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, FEBRUARY 27, 2023 – 7:00 PM

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

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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. Public Notice

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

3. **APPROVAL OF MINUTES**

   A. Zoning Hearing (December 12, 2022)

4. **MAJOR PROJECTS UPDATE**

5. PUBLIC HEARING ITEMS

A. **Applicant:** Robin P. Forbes
Location: 7255 SW 167 Street, Palmetto Bay, Florida 33157
Property Folio: 33-5026-003-0061
Application: V-23-002
Request: Setback variance for a residential addition setback variance waiving the required interior side setback of fifteen feet to allow a setback of five feet eight 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 AN INTERIOR SIDE SETBACK VARIANCE REQUEST FOR ROBIN P. FORBES AT 7255 SW 167 STREET, TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL ADDITION WITHIN THE INTERIOR SIDE SETBACK OF A PARCEL ZONED ESTATE MODIFIED (E-M); AND PROVIDING AN EFFECTIVE DATE.

B. **Applicant:** Michael W. Sontag, Inc.
Location: 8950 SW 152 Street, Palmetto Bay, Florida 33157
Property Folio: 33-5028-000-0080
Application: V-23-003
Request: Variance to allow a freestanding monument sign
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, DIVISION 30-90., SIGN REGULATIONS, AND SECTION 30-50.15., R-5, OFFICE DISTRICT, AUTHORIZING A VARIANCE REQUEST FOR MICHAEL W. SONTAG, INC. AT 8950 SW 152 Street, TO PERMIT A FREESTANDING MONUMENT SIGN At A PARCEL ZONED R-5, OFFICE DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

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 30-30 "DEVELOPMENT APPROVAL PROCEDURES" SECTION 30-30.1, "GENERAL APPLICATION REQUIREMENTS", SECTION 30-30.3, "ADMINISTRATIVE DEVELOPMENT APPROVALS", SECTION 30-30.5 "SITE PLAN APPROVAL"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. ***(Second Reading)***

D. **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, 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. ***(First Reading)***

E. **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. ***(First 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.

AGENDA ITEM NO. 1.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE:	February 27, 2023
SUBMITTED BY:	Missy Arocha, Village Clerk's Office
ITEM TYPE:	Report
AGENDA SECTION:	**CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:**
SUBJECT:	Public Notice
SUGGESTED ACTION:	

ATTACHMENTS:
Public Notice-Zoning Hearing (February 27, 2023)

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, February 27, 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:

Applicant:	ROBIN P. FORBES
Location:	7255 SW 167 STREET, PALMETTO BAY, FLORIDA 33157
Property Folio:	33-5026-003-0061
Application:	V-23-002
Request:	SETBACK VARIANCE FOR A RESIDENTIAL ADDITION SETBACK VARIANCE FOR A RESIDENTIAL ADDITION WAIVING THE REQUIRED INTERIOR SIDE SETBACK OF FIFTEEN FEET TO ALLOW A SETBACK OF FIVE FEET EIGHT 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 AN INTERIOR SIDE SETBACK VARIANCE REQUEST FOR ROBIN P. FORBES AT 7255 SW 167 STREET, TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL ADDITION WITHIN THE INTERIOR SIDE SETBACK OF A PARCEL ZONED ESTATE MODIFIED (E-M); AND PROVIDING AN EFFECTIVE DATE.

Item 2: The following Resolution requiring a public hearing is being considered pursuant to the Village's Land Development Code:

Applicant:	MICHAEL W. SONTAG, INC.
Location:	8950 SW 152 STREET, PALMETTO BAY, FLORIDA 33157
Property Folio:	33-5028-000-0080
Application:	V-23-003
Request:	VARIANCE TO ALLOW A FREESTANDING MONUMENT SIGN
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, DIVISION 30-90., SIGN REGULATIONS, AND SECTION 30-50.15., R-5, OFFICE DISTRICT, AUTHORIZING A VARIANCE REQUEST FOR MICHAEL W. SONTAG, INC. AT 8950 SW 152 STREET, TO PERMIT A FREESTANDING MONUMENT SIGN AT A PARCEL ZONED R-5, OFFICE DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

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 30-30 "DEVELOPMENT APPROVAL PROCEDURES" SECTION 30-30.1, "GENERAL APPLICATION REQUIREMENTS", SECTION 30-30.3, "ADMINISTRATIVE DEVELOPMENT APPROVALS", SECTION 30-30.5 "SITE PLAN APPROVAL"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Passed on First Reading on January 23, 2023 – Zoning Hearing)*

Item 4: The following Ordinance is being considered pursuant to the Village's Land Development Code on ***First 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 30-50 "PARKING AND LOADING STANDARDS"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Continued from January 23, 2023 – Zoning Hearing)*

Item 5: The following Ordinance is being considered pursuant to the Village's Land Development Code on ***First 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.

