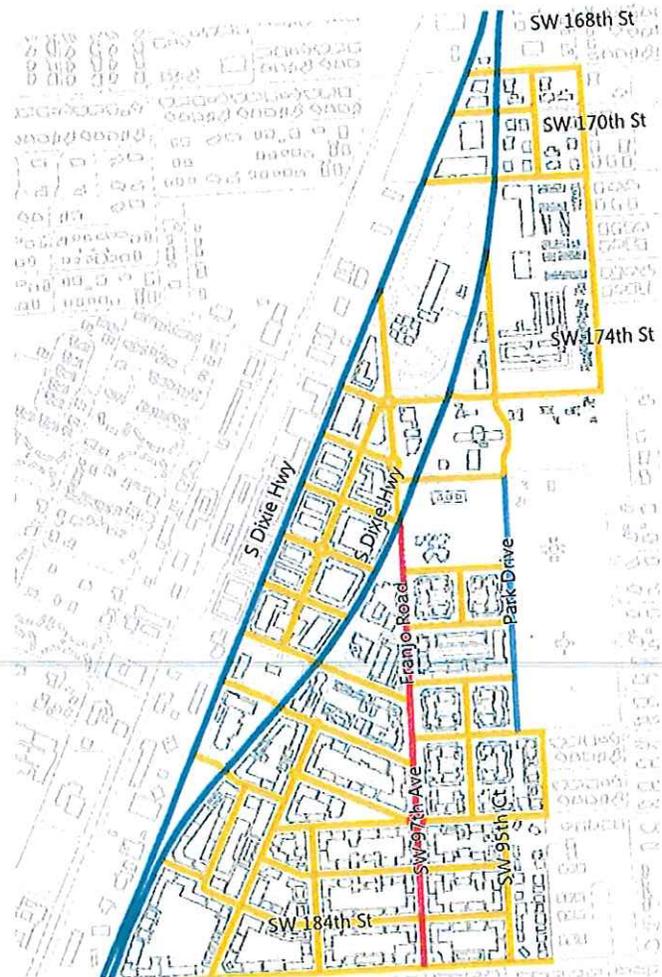
All construction of new and redevelopment of existing right-of-ways shall be the responsibility of the individual property owners and are intended to support the Village of Palmetto Bay's future vision for a highly connected, multi-modal, ped/bike-friendly, network of streets within the Downtown Urban Village (DUV). Property owners shall be responsible for the portion of the right-of-way on all sides of development, considered street frontage.

The intention of this section is to provide the tools necessary for property owners and potential developers to determine the type of street and the elements within the right of way necessary to achieve the Village of Palmetto Bay's vision for the Downtown Urban Village (DUV). The size, location and treatment of the elements that compose the right of way shall determine the relevant build-to line, in which property owners and developers shall base plans for their parcels and apply all parameters of development.

Key	
(FR)	Franjo Road
(US1)	US-1
(P)	Park Drive
(TS)	Typical Street

Figure 62

Street Type Plan



ATTACHMENT B
DUV REZONING MAP



To: Honorable Mayor and Village Council

Date: May 2, 2016

From: Edward Silva, Village Manager

Re: VMU Land Use – 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.1.3 OF THE VILLAGE'S COMPREHENSIVE PLAN LAND USE CATEGORY, "VILLAGE MIXED-USE", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY, AND TO PROVIDE A NOTATION REGARDING TRANSFER OF DEVELOPMENT RIGHTS CONSISTENT WITH POLICY 1.1.14 OF THE COMPREHENSIVE PLAN; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:

This item was passed and approved without modification at First Reading on March 7, 2016. The Report and Ordinance stands as it was submitted for First Reading (First Reading Report is attached as Exhibit A). Subsequent to the hearing, the item was transmitted to the State of Florida's Department of Economic Opportunity (DEO) for their required review. The DEO approved the item on April 15, 2016 with two technical comments recommended for incorporation into the Ordinance. The proposed recommended modifications are provided below as reflected by the double underlining and double strikes:

Policy 1.1.3 The Palmetto Bay Village Center ~~is an (approximately 39 acres) has been designated on the FLUM as "Village Mixed Use" land use. The entire 80.0 acre site is~~ located northeast of the intersection of SW 184th Street and Old Cutler Road and is subject to the Master Plan accepted by the Village Council in October 2004.⁵ Approximately 39 acres of that land is designated "Village Mixed Use" which may include the following maximum development potential:

- Multifamily residential, including but not limited to Apartment Building, Rowhouse/Townhouse, and/or Senior Living Facilities Facility— up to 400 300-units
- ~~Multifamily Residential~~— up to 100 units
- Commercial – incidental and supporting uses
- Office – up to 315,000 square feet (including ancillary uses).

- Any increase in commercial square footage or residential units approved by Transfer of Development rights pursuant to applicable Code shall not exceed maximum permitted land use density by more than 25%.

None of the above uses shall create substantial adverse impacts on the Biscayne National Park or Biscayne Bay.

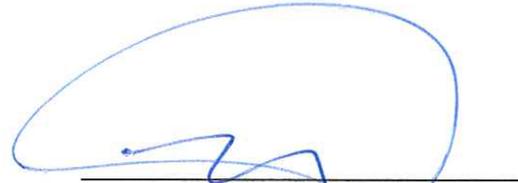
The South Florida Water Management District requested we complete our water facility plan and that plan is currently underway and anticipated to be heard during First Reading at the Regular Council Meeting scheduled for June 6, 2016. No other comments were received. The responses received from Village staff were provided to the commenting agencies and are attached to the “ORC Report”.

RECOMMENDATION:

Approval is recommended.

Attachments:

Exhibit A – (First Reading Report)



Darby Delsalle, AICP
Director of Planning and Zoning

ORC REPORT

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

April 15, 2016

The Honorable Eugene Flinn
Mayor, Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Dear Mayor Flinn:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Village of Palmetto Bay (Amendment No. 16-2ESR), which was received on March 18, 2016. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendments if adopted.

We are, however, offering two technical assistance comments consistent with Section 163.3168(3), F.S. The Agency's technical assistance comments will not form the basis of a challenge but are offered to strengthen the Village's comprehensive plan and ensure compliance with the provisions of the Community Planning Act.

The amendment proposes revisions to Policy 1.1.3 of the Land Use Element of the Village's comprehensive plan. The first technical assistance comment pertains to the omission of limits on the maximum quantity of development rights that may be transferred into the Village Mixed-Use future land use category as is proposed in the revised policy.

In response, proposed Policy 1.1.3 of the Land Use Element should be revised further to make the policy more meaningful and predictable. As proposed, the policy allows for receiving additional density and intensity transfers within lands designated "Village Mixed-Use." The additional development rights would be transferred from other land uses not designated "Village Mixed-Use." This renders the receiving land use without a measurable maximum density/intensity. One approach would be to limit the overall amount of development rights that could be transferred into the Village Mixed-Use land use category. This limitation may occur within this same policy or be adopted within another appropriate policy of the comprehensive plan.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org | [www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711.

The second technical assistance pertains to an apparent discrepancy of the acreage of land within Village Mixed-Use future land use category, as described in the proposed revised Policy 1.1.3: one portion of the Policy refers to an area of approximately 39 acres whereas another refers to an 80-acre site.

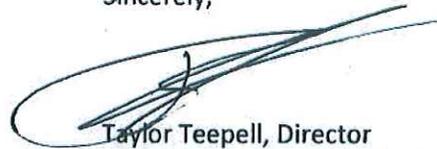
In response, the Village could consider revising Policy 1.1.3 to explain the relationship of the 39-acre Palmetto Bay Village Center to the Village Mixed-Use future land use category, including clarifying the reference to an 80-acre site.

The Village is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the Village. If other reviewing agencies provide comments, we recommend the Village consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The Village should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held and the amendment adopted within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

We appreciate the opportunity to work with the Village of Palmetto Bay on planning and sustainable development issues. If you have any questions concerning this review, please contact Adam Antony Biblo, at (850) 717-8503, or by email at Adam.Biblo@deo.myFlorida.com.

Sincerely,



Taylor Teepell, Director
Division of Community Development

TT/aab

Enclosure: Procedures for adoption of comprehensive plan amendments

cc: Darby P. Delsalle, AICP, Director, Palmetto Bay Department of Planning and Zoning
Isabel Cosio Carballo, Executive Director, South Florida Regional Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Darby Delsalle

From: Ray, Suzanne E. <Suzanne.E.Ray@dep.state.fl.us>
Sent: Thursday, April 14, 2016 1:29 PM
To: Darby Delsalle; DCPexternalagencycomments
Subject: Palmetto Bay 16-2ESR Proposed

To: Darby Delsalle, Director

Re: Palmetto Bay 16-2ESR – Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
2600 Blair Stone Rd. MS 47
Tallahassee, Florida 32399-2400



Darby Delsalle

From: Darby Delsalle
Sent: Tuesday, April 12, 2016 1:21 PM
To: Darby Delsalle
Subject: FW: Village of Palmetto Bay, DEO #16-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Darby Delsalle, AICP
Director of Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157
T: 305-259-1234
F: 786-338-7432
www.palmettobay-fl.gov

From: Darby Delsalle
Sent: Tuesday, April 12, 2016 1:20 PM
To: 'Manning, Terese'
Cc: Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Isabel Cosio Carballo (isabelc@sfrpc.com); Isabel Moreno; James Stansbury (james.stansbury@deo.myflorida.com); Mark R. Woerner (mwoerner@miamidade.gov); darby.p.delsalle@hotmail.com
Subject: RE: Village of Palmetto Bay, DEO #16-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Manning,

Thank you for your response. The Village is moving forward with the Water Facility Element. The item is expected to go to first reading either May 2nd or June 11th. We will transmit that amendment as soon as that hearing is complete. Once again thank you.

Darby Delsalle, AICP
Director of Planning and Zoning
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157
T: 305-259-1234
F: 786-338-7432
www.palmettobay-fl.gov

From: Manning, Terese [<mailto:tmanning@sfwmd.gov>]
Sent: Monday, April 11, 2016 2:55 PM
To: Darby Delsalle
Cc: Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Isabel Cosio Carballo (isabelc@sfrpc.com); Isabel Moreno; James Stansbury (james.stansbury@deo.myflorida.com); Mark R. Woerner (mwoerner@miamidade.gov)
Subject: Village of Palmetto Bay, DEO #16-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Mr. Delsalle:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Village of Palmetto Bay (Village). The amendment package would revise two Future Land Use Element policies related to the Village Center area. There appear to be no regionally significant water resource issues; however, the District offers the following technical guidance regarding Regional Water Supply Planning:

- The Village is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower East Coast (LEC) Water Supply Plan Update by the District Governing Board. The District's Governing Board approved the LEC Water Supply Plan Update on September 12, 2013. Therefore, the Village's Work Plan was to be adopted by March 12, 2015. The Village will need to include updated water demand and population projections for the identified planning period. The development anticipated to be included in the Franjo Activity Center area should also be included in the Work Plan. The Work Plan must also identify any water supply projects needed to meet projected water demands. Further information on updating Work Plans is available at: www.sfwmd.gov/work_plan_support.

The District offers its technical assistance to the Village and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the Village's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District at the address below. Please contact me if you need assistance or additional information.

Sincerely,

Terry Manning, Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road, MSC 4222
West Palm Beach, FL 33406
Phone: 561-682-6779
Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

Darby Delsalle

From: Edward Silva
Sent: Tuesday, April 05, 2016 3:26 PM
To: Darby Delsalle
Subject: FW: SFRC Meeting April 4,2016 Agenda #III.D Adoptd/Propsd SLPA#: Broward County 16-4ESR; Monroe County 15-01ACSC; Hialeah 15-5ER; Islamorada 16-2ACSC; North Bay Village 16-1ESR; Palmetto Bay 16-2ESR; Hialeah Gardens 15-1ER
Attachments: AGENDA - COUNCIL _2_.pdf; AgendaApr16_IIID.pdf; AgendaApr16_IIID (Addendum).pdf

Respectfully,

Edward Silva
Village Manager
Village of Palmetto Bay
305-259-1234


Florida has very broad public records laws. Most written communications to or from local officials regarding official business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Kathe Lerch [mailto:klerch@sfrpc.com]
Sent: Monday, April 04, 2016 1:46 PM
To: Kathe Lerch; cleonkreps@nbvillage.com; alex@belldavid.com; adeleon@nbvillage.com; Eugene Flinn; Darby Delsalle; Ron Williams; deb.gillis@islamorada.fl.us; maria.aguilar@islamorada.fl.us; cheryl.cioffari@islamorada.fl.us; luisgonzalez@hialeahfl.gov; dstorch@hialeahfl.gov; jmartinez@hialeahfl.gov; boccdis3@monroecounty-fl.gov; dlove@ksfla.com; hurley-christine@monroecounty-fl.gov; mkiar@broward.org; dvonstetina@broward.org; bblakeboy@broward.org; cchambers@broward.org; JSESODIA@broward.org; mfeliciano@broward.org; ydelacruz@cityofhialeahgardens.com; mgonzalez@cityofhialeahgardens.com; jerry@belldavid.com
Cc: 'lawrence.venture@homestead.af.mil'; 'tmanning@sfwmd.gov'; 'Lois.bush@dot.state.fl.us'; 'tracy.suber@fldoe.org'; 'FWCConservationPlanningServices@myfwc.com'; 'gerry.oreilly@dot.state.fl.us'; 'Deena.Woodward@DOS.MyFlorida.com'; 'compplans@freshfromflorida.com'; Biblo, Adam A; 'DCPexternalagencycomments@deo.myflorida.com'
Subject: SFRC Meeting April 4,2016 Agenda #III.D Adoptd/Propsd SLPA#: Broward County 16-4ESR; Monroe County 15-01ACSC; Hialeah 15-5ER; Islamorada 16-2ACSC; North Bay Village 16-1ESR; Palmetto Bay 16-2ESR; Hialeah Gardens 15-1ER



At the April 4, 2016 Council Meeting, the South Florida Regional Council approved the attached reports, finding the proposed and adopted amendments to be generally consistent with the *Strategic Regional Policy Plan* for South Florida.

Should you have any questions, contact Isabel Cosio Carballo, Executive Director, at (954) 985-4416 or isabelc@sfrpc.com.

Broward County SFRC Agenda #III.D, SLPA #16-4ESR;

Mayor CC

*Martin David Kiar Barbara Blake Boy/Cynthia Chambers/Deanne D. Von Stetina/
Jo Sesodia/ Maribel Feliciano*

mkiar@broward.org; dvonstetina@broward.org; bblakeboy@broward.org; cchambers@broward.org; JSESODIA@broward.org; mfeliciano@broward.org;

Monroe County SFRC Agenda #III.D, #15-1ACSC;

Mayor CC

Heather Carruthers Christine Hurley/ Debbie Love

boccds3@monroecounty-fl.gov; dlove@ksfla.com; hurley-christine@monroecounty-fl.gov;

City of Hialeah SFRC Agenda #III.D, SLPA #15-5ER;

Mayor CC

Carlos Hernandez Deborah Storch/Jonathan Martinez

luisgonzalez@hialeahfl.gov; dstorch@hialeahfl.gov; jmartinez@hialeahfl.gov;

Islamorada, Village of Islands SFRC Agenda #III.D SLPA #16-2ACSC;

Mayor CC

Deb Gillis Maria Aguilar/Cheryl Cioffari

deb.gillis@islamorada.fl.us; maria.aguilar@islamorada.fl.us; cheryl.cioffari@islamorada.fl.us;

North Bay Village SFRC Agenda #III.D, SLPA #16-1ESR;

Mayor CC

Connie Leon-Kreps Alex A. David/Ana Deleon

cleonkreps@nbvillage.com; alex@belldavid.com; adeleon@nbvillage.com;

Village of Palmetto Bay SFRC Agenda #III.D SLPA #16-2ESR;

Mayor CC

Eugene Flinn Darby Delsalle/Ron Williams

eflinn@palmettobay-fl.gov; ddelsalle@palmettobay-fl.gov; rwilliams@palmettobay-fl.gov;

City of Hialeah Gardens SFRC Agenda #III.C, SLPA #15-1ER;

Mayor CC

Yioset De La Cruz Mirtha Gonzalez/Jerry Bell

ydelacruz@cityofhialeahgardens.com; mgonzalez@cityofhialeahgardens.com; jerry@belldavid;

Kathe Lerch

Administrative Assistant

South Florida Regional Council

3440 Hollywood Blvd., Suite 140

Hollywood, FL 33021

954-985-4416



MEMORANDUM

AGENDA ITEM #III.D

DATE: APRIL 4, 2016

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: LOCAL GOVERNMENT COMPREHENSIVE PLAN PROPOSED AND ADOPTED AMENDMENT
CONSENT AGENDA

Pursuant to Section 163.3184, Florida Statutes, Council review of amendments to local government comprehensive plans is limited to 1) adverse effects on regional resources and facilities identified in the *Strategic Regional Policy Plan for South Florida (SRPP)* and 2) extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the Region.

