

RESOLUTION NO. 2018-91

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING-IN-PROGRESS (ZIP) PURSUANT TO SECTION 30-30.10; ADOPTING A ZONING-IN-PROGRESS RESOLUTION WITH RESPECT TO THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICTS DURING WHICH TIME THE COUNCIL WILL STUDY AND AMEND THE DUV CODE; BY THE EARLIER OF 60 DAYS FOLLOWING THE ADOPTION OF THIS ZONING-IN-PROGRESS RESOLUTION WHICH IS SEPTEMBER 12, 2018 OR THE FINAL ADOPTION OF THE VILLAGE’S REVISIONS TO THE LAND DEVELOPMENT CODE; FOR THE DURATION OF THE ZIP, A MORATORIUM SHALL APPLY IN THE DOWNTOWN URBAN VILLAGE (DUV) ZONING DISTRICT ON THE APPROVAL OF: ANY RESERVE RESIDENTIAL UNITS, TRANSFER OF DEVELOPMENT RIGHTS (TDR), AND/OR BONUS FLOORS UNDER THE DUV ZONING CODE OR WITHIN THE DUV; PROVIDING THAT THE MORATORIUM DOES NOT APPLY TO PENDING SITE PLAN APPLICATIONS THAT WERE FILED IN SUBSTANTIALLY COMPLETE FORM PRIOR TO APRIL 4, 2017; PROVIDING FOR ORDINANCES IN CONFLICT AND SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Councilmember David Singer)

WHEREAS, the Village Council needs an additional 60 days in order to consider the results of a comprehensive study and effects of approving reserve units, TDRs, and bonus floors under the DUV Code and within the DUV; and

WHEREAS, the Village Council, now desires to continue to exercise its’ right to research and study those districts and zoning standards within the DUV area and therefor directs the Village Manager to return within 60 days of this action to bring forward an ordinance which provides updated zoning standards for the DUV area; and

WHEREAS, to preserve the *status quo* it is necessary to continue a Zoning-In-Progress on the approval of: any reserve residential units, transfer of development rights, and/or bonus floors under the DUV zoning code or within the DUV; and

1 **WHEREAS**, the existing zoning-in-progress Resolution expires on
2 July 14, 2018, and the sixty (60) day extension provided for in this
3 Resolution will expire on September 12, 2018.
4

5 **BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE**
6 **VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
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8 **Section 1.** Upon the date of approval of this resolution, staff shall
9 comply with 30-30.10, and Council shall consider within 60 days of the
10 adoption of this Zoning-In-Progress Resolution an ordinance which
11 provides updated zoning standards for the Downtown Urban Village
12 zoning district area. In the interim, no reserve residential units, transfer of
13 development rights (TDR), and/or bonus floors under the DUV zoning
14 code or within the DUV shall be submitted or issued for developments.
15 This zoning in progress resolution shall expire the earlier of: 60 days
16 after the expiration of the existing Zoning-In-Progress Resolution or upon
17 the first reading of an amended zoning Ordinance.
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19 **Section 2.** The Village Council approves this proposed Zoning-In-
20 Progress resolution extension. The Village Council has determined that a
21 zoning in progress resolution to allow the preparation of a detailed and
22 comprehensive analysis of the area in question is reasonably necessary
23 and desirable, and as such, the Village Council approves this Zoning-In-
24 Progress resolution extension; and order a fixed time, not to exceed 60
25 calendar days.
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27 **Section 3.** Upon adoption of the Zoning-In-Progress resolution, the
28 Village Clerk shall publish the adopted resolution in a newspaper of
29 general circulation published in the Village, or Miami-Dade County,
30 Florida within ten days following the date of adoption.
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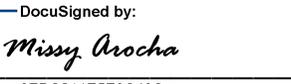
32 **Section 4.** During the 60-day Zoning-In-Progress period of time no
33 reserve residential units, transfer of development rights (TDR), and/or
34 bonus floors under the DUV zoning code or within the DUV shall be
35 submitted or issued for developments.
36

37 **Section 5.** Nothing in this resolution should be construed or
38 applied to abrogate the vested right of a property owner to develop or
39 utilize his/her property in any other way commensurate with zoning and

1 other regulations, including any required renewal of permits for existing
2 legally erected premises.

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4 **Section 7.** This Resolution shall take effect immediately upon
5 enactment.

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7 **PASSED AND ADOPTED this 9th day of July, 2018.**

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10 Attest: 
11 Missy Arocha
12 Village Clerk


Eugene Flinn
Mayor

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14
15 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**
16 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:**

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19 
20 Dexter W. Lehtinen
21 Village Attorney

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23
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25 **FINAL VOTE OF ADOPTION:**

- 26 Council Member Karyn Cunningham YES
- 27 Council Member David Singer YES
- 28 Council Member Larissa Siegel Lara YES
- 29 Vice-Mayor John DuBois YES
- 30 Mayor Eugene Flinn YES