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: February 27, 2023

SUBMITTED BY: Missy Arocha, Village Clerk's Office

ITEM TYPE: Minutes

AGENDA SECTION: **APPROVAL OF MINUTES**

SUBJECT: Zoning Hearing (December 12, 2022)

SUGGESTED ACTION:

ATTACHMENTS:
2022-12-12-Zoning-Minutes-FINAL

MINUTES
ZONING HEARING
MONDAY, DECEMBER 12, 2022 – 7:00 PM
VILLAGE HALL COUNCIL CHAMBERS
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157

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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 7:01 PM.

The following members of the Village Council were present during roll call:
Mayor Karyn Cunningham
Vice Mayor Leanne Tellam
Councilmember Patrick Fiore
Councilmember Steve Cody
Councilmember Marsha Matson

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

Councilmember Patrick Fiore led the invocation.

Councilmember 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 for their merits and the Policing Unit for protecting the constituents of the community.

3. MAJOR PROJECTS UPDATE

Community and Economic Development Director Heidi Siegel illustrated a Powerpoint Presentation on the Village's major projects status report dated December 12, 2022. The presentation showed data on the applications received in November 2022, 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.

Manager Nick Marano provided an update on the Parkview application regarding the no right turn prohibition from their parking garage.

4. PUBLIC HEARING ITEMS:

Item 1: 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 30-30 "DEVELOPMENT APPROVAL PROCEDURES" SECTION 30-30.1, "GENERAL APPLICATION REQUIREMENTS", SECTION 30-30.3, "ADMINISTRATIVE DEVELOPMENT APPROVALS", SECTION 30-30.5 "SITE PLAN APPROVAL"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Item 1 was moved by Councilmember Steve Cody. Seconded by Vice Mayor Leanne Tellam.

Clerk Missy Arocha swore the witnesses that wished to testify for all the public hearing items on the agenda.

Clerk Missy Arocha read the Ordinance by title/caption.

No public comments were submitted by form.

The following persons addressed the Village Council in-person during the public hearing:

- Jerry Proctor, Esq. (7600 Red Road) - spoke in opposition to the Ordinance in its form

Community and Economic Development Director Heidi Siegel illustrated a Powerpoint Presentation on the Old Cutler Neighborhood Commercial District. The presentation illustrated background information on the project as well as an overview of the B-2 dimensional regularions, extising area images, community outeach performed on the initiative, proposed-permitted uses, proposed-conditional uses, proposed-prohibited uses, applicability of proposed Ordinance, proposed-site development standards, images of proposed-building design standards, proposed-landscape standards, proposed-bike/ped/resiliency standards, proposed-green building and green design requirements, proposed-signage, proposed-site standards, proposed-Ordinance Zoning Map Amendment, proposed-Ordinance-Amending Section 30-50, and next steps.

Following Director Siegel's presentation, Councilmember Steve Cody questioned if the Ordinance was properly advertised.

Attorney John Dellagloria responded that the Ordinance that passed previously styled itself as the Council sitting as the Local Planning Agency. He explained that unless an urgent need existed to pass the Ordinance on Second Reading, he recommended passing the Ordinance on the record as a First Reading with the Second Reading in January 2023.

Councilmember Steve Cody questioned if the recommendation proffered by the Village Attorney would have any effect in the validity in the Ordinance passed on First Reading, since it was advertised on Second Reading.

Attorney John Dellagloria responded no.

Councilmember Patrick Fiore and Vice Mayor Leanne Tellam spoke in support of the recommendation made by the Village Attorney.