A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State Land Planning Agency within 30 calendar days of receipt of the amendment.

Council staff has not identified adverse effects to regional resources and facilities or extra-jurisdictional impacts that would result from the following map and text amendments.

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Broward County 16-4ESR (received 03-11-16)	√	N/A	04/02/2016	03/08/2016	9-0

The proposed Broward County Land Use Plan (BCLUP) text amendment (PCT 16-2) seeks to address future housing demand and enhance the mixed-use, urban character of the "Pembroke Pines Local Activity Center (LAC) by adding 476 dwelling units and 60,000 square feet of commercial uses. The LAC is generally bound on the north by Pines Boulevard, on the east by Palm Avenue and on the south by Washington Street. These additional uses complement existing uses in the City and will help meet growing demand for housing.



Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Monroe County 15-1ACSC (received 03-09-16)	N/A	√	04/02/2016	12/10/2014	5-0
The adopted resolution amends the Future Land Use Map (FLUM) for four specific parcels of land from Industrial to Commercial and from Mixed Use/Commercial Fishing and Industrial to Mixed Use/Commercial. This amendment provides limitations on development and specific restrictions and incorporates the recommendations of the ORC report. A Comprehensive Plan text amendment will establish a subarea policy for the Big Coppitt portion of the property, restricting any residential use on the subject property to only affordable housing.					
City of Hialeah 15-5ER (received 03-09-16)	N/A	√	04/04/2016	09/22/2015	7-0
The City of Hialeah has adopted a text amendment to its Comprehensive Plan, to include a new Health Element. This Element incorporates public health considerations and provides for a well-planned, livable and safe urban environment therefore improving the welfare of residents of the City of Hialeah. The adopted text amendment includes an updated capital improvement schedule as recommended by DEO.					
Islamorada, Village of Islands 16-2ACSC (received 03-03-16)	√	N/A	04/04/2016	02/25/2016	4-1
The proposed amendment seeks to amend the Village's Future Land Use Map from Residential Conservation to Residential Low for property located at 100 Sapodilla Drive on Lower Matecumbe Key. RC allows one dwelling unit per four acres and RL allows one dwelling units per two acres. The Florida Department of Economic Opportunity (DEO) has expressed concern about the change in designation because the amendment does not include relevant data and analysis demonstrating need or address the approximately 288 allocations remaining under building permit system or the 1000 plus vacant lots. DEO recommends the amendment be revised to include a site specific Future Land Use Map Change (FLUM) that limits the development to the number of ROGO exempt units that are being considered for transfer. Council staff is available to assist with the recommended changes.					
North Bay Village 16-1ESR (received 03-09-16)	√	N/A	04/04/2016	02/23/2016	5-0
This proposed amendment amends the Comprehensive Plan Elements, Future Land Use Map and updates the Water Supply Facilities Work Plan. These text amendments will be used in the creation of an economic redevelopment strategy for the expansion of businesses in the Village. Future Land Use Map					

Amendments are included.

Local Government and Plan Amendment Number	Proposed	Adopted	Council Review Date	Local Government Transmittal or Adoption Public Hearing and Meeting	Governing Body Adoption Vote
Village of Palmetto Bay 16-2ESR (received 03-18-16)	√	N/A	04/04/2016	03/07/2016	*TBP

The proposed text amendment seeks to change the Village of Palmetto Bay's Comprehensive Plan's Future Land Category Village's Mixed Use (VMU) designation. The VMU designation would classify all permitted residential uses as multifamily and make land properties eligible for transfer of development rights in order to conserve natural areas.

*TBP – To Be Provided

Recommendation

Find the proposed and adopted plan amendments from the local governments listed in the table above generally consistent with the *Strategic Regional Policy Plan for South Florida*.

Approve this report for transmittal to the local governments with a copy to the State Land Planning Agency.

The adopted resolutions amended changes to the Future Land Use Map from Residential Low to Mixed-Used/Commercial and from Industrial to Commercial for 4 parcels in Rockland Key.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

1000 NW 111 Avenue
Miami, FL 33172

JIM BOXOLD
SECRETARY

March 28, 2016

Darby P.Delsalle, AICP
Planning and Zoning Director
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

**Subject: Comments for the Village of Palmetto Bay Village Mixed-Use
Amendment to the Comprehensive Plan #16-2ESR**

Dear Mr. Delsalle:

The Florida Department of Transportation, District Six, completed a review of the proposed amendment to the City's Comprehensive Plan regarding the Village Mixed-Use land use designation. The District reviewed the amendment package per Chapter 163 Florida Statutes and found the proposed amendment would not significantly impact transportation resources and facilities of state importance.

Please contact me at 305-470-5445 if you have any questions concerning our response.

Sincerely,

Kenneth Jeffries
Transportation Planner

**Cc: Harold Desdunes, P.E., Florida Department of Transportation, District 6
Dat Huynh, P.E., Florida Department of Transportation, District 6
Lisa Colmenares, AICP, Florida Department of Transportation, District 6
Ray Eubanks, Department of Economic Opportunity**

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

March 18, 2016

Mr. Darby F. Delsalle, Director
Village of Palmetto Bay Department of
Planning and Zoning
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

Dear Mr. Delsalle:

Thank you for submitting the City of Palmetto Bay's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Palmetto Bay 16-2ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the State Land Planning Agency's Comment Letter no later than **April 17, 2016**.

If you have any questions please contact Anita Franklin, Senior Plan Processor at (850) 717-8486 or James Stansbury, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8512.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
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Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

M E M O R A N D U M

TO: Suzanne Ray, DEP
Deena Woodward, DOS
Tracy Suber, DOE
Terry Manning, South Florida WMD
Isabel Cosio Carballo, South Florida RPC
Ken Jeffries, FDOT6
Miami-Dade County

DATE: March 17, 2016

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:

Palmetto Bay 16-2ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER:

James Stansbury/850-717-8512

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and ALSO to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@deo.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
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VILLAGE OF PALMETTO BAY

RECEIVED
Bureau of Community Planning

MAR 18 2016

Div. of Community Development
Dept. of Economic Opportunity

March 15, 2016

D. Ray Eubanks
Florida Department of Economic Opportunity
Division of Community Planning
The Caldwell Building
107 E Madison Street
Tallahassee, FL 32399-4120

Re: Future Land Element Amendment Modifying Permitted Residential Uses.

Mr. Eubanks:

Pursuant to Florida Statute 163.3184, please find enclosed the proposed amendment to the Village of Palmetto Bay's Comprehensive Plan's Future Land Element as it relates to Village Mixed Use designation. The amendment is pursued at the Village's initiative as part of a broader initiative which seeks to conserve certain natural areas. The submittal was approved upon first reading of the Village Council on March 7, 2016. The proposed amendment is subject to the expedited state review process. Copies of the amendment and supporting report have been forwarded to South Florida Regional Planning Council, Florida Department of Transportation, South Florida Water Management District, Florida Department of Environmental Protection, Florida Department of State, Florida Department of Education, Miami-Dade County Public Schools, and those municipal jurisdictions adjacent to the Village of Palmetto Bay (Town of Cutler Bay, Village of Pinecrest, Coral Gables and Miami-Dade County).

