

September 21, 2023

RESPONSE VIA EMAIL ONLY

Ms. Claudia C. Hasbun, AICP
Director
Miami Shores Village
Planning, Zoning & Resiliency
10050 NE 2nd Avenue
Miami Shores, Florida 33138

Dear Ms. Lyon:

Thank you for submitting copies of Miami Shores' Comprehensive Plan Amendment No. 23-02ER, adopted by Ordinance No. 2023-09 on September 11, 2023, for our review.

We have conducted a preliminary inventory of the plan amendment package to verify the inclusion of all required materials. The submission package appears to be complete, and your adopted plan amendment will be reviewed pursuant to Section 163.3184(4), 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. The State Land Planning Agency will conduct a compliance review and issue a Notice of Intent regarding the adopted comprehensive plan amendment on or about November 5, 2023.

Please be advised pursuant to Section 163.3184(4)(e)4., Florida Statutes, the State Land Planning Agency's Notice of Intent shall become effective upon posting on the agency's internet website unless challenged by an Affected Party.

If you have any questions, please contact Yazmin Valdez, Regional Planning Administrator, for region 10, who will be assigning the adopted plan amendment for review at (850)717-8524.

Sincerely,



Barbara Powell, Deputy Bureau Chief
Bureau of Community Planning and Growth

BP/dh

cc: External Agencies



Miami Shores Village

Claudia C. Hasbun, AICP
Planning, Zoning and Resiliency
Director

10050 N.E. SECOND AVENUE
MIAMI SHORES, FLORIDA 33138-2382
TELEPHONE: (305) 795-2207
FAX: (305) 756-8972

September 20, 2023

James Stansbury, Chief
Bureau of Community Planning
Department of Commerce
107 East Madison Street
Caldwell Bldg., MSC 160
Tallahassee, Florida 32399-4120

RE: State Coordinated Review of 2025 Miami Shores Village Comprehensive Plan Amendment (Future Land Use Element and Future Land Use Map) Adoption Transmittal for Application 23-02ER

Dear Mr. Stansbury:

Miami Shores Village (“the Village”) is transmitting the adopted ordinance to amend Future Land Use Element (“FLUE”) text and Future Land Use Map (“FLUM”) of the Miami Shores Village 2025 Comprehensive Plan (“the Comprehensive Plan”) pursuant to Sec. 163.3184(4), F.S., State Coordinated Review Process. The adopted amendment (Exhibit 5 adopted ordinance) was considered during a public hearing of the Village Council on second reading on September 11, 2023 pursuant to Ordinance No. 2023-09.

This amendment has been reviewed by the State Land Planning Agency (“Agency”) pursuant to application 23-02ER. The Agency issued the following objection to the Village in their Objections, Recommendations and Comments Report dated March 31, 2023:

Objection 1): Distribution of mixed uses:

The proposed amendment re-introduces the Mixed-Use land designation with two sub-designations providing different levels of mixed-use. While the proposed amendment includes the types of uses, densities, and intensities allowed at each sub-designation, it does not provide the percentage distribution among the mix of uses or any other standards to guide the distributions of uses. Section 163.3177(6)(a)3.h, F.S. requires that the future land use element provide guidelines for implementing mixed-use development, including the types of uses allowed, the percentages distribution among the mix-of uses, or other standards. The proposed amendments does not provide the percentage distribution among the mix of uses and therefore, does not meet the criteria of Section 163.3177(6)(a)3.h., F.S. Furthermore, without this criteria the future land use plan element is not meaningful and predictable pursuant to Section 163.3177(1), F.S.

Village adopted ordinance version:

The Village held additional public meetings with its recently elected Council (as of April 11, 2023) to further discuss the amendments to the FLUE and FLUM. Based on public feedback and the direction from the newly elected officials, the mixed-use land use designations were stricken from the amendments. Therefore, the adopted ordinance version does not include any mixed-use land use designation, removing the need to incorporate a distribution of percentages within the previously proposed mixed-use land use designation.

Regarding the remaining comments received from the Agency, Capital Improvements Element – Capital Improvements Schedule; Map Series – Coastal High Hazard Area (CHHA) Map; and Planning Horizon. The Village remains committed to updating the Comprehensive Plan's remaining elements to address previous Agencies' comments through a separate amendment process. In addition, Exhibit 4 is a list of changes made to the ordinance between first and second reading. The changes made are the result of additional public meetings and comments received by staff and consultants and the direction of the newly elected officials. The list is not all-encompassing concerning renumbering and other editorial changes reflected in the adopted ordinance.

Additional information can be found on the [project website](#). The proposed amendment considered a variety of data and analyses initially collected and/or prepared by the consultant, as well as the vision and important findings and recommendations provided in the Village's recently adopted [Strategic Management Plan](#) and [Age-Friendly Action Plan](#), the [2018 Environmental Vulnerability Study](#), and the 2016 [Downtown Architectural Design Manual, Parking & Streetscape Analysis](#), which are relevant to future land use and development patterns. These plans and studies, along with other applicable Village documents, will also play an important role in the preparation of amendments to the remaining elements of the Comprehensive Plan amendment process.

We have included with this adoption submittal copies of agendas, memoranda, presentations, and other documentation of data and analysis that provides the basis for the adoption amendment, as well as input provided by the public, as follows:

1. MSV Agency Transmittal List
2. Council Agenda – September 11, 2023 Second Reading
3. Ecomments – 09112023
4. Calvin, Giordano & Associates, Inc (Memo dated June 30, 2023)
5. Ordinance No. 2023-09 – adopted strikethrough version
6. 2025 Future Land Use Map
7. Miami Herald Ad and Miami Herald Affidavit – August 27, 2023
8. MSV Council minutes of the June 1, 2023 Village Council Special Meeting
9. MSV minutes of the June 8, 2023 Jcint workshop (Council and LPA)
10. MSV Council minutes of the June 15, 2023 Comprehensive Plan Workshop
11. MSV Council minutes of the June 20, 2023 Comprehensive Plan Workshop

Miami Shores Village is not located in an area of critical state concern (Big Cypress, Green Swamp, Key West and the Florida Keys, Apalachicola Bay); Orange, Lake or

Seminole County, or; the Wekiva River Protection Area. The amendment was not adopted under a joint planning agreement.

A copy of this adoption package is being sent to the Departments of Education, Economic Opportunities, Environmental Protection, State, Transportation (District 6), Miami-Dade County Planning, adjacent municipalities, the South Florida Regional Planning Council, and the South Florida Water Management District.

Please contact me, as the Village's Planning, Zoning & Resiliency Director, if you have any questions or need additional information:

Claudia C. Hasbun, AICP, Director
Planning, Zoning & Resiliency Department
Miami Shores Village
10050 NE 2nd Avenue
Miami Shores, FL 33138

Office: 305.762.4864
Mobile: 305.205.3270
hasbunc@msvfl.gov

Thank you for your assistance in this matter.

Sincerely,



Claudia C. Hasbun, AICP

cc: Barbara Powell, Department of Commerce
Morgan Runion, Department of Education
Plan Review, Department of Environmental Protection
Alissa S. Lotane, Department of State
Shereen Yee Fong, Department of Transportation District Six
Isabel Cosio Carballo, South Florida Regional Planning Council
Kathe Lerch, South Florida Regional Planning Council
Terry Manning, South Florida Water Management District
Jerry H. Bell, Miami-Dade Regulatory and Economic Resources
Christia E. Alou, Village of El Portal
Chris Truitt, Village of Biscayne Park
Lakisha Hull, City of Miami
Mayor and Council of Miami Shores Village (cc from Manager)
Esmond Scott, Village Manager
Tanya Wilson, AICP, Deputy Village Manager
Ysabely Rodriguez, Village Clerk
Sarah Johnston, Weiss Serota Helfman Cole + Bierman, Village Attorney
Chanae Wood, Weiss Serota Helfman Cole + Bierman, Village Attorney
Silvia Vargas, FAICP, Calvin, Giordano & Associates
Alex A. David, AICP, Calvin, Giordano & Associates

Attachments

**Miami Shores Village
Agency Transmittal List – (Sept 2023)**

State and Regional Agencies

Department of Florida Commerce, Bureau of Community Planning
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL 32399-4120
Attention: James Stansbury, Chief
Email: James.Stansbury@Commerce.fl.gov and <https://floridajobs.secure.force.com/cp/>

Department of Education
Office of Education Facilities
325 West Gaines Street, Suite 1014
Tallahassee, FL 32399-0400
Attention: Morgan Runion
Email: CompPlans@fldoe.org

Department of Environmental Protection
Office of Intergovernmental Programs
2600 Blair Stone Road, Mail Station 47
Tallahassee, Florida 32399-2400
Attention: Plan Review
Email: Plan.Review@dep.state.fl.us

Department of State
Bureau of Historic Preservation
500 South Bronough Street
Tallahassee, Florida 32399-0250
Attention: Alissa S. Lotane, State Historic Preservation Officer
Email: CompliancePermits@DOS.MyFlorida.com

Department of Transportation, District Six
Intermodal Systems Development
1000 NW 111 Avenue, Room 611-A
Miami, Florida 33172
Attention: Shereen Yee Fong, Transportation Planner IV
Email: Shereen.Yeefong@dot.state.fl.us

South Florida Regional Planning Council
One Oakwood Boulevard, Suite 221
Hollywood, Florida 33020
Attention: Isabel Cosio Carballo, Executive Director
Email: isabelc@sfrpc.com

South Florida Water Management District
3301 Gun Club Road, MSC 4223
West Palm Beach, Florida 33406
Attention: Terry Manning, AICP, Policy and Planning Analyst, Water Supply Coordination
Email: SFLOCALGOVPLAN@sfwmd.gov

Local Agencies

Miami-Dade County
Department of Regulatory and Economic Resources, Planning Division
111 NW First Street, 12th Floor
Miami, Florida 33128
Attention: Jerry H. Bell, AICP, Assistant Director for Planning
Email: jerry.bell@miamidade.gov

Village of El Portal
Attn: Village Manager
Christia E. Alou, Esq.
500 NE 87th Street
El Portal, FL 33138
villagemanager@villageofelportal.org

Village of Biscayne Park
Attn: Village Manager
Chris Truitt
600 NE 114 Street Biscayne Park, FL 33161
villagemanager@biscayneparkfl.gov

City of Miami
Attn: Lakisha Hull, AICP, LEED AP BD+C, Director
Miami Riverside Center
444 SW 2 Avenue, 3rd Floor, Miami, 33130
planning@miamigov.com



COMPREHENSIVE PLAN SPECIAL MEETING

MONDAY, SEPTEMBER 11, 2023

9900 NE 2ND AVENUE

MIAMI SHORES, FL 33138

6:00 PM

1. CALL TO ORDER

2. MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC COMMENTS - 2-Minute Time Limit

5. ORDINANCE(S) ON SECOND READING- PUBLIC HEARING

- 5.A. AN ORDINANCE OF THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP (FLUM) FOR PROPERTIES LOCATED IN MIAMI SHORES VILLAGE; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

[Memorandum](#)

[Review of External Agencies](#)

[MSV Comp Plan Amendment FLUE and FLUM - Adoption strikethrough](#)

[Miami Shores FLU 2022 Village Council Revisions 8Aug2023.pdf](#)

[MSV Comp Plan Amendment FLUE and FLUM - Adoption NO strikethrough](#)

[Data, studies, and presentation.pdf](#)

[Concurrency analysis.pdf](#)

[Legal Advertisement Affidavit & Tearsheet](#)

6. ADJOURNMENT

The board may consider and act upon such other business as may come before it. In the event this agenda must be revised, such revised copies will be available to the public at Village Hall.

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any matter considered at such meeting or hearing, the individual may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Miami Shores Village complies with the provisions of the Americans with Disability Act. If you are a disabled person requiring any accommodations or assistance, including materials in accessible format, a sign language interpreter, or assistive listening devices, please notify the Village Clerk's office of such need at least 5 days in advance.

In accordance with Village Code and section 2-11.1(s) of the Miami-Dade County Code, any person engaging in lobbying activities, as defined therein, must register at the Village Clerk's Office before addressing said board.

Comprehensive Plan Special Meeting

Meeting Time: 09-11-23 18:00

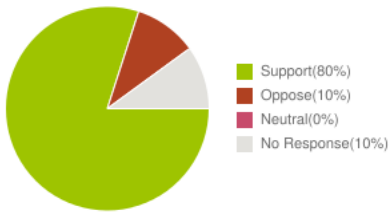
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Comprehensive Plan Special Meeting	09-11-23 18:00	7	10	8	1	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Comprehensive Plan Special Meeting

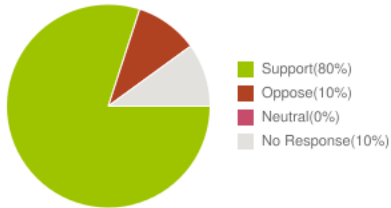
09-11-23 18:00

Agenda Name	Comments	Support	Oppose	Neutral
4) PUBLIC COMMENTS	10	8	1	0

Sentiments for All Agenda Items

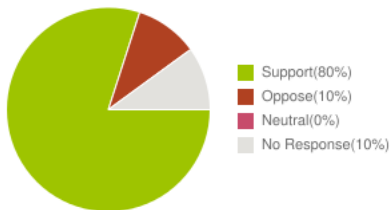
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 4) PUBLIC COMMENTS

Overall Sentiment



Eli Bravo

Location:

Submitted At: 2:56pm 09-11-23

I thank the Council for listening to the residents and considering our proposals and worries. Please vote yes for the comp plan and continue to be good stewards of our village.

nestor alvarez

Location:

Submitted At: 2:54pm 09-11-23

In total agreement with the proposed changes to the plan. Congrats to the new Board to understand what Miami Shores' residents want for their loved neighborhood.

Please also remember that another big project to implement and do something very quickly is the septic to sewer conversion. The septic tanks besides being obsolete and crumbling are all collapsing. Thanks for your dedicated attention

Guest User

Location:

Submitted At: 2:36pm 09-11-23

Cathleen Charles

Good evening, Mayor and Council Members, I am pleased with the revised version of the Comp plan; it adjusted what needed to be fixed.

Moving forward, I ask for you to vote in favor of the proposed Comp Plan.

Guest User

Location:

Submitted At: 12:17pm 09-11-23

I am Max Sturman, Architect residing at 107 NE 96th Street. I appreciate the Council members' approval of the Planning and Zoning Board's recommendations and I fully support the revisions to the Comprehensive Master Plan. I want to thank the Council for listening to our invested community residents' voices and I look forward to our future discussions. Respectfully, Max Sturman.

Guest User

Location:

Submitted At: 11:43am 09-11-23

from Bonnie Bennett. I believe the proposed changes, as outlined in this months 'Planning News' Miami Shores Village, to the 2022 amendment are based in sound logistics. In the future, should Miami Shores choose to delve into mixed use changes, a firm specializing in urban planning with a proven track record for same, would need to be consulted. Residents should be advised of all actions proposed through various modalities: via USPS mail, email and door to door notice (the Egret is distributed this way).

Beverley Markowitz

Location:

Submitted At: 10:45am 09-11-23

Beverley Markowitz

9923 NE 4th Avenue Rd.

I support the current Comp Plan. Thank you council members and other involved for your hard work in making this happen.

Guest User

Location:

Submitted At: 8:04am 09-11-23

Thank you for preserving our community, MSV Board.

Noel Franz

Location:

Submitted At: 4:53pm 09-07-23

HOPE TO SEE THE VOTE GO THROUGH. FINALLY WE SEEM TO BE ON TRACK TO PROTECT OUR QUALITY OF LIFE AND TO DO WHAT IS BEST FOR THE RESIDENTS. FOR THOSE OF YOU WHO VOTE YES, "THANK YOU"!

William Serda

Location:

Submitted At: 4:25pm 09-07-23

To George Burch;

I don't know the details of the new comprehensive plan, but I am grateful for your efforts and the changes to the plan - and support your judgment, and your plan, whatever you think is in the best interest of our Village. Thanks again. Bill Serda

Guest User

Location:

Submitted At: 1:14pm 09-07-23

First of all our area near that lot has been treated very poorly in that Miami Shores Village has not done its due diligence in informing residents about this purchase as there are many Creole and Spanish living here. If the vote is affirmative for developing the Biscayne Kennel Club parking lot, I would like to see one end of our block on 112th street and NW 5th Ave blocked so heavy traffic that now comes thru be restricted.



Memorandum

Fort Lauderdale Office · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)
 Miami-Dade Office · 2103 Coral Way · Suite 810 · Miami, FL 33145 · 786.485.5200(p) · 786.485.1520(f)

Date: June 30, 2023

To: Claudia Hasbun, AICP, Director of Planning, Zoning and Resilience
Miami Shores Village

From: Silvia Vargas, FAICP, LEED AP and Alex David, AICP

Subject: Revisions to the Future Land Use Element Ordinance

Project: Future Land Use Element and Future Land Use Map

CC:

At your request, CGA has perused the additional revisions to the Future Land Use Element amendment ordinance set forth by members of the Village Council, following a June 1st discussion session and a June 8th, 2023 joint workshop with the Planning Board.

We have juxtaposed the proposed changes with the 1st-reading version of the ordinance, which was previously reviewed by FL DEO and other reviewing agencies. Below is a summary comparison of changes introduced as an outcome of the June meetings, as well as in response to agency comments. The table does *not* list minor changes (e.g., renumbering, editorial changes and scrivener’s error corrections, etc.).

Item ID in First Reading Ordinance Version	Changes proposed by Village Council between First and Second Reading or made in response to reviewing agency comments
Chapter 1. FLU Element Goal	<ul style="list-style-type: none"> Added descriptive statement (not goal-oriented) at the beginning. Deleted all previous wording aimed at addressing all the Village’s current and future land uses in a balanced manner.
Objective 1	<ul style="list-style-type: none"> Deleted previous wording. Replaced Objective statement with a Monitoring and Evaluation statement. (Elements of the original statement had been integrated into other objectives and policies in the previous version of the ordinance.)
Policy 1.1	Added “primarily single-family residential” and “promote and protect the... current predominant residential character” to the original policy statement.
Policy 1.2	<p>Major changes in this policy section, which describes the Village’s future land use categories (FLUCs), include:</p> <ul style="list-style-type: none"> Reduced the maximum density in the “Multi-family Residential” FLUC from 31 du/ac to 20 du/ac, and deleted language about providing transitions between multifamily and lower density



Memorandum

	<p>areas, as well as about preservation of existing multifamily residential densities via the zoning regulations.</p> <ul style="list-style-type: none">• Deleted the proposed “Mixed Use” FLUC in its entirety.• Added a “Mixed Use Residential/Institutional” FLUC which allows single family dwellings at a maximum density of 6 units per acre and multifamily at a maximum density of 20 units per acre, subject to Florida DEP review.• Restricted Commercial: The previous FAR was reduced, residential uses permitted in this category in the 2018 version of the Comprehensive Plan omitted, and language encouraging pedestrian connectivity and proximity to the residential areas that this commercial land use serves deleted.• General Commercial: The previous FAR was reduced.• Parks & Recreation: The extent of incidental uses was reduced.• Parking Areas: This land use designation was added.
Policy 1.12	Changed the date of effectiveness of current densities to May 25, 2023.
(Former) Policy 1.13	Deleted policy which enabled the Village to enact mixed use development regulations in certain FLUCs.
Objective 2	Deleted “developments” and “buildings” from the list of items incompatible with single family residential areas.
Policy 2.1	Deleted the Future Land Use District Compatibility Matrix.
Policy 2.3	<ul style="list-style-type: none">• Introduced language encouraging the use of vehicular barricades to block traffic on Biscayne Blvd and other arterials and collectors from entering local streets.• Deleted examples of alternative types of traffic control and traffic calming strategies.
Objective 3	<ul style="list-style-type: none">• Changed the word “deteriorating” to “becoming blighted” in reference to areas of declining physical quality, and added a definition of “blighted neighborhoods/areas.”• Changed the first area identifier from “Downtown Miami Shores” to “Main Street”.• Added Monitoring and Evaluation language designating the Village Manager as responsible for identifying and monitoring the number of sites deemed slum and blighted areas.
Policy 3.1	Replaced the term “mix” with “business commercial” in relation to uses allowed on Main Street ,and deleted language whereby the Village would support and encourage the inclusion of residential uses on Main Street (thereby supporting the notion of mixed use)
Policy 3.2	Replaced the term “mixed” with “general commercial” and added “parking” in relation to uses allowed in the area along Biscayne Blvd.
Policy 3.3	Replaced language enabling general commercial uses or planned mixed use with multifamily residential uses as the envisioned use for property located at 10500 Biscayne Blvd.



Memorandum

Policy 3.4	<ul style="list-style-type: none">• Introduced language to define the area west of Barry University previously occupied by the Biscayne Kennel Club as appropriate for residential institutional uses.• Deleted references to mixed use from statements supporting various approaches to development.
(Former) Policy 3.6	Deleted policy supporting planned development.
Policy 4.2	New policy focused on protecting the rights of property owners to continue non-conforming uses and structures unless abandoned.
Objective 10	Added the term “regulations” to the objective title and to the objective statement, and deleted the term mixed use from the objective statement
(Former) Policy 10.3	Deleted policy statement whereby the Village allowed and encouraged innovative land use development patterns including mixed use at appropriate locations.
Objective 11	Added the term “Residential/Institutional” and deleting the word “Neighborhood” to the title of a FLUC, consistent with the changes in Policy 1.2.
(Former) Policy 13.2	Deleted policy language regarding FEMA requirement (outdated).

30 **WHEREAS**, the Village Council reviewed the Proposed Amendments, at the
31 February 21, 2023 transmittal hearing, and voted to approve them as further amended
32 (the “Transmittal Ordinance”); and

33 **WHEREAS**, on June 1, 2023, the recently elected Village Council held a Special
34 Council meeting to provide direction to Staff regarding changes to the Plan’s Future Land
35 Use Element text and FLUM; and

36 **WHEREAS**, on June 8, 2023, the recently elected Village Council and Planning
37 and Zoning Board held a joint workshop, where they reviewed draft amendments to the
38 Plan’s Future Land Use Element text and FLUM and discussed additional changes; and

39 **WHEREAS**, upon direction from the Village Council, staff and the Consultant
40 compiled and included the discussed amendments into the Transmittal Ordinance (the
41 “Adoption Ordinance”); and

42 **WHEREAS**, the Village Council finds that the Adoption Ordinance will help
43 strengthen the Village’s long-term ability to protect its residential neighborhoods, revitalize
44 targeted areas, and improve overall community character and quality of life; and

45 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency,
46 reviewed the Adoption Ordinance at its July 27, 2023 meeting, and voted to recommend
47 approval of the Ordinance; and

48 **WHEREAS**, the Village Council has reviewed the Adoption Ordinance at duly
49 noticed public hearings in accordance with law and determined that it is consistent with
50 the Village Comprehensive Plan; and

51 **WHEREAS**, the Village Council finds that the proposed Ordinance serves to
52 further enhance the protection of the public health, safety and welfare.

53 **NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND VILLAGE**
54 **COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AS FOLLOWS:**¹

55 **Section 1. Recitals Adopted.** That each of the above stated recitals is hereby
56 confirmed, adopted, and incorporated herein and made a part hereof by reference.

57 **Section 2. Amendment to the Comprehensive Plan.** That the Village
58 Comprehensive Plan is hereby amended as provided in Exhibit "A," which is incorporated
59 and made a part hereof by this reference.

60 **Section 3. Transmittal.** That the Village Clerk is authorized to transmit the
61 Comprehensive Plan Amendments adopted by this Ordinance to the Department of
62 Economic Opportunity (DEO) and all other units of local government or governmental
63 agencies required by Florida Statutes, Section 163.3184.

64 **Section 4. Conflicting Provision.** Any provisions of the Code of Ordinances of
65 Miami Shores Village, Florida, in conflict with the provisions of this Ordinance are hereby
66 repealed, but only to the extent of such conflict.

67 **Section 5. Severability.** That the provisions of this Ordinance are declared to
68 be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for
69 any reason, be held to be invalid or unconstitutional, such decision shall not affect the
70 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but

¹ ~~Strikethrough words~~ are deletions to the existing text. Underlined words are additions to the existing text. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline. Strikethrough words are deletions to the existing text.

71 they shall remain in effect, it being the legislative intent that this Ordinance shall stand
72 notwithstanding the invalidity of any part.

73 **Section 6. Inclusion in the Village Comprehensive Plan.** That it is the
74 intention of the Village Council and it is hereby ordained that amendments indicated in
75 Exhibit A to this Ordinance shall become and be made a part of the Miami Shores Village
76 Comprehensive Plan.


77
78 **Section 7. Effective Date.** That this Ordinance shall be effective immediately
79 upon passage by the Village Council on second reading, except that the effective date of
80 this plan amendment, if the amendment is not timely challenged, shall be 31 days after
81 the state land planning agency notifies the local government that the plan amendment
82 package is complete. If the amendment is timely challenged, this amendment shall
83 become effective on the date the state land planning agency or the Administration
84 Commission enters a final order determining this adopted amendment to be in
85 compliance. No development orders, development permits, or development dependent
86 on this amendment may be issued or commence before it has become effective.

87
88 **PASSED and ADOPTED** this 11th day of September 2023.

89
90 First Reading: February 21, 2023
91 Second Reading: September 11, 2023


92
93
94 Attest:

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98 
99 Ysabely Rodriguez, CMC
Village Clerk

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George Burch
Mayor

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Weiss, Serota, Helfman, Cole + Bierman, P.L.
Village Attorney

FINAL VOTES AT ADOPTION	
Council Member Sandra Harris	<u>No</u>

Council Member Jerome Charles	<u>Yes</u>
Council Member Daniel Marinberg	<u>No</u>
Vice Mayor Jesse Valinsky	<u>Yes</u>
Mayor George Burch	<u>Yes</u>

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EXHIBIT A

MIAMI SHORES VILLAGE, FLORIDA
2025 COMPREHENSIVE PLAN

Goals, Objectives, Policies

Approved: July 1, 2008

Amended: January 6, 2009

Amended: July 6, 2010

Amended: November 2, 2010

Amended: April 17, 2011

Amended: November 6, 2012

Amended: November 19, 2013

Amended: October 2, 2018

Amended: March 5, 2019

Amended: October 5, 2021

Amended: January 17, 2023

Amended: September 11, 2023

172 **INTRODUCTION**

173 The Comprehensive pPlan serves as the guiding policy document ~~which~~ that governs
174 land use development, concurrency, and LOS standards for the Village’s public facilities
175 and services. The Ddocument includes an extensive data, inventory, and analysis of the
176 Village’s facilities (Roads, parks, drainage, etc.) together with goals, objectives, and
177 policies to provide or improve upon such facilities to reach, maintain, and/or exceed LOS
178 standards through 2025.

179 **CHAPTER 1. FUTURE LAND USE ELEMENT**

180 ***FUTURE LAND USE ELEMENT GOAL***

181 Miami Shores is an established residential community nearing buildout. Future
182 development shall eEnsure that the balance, character and location of future land uses

183 provides ~~for the highest possible long term~~ economic and quality of life benefits, while
184 preserving and restoring natural resources, residential ~~strengthening and enhancing~~
185 ~~overall community~~ character, ~~including the Village's residential neighborhoods,~~ and
186 providing appropriate levels of public services to meet the needs of the Village's present
187 and future population.

188 **Objective 1: Coordination of land uses with topography and soils Planning for the**
189 **Village's Future.**

190 ~~Maintain existing development and achieve new development and redevelopment~~
191 ~~which is consistent with the goal above and which otherwise coordinates future land~~
192 ~~uses with topography and soil conditions and the availability of facilities and services.~~
193 ~~Monitoring and Evaluation: The Village shall monitor the following policies: Establish~~
194 ~~land use categories and a Future Land Use Map (FLUM) that provide for compatible~~
195 ~~and coordinated land uses, that ensure protection of natural resources and the~~
196 ~~preservation of the residential character of the Village and that coordinate future land~~
197 ~~uses with topography and soil conditions and the availability of facilities and services.~~
198 ~~allowing for the protection of natural resources and the preservation of community~~
199 ~~character and overall scale, as well as capitalizing on the Village's redevelopment and~~
200 ~~economic development opportunities.~~

201 Monitoring and Evaluation:

202 **Policy 1.1:**

203 The Village is an established primarily single-family residential community that is
204 nearing build out. Therefore, the Village's Future Land Use designations and FLUM
205 shall describe, assign, and depict land for existing, well-established land uses as
206 well as aspirational future land uses determined to be in the long-term public interest
207 of the Village promote and protect the Village's current predominantly residential
208 character.

209 **Policy 1.2:**

210 ~~The Village FLUM shall maintain, improve contain and identify enforce land~~
211 ~~development code provisions which are consistent with the Future Land Use Map,~~
212 ~~including the land uses and the densities and intensities specified thereon and~~
213 ~~described below: appropriate locations for the following land use categories:~~

214 **Single Family Residential:**

215 This land use designation, intended for permanent detached single-family
216 dwelling, is reflected primarily in the Village's existing neighborhoods of detached
217 single-family homes built on individual platted lots. The residential densities
218 allowed in this designation category shall not exceed vary between a minimum of
219 two and a half (2.5) and shall not exceed a maximum of nine (9) dwelling units per
220 gross acre. This density category is characterized solely by detached single family
221 homes on relatively large lots. This density range acknowledges the built
222 environment and the wide variety of lot sizes that has existed historically in Miami
223 Shores, from large estates to small lots. No platted lot shall be reduced in size from
224 that currently platted. This shall not limit the right to build on an existing platted lot,

225 nor does it prevent the combination of smaller lots to make larger ones, or the
226 division of single family residential lots where each resulting lot is not less than
227 12,500 square feet in area and has a minimum of 85 feet of lot frontage.

228 **Multi-family Residential:**

229 ~~Multi-family units or single family detached and~~ This land use designation is
230 intended primarily for apartment and condominium developments, but may also
231 include other types of attached units such as duplexes and townhouses. Areas
232 outlined for this land use accommodate multifamily dwellings at a density up to 6.0
233 ~~thirty one (31) twenty (20)~~ dwelling units per gross acre or single family detached
234 units at a density up to six (6) per gross acre except where Florida Department of
235 Environmental Resources Protection regulations including related to septic tanks
236 may require a lower density. Floor area ratios may be incorporated in
237 development code regulations the Zoning Code. Whenever possible, land for
238 multifamily residential development should be located so as to provide a transition
239 between lower density residential areas and areas developed and/or designated
240 for more dense or intense uses. Zoning regulations shall be implemented to
241 preserve the existing densities of developed properties within established multi-
242 family residential districts.

243
244 **Mixed Use Residential/Institutional Community Residential:**

245
246 This land use designation is intended to accommodate a coordinated integrated
247 and balanced range of residential and institutional land uses. Single-family
248 detached dwelling units are permitted at a density up to six (6) dwelling units per
249 gross acre. Attached, townhouse and multifamily dwelling units at a density up to
250 thirteen (13) dwelling units per gross acre. Residential Institutional uses are
251 permitted at a floor area ratio not greater than 1.0. Institutional uses authorized by
252 this future land use category shall include only those authorized by the institutional
253 land use category.

254
255 **Mixed Use:**

256 ~~Mixed Use land use designations are intended to accommodate a coordinated,~~
257 ~~integrated and balanced range of retail, office, service, residential, institutional,~~
258 ~~and civic land uses. In addition, regulations regarding density and intensity in~~
259 ~~zoning districts for areas designated as Mixed Use shall provide incentives for~~
260 ~~mixed use development.~~

261
262 ~~There are two distinct sub-designations that provide different levels of Mixed Use,~~
263 ~~as described in the following pages. Specific types of retail, service, office and~~
264 ~~auto-related, oriented, or dependent uses that may be permitted, conditioned, or~~
265 ~~prohibited in each sub-designation are defined in the Zoning Code. Auto-related,~~
266 ~~oriented or dependent uses may include but are not limited to, gas stations, car~~
267 ~~washes, vehicle repair and maintenance facilities, auto parts and accessory stores~~
268 ~~(wholesale or retail), vehicle sales, drive-through service, retail and restaurant~~

269 ~~uses not subordinate to a permitted principal use, and any other motor vehicle-~~
270 ~~related uses.~~

271
272 ~~Within the two sub-designations, urban form may include the following variations:~~

273
274 ~~• Vertical mixed use, where retail, service and civic uses are located on the~~
275 ~~ground floor of a building, with office and/or residential uses located on upper~~
276 ~~floors.~~

277 ~~• Horizontal (attached) mixed use, where separate uses are located side by side~~
278 ~~in the same building.~~

279 ~~• Horizontal (detached) mixed use, where separate uses are located in separate~~
280 ~~buildings within the same site.~~

281
282 ~~1. Mixed Use Miami Shores Downtown District Sub-designation: The Mixed Use~~
283 ~~Miami Shores Downtown District land use sub-designation shall accommodate~~
284 ~~retail, office, service and residential dwelling units with an emphasis on vertical~~
285 ~~mixed use development that is characteristic of traditional main streets in business~~
286 ~~districts and downtown areas. Along with governmental, arts, culture and~~
287 ~~entertainment uses, the use mix in this land use sub-designation shall promote~~
288 ~~development of a compact, pedestrian-oriented area that provides opportunities~~
289 ~~for live-work lifestyles and supports the creation of a place that reflects a unique~~
290 ~~and memorable destination for the Village residents and visitors. The following~~
291 ~~criteria shall apply in the Mixed Use Miami Shores Downtown District sub-~~
292 ~~designation:~~

293
294 ~~1. Base density and intensity: Twenty five (25) dwelling units per gross acre and~~
295 ~~floor area ratio (FAR) of 1.5.~~

296 ~~2. Density and intensity limits: Density up to thirty five (35) dwelling units per gross~~
297 ~~acre and floor area ratio of up to 2.5 may be granted in the form of bonuses for~~
298 ~~development projects that provide community benefits. Such benefits may~~
299 ~~include but shall not be limited to historic building designation; donation of~~
300 ~~public art, parkland or civic spaces in excess of minimum code requirements;~~
301 ~~provision of senior or workforce housing; and/or community contribution fees~~
302 ~~toward central sanitary sewer or other capital investments, the nature of which~~
303 ~~shall be specified in the Zoning Code.~~

304 ~~3. Range of uses: Business and professional offices, retail sales and service~~
305 ~~establishments, eating and drinking establishments including outdoor dining,~~
306 ~~artisanal retail, and a variety of attached multifamily residential uses. Auto-~~
307 ~~related, oriented or dependent uses are prohibited.~~

308 ~~4. Compatibility: Mixed use projects shall ensure that the scale and intensity is not~~
309 ~~out of character with adjacent residential uses and the development is~~
310 ~~appropriately buffered. The existing parking lots shall serve as buffers between~~
311 ~~the single family areas and any other uses. Transition standards and~~
312 ~~regulations shall be specified in the Zoning Code to ensure the protection of~~
313 ~~the Single Family Residential designation.~~

314 ~~5. Use mix: The overall mix of uses in the Mixed Use Main Street district shall be~~
315 ~~determined in the Zoning Code. In vertical mixed use projects, residential uses~~

316 shall be permitted on the second floor and above and the ground floor must
317 allow retail, service, dining, or office uses. Horizontal mixed use projects shall
318 include at least two of the use categories listed in subsection 3 above.

319 ~~6. The Zoning Code regulations implementing this category shall encourage a~~
320 ~~compact and walkable environment to reduce vehicle miles of travel and~~
321 ~~encourage use of public transit.~~

322 ~~7. Unified architectural and streetscape themes shall be encouraged for all~~
323 ~~developments within the Mixed Use DMS sub designation, with incentives~~
324 ~~provided to reduce on-site parking, promote active forms of transportation, and~~
325 ~~minimize environmental impacts. For parcels that are assembled into a larger,~~
326 ~~multi-building development, on-site structured parking is preferred.~~

327 ~~8. Building height: The height limitation shall be 40 feet and buildings in this~~
328 ~~designation shall not exceed three (3) stories.~~

329
330

331 ~~2. Neighborhood Sub designation: The Mixed Use Neighborhood (MU-N) land~~
332 ~~use sub designation shall accommodate small scale retail, commercial, service,~~
333 ~~institutional, and/or residential dwelling units in patterns that offer residents the~~
334 ~~ability to live, shop, work, study, and play in one place. Mixed Use Neighborhood~~
335 ~~includes a mixture of housing types and residential densities integrated with goods~~
336 ~~and services, both in vertical and/or horizontal mixed use developments, with the~~
337 ~~goal of creating complete communities for residents. The following criteria shall~~
338 ~~apply in the Mixed Use Neighborhood sub designation:~~

339
340 ~~1. Base density and intensity: Thirty (30) dwelling units per gross acre and FAR~~
341 ~~of 1.5.~~

342 ~~2. Density and intensity limits: Density up to thirty five (35) dwelling units per gross~~
343 ~~acre and floor area ratio of up to 2.5 may be granted in the form of bonuses for~~
344 ~~development projects that provide community benefits. Such benefits may~~
345 ~~include but shall not be limited to donation of parkland or civic spaces; inclusion~~
346 ~~of senior or workforce housing; and/or community contribution fees toward~~
347 ~~central sanitary sewer or other capital investments, the nature of which shall be~~
348 ~~specified in the Zoning Code.~~

349 ~~3. Range of uses: Various types of residential uses including single family,~~
350 ~~detached, attached, and multifamily units; educational services; business and~~
351 ~~professional offices; neighborhood serving retail; service establishments; and~~
352 ~~eating and drinking establishments. Auto-related, oriented or dependent uses~~
353 ~~are prohibited.~~

354 ~~4. Compatibility: Mixed use projects shall ensure that the scale and intensity is not~~
355 ~~out of character with adjacent residential uses and the development is~~
356 ~~appropriately buffered. Consistent with this criteria, Zoning code regulations~~
357 ~~shall establish transition standards with staggered setbacks based on building~~
358 ~~heights to protect adjacent residential uses.~~

359 ~~5. Overall mix: The overall mix of uses in Mixed Use Neighborhood districts shall~~
360 ~~be determined in the Zoning Code. For vertical mixed use projects, the ground~~
361 ~~floor must allow for retail, service, dining, educational and/or office uses.~~
362 ~~Horizontal mixed use projects may include two or more of the use categories~~

363 ~~listed in subsection 3 above. Notwithstanding the foregoing, property~~
364 ~~designated MU-N and located on 105th Street west of Biscayne Blvd shall~~
365 ~~include at least 80% residential uses in the overall mix of uses.~~

366 ~~6. The Zoning Code regulations implementing this category shall encourage a~~
367 ~~compact and walkable environment to reduce vehicle miles of travel and~~
368 ~~encourage use of public transit.~~

369 ~~7. Unified architectural and streetscape themes shall be encouraged for all~~
370 ~~developments within the Mixed Use Neighborhood sub-designation, with~~
371 ~~incentives provided to reduce on-site parking, promote active forms of~~
372 ~~transportation, and minimize environmental impacts. For parcels that are~~
373 ~~assembled into a larger, multi-building development, on-site structured parking~~
374 ~~is preferred.~~

375 ~~8. Building height: The height limitation shall be 50 feet. Notwithstanding the~~
376 ~~foregoing, property designated MU-N and located on 105th Street west of~~
377 ~~Biscayne Blvd shall not exceed 40 feet.~~

378

379 **Restricted Commercial:**

380 ~~This land use designation is intended to support light retail, office and services~~
381 ~~Office, food including restaurants, wine and craft beer bars and light retail uses~~
382 ~~that are compatible with nearby housing, residential uses that are compatible with~~
383 ~~nearby commercial. The floor area ratio shall not exceed 1.0. Residential uses are~~
384 ~~permitted on the second floor and above in conjunction with a mixed-use buildings~~
385 ~~provided that the scale and intensity is not out of character with adjacent nearby~~
386 ~~development, and the project does not negatively affect any area neighborhoods.~~
387 ~~The maximum floor to area ratio for mixed use projects with deed restrictions is~~
388 ~~3.0. Land uses in the Restricted Commercial designation typically experience~~
389 ~~relatively low volumes of clients or visitors and have low trip-generation rates. The~~
390 ~~following criteria shall apply in the Restricted Commercial designation:~~

391 1. ~~Maximum intensity: FAR of 1.52-0.~~

392 2. ~~Range of uses: Small-scale business and professional offices, light retail and~~
393 ~~service establishments. Auto-related, oriented or dependent uses are~~
394 ~~prohibited.~~

395 3. ~~Restricted Commercial areas may be allowed closer to residential~~
396 ~~neighborhoods.~~

397 3.4 ~~Pedestrian and bicycle connectivity is encouraged between Restricted~~
398 ~~Commercial and surrounding residential developments.~~

399 4.5 ~~The Zoning Code regulations implementing this category shall encourage~~
400 ~~require heavy landscaping and screening for parking areas, trash storage and~~
401 ~~other site characteristics that might impact adjacent residential uses. Further,~~
402 ~~Restricted Commercial sites shall be developed with adequate parking and~~
403 ~~vehicular access that does not rely on existing off-street parking and neighborhood~~
404 ~~streets.~~

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General Commercial:

~~A broader range of office, food, studio arts, personal care and retail uses than the Restricted Commercial category but no heavy highway or distribution kinds of uses. The maximum floor to area ratio is 1.0.~~

This land use designation is intended to support light industrial, commercial, retail, office and/or services. Land uses in the General Commercial designation are intended to sustain a broader and intense nature of uses due to the proximity to major corridors. The following criteria shall apply in the General Commercial designation:

1. Maximum intensity: FAR of ~~2.0~~ 1.5.
2. Range of uses: Medium to high-scale business, professional offices, commercial, retail and service establishments. Auto-related, oriented or dependent uses are permitted.
3. General Commercial areas shall not be allowed adjacent to Single-Family Residential designation.
4. Pedestrian and bicycle connectivity is encouraged between General Commercial and surrounding multi-family residential and restricted commercial developments.
5. The Zoning Code regulations implementing this category shall ~~encourage~~ require heavy landscaping and screening for parking areas, trash storage and other site characteristics that might impact adjacent uses. Further, General Commercial sites shall be developed with adequate parking and vehicular access that does not rely on existing off-street parking and neighborhood streets.