Councilmember Marsha Matson questioned if the caption of the Ordinance be changed

Attorney John Dellagloria responded yes and recommended that the following language be removed from the Ordinace title: sitting as the local planning agency.

Councilmember Steve Cody **motioned** to amend the Ordinance by removing the following words from the caption/title. **Seconded** by Councilmember Patrick Fiore. **All voted in favor of the amendment (5-0). The motion passed unanimously.**

Councilmember Marsha Matson **motioned** to amend page 6 of 8, line 6, the section titled, “meeting documentation”, to add the following language after the last sentence on line 13: The written summary shall be placed on the Village website and Village media when it is received by the Village. Vice Mayor Leanne Tellam **seconded** the motion. **All voted in favor of the amendment (5-0). The motion passed unanimously.**

Councilmember Marsha Matson **motioned** to amend page 7 of 8, line 15, the section titled, “site plan approval”, to add the following language after the word multifamily on line 15: residential to mixed-use, and commercial to mixed-use. Councilmember Patrick Fiore **seconded** the motion.

Vice Mayor Leanne Tellam questioned if the categories in the Ordinance are sufficient

Director Heidi Siegel responded that the categories in the Ordinance are determined by the Director and states on the listing, that it is including but not limited to.

The question was called in favor of the motion made by Councilmember Marsha Matson via a roll call vote.

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

The motion failed (2-3).

Vice Mayor Leanne Tellam **motioned** to amend the Ordinance being heard on First Reading, not Second Reading. Councilmember Steve Cody **seconded** the motion. **All voted in favor of the motion (5-0). The motion passed unanimously.**

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

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

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

Item 2: The following Ordinance is being considered pursuant to the Village's Land Development Code on ***First 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, STYLED "ZONING," AT ARTICLE II, "VILLAGE OF PALMETTO BAY, FLORIDA - LAND DEVELOPMENT CODE; AMENDING DIVISION 30-40, "DEFINITIONS" AND DIVISION 30-50 "ZONING DISTRICTS" TO CREATE AND ADD SECTION 30-50.24. "OC, OLD CUTLER NEIGHBORHOOD COMMERCIAL DISTRICT"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Item 2 was moved by Councilmember Patrick Fiore. Seconded by Vice Mayor Leanne Tellam.

Clerk Missy Arocha read the Ordinance by title/caption.

No public comments were submitted by form.

The following persons addressed the Village Council in-person during the public hearing:

- Mark Merwitzer (14730 SW 75th Avenue) – spoke in opposition to the Ordinance in its form
- Jerry Proctor, Esq. (7600 Red Road) – spoke in opposition to the Ordinance in its form
- Rob Forbes (7255 SW 167th Street) – spoke in opposition to the Ordinance in its form
- Mary Hammel (16950 SW 98th Avenue) – spoke in oppoisition to the Ordinance in its form

Community and Economic Development Director Heidi Siegel illustrated a Powerpoint Presentation on the Old Cutler Neighborhood Commercial District. She explained that the presentation covered items 2, 3, and 4 of the agenda. The presentation illustrated an overview and background information on the proposed Ordinance, community outeach performed on the initiative, participant feedback, proposed-permitted uses, proposed-conditional uses and prohibited uses, applicablity of proposed Ordinance, proposed-site development standards, proposed-building design standards, proposed-landscape standards, proposed-bike/pedestrian/residiency standards, proposed-green building and green design requirements, proposed-signage and site standards, proposed ordinance-zoning map amendment, and the next steps.

Following Director Siegel's presentation, she answered questions raised by the Council.

Vice Mayor Leanne Tellam **motioned** to amend page 11 of 22, line 5 to add the following language after the word Street, shall be limited to residential traffic except in emergency situations. Councilmember Patrick Fiore **seconded** the motion.

Councilmember Marsha Matson spoke opposed to the amendment made by Vice Mayor Leanne Tellam.

Director Siegel proffered the following recommendation to page 11 of 22, line 5: Ingress and egress along SW 167 Street shall be limited to only emergency services.