If you have any questions, please feel free to contact me.

Sincerely,

Darby P. Delsalle, AICP, Director
Department of Planning and Zoning

James F. Murley
Executive Director
South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, FL 33021

Kenneth Jeffries
Transportation Planner
Intermodal Systems Development
Florida Department of Transportation, District 6
Adam Leigh Cann Building
1000 NW 111th Avenue, Room 6111-A
Miami, Florida 33172

Armando L. Vilaboy
South Florida Water Management District
Intergovernmental Representative
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Miami, FL 33178

Kathryn Lyon
Town of Cutler Bay
Community Development
10720 Caribbean Blvd., Suite 110
Cutler Bay, Florida 33189

Stephen Olmsted
Village of Pinecrest
Building & Planning Department
12645 Pinecrest Parkway
Pinecrest, Florida 33156

Ramon Trias
City of Coral Gables
Planning and Zoning Division
427 Biltmore Way, Suite 201
Coral Gables, FL 33134

Eric Silva
Miami-Dade County
Development Services Division
Stephen P. Clark Center
111 NW 1st Street, 11th floor
Miami, Florida 33128

9705 East Hibiscus Street, Palmetto Bay, FL 33157
Tel: (305) 259-1234 ♦ www.palmettobay-fl.gov

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R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Florida Department of Education
Office of the Commissioner
Turlington Building, Suite 1514
325 West Gains Street
Tallahassee, Florida 32399

Florida Department of Environmental Protection
3900 Commonwealth Boulevard M.S. 47
Tallahassee, Florida 32399

Ivan Rodriguez
Miami-Dade County Public Schools
1450 NE 2nd Avenue, Room 525
33132



FLORIDA
DEPARTMENT of
ECONOMIC
OPPORTUNITY

The Caldwell Building | 107 E. Madison Street | Tallahassee, Florida 32399

Mr. Darby F. Delsalle, Director
Village of Palmetto Bay Department of
Planning and Zoning
9705 East Hibiscus Street
Palmetto Bay, Florida 33157

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VILLAGE OF PALMETTO BAY

March 15, 2016

D. Ray Eubanks
Florida Department of Economic Opportunity
Division of Community Planning
The Caldwell Building
107 E Madison Street
Tallahassee, FL 32399-4120

Re: Future Land Element Amendment Modifying Permitted Residential Uses.

Mr. Eubanks:

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If you have any questions, please feel free to contact me.

Sincerely,

Darby P. Delsalle, AICP, Director
Department of Planning and Zoning

James F. Murley
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South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
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Tallahassee, Florida 32399

Ivan Rodriquez
Miami-Dade County Public Schools
1450 NE 2nd Avenue, Room 525
33132

PROPOSED
ORDINANCE



Village of Palmetto Bay

To: Mayor and Village Council

Date: March 7, 2016

From: Edward Silva, Village Manager

Re: VMU Land Use
First Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING AGENCY, AMENDING POLICY 1.1.3 OF THE VILLAGE'S COMPREHENSIVE PLAN LAND USE CATEGORY, "VILLAGE MIXED-USE", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY, AND TO PROVIDE A NOTATION REGARDING TRANSFER OF DEVELOPMENT RIGHTS CONSISTENT WITH POLICY 1.1.14 OF THE COMPREHENSIVE PLAN; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

BACKGROUND

The specific lands subject to this request are those located on the property commonly known as the "Village Center" and bear the land use designation of Village Mixed-Use (VMU). This particular request, however, is part of larger initiative by the Village of Palmetto Bay to secure certain surplus lands within the larger Village Center site that would serve to expand park lands within the Village of Palmetto Bay, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the Village. As part of the property owner's request to transfer the development rights (TDR) of 22± acres of land adjacent to Old Cutler Road, the Village will receive 40± acres of land that will serve the objectives identified above. To achieve that aim, the Village of Palmetto Bay is requesting a modification to the VMU land use provisions which would have the effect of classifying all of the permitted residential uses on the VMU portion of the property as "Multifamily", and ensure that the property is eligible to participate in the TDR program.

COMPREHENSIVE PLAN AMENDMENTS – PROCEDURALLY

This request is part of a companion ordinance that also modifies the under lying zoning provision of the same name, and a Resolution which authorizes the TDR of 85 units onto the VMU site. This amendment includes a change to the list of permitted units on lands that

exceed 10 acres and is therefore considered a large-scale request. As such, and consistent with the Village's Code requirements and state law, public hearings must be held for both first and second reading of the proposed ordinance. At the first public hearing, the Village Council shall take action to deny or approve the proposed ordinances, or approve it with modifications or conditions for purposes of transmittal to Florida Department of Economic Opportunity (DEO) Pursuant to Section 163.3161, Florida Statutes. If denied by the DEO, the Village may resubmit the application as provided under Section 30-30.2, of the Village's Code. If approved for purposes of transmittal, the Village shall thereafter provide the necessary administrative support for the DEO's review process required under Section 163.3161, et seq., Florida Statutes, and the Village's ordinance would go into effect upon adoption at the second public hearing. The TDR resolution is to be presented at the same meeting the two ordinances are to be heard for first reading. Staff recommends tabling this item so that it may be considered in tandem with the two ordinances. However, staff recommends the Village first act on the TDR resolution item prior to rendering a final decision on both ordinances.

ANALYSIS

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

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

Analysis: The following Goals, Objectives and Policies (GOP) were identified as relating to this request. Each GOP is provided with a brief analysis. A final finding 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: See Background Section of this report. This request is part of a larger initiative that seeks to secure certain surplus lands within the larger Village Center site that would serve to expand park lands within the Village of Palmetto Bay, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the Village. By securing the surplus land at the Village Center, these objectives become achievable.

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: See Goal 1 above and the Background Section of this report. The proposed amendment removes any development potential from the front 22± acres of the larger Village Center property that fronts Old Cutler Road. Further, this application, taken in the context of the broader initiative, provides for increased parkland, environmental protection, and the need to find a location for a fire rescue facility in the southeast quadrant of the Village.

Policy 1.5.4 Protect and enhance the lush flora and fauna of the Village through strong community landscaping guidelines, land development regulations, and code enforcement.

Analysis: See Goal 1 above and the Background Section of this report. This application is part of a broader initiative which seeks to add park land to the Village thus having the effect of protecting the lush flora and fauna of the Village. As part of a separate application, the Village will acquire over 40 acres of land, much of which is still in its original natural state.

Policy 1.7.9 Existing mature vegetation and distinctive trees should be retained and protected in developments.

Analysis: See Policy 1.5.4 above.

Policy 2A.1.1 The Village of Palmetto Bay recognizes the Urban Development Boundary (UDB) designated by Miami-Dade County and the Urban Infill Area UIA¹ within its municipal limits. Pursuant thereto, the minimum acceptable peak-period LOS for all State and County roads within the UDB shall be the following:

1. All development applications within the Urban Infill Area Transportation Concurrency Exception Area are exempt from transportation concurrency requirements; however the following level of service thresholds are established for reviewing projects within the UIA TCEA: (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service E (100% of capacity), (2) Where mass transit service having headways of 20 minutes or less is provided within a half-mile distance, roadways shall operate at Level of Service of 120% of capacity (3) Where extraordinary transit service, such as express bus

¹ The UIA is defined as that area east and south of the State Road 826 (the Palmetto expressway) and 77th Avenue (including those portions of theoretical SW 77 Avenue.

service exists, parallel roadways within a half-mile shall operate at no greater than 150% of their capacity; and

Analysis: See Background Section of this report. The proposed amendment does not increase density above that already permitted within the Land Use Element of the Village's Comprehensive Plan.

