

ORDINANCE NO. 2020-08

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2
3 AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF
4 PALMETTO BAY, FLORIDA, RELATING TO THE VILLAGE OF
5 PALMETTO BAY ADOPTED COMPREHENSIVE PLAN AND ADOPTED
6 FUTURE LAND USE MAP (FLUM), AMENDING THE TEXT OF POLICY
7 1.1.1. OF THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT
8 AS PER ATTACHMENT "A" THAT AMENDS POLICY FOR THE
9 "FRANJO ACTIVITY CENTER" ("FAC") TO : REMOVE THE ELIGIBILITY
10 OF PROPERTIES WITHIN THE "FAC" FOR TRANSFER OF
11 DEVELOPMENT RIGHTS ("TDR"); REMOVE THE ALLOCATION OF
12 FLOATING "RESERVE RESIDENTIAL UNITS" ("RRU") AND
13 "COMMERCIAL RESERVE UNITS" ("CRU"); REMOVE APPLICABILITY
14 OF DEVELOPMENT BONUS PROGRAMS; AND AMEND THE MAXIMUM
15 NUMBER OF RESIDENTIAL UNITS IN THE "FAC" FLUM DESIGNATION
16 FROM FIVE-THOUSAND, SIX-HUNDRED AND SIXTY-ONE (5,661) TO
17 TWO THOUSAND FIVE HUNDRED (2,500); AND AMENDING THE
18 FUTURE LAND USE MAP FROM 'FRANJO ACTIVITY CENTER" ("FAC")
19 TO "LOW DENSITY RESIDENTIAL" ("LDR") THE SOUTH EASTERN
20 PORTION OF THE "FAC" PERIMETER FROM SW 97TH AVENUE TO SW
21 95TH COURT WEST TO EAST DIRECTION, AND FROM THE REAR LOT
22 LINE OF PROPERTIES FRONTING THE NORTH SIDE OF SW 181ST
23 TERRACE TO SW 184TH STREET IN THE NORTH TO SOUTH
24 DIRECTION, AND INCLUDING PROPERTIES FRONTING THE WEST
25 SIDE OF SW 94TH COURT FROM SW 180TH STREET TO SW 181ST
26 TERRACE AS PER ATTACHMENT "B" AND ATTACHMENT "C"; AND
27 PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*
28

29 **WHEREAS**, the Village Council has held 11 public workshops in 2019
30 to address revising the land development regulations for the Franjo Activity
31 Center (FAC) Future Land Use Policy and Map Designation to improve and
32 balance redevelopment, property rights, and preservation of the single family
33 neighborhoods toward achieving the downtown redevelopment vision; and
34

35 **WHEREAS**, the Council determined that greater control of the
36 maximum number of development units in the FAC would provide improved
37 control of development to achieve the vision of the downtown in balance with
38 preserving Village resident's quality-of-life.
39

1 **WHEREAS**, the Village Council has exercised its right to research and
2 study the Franjo Activity Center policy and effect on land development; and
3

4 **WHEREAS**, the Village Council is proposing to amend the Village of
5 Palmetto Bay Future Land Use Plan Map and the Village of Palmetto Bay
6 Comprehensive Plan Future Land Use Element Policy 1.1.1 concerning the
7 Franjo Activity Center, as provided in Attachment “A”; and
8

9 **WHEREAS**, for part of the area of the “FAC”, it was determined that
10 re-designation to “Low Density Residential” (“LDR”) would provide a more
11 sustainable and compatible development regulation with better transition to
12 the single-family neighborhood to the east, as provided in Attachment “B”
13 and Attachment “C”; and
14

15 **BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF**
16 **THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
17

18 **Section 1 Enactment.** The adopted Comprehensive Plan of the
19 Village of Palmetto Bay, Policy 1.1.1 of the Future Land Use Element is
20 hereby amended, and the adopted Future Land Use Map (FLUM) is hereby
21 amended, each as attached as part of this Ordinance.
22

