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ORDINANCE NO. 2015-14

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

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

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

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

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

WHEREAS, the Mayor and Village Council, now desire a set development standards for pergolas, trellises, canvas shade structures and other similar structures, that compliment a low density residential development character in a manner reflective of the community's values and life style; 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 November 2, 2015, the Local Planning Agency approved the proposed amendment; and

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

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

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

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3 provisions of this ordinance are hereby repealed.

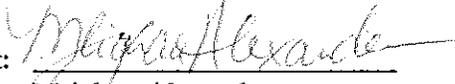
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5 **Section 4. Severability.** The provisions of this Ordinance are declared to be severable,
6 and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be
7 invalid or unconstitutional, such decision shall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

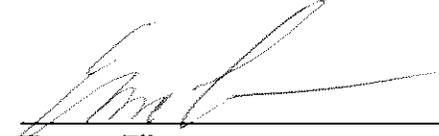
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11 **Section 5. Codification.** It is the intention of the Village Council and it is hereby
12 ordained the provisions of this Ordinance shall become and be made part of the Code of
13 Ordinances of the Village of Palmetto Bay, Florida, that sections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

16
17 **Section 6. Effective Date.** This ordinance shall take effect immediately upon
18 enactment.

19
20 **PASSED and ENACTED** this 2nd day of November, 2015.

21
22 First Reading: October 5, 2015
23 Second Reading: November 5, 2015

24
25 
26 Attest: _____
27 Meighan Alexander
28 Village Clerk

29
30 
31 _____
32 Eugene Flinn
33 Mayor

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

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

42
43 FINAL VOTE AT ADOPTION:

44 Council Member Karyn Cunningham YES
45 Council Member Tim Schaffer YES
46 Council Member Larissa Siegel Lara YES
47 Vice-Mayor John DuBois YES
48 Mayor Eugene Flinn YES