- Obj. 4A.1.1:** The adopted level-of-service standard established by the Miami-Dade County Water and Sewer Department (WASD), for potable water service within the Village of Palmetto Bay is:
- a. Regional Treatment. System shall operate with a rated capacity that is no less than 2% above the maximum daily flow for preceding year.
 - b. User LOS. Maintain capacity to produce and deliver 200 gallons, per capita, per day.
 - c. Water Quality. Meet all Federal, State and County primary potable water standards.
 - d. Countywide Storage. Storage capacity for finished water shall equal no less than 15% of countywide average daily demand.

Analysis: Please see Policy 2A.1.1 above.

Policy 4B.1.1: The adopted level-of-service standard established by the Miami-Dade County Water and Sewer Department (WASD) for sanitary sewer service within the Village of Palmetto Bay is 100 gallons, per capita, per day.

Analysis: Please see Policy 2A.1.1 above.

Policy 4B.2.1: Encourage future development into areas that are already served, or programmed to be served, by Miami-Dade County WASD sanitary sewer facilities.

Analysis: The property is served by a sanitary sewer gravity line.

- Policy 4C.1.1** The storm water management LOS standards for Village of Palmetto Bay are: Water Quality Standard. Stormwater facilities shall be designed to meet the design and performance standards established in Ch. 62-302.500 and 25.025, F.A.C., with treatment of first one (1) inch of rainfall runoff Water Quality Standard. Where two or more standards impact a specific development, the most restrictive standard shall apply:
- a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.
 - b. Treatment of the runoff from the first one (1) inch of rainfall onsite or the first 0.5 inch of runoff; whichever is greater.

Analysis: Please see Policy 2A.1.1 above. This element is reflective of improvements that would need to be performed at the time the property is the subject of a development order request. As such, any future development of the property will require full compliance with this element at the time of site plan review or permitting.

Policy 4D.1.1 The adopted level-of-service standards maintained by the Miami-Dade County Department of Solid Waste Management for solid waste services within the Village of Palmetto Bay is 9.9 pound, per capita, per day and to maintain solid waste disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements or contracts along with anticipated non-committed waste flows for a period of five (5) years in accordance with Miami-Dade County's Comprehensive Development Master Plan.

Analysis: Please see Policy 2A.1.1 above. The Village of Palmetto Bay generates approximately 41,000 tons of solid waste annually which equals a rate of approximately 9.3 pounds, per-capita, per day. This accounts for only approximately 1.5% of total waste generated. As of 2003, the South Dade Landfill has a capacity of 9.148 million tons with a life expectancy through 2032. Actual impact to LOS of any site plan shall occur at site plan review or building permitting.

Objective 6.5 Protection of Natural Resources

Conserve and protect the remaining natural systems of the Village of Palmetto Bay, in recognition of the inherent values of these areas left in their natural state.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 6.5.8 Existing mature vegetation and distinctive trees should be retained and protected in developments that homes are shaded from direct sunlight, which then reduces the energy demand from air conditioning units and other appliances. This also contributes to a reduction in the area's carbon footprint since less energy is used to keep the houses cool in the development.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 6.7.6 Existing mature vegetation and distinctive trees should be retained and protected in developments.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 7.1.2 Through the maintenance and expansion of existing park facilities and the acquisition and/or development of new parks and open space, achieve a Level of Service (LOS) Standard of 5.0 acres by 2025.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report. This request is part of a larger initiative that will result in adding approximately 40± acres of parkland to the Village.

Objective 10.1 Work with Miami-Dade County Public Schools towards the Reduction of the overcrowding which currently exists in Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective 2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.

Analysis: Please see Policy 2A.1.1 above and the Background Section of this report. The application does not increase density above that already permitted by the current land use designation. Actual school concurrency will be measured at the time of site plan application is made for residential units.

Policy 11.1.1 The adopted level-of-service standard established by WASD for potable water service within the Village:

- a. Regional Treatment. System shall operate with rated capacity that is no less than two (2) percent above the maximum daily flow for preceding year.
- b. User LOS. Maintain capacity to produce and deliver 155 gallons/per capita/per day.
- c. Water Quality. Meet all federal, state, and county primary potable water standards.
- d. Countywide Storage. Storage capacity for finished water shall equal no less than 15 percent of countywide average daily demand.

Analysis: Please see Policy 2A.1.1 above and the Background Section of this report. The property is connected to Miami-Dade County water via a 6 inch line. As of 2002, the County wide water system had a maximum capacity of 454.8 million gallons per day (MGD) with peak water demand reported at 391.3 MGD. Of that capacity, The Village of Palmetto Bay draws approximately 3.69 MGD (based upon a population of approximately 24,000 residents) or just less than one percent (.0087) of available capacity. At that rate, per capita daily consumption is 153 gallons. At an average household size of 3.01, maximum potential number of residents resulting from the proposed amendments is 123.41

(2 units per acre x 20.5 acres = 41 homes). Given the relatively small size of the development, it is unlikely the addition of the residents will result in exceeding two (2) percent of maximum flow.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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

Analysis: This request, taken in the context of the larger initiative identified in the Background Section of this report, provides the Village of Palmetto Bay the opportunity to expand the amount of park lands within its jurisdiction, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the Village. The request does not increase the overall density of the property beyond that already permitted by the existing land use provision.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

Criteria (3) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use.

Analysis: See Criteria 1 and 2 above and the Background Section of this report. The proposal does not change the overall density of the Village Center property. As part of a larger initiative, the request works to ensure the front 22± acres of land adjacent to Old Cutler Road remains undeveloped, provided however, that land is deeded to the Village of Palmetto Bay.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

Criteria (4) Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: See Criteria 3 above and the Background Section of this report. Preservation of the front 22± acres will ensure a continued buffer is maintained along Old Cutler Road protecting the single family homes on the west side from the Village Center on the east.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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

Analysis: Please see Criteria 1 through 4 and the Background Section of the report. The request does not increase the overall density of the property beyond that already permitted by the existing land use provision. The request, as part of a larger initiative, will result in the preservation of a natural landscape buffer to those lands west of property in question.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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

Analysis: Please see Criteria 1 through 4 and the Background Section of the report.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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

Analysis: Recent changes to Florida land use laws leveraged greater authority in the review and processing of large-scale land use amendments (those greater than 10 acres). Submission, review and proposed implementation of the requests pertaining to the Comprehensive are consistent with those provisions. The proposed large-scale amendment to amend the VMU land use category meets the requirements of Section 163.3161, Florida Statutes, as amended.

Finding: Consistent.

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

Finding: Decision for the Village Council.

FISCAL/BUDGETARY IMPACT

No budgetary impact is anticipated at this time. Any future programming of acquired lands shall be considered through the regular budgetary process.

VMU Land Use
First Reading
March 7, 2016
Page 9 of 9

RECOMMENDATION

Staff recommends conditionally approval provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.



Darby Delsalle, AICP
Director of Planning and Zoning

ORDINANCE NO. _____

1
2
3
4 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE
5 VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS
6 THE MAYOR AND VILLAGE COUNCIL AND AS THE LOCAL PLANNING
7 AGENCY, AMENDING POLICY 1.1.3 OF THE VILLAGE'S
8 COMPREHENSIVE PLAN LAND USE CATEGORY, "VILLAGE MIXED-
9 USE", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE
10 CLASSIFIED AS MULTIPLE FAMILY, AND TO PROVIDE A NOTATION
11 REGARDING TRANSFER OF DEVELOPMENT RIGHTS CONSISTENT
12 WITH POLICY 1.1.14 OF THE COMPREHENSIVE PLAN; PROVIDING FOR
13 ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN
14 EFFECTIVE DATE.
15

16
17 WHEREAS, in 2008, the Mayor and Village Council created the Land Use Designation
18 Village Mixed Use (VMU), which provided for a range of permitted uses and development
19 intensities for certain lands within the Village; and
20

21 WHEREAS, the newly created VMU district provided for up to 400 residential units of
22 which 300 were identified as "Senior Living Facility" and 100 were identified as "Multifamily
23 Residential"; and
24

25 WHEREAS, Senior Living Facility is not clearly defined as to the nature of the
26 development pattern be it single family or multifamily residential; and
27

28 WHEREAS, for clarity of desired development form, the Policy 1.1.3 of the
29 Comprehensive Plan is to be amended to reflect a total of up to 400 permitted multifamily
30 residential uses of which 300 may be allocated for a senior living facility; and
31

32 WHEREAS, for purposes of consistency throughout the Village's Comprehensive Plan a
33 note is added to reflect the VMU land use designation's eligibility to participate in Transfer of
34 Development Rights program as provided for at Policy 1.1.14; and
35

36 WHEREAS, this ordinance is being considered as part of a broader Transfer of
37 Development Rights initiative that seeks to conserve certain lands surrounding the VMU zoned
38 property, as more specifically addressed pursuant to Resolution No. _____.
39

40 WHEREAS, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been
41 designated as the Local Planning Agency for the Village; and
42

43 WHEREAS, on _____, 2016, the Local Planning Agency recommended approval
44 the proposed ordinance; and
45

- Commercial – incidental and supporting uses
- Office – up to 315,000 square feet (including ancillary uses).
- Any increase in commercial square footage or residential units approved by Transfer of Development rights pursuant to applicable Code.

None of the above uses shall create substantial adverse impacts on the Biscayne National Park or Biscayne Bay.

* * *

Section 3. Conflicting Provisions. The provisions of the Comprehensive Plan of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

Section 5. Codification. It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Comprehensive Plan of the Village of Palmetto Bay, Florida.

Section 6. Effective Date. This ordinance shall only take effect once the conditions of companion Resolution No. _____ have been fulfilled.

PASSED and ENACTED this _____ day of _____, 2016.

First Reading: _____

Second Reading: _____

Attest: _____
 Meighan Alexander
 Village Clerk

 Eugene Flinn
 Mayor

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

1
2
3
4 _____
5 Dexter W. Lehtinen
6 Village Attorney
7
8
9
10
11
12
13 FINAL VOTE AT ADOPTION:
14
15 Council Member Karyn Cunningham _____
16
17 Council Member Tim Schaffer _____
18
19 Council Member Larissa Siegel Lara _____
20
21 Vice-Mayor John DuBois _____
22
23 Mayor Eugene Flinn _____



To: Honorable Mayor and Village Council

Date: May 2, 2016

From: Edward Silva, Village Manager

Re: VMU Zoning – 2nd Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.19, "VILLAGE MIXED-USE DISTRICT", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY; TO ADJUST MAXIMUM PERMITTED HEIGHT FOR ALL BUILDINGS TO BE 85 FEET; AND TO PROVIDE A NOTATION THAT THE VMU ZONING DISTRICT IS ELIGIBLE TO PARTICIPATE IN SECTION 30-30.15 TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

UPDATE SINCE FIRST READING:

This item was passed and approved without modification at First Reading on March 7, 2016. The Report and Ordinance stands as it was submitted for First Reading (First Reading Report is attached as Exhibit A). Subsequent to the hearing, the land use companion item to this ordinance was transmitted to the State of Florida's Department of Economic Opportunity (DEO) for their required review. The DEO conditionally approved that item on April 15, 2016. There are no proposed changes to this Ordinance since the First Reading that occurred on March 7, 2016.

RECOMMENDATION:

Approval is recommended.

Attachments:

Exhibit A – (First Reading Report)

A large, stylized handwritten signature in black ink, appearing to read "Darby Delsalle".

Darby Delsalle, AICP

Director of Planning and Zoning



Village of Palmetto Bay

To: Honorable Mayor and Village Council

Date: March 7, 2016

From: Edward Silva, Village Manager

Re: VMU Zoning
First Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.19, "VILLAGE MIXED-USE DISTRICT", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY; TO ADJUST MAXIMUM PERMITTED HEIGHT FOR ALL BUILDINGS TO BE 85 FEET; AND TO PROVIDE A NOTATION THAT THE VMU ZONING DISTRICT IS ELIGIBLE TO PARTICIPATE IN SECTION 30-30.15 TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

BACKGROUND

The specific lands subject to this request are those located on the property commonly known as the "Village Center" and bear the zoning designation of Village Mixed-Use (VMU). This particular request, however, is part of larger initiative by the Village of Palmetto Bay to secure certain surplus lands within the larger Village Center site that would serve to expand park lands within the Village of Palmetto Bay, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the Village. As part of the property owner's request to transfer the development rights (TDR) of 22± acres of land adjacent to Old Cutler Road, the Village will receive approximately 40± acres of land that will serve the objectives identified above. To achieve that aim, the Village of Palmetto Bay is requesting a modification to the VMU zoning provisions which would have the effect of classifying all of the permitted residential uses on the VMU portion of the property as "Multifamily", and ensure that the property is eligible to participate in the TDR program. The amendment also establishes one height standard for all building within the VMU at 85 feet, which is the current maximum permitted height for certain structures; and it corrects certain citation errors that occurred during the last time the provisions were codified.

ZONING AND COMPREHENSIVE PLAN INTER-RELATIONSHIP – PROCEDURALLY

This request is part of a companion ordinance that also modifies the underlying land use provisions of the same name, and a Resolution which authorizes the TDR of 85 units onto

the VMU site. Because the amendment includes a change of the list of permitted units on lands that exceed 10 acres, and is part of a comprehensive plan amendment, it is therefore considered a large-scale request. As such, and consistent with the Village's Code requirements and state law, public hearings must be held for both first and second reading of the proposed ordinance. At the first public hearing, the Village Council shall take action to deny or approve the proposed ordinances, or approve it with modifications or conditions. The decision regarding the companion comprehensive plan item must then be transmitted to Florida Department of Economic Opportunity (DEO) Pursuant to Section 163.3161, Florida Statutes. Second reading of the zoning ordinance cannot be held until the DEO completes its review. If denied by the DEO, the Village may resubmit the application as provided under Section 30-30.2, of the Village's Code. If approved for purposes of transmittal, the Village shall thereafter provide the necessary administrative support for the DEO's review process required under Section 163.3161, et seq., Florida Statutes, and both of the Village's ordinances would go into effect upon adoption at the second public hearing. The TDR resolution is to be presented at the same meeting the two ordinances are to be heard for first reading. Staff recommends tabling this item so that it may be considered in tandem with the two ordinances. However, staff recommends the Village first act on the TDR resolution item prior to rendering a final decision on both ordinances.

ANALYSIS

The following is a review of the request pursuant to the Village's Comprehensive Amendment criteria found at Section 30-30.7(b) of the Land Development Code. The Background Section of this report is hereby incorporated by reference into this analysis.

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 following Goals, Objectives and Policies (GOP) were identified as relating to this request. Each GOP is provided with a brief analysis. A final finding 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: See Background Section of this report. This request is part of a larger initiative that seeks to secure certain surplus lands within the larger Village Center site that would serve to expand park lands within the Village of Palmetto Bay, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the

Village. By securing the surplus land at the Village Center, these objectives become achievable.

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: See Goal 1 above and the Background Section of this report. The proposed amendment removes any development potential from the front 22± acres of the larger Village Center property that fronts Old Cutler Road. Further, this application, taken in the context of the broader initiative, provides for increased parkland, environmental protection, and the need to find a location for a fire rescue facility in the southeast quadrant of the Village.

Policy 1.5.4 Protect and enhance the lush flora and fauna of the Village through strong community landscaping guidelines, land development regulations, and code enforcement.

Analysis: See Goal 1 above and the Background Section of this report. This proposed ordinance is part of a broader initiative which seeks to add park land to the Village thus having the effect of protecting the lush flora and fauna of the Village. As part of a separate application, the Village will acquire approximately 40± acres of land, much of which is still in its original natural state.

Policy 1.7.9 Existing mature vegetation and distinctive trees should be retained and protected in developments.

Analysis: See Policy 1.5.4 above.

Policy 2A.1.1 The Village of Palmetto Bay recognizes the Urban Development Boundary (UDB) designated by Miami-Dade County and the Urban Infill Area UIA¹ within its municipal limits. Pursuant thereto, the minimum acceptable peak-period LOS for all State and County roads within the UDB shall be the following:

1. All development applications within the Urban Infill Area Transportation Concurrency Exception Area are exempt from transportation concurrency requirements; however the following level of service thresholds are established for reviewing projects within the UIA TCEA: (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service E (100% of capacity), (2) Where mass transit service having headways of 20

¹ The UIA is defined as that area east and south of the State Road 826 (the Palmetto expressway) and 77th Avenue (including those portions of theoretical SW 77 Avenue).

minutes or less is provided within a half-mile distance, roadways shall operate at Level of Service of 120% of capacity (3) Where extraordinary transit service, such as express bus service exists, parallel roadways within a half-mile shall operate at no greater than 150% of their capacity; and

Analysis: See Background Section of this report. The proposed amendment does not increase density above that already permitted within the Land Use Element of the Village's Comprehensive Plan. Level of service impacts will be evaluated at the time of site plan review.

- Obj. 4A.1.1:** The adopted level-of-service standard established by the Miami-Dade County Water and Sewer Department (WASD), for potable water service within the Village of Palmetto Bay is:
- a. Regional Treatment. System shall operate with a rated capacity that is no less than 2% above the maximum daily flow for preceding year.
 - b. User LOS. Maintain capacity to produce and deliver 200 gallons, per capita, per day.
 - c. Water Quality. Meet all Federal, State and County primary potable water standards.
 - d. Countywide Storage. Storage capacity for finished water shall equal no less than 15% of countywide average daily demand.

Analysis: Please see Policy 2A.1.1 above.

Policy 4B.1.1: The adopted level-of-service standard established by the Miami-Dade County Water and Sewer Department (WASD) for sanitary sewer service within the Village of Palmetto Bay is 100 gallons, per capita, per day.

Analysis: Please see Policy 2A.1.1 above.

Policy 4B.2.1: Encourage future development into areas that are already served, or programmed to be served, by Miami-Dade County WASD sanitary sewer facilities.

Analysis: The property is served by a sanitary sewer gravity line.

Policy 4C.1.1 The storm water management LOS standards for Village of Palmetto Bay are: Water Quality Standard. Stormwater facilities shall be designed to meet the design and performance standards established in Ch. 62-302.500 and 25.025, F.A.C., with treatment of first one (1) inch of rainfall runoff Water Quality Standard. Where two or more standards impact a specific development, the most restrictive standard shall apply:

- a. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.

- b. Treatment of the runoff from the first one (1) inch of rainfall onsite or the first 0.5 inch of runoff, whichever is greater.

Analysis: Please see Policy 2A.1.1 above. This element is reflective of improvements that would need to be performed at the time the property is the subject of a development order request. As such, any future development of the property will require full compliance with this element at the time of site plan review or building permitting.

Policy 4D.1.1 The adopted level-of-service standards maintained by the Miami-Dade County Department of Solid Waste Management for solid waste services within the Village of Palmetto Bay is 9.9 pound, per capita, per day and to maintain solid waste disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements or contracts along with anticipated non-committed waste flows for a period of five (5) years in accordance with Miami-Dade County's Comprehensive Development Master Plan.

Analysis: Please see Policy 2A.1.1 above. The Village of Palmetto Bay generates approximately 41,000 tons of solid waste annually which equals a rate of approximately 9.3 pounds, per-capita, per day. This accounts for only approximately 1.5% of total waste generated. As of 2003, the South Dade Landfill has a capacity of 9.148 million tons with a life expectancy through 2032. Actual impact to LOS of any site plan shall occur at site plan review or building permitting.

Objective 6.5 Protection of Natural Resources

Conserve and protect the remaining natural systems of the Village of Palmetto Bay, in recognition of the inherent values of these areas left in their natural state.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 6.5.8 Existing mature vegetation and distinctive trees should be retained and protected in developments that homes are shaded from direct sunlight, which then reduces the energy demand from air conditioning units and other appliances. This also contributes to a reduction in the area's carbon footprint since less energy is used to keep the houses cool in the development.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 6.7.6 Existing mature vegetation and distinctive trees should be retained and protected in developments.

Analysis See Goal 1 and Policy 1.5.4 above, and Background Section of this report.

Policy 7.1.2 Through the maintenance and expansion of existing park facilities and the acquisition and/or development of new parks and open space, achieve a Level of Service (LOS) Standard of 5.0 acres by 2025.

Analysis: See Goal 1 and Policy 1.5.4 above, and Background Section of this report. This request is part of a larger initiative that will result in adding approximately 40± acres of parkland to the Village.

Objective 10.1 Work with Miami-Dade County Public Schools towards the reduction of the overcrowding which currently exists in Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective 2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.

Analysis: Please see Policy 2A.1.1 above and the Background Section of this report. The proposed ordinance does not increase density above that already permitted by the current land use designation. Actual school concurrency will be measured at the time of site plan application is made for residential units.

Policy 11.1.1 The adopted level-of-service standard established by WASD for potable water service within the Village:

- a. Regional Treatment. System shall operate with rated capacity that is no less than two (2) percent above the maximum daily flow for preceding year.
- b. User LOS. Maintain capacity to produce and deliver 155 gallons/per capita/per day.
- c. Water Quality. Meet all federal, state, and county primary potable water standards.
- d. Countywide Storage. Storage capacity for finished water shall equal no less than 15 percent of countywide average daily demand.

Analysis: Please see Policy 2A.1.1 above and the Background Section of this report. The property is connected to Miami-Dade County water via a 6 inch line. As of 2002, the County wide water system had a maximum capacity of 454.8 million gallons per day (MGD) with peak water demand reported at 391.3 MGD. Of that capacity, The Village of Palmetto Bay draws approximately 3.69 MGD (based upon a population of approximately 24,000 residents) or just less than one percent (.0087) of available capacity. At that rate, per capita daily consumption is 153

gallons. At an average household size of 3.01, maximum potential number of residents resulting from the proposed amendments is 123.41 (2 units per acre x 20.5 acres = 41 homes). Given the relatively small size of the development, it is unlikely the addition of the residents will result in exceeding two (2) percent of maximum flow.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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

Analysis: See Criteria 1 and the Background Section of this report. The proposed amendment does not conflict with the other requirements of 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: Please see Criteria 1 and the Background Section of the report. This request, taken in the context of the larger initiative identified in the Background Section of this report, provides the Village of Palmetto Bay the opportunity to expand the amount of park lands within its jurisdiction, preserve unique pineland and wetland resources, secure permanent parking facilities for the Village's adjacent library, and provide a site for a future fire station in the southeast quadrant of the Village. The request does not increase the overall density of the property beyond that already permitted by the existing land use provision.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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: See Criteria 1 and 2 above and the Background Section of this report. The proposal does not change the overall density of the Village Center property. As part of a larger initiative, the request works to ensure the front 22± acres of land adjacent to Old Cutler Road remains undeveloped, provided however, that land is deeded to the Village of Palmetto Bay.

Findings: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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: See Criteria 1, 3, 4, and the Background Section of this report. The proposal does not add any additional units than that which may be grantable under existing law.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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: Analysis: See Criteria 1, 3, 4, and the Background Section of this report. The proposal does not add any additional units than that which may be grantable under existing law.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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: See Criteria 1, 3, and 4, and the Background Section of this report. Preservation of the front 22± acres will ensure a continued buffer is maintained along Old Cutler Road protecting the single family homes on the west side from the Village Center on the east.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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 through 4 and the Background Section of the report. The request does not increase the overall density of the property beyond that already permitted by the existing land use provision. The request, as part of a larger initiative, will result in the preservation of a natural landscape buffer to those lands west of property in question.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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: See Criteria 1 through 4, and the Background Section of this report.

Finding: Conditionally consistent provided the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.

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

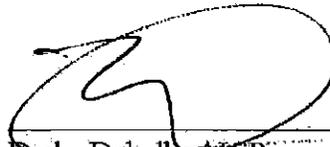
Finding: Decision for the Village Council.

FISCAL/BUDGETARY IMPACT

No budgetary impact is anticipated at this time. Any future programming of acquired lands shall be considered through the regular budgetary process.