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Government and Institutionals:

This land use designation is intended to accommodate a full range of community support facilities, including governmental buildings and facilities, public utility installations, parking, public and private educational, medical, religious, civic, cultural Schools, universities, churches, administrative facilities for school boards, churches and similar institutions; municipal buildings and public utility installations. The floor area ratio in this land use designation shall not exceed 2.0.

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Parks and Recreation:

This land use designation is intended to accommodate recreation and open space uses that serve public recreation needs, including Village parks and recreational facilities, the Miami Shores-Country Club and Golf Course and similar compatible and complimentary uses including food service establishments in conjunction with the previously listed uses. The floor area ratio in this land use designation shall not exceed 1.0. The extent of all ~~incidental~~ uses shall not exceed ~~50~~ 15% of the land area of any individual park. In general, any development within this category shall be low intensity in character with a minimum of impervious surface coverage and retain as much natural vegetation and landscape as possible.

449 **Water and Conservation Areas:**

450 This land use designation is intended to identify areas which may exhibit unique
451 or special environmental characteristics. Public conservation areas are intended
452 solely for preservation and/or recreational use.

453

454 **Parking areas:**

455 This land use designation is intended to support adjacent businesses.

456 **Policy 1.3:**

457 The maximum densities/intensities described above are not guaranteed for all sites
458 within each category. The Village's Zoning Map and Zoning Code, and development
459 approvals may impose more restrictive guidelines for development based on zoning
460 district and design criteria.

461 **Policy 1.4:**

462 The Village shall coordinate future land uses and any resulting development or
463 redevelopment with topography and soil conditions and the availability of adequate
464 facilities and services.

465 **Policy 1.5:**

466 Sufficient land shall be provided in the Future Land Use Map (FLUM) for various
467 types of residential development and the community facilities required to adequately
468 meet the housing needs of the present and projected population.

469 **Policy 1.6:**

470 The Village shall maintain current versions of the Existing and Future Land Use
471 Maps through zoning changes, permitting activity and fieldwork (if necessary), and
472 shall set a schedule for map updates and maintaining updated maps online.

473 **Policy 1.7: Future Designation of Areas Annexed from Unincorporated**
474 **Miami-Dade:**

475 Land that is annexed from Miami-Dade County shall enter the Village with its
476 current Miami-Dade County future land use and zoning designation. The Miami-
477 Dade County development regulations shall apply until such time as the Village
478 adopts an amendment to this Comprehensive Plan to include the annexed area
479 and adopts a new an appropriate Village zoning designation for the annexed area.

480 ~~• Comprehensive Plan Future Land Use designation and Zoning District~~
481 ~~Designation~~

482 a. The future land use and zoning designation for areas annexed from Miami-
483 Dade County ~~will~~ shall be amended to an appropriate ~~Miami Shores Village~~
484 future land use and zoning designation.

485 ~~b. Miami Shores~~ The Village may create new future land use or zoning
486 designations for annexed areas where the existing development or potential
487 future development would not be consistent with any existing ~~Miami Shores~~
488 Village future land use or zoning designation.

489 ~~c. Miami Shores~~ The Village will shall consider the existing Miami-Dade County
490 comprehensive plan and zoning regulations ~~in~~ when developing new
491 designations for annexed areas.

492 **Policy 1.~~28~~:**

493 The Village shall regulate all development in accordance with the Future Land Use
494 Map (Map 1.4), including the land uses and the densities and intensities specified
495 thereon and in Policy 1.1, all of which are incorporated by reference into this Policy
496 ~~1.28~~.

497 **Policy 1.39:**

498 The Village shall maintain and/or improve ~~land development~~ Zoning Code
499 provisions governing subdivisions, signs and floodplain protection. Such provisions
500 shall be consistent with this plan and with the applicable Florida statutory and
501 administrative code guidelines.

502 **Policy 1.410:**

503 The Village shall maintain and improve as part of the ~~Land Development~~ Zoning
504 Code a concurrency management system. The Village shall ensure that the public
505 facilities necessitated by a development (in order to meet level of service standards
506 specified in the Infrastructure Element) will be in place no later than the anticipated
507 date of issuance ~~by Miami Shores~~ of a temporary certificate of occupancy or
508 certificate of occupancy by the Village.

509 **Policy 1.511:**

510 The Village shall maintain and/or improve Zoning ~~land development~~ eCode
511 standards and incentives to achieve new development, renovated development
512 and/or redevelopment that meet high standards for drainage and storm-water
513 management, open space and landscaping, and on-site circulation and parking
514 and other development standards in keeping with the goals, objectives and policies
515 of this plan.

516 **Policy 1.612:**

517 The Village shall maintain and/or improve ~~land development~~ eZoning Code
518 standards to maintain ~~current~~ densities in single family residential districts current
519 as of July 1, 2022 September 11, 2023.

520 **Policy 1.713:**

521 ~~In its discretion, the Village may enact zoning regulations which allow the appropriate mixing~~
522 ~~of residential and non-residential~~

523 **Policy 1.8:**

524 As a matter of policy, the Village will compare the Future Land Use Map referred to
525 in Policy 1.1 and the land use densities and intensities set forth in Policy 1.1 with
526 the land uses and intensities found in the report entitled Transit/Land Use
527 Relationship Report as interpreted in part by the state land planning agency.

528 **Policy 1.9134:**

529 The Village will ~~will~~ shall continue to work with transportation and transit agencies and
530 coordinate the improvement and expansion of the Village's park system and
531 pedestrian connections with opportunities to improve and expand new walkways.
532 ~~The Village will continue to work with transportation agencies to through~~
533 opportunities such as ~~implement~~ the FEC Greenway or FEC corridor greenway
534 improvements. The Village will shall work with Miami-Dade County and other
535 groups to ensure that the greenway and parks and systems within the Village
536 effectively linked to proposed regional trails. The Village will shall continue to
537 advocate for funding for these trails identified in the Miami-Dade Planning
538 Organization ~~2040~~ 2045 Long Range Transportation Plan.

539 **Policy 1.145:**

540 In addition, any project, building, structure, or use previously approved by the
541 Village Council, through the adoption of any resolution or ordinance, shall be
542 vested in its right to be developed at its previously approved density and intensity,
543 notwithstanding the maximum densities and intensities contained in Policy 1.2.

544 **Policy 1.156:**

545 In the event of destruction and/or redevelopment of any lawfully existing structure
546 exceeding the maximum density and/or intensity contained in Policy 1.2, the
547 structure may be restored or reconstructed to its original density and/or intensity
548 upon a filing of a vested rights determination application, which shall be approved
549 based on criteria outlined in the Zoning Code.

550 **Objective 2: Protection of single family residential areas.**

551 Direct future growth and development and redevelopment so as to minimize the
552 intrusion of incompatible developments, buildings or land uses into single family
553 residential areas.

554 Monitoring and Evaluation: ~~The existing Future Land Use Map (FLUM) is consistent~~
555 ~~with this objective. Upon an application request to amend the FLUM, the Village shall~~
556 ~~evaluate application for consistency with the FLUM. Achievement of this objective~~
557 ~~shall also be quantified by the implementation of the following policies:~~

558 **Policy 2.1:**

559 Maintain a ~~future land use map pattern~~ FLUM and zoning patterns which that keeps
560 multi-family, office, commercial and other incompatible uses out of single family
561 residential areas.

562 ~~Future Land Use District Compatibility Matrix~~

DISTRICT ADJACENCY	SINGLE FAMILY RESIDENTIAL	MULTI FAMILY RESIDENTIAL	MIXED USE DOWNTOWN	MIXED USE NEIGHBORHOOD	GENERAL COMMERCIAL	RESTRICTED COMMERCIAL	GOVT AND INSTITUTIONS	PARKS AND RECREATION	WATER & CONSERVATION AREAS
SINGLE FAMILY RESIDENTIAL	■	■	■	■	■	■	■	■	■
MULTI FAMILY RESIDENTIAL	■	■	■	■	■	■	■	■	■
MIXED USE DOWNTOWN	■	■	■	■	■	■	■	■	■
MIXED USE NEIGHBORHOOD	■	■	■	■	■	■	■	■	■
GENERAL COMMERCIAL	■	■	■	■	■	■	■	■	■
RESTRICTED COMMERCIAL	■	■	■	■	■	■	■	■	■
GOVERNMENT AND INSTITUTIONS	■	■	■	■	■	■	■	■	■
PARKS AND RECREATION	■	■	■	■	■	■	■	■	■
WATER & CONSERVATION AREAS	■	■	■	■	■	■	■	■	■

■ Compatible land use designations compatible for adjacency

"Compatible land use" means any use of lands, buildings, and structures which is harmonious to the uses and activities being conducted on the adjoining lands and properties and which does not adversely affect or unreasonably impact the use or enjoyment of the adjoined land.

563

564 **Policy 2.2:**

565 ~~Maintain a future land use map pattern and~~ Maintain a future land use map pattern
 566 ~~and Guide and support~~ a traffic circulation pattern which that directs through traffic
 567 to Biscayne Boulevard and other arterials and collectors and away from local
 568 residential streets.

569 **Policy 2.3:**

570 ~~Utilize vehicular barricades to block traffic on Biscayne Boulevard and other arterials~~
 571 ~~and collectors from entering local streets except for local access.~~ Utilize vehicular
 572 barricades to block traffic on Biscayne Boulevard and other arterials and collectors
 573 from entering local streets except for local access. ~~Consider, as necessary, other~~
 574 ~~other~~ traffic control strategies ~~such as pedestrian crossings, speed bumps, turn~~
 575 ~~prohibitions, stop signs, and raised pavement markers, and temporary barricades~~
 576 ~~to block streets~~ which will contribute to the safety and character of residential
 577 streets. ~~Any previously existing street barricades not temporary in nature shall be~~
 578 ~~maintained to the extent permitted by applicable law.~~

579 **Policy 2.4:**

580 Update the Zoning Code to promote compatibility of scale, height, massing, and
 581 overall character through the provision of clear standards, including but not limited
 582 to maximum height, maximum land coverage, maximum floor area ratio, minimum
 583 setbacks, minimum lot size, minimum unit size, minimum green space, parking and
 584 landscaping requirements, for the development of single-family and multi-family
 585 residential uses.

586 **Policy 2.5:**

587 Consider consolidating the number of zoning districts and permitted land uses in the
 588 Zoning Code.

589 **Policy 2.6:**

590 Create locational and design criteria in the Zoning Code to assure that new and
 591 expanded uses are compatible with existing residential uses.

592

593 **Objective 3: Redevelopment and renewal.**

594 In general, encourage the redevelopment and renewal of any areas which are may be
595 at risk to become of becoming blighted deteriorating. Blighted may be defined as
596 neighborhoods or areas characterized by a prevalence of older structures with major
597 deficiencies and deterioration, of high residential vacancies, wide spread
598 abandonment of properties, litter, poor maintenance creating unsafe, unsanitary or
599 nuisance within the property or areas. In particular, ~~1) encourage target incentives and~~
600 capital investment to leverage private investment in the revitalization of the following
601 areas consistent with their intended character, as reflected by their Future Land Use
602 designations in the FLUM:

603 1). “Main Street,” Downtown Miami Shores encompassing the business commercial
604 area along N.E. 2nd Avenue;

605 2). ~~encourage private investment in the revitalization and redevelopment of the general~~
606 commercial area located along the Biscayne Boulevard corridor between 94st 87th
607 Street and 93rd Street;

608 3). ~~encourage private investment in the revitalization and redevelopment of the~~
609 Biscayne Boulevard/105th Street residential area; and

610 4). ~~encourage private investment in the redevelopment of the area west of Barry~~
611 University previously occupied by the Biscayne Kennel Club; ~~and.~~

612 5). ~~encourage private investment in the revitalization and redevelopment of the Special~~
613 Multi-Use District that promotes a coordinated and balanced range of land uses that
614 provide for a mix of commercial, residential and institutional land uses.

615 ~~Monitoring and Evaluation: The Village Manager, or appropriate designee, shall~~
616 identify and monitor the number of sites deemed slum and blighted areas. Monitoring
617 and Evaluation: The Village Manager, or appropriate designee, shall identify and
618 monitor the number of sites deemed slum and blighted areas. Achievement of this
619 objective shall also be quantified by the implementation of the following policies:

620 **Policy 3.1:**

621 Maintain, and improve where appropriate, zoning regulations which permit the
622 concentration of ~~an~~ appropriate “Main Street” business commercial mix of uses and
623 parking in and around the established “Main Street” business commercial area along
624 N.E. 2nd Avenue. ~~The Village shall support and incentivize the inclusion of~~
625 residential uses along “Main Street”. ~~Blighted neighborhoods or areas may be~~
626 ~~characterized by a prevalence of older structures with major deficiencies and~~
627 ~~deterioration of potential high residential vacancies, wide spread abandonment of~~
628 ~~properties, litter, and poor maintenance of the property.~~

629 **Policy 3.2:**

630 ~~Maintain, and improve where appropriate,~~ Maintain, and improve where appropriate,
631 ~~Create or adjust~~ zoning regulations that permit to encourage the concentration of
632 general commercial general commercial mixed uses and parking and parking in and
633 around the established general business established general business area located
634 along Biscayne Boulevard between 94st 87th Street and 93rd Street.

635 **Policy 3.3:**

636 ~~Maintain, and improve where appropriate, zoning regulations which permit general~~
637 ~~commercial uses or a planned development type mix of commercial and a variety of~~
638 ~~residential uses west of the Biscayne Boulevard/105th Street intersection. Maintain,~~
639 ~~and improve where appropriate, zoning regulations that permit multifamily~~
640 ~~residential uses which are compatible with the surrounding single family-residential~~
641 ~~uses west of the Biscayne Boulevard/105th Street intersection.~~

642 **Policy 3.4**

643 ~~Maintain and improve, where appropriate, zoning regulations that permit residential~~
644 ~~or institutional uses that are compatible with the surrounding residential uses for the~~
645 ~~area within the boundaries of NW 115th Street to the north, NW 6th Avenue to the~~
646 ~~west, NW 113th Street and NW 112th Terrace to the south, and NW 2nd Avenue to~~
647 ~~the east.~~

648 ~~The Special Multi-Use Redevelopment Area designation is an overlay to the Future~~
649 ~~Land Use Map that is applied to areas of the Village that are at risk to become~~
650 ~~blighted and where mixed use development may be appropriate.~~

651 ~~• The Village shall identify blighted areas and areas that are at risk to become~~
652 ~~blighted and shall designate these areas as Special Multi-Use~~
653 ~~Redevelopment Area.~~

654 ~~• New development within the NE 2nd Avenue overlay area shall be consistent~~
655 ~~with the guidelines of the Future Land Use Element and the Future Land Use~~
656 ~~Map and consistent with the zoning districts appropriate to these~~
657 ~~designations:~~

658 ~~1. Development or the use of land, within the Special Multi-Use~~
659 ~~Redevelopment Area, that is not specifically permitted within the~~
660 ~~existing Future Land Use Map or zoning map designation will not be~~
661 ~~permitted absent appropriate amendment of said maps.~~

662 ~~2. The Village may bring the zoning map into conformity with the Future~~
663 ~~Land Use Map as appropriate and necessary after adoption of this~~
664 ~~comprehensive plan.~~

665 ~~3. Development sites shall be accessible to and/or provide essential~~
666 ~~public services at levels of service adopted within the~~
667 ~~Comprehensive Plan.~~

668 ~~4. Commercial land use designations and accompanying proposals~~
669 ~~shall consider compatibility between commercial and surrounding~~
670 ~~land uses, including, but not limited to, traffic circulation, pedestrian~~
671 ~~access, hours of operation, and visual impacts.~~

672 ~~5. Designation of a Special Multi-Use Redevelopment Area shall not be~~
673 ~~utilized as justification for amending the Comprehensive Plan to~~
674 ~~permit uses not compatible with the neighborhoods surrounding the~~
675 ~~Special Multi-Use Redevelopment Area.~~

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Policy 3.5:

- The Village ~~shall~~ supports innovative, sustainable and resilient planned development ~~and mixed land use development techniques~~ in order to ~~promote development that is~~ achieve consistency with the goals and objectives of ~~the this~~ Comprehensive pPlan, promote a livable, walkable community with a high quality of life standard, and compatibility with the surrounding neighborhoods:
 1. The Village shall ~~focus~~ support public and private efforts to ~~renew blighted~~ revitalize becoming blighted deteriorating areas and/or prevent areas from becoming blighted deteriorating.
 2. The Village shall maintain and improve where appropriate, zoning regulations for mixed land use patterns that permit and regulate general commercial uses, residential uses, institutional uses, or, a planned development type mix of commercial, institutional and residential uses in ~~Special Multi-Use Redevelopment Areas~~ as designated on the Future Land Use Map to create a healthy mix of land uses in proximity to one another.
 3. The Village shall evaluate all proposed ~~mixed-use~~ development for compatibility with existing and proposed uses ~~within the redevelopment area and with~~ on neighboring properties.
 4. The Village shall implement appropriate land use regulations to achieve compatibility of development.
 5. The Village shall implement appropriate land development zoning regulations ~~that include~~ including, but not limited to requirements for massing, building height, setbacks, natural vegetation and other appropriate buffers that screen residential and other land uses when new or expanded development is proposed and shall implement other measures as necessary to protect the neighboring residential properties.
 6. The Village shall implement zoning regulations that ~~include protection of the surrounding~~ protect residential neighborhoods from ~~the~~ potential noise, light, and visual effects of ~~the mixed-use district new development~~, keeping the ambient noise or night light originating from the mixed-use property to levels at or below the background levels at the boundaries of the surrounding residential properties.
 7. ~~The Village will consider the effect of building height within the development area on neighboring properties when considering proposed development.~~
 7. ~~8.~~ The Village will work with the private sector to ~~improve~~ expand the housing mix ~~within the special mixed-use area~~ including the provision of ~~mixed-use~~ neighborhoods and accommodation for affordable, workforce, and age-friendly housing.

719 **Policy 3.65:**

720 Promote well designed neighborhoods with walkable concepts and a variety of uses.

721 **Policy 3.6:**

722 ~~Maintain, and improve where appropriate, zoning regulations which permit a~~
723 ~~planned development type mix of a variety of residential, office, commercial and/or~~
724 ~~institutional types and compatible uses for large tracts of land.~~

725 **Policy 3.7:**

726 Maintain, and improve where appropriate, zoning regulations ~~which~~ that require
727 landscape treatments to improve the appearance of at grade parking areas.

728 **Policy 3.8:**

729 Maintain, and improve where appropriate, zoning regulations that require the quality
730 of streetscapes in the business areas.

731 **Objective 4: Elimination or reduction of uses which are inconsistent with**
732 **community character.**

733 In general, encourage the elimination or reduction of uses which are inconsistent with
734 the community's character and future land uses.

735 Monitoring and Evaluation:

736 **Policy 4.1:**

737 Inconsistent uses as referred to in Objective 4 above are hereby defined as any
738 uses which are located on a site where they would not be permitted by this
739 comprehensive plan.

740 **Policy 4.2:**

741 The Village shall maintain and improve land development regulations that protect
742 the rights of property owners to continue non-conforming uses and structures, but
743 which, at a minimum, provide for the termination of such rights upon the
744 abandonment of a non-conforming use or structure for a period of time defined in
745 the Zoning Code. Land development regulations which require the elimination of
746 non-conforming uses and structures after a period of amortization, other than off-
747 premise signs protected by Section 70.20, Florida Statutes. shall be consistent with
748 this policy and this comprehensive plan in general.

749 **Objective 5: Ensure protection of natural resources.**

750 In general, the Village shall ensure protection of natural resources. In particular,
751 ensure that stormwater systems which discharge into surface water bodies do not
752 further degrade the ambient water quality. ~~This will be accomplished by: 1) upgrading~~
753 ~~the drainage system if necessary so that storm water outfalls into Biscayne Bay (and~~
754 ~~adjacent canals) fully meet National Pollution Discharge Elimination System (NPDES)~~
755 ~~standards (as may be applicable now or as may be applicable in the future under~~
756 ~~relevant inter-local agreements between the Village and Miami Dade County, or~~

757 otherwise pursuant to NPDES rules); and/or 2) upgrading the drainage system to the
758 extent financially feasible to meet the standards of Chapter 17-25, FAC and of Chapter
759 17-302.500, FAC; and 3) Furthermore, the Village shall maintain or and upgrading
760 on-site drainage standards to ensure that private properties retain at least the first one
761 inch of storm-water on site and permit no more runoff after development than before
762 development, if no other mitigation measures or improvements are added.

763 Monitoring and Evaluation: The Village shall continue the on-going monitoring of the
764 drainage systems and coordinate upgrades, as necessary, with appropriate entities.
765 ~~Progress towards meeting this objective shall also be measured by the implementation~~
766 ~~of the following policies:~~

767 **Policy 5.1:**

768 The Village shall ~~implement any~~ upgrade its drainage system so that storm-water
769 outfalls into Biscayne Bay (and adjacent canals) fully meet National Pollution
770 Discharge Elimination System (NPDES) standards program which that may now or
771 may be in the future be applicable to the Village under relevant inter-local
772 agreements with Miami-Dade County based on NPDES rules or otherwise, to the
773 extent financially feasible, meet the standards of Sections 62-302.500 and 62-
774 600.520, FAC.

775 **Policy 5.2:**

776 Following completion of any improvements pursuant to Policy 5.1 above, the Village
777 shall monitor ~~the Village'~~ its stormwater drainage system to determine what
778 additional actions may be necessary to improve the storm drainage system.

779 **Policy 5.3:**

780 The Village shall maintain and enforce storm-water management standards which
781 require that future development provide for on-site storm-water retention of at least
782 to the standards cited in Objective 5 the first one inch (1") of stormwater on site and
783 permit no more runoff after development than before development of a site.

784 **Policy 5.4:**

785 The Village shall prohibit the deposit of solid waste or industrial waste including
786 spent oils, gasoline by-products or greases accumulated at garages, filling stations
787 and similar establishments that create a health or environmental hazard upon any
788 vacant, occupied or unoccupied premises, parkway or park, and in any canal or
789 waterway within the Village.

790 **Policy 5.5:**

791 The Village shall monitor Bayfront properties to ensure that there is no storm-water
792 drainage into Biscayne Bay.

793 **Policy 5.6:**

794 The Village shall not establish new point source discharge of Sstorm-water into
795 coastal waters, except in pursuit of a comprehensive upgrading of the Sstorm-water

796 system which has or will have the effect of substantially improving surface water
797 quality in accordance with the standards set forth in ~~Objective 5 above~~.

798 **Policy 5.7:**

799 New development shall comply with the sanitary sewer requirements contained
800 within the Infrastructure Element, Objective 3.

801 **Policy 5.8:**

802 The Village shall utilize drought tolerant and native to South Florida plant materials
803 to the extent feasible on the natural area portions of the Miami Shores Country Club
804 and Golf Course and water-efficient landscaping in all Village parks and public
805 spaces.

806 **Policy 5.9:**

807 The Village shall ~~maintain desirable support and incentivize~~ development ~~code~~
808 ~~provisions~~ designed to help ensure protection for the limited natural vegetative
809 communities which may be found in the Village.

810 **Policy 5.10:**

811 The Village shall ~~implement regulations facilitate calculations~~ through the Zoning
812 Code, that facilitate implement and track the management and storage of surface
813 water on residential and non-residential areas.

814

815 **Objective 6: Protection of historic resources.**

816 In general, ensure the protection of historic resources. In particular, conserve local
817 structures and sites which are of historic significance.

818 Monitoring and Evaluation: The Village shall periodically inventory the loss of historic
819 resources. ~~In furtherance of this objective, the Village shall monitor the following~~
820 ~~policies:~~

821 **Policy 6.1:**

822 The Village's Historic Preservation ~~Review~~ Board shall continue to review all
823 building or demolition permit applications for those properties designated "historic
824 landmarks".

825 **Policy 6.32:**

826 The Planning, Zoning and Resiliency Director shall ~~perform historic preservation~~
827 ~~monitoring activities~~ monitor development activities that could impact the
828 preservation of local historic resources, referring all demolition and rehabilitation
829 applications pertaining to Landmark properties to the Historic Preservation ~~Review~~
830 Board to avoid, if possible, loss of any historic resources.

831 **Policy 6.3:**

832 Historic resources shall continue to be protected through designation by the Village
833 County or the State.

834 **Policy 6.4:**

835 Adaptive reuse of historic structures shall be given priority over activities that would
836 harm or destroy the historic value of such resources in conformance with the Zoning
837 Code and the policies of this Comprehensive Plan.
838

839 **Objective 7: Coordination of population with hurricane evacuation plans.**

840 Coordinate population densities with the applicable local or regional coastal evacuation
841 plan and coordinate future land uses by encouraging the elimination or reduction of
842 land uses which are inconsistent with applicable interagency hazard mitigation report
843 recommendations.

844 Monitoring and Evaluation: ~~The Village shall coordinate with the South Florida~~
845 ~~Regional Planning Council to utilize the regional hurricane evacuation model. The~~
846 ~~Village shall also coordinate plans with Miami-Dade County and adjacent~~
847 ~~municipalities as needed. This objective shall also be measured by implementation of~~
848 ~~its supporting policies. This objective shall be measured by implementation of its~~
849 ~~supporting policies.~~

850 **Policy 7.1:**

851 The Village shall coordinate with the South Florida Regional Planning Council to
852 utilize the regional hurricane evacuation model. The Village shall also coordinate
853 local evacuation plans with Miami-Dade County and adjacent municipalities as
854 needed.

855 **Policy 7.2:**

856 The Village Manager or designee shall annually assess the Village's existing and
857 permitted population densities to determine if changes are significant enough to
858 transmit such data to the Miami-Dade Office of Emergency Management to assist
859 in their hurricane evacuation planning.

860 **Policy 7.23:**

861 The Village shall regulate all future development within its jurisdiction in accordance
862 with ~~the a~~ Future Land Use Map which is consistent with the ~~Interagency Hazard~~
863 ~~Mitigation Team Report, FEMA 955-DR-FL, August 1992 Florida Enhanced State~~
864 ~~Hazard Mitigation Plan 2018 or subsequent approved updates thereof.~~ The Village,
865 and shall periodically review and revise the Future Land Use Map in light of future
866 consistent with interagency hazard mitigation reports in order FLUM to reduce or
867 eliminate uses which are inconsistent therewith.

868 **Policy 7.4:**

869 Enhance the efforts of the Miami-Dade Office of Emergency Management by
870 providing it with relevant information.

871 **Objective 8: Discourage the proliferation of urban sprawl.**

872 Discourage the proliferation of urban sprawl.

873 Monitoring and Evaluation: ~~Achievement of this objective shall be quantified by the~~
874 ~~implementation of its policy:~~

875 **Policy 8.1:**

876 ~~Policy 1.1 is incorporated as Policy 8.1 by reference. Policy 1.1 incorporates the~~
877 ~~Future Land Use Map and defines the regulatory significance of its land use~~
878 ~~categories. It is a legislative determination of the Village that dDevelopment~~
879 ~~according to the Future Land Use Map will shall be used to discourage urban sprawl~~
880 ~~by continuing to provide and enhance residential and employment opportunities in~~
881 ~~the Village, which is inside the Miami-Dade County Urban Infill Boundary.~~

882 **Objective 9: Drainage and sewer system land needs.**

883 Ensure the availability of suitable land for drainage and sanitary sewer system facilities
884 needed to support planned infrastructure improvements.

885 Monitoring and Evaluation: ~~The Village shall continue its ongoing program to identify~~
886 ~~locations for drainage and sewer facilities. This objective shall be quantified by the~~
887 ~~implementation of its policies:~~

888 **Policy 9.1:**

889 The Village shall not vacate any road rights-of-ways without either a) determining
890 that the vacated right-of-way is not necessary to accommodate future storm and/or
891 sanitary sewer facilities; or b) reserving appropriate utility easements.

892 **Policy 9.2:**

893 The Village shall continue its ongoing ~~efforts program~~ to assist Miami-Dade County
894 in identifying and making available land appropriate for sewer and drainage facilities.

895 **Policy 9.3:**

896 The Village shall continue to coordinate with Miami-Dade County to connect
897 remaining areas of the Village to central sanitary sewer.

898 **Policy 9.4:**

899 The Village shall assist and support Miami-Dade County in planning for and
900 pursuing all available federal, state and private funding sources necessary to
901 implement the policies of this Comprehensive Plan, including, as appropriate, the
902 preparation of studies and master plans.

903 **Objective 10: Innovative development ~~regulations~~ regulations.**

904 ~~Encourage the use of innovative land development regulations which may include~~
905 ~~provisions for planned unit developments~~ regulations which may include provisions for
906 development patterns, including but not limited to planned unit, age-friendly, energy
907 efficient developments and other ~~other~~ mixed-use development techniques, while
908 promoting the use of sustainable and resilient construction practices.

909 ~~Monitoring and Evaluation: The Village shall evaluate the development environment~~
910 ~~and Land Development Regulations, and adopt Land Development Regulations that~~
911 ~~include effective policies and innovative strategies. This objective shall also be~~
912 ~~measured by implementation of its supporting policy.~~

913 **Policy 10.1:**

914 ~~The Village shall periodically review and consider the recent published literature on~~
915 ~~“innovative” and best new practices for land development zoning regulations in~~
916 ~~relation to its own land development regulations and the local and regional~~
917 ~~development environment, and determine if there are “innovative” techniques~~
918 ~~including planned unit developments and other mixed use development techniques~~
919 ~~which, if any, may be suited to the Village and may offer reasonable promise for~~
920 ~~accomplishing substantive (rather than process) goals and objectives of the Village.~~

921 **Policy 10.2:**

922 ~~Create~~ The Village shall continue to promote ~~adopt and implement~~ an age-friendly
923 ~~community initiative. An age-friendly initiative would plan for~~ will allow the Village to
924 ~~become a community for where people of all ages, where older adults in Miami-Dade~~
925 ~~can stay~~ are able to live active and healthy lives for as long as possible with dignity
926 ~~and enjoyment by creating and adopting long-term policies which affect, through~~
927 ~~age-supportive community health and development patterns, building design,~~
928 ~~accessibility to services, and opportunities to stay engaged and to contribute.~~

929 **Policy 10.3:**

930 ~~The Village shall allow and encourage innovative land use development patterns,~~
931 ~~including mixed uses at appropriate locations designated in the FLUM, through the~~
932 ~~provision of bonus density and/or floor area in specific future land use categories,~~
933 ~~as well as other regulatory incentives to be determined in the Zoning Code, and~~
934 ~~which may help the Village achieve substantive goals and objectives of the Village.~~

935 **Policy 10.34:**

936 The Village shall encourage development measures that include climate adaptation
937 and mitigation designs through the Zoning Code.

938 **Policy 10.4:**

939 The Village shall encourage attractive parking design and efficient use of parking.
940 For the commercial areas ~~Main Street~~, complete a comprehensive parking study
941 and, if appropriate, revise parking standards in the Zoning Code, including
942 consideration of maximum on-site parking requirements, shared and on-street

943 parking incentives and approvals, fee-in-lieu of construction options, parking lot
944 design and connectivity, neighborhood compatibility and new technologies to reduce
945 stormwater and other environmental impacts.
946

947 **Objective 11: Criteria for school siting and collocation of schools, libraries, parks**
948 **and community centers.**

949 The Village shall allow for public and private schools to be located on sites designated
950 “Government and Institutionals” and “Community Residential Mixed Use
951 Residential/Institutional Neighborhood” on the Future Land Use Map. In addition, the
952 Village shall encourage the collocation of schools, libraries, parks and community
953 centers.

954 Monitoring and Evaluation:

955 **Policy 11.1:**

956 Proposed schools sites shall be consistent with the Village Comprehensive Plan
957 Future Land Use Map, shall be compatible with adjacent land uses, and shall be
958 located away from heavy industry, railroads, and similar land uses to avoid noise,
959 odor, dust, and traffic hazards. Similarly, site planning for schools shall incorporate
960 appropriate landscaping and buffers in order to minimize adverse impacts on
961 adjacent neighborhoods.

962

963 **Objective 12: Future Land Use Map Designations.**

964 In determining the boundaries of any future land use map designation the following
965 rules shall apply:

- 966 A. Boundaries indicated as approximately the centerline of streets, highways, or alleys
967 shall be construed to follow such centerlines;
- 968 B. Boundaries indicated as approximately following platted plot lines shall be
969 construed as following such plot lines;
- 970 C. Whenever any street, alley or other public way is vacated by official action of the
971 ~~v~~Village ~~e~~Council, the future land use designation adjoining each side of such
972 street, alley, or public way shall be automatically extended to the center of such
973 vacation and all area included in the vacation shall then and henceforth be subject
974 to all regulations of the extended designation;
- 975 D. Where the streets or alleys on the ground differ from the streets or alleys as shown
976 on the future land use map, the streets or alleys on the ground shall control;
- 977 E. Boundaries indicated as approximately following Village limits shall be construed
978 as following Village limits;
- 979 F. Boundaries indicated as following railroad lines shall be construed to be midway
980 between the right-of-way lines;
- 981 G. Boundaries indicated as following the centerline of all canals, streams or drainage
982 ways shall be construed to follow such centerline and boundaries indicated as
983 following shore lines shall be construed to follow such shore lines, and in the event

984 of a change in the shore line shall be constructed to move with the actual shore
985 line; and
986 H. Distances not specifically indicated on the future land use map shall be determined
987 by the scale of the map.
988

989 **Objective 13: Flood Risk Reduction.**

990 ~~Miami Shores~~ The Village ~~shall will~~ continue to promote the use of development and
991 redevelopment principles, strategies and engineering solutions contained in the Florida
992 Building Code, The Village shall ensure consistency and coordination with objectives
993 and policies of the Coastal Management Element and with the Land Development
994 Regulations Zoning Code and the Flood Damage Prevention Ordinance in order to:
995 A. reduce the over-all flood risk resulting from or associated with high-tide events,
996 storm surge, flash floods, storm water runoff and the impacts related to sea-level
997 rise.

998 Monitoring and Evaluation:

999 **Policy 13.1:**

1000 The Village ~~will shall~~ comply with the requirements of Sec. 163.3178, FS in pre-
1001 disaster planning and post-disaster redevelopment activities in order to:
1002 A. reduce the flood risk in coastal areas resulting from high tide events, storm
1003 surge, flash floods, storm water runoff, and related impacts of sea level rise;
1004 B. reduce potential damage for properties located in FEMA flood zone
1005 designations;
1006 C. be consistent with the flood resistant construction requirements of the Florida
1007 Building Code and federal flood plain management regulations;
1008 D. if so designated, require construction seaward of the coastal construction line
1009 to be consistent with Chapter 161, F.S.;

1010 E. the Village participates in and supports the National Flood Insurance Program
1011 Rating System to reduce the chance of damage from flooding and to achieve
1012 flood insurance premium discounts for property owners in ~~Miami Shores~~ the
1013 Village, and the Village encourages other municipalities to join for the same
1014 benefits.