23 **Section 2 Vested Rights.** Nothing in this Ordinance should be
24 construed or applied to abrogate the vested right of a property owner to
25 develop or utilize his or her property in any other way commensurate with
26 zoning and other regulations, including any required renewal of permits for
27 existing legally erected premises;
28

29 **Section 3 Conflicting Provisions.** The provisions of the Code of
30 Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts
31 of ordinances in conflict with the provisions of this ordinance are hereby
32 declared inapplicable.
33

34 **Section 4 Severability.** The provisions of this Ordinance are declared
35 to be severable, and if any sentence, section, clause or phrase of this
36 Ordinance shall , for any reason, be held to be invalid or unconstitutional,
37 such decision shall not affect the validity of the remaining sentences,
38 sections, clauses or phrases of the Ordinance, but they shall remain in effect

1 it being the legislative intent that this Ordinance shall stand notwithstanding
2 the invalidity of any part.

3
4 **PASSED AND ADOPTED** on Second Reading this 28th day of July 2020.

5
6 **FIRST READING:** JANUARY 13, 2020

7
8 **SECOND READING:** JULY 28, 2020

9
10 **Attest:**

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12
13 DocuSigned by:
Missy Arocha
14 0EDC21E3E8C48C...
15 **Missy Arocha**
16 **Village Clerk**

17
18 DocuSigned by:
Karyn Cunningham
19 35B93CD2D00CB470...
20 **Karyn Cunningham**
21 **Mayor**

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

24 DocuSigned by:
John C. Dellagloria, Esq.
25 0D0A0D708243466...
26 **John Dellagloria**
27 **Village Attorney**

28
29 **FINAL VOTE AT ADOPTION:**

30 Council Member Patrick Fiore	<u>YES</u>
31 Council Member David Singer	<u>NO</u>
32 Council Member Marsha Matson	<u>YES</u>
33 Vice Mayor John DuBois	<u>YES</u>
34 Mayor Karyn Cunningham	<u>YES</u>

**ATTACHMENT A
FUTURE LAND ELEMENT AMENDMENT**

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Policy 1.1.1 Estate Density Residential (EDR): The residential densities allowed in this category shall not exceed 2.5 dwelling units per gross acre. This density category is characterized solely by detached single family homes on relatively large lots.

Low Density Residential (LDR): The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by detached single family housing. It could also include large fee-simple townhomes with extensive surrounding open space or a mixture of both housing types, provided that the maximum gross density is not exceeded.

Low-Medium Density Residential (LMDR): This category allows a range in density from a minimum of 5.0 to a maximum of 13.0 dwelling units per gross acre. The types of housing typically found in areas designated as low-medium density include single-family homes, townhouses, and low-rise condominiums /apartments. Zero-lot line single-family developments in this category shall not exceed a density of 7.0 units per gross acre.

Medium Density Residential (MDR): This category allows a range in density from a minimum of 14.0 to 23.0 dwelling units per gross acre. The types of housing typically found in areas designated as medium density include townhouses, low-rise condominiums/apartments, and high-rise condominiums/apartments.

Medium-High Density Residential (MHDR): This category allows a range in density from a minimum of 24.0 to 40.0 dwelling units per gross acre and/or up to 70.0 hotel units, including townhouses, low- and high-rise condominiums/apartments and hotel units. Ancillary or auxiliary uses associated with high density use, including common area sport use, tennis courts, pool, gymnasium, and/or restaurant bar are provided under this district.

Office and Residential (OR): Uses allowed in this category include both professional and clerical offices, hotels, motels, and residential uses. Developments under this category must be compatible with any existing,

1 zoned or Plan-designated adjacent and nearby land uses. The maximum
2 scale and intensity of development shall be based on, and compatible with,
3 the proximity and scale of adjacent and nearby residential uses. Points of
4 ingress and egress, including service drives, for office and hotel uses must
5 be located away from adjacent and nearby residential uses. The residential
6 portions of OR sites must also be designed to transition to adjacent existing
7 residential parcels with substantial and effective visual and acoustic
8 buffering. Residential density may be approved up to one density category
9 higher than the average land use density of adjacent parcels. If no
10 residentially-designated parcels exist adjacent to an OR parcel or no higher
11 density categories exist on the Village FLUM, the maximum density allowed
12 shall be 13.0 units per gross acre.