Vice Mayor Leanne Tellam **withdrew her motion and amended** to incorporate Director Siegel's amendment into the Ordinance. Councilmember Patrick Fiore **seconded** the motion. **All voted in favor of the motion (5-0). The motion passed unanimously.**

Councilmember Marsha Matson **motioned** to amend page 7 of 22, line 29, moving that prohibited uses include any user operation that produces outdoor smoke or noxious orders that is closer than 300 feet from any residentially zone property. **The motion failed for a lack of a second.**

Vice Mayor Leanne Tellam read the definition of Chapter 509 of the Florida Statutues that includes the inclusion of a bed and breakfast inn.

Director Siegel responded that the definition of a bed and breakfast was added to the code – not a hotel.

COUNCIL COMMENTS:
Councilmember Marsha Matson thanked Director Siegel and Resiliency Coordinator Candelabria and spoke in support of the landscaping and resiliency standards incorporated into the Ordinance and announced that the proposed Ordinance. She also reported that the proposed Ordinance does allow for a four story structure, a parking garage, and a mixed-use building.

Councilmember Patrick Fiore spoke in support of the Ordinance and encouraged more green space to the area.

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

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

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

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

Applicant: VILLAGE OF PALMETTO BAY
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 OF CERTAIN PARCELS FROM "B-2, BUSINESS DISTRICT" AND "R-5, OFFICE DISTRICT" TO "OC, OLD CUTLER NEIGHBORHOOD COMMERCIAL DISTRICT" AS PER ATTACHMENT "A"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

Item 3 was moved by Councilmember Steve Cody. Seconded by Councilmember Patrick Fiore.

Clerk Missy Arocha read the Ordinance by title/caption.

No public comments were submitted by form.

The following persons addressed the Village Council in-person during the public hearing:

- Mark Merwitzer (14730 SW 75th Avenue) – spoke in opposition to the Ordinance in its form

Community and Economic Development Director Heidi Siegel explained that the proposed Ordinance conforms to changing the colors on the zoning map to correspond with the Ordinance previously passed on First Reading.

Councilmember Marsha Matson questioned what was on the property facing on SW 167th Street and if it was vacant.

Director Siegel responded that the property is vacant and that the smallest property in the district is 2,500 square feet.

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

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

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

Item 4: The following Ordinance is being considered pursuant to the Village's Land Development Code on ***First 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 30-50 "ZONING DISTRICTS" SECTION 30-50.1, "DISTRICTS AND GENERAL PROVISIONS"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Item 4 was moved by Councilmember Patrick Fiore. Seconded by Councilmember Steve Cody,

Clerk Missy Arocha read the Ordinance by title/caption.

No public comments were submitted by form.

No one wished to speak in support or in opposition to the Ordinance on First Reading.

There were no council questions or council comments held.

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

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

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

Item 5: The following Resolution is being considered pursuant to the Village's Land Development Code:

Applicant: AJ/DJ INVESTMENTS, LLC
Location: SW 168TH ST, WEST OF SW 90TH AVE
Property Folio: 33-5033-000-0110, 33-5033-000-0020
Application: VPB-22-005
Request: APPROVAL OF 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 SOUTH OF SW 168TH STREET AND WEST OF SW 90TH AVENUE, AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A, CREATING THE PLAT OF SEVEN PARCELS OF PLAN, FURTHER DEDICATING LAND FOR USE AS PUBLIC RIGHT-OF-WAY, AND PROVIDING AN EFFECTIVE DATE.

Item 5 was moved by Councilmember Patrick Fiore. Seconded by Vice Mayor Leanne Tellam.

Clerk Missy Arocha read the Ordinance by title/caption.

Clerk Missy Arocha announced that one public comment was submitted by form. All public comment forms are attached as “Exhibit A”.

The Village Council provided their ex-parte disclosures/communications.

The following persons addressed the Village Council in-person during the public hearing:

- Mark Merwitzer (14730 SW 75th Avenue) – spoke in opposition to Resolution
- Brian Bishop (17145 SW 90th Avenue) – urged the Council to facilite pausing the Resolution and announced that there isn’t enough information to the public regarding the development of the project
- Mary Hammel (16950 SW 98th Avenue) – spoke in oppoistion to the Resolution
- Angel Lopz (E.R. Brownell & Associates, 4957 SW 74th Court) Planner and Surveyor of the tentative plat – he announced that the subdivision has designed to have access to SW 90th Avenue with the same density and amount of lots

Community and Economic Development Director Heidi Siegel illustrated a Powerpoint Presentation on the approval of the tentative plat. The presentation illustrated the applicant’s request, including background information on the tentative plat, comparison of the tentative plats, proposed tentative plat, anaylysis of the seven lots, and staff recommendation. Director Siegel explained that staff recommends approval.

Following Director Siegel’s presentation, Councilmember Marsha Matson questioned the Development Application Review Committee (DARC), what does the committee do and how does it operate.

Director Siegel responded that the DARC exist in other municipalities and are made up of zoning and building public servants and each member looks at it for its speciality with the intention of looking into any internal Village issues that might arise in time for building permits, later down the road. She explained that DARC confirmed that all of the lots met the required zoning requirements, i.e., no right of way issues.

Councilmember Patrick Fiore spoke in support of the approval of the tentative plat and announced that the approval was originally 11 lots and now the proposal is for seven lots.

Councilmember Patrick Fiore spoke in support of the approval of the tentative plat.

Vice Mayor Leanne Tellam spoke in support of the approval of the tentative plat.

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

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

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

Item 6: The following Resolution is being considered pursuant to the Village's Land Development Code:

Applicant: SOUTH MOTOR COMPANY OF DADE CO
Location: NORTH OF SW 160 STREET AND SW 164 STREET AND EAST OF SOUTH DIXIE HIGHWAY AND WEST OF SW 92 AVENUE
Property Folio: 33-5028-002-0030
Application: VPB-22-007
Request: APPROVAL OF 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 NORTH OF SW 160 STREET AND SW 164 STREET AND EAST OF SOUTH DIXIE HIGHWAY AND WEST OF SW 92 AVENUE, AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT A, CREATING THE JAKAREL SUBDIVISION PLAT, FURTHER DEDICATING LAND FOR PROVIDING ALL NECESSARY EASEMENTS, AND PROVIDING AN EFFECTIVE DATE.

Item 6 was moved by Councilmember Steve Cody. Seconded by Councilmember Patrick Fiore.

Clerk Missy Arocha read the Ordinance by title/caption.

No public comments were submitted by form.

The Village Council provided their ex-parte disclosures/communications.

No one wished to speak in support or in opposition to the Resolution.

Community and Economic Development Director Heidi Siegel illustrated a Powerpoint Presentation on the approval of the tentative plat. The presentation illustrated background information on the tentative plat, proposed tentative plat, and staffs recommendation on the approval of the item.

Following Director Siegel's presentation, she answered questions raised by the members of the Council regarding the next steps of the tentative plat.

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

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

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

Item 7: The following Resolution is being considered pursuant to the Village's Land Development Code:

Applicant: PEDRO HERNANDEZ
Location: 15925 SW 90TH AVENUE & 15840 SW 89TH AVENUE
Property Folio: 33-5028-000-0191 & 33-5028-000-0192
Application: VPB-21-004 – CENTURY HOME BUILDERS, GROUP, LLC
Request: AMENDING RESOLUTION NO. 2022-59
Resolution: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND DEVELOPMENT AND ZONING; AMENDING AND REAFFIRMING RESOLUTION NO. 2022-59 PASSED BY TNE COUNCIL ON JUNE 21ST, 2022 IN ORDER TO ESTABLISH THE CORRECT DATES OF REVIEW BY THE COUNTY AND THE VILLAGE; AUTHORIZING, PURSUANT TO SECTION 30-80 STYLED "PLATTING AND SUBDIVISIONS" THE FINAL PLAT OF "CENTURY AT PALMETTO BAY" LOCATED AT 15925 SW 90TH AVENUE AND 15840 SW 89TH AVENUE, CONTAINING 138,521 SQ.FT (3.18 ACRES) (FOLIOS # 33-5028-000-0191 AND 33-5028-000-0192), AS MORE SPECIFICALLY DESCRIBED IN ATTACHMENT "A" BY CREATING ELEVEN (11) NEW LOTS AND DEDICATING LAND FOR USE AS PUBLIC RIGHT-OF-WAY TO COMPLETE 159TH TERRACE, AND SW 89TH ROAD; AND PROVIDING AN EFFECTIVE DATE.

Item 7 was moved by Councilmember Steve Cody. Seconded by Councilmember Patrick Fiore.

Clerk Missy Arocha read the Ordinance by title/caption.

No public comments were submitted by form.

The Village Council provided their ex-parte disclosures/communications.

No one wished to speak in support or in opposition to the Resolution.

Community and Economic Development Director Heidi Siegel illustrated a Powerpoint Presentation on the appplicant's request. The presentation illustrated background information on the tentative plat, approved final plat, and staff recommendation.

Attorney John Dellagloria provided a legal explanation on the plat that was previously approved by the Village Council and reported that the Council is not voting on the approval of the plat, the vote is occuring on the dates only – dates need to be corrected. The vote is only approving a date change.

Councilmember Marsha Matson questioned who was responsible for the mistake.

Director Siegel responded that it was a procedural mistake and that the Village will work with the county to ensure that it doesn't happen again. Discussion ensued between the Council and Attorney Dellagloria regarding the process.

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

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

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

5. NEW BUSINESS

Councilmember Marsha Matson reported that the traffic signal on Old Cutler Road and Farmers Road, should only be used for emergency fire use; however, residents, including Mr. Linabury have indicated that Miami-Dade County has moved forward with making that light a traffic light for the traffic at the intersection of Farmers Road and Old Cutler. She spoke opposed to having Old Cutler Road traffic flow into the Farmers Road neighborhood and questioned if the Village could work an agreement with the county to protect the residents residing in that area. Village Manager Nick Marano responded by affirming that he held a conference call with Miami-Dade County Department of Transportation and Public Works as well as the district representative for District 8. He explained that the traffic intersection referenced by Councilmember Marsha Matson will not be used for emergency use only. The traffic light will have the ability to be controlled by fire rescue and it will also be programmed to go through a green, yellow, red cycle and sensors have been placed in the roadway. He explained that the traffic signal would be a fully functional traffic light – not just for emergency purposes. He reported that the Village does not

have the ability to stop the decision made by the county as the road is owned and maintained by the county. However, the Village can restrict from Old Cutler Road, a no left turn sign onto Farmer Road during the morning rush hour period and the opposite on SW 136th Street going on to Old Cutler in the afternoon. He also explained that the Village concluded the traffic calming study in the summer and that he has gone back to the contractor who completed the study and verified that Farmer Road is one of the busiest parts of the Village – average daily trip generation of about 1,850 vehicles per day. Manager Marano explained that, in terms of the amount of traffic on Farmer Road, its one of the Village's heaviest traveled streets with speeding not being an issue on that road, but that the problem is the number of vehicles on that stretch of road. Manager Marano further reported that the Village has engaged with the contractor to do the work required by the county for the Village to then submit a request to put in those no left and no right turn signs. He recommended that to be the best option for the community.

Councilmember Marsha Matson announced that several years back when the Village protected the Malbrook neighborhood regarding the four-way stop and the no-right turn signage in the morning, the Village sued Miami-Dade County, which resulted in mediation between the Village and the county. She questioned if the Village Attorney recalled that happening. Village Attorney John Dellagloria responded yes.

Councilmember Marsha Matson questioned if that scenario could also apply to the Farmer Road/Old Cutler scenario as well. Village Attorney John Dellagloria responded that the Village instituted a governmental resolution action with Miami-Dade County and that the decision would be for the Village Council to pursue.

Councilmember Marsha Matson questioned if the Village Council would agree to pursue that route for the neighborhood of Farmers Road.

Mayor Karyn Cunningham thanked the Village Manager and Director Heidi Siegel for their professionalism and commitment to the Village.

6. NEXT MEETING AND ADJOURNMENT

At 9:06 PM, Councilmember Steve Cody **motioned** to adjourn the meeting. The motion was **seconded** by Vice Mayor Leanne Tellam. **All voted in favor (5-0). The motion passed unanimously.** The Zoning Hearing was adjourned at 9:06 PM.

The meeting minutes were approved this 23rd day of January, 2023.

Attest:

_____ _____

Mayor Karyn Cunningham Village Clerk Missy Arocha

Exhibit A

From: noreply@civicplus.com
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form
Date: Friday, December 9, 2022 9:34:42 PM

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	Dec. 12, 2022
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	Eric Tullberg
Email Address	e341@bellsouth.net
Address	7884 SW 179 Tr.
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.	4-5
Comments (type your comments in the box below)	The plat should be accepted provided: A. The sidewalk south of SW 168 St. & west of SW 90 Av. shall remain. B. Any damage during construction shall be promptly repaired.