RECOMMENDATION

Staff recommends conditionally approval provided all of the conditions of the Resolution No. _____ is fulfilled and the 40± acres of surplus land within the Village Center's larger property is deeded to the Village of Palmetto Bay.



Darby Delsalle, AICP
Director of Planning and Zoning

ORDINANCE

VILLAGE CENTER ZONING AMENDMENT

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.19, "VILLAGE MIXED-USE DISTRICT", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY; TO ADJUST MAXIMUM PERMITTED HEIGHT FOR ALL BUILDINGS TO BE 85 FEET; AND TO PROVIDE A NOTATION THAT THE VMU ZONING DISTRICT IS ELIGIBLE TO PARTICIPATE IN SECTION 30-30.15 TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on June 6, 2008, the Mayor and Village Council created the zoning district Village Mixed Use (VMU), which provided for permitted uses and development standards thereto; and

WHEREAS, in creating the VMU, certain multifamily residential uses were narrowly defined as Senior Living Facility and rowhouses/townhouses; and

WHEREAS, it is now desired to simply identify the permitted residential uses within the VMU as multifamily residential with the ability to construct senior living or townhomes; and

WHEREAS, the VMU also provided for varying heights based on the type of residential construction ranging from 75 feet to 85 feet; and

WHEREAS, it is now desired to provide a consistent height of 85 feet for multifamily buildings within the VMU; and

WHEREAS, this ordinance is being considered as part of a broader Transfer of Development Rights initiative that seeks to conserve certain lands surrounding the VMU zoned property, as more specifically addressed pursuant to Resolution No. _____.

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

WHEREAS, on _____, 2016, the Local Planning Agency recommended approval the proposed ordinance; and

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay desire to amend Division 30-50.19.

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

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

4 **Section 2.** Chapter 30, of the Village's Land Development Code, at Section 30-50.19 is
5 amended to read as follows:
6

7 **DIVISION 30-50**
8 **ZONING DISTRICTS**

9
10 * * *

11
12 **Sec. 30-50.19. Village Mixed Use District, VMU.**

13
14 * * *

15
16 (b) No provision in this section 30-50.2019 shall be applicable to any property lying outside
17 the boundaries of the Village Mixed-Use District ("VMU").

18
19 (c) *Definitions.* Terms used throughout this zoning district, under section 30-50.2019 shall take
20 their commonly accepted meaning unless otherwise defined in other Village Code
21 provisions. Terms requiring interpretation specific to this zoning district are as follows:
22

23 Apartment building: A building which is used or intended to be used as a multi-family dwelling
24 unit; as a home or residence for three or more families living in separate apartments, in
25 which the yard areas, hallways, stairways, balconies and other common areas and facilities are
26 shared by families living in the apartment units.

27
28 * * *

29
30 *Residential building type:* One of the following multifamily residential building types shall be
31 permitted in the VMU District: Apartment Building, Rowhouses/Townhouses or Senior
32 Housing (as hereinafter defined).
33

34 * * *

35
36 (d) *Uses.* Uses are allowed in the VMU District as provided for in this subsection. However,
37 these uses shall not be deemed or construed to prohibit a continuation of any structure, use
38 or occupancy in the VMU that were existing as of the date of the effective date of this
39 division.

40 (1) *Permitted uses:* Village Mixed Use District.

41 a. *Residential uses.* Multifamily residential, up to 400 units which may include
42 apartment buildings, rowhouses/townhouses, and Senior Living Facilities as
43 provided by F.S. § 760.29. Residential uses are permitted in the VMU as
44 provided below in accordance with the village's adopted comprehensive plan
45 and the Declaration of Restrictive Covenants and the First Amendment to
46 the Declaration of Restrictive Covenants recorded May 1, 1989 at Official

1 Records Book 14089 at Pages 2349-52 and Official Records Book 12428 at
2 Pages 923-1010, of the Public Records of Miami-Dade County, Florida, and
3 the Amended Declaration of Restrictive Covenants in Lieu of Unity of Title
4 recorded Official Resources Book 27101 at Pages 2672-2678 of the public
5 Records of Miami-Dade County, Florida.

- 6 i. ~~Multi-family residential rowhouses/townhouses up to 100 units.~~
- 7 ii. ~~Senior housing, intended to comply with F.S. § 760.29, in the form of~~
8 ~~multi-family condominiums or apartments up to 300 residential units~~

9 * * *

10
11
12 (e) *General requirements.* These requirements shall not be deemed or construed to prohibit a
13 continuation or restoration after casualty of any structure, use or occupancy in the VMU
14 District that was existing as of the date of the effective date of this section.

15
16 (1) *Buildings.*

- 17 a. *Heights.* All height restrictions herein are deemed as consistent with the intent
18 of the previously enacted Village of Palmetto Bay Comprehensive Plan which
19 established parameters for this VMU District. Furthermore, all height
20 restrictions must remain in conformity with any existing deed restrictions,
21 declarations, or covenants in effect as to any lands within the VMU District.
22 ~~Multi-family rowhouse/townhouse units shall not exceed 70 feet above grade~~
23 ~~in height. Multi-family senior housing facilities shall not exceed 85 feet above~~
24 ~~grade in height. Nonresidential~~ All buildings shall be no higher than 85 feet
25 above grade in height. This shall not preclude, above such height restrictions,
26 bonuses granted by a Transfer of Development Right, antennae, elevator and
27 roof equipment, stairway roof access and railings or similar safety barrier, as
28 long as said structures are not visible from the property line of the VMU
29 District at Old Cutler Road.

30 * * *

- 31
32 e. *Density.* Overall density for all residential units on the property, including
33 senior housing facilities, shall be a minimum of 3.0 and a maximum of
34 14.0 dwelling units per gross acre, all as consistent with the comprehensive
35 plan of the village. Residential density calculations pursuant to the
36 preceding sentence shall be calculated based upon the entire land area
37 zoned VMU, regardless of any non-residential development within the
38 VMU. Additional units may be developed in accordance with an approved
39 Transfer of Development Rights.

40 * * *

41
42
43 (i) *Nonconforming structures, uses, and occupancies.* Nothing contained in this section 30-
44 50.2019 shall be deemed or construed to prohibit a continuation or restoration after
45 casualty of a legal nonconforming structure, use or occupancy in the VMU District that
46 was existing as of the effective date of this division.

1
2 (j) *Review procedure/administrative site plan review.* All applications for development approval
3 within the VMU District that are not otherwise permitted as nonconforming uses or
4 structures shall comply with the requirements of section 30-30.5 and this section and with
5 the site plan review criteria contained therein. Developments shall be processed and
6 approved administratively or by village council action, as applicable, as follows:

7 (1) *Administrative site plan review.*

8 a. The department shall review plans, including all materials required
9 under section 30-30.5 for completeness and compliance with the
10 provisions of sections 30-30.5 and 30-50.2019, and for compliance with
11 the site plan review criteria provided therein, including but not limited to
12 traffic analysis.
13

14 **Section 3. Companion TDR Resolution.** The provisions of the ordinance are offered
15 and approved contingent upon the owner(s) of those lands zoned VMU fulfill all conditions of the
16 companion TDR Resolution No _____.
17

18 **Section 4. Conflicting Provisions.** The provisions of the Code of Ordinances of the
19 Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
20 provisions of this ordinance are hereby repealed.
21

22 **Section 5. Severability.** The provisions of this Ordinance are declared to be severable,
23 and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be
24 invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences,
25 sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative
26 intent that this Ordinance shall stand notwithstanding the invalidity of any part.
27

28 **Section 6. Codification.** It is the intention of the Village Council and it is hereby
29 ordained the provisions of this Ordinance shall become and be made part of the Code of
30 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
31 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
32 changed to "Section" or other appropriate word.
33

34 **Section 7. Effective Date.** This ordinance shall only take effect once the conditions of
35 companion Resolution No. _____ have been fulfilled.
36

37 **PASSED and ENACTED** this _____ day of _____, 2016.
38

39
40 First Reading: _____
41

42 Second Reading: _____
43

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46 Attest: _____

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Meighan Alexander
Village Clerk

Eugene Flinn
Mayor

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

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____