1015 **Policy 13.2:**

1016 ~~Require that first floor elevations be constructed at FEMA's required minimum flood~~
1017 ~~elevation at mean low tide to allow maximum protection during flood conditions.~~

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APPENDIX A

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COMPREHENSIVE PLAN MAP SERIES

1025

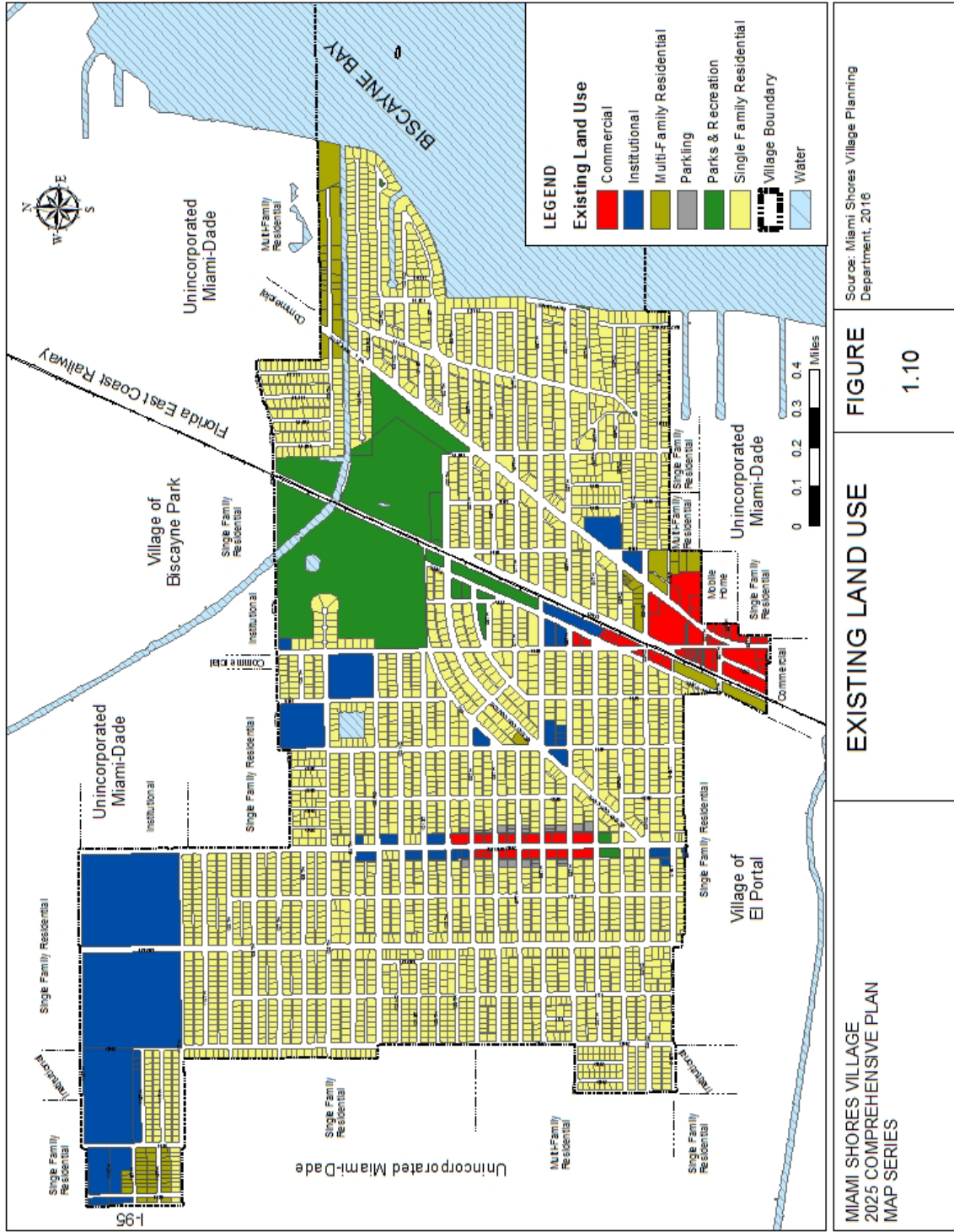
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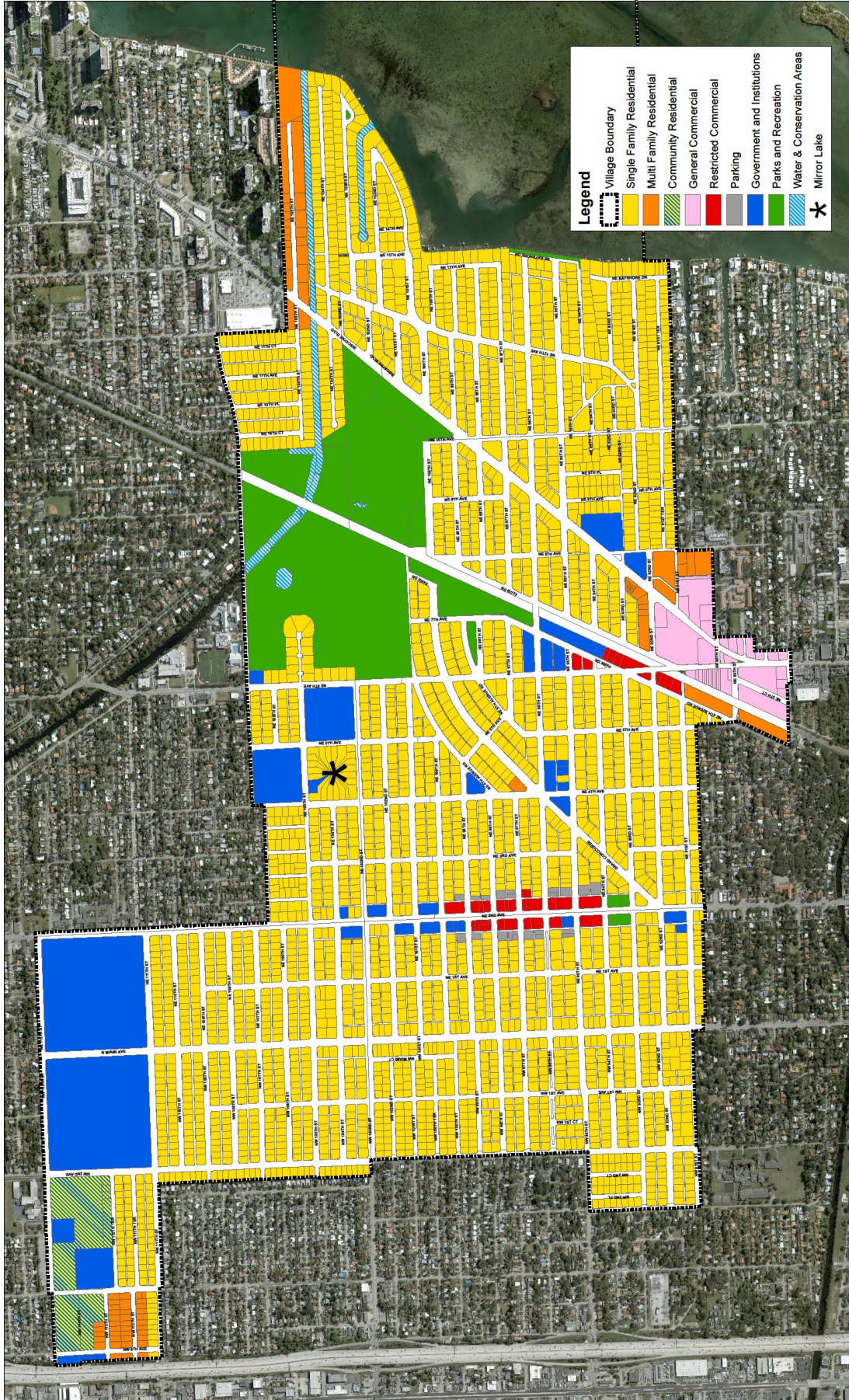


Source: Miami Shores Village Planning Department, 2016

FIGURE
 1.10

EXISTING LAND USE

MIAMI SHORES VILLAGE
 2025 COMPREHENSIVE PLAN
 MAP SERIES



Legend

- Village Boundary
- Single Family Residential
- Multi Family Residential
- Community Residential
- General Commercial
- Restricted Commercial
- Parking
- Government and Institutions
- Parks and Recreation
- Water & Conservation Areas
- Mirror Lake
- *

MIAMI SHORES VILLAGE
COMPREHENSIVE PLAN

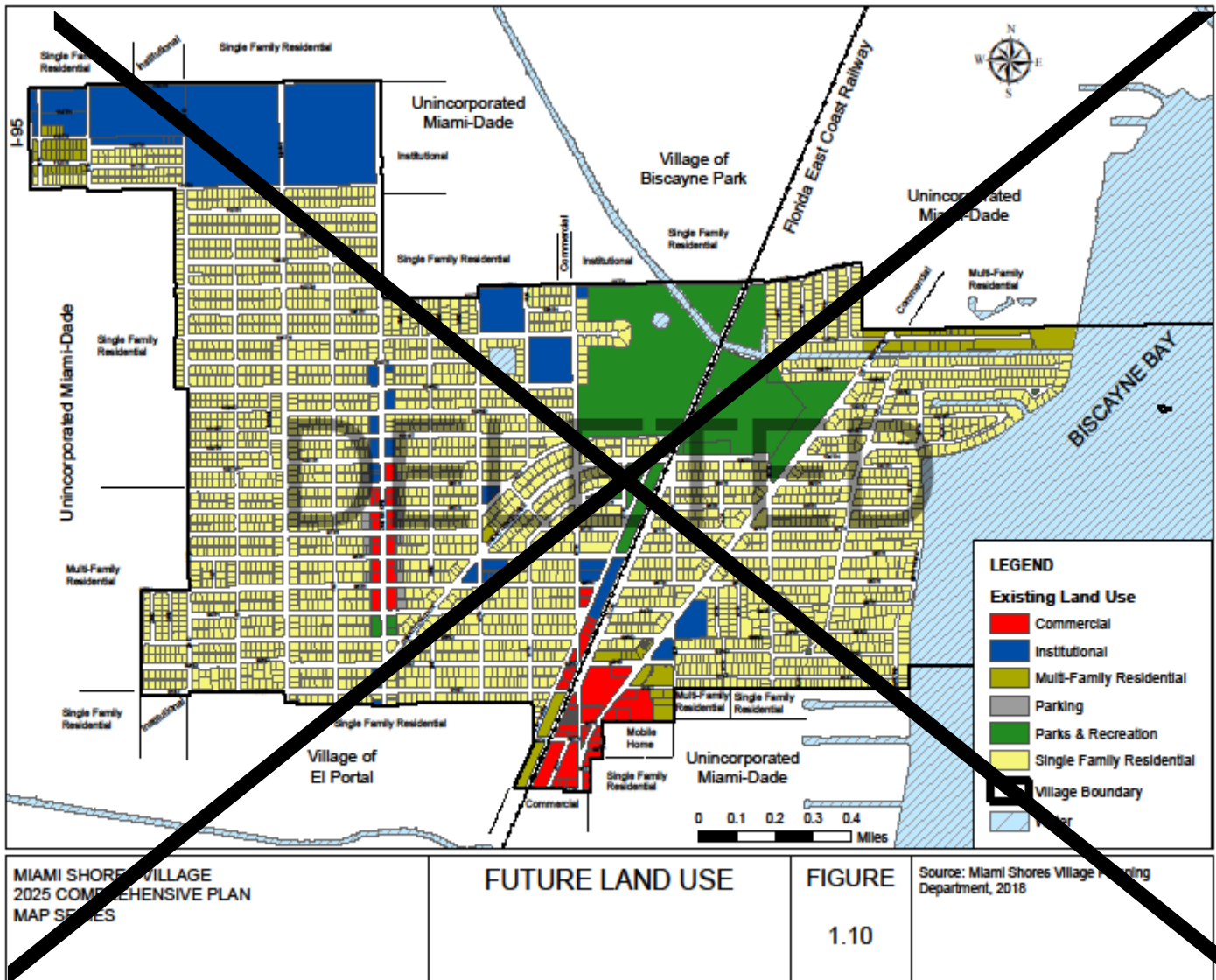
Date: 9/13/2023



1 inch = 500 feet

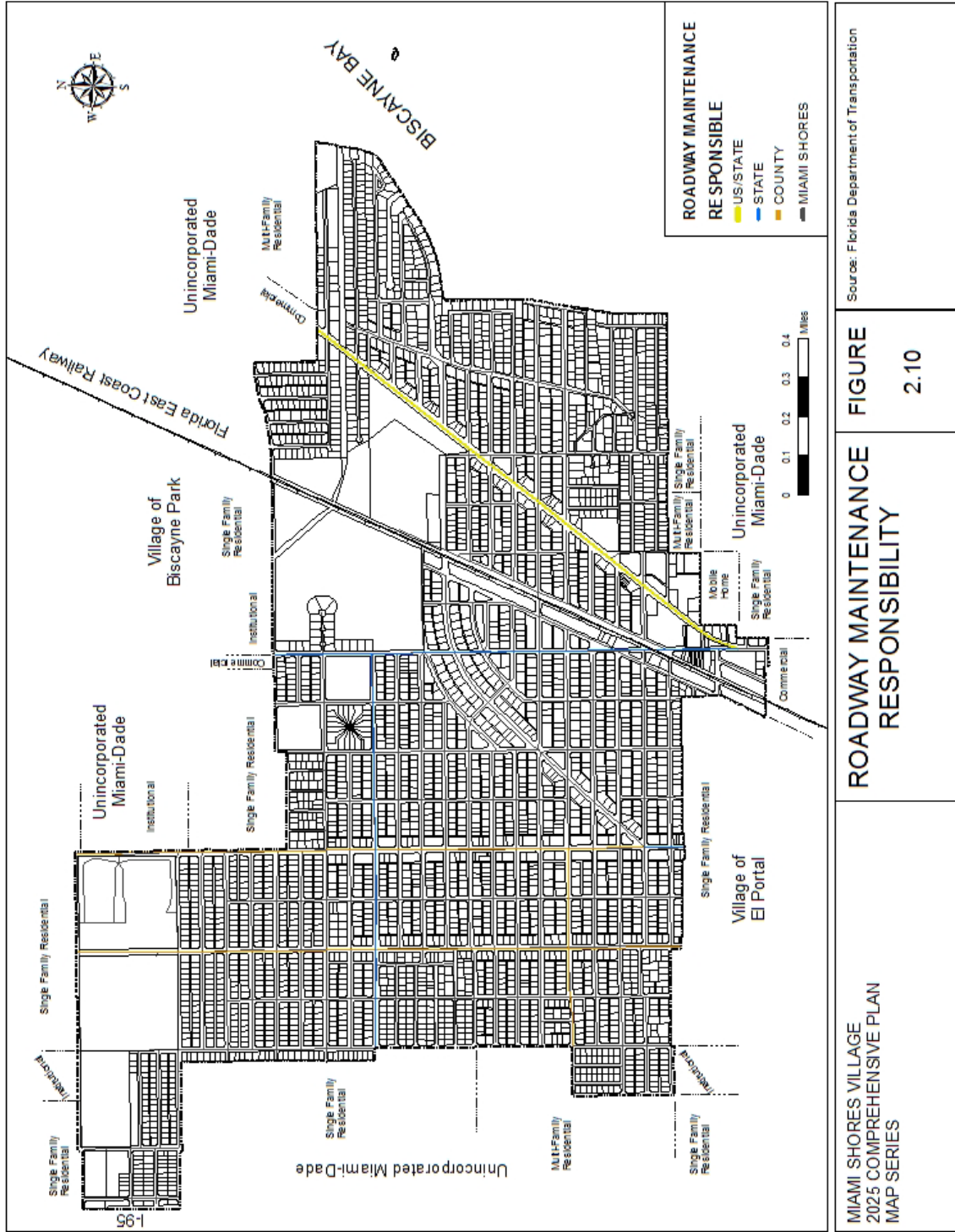
**FUTURE LAND USE MAP 2022 UPDATE:
VILLAGE COUNCIL AMENDMENTS**

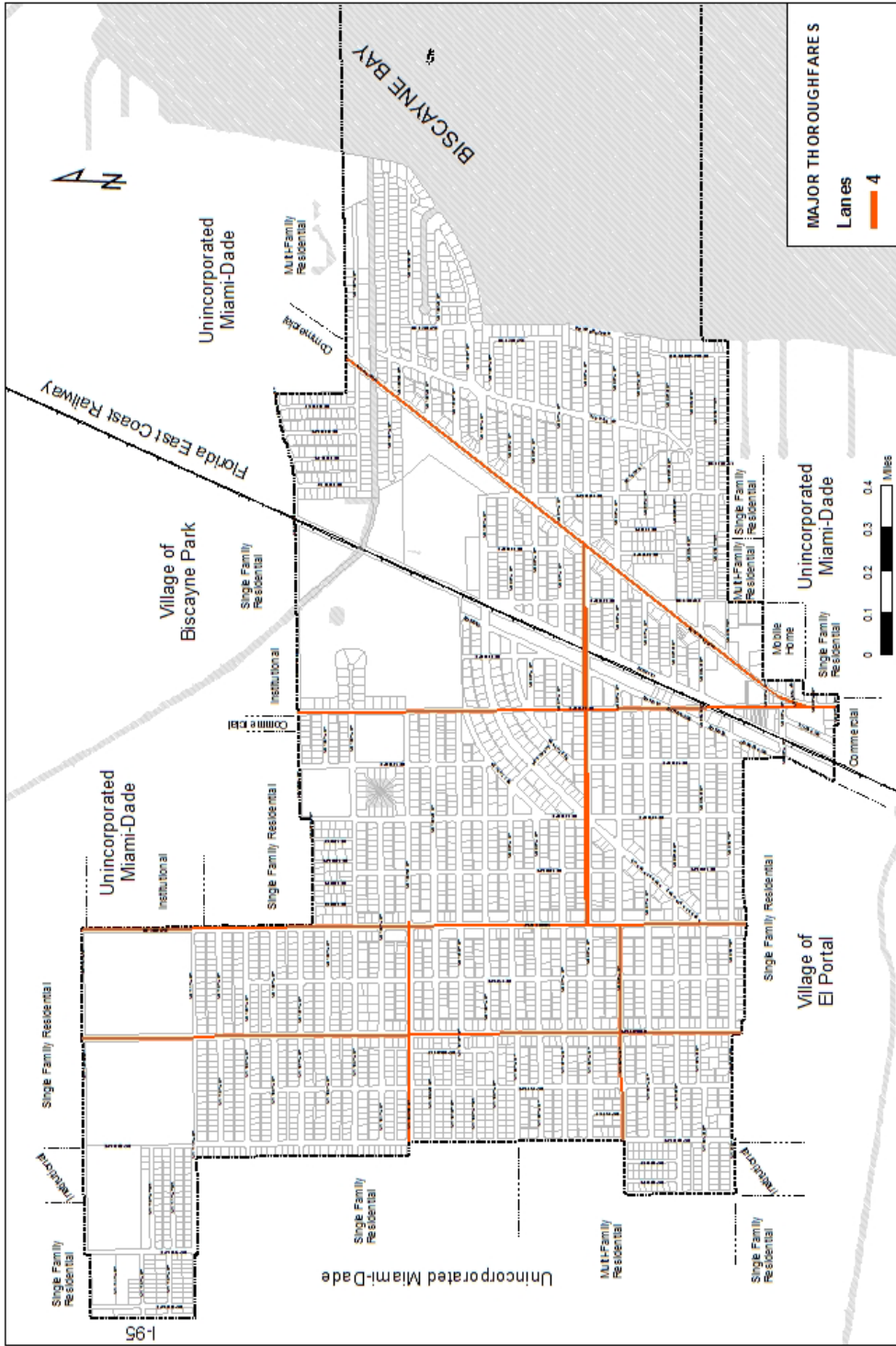




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MIAMI SHORES VILLAGE
2025 COMPREHENSIVE PLAN
MAP SERIES

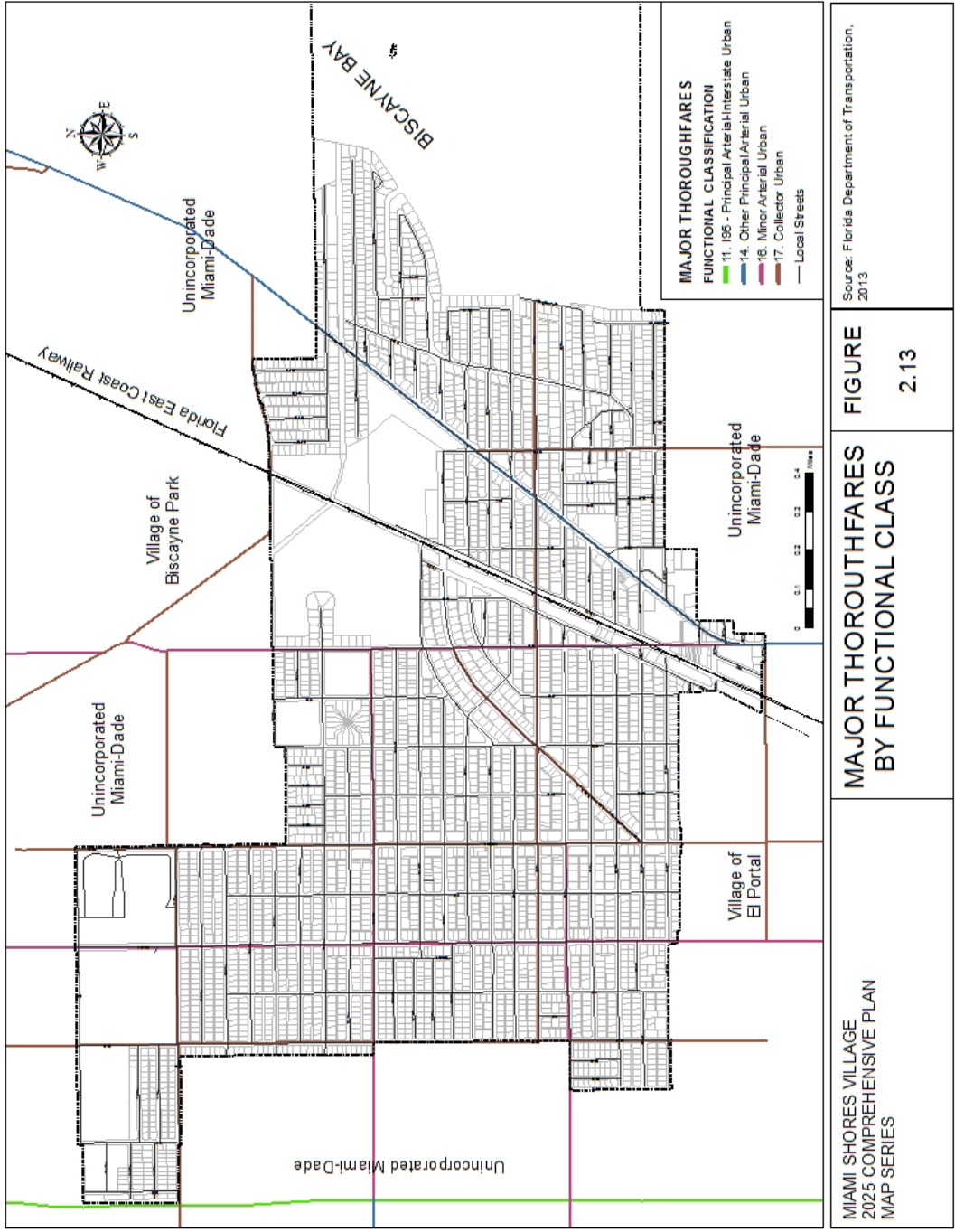
**MAJOR THOROUGHFARES BY
NUMBER OF LANES (2030)**

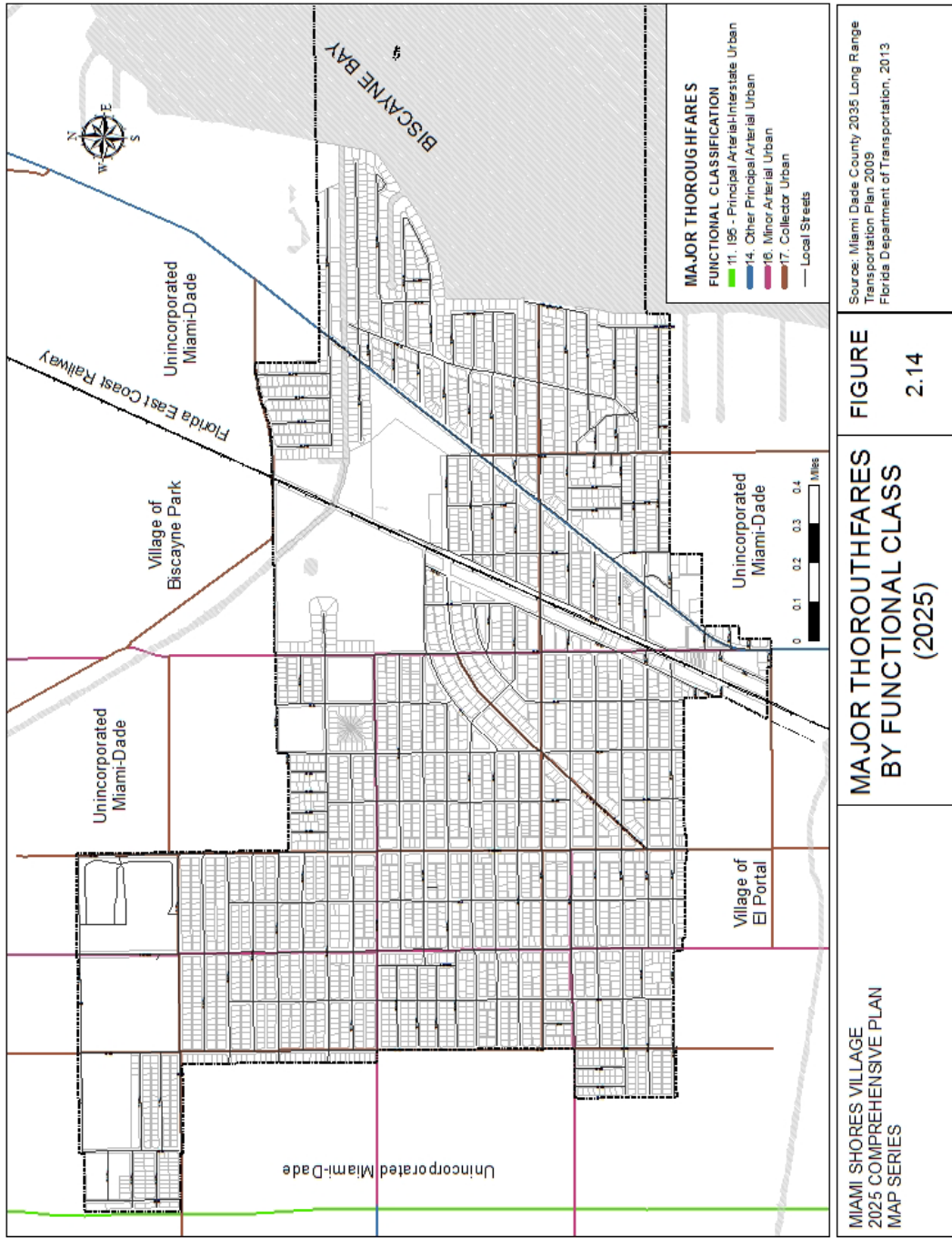
FIGURE 2.12

Source: Miami-Dade Long Range Transportation Plan, 2006
Miami-Dade Comprehensive Development Master Plan, 2013

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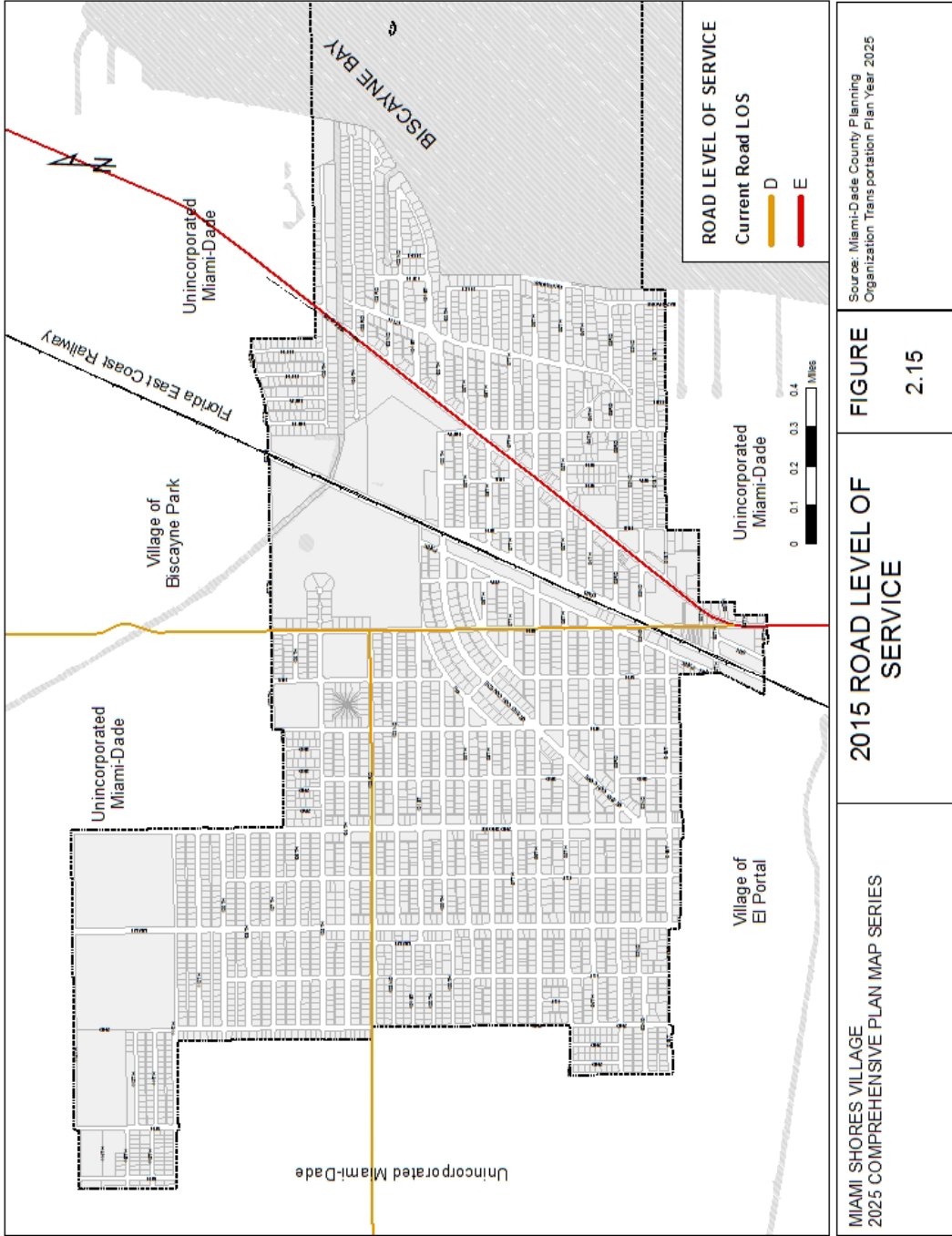
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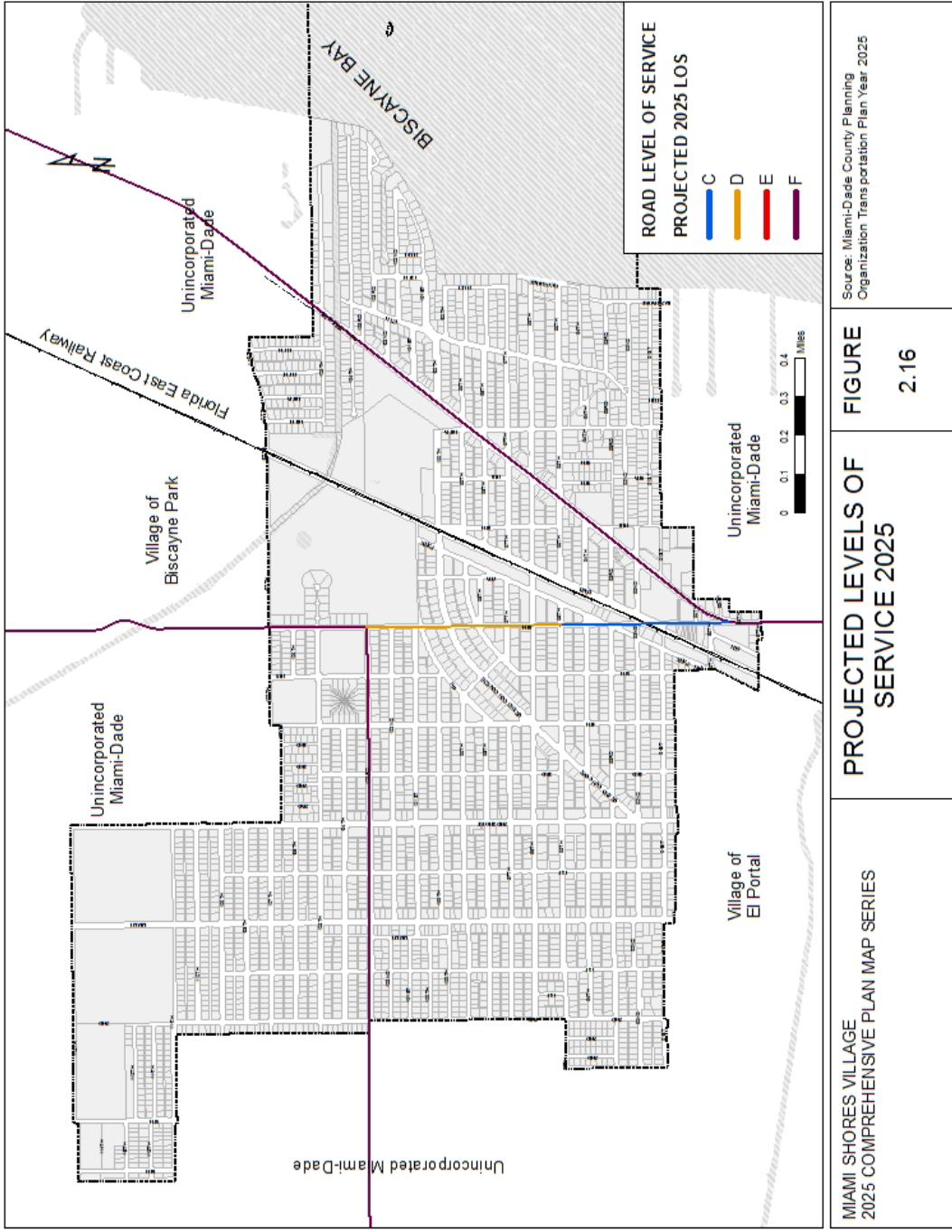




MIAMI SHORES VILLAGE
2025 COMPREHENSIVE PLAN
MAP SERIES

FIGURE
2.14



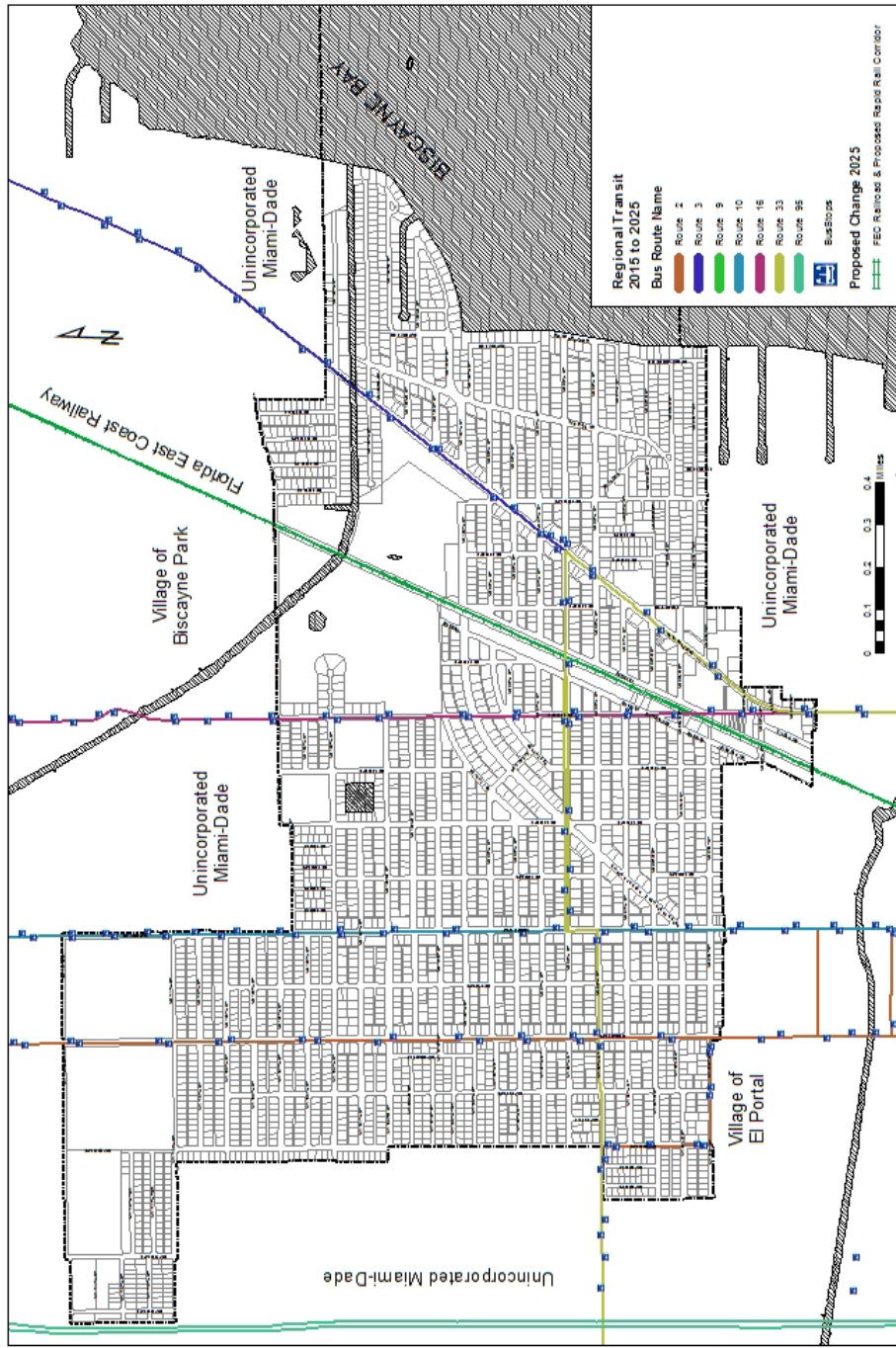


MIAMI SHORES VILLAGE
2025 COMPREHENSIVE PLAN MAP SERIES

PROJECTED LEVELS OF
SERVICE 2025

FIGURE
2.16

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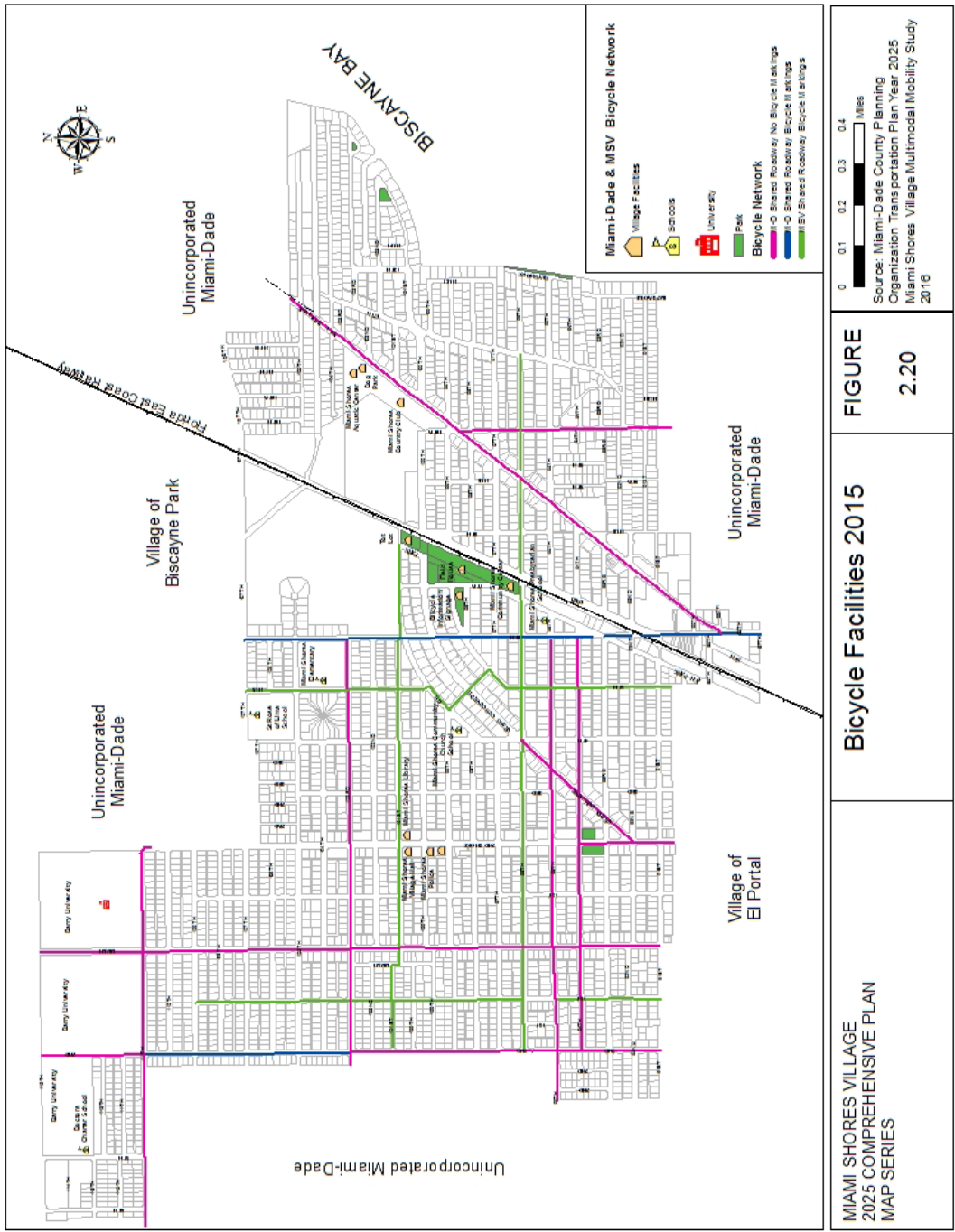


MIAMI SHORES VILLAGE
2025 COMPREHENSIVE PLAN
MAP SERIES

REGIONAL
TRANSIT FACILITIES
2015 - 2025

FIGURE
2.17

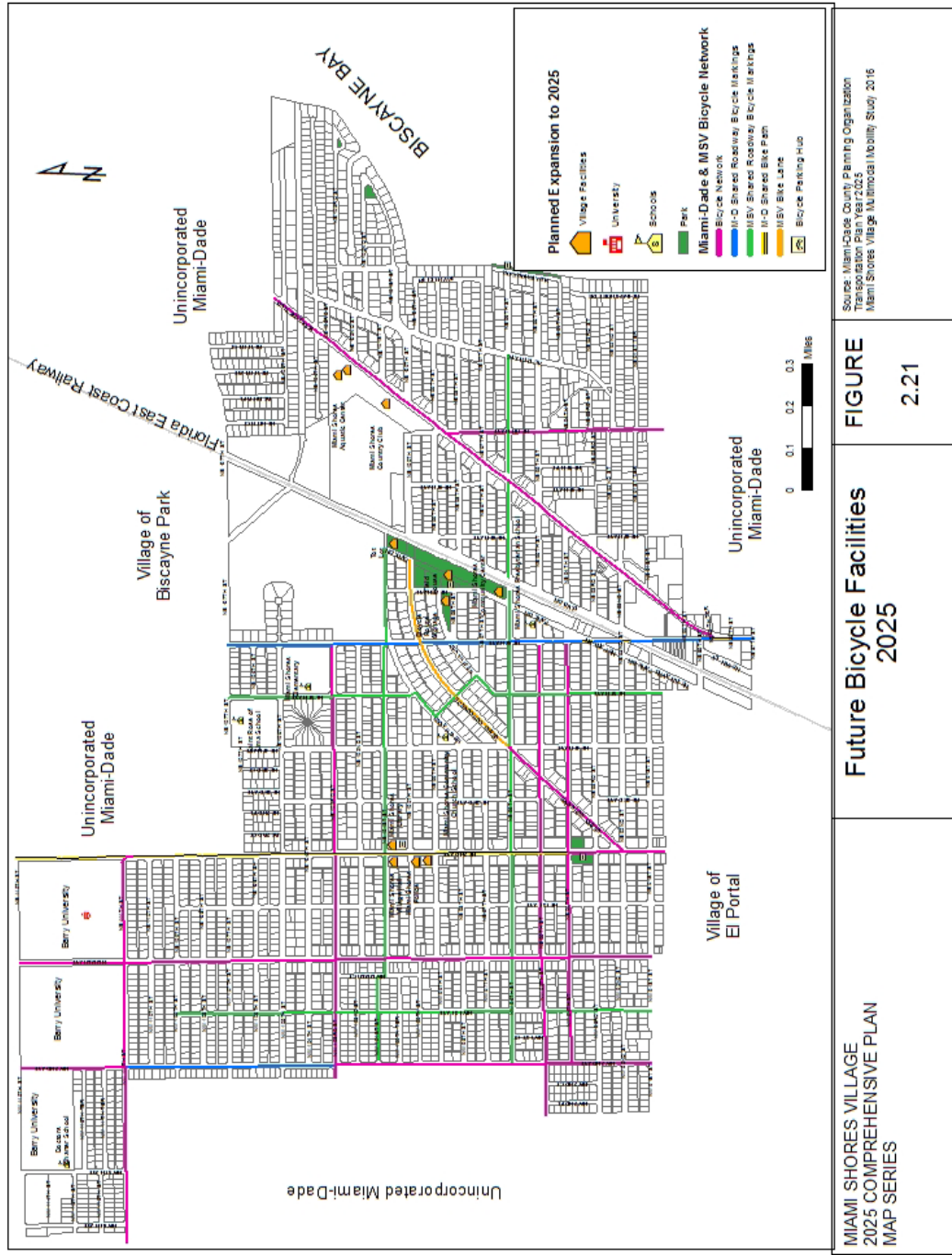
Source: Miami-Dade County Information
Technology 2013
Miami Shores Village Planning Department

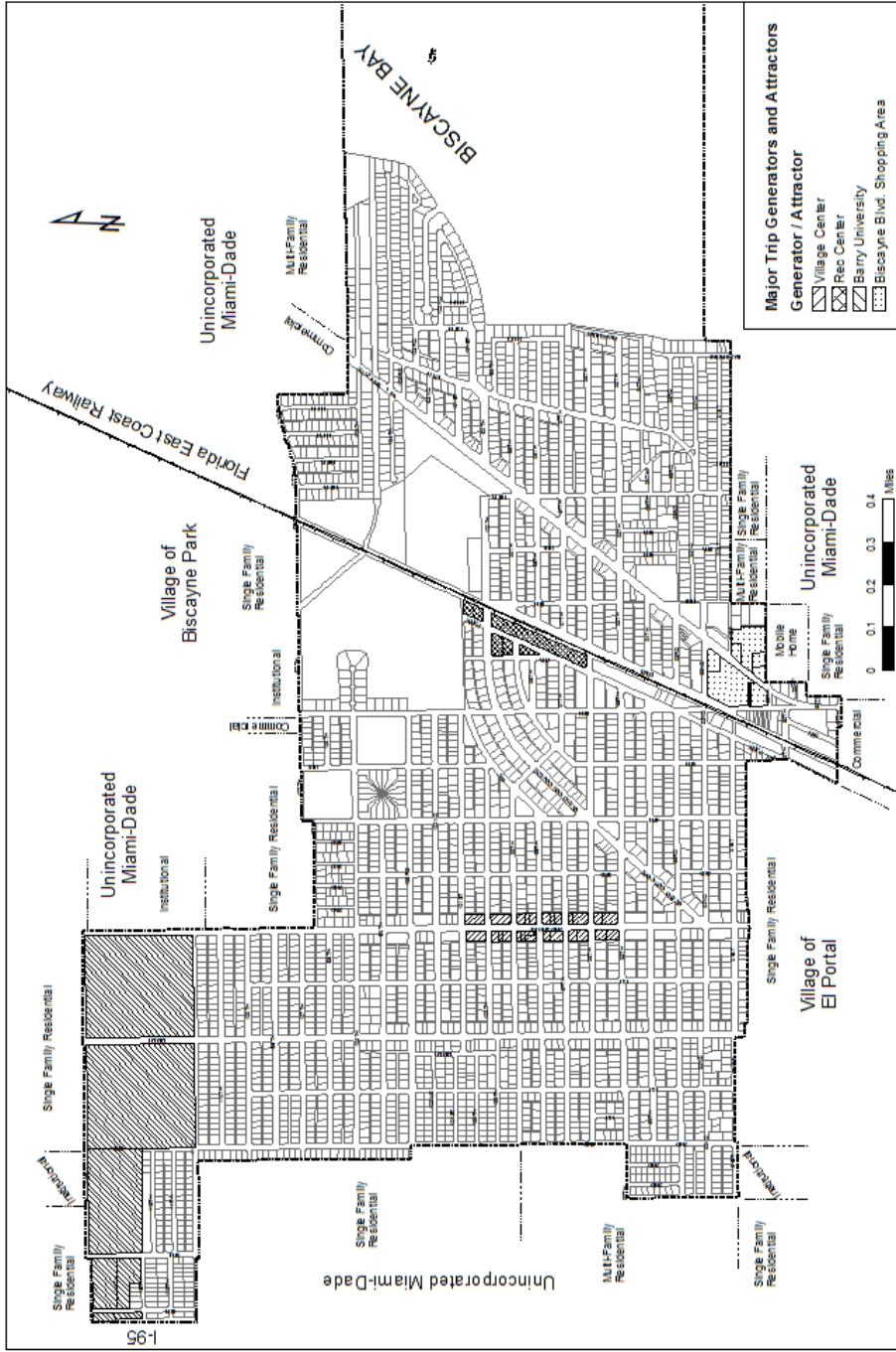


MIAMI SHORES VILLAGE
2025 COMPREHENSIVE PLAN
MAP SERIES

Bicycle Facilities 2015

FIGURE
2.20



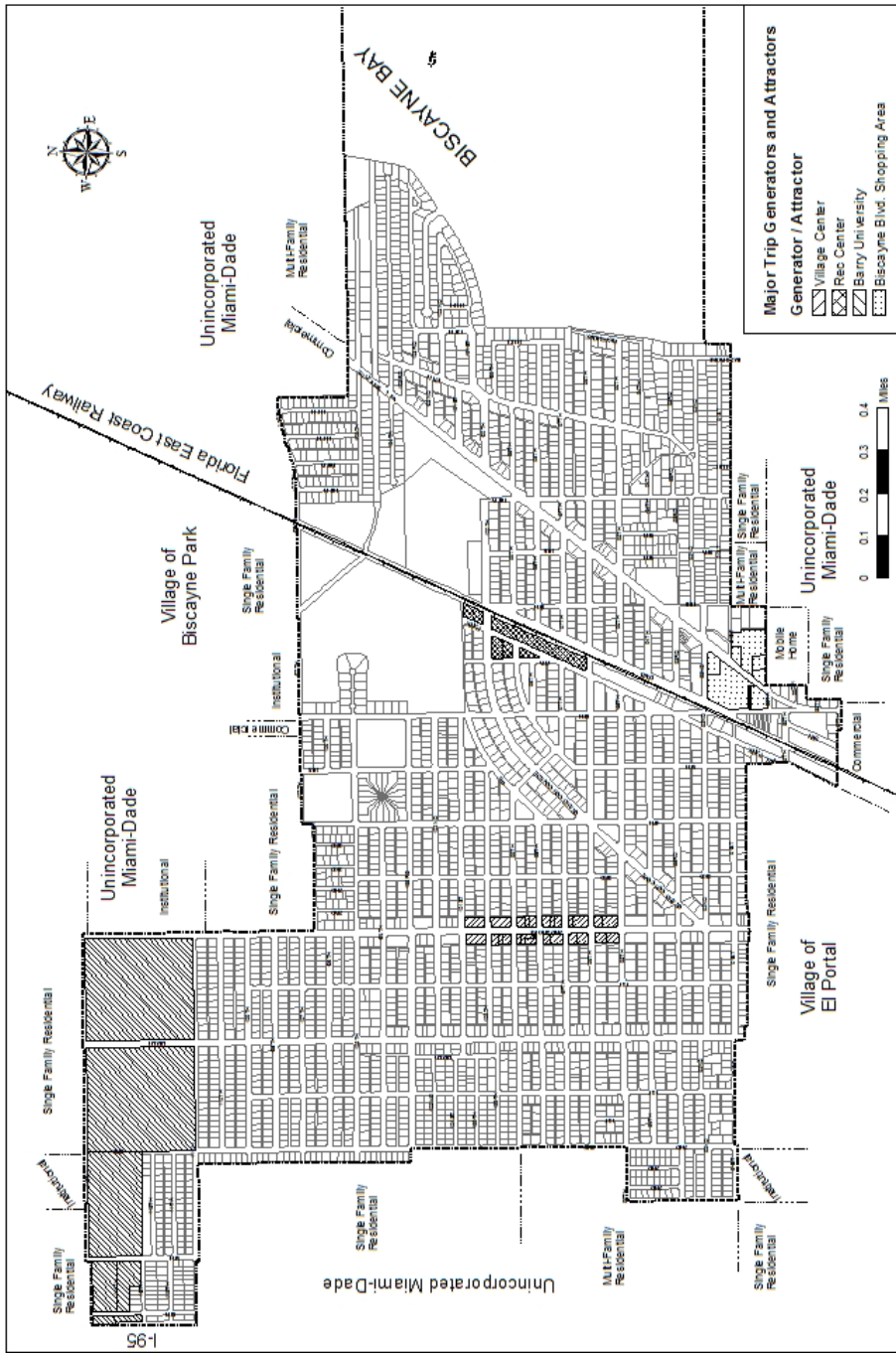


MIAMI SHORES VILLAGE
2025 COMPREHENSIVE PLAN
MAP SERIES

**MAJOR TRIP GENERATORS
AND ATTRACTORS
2015**

**FIGURE
2.30**

Source: Miami Shores Village Planning Department 2016

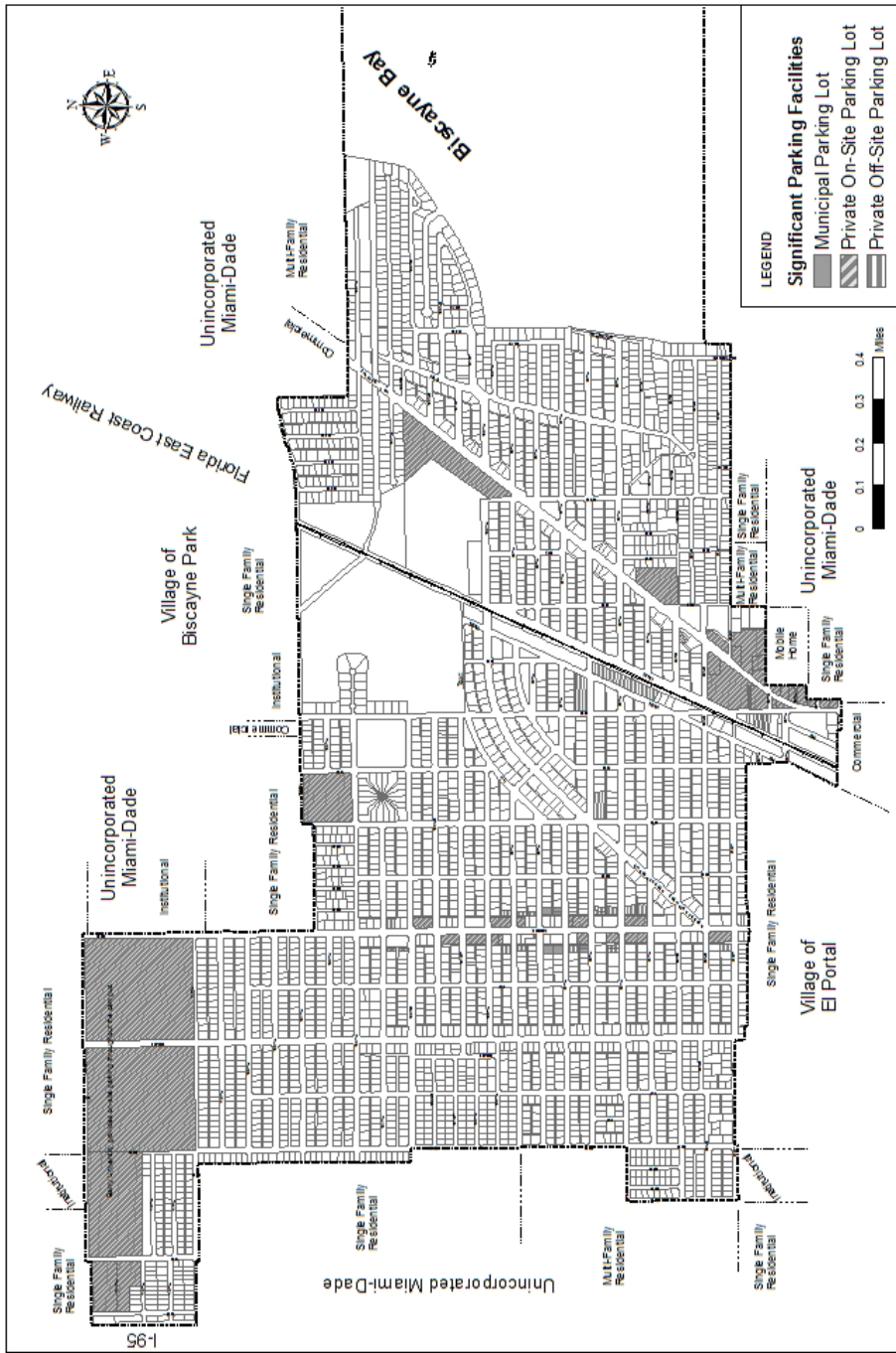


MIAMI SHORES VILLAGE
2025 COMPREHENSIVE PLAN
MAP SERIES

**MAJOR TRIP GENERATORS
AND ATTRACTORS
2025**

**FIGURE
2.31**

Source: Miami Shores Village Planning Department, 2016

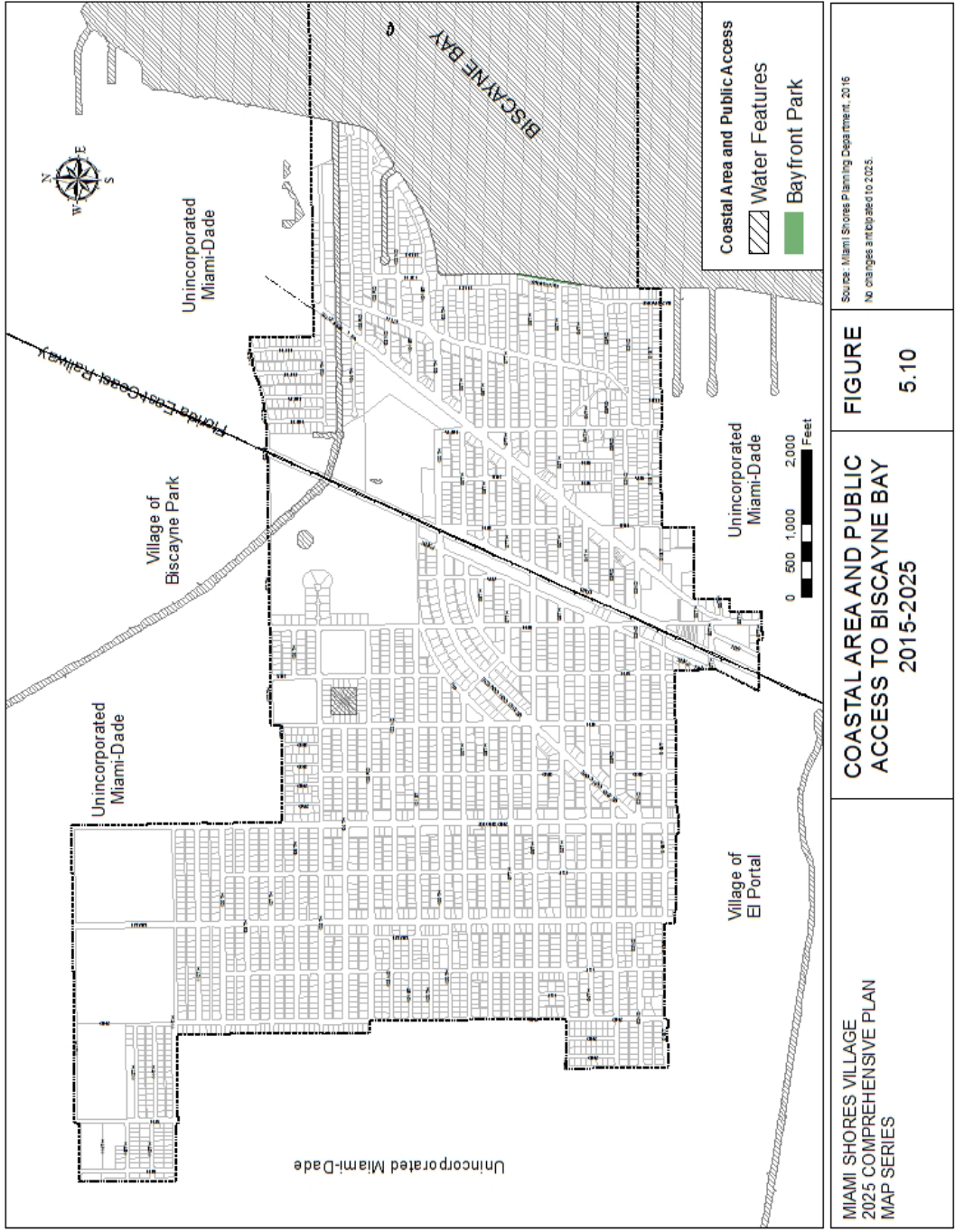


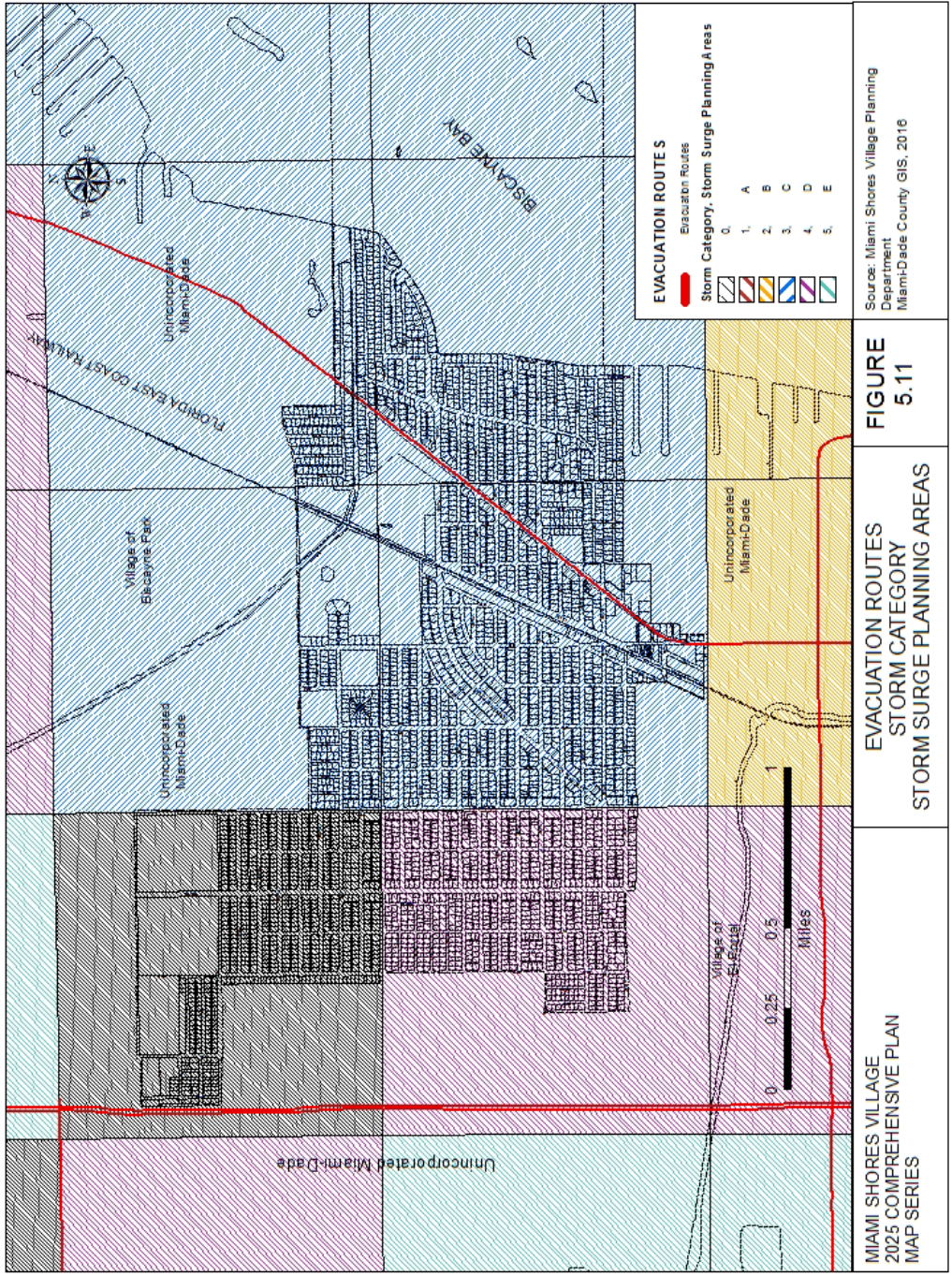
MIAMI SHORES VILLAGE
2025 COMPREHENSIVE PLAN
MAP SERIES

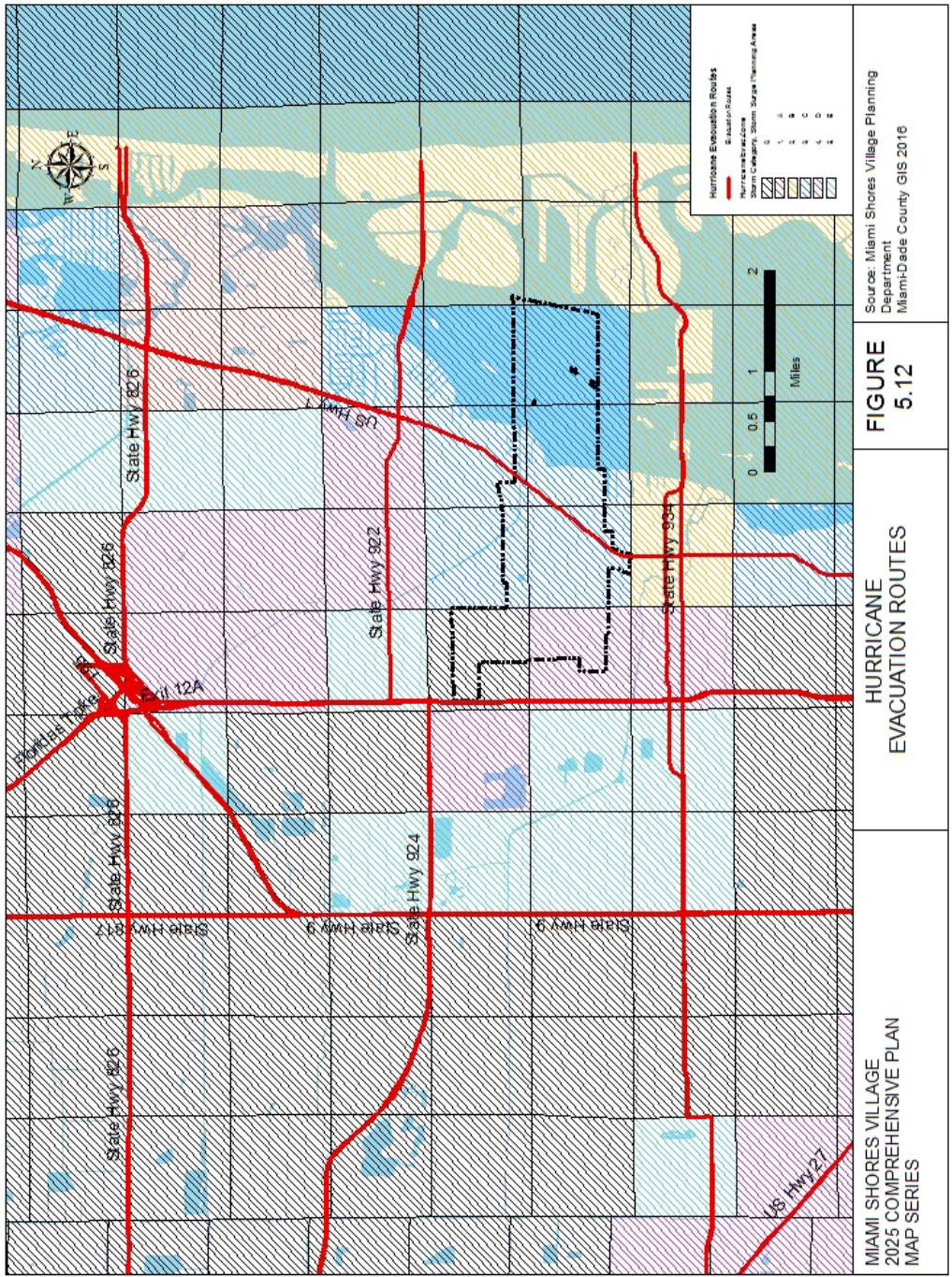
SIGNIFICANT PARKING FACILITIES

FIGURE 2.40

Source: Miami Shores Village Planning Department, 2016







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1065



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19430	454322	MIA Neighbors NE	2023-09-11 Comp Plan Ad	\$460.00	3	9.50 in

Attention: Ms. Ysabely (Billing) Rodriguez

MIAMI SHORES VILLAGE
 10050 NE 2ND AVE
 MIAMI, FL 33138

rodriguezy@msvfl.gov

**PUBLISHED DAILY
 MIAMI-DADE-FLORIDA**

**STATE OF FLORIDA
 COUNTY OF MIAMI-DADE**

Before the undersigned authority personally appeared: Stefani Beard, who on oath says that he/she is CUSTODIAN OF RECORDS of The Miami Herald, a daily newspaper published at Miami in Miami-Dade County, Florida; that the attached copy of the advertisement that was published was published in said newspaper in the issue(s) of:

Publication: Neighbors

1 insertion(s) published on:

08/27/23

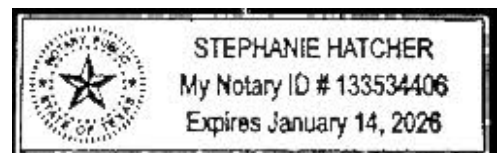
Affiant further says that the said Neighbors is a newspaper published at Miami, in the said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida each day and has been entered a second class mail matter at the post office in Miami, in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s).

Stefani Beard

Sworn to and subscribed before me this 30th day of August in the year of 2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
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NOTICE OF PUBLIC HEARING MIAMI SHORES VILLAGE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Miami Shores Village Council on **Monday, September 11, 2023 at 6:00 p.m.** at 9900 NE 2nd Avenue, Miami Shores, FL 33138. The following item(s) will be considered on second reading:

AN ORDINANCE OF THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP (FLUM) FOR PROPERTIES LOCATED IN MIAMI SHORES VILLAGE; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

EXISTING FLUM



PROPOSED FLUM



THE AGENDA PACKET AND RELATED MATERIALS CONCERNING THE REQUEST IS AVAILABLE FOR REVIEW AND INSPECTION AT THE VILLAGE CLERK'S OFFICE, 10050 NORTHEAST 2ND AVENUE, MIAMI SHORES, FL DURING REGULAR BUSINESS HOURS.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC HEARING(S), THE PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORDS INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS SHOULD CONTACT THE VILLAGE CLERK NO LATER THAN 72 HOURS (3 DAYS) DAYS (OR 5 DAYS IF A SIGN LANGUAGE INTERPRETER IS NEEDED) PRIOR TO THE MEETING AT 305-762-4870 FOR ASSISTANCE.



Miami Shores Village

SPECIAL MEETING MINUTES

JUNE 1, 2023

6:00 PM

9900 BUILDING

1) CALL TO ORDER

Mayor Burch called the meeting to order at 6:03 PM.

2) PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

3) ROLL CALL

Present:

Mayor George Burch
Vice Mayor Jesse Valinsky
Councilmember Jerome Charles
Councilmember Daniel Marinberg

Councilmember Sandra Harris was absent.

Also Present:

Village Manager Esmond Scott
Village Attorney Sarah Johnston
Village Attorney Chanae Wood
Village Clerk Ysabely Rodriguez

4) PUBLIC COMMENTS

Janet Goodman asked the Village Council to consider a multifamily designation for 10500 Biscayne Boulevard Property. Ms. Goodman asked the Village Council to consider reducing the density on said property.

Carol Eannace Respondek echoed Ms. Goodman's comments and asked Council to consider a height restriction that would not be higher than the condominium building across Biscayne and 105th Street. Regarding the downtown district along NE 2nd Ave, Ms. Respondek asked Council to maintain the downtown district the same restricted commercial designation, not mixed-use. Lastly, she asked for the protection of the parking lot designation to ensure residents have a buffer for their houses.

Evan Lee Park expressed interest in learning more about the designation of the Barry University vacant land and further expressed support for maintaining the single-family charm of Miami Shores Village.

Neil Cantor echoed Janet Goodman and Carol Respondek's comments.

Village Clerk Rodriguez read eComments into the record.

5) DISCUSSION & POSSIBLE ACTION

5.A DISCUSSION REGARDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN (SPONSORED BY: MAYOR GEORGE BURCH).

Mayor Burch provided an overview of the working documents.

Councilmember Charles indicated that he asked the Village Clerk to disseminate a working document, which is a base to proceed with discussions, to the Village Council. Councilmember Charles indicated the working document is based on the 2018 adopted version. It takes into consideration resident concerns from previous versions and professional recommendations from staff. Mayor Burch indicated Ms. Sarah McSherry, Village resident, authored the document.

Responding to Councilmember Charles' inquiry, Attorney Johnston clarified because of the regulatory nature of the comprehensive plan amendment process and noticing requirements, official action cannot be taken on this item at such meeting. The draft comprehensive plan would need to come back for a public hearing after it has gone before the local planning agency (LPA) and is duly noticed.

Councilmember Marinberg explained the responsibility of the Planning & Zoning Board, as the local planning agency, is to provide recommendations to the Village Council, not vice versa.

Discussion ensued regarding the possible timeline regarding the comprehensive plan amendments and the EAR process.

Attorney Johnston clarified the Village would still have to comply with statutory requirements affecting the comprehensive plan amendments irrespective of the EAR process. Attorney Johnston indicated there is no way the ordinance may be adopted (LPA public hearing and two Council public hearings, including 60-day DEO review between first and second readings) before July 1, 2023.

Vice Mayor Valinsky explained the purpose of the meeting is to openly discuss the comprehensive plan to understand the various viewpoints without taking official action.

Discussion ensued on whether the intention is to host additional resident workshops and get public input as had been requested by the residents in light of the new document.

Single-family residential:

Attorney Johnston advised against the Village Council reducing existing development rights, as the Village may be subject to a takings challenge.

Claudia Hasbun, Planning and Zoning director, clarified the maximum height for all dwelling units as a single-family home is 30 feet. Ms. Hasbun explained the height is measured from the grade.

Responding to Mayor Burch, Ms. Hasbun clarified she has not received any height variance requests pertaining to single-family homes.

Responding to Councilmember Marinberg's inquiry on non-confirming properties, Ms. Hasbun clarified non-conformities were addressed within a couple of policies that have been included in the working

document. Ms. Hasbun clarified the range suggested by Calvin Giordano & Associates (CGA) was between six to ten dwelling units to help address non-conforming properties. Then at some point, Ms. Hasbun clarified it was limited to nine dwelling units per acre to ensure all the single-family homes lots will be conforming.

Consensus:

- leave six (6) dwelling units per acre.

Multi-family residential:

Discussion ensued regarding Mayor Burch's recommendation regarding a density change to 20 dwelling units per acre, height restriction of 40 feet, and 1.0 FAR. Mayor Burch retracted the 1.0 FAR recommendation.

Vice Mayor Valinsky asked the Council to consider changing the density to 18 dwelling units per acre.

The majority of the Village Council agreed to reduce the density to 18 dwelling units per acre.

Mayor Burch asked Council to consider adding two words: "use" and "intensity" to the above-noted language.

Mixed Use Residential/Institutional:

Discussion ensued regarding the vacant land owned by Barry University. Ms. Hasbun was asked to research the density of said property when it was a dog track and County-zoned.

Discussion ensued regarding the appropriate dwelling units per acre. Ms. Hasbun clarified the current zoning designation is S1 and there is no FAR in the zoning district. However, Village Attorney Johnston clarified the comprehensive plan indicates the FAR is 2.0.

Councilmember Marinberg asked whether the Village is susceptible to possible claims if the FAR is lowered to 1.0. Village Attorney Wood answered in the affirmative.

Consensus: No changes (6 dwelling units per acre and 2.0 FAR)

Restricted commercial:

Councilmember Marinberg spoke in opposition to the proposed amendments, indicating it would render every single building in the downtown district non-conforming.

Discussion ensued regarding the proposed change from mixed-use to restricted commercial. Ms. Hasbun recommended for the Village Council to view a clean version of the 2018 comprehensive plan.

Vice Mayor Valinsky asked for clarification regarding deed restrictions. Ms. Hasbun clarified should an applicant propose a higher FAR, the deed restricts the property from going higher than 1.0.

Ms. Hasbun clarified there's a FAR range of 1.0-3.0 in the Downtown District and the design of structure determines the applicable FAR.

There was consensus to postpone discussions regarding height restrictions affecting the Downtown District until the joint workshop between the Village Council and the Planning & Zoning Board.

General Commercial:

Mayor Burch proposed a 40-foot height restriction for general commercial.

Ms. Hasbun clarified the pending amendment to the comprehensive plan, which passed on first reading, has a proposed 2.0 FAR.

Councilmember Marinberg indicated the current height permitted in general commercial is 50 feet. He further spoke in opposition to the 1.0 FAR, indicating further reductions may create legal challenges.

Discussion ensued on reducing the FAR to 1.0 and the height restriction to 40 feet.

Vice Mayor Valinsky expressed hesitancy in reducing the height restriction to 40 feet.

Consensus:

- 1.0 FAR

Institutional:

Councilmember Marinberg asked the Council and staff to consider allowing places of worship to use their parking area to generate revenue. Councilmember Marinberg indicated he would need to conduct research and get back to Council.

Vice Mayor Valinsky expressed interest in learning about Councilmember Marinberg's proposal.

Consensus:

- No proposed changes

Parks & Recreation:

Councilmember Charles asked for clarification on which parks is this section referring to when it states that 50% of the land area on the individual park and general development within this category shall be low intensity in character with a minimum of impervious surface coverage retained as much as natural vegetation and landscape as possible.

Mayor Burch asked whether 50% is a realistic percentage.

Responding to the inquiries, Ms. Hasbun indicated such language is vague because it talks about the extent of all incidental uses shall not exceed 50%. Therefore, currently, the Council may expand it. Ms. Hasbun asked the Council if they would like for the proposed language to be amended to apply to any structure within a facility, within a park or do they want to define it as a land area that is 50%.

The Village Council asked staff to prepare data on whether there are any parks that may be negatively affected if the percentage was reduced to 15%.

Water and Conservation Areas:

Consensus-

- No changes

Parking:

Councilmember Charles, Vice Mayor Valinsky, and Mayor Burch spoke in support of including a parking land use designation.

Councilmember Marinberg provided insight regarding Calvin Giordano & Associates' (CGA) intent when they removed the parking land use designation, clarifying CGA believes parking is not typically a use that is independent enough to stand on its own. Councilmember Marinberg further clarified it is an ancillary use to other types of uses, as it's usually just incidental to the adjacent use.

Mayor Burch indicated the inclusion of a parking designation is important because parking lots provide a buffer between the residential properties located within the district.

Responding to Vice Mayor Valinsky's inquiry regarding the type of buffers proposed by the previous Council, Councilmember Marinberg explained the buffer was to be maintained by landscaping, setback requirements, and the parking requirements that were going to be built into the zoning code was going to render those as only parking without calling it parking as the land use designation.

Staff was asked to determine whether the Village is receiving any income in taxes from any of the parking areas.

Consensus:

- to include parking as a land use designation.

Policies:

Discussion ensued regarding the various policies.

Mayor Burch noted a scrivener's error affecting Policy 1.6, Section C, "the Village shall consider the existing Miami Dade County comprehensive plan and zoning regulations and when developing new designs for areas," thereby striking through "and."

Village Attorney Johnston clarified numbering of Policy 1.2 needs to be fixed.

Referencing Policy 1.3, Mayor Burch proposed adding the term "use" to intensity and density. For consistency purposes, Ms. Hasbun indicated, in policy 1.2, it will read, "Buildings, or structures, or uses previously approved by the village council..."

Objective 2: Protection of single-family residential areas.

Councilmember Marinberg recommended to strike through "Developments, buildings, and it should just have been left as it is. The Village Council decided to revisit this section.

Objective 3:

Councilmember Charles recommended defining the term blighted.

Under policy 3.1, Village Attorney Wood indicated there is a clear definition of blighted. It describes neighborhoods that have deficiencies or deterioration. However, the original definition was stricken through. Village Attorney Wood further recommended for the retention of the existing language so the Council has a clear understanding of how you're defining blighted.

Vice Mayor Valinsky raised concerns with the term “deterioration,” advocating for a term that better reflects blighted conditions.

Councilmember Marinberg proffered the following language to the definition of blighted: “a building is blighted if it is unsafe, unsanitary, or otherwise determined to threaten health, safety, or general welfare of the community.”

Consensus: to include such language to better define blighted.

Councilmember Charles asked staff and Council to consider a better definition of the Biscayne Kennel Club property.

Policy 4.2 –

Under non-confirming uses, Councilmember Charles recommended staff to use "structure" instead of "uses." Responding to Councilmember Charles, Ms. Hasbun indicated it is best to add the phrase “non-confirming uses and structures,” because staff may deal with both or independently.

Councilmember Marinberg with the proposed language under Policy 4.2.

Ms. Hasbun further asked Council to consider changing the term "land development regulations" throughout the document, as the Village has been consistent in calling it zoning code in its governing documents.

Councilmember Marinberg asked staff to research the non-confirming language in zoning code and report findings.

Councilmember Charles recommended removing the following language under Policy 5.10: “The Village shall facilitate calculations through the zoning code that implements and track the management and storage of surface water in a residential area.” There was consensus to remove such language.

Policy 6.3-

Councilmember Charles recommended amending this section by removing County and adding the term local or Village.

- “Historic resources shall continue to be protected through designation by the ~~Village County~~ or the State.”

Discussion ensued regarding historic landmark designations.

Consensus: to amend the section as detailed above.

The Village Council called a brief recess at 8:19 PM and resumed the meeting at 8:25 PM.

Mayor Burch expressed interest in including the white paper from the Miami Shores Resiliency and Sustainability as Chapter 11 of the Comprehensive Plan.

Ms. Hasbun clarified the Property Rights Elements will be included as part of Chapter 4.

Under policy 10.2, there was consensus to reflect the Village is currently an age-friendly community and will continue to observe its standards.

“The Village shall continue to promote, adopt and implement an age friendly community initiative. An age friendly initiative would plan for will allow the Village to become a community for where people of all ages, where older adults in Miami-Dade can stay are able to live active and healthy lives for as long as possible with dignity and enjoyment by creating and adopting long term policies which affect, through age-supportive community health and development patterns, building design, accessibility to services, and opportunities to stay engaged and to contribute.”

Responding to Vice Mayor Valinsky’s comments regarding DEO’s feedback, Ms. Wilson, Deputy City Manager, indicated if the desire is to maintain the ORC report based on the existing review that DEO just completed, then the Village would have to then return the document and respond to some of these comments that have been raised. For instance, if the Council removed mixed-use, such designation no longer exists. If the will and pleasure, however, is to terminate that pending review and start afresh, then the ORC report then becomes null and void. Therefore, the Council would need to decide on the approach.

Discussion ensued on hosting a workshop on June 15, 2023, beginning at 6:00 Pm to discuss the first six (6) chapters of the comprehensive plan.