13 When residential uses are mixed with office uses, the overall scale and
14 intensity shall be no greater than that which would be approved if the parcel
15 was in either office only or residential use only, whichever is higher. Within
16 the OR category, business uses ancillary and to serve the on-site uses may
17 be integrated in an amount not to exceed 15.0 percent of the total floor area.
18 The maximum floor area ratio (FAR) permitted is 0.4 for a one-story building
19 and 0.6 for a two-story building.

20 Business and Office (BO): This category accommodates the full range
21 of sales service activities including retail, wholesale, personal and
22 professional services, commercial and professional offices, hotels, motels,
23 hospitals, theaters, medical buildings, nursing homes, entertainment and
24 cultural facilities, amusement and commercial recreation establishments
25 (such as private commercial marinas). These uses may occur in self-
26 contained centers, high rise structures, campus parks and municipal centers
27 business districts. The specific range and intensity of uses appropriate in
28 BO areas vary by location as a function of such factors as availability of
29 public services, roadway access and neighborhood compatibility. Special
30 limitations may be imposed on uses in BO where necessary to protect
31 environmental resources including wellfield protection areas. Through the
32 assignment of zoning districts and special conditions, the specific range and
33 intensity of uses appropriate for a specific site will be determined. Strip
34 commercial shopping centers with inadequate lot depth, which allow only a
35 single row of commercial structures and parking in front, are discouraged in

1 this designation. The floor area ratio (FAR) is 0.4 for the first story, plus 0.11
2 for each additional story up to six (6) stories.

3 Mixing of residential use with commercial, office, and hotels is also
4 permitted in BO areas provided that the scale and intensity is not out of
5 character with adjacent nearby development, and the project does not
6 negatively affect any area neighborhoods. Where these conditions are met,
7 residential density may be approved up to one density category higher than
8 the average land use density of adjacent parcels. If no residentially-
9 designated parcels exist adjacent to a BO parcel or no higher density
10 categories exist on the Village FLUM, the maximum density allowed shall be
11 13.0 units per gross acre.

12 Institutional Use (IU): The IU category allows hospitals, non-profit
13 medical facilities, fire-rescue stations, cemeteries, libraries, solid waste
14 transfer stations, private and public utility plants and facilities, government
15 offices and facilities, and military installations. Offices are allowed in this
16 category. Internally integrated business areas, up to 10 percent of the total
17 IU development floor area, may also be approved in this category. Major
18 utility facilities allowed in the IU should generally be located away from
19 residential areas. The Business and Office land use category intensity
20 requirements are applied to all development in this category.

21 Civic Use (CU): This land use designation allows primarily universities
22 and colleges, cemeteries, churches, public and private schools. Offices are
23 allowed in this category. Internally integrated business areas, up to 10
24 percent of the total CU development floor area, may also be approved.

25 Village Mixed Use (VMU): The land use designation is designed to
26 encourage compact, mixed-use development comprised of business, office,
27 residential, civic, institutional, recreation, open space, and hotel.
28 Development must emphasize the efficient reuse of existing infrastructure,
29 preservation of natural systems, integration of pedestrian and bicycle
30 facilities, and an urban form characterized by close-knit neighborhoods and
31 sense of community. The minimum VMU parcel size is 25.0 gross acres.
32 Each parcel must also adhere to a unified "Development Plan" established
33 through a public charrette process to specify the permitted uses,
34 densities/intensities, building scale and types, and design features and
35 controls. Residential density shall range from a minimum of 5.0 to a

1 maximum of 10.0 dwelling units per gross acre, subject to the approved
2 Development Plan. Non-residential intensities should average a floor area
3 ratio (FAR) of 0.5; subject to limits adopted as part of an approved “Master
4 Plan”.

