

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, PROVIDING FOR THE SUBMISSION TO THE VILLAGE ELECTORS FOR APPROVAL OR DISAPPROVAL OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER THAT WOULD REQUIRE 60 PERCENT VOTER APPROVAL FOR TEXT AMENDMENTS TO THE ZONING CODE OR LAND DEVELOPMENT REGULATIONS THAT WOULD CREATE A NEW ZONING DISTRICT, AMEND ANY DEFINITION IN THE LAND DEVELOPMENT REGULATIONS, OR HAVE THE EFFECT OF ALLOWING USES NOT CURRENTLY PERMITTED, INCREASE RESIDENTIAL DENSITY, ALLOW ADDITIONAL HOTEL OR ACCOMMODATION UNITS PER ACRE, INCREASE LOT COVERAGE, INCREASE HEIGHT, OR INCREASE FLOOR AREA RATIO, AS PROVIDED IN THE CITIZEN'S INITIATIVE PETITION, IN ACCORDANCE WITH SECTION 6.1(B) OF THE VILLAGE CHARTER; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION OF THE CHARTER AMENDMENT TO THE ELECTORATE; CALLING A SPECIAL ELECTION ON THE PROPOSED CHARTER AMENDMENT TO BE HELD ON TUESDAY, THE 7TH DAY OF MARCH 2023; PROVIDING FOR MAIL BALLOT ELECTION; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 6.1 (b) of the Village of Pinecrest ("Village") Charter, an initiative petitioners' committee has collected the required number of signatures to propose an amendment to the Village Charter; and

WHEREAS, the Village Council shall submit the proposed amendment to a vote of the electors upon certification of the sufficiency of the petition pursuant to Section 6.1 (b) of the Village Charter; and

WHEREAS, in accordance with Section 100.151, Florida Statutes, the Miami-Dade County Supervisor of Elections has consented to the calling of a special election in the

Village on March 7, 2023, for the purpose of submitting the proposed amendment to a vote of the electors by mail ballot election.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. That the above stated recitals are hereby adopted and confirmed.

Section 2. Charter Amendment. That, subject to the requirements of Section 8 of this Ordinance, pursuant to Section 6.1 (b) of the Village Charter, the Village Charter of the Village of Pinecrest, Florida, is hereby amended by creating a new section under Article 4, "Legislative," of the Village Charter as follows:

Section 4.11 Approval by Vote of Electors Required for Amendments to Land Development Regulations.

No text amendment to the zoning code or other land development regulations that would create a new zoning district, or that would amend any definition of a term used in the land development regulations, or that would have the effect of allowing a use not currently permitted, increased residential density, additional hotel or other accommodation units per acre, or increased lot coverage, height, or floor area ratio, shall be effective until approved by 60% of the electors voting on the amendment.

Section 3. Election Called. That a special election is hereby called, to be held on Tuesday, the 7th day of March, 2023, to present to the qualified electors of the Village of Pinecrest, the ballot question provided in Section 4 of this Ordinance.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **yellow highlight** and ~~double-strikethrough~~ or double underline.

Section 4. Form of Ballot. That the form of ballot for the Charter Amendment provided for in Section 2 of this Ordinance shall be substantially as follows:

CHARTER AMENDMENT REQUIRING 60 PERCENT VOTER APPROVAL FOR CERTAIN ZONING CODE LAND DEVELOPMENT REGULATION AMENDMENTS

The charter amendment would require 60 percent voter approval for text amendments to the zoning code or land development regulations that would create a new zoning district, amend any definition in the land development regulations, or have the effect of allowing uses not currently permitted, increase residential density, allow additional hotel or accommodation units per acre, increase lot coverage, increase height, or increase floor area ratio.

Shall the above described amendment be adopted?

Yes []

No []

Section 5. Balloting. That mail ballots, as prescribed by Section 101.6101-101.6107, Florida Statutes, shall be used in this special election. All qualified Village electors who are timely registered in accordance with law shall be entitled to vote. The Village Clerk is authorized to obtain any necessary election administration services from the Miami-Dade County Supervisor of Elections. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until twenty-nine (29) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of the general election laws. The Village Clerk and the Miami-Dade County Supervisor of Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the provisions of this Ordinance.

Pursuant to Section 2-232 of the Village Code, this election shall be canvassed by the Village Canvassing Board with assistance from the County Supervisor of Elections, or as required by law.

Section 6. Notice of Special Election. That notice of said special election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the Village at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to wit: during the week commencing Sunday, January 29, 2023), and the second publication to be in the third week prior to the election (to wit: during the week commencing Sunday, February 12 , 2023), and shall be in substantially the following form:

NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO ORDINANCE NO. 2022- _____ ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA (THE "VILLAGE"), A SPECIAL ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE VILLAGE ON TUESDAY, THE 7TH DAY OF MARCH, 2023, BY MAIL BALLOT, AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE VILLAGE:

CHARTER AMENDMENT REQUIRING 60 PERCENT VOTER
APPROVAL FOR CERTAIN ZONING CODE LAND
DEVELOPMENT REGULATION AMENDMENTS

The charter amendment would require 60 percent voter approval for text amendments to the zoning code or land development regulations that would create a new zoning district, amend any definition in the land development regulations, or have the effect of allowing uses not currently permitted, increase residential density, allow additional hotel or accommodation units per acre, increase lot coverage, increase height, or increase floor area ratio.

Shall the above described amendment be adopted?

Yes []

No []

THE ENABLING ORDINANCE, INCLUDING THE FULL TEXT OF
THE PROPOSED VILLAGE CHARTER AMENDMENT AND THE
BALLOT QUESTION, IS AVAILABLE AT THE OFFICE OF THE
VILLAGE CLERK LOCATED AT 12645 PINECREST PARKWAY,
PINECREST, FL 33156.

Priscilla Torres, CMC
Village Clerk

Section 7. Copies. That copies of this Ordinance concerning the Charter Amendment is on file at the Office of the Village Clerk, located at 12645 Pinecrest Parkway, Pinecrest, FL 33156, and is available for public inspection during regular business hours.

Section 8. Effectiveness. That the Charter Amendment provided for in Section 2 above shall become effective only if the majority of the qualified electors voting on the specific Charter Amendment vote for its adoption, and it shall be considered adopted and effective upon certification of the election results. If conflicting amendments are adopted, the measure receiving the most votes shall prevail to the extent of any conflict. Following adoption of the Charter Amendment, the Village Clerk shall file the adopted Charter Amendment with the Clerk of the Circuit Court of Miami-Dade County, Florida.

Section 9. Inclusion in the Charter. That subject to the requirements of Section 8 above, it is the intention of the Village Council and it is hereby provided that the Charter Amendment shall become and be made part of the Charter of the Village of Pinecrest, Florida; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intention.

Section 10. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity

of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 11. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 12. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 13th day of December, 2022.

PASSED AND ADOPTED on second reading this 10th day January, 2023.

Joseph M. Corradino, Mayor

Attest:

Priscilla Torres, CMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Mitchell Bierman
Village Attorney

Motion on Second Reading:
Second on Second Reading:

Vote: