VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham
Vice Mayor Leanne Tellam
Council Member Patrick Fiore (Seat 1)
Council Member Steve Cody (Seat 2)
Council Member Marsha Matson (Seat 3)

Village Manager Nick Marano
Village Attorney John C. Dellagloria
Village Clerk Missy Arocha

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

AGENDA
ZONING HEARING
MONDAY, APRIL 17, 2023 – 7:00 PM

VILLAGE HALL MUNICIPAL CENTER
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157
(305) 259-1234

---

1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

   A. Notice of Zoning Hearing (April 17, 2023)

2. **REQUEST, PETITIONS, AND PUBLIC COMMENTS**

3. **APPROVAL OF MINUTES**

   A. Zoning Hearing (March 20, 2023)

4. **MAJOR PROJECTS UPDATE**

5. PUBLIC HEARING ITEMS

A. **Applicant:** JUAN CARLOS SAINZ / FAIRCHILD BAY SUBDIVISION, LLC
Location: 9000 SW 174 STREET, PALMETTO BAY, FL 33157
Property Folio: 33-5033-000-0220
Application: RZ-23-004
Request: REQUESTING CHANGE OF ZONING FROM AG TO EM
Ordinance: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY FLORIDA; AMENDING THE ZONING MAP, REFERRED TO IN SECTION 30-10.5 TO CHANGE THE ZONING DESIGNATION FROM "AGRICULTURAL" ("AG"), TO "ESTATE MODIFIED SINGLE-FAMILY" ("E-M") WHICH ALLOWS ONE DWELLING UNIT PER EACH 15,000 NET SQUARE FEET OF LAND, FOR A PROPERTY LOCATED AT 9000 SW 174 STREET, WITH A PROPERTY FOLIO OF 33-5033-000-0220; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE. ***(First Reading)***

B. **Applicant:** VILLAGE OF PALMETTO BAY
Ordinance: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," AMENDING DIVISION 30-160 "ART IN PUBLIC PLACES"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. ***(Second Reading)***

C. **Applicant:** VILLAGE OF PALMETTO BAY
Ordinance: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," AMENDING DIVISION 30-70 "PARKING AND LOADING STANDARDS"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. ***(Second Reading)***

6. ADJOURNMENT

WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:

- We will respect the right of all citizens in our community to hold different opinions;
- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion;

- We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.

NOTICE OF APPEAL RIGHTS

Pursuant to Florida Statutes 286.0105, the Village hereby advises the public that if a person decides to appeal any decision made by the Council with response to any matter considered at its meeting or hearing, he or she will need a record of the proceedings, and that for such purpose, the affected person may need to ensure that verbatim record of the proceedings is made, which record includes testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed.

AMERICAN DISABBILITIES ACT OF 1990

This meeting is open to the public. In accordance with the American Disabilities Act of 1990, persons needing special accommodation or a sign language interpreter to participate in this proceeding should contact the Village Clerk at (305) 259-1234 no later than four (4) days prior to the meeting. Hearing Assistance Devices are available with the Village Clerk.

VILLAGE OF PALMETTO BAY
NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN that the Village of Palmetto Bay shall conduct a Zoning Hearing on **Monday, April 17, 2023, at 7:00 p.m.** The Zoning Hearing shall be held at Village Hall, 9705 East Hibiscus Street, Council Chambers, Palmetto Bay, Florida 33157.

The following items are being heard and considered during the Zoning Hearing pursuant to the Village's Land Development Code:

Item 1: The following Resolution requiring a public hearing is being considered pursuant to the Village's Land Development Code on ***First Reading***:

Applicant:	JUAN CARLOS SAINZ / FAIRCHILD BAY SUBDIVISION LLC
Location:	9000 SW 174 STREET, PALMETTO BAY, FLORIDA 33157
Property Folio:	33-5033-000-0220
Application:	RZ-23-004
Request:	REQUESTING CHANGE OF ZONING FROM AG TO EM
Resolution:	AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY FLORIDA; AMENDING THE ZONING MAP, REFERRED TO IN SECTION 30-10.5 TO CHANGE THE ZONING DESIGNATION FROM "AGRICULTURAL" ("AG"), TO "ESTATE MODIFIED SINGLE-FAMILY" ("E-M") WHICH ALLOWS ONE DWELLING UNIT PER EACH 15,000 NET SQUARE FEET OF LAND, FOR A PROPERTY LOCATED AT 9000 SW 174 STREET, WITH A PROPERTY FOLIO OF 33-5033-000-0220; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE.

Item 2: The following Ordinance is being considered pursuant to the Village's Land Development Code on ***Second Reading***:

Applicant:	VILLAGE OF PALMETTO BAY
Ordinance:	AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE:, AMENDING DIVISION 30-70 "PARKING AND LOADING STANDARDS"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(This Ordinance passed on First Reading – February 27, 2023)*

Item 3: The following Ordinance is being considered pursuant to the Village's Land Development Code on ***Second Reading***:

Applicant:	VILLAGE OF PALMETTO BAY
Ordinance:	AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," AMENDING DIVISION 30-160 "ART IN PUBLIC PLACES"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(This Ordinance passed on First Reading – February 27, 2023)*

All persons are invited to appear and be heard. The documents pertaining to this Hearing may be inspected at the Department of Planning & Zoning at Village Hall, 9705 East Hibiscus Street, Palmetto Bay, Florida, during regular working hours. Any meeting may

be opened and continued, and, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall for more information.

This meeting will be conducted using a teleconferencing platform and broadcast live. **Members of the public may attend the meeting at the physical meeting location and/or watch the virtual meeting via the Village's official Facebook page and/or our Granicus web stream on www.palmettobay-fl.gov.**

For persons wishing to participate virtually and provide public comment, please refer to the options described below:

Public comments forum (Option 1): Prior to the meeting, the public can submit a web form available at this address: **https://www.palmettobay-fl.gov/formcenter/public-comments-form-10/public-comments-form-52. Form submissions received prior to the meeting will be read before the item is heard. Form submissions received after 5:00 p.m. will remain part of the record.**

Public comments forum (Option 2): Public attendees wishing to provide real-time, audible public comments during the meeting may do so using GoToWebinar's desktop, laptop, tablet, or smartphone app. Once registered, attendees will receive GTW session information and call-in telephone numbers for those wishing to use a telephone. Telephone attendees may not participate in public comment as the system has no way to mute or unmute. Attendees wishing to speak during public comment time must use the GoToWebinar application on their desktop, laptop, or smart device. Attendees may not use a webcam whatsoever. In lieu if no availability to participate through the webinar, please submit your public comment using the web form as described above.

Please register to attend the session as follows:

https://attendee.gotowebinar.com/register/1203170713451861333

After registering, you will receive a confirmation email containing information about joining the webinar.

Pursuant to Section 286.0105, F.S., if any person decides to appeal any decision by the Village Council with regard to this or any matter, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Village for the introduction or admission of otherwise inadmissible evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than seven (7) days prior to the proceedings.

www.palmettobay-fl.gov

AGENDA ITEM NO. 3.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE:	April 17, 2023
SUBMITTED BY:	Missy Arocha, Village Clerk's Office
ITEM TYPE:	Minutes
AGENDA SECTION:	**APPROVAL OF MINUTES**
SUBJECT:	Zoning Hearing (March 20, 2023)
SUGGESTED ACTION:	

ATTACHMENTS:
Minutes-March 20, 2023 (Zoning Hearing)
Exhibit A-Public Comments by Form

MINUTES
ZONING HEARING
MONDAY, MARCH 20, 2023 – 7:00 PM
VILLAGE HALL COUNCIL CHAMBERS
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157

---

1. CALL TO ORDER, ROLL CALL, INVOCATION,PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER: Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

The Zoning Hearing was called to order at 7:02 PM.

The following members of the Village Council were present during roll call:
Mayor Karyn Cunningham
Vice Mayor Leanne Tellam
Councilmember Patrick Fiore (arrived to meeting at 7:20 PM)
Councilmember Steve Cody
Councilmember Marsha Matson

The following Charter Officials were in attendance:
Village Attorney John C. Dellagloria
Village Clerk Missy Arocha

Community and Economic Development Director, Heidi Siegel was in attendance

A moment of silence was held in lieu of an invocation.

Steve Cody led the pledge of allegiance.

2. REQUESTS, PETITIONS, AND PUBLIC COMMENTS

Clerk Missy Arocha announced that no public comments were submitted by form.

The following person addressed the Village Council in-person during the public comments section:

- Vitality Falcovitch (9280 SW 167th Terrace) – thanked the Village Council and Policing Unit for their service.
- Steve Kreisher (18201 SW 98th Avenue) – reported that the project for 9820 SW 181st Terrace is different from staff's file.

3. APPROVAL OF MINUTES

A. Zoning Hearing (February 27, 2023)

Councilmember Steve Cody **motioned** to approve the minutes. Vice Mayor Leanne Tellam **seconded** the motion. **All voted in favor. The motion passed (4-0);** Councilmember Patrick Fiore absent.

4. MAJOR PROJECTS UPDATE

Community and Economic Development Director Heidi Siegel illustrated a Powerpoint Presentation on the Village's major projects status report dated March 2023. The presentation showed data on the applications received to date, pending applications, applications under review that require a public hearing, submitted and incomplete applications, projects under construction, recently approved building permits, approved projects pending building permits and construction, and approved projects pending building permit applications.

Following Director Siegel's presentation, she answered questions raised by the members of the Village Council regarding the presentation.

Clerk Arocha swore in all the witnesses that wished to testity for the public hearing items, 5A – 5E.

5. PUBLIC HEARING ITEMS:

A. **Applicant:** ROBIN P. FORBES
Location: 7255 SW 167 STREET, PALMETTO BAY, FL 33157
Property Folio: 33-5026-003-0061
Application: V-23-002
Request: SETBACK VARIANCE FOR A RESIDENTIAL SWIMMING POOL; WAIVING THE REQUIRED FRONT SETBACK OF SEVENTY-FIVE FEET TO ALLOW A SETBACK OF FIFTY-SIX FEET THREE INCHES
Resolution: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,

RELATING TO ZONING; PURSUANT TO SECTION 30-30.6, VARIANCES, AND SECTION 30-50.4, E-M ZONING DISTRICT, AUTHORIZING A FRONT SETBACK VARIANCE REQUEST FOR ROBIN P. FORBES AT 7255 SW 167 STREET, TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL SWIMMING POOL WITHIN THE FRONT SETBACK OF A PARCEL ZONED ESTATE MODIFIED (E-M); AND PROVIDING AN EFFECTIVE DATE.

Moved by: Councilmember Steve Cody
Seconded by: Vice Mayor Leanne Tellam

Attorney Dellagloria provided an explanation on the quasi-judicial proceeding procedures.

The members of the Village Council provided their ex-parte communications individually.

STAFF'S PRESENTATION:
Community & Economic Development Director, Heidi Siegel demonstrated a PowerPoint Presentation on the setback variance for a residential swimming pool. The presentation illustrated variance evaluation factors, development application review committee information, and staff's recommendation.

Following the presentation, the property owner, Robin Forbes, introduced himself and the architect of the file, Bruce Brockhouse.

There was no Council discussion held.

No one wished to speak in favor or opposed to the public hearing item.

The question was called in favor of the Resolution via a roll call vote:

- Mayor Karyn Cunningham - YES
- Vice Mayor Leanne Tellam - YES
- Councilmember Patrick Fiore - YES
- Councilmember Steve Cody - YES
- Councilmember Marsha Matson - YES

All voted in favor of the Resolution (5-0). The Resolution passed unanimously.

B. **Applicant:** HJB TRIPLE PLAY, INC.
Location: 8540 SW 174TH STREET, PALMETTO BAY
Property Folio: 33-5034-000-0350
Application: V-23-001
R e q u e s t : LOT FRONTAGE VARIANCE FOR THREE NEW RESIDENTIAL LOTS; WAIVING THE REQUIRED MINIMUM LOT

FRONTAGE OF ONE- HUNDRED TWENTY FEET TO ALLOW LOT FRONTAGE OF 105.23 (LOT 1), 104.91 (LOT 2), AND 104.91 (LOT 3)
Resolution: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,FLORIDA, RELATING TO ZONING; PURSUANT TO SECTION 30-30.6, VARIANCES, AND SECTION 30-50.4, E-M ZONING DISTRICT, AUTHORIZING FRONTAGESETBACK VARIANCE REQUEST FOR HJB TRIPLE PLAY, INC. AT 8540 SW 174 STREET, TO PERMIT LOT FRONTAGE OF 105.23 (LOT 1), 104.91 (LOT 2), AND 104.91 (LOT 3) FOR PARCELS ZONED ESTATE MODIFIED (E-M), WHERE ONE HUNDRED TWENTY (120) FEET IS REQUIRED; AND PROVIDING AN EFFECTIVE DATE.

Moved by: Vice Mayor Leanne Tellam
Seconded by: Councilmember Steve Cody

The members of the Village Council provided their ex-parte communications individually.

Mayor Karyn Cunningham questioned the date of when the application was submitted.

Director Siegel responded December 2022.

STAFF'S PRESENTATION:
Planning Division Manager, Alexander Adams announced that the staff's presentation includes public hearing items 5B and 5C and explained that one item is for a variance and the other is a tentative plat and each item must be voted on separately. The presentation illustrated applicant's requests, variance evaluation factors, request of tentative plat, development application review committee information, and staff's recommendation.

Following the presentation, Planning Manager Adams answered questions raised by the Council regarding application criteria.

APPLICANT'S PRESENTATION:
Those in attendance in support of the applicant's application were:

- James M. Schiff, Esq., counsel representing applicant, 9130 South Dadeland Blvd.
- Henry J. Bendheim, property owner (14625 SW 83rd Place)
- Hal Feldman (7560 SW 102nd Street)

During the applicant's presentation, Mr. Schiff, Esq., provided an explication on the applicant's intent and urged the Council to support the public hearing item.

After the applicant's presentation, there were no speakers who spoke in support of the public hearing item.

The following speakers spoke opposed to the public hearing item:

- Ashley Kuntz (8425 SW 174th Street)
- Daniel Kendall (17505 SW 86th Avenue)
- Nancy Kendall (17505 SW 86th Avenue)
- Kelly Fullerton (17500 SW 86th Avenue)
- Cynthia Gonzalez (8600 SW 174th Street)
- Lisa McDaniel (17420 SW 86th Avenue)
- Kathie Farrier (17220 SW 85th Avenue)
- James Gordan (17245 SW 84th Avenue)
- Stephen Copa (17321 SW 86th Avenue)
- John Georgiades (17521 SW 84th Court)

Clerk Arocha read the public comments submitted by form. All public comments submitted by form are attached as "Exhibit A".

During Council discussion, Vice Mayor Leanne Tellam **motioned** to amend the proposed Resolution to read as follows:

- Page 1 of 4, lines 34-35, that the application for the variance is inconsistent with the Village of Palmetto Bay's Comprehensive Plan;
- Page 1 of 4, line 39, determined to deny the application;
- Page 2 of 4, line 23, the application for the variance is found inconsistent with the Village's Land Development Code
- Page 2 of 4, lines 34-35, was found to be inconsistent
- Page 2 of 4, line 39, The Village Council denies the application

The motion was **seconded** by Councilmember Steve Cody. **All voted in favor of the motion (5-0). The motion passed unanimously.**

Vice Mayor Leanne Tellam **motioned** to approve the Resolution based on the facts that constitute substantial competent evidence, that the application was found to be inconsistent with the Village requirements for the granting of a variance. **Seconded** by Councilmember Steve Cody. **All voted in favor of the motion (5-0). The motion passed unanimously.**

Attorney Dellagloria reported that substantial competent evidence will be incorporated into the record as announced by Vice Mayor Leanne Tellam and approved by the Council.

The question was called in support of the denial of the application:

- Councilmember Marsha Matson - YES
- Councilmember Steve Cody - YES
- Councilmember Patrick Fiore - YES
- Mayor Karyn Cunningham - YES
- Vice Mayor Leanne Tellam - YES

All voted in support of the denial of the application (5-0). The motion passed unanimously.

C. **Applicant:** HJB TRIPLE PLAY, INC.
Location: 8540 SW 174TH STREET, PALMETTO BAY
Property Folio: 33-5034-000-0350
Application: PL-23-001
Request: APPROVAL OF A TENTATIVE PLAT
Resolution: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; PURSUANT TO SECTION 30-80, PLATTING AND SUBDIVISIONS; AUTHORIZING THE TENTATIVE PLAT OF CERTAIN LANDS WITHIN THE VILLAGE LOCATED AT 8540 SW 174 STREET (PROPERTY FOLIO 33-5034-000-0350), AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A, BY CREATING THE PLAT OF THREE PARCELS TO BE KNOWN AS: "BENDHEIM'S ESTATE HOMES", AND FURTHER DEDICATING LAND FOR USE AS PUBLIC RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE.

Moved by: Councilmember Steve Cody
Failed for a lack of a second.

D. **Applicant:** VILLAGE OF PALMETTO BAY
Ordinance: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO COMMUNITY PLANNING AND DEVELOPMENT, TO ADOPT HIGHER REGULATORY STANDARDS; AMENDING CHAPTER 30 "ZONING," ARTICLE II "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," DIVISION 30-100.6 "FLOODPLAIN MANAGEMENT REGULATIONS" TO ADOPT HIGHER REGULATORY STANDARDS; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. ***(First Reading)***

Moved by: Councilmember Patrick Fiore
Seconded by: Councilmember Steve Cody

Clerk Arocha reported that no public comments were submitted by form.

No one wished to speak in favor or opposed to the public hearing item.

Resiliency Coordinator, Andrea Candelabria illustrated a PowerPoint presentation. The presentation illustrated an overview of the floodplain

management regulations division, a summary of amendments, and staff's recommendation.

The members of the Village Council all spoke in support of the reduction of the flood ratings.

The question was called in favor of the Resolution via a roll call vote:

- Councilmember Patrick Fiore - YES
- Mayor Karyn Cunningham - YES
- Councilmember Marsha Matson - YES
- Vice Mayor Leanne Tellam - YES
- Councilmember Steve Cody - YES

All voted in favor of the Resolution (5-0). The Resolution passed unanimously.

E. **Applicant:** VILLAGE OF PALMETTO BAY
Ordinance: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.3 STYLED "R-1, SINGLE FAMILY RESIDENTIAL DISTRICT" BY AMENDING SUB- SECTION 30-50.3(C)(3) REGARDING PROHIBITED USES; AMENDING THE CODE OF ORDINANCES TO ALLOW SPECIFIED ZONING DISTRICTS TO KEEP AND MAINTAIN CHICKENS, AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Leanne Tellam)* ***(First Reading)***

Moved by: Vice Mayor Leanne Tellam
Seconded by: Councilmember Patrick Fiore

STAFF'S PRESENTATION:
Planning Division Manager, Alexander Adams illustrated a PowerPoint Presentation. The presentation illustrated an overview of allowing the keeping of chickens to the code amendment, methodology, setbacks, summary amendments, and staffs recommendation. Following the presentation, Mr. Adams answered questions raised by the Council.

The following person spoke opposed to the Resolution:

- Vitality Falcovitch (9280 SW 167th Terrace)

The following persons spoke in support of the Resolution:

- Kelly Fullerton (17500 SW 86th Avenue)
- Nancy Kendall (17505 SW 86th Avenue)

Clerk Arocha read the public comments submitted by form.

During Council discussion, Councilmember Marsha Matson urged the Council to support suggestions and recommendations that she found in

other Ordinances around the state and county as they relate to allowing chickens such as: (1) enforce a zoning permit as an accessory structure; (2) submittal of a site plan to show the size and height of the coupe, including setbacks; (3) show location and type of coupe supporting ground level screening to keep predators aways; (4) property owner authorization; (5) authorization of the owner of the chicken; (6) definition of chicken coups; and (7) definition of chicken run. Councilmember Marsha Matson urged the Council to support the suggestions of the Ordinance on First Reading.

Councilmember Steve Cody **motioned** to amend page 2 of 4, to have chickens amended out and hens be substituted in. Councilmember Patrick Fiore **seconded** the motion.

Vice Mayor Leanne Tellam reported that should the amendment be accepted; every female type of fowl would be allowed as opposed to chicken females only.

Council discussion ensued regarding Councilmember Steve Cody's motion, and after the discussion, he **withdrew his motion**. **No objections were made to the withdrawal of his motion.**

The question was called in favor of the Ordinance on First Reading via a roll call vote:

- Vice Mayor Leanne Tellam - YES
- Councilmember Marsha Matson - NO
- Mayor Karyn Cunningham - YES
- Councilmember Steve Cody - YES
- Councilmember Patrick Fiore - YES

The Ordinance on First Reading passed (4-1); Councilmember Marsha Matson opposed.

6. ADJOURNMENT

Councilmember Patrick Fiore **motioned** to adjourn the meeting. **Seconded** by Councilmember Steve Cody. **All voted in favor (5-0). The motion passed unanimously.** The meeting adjourned at 9:54 p.m.

The meeting minutes were approved this 17th day of April 2023.

Attest:

_____ _____

Mayor Karyn Cunningham Village Clerk Missy Arocha

Missy Arocha

From: noreply@civicplus.com
Sent: Monday, March 20, 2023 5:22 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Rachel Stanton
Email Address	Rachelnotaryfl@gmail.com
Address	8441 sw 180 street
City	Palmetto Bay
State	Fl
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	I DENY request of developer HJB TRIPLE PLAY INC LLC to rezone Folio# 33-5026-003-0061(V-23-001 & PL-23-001). I am opposed to any change in variances and rezoning in My neighborhood by any developer as Palmetto Bay is being overdeveloped which is affecting quality of life to residents. There are several mature oak trees that are protected which, I also oppose them to be cut down. I do not want to change the aesthetic value of my neighborhood to appease this developer so he can squeeze 3 houses in above mentioned lot. HJB

	TRIPLE PLAY INC is harassing neighbors to sign off on rezone and variances stating if neighbors do not comply with his request to rezone and change variances, he will build McMansions (low quality mansion) instead of 3 houses, if we deny his request to squeeze 3 houses onto lot meant for 2 houses. When HJB TRIPLE PLAY INC purchased this lot they were aware their intended project would not be allowed under current zoning from 1950. Neighbors and I, deny request to rezone or make changes to variances. Neighbors and I oppose rezoning and variance changes in any way in this neighborhood. I have been a Palmetto Bay resident since 1992 (31 years) and I want The aesthetic value of this neighborhood to remain the same as zoning has permitted since 1950. I deny and oppose any requested changes to zoning, variances etc. by any developer in Palmetto Bay
Agenda Item No.	V-23-001 & PL-23-001
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*

Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Monday, March 20, 2023 5:14 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Katherine stanton
Email Address	Stantonkatherinem@gmail.com
Address	8441 sw 180 street
City	Palmetto Bay
State	Fl
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	V-23-001 & PL-23-001

Comments (type your comments in the box below)	I DENY request of developer HJB TRIPLE PLAY INC LLC to rezone Folio# 33-5026-003-0061(V-23-001 & PL-23-001). I am opposed to any change in variances and rezoning in My neighborhood. There are several mature oak trees that are protected which, I also oppose them to be cut down. I do not want to change the aesthetic value of my neighborhood to appease this developer so he can squeeze 3 houses in above mentioned lot. HJB TRIPLE PLAY INC is harassing neighbors to sign off on rezone and variances stating if neighbors do not comply with his request to rezone and change variances, he will build McMansions (low quality mansion) instead of 3 houses, if we deny his request to squeeze 3 houses onto lot meant for 2 houses. When HJB TRIPLE PLAY INC purchased this lot they were aware their intended project would not be allowed under current zoning from 1950. Neighbors and I, deny request to rezone or make changes to variances. Neighbors and I oppose rezoning and variance changes in any way in this neighborhood. I have been a Palmetto Bay resident since 1992 (31 years) and I want The aesthetic value of this neighborhood to remain the same as zoning has permitted since 1950. I deny and oppose any requested changes to zoning, variances etc. by any developer in Palmetto Bay.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*

Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Monday, March 20, 2023 4:44 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	3/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Pat Ryan
Email Address	ryansrest@bellsouth.net
Address	17643 SW 85th Ave
City	Palmetto Bay
State	Florida
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	5 b/c HJB Triple Play

Comments (type your comments in the box below)	Deny variances. We do not want to change lot size and have smaller lots and more houses. Do not set presedence. We do not want higher density of houses in our neighborhood.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Monday, March 20, 2023 4:38 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/23
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Silvia Campa
Email Address	slcampa@yahoo.com
Address	17002 SW 86 AVE
City	PALMETTO BAY
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	4

Comments (type your comments in the box below)	Developer HJB Triple Play, Inc. bought the property knowing that it was not zoned for the type of development they wanted to build. That is their problem. There only concern is how to make the most money for their investment. My concern is what is best for our neighborhood Malbrook. In order to maintain our property value the zoning code should not be changed to allow for an extra house to be built on this property. There should be no change to the zoning code for the benefit of a developer. All the commissioners should be voting no on this item.
Agenda Item No.	5
Comments (type your comments in the box below)	Developer HJB Triple Play, Inc. bought the property knowing that it was not zoned for the type of development they wanted to build. That is their problem. There only concern is how to make the most money for their investment. My concern is what is best for our neighborhood Malbrook. In order to maintain our property value the zoning code should not be changed to allow for an extra house to be built on this property. There should be no change to the zoning code for the benefit of a developer. All the commissioners should be voting no on this item.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*

Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Monday, March 20, 2023 3:23 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	March 20, 2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Richard Rusak
Email Address	rdrusak@COMCAST.NET
Address	17602 S.W. 84th Ave
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	4

Comments (type your comments in the box below)	This is not a variance for a family who wants to dig a pool or erect a shed. The principal of HJB Triple Play is a sophisticated land developer. He knew prior to the purchase that the lot was not big enough for three houses, yet he went ahead with the purchase. Developers should not be rewarded with variances for purchasing lots zoned smaller than the developers' intended projects and Village residents should not be burdened with having houses built on lots smaller than what they are zoned. Members of this Council use the term "Bedroom Community" when describing Palmetto Bay and rally around the phrase "preserving quality of life." This term and phrase must equally apply to the Malbrook area and residents. As this Council is well aware, there is a significant traffic problem on Malbrook streets. Allowing houses to be built on lots smaller than they are zoned in Malbrook will add vehicles to an already traffic burdened area. I ask that you do not financially benefit a land developer who knew he was not buying the appropriate amount of land for three houses while at the same time further eroding Malbrook as a bedroom community and its residents' quality of life.
Agenda Item No.	5
Comments (type your comments in the box below)	I oppose for the same reasons stated in my opposition to Item number 4.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Monday, March 20, 2023 11:28 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	March 20, 2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	sharon wolling
Email Address	smwolling@bellsouth.net
Address	17130 SW 85 Ave.
City	miami
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	V-23-001 & PL-23-001

Comments (type your comments in the box below)	I do not agree with the zoning of three new houses on one lot in my neighborhood. This will change the character of the neighborhood and create a dangerous amount of traffic flow on this street. It will also reduce our property values. Please do not allow multiple homes to be built on the property at 8540 SW 174th St Folio # 33-5026-003-0061. We value our green spaces between homes and our lower density in this neighborhood. The low density is why we pay more to live here. Thank you.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Sunday, March 19, 2023 7:59 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	5/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Christopher Traina
Email Address	Ctraina81@hotmail.com
Address	17703 SW 85th Ave
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	5b

Comments (type your comments in the box below)	Portfolio no. 33-5034-000-0350-I oppose the request to allow for lot footage variance for 3 new residential lots. I disagree with waiving the minimum lot footage requirement
Agenda Item No.	5c
Comments (type your comments in the box below)	Portfolio no. 33-5034-000-0350-I disagree with the approval of a tentative plat
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Sunday, March 19, 2023 9:47 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	March 20, 2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Wendy Christopher
Email Address	wchristopher2@gmail.com
Address	17550 SW 86 Ave, Palmetto Bay
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	B

Comments (type your comments in the box below)	I am against approving the LOT Varience for three new residential lots; waiving the required minimum lot frontage. PLEASE DO NOT allow the Lot frontage to be decreased from it's zoned allocation. Allowing this developer to change the zone from 2 lots to three lots is not acceptable. This will change the integrity of the neighborhood. 120 feet to 104 is a major difference. This property is zoned as two lots and should remain 2 lots to continue the neighborhood integrity. This developer will build extremely large homes using maximum land (sq. footage of new homes). Our neighbors will not only be affected by the height of these homes (2 levels) but also by the amount of traffic that will increase to an already existing traffic flow through our neighborhood.
Agenda Item No.	C
Comments (type your comments in the box below)	I am against the approval of a tentative PLAT known as Bendheims Estate Homes. We already live in a neighborhood PLAT called Malbrook. This developer is trying to change the integrity of our neighborhood. Larger homes should be on larger lots. Platting for three homes is not acceptable on the already approved zoning for this land at 8540 SW 174 Street. 2 HOME MAXIMUM!
Agenda Item No.	E
Comments (type your comments in the box below)	I believe chickens can be allowed, but with strict rules regarding number of chickens allowed, must have a chicken coop for chickens, yard for chickens must have appropriate fencing, and no roosters. Chickens can not be visible from the front of the house. Chickens must be kept in the backyard. Maybe backyard minimum square footage must be provided so a coop or chickens are not talking up the entire backyard.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Sunday, March 19, 2023 9:08 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	3/20/23
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Ray Padilla
Email Address	Raysweet28@gmail.com
Address	8900 sw 172 street
City	Palmetto Bay
State	Florida
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	A

Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	B
Comments (type your comments in the box below)	I do not want a developer to come in and re-zone this lot to allow for 3 smaller lot size lots. Our neighborhood was built on larger lot sizes with amble space in between neighbors. Allowing this zoning change would start a precedent of other developer's coming in and building 2 houses on what should have be a one house lot. This would change the future of our neighborhood in a negative way for the residents and only benefit developers.
Agenda Item No.	C
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	D
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	E
Comments (type your comments in the box below)	Many cities in Florida have allowed 4-12 chickens to be kept granted they follow the cities guidelines that have been put in place. I believe the Village of Palmetto Bay should permit raising backyard hens with proper permits and specific guidelines put in place.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Saturday, March 18, 2023 7:40 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	3/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Claire barry
Email Address	Cmonzeglio@hotmail.com
Address	8405 SW 174th St
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	5b,5c

Comments (type your comments in the box below)	We are adamantly opposed to approval of this variance. We bought in this sub division because of the large lots and wide open spaces. Once the door is opened for this type of variance, where does it stop? The character of our community and its serenity should not be at risk due to the avarice and greed of developers.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Saturday, March 18, 2023 9:17 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Lori Sell
Email Address	lorisell99@gmail.com
Address	17922 SW 88TH PI
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	2

Comments (type your comments in the box below)	I am shocked you are considering chickens residential areas. I currently am overrun with peacocks and ducks. Adding chickens would ruin the quality of life for me and my neighbors. Yes, people will let them run the neighborhood, Yes, there will be roosters crowing at 2a. If people want to be farmers, they should buy agricultural property.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Saturday, March 18, 2023 9:10 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Lori Sell
Email Address	lorisell99@gmail.com
Address	17922 SW 88TH Pl
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	2

Comments (type your comments in the box below)	I am shocked you are considering having livestock in a residential community. I am overrun with peacocks and ducks. Please do not add chickens. Yes, they will run wild. Yes there will be roosters waking us up at 2a. If people want to raise chickens, they need to live in an agricultural area.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Friday, March 17, 2023 6:34 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Lori Sell
Email Address	lorisell99@gmail.com
Address	17922 SW 88TH Pl
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	2

Comments (type your comments in the box below)	I am shocked this is being considered. Some days I have over 30 ducks and peacocks in my front and back yards. They will run wild. If people want livestock, move to the country. What next, cows? Horses?
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Friday, March 17, 2023 4:45 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Nicole Ruiz
Email Address	Nnikki9966@aol.com
Address	17400 SW 85 Ave
City	Palmetto Bay
State	Fl
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	V23001

Comments (type your comments in the box below)	Please deny the rezoning of this property. I have live next to this property for over 28 years. This change would set a precedent and change our community to further increase our density. Please kindly deny.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Friday, March 17, 2023 4:33 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Nicole Ruiz
Email Address	Nnikki9966@aol.com
Address	17400 SW 85 ave
City	Palmetto Bay
State	Fl
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	V-23-001

Comments (type your comments in the box below)	I am a home owner of 17400 SW 85 Ave for 29 years, This lot which is behind my home should stay zoned the way it has been, Any changes made to maximize the zoning would change the character of our block. It would create a precedent and would open other areas around my home to have smaller lots to build more homes. Please Kindly deny the rezoning of this property. Best Regards, Nicole Ruiz
Agenda Item No.	PL-223-001
Comments (type your comments in the box below)	Same as above.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Thursday, March 16, 2023 6:49 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	3/20/23
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	*Field not completed.*
Name	Sara Georgiades
Email Address	*Field not completed.*
Address	17440 SW 86th Ave
City	Palmetto Bay
State	Florida
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	A

Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	B
Comments (type your comments in the box below)	We no not want to change zoning in our neighborhood, most moved here for large lots and appropriate spacing between houses. Allowing zoning changes to decrease lot size, and maximize number of houses would only benefit developers and destroy the neighborhood we have all grown to love. There should only be a maximum of 2 lots on that property. All neighbors have been already hounded by this realtor to get our approval of this zoning variance and all denied him. We still stand by this decision.
Agenda Item No.	C
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	D
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	E
Comments (type your comments in the box below)	Many other cities in Florida allow its residents to have from 4 to 12 hens in their homes as pets, with the appropriate permit and following rules and regulations dictated by the government. I believe this should also be permitted in our Malbrook community.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Thursday, March 16, 2023 9:55 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	3/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Kristen Traina
Email Address	Suttonk82@gmail.com
Address	17703 SW 85th Ave
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	5b

Comments (type your comments in the box below)	Location: 8540 SW 174th Street, portfolio no. 33-5034-000-0350-I oppose the request to allow for lot footage variance for 3 new residential lots. I disagree with waiving the minimum lot footage requirement
Agenda Item No.	5c
Comments (type your comments in the box below)	Location: 8540 SW 174th Street, portfolio no. 33-5034-000-0350-i disagree with the approval of a tentative plat
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Thursday, March 16, 2023 9:54 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	March 20, 2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Alex Decker
Email Address	alex@wearecomplex.com
Address	17723 SW 85th St
City	Palmetto Bay
State	Florida
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	NO Estate Homes
	(Section Break)
Agenda Item No.	33-5026-003-0061

Comments (type your comments in the box below)	My wife and moved to Palmetto Bay solely because of the neighborhood structure that it has. I was raised in the countryside in northeast and wasn't willing to buy a house in an area that didn't "feel like home". Palmetto Bay wasn't on our radar until we had the blessing of driving to a see a friend of ours that lived in the area. It wasn't long until my wife and I realized this was where we wanted to buy a home, start a family and live out our dream. Prior to making the move I drowned myself in research about the area and truly identified with the towns mission "We create outstanding Recreational, Natural and Cultural experiences to enrich you and enhance the quality of life for our community for this and future generations" As well as its vision: "Connecting people and parks for life." If this zoning law changes both statements above will be altered as well. This family rich and rooted area will become over populated and less appealing to individuals like myself and countless others that call Palmetto Bay home. It is blessing to live in a area where your neighbors know you by name and are always looking out for one another. Where you can go for a walk and are able to hear the birds chirping rather than obnoxious honking from vehicles. Where you can raise a family and have get togethers because the houses and yards are big enough to have all loved ones together in one place. So I ask, please don't change the foundation that makes Palmetto Bay the beautiful village that it is. I ask you to PLEASE REVOKE the proposed development of "estate homes" on 8540 SW 174 St. Stand by the towns mission and vision statement and allow this to be a place of beauty to remain special to everyone that calls it home.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*

Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Thursday, March 16, 2023 9:52 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Kristen Traina
Email Address	Suttonk82@gmail.com
Address	17703 SW 85th ave
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	5b

Comments (type your comments in the box below)	Location: 8540 SW 174th Street, portfolio no. 33-5034-000-0350-I oppose the request to allow for lot footage variance for 3 new residential lots. I disagree with waiving the minimum lot footage requirement
Agenda Item No.	5c
Comments (type your comments in the box below)	Location: 8540 SW 174th Street, portfolio no. 33-5034-000-0350-I disagree with the approval of a tentative plat
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Thursday, March 16, 2023 9:44 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Ashleigh and Alan Riano
Email Address	flalawgirl27@gmail.com
Address	17700 SW 85 Avenue
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	5

Comments (type your comments in the box below)	We OPPOSE Agenda Item #5B - We OPPOSE request regarding lot frontage variance for three new residential lots.
Agenda Item No.	5
Comments (type your comments in the box below)	We OPPOSE Agenda Item #5C - We OPPOSE request regarding approval of a tentative plat.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Thursday, March 16, 2023 9:41 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Ashleigh and Alan Riano
Email Address	flalawgirl27@gmail.com
Address	17700 SW 85 Avenue
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	5B

Comments (type your comments in the box below)	We OPPOSE the request regarding lot frontage variance for three new residential lots.
Agenda Item No.	5C
Comments (type your comments in the box below)	We OPPOSE the request regarding approval of a tentative plat
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Wednesday, March 15, 2023 4:19 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	March 20, 2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Marta L Gillette
Email Address	martagillette@gmail.com
Address	15721 SW 83 Avenue
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	Item 2

Comments (type your comments in the box below)	I want to commend the Council on putting forward this initiative so homeowners can have backyard chickens, and know what the parameters are in order to have them. I encourage all Council Members to support this initiative, and vote in favor. Thank you for your consideration.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Wednesday, March 15, 2023 10:37 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	March 20, 2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Richard Nolander
Email Address	rwnolander@gmail.com
Address	8521 SW 170 Terrace
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	Please see my comments for Agenda Item 5, B&C
	(Section Break)
Agenda Item No.	5, B & C

Comments (type your comments in the box below)	To the Council Members of the Village of Palmetto Bay, My name is Richard Nolander and I am a resident of the Malbrook Estates neighborhood. I want to express to the council my desire to deny HJB Triple Play Inc. the variance requested on Application PL-23-001 for the following reasons: 1. I believe the village needs to keep the present regulation for a minimum frontage of 120 feet to preserve the character of our neighborhood. This would be in agreement with the ordinance request that the Village of Palmetto Bay adopt higher regulatory standards for community planning and development. 2. Allowing the requested lot frontage variance is inconsistent with the character of our neighborhood. As the members of the Village council should recognize relative to where their own homes are located in the village, I quote from Niche.com's summary of our community "...one of the best places to live in Florida. Living in Palmetto Bay offers residents a sparse suburban feel..." This variance would be a violation of that characterization of our community. 3. I can appreciate the concern and fear of my neighbors since my home backs up to the walled subdivision built sometime after hurricane Andrew struck Miami. The homes are large on smaller lots many of which are either higher gabled single story or two story homes. In addition, these homes were built to post Andrew building code which means their foundations are raised up several feet higher than ours. As a result, these homes tower over our ranch style homes even rising higher than the mature trees in our backyards. What is worse regarding the proposed lot variance is its location. It is right in the middle of our neighborhood. By contrast, the walled subdivision mentioned above is located on the northern edge of our neighborhood between 168 Street and 169 Terrace and surrounded by a wall on 86 Avenue and 168 Street. 4. Limiting the development of the lot in question to be subdivided into two lots is more desirable. Moreover, adding the additional single family home will do little to nothing to benefit the village, but having three homes on smaller lots will definitely be a negative especially for those who live around them not to mention how obvious they can be seen as misfits. 5. Knowing the present real estate market, selling two new homes on slightly larger lots in a neighborhood like ours can still produce a similar profit for the developer.
Agenda Item No.	5, C
Comments (type your comments in the box below)	Regarding the request to further dedicate land for use as a Public Right-of-way, I wish to express how the new homeowners along with the present residents may like keeping the single lane of pavement on 86 Avenue to discourage the

	many commuters who hurriedly cut through our neighborhood each weekday morning from using their street while we wait for the bridge over the canal connecting 87 Avenue to be built.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Wednesday, March 15, 2023 10:31 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	March 20, 2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Richard
Email Address	rwnolander@gmail.com
Address	8521 SW 170 Terrace
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	PLease see my comments for Agenda Item 5, B&C
	(Section Break)
Agenda Item No.	5, B & C

Comments (type your comments in the box below)	To the Council Members of the Village of Palmetto Bay, My name is Richard Nolander and I am a resident of the Malbrook Estates neighborhood. I want to express to the council my desire to deny HJB Triple Play Inc. the variance requested on Application PL-23-001 for the following reasons: 1. I believe the village needs to keep the present regulation for a minimum frontage of 120 feet to preserve the character of our neighborhood. This would be in agreement with the ordinance request that the Village of Palmetto Bay adopt higher regulatory standards for community planning and development. 2. Allowing the requested lot frontage variance is inconsistent with the character of our neighborhood. As the members of the Village council should recognize relative to where their own homes are located in the village, I quote from Niche.com's summary of our community "...one of the best places to live in Florida. Living in Palmetto Bay offers residents a sparse suburban feel..." This variance would be a violation of that characterization of our community. 3. I can appreciate the concern and fear of my neighbors since my home backs up to the walled subdivision built sometime after hurricane Andrew struck Miami. The homes are large on smaller lots many of which are either higher gabled single story or two story homes. In addition, these homes were built to post Andrew building code which means their foundations are raised up several feet higher than ours. As a result, these homes tower over our ranch style homes even rising higher than the mature trees in our backyards. What is worse regarding the proposed lot variance is its location. It is right in the middle of our neighborhood. By contrast, the walled subdivision mentioned above is located on the northern edge of our neighborhood between 168 Street and 169 Terrace and surrounded by a wall on 86 Avenue and 168 Street. 4. Limiting the development of the lot in question to be subdivided into two lots is more desirable. Moreover, adding the additional single family home will do little to nothing to benefit the village, but having three homes on smaller lots will definitely be a negative especially for those who live around them not to mention how obvious they can be seen as misfits. 5. Knowing the present real estate market, selling two new homes on slightly larger lots in a neighborhood like ours can still produce a similar profit for the developer.
Agenda Item No.	5, C
Comments (type your comments in the box below)	Regarding the request to further dedicate land for use as a Public Right-of-way, I wish to express how the new homeowners along with the present residents may like keeping the single lane of pavement on 86 Avenue to discourage the

	many commuters who hurriedly cut through our neighborhood each weekday morning from using their street while we wait for the bridge over the canal connecting 87 Avenue to be built.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Wednesday, March 15, 2023 8:40 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Gail Copa
Email Address	mjcopa1@gmail.com
Address	17450 SW 85 Ave
City	Palmetto Bay
State	Florida
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	Ordinance

Comments (type your comments in the box below)	Regarding allowing residents to keep and maintain chickens. I understand that this is just a first reading, however, I would like to express my support of allowing residents to keep and maintain chickens as long as it is for laying chickens and there are no Roosters allowed. Thank you.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Tuesday, March 14, 2023 10:06 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/23
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	James Georgiades
Email Address	ilresqu2@hotmail.com
Address	16941 sw 84 th ave
City	Palmetto bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	Deny the variances to property on 174 st and 86 ave.
	(Section Break)
Agenda Item No.	*Field not completed.*

Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Tuesday, March 14, 2023 9:17 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	March 20, 2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Maitte Penalver
Email Address	Mpg305@hotmail.com
Address	16942 SW 86th Ave
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	V-23-001 and PL-23-001

Comments (type your comments in the box below)	I do not agree with changing the zoning. The developer knew the zoning when they purchased the lot. Please help us maintain the beauty and integrity of our village. We do it now and we will have to do it going forward and we will be setting a precedence we will not be able to back down from. As a homeowner I respectfully request that you deny his variance request and leave the zoning as is. I WANT MY COMMENTS MADE PUBLIC.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Tuesday, March 14, 2023 9:03 PM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Mauricio de la Vega
Email Address	Veganmo@gmail.com
Address	17554 SW 85th Ave
City	Palmetto Bay
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	Zoning Hearing #V-23-001 & PL-23-001

Comments (type your comments in the box below)	I vote AGAINT the proposal of having 3 homes built on the existing lot. There is not enough room. Contact me if you need any more comments.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

Missy Arocha

From: noreply@civicplus.com
Sent: Friday, March 10, 2023 9:41 AM
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	03/20/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	Check here if you affirm that the information provided herein is true and accurate
Name	Gail Copa
Email Address	mjcopa1@gmail.com
Address	17450 SW 85 Ave
City	Palmetto Bay
State	Florida
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments - "Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	V-23-001

Comments (type your comments in the box below)	When I moved to Palmetto Bay in 1997 I do so because I loved the large open lots and the treelined streets. It reminded me of the neighborhood that I grew up in, on the outskirts of the Redland, in Homestead. I wanted my children to grow up in this type of neighborhood too. They were able to play in our large yard without being able to see into the neighbor's house. I loved that the lots were wide & that I didn't look out my bedroom window into the neighbors bedroom window. This neighborhood was built with large lots of 120-150 feet, or more, wide, with homes ranging adjusted living area of 2100-2700SF. This is the footprint of our neighborhood. To allow a developer to come into our neighborhood &request zoning changes just so that he can cram in more houses is just wrong. To allow him to turn 1 lot into 3 will drastically change the footprint of our beautiful neighborhood. This would affect me personally because my home is directly adjacent to the property in question. When this property was first sold, the developer, &his realtor, came to all of the neighbors asking us to sign something to agree to all the changes that he wanted. We advised them then that we did not want those changes & we would not sign. Yet he continued to come to our home, every day or so, & send us letters asking for the same thing. It almost got to the point of harassment. The neighbors made their desire quite clear at that time – leave the footprint of our neighborhood as is. He did not like that, so he went to the Village, with the same results. Now he is asking again. If it was his intention to change the neighborhood, then he should have done his due diligence prior to purchasing the property. As I mentioned earlier, this will impact my quality of life directly, however, I would like to point out that it will impact all of Malbrook in the long run. If this developer is allowed to get zoning variances to make smaller lots & build 3 houses, it will set a precedent for the future. If he is allowed to do this now, what would stop him, or other developers, of buying lots and houses, bulldozing the existing homes to have them rezoned to cram in more houses. As you can see, it does not just impact me, it would impact all of my friends and neighbors too. This property should be kept at a maximum of 2 homes that fit the footprint of our existing neighborhood, keeping the wide lots & the size of the homes consistent with what is currently here. PLEASE DENY ALL VARIANCES
Agenda Item No.	P-23-001
Comments (type your comments in the box below)	When I moved to Palmetto Bay in 1997 I do so because I loved the large open lots and the treelined streets. It reminded me of the neighborhood that I grew up in, on the outskirts of the Redland, in Homestead. I wanted my children to grow up in this

type of neighborhood too. They were able to play in our large yard without being able to see into the neighbor's house. I loved that the lots were wide & that I didn't look out my bedroom window into the neighbors bedroom window. This neighborhood was built with large lots of 120-150 feet, or more, wide, with homes ranging adjusted living area of 2100-2700SF. This is the footprint of our neighborhood. To allow a developer to come into our neighborhood &request zoning changes just so that he can cram in more houses is just wrong. To allow him to turn 1 lot into 3 will drastically change the footprint of our beautiful neighborhood. This would affect me personally because my home is directly adjacent to the property in question. When this property was first sold, the developer, &his realtor, came to all of the neighbors asking us to sign something to agree to all the changes that he wanted. We advised them then that we did not want those changes & we would not sign. Yet he continued to come to our home, every day or so, & send us letters asking for the same thing. It almost got to the point of harassment. The neighbors made their desire quite clear at that time – leave the footprint of our neighborhood as is. He did not like that, so he went to the Village, with the same results. Now he is asking again. If it was his intention to change the neighborhood, then he should have done his due diligence prior to purchasing the property. As I mentioned earlier, this will impact my quality of life directly, however, I would like to point out that it will impact all of Malbrook in the long run. If this developer is allowed to get zoning variances to make smaller lots & build 3 houses, it will set a precedent for the future. If he is allowed to do this now, what would stop him, or other developers, of buying lots and houses, bulldozing the existing homes to have them rezoned to cram in more houses. As you can see, it does not just impact me, it would impact all of my friends and neighbors too. This property should be kept at a maximum of 2 homes that fit the footprint of our existing neighborhood, keeping the wide lots & the size of the homes consistent with what is currently here.
PLEASE DENY ALL VARIANCES

Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

AGENDA ITEM NO. 5.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: April 17, 2023

SUBMITTED BY: Andrea Candelaria, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: JUAN CARLOS SAINZ / FAIRCHILD BAY SUBDIVISION, LLC
Location: 9000 SW 174 STREET, PALMETTO BAY, FL 33157
Property Folio: 33-5033-000-0220
Application: RZ-23-004
Request: REQUESTING CHANGE OF ZONING FROM AG TO EM
Ordinance: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY FLORIDA; AMENDING THE ZONING MAP, REFERRED TO IN SECTION 30-10.5 TO CHANGE THE ZONING DESIGNATION FROM "AGRICULTURAL" ("AG"), TO "ESTATE MODIFIED SINGLE-FAMILY" ("E-M") WHICH ALLOWS ONE DWELLING UNIT PER EACH 15,000 NET SQUARE FEET OF LAND, FOR A PROPERTY LOCATED AT 9000 SW 174 STREET, WITH A PROPERTY FOLIO OF 33-5033-000-0220; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE. ***(First Reading)***

SUGGESTED ACTION:

ATTACHMENTS:

Staff Memo RZ-23-004-Fairchild Bay Subdivision
Ordinance RZ-23-004-Fairchild Bay Subdivision
Attachments-RZ-23-004 Fairchild Bay Subdivision

MEMORANDUM

To: Honorable Mayor and Village Council
From: Heidi Siegel, AICP, CED Director

Date: April 17, 2023
Re: RZ-23-004 Rezoning at 9000 SW 174 Street

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY FLORIDA; AMENDING THE ZONING MAP, REFERRED TO IN SECTION 30-10.5 TO CHANGE THE ZONING DESIGNATION FROM "AGRICULTURAL" ("AG"), TO "ESTATE MODIFIED SINGLE-FAMILY" ("E-M") WHICH ALLOWS ONE DWELLING UNIT PER EACH 15,000 NET SQUARE FEET OF LAND, FOR A PROPERTY LOCATED AT 9000 SW 174 STREET, WITH A PROPERTY FOLIO OF 33-5033-000-0220; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE. (*FIRST READING*)

OVERVIEW

FILE:	RZ-23-004
APPLICANT:	Juan Carlos Sainz
PROPERTY OWNER:	Fairchild Bay Subdivision LLC
ADDRESS:	9000 SW 174 Street, Palmetto Bay, Florida 33157
FOLIO:	33-5033-000-0220
LOT SIZE:	73,920 square feet (1.7 acres)
FLUM:	Low Density Residential (LDR)
ZONING:	AG, Agriculture Zoning District
EXISTING USE:	Single family home

BACKGROUND

The applicant, Fairchild Bay Subdivision LLC previously requested a rezoning before the Village Council on June 21, 2021, October 18, 2021, and January 24, 2022. At each hearing the rezoning was denied with the application being denied with prejudice on January 24, 2022. A denial with prejudice precludes the item being brought forward again for one year. Each of these applications referenced a future plat request for five (5) lots with a need for lot frontage variances.

The applicant has resubmitted for rezoning on February 23, 2023 requesting approval of application RZ-23-004 for an amendment to the official zoning map at 9000 SW 174 Street from AG- Agriculture Zoning District to EM-Estate Modified Zoning District. The EM zoning district

requires a minimum lot width of 120 feet of lot frontage and 15,000 square feet for each lot. At the request of staff, the applicant has provided the proposed plat for the property. This proposed plat depicts four (4) lots that appear to meet the EM required lot area but may require lot frontage variances for Property 1 and Property 4. (See "Sketch of Site Plan"). Should the rezoning pass on first reading, the plat would be presented to Council for consideration at that or a subsequent hearing. Staff would also advise the applicant to modify the lots to meet all of the requirements of the EM zoning district.

The property is currently an unplatted lot totaling 73,920 square feet. The existing home is one-story and 2,533 square feet. Based on the information provided, the property owner intends to demolish the existing home and plat 4 new legally conforming lots measuring between 16,729 and 16,741 square feet.

ANALYSIS

Section 30-30.7 of the Village's Land Development Code addresses amendments to the official zoning map and establishes criteria for the evaluation by Village Council. A rezoning is authorized to be granted by the Village Council, after quasi-judicial public hearing. After the hearing, the Village Council shall adopt an ordinance reflecting the map change.

A rezoning application may be considered under the requirements of Section 30-30.7. Any approval or approval with modifications and/or conditions shall require a majority vote of the members of the Village Council present at the meeting. All of the criteria should be considered and given their due weight; however, no single criteria is a determining factor.

Evaluation Factors (Section 30-30.6(e)(1):

1. Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the village's concurrency management program.

    - The existing parcel of land is less than the minimum lot area of five acres for agricultural zoned land in the Land Development Code. The Future Land Use is Low Density Residential (LDR) that allows between 2.5 dua and 6 dua per gross acre. The existing lot is 1.7 acres and exceeds the comprehensive plan requirements. The surrounding area streets all meet current levels of service and this application will not degrade any street.

2. **Whether the proposal is in conformance with all applicable requirements of Chapter 30.**

    - The proposed rezoning will be required to meet all requirements of Chapter 30 at the time of platting and development. As stated above, at the request of staff, the applicant has provided the proposed plat for the property. This proposed plat depicts four (4) lots that appear to meet the EM required lot area, but may require lot frontage variances for Property 1 and Property 4. (See "Sketch of Site Plan").

Should the rezoning pass on first reading, the plat would be presented to Council for consideration at that or a subsequent hearing. Staff would also advise the applicant to modify the lots to meet all of the requirements of the EM zoning district.

3. **Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.**

    - Most of the adjacent surrounding homes within 1 block in each direction are zoned Estates Modified. The parcel immediately to the north and west are also remnant Agricultural zoned properties that also do not meet the minimum required lot sizes. The subject property is not operated in a manner that meets the uses of the existing Agriculture Zoning District designation. The introduction of new residential homes would be consistent with the existing land use and development conditions of the surrounding area.

4. **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.**

    - The surrounding character of homes are all single-family homes. EM zoning district would be consistent with the surrounding neighborhood.

5. **Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services; would exceed the capacity of the facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.**

    - The surrounding streets are below capacity for Level of Service, the surrounding homes are all connected to public water and have private septic tanks for sewer. Any future development would require public water service hookup and private septic sewer service.

6. **Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.**

    - The existing site is located outside of the flood zones and no wetlands or other unique habitats exist on the site. Miami-Dade County DERM will determine if existing specimen trees would need to be preserved or a mitigation permit will need to be obtained.at the time of permitting any new development. DERM will also determine if any endangered or threatened species are present.

7. **Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

- The redevelopment of this parcel of land with new single-family homes should increase the value of surrounding homes and will provide additional ad valorem taxes to the village as compared to one single-family home and non-functioning agricultural use on the property.

8. **Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on land use pattern shall be identified.**

    - The rezoning could allow the future platting of the site and allow the introduction of the compatible lot sizes.

9. **Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of Chapter 30.**

    - The proposal is consistent with the surrounding community and Future Land Use for single family homes.

10. **Other matters which the local planning agency or the village council in its legislative discretion may deem appropriate.**
    - The rezoning allows for low impact appropriate investment in the Village in a manner that is consistent with the surrounding single-family neighborhood.

STAFF RECOMMENDATION

Florida state law does not require a site plan at the time of a rezoning hearing and does not allow a zoning district to be conditioned for approval. Therefore, the decision of this board must be for approval or denial. Staff has reviewed the proposal compared to the requirements presented in Section 30-30.7 of the Land Development Code as outlined above. This hearing is a quasi-judicial hearing, and all decisions are final.

The Village staff recommends that the Village Council approve application RZ-23-004 to rezone the subject property from AG-Agricultural to EM-Estates Modified zoning district. The applicant will need to separately apply for platting the property and any future development would be evaluated under the newly designated zoning district regulations through a building permit process.

ATTACHMENTS
Attachment A: Application / Letter of Intent
Attachment B: Property Survey/ Surrounding Plats Map
Attachment C: Sketch of Preliminary Site Plan

ORDINANCE NO. 2023 -_____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY FLORIDA; AMENDING THE ZONING MAP, REFERRED TO IN SECTION 30-10.5 TO CHANGE THE ZONING DESIGNATION FROM "AGRICULTURAL" ("AG"), TO "ESTATE MODIFIED SINGLE-FAMILY" ("E-M") WHICH ALLOWS ONE DWELLING UNIT PER EACH 15,000 NET SQUARE FEET OF LAND, FOR A PROPERTY LOCATED AT 9000 SW 174 STREET, WITH A PROPERTY FOLIO OF 33-5033-000-0220; PROVIDING FOR CONFLICT AND PROVIDING FOR AN EFFECTIVE DATE. (*FIRST READING*)

WHEREAS, the Village Council of the Village of Palmetto Bay previously conducted a rezoning hearing on first reading of an application at Village Hall, 9705 East Hibiscus Street on June 21, 2021, October 18, 2021, and January 24, 2022 denying the previous proposals for rezoning and lot frontage variance;

WHEREAS, on February 23, 2023, the Village of Palmetto Bay received and application for a change of zoning from Agriculture District (AG) to Estate Modified Single-Family (E-M) for the 1.70-acre property at 9000 SW 174th Street, folio #33-5033-000-0220;

WHEREAS, the property is located at the southwest corner of SW 173th Street and SW 90th Avenue;

WHEREAS, the property is zoned "Agricultural District" ("AG");

WHEREAS, the property consists of a legally non-conforming parcel that is not subdivided or platted;

WHEREAS, the property is surrounded by non-conforming AG-zoned properties on 3 sides and is in an area characterized by residential properties that are zoned "Estate Modified Single-Family" ("E-M") within a stable neighborhood;

WHEREAS, the trend of development in the surrounding area for other non-complying AG-zoned parcels is to support a change of zoning district to "Estate Modified Single-Family" (E-M) zoning district;

WHEREAS, the request would be consistent with the Village of Palmetto Bay adopted Comprehensive Plan and Future Land Use Map, in which the property is designated as "Low Density Residential" ("LDR"), permitting 2.5 to 6.0 dwelling units per gross acre and the "Estate Modified Single-Family" zoning district permits up to 2.9 dwelling units per net acre;

WHEREAS, the applicant's request is to support the construction of single-family homes which is consistent with the intent of the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations of the surrounding area;

WHEREAS, the Agricultural zoning of the property is a legacy zoning on a property that is legally non-conforming in terms of lot size and residential density;

WHEREAS, the Agricultural zoning of the property permits land use and building occupations that are no longer compatible with the character of the surrounding mature and stable estate-density single-family neighborhood;

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the change of zoning district designation is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations in Section 30-30.7;

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

Section 1. Findings. The Village Council hereby incorporates the "Whereas" clauses recited above as findings.

Section 2. Amendment to the Village of Palmetto Bay Zoning Map, Section 30-10.5. The adopted Zoning Map of the Village of Palmetto Bay, Section 30-50.5, is hereby amended for the subject property from "AG" zoning designation to "EM" zoning designation adopted on second reading.

Section 3. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this zoning map amendment are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect immediately upon enactment.

PASSED and ENACTED

FIRST READING: _____

SECOND READING: _____

Attest:

Missy Arocha	Karyn Cunningham
Village Clerk	Mayor

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

John Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member Steve Cody _____

Council Member Marsha Matson _____

Vice Mayor Leanne Tellam _____

Mayor Karyn Cunningham _____

Attachment A
Application / Letter of Intent

RZ	Village of Palmetto Bay APPLICATION FOR ZONING MAP OR LAND DEVELOPMENT CODE TEXT AMENDMENT

Date: 01/17/2023
Application No: RZ-23-004
PURPOSE OF APPLICATION: ■ Zoning Map Amendment ☐ Land Development Code Text Amendment

Petitioner / Applicant: JUAN CARLOS SAINZ

Petitioner / Applicant Address: 2423 SW 147 AVE #179 MIAMI, FL 33185

Phone: 786-659-1479 E-mail: INFO@SAINZHOMES.COM

Petitioner's Relation to Subject Property: OWNER OF FAIRCHILD BAY SUBDIVISION LLC

If Petitioner is not Owner, Name of Owner: FAIRCHILD BAY SUBDIVISION LLC

Address of Owner: 2423 SW 147 AVE #179 MIAMI, FL 33185

Signature of Petitioner:

Address of Property: 9000 SW 147th ST, PALMETTO BAY, 33157

Folio: 33-5033-000-0220

RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By:
RZ-23-004

SUBMITTAL REQUIREMENTS:

- Letter of Intent that includes the following:
  - A statement identifying the text or map area proposed to be amended.
  - An explanation of the text of the amendment desired.
  - An explanation of the need and justification for the proposed change.
- For an amendment to the official zoning map, the application shall also include the following information:
  - A legal description and a description by street address of the property whose zoning designation is proposed to be changed.
  - Current and proposed comprehensive plan land use map designation for the subject property.
  - The existing and proposed zoning designation for the subject property.
  - The existing and proposed use of the subject property, if applicable.

OWNER / AGENT CERTIFICATE:

This is to certify that I am the owner/agent of the subject lands described above in the application for Zoning Map or Land Development Code Text Amendment, and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to described property at reasonable times by Village personnel, for the purpose of verification of information provided by owner/agent.

Signature of owner/agent:

Sworn to and subscribed before me this 17 day of January 2023, by Juan Sainz.

☐ He/She is personally known to me or

☑ He/She has presented FL-DL as identification.

Signature of Notary Public

Type or Print Name Angelica Martinez

Angelica Martinez
Comm. # GG924912
Expires: November 8, 2023
Bonded Thru Aaron Notary

FOR STAFF USE ONLY
Fee Paid: ✓ Date: 2/23/2023 $ 1,995.00
1st Zoning Hearing Date: 4/19/23 ( ) Approved ( ) Denied ( ) Approved with conditions
2nd Zoning Hearing Date: _____ ( ) Approved ( ) Denied ( ) Approved with conditions Ordinance: _____

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 2/21/2023

Property Information	
Folio:	33-5033-000-0220
Property Address:	9000 SW 174 ST Palmetto Bay, FL 33157-5807
Owner	FAIRCHILD BAY SUBDIVISION LLC
Mailing Address	2423 SW 147 AVE B179 MIAMI, FL 33185 USA
PA Primary Zone	9000 AGRICULTURE
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 2 / 0
Floors	1
Living Units	1
Actual Area	2,533 Sq.Ft
Living Area	1,790 Sq.Ft
Adjusted Area	2,133 Sq.Ft
Lot Size	73,920 Sq.Ft
Year Built	1954



Assessment Information			
Year	2022	2021	2020
Land Value	$887,040	$813,120	$959,482
Building Value	$130,540	$4,927	$98,545
XF Value	$0	$0	$0
Market Value	$1,017,580	$818,047	$1,058,027
Assessed Value	$899,851	$818,047	$518,827

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	$0	$0	$0
Taxable Value	$899,851	$818,047	$518,827
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$1,017,580	$818,047	$652,735
City			
Exemption Value	$0	$0	$0
Taxable Value	$899,851	$818,047	$518,827
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$899,851	$818,047	$518,827

Benefits Information				
Benefit	Type	2022	2021	2020
Agriculture	Classified Value			$405,292
Non-Homestead Cap	Assessment Reduction	$117,729		$133,908

Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/07/2020	$825,000	32257-1584	Qual by exam of deed
10/01/1996	$0	17397-0222	Sales which are disqualified as a result of examination of the deed

Short Legal Description
33 55 40
N265FT OF SW1/4 OF SW1/4 OF NE1/4
LESS W335FT & LESS N25FT &
E25FT TO CO
PR ADD 9000 SW 174 ST

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

Version:

DIVISION OF CORPORATIONS

Sunbiz.org DIVISION of CORPORATIONS an official State of Florida website

Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company
FAIRCHILD BAY SUBDIVISION LLC

Filing Information

Document Number	L20000368378
FEI/EIN Number	87-2288989
Date Filed	12/03/2020
State	FL
Status	ACTIVE

Principal Address

2423 SW 147 AVE B179
MIAMI, FL 33185

Mailing Address

2423 SW 147 AVE B179
MIAMI, FL 33185

Registered Agent Name & Address

HOMES, SAINZ
2423 SW 147 AVE B179
MIAMI, FL 33185

Authorized Person(s) Detail

Name & Address

Title MGR

SAINZ HOMES, LLC
2423 SW 147 AVE B179
MIAMI, FL 33185

Annual Reports

Report Year	Filed Date
2021	08/23/2021
2022	04/26/2022
2023	01/30/2023

Document Images

01/30/2023 -- ANNUAL REPORT View image in PDF format

CFN: 20200745831 BOOK 32257 PAGE 1584
DATE:12/24/2020 02:12:10 PM
DEED DOC 4,950.00
HARVEY RUVIN, CLERK OF COURT, MIA-DADE CTY

This instrument prepared by:
Edward P. Ludovici, Esq.
LUDOVICI & LUDOVICI
9000 SW 152 Street, Suite 106
Palmetto Bay, Florida 33157-1941
305-235-2161

WARRANTY DEED

THIS INDENTURE, made this 7th day of December, 2020, between C.H. THIELE, a married woman, whose post office address is 17300 SW 90 Ave., Palmetto Bay, FL 33157, Grantor, and FAIRCHILD BAY SUBDIVISION LLC, a Florida Limited Liability Company, whose post office address is 2423 SW 147 Ave., B179, Miami, FL 33185, Grantee,

(Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees.)

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying, and being in **Miami-Dade County, Florida**, to-wit:

The North 265 feet of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 33, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida, less the West 335 feet and less the North 25 feet and the East 25 feet thereof.

Folio Number: 33-5033-000-0220.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to

RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AQ
RZ-23-004

sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2019.

The above described property does not constitute the homestead of the Grantor in accordance with Article X of the Constitution of the State of Florida. She resides at the address above.

IN WITNESS WHEREOF, Grantor had hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed, and delivered in our presence:

Witness' Signature

Edward P. Ludovici

Witness' Printed Name

Witness' Signature

SUSAN M. LUDOVICI

Witness' Printed Name

C.H. Thiele

C.H. THIELE

STATE OF FLORIDA)
) ss
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7th day of December, 2020, by C.H. THIELE, (X) who is personally known to me or ( ) who has produced a Florida Driver's License as identification, and who did take oath.

My Commission Expires:

SUSAN M. LUDOVICI
Notary Public - State of Florida
Commission # GG 323303
My Comm. Expires Jul 13, 2023
Bonded through National Notary Assn.

NOTARY PUBLIC
State of Florida at Large

Village of Palmetto Bay
Application for zoning map or land development code text amendment
Folio number: 33-5033-000-0220
Address: 9000 SW 147th ST, Palmetto Bay, 33157

Fairchild Bay Subdivision

9000 SW 147 ST

Rezoning Application

Village of Palmetto Bay
Application for zoning map or land development code text amendment
Folio number: 33-5033-000-0220
Address: 9000 SW 147th ST, Palmetto Bay, 33157

Letter of Intent

The applicant, *Fairchild Bay Subdivision, LLC* requests amendment of the Village Zoning Map to change the zoning designation of the 1.70-acre property located at 9000 SW 174th Street (folio #33-5033-000-0220) from Agriculture (AG) to Estate Modified Single-Family.

The subject property currently has a single-family home built in the 1950s and is zoned AG; however, since it is only 1.7 acres it does NOT conform to the current AG zoning. The property is slated under the Palmetto Bay FLUM to be designated as Estate Modified Single Family. If the current house was to be demolished, a new house could not be permitted without variances.

The subject property is among several properties in the area north of SW 174th Street to the C-100 Canal and west of SW 87th Ave that are the remnant unplatted, agriculturally zoned properties in an otherwise completely developed area, that has been subdivided and zoned consistently as either Single Family Residential (R-1) (detached single family home on a minimum lot of 7,500 sq. ft.) or Estate Modified Single Family Residential (E- M) (detached single family home on a minimum lot of 15,000 sq. ft.).

The subject property, prior to purchase by the applicant in 2020, was owned by a person as a home, after receiving it by quit claim deed on October 1996. There are no further records of sale or deed transfer on file with the Dade County Property Appraiser that precede this; therefore, it is presumed to have been owned as a home by the prior owner since or before the home was constructed in 1954.

The property is presumed to be a remnant property that is zoned in the Agricultural District as a legacy of a larger agricultural parcel that was subdivided to build this home and surrounding homes. The surrounding properties have been rezoned to Estate Modified Single Family Residential (E-M).

As an Agriculturally-zoned property, it is legally non-complying with a land area of 1.70 acres where 5.0 acres is required, a lot depth of 25.15 where 330 feet is required, and a residential density of 0.50 dwelling units per gross acre where a maximum of 0.20 50 dwelling units per gross acre is permitted. If the existing house were demolished, a new house could not be permitted without variances.

Sincerely,

Juan Carlos Sainz, Manager Fairchild Bay Subdivision

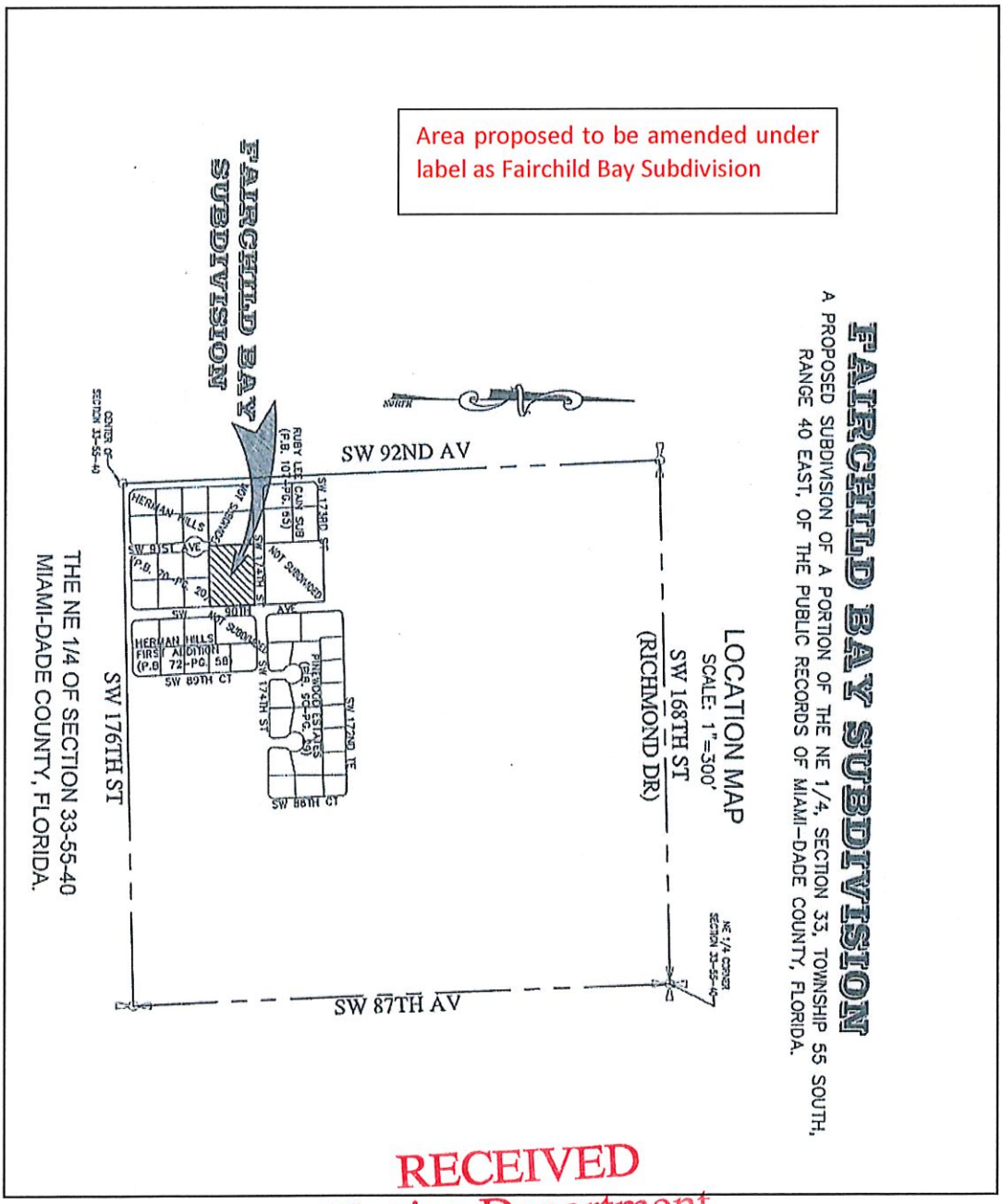
RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AB

RZ-23-004

Village of Palmetto Bay
Application for zoning map or land development code text amendment
Folio number: 33-5033-000-0220
Address: 9000 SW 147th ST, Palmetto Bay, 33157

Appendix A

A statement identifying the text or map area proposed to be amended



RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AB
RZ-23-004

Village of Palmetto Bay
Application for zoning map or land development code text amendment
Folio number: 33-5033-000-0220
Address: 9000 SW 147th ST, Palmetto Bay, 33157

An explanation of the need and justification for the proposed change

Amend the current property zoning from AG to EM. It is consistent with the intent of the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations for the surrounding area.

RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AG

RZ-23-004

Village of Palmetto Bay
Application for zoning map or land development code text amendment
Folio number: 33-5033-000-0220
Address: 9000 SW 147th ST, Palmetto Bay, 33157

An explanation of the need and justification for proposed change.

a) The Agricultural zoning of the property is a legacy zoning on a property that is legally non-conforming in terms of lot size, lot depth, and residential density; due to the requirement for rezone, and this property located at 9000 SW 174th ST only have designated 1.70- acre.
b) The Agricultural zoning of the property permits land use and building occupations that are no longer compatible with the character of the mature and stable estate-density single-family neighborhood that surrounds the subject property.

RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AB

RZ-23-004

Village of Palmetto Bay
Application for zoning map or land development code text amendment
Folio number: 33-5033-000-0220
Address: 9000 SW 147th ST, Palmetto Bay, 33157

Legal Description

33 55 40 N 265FT OF SW 1/4 OF SW 1/4 OF NE 1/4 LESS W 335FT & LESS N 25FT & E 25FT TO CO PR ADD 9000 SW 174 ST

RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By:

PZ-23-004

Village of Palmetto Bay
Application for zoning map or land development code text amendment
Folio number: 33-5033-000-0220
Address: 9000 SW 147th ST, Palmetto Bay, 33157

The existing and proposed zoning designation for the subject property

EXISTING ZONING DESIGNATION:

Subject Property:
Agricultural (AG)
1 residence per 5 $acres_{gross}$

Surrounding Properties:

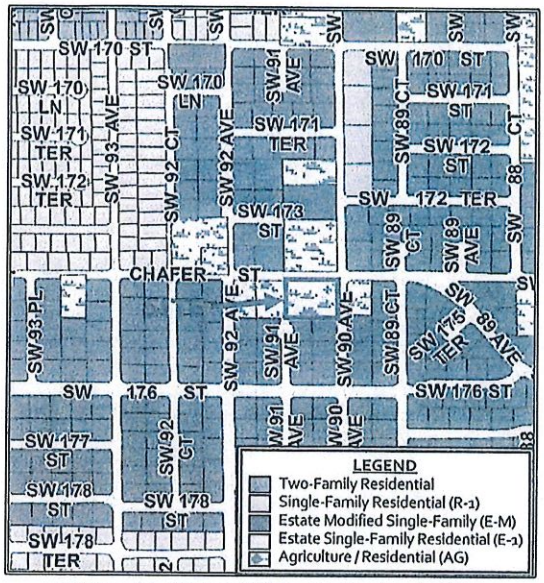
North: Agricultural (AG)
1 residence per 5 $acres_{gross}$

NE: Estate Modified
Single-Family (E-M)
15,000 sq.ft. per residence

East: Agricultural (AG)
1 residence per 5 $acres_{gross}$

South: Estate Modified
Single-Family (E-M)
15,000 sq. ft./residence

West: Agricultural (AG)
1 residence per 5 $acres_{gross}$



Excerpt of the Village of Palmetto Bay Zoning Map

PROPOSED ZONING DESIGNATION:

Subject Property:
Estate Modified
Single-Family (E-M)
15,000 sq. ft. per residence

Surrounding Properties:

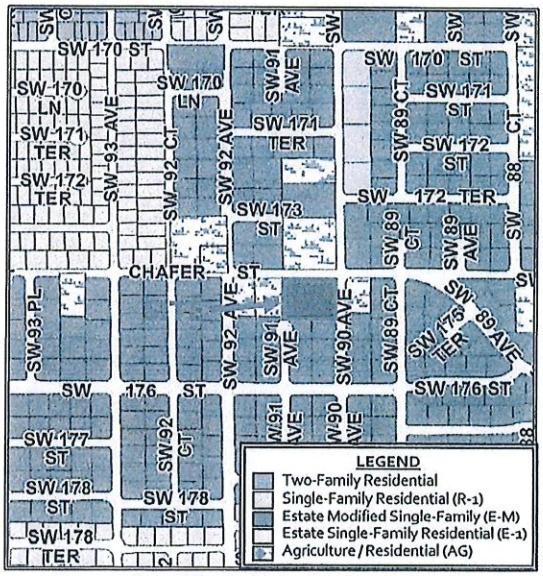
North: Agricultural (AG)
1 residence per 5 $acres_{gross}$

NE: Estate Modified
Single-Family (E-M)
15,000 sq.ft. per residence

East: Agricultural (AG)
1 residence per 5 $acres_{gross}$

South: Estate Modified
Single-Family (E-M)
15,000 sq.ft. per residence

West: Agricultural (AG)
1 residence per 5 $acres_{gross}$



Excerpt of the Village of Palmetto Bay Zoning Map

RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Planning & Zoning Department
By: AC
RZ-23-004

Attachment B Property
Survey / Surrounding
Plats Map

BOUNDARY & TOPOGRAPHIC SURVEY

OF

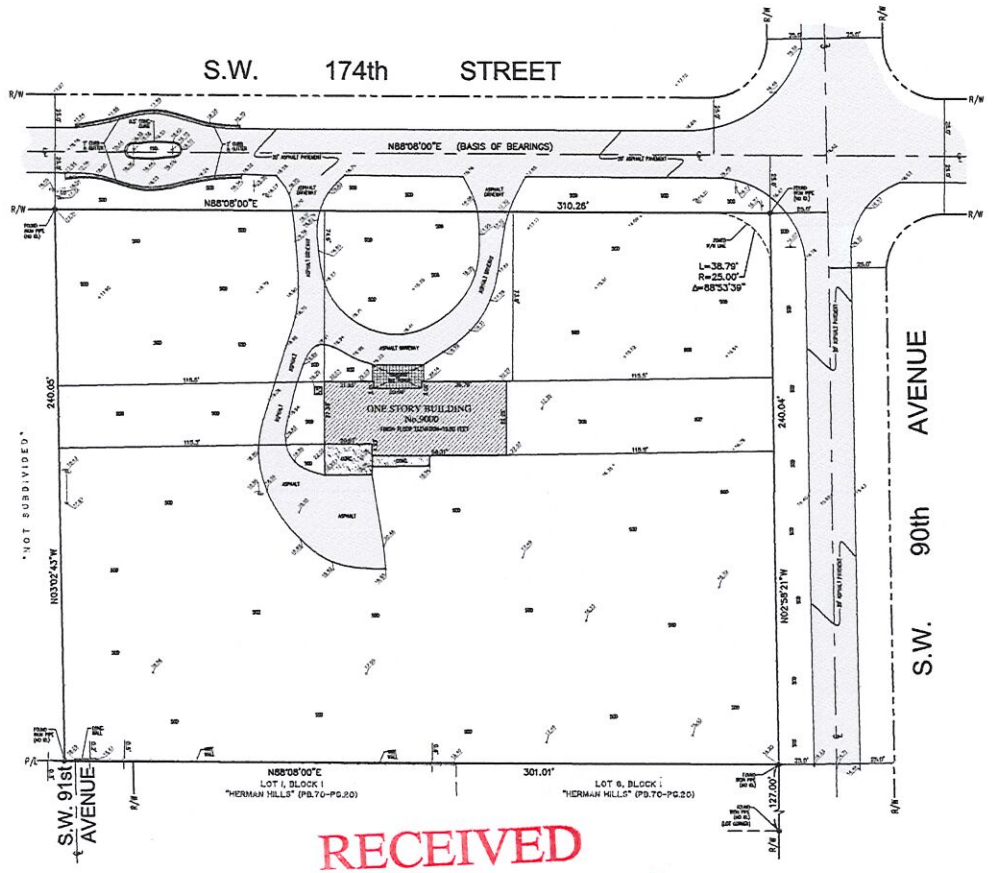
9000 SW 174TH STREET,
MIAMI, FLORIDA 33157

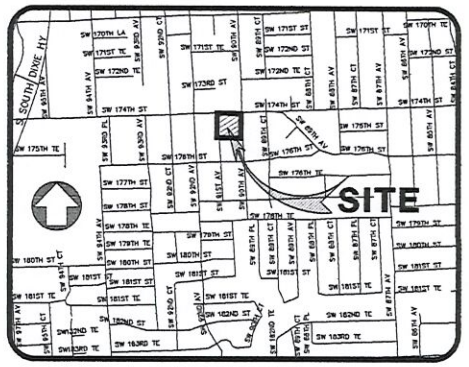
0 12.5 25 50

SCALE : 1"=25'

ABBREVIATIONS AND LEGEND

△	= CENTRAL ANGLE
	= WOOD FENCE
	= WIRE FENCE
	= C.B.S. WALL
Ø	= DIAMETER
	= IRON FENCE
MLP	= METAL LIGHT POLE
	= GUY WIRE
UP	= UTILITY POWER POLE
	= FIRE HYDRANT
WM	= WATER METER
EB	= ELECTRIC BOX
TB	= TELEPHONE BOX
CONC.	= CONCRETE
LP	= LIGHT POLE
GV	= GAS CALVE
WV	= WATER VALVE
MH	= WATER MANHOLE
UMH	= UNKNOWN MANHOLE
+10.50	= SPOT ELEVATION
SMH	= SEWER MANHOLE
TS	= TRAFFIC SIGN
CB	= CATCH BASIN
I.D.	= IDENTIFICATION
ASPH.	= ASPHALT
SWK.	= SIDEWALK
C/P	= COVERED PORCH
U.E.	= UTILITY EASEMENT
U.P.	= UTILITY POLE
V.G.	= VALLEY GUTTER
W.M.	= WATER METER
W.V.	= WATER VALVE
DWY.	= DRIVEWAY
INV.	= INVERTS
STY.	= STORY
—OH—	= OVERHEAD WIRES
A/C	= AIR CONDITIONING PAD
Δ	= ARC DISTANCE
BLDG.	= BUILDING
C.	= CANOPY
C.B.	= CATCH BASIN
C.B.S.	= CONCRETE BLOCK W/ STUCCO
C.G.	= CURB & GUTTER
CH.	= CHORD DISTANCE
CL.	= CLEAR
H.	= HEIGHT
L.F.E.	= LOWEST FLOOR ELEVATION
L.P.	= LIGHT POLE
M.D.E.	= MAINTENANCE & DRAINAGE EASEMENT
B.C.	= BLOCK CORNER
MH.	= MANHOLE
M/L	= MONUMENT LINE
M.S.	= METAL SHED ON CONCRETE
N.G.V.D.	= NATIONAL GEODETIC VERTICAL DATUM
P.R.M.	= PERMANENT REFERENCE MONUMENT
℄	= CENTER LINE
CONC.	= CONCRETE
C.S.	= CONCRETE SLAB
ENC.	= ENCROACHMENT
E.T.P.	= ELECTRIC TRANSFORMER PAD
F.H.	= FIRE HYDRANT
F.I.P.	= FOUND IRON PIPE
F.N.D.	= FOUND NAIL & DISK
F.R.	= FOUND REBAR
N.T.S.	= NOT TO SCALE
O/H	= OVERHEAD
O.R.B.	= OFFICIAL RECORDS BOOK
P.B.	= PLAT BOOK
P.C.P.	= PERMANENT CONTROL POINT
PG.	= PAGE
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
(M)	= MEASURED
(R)	= RECORDED
PL.	= PLANTER
P/L	= PROPERTY LINE
R.	= RADIUS
RAD.	= RADIAL
(R & M)	= RECORDED & MEASURED
RES.	= RESIDENCE
R/W	= RIGHT-OF-WAY
SEC.	= SECTION
F.F.ELEV.	= FINISH FLOOR ELEVATION





VICINITY MAP

NOT TO SCALE

SURVEYOR'S NOTES:

SECTION 1) DATE OF FIELD SURVEY:

Last day of field work was performed on December 5, 2022.

SECTION 2) LEGAL DESCRIPTION:

The North 265 feet of the SW 1/4 of the SW 1/4 of the NE 1/4 of Section 33, Township 55 South, Range 40 East, lying and being in Miami-Dade County, Florida, less the West 335 feet and less the North 25 feet and the East 25 feet thereof.

SECTION 3) ACCURACY:

The accuracy obtained by field measurement methods and office calculations of closed geometric figures meets and exceeds the "Standards of Practice for Land Surveying in the State of Florida", require for this Type of Survey as defined in Rule 5J-17.051, Florida Administrative Code.

Well identified features as depicted on the Survey Map were measured to an estimated horizontal position accuracy of 1/10 of a foot.

This Map of Survey is intended to be displayed at a scale of (1"=20') or smaller.

SECTION 4) SOURCES OF DATA:

North arrow direction is based on an assumed Meridian.

Bearings as shown hereon are based upon the Centerline of 174th Street; with an assumed bearing of N**°**W, said line to be considered a well established and monumented line.

This property is to be located in Flood Zone "X", as per Federal Emergency Management Agency (FEMA) Community Number 120687 (Village of Palmetto Bay), Map Panel No. 12086C0602, Suffix L, Map Revised Date: September 11, 2009

Elevations as shown hereon are based on the National Geodetic Vertical Datum of 1929, as per Miami-Dade County's Benchmark Number U-754, Elevation 14.94 feet.

SECTION 5) LIMITATIONS:

Since no other information were furnished other than what is cited in the Sources of Data, the Client is hereby advised that there may be legal restrictions on the Subject Property that are not shown on the Survey Map that may be found in the Public Records of Miami-Dade County.

The Surveyor makes no representation as to ownership or possession of the Subject Property by any entity or individual who may appear of public records of this County.

No excavation or determination was made as to how the Subject Property is served by utilities. No improvements were located, other than those shown. No underground foundations, improvements and/or utilities were located or shown hereon.

SECTION 6) CLIENT INFORMATION:

This Boundary Survey was prepared at the request of and certified to:

FAIRCHILD BAY SUBDIVISION LLC.

SECTION 7) SURVEYOR'S CERTIFICATE:

I hereby certify: That this "Boundary Survey" and the Survey Map resulting therefrom was performed under my direction and is true and correct to the best of my knowledge and belief and further, that said "Boundary Survey" meets the intent of the applicable provisions of the "Standards of Practice for Land Surveying in the State of Florida", pursuant to Rule 5J-17.051 through 5J-17.052 of the Florida Administrative Code and its implementing law, Chapter 472.027 of the Florida Statutes.

BENNY SUAREZ SURVEYING INC., a Florida Corporation
Florida Certificate of Authorization Number LB8104

Digitally signed by BENIGNO J SUAREZ
Date: 2022.12.09 13:20:23 -05'00'

By: _____ Date: _____
Benigno J. Suarez, PSM
Registered Surveyor and Mapper LS6583
State of Florida

NOTICE: Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to Survey Maps by other than the signing party are prohibited without the written consent of the signing party.

BENNY SUAREZ
SURVEYING INC.
4170 S.W. 152nd PATH, MIAMI, FLORIDA 33185
PH:(305)807-8319 Email: bennysuarez@msn.com

No	DATE	DESCRIPTION

TYPE OF PROJECT: BOUNDARY & TOPOGRAPHIC SURVEY
PREPARED FOR: FAIRCHILD BAY SUBDIVISION LLC.
ADDRESS: 9000 S.W. 174th STREET, PALMETTO BAY, FLORIDA 33157

JOB No: 2022-167
DRAWN BY: L.M.
CHECKED BY: B.J.S.
FIELD BOOK: FILE
DATE: 12/09/2022
SCALE: AS SHOWN
SHEET: 1 OF 1

RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AG
RZ-23-004

Department Of Public Works
MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE COUNTY

REVISIONS

6/6/2000 - 155-34, NW 1/4
CHANIA ROSE ESTATES

1/31/2006 - 164-54, NW 1/4
SINFIN SUBDIVISION

6/26/2006 - 165-8, NW 1/4
VICTORIA BAY ESTATES

4/19/2010 - <NULL>-<NULL>, <NULL>
ST CODESIG(R-330-10) SW168 ST FR 87-90 AVE

5/13/2011 - 152-69, SW 1/4
R-891-10 PORTION OF SW 97 AVE 160 ST-US1

3/25/2014 - <NULL>-<NULL>, <NULL>
ST,CODESIG (R-267-14)SW184ST FR US 1-OLD CUTLER RD

10/8/2015 - 171-12, NW 1/4
PALMETTO BAY ESTATES

9/19/2016 - <NULL>-<NULL>, NW 1/4
R/W SW 92 CT (R-116-16) ORB 30196 PG 1148-156

12/8/2017 - 172-59, NW 1/4
PALMETTO BAY GARDENS

11/29/2018 - 173-41, SW 1/4
ATLANTICO AT PALMETTO BAY

LEGEND

- Section Lines
- Grid Lines
- Municipality Lines
- Block Lines
- Lot Lines
- Easement Lines
- Limited R/W

1 inch = 300 feet
0 110 220 330 440 550 Feet

N W E S

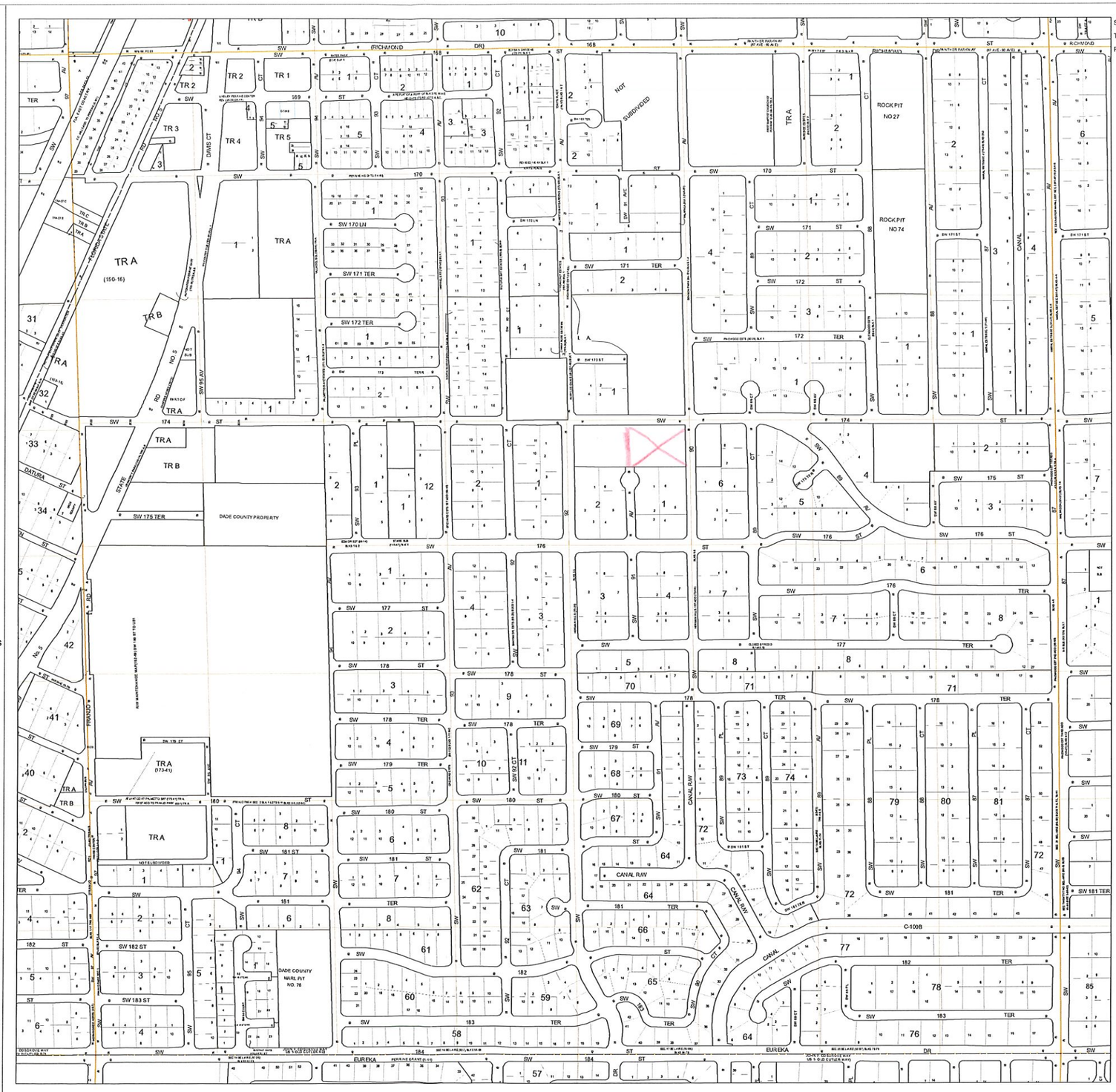
NOTES: The portion of this map which lies within the limits of a Municipality is not updated regularly and may be incomplete or contain errors. This map is intended to be printed in a paper size 27" by 22"

NOTICE

This map was created using the Miami-Dade GIS Land Database as an alignment base. The map and associated information is to be used only for public business as may be authorized by law and no reproduction for commercial use or sale is permitted. No expressed or implied warranties including but not limited to the implied warranties of MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE are made. The materials contained herein are provided "as is" and may contain inaccuracies. User is warned to utilize the materials herein at user's own risk and to verify the material's accuracy independently and assumes the risk of any and all loss. This notice shall be placed on all copies redistributed in the course of public

Produced on 1/30/2023

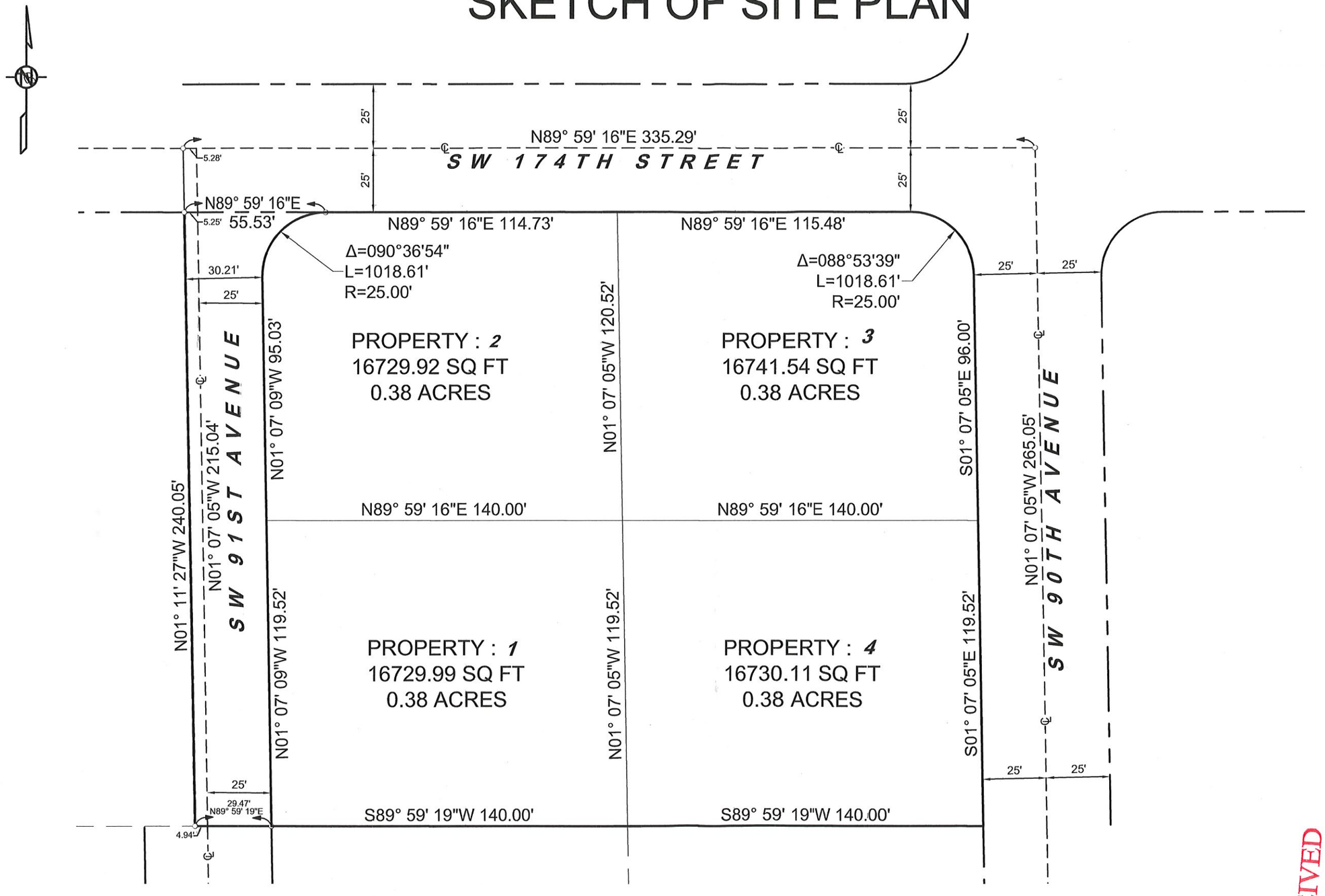
Sec: 33
Twn: 55
Rng: 40



RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AG
PZ-23-004

Attachment C
Sketch of
Preliminary Site
Plan

SKETCH OF SITE PLAN



GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)

1 inch = 40 ft.

E.R. Brownell & Associates, Inc.

CONSULTING ENGINEERS • SURVEYORS & MAPPERS • LAND PLANNERS

4957 SW 74th COURT MIAMI, FLORIDA, 33155

PHONE: 305-860-3866 FAX: 305-860-3870 workrequest@erbrownell.com

109

SITE PLAN

PALMETTO BAY, FLORIDA

Certification No.	LB761
PLS/PSM No.	
Field Book No.	
Drawn by:	
Checked by:	
Scale:	
Date:	
Job No.	

SEE SHEET 1 FOR CERTIFICATIONS.

Sketch No. 1 OF 1

Sheet Number:

RECEIVED
Zoning Department
February 23, 2023
Village of Palmetto Bay
Building & Zoning Department
By: MB

PZ-23-004

Plot Date: 2/14/2023 Saved by: adler
\\ERBS-DC-01\Desktop$\Adler\Desktop\ADDIER\SW 174 STREET AND SW 90 AVE.dwg

AGENDA ITEM NO. 5.B

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: April 17, 2023

SUBMITTED BY: Andrea Candelaria, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT: **Applicant:** VILLAGE OF PALMETTO BAY
Ordinance: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," AMENDING DIVISION 30-160 "ART IN PUBLIC PLACES"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. ***(Second Reading)***

SUGGESTED ACTION:

ATTACHMENTS:
Staff Memo-Z-23-002 AIPP Code Change Section 30-160
Ordinance-AIPP Section 30-160
Attachment A-AIPP Section 30-160-Annotated Changes

To: Honorable Mayor and Village Council
From: Andrea Candelaria, M.P.A., Resilience Coordinator

Date: April 17th, 2023
Re: RZ-23-002 / Section 30-160 Art-in-Public Places Amendments

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," AMENDING DIVISION 30-160 "ART IN PUBLIC PLACES"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(SECOND READING)*

BACKGROUND

Village Staff continuously seeks opportunities to update and correct inconsistencies the Village's Land Development Code. Section 30-160 describes the provisions and guidelines for the Art-in-Public Places (AIPP) program within the Village of Palmetto Bay. Although it underwent changes throughout the years since its establishment, Section 30-160 of the Village Code has not been updated since 2013. Additionally, since its creation in 2005, there were many inconsistencies that do not reflect the AIPP Board's view of artwork within the Village. The proposed amendments in the ordinance reflect not only grammatical changes that needed to be fixed, but also reinforced guidelines for private development artwork in the Village. Also, the AIPP Board reinforced their support to add the requirement of approval for all murals that are installed on commercial properties and face a public place that are not considered a new non-governmental or private sector development project. Specifically, the applicant should follow the process for attaining approval from the board regarding public art as stated in the Village Code. The mural will not have an attached monetary minimum amount. These changes were unanimously approved at the most recent AIPP Board meeting held on January 12th, 2023. These changes were later approved by Village Council at the February 17th, 2023, Zoning Hearing and were approved on First Reading. No amendments and/or changes took place between first and second reading.

SUMMARY OF AMENDMENTS

The below chart summarizes the proposed amendments to Section 30-160. Additionally, an attachment has been provided with all strikethrough/underline in red font for ease of reference.

Code Section	Intent of Proposed Change
Sec. 30-160.2. - Definitions.	• Removes the incorrect reference to the Village Code; corrects new section of the referenced Village Code. • Corrects the misspelling of “artwork”. • Corrects grammatical error of “constitute”. • Adds hyphen to term “interest-bearing”.
Sec. 30-160.3. - Administration of the program.	• Corrects the Department in charge of the AIPP Program (Planning & Zoning is a division that falls under the Department of Community & Economic Development).
Sec. 30-160.4. - Public art board.	• Corrects the Department in charge of the AIPP Program (Planning & Zoning is a division that falls under the Department of Community & Economic Development). o Section 30-160.4 a) & d) • Deletes repeated verbiage of requirements to be on the AIPP Board; new verbiage opens the field for more interested residents in the field of art to be welcomed onto the Board. • Specifies the projects of when AIPP is triggered by permit applicants. • Addition of all murals that are installed on commercial properties and face a public place that are not considered a new non-governmental or private sector development project. Specifically, the applicant should follow the process for attaining approval from the board regarding public art as stated in the Village Code. The mural will not have an attached monetary minimum amount.
Sec. 30-160.5. - Selections of works of art.	• Amends wording that expands upon the audience of the Village. • Deletes wording that does not directly apply to Village geography.
Sec. 30-160.6. - Application procedures for placement of artwork on private property; donations of artwork.	• Amends clearer verbiage that all art appraisals must be paid by the private developer. • Adds requirement that Village staff may inquire the private developer to retrieve more than one art appraisal. • Corrects the appropriate section of the Code.
Sec. 30-160.7. - Applicability.	• Corrects the misspelling of non-governmental. • Amends the verbiage to make clear the requirement of AIPP when construction costs exceed $250,000. • Amends and adds a section of the verbiage to make clear the options the applicant has for artwork which consist of: o For artwork provided on site: a value of not less than one and one-quarter percent of the construction costs. o For artwork provided off site or contribution to the art fund or some contribution to the art fund or some combination thereof: a value of not less than one percent of the construction costs.

	• Adds the requirement of the Board to review the installation of murals on site to meet the requirement.
Sec. 30-160.8. - Building permits.	• Amending language in order to make clear the options that applicants have for AIPP. • Adds language that enforces responsibility of applicant for coming before the AIPP Board for approval prior to issuance of a Building Permit.
Sec. 30-160.9. - Certificates of occupancy.	• Adding the term temporary certificate of occupancy to ensure that no final approval can be granted to any development project without the fulfillment of the AIPP requirement.
Sec. 30-160.10. - Creation of fund.	• Amending colloquial language to better reflect the account of the AIPP fund.
Sec. 30-160.14. - Ownership and maintenance of artwork placed on the site of a project.	• Amending language that artwork must have a life-maintenance of twenty-five years. • Amending grammatical errors to include “if”. • Amending misspelling of the word “artwork”.

RECOMMENDATION

The AIPP Board and Village Staff recommend that the Village Council approve the attached ordinance on second and final reading.

ATTACHMENTS

Attachment A: Annotated Section 30-160 AIPP Code.

ORDINANCE NO. 2023-____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," AMENDING DIVISION 30-160 "ART IN PUBLIC PLACES"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (*SECOND READING*)

WHEREAS, the Mayor and Village Council of Palmetto Bay pursuant to the Village's adopted Comprehensive Plan have pledged to develop a Land Development Code tailored to the needs of the Village's residents and properties; and

WHEREAS, the Art-in-Public Places Advisory Board seeks to enhance its Code to better reflect the ideals and goals of the Board; and

WHEREAS, the Village desires to specifically amend Chapter 30 "Zoning" Article II "Village of Palmetto Bay, Florida – Land Development Code" Division 30-160 "Art in Public Places"; and

WHEREAS, the Mayor and Village Council of Palmetto Bay find that the provisions of this Ordinance are intended to advance the public health, safety and welfare of the citizens of the Village.

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

Section 1. The above recitals are true, correct and incorporated herein by this reference.

Section 2. Amending Chapter 30 "Zoning" Article II "Village of Palmetto Bay, Florida – Land Development Code", at Division 30-160 "Art in Public Places" Section of the Code are hereby amended to read as follows:

***

Sec. 30-160.2. - Definitions.

a) *Artwork* means durable creations that may be original or limited editions of art and that may include, but not be limited to, sculptures, murals, monuments, frescoes, fountains, paintings, stained glass, or ceramics and may include architectural designs, components or structures as provided for under section 30-160.15 ~~14.~~ The "artwork" medium may include, but not be limited to: glass, steel, bronze, wood, stone and concrete. For purposes of the art in public places program, "artwork" does not include the following:

1) Directional elements, such as signage or graphics;
2) Objects that are mass produced in a standard design;
3) Landscape gardening, unless substantially comprising durable elements defined as "artwork" under this section.

b) *Construction* cost shall mean the architectural and engineering fees, site work, and contingency allowances for a development project. It shall not include the cost of land acquisition or subsequent cost changes to the construction and/or architectural contract(s). In the absence of such information being provided by the applicant or the dispute of said submission, the cost shall be based upon the most recent publication of RS means together with estimated design services fees with all value estimations to favor the village's interests. All costs to derive at said estimated value as described above shall be borne by the applicant and be considered part of the construction cost.

c) *Development project* means any development, including remodeling, which requires a building permit or permits as described on the precise plan submitted for approval to the

d) *Durable* means lasting, enduring and highly resistant to deterioration due to weather or the passage of time.

e) *Life cycle* of an art piece shall mean the natural deterioration period for a piece of artwork ~~art work~~. Artworks created under this division are meant to be permanent and should last at least 25 years, when properly designed and maintained. Artwork reaches the end of its life cycle when the artist, or the artist's estate, and/or a qualified art conservator verifies that the artwork has aged or deteriorated to a point where it cannot reasonably be conserved or repaired. Artwork life span cannot be less than 25 years.

f) *Project developer* means the owner, including its successor and assigns, of the subject property.

g) *Project valuation* means the total value of the improvements approved for a development project submitted to the village in order to obtain a building permit or permits for the development project, which shall constitutes all of the construction costs identified in this division.

h) *Public art board* means the entity appointed by the mayor and village council to make recommendations to the village council regarding dedication, donations, installations, maintenance and acquisitions of public art to fulfill the requirements of this article.

i) *Public art fund* means a separate, interest-bearing set of accounts set up by the village to receive monies for the public art program.

j) *Public place* means any exterior area on public or private property within the village which is easily accessible or clearly visible to the general public from adjacent public property such as a street or other public thoroughfare or sidewalk.

Sec. 30-160.3. - Administration of the program.

The village's art in public places program shall be administered by the ~~planning and zoning~~ Community & Economic Development department of the village.

Sec. 30-160.4. - Public art board.

There shall be created a public art board whose membership, meetings, duties, and other responsibilities are as described below:

a) *Membership.* The village council shall appoint members to the public art board, which board shall consist of seven members Each councilmember, the manager, and the ~~planning and zoning~~ Community & Economic Development director shall each nominate a member, and the village council

shall vote on the selection of each member. The required quorum shall consist of three members. The board members shall serve for four years, under staggered terms, serving without compensation. ~~Each board member must be knowledgeable in one of the identified fields of: fine art, be employed by any art dealer, art gallery, artists' representative, museum or other entity which derives income from the sale or display of artwork, be a professional in the field of art, architecture, art history, architectural history, urban planning, landscape architecture, interior design, graphic or product design, or possess a minimum of a bachelor's degree in said field from an accredited university, or be involved in an art program within the community.~~ To ensure a balanced and diverse board it is recommended, but not required, that two of the board members be from the following professions: architect (landscape architect, architect, architectural historian, or urban planner), a skilled professional in the field of fine art (fine art history, art dealer, art gallery, artists' representative, museum curator, etc.), an interior designer, or a professor of art or art history.

(b) *Meetings*. If any member fails to attend two of three successive meetings without cause and without prior approval of the chairman, the committee shall declare the member's office vacant, and the village council shall promptly fill that vacancy.

(c) *Conflict of interest.* If any member of the public art committee shall find that his private or personal interests are involved in the matter coming before the committee, he shall disqualify himself from all participation in that matter. No member of the public art committee shall have his or her work of art considered or approved by the public art committee during their term of service on the committee or for one-year thereafter.

(d) *Duties.* The board shall review and propose artwork items to be acquired under the village's art in public places program. The board shall issue a recommendation to the village council for all artwork <u>including governmental development projects, non-governmental,</u>

and private sector development projects ~~program~~ acquisitions in accordance with this division. The board shall oversee the public education, and curatorial aspects of the program. The ~~planning and zoning~~ Community & Economic Development director, or his/her designee shall be the liaison to the board, shall prepare a budget for staff and other expenditures necessary to operate the program and shall deliver an annual report to the village council. The board shall screen submissions and will recommend to the village council for final authorization for each acquisition not more than three possible selections, which may be existing works of art or new commissions. The board shall also issue a recommendation to the Village Council on all murals that are installed on commercial properties and face a public place that are not considered a new non-governmental or private sector development project. Specifically, the applicant should follow the process for attaining approval from the board regarding public art as stated in Sec. 30-160.6.

(e) *Master art plan and implementation guidelines.* Should the program's fund grow to over a $1,000,000.00, the board may prepare a master art plan to ensure a coherent acquisition program and implementation guideline, both of which must be presented to the village council for final approval by resolution. Should this occur, the village council, per the recommendation of the board may adopt and publish a master art plan with uniform guidelines to govern the manner and method of the submission of proposed works of art to the board, the process by which the board shall make recommendations to the village council and the process by which the village council shall approve acquisition.

Sec. 30-160.5. - Selections of works of art.

All acquisitions will be in accordance with the criteria identified in this division. The village council may approve each acquisition from those selections recommended by the board. The village manager and village attorney will negotiate and execute appropriate contracts to acquire each approved work of art. Funds may be aggregated to acquire works of art.

(a) *Selection process.* The village council shall establish procedures for selecting artwork to be purchased from the resources of the art in public places fund. Those procedures may include the following means:

(1) Open competition;

(2) Limited competition;

(3) Invitation;

(4) Direct purchase;

(5) Donation; and,

(6) Any combination of the above.

All board members, village council members, artists, applicants, and respective agents shall comply with the village's cone of silence regulations.

(b) *Selection criteria.* In the selection process, the following principles shall be observed:

(1) Works of art shall be located in areas where residents and the public ~~visitors~~ live and congregate and shall be ~~highly~~ accessible and visible to pedestrian and vehicular traffic ~~(maximum visual accessibility to pedestrian or vehicular traffic);~~

~~(2) Areas used by tourists, including the water front, parks and thoroughfares, at public or governmental facilities, shall each have a separate master plan which shall be incorporated as a portion of the master art plan;~~

(~~3~~)(2) The board should consider the inherently impactful intrusive nature of public art on the lives of those frequenting public places. Artworks reflecting enduring artistic concepts, not transitory ones, should be sought;

(~~4~~)(3) The board's selections must reflect the cultural and ethnic diversity of the village and South Florida without deviation from a standard of excellence;

(~~5~~)(4) Final selection shall also take into account appropriateness to the site, permanence of the work in light of environmental conditions

at the site, maintenance requirements, quality of the work, likelihood that the artist can successfully complete the work within the available funding, diversity of works already acquired by the village, diversity of the artists whose work has been acquired by the village;

(~~6~~)(5) Quality of the artwork;

(~~7~~)(6) Maintenance requirements;

(~~8~~)(7) Whether the artwork too closely resembles a business logo or sign and should, therefore, be rejected;

(~~9~~)(8) Any other criteria set forth in the public art program guidelines, as amended from time to time;

(~~10~~)(9) Ability of the artist to complete the project within a specified schedule and budget;

(~~11~~)(10) Exhibition and sales history of the artist, as well as works of art in public collections and previous public art purchases or commissions; and

(~~12~~)(11) Any other criteria set forth in the public art program guidelines, as amended from time to time.

Sec. 30-160.6. - Application procedures for placement of artwork on private property; donations of artwork.

An application for placement of artwork on private property but within "public space" or for the donation of artwork to the village (as a gift or in lieu of a fee), shall be submitted to the village council, after review and recommendation by the board, and shall include:

(a) Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;

(b) An appraisal or other evidence of the value of the proposed artwork including acquisition and installation costs (to establish the value of art submitted to comply with this program's requirements, the village may employ an independent art appraiser to provide a

written appraisal of the art. Such appraisal shall ~~either~~ be funded ~~from the art in public places fund or~~ by the developer ~~as part of the overall art contribution)~~. Additionally, under the guidance of the Department of Community & Economic Development, more than one appraisal may be required.

(c) Preliminary plans containing such detailed information as may be required by the village to adequately evaluate the location of the artwork and its compatibility with the proposed development project and/or with the character of adjacent developed parcels and the existing neighborhood;

(d) A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under applicable state and federal laws. The artist of approved artwork shall grant to the village an unlimited, perpetual, nonexclusive, royalty-free, irrevocable license to reproduce and distribute two-dimensional reproductions of the artwork for village-related purposes, and grant to the village the exclusive irrevocable ownership rights in any trademark, service mark, or trade dress rights regarding the artwork, pursuant to a license that shall be approved by the village attorney. Village approval of the artwork shall be deemed to be a grant of the artist for authorization by third parties to review and reproduce documents provided by the artist to the village which are deemed to be public records pursuant to the public records laws of the state. The village shall also have the option of referring to the name and title of the artist and artwork in reproductions;

(e) When artwork is to be placed on private property, a written statement executed by the property owner and approved by the village attorney that requires the landowner or his or her successors and assigns to defend, indemnify and hold the village harmless against any liability, loss, damage, costs or expenses (including reasonable attorneys' fees and court costs) arising from any claim, action or liability related to the artwork;

(f) A narrative statement to be submitted to the village to demonstrate

that the artwork will be displayed in a public place; and

(g) A statement indicating the property owner's willingness to maintain the artwork in compliance with section 30-160.14 ~~15~~.

(h) Ownership and upkeep. Ownership of all works of art acquired by the village under this program is vested in the village. The art in public places board and the village council are charged with the custody, supervision, maintenance and preservation of such works of art. In each instance, the village shall acquire title to each work of art acquired.

Sec. 30-160.7. - Applicability.

(a) *Government development projects.* All government development projects shall provide for the acquisition of works of art equivalent in value to not less than one and one-half percent of the construction cost of the project, provided that no funds may be appropriated for this purpose from the ad valorem tax operations fund.

(b) *Non-governmental and private sector development projects.* All non-governmental and private sector development projects (~~including~~ interior or exterior modifications, additions, or new construction) including: parking structures, residential developments of more than two units, mixed use projects, and/or commercial sites with construction costs exceeding $250,000.00 shall be subject to the provisions of this division and shall provide for the acquisition of works of art ~~in value to not less than one and one-quarter percent of the construction costs, for artwork provided on site, or one percent of the construction costs for either art work provided off site or a contribution to the art fund or some combination thereof, subject to the project valuation schedule below:~~ as follows:

(1) For artwork ~~art work~~ provided on site: a value of not less than one and one-quarter percent of the construction costs ~~Project developments with construction costs exceeding $250,000.00 shall be subject to the provisions of this division~~

~~(2)~~ For artwork ~~art work~~ provided off site or contribution to the art fund or some contribution to the art fund or some combination thereof: a value of not less than one percent of the construction costs. ~~(2) [Reserved.]~~

(3) When the board approves the installation of a mural on site to meet this requirement, the required value of the artwork may be waived or lessened by the board.

(c) *Exemptions.* Non-governmental and private sector development projects may be exempt from this division by the village council, provided:

(1) The structure is intended primarily to house one or more social service agency providers, affordable housing projects, or religious facilities; or,

(2) The project consists of the reconstruction of structures which have been damaged by fire, flood, wind, or other calamity;

(3) Governmental development projects or portions thereof that do not include buildings.

(4) Single family residential improvements and original construction.

Sec. 30-160.8. - Building permits.

~~(a)Copies of this division shall be made available upon request to the public and shall be provided to any party applying for approval of a development project within the village.~~

~~(b)~~(a) The applicant will be notified by the Village of Palmetto Bay's Planning & Zoning Division of the Art-in-Public Places requirement and valuation. The applicant will have the following options: ~~Prior to issuance of a final building permit, a temporary certificate of occupancy or certificate of occupancy, the applicant or developer for projects subject to this division shall be required to either:~~

(1) Pay the appropriate fee as identified in Division 30-160;

(2) Donate artwork which has ~~have~~ been approved by the board and village council;

(3) Place artwork, which has ~~shall have~~ been approved by the board and village council; or,

(4) A combination of the above subject to the approval of the village

council;

(5) Any party may contribute amounts or artworks valued at amounts greater than those required by this section.

(b) It is the responsibility of the applicant to apply to the Art-in-Public Places Advisory Board for approval to place artwork on private property. The applicant shall receive Board and Village Council approval prior to the issuance of a building permit.

Sec. 30-160.9. - Certificates of occupancy.

No final approval, such as a final inspection, temporary certificate of occupancy or a certificate of occupancy, for any development project subject to the village's art in public places program is achieved in one or more of the following ways:

i. The approved artwork has been installed in a manner satisfactory to the village council in compliance with this division.

ii. In-lieu art fees have been paid.

iii. Financial security, in an amount equal to the acquisition and installation costs of an approved artwork, in a form approved by the village attorney has been posted the village.

iv. An approved artwork has been donated and accepted by the Palmetto Bay Village Council.

Sec. 30-160.10. - Creation of fund.

There is hereby created within the village an individual ~~special banking~~ account to be known as the Village of Palmetto Bay Art in Public Places Fund. This fund shall be maintained by the village and shall be used solely for the acquisition, installation, improvement, maintenance and insurance of artwork as follows:

(a) All money received by the village pursuant under the art in public places program or from endowments or gifts to the village

designated for the arts shall be placed in the art in public places fund. All money shall be deposited, invested, accounted for and expended as follows:

(1) Funds received shall be deposited in the art in public places fund in a manner to avoid any commingling with other revenues and funds of the village, except for temporary investments, and all funds shall be expended solely for the purposes for which they were collected. Any interest income earned by the money in the art in public places fund shall be deposited in the art in public places fund and shall be expended only for the purpose for which the money was originally collected.

(2) The public art fund shall be used solely for expenses associated with the selection, commissioning, acquisition, transportation, maintenance, public education, promotion, administration, removal and insurance of the works of art or in relation thereto.

***

Sec. 30-160.14. - Ownership and maintenance of artwork placed on the site of a project.

(a) All artwork placed on the site of a development project shall remain the property of the site's owner. The obligation to provide all maintenance necessary to preserve and maintain the artwork in good condition shall remain with the owner of that site and the owner's successors and assigns, unless agreed to otherwise by resolution of the village mayor and council. Application for such request and all associated fees with processing same shall be borne by the applicant.

(b) The obligation to maintain the artwork shall be enforced as follows:

(1) Prior to the placement of the artwork on a development project, the property owner shall record a document with the county recorder setting forth a description of the artwork and acknowledging the obligation of the property owner to repair and

maintain it. This document and the underlying covenant shall run with the land for a minimum of twenty-five years ~~and~~ shall provide notice to future property owners of the obligation to repair and maintain the artwork and of certain limitations related to any federal, state or local laws governing the rights of the artists including but not limited to rights regarding the alteration, modification or relocation of subject artwork. The village shall be a signatory party to this document, and its final form and content shall be approved by the village attorney.

(2) Maintenance of artwork, as used in this division, shall include, without limitation, preserving the artwork in good condition to the satisfaction of the village, protecting the artwork against physical defacement, mutilation or alteration, and securing and maintaining insurance coverage for fire, wind, vandalism and extended liability in an amount to be determined by the village attorney. Maintenance requirements shall be enforceable by the village for the "life cycle" of the specific artwork.

(3) If at any time the village council determines that artwork has not been maintained in substantial conformity with the manner in which it was originally approved, the code compliance division of the village, as authorized by the village council, shall require the current property owner to either:

a. Repair or maintain the artwork; or

b. After reasonable notice, pay the lesser of either the costs estimated by the village to be required to repair and maintain the artwork and/or secure and maintain insurance for the artwork, or the percent for the art fee required under this division, based upon the current fee schedule and the current fair market value of the building, structure or improvement for which the artwork was required, as determined by the county tax assessor.

The village may additionally issue notices of civil infraction for failure to maintain the artwork ~~art work~~ in accordance with the village's notice of civil infraction fine schedule contained in 2-

205. of the Village's Code of Ordinances.

(c) Stolen or removed artworks are to be replaced by the owner. Replaced pieces are to be reviewed and approved by the village council subject to the criteria set forth in this division.

(d) All artwork donated to the village shall become the property of the village upon acceptance by the village council.

***

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses, or phrases of the Ordinance, but they shall remain if effect.

Section 4. Codification. The Ordinance shall become and be made part of the Code of Ordinances, that sections of this Ordinance may be numbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 5. Conflicting Provisions. The provisions of the Code of Ordinances and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment.

PASSED ON FIRST Reading this 27th day of February 2023.
PASSED ON SECOND Reading this 17th day of April 2023.

Attest: _____ _____

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
John C. Dellagloria, Esq.
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham	YES
Council Member Steven Cody	YES
Council Member Marsha Matson	YES
Vice-Mayor Leanne Tellam	YES
Council Member Patrick Fiore	YES

FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham	___
Council Member Steven Cody	___
Council Member Marsha Matson	___
Vice-Mayor Leanne Tellam	___
Council Member Patrick Fiore	___

Sec. 30-160.1. - Intent and purpose.

The purpose of the Village of Palmetto Bay Art in Public Places Program is to promote the general welfare by encouraging pride in the community, increasing property values, enhancing the quality of life through artistic opportunities, uniting the community through shared cultural experiences, and creating a cultural legacy for future generations through the collection and exhibition of high-quality art pieces that reflect diverse styles, chronicling history through the collection of artifacts, documents and memorabilia that will acknowledge the past and create programs and activities that will further these goals.

Sec. 30-160.2. - Definitions.

a) *Artwork* means durable creations that may be original or limited editions of art and that may include, but not be limited to, sculptures, murals, monuments, frescoes, fountains, paintings, stained glass, or ceramics and may include architectural designs, components or structures as provided for under section 30-160.15~~.14.~~ The "artwork" medium may include, but not be limited to: glass, steel, bronze, wood, stone and concrete. For purposes of the art in public places program, "artwork" does not include the following:
   1) Directional elements, such as signage or graphics;
   2) Objects that are mass produced in a standard design;
   3) Landscape gardening, unless substantially comprising durable elements defined as "artwork" under this section.

b) *Construction* cost shall mean the architectural and engineering fees, site work, and contingency allowances for a development project. It shall not include the cost of land acquisition or subsequent cost changes to the construction and/or architectural contract(s). In the absence of such information being provided by the applicant or the dispute of said submission, the cost shall be based upon the most recent publication of RS means together with estimated design services fees with all value estimations to favor the village's interests. All costs to derive at said estimated value as described above shall be borne by the applicant and be considered part of the construction cost.

c) *Development project* means any development, including remodeling, which requires a building permit or permits as described on the precise plan submitted for approval to the Village.

d) *Durable* means lasting, enduring and highly resistant to deterioration due to weather or the passage of time.

e) *Life cycle* of an art piece shall mean the natural deterioration period for a piece of artwork ~~art work~~. Artworks created under this division are meant to be permanent and should last at least 25 years, when properly designed and maintained. Artwork reaches the end of its life cycle when the artist, or the artist's estate, and/or a qualified art conservator verifies that the artwork has aged or deteriorated to a point where it cannot reasonably be conserved or repaired. Artwork life span cannot be less than 25 years.

f) *Project developer* means the owner, including its successor and assigns, of the subject property.

g) *Project valuation* means the total value of the improvements approved for a development project submitted to the village in order to obtain a building permit or permits for the development project, which shall constitute~~s~~ all of the construction costs identified in this division.

h) *Public art board* means the entity appointed by the mayor and village council to make recommendations to the village council regarding dedication, donations, installations, maintenance and acquisitions of public art to fulfill the requirements of this article.

i) *Public art fund* means a separate, interest-bearing set of accounts set up by the village to receive monies for the public art program.

j) *Public place* means any exterior area on public or private property within the village which is easily accessible or clearly visible to the general public from adjacent public property such as a street or other public thoroughfare or sidewalk.

Sec. 30-160.3. - Administration of the program.

The village's art in public places program shall be administered by the ~~planning and zoning~~ Community & Economic Development department of the village.

Sec. 30-160.4. - Public art board.

There shall be created a public art board whose membership, meetings, duties, and other responsibilities are as described below:

a) *Membership.* The village council shall appoint members to the public art board, which board shall consist of seven members Each councilmember, the manager, and the ~~planning and zoning~~ Community & Economic Development director shall each nominate a member, and the village council shall vote on the selection of each member. The required quorum shall consist of three members. The board members shall serve for four years, under staggered terms, serving without compensation. ~~Each board member must be knowledgeable in one of the identified fields of: fine art, be employed by any art dealer, art gallery, artists' representative, museum or other entity which derives income from the sale or display of artwork, be a professional in the field of art, architecture, art history, architectural history, urban planning, landscape architecture, interior design, graphic or product design, or possess a minimum of a bachelor's degree in said field from an accredited university, or be involved in an art program within the community.~~ To ensure a balanced and diverse board it is recommended, but not required, that two of the board members be from the following professions: architect (landscape architect, architect, architectural historian, or urban planner), a skilled professional in the field of fine art (fine art history, art dealer, art gallery, artists' representative, museum curator, etc.), an interior designer, or a professor of art or art history.

(b) *Meetings*. If any member fails to attend two of three successive meetings without cause and without prior approval of the chairman, the committee shall declare the member's office vacant, and the village council shall promptly fill that vacancy.

(c) *Conflict of interest.* If any member of the public art committee shall find that his private or personal interests are involved in the matter coming before the committee, he shall disqualify himself from all

participation in that matter. No member of the public art committee shall have his or her work of art considered or approved by the public art committee during their term of service on the committee or for one-year thereafter.

(d) *Duties.* The board shall review and propose artwork items to be acquired under the village's art in public places program. The board shall issue a recommendation to the village council for all artwork including governmental development projects, non-governmental, and private sector development projects ~~program~~ acquisitions in accordance with this division. The board shall oversee the public education, and curatorial aspects of the program. The ~~planning and zoning~~ Community & Economic Development director, or his/her designee shall be the liaison to the board, shall prepare a budget for staff and other expenditures necessary to operate the program and shall deliver an annual report to the village council. The board shall screen submissions and will recommend to the village council for final authorization for each acquisition not more than three possible selections, which may be existing works of art or new commissions. The board shall also issue a recommendation to the Village Council on all murals that are installed on commercial properties and face a public place that are not considered a new non-governmental or private sector development project. Specifically, the applicant should follow the process for attaining approval from the board regarding public art as stated in Sec. 30-160.6.

(e) *Master art plan and implementation guidelines.* Should the program's fund grow to over a $1,000,000.00, the board may prepare a master art plan to ensure a coherent acquisition program and implementation guideline, both of which must be presented to the village council for final approval by resolution. Should this occur, the village council, per the recommendation of the board may adopt and publish a master art plan with uniform guidelines to govern the manner and method of the submission of proposed works of art to the board, the process by which the board shall

make recommendations to the village council and the process by which the village council shall approve acquisition.

Sec. 30-160.5. - Selections of works of art.

All acquisitions will be in accordance with the criteria identified in this division. The village council may approve each acquisition from those selections recommended by the board. The village manager and village attorney will negotiate and execute appropriate contracts to acquire each approved work of art. Funds may be aggregated to acquire works of art.

(a) *Selection process.* The village council shall establish procedures for selecting artwork to be purchased from the resources of the art in public places fund. Those procedures may include the following means:

(1) Open competition;

(2) Limited competition;

(3) Invitation;

(4) Direct purchase;

(5) Donation; and,

(6) Any combination of the above.

All board members, village council members, artists, applicants, and respective agents shall comply with the village's cone of silence regulations.

(b) *Selection criteria.* In the selection process, the following principles shall be observed:

(1) Works of art shall be located in areas where residents and the public ~~visitors~~ live and congregate and shall be ~~highly~~ accessible and visible to pedestrian and vehicular traffic ~~(maximum visual accessibility to pedestrian or vehicular traffic);~~

~~(2) Areas used by tourists, including the water front, parks and thoroughfares, at public or governmental facilities, shall each have a separate master plan which shall be incorporated as a~~

~~portion of the master art plan;~~

~~(3)~~(2) The board should consider the inherently impactful intrusive nature of public art on the lives of those frequenting public places. Artworks reflecting enduring artistic concepts, not transitory ones, should be sought;

~~(4)~~(3) The board's selections must reflect the cultural and ethnic diversity of the village and South Florida without deviation from a standard of excellence;

~~(5)~~(4) Final selection shall also take into account appropriateness to the site, permanence of the work in light of environmental conditions at the site, maintenance requirements, quality of the work, likelihood that the artist can successfully complete the work within the available funding, diversity of works already acquired by the village, diversity of the artists whose work has been acquired by the village;

~~(6)~~(5) Quality of the artwork;.

~~(7)~~(6) Maintenance requirements;

~~(8)~~(7) Whether the artwork too closely resembles a business logo or sign and should, therefore, be rejected;

~~(9)~~(8) Any other criteria set forth in the public art program guidelines, as amended from time to time;

~~(10)~~(9) Ability of the artist to complete the project within a specified schedule and budget;

~~(11)~~(10) Exhibition and sales history of the artist, as well as works of art in public collections and previous public art purchases or commissions; and

~~(12)~~(11) Any other criteria set forth in the public art program guidelines, as amended from time to time.

Sec. 30-160.6. - Application procedures for placement of artwork on private property; donations of artwork.

An application for placement of artwork on private property but within

"public space" or for the donation of artwork to the village (as a gift or in lieu of a fee), shall be submitted to the village council, after review and recommendation by the board, and shall include:

(a) Preliminary sketches, photographs or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;

(b) An appraisal or other evidence of the value of the proposed artwork including acquisition and installation costs (to establish the value of art submitted to comply with this program's requirements, the village may employ an independent art appraiser to provide a written appraisal of the art. Such appraisal shall ~~either~~ be funded ~~from the art in public places fund or~~ by the developer ~~as part of the overall art contribution)~~. Additionally, under the guidance of the Department of Community & Economic Development, more than one appraisal may be required.

(c) Preliminary plans containing such detailed information as may be required by the village to adequately evaluate the location of the artwork and its compatibility with the proposed development project and/or with the character of adjacent developed parcels and the existing neighborhood;

(d) A written agreement executed by the artist who created the artwork, in which he or she expressly waives all rights that may be waived under applicable state and federal laws. The artist of approved artwork shall grant to the village an unlimited, perpetual, nonexclusive, royalty-free, irrevocable license to reproduce and distribute two-dimensional reproductions of the artwork for village-related purposes, and grant to the village the exclusive irrevocable ownership rights in any trademark, service mark, or trade dress rights regarding the artwork, pursuant to a license that shall be approved by the village attorney. Village approval of the artwork shall be deemed to be a grant of the artist for authorization by third parties to review and reproduce documents provided by the artist to the village which are deemed to be public records pursuant to the public records laws of the state. The village shall also have the

option of referring to the name and title of the artist and artwork in reproductions;

(e) When artwork is to be placed on private property, a written statement executed by the property owner and approved by the village attorney that requires the landowner or his or her successors and assigns to defend, indemnify and hold the village harmless against any liability, loss, damage, costs or expenses (including reasonable attorneys' fees and court costs) arising from any claim, action or liability related to the artwork;

(f) A narrative statement to be submitted to the village to demonstrate that the artwork will be displayed in a public place; and

(g) A statement indicating the property owner's willingness to maintain the artwork in compliance with section 30-160.14 ~~15~~.

(h) Ownership and upkeep. Ownership of all works of art acquired by the village under this program is vested in the village. The art in public places board and the village council are charged with the custody, supervision, maintenance and preservation of such works of art. In each instance, the village shall acquire title to each work of art acquired.

Sec. 30-160.7. - Applicability.

(a) *Government development projects.* All government development projects shall provide for the acquisition of works of art equivalent in value to not less than one and one-half percent of the construction cost of the project, provided that no funds may be appropriated for this purpose from the ad valorem tax operations fund.

(b) *Non-governmental and private sector development projects.* All non-governmental and private sector development projects (~~including~~ interior or exterior modifications, additions, or new construction) including: parking structures, residential developments of more than two units, mixed use projects, and/or commercial sites with construction costs exceeding $250,000.00 shall be subject to the provisions of this division and shall provide for the acquisition of works of art ~~in value to not less than one and one-~~

~~quarter percent of the construction costs, for artwork provided on site, or one percent of the construction costs for either art work provided off site or a contribution to the art fund or some combination thereof, subject to the project valuation schedule below:~~ as follows:

(1) For artwork ~~art work~~ provided on site: a value of not less than one and one-quarter percent of the construction costs ~~Project developments with construction costs exceeding $250,000.00 shall be subject to the provisions of this division~~

(2) For artwork ~~art work~~ provided off site or contribution to the art fund or some contribution to the art fund or some combination thereof: a value of not less than one percent of the construction costs. ~~(2) [Reserved.]~~

(3) When the board approves the installation of a mural on site to meet this requirement, the required value of the artwork may be waived or lessened by the board.

(c) *Exemptions.* Non-governmental and private sector development projects may be exempt from this division by the village council, provided:

1. The structure is intended primarily to house one or more social service agency providers, affordable housing projects, or religious facilities; or,
2. The project consists of the reconstruction of structures which have been damaged by fire, flood, wind, or other calamity;
3. Governmental development projects or portions thereof that do not include buildings.
4. Single family residential improvements and original construction.

Sec. 30-160.8. - Building permits.

~~(a)Copies of this division shall be made available upon request to the public and shall be provided to any party applying for approval of a development project within the village.~~

~~(b)~~(a) The applicant will be notified by the Village of Palmetto Bay's

Planning & Zoning Division of the Art-in-Public Places requirement and valuation. The applicant will have the following options: ~~Prior to issuance of a final building permit, a temporary certificate of occupancy or certificate of occupancy, the applicant or developer for projects subject to this division shall be required to either:~~

(1) Pay the appropriate fee as identified in Division 30-160;

(2) Donate artwork which has ~~have~~ been approved by the board and village council;

(3) Place artwork, which has ~~shall have~~ been approved by the board and village council; or,

(4) A combination of the above subject to the approval of the village council;

(5) Any party may contribute amounts or artworks valued at amounts greater than those required by this section.

(b) It is the responsibility of the applicant to apply to the Art-in-Public Places Advisory Board for approval to place artwork on private property. The applicant shall receive Board and Village Council approval prior to the issuance of a building permit.

Sec. 30-160.9. - Certificates of occupancy.

No final approval, such as a final inspection, temporary certificate of occupancy or a certificate of occupancy, for any development project subject to the village's art in public places program is achieved in one or more of the following ways:

i. The approved artwork has been installed in a manner satisfactory to the village council in compliance with this division.

ii. In-lieu art fees have been paid.

iii. Financial security, in an amount equal to the acquisition and installation costs of an approved artwork, in a form approved by the village attorney has been posted the village.

iv. An approved artwork has been donated and accepted by the Palmetto Bay Village Council.

Sec. 30-160.10. - Creation of fund.

There is hereby created within the village an individual ~~special banking~~ account to be known as the Village of Palmetto Bay Art in Public Places Fund. This fund shall be maintained by the village and shall be used solely for the acquisition, installation, improvement, maintenance and insurance of artwork as follows:

(a) All money received by the village pursuant under the art in public places program or from endowments or gifts to the village designated for the arts shall be placed in the art in public places fund. All money shall be deposited, invested, accounted for and expended as follows:

(1) Funds received shall be deposited in the art in public places fund in a manner to avoid any commingling with other revenues and funds of the village, except for temporary investments, and all funds shall be expended solely for the purposes for which they were collected. Any interest income earned by the money in the art in public places fund shall be deposited in the art in public places fund and shall be expended only for the purpose for which the money was originally collected.

(2) The public art fund shall be used solely for expenses associated with the selection, commissioning, acquisition, transportation, maintenance, public education, promotion, administration, removal and insurance of the works of art or in relation thereto.

Sec. 30-160.11. - Art provided in lieu of a fee.

Art that is placed on private property in lieu of a fee, or that is donated to the village in lieu of a fee, must qualify as artwork under this division and shall be operated and maintained at all times in substantial conformity with the

manner in which the artwork was originally approved by the village council. Such art on private property must be located in an area designated as "public space."

Sec. 30-160.12. - Donation of art.

Any art proposed to be donated to the village in lieu of payment of a fee to the art in public places fund, or otherwise to fulfill the obligations set forth in section 30-160.7, must qualify as an artwork, and must be approved by the board and village council as provided for under sections 30-160.5 through 30-160.6.

Sec. 30-160.13. - Approval for placement of artwork on private property; donations of artwork in lieu of a fee; donations.

(a) Completed applications shall be submitted to the board as provided for under section 30-160.6 and ultimately to the Palmetto Bay Village Council for review and approval of the artwork including consideration of the artwork's conformity to the definition of "artwork," its aesthetic quality and harmony with the existing on-site improvements and neighborhood, and its proposed location and public accessibility.

(b) If, after review, the applicant proposes, or the village council subsequently recommends, significant revisions to the architecture or physical design and layout of the proposed project, the revised application shall be returned to the village council for further review and recommendation concerning the revised proposal.

Sec. 30-160.14. - Ownership and maintenance of artwork placed on the site of a project.

(a) All artwork placed on the site of a development project shall remain the property of the site's owner. The obligation to provide all maintenance necessary to preserve and maintain the artwork in good condition shall remain with the owner of that site and the owner's successors and assigns, unless agreed to otherwise by resolution of the village mayor and council. Application for such request and all

associated fees with processing same shall be borne by the applicant.

(b) The obligation to maintain the artwork shall be enforced as follows:

(1) Prior to the placement of the artwork on a development project, the property owner shall record a document with the county recorder setting forth a description of the artwork and acknowledging the obligation of the property owner to repair and maintain it. This document and the underlying covenant shall run with the land for a minimum of twenty-five years ~~and~~ shall provide notice to future property owners of the obligation to repair and maintain the artwork and of certain limitations related to any federal, state or local laws governing the rights of the artists including but not limited to rights regarding the alteration, modification or relocation of subject artwork. The village shall be a signatory party to this document, and its final form and content shall be approved by the village attorney.

(2) Maintenance of artwork, as used in this division, shall include, without limitation, preserving the artwork in good condition to the satisfaction of the village, protecting the artwork against physical defacement, mutilation or alteration, and securing and maintaining insurance coverage for fire, wind, vandalism and extended liability in an amount to be determined by the village attorney. Maintenance requirements shall be enforceable by the village for the "life cycle" of the specific artwork.

(3) If at any time the village council determines that artwork has not been maintained in substantial conformity with the manner in which it was originally approved, the code compliance division of the village, as authorized by the village council, shall require the current property owner to either:

a. Repair or maintain the artwork; or

b. After reasonable notice, pay the lesser of either the costs estimated by the village to be required to repair and maintain the artwork and/or secure and maintain insurance for the artwork, or the percent for the art fee required under this

division, based upon the current fee schedule and the current fair market value of the building, structure or improvement for which the artwork was required, as determined by the county tax assessor.

The village may additionally issue notices of civil infraction for failure to maintain the artwork ~~art work~~ in accordance with the village's notice of civil infraction fine schedule contained in 2-205, of the Village's Code of Ordinances.

(c) Stolen or removed artworks are to be replaced by the owner. Replaced pieces are to be reviewed and approved by the village council subject to the criteria set forth in this division.

(d) All artwork donated to the village shall become the property of the village upon acceptance by the village council.

Sec. 30-160.15. - Criteria for approving architecture as art.

Generally, architecture shall not be considered artwork for purposes of the village art in public places program unless approved by the board and village council. The criteria used to determine on a case-by-case basis whether architecture may be considered artwork for purposes of fulfilling the requirements of this division shall include, but not be limited to, the following:

(a) The architect shall be substantially recognized by the art world in shows, museums, and/or publications.

(b) When reviewing architecture as art, the underlying concept of the architecture shall be more expressive than mere utilitarian architecture. The architecture as a whole or certain architectural features shall express ideas or meaning and have cultural significance or conceptual complexity in relation to the totality of the object.

(c) In the alternative, architecture can be considered artwork if it is created as a collaborative effort with an artist, the artist does a majority of the work, the artist has major design control of the portions of the architecture to be considered art, and the artist has

been brought in early in the process. The artist shall have experience and knowledge of monumental scale sculpture.

(d) The architecture must meet all the general criteria regarding placement of artwork on private property.

Sec. 30-160.16. - Procedure for approving architecture as art.

The project developer seeking approval of an architectural project to fulfill the requirements of this division shall comply with sections 30-160.5 through 30-160.6 and:

During the presentation to the board, the project developer must submit a maquette and other materials which satisfactorily illustrate the proposed conceptual development. The project developer and the architect must submit a conceptual statement expressing why the architecture should be considered an artwork including an explanation of the ideas, meaning, cultural significance or conceptual complexity expressed in the architecture. The developer must then submit a maquette and other materials which satisfactorily illustrate the development project. The project developer and the architect shall demonstrate that high quality materials and craftsmanship will be used in the execution of the construction.

(1) If all of the foregoing criteria are met, the board shall make the recommendation to the village council to accept the architecture as an artwork only if, in its judgment, the architectural work is of extremely high artistic merit and would make a substantial cultural contribution to the village.

(2) The project developer and/or architect shall have the responsibility to demonstrate that all of the foregoing criteria and criteria of sections 30-160.5 and 30-160.6 are met.

Sec. 30-160.17. - Return of fees.

(a) Fees paid into the art in public places fund that are not committed within ten years from the date of payment may be returned to the current owner of the development project with all interest actually

earned thereon if a written request for return is filed with the village treasurer during the tenth year after payment and refund of the fees is approved by the village council. The request for return shall be verified and shall include the date of payment, the amount paid and method of payment, the location of the development for which the fee was paid, and a statement that the applicant is the payer of the fees and/or the current owner of the development project.

(b) The village council shall determine if return of the then uncommitted portion of the fees and interest is appropriate and, if so, the method of refund. No refund shall be appropriate if the village council determines any one of the following applies:

(1) The village council finds the fee is needed for the art in public places program.

(2) Moneys were not posted as fees, but were satisfied by letter of credit, bond or other instrument taken to secure payment at a future date.

AGENDA ITEM NO. 5.C

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: April 17, 2023

SUBMITTED BY: Andrea Candelaria, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: VILLAGE OF PALMETTO BAY

Ordinance: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," AMENDING DIVISION 30-70 "PARKING AND LOADING STANDARDS"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. ***(Second Reading)***

SUGGESTED ACTION:

ATTACHMENTS:

Staff Memo RZ-23-001 Section 30-70 Off Street Parking Amendments
Ordinance RZ-23-001 Section 30-70 Off Street Parking Amendments
Attachment A-Annotated Section 30-70 Off Street Parking Amendments

To: Honorable Mayor and Village Council
From: Heidi Siegel, AICP, CED Director

Date: April 17, 2023
Re: RZ-23-001 / Section 30-70 Off Street Parking Amendments

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STLYED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE," AMENDING DIVISION 30-70 "Parking and Loading Standards"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(SECOND READING) (SPONSORED BY ADMINISTRATION)*

BACKGROUND

Village Staff continuously seeks opportunities to update and correct inconsistencies the Village's Land Development Code. Section 30-70 provides for parking and loading standards and has not been comprehensively updated since 2007 despite other changes in the Land Development Code. There are inconsistencies throughout Section 30-70 including references to zoning districts that no longer exist, contradictions with other sections of the Code, and other minor items. In addition to correcting these issues, staff also provided amendments that reflect best practices and needs within the Village.

The proposed ordinance includes substantial language supporting the Village's commitment to sustainability. New requirements include requirements for electric vehicle parking and electric vehicle charging spaces readiness, low-impact development standards, and other measures to mitigate heat island impacts.

The proposed amendments also include a ban on future subterranean parking structures throughout the Village. This provision was made the request of Councilman Steve Cody and is consistent with the language included by the Village Council in the proposed Old Cutler Road Neighborhood Commercial District.

The item was approved on first reading at the February 27, 2023 Zoning Hearing. The following changes were made to the ordinance based on feedback staff received from the Village Council.

- Section 30-70.8 (b) was updated to include the following requirement for restaurants:
  - Freestanding restaurant buildings and multi-tenant buildings that exceed more than three (3) restaurants shall provide at least one (1) consumer food delivery service parking space. This provision shall apply to uses established after the enactment of this ordinance.

- Section 30-70.8 (b) was updated to include the following requirement for auto dealerships:

- Space shall be established and designated on-site for the unloading and loading of vehicle transporters.

- The Council also discussed in the inclusion of a requirement for Purple Heart Parking. The Village currently has Resolution 2017-107 which encourages businesses to include Purple Heart designated parking spaces. Staff will shall this knowledge with applicants.

SUMMARY OF AMENDMENTS

The below chart summarizes the proposed amendments to Section 30-70. Additionally, an attachment has been provided with all strikethrough/underline in red font for ease of reference.

Code Section	Intent of Proposed Change
Section 30-70.1. General	• Inserts bicycle parking into preamble. • Acknowledges that on-street parking is allowed in other sections of the Code (ie. Downtown Code)
Section 30-70.2. Location of required parking; exceptions	• Acknowledges that on-street parking is allowed in other sections of the Code (ie. Downtown Code) • Removes references to the former FT&I zoning district and removes specific reference to VMU district by replacing it with "mixed-use" to also capture the Downtown. • References that off-site parking may be allowed a different distance requirement in other sections of the Code. • Specifies that off-site parking covenants for multi-family structures should "run with the land".
Section 30-70.3. Existing Buildings	• Clarifies when existing buildings will need to comply with current parking requirements. • Specifies changes in use, occupancy, floor area or capacity will always require drive-through, bicycle and landscape areas be met.
Section 30-70.4. Parking plan required	• Specifies that a separate parking plan should be provided for development approval. • Adds loading zones and spaces, Electric Vehicle (EV), Electric Vehicle Supply Equipment ready (EVSE), Low Impact Development (LID) techniques parking area material, and curb type to plan requirements. • Removes contradiction from Section 28-1 regarding the procurement of certain traffic studies.
Section 30-70.5. Size and character of parking spaces	• Amends the size of a 90-degree and parallel parking spaces from 8.5 feet to 9 feet wide. • Uses better language to refer to parking area design standards. • Requires where sidewalks exist or are installed, the concrete shall continue at a uniform height across the driveway surfaces. • Allows parking facilities on adjoining lots to share access points, driveways, and parking subject to a recorded covenant running with the property on which the facilities are located. • Removes requirement of double line striping for parking spaces. • Acknowledges that on-street parking is allowed in other sections of the Code (ie. Downtown Code)

	• Introduces resiliency standards such as low impact development techniques. • Requires any lighting adjacent to residential uses must keep all light from spillover thru shielding, walls and/or landscaping. • Requires all on site lighting needs to be designed complementary with the landscape plan and building site plan. • Prohibits off-street parking or loading area to be used for the sale, repair, or dismantling of any vehicle or equipment, or for storage of materials or supplies. • Prohibits parking or storage of commercial trucks, buses, vans, sign trailers; trailers or semi-trailers for freight, cargo; non-recreational watercraft; motorhomes, construction equipment, semi tractors or trailers or the like shall not be permitted on any portion of parking facilities.
Section 30-70.6. Parking setbacks	• Corrects a conflict with Section 30-70.5(b)(2)(b) regarding setback for residential driveway setbacks.
Section 30-70.8. Amount of parking	• Removes uses not referenced in the Code or antiquated language. • Modifies restaurant parking requirements to meet best practices. • Freestanding restaurant buildings and multi-tenant buildings that exceed more than three (3) restaurants shall provide at least one (1) consumer food delivery service parking space. This provision shall apply to uses established after the enactment of this ordinance. • Space shall be established and designated on-site for the unloading and loading of vehicle transporters at auto dealerships. • Includes Medical Marijuana Facilities, Shopping Centers, and Adult Day Care. • Removes arbitrary parking requirement for uses not identified and instead allows for professional standards to apply. • Removes references to FT&I zoning district. • Includes the same shared parking ratio that is allowed in the Downtown Zoning District in other mixed-use districts.
Section 30-70.9. Handicapped spaces	• Removes requirements that may conflict for the prevailing Florida Building Code. • Provides clarity on handicap and/or disabled persons parking through code language and visual aids.
Section 30-70.10. Child and baby stroller spaces	• Corrects language referring to disabled parking. • Provides clarity on child and baby stroller spaces through code language and visual aids.
Section 30-70.11. Bicycle parking.	• Updates bicycle parking requirements. • Adds requirement for covered bicycle parking when feasible. • Removes references to FT&I zoning district.
Section 30-70.12. Calculating required parking spaces.	• Corrected the name of the Community and Economic Development department. • Removes references to FT&I zoning district.
Section 30-70.13. Use of permitted facilities	• Expands prohibition of certain activities in parking facilities. • Specifically allows parking structures. • Prohibits subterranean parking structures.

Section 30-70.14. Parking or storage of commercial vehicles in residential or agricultural zones	• Limits the storage of commercial vehicles in the agricultural zoned areas to only vehicles associated with the onsite use.
Section 30-70.15. Loading	• States that loading spaces shall not create a disruption to the adjacent right-of-way. • Adds requirements for loading spaces for residential structures with more than twenty residential units.
Section 30-70.16. Drive-through service	• Provides clarity on car wash outbound stacking spaces.
Sec. 30-70.17. Sustainability Standards	• Creates Sustainability Standards • Electric Vehicles • Low Impact Development Standards • Solar reflectance and shading

RECOMMENDATION

The Village staff recommends that the Village Council approve and adopt the attached ordinance on second reading.

ATTACHMENTS

Attachment A: Annotated Section 30-70 Parking and Loading Standards

ORDINANCE 2023-X

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING THE LAND DEVELOPMENT CODE, STYLED "ZONING" AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA – LAND DEVELOPMENT CODE," AMENDING DIVISION 30-70 "PARKING AND LOADING STANDARDS"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Second Reading) (Sponsored by Administration)*

WHEREAS, the Mayor and Village Council of Palmetto Bay pursuant to the Village's adopted Comprehensive Plan have pledged to develop a Land Development Code tailored to the needs of the Village's residents and properties; and,

WHEREAS, the Village seeks to create, expand and define the provisions within the Land Development Code in order to effectuate the vision of the Village and future land development.

WHEREAS, the Village desires to specifically amend Chapter 30 "Zoning" Article II "Village of Palmetto Bay, Florida – Land Development Code" Division 30-70 "Parking and Loading Standards"; and

WHEREAS, the Land Development Code Amendment would be consistent with the Village of Palmetto Bay's adopted Comprehensive Plan; and

WHEREAS, the Mayor and Village Council of Palmetto Bay find that the provisions of this Ordinance are intended to advance the public health, safety and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct and incorporated herein by this reference.

Section 2. Amending Chapter 30 "Zoning" Article II "Village of Palmetto Bay, Florida – Land Development Code", at Division 30-70 "Parking and Loading Standards" of the Code is hereby amended to read as follows:

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

Sec. 30-70.1. General.

Permanently maintained parking for vehicles, bicycles, and loading facilities shall be provided in connection with any building or premises used or designed to be used for the purposes set forth in this division. Parking spaces on private roadways shall not be credited towards required parking~~.~~, unless otherwise provided for in the land development code.

Sec. 30-70.2. Location of required parking; exceptions.

(a) *Generally.* Required parking spaces shall be located on the same parcel they are intended to serve and shall not be permitted within the required zoned right-of-way~~.~~, unless otherwise provided for in the land development code.

(b) *Exceptions.*

(1) Required parking spaces for developments in ~~FT&I and VMU~~ mixed-use zoning districts, shall comply with the applicable sections ~~30-50.14 and 30-50.15~~ of this Code.

(2) If the use to be served is a governmental or commercial use, the required parking may be located on a parcel in a mixed-use or commercial zoning district within 300 feet from the site being served~~.~~, unless otherwise provided for in the land development code. The owner (right, title or interest) of the use being served shall execute a covenant that shall be recorded in the public records and approved by the village attorney that the governmental or commercial use shall cease and terminate in the event the parking serving the use is eliminated. The owner of the use being served shall provide documentation to the village attorney evidencing a long-term lease agreement or ownership of the parking site being used to meet parking requirements.

(3) If the use to be served is multi-family, required parking may be located on a parcel within the same zoning district or a more liberal district within 300 feet from the use being served. The distance shall be measured by the normal and legal way a pedestrian would travel. The owner (right, title or interest) of the use being served shall execute a covenant that runs with the land that shall be recorded in the public records and approved by the village attorney that the multi-family use shall cease and terminate in the event the parking serving the

use is eliminated. The owner of the use being served shall provide documentation to the village attorney evidencing a long term lease agreement or ownership of the parking site being used to meet parking requirements.

Sec. 30-70.3. Existing buildings.

(a) Existing buildings which have received a certificate of use and occupancy prior to the effective date of this division may be:

(1) Modernized, altered or repaired, provided there is no increase in floor area or capacity ~~or there is no change in use or occupancy,~~ without providing the required parking and loading requirements identified in this division; however, drive-through service facility requirements shall be met.

(2) Changed in use or occupancy that is allowed under the current zoning district without any special exception, without providing the required parking and loading requirements identified in this division; however, drive-through service facility, bicycle, landscaped street trees shall be met.

(~~2~~3) Changed or enlarged in floor area, volume, capacity or space occupied, will need to provide all parking, loading ~~and drive-through service requirements as specified in this division shall be met~~ for the proportional share of new additional floor area, volume, capacity or space created or occupied and all drive-through service and landscape street trees shall be met.

~~(3) Changed in use or occupancy, additional parking, loading and/or drive-through service facilities shall be provided to the extent that the requirements for the new use or occupancy exceeds the parking, loading and/or drive-through service requirements which would have been required for the previous use or occupancy had the regulations of this Code been enacted. For the purposes of this division a change of use or occupancy shall mean a change from one category of parking requirements to another.~~

(b) It shall be unlawful for an owner or operator of any building, structure or use affected by this division to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this division. It shall be unlawful for any person to utilize such building, structure or use without providing the parking requirements of this division.

Sec. 30-70.4. Parking plan required.

(a) A separate parking plan shall be provided with all applications for development approval which shall clearly and accurately designate the parking spaces provided; indicate required parking by type of use; location and number of required handicapped spaces, child and baby stroller spaces, Electric Vehicle (EV), Electric Vehicle Supply Equipment ready (EVSE), and/or bicycle racks; required landscaped areas and Low Impact Development (LID) techniques; planter islands; access aisles; driveways; loading zones and spaces; drive-through facilities, if any; parking area material; curb type; and, a description of the relationship between the parking facilities and the uses or structures the spaces are intended to serve.

(b) Plans for buildings or uses requiring loading facilities under the provisions of this division shall clearly indicate the location, dimensions, clearances and access of all such required loading facilities.

(c) The plan must meet with the approval of the planning and zoning department and the public works department. In making a determination, the departments shall consider the best interests of the community, volume of traffic to be generated, pattern of traffic, site circulation, conflicts with adjacent pedestrian, bicycle and road traffic; number, location, angle, elevation of and proximity of driveways, location and proximity of median cuts, visual clearances or obstructions, ~~angle and location of driveways,~~ intersections with sidewalks roads, elevation of the driveways in reference to the road, and any other factors that may affect the safety and welfare of the public. In addition, all driveways extending into state roads shall meet with the approval of the state.

(d) Applications for building or use permits shall indicate the ~~area to be~~ quantity used for parking and permits shall be issued specifying ~~the area~~ quantity shall to be reserved and area developed. Recordable restrictions reserving ~~the~~ specific areas may be required at the discretion of the community development director. The area reserved for parking area shall be marked on the zoning map and no permits for additional use of such area shall be issued.

(e) Where a traffic study is required under the Land Development Code, it shall be prepared by a certified traffic engineer, licensed in the State of Florida and paid for by the applicant~~.~~, unless otherwise provided for in the land development code. The village may hire its own traffic engineer to evaluate applicant's traffic study recommendations.

(f) The applicant shall be responsible for compliance with Comprehensive Plan relating to traffic concurrency requirements.

Sec. 30-70.5. Size and character of parking spaces.

The following requirements shall be observed for parking:

(a) *Size.* Each 90 degree parking space shall be not less than ~~eight and one-half~~ nine feet in width and 18 feet in length. Parallel parking space shall not be less than ~~eight and one-half~~ nine feet in width and 23 feet in length. Angled parking shall meet the requirements of the chart below.

(b) ~~*Accessibility*~~ *Parking areas design standards.*

(1) *Generally.* Each required space shall be accessible without driving over or through another parking space. In all instances, adequate interior driveways, ingress and egress driveways shall be provided to connect all parking spaces with a public right-of-way or alley. Tandem parking is prohibited, unless provided under the valet parking in this Code. Parking stalls abutting the same continuous drive aisle shall have the same angle and orientation. Drive aisles shall be one-way only which are less than ~~24~~ 22 feet wide or which abut parking stalls with angles less than 90 degrees. Parking stall angles and drive aisle direction of flow may change only when the drive aisle is interrupted by a circulation drive or structure. Backing out is prohibited into any public right-of-way, except for specified residential uses. Access drives between the paved portion of the right-of-way and the property line shall comply with the Miami-Dade County Public Works Manual.

(2) *Residential driveways.* Residential access driveways shall conform with the following unless a specific provision is provided for in the specific residential zoning district.

a. *All residential driveway approaches.* Residential driveway approaches shall be identified on the site plans and shall be constructed according to approved public work standards. Residential driveway approaches and access ways shall be 35 feet from street intersections and are subject to the required ~~public works roadway triangle of visibility standards~~ visibility triangle standards in Section 30-60. All driveway approach dimensions except the flares at the roadway end shall be measured from any adjoining property at all points. Remaining pervious areas of the swale, less driveway approach(es) and sidewalks (where applicable) shall be landscaped in accordance with the provisions of Division 30-100. Where sidewalks exist or are installed, the concrete shall continue at a uniform height across the driveway surfaces. These standards shall be applicable to any property under one ownership.

b. *Single family detached residential.* A single family detached residential home shall be permitted to have up to three driveway approaches provided the total width of the combined approaches does not exceed 32 feet of linear driveway on any one frontage. Maximum permitted width of any single driveway approach shall not exceed 24 feet or be less than 10 feet in width. The driveway must be set back at least three feet from any adjoining properties at all points however, it may flare out on a three-foot radius on each side where the drive connects with the adjacent roadway. Corner and through lots are permitted to locate up to one of the three permitted driveway approaches along their secondary frontages provided it does not to exceed 12 feet in width. Any driveway configuration which dimensionally complies with this section, but results in a reduction of the pervious area of the swale below 58 percent shall be required to provide either storm water drainage infrastructure(s) or a study from a licensed engineer confirming the design of the swale is adequate to manage storm water runoff as approved by the village and–detailed in the Miami-Dade County Public Works Manual ~~Part II - Design and Construction: Section D4.03(2) - Storm Drainage Details for Streets and Driveways~~ for the length of the subject property~~,~~ adjacent to the road section.

c. *Other residential.* The driveway approach shall be a minimum width of 12 feet but not be wider than 20 feet. The driveway must be set back at least five feet from any adjoining properties at all points provided, however, it may flare out on a five-foot radius on each side where the drive connects with the adjacent roadway. No more than one two-way access or two one-way access ways shall be permitted for any street frontage of up to 100 lineal feet~~, or no more than two one-way access ways shall be permitted for any street frontage of up to 100 lineal feet~~. Where ownership involves over 100 feet of street frontage, one additional two-way or two additional one-way drives may be permitted for each additional 100 feet of frontage or major fraction thereof.

(3) *Commercial driveways.* Commercial driveway entrances and approaches shall be paved and constructed according to approved village public works standards. The driveway and approach shall have a minimum width of 12 feet but not wider than 30 feet. The driveway and approach shall not encroach upon adjoining properties and shall be set back a minimum of five feet from adjoining properties. Commercial accessways shall be a minimum of 100 feet apart when located on properties under common ownership. No commercial driveway curb cut shall be located within 50 feet of a street

intersection. Parking facilities on adjoining lots may share access points, driveways, and parking subject to a recorded covenant running with the property on which the facilities are located.

(4) Where a business is adjacent to a park, neither the driveway nor the parking area shall be located between the business structure and the public park.

(c) *Parking stall and aisle dimensions shall conform to the chart below:*

Minimum Parking Stall Dimensions
(in feet) at Various Angles

Off-Street Parking Standards			
	ACCESS AISLE WIDTHS		
ANGLE OF PARKING (degrees)	ONE-WAY TRAFFIC SINGLE LOADED	ONE-WAY TRAFFIC DOUBLE LOADED	TWO WAY TRAFFIC DOUBLE LOADED
90	20'	22'	23' (22')**
60	12' 9"	11' 6"	20'
45	10' 9"	9' 6"	18' 6" (18')**
Parallel	10'	10'	10'
Standard Off-Street Parking Space 9' x 18' (including EV) *			
* Parking space width in Downtown and parking garages are 8.5' x 18' ** Access aisle widths in Downtown and parking garages			

- Driveways shall have a minimum of 10' paved width. Two-way driveways servicing more than 5 parking spaces shall be a minimum of 20' of paved width.
- Sidewalks shall be concrete across all driveways and access aisles and remain at ground level across all driveways except the minimum necessary for curb height ramp slopes.
- The location of off-site parking spaces will not create unreasonable: a. Hazards to pedestrians. b. Hazards to vehicular traffic. c. Traffic congestion. d. Interference with access to other parking spaces in the vicinity. e. Detriment to any nearby use.
- To the greatest extent, EV installed and EVSE spaces should be installed near buildings or areas monitored by camera to decrease the chance of vandalism. EV spaces are allowed in all zoning districts and equipment shall not impede sidewalks, sight triangles, bicycle parking, parking aisles or other parking spaces.
- Any side of a parking space adjacent to a vertical wall must add 18" of additional width.
- Any side of a parking space adjacent to a column must add 6" of additional width.

**See subsection (b) above for details as to driveway widths.

(d) *Striping and marking.* For all occupancies other than single-family, duplex, and townhome residential, the parking spaces shall be marked with painted or thermoplastic white ~~double line~~ 4" striping on each side of the space to identify and facilitate their use. The width of each space shall be measured to the center of the marking. ~~Width of such lines shall be four inches. Dimension requirements shall be measured to the center point of the double stripe.~~ Each parking stall shall be provided with a wheel stop or raised continuous curbing serving as a wheel stop. Where a parking space heads into and abuts a walkway, the paved 18-foot length shall be provided a wheel stop or curb at 16 feet in order to prevent extension of the vehicle over any portion of the provided walkway width. The back of the curb or wheel stop shall be located two feet from the end of each stall. ~~Signs or~~ The direction of aisles shall be marked with painted or thermoplastic white arrows ~~marked by a permanent durable, contrasting material shall~~ to indicate the direction of traffic movements. ~~Where striping is~~

~~required for residential uses, not less than a single four-inch stripe shall be provided, with parking stall dimensions to be measured to the center line of the strip.~~ In all instances, adequate interior driveways, ~~and~~ ingress and egress driveways, and an ADA accessible pedestrian connection to the public right-of-way shall be provided to connect all off-street parking ~~spaces~~ areas with a public right-of-way. Required and surplus parking shall comply with these provisions and the parking spaces shall not be placed in dedicated or official rights-of-way~~.~~, unless otherwise provided for in the land development code.

(e) *Composition.* In all zoning districts, parking facilities, including access aisles and driveways, shall be hard-surfaced with continuous brick, asphalt, pervious asphalt, concrete, stamped concrete, pervious concrete, concrete pavers, or stabilized alternative parking surfaces maintained in a smooth, well-graded condition. In commercial zoning districts, parking facilities shall be hard-surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement, concrete, stamped concrete in accordance with the public works manual. Low impact development (LID) techniques and permeable surfaces are encouraged and will be considered on a case-by-case basis.

(f) *Drainage.* All parking facilities may not drain onto adjacent parcels without the recordation of appropriate drainage easements and agreements. Sites are encouraged to use landscaped open space for stormwater retention and detention. ~~Such d~~Drainage facilities shall be arranged for convenient access and safety of pedestrians and vehicles. Drainage inlets cannot be located within, or cause, pedestrian pathways to be uneven. All parking facilities shall be properly drained so that no nuisance will be caused to adjacent or nearby properties and comply with Division 30-30 requirements. The drainage plan for the premises shall meet with the approval of the public works department, in conjunction with the parking plan as provided for under section 30-70.4.

(g) *Lighting.* Outdoor lighting, in accordance with standards set forth in Division 30-60 of this Code entitled "General Regulations, Outdoor Lighting" ~~and Chapter 8, Section 8C-3, of the Miami-Dade County Code~~, shall be provided for required parking facilities for multiple-family residential development and all nonresidential land uses. Light fixtures shall be installed as full cut off which project the light rays directly down onto the parking surface, and shall include shields which restrict projection or light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky. All lighting shall comply with minimum standards and shall not cast more than one-half footcandle at the property line. Any lighting adjacent to residential uses must keep all light from spillover thru shielding, walls and/or landscaping. Photometric

drawings, by a certified engineer, shall be provided at time of site plan review and/or permitting and prior to final approval. Such calculations shall certify compliance with this division. Light fixture styles shall be in accordance with the village's street improvement standards. All on site lighting needs to be designed complementary with the landscape plan and building site plan to provide the minimum standards at maturity without extensive tree trimming and to emphasize areas of pedestrian activity.

(h) *Vertical clearance.* All required and/or provided parking facilities shall have a minimum vertical clearance of seven feet. Where a facility is to be used by trucks and/or buses, the minimum vertical clearance shall be 15 feet. Vertical clearance shall be clearly marked on overhead structures having no less than 16 feet of clearance.

(i) *Ingress vehicular control devices.* Parking ticket dispensers and other ingress vehicular control devices that require a vehicle to stop prior to entering a parking facility shall be located as to provide a minimum approach driveway of 20 feet in length between the base building line and the ticket dispenser. Additional driveway length shall be provided where waiting vehicles would otherwise infringe on any public street, alley, or sidewalk.

(j) *Valet parking.* Valet parking may be permitted, on-site or off-site, to provide parking in excess of minimum parking requirements. For the village to consider approval of valet parking, a plan must be submitted and shall include the location of valet spaces, insurance requirements, staffing, hours of operation, and the traffic circulation pattern indicating all aspects of the valet operation to include drop-off and stacking areas. Tandem parking shall be permitted under a valet parking plan. Robotic parking in an internally enclosed parking garage shall be permitted.

(k) *Maintenance.* All required parking areas shall be maintained in good repair and shall be kept clean and free from trash, weeds, overgrowth, cracked or broken surfaces.

(l) Off-street Parking or loading area shall not be used for the sale, repair, or dismantling of any vehicle or equipment, or for storage of materials or supplies.

(m) Parking or storage of commercial trucks, buses, vans, sign trailers; trailers or semi-trailers for freight, cargo; non-recreational watercraft; motorhomes, construction equipment, semi tractors or trailers or the like shall not be permitted on any portion of parking facilities.

Sec. 30-70.6. Parking setbacks.

(a) The edge of all parking pavement and access roads (not including driveway connections to a street) shall be set back a minimum of 15 feet from the right-of-way of all major streets, and a minimum of ten feet from the right-of-way of all other streets.

(b) Edge of all parking pavements for single family detached residential uses shall be setback a minimum of ~~two~~ three feet from the interior line. Said area shall be pervious area.

(c) The edge of all parking pavements for all other uses shall be setback a minimum of five feet from the interior property line. Said area shall be pervious area.

Sec. 30-70.7. Landscaping.

Parking structures and surface parking lots shall be landscaped in accordance with the provisions of Division 30-100.

Sec. 30-70.8. Amount of parking.

The minimum number of parking spaces to be provided and maintained for each use or occupancy shall be as follows:

(a) *Residential uses:*

(1) *Dwelling, one-family and duplex:* Two parking spaces per dwelling unit, except dwelling units with four or more bedrooms shall provide three spaces. All one car garages shall provide a single parking space, free of obstructions. All two car garages shall provide two parking spaces, free of obstructions. Parking spaces provided within a garage shall not count towards the minimum required spaces.

(2) *Townhouse:* Two parking spaces per townhouse unit. The spaces may be provided on the lot of the townhouse or in a commonly owned and maintained parking facility; provided, that no parking space shall be more than 150 feet, by the most direct pedestrian route, from the door of the townhouse to the parking space it is intended to serve. In addition, one visitor parking space for every four townhouses shall be provided in a convenient, commonly owned facility.

(3) *Zero lot line community:* Two parking spaces shall be provided on each platted lot. In addition, one guest parking space for every four dwelling units shall be provided.

(4) *Dwelling, multi-family:* One space per bedroom with a minimum of two spaces per dwelling unit. Visitor parking spaces shall be provided in an amount of five percent above the amount of all parking spaces required.

(5) Tandem parking is permitted only on individual lots and in the driveways connecting such lots with adjacent roads; provided, said driveways are for the exclusive use of each individual lot. Tandem parking shall be limited to no more than one such tandem parking space for each individual lot.

(6) Individual garages shall not be credited towards the parking requirement.

(b) *Commercial and public uses:* Required parking shall be provided for each use contained within a site as follows:

Spaces Required	Uses	Exceptions/Specifics
One space per 50 gross square feet:	Bar/~~beer gardens~~ Cocktail lounges/lounges/night clubs	
" "	~~Cafeterias~~	
" "	~~Cocktail lounges/lounges/night clubs~~	
" "	Religious facilities, places of worship	For the seating area in the main auditorium, chapel area and places of public assembly including adjacent areas which may be used as part of the auditorium.
One space per 50 gross square feet of patron area:	Restaurants or similar places dispensing food, drink or refreshments	Freestanding restaurant buildings and multi-tenant buildings that exceed more than three (3) restaurants shall provide at least one (1) consumer food delivery service parking space. This provision shall apply

		to uses established after the enactment of this ordinance.
One space per 100 gross square feet of patron area:	Places of public assembly other than religious facilities/Banquet/bingo/convention/exhibition/union halls, private clubs, lodges, fraternal buildings, places of public assembly other than religious facilities	
One space per 100 gross square feet of classroom area:	Dance, karate, and aerobic schools/health or exercise studios	And office, restaurant and retail areas shall otherwise provide parking as otherwise contained in this division.
One space per 100 gross square feet of seating area	Live performance, movie theaters/general auditoriums	
One space per 200 gross square feet:	Medical, ~~or~~ dental, cosmetic, outpatient, urgent care, non-hospital offices or clinics and medical marijuana facilities	
One space per 250 gross square feet:	Amusement centers / Bowling alleys / Skating Rinks/Community and cultural centers	
" "	~~Art galleries/auction houses~~	
" "	Auto repair shops/services stations/car wash	
" "	~~Auto service stations~~	
" "	~~Banks/financial institutions~~	
" "	~~Bowling alleys~~	

" "	~~Community/cultural centers~~	
" "	Department stores / Shopping centers	
" "	Pharmacies, food or grocery stores, ~~D~~drug, ~~or~~ sundry stores, mini mart, convenience stores	
" "	Funeral homes/mortuaries	
" "	~~General retail stores; food or grocery stores~~	
" "	Home improvement centers, including all storage/sales areas/membership warehouses	
" "	Indoor gun ranges	
" "	Libraries/Museums/Post offices	
" "	~~Museums~~	
" "	Veterinarian offices/animal clinics/animal hospital/~~P~~pet grooming centers	
" "	~~Post offices~~	
" "	~~Self-service gas stations; mini-marts~~	
" "	~~Skating rinks~~	
" "	~~Take-out stores~~	
" "	~~Veterinarian offices/clinics/ hospitals~~	
" "	Vocational/trade schools	
One space per 300 gross square feet:	Business and professional offices, other than medical or dental offices or clinics or medical marijuana facilities	
" "	General retail/commercial stores	
One space per 500 gross square feet:	Adult Day Care, Adult Living Facilities, Community Homes	
" "	~~Carpet and flooring material stores~~	
" "	Printing, reproductions, sign and engraving shops	
" "	Research and testing laboratories	
" "	~~Sign shops~~	
One space per 800 gross square feet:	Storage buildings/warehouses, excluding self-storage.	

One space per 1,000 gross square feet:	Warehouse/ retail combined stores such as furniture, flooring, lighting, kitchen/bath or similar	
Three parking spaces for the first 2,500 square feet:	Auto dealership showrooms/ garages/gas station bay areas and similar uses Customer and employee parking shall be reserved and labeled. Space shall be established and designated on-site for the unloading and loading of vehicle transporters.	And one parking space for each additional 500 square feet of gross floor area, plus three parking spaces for each 5,000 square feet of open lot area. Office and retail parts areas shall provide parking spaces as otherwise contained in this division.
" "	~~Furniture showrooms. Lot area reserved for future parking spaces shall remain unencumbered with any structures and shall be landscaped. This landscaped area shall not be credited toward the minimum required open space. Prior to the issuance of a certificate of use or occupancy for any use other than a furniture store, the property owner must provide the required number of parking spaces for the intended use.~~	~~One parking space for each additional 500 square feet of gross floor area or fractional part thereof. When the use is located within any Business (B) District, the site plan submitted to the department shall illustrate future parking spaces based on a calculation of one parking space for each 250 square feet of gross floor area, which shall be provided in the event~~

		~~the furniture use is discontinued.~~
One space per 5,000 gross square feet for the first 20,000 square feet	Warehouses; self-storage. Self-service storage facilities shall be defined as fully enclosed spaces used for warehousing which contain individual storage units with floor area no greater than 400 square feet and an interior height not to exceed 12 feet. No wholesale or retail sales are permitted.	After the first 20,000 square feet, one parking space per 10,000 square feet (or fraction thereof) of building area thereafter; and one parking space for the manager's apartment, where provided. One parking space per 400 square feet of gross office area (or fraction thereof) shall also be provided. In the application of these regulations, a minimum number of five parking spaces shall be provided for any self-service storage facility regardless of size.
Five spaces for the first 5,000 square feet of net lot area:	Open lot commercial uses such as, but not limited to, used car lots, storage yards and recreational vehicle sales lots. Customer and employee parking shall be reserved and labeled	And one parking space for each additional 500 square feet of net lot area used.
~~Three parking spaces for the first 2,500 square feet of~~	All commercial uses not identified in this chart or in subsections (c) and (d) below~~.~~ <u>shall be determined by the Director. In reaching the determination, the Director shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other</u>	~~And one parking space for each and every additional 500 square feet of gross floor area.~~

~~gross floor area~~	jurisdictions and nationally recognized parking standards (ITE or ULI reports).	

(c) *Mixed-use districts:* For calculating the minimum number of required parking spaces in mixed-use zoning districts, refer to applicable sections of this code ~~Division 30-50, FT&I and VMU Zoning District Regulations~~. Mixed use districts may apply a shared parking ratio factor as outlined below:

Function	Residential	Lodging	Office	Commercial
Residential	1	1.1	1.4	1.2
Lodging	1.1	1	1.7	1.3
Office	1.4	1.7	1	1.2
Commercial	1.2	1.3	1.2	1

(d) *Other uses:*

~~(1) *Dormitories, fraternities:* One parking space for each bed.~~

(~~2~~1) *Golf course:* Golf courses shall provide three parking spaces per hole, plus three additional spaces and 20% of any associated retail or restaurant use parking calculation.

(~~3~~2) *Hospitals:* One parking space for each of the first 300 beds, one additional parking space for every two additional beds thereafter for patients contained in the building, plus one parking space for each three employees and resident staff members.

(~~4~~3) *Hotels and motels, including clubs:* One parking space per hotel unit for the first 40 hotel units, thereafter one parking space for every two hotel units or suites. In addition to hotel units, other uses operated in conjunction with and/or as part of the hotel/motel shall provide additional parking spaces for other uses as would be required for that use. Public meeting rooms in hotels shall be further controlled as to parking and restaurant parking standards for meeting rooms that do not contain permanent seats. In addition, one parking space shall be provided for every four employees.

~~(5) *Marina, live-aboard:* Live-aboard marinas shall provide one parking space per boat slip.~~

(~~6~~4) *Marina, non-live-aboard:* Non-live-aboard marinas shall be provided one parking space for every two boat slips.

~~(7) *Open lot recreational uses:* One parking space for every four persons on the premises at any given time.~~

(~~8~~5) *Outdoor recreational courts:*

Basketball: Five spaces per court.

Volleyball: Five spaces per court.

Tennis: Two spaces per court.

Racquetball: Two spaces per court.

Soccer and other similar athletic fields: Ten spaces per field.

(~~9~~6) *Plant nurseries:* Plant nurseries shall provide eight parking spaces for the first acre and one parking space for each two acres thereafter up to ten acres. One additional parking space shall be provided for every five acres.

~~(10) *Rack storage; boats:* Boats stored in racks shall provide one parking space for every three boat racks.~~

(~~11~~7) *Sanitariums, convalescent homes, home-for the aged and similar institutions:* One parking space for every two beds for patients contained in such buildings, plus one parking space for every two employees.

(~~12~~8) *Schools.*

a. *Public and Private Schools:* Minimum of 1 parking space for each faculty or staff member, 1 visitor parking space per 100 students, 1 parking space per 5 students in grades 11 and 12 or College/University campuses. ~~*Day nurseries, kindergarten and elementary schools:* Total parking spaces shall equal the combined total of personnel and transportation vehicles.~~

b. ~~*Middle schools:* Total parking spaces shall equal one and one-quarter times the combined total of personnel and transportation vehicles.~~ Non-campus schools, colleges, universities, higher educational facilities online or in person shall be as a "public assembly places".

c. ~~*High schools, trade schools and colleges:* One parking space per 200 square feet of classroom area, including laboratories, libraries and administrative areas. Housing facilities on college campuses must~~

~~provide parking of two spaces for every three sleeping rooms. Other such uses, such as restaurants, auditoriums, and theaters shall provide parking as required in this division. In addition, one parking space shall be required for every four employees, excluding teachers.~~ *Childcare Facilities:* Minimum of 1 space for the owner/operator and 1 space for each employee, and 1 drop-off space for every 10 clients cared for.

d. ~~In connection with the school use,~~ pParking required for religious facilities use may be credited toward parking requirements for school use, where the religious facility use is operated under the same ownership and on the same property as the educational use.

e. The applicant shall submit information substantiating the personnel and vehicle figures used for computing parking requirements.

f. Sufficient drop-off and pick-up lanes shall be provided so not to interfere with the flow of traffic along the right-of-way. A traffic study may be required at the discretion of the Public Services Director.

(~~13~~9) *Stadiums, gymnasiums:* Stadiums, ~~and basketball~~ gymnasiums, natatoriums, arenas, amphitheaters shall provide one parking space for every four seats.

Sec. 30-70.9. Handicapped spaces.

(a) Parking spaces for handicapped and/or disabled persons shall be provided in accordance with F.S. ch. 553, part V, as amended from time to time, shall comply with the requirements of the *Florida Building Code,* ~~and be provided as follows~~:

~~Total Parking Spaces in Lot~~	~~Required Number of Designated Handicapped Parking Spaces~~
~~Up to 500~~	~~One for every 25 parking spaces~~
~~501 to 1,000~~	~~Two percent of all required spaces~~
~~Over 1,000~~	~~Twenty spaces plus one percent of all required spaces~~

(b) *Size.* Where parking spaces for the handicapped are to be provided, each space shall be a minimum of 18 feet in length and 12 feet in width.

(c) *Signage and ~~p~~marking.* All parking spaces designated for handicapped parking shall be ~~prominently outlined~~ marked with painted or thermoplastic blue double line 4" striping on each side of the space to identify and facilitate their use ~~with blue stripes~~. Access aisles shall be striped diagonally with white stripes. Spaces shall be posted with an approved permanent above-ground sign which shall state "Parking by Disabled Permit Only" and shall bear the international accessibility symbol. The center of the sign must be at least five feet above grade when attached to a building or seven feet above grade for a detached sign. An international accessibility symbol shall be painted on the ground with blue paint or thermoplastic stencil.





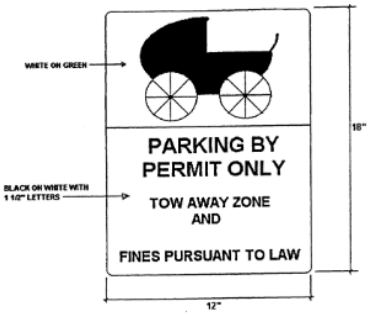
Sec. 30-70.10. Child and baby stroller spaces.

(a) *Parking spaces specifically designed for persons transporting young children under the age of three and strollers, shall be required for all uses other than single family, duplex, townhouse, or multi-family sites.* Child and baby stroller parking spaces shall be provided as follows:

Total Parking Spaces in Lot	Required Number of Stroller Spaces
Up to 100	0
101 to 500	2
501 to 1,000	3
Over 1,000	One additional space for each 500 parking spaces over 1,000

(b) *Location of parking spaces.* Such spaces shall be located as closely as possible to parking spaces designated for ~~the physically handicapped and/or~~ disabled persons; provided, however, parking spaces designated for the physically handicapped and/or disabled persons shall take precedence. Where no parking spaces designated for the physically handicapped and/or disabled persons have been provided, parking spaces for persons transporting young children and strollers shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

(c) *Signage and marking.* All parking spaces for persons transporting young children and strollers shall be prominently outlined with green paint on a white background and posted with an approved permanent above-ground sign which shall state: "Baby Stroller Parking." The center of the sign must be at least five feet above grade when attached to a building or seven feet above grade for a detached sign. A child baby stroller parking symbol shall be painted on the ground with white paint or



thermoplastic stencil.



(d) In no event shall the number of parking spaces for the ~~physically handicapped and/or~~ disabled persons be reduced below the quantity required by the *Florida Building Code.*

Sec. 30-70.11. Bicycle parking.

(a) *Bicycle parking shall be required for all commercial and mixed uses with parking lots.* Bicycle parking shall be provided by means of bicycle racks.

(b) *Bicycle parking spaces shall be provided as follows:*

Total Parking Spaces in Lot	Required Number of Bicycle Parking Spaces*
0 to 25	2
25 to 50	4
51 to 100 **	8
101 to ~~500~~ 250**	12

~~501 to 1,000~~ 250 to 500**	~~16~~ 20
Over ~~1,000~~ 500**	~~4 additional spaces for every 500 parking spaces over 1,000~~ 4 spaces for every 250 parking spaces above 500.

* Educational and Recreational uses are required to provide 2x the standard bicycle parking calculations.

** Bicycle Parking for high parking usage sites shall be provided at multiple locations near multiple entries or athletic fields/ gathering places to be most convenient for users.

(c) *Other uses.* All other uses, other than single family, duplex or townhouse which are exempt, shall provide racks where the total number of parking spaces in a lot exceeds ~~100~~ 50 spaces.

(d) *Location and design of bicycle parking spaces; requirements:*

(1) The bicycle parking spaces shall be located near the entrances to buildings and be covered from natural elements, when feasible.

(2) At commercial and mixed use buildings that have multiple parking lots, the bicycle parking spaces shall be installed near the entrances to the buildings served by the lots.

(3) The bicycle parking spaces shall be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicapped accessibility.

(4) The bicycle parking spaces may not be placed in the public right-of-way.

(5) The design of the bicycle rack should permit the locking of the frame and at least one wheel with a standard size "U" lock and accommodate the typical range of bicycle sizes.

(6) The bicycle rack must resist removal, resist rust, corrosion and vandalism, and must be properly maintained.

(7) ~~In the FT&I zoning district, the bicycle rack style shall comply with the design standards.~~ A standard bicycle rack is assumed to hold two (2) bicycles.

(e) *Application to existing uses.* All property owners of existing establishments that are required by this division to provide bicycle parking spaces shall comply within 18 months from the effective date of this division and shall be responsible to maintain such facilities. Existing multi-family uses are exempt from this subsection.

Sec. 30-70.12. Calculating required parking spaces.

(a) *Uses not specifically mentioned.* The requirements for parking for any unspecified uses in this division shall be determined by the community and economic development director. It is the intent to require all uses, except agricultural, to provide parking.

(b) *Fractional spaces.* When units or measurements determining number of required parking spaces result in requirement of fractional space, any such fraction equal to or greater than one-half shall require a full parking space.

(c) *Mixed uses.* In the case of mixed uses, the total requirements for parking shall be the sum of the requirements of the various uses computed separately, and parking spaces for one use shall not be considered as providing the required parking for any other use. In some mixed-use districts shared parking is allowed. For calculating required parking in mixed-used zoning districts, refer to applicable sections of this code ~~Division 30-50, FT&I and VMU Zoning District Regulations~~.

Sec. 30-70.13. Use of permitted facilities.

(a) *Permitted use.* Parking spaces approved in accordance with this division may be used for the intermittent parking of licensed motor vehicles of employees, occupants, owners, tenants or customers utilizing the building or use served by said required parking spaces. Required parking spaces shall be non exclusive. Supplemental parking (parking facilities provided but not required) may be used for any purpose related to the use of the building it serves.

(b) *Limitations on use of required parking facilities.* The following uses and activities shall not be permitted in required parking facilities:

(1) Storage, solicitation or repair of any vehicle, trailer, watercraft, equipment or merchandise.

(2) In commercial zoning districts, sale of any vehicle, equipment or merchandise without issuance of a special event permit.

(3) Storage or parking of any vehicle intended for use as a portable sign used to advertise a place of business or activity as viewed from a public right-of-way. This shall not be interpreted to prohibit identification of commercial vehicles, provided such vehicles are operational, and are moved and used daily for delivery or service purposes.

(4) Parking or storage of any vehicle, which, due to its size, shape, contents or location creates an obstruction or public safety hazard, visual obstruction from a

place of residence or which cannot be contained within a single designated parking space.

(c) *Vehicles shall be required to park on paved or stabilized alternative parking surfaces.* Parking shall be prohibited within setback areas, open space, landscaped or ~~in all other~~ required yard areas.

(d) Parking structures and parking garages are permitted. All parking structures and parking garages shall be above grade. Subterranean parking is prohibited.

Sec. 30-70.14. Parking or storage of commercial vehicles in residential or agricultural zones.

(a) In residential or agricultural zones commercial vehicles may be parked or stored as provided herein. Commercial vehicles (Categories 1, 2, and 3) are defined in Division 30-40.

(b) Parking or storage of certain commercial vehicles is allowed on private property as follows:

(1) In agricultural zoned areas ~~(AU)~~ where a bona fide agricultural use, as defined in Division 30-50, exists on private property, parking or storage of commercial vehicles in association with the onsite use and used for agricultural purposes or in the transport of agricultural products is allowed as otherwise provided in this division.

(2) In residentially zoned districts, no more than two Category 1 vehicles may be parked or stored at each residence.

(3) In residentially zoned districts, no more than one Category 2 vehicle may be parked or stored provided that it is kept within an enclosed garage or behind the front building line within a completely enclosed, opaque fence, screening wall or landscaping six feet in height at least ten feet from the rear property line. If a Category 2 vehicle is parked or stored as required under this subsection, then only one Category 1 vehicle may also be stored or parked at that residence.

(4) For residential properties of four or more units, the parking or storage allowances provided for in this section shall be applied as to each unit.

(5) Parking or storage of Category 3 vehicles is prohibited in all residentially zoned districts.

(6) The temporary parking of a Category 2 or 3 vehicle in front of the building line or in front of the buffer screen shall only be permitted for the purpose of loading or unloading of materials or persons engaged in providing a commercial service at the premises, or for the purpose of the driver to make a temporary

convenience stop at the residence. However, a temporary or convenience stop shall be limited to no more than one hour in any 24-hour period.

(c) Parking of Category 2 or 3 commercial vehicles on the right-of-way is prohibited in residential zones unless actively engaged in the loading or unloading of materials or persons engaged in providing a commercial service.

(d) Violations of these provisions are punishable as follows:

(1) Any violation of this section is punishable by a civil fine of $250.00 for a first offense and $500.00 for a repeat violation. Upon a repeat violation of this section, in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage or immobilization, the vehicle may be disposed of pursuant to the provisions contained in F.S. § 713.585. Any enforcement officer is hereby authorized to secure the assistance of the Village of Palmetto Bay Police Department to effect enforcement of these provisions.

(2) Whoever opposes, obstructs or resists an enforcement officer in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

Sec. 30-70.15. Loading.

(a) *General provisions.* Adequate space for loading and unloading of materials, goods or things, and for delivery and shipping, shall be provided and maintained on the same plot as the building which it serves. Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of loading spaces shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring a loading space, such space shall be supplied and maintained to comply with this section.

(b) *Specifications.* For the purposes of this section, a loading space shall be an area at the grade level at least 12 feet wide by 35 feet long with a 14-foot vertical clearance. Each loading space shall be directly accessible from a street or alley without crossing or entering any other required loading space, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

(c) *Minimum conditions.* The following minimum conditions shall apply; additional conditions may be imposed as part of a conditional use or final site plan approval. Required loading spaces shall not be located in the required front yard. Loading

spaces shall be located in such a manner to not create a disruption to the adjacent right-of-way. Loading spaces shall be provided and maintained in accordance with the following:

(1) For every building or building group or part having twenty (20) or more residential units or a gross floor area of 10,000 square feet or more, which is to be occupied by commercial uses or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise, loading or unloading spaces shall be provided and maintained on the same lot with such building, as follows. Loading spaces and related loading facilities shall be provided as indicated below by gross building square feet:

Gross Building Square Feet	Number of Spaces		Residential Units	Number of Spaces
10,000 to 25,000	One space		20 Units	One space
25,000 to 50,000	Two spaces		20-40 Units	Two spaces
50,000 to 75,000	Three spaces		40-60 Units	Three spaces
For each additional 50,000	One space		20 Units	One space

(4) No area or facilities supplied to meet the required parking facilities for a use shall be used to meet the requirements of this division for loading facilities.

(5) Nothing in this section shall prevent the collective, joint or combined provision of loading facilities for two or more buildings or uses, provided that such loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and arranged as to be usable thereby.

Sec. 30-70.16. Drive-through service.

(a) *Generally.* Businesses that provide a drive-through service are required to provide drive-through service lane(s) to accommodate vehicular stacking as separate and distinct lanes from the circulation lanes necessary for entering or exiting the property. Each drive-through lane shall be separated from other on-site lanes. Each drive-through lane shall be curbed, striped, marked or otherwise distinctly delineated. A separate and distinct escape lane shall be provided. A lane necessary for site circulation, a public street or an alley shall not be counted as an escape lane. Drive-through lanes and escape lanes shall not conflict, or otherwise hamper access to or from any parking space. Pedestrian walkways shall be clearly separated from drive-through lanes.

(b) *Specifications.* A stacking space in a drive-through service lane shall be a minimum length of 22 feet and a minimum width of ten feet, exclusive of additional length or width required for necessary turning and maneuvering. Inbound stacking requirements shall be counted from the first stopping point. Outbound stacking requirements shall be counted from the last stopping point.

(c) *Quantity.* Stacking spaces necessary for the provision of drive-through lanes shall be determined for each service position according to the following table:

Type of Use	Inbound to Service Position	Outbound from Service Position
Car wash; attendant or semi-automatic	Five spaces	Three spaces
Car wash; detailing or hand wash	One space	One space ~~plus five parking spaces~~
Car wash; automatic	Three spaces	One space
Financial institution	Four spaces	One space
Food or beverage	Six spaces	One space
Gatehouse	Five spaces	One space
Other: dry cleaner, laundry, pharmacy	Three spaces	One space

Sec. 30-70.17. Sustainability Standards.

(a) Electric Vehicles

1. 20% of all newly constructed or renovated parking spaces must be electric vehicle supply equipment (EVSE) ready space. This shall mean a parking space with full circuity installed in accordance with the Florida Building Code and ready for a Level 2 charger to be connected capable. In no case will this be less than one (1) required space and the calculated number shall always be rounded up for any fraction of a space.

2. 5% of all newly constructed or renovated parking spaces must be designated as EV spaces with a Class II electric vehicle charger installed and signage both



vertical and marking on the pavement denoting the parking spaces. Signage shall be in accordance with Miami-Dade County standards.



(b) Low Impact Development (LID) practices for parking areas. New buildings and redevelopment sites shall implement the following low impact development (LID) practices into project design, site and building plans.

1. Goals and Practices of low impact development on parking facilities):

   a. Identify and preserve sensitive areas that affect site hydrology.

   b. Evaluate potential site development options to reduce, minimize and disconnect total impervious area.

   c. Employ integrated management practices (IMPs) to allow for distributed control of stormwater throughout entire site.

   d. First minimize and then mitigate the hydrologic impacts of land use activities at or close to the source of generation.

   e. Integrate stormwater controls into multifunctional landscape features such as bioretention cells where runoff can be micromanaged and controlled at the source.

   f. Limit clearing and grade selectively to minimize hydrologic impacts on existing site land cover.

   g. Use site drainage and hydrology as a design element.

   h. Modify and increase drainage flow path.

   i. Ensure the water quality and quantity requirements are met, per LID standards and the SFWMD ERP Applicant's Handbook Volume II.

j. Ensure the post-development annual runoff volume does not exceed the pre-development runoff volume, per SFWMD ERP Applicant's Handbook Volume II.

k. Implement erosion and sediment control best management practices during and after construction.

2. The following non-structural LID practices shall be implemented to the maximum extent practical:

a. Prioritize placement of impervious surfaces on clays (if any) and disturbed soils, and placement of infiltration-requiring LID features on highly permeable soils.

b. Retention of existing native vegetation and introduction of native vegetation appropriate to existing site conditions.

c. Conservation of existing native tree canopy.

d. Open space design and conservation.

e. Maximize use of open swale systems.

f. Maximize overland sheet flow.

g. Avoid total site clearing.

h. Minimization of total impervious areas.

i. Reduction of directly connected impervious areas.

j. Direct the site drainage to stabilized vegetated areas.

k. Design site layout to break-up flow directions from large, paved surfaces.

l. Design roof drains to drain to vegetated areas.

m. Locate impervious areas so that they drain to permeable areas.

3. A minimum of two structural LID practices from the following list shall be implemented, where one meets the water quantity requirement and the other meets the water quality requirement, per the SFWMD ERP Applicant's Handbook Volume II.

a. Bioretention basins or rain gardens.

b. Tree box filters or infiltration planters.

c. Vegetated swales.

d. Filter strips or vegetated buffers.

e. Infiltration trenches.

f. Exfiltration trenches or french drains.

g. Permeable pavement.

h. Retention pond.

i. Detention pond.

j. Wet detention or retention pond with aquatic vegetation.

k. Parking stormwater chambers.

4. Solar reflectance and shading

a. Shade from trees within ten (10) years of occupancy (calculated as 1/2 of maturity).

b. Parking spaces under cover (defined as underground, under deck, under roof, under building, under solar panels or another structure. Any roof used to shade or cover parking must have a Solar Reflectance of at least 0.30.

c. Pervious Pavement System must have a Solar Reflectance of at least 0.20.

d. Any remaining paved surfaces must have a minimum solar reflectance of 0.20 as when (i) tested in accordance with ASTM E903 or ASTM E1918, (ii) tested with a portable reflectometer at near ambient conditions, or (iii) default values of Solar Reflectance for listed materials may be used as follows:

Material	Solar Reflectance
Typical new gray concrete	0.35
Typical weathered gray concrete	0.20
Typical new white concrete	0.40
Typical weathered white concrete	0.40
New asphalt	0.05
Weathered asphalt	0.10

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses, or phrases of the Ordinance, but they shall

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

Section 4. Codification. It is the intent of the Village Council and is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment.

PASSED on first reading this 27th day of February 2023.

PASSED and ADOPTED on second reading this 17th day of April 2023.

Attest:

_____	_____
Missy Arocha	Karyn Cunningham
Village Clerk	Mayor

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

_____
John C. Dellagloria
Village Attorney

FINAL VOTE AT FIRST READING:

Council Member Patrick Fiore YES

Council Member Steve Cody	YES
Council Member Marsha Matson	YES
Vice-Mayor Leanne Tellam	YES
Mayor Karyn Cunningham	YES

FINAL VOTE AT SECOND READING:

Council Member Patrick Fiore	___
Council Member Steve Cody	___
Council Member Marsha Matson	___
Vice-Mayor Leanne Tellam	___
Mayor Karyn Cunningham	___

Sec. 30-70.1. General.

Permanently maintained parking for vehicles, bicycles, and loading facilities shall be provided in connection with any building or premises used or designed to be used for the purposes set forth in this division. Parking spaces on private roadways shall not be credited towards required parking~~.~~, unless otherwise provided for in the land development code.

Sec. 30-70.2. Location of required parking; exceptions.

(a) *Generally.* Required parking spaces shall be located on the same parcel they are intended to serve and shall not be permitted within the required zoned right-of-way~~.~~, unless otherwise provided for in the land development code.

(b) *Exceptions.*

(1) Required parking spaces for developments in ~~FT&I and VMU~~ mixed-use zoning districts, shall comply with the applicable sections ~~30-50.14 and 30-50.15~~ of this Code.

(2) If the use to be served is a governmental or commercial use, the required parking may be located on a parcel in a mixed-use or commercial zoning district within 300 feet from the site being served~~.~~, unless otherwise provided for in the land development code. The owner (right, title or interest) of the use being served shall execute a covenant that shall be recorded in the public records and approved by the village attorney that the governmental or commercial use shall cease and terminate in the event the parking serving the use is eliminated. The owner of the use being served shall provide documentation to the village attorney evidencing a long-term lease agreement or ownership of the parking site being used to meet parking requirements.

(3) If the use to be served is multi-family, required parking may be located on a parcel within the same zoning district or a more liberal district within 300 feet from the use being served. The distance shall be measured by the normal and legal way a pedestrian would travel. The owner (right, title or interest) of the use being served shall execute a covenant that runs with the land that shall be recorded in the public records and approved by the village attorney that the multi-family use shall cease and terminate in the event the parking serving the use is eliminated. The owner of the use being served shall provide documentation to the village attorney evidencing a long term lease agreement or ownership of the parking site being used to meet parking requirements.

Sec. 30-70.3. Existing buildings.

(a) Existing buildings which have received a certificate of use and occupancy prior to the effective date of this division may be:

(1) Modernized, altered or repaired, provided there is no increase in floor area or capacity ~~or there is no change in use or occupancy,~~ without providing the required parking and

loading requirements identified in this division; however, drive-through service facility requirements shall be met.

(2) Changed in use or occupancy that is allowed under the current zoning district without any special exception, without providing the required parking and loading requirements identified in this division; however, drive-through service facility, bicycle, landscaping requirements shall be met.

(~~2~~3) Changed or enlarged in floor area, volume, capacity or space occupied, will need to provide all parking, loading ~~and drive-through service requirements as specified in this division shall be met~~ for the proportional share of new additional floor area, volume, capacity or space created or occupied and all drive-through service and landscaping requirements shall be met.

~~(3) Changed in use or occupancy, additional parking, loading and/or drive-through service facilities shall be provided to the extent that the requirements for the new use or occupancy exceeds the parking, loading and/or drive-through service requirements which would have been required for the previous use or occupancy had the regulations of this Code been enacted. For the purposes of this division a change of use or occupancy shall mean a change from one category of parking requirements to another.~~

(b) It shall be unlawful for an owner or operator of any building, structure or use affected by this division to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this division. It shall be unlawful for any person to utilize such building, structure or use without providing the parking requirements of this division.

Sec. 30-70.4. Parking plan required.

(a) A separate parking plan shall be provided with all applications for development approval which shall clearly and accurately designate the parking spaces provided; indicate required parking by type of use; location and number of required handicapped spaces, child and baby stroller spaces, Electric Vehicle (EV), Electric Vehicle Supply Equipment ready (EVSE), and/or bicycle racks; required landscaped areas and Low Impact Development (LID) techniques; planter islands; access aisles; driveways; loading zones and spaces; drive-through facilities, if any; parking area material; curb type; and, a description of the relationship between the parking facilities and the uses or structures the spaces are intended to serve.

(b) Plans for buildings or uses requiring loading facilities under the provisions of this division shall clearly indicate the location, dimensions, clearances and access of all such required loading facilities.

(c) The plan must meet with the approval of the planning and zoning department and the public works department. In making a determination, the departments shall consider the best interests of the community, volume of traffic to be generated, pattern of traffic, site circulation, conflicts with adjacent pedestrian, bicycle and road traffic; number, location, angle, elevation of and proximity of driveways, location and proximity of median cuts, visual

clearances or obstructions, ~~angle and location of driveways,~~ intersections with sidewalks roads, elevation of the driveways in reference to the road, and any other factors that may affect the safety and welfare of the public. In addition, all driveways extending into state roads shall meet with the approval of the state.

(d) Applications for building or use permits shall indicate the ~~area to be~~ quantity used for parking and permits shall be issued specifying ~~the area~~ quantity shall to be reserved and area developed. Recordable restrictions reserving ~~the~~ specific areas may be required at the discretion of the community development director. The area reserved for parking area shall be marked on the zoning map and no permits for additional use of such area shall be issued.

(e) Where a traffic study is required under the Land Development Code, it shall be prepared by a certified traffic engineer, licensed in the State of Florida and paid for by the applicant~~.~~, unless otherwise provided for in the land development code. The village may hire its own traffic engineer to evaluate applicant's traffic study recommendations.

(f) The applicant shall be responsible for compliance with Comprehensive Plan relating to traffic concurrency requirements.

Sec. 30-70.5. Size and character of parking spaces.

The following requirements shall be observed for parking:

(a) *Size.* Each 90 degree parking space shall be not less than ~~eight and one-half~~ nine feet in width and 18 feet in length. Parallel parking space shall not be less than ~~eight and one-half~~ nine feet in width and 23 feet in length. Angled parking shall meet the requirements of the chart below.

(b) ~~*Accessibility*~~ *Parking areas design standards*.

(1) *Generally.* Each required space shall be accessible without driving over or through another parking space. In all instances, adequate interior driveways, ingress and egress driveways shall be provided to connect all parking spaces with a public right-of-way or alley. Tandem parking is prohibited, unless provided under the valet parking in this Code. Parking stalls abutting the same continuous drive aisle shall have the same angle and orientation. Drive aisles shall be one-way only which are less than ~~24~~ 22 feet wide or which abut parking stalls with angles less than 90 degrees. Parking stall angles and drive aisle direction of flow may change only when the drive aisle is interrupted by a circulation drive or structure. Backing out is prohibited into any public right-of-way, except for specified residential uses. Access drives between the paved portion of the right-of-way and the property line shall comply with the Miami-Dade County Public Works Manual.

(2) *Residential driveways.* Residential access driveways shall conform with the following unless a specific provision is provided for in the specific residential zoning district.

a. *All residential driveway approaches.* Residential driveway approaches shall be identified on the site plans and shall be constructed according to approved public work standards. Residential driveway approaches and access ways shall be 35 feet from street intersections and are subject to the required ~~public works roadway triangle of visibility standards~~ visibility triangle standards in Section 30-60. All driveway approach dimensions except the flares at the roadway end shall be measured from any adjoining property at all points. Remaining pervious areas of the swale, less driveway approach(es) and sidewalks (where applicable) shall be landscaped in accordance with the provisions of Division 30-100. Where sidewalks exist or are installed, the concrete shall continue at a uniform height across the driveway surfaces. These standards shall be applicable to any property under one ownership.

b. *Single family detached residential.* A single family detached residential home shall be permitted to have up to three driveway approaches provided the total width of the combined approaches does not exceed 32 feet of linear driveway on any one frontage. Maximum permitted width of any single driveway approach shall not exceed 24 feet or be less than 10 feet in width. The driveway must be set back at least three feet from any adjoining properties at all points however, it may flare out on a three-foot radius on each side where the drive connects with the adjacent roadway. Corner and through lots are permitted to locate up to one of the three permitted driveway approaches along their secondary frontages provided it does not to exceed 12 feet in width. Any driveway configuration which dimensionally complies with this section, but results in a reduction of the pervious area of the swale below 58 percent shall be required to provide either storm water drainage infrastructure(s) or a study from a licensed engineer confirming the design of the swale is adequate to manage storm water runoff as approved by the village and detailed in the Miami-Dade County Public Works Manual ~~Part II - Design and Construction: Section D4.03(2) - Storm Drainage Details for Streets and Driveways~~ for the length of the subject property~~,~~ adjacent to the road section.

c. *Other residential.* The driveway approach shall be a minimum width of 12 feet but not be wider than 20 feet. The driveway must be set back at least five feet from any adjoining properties at all points provided, however, it may flare out on a five-foot radius on each side where the drive connects with the adjacent roadway. No more than one two-way access or two one-way access ways shall be permitted for any street frontage of up to 100 lineal feet~~, or no more than two one-way access ways shall be permitted for any street frontage of up to 100 lineal feet~~. Where ownership involves over 100 feet of street frontage, one additional two-way or two additional one-way drives may be permitted for each additional 100 feet of frontage or major fraction thereof.

(3) *Commercial driveways.* Commercial driveway entrances and approaches shall be paved and constructed according to approved village public works standards. The driveway and approach shall have a minimum width of 12 feet but not wider than 30 feet. The driveway and approach shall not encroach upon adjoining properties and shall be set back a minimum of five feet from adjoining properties. Commercial accessways shall be a minimum of 100 feet apart when located on properties under common ownership. No commercial driveway curb cut shall be located within 50 feet of a street intersection. Parking facilities on adjoining lots may share access points, driveways, and parking subject to a recorded covenant running with the property on which the facilities are located.

(4) Where a business is adjacent to a park, neither the driveway nor the parking area shall be located between the business structure and the public park.

(c) *Parking stall and aisle dimensions shall conform to the chart below:*

Minimum Parking Stall Dimensions
(in feet) at Various Angles

Off-Street Parking Standards			
	ACCESS AISLE WIDTHS		
ANGLE OF PARKING (degrees)	ONE-WAY TRAFFIC SINGLE LOADED	ONE-WAY TRAFFIC DOUBLE LOADED	TWO WAY TRAFFIC DOUBLE LOADED
90	20'	22'	23' (22')**
60	12' 9"	11' 6"	20'
45	10' 9"	9' 6"	18' 6" (18')**
Parallel	10'	10'	10'
Standard Off-Street Parking Space 9' x 18' (including EV) *			
* Parking space width in Downtown and parking garages are 8.5' x 18' ** Access aisle widths in Downtown and parking garages			

- Driveways shall have a minimum of 10' paved width. Two-way driveways servicing more than 5 parking spaces shall be a minimum of 20' of paved width.
- Sidewalks shall be concrete across all driveways and access aisles and remain at ground level across all driveways except the minimum necessary for curb height ramp slopes.
- The location of off-site parking spaces will not create unreasonable: a. Hazards to pedestrians. b. Hazards to vehicular traffic. c. Traffic congestion. d. Interference with access to other parking spaces in the vicinity. e. Detriment to any nearby use.
- To the greatest extent, EV installed and EVSE spaces should be installed near buildings or areas monitored by camera to decrease the chance of vandalism. EV spaces are allowed in all zoning districts and equipment shall not impede sidewalks, sight triangles, bicycle parking, parking aisles or other parking spaces.
- Any side of a parking space adjacent to a vertical wall must add 18" of additional width.
- Any side of a parking space adjacent to a column must add 6" of additional width.

**See subsection (b) above for details as to driveway widths.

(d) *Striping and marking.* For all occupancies other than single-family, duplex, and townhome residential, the parking spaces shall be marked with painted or thermoplastic white ~~double line~~ 4" striping on each side of the space to identify and facilitate their use. The width of each space shall be measured to the center of the marking. ~~Width of such lines shall be four inches. Dimension requirements shall be measured to the center point of the double stripe.~~ Each parking stall shall be provided with a wheel stop or raised continuous curbing serving as a wheel stop. Where a parking space heads into and abuts a walkway, the paved 18-foot length shall be provided a wheel stop or curb at 16 feet in order to prevent extension of the vehicle over any portion of the provided walkway width. The back of the curb or wheel stop shall be

located two feet from the end of each stall. ~~Signs or~~ The direction of aisles shall be marked with painted or thermoplastic white arrows ~~marked by a permanent durable, contrasting material shall~~ to indicate the direction of traffic movements. ~~Where striping is required for residential uses, not less than a single four-inch stripe shall be provided, with parking stall dimensions to be measured to the center line of the strip.~~ In all instances, adequate interior driveways, ~~and~~ ingress and egress driveways, and an ADA accessible pedestrian connection to the public right-of-way shall be provided to connect all off-street parking ~~spaces~~ areas with a public right-of-way. Required and surplus parking shall comply with these provisions and the parking spaces shall not be placed in dedicated or official rights-of-way~~.~~, unless otherwise provided for in the land development code.

(e) *Composition.* In all zoning districts, parking facilities, including access aisles and driveways, shall be hard-surfaced with continuous brick, asphalt, pervious asphalt, concrete, stamped concrete, pervious concrete, concrete pavers, or stabilized alternative parking surfaces maintained in a smooth, well-graded condition. In commercial zoning districts, parking facilities shall be hard-surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement, concrete, stamped concrete in accordance with the public works manual. Low impact development (LID) techniques and permeable surfaces are encouraged and will be considered on a case-by-case basis.

(f) *Drainage.* All parking facilities may not drain onto adjacent parcels without the recordation of appropriate drainage easements and agreements. Sites are encouraged to use landscaped open space for stormwater retention and detention. ~~Such d~~Drainage facilities shall be arranged for convenient access and safety of pedestrians and vehicles. Drainage inlets cannot be located within, or cause, pedestrian pathways to be uneven. All parking facilities shall be properly drained so that no nuisance will be caused to adjacent or nearby properties and comply with Division 30-30 requirements. The drainage plan for the premises shall meet with the approval of the public works department, in conjunction with the parking plan as provided for under section 30-70.4.

(g) *Lighting.* Outdoor lighting, in accordance with standards set forth in Division 30-60 of this Code entitled "General Regulations, Outdoor Lighting" ~~and Chapter 8, Section 8C-3, of the Miami-Dade County Code~~, shall be provided for required parking facilities for multiple-family residential development and all nonresidential land uses. Light fixtures shall be installed as full cut off which project the light rays directly down onto the parking surface, and shall include shields which restrict projection or light rays outward to adjacent properties and also restrict the upward projection of light rays into the night sky. All lighting shall comply with minimum standards and shall not cast more than one-half footcandle at the property line. Any lighting adjacent to residential uses must keep all light from spillover thru shielding, walls and/or landscaping. Photometric drawings, by a certified engineer, shall be provided at time of site plan review and/or permitting and prior to final approval. Such calculations shall certify compliance with this division. Light fixture styles shall be in accordance with the village's street improvement

standards. All on site lighting needs to be designed complementary with the landscape plan and building site plan to provide the minimum standards at maturity without extensive tree trimming and to emphasize areas of pedestrian activity.

(h) *Vertical clearance.* All required and/or provided parking facilities shall have a minimum vertical clearance of seven feet. Where a facility is to be used by trucks and/or buses, the minimum vertical clearance shall be 15 feet. Vertical clearance shall be clearly marked on overhead structures having no less than 16 feet of clearance.

(i) *Ingress vehicular control devices.* Parking ticket dispensers and other ingress vehicular control devices that require a vehicle to stop prior to entering a parking facility shall be located as to provide a minimum approach driveway of 20 feet in length between the base building line and the ticket dispenser. Additional driveway length shall be provided where waiting vehicles would otherwise infringe on any public street, alley, or sidewalk.

(j) *Valet parking.* Valet parking may be permitted, on-site or off-site, to provide parking in excess of minimum parking requirements. For the village to consider approval of valet parking, a plan must be submitted and shall include the location of valet spaces, insurance requirements, staffing, hours of operation, and the traffic circulation pattern indicating all aspects of the valet operation to include drop-off and stacking areas. Tandem parking shall be permitted under a valet parking plan. Robotic parking in an internally enclosed parking garage shall be permitted.

(k) *Maintenance.* All required parking areas shall be maintained in good repair and shall be kept clean and free from trash, weeds, overgrowth, cracked or broken surfaces.

(l) Off-street Parking or loading area shall not be used for the sale, repair, or dismantling of any vehicle or equipment, or for storage of materials or supplies.

(m) Parking or storage of commercial trucks, buses, vans, sign trailers; trailers or semi-trailers for freight, cargo; non-recreational watercraft; motorhomes, construction equipment, semi tractors or trailers or the like shall not be permitted on any portion of parking facilities.

Sec. 30-70.6. Parking setbacks.

(a) The edge of all parking pavement and access roads (not including driveway connections to a street) shall be set back a minimum of 15 feet from the right-of-way of all major streets, and a minimum of ten feet from the right-of-way of all other streets.

(b) Edge of all parking pavements for single family detached residential uses shall be setback a minimum of ~~two~~ three feet from the interior line. Said area shall be pervious area.

(c) The edge of all parking pavements for all other uses shall be setback a minimum of five feet from the interior property line. Said area shall be pervious area.

Sec. 30-70.7. Landscaping.

Parking structures and surface parking lots shall be landscaped in accordance with the provisions of Division 30-100.

Sec. 30-70.8. Amount of parking.

The minimum number of parking spaces to be provided and maintained for each use or occupancy shall be as follows:

(a) *Residential uses:*

(1) *Dwelling, one-family and duplex:* Two parking spaces per dwelling unit, except dwelling units with four or more bedrooms shall provide three spaces. All one car garages shall provide a single parking space, free of obstructions. All two car garages shall provide two parking spaces, free of obstructions. Parking spaces provided within a garage shall not count towards the minimum required spaces.

(2) *Townhouse:* Two parking spaces per townhouse unit. The spaces may be provided on the lot of the townhouse or in a commonly owned and maintained parking facility; provided, that no parking space shall be more than 150 feet, by the most direct pedestrian route, from the door of the townhouse to the parking space it is intended to serve. In addition, one visitor parking space for every four townhouses shall be provided in a convenient, commonly owned facility.

(3) *Zero lot line community:* Two parking spaces shall be provided on each platted lot. In addition, one guest parking space for every four dwelling units shall be provided.

(4) *Dwelling, multi-family:* One space per bedroom with a minimum of two spaces per dwelling unit. Visitor parking spaces shall be provided in an amount of five percent above the amount of all parking spaces required.

(5) Tandem parking is permitted only on individual lots and in the driveways connecting such lots with adjacent roads; provided, said driveways are for the exclusive use of each individual lot. Tandem parking shall be limited to no more than one such tandem parking space for each individual lot.

(6) Individual garages shall not be credited towards the parking requirement.

(b) *Commercial and public uses:* Required parking shall be provided for each use contained within a site as follows:

Spaces Required	Uses	Exceptions/Specifics
One space per 50 gross square feet:	Bar/~~beer gardens~~ Cocktail lounges/lounges/night clubs	

" "	~~Cafeterias~~	
" "	~~Cocktail lounges/lounges/night clubs~~	
" "	Religious facilities, places of worship	For the seating area in the main auditorium, chapel area and places of public assembly including adjacent areas which may be used as part of the auditorium.
One space per 50 gross square feet of patron area:	Restaurants or similar places dispensing food, drink or refreshments	Freestanding restaurant buildings and multi-tenant buildings that exceed more than three (3) restaurants shall provide at least one (1) consumer food delivery service parking space. This provision shall apply to uses established after the enactment of this ordinance.
One space per 100 gross square feet of patron area:	Places of public assembly other than religious facilities/Banquet/bingo/convention/exhibition/union halls, private clubs, lodges, fraternal buildings, places of public assembly other than religious facilities	
One space per 100 gross square feet of classroom area:	Dance, karate, and aerobic schools/health or exercise studios	And office, restaurant and retail areas shall otherwise provide parking as otherwise contained in this division.
One space per 100 gross square feet of seating area	Live performance, movie theaters/general auditoriums	
One space per 200 gross square feet:	Medical, ~~or~~ dental, cosmetic, outpatient, urgent care, non-hospital offices or clinics and medical marijuana facilities	

One space per 250 gross square feet:	Amusement centers / Bowling alleys / Skating Rinks/Community and cultural centers	
" "	~~Art galleries/auction houses~~	
" "	Auto repair shops/services stations/car wash	
" "	~~Auto service stations~~	
" "	~~Banks/financial institutions~~	
" "	~~Bowling alleys~~	
" "	~~Community/cultural centers~~	
" "	Department stores / Shopping centers	
" "	Pharmacies, food or grocery stores, ~~D~~drug, ~~or~~ sundry stores, mini mart, convenience stores	
" "	Funeral homes/mortuaries	
" "	~~General retail stores; food or grocery stores~~	
" "	Home improvement centers, including all storage/sales areas/membership warehouses	
" "	Indoor gun ranges	
" "	Libraries/Museums/Post offices	
" "	~~Museums~~	
" "	Veterinarian offices/animal clinics/animal hospital/~~P~~pet grooming centers	
" "	~~Post offices~~	
" "	~~Self-service gas stations; mini-marts~~	
" "	~~Skating rinks~~	
" "	~~Take-out stores~~	
" "	~~Veterinarian offices/clinics/ hospitals~~	
" "	Vocational/trade schools	
One space per 300 gross square feet:	Business and professional offices, other than medical or dental offices or clinics or medical marijuana facilities	
" "	General retail/commercial stores	
One space per 500 gross square feet:	Adult Day Care, Adult Living Facilities, Community Homes	
" "	~~Carpet and flooring material stores~~	
" "	Printing, reproductions, sign and engraving shops	
" "	Research and testing laboratories	
" "	~~Sign shops~~	
One space per 800 gross square feet:	Storage buildings/warehouses, excluding self-storage.	

One space per 1,000 gross square feet:	Warehouse/ retail combined stores such as furniture, flooring, lighting, kitchen/bath or similar	
Three parking spaces for the first 2,500 square feet:	Auto dealership showrooms/ garages/gas station bay areas and similar uses Customer and employee parking shall be reserved and labeled. Space shall be established and designated on-site for the unloading and loading of vehicle transporters.	And one parking space for each additional 500 square feet of gross floor area, plus three parking spaces for each 5,000 square feet of open lot area. Office and retail parts areas shall provide parking spaces as otherwise contained in this division.
" "	~~Furniture showrooms. Lot area reserved for future parking spaces shall remain unencumbered with any structures and shall be landscaped. This landscaped area shall not be credited toward the minimum required open space. Prior to the issuance of a certificate of use or occupancy for any use other than a furniture store, the property owner must provide the required number of parking spaces for the intended use.~~	~~One parking space for each additional 500 square feet of gross floor area or fractional part thereof.~~ ~~When the use is located within any Business (B) District, the site plan submitted to the department shall illustrate future parking spaces based on a calculation of one parking space for each 250 square feet of gross floor area, which shall be provided in the event the furniture use is discontinued.~~
One space per 5,000 gross square feet	Warehouses; self-storage. Self-service storage facilities shall be defined as fully enclosed spaces used for warehousing which contain	After the first 20,000 square feet, one parking space per

for the first 20,000 square feet	individual storage units with floor area no greater than 400 square feet and an interior height not to exceed 12 feet. No wholesale or retail sales are permitted.	10,000 square feet (or fraction thereof) of building area thereafter; and one parking space for the manager's apartment, where provided. One parking space per 400 square feet of gross office area (or fraction thereof) shall also be provided. In the application of these regulations, a minimum number of five parking spaces shall be provided for any self-service storage facility regardless of size.
Five spaces for the first 5,000 square feet of net lot area:	Open lot commercial uses such as, but not limited to, used car lots, storage yards and recreational vehicle sales lots. Customer and employee parking shall be reserved and labeled	And one parking space for each additional 500 square feet of net lot area used.
~~Three parking spaces for the first 2,500 square feet of gross floor area~~	All commercial uses not identified in this chart or in subsections (c) and (d) below~~.~~ shall be determined by the Director. In reaching the determination, the Director shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other jurisdictions and nationally recognized parking standards (ITE or ULI reports).	~~And one parking space for each and every additional 500 square feet of gross floor area.~~

(c) *Mixed-use districts:* For calculating the minimum number of required parking spaces in mixed-use zoning districts, refer to applicable sections of this code ~~Division 30-50, FT&I and VMU Zoning District Regulations~~. Mixed use districts may apply a shared parking ratio factor as outlined below:

Function	Residential	Lodging	Office	Commercial
Residential	1	1.1	1.4	1.2
Lodging	1.1	1	1.7	1.3
Office	1.4	1.7	1	1.2
Commercial	1.2	1.3	1.2	1

(d) *Other uses:*

~~(1) *Dormitories, fraternities:* One parking space for each bed.~~

(~~2~~1) *Golf course:* Golf courses shall provide three parking spaces per hole, plus three additional spaces and 20% of any associated retail or restaurant use parking calculation.

(~~3~~2) *Hospitals:* One parking space for each of the first 300 beds, one additional parking space for every two additional beds thereafter for patients contained in the building, plus one parking space for each three employees and resident staff members.

(43) *Hotels and motels, including clubs:* One parking space per hotel unit for the first 40 hotel units, thereafter one parking space for every two hotel units or suites. In addition to hotel units, other uses operated in conjunction with and/or as part of the hotel/motel shall provide additional parking spaces for other uses as would be required for that use. Public meeting rooms in hotels shall be further controlled as to parking and restaurant parking standards for meeting rooms that do not contain permanent seats. In addition, one parking space shall be provided for every four employees.

~~(5) *Marina, live-aboard:* Live-aboard marinas shall provide one parking space per boat slip.~~

(~~6~~4) *Marina, non-live-aboard:* Non-live-aboard marinas shall be provided one parking space for every two boat slips.

~~(7) *Open lot recreational uses:* One parking space for every four persons on the premises at any given time.~~

(~~8~~5) *Outdoor recreational courts:*

Basketball: Five spaces per court.

Volleyball: Five spaces per court.

Tennis: Two spaces per court.

Racquetball: Two spaces per court.

Soccer and other similar athletic fields: Ten spaces per field.

(~~9~~6) *Plant nurseries:* Plant nurseries shall provide eight parking spaces for the first acre and one parking space for each two acres thereafter up to ten acres. One additional parking space shall be provided for every five acres.

~~(10) *Rack storage; boats:* Boats stored in racks shall provide one parking space for every three boat racks.~~

(~~11~~7) *Sanitariums, convalescent homes, home-for the aged and similar institutions:* One parking space for every two beds for patients contained in such buildings, plus one parking space for every two employees.

(~~12~~8) *Schools.*

a. *Public and Private Schools:* Minimum of 1 parking space for each faculty or staff member, 1 visitor parking space per 100 students, 1 parking space per 5 students in grades 11 and 12 or College/University campuses. ~~*Day nurseries, kindergarten and elementary schools:* Total parking spaces shall equal the combined total of personnel and transportation vehicles.~~

b. ~~*Middle schools:* Total parking spaces shall equal one and one-quarter times the combined total of personnel and transportation vehicles.~~ Non-campus schools, colleges, universities, higher educational facilities online or in person shall be as a "public assembly places".

c. ~~*High schools, trade schools and colleges:* One parking space per 200 square feet of classroom area, including laboratories, libraries and administrative areas. Housing facilities on college campuses must provide parking of two spaces for every three sleeping rooms. Other such uses, such as restaurants, auditoriums, and theaters shall provide parking as required in this division. In addition, one parking space shall be required for every four employees, excluding teachers.~~ *Childcare Facilities:* Minimum of 1 space for the owner/operator and 1 space for each employee, and 1 drop-off space for every 10 clients cared for.

d. ~~In connection with the school use, p~~Parking required for religious facilities use may be credited toward parking requirements for school use, where the religious facility use is operated under the same ownership and on the same property as the educational use.

e. The applicant shall submit information substantiating the personnel and vehicle figures used for computing parking requirements.

f. Sufficient drop-off and pick-up lanes shall be provided so not to interfere with the flow of traffic along the right-of-way. A traffic study may be required at the discretion of the Public Services Director.

(~~139~~) *Stadiums, gymnasiums:* Stadiums, ~~and basketball~~ gymnasiums, natatoriums, arenas, amphitheaters shall provide one parking space for every four seats.

Sec. 30-70.9. Handicapped spaces.

(a) Parking spaces for handicapped and/or disabled persons shall be provided in accordance with F.S. ch. 553, part V, as amended from time to time, shall comply with the requirements of the *Florida Building Code*~~, and be provided as follows~~:

~~Total Parking Spaces in Lot~~	~~Required Number of Designated Handicapped Parking Spaces~~
~~Up to 500~~	~~One for every 25 parking spaces~~
~~501 to 1,000~~	~~Two percent of all required spaces~~
~~Over 1,000~~	~~Twenty spaces plus one percent of all required spaces~~

(b) *Size.* Where parking spaces for the handicapped are to be provided, each space shall be a minimum of 18 feet in length and 12 feet in width.

(c) *Signage and ~~p~~marking.* All parking spaces designated for handicapped parking shall be ~~prominently outlined~~ marked with painted or thermoplastic blue double line 4" striping on each side of the space to identify and facilitate their use ~~with blue stripes~~. Access aisles shall be striped diagonally with white stripes. Spaces shall be posted with an approved permanent above-ground sign which shall state "Parking by Disabled Permit Only" and shall bear the international accessibility symbol. The center of the sign must be at least five feet above grade when attached to a building or seven feet above grade for a detached sign. An international accessibility symbol shall be painted on the ground with blue paint or thermoplastic stencil.





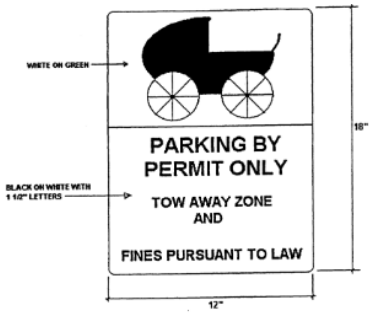
Sec. 30-70.10. Child and baby stroller spaces.

(a) *Parking spaces specifically designed for persons transporting young children under the age of three and strollers, shall be required for all uses other than single family, duplex, townhouse, or multi-family sites.* Child and baby stroller parking spaces shall be provided as follows:

Total Parking Spaces in Lot	Required Number of Stroller Spaces
Up to 100	0
101 to 500	2
501 to 1,000	3
Over 1,000	One additional space for each 500 parking spaces over 1,000

(b) *Location of parking spaces.* Such spaces shall be located as closely as possible to parking spaces designated for ~~the physically handicapped and/or~~ disabled persons; provided, however, parking spaces designated for the physically handicapped and/or disabled persons shall take precedence. Where no parking spaces designated for the physically handicapped and/or disabled persons have been provided, parking spaces for persons transporting young children and strollers shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

(c) *Signage and marking.* All parking spaces for persons transporting young children and strollers shall be prominently outlined with green paint on a white background and posted with an approved permanent above-ground sign which shall state: "Baby Stroller Parking." The center of the sign must be at least five feet above grade when attached to a building or seven feet above grade for a detached sign. A child baby stroller parking symbol shall be painted on the ground with white paint or thermoplastic stencil.





(d) In no event shall the number of parking spaces for the ~~physically handicapped and/or~~ disabled persons be reduced below the quantity required by the *Florida Building Code.*

Sec. 30-70.11. Bicycle parking.

(a) *Bicycle parking shall be required for all commercial and mixed uses with parking lots.* Bicycle parking shall be provided by means of bicycle racks.

(b) *Bicycle parking spaces shall be provided as follows:*

Total Parking Spaces in Lot	Required Number of Bicycle Parking Spaces*
0 to 25	2

25 to 50	4
51 to 100 **	8
101 to ~~500~~ 250**	12
~~501 to 1,000~~ 250 to 500**	~~16~~ 20
Over ~~1,000~~ 500**	~~4 additional spaces for every 500 parking spaces over 1,000~~ 4 spaces for every 250 parking spaces above 500.

* Educational and Recreational uses are required to provide 2x the standard bicycle parking calculations.

** Bicycle Parking for high parking usage sites shall be provided at multiple locations near multiple entries or athletic fields/ gathering places to be most convenient for users.

(c) *Other uses.* All other uses, other than single family, duplex or townhouse which are exempt, shall provide racks where the total number of parking spaces in a lot exceeds ~~100~~ 50 spaces.

(d) *Location and design of bicycle parking spaces; requirements:*

(1) The bicycle parking spaces shall be located near the entrances to buildings and be covered from natural elements, when feasible.

(2) At commercial and mixed use buildings that have multiple parking lots, the bicycle parking spaces shall be installed near the entrances to the buildings served by the lots.

(3) The bicycle parking spaces shall be in a highly visible, well lighted location that provides enough clear space to facilitate easy use and does not impede pedestrian traffic or handicapped accessibility.

(4) The bicycle parking spaces may not be placed in the public right-of-way.

(5) The design of the bicycle rack should permit the locking of the frame and at least one wheel with a standard size "U" lock and accommodate the typical range of bicycle sizes.

(6) The bicycle rack must resist removal, resist rust, corrosion and vandalism, and must be properly maintained.

(7) ~~In the FT&I zoning district, the bicycle rack style shall comply with the design standards.~~ A standard bicycle rack is assumed to hold two (2) bicycles.

(e) *Application to existing uses.* All property owners of existing establishments that are required by this division to provide bicycle parking spaces shall comply within 18 months from the effective date of this division and shall be responsible to maintain such facilities. Existing multi-family uses are exempt from this subsection.

Sec. 30-70.12. Calculating required parking spaces.

(a) *Uses not specifically mentioned.* The requirements for parking for any unspecified uses in this division shall be determined by the community and economic development director. It is the intent to require all uses, except agricultural, to provide parking.

(b) *Fractional spaces.* When units or measurements determining number of required parking spaces result in requirement of fractional space, any such fraction equal to or greater than one-half shall require a full parking space.

(c) *Mixed uses.* In the case of mixed uses, the total requirements for parking shall be the sum of the requirements of the various uses computed separately, and parking spaces for one use shall not be considered as providing the required parking for any other use. In some mixed-use districts shared parking is allowed. For calculating required parking in mixed-used zoning districts, refer to applicable sections of this code ~~Division 30-50, FT&I and VMU Zoning District Regulations~~.

Sec. 30-70.13. Use of permitted facilities.

(a) *Permitted use.* Parking spaces approved in accordance with this division may be used for the intermittent parking of licensed motor vehicles of employees, occupants, owners, tenants or customers utilizing the building or use served by said required parking spaces. Required parking spaces shall be non exclusive. Supplemental parking (parking facilities provided but not required) may be used for any purpose related to the use of the building it serves.

(b) *Limitations on use of required parking facilities.* The following uses and activities shall not be permitted in required parking facilities:

(1) Storage, solicitation or repair of any vehicle, trailer, watercraft, equipment or merchandise.

(2) In commercial zoning districts, sale of any vehicle, equipment or merchandise without issuance of a special event permit.

(3) Storage or parking of any vehicle intended for use as a portable sign used to advertise a place of business or activity as viewed from a public right-of-way. This shall not be interpreted to prohibit identification of commercial vehicles, provided such vehicles are operational, and are moved and used daily for delivery or service purposes.

(4) Parking or storage of any vehicle, which, due to its size, shape, contents or location creates an obstruction or public safety hazard, visual obstruction from a place of residence or which cannot be contained within a single designated parking space.

(c) *Vehicles shall be required to park on paved or stabilized alternative parking surfaces.* Parking shall be prohibited within setback areas, open space, landscaped or ~~in all other~~ required yard areas.

(d) Parking structures and parking garages are permitted. All parking structures and parking garages shall be above grade. Subterranean parking is prohibited.

Sec. 30-70.14. Parking or storage of commercial vehicles in residential or agricultural zones.

(a) In residential or agricultural zones commercial vehicles may be parked or stored as provided herein. Commercial vehicles (Categories 1, 2, and 3) are defined in Division 30-40.

(b) Parking or storage of certain commercial vehicles is allowed on private property as follows:

(1) In agricultural zoned areas ~~(AU)~~ where a bona fide agricultural use, as defined in Division 30-50, exists on private property, parking or storage of commercial vehicles in association with the onsite use and used for agricultural purposes or in the transport of agricultural products is allowed as otherwise provided in this division.

(2) In residentially zoned districts, no more than two Category 1 vehicles may be parked or stored at each residence.

(3) In residentially zoned districts, no more than one Category 2 vehicle may be parked or stored provided that it is kept within an enclosed garage or behind the front building line within a completely enclosed, opaque fence, screening wall or landscaping six feet in height at least ten feet from the rear property line. If a Category 2 vehicle is parked or stored as required under this subsection, then only one Category 1 vehicle may also be stored or parked at that residence.

(4) For residential properties of four or more units, the parking or storage allowances provided for in this section shall be applied as to each unit.

(5) Parking or storage of Category 3 vehicles is prohibited in all residentially zoned districts.

(6) The temporary parking of a Category 2 or 3 vehicle in front of the building line or in front of the buffer screen shall only be permitted for the purpose of loading or unloading of materials or persons engaged in providing a commercial service at the premises, or for the purpose of the driver to make a temporary convenience stop at the residence. However, a temporary or convenience stop shall be limited to no more than one hour in any 24-hour period.

(c) Parking of Category 2 or 3 commercial vehicles on the right-of-way is prohibited in residential zones unless actively engaged in the loading or unloading of materials or persons engaged in providing a commercial service.

(d) Violations of these provisions are punishable as follows:

(1) Any violation of this section is punishable by a civil fine of $250.00 for a first offense and $500.00 for a repeat violation. Upon a repeat violation of this section, in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage or immobilization, the vehicle may be disposed of pursuant to the provisions contained in F.S. § 713.585. Any enforcement officer is hereby authorized to secure the assistance of the Village of Palmetto Bay Police Department to effect enforcement of these provisions.

(2) Whoever opposes, obstructs or resists an enforcement officer in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.

Sec. 30-70.15. Loading.

(a) *General provisions.* Adequate space for loading and unloading of materials, goods or things, and for delivery and shipping, shall be provided and maintained on the same plot as the building which it serves. Where any structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this section, the full amount of loading spaces shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land or any part thereof is changed to a use requiring a loading space, such space shall be supplied and maintained to comply with this section.

(b) *Specifications.* For the purposes of this section, a loading space shall be an area at the grade level at least 12 feet wide by 35 feet long with a 14-foot vertical clearance. Each loading space shall be directly accessible from a street or alley without crossing or entering any other required loading space, and shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall also be accessible from the interior of any building it is intended to serve.

(c) *Minimum conditions.* The following minimum conditions shall apply; additional conditions may be imposed as part of a conditional use or final site plan approval. Required loading spaces shall not be located in the required front yard. Loading spaces shall be located in such a manner to not create a disruption to the adjacent right-of-way. Loading spaces shall be provided and maintained in accordance with the following:

(1) For every building or building group or part having twenty (20) or more residential units or a gross floor area of 10,000 square feet or more, which is to be occupied by commercial uses or other uses similarly requiring the receipt of distribution by vehicles of material or merchandise, loading or unloading spaces shall be provided and maintained on the same lot with such building, as follows. Loading spaces and related loading facilities shall be provided as indicated below by gross building square feet:

Gross Building Square Feet	Number of Spaces		Residential Units	Number of Spaces
10,000 to 25,000	One space		20 Units	One space
25,000 to 50,000	Two spaces		20-40 Units	Two spaces
50,000 to 75,000	Three spaces		40-60 Units	Three spaces
For each additional 50,000	One space		20 Units	One space

(4) No area or facilities supplied to meet the required parking facilities for a use shall be used to meet the requirements of this division for loading facilities.

(5) Nothing in this section shall prevent the collective, joint or combined provision of loading facilities for two or more buildings or uses, provided that such loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and arranged as to be usable thereby.

Sec. 30-70.16. Drive-through service.

(a) *Generally.* Businesses that provide a drive-through service are required to provide drive-through service lane(s) to accommodate vehicular stacking as separate and distinct lanes from the circulation lanes necessary for entering or exiting the property. Each drive-through lane shall be separated from other on-site lanes. Each drive-through lane shall be curbed, striped, marked or otherwise distinctly delineated. A separate and distinct escape lane shall be provided. A lane necessary for site circulation, a public street or an alley shall not be counted as an escape lane. Drive-through lanes and escape lanes shall not conflict, or otherwise hamper access to or from any parking space. Pedestrian walkways shall be clearly separated from drive-through lanes.

(b) *Specifications.* A stacking space in a drive-through service lane shall be a minimum length of 22 feet and a minimum width of ten feet, exclusive of additional length or width required for necessary turning and maneuvering. Inbound stacking requirements shall be counted from the first stopping point. Outbound stacking requirements shall be counted from the last stopping point.

(c) *Quantity.* Stacking spaces necessary for the provision of drive-through lanes shall be determined for each service position according to the following table:

Type of Use	Inbound to Service Position	Outbound from Service Position
Car wash; attendant or semi-automatic	Five spaces	Three spaces
Car wash; detailing or hand wash	One space	One space ~~plus five parking spaces~~
Car wash; automatic	Three spaces	One space
Financial institution	Four spaces	One space
Food or beverage	Six spaces	One space
Gatehouse	Five spaces	One space
Other: dry cleaner, laundry, pharmacy	Three spaces	One space

Sec. 30-70.17. Sustainability Standards.

(a) Electric Vehicles

1. 20% of all newly constructed or renovated parking spaces must be electric vehicle supply equipment (EVSE) ready space. This shall mean a parking space with full circuity installed in accordance with the Florida Building Code and ready for a Level 2 charger to be connected capable. In no case will this be less than one (1) required space and the calculated number shall always be rounded up for any fraction of a space.

2. 5% of all newly constructed or renovated parking spaces must be designated as EV spaces with a Class II electric vehicle charger installed and signage both vertical and marking on the pavement denoting the parking spaces. Signage shall be in accordance with Miami-Dade County standards.





(b) Low Impact Development (LID) practices for parking areas. New buildings and redevelopment sites shall implement the following low impact development (LID) practices into project design, site and building plans.

1. Goals and Practices of low impact development on parking facilities):

   a. Identify and preserve sensitive areas that affect site hydrology.

   b. Evaluate potential site development options to reduce, minimize and disconnect total impervious area.

   c. Employ integrated management practices (IMPs) to allow for distributed control of stormwater throughout entire site.

   d. First minimize and then mitigate the hydrologic impacts of land use activities at or close to the source of generation.

   e. Integrate stormwater controls into multifunctional landscape features such as bioretention cells where runoff can be micromanaged and controlled at the source.

   f. Limit clearing and grade selectively to minimize hydrologic impacts on existing site land cover.

   g. Use site drainage and hydrology as a design element.

   h. Modify and increase drainage flow path.

   i. Ensure the water quality and quantity requirements are met, per LID standards and the SFWMD ERP Applicant's Handbook Volume II.

   j. Ensure the post-development annual runoff volume does not exceed the pre-development runoff volume, per SFWMD ERP Applicant's Handbook Volume II.

k. Implement erosion and sediment control best management practices during and after construction.

2. The following non-structural LID practices shall be implemented to the maximum extent practical:

   a. Prioritize placement of impervious surfaces on clays (if any) and disturbed soils, and placement of infiltration-requiring LID features on highly permeable soils.

   b. Retention of existing native vegetation and introduction of native vegetation appropriate to existing site conditions.

   c. Conservation of existing native tree canopy.

   d. Open space design and conservation.

   e. Maximize use of open swale systems.

   f. Maximize overland sheet flow.

   g. Avoid total site clearing.

   h. Minimization of total impervious areas.

   i. Reduction of directly connected impervious areas.

   j. Direct the site drainage to stabilized vegetated areas.

   k. Design site layout to break-up flow directions from large, paved surfaces.

   l. Design roof drains to drain to vegetated areas.

   m. Locate impervious areas so that they drain to permeable areas.

3. A minimum of two structural LID practices from the following list shall be implemented, where one meets the water quantity requirement and the other meets the water quality requirement, per the SFWMD ERP Applicant's Handbook Volume II.

   a. Bioretention basins or rain gardens.

   b. Tree box filters or infiltration planters.

   c. Vegetated swales.

   d. Filter strips or vegetated buffers.

   e. Infiltration trenches.

   f. Exfiltration trenches or french drains.

   g. Permeable pavement.

   h. Retention pond.

   i. Detention pond.

   j. Wet detention or retention pond with aquatic vegetation.

   k. Parking stormwater chambers.

4. Solar reflectance and shading

    a. Shade from trees within ten (10) years of occupancy (calculated as 1/2 of maturity).

    b. Parking spaces under cover (defined as underground, under deck, under roof, under building, under solar panels or another structure. Any roof used to shade or cover parking must have a Solar Reflectance of at least 0.30.

    c. Pervious Pavement System must have a Solar Reflectance of at least 0.20.

    d. Any remaining paved surfaces must have a minimum solar reflectance of 0.20 as when (i) tested in accordance with ASTM E903 or ASTM E1918, (ii) tested with a portable reflectometer at near ambient conditions, or (iii) default values of Solar Reflectance for listed materials may be used as follows:

Material	Solar Reflectance
Typical new gray concrete	0.35
Typical weathered gray concrete	0.20
Typical new white concrete	0.40
Typical weathered white concrete	0.40
New asphalt	0.05
Weathered asphalt	0.10