6) ADJOURNMENT

The workshop adjourned at 8:51 PM

Village Council Special Call Meeting

Meeting Time: 06-01-23 18:00

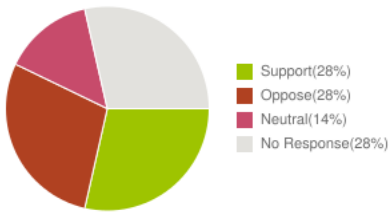
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Village Council Special Call Meeting	06-01-23 18:00	7	7	2	2	1

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Village Council Special Call Meeting

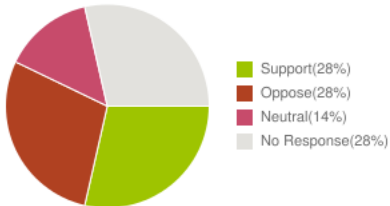
06-01-23 18:00

Agenda Name	Comments	Support	Oppose	Neutral
4) PUBLIC COMMENTS	7	2	2	1

Sentiments for All Agenda Items

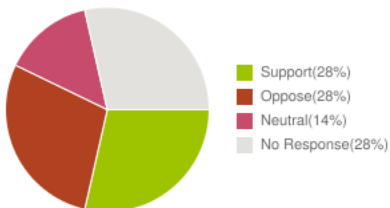
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 4) PUBLIC COMMENTS

Overall Sentiment



Guest User

Location:

Submitted At: 3:06pm 06-01-23

Antonio Chiarella

10666 NE 10th Place

I am writing today to request our council members to please respect the wishes of the majority of the voters and villagers who, in a very resounding way, sent an almost mandate to ensure the process for any potential future growth, comes only after conducting proper, independent studies on how that growth may impact our way of life here at the Shores. We, the village residents and property owner deserve to fully understand how our traffic, schools, environment, emergency and police response, crime rates, etc. will be impacted by such growth. Those studies must be made by an independent entity. During the election process I talked to a lot of village residents as part of the campaign, and almost all of the residents are not opposed to growth and change. However most of those same residents expressed that such change has to come backed by the proper studies, and also respecting the residential, single family home, traditional character of our village. Please, let's drive forward with facts, respecting the real wishes of the majority of the residents (the vote is the real evidence) and don't allow irrelevant buss words such as "vibrant downtown", "silent majority", "legacy old residents" and many more to enter in our conversation. Thank you very much.

Anne-Camille Hersh

Location:

Submitted At: 2:56pm 06-01-23

My name is Anne-Camille Hersh at 102 NE 109th Street. I am unable to be present tonight but as I've said in the past, I am not in favor of extreme growth in our village the way it has been presented to us in the past without reasonable numbers backing up what our village can sustain. Instead, I am in favor of REASONABLE growth and cleaning our land map use in alignment with what was discussed at the November workshop. Thank you for taking the time to revisiting it tonight and making sure the proper barrier to overdevelopment are put in place to protect our wonderful community.

Daniel Brady

Location:

Submitted At: 2:25pm 06-01-23

Thank you for this opportunity to review issues relating to the adoption of the Miami Shores Comprehensive Plan. As I understand it, the 2018 comprehensive plan is the current "governing" document. Going through the various amendments the Council approved on the "draft" plan is somewhat difficult and probably relates to part of the general confusion regarding the plan.

In offering some recommendations for the plan I would suggest the following. One, leave the area initially identified as the Biscayne Corridor out of the plan as is the current status. Two, maintain the current zoning of the Biscayne/105 and west property as currently zoned, multifamily.

With the exception of the Downtown area, I would suggest that you give more thought the multi-use element. The multi-use element is a planner's conceptualization. Combine where we live, shop, and play into a single area and create a more enriched urban environment. I don't believe the prior dog track area is large enough to create an enough customers and the Barry's plan is to create a multi-family development. Also given the State's request to outline the proportion of the three elements (originally included, but later removed) only delays final action.

Whatever the decision, the density and height currently in the draft plan for this area is to great and to high. The Shores Preserve (south of 90th Street) and two residential developments (west of 16th Avenue and 108 street) present attractive low rise apartment/condo developments that would be ideal for this site.

Best luck in creating a document that everyone can be proud of.

Joseph Raia

Location:

Submitted At: 2:02pm 06-01-23

Good evening - this is Joseph Raia at 1180 NE 97th Street - I believe changing the already approved comprehensive plan components is irresponsible considering that the county approved our plan despite it not aligning with the county's comprehensive plan and we are already going to pass the state's deadline. If we decide to start again, we will be subjected to the county's approval and will be required to add a density component in an area along Biscayne Blvd that is far less desirable than the proposed site by the highway. Unfortunately, with the state legislature's recent change in law, the county can pre-empt our municipal authority if the property is within a certain distance of their transit plan and require a higher density development. Additionally, with the passage of SB102, municipalities and counties will be mandated to comply with certain developments that fit within the already approved development guidelines regardless of zoning, density and height restrictions if it is in a commercial or industrial zone and has a certain amount of moderate income housing units under 120% AMI (which is approx. \$123K for a family of 4). I don't believe it is in our village's best interest to spend money for legal costs on fighting what is already a compromise with the county when we have other priorities and required investments for our village's limited funds. I also would like to avert our village missing out on grants and other forms of funding by not having an approved and conforming comprehensive plan. I wish our village had more rights to self govern and determine how and where we grow but unfortunately we will need to work within the bounds of the new legislative landscape. Thank you

Robert Menge

Location:

Submitted At: 10:36am 06-01-23

Good evening Mr. Mayor, council members and village staff.

I fully support your efforts to fix the Comprehensive Plan and FLUM, as was discussed at several meetings at the Country Club when residents attended and were allowed to provide their input to Fix the plan. The 2018 plan has

adequate language to protect the Village Character, however the mixed use multifamily designation needs to be severely refined, and allowed only in commercial areas, not in areas surrounded by residential units (single family/multifamily zoning designations).

Mixed use definition needs to define the type of businesses allowed in multifamily areas, and restrict certain types of businesses, by allowing input from the surrounding residents affected. It needs to define what type should be allowed, the hours of operation, noise levels and parking requirements.

Again please be aware that there are no time limits or penalties regarding the Comprehensive Plan revision submission

I am also concerned that the Village Attorney's, and administrative staff have not been able to provide accurate information and facts to the council members on many of the items pending for the council to vote upon. There are traffic control studies, flooding, and Environmental Vulnerability reports, that have been done years ago and not been followed or implemented.

They may need more time to review, investigate and provide other funding sources to the residents and the council. more Information needs to be provided as to funding availability, and shortages to implement the recommendations and have a Village storm water plan with a schedule for review and completion.

I thank you for your service to the residents of the Village.

Guest User

Location:

Submitted At: 8:27pm 05-31-23

Toni McCormick here-

Thankful I am to have hope for a return to a Comprehensive Plan without the burdens brought by mixed use designations.

I trust this council to provide clarification requested by our state office in the plan without disrupting our mostly single family residential neighborhood.

Miami Shores has a more vibrant downtown area than it has had since the sixties. The advent of malls lured villagers away from local shops. Today many people shop through Amazon or other home deliveries. If our downtown were any more active we would hear complaints about the increased traffic etc.

Let's just count our blessings!

Thank you for your kind attention to these matters.

Guest User

Location:

Submitted At: 2:13pm 05-31-23

Why is the Council so enthusiastic about rushing the Comp Plan and again railroading the residents by not holding the community meetings and outreach that were promised to us by all of the candidates in the last election? There are no financial penalties in taking our time and getting the Comp Plan right. There are no drawbacks in taking our time and getting the Comp Plan right. There are no valid reasons to rush the process. Before the approval of the Comp Plan on first reading, the three newest Councilmembers (Burch, Valinsky and Charles) all provided public comments asking for the process to be slowed down to allow for more public input via workshops, but instead it appears that they are deciding to do it all themselves and keep the residents out of the process. I urge you all to schedule a new workshop on the Future Land Use Map, and to schedule another workshop to review the Comp Plan Elements. This is not a time to rush. We all heard you say it during the election - now please act on it. Thank you. Ludwig Perl



Miami Shores Village

JOINT WORKSHOP MINUTES

JUNE 8, 2023

6:00 PM

9900 BUILDING

1) CALL TO ORDER

Mayor Burch called the workshop to order at 6:11 PM.

2) PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

3) ROLL CALL

Present:

Mayor George Burch
Vice Mayor Jesse Valinsky
Councilmember Jerome Charles
Councilmember Sandra Harris

Councilmember Daniel Marinberg was absent.

Planning & Zoning Board Members:

Chairperson John Busta
Boardmember John Bolton
Boardmember Daniel Brady
Boardmember Michael O'Hara

Boardmember Michael Finkelstein was absent

Also Present:

Village Manager Esmond Scott
Village Attorney Sarah Johnston
Village Attorney Chanae Wood
Village Attorney Susan Trevarthan
Village Clerk Ysabely Rodriguez

Mayor George Burch: Any public comment? So, first of all, thank you to the Planning and Zoning Board for agreeing to come tonight.

Vice Mayor Valinsky: We have a comment.

Mayor Burch: Oh, we do. Thank you.

4) PUBLIC COMMENTS

Janet Goodman: Thank you for holding this special joint workshop. It means a lot to us. I live on 105th Street, and right now my neighbors can't get out because we're flooded. So, I know a lot of them wanted to be here tonight to speak. We're very concerned about the increase in density and building height, especially me, right next door to me is the 105th Street MB Scheme Property 105, OOB Scheme Boulevard, and I'm very concerned about excessive height and density, but the height really troubles me quite a bit because we have flooding, and the flood plane is going to be raised there, and then building stories on top of it. So, with that in mind, there are other properties that we'll be discussing tonight, and I know the community as a whole is very concerned about the increase in density and building height. Thank you.

Village Clerk Rodriguez read eComments into the record.

Claudia Hasbun indicated the SRC is present regarding the white paper Sustainable Miami Shores in the event questions are posed regarding such record.

5.A DISCUSSION REGARDING THE COMPREHENSIVE PLAN.

Mayor Burch: Claudia, did you want to say anything to start the meeting?

Ms. Hasbun: Honorable Mayor, Vice Mayor, Councilmembers, Planning and Zoning members:

We are here tonight to discuss our comprehensive plan after more than a year of discussion. You have all the documents in front of you. The document that wasn't proffered in the last June 1 meeting, and with some comments, you have the 2018 Comprehensive Plan in front of you, you have the Future Land Use Map from 2018 and the proposed from 2022. We will start the discussion from where we left from the June 1, 2023 meeting.

Mayor Burch: Thank you.

Mr. Busta: Mr. Mayor?

Mayor Burch: Yes, sir.

Mr. Busta: If I may, please.

Mayor Burch: Sure.

Mr. Busta: I have a question for our legal counsel, Ms. Sarah Johnston. The question is, Mrs. Johnston, is this workshop legal?

Sarah Johnston: Yes.

Mr. Busta: Okay. Do we have the rules for the workshop?

Ms. Johnston: In terms of who's governing over the meeting, the presiding officer? Generally, in joint workshops, the presiding officer would be the mayor for the Council, and it would be the chair of the Planning and Zoning Board for the Planning and Zoning portion of the discussion.

Mr. Busta: So, there's no voting here?

Ms. Johnston: No voting.

Mr. Busta: There's no consensus here?

Ms. Johnston: You can express consensus as part of the discussion, but there is no formal action that will be taken this evening.

Mr. Busta: Okay. Just to go on record.

Ms. Johnston: Yes.

Mr. Busta: I get your point. I don't agree with it. I'm here to participate, but I just wanted to ask you that question. Thank you.

Ms. Johnston: Okay.

Mr. Busta: Thank you, Mr. Mayor.

Mayor Burch: Yes, sir.

Vice Mayor Valinsky: If I may, can I ask what the objection is? I don't want to do anything illegal either, so, can you please elaborate?

Mr. Busta: No, Planning and Zoning is an advisory board; we report to the Council. I see you said two separate entities, and if this is a legal workshop, I wanted to get a legal opinion on it because I disagree with it. We should have some rules established here, and if we don't, I would like to make a motion to suspend the rules. Even though it hasn't been said by our legal counsel, I want to go on record.

Mayor Burch: So, if we could, perhaps, we could start with the proposed FLUM, which hopefully you got in your handouts. And we basically want to deal with the definitions that would go into the comp plan of types of property. Did anyone have any concerns?

Sandra Harris: Mr. Mayor? What are you calling a proposed FLUM - the one we submitted or the one you guys got from a resident?

Mayor Burch: Okay. We had 4 FLUMs. We have the 2010, we have the 2018, we have the 2022, and this is the 2023. This is the most recent FLUM.

Councilmember Harris: This is what was given out last week?

Mayor Burch: Correct.

Councilmember Harris: And it's a proposed document?

Mayor Burch: This is a proposed document, yes.

Councilmember Harris: I don't understand how this became a proposed document at a workshop that no voting

took place.

Mayor Burch: Well, we've had a year here where the residents have not been happy with what has been proposed in the comp plan, and based on that, we have tried to come up with something that the residents are in favor of. It is their Village. And this is theirs.

Councilmember Harris: No, it's my Village too; it's all of our Village.

Mayor Burch: It is, you're absolutely correct, and you're welcome to say anything, on any one of them you want to.

Councilmember Harris: I just don't understand how this document, I think I was told, came from a resident, became proposed...

Vice Mayor Valinsky: May I, Mr. Mayor?

Councilmember Harris: I don't understand that.

Vice Mayor Valinsky: So, this is a new Council with members who do not have government experience, do not have land development experience. I think the goal here with our June 1st meeting as well as this workshop is to not run into situations that happened with the last Council where we have our statutory required workshops, and it's like the first time everybody is learning what the material is, or what everybody else feels about it, and there's all this fumbling for hours and hours with the public, all called out to come to witness it. This is just an attempt for us to get familiar with this material so that when it's time for public feedback on it, we can have an intelligent debate and intelligent discussion based on that document.

Councilmember Harris: Well, but that doesn't answer my question. I understand why you're having a meeting. So, my question is - we submitted a proposed document to the DEO. So, that's not the document that we're working from.

Mayor Burch: That's correct because we are not in favor of that document.

Councilmember Harris: Who is "we"?

Mayor Burch: Well, we can have a vote but we're not allowed to vote tonight.

Vice Mayor Valinsky: If I may, I'm only speaking for myself. I attended all the workshops and meetings just related to the comp plan over the last year plus. This is an effort to try to get something that addresses all that, that we can have a conversation about; start talking about and start getting ourselves familiar with it. I want to hear pushback from the board that is more experienced with these matters. I came here to get educated.

Councilmember Harris: For the whole year, you guys have been talking about, "You need public meetings, you need transparency, you need to see all these things" then now all of a sudden, all the answers are right here?

Vice Mayor Valinsky: Councilwoman, we are not voting on anything. This is an effort to take all of that feedback and try to get a starting point for us to have conversations.

Councilmember Harris: I propose that the meeting is canceled.

Mayor Burch: Do we have a second? Motion fails for lack of a second.

Councilmember Harris: No surprise there.

Jerome Charles: Through the chair.

Mayor Burch: Now, go ahead.

Councilmember Charles : This document in front of us is, the majority of it is the 2018 comp plan; that is our only legal document in Tallahassee.

Councilmember Harris: Exactly.

Councilmember Charles : Not the one that's proposed, the one from 2018. We, also, the Village had hired CGA to propose another comp plan. There's a material that was proposed by CGA that is in this document. So, the base for this document is the only legal document in the state of Florida right now, which is the 2018. So, as a new Council moving forward, we use the 2018 for all the years' worth of discussions of what the residents wanted.

Councilmember Harris: This is not 2018; it's a combination of that.

Councilmember Charles : It's a hybrid. Right, but let me finish, please.

Councilmember Harris: Okay.

Mayor Burch: Thanks.

Councilmember Charles : With that, it's being said that it's been given by a resident. I got it and brought it to the staff. I work with staff, and the document in front of you is - a Councilmember working with staff somewhere where we could have a base for discussion moving forward, and that's all this is. This is input from a year of what the residents wanted.

Councilmember Harris: But you guys are going to do whatever you want to do. So, there's no sense of me stressing myself out over it. Move forward.

Mr. Bolton: Can I have a point of order? We're talking about Appendix A: The 2025 Comprehensive Plan. Now, everything that's been in this document has been approved by the Council?

Esmond Scott: No, sir. We have not voted on this.

Vice Mayor Valinsky: It's been discussed by the Council.

Mr. Scott: I'm sorry.

Mr. Bolton: No.

Mr. Scott: Sorry.

Vice Mayor Valinsky: Which? The one that's...

Councilmember Charles : The one that's in Tallahassee right now, that was on the first reading.

Mr. Bolton: No, I mean these, at least as I understand it, are things that you have voted for in terms of the current comp plan.

Councilmember Harris: No, sir.

Councilmember Charles : No, sir.

Councilmember Charles : No, sir, and that's why it's a workshop.

Councilmember Harris: Now you see what I'm talking about?

Mayor Burch: We're only here to have a discussion. You all are going to be the first people to vote once this goes to Planning and Zoning.

Councilmember Harris: Okay. I'm the one who is thoughtful.

Vice Mayor Valinsky: If I may, my first goal here was really just to get to know you guys. Also, we haven't met before. We will someday be voting on this document, both your board and ours, so we really can't discuss it outside of public meetings.

This is the very first preliminary step in this. We are not trying to step on your guys' toes. Whatever we vote on is going to be something that you guys look over and bring to us. Just like the procedure is supposed to be, we're going to have a workshop with all these residents come out and watch it all play out, just like they're welcome to watch this part play out.

I just don't want to have a big call to have all the residents come out when we're not even prepared to discuss this material yet. And I'm trying to get us to that point, or at least I hope that that's why I'm here. I'm here to learn more than anything else also, and ask questions.

So, we're not voting on anything. We haven't voted on anything. The meeting that we had on June 1, was nothing but us having a discussion because, again, we're not allowed to discuss this stuff outside of a public meeting, so, we have added these extra meetings. We've added several extra meetings just to help us prepare for when we get to those meetings.

Mr. Busta: May I ask a question? I guess there's some confusion of the document in question. And on the agenda item, there were a few clickable attachments. Is the document in question that's on the table for discussion? Is that the Jerome Charles document?

Mayor Burch: Yes.

Mr. Busta: Listed here. CouncilmanCharles-file.pdf. That's the one in question. All right. So, I guess if we didn't print that out, then you may not have that. Maybe where my board members here might be, do you guys have a copy of the Jerome...

Vice Mayor Valinsky: Can staff confirm that they have a copy of what we're looking at?

Ms. Hasbun: Yes, that document is in front of you. It's in the file that is labeled.

Mr. Busta: Okay, and that's fine. I apparently don't have one in front of me here.

Mr. O'Hara: Oh, here.

Mr. Brady: Oh, you've got two of them. There you go.

Mr. Busta: Hand me that one right there, Council. All right.

Ms. Hasbun: You got it. Okay.

Mr. Brady: And, through the mayor, if I may.

Mayor Burch: Okay.

Mr. Busta: My question was not to send a negative vibe here that I'm not, I'm here to push this thing forward as well too. Okay? And we want to have a discussion. I think we all know that, and I think we need to start moving forward because I really don't know why we can't submit a comp plan. Okay? And then, if we need to amend it further, we can do that as well, but we need to discuss what's on the agenda tonight, and get moving with this. And so, let's do it.

Mayor Burch: Okay. So, the first definition is going to be the definition of single-family residential, and we had single-family detached units at a density of up to 6 units per acre. We had a question for you all as far as whether there should be, or do you currently have any height restrictions with that designation, and do you have any FAR restrictions with that designation? And the reason for asking the question is because of the sugar cubes. There have been complaints, we don't have an architectural committee, but it seems that the far would be over one with some of that construction. So, if you could give us some guidance or how you feel about adding a height or a FAR restriction to that definition?

Mr. O'Hara: Mr. Mayor, if I may. I'm just a little bit confused about the order of the meeting tonight, because it seems like the first part of the agenda was some presentations by staff and the consultants, and maybe that would help us, as we go through all of these other things, maybe it would clarify some of the things, or are we going to skip their presentations?

Mayor Burch: Basically, we've had over a year here. We have had many meetings on this comp plan with public input coming to the Council, and the problem we've got is that, at the end of that timeframe, we had a tremendous number of unhappy residents that were not happy with the conclusions that had been reached. So, we've gone back to the drawing board. We are trying to, by tonight with you all and from last Thursday, come up with something where we can go forward. As far as you hearing about the previous arguments, we've had for the last year. We don't have enough time to do that tonight.

So, we have rearranged that schedule that's there. As John said, we're just trying to move forward right now.

Councilmember Harris: So, we just going to change the agenda. Are we changing the agenda?

Vice Mayor Valinsky: When you say rearrange the schedule; there are no presentations, or we move the presentations?

Mr. O'Hara: Yeah, Vice Mayor Valinsky, because it says Item number 5 is 'Discussion items' and there's an 'Opening by the Planning Director and the discussion led...'

Vice Mayor Valinsky: I get it. I'm trying to ask because the mayor said we've rearranged the schedule. I'm just wondering if that means we've moved the presentations, or if there are no presentations.

Mayor Burch: Claudia has already spoken, Jesse.

Vice Mayor Valinsky: Okay.

Mr. Busta: Mayor, may I answer your question?

Mayor Burch: Yes, sir.

Mr. Busta: On the question of residential FAR, I think it's my opinion; I've been on this board for a couple of years, and we've had a lot of houses come through. I think there should be some requirements for restricting the bulking or massing of private homes, but I think that's best done in the zoning code and not in the Comprehensive Plan. So, the Comprehensive Plan, the way I see it, is more the vision, the overall vision of how we want to... and it's harder to change than the code. Where the code can be changed more by an ordinance, and that's something I've been pressing on the board to try to get to that point where we can start

reviewing the zoning code, and I think it'll be appropriate once we get this vision, the comprehensive plan consensus, and moving forward on that, to follow that with a full review of the zoning code, make sure the code matches the comprehensive plan, and then bring the code up to date is my vision on that?

Vice Mayor Valinsky: Mr. Mayor, if I may. I really appreciate that because that's actually an issue I was really hoping to get some clarity on tonight because it seems like we have a chicken and egg situation here, where a lot of the stuff we want to address really has to get addressed in the zoning part, and I've been told that it's best to deal with the zoning once we have this comp plan sorted out, but it's like, okay, are we going to have a gap here, of when this is done, now we're going to have to work on zoning, and we are going to be exposed to matchings in that period or whatever.

Now, I know that we have directed staff to maybe try to get a little bit of a head start, and get you guys some proposed stuff like some obvious low-hanging fruit when it comes to the zoning stuff that really shouldn't be affected by what we come up with here, but, yeah, it's a concern for me. I don't know if there's any way we can mitigate that or what. That's your guys' territory.

Mayor Burch: John, so that answers FAR. Did you have an opinion on height?

Councilmember Harris: For height? 30 feet.

Mr. Brady: Currently, I believe it's at 30 feet, residential. I agree to keep it at that. And I also agree with Mr. Bolton's comments about keeping it in the code and not making it part of the comprehensive.

Mr. Bolton: That's fine.

Mayor Burch: That's why we wanted y'all to come.

Councilmember Harris: And through the mayor, may I?

Mayor Burch: Yes.

Councilmember Harris: I wasn't at the last meeting, but what I'm perplexed with is the 6 units per acre, and we're really failing into addressing the nonconformities here.

Mayor Burch: It's a small percentage. We have 3.6% of the homes that are on lots greater than 17,000. At one point a few years ago, they were looking for bigger house lots, so there's 3.6% there, and 10% of the homes on the shores are smaller than 7,500-foot lots, but about 90 or 87% of the homes fall into the zoning category of 7,500 feet or more, of which gets you to 6 units per acre. So, it covers the majority.

Councilmember Harris: I understand that. I understand the facts of the matter.

Vice Mayor Valinsky: May I? We haven't removed this.

Mayor Burch: Let her finish, please. We can't all talk at once. She has the floor. What's your question?

Councilmember Harris: I don't have a question.

Mayor Burch: Okay.

Vice Mayor Valinsky: Councilwoman Harris, we discussed this at the June 1st meeting.

Councilmember Harris: My question wasn't to you.

Vice Mayor Valinsky: Oh, okay. Well, so, I would like to just make a statement then that the language from the

consultants was - nobody proposed or had any sentiment that they wanted to remove that. That dealt with non-conformity and the people's rights that have non-conformity.

Councilmember Harris: I don't think that's true. Whatever.

Mr. Busta: May I, Mayor.

Mayor Burch: Yes, sir.

Mr. Busta: Before we get in, I have a few comments, I guess, on the process. Just kind of one man's view on this board. If I may, it might take two minutes. Can I read those? I guess we are all passionate about what we think Miami Shores should look like. Everyone has a different view. So, in this process, we've got to find a consensus view.

Calvin Giordano presented to the Planning Board on July 13th a series of recommendations. They went through the whole comprehensive plan. Did what I thought was a thorough job finding all of the inconsistencies and rewriting it so that it was readable. I don't think it was a very good comprehensive plan before that because I think it was just one of these types of things. Miami Shores never really put a lot of vision in their comprehensive plan. So, it was just edited over and over and re-edited. So, it didn't read very well, in my opinion. So, they went through it, got it all straightened out, and made a good presentation.

And in Policy 1.2, they address the following land use categories: single-family. So, Calvin Giordano recommended residential densities from 2.5 to 10 dwelling units per gross acre. The data analysis shows, and they have some data analysis, and I brought it here with me, that there are 320 single-family homes in the Miami Shores, on lots less than 7,500 square feet, with an average density of 6.5, and a maximum density of 9 dwelling units per acre.

Further, there are 118 large-family homes on lots greater than 17,000 square feet, with an average density of 2.01 dwelling units per acre. So, their recommendation was to make in the comprehensive plan a density recommendation of 2.5 to 10.

We can tweak that a little bit if we want. I don't know. They just wanted to make the comprehensive plan encompass all of the residential homes in the Village, and I think that was a good idea. We supported that, and it makes everybody conform moving forward. So, I think it's random to just come up with the number 6.

Mayor Burch: John, we've got all that information, and have studied it, the same information. Unfortunately, when we got done with that, the residents were not happy with what Giordano came up with. And then, we've had an election since then, and it was kind of a mandate out of that election, and we are now trying to come up with a plan that the residents are happy with, and that is our effort here with this document, and that's our effort tonight. So, we're hoping that you all can help us in forming that document because you have knowledge of the cases that you come up with, and the things that you face. And we're looking for your input to help us to put in a new set of definitions here, but as far as what Giordano did, we are just not satisfied with that.

Councilmember Harris: Through the mayor.

Mayor Burch: Go ahead.

Councilmember Harris: I find it a dereliction of duty to not address these non-conforming structures and properties wherever we can. And we are losing a great opportunity here to do the right thing. This comp plan should be forward-looking. It should bring us into the future, not back to 2010.

I know you heard from your residents, and you guys have been elected with a mandate to do something, but in the end, we're still going to have a comp plan that's reflective of the vision of this community. And if this is how we end up with this comp plan, we have right now, pressure from special people in the community, but it's a

dereliction of duty for us to walk out of here with a comp plan that doesn't address the things that were wrong in the previous one.

Mayor Burch: Is that a motion?

Councilmember Harris: No, that's a comment.

Vice Mayor Valinsky: Mr. Mayor? If I may.

Mayor Burch: No, let her finish. Is that a motion?

Ms. Johnston: Mayor Burch, no one else will assume this. No official action tonight.

Vice Mayor Valinsky: Yeah, we're not making any motions today.

Mayor Burch: Okay. That's fine.

Vice Mayor Valinsky: Mr. Mayor, if I may.

Mayor Burch: All right, go ahead.

Vice Mayor Valinsky: I appreciate the comment from the Planning and Zoning Board. I think it is reasonable to have some kind of range, one that applies to the smaller units. One that applies to bigger units, and I think it also behooves us to have the language in there about splitting up a property with larger lots. I think having that range combined with making it so large lots can't be split gives us some good guide rails there.

Councilmember Harris: That's already in there.

Vice Mayor Valinsky: Well, I'm supporting her, yeah. I'm saying, I think, and I don't know what you guys would think, about maybe a range of from 6 to 9. I think that what you said would encompass what we have built out. Is that what I heard?

Councilmember Harris: Yeah.

Mr. Busta: Why not make it all-encompassing? Make it all-conforming. Get everybody up to conform.

Vice Mayor Valinsky: Well, that's what I'm asking.

Mr. Busta: This is a single-family residential. This is not complicated.

Vice Mayor Valinsky: Well, that's what I'm trying to clarify. I'm trying to ask if I heard you correctly, and that the range of 6 to 9 would pretty much cover.

Mr. Busta: You've got 2. The large homes.

Councilmember Harris: Two.

Vice Mayor Valinsky: Two?

Mr. Busta: Yes. See, like I said, further, there are 118 large, single-family homes on lots greater than 17,424—this is the data that they gave us, with an average density of 2.0 dwelling units per acre. That was from the data that was given to me. I don't know why their comp plan revision said 2.5 to 10.

Mr. O'Hara: To 9.

Mr. Busta: I don't know if they made a mistake. It should probably, if their data is accurate, I haven't obviously checked it, but it should probably be 2 to 10, I think, just to get it, and then, with the further language that already platted lots cannot be further split. I think we take care of them.

Mayor Burch: They had a push several years ago, now, where they were looking for Miami Shores to end up with larger house lots, and that's when they went down to allowing two homes per acre. But again, I think that this should be forward-looking. I don't think putting homes here on 50-foot lots is a good idea. I don't think that's the right direction for the shores, and I don't think it's the function of this comp plan to okay everything that we have here. The function of it, I think, is to be forward-looking, to look at the Village, and see what you wish it would look like 10 years from now, and what'll happen to those smaller... at different times in the history of the Village, we have allowed, and not allowed 50-foot lots.

Now we're down to where we've got 10% of them here on the shores. I don't think we're moving in the right direction there. Again, that's just my opinion, but back to what we're doing here: we're trying to come up with our future; this is a future-looking document. We're trying to see what we're going to look like 10, or 20 years from now.

Mr. Brady: Through the mayor, if I may.

Councilmember Harris: Go ahead, sir.

Mr. Brady: Talking about conforming and nonconforming, Councilmember Harris started off with it, and then Mr. Bolton added to it. I think something that's important is the topic that goes with this is vested rights, and I'd like Ms. Hasbun, if she would, to explain to us all where we're at with vested rights right now.

Ms. Hasbun: Through the chair. In terms of vested rights, we have included a policy within the document that you have in front of you that encompasses vested rights. I just wanted to be clear that a vested right language within the document will not give the same protections that are making those lots conforming. They can be on the right path to be rebuilt, or they can be made legally nonconforming, but we cannot provide all the protections, as I said.

Mayor Burch: Thank you, Ms. Hasbun.

Mr. O'Hara: Mr. Mayor. I think we had a very robust section on the single-family residential zone in the original comp plan, or the last one, and now we're going from a very robust section to one sentence. And I think the range of densities is extremely important. The language about no lot splits is extremely important. So I would lean toward adopting the original language, and if you want to tweak the densities, that's okay. But I think our single largest use in Miami Shores is single-family residential and that section should be robust and all-inclusive. And I would lean towards adopting the original language instead of pairing it down to one single line that doesn't include everyone in Miami Shores.

Mayor Burch: Any other comments on single-family? Okay, our next category then becomes multi-family residential. This, of course, was our interest because of the Barry property. I would tell you that there was a conversation today with Lennar and with Barry. They have changed their proposal to provide thirteen units per acre of townhouses, swimming pools, and parks. That would be about 275 on 22 acres and so the problem that we were having as far as the thirty-five and then the bonus units on top of that has been resolved. They are no longer interested in that. I just think that's information you all should have.

Vice Mayor Valinsky: That's the mixed-use institutional residential. We're doing, I think we are on multi-family.

Ms. Rodriguez: Mayor Burch too, in the interest of time in helping those of us who are taking notes, if you could reference a line number, that would be most helpful.

Councilmember Charles: This is line 197.

Mayor Burch: All right. Back to planning and zoning then. One of the questions on multi-family residential was whether there should be, in the comp plan, a height restriction or a FAR restriction. What is your opinion?

Mr. Bolton: In my opinion, I suggest putting it in a code, being consistent with the details of the height and the setbacks, and those details in the zoning code. Just more of a vision here with FAR.

Mayor Burch: All right. Where do you want to deal with the...

Vice Mayor Valinsky: With multi-family residential, how do you guys feel about non-conforming properties versus single-family? Are you as adamant about not leaving anybody out or what are your guys' opinions on that?

Mr. Bolton: What's the Council's vision? What areas are multi-family?

Mayor Burch: 105th Street West of the Boulevard and Barry.

Mr. Bolton: Barry? I think the last plan should mixed-use neighborhood.

Mayor Burch: We are not going to have that.

Mr. Bolton: Multi-family residential...

Ms. Hasbun: Through the chair, may I clarify the areas that are multi-family? The areas that are multi-family are the 105 Street, the areas surrounding Biscayne Boulevard which used to be the general commercial and south of the townhouse of south Barry. Barry, it is not multi-family, it's now institutional. If this will facilitate the discussion, I can bring the maps in front so we can guide the conversation.

Mr. Bolton: So, I guess there's some confusion. The 2018, it's institutional. The Calvin Giordano recommendation, it was mixed-use residential, and then the last one I got dated 10-7-22 is also a mixed-use neighborhood.

Mayor Burch: The reason why we want to get rid of the mixed-use on the whole map is because of Senate Bill 102. Senate Bill 102 takes this zoning out of our hands and has specific requirements for height, then for density, and for cost of housing, etcetera and it is our proposal to eliminate mixed-use zoning from the map because of that. That's something that just passed in this legislative session.

Ms. Hasbun: Mr. Chair, if I may? The copy in front of you is the 2019 map, and the color that is identifying the multi-family residential is in Orange. So this is the Orange 105, all the properties surrounding Biscayne Boulevard and the general commercial area, this property over here, and the duplexes right there in the corner.

Vice Mayor Valinsky: So, if I may, can we just focus on the multi-family and leave Barry out for now, and then we'll get to that next?

Mayor Burch: We got to figure out where we going to put that.

Vice Mayor Valinsky: Put what? I just said multi-family residential is the next.

Mayor Burch: No, I'm saying, in other words, Barry is going to sell the property to Lennar. It's no longer going to be institutional, and right now in institutional it says we have two choices, either Barry builds facilities or it's six units separated per acre. So we need to figure out which category we're going to put that in.

Vice Mayor Valinsky: Okay, so if we're talking about Barry, if I may, I had a meeting with Mr. Allen last month,

just to kind of have a heart-to-heart and discuss the plan that they were proposing. I expressed my concern and the concern I feel that the residents have expressed. He gave me his concerns and we had a very cordial meeting but we basically agreed to disagree and went our separate ways. And then I've been contacted as you were by a representative from Lennar, had a sit-down and what they showed me was, I feel a very sincere and legitimate and significant effort on their part to address pretty much a lot of the concerns people have. And what they proposed, again, until we actually see a plan in front of us, but just to make everybody aware what I saw, what they wanted was totally compatible with the institutional multi-family mixed-use. Their only problem with their project was the density and as the Mayor said 13 would cover that. So, really, I think, regardless, the institutional mixed-use seems a pretty good way to go on that property.

Mr. Bolton: What's the definition of institutional mixed-use? I'm sorry. A mixed-use residential institution that's there?

Vice Mayor Valinsky: Correct. Which is what it was, I'm sorry...

Mayor Burch: But that doesn't cover multi-family. In other words, we are going to have to add that in that section if that's what we're going to do.

Vice Mayor Valinsky: The current applicable land designation which is institutional residential can stay just the way it is and they can do their project and that is no commercial...

Mayor Burch: Their project is multi-family, townhouses that are connected with 12-13 townhouses. We have got to add that. That zoning in that category.

Councilmember Harris: No, I don't think so. We can if we change the density.

Vice Mayor Valinsky: We're not talking about zoning. We're talking about land use designation and the land use designation is compatible with what Barry's currently wanting. Just not the density.

Councilmember Harris: We change the density. We need to change the density to get this.

Vice Mayor Valinsky: Correct.

Councilmember Harris: Claudia, Ms. Hasbun, question. When we're looking at this comp plan, should we be looking at only what we want to be done with these certain parcels versus also the built-out environment of what is?

Ms. Hasbun: When we are analyzing, especially evaluating the comprehensive plan, we have to look at existing conditions and we have to look at the future as well. So, as you've mentioned, the existing and future both.

Councilmember Harris: Okay.

Mr. Bolton: Question, Valinsky, what is your vision of institutional mixed-use?

Vice Mayor Valinsky: Explain what you mean by vision.

Mr. Bolton: Your vision. What is an institutional mixed-use development next to Barry University look like? Does it have restaurants? Bars? Churches? Chapel?

Vice Mayor Valinsky: It does not include commercials.

Mr. Bolton: No commercial?

Vice Mayor Valinsky: It does not include commercial.

Mr. Bolton: In addition to residential, what uses are there?

Vice Mayor Valinsky: I would ask you that.

Mr. Bolton: Is it a dormitory for a college?

Vice Mayor Valinsky: Well, my understanding is the reason that this designation is the way it is, is because Barry requested it with the intent of someday expanding their University. They obviously don't plan on doing that anymore and they're looking to sell it and develop it. What I'm hearing is that what they're currently interested in doing is compatible with this, does not conclude any commercial, any institutional use, it would only be utilizing the residential part of the current land use destination. So, really, the institutional part would not be relevant to what they're proposing to do. I believe we have a list of things of what qualify for institutional use there. I don't know at the top of my head. I believe it includes hospitals, schools...

Mr. Bolton: Line 265 is the definition of institutional.

Vice Mayor Valinsky: Oh, fantastic. Thank you.

Mr. Bolton: So, let's discuss that definition with residential to see what the vision would be for this spot.

Mayor Burch: Could we possibly finish with multi-family here?

Mr. Bolton: I'm sorry I thought we went to this, to skip multi-family.

Vice Mayor Valinsky: Mr. Mayor, I asked if we could do that and you wanted to talk about Barry, so that's what we're doing.

Mayor Burch: Well, because I thought Barry ought to go here, but if you don't think so. I don't care. That's fine.

Vice Mayor Valinsky: Well, we are in the middle of Barry right now, so let's finish.

Mr. Bolton: My general guess is that most people are happy with the multi-family residential with the 20 units. I think the primary concern, most complaints on board was really with the relatively high density that would have been created in the original comp plan. I think moving it from multi-use and I think I would suggest you give serious consideration to simply deleting the multi-use unless you have some concerns about what you are going to do downtown and just go with the multi-family.

Vice Mayor Valinsky: We're talking about multi-family land use right now, just to be clear.

Mr. Bolton: We can pivot.

Vice Mayor Valinsky: I'm trying to figure it out myself.

Councilmember Charles : The first step, that's line 198.

Mayor Burch: The first one was single-family and now we're on multi-family. We're going down.

Vice Mayor Valinsky: We'll come back to Barry, I guess?

Mayor Burch: Okay, so you all are in agreement, or is there any comment on the designation of 20, for these which is a change?

Mr. O'Hara: The question I would have is - what is the staff's recommendation on a proper density for multi-family?

Mayor Burch: The average in the Village is 17.75.

Mr. O'Hara: I understand all those numbers, what I'm trying to figure out is - what is the appropriate density for the proposed Barry project versus a proposed multi-family project at 105th in Biscayne, are both projects operating under the same number?

Vice Mayor Valinsky: Two different land designations.

Mr. O'Hara: No, I thought we were deleting institutional, deleting mixed-use...

Vice Mayor Valinsky: We are not deleting. No, nobody said that. We're talking about leaving it, institutional residential it's a mixed-use currently. And we're talking about leaving that, not touching it.

Mr. O'Hara: So, on this multi-family zone, we're only dealing with 105th and Biscayne parcels.

Vice Mayor Valinsky: Correct.

Mr. O'Hara: The orange?

Mayor Burch: Well, there are other multifamily areas in the Shores, but those are already built. The only vacant land which would be new construction would be the 105th Street Property or if they knock something down and wanted to add to it.

Mr. Bolton: May I? If the areas are already built and then we come in with a lower density. Are we now making those non-conforming?

Mayor Burch: Again, the average in the Shores of multifamily is 17.5 units per acre.

Mr. Bolton: It's an average so.