5 The mix of uses proposed in any “Master Plan” accepted by the Village
6 Council for a VMU site will be adopted into the Future Land Use Element of
7 this Comprehensive Plan during the next regularly scheduled amendment
8 cycle.

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

21 Development within the Franjo Activity Center shall:

- 22 1. Focus on the effective mix of office, service, retail, entertainment,
23 residential, community facilities, open space and transportation uses that will
24 promote a lively, livable, and successful downtown area;
- 25 2. Encourage a pedestrian oriented core;
- 26 3. Promote mass transit and other forms of transportation as an
27 alternative to the automobile that will link to the Miami-Dade mass transit
28 system and the Village’s local I-bus service or any predecessor service
29 thereto;
- 30 4. Encourage the integration of transportation and transit systems with
31 land use;
- 32 5. Allow for development and redevelopment activities at varying density
33 and intensity ranges, ~~and allow for the transfer of densities and intensities~~
34 ~~for properties within the boundaries of the FAC, as may be permitted by the~~
35 ~~Village;~~
- 36 6. Promote compact, innovative land development;

1 7. Promote creative siting of buildings, transportation routes, and open
2 space to create vistas that will unite the downtown areas, link the downtown
3 with the rest of Franjo Activity Center area, and
4

5 Total densities and intensities of development within the Franjo Activity
6 Center shall be as follows:
7

8 Residential Land Uses – 2,500 ~~5,661~~ dwelling units, ~~of which 1,246 are to be~~
9 ~~held in reserve by the Village to be allocated by the Village at the time of site~~
10 ~~plan approval;~~

11 Commercial/Office/Retail – 1,500,000 square feet, ~~of which 500,000 square~~
12 ~~feet are held in reserve to be allocated by the Village at the time of site plan~~
13 ~~approval.~~

14 Urban Open Space/ Recreation Uses with a level of service within the FAC
15 of .25 acres per 1,000 residents within the FAC.
16

17 Community facilities will continue to be permitted with the FAC designation.
18 Industrial uses and those uses which are determined to be detrimental to the
19 goals of the FAC Master Plan are prohibited.
20

21 ~~The Village may use innovative land development regulations such as transit~~
22 ~~and pedestrian-oriented development, transfer development rights,~~
23 ~~development bonuses and minimum land use densities/intensities to ensure~~
24 ~~an appropriate land use pattern for the Franjo Activity Center. These~~
25 ~~regulations shall encourage the integration of transportation and transit~~
26 ~~systems with land use in order to promote effective multi-modal~~
27 ~~transportation.~~
28

29 Environmental Protection (EP): Parcels designated EP are
30 environmentally-sensitive lands under the ownership of government or non-
31 profit entities. No development except low intensity, passive recreational
32 uses are permitted. Limited administrative office, retail, and storage uses
33 incidental to protection use are allowed.

34 Parks and Recreation (PR): The Future Land Use Map (FLUM)
35 specifically illustrates larger park and recreation areas, as well as, golf
36 courses. Compatible parks are encouraged in all residential land use
37 categories. The siting and use of future parks and recreation areas shall be
38 guided by the Recreation and Open Space Element and the Capital

1 Improvements Element of this plan, and by other applicable goals,
2 objectives, and policies of the Comprehensive Plan. Certain commercial
3 activities ancillary to recreational uses and related to resources of the park,
4 such as boat supply stores, fuel docks, or tennis and golf clubhouses are
5 also permitted and may be considered for approval in the PR category.
6 Other commercial recreation, entertainment or cultural uses may also be
7 considered for approval in the PR category if they would enhance the quality,
8 utility, or enjoyment of the site and its natural, historical, or archeological
9 resources and facilities.

