

1 **ORDINANCE NO. 2024-04**

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3 **ZONING APPLICATION RZ-24-002**

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5 **AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE**
6 **VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING MIAMI-DADE**
7 **COUNTY SMART PLAN CORRIDOR FLOOR AREA RATIO (FAR)**
8 **REQUIREMENTS; AMENDING CHAPTER 30, SECTION 30-50.1 OF THE**
9 **CODE OF ORDINANCES STYLED: “DISTRICTS AND GENERAL**
10 **PROVISIONS”, AND PROVIDING FOR SEVERABILITY,**
11 **CODIFICATION AND AN EFFECTIVE DATE.**

12
13 **WHEREAS**, on September 1, 2022, the Miami-Dade County (MDC)
14 Board of County Commissioners, via Ordinance 22-106, amended the
15 County’s Code of Ordinance to include floor area ration (FAR)
16 requirements for certain properties within the County’s Comprehensive
17 Development Master Plan (CDMP) designated urban centers and rapid
18 transit activity corridors (inclusive of the South Dade Transitway); and

19
20 **WHEREAS**, the Miami-Dade County Home Rule Charter provides
21 Section 6.01, in relevant part: “SECTION 6.01. CONTINUANCE OF
22 MUNICIPALITIES ... The right of self-determination in local affairs is
23 reserved and pre-reserved to the municipalities except as otherwise
24 provided in this Charter.”; and

25
26 **WHEREAS**, the Miami-Dade County Home Rule Charter provides
27 in Section 6.02: “SECTION 6.02. MUNICIPAL POWERS. Each
28 municipality shall have the authority to exercise all powers relating to its
29 local affairs not inconsistent with this Charter. Each municipality may
30 provide for higher standards of zoning, service, and regulation than those
31 provided by the Board of County Commissioners in order that its
32 individual character and standards may be preserved for its citizens.” ...

33
34 **WHEREAS**, MDC asserted their Home Rule Charter powers to
35 create the above referenced requirements; and

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37 **WHEREAS**, MDC Ordinance 22-106 requires municipalities that
38 exercise jurisdiction over properties that are located wholly or partially
39 within one-half mile of each of the SMART Plan Corridors shall adopt

standards by July 31, 2024 that comply with the floor area ratio requirement identified in the County's CDMP; and

WHEREAS, Section 33C-3.3 of the MDC Code of Ordinances further exempts certain properties within Miami-Dade County Comprehensive Development Master Plan designated urban centers and rapid transit activity corridors including, development encroaching into, or being established adjacent to or abutting, existing single-family or two-family neighborhoods; and

WHEREAS, The County's Land Use Plan Map identifies two designated urban centers adjacent to the Village of Palmetto Bay: SW 136 Street (existing) and SW 173 Street / Banyan Drive (proposed); and

WHEREAS, Village staff evaluated properties in the Village that would meet the County's maximum one mile radius and would not meet the exemptions referenced above and determined that a limited number of properties along the SMART Plan Corridor (South Dade Transitway) would be able to develop at the FAR prescribed in the County's CDMP; and

WHEREAS, the Village Council recognizes that the Miami-Dade-County requirements necessitate that it amend Section 30-50.1 of the Village's Code of Ordinances to comport with Miami-Dade County requirements; and

WHEREAS, Section 30-50.1 shall be further amended to reference MDC Code of Ordinances Section 33C-3.3 (SMART Corridor Subzone; additional permitted uses; development standards; review and approval procedures) as of the date of the adoption of this ordinance.

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

Section 1. The above recitals are incorporated as if set forth in full.

Section 2. Nothing in this Ordinance should be construed or applied to abrogate the vested right of a property owner to develop or

1 utilize his/her property in any other way commensurate with zoning and
2 other regulations, including any required renewal of permits for
3 existing legally erected premises.

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5 **Section 3.** Section 30-50.1, of the Code of Ordinances of the
6 Village of Palmetto Bay, entitled Districts and General Provisions, is
7 hereby amended as follows:

8
9 (Additional text is shown as underlined; deleted text is shown as
10 ~~strikethrough~~)

11
12 **Sec. 30-50.1. Districts and general provisions.**

13 ***

14 (k) Miami-Dade County Smart Plan Corridor Floor Area Ratio (FAR)
15 requirements. All new development and redevelopment within urban
16 centers and rapid transit activity corridors, as defined in Miami-Dade
17 County Code of Ordinances Section 33C-3.3 (SMART Corridor
18 Subzone; additional permitted uses; development standards; review
19 and approval procedures), shall provide at least the minimum floor
20 area ratio specified within the applicable floor area ranges provided
21 in Miami-Dade County Code of Ordinances Section 33C-3.3 (C),
22 except where such minimums would result in:

23
24 (i) Incompatible development encroaching into, or being
25 established adjacent to or abutting, existing single-family or
26 two-family neighborhoods; or

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28 (ii) Existing single-family or two-family neighborhoods being
29 required to redevelop; or

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31 (iii) Development that is contrary to the requirements of a
32 municipal historic preservation ordinance or Chapter 16A, as
33 applicable, for a property or district that has been designated
34 as historic pursuant to such historic preservation regulation.

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

Section 5. Codification. It is the intent of the Village Council and is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Conflicting Provisions. The provisions of the Code of Ordinances 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 7. Reservation of Rights and Remedies. In light of the reservation of rights afforded to municipalities in Sections 6.01 and 6.02 of the Miami-Dade-County Home Rule Charter, the Village of Palmetto Bay, Florida retains the right, duty, and obligation to provide for higher standards of zoning than those provided by the Board of County Commissioners in Section 33C-3.3 (SMART Corridor Subzone); additional permitted uses; development standards; review and approval procedures) in order that the individual character of Palmetto Bay is preserved for its citizens.

Section 8. Effective Date. This Ordinance shall take effect immediately upon enactment.

PASSED ON FIRST READING this 17th day of June, 2024.

PASSED ON SECOND READING this 15th day of July, 2024.

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

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2 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**
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7 **John C. Dellagloria**
8 **Village Attorney**
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12 **VOTE ON FIRST READING:**
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14 Mayor Karyn Cunningham YES
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16 Council Member Steve Cody YES
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18 Council Member Marsha Matson NO
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20 Vice-Mayor Leanne Tellam YES
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22 Council Member Patrick Fiore YES
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26 **VOTE ON SECOND READING AND ADOPTION:**
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28 Mayor Karyn Cunningham YES
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30 Council Member Steve Cody YES
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32 Council Member Marsha Matson NO
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34 Vice-Mayor Leanne Tellam YES
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36 Council Member Patrick Fiore YES