Mayor Burch: There are three places that you're going, the Hacienda Motel, the property on 4th Avenue which was built by the Shoreland Company 100 years ago, and the condos at the end of 105th St. They do have higher density. The condos at 105th Street were built in 1965. We didn't even have comprehensive plans. The Shoreland Company built those buildings, but I mean it's back to your vision of the shores again, is that the direction that you see us 10 years from now that you want to go? So, again, the more modern or construction, the average is 17.75.

Councilmember Harris: Mr. Chair?

Mayor Burch: Go ahead.

Councilmember Harris: This 20 would only leave those two properties in non-conformity. I didn't think so.

Ms. Hasbun: No, that is not correct.

Councilmember Harris: Will you guys make sure you correct things that are not correct, please? Go ahead.

Mayor Burch: Hotel. Go ahead.

Ms. Hasbun: The multifamily category as it exists today, 2018, encompasses the orange colors on the map. We have approximately... let me look for my data so I can refer to the numbers correctly.

Councilmember Harris: Okay. We will come back to that.

Mr. Bolton: While she looks for that and this is the data that Calvin Giordano gave us when they basically presented to the planning board in July of last year. They have density examples which I think are kind of good for us to kind of gauge what these things look like. And 8701 NE 4th Avenue Shores Villas Condos, Density Example 22. 22 dwelling units, multifamily. The Shores Condos 1700 NE 105th Street. All right, that looks like the Shores Condos on the end, that's 23 dwelling units. Shores Plaza East Condo 716 NE 91st Street. Density example 25, 105th Street condos, 1319 NE 105th St. Density example, 30.

Mayor Burch: John on that, unfortunately...

Mr. Bolton: They came up with their number 30.

Mayor Burch: Yeah, several of those, if you go and actually look at that property, are boat slips as opposed to being condos. They actually have eight living units per acre there in that building. And if you look at the other ones, you'll see that their monthly rent is \$150.00, it's a boat slip.

Councilmember Harris: Through the chair. But I think what in the 2018 comp plan, correct me if I'm wrong, it was 31 or something like that.

Ms. Hasbun: Through the chair. The 2010, it was a maximum of 31 dwelling units per acre. So, for those areas in 2018, it dropped to six dwelling units per acre. Currently, for the multifamily, we have approximately 28 acres for multifamily and the proposal from Calvin Giordano it was to reinstate the 31 dwelling units per acre, so we can cover the majority of the lots for the multifamily leaving the two lots that they are beyond the 31 dwelling units per acre under protection through the best of right language. That was the proposal for that area. Also, the CGA proposed language that lands for multifamily residential development should be located so as to provide a transition between lower-density residential areas and areas developed and/or designated for more dense or intense uses. Then refer to the zoning regulations for all the other aspects in terms of FAR, height, open space, low coverage etcetera.

Councilmember Harris: Thank you.

Vice Mayor Valinsky: Through the chair, if I may. So, I asked you guys a question, I think we kind of got sidetracked with Barry and so I'll ask it again. I just wanted to get some feedback from you guys on what your opinion is in terms of the nonconformity. I know you guys felt very strongly about not leaving any single-family residential out. I think that's reasonable. Do you have any other opinion? Because it seems like no matter what, we're going to be leaving some properties nonconforming. And we're going to have to vested rights. So, I just want to also put out there that this is going to be the highest density of all of the land uses is going to apply to this land use designation, which would make it the cap of density in the entire Village which could be relevant to the live local act that's coming from Tallahassee. So just to be clear, this density that we decide for this land use designation, my understanding is that it could very well in some kind of way end up applying to our commercial land use designation. Just putting that out.

Mayor Burch: Well, and if you look at the comments that have been written on the right-hand side, that's how we ended up with the 20, and the small print on the side, because that's Senate Bill 102 that he's talking about again and again, we're going to lose control over these properties that we have that are zoned commercial.

Vice Mayor Valinsky: Mr. Mayor, if I may.

Mayor Burch: Go ahead.

Vice Mayor Valinsky: I just want to be clear, I'm not advocating that this should affect our decision. I'm just putting some context out there, that's all.

Mayor Burch: All right, but if someone was, for instance, to come to one of the buildings on 2nd Avenue which we are going to have to label commercial, then we lose control over zoning there and we lose control in our comp plan. The state law takes over and they're going to be able to build as many units as is our highest level that we allow in another area in this case, by limiting it to 20, we're limiting what they would be able to build in condos or apartments on top of the buildings that are downtown. But again, you all may not agree with that. If you don't, that's fine. That's why we have this meeting.

Mr. O'Hara: Mr. Mayor, I'm sorry. I think it's hard to say what the density should be without knowing what the intensity should be because we're only looking at one aspect of the development and how many units per acre. But we're totally missing the point on what the massing would be on a particular parcel. So, are we looking at 1.0 at fifteen, or 1.25 at 25? How are we getting to these numbers? It just seems like we're throwing out numbers but we're missing part of it. The density is fine. We're trying to figure out what the density is, but what are we doing about the intensity? Because the two walk hand in hand.

Vice Mayor Valinsky: Through the chair, if I may. I don't mean to put you on the spot, but if you could, if you're up for it, maybe you could just take a minute and explain for the benefit of the public what you mean by density versus intensity.

Mr. O'Hara: Right. I don't know if the staff wants to jump in too. FAR is in intensity and that dictates how big the box is if you call the building a box. So, it's a calculation, a ratio based on the square footage of a particular parcel that the land, and it's multiplied by this ratio 1, 1.25, 1.5, whatever it may be, and that gives you the outside of the box. How big that box could get? The density is just how many pieces can fit within the box. The box doesn't change. So, are we concerned about the number of pieces in the box or are we more concerned with the size of the box? Because it all depends on how you look at it. You could take the same box and divide it up into a whole load of little tiny pieces or it could take the same box and divide it up into bigger pieces. But, you have to determine how big the box is. I think that's the simplistic explanation of how it works.

Vice Mayor Valinsky: I believe that was helpful, thank you.

Ms. Hasbun: Through the chair, just to clarify for these land use. When it's converted to the zoning code it converts into a zoning district, that is called A1 and A2, those are the two relatable zoning districts. And currently, for the multi-family, we have a floor area ratio specified in the zoning code applicable to those two districts which is 0.5 for those two areas. So, to answer your questions, we have a limitation in the floor area ratio for that area which is 0.5. And just a point of clarification, if we have an acre of land which is 43,560 square feet. That property can be developed by only 21,000 square feet because that is half of an acre, it was equal. Those 21,000 square feet as Mr. O'Hara was explaining, it can be subdivided depending on how many stories they can be allowed or provided or how high it is allowed to be provided in that area.

Mayor Burch: But we also have a height restriction.

Ms. Hasbun: Currently, yes, in the zoning code not in the comp plan.

Vice Mayor Valinsky: And the height of the multi-family district would be?

Ms. Hasbun: It is currently if I'm not mistaken...

Ms. Rodriguez: Mr. Mayor, you do have some e-comments, I forgot to mention earlier. The first speaker is David Smitherman. I would like to make a recommendation for the parking lot West of Doctor Charter School, perhaps something could be developed in conjunction with the Charter School, i.e., a track for running for development as a green space park as there's nothing of that nature on the west side of the Village, thank you. The next speaker, is John Ice. The values of the comp-plan, this is a continuation of a process that seems to never end. I re-submit that there are larger values that should guide the comp plan discussion as I've written to the previous Council, the Council will decide whether we are a community that values inclusion or exclusion.

The Council will decide whether the Village promotes socioeconomic integration with mixed-income housing options for the local workforce, or we seek to become an economically exclusive community. The Council will decide whether we seek to be a part of the solution to urban sprawl or our actions perpetuated, the Council will determine whether we seek to support Barry University or actively harm it. The Council would determine whether a better downtown corridor is possible and whether we perpetuate stagnation. The Council would decide if we move towards becoming a more pedestrian, bicycle-friendly community, or we perpetuate auto dependency. The values should guide, or at least be a part of the comp plan discussion.

The next speaker is Peter Haspel. While I'm very happy with the new Council and the new resident-friendly direction the comp plan has taken, I'm worried about the recent agendas getting filled with too many items. I appreciate that vision to handle a lot of business. The comprehensive plan requires focus and a lot of time, so if anything on the agenda can be postponed to a later date, I hope that can happen in future agendas, it will be less busy until headway is made on the amended plan. This concludes a comment.

Mayor Burch: Thank you. Claudia?

Ms. Hasbun: The maximum is 40 feet.

Mayor Burch: Forty feet, yeah. Any other comments on multi-family residential? All right, let's move on.

Vice Mayor Valinsky: Mr. Mayor, if I may? Before we move on to the next, I actually had, on Objective 1, in talking to staff, I think we need to re-add some language there that was a required language. We don't have an option for it. If we can get staff to comment on that maybe.

Ms. Hasbun: Objective 1 used to read as coordination of land uses with topography and soils. That is a language that is a statutory requirement. We can just bring back that language in addition to what it was proposed, so it can read the coordination of land uses with topography and soils for the planning of the Village's future.

Councilmember Charles : That was line 172.

Mayor Burch: Okay, that moves us to a mixed-use residential institutional.

Ms. Hasbun: Through the chair. Mr. Mayor, can we get direction and clarification in terms of the multi-family residential for the density?

Mayor Burch: Okay. Well, I mean, we're not going to vote on anything you heard different...

Vice Mayor Valinsky: Well, I did kind of ask for some feedback from planning and zoning. I'm not forcing them to give any, but if they wanted to have any other comments on that, I would want to give them the opportunity.

Mr. Bolton: My opinion is I support Calvin Giordano's recommendation of 30. I have examples of 30 and it doesn't look overly dense. We have some garden apartments that are 30.

Vice Mayor Valinsky: Through the chair, if staff can maybe... I don't mean to put them on the spot. Do you have a property that is 30 per acre that you can give us as an example that we all might know to point to so we know what that looks like, just for reference?

Ms. Hasbun: Mr. Bolton, can you assist me? You have the presentation in front of you if you don't mind.

Mr. Bolton: This was the Calvin Giordano presentation made to us a year ago.

Ms. Hasbun: Yes, yes, yes.

Mr. Bolton: 1319 Northeast to 105th Street. There's the density example 30 if you want to pass that over.

Mayor Burch: But again that's the boat docks. That's that new condo, isn't it? On the south side that's right close to the boulevard. Just right as you turn onto 105th Street. You've got a different one.

Vice Mayor Valinsky: Mr. Mayor, if I may ask a question, are you saying that the boat docks are counting as a unit?

Mayor Burch: The boat docks are counted as a rental unit in that building, yes.

Vice Mayor Valinsky: Can staff confirm?

Mr. Bolton: I don't know if it's that one or not.

Councilmember Charles : That picture is familiar on our side.

Mayor Burch: Actually, this has got two davits for boats, John, if you look at this front picture, it's the same one.

Mr. Bolton: I haven't back-checked it. That was the presentation.

Mayor Burch: Yeah. We had the same mistake and my wife and I were looking that up one morning and that was the interesting thing because it made no sense. It has with the different condos that had sold for and, all of a sudden, it had one structure that it sold for 400 bucks or something. It just didn't make a lot of sense.

Councilmember Harris: Through the chair, I support the 30. That was in the 2010 comp plan. Just for the record.

Mayor Burch: Okay, any other comments on a multi-family residential?

Vice Mayor Valinsky: If I may, did everybody has a copy of the Calvin Giordano thing? I didn't get one of those.

Councilmember Harris: Not with us today, no.

Ms. Hasbun: Through the chair.

Mr. Bolton: It's in your binder, it's in the binder.

Vice Mayor Valinsky: That's on the Hebron. Good job.

Mr. Bolton: No, it's in the binder, it's in the binder.

Vice Mayor Valinsky: I have a big binder but it's not.

Mr. Bolton: It's a thick binder, yeah.

Vice Mayor Valinsky: I got it, sorry.

Mr. Brady: Mayor, if I may. Regarding the density on units, I remember discussions in the past about the 31 units in 2010. Twenty-two in 2018 and some of the residents were looking for a compromise with that. I throw that out there to everyone here too. We have support for 30. I'm not hearing anything else so I would support something in between the 30 and the 22. My opinion. I think we're compromising there and giving everybody a little room there.

Mayor Burch: Well, again, remember Senate. My only concern is Senate Bill 102. Because whatever you put here is going to affect other pieces of property that we no longer are going to have control over. If you read the comments, again, here on the right side, you see why the recommendation was to go to 20. If we didn't have Senate Bill 102, I think you're right on the money. We're talking about two different things really.

Vice Mayor Valinsky: Mr. Mayor, if I may.

Mayor Burch: Yes.

Vice Mayor Valinsky: I don't know if that's a factor to consider, I don't want to pick numbers arbitrarily. We have data that's supposed to support our decision but that data that this decision was made, it's already leaving out a couple of properties. So, why did we choose to leave those two properties out? Was that arbitrary? I don't know. If we dropped it down a little bit more, do we only make a couple more properties non-conforming? I don't know. We're going to need your guys' recommendation from this, obviously, we're going to get it. I guess I've just put it to you guys to consider that and think about it and let us know what you think after consideration.

Mr. Busta: May I ask that question to the attorney?

Ms. Susan Trevarthan: Yes.

Mr. Busta: I just named five properties that were over 20 dwelling units that are in Miami Shores. If we did drop it down to 20, what is the liability to the property owners that all of a sudden have properties over 20? They have the right to build over 20. And all of a sudden, some of those properties are older, they want to have plans to demolish that and build something up to the current density requirement of 30, and all of a sudden, we say no. What is the liability?

Ms. Trevarthan: Through the Chair, Susan Trevarthan. They would continue to be able to operate with that higher density that they already have on the property but as you are pointing out, if we adopted the 20, they would not be able to recreate it in the future. Potentially, they could come to the Village and complain about that and seek relief for that. Yes.

Mr. Busta: There's precedent on that. Probably loss.

Ms. Trevarthan: Well, there's a statute on impacting private property rights in that manner. Whether there's precisely precedent on that particular decision, and whether that would be something the Village would be found liable for, that's different. That's a case-by-case scenario for the courts to judge. Yes, when you reduce rights like that, you open the door to a property owner bringing such a claim, and then a court would determine whether it's something that actually they would prevail upon.

Mr. Bolton: The Village has the authority to allow a non-conforming piece of property, does it not?

Ms. Trevarthan: It not only has the ability to continue to tolerate a non-conforming piece of property, but we would also recommend that you need to. It's established. You need to honor those non-conformities as they exist currently.

Mr. Busta: Through the chair, if I may.

Mr. Bolton: I'm not talking about that, I'm talking if they have plans to demo and improve their property and build it up to the 30 dwelling units per acre, and all of a sudden, we change our comprehensive plan and take it down to 20. Our zoning department doesn't approve it, that's a taking?

Vice Mayor Valinsky: Just to be clear. Are we talking about a property that already has that density?

Mr. Bolton: Yes.

Vice Mayor Valinsky: Well, my understanding is that...

Mr. Bolton: An area, a designated area that has that density.

Vice Mayor Valinsky: Right, but if we're talking about a property that is built with a certain density that's above what theoretically we would put for that land designation, my understanding is that they would be able to build to that density again. Can staff?

Ms. Trevarthan: That's where I say the devil's in the details. Are they only storing what's there? Are they looking to intensify? There's also the issue of the 30 that you're talking about conceptually, tonight, was a fact 13 years ago. The most recent plan, it was much less so there are details here. In concept, you're correct in saying that if there are current rights, and you take away those rights, such that they cannot be exercised, we wouldn't need to think about whether a property owner is going to come forward and complain about that.

Vice Mayor Valinsky: I just want to be clear, are we talking about the rights of someone who has already built out? Or the rights of somebody who already is lower than the density, but it's talking about replacing it with something of that higher density. That today they would have that option and maybe down the line, now they don't and they want to? Is that what we're talking about? Or are we talking about somebody who already had a building with that density and wants to replace it?

Ms. Trevarthan: What you're pointing out is every single vested rights scenario is fact specific. We look at, what were they entitled to and what are they seeking to do. Is it within the scope of their vested rights or not? I mean, there's an analysis to be done but your board member is correct that conceptually, any property owner who sees what they believe that their rights have been taken away if they do have remedies, they can come to us to complain about that.

Mr. Bolton: I see, when I bought the property, I had 30 dwelling units in the comp plan. The property I bought only had 10 but that doesn't matter to me, because I was planning on building 30 units. There are a lot of smart people out there that are going to probably become aware of this.

Mayor Burch: Understood, that's already in the year, and which we are probably not going to get to tonight. One of the statements on that is, once a Council has approved a project if you change your mind later on about what you're allowing, it makes no difference. They still don't lose that right. If they have the building, and it has the 30 units in it, and a fire burns down, even though the 30 is no longer all right, they can rebuild to the 30. That's in one of our amendments.

Mr. Bolton: I see it even one step further. I see if I bought it when I had 30 units and that was my plan, whether I had my plans developed or not. It's a taking.

Ms. Hasbun: Through the Chair, just to clarify the property that was in question. This property, it's a small lot, and it has currently four dwelling units. That brings that small lot to a density of 30 dwelling units per acre. It doesn't mean that there are 30 dwelling units per acre in that lot but the ratio pertaining to the sides, that is the density, 30 dwelling units per acre. It's not a waterfront property, these in particular.

Vice Mayor Valinsky: Through the chair if I may. I mean, maybe this is a stupid question but is there a reason why we can't do a range like we were talking about doing for the single-family? Or is that kind of already done in the zoning anyway?
I guess.

Mr. Busta: I'm sorry. The range is up to.

Vice Mayor Valinsky: She just brought up a small lot that effectively has a high density really just because it's a small lot. Can we do something maybe as we've done, we were talking about with the single-family where the

small lot size has one density, larger lot size got a different density kind of thing?

Mr. O'Hara: If you go to a renumbered section, Policy 1.13, 1.14, those scenarios are already addressed in the language. If you had 30 and the building was demolished or going to be redeveloped, they can avail themselves of the current density intensity of the building at the time of the demolition. That they wouldn't be subject to the 20 so that's already there. It's renumbered to 1.13 and 1.14.

Councilmember Harris: Through the chair, but that only allows you to build what was currently there, not the potential that you had. You've lost potential.

Mr. O'Hara: What was there? Right.

Councilmember Harris: Right?

Mr. O'Hara: Yes. Maybe another policy after that.

Councilmember Harris: Yes.

Vice Mayor Valinsky: Through the Chair, if I may. I asked a question earlier and I think nobody answered it, but I think I kind of just figured out the answer. Those couple of properties that are left out never had really that density designated to them so they're not losing any rights. Is that correct? I'm sorry, let me clarify, the two properties that would be left out from the 30 units per acre density, we're not taking rights away from those properties because they never had them. Was that the reason for the 30 cut-offs?

Ms. Hasbun: Since the 30 number, it came from the 2010 Comprehensive Plan. Previously to the 2010, they might be in place other regulatory aspects that allowed them to reach the density that they have. We didn't incorporate any analysis for those because their historic property was developed in the 30 years but that's why we kept it to the majority of the lots that we analyzed.

Vice Mayor Valinsky: I guess what I'm asking you is - those two properties, assuming we went with 30, and those two properties are left non-conforming, do they have the ability to have some kind of argument with us about the loss of property rights?

Ms. Trevarthan: That's why there's the provision for vested rights. If they already had it, and they already built it out, then they can put it back, regardless of what the plan says. As you've discussed, there's a difference between what's been developed and what someone may have thought was the potential of the property but has not yet been developed.

Mr. Brady: I think Mr. Busta suggested earlier when you had 22, and you went to 30, and you pick the number up, the number for density is really a political number, you want to get it to the level that people get very upset about a much larger number down to a level that people can live with. Whether that's 20 or 25, or 30. That's a political judgment that you guys have to make. I don't have a big problem with 20. I mean, that that's the decision is how you respond to what was a relatively loud, disjointed response from the community to say, well, 35 units is just way too big. The truth of the matter is people can sue anybody and can claim all kinds of stuff, you just have to roll with the punches on that stuff.

Mayor Burch: Well, fortunately, this is going to go to you all first. Okay. Anything else on multifamily residential? Which moves us to mixed-use residential institutional. One thing, obviously, with the Barry conversation, we need to raise that 6 to a 13.

Vice Mayor Valinsky: Oh, Mr. Mayor, if I may.

Mayor Burch: Yes.

Vice Mayor Valinsky: I think there might have been an error here. Because basically, this residential part of this particular mixed-use designation, I believe, is supposed to have a single-family and a multifamily. The 6 would kind of line up with the single-family. Well, it could line up, but we didn't really designate. The 13 that you're talking about, I don't think it would replace the 6. I think it just needs to be added to the multifamily part. The single-family detached and attached units and multifamily units are at a density. I think we need to have a density for multifamily and then maybe we can leave the six for single family. It's just if the staff has some comment on that.

Mayor Burch: That's fine.

Ms. Hasbun: Through the Chair, with a similar discussion than we have, since now we are talking about the mixed-use residential institutional, that it will be applicable to the area depicted as Barry. Now, it's just a section to the west side of Barry. Currently, it's allowed for single-family detached and attached dwelling units, we'll need to add those definitions, dwelling units, and multifamily units. By making that statement, you're saying that single families or multi-families can be developed at the same rate of density, which is unachievable. What you can include in there is a range of densities, one per particular type of housing. You can leave the six for the single-family and you can introduce a cap for the multifamily so you will have a range. If that property develops a product of a single family, it will be capped at six dwelling units per acre, but if they developed a multifamily product, it will be capped at the number that you have put it.

Mayor Burch: Thirteen, I got it.

Councilmember Charles : Claudia, that question. Does that mean that there's a new land designation? Because under the institutional, that's Barry's property in blue historically. Then we're talking about this and whatever has been discussed tonight, are we talking about a new land designation for the properties in question?

Ms. Hasbun: I currently believe that we will be depicting that area to the west of Barry as its own independent land use which will be the mixed-use institutional. The remaining Barry property will be institutional.

Councilmember Charles : Isn't their whole property right now mixed-use residential institutional (MURI), though, for Barry?

Ms. Hasbun: Right now, 2018, depicts everything as institutional. In 2010, actually, the west property, the west area, which did not include the incorporated area, it depicted as institutional, and then the west as mixed-use institutional. It was just as simply a blue dot identifying differently.

Councilmember Charles : You're saying that's on the 210 maps with a blue dot?

Ms. Hasbun: Yes.

Councilmember Charles : Moving forward, again, is it going to then be its own land designation unique to the Village? That's my question.

Ms. Hasbun: For that specific property? Yes.

Councilmember Charles : Because the land use right now is mixed use MURI off of historically what this has been. Then is this new on the map? On the FLUM, will there be a new land designation?

Ms. Hasbun: Yes.

Councilmember Charles : Okay.

Vice Mayor Valinsky: That new designation would be institutional for Barry.

Ms. Hasbun: The mixed-use residential institutional.

Councilmember Charles : What happens when they sell it to a private entity though, that's what I'm talking about, not the institutional part of it. Now it's a private entity owning the land. Is Miami Shores Village going to have a new land designation for this piece of property?

Ms. Hasbun: That is what is being proposed. That is what is being discussed.

Councilmember Charles : Okay. But you're still using the word institutional, it's going to be a private company. What is the land designation going to be called then?

Mr. Busta: Schools and churches are institutional.

Councilmember Charles : I understand that. This piece of property has been Barry, it's been institutional. Then in an agreement, once they bought the Biscayne Dog Track, there was an agreement. The other family was trying to sell, there's a lawsuit, Barry inherited a lawsuit, then MURI comes up, which is mixed-use institutional as opposed to churches, and schools. That's what that is.

Mr. Busta: It is Church and Schools, are institutional.

Councilmember Charles : Right but on this, the second that Barry sells it, it's a private entity. Well, what's up?

Mr. Bolton: Unless it's zoned mixed-use institutional, the designations aren't changing.

Councilmember Charles : Lennar is not an institutional entity. It's a publicly traded company.

Mr. Bolton: But if they build according to this comp plan, and then it complies.

Vice Mayor Valinsky: It's not institutional residential, it's institutional or residential. They would be utilizing the residential part of the land designation for that project.

Councilmember Charles : The problem with that is we also have a residential section. That residential section does not allow 13 units per acre.

Vice Mayor Valinsky: This is not the residential section, though. This is a totally different land use designation.

Mayor Burch: That's what his question is, what is the answer?

Vice Mayor Valinsky: That was a totally different land use designation is the currently applicable land use designation of that property. Correct?

Mayor Burch: But it's not going to be at a time this comes up for approval.

Ms. Hasbun: We are talking about a separate land use designation.

Mayor Burch: Exactly.

Vice Mayor Valinsky: Yes.

Mayor Burch: Give us some help here. What should we do here?

Ms. Trevarthan: So, my understanding is it's currently labeled into institutional and there's a dialogue about what it will be labeled in the future. Whether or not you want that label in the future to encompass within it just

multifamily or to also encompass additional uses, that's ultimately a policy choice. As you had asked whether to either apply an existing land use category to that property or an altered one. Ultimately, it comes to you. It's a change to your comprehensive plan. That's a legislative decision.

Councilmember Charles : If it stays the MURI that it is now and then a new comp plan gets through the process through the whole Village and then goes up, then, as far as both Barry and Lennar, a small-scale amendment would still be a process to it without giving land designation that we have to have for the rest of the existence of the Village. Only to that small-scale amendments, is that correct or not?

Ms. Trevarthan: Whether or not to create a category is a different question from where to map it and how extensively to map it. Those are all policy choices. There may be what the applicant prefers to propose. There may be what you react to and what your vision of that is as well.

Mayor Burch: The problem is, though, that if we go back and say that it is just multifamily, which we've already defined, we've said we're going to allow somewhere between 20 and 30 units per acre there. We don't want 20 or 30 units per acre on this particular piece of property. We only want 13 so we have got to do something different here. It's what I was trying to say to you before.

Mr. Bolton: If I may, through the Mayor, this that's kind of the way Calvin's Giordano had done it, by what they'd called sub-designations. When they did this property here, they had mixed-use, and then they had sub-designations, corridor neighborhood, and Main Street. This was a sub-designation. Maybe this could be a sub-designation of your mixed-use.

Ms. Trevarthan: Yes, Mr. Mayor, you gesturing what question do you want me to answer?

Mayor Burch: In other words, you do this all the time, you're an expert at it. This is our problem, we have a piece of land. Right now, it's institutional, or residential. It's going to be sold to Barry. It's probably already been sold. The condo is. All right. At that point, we're now dealing with a different entity. We're dealing with a private or a corporation-owned piece of land that we would like to put in our comp plan zoning requirements on it. We can't use the zoning requirements that we have for multifamily residential, and we can't use the zoning requirements that we have for mixed-use residential institutional. What do we do?

Ms. Trevarthan: If none of the existing categories fit, an additional category can be written that either is free-standing. Or is it a variation on an existing category, as your board members suggested? Those things happen in comp plans all over the place.

Vice Mayor Valinsky: Through the chair, if I may? Why does the institutional residential mixed-use not work?

Mayor Burch: It doesn't work because once it is sold, it is no longer owned by an institution.

Vice Mayor Valinsky: Does the institutional residential have to be owned by an institution to build the residential?

Ms. Trevarthan: The answer is no. The institutional is a description of the use, not of the owner. One of those uses, as I understand it is not just a university, but there's also a church and other kinds of potential institutional uses. Whether or not you want them to stay in the category is a different question. That's a policy choice, but it is possible for them to stay in the category.

Vice Mayor Valinsky: Currently, we have an institutional or residential use designation. What Lennar is currently proposing fits perfectly into that. That is already the designation. They just need a different density to do what they want to do. This is perfectly my understanding and correct me if I'm wrong, this is fine.

Mr. Bolton: May I ask a question?

Ms. Hasbun: Through the Chair, oh, go ahead.

Mr. Bolton: Who wrote this? Maybe they can explain to us what their intention, their vision was. Who wrote mixed-use residential/institutional and the paragraph underneath that? Do we know? Because it was done after Calvin. Calvin Giordano didn't do it so it was done sometime after that. I don't know if a Council person did it. I'd like whoever wrote that to basically explain what their vision was.

Mr. O'Hara: A resident.

Vice Mayor Valinsky: The handwritten stuff is the staff. I see the word range there. Other than that, I don't know.

Mr. O'Hara: No, from 210 to 216.

Vice Mayor Valinsky: Yes, I don't if that was a result of Councilmember Charles 's meeting with staff. I don't know if he remembers.

Councilmember Charles : I think it's been absent. I think that the designation has been mixed-use residential like MURI that I brought up, and then it's just wording for putting it in. I'd have to go back and find out if it's 2010. Whenever Barry had that land designation, we just never had it reflected in the document for Miami Shores Village.

Mr. Bolton: That can't do. I think it's bad. If we're this confused about it, it needs to be able to read clearly. People should understand them clearly. I don't like it.

Vice Mayor Valinsky: I'm confused about the confusion. Because this is the current land use designation that applies to that property. It's not a new land use designation.

Mr. Bolton: You're saying this was in 2018, I don't think so.

Ms. Hasbun: Through the Chair, may I, please? The current land use for that property is institutional. The language that was proposed was language from the 2010 comprehensive plan. Okay? It's not the adopted plan. It was brought back from that version.

Vice Mayor Valinsky: Thank you for correcting me, I appreciate it.

Mr. Bolton: This is not from 2018? This goes all the way back to 2010.

Ms. Hasbun: That's correct.

Councilmember Harris: Throwback, through the chair.

Mr. Bolton: 2010 was a disaster.

Councilmember Charles : That was what the land was designated for.

Vice Mayor Valinsky: No argument.

Councilmember Harris: Through the chair, what's the problem with putting Barry into the multifamily residential? I know you're trying to change.

Ms. Hasbun: Through the Chair. I'm sorry, just like a notification but the title for that land use is mixed-use residential/institutional. We are not talking about multifamily anymore. We're talking about mixed use.

Councilmember Harris: I understand that. We are all over the place.

Ms. Hasbun: Exactly. Whenever we talk about mixed-use, it encompasses a series of uses that will be permitted under that new land use category. It is not just specific to multifamily. I just wanted to make that clarification. Thank you.

Councilmember Harris: I understand that. Through the chair, so will we have to have like earlier, we use mixed-use but we had a percentage of use. It seemed like here their intentions is either or. That's what it seemed like they were trying to accomplish here.

Ms. Hasbun: The language reads that you can have residential uses and/or institutional so it's giving you both options.

Councilmember Harris: You can.

Ms. Hasbun: You can have.

Councilmember Harris: You are not required to have this mixed?

Ms. Hasbun: You are not required.

Councilmember Harris: Okay.

Ms. Hasbun: And/or.

Councilmember Harris: Okay.

Mayor Burch: Any other comments on mixed-use residential and institutional?

Mr. Busta: Well, the language from the DEO requires a significantly more detailed definition than the one you have here.

Vice Mayor Valinsky: Through the Chair. I saw that as well and I actually asked the staff about that, because I agree with you. I was concerned about that. They said that this is a different kind of mixed-use and they don't think that that applies to this. Would staff like to comment on that?

Councilmember Harris: That's what I was asking.

Councilmember Charles : That's a mixed-use.

Ms. Hasbun: That's correct, that language is not being introduced in this version.

Councilmember Charles : There's a different version just not that. The DEO letters.

Mr. O'Hara: This is a different mixed-use than the excuse we already have.

Councilmember Charles : The DEO letter is for the 2022 version of this.

Mr. Bolton: May I ask a question? Explain to me because I guess I'm having trouble with it. What are single-family detached and attached units and multifamily units at a density of six units per acre?

Councilmember Harris: That doesn't work.

Vice Mayor Valinsky: Yes, we just addressed that. I would forget that paragraph under there because we're

already past that. I think we were already saying that this doesn't work because the residential part of this mixed-use includes the option for single-family or multifamily construction. We need to have two different densities here to apply to those two different things. Six could be fine for a single family. You were talking about 13, we need to add another density for the multifamily.

Mr. Bolton: All right. Just for conversation.

Vice Mayor Valinsky: Please.

Mr. Bolton: This is a conversation right? I know Calvin Giordano, they had a designation, called neighborhood sub-designation. A mixed-use neighborhood, land use sub-designation to accommodate small-scale retail, service residential dwelling units, and patterns offer residents the ability to live shop, work, study, and play in one place. The mixed-use neighborhood includes a mixture of housing types, residential densities integrated with goods and services, and both vertical and horizontal mixed-use developments with the goal of creating complete communities for residents. Read pretty well, doesn't it?

Mayor Burch: The trouble with that, John...

Mr. Bolton: Compared to what we've been reading, this reads pretty good. Now, let me finish. Base density, 30 dwelling units per gross acre, and a FAR of 1.5. Why is that not good? It's next to the university, wouldn't they want something?

Mayor Burch: The reason it's not good, John, is because it's mixed-use zoning and again, Senate Bill 102. We have just lost control of this piece of property.

Vice Mayor Valinsky: Mr. Mayor, if I may, I don't think it's good to keep referencing that because we can't use that as criteria to decide densities.

Mr. Bolton: I agree.

Vice Mayor Valinsky: That's not good.

Mr. Bolton: I'm just thinking, my vision as a university, like the University of Miami, just west of Ulim on the red road there seems like they built a kind of what I just referenced. It's about three stories tall, some stores, the students are interacting, faculty, professionals, and students, it helps. I think it's great next to a university.

Vice Mayor Valinsky: The feedback and my own view of the situation is that this is an area with one-lane roads around it. There is no intensity like that over there or density over there. It seems very out of line with not just the area but the Village in general. Basically, we're proposing building a minicity there, which was very alarming to a lot of people, specifically the commercial aspect. Now, what we're talking about is mixed-use residential institutional, is a designation that is already applied to that property historically in the past, it's not something that was made up. It conforms with what Lenora is telling us that they want to make now. They don't want to put any commercial there anymore. They don't want to put apartment buildings there anymore. They are saying that this is totally fine with what they want to do other than that density.

From what I've seen, pretty much anybody who was complaining about what they saw that was coming over there, I didn't see much for them to complain about with what I saw from them. I think if we can make that work, again, we haven't seen anything from them but, when we do, I mean, I think that's a fantastic direction to go in. Because although what they proposed is much significantly less density and units than what they were originally proposing, it is enough, my understanding, to hit our population projections which we need to account for. What they've shown me does that. What they originally wanted goes way past that, they're not doing that anymore. This is a land-use designation that really would only apply to one property. If the people who have that property or wanted to develop that property, are telling us that this is fine, I mean, that's where I'm at.

Mayor Burch: Now let me say one more thing and I've realized, Jesse, you don't agree with me, but let me finish anyway. Senate Bill 102 allows a developer to build a fifty-foot-high building - with the highest building on the shores, with the highest density on the shores - of middle and low-income housing on any piece of land that is zoned multi-use, which this would be with a commercial and a residential, or commercial. And so we are already at risk for downtown and for Biscayne Boulevard because those are both zoned commercial. But if we label this very property "mixed-use" we're going to be at risk to have that done there also, and the project that Lennar has, that's not what's going to be built there.

Mr. O'Hara: Mr. Mayor, if I may? So is this new proposal that we just heard about tonight at this thirteen dwelling units per acre, is that proposed to be done with this small-scale amendment? Is that the track that they're on or are we trying to accommodate them in the comprehensive plan?

Just if I can keep going with a couple more questions, so it's thirteen dwelling units per acre, is there a proposed height? Is there a proposed FAR? Is there a proposed unit size? What are we talking about, Mr. Mayor?

Mayor Burch: The proposed FAR is 1, and the density is thirteen, what was the other question?

Councilmember Harris: Height.

Mayor Burch: The height, forty-three.

Vice Mayor Valinsky: Mr. Mayor, if I may?

Mr. O'Hara: And they're proposing to do this within the confines of what we are looking at as the comprehensive plan or they're doing this within a small-scale amendment?

Mayor Burch: They have asked that if we could, would we put that into the comprehensive plan. Yes.

Vice Mayor Valinsky: Mr. Mayor, if I may?

Mayor Burch: Yup.

Vice Mayor Valinsky: Yes. My understanding is that if the density was thirteen, according to what they told me, they would not need any amendment at all. No small-scale amendment.

Mr. O'Hara: Okay, these are important things for us to have some idea on while we're discussing it.

Vice Mayor Valinsky: But I'm not trying to make a comp plan around what they want, especially since we haven't actually seen anything so what I'm saying is if this is a land designation that only applies to one property. And if they're saying that they're fine with this land designation which is already applied to it in the past, I think let's leave this like this. Let's see what they come with, and then I don't see any problem with it.

Mr. O'Hara: I understand what you're saying, it's just, is the tail wagging the dog? Are we doing something to accommodate a private identity, or are we doing something that we feel is good for the Village of Miami Shores?

Vice Mayor Valinsky: Mr. Mayor, if I may? What you just described is what was taking place before and I don't want to do that.

Councilmember Harris: Through the mayor, I object to what you just said.

Vice Mayor Valinsky: Well, I wasn't meant to be nefarious. They were asking for something else before. And, so there was like a pressure being put to "What are we going to do? Are we going to accommodate their ask or

not?" And I feel like that was a big part of the discussion that took place before with this. They are asking something totally different now.

Councilmember Harris: Through the mayor, you made it sound like the previous Council. I met with Barry a couple of days ago, and it sounds like you, this Council is making a plan for Barry. Now, I do like what I've heard from Barry so I'm not so much objecting to that, but I just took offense about what you said in the past that's what has been done.

Vice Mayor Valinsky: I would like to apologize, that's absolutely not my intent.

Councilmember Harris: Thank you, I receive your apology.

Mayor Burch: To answer your question a little more, one of the things that we have an interest in, we have a middle school and a high school that doesn't have an athletic field. And if this project were to go through, their options of having that are going to be eliminated. And so when speaking with them today, I said, "Would it be possible if we could pick up another hundred feet of land to the east of the Doctors Charter School so that we'd be able to have an athletic field there." And they believed that that would be able to be done. They're trying to rearrange the location of the building. So I'm only saying that because, in my opinion, I want you to know that they are trying to work with the Village now and help us. I know when I went to high school I had a gym, I had an athletic field in middle school, and I think it's something in school that I had. So I do think they're doing what they can to try and help the Village, I hope you all had known that.

Mr. O'Hara: No, I appreciate that. And is this proposal which we just heard about tonight, is that including any bonus density? Any bonus FAR? Is there an ask for all of these things?

Mayor Burch: There are no bonuses, no. But again, this is going to come to you all before whatever comes to us and you are going to go through it like you always do.

Mr. O'Hara: Well, unfortunately, this comes before the Barry Proposal. So we have to have some idea where we're going. We have to be comfortable with it.

Vice Mayor Valinsky: Through the Chair, if I may. For me, personally, the intent of bringing this forward, what they showed me, was so that we don't waste our time spinning our wheels here trying to accommodate something that is no longer on the table. Their ask is much lower now and my purpose of wanting to share that is so we're not wasting our time worried about Barry wanting all this density that they don't want anymore. That's all. My intent is not for this to be more work, but to say, "Hey, maybe we don't need to focus on this so much right now because something's coming down the pipe that maybe isn't as concerning anymore. Like, wait to see what's coming now.

Mayor Burch: That was the reason for having this meeting tonight. You all are going to look at this comp plan for real first, okay? And you've got to approve it. And after that, it's going to come to us. We're trying to not play ping pong where you do it, it comes to us, we say no, it goes back to you, and you send it back to us. We're trying to move this thing forward if we can. Nothing here is written in stone. Whatever you all come up with, when you get done, then that's what we're going to start with.

Vice Mayor Valinsky: Mr. Mayor, if I may? I just want to reiterate that. I mean, we are sincerely here to hear from you guys and help us out with this. Because we're not experts in this, this is a lot of new material for us that we don't have a background in. And we're trying to navigate it all so. I hope you guys are fine and productive, I certainly am, I really appreciate you guys coming out tonight to do this with us.

Mr. Busta: May I, excuse me, Mayor? I brought up the mixed-use category for this Barry Land. I liked it, I liked the idea, next to the university, small-scale, retail, service, residential, dwelling. And a couple with that. There might be some restaurants and places that students can go to rather than more of a property that is geared towards supporting the university. With faculties, graduate students, restaurants and so. If I may, I'm just

curious, I mean, it sounds like the mayor and you are not obviously in that opinion. I'm curious what my board feels like? What is your opinion? Mixed-use or a residential? Multi-family residential?

Vice Mayor Valinsky: May I make just one comment?

Mr. Busta: I just trying to get a feel for the board so that when you say that we're going to try to get consensus on something. Right now, I'm not really on board for residential like that. My vision is more something that will help the university grow. That's my vision. I'm curious how my board feels.

Vice Mayor Valinsky: I would love that.

Mr. Brady: Through the Mayor, if I may? You said briefly you're meeting with Barry or having some discussion that with land and stuff. Anything more to that because from the public here in the past we were here in about parks and more green space and stuff, and it kind of got quiet.

Mayor Burch: They've got parking, they have a park, they've got a swimming pool, they've got jogging trails.

Councilmember Harris: Pickleball.

Mayor Burch: It's pickleball courts. I think they're really trying to help us but again, you're going to see all of that, John.

Vice Mayor Valinsky: Through the chair, if I may? What I saw involved 2 tot lots, 2 dog parks, a bunch of green space, a jogging path around the whole thing, there's a pool. And the pool was the only thing that had a gate and fence around it that would kind of be for the residents of the development there. Otherwise, I was told everything else would be open to the residents of the Village. Again, there would be a lot of details there to work out, and I didn't get into that with them, they were just showing me what they had.

Councilmember Harris: Through the chair.

Mayor Burch: Let him finish.

Vice Mayor Valinsky: No, that's all. I appreciate that, I said "Thank you, this is a good effort. I hope you will show that to others, please, and we can have a discussion about it." Again, a lot of details to be worked out. But, the big picture stuff, I mean, it appears that they are making a big effort to come our way.

Mr. Brady: What we're being asking to now is for our opinion, and it would be nice to see something before us, and I was just thrown this conversation back and forth okay? And it seems like we've got a starting point now to go forward. So, to give you an opinion right now to say "In favor of mixed-use or strictly residential?"

Mayor Burch: Go ahead.

Councilmember Harris: No, he's pretty much with what I was saying. I wanted to ask, is there an opportunity for Barry to give us a presentation, I mean, Mr. Carter is sitting over there - to let everybody have a privilege of what we know.

Mr. Brady: And let me say this, okay? Probably say it for the first time, Lennar knows already what they want there. And I believe Barry does too. Just have some transparency and come forward and just tell us. What's the big secret here? It might move this thing up a little bit faster and we're through.

Vice Mayor Valinsky: I agree. And again, my intent was not even until I get into the weeds on this because I don't know the details. My intent was to not spend up a bunch of time going down a path on this particular item when there's some new information that I got that I wanted to share with you guys because I think maybe we shouldn't get into much detail on this if there's a new something coming down the hike. That's all.

Mr. Brady: I always feel more information we got to digest, we could make a better decision.

Vice Mayor Valinsky: I had 2 options - tell you nothing or tell you what I knew. I decided to tell you what I knew.

Mr. Brady: In this way, this could help the residents too. Because if we don't know, we can't expect them to know.

Vice Mayor Valinsky: And we're so early in the process. We got a lot of stuff so. I'm sorry.

Councilmember Harris: But to the chair, Barry had asked for an opportunity to present. They say about 2 minutes that they get in a public comment is just not enough and they tried to get except from the moratorium so they could have an applicational file to come present. So that's where they are. They weren't trying to keep secrets from what I'm hearing. They just haven't had a forum to present. So.

Mr. Bolton: I spent some time on the Lennar website, what you're describing is what they specialize in and is really residential development rather than kind of mixed commercial-residential environment privacy. I have some concerns that the project is relatively small to really complete a project that would be to live-work-school kind of thing. I think it's really a matter of getting enough information to be able to draw an appropriate conclusion.

Mayor Burch: Any other comments on mixed-use residential institutional?

Mr. O'Hara: Just one, Mr. Mayor. So there's a proposed FAR listed as 1.0, I believe. But then, later on, it talks about institutional, having a FAR of 2.0. So I don't know if that's intentional that those two are listed like that, or are we going to propose that the institutional also be 1.0? Because later on we have institutional that would be after the general commercial so they're at line 264 and then line 267, they're talking about FAR 2.0. So just wondering if we need to do that?

Vice Mayor Valinsky: Through the Chair, if I may?

Mr. O'Hara: I think this is analogous to the residential that's in that mixed-use also. So, in other words, this is a different residential. This is a different institutional that's in the mixed-use, totally different land designations so they could have their own stats.

Vice Mayor Valinsky: That's my understanding.

Mr. O'Hara: I think I understand what the intent of that paragraph is, but it doesn't read like that. It doesn't read like that to professionals that would be reading these documents, trying to find out what the FAR would be. You'd be thinking potentially it'd be 2.0 or so. That's why I was bringing it up not to dictate one or the other, but just questioning if they're the same, are they different? Can we clarify?

Mayor Burch: Claudia, we need to rewrite that section to reflect that.

Ms. Hasbun: Understood. Just for the clarification, yes. They're two different land use designations.

Mr. O'Hara: Okay. I guess we could just tighten up the language so it reads better.

Ms. Hasbun: Understood.

Mayor Burch: Any other comments on mixed-use residential institutional? Restricted commercial, any comments?

Mr. O'Hara: Just one, Mr. Mayor, at a previous FAR of 2.0 in the restricted commercial, and now we're 1.0. So

just wondering what we're thinking about changing that from 2 to 1?

Ms. Hasbun: Through the chair, from the 2019 adopted we were between a range of 1.0 to 3.0 for that restricted commercial. The proposal from Calvin Giordano had a 2.0 just to clarify that.

Mr. O'Hara: So now, the new language is proposing 1.0.

Mayor Burch: We have one building downtown that's got ten apartments on it I think that was built without a permit. Most of those buildings downtown were facades on the front. 1.0 does hit the majority of them, although you're correct, again there are a couple of buildings that are higher. Whatever you all think about that, I don't have a strong opinion on that like you do.

Mr. O'Hara: I guess my thought before it came to the meeting and stuff to it, digest it a little bit with the State Bill. So, I would try to have maybe a higher FAR on the commercial to allow some innovative uses under the code versus somebody coming in under the State Bill parameters and building something much bigger because that's the opportunity for them to get bigger. So, maybe having something in here to promote some redevelopment that the Village would like to see versus development that the Village wouldn't like to see. I'm just kind of thinking out loud but that's what I'm kind of thinking there.

Ms. Hasbun: Through the mayor, and just as a point of reference also. It was mentioned before, we need to also look into the existing conditions of that area. I think the majority of the property is from the downtown area, for example, is probably above the 1.0. So we need to consider that as well whenever we made the decision.

Councilmember Harris: Through the chair, we're on the restricted commercial, right? So this would be a good area for range for like a 1.0 to a 3.0?

Mayor Burch: Well, if you want, the only other question is would you put a height restriction there because we had some? Remember we've got residents that live just on the other side of that parking lot. And we had input from those residents, they have 2 complaints - one is that people that are going to the various businesses or parking in their yards and in their driveways, they wanted stickers for their cars so that they can prove that they shouldn't be towed. The other thing is they don't want people looking in their backyards. And so, what is your thought on a height restriction there?

Mr. O'Hara: Just personally, I've always been a proponent of forty feet as being the height limit. I tried to have that as Vice Mayor Valinsky knows.

Mayor Burch: Would we put that in here or we don't need it?

Mr. O'Hara: I think either-or. I tried to do that via the charter to have the height everywhere forty feet. So, I've been a proponent of that. But talking about the parking, you have an opportunity to a new Number 3 under the restricted commercial, which would be old Number 5, that last line where it talks about "Parking and vehicular access, it does not rely on neighborhood streets such it probably says that does not rely on existing off-street parking or neighborhood streets." So, any commercial development that's new should be coming with its own parking and shouldn't be relying on neighborhood streets and the existing parking in Northeast 2nd Avenue and the side streets. That they should be able to accommodate parking within their projects.

Vice Mayor Valinsky: Through the chair, if I may? So this gets into an area that I'm very interested in getting your guys' feedback on because we had a discussion on this, obviously, a very hot subject in that area is those parking lots and the buffer that they create between the commercial and the residential. The parking was taken out, and we were kind of talking about maybe reintroducing a parking designation. Mr. Mayernberg, who unfortunately isn't here this evening, brought up a point that perhaps it wasn't beneficial for us tax-wise to lose out on making those parking lots as commercial, and maybe there was some other method we could come across to still maintain those parking lots as barriers, but not have them have their own separate land use designation - which in my understanding is kind of like an odd-ball to do. I don't know if you guys have any

comments on that or suggestions.

Mr. O'Hara: I was thinking about that as a side setback when it is impacting on single families zone or a rear setback depending on which way the development is oriented if the front is Northeast 2nd Avenue or was the front 98th Street, 97th, 96th, all those, you'd have to have that buffer maybe you want to do it overlaid district there to dictate those things. But you can't have the commercial come up in those parking lots right on top of those single-family homes. There has to be some type of setback about how that works, they're all lots with individual folios - are they to be developed individually or are they to be developed in concert with the redevelopment of the buildings already on Northeast 2nd Avenue? There are a lot of questions there.

Mr. Brady: Through the Mayor, if I may? Mr. Bolton, I believe, I want to just jump back to the FAR 1.0 restricted commercial. You did an analysis on neighboring cities, did you not?

Mr. Bolton: Yes.

Mr. Brady: You didn't have that with you?

Mr. Bolton: I don't have it with me. But that was for residential. That was when I was comparing homes - amassing of the homes.

Councilmember Harris: Through the chair. Oh, you go ask, go ahead.

Mayor Burch: Can you help us for a minute here, of the parking lots that we have down Northeast 2nd Avenue behind these businesses, half of those are privately owned by various businesses, and therefore they are a commercial enterprise, although I don't know any of them charge rent. But they, of course, bought those as part of their property and the other half, the city owns. We collect taxes - property taxes - on those parking places that are privately owned. So, as far as our zoning map, do we need to delineate it? We need to put the parking in again and you don't want to hear about it because of Senate Bill 102, as far as the designation on the map. But do we need to delineate or what do other cities do? How do we deal with that?

Ms. Trevarthan: Through the chair, again, Susan Trevarthan. I think it's relatively less common to have those parking parcels carry their own land use designation, and it does pose challenges for those who wish to seek to redevelop. At the same time, the purpose that's served by those parking lots that was just described well by the board member can be served by having bulk regulations setbacks, and so forth that provide transition and a buffer from that commercial area to the adjoining residential, without having the parcel itself be purely limited to parking uses.

Mr. O'Hara: I guess the other question is, historically, are those parking lots, those individual private parking lots, are they tied to specific commercial establishments, and was that commercial establishment permitted with that being parking specific to that commercial establishment, so then they would be tied together, so if you were going to develop on it, you would have to provide parking all across? I don't know the answer to that so I think we need an answer to that.

Vice Mayor Valinsky: Through the chair, if I may? Just to be clear about what you're saying, I want to make sure I understand it. We're saying by changing that land designation, I'm assuming we have some kind of parking requirements on commercial...

Mr. O'Hara: Through the chair, a commercial establishment would normally have a parking requirement so are those lots part of the required parking for those commercial establishments which kind of protects it as being parking via that process, or wasn't it not? Was there no parking requirement at the time they were built? They just happened to be there and they're now parking lots? I don't know the history of that.

Vice Mayor Valinsky: Got it.

Mayor Burch: Okay. Susan, there's no problem including all of them together, in other words just labeling our FLUM parking?

Ms. Trevarthan: I mean, these properties are already designated parking, as I understand the question.

Mayor Burch: Well, they have been and have not been. It depends on which plan you look at.

Ms. Trevarthan: I mean if you took a property that currently had rights to build and then you change it to the parking designation, you would have the kind of issues that were raised earlier potentially about reducing potential rights. But if it's already in parking and you just want to continue that, I think that's a policy choice. And a way that perhaps makes it less abstract is let's say we have a business and we have a parking lot just behind it, and they're using that parking for their purposes so they meet their zoning parking requirements but the impact of having that parking label on that dirt might be that, if that business wanted to refresh or renovate or redesign, and perhaps that would involve them extending a portion of their development into what's the current parking lot, while they'll still have sufficient parking they couldn't do it, as I understand the question because the parking label only says "parking". So there's less flexibility by keeping that dirt with just a parking label. So you should consider that in your deliberations.

Mayor Burch: Thank you. So, we're in a FAR of 2.0 and a height of forty, is that a general consensus?

Councilmembers: Yes.

Councilmember Harris: For restricted commercials? That's what you're talking about, right?

Mayor Burch: Yes, we're on restricted commercial.

Councilmember Harris: I thought that we were under the impression that we already had existing buildings that exceeded the 2.0 and that a range from 1.0 to 3.0 with the forty feet height?

Mayor Burch: I don't think that's true.

Councilmember Harris: Claudia?

Ms. Hasbun: Through the chair, I don't have any analysis per se particular to provide you with a FAR. It seems that the property is, they might be, at some point, above 1.0 for sure, but not to make an understatement, if there are any properties reaching the 3.0 without making an analysis on that.

Mayor Burch: Okay.

Councilmember Harris: But we need that. Because I'm big on making things, putting things in. The built environment be reflected so... you would advise that at some point, Ms. Claudia?

Ms. Hasbun: Through the chair, yes. That is the request.

Mayor Burch: Any further comments on the restricted commercial?

Mr. Bolton: Can I ask, is there any particular reason there's so much significant rewriting of this part of the code? Was the current language just considered inadequate and not appropriate to use?

Vice Mayor Valinsky: We're talking specifically about the restricted commercials.

Mr. Bolton: I'm talking about the current document. Basically, go through it then rewrite most of the document. I mean, was it just a concern with the language and the current document did not appropriately represent what needed to be done?

Mayor Burch: Well, there's been two big concerns - one, that our change as of now, or since the legislative session was over and that's 1604 and 102, both of those radically changed what can be done with various zoning designations and also they take that ability away from us to you have any input into it. And so, one of the things we've been trying to do here, for instance, 102 says that it's going to be the tallest building that you have within 1 mile of the property, that's going to determine the height of the structure. We don't have any fifty-foot buildings on Northeast 2nd Avenue, but unfortunately, we could now have that. And we can't stop it. So one of the reasons we're rewriting this code as much as we have been is trying to compensate to the extent that we can to comply with the change in the law.

Mr. Bolton: Thank you.

Mayor Burch: All right. Then if we're done with the restricted commercial, we're going to go to the general commercial. Any comments or thoughts?

Councilmember Harris: There's a comment about FAR 1.0 under general commercial. I had a hard time realizing what's the viable development for that. I'm trying to envision what type of businesses we want. This would be the Biscayne South area.

Mayor Burch: Yes.

Councilmember Harris: So when we envision what we want there, I got people talking about wanting a dollar store but if you have a FAR of 1.0, what else could go there?

Mayor Burch: Well, I think right now, with the exception of the building that the Tropical Chevrolet is doing with their car repairs section the rest of those already fall into the 1.0. I mean, the whole shopping center certainly does.

Councilmember Harris: Yes, that's what it is now. But a vision of what we'd like to see there, what quality type things and we also want to encourage development. It seems like most of these just look that how we could just make sure nothing is ever developed. The whole plan looks that way to me.

Mayor Burch: Okay, so you'd changed that to...

Councilmember Harris: What's its current read? 3.0?

Mayor Burch: No.

Councilmember Harris: Well, that's just something to do. Go ahead, sir.

Mr. Busta: So, following up, I'm just reading what Calvin Giordano had in their vision. Because I guess we're talking vision here, right? They call it the corridor subdivision. Mixed-used corridor land subdivision shall accommodate a wide range of residential, commercial service, entertainment, and civic uses intended to support walking, bicycling, transit, and friendly development patterns along the Villages' southern portion of the boulevard capitalizing on the proximity to the Dade County Smart Plan and supporting the conversion of under-utilized or outdated commercial areas for conversion to mixed-use development. So, I agree right now, it's not thriving by any means, we got two different dollar joints - Burger King, and...

Mr. O'Hara: Chick-Fil-A.

Mr. Busta: I mean, it's not thriving. I really do think we need to do something to try to incentivize some development because in my opinion, if we're not moving forward, we're moving backward. And if we're moving backward that's slowly going to decline and going to blight, and once it's in blight, it's hard to get out of it. I think we need to provide some incentives to do something there and move forward. What Calvin had

presented was a mixed-use, which I think mixed-use is more developable because people want to move to the shores. It makes affordable options for younger families that can afford eight hundred-thousand-dollar, million-dollar homes to have a place to move in. I'd love to see those areas the next really commercial area where people go to restaurants, maybe go to some entertainment venues, and do some rest time. I haven't spent a dollar in that area in a long time. And I don't know how many people had but I think that area could be a vibrant commercial area where people want to go and do things. I don't see it now and I don't see this plan doing anything to change that.

Vice Mayor Valinsky: Through the Chair, if I may. My concern, just looking out way long-term is this is a majority single-family home-owner community. We have one street, 105th east of Biscayne where that one street is a significant portion of the population of Miami Shores. It's not a lot, just one little street. It wouldn't take many more streets like that before single-family homeowner is not the majority anymore in this community. I'm not saying it needs to only be, in that we shouldn't be introducing multi-family to accommodate our future growth and things like that but these are irreversible things. You can't go backward. So this is a very very unique Village. Certainly, in this area, there's nothing else like it.

So, I want to put a priority on preserving that also. I feel like when you're talking about condos and apartments, there's nothing wrong with that. I've lived in plenty myself, but to me, that's not expanding the Miami Shores experience. That's not bringing more people into the Miami Shores experience. I would associate that more with the starter homes, and townhomes. That's getting your foot in the door. That's how I got here in this neighborhood, with a small little starter home fixer-upper.

So, I'm just very cautious when it comes to adding that kind of stuff. That's where I'm coming from.

Mr. Bolton: So, if you're not moving forward, you are moving backward.

Councilmember Harris: Oh, definitely. Through the Chair.

Mr. Bolton: You are moving backward and if we're not moving forward and creating something here, it's going to slip and slowly decline and become blighty.

Vice Mayor Valinsky: Through the Chair, if I may. I absolutely appreciate that. Just from my perspective, what we currently have here right now is unique and more valuable than any progress...

Mr. Bolton: Dollar Store.

Vice Mayor Valinsky: I understand that. But it's not a dollar store or apartment. There's something in the middle and I would support that.

Mr. Bolton: The dollar store serves a purpose. There's a penny there also. There's Orange...

Mayor Burch: Wait a minute now, we have got to slow down here. Sam has the floor.

Councilmember Harris: I understand with workshops, we don't really have the same formality as a Council meeting, so you know, we're talking.

Vice Mayor Valinsky: I'm enjoying the informality and I hope that's okay.

Councilmember Harris: Right. But I do believe that this Biscayne Corridor, this whole comp plan is our biggest area to really do something great.

Vice Mayor Valinsky: I agree.

Councilmember Harris: It's not a major corridor. It is not in a residential area. Right behind it, our townhome is thriving and doing well. And we saw the transit corridor, this is one of the biggest lost opportunities we have

here in this whole comp plan. We've already had the conversation so I'm not going to try to push it but it's really a big loss, yes.

Mayor Burch: Jerome.

Councilmember Charles : Now, with this, if you've paid attention to the last year on it, it's also one of those corridors that would just change the population of Miami Shores back to the Vice Mayor's point. When it was first brought up, you were talking about adding to it a Village that is already single-family homes. So we have problems with stormwater, we have problems looking for the septic to sewer, and then this future thing that you're looking at, it's so far into the future. And if you would actually look at that corridor, it's an F road already. You go down that corridor, people said between 79th street all the way down the 36th street is going to be walkable and it will be like Melrose. It still isn't. That's 20 years in the making and that little Memo district is still not that vibrant.

So, if you go down the corridor, there's been buildings that were far from the morning side that were too dense for the neighborhood. That was Cubics and then if you look at what they're now, it's apartments and no retail stuff. So I understand where you're coming from but if you actually look at the corridor, it's an F road. It's an F road and there's no improvement and you're talking about adding to it.

Councilmember Harris: The road is an economic engine, Biscayne is an economic engine. People are shopping, going to work, they're spending money and that's what it is.

Councilmember Charles : It's still an F road though.

Councilmember Harris: Yes.

Mr. Bolton: I mean, that's a regional transportation problem.

Councilmember Charles : Right, but that's part of the smart corridor.

Councilmember Harris: And that's why you need density to bring in transit.

Councilmember Charles : But there are other communities. This is single-family homes, there are other ones that are more dense than us. North Miami is way more dense than us, the City of Miami is way more dense than us and they border us.

Mr. Bolton: We got the 79th Street shopping center.

Councilmember Charles : I mean, for how many years do you want to look at that shopping center?

Mr. Bolton: We could try to do something here, change something. Nothing has been built there in 30 years.

Vice Mayor Valinsky: I agree with both of you.

Mr. Bolton: I've been here 30 years, nothing has been built there. Buildings are declining. There's no incentive.

Vice Mayor Valinsky: I think that both things can be achieved. I think I would like to come out with a path that addresses the blight or the possibility of blight over there. I think everybody would agree that what's there right now, there's a lot of room for improvement.

Mr. Bolton: Yes.

Vice Mayor Valinsky: What I'm saying and based on what I've just explained the last time I was talking is when you're getting pushed back from me on that, that's where it's coming from. That's my perspective. So, I'm not

hard-headed, I'm not stubborn. I'm not saying no outright. I'm just telling you, I'm going to put pressure. I hear what you're saying and I hope you continue doing it and you put pressure that way and I put pressure this way, and hopefully we're going to come into some awesome things that everybody loves.

Mr. Bolton: We just need to try and incentivize some development there.

Vice Mayor Valinsky: I would love to do that if we could do so possibly without high density over there or over the top density.

Councilmember Harris: Well, none of this is high-density.

Mr. O'Hara: And if I could just jump in. So, if the State Bill is envisioning residential being allowed in the commercial district, why don't we think outside of the box and come up with an innovative plan that allows the residential in the commercial and get ahead of it to get what the Village wants instead of having outside parties dictate what they want?

I think there's an opportunity here instead of looking at it as the State Bill is this big massive problem, maybe it's something that can be an impetus to do something innovative in the Shores and spur some development with some residential. You go to Miracle Mile in Coral Gables, people live above those stores. It's an active place and how many times have we heard North East 2nd Avenue is dead and there's no activity? I know there are people living in single-family homes outside of that area. But they need to live in that zone and be part of the pedestrian activity. I think there's an opportunity here to do something special without it getting out of hand and then allowing the Village to control it instead of the State Bill controlling us.

Mayor Burch: And so let me just say this, and I think you hit the nail on the head. I agree, John, with everything that you said. I just hope that when you all do this plan, you will eliminate mixed-use.

When Giordano did their recommendation, Senate Bill 102 didn't exist. Senate Bill 102 was just passed and signed. It does now exist. You can accomplish just as you said what you want to do, just don't put on that map mixed-use because when you do, 40 percent of any building you do has to be low-income housing and it is defined as what low-income housing is, that people have to make half of what is considered, whatever, you can read it. But the point is, that this was not in effect at the time that Giordano made these recommendations. So do what you just said, look for a way to put zoning here where you can make it more vibrant or have your restaurants, do that. Just don't call it mixed-use.

Mr. O'Hara: I agree with you, but I'd just go back to one comment that you made. Affordable housing is not a problem. It's an important thing that every community embraces. It's an important thing that every community includes. That's what I do. I do it in South Beach next to Million Dollar Homes. There are ways to integrate affordable housing into the community the right way. I'll share pictures with you of a project that I'm developing in Miami Beach on the cover of the AIA Magazine for design. It's the most beautiful building that you've ever seen. It's just twenty apartments for the elderly. Affordable housing takes many many different types of people.

Mayor Burch: That's not the point. The point is the buildings are going to be 50 feet tall and they're going to have a density of 47 units per acre because they can build those to match the highest density and height anywhere in the Village. That's in the Bill. So now I want you to imagine Biscayne Boulevard and you're driving by the new Chick-Fil-A and you've got a 50-foot five-story building off to your left and right as you go by. That's what this is about in my mind. Okay. I'm not knocking affordable housing but I am knocking that type of development in the Shores. You read it.

Mr. O'Hara: I'm involved in it because this is the industry in which I work, so I understand that. But what I'm trying to say is, if the will of the Council is not to have that be the focus, then let's look at some innovative ways to accommodate the growth that the Village wants, that the Village can control. There are two ways to skin the cat here and I think we can't be in fear of the State Bill. We need to embrace the State Bill and look at ways to accommodate growth in the Community Plan.

Mr. Brady: Through the Mayor if I may. I'm reflecting back on comments from people over the years. The most popular one was, you can really tell when you drive out in Miami Shores in either direction. My idea for this Biscayne Corridor would be to take the original blueprint and renovate it, okay, because I'm going back to where we had a Lindsay Lumber on 87th Street in Biscayne Boulevard where the antique shops are. We had a fish peddler from Mike Gordon's Day. We had Corino's Restaurant in, where all the years, for as young guys that remember it, right, Josh? I mean, grow it. But I just can't fathom a forty, fifty-foot building on Biscayne Boulevard. There's no traffic analysis, it's terrible now. Okay? It's only going to get worse. If we don't have in our Village what you all want, guess what? You've been going somewhere else. You have been spending your money somewhere else. So, I'm saying we've had restaurants here, we've had different novelty stores and everything. Keep it within that area there, okay? What do we need to go up that high for and expand that blueprint? I just don't see it.

Councilmember Harris: Well, whew.

Mr. Bolton: Where did we get fifty-foot high?

Mayor Burch: That's the law, the law that you have to match.

Mr. Bolton: So where did you base fifty-foot high...

Mayor Burch: Unfortunately, it was built in 1960 or something but the condos at the end of 101st Street are 50 feet. That's where I got it. And that, unfortunately, they can match.

Mr. O'Hara: I'm just putting on my developer hat. Just because it says 50 feet, the FAR dictates whether or not you can get up to that 50 feet. But there are a lot of things here.

Mayor Burch: Now, but FARs won't count anymore. They don't even have to come to planning and zoning or order the Council with 102. If it's labeled mixed-use, they have the right to build it. We have no control over it.

Councilmember Harris: With 40% affordable housing. Claudia, I'm sorry, Ms. Hasbun, we talked so much informally, so sorry. Does this plan even need a required housing projection? It does seem that no housing is in here.

Ms. Hasbun: Through the Chair, if I may. If I can bring the comments that we received when the proposed document from CGA was submitted to DEO and to the external agencies, the external agencies are Miami-Dade County, the state agencies, SFDOT, and South Park Regional Management. One of the comments that we received from the county was in terms of how this proposal which includes general commercial with a FAR of 3.0. It met the requirements of the Smart Plan, it met the requirements for the housing development program which the county required. The county, actually, gave us the flexibility to either meet the requirements through density or through intensity which is the floor area ratio.

So, at least in that sense we're according to the requirements with a FAR of 3.0. We didn't have any residential component because the mixed-use was actually dropped at some point so the external agencies did not review the mixed-use proposal, the regional proposal from CGA. In terms of housing, to your question, this is currently, it's what's written right now.

Councilmember Harris: This thing that we're looking at today.

Ms. Hasbun: Oh, the proposal?

Councilmember Harris: This is what I'm talking about not what we have submitted, we exceeded it with that.

Ms. Hasbun: With that, it will be problematic for what we have in front because it is not even considering the

floor area ratio that was reviewed and basically approved, or not approved but it was in consistency with those two programs that I mentioned from the county.

Councilmember Harris: The county hasn't seen this. This thing, this draft that we're working with right now, we have under 300 homes over at Barry, and we have another 30-something over 105th Street. I don't know, we did away with the housing in, Downtown. Well, first of all, nothing has been decided. I'm just listening to what's happening here.

Ms. Hasbun: In the housing, you will have to be coordinated through the population projections.

Councilmember Harris: Right. Which was like close to 600, 590 something or so.

Ms. Hasbun: That was the housing?

Mayor Burch: If I may interject one second, the population in 2010 was 10,500, and a couple of people. In 2020, it was 11,500. In that decade, the Village grew by a thousand people. We're going to grow a thousand people just with the housing we're doing at Barry right now. It's three people to a unit, 275 whatever three times 275, it's on 105th Street. So as far as maintaining the growth, we're going to do that with just those two projects.

Councilmember Harris: I don't see that. Okay, you know, sir.

Mr. Bolton: I have a question for, I guess, the zoning attorney. Because we keep going about Senate Bill 102 and I have no ready details on that. But according to this comment, I guess by Jerome. It says, "Any commercially designated property will be available for redevelopment as mixed-use at the highest density in the Village allowed by the Comp Plan." If for example, this corridor area, we designate it mixed-use and that's the only area designated mixed-use. And in our zoning code, we have a maximum height of 40 feet. Let's say there's another building down the street that's presently 50 feet tall and the other building is designated multi-residential, so if this language is correct, then the zoning code for that mixed-used area applies and you would not be able to build to the stated 50 feet. Does that make sense?

Ms. Trevarthan: So there's a number of questions embedded in that if you would allow me to peel them apart because this is a brand new statute and there is no precedent and there are smart attorneys everywhere reading and interpreting it. What we do know is that it's a preemption of the local authority that applies to zoning districts, not to plan designations.

Now, zoning districts follow plan designations generally but the language of the statute is triggered by your zoning district. And three types of zoning districts are affected by this preemption - commercial, industrial, and mixed-use. In those areas, the statute opens up the ability for residential to come in even if those districts did not contemplate the residential. And as was mentioned previously, with the income constraints which go up to 120 percent of AMI, I believe. It's a full range from very low up to essentially workforce housing that would qualify for this preemption. The nature of the preemption is twofold. One, that property that seeks to go in a zoning district that it wouldn't normally belong in would be, pursuant to this statute, entitled to use the highest density that is allowed anywhere in the community. And I stress the word allowed because that's not nonconforming, that's not something built in 1920 that might really be high. It's the allowed density that this applicant would be able to propose going into your commercial, your industrial, or your mixed-use.

The second kind of preemption is related to height. That is narrower, and so this person coming into this type of district would only be able to propose the height that is allowed within one mile of that site. So, the density is city-wide where they could go to find the high density that they are trying to match. For the height, they can only go within the one-mile circle. So as you can try to see, there is a number of factors and you've heard me say it before, and I know people hate lawyers for saying it but it truly does depend, particularly on land use, it's like where are you, what's the nature of the zoning district, what's being proposed, what's nearby. Those are the things that would determine whether someone could successfully bring that project into commercial,

industrial, or mixed-use zoning.

Mr. Bolton: Can I just, real quick ask? That one-mile radius is just within the municipality?

Ms. Trevarthan: Within the city. The early versions of the bill were not limited that way and a lot of our cities really freaked out about that and lobbied on that and we were successful to make that measurement of both the density and the height. It's within your jurisdiction, not your neighboring jurisdiction.

Mayor Burch: And you had asked earlier, then, why did we want it at 20? And the reason we wanted it at 20 instead of 25 or 30 is that it's going to go to whatever the highest allowed density is. So, by reducing that, and if someone comes in to build this type of project that will have a constraint on them, I don't disagree if you want it higher. That's fine, that was the logic of that.

Ms. Trevarthan: And Mr. Mayor, if I may. I wanted to add one more thing. The scope of this preemption is not complete in the sense that it's very specific to height and density and only for this kind of housing. It then goes on to say specifically that these projects that are attempting to locate in a kind of foreign zoning district where they're not normally allowed have to comply with everything else. And so, everything else is everything else, whether it's wetlands, whether it's some FDOT thing, whether it's your local setbacks, whether it's your parking requirements, all those things come together in a real-world sense to determine what actually can be built. I mean, on paper you can have a certain amount of height and density, but then you got to actually plan it out in the context of a particular parcel to really see what can be built there. So, for some parcels, those other restrictions may not matter very much, for other parcels they might make a huge difference in what can be done there. I don't want to lose sight of the fact that you do have other rules that affect development and they will continue to be a factor.

Mayor Burch: Any other questions or comments on the general commercial? I bring this to institutional. Did we talk about height and restricted commercials? You don't have any opinion on that?

Mr. O'Hara: My opinion is, 40 feet is more than sufficient.

Mr. Bolton: 40 feet for multi-residential or commercial?

Mr. O'Hara: Or commercial, yes.

Mr. Brady: Mr. Mayor, where are we at with 105th Street?

Mayor Burch: 105th Street, Giordano recommended multi-family, the residents want multi-family and they've been quite vocal about that. And hopefully, you will all listen to them, or you're going to do whatever you're going to do but whatever. I mean as far as there has been any input on that, there's not a lot of it. I just real quick have a philosophical problem when someone comes to the Village and says, "I want to change the zoning on this piece of land so I can make more money," and basically that's what happens, the individual that owns that paid a million and eight for it and he now wants to sell it for six million. That's the guy that owned a hotel that we had all the trouble with. And he couldn't get six million to sell it to build condos there and so he's got his term development to find a bank and a Chipotle's and something else and among the three entities he was able to raise about 5.8 million. Of course, he wants us to change the zoning, so he can get the 5.8 million. The residents who are there don't want that and historically it has been a multi-family and I hope you all leave it that way. But that's my personal opinion.

Councilmember Harris: Through the Chair. I think that a lot of these, it's almost like a vindictive thing, it's not really planning anything, it's not you're worried about the man making his six million dollars or whatever because at some point, it did turn into commercial and that's one person's opinion, that's mine. I believe commercial is suited for that piece of property because it's on the commercial side of the street and it doesn't have the height. I heard somebody say today that they don't want it by looking over your homes, it doesn't create any additional density, it opens and closes at set hours, and nobody's going to be messing with the

amenities, that is a commercial situation. And if it is multi-family, I just can't envision Miami Shores multi-family unit being on Biscayne Corridor like that and not being incorporated into Shores estate where the wall is built out west to the boulevard to incorporate them in there so they, too, could be afforded the Shores experience. Thank you.

Mr. Bolton: I guess my opinion on that is, I agree with multi-family, I think that provides the proper buffer between the residential and the commercial district to the north. It makes no sense to put a gas station there and a Chipotle. So I'm in support of multi-family.

Councilmember Harris: So I really would like to ask how is this going to be envisioned, like in terms of a wall and a barrier as you're going to put this multi-family unit, or I don't know what's it going to be, it's not going to be that large. You're going to leave it out on Biscayne Boulevard, let's say you put a wall in it, so it's going to be in between the Shores Estates wall and the Biscayne Boulevard wall?

Mr. Bolton: I don't know, but my vision would probably be more similar to something on the east side of the boulevard there, it just kind of continues across.

Councilmember Harris: Yes, but there is no wall separating the development.

Mr. Bolton: Well, architects can find a beautiful wall and put it in the right place and make it look good, but that would be my vision.

Councilmember Harris: Okay. That's the first time I disagree with you tonight.

Mr. Bolton: Not everything.

Councilmember Harris: It's okay. Build the wall.

Mayor Burch: That's going to bring us to institutional.

Vice Mayor Valinsky: While there's some silence, I just want to say, I really appreciate the diversity of opinions on boards here. I think this is exceeding my expectations. The idea was not to come nagging. We're talking. It's just great. I love it. Actually, is there any appetite for a break? Does anybody want to take a recess? Five minutes. Anybody?

Mr. Bolton: No problem. Let's do that.

Vice Mayor Valinsky: Break for five. Do you mind if we take a break for five?

Mayor Burch: Whatever. I mean, we want to be done by ten and it's nine now, whatever, five minutes, I guess if that's what you all want.

[break]

A recess was called at 8:52 PM and the meeting resumed at 9:04 PM.

Councilmember Sandra Harris left the workshop at 9:06 PM.

Mayor Burch: John, what about the FAR? What do you want that to be? I thought you had wanted to have more development there.

Mr. Bolton: For institutional?

Mayor Burch: Yeah, we didn't answer that. We're back for the general commercial. That would be like Biscayne Boulevard again. We've got one in here. What do you want it to be?

Mr. Bolton: I don't know. It was three.

Mayor Burch: Okay, what about height then?

Vice Mayor Valinsky: I think they recommended they wanted to do that in the zoning.

Mr. Bolton: Height should be in zoning, yes.

Mayor Burch: All right, so you don't want FAR or height. You all will take care of that. Okay, so let's move to institutional then.

Mr. Bolton: I think for institutional, we said that staff is going to do a little research and get back to the planning and zoning, and they are going to incorporate that into their recommendations to us.

Mayor Burch: Okay. Any other comments?

Vice Mayor Valinsky: Which one are we on now?

Mayor Burch: I apologize to the public here that's still here. If you all have any input on any of these items, you are certainly welcome to voice those. Forgive me for not asking on each one of them.

Mr. O'Hara: Mr. Mayor, just the only question I would have on Parks and Rec is why we need a FAR 1.0 in the park.

Mr. Bolton: The community center.

Mayor Burch: What would you rather have it? Do you want to leave that into your zoning again? What do you want to do?

Vice Mayor Valinsky: Through the chair, if I may, please anybody somebody correct me if I'm wrong, but the only person that's building on a park is us. Right?

Mr. O'Hara: Well, the golf course. Right.

Vice Mayor Valinsky: Okay, got it. Thank you. [crosstalk] But the rec center is like so now we're just applying rules to ourselves as the local. Yeah, got you. But I think the golf course maybe that's relevant. That's interesting. I'm glad you brought that up.

Mr. Brady: The other thing that we had discussed when we were going over this, that 50%.

Mayor Burch: [crosstalk] I'm sorry, go ahead. I just want to finish the FAR. So what does it need to be with the golf course, for instance?

Mr. Bolton: I'd say there's so much parking and so much space. 1.0 should be more than enough, yeah.

Vice Mayor Valinsky: So you guys don't see any problem with 1.0? Through the chair, if I may? So when we were discussing this at first, we were a little confused with this 50% of the incidental use. Where we left off with this, I believe, is that we kind of asked staff to see what this looks like already in our parks and to try to wrap our head around what the intent is here or what's appropriate, really, I think we need some help from you guys with this one. So, if you have any thoughts, please chime in.

Councilmember Charles : No, we came to an agreement on it instead of the 50% to 15% because we were thinking of Constitution Park. Or even if you looked at it when we discussed it there for if it was 50% and you're lumping the golf course and country club into the parks, then how that language is written, there's nothing then preventing from like a nine-hole golf course, then if that one's lumped in as parks. So if you put it to 15%, then you can't do that was one of the logic for doing it. And it's also, I need in this one so we're right on it is what is the name of... because it's being put in there as parks. It's Miami Shores Country Club and golf course, is it Miami Shores Golf Course and Country Club? It has to be specific. So that's something I asked staff or we asked staff also to look into for that. Since we are taking the golf course and lumping it into Parks and Recreation. That's the thing I had on that was clarification and then the discussion of that incidental use.

Mr. O'Hara: I guess my question would be - would government-owned facilities like the community center, the golf club, and things like that, would that not be more appropriate being zoned governmental than parks?

Councilmember Charles : Is there a benefit to the county? Is a question also to staff? I don't know this. Is there a benefit too when you label then the county code overlays if it's us as a Village labeling it as a park? I don't know the answers to these.

Vice Mayor Valinsky: Are you saying if we do that, maybe it doesn't apply to our park space anymore?

Councilmember Charles : Or how much? I don't know if it's counted towards our green space. I don't know if people come in here and actually then calculate what the golf course is and say this is our green space. Also, I haven't gotten clarification on my note for this or any comp plan is clarification on this.

Mr. Bolton: I think when you have an area designated Parks and Recreation, people have a vision of what that is and what that's supposed to be. If you have it designated as governmental, that's a different vision. And I think our vision here for the big green space on that is a golf course and a rec center and a soccer field and such. So I think that's the appropriate designation in my opinion.

Mr. O'Hara: Well, I mean, I would just say a comparison in Miami Beach then Normandy Shore or Normandy Isles, Aquatic center is zone GU governmental use. It's not zone Parks and Rec.

Vice Mayor Valinsky: Let's let staff chime in a little bit here. See what they have.

Ms. Hasbun: Through the chair. Yes, there are two different land use designations. And the intent to place those properties within the Parks and Recreation is to basically restrict their uses or limit it or limit the use as for what can be developed there. And that's why you have a restriction specifically to the incidental uses, because the main use, the primary use of those properties is towards Parks and Recreation. So if you want to change that designation, then it will change. Of course, the character of those could change the character of those properties.

Mayor Burch: What is the formula for park space per...

Ms. Hasbun: ...the level of service? Per 1000 residents?

Mayor Burch: It's 1.25 acres per thousand.

Ms. Hasbun: Let me double-check.

Mayor Burch: Pretty sure it is. And we're getting ready to add another thousand residents. And it's a very small park.

Mr. Bolton: My understanding by including the golf course in the Parks and Recreation, you could build those 40-story buildings on Biscayne Boulevard before it has any impact on that ratio.

Mayor Burch: All right, any other comments, or questions on Parks and Recreation? What did you all decide for a percentage then? Or what's your input? Do you have any idea how we ended up with 50% on here? That's not new. That's been there.