10 Environmentally Protected Parks (EPP): This category includes
11 existing lands that are environmentally sensitive and/or exhibit unique
12 archeological features. All EPP areas shall be managed consistent with the
13 goals, objectives, and policies for development of the applicable
14 environmental resources or protection area. Accordingly, resource-
15 enhancing facilities including boardwalks, nature trails, canoe trails and
16 launches, and interpretive facilities may be provided in these areas.

17 Agricultural Use (AU): This FLUM category is applied to existing lands
18 in active agricultural use. Agricultural land uses include crops, groves, and
19 other types of typical agricultural activities. Residential density is limited to
20 no more than one (1) dwelling unit per five (5) gross acres.

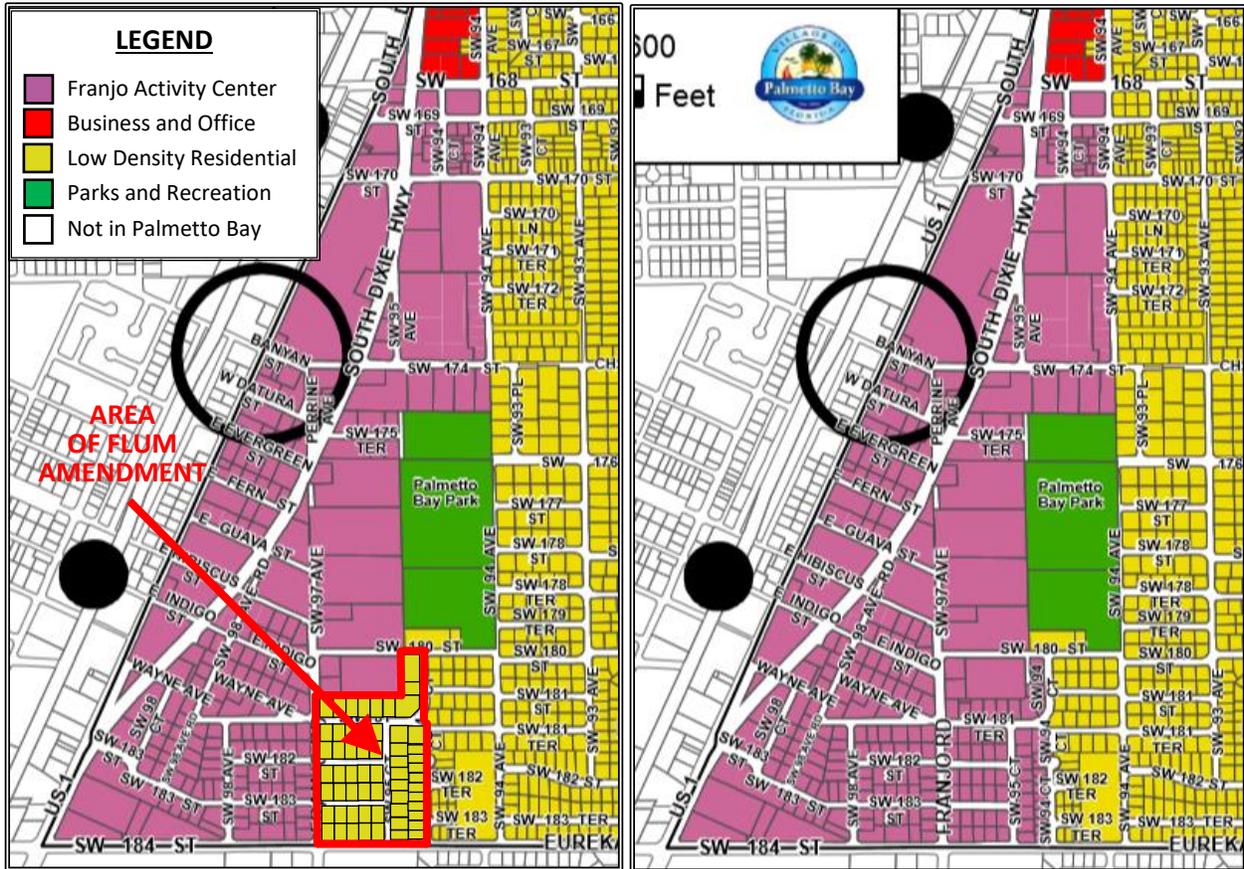
21 Water Bodies (WB): Major existing inland canals, lakes, and other
22 water bodies are shown on the FLUM. No residential or non-residential
23 development is permitted. Access and usage facilities such as docks and
24 boat ramps are permitted subject to the approval of the jurisdiction with
25 authority over the water body, the Village Council, and the Miami-Dade
26 County Department of Regulatory and Economic Resources.