Mr. Bolton: So that's been there? Yeah, that was probably in the 18 or in the ten.

Councilmember Charles : I think it comes from the 18.

Mr. Bolton: The extent of incidental uses, I mean, incidental is not defined here. What would that be for the Parks and Rec Center?

Vice Mayor Valinsky: We had trouble with that also. I don't know if the staff have any new information. Is that the bathroom building?

Councilmember Charles : Bathroom facilities are the only thing that we could think of.

Mayor Burch: Well, like the community center, you've got that with the rec center house and then you've got the...

Mr. Bolton: ...the field house? That would be an incident. What about the rec facility, the main rec center?

Mayor Burch: But I mean, it's a long way from 50%.

Vice Mayor Valinsky: Does staff have a solid definition of what incidentals is in this?

Ms. Hasbun: It is probably part of the zoning code. We can take a look at that. But typically incidentals are uses or services that they are serving the primary use. So, it could be a bathroom, it could be a small cafeteria that is serving the park. It could be a small gym or some other uses that they're going to be part probably of a park area that they're being.

Vice Mayor Valinsky: So like, for example, I think an example I brought up was, let's say the tot lot wasn't part of a bigger green space, it was just its own space. If the playground is considered incidental, I mean, you would be way over 50% because the playground is the whole tot lot. Unless the playground is not considered incidental. I'm trying to figure out where the line is there.

Mr. Bolton: I think an incidental would be something as if you put a booth someplace to rent athletic equipment and to sell athletic clothes. It's related to, but not the primary purpose of. I think the top lot, the primary purpose of it is a playground.

Vice Mayor Valinsky: I'm just wondering because the most extreme possible interpretation is anything other than grass. But certainly, I'm hoping that's not the definition of an incidental.

Mayor Burch: You have somebody here who can answer that, Susan.

Ms. Trevarthan: Generally, that top lot, that playground, those would be considered actual Park and Recreation uses and where you get into incidentals, as was discussed by a number of people is there might be a minimum amount of commercial. Maybe it's a pro shop at a tennis center or there's a snack bar, or is that commercial that violates the zoning? No, it's an accessory or incidental use that supports the primary park or recreation use.

Vice Mayor Valinsky: So the bathroom even would not be considered incidental?

Ms. Trevarthan: I mean, usually not, but it's not the bright line. It's as defined in your code. But I could certainly see that playground having a bathroom and nothing else, and the bathroom really being part of the functioning

of the playground. Or fill in something else, the tennis courts that are more intense, and you might see a bathroom more customary.

Vice Mayor Valinsky: Thank you.

Councilmember Charles : So we have a field with a field house, a small field house. Would that be considered incidental to the field?

Ms. Trevarthan: If it's not part of the recreational use. So if the field house is integral, like it's storing the equipment, it's part of the recreational use, it's probably not going to be incidental. I just don't know that it really matters that much. I think 50% is generous. You could probably be less. But as you said, these are primarily public properties devoted to Parks and Rec. And if you choose to keep the Parks and Rec label, then you're telling your population, no, I'm committing to keep this property for this purpose. I'm not going to come and put some kind of utility station here or something, which a general use or a government use might allow.

Mr. O'Hara: So, Mr. Mayor, if I can, during this discussion, I'm just going to the Miami Beach zoning map, and those golf courses and parks and pools and all those things are zone GU.

Ms. Trevarthan: And it's certainly allowed to be that, I'm sorry, through the chair. You can choose that. But I'm trying to explain what it means for your resident. So if it's got that Parks and Rec label on it, they know that that dirt is going to be used for Parks and Rec. If it has a more generic government designation on it, it might have other kinds of governmental uses on it. I mean, it would depend on the other development regulations, whether it would be possible. But maybe it becomes like a remote office for public works.

Vice Mayor Valinsky: Like a park can be turned into a library?

Ms. Trevarthan: Yeah, that's what I'm saying is government use is usually defined to be government-use, much broader than just Parks and Rec. So that's the value, if you want to put it that way, to your residents of a Parks and Rec label, that they know that that land is going to continue to be used for that purpose.

Mr. Bolton: I assume the electric vehicle charging stations are an incidental use.

Ms. Trevarthan: Yeah, that's really just part of the parking, I would say. The parking is, again, supportive of the use. And most Parks and Rec have some kind of parking just to function. I mean, you have little pocket parks that may not, but the larger ones.

Ms. Hasbun: Through the chair. And just to confirm the level of service for the public recreation facilities and open space, it is 1.25 acres per 1,000 residents.

Councilmember Charles : So, Susan, what should this percentage be then? I mean, surely 50 isn't right.

Ms. Trevarthan: I don't know if it's harmful, but I do think it's reasonable to consider a lesser amount. I would not recommend a higher amount because then you're starting to have it overwhelm the principal use. So, I think you could go down. I would not go up, and I think it's a judgment call for the commission or the Council.

Vice Mayor Valinsky: Through the chair, if I may. So where we left off was kind of we wanted staff to do a little research. It's fine if they haven't done that yet. We got a lot of stuff going on. But the staff was going to get back to us and kind of give us an idea of what the incidental use percentages are currently at our current parks, just to kind of give us a place to start from or something relative to look at. I don't know if they have that yet, but if not, they're working on it and they'll get that to you guys and hopefully, you'll go from there. Thank you.

Mayor Burch: Any other comments on Parks and Recreation? That brings us to Water and Conservation Areas. Comments, questions?

[silence]

Mayor Burch: All right. And then lastly, we had the policies. Any comments or questions there?

Vice Mayor Valinsky: Through the chair if I may. Ms. Hasbun, there's a written note at the bottom of this page which I believe came from staff.

Ms. Hasbun: Under Policy 1.4?

Vice Mayor Valinsky: Correct. Yeah.

Ms. Hasbun: That was a reference that we needed that language to be consistent with Chapter 163.

Mayor Burch: All right, unless you have an earlier one, I had a comment on Policy 1.12. This is on lines 342 and 343, and this was once a piece of property had been approved. If the zoning was to change, I think we are saying that the density can stay the same, and the intensity can stay the same, but I think we need to add that the use can stay the same because we have, for instance, the gas station on 2nd Avenue and with the current zoning, that's a non-conforming use. I'm sorry.

Councilmember Charles : [inaudible]

Mayor Burch: Okay, we're on policy... all right, I've got more.

Councilmember Charles : Any project building or structure previously approved. Okay, I got it. The mayor is reading from Line 377 in the document that you have there. So, policy 1.13 and line 377.

Mayor Burch: Well, that same problem exists in...

Councilmember Charles : Can you just repeat the concern you had with policy 1.13?

Mayor Burch: My concern is just this - that if the gas station in downtown Miami Shores was to burn down tomorrow and that is now becoming a non-conforming use and restricted commercial zoning, I think he should have the right to rebuild this gas station. And this says that he's allowed to keep the same density and the same intensity. But I think it should also say that he has the right to keep the same use of the property and you have the same thing in the next policy then, which is 1.13. You've got density intensity, you do not have use for that. So now you could go to the car repair facility which has been in the Shores forever. That's also a non-conforming use.

Vice Mayor Valinsky: Staff have any comment on that?

Ms. Hasbun: Sorry, can you repeat the question?

Vice Mayor Valinsky: The mayor is suggesting that for Policy 1.12 and 1.13 that use be added along with density and intensity in terms of rebuilding your distribution.

Ms. Hasbun: Yes, through the chair. So these are the policies that they relate to. That's the right through non-conforming. And one of the aspects of nonconformity is uses and the language was missing the uses. So we are in agreement that the uses should be included within the vested rights sections.

Vice Mayor Valinsky: Thank you.

Mayor Burch: Does anybody have anything before Objective 3 - Redevelopment and renewal? Go ahead.

Mr. O'Hara: In the old version or previous version, whatever you want to call it, Policy 1.45 was deleted and I don't see why we can't include it in the old version. That's line 470. It was deleted from the new version so we created a new one. Go to the binder.

Mayor Burch: I don't have that one here.

Vice Mayor Valinsky: Repeat. What was the policy?

Mr. O'Hara: Policy 1.45.

Vice Mayor Valinsky: Sorry, it's Policy 1.45 was deleted. It's line 470.

Ms. Hasbun: Through the chair. It is on the CGA proposal. So you should have it in your package. And it was policy 1.5 before it was stricken out and it's in line 470. Okay. So I can just read it in the meantime. Sufficient land shall be provided in the future land use map, FLUM, for various types of residential development and the community facilities required to adequately meet the housing needs of the present and projected population.

Mr. O'Hara: I think the reason it was deleted, I'm guessing was deleted because of the issue with the Barry Parcel. But if we're doing Barry Parcel as multifamily residential, then there should be no issue with that policy. Or maybe there is, I don't know.

Mayor Burch: Okay, any problem with that? So, we can add that back in, Claudia?

Councilmember Charles : I think for staff to actually put that back in from that, just to clarify the line that it was from the proposed document that's up in Tallahassee now. So this could be put into this document and it'd be a cut and paste. Because I don't think you're saying it's just eliminated or is there a strikethrough in the document that you have before?

Mr. O'Hara: No, it was eliminated, period. It's not shown as a strike-through in the new version we're working on.

Councilmember Charles : It might be CGA language then.

Ms. Hasbun: That's correct. Yes. Right. Yes.

Councilmember Charles : But then staff knows from the CGA to bring it to this proposal that it might help us out. With the new news from tonight.

Vice Mayor Valinsky: And then if we keep working off of the CGA version, if we go to line 517. Yes, line 517 says, yeah, line 517. And that would also be policy, now, 1.10, let's see here.

Councilmember Charles : The one for the other one was policy 2.3. Is that correct that I'm on the same page or not for the old document?

Mr. O'Hara: I'm trying to find it here.

Councilmember Charles : Because my 517 is policy 2.3 in this binder that I have.

Mayor Burch: Wow, this is difficult. We've got four comp plans.

Mr. O'Hara: So it's in the new version. The new version, line 346.

Councilmember Charles : Okay, that's easier.

Mr. O'Hara: I'm working on both of these.

Councilmember Charles : Yeah, I hear you.

Mr. O'Hara: So, line 346 is talking about incentives. I think that was the bonus density, bonus FAR. So if we're not having any incentives, we should probably strike incentives from that line. Question on line 358, same page. What was the significance of May 25, 2023?

Mayor Burch: I just don't have the one you're working off of, unfortunately.

Ms. Hasbun: Through the chair. I'm sorry. If we can go back to line 346. So the language reads that code standards and incentives to achieve new development. The incentive doesn't have to be just a bonus component. It can be construed as, for example, an expedited permit review or some other aspects that can be introduced in the zoning code. So since we are not specifying what kind of incentives, it is broad enough that we can maintain it. So we can include any other incentive per se within the zoning code, not necessarily because we won't have an increase of FAR or density, but it could potentially be other aspects that could be incentivized new development.

Councilmember Charles : I think the date was because of when the document was, and then if you strikethrough the policy 1.7, it becomes part of 1.611, and that's it would read then through that way. Densities and single-family residential districts, current as of May 25, 2023.

Mr. O'Hara: Part of what?

Councilmember Charles : I think it's part where he was asking what's the significance of the date. It's when this document was written, and then it's the continuation of that one. So clarification policy 1.7 is struck through, but they only taking that and putting it up with 1.611.

Vice Mayor Valinsky: So, in other words, it would read, the Village shall maintain and or improve zoning code standards to maintain densities in single-family residential districts current as of May 25, 2023. Is that the intent?

Councilmember Charles : I believe so. Just so we can move to the next.

Ms. Hasbun: Through the chair, I believe so that's intent, and I'm assuming that the intent is basically to make the zoning consistent with the densities of single-family homes within it. So I think that is the intent of the policy. It's not clear. We can draft it. We can modify it to make it clear.

Mayor Burch: Again, I apologize. I think, like I say, I must be working off a different one. But this on mine is the future design designation of areas annexed from unincorporated Miami Dade. It's just a Scribner era, I think the existing Miami-Dade County comprehensive plan and zoning regulations when developing new designations for annexed areas. You've got two winds developing. We don't need two in there. You would have picked that up.

As far as anything material, the last one I've got is under Objective 3, Redevelopment and Renewal. I can give you lines, but they aren't going to mean anything. This is on, in general, to encourage the redevelopment and renewal of any areas which are blighted. I believe that we were going to try and define blighted by saying areas with major deterioration and deficiencies that actually, in the year, go into greater detail and say that the facility doesn't have a kitchen or has too many people living there, etcetera. Any comments on that or thoughts on defining blighted?

Councilmember Charles : For the clerk, the mayor has been reading from Objective 3, Redevelopment and Renewal, line 426 of the document.

Mayor Burch: Thank you.

Vice Mayor Valinsky: Through the chair, if I may, we discussed this a little bit on June 1st, I agree that blighted needs to be defined. I think actually looked up some definition of it and read it out loud and we all kind of liked the sound of it. I don't know if anybody jotted that down or does the staff remember what that was?

Ms. Hasbun: Through the chair, specifically not, but I have in my notes that to include unsafe, unsanitary, and other characteristics, yes.

Vice Mayor Valinsky: Because otherwise just having the word blighted there can be very subjective. You can call it just about anything.

Mr. Bolton: Merriam-Webster defines it as a deteriorated condition.

Vice Mayor Valinsky: Again, unfortunately, Councilmember Marinberg isn't here, but he came up with some definitions that we all really liked the sound of. It had some very specific safety concerns.

Mr. Bolton: More of an urban planner definition, huh?

Vice Mayor Valinsky: Exactly. Correct.

Mayor Burch: Once you get to reading the EAR, blighted is actually very well defined there. Perhaps in the interest of consistency, it might make sense just to use that same definition in both places. So, if you look under the housing, I think that's element three, you'll find blighted and they have a pretty good description of it.

Vice Mayor Valinsky: And again, we look forward to your recommendation on that too, so.

Mayor Burch: I thought last time that you, Jesse, were interested, instead of calling this the Biscayne Kennel Club Property, you had stated you wanted to give the address. Do you still feel that way?

Councilmember Charles : It was me, actually. That was me. It was actually the labeling and stuff has changed obviously with this, but in order for the document in the comp plan, now we're online, actually, it starts.

Mayor Burch: 531?

Councilmember Charles : Yes, but I mean where it says the Biscayne Kennel Club is 531. But in order for this document or for the section of the map at that point in time would give the boundaries because the Kennel Club itself was just where the dogs raced and then, part of that, even when it was that, the parking lot was part of unincorporated Dade and the Kennel Club also owned land in unincorporated Dade north of it that was a parking lot and then they had a parking lot to the east that was part of the Kennel Club. But if we gave boundaries to it, but I don't know if it's necessary, it probably still is necessary because this was in our 2018, instead of calling it the Kennel Club just to define it and I think on the next document you get, but I gave the borders of 115th Street to the north and Northwest 6th Avenue to the west, Northwest 113th Street south including 113th Terrace to the south and then the east boundary being Northwest 2nd Avenue.

Mr. Busta: Is that necessary if we have a map that goes with it?

Councilmember Charles : That the text then, would have to match up with that. I don't think those, even with the map, it's exactly to these boundaries or how it was. Like if you just do it with a blue that's on there, it was okay if it was, we're using the other map with the new land designation there. But I mean either way, whichever one it is when we do the document, I think it's stronger to have the boundaries instead of just saying Biscayne Kennel Club. This leaves less room for interpretation. It gives you specifically what you're talking about for what's on the map.

Mayor Burch: I would be interested in your input on this one. This is one that we had a question on. This is policy 4.2 and I wish I could give you a line. I can't. The Village shall maintain and improve land development regulations that protect the rights of property owners to continue non-conforming uses but which, at a minimum, provide for the termination of such rights upon the abandonment of a nonconforming use for an extended period of time. We had a lot of problems with this because it seems like we're dealing with a lot of undefined terms such as what is an extended period of time? What is the definition of abandonment? And of course, we're only applying this now to a property that has a non-conforming use. What do you all do in this type of situation?

Mr. Busta: I think this language is fine.

Ms. Hasbun: Through the chair, if I may, I'm going to make reference also to the zoning code where we include certain definitions on how to treat non-conformities when it relates to structures, uses, and land. So we have already that reflected in the zoning code and how to treat those and we have specified that the period of time, if it is abandoned, that it cannot be rebuilt to the previous structure or to be maintained to the previous use if it is abandoned for more than a particular period of time.

Mayor Burch: So do we need this here or should we alter this based on what you have in the zoning code? How should we deal with this?

Ms. Hasbun: One option it could be, which is already included, is sending it back to the zoning code which is the land development regulations that require the elimination of non-conformity. So we can make it clear also that in the zoning code, we'll specify how to treat these non-conformities.

Mayor Burch: Okay. Any other comments?

Councilmember Charles : For the clerk, that's line 557 in the document and it's policy 4.2.

Mayor Burch: Scribner-era policy 5.1, standards pollution discharge elimination system, standards that may now or in the future, you don't need maybe in there, it's not a big deal.

Councilmember Charles : The next one that we discussed is policy 5.3, starting at line 597. The language in this is important that the Village shall maintain and enforce the Stormwater Management plan instead of standards. The next one that we discussed on the first was line 631, policy 5.10. We could look to Keebys Canyon or Monroe County for the verbiage of this, but the Village shall facilitate regulations through, I mean, it's suggested it says calculations, through the zoning code that implement and we don't have anything in how this is to track the management and storage of service water on the residential areas. But some language to this actually needs us forward looking for that, so for future grants and all that.

Mayor Burch: We do have a study now because that's how we bill the Stormwater on your tax bill.

Councilmember Charles : But we need the plan, and this one we need, we need this shored up though for policy 5.10.

Mayor Burch: Okay.

Councilmember Charles : I think the other municipalities might have better wording for it than what this was.

Ms. Hasbun: Through the chair, so what we can include through the language is to refer that the Village shall continue implementing such regulations that they relate to surface water in residential and non-residential areas as well.

Mayor Burch: Susan, what is the standard there? Our study was done in 2017, and then they have just put in an automatic percentage increase based on inflation, I suppose, although it's way off with the last couple of

years we've had. How often is the city supposed to repeat that study where it's looking at it?

Ms. Trevarthan: It would be appropriate to revisit it every few years, like every four to five years, to make sure that the data stays current. But you'll see a wide range out there in terms of how frequently it's revisited.

Mayor Burch: Has been any idea, or he's not here, Tanya, any idea of what that costs to...

Tanya Wilson: We haven't put out any scopes or RFPs yet, so we don't have a definitive cost on the record, but it is something that Public Works is working on right now.

Councilmember Charles : And that was it for mine when we went over it.

Mayor Burch: I know, I hate to hear that.

Councilmember Charles : I know, but the last one was just, what's it called, the last one we talked about on June 1st was just a fact check.

Mr. O'Hara: Mr. Mayor, we skipped Objective 2. We jumped right away to 3, so if we could just go back.

Mayor Burch: Sorry.

Mr. O'Hara: 390 is the line, Objective 2.

Mayor Burch: What does it say? Because that doesn't help me.

Mr. O'Hara: Protection of single-family residential areas.

Mayor Burch: To what?

Councilmember Charles : No, just, it's Objective 2.

Mr. O'Hara: In and around 390.

Mayor Burch: Okay.

Councilmember Charles : And those are my notes from there.

Mayor Burch: Go ahead.

Mr. O'Hara: It's a question talking about protecting the single-family residential areas and making sure that incompatible uses are not allowed into single-family residential areas. But if the single-family section only allows single-family homes, what could potentially be allowed into a single-family area? Should that say, and Vice Mayor Valinsky, this is something that came up at Charter Review, is it better to say onto single-family areas instead of into single-family areas? If only single-family homes are allowed in single-family areas, it doesn't really do anything.

Vice Mayor Valinsky: I think that's a great point. Staff have a comment on that?

Mr. O'Hara: So it's line 393.

Ms. Trevarthan: But this is the policy statement that then leads to the later part of the document that says only single-family homes. So it does set the policy.

Mr. O'Hara: Yes, the single-family homes section precedes this section. So if you're reading it in order,

because this section comes afterward, it makes it appear that things that are not single-family homes could appear in a single-family neighborhood, which isn't the case. So should it say those uses cannot be onto the single-family homes? It's more of an adjacency question versus inside the area.

Ms. Trevarthan: I just don't know that it makes the difference. I think the idea is we are setting a policy that we're going to protect single-family areas.

Mr. O'Hara: Right. Well, I think if you go to the Calvin Giordano policy, right after that line comes a district adjacency chart. So it's kind of talking things that are adjacent to, not in. So that's why I'm thinking should "into" be changed to "onto".

Ms. Trevarthan: Maybe it's "impacts on" rather than "development in". Which is what you're getting at.

Mr. O'Hara: That's what I'm saying, maybe we'll change the word into to onto.

Vice Mayor Valinsky: She just gave a third suggestion.

Ms. Trevarthan: I think impacts on is more what you're getting at perhaps. But I hear you, yes.

Mr. O'Hara: Right. Tighten that up. And then the adjacency chart was deleted. It wasn't included in the new version. And then old policy 2.2 and old policy 2.3 were not included in the new version. And they're kind of current with what the Council has been talking about because it has to do with traffic circulation and dealing with traffic control. So, I thought that those two sections would be important to include and not delete, especially in light of your current conversation regarding traffic.

Mayor Burch: Again, you're not getting a chance, though, to see the whole plan, which you will when you all go over it. Right now, there's an 11-year amendment in addition to this is nothing but the FLUM. So you've got 11-year additions. And we are proposing the sustainability and resiliency study, which you hopefully have a copy of to be an addition to the year, which will mean you'll have 12 additional areas. And those 12 are what actually make up the comp plan. And I think you're going to find the chart you want for the year. And so, it's not fair to you because we don't have it here even to show you. All we've done tonight is go through the FLUM. We need a FLUM drawn up based on the FLUM, but we can't really do that until we come to some kind of definitive conclusion on this FLUM. So you got to start somewhere.

Mr. O'Hara: No, I understand. It's I'm just bringing it to everybody's attention. Two sections were deleted and they come under a section that deals with the protection of the single-family areas and routing traffic out of the residential areas and onto Biscayne Boulevard. So I think they're good policies to include. But I guess we can talk about that, I guess when we get to it. But that's all I have for that section of two.

Mayor Burch: You're right. Any other comments or input? I'd really like to thank you all. I know you have other things to do. We really appreciate you coming tonight and I'm glad you all have to deal with this before we do.

Mr. Busta: Can I ask a question about 2.6, 422?

Mayor Burch: Yes.

Mr. Busta: Is that the idea to create some kind of mechanism that does design other than the really current functioning of the planning and zoning board? Create locational and design criteria in the zoning code to assure that new and expanded uses are compatible with existing residential uses, which is one of the things that occurs fairly regularly about the sugar coops.

Vice Mayor Valinsky: It's line 423.

Ms. Hasbun: Through the chair and also if I can mention. So those were the policies that also they were

drafted by CGA. So we will draft, for example, it was a lengthy discussion about the buffers between the mixed-use and other residential areas. So we included that policy that will be creating that regulatory framework within the zoning code to deal with those adjacent uses. So that was the original intent of that policy.

Mr. Busta: Because on a regular basis, the attorneys who come to the zoning board, the people that we have a set of criteria that we use that's in the code and we're really not supposed to go much beyond that.

Mayor Burch: Thank you. Okay, anything else?

Vice Mayor Valinsky: Nothing for me. I hope everybody found this productive. I certainly did. I mean, I think if nothing else, we all have a better understanding of the material and each other. And thank you, guys, for coming out.

Councilmember Charles : Thank you.

Mr. Brady: Before we adjourn, you're still working on the agenda, right? Are you adjourning or working on the agenda?

Mayor Burch: What do you need?

Mr. Brady: Discuss the process and desired timeline to adopt the comp plan and then discuss follow-up meetings. How do we get from all of this discussion to a document that we can look at and who's going to do that? Is that Claudia? Or is that our consultants?

Mayor Burch: Basically, the staff and Giordano are going to do that.

Mr. Brady: So the consultants are still on board to assist us?

Mayor Burch: Yes.

Mr. Brady: Which is good. That's what I wanted to recommend because we need somebody that knows these things that can read it, make sure it's all conformed properly and very readable because all these edits make it very unreadable and conflicted and it's not a good document now. So we need somebody to kind of globally go through and polish it again.

Vice Mayor Valinsky: Absolutely. This was just something to give us a discussion. So we had something to talk about.

Mr. Brady: To give the people writing the vision that we have. Once they have the vision, then they got to turn it into something that we can read.

Vice Mayor Valinsky: So staff maybe you can clarify a little bit more. But our understanding is that they, in conjunction with the consultants, are going to try to turn this into some kind of actual functional product here for you guys to then go over and do your thing with.

Mr. Brady: So they're going to take this discussion and the notes from this discussion and try to put it on paper.

Mayor Burch: What we're going to do is we as a Council are going to meet again next Thursday and we're going to go over hopefully the air amendments, which we didn't even get to tonight. How you all handle it is up to you. But I mean, as far as what is the schedule, the schedule is our schedules from this point on are going to be different. I had talked to John about I mean, in an ideal world, you would end up with a document once it is done with Giordano and with staff that you would be happy with. And that may or may not occur. And if you're not happy with it, you're going to send it back with changes in it. And then we can live with those or we can't

and we're back to the ping pong game again. So we were hoping tonight to be able to avoid that and have us be able to come to some kind of consensus.

But we're going to meet again this coming Thursday so that we can go over the air amendments because we have not done that yet. And then at that point, we're going to give that our again, big picture input. For instance, in the year they were written, in 2018. Are some of those Florida statutes still in effect? I have no idea. Are the dates that are in there correct? They're not. It's like one says that this is good through 2025. Well, this is supposed to be a 7, 10-year forward-looking document. So, we have a schedule, you're you all are going to do whatever you're going to do.

Mr. Busta: Well, we need to know your schedule. I mean, when do you need to get our recommendation?

Mayor Burch: Well, again, in an ideal world, if you were presented with a document that you could pass, then we would like to switch places with you towards the end of the month so that you would have your meeting before we had ours. And right now it's set up where our meeting is before yours is. So if you had your meeting and you okayed what you received and then we could have a meeting and okay that then we could send that off to the state. And then they'll have it for however long they're going to have it. And so that would be the ideal scenario. If that doesn't occur, and it's something you can't live with, then, we'll have to do whatever we have to do. There's a tremendous amount of information here that you need to learn, memorize, think about, and come to conclusions on. That's all. And everyone doesn't always see things from exactly the same point of view.

Ms. Hasbun: Through the chair, if I may, I would like to also bring to the group the discussion that we have with DEO this afternoon. And I understand all the points that are being made tonight. But we also, I want to personally be realistic of all the tasks that we are putting in front of us. And we have many components and many aspects that we need to take into consideration. We have currently two applications at DEO. And for both applications, we have received comments. So we know what those comments are. So we are in that time frame. We have 180 days from the comments from DEO that we need to act upon. And we have to decide how we move along with those. The other discussion that we have with DEO this afternoon is in terms of the EAR amendments.

So as we discussed with them, DEO recommended, well, suggested, they're not making recommendations, but they suggested that we can write a letter stating that we are in compliance with the statutory requirements as of today, and we can close that loop in terms of the EAR amendments. I'm not saying that we don't have to do our homework with the remaining elements, I'm just allowing us more time to carefully draft those updates to the remaining elements. But at least we can focus on the one element that we have been dealing with today, so we can complete that application that we have at DEO. That is one option that we have on the table, that it will allow us to adopt an ordinance dealing with just one element, complete that process, so we'll move forward and we will not have the moratorium in place any longer, allowing for discussions and other aspects in terms of applications. So that is what I wanted to share with you in terms of the process.

Vice Mayor Valinsky: Through the chair, if I may, I just want to make sure I understand what you're saying. Council was presented with two general paths to take, whether or not we were going to keep going with just doing this piecemeal, or we were going to do the whole EAR thing. The staff seemed to think it was a good idea that we should tackle the EAR thing. It seems like the recommendation is changing, and I just want to make sure I understand. I'm not saying I disagree. What do I know? I want you to explain it a little better so I understand why the change, or why they're suggesting we go that route.

Ms. Hasbun: Through the chair, I think the manager also wants that.

Mr. Scott: Through the chair, thank you, Vice Mayor. We had a conversation very late this evening, probably about 5 o'clock with DEO, and from that, we learned some other things. I think what Ms. Hasbun is doing is she's just apprising you of the conversation and all of the elements that were concerned, that were suggested to us because they made sure to tell us these are just suggestions. That's really the intent. Ms. Wilson, if you want to add something more to that, I think that was it.

Ms. Wilson: I think DEO pointed out that from their record, we've already completed the water supply element, we've done the property rights element, and we've covered the parallel flood. From their standpoint, they deem it as a completion of the EAR process. They've said to us, on the record, if it's our will and pleasure, we could complete the process that we now have pending at the state and not have to go into the other chapters except for the need to do the updates on any dates that are outdated or typos. They're not expecting an overall of the entire thing if that's not our will and pleasure, is what they said to us.

Vice Mayor Valinsky: If I'm understanding you correctly, this sounds like extraordinarily phenomenal news.

Ms. Wilson: It's a completely new alternative that they presented to us this afternoon.

Vice Mayor Valinsky: Wow.

Councilmember Charles : That's great news.

Ms. Wilson: It's a new alternative.

Mr. Scott: If I may add to that, we asked for them to give it to us in writing. They wanted us to-

Ms. Wilson: Perfect, we did.

Vice Mayor Valinsky: I appreciate that.

Mr. Scott: Yes. We have sent it to them and said, just to be correct, this is what you said, this is what you said, this is what you said.

Ms. Wilson: That will be memorialized in an email tomorrow.

Mr. Scott: Yes. It will be memorialized. That it's coming from them saying that.

Ms. Wilson: Correct. That was a five o'clock conversation. We'll memorialize it tomorrow in an email with DEO. That's the third alternative that's now been presented as of this afternoon.

Vice Mayor Valinsky: To get back to one of you asked about our timeline and stuff. We just got some new information. That's very interesting.

Mr. O'Hara: I just want to jump in.

Vice Mayor Valinsky: Please.

Mr. O'Hara: All that I would ask is to send us things that are manageable for us to deal with. If you give us too much, we're not going to be able to deal with it in addition to all the other projects we have to review and approve. I mean, sending us a ton of stuff is just going to cause havoc and it's probably going to end up in us tabling it and throwing off your timeline. Just if you can keep that in your head, just send us manageable sections that we can get through.

Vice Mayor Valinsky: I very much appreciate that and it sounds like the news that we just got is helpful in that regard.

Mr. O'Hara: Fingers crossed. Yes, absolutely.

Mr. Scott: Offers alternatives.

Vice Mayor Valinsky: Offers alternatives. Correct.

[END]

6) ADJOURNMENT

The workshop adjourned at 10:08 PM.



Miami Shores Village

COMPREHENSIVE PLAN WORKSHOP MINUTES

JUNE 15, 2023

6:00 pm

9900 BUILDING

1) CALL TO ORDER

Mayor Burch called the meeting to order at 6:11 PM.

2) MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

3) ROLL CALL

Present:

Mayor George Burch
Vice Mayor Jesse Valinsky
Councilmember Jerome Charles

Councilmembers Daniel Marinberg and Sandra Harris were absent.

Also Present:

Village Manager Esmond Scott
Village Attorneys Chanae Wood, Sarah Johnston, and Susan Trevarthen
Village Clerk Ysabely Rodriguez

4) PUBLIC COMMENTS

No public comments.

5) DISCUSSION

5.A DISCUSSION REGARDING THE FIRST SIX (6) CHAPTERS OF THE COMPREHENSIVE PLAN.

Councilmember Charles asked Village Manager Scott to clarify the communication exchanged between Florida Department of Economic Opportunity (DEO) and Village Staff in relation to the Comprehensive Plan. Village Manager Scott answered by stating the Village had been in contact with the (DEO) regarding the plan. The Village Manager continued to state he, as well as a few others participating on a call, understood that since the peril of flood, water supply plan, and property rights elements were reviewed and updated, all amendments met statutory requirements.

Village Manager Scott further added the Village received a letter from the DEO, affirming they did not state that all requirements were met. Consequently, Village Manager asked DEO to clarify all communication in writing. However, the DEO asked the Village to memorialize their understanding and in turn they would provide a response.

Deputy Village Manager Tanya Wilson indicated it is the Council who would define the next steps in the process as it pertains to the future land use element (FLUE) and future land use map (FLUM). She asked for their instruction, through the Village Manager, to finalize or stay the course in reviewing all remaining chapters.

The Village Council asked procedural questions in order to understand the next course of action. Village staff indicated the first procedural step would be to grant staff editing rights. Such edits would be referred to the Local Planning Agency (LPA), first, for their review. Subsequently, said recommendation would be referred to the Council.

Deputy Village Manager Wilson mentioned the DEO is also waiting for a response to the Objectives Recommendations and Comments (ORC) Report as there was unfinished business with respect to the (FLUE) and (FLUM). Ms. Wilson indicated the Comprehensive Plan had some outdated details- e.g., some dates that needed updates and some references that needed to be corrected, but those edits did not preclude the Village from working on the full ten chapters. Deputy Village Manager Wilson stated this process would be considered a text amendment that would not involve time constrictions though the document would have to be drafted expeditiously. Deputy Village Manager also stated that after the Comprehensive Plan, the Village would be obligated by Florida State law to work on the Zoning Code (Appendix A).

Councilmember Charles spoke in support of granting staff the direction they need to proceed, and asked how the process would be undertaken. Village Clerk Rodriguez advised that official action cannot be taken on any regulatory process that had not been advertised in a newspaper of general circulation. Further questions were brought up by Councilmember Charles regarding public notice requirements and Village Clerk Rodriguez deferred to the Village Attorneys.

Village Attorney Johnston, joining via Zoom, stated that a vote in a previous meeting gave staff the ability to proceed with drafting the (FLUE) and (FLUM), and approval to amend the remaining elements. Village Attorney Johnston indicated the purpose of this workshop was to review the first six chapters.

In addition, Village Attorney Johnston stated the (DEO) did not provide any notification to change the course of action. Village Attorney Johnston stated should the course of action change, voting would need to be conducted at a future Council Meeting.

Councilmember Charles asked if Calvin Giordano & Associates (CGA) reviewed the latest amended version of the 2018 Comprehensive Plan also known as Councilmember Charles File. Planning & Zoning Director Hasbun indicated (CGA) had not yet provided their review insertion to the Village.

Discussion commenced regarding the Transportation and Housing element. Mayor Burch asked about Group Homes (objective six). He asked how that objective applied to the Village. Village Attorney Wood indicated that it related to Assisted Living Facilities and policy objectives that the Village will follow in accordance with state requirements. Mayor Burch also asked in which area the adopted verbiage on property rights would be placed, to which Planning & Zoning Director Hasbun replied it would be placed under Section four.

Regarding Housing, Group Homes specifically, Susan L. Trevarthen of Weiss Serota informed Council that federal laws would affect Housing under the section of Group Homes. Ms. Trevarthen

stated the language was intended to recognize that the Village had obligations to small, scale group homes per Fair Housing Act and the ADA. No further comments on Housing were made.

With respect to the Infrastructure Element, Policy 3.3 would be amended to require commercial connections to sewer systems as this would align with Miami-Dade County's requirement.

The water supply plan would be updated to the latest text adopted in 2021 by the Village. Also, it was mentioned that any level of services applicable to the infrastructure section needed to be updated in accordance with Miami-Dade County.

Councilmember Charles asked about updates to stormwater management. Planning and Zoning Director Hasbun advised recommendations and policies to the stormwater management could be added.

Planning and Zoning Director Hasbun advised that should Council vote to add new land different than that of table 9.1, the new designation must be included as well as the applicable water usage must be stated. In closing, Planning and Zoning Director Hasbun stated the land use for either multi-family or mixed used institutional had yet to be determined, but conversations about the usage were being discussed.

When the coastal management chapter was discussed, Mayor Burch asked if there was a specific reason the only reference to sea life was sea turtles and manatees. Staff replied these living organisms were mentioned in the Endangered/Protected Species list. However, language such as "including, but not limited to," would be added to encompass a more complete list of sea life. Mayor Burch similarly requested to know more about Statute 163.317(8) and asked if the Village was compliant. Village Attorney Wood concluded by stating that Statute would be reviewed to certify whether the Village is compliant.

In light of the June 20, 2023 Village Council Meeting, there was consensus to schedule an additional comprehensive plan workshop at 6PM (prior to the Village Council Meeting) in order to move the Comprehensive Plan along more efficiently.

6) ADJOURNMENT

There being no further business before the Village Council, the workshop adjourned at 7:13 PM.



Miami Shores Village

COMPREHENSIVE PLAN WORKSHOP MINUTES

JUNE 20, 2023

5:30 PM

9900 BUILDING

1) CALL TO ORDER

Mayor Burch called the meeting to order at 5:30 PM.

2) MOMENT OF SILENCE / PLEDGE OF ALLEGIANCE

3) ROLL CALL

Present:

Mayor George Burch
Vice Mayor Jesse Valinsky
Councilmember Jerome Charles

Councilmember Sandra Harris and Councilmember Daniel Marinberg were absent.

Also Present:

Village Manager Esmond Scott
Village Attorney Sarah Johnston
Village Clerk Ysabely Rodriguez

4) PUBLIC COMMENTS

Village Clerk read eComments into the record. There were no in person public comments.

5) DISCUSSION

5.A DISCUSSION REGARDING THE ENTIRE COMPREHENSIVE PLAN.

Mayor Burch opened the discussion in relation to the Comprehensive Plan's conservation element. Planning and Zoning Director Claudia Hasbun stated this is the element where a few policies would be found in relation to climate change. Ms. Hasbun indicated there would be changes to this section as proposed by the Sustainability & Resiliency Committee (SRC). Mayor Burch asked whether the Village would incorporate the ideas drafted by the Sustainability & Resiliency Committee. Planning and Zoning Director Hasbun replied the goal and original intent was to have an independent element

called Sustainability and Resiliency, which would integrate all the policies that were drafted in the white paper. Planning & Zoning Director Hasbun stated some of the policies being discussed would be altered, further stating there would be items removed, too. Objective six, Climate Change (6.1 - 6.11) for example, would be affected by new elements being introduced.

Responding to Mayor Burch's inquiry, Planning & Zoning Director Hasbun confirmed language regarding vested rights were included in the plan.

Responding to Mayor Burch's comments, Councilmember Charles asked what information would need to be included in order to be compliant with the State. Deputy Village Manager Wilson responded there was an Objectives, Recommendations and Comments (ORC) Report with details sent by State which provided information regarding future land use requirements.

Mayor Burch asked if anyone had comments or changes to the recreation element. Councilmember Charles asked about the designation of the golf course in the comprehensive plan. At which time, a resident spoke from the lectern. Sarah McSherry asked for clarification in relation to how the golf course would be designated in the plan. She additionally asked that language be added to provide for a clearer and appropriate designation.

Robert Menge proposed the golf course be considered a park in the Comprehensive Plan. Mr. Menge noted the acoustics in the room were unsuitable and suggested meetings of this nature be conducted in the Village Hall.

Mayor Burch asked about the five small parcels of land at the end of 96th Street and how they were designated since the Village took ownership of them. Planning and Zoning Director Hasbun informed the Council the small parcels were designed as right-of-way, which was confirmed by Village Manager Scott. Village Deputy Manager Wilson also confirmed it was designated as greenspace (open space).

The Village Council proceeded to discuss Chapter Ten, Capital Improvement. Planning & Zoning Director Hasbun asked Council to note that a Letter of Coordination between departments was needed in order to capture water supply plan objectives set on the schedule. Mayor Burch showed his interest in discussing how sidewalks and road repairs would be addressed. Village Manager Scott said that during this year the Village had tripled efforts in repairing sidewalks and roads, but repairs would always be a task for the Village to undertake.

The educational element was discussed in brief as Planning & Zoning Director Hasbun stated dates and maps would be updated at a later time. Mayor Burch asked what would be the steps taken to paint the building Doctors Charter School (DCS) occupies. Village Attorney Johnston advised there was a contract in place that could be referenced. Village Manager Scott stated the contract stipulates DCS is responsible for specific maintenance items, and if granted by Council, he would meet with DCS representatives to find a solution that would be agreeable with the contract between the two entities.

Mayor Burch shared his idea to create a committee that would oversee and manage the full Comprehensive Plan. Vice Mayor Valinsky and Councilmember Charles both agreed with Mayor Burch's suggestion and expressed the Village should proceed with idea.

6) ADJOURNMENT

There being no further discussion before the Village Council, the workshop adjourned at 6:15 PM.