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ATTACHMENT B FUTURE LAND USE MAP AMENDMENT

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*Proposed
Village of Palmetto Bay Future Land Use Map
(excerpt)*

*Adopted (current)
Village of Palmetto Bay Future Land Use Map
(excerpt)*

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**ATTACHMENT C
LEGAL DESCRIPTION**

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A parcel of land being a portion of Sections 28, 32 and 33 all of Township 55 South, Range 40 East, said parcel of land being more particularly described as follows:

BEGIN at the intersection of the centerline of Southbound Dixie Highway (S.R. 5) and the South line of the Southeast One-Quarter (SE 1/4) of said Section 32, said South line being the centerline of SW 184th Street'

THENCE Northeasterly along the said centerline of Southbound Dixie Highway (S.R. 5) to the intersection of the centerline of Northbound Dixie Highway (S.R. 5);

THENCE Southerly along the centerline of Northbound Dixie Highway (S.R. 5) to the intersection with the North line of the Northwest One-Quarter (NW 1/4) of said Section 33, said North line being the centerline of SW 168th Street;

THENCE Easterly along said North line of the Northwest One-Quarter (NW 1/4) of Section 33 to the intersection with the East line of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33, said East line being the centerline of SW 94th Avenue;

THENCE Southerly along the said East line of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 and along the East line of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 to the intersection with the North line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33;

THENCE Westerly along the said North line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 to the West line of the South One-Half (S 1/2) of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33;

1
2 THENCE Southerly along the said West line of the South One-Half (S 1/2)
3 of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW
4 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33 and continue
5 Southerly along the West line of the East One-Half (E 1/2) of the Northwest
6 One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of Section
7 33, said line being the centerline of Park Drive (SW 95th Avenue) to the
8 intersection with the North line of the Northwest One-Quarter (NW 1/4) of the
9 Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4)
10 of Section 33;

11
12 THENCE continue Southerly along the East line of the Northwest One-
13 Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of the Southwest
14 One-Quarter (SW 1/4) of Section 33 to the North line of Lot 9, Block 1,
15 FRANJO PARK SECTION TWO, Plat Book 65, Page 84, Public Records of
16 Miami-Dade County Florida,

17
18 THENCE Westerly along the Westerly prolongation of the said North line of
19 Lot 9, Block 1, to a line being 30 feet West of and parallel with the East line
20 of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW
21 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33;

22
23 THENCE Southerly along said parallel line to the intersection with a line 30
24 feet North of and parallel with the South line of the North One-Half (N 1/2) of
25 the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW
26 1/4) of the Southwest One-Quarter (SW 1/4) of Section 33;

27
28 THENCE Westerly along the said parallel line to the intersection with the
29 East line of the Southeast One-Quarter (SE 1/4) of said Section 32, said East
30 line being the centerline of SW 97th Avenue;

31
32 THENCE Southerly along the said East line of the Southeast One-Quarter
33 (SE 1/4) of Section 32 to the intersection with the South line of the said
34 Southeast One-Quarter (SE 1/4) of said Section 32, said South line being
35 the centerline of SW 184th Street;

36
37 THENCE Westerly along the said South line of the Southeast One-Quarter
38 (SE 1/4) of Section 32 to the POINT OF BEGINNING.