	C. The sidewalks shall be higher than the surrounding grass & road so that it drains properly.
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.

AGENDA ITEM NO. 5.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Heidi Siegel, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: PUBLIC HEARING ITEMS

SUBJECT:

Applicant: Robin P. Forbes
Location: 7255 SW 167 Street, Palmetto Bay, Florida 33157
Property Folio: 33-5026-003-0061
Application: V-23-002
Request: Setback variance for a residential addition setback variance waiving the required interior side setback of fifteen feet to allow a setback of five feet eight 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 AN INTERIOR SIDE SETBACK VARIANCE REQUEST FOR ROBIN P. FORBES AT 7255 SW 167 STREET, TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL ADDITION WITHIN THE INTERIOR SIDE SETBACK OF A PARCEL ZONED ESTATE MODIFIED (E-M); AND PROVIDING AN EFFECTIVE DATE.

SUGGESTED ACTION:

ATTACHMENTS:

Memo-V-23-002 Forbes Building Setback Variance
Resolution-V-23-002 Forbes Building Setback Variance
Attachments-V-23-002 Forbes Building Setback Variance

MEMORANDUM

To: Honorable Mayor and Village Council	Date: February 27, 2023
From: Heidi Siegel, CED Director	Re: V-23-002/ Interior Side Setback Variance at 7255 SW Street

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 AN INTERIOR SIDE SETBACK VARIANCE REQUEST FOR ROBIN P. FORBES AT 7255 SW 167 STREET, TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL ADDITION WITHIN THE INTERIOR SIDE SETBACK OF A PARCEL ZONED ESTATE MODIFIED (E-M); AND PROVIDING AN EFFECTIVE DATE.

OVERVIEW

FILE:	V-23-002
APPLICANT:	Robin P. Forbes
PROPERTY OWNER:	Robin Peter Forbes and Elisabeth Peters Forbes
ADDRESS:	7255 SW 167 Street, Palmetto Bay, Florida 33157
FOLIO:	33-5026-003-0061
LOT SIZE:	15,050 square feet
UNIT SIZE:	1,143 square feet (existing)
FLUM:	Low Density Residential (LDR)
ZONING:	EM, Estate Modified Single Family Zoning District
EXISTING USE:	Single Family Home

BACKGROUND

The applicant, Robin P. Forbes, requests the approval of application V-23-002 for a setback variance for a residential addition waiving the required interior side setback of fifteen (15) feet to allow a setback of five feet eight inches. The property is located in the Estate Modified (EM) zoning district at 7255 SW 167 Street. The property encompasses two former nonconforming lots to establish a conforming lot of 15,050 square feet. The existing home is one-story and 1,143 square feet. The property owner intends to enclose 690 square feet along the north and west portions of the existing home to create a bedroom and study. The proposed addition will be in-line with the existing west building wall. The existing west building wall currently has a non-conforming setback of five feet eight inches. The required setback in the EM zoning district is 15 feet. It should also be noted that the minimum building size in the EM zoning district is 1,500 square feet.

The existing non-conforming home is 1,143 square feet. The proposed addition will result in a conforming building of 1,883 square feet.

ANALYSIS

Section 30-30.6 of the Village's Land Development Code addresses variances and establishes criteria for the evaluation by Village Council for variance applications. A variance is authorized to be granted by the Village Council, after quasi-judicial public hearing. A variance may be granted for setback lines. After the hearing, the Village Council shall adopt a development order approving, approving with modifications and/or conditions, or denying the variance request.

A variance application may be considered under the requirements of practical difficulty as set forth in Section 30-30.6. Any approval or approval with modifications and/or conditions, of a variance based on practical difficulty shall require a majority vote of the members of the Village Council present at the meeting. To authorize any variance application from the requirements of the Code on the basis of practical difficulty, the Council shall balance the rights of property owners in the Village as a whole against the need of the individual property owner to deviate from the requirements of this chapter based on an evaluation of the factors below. All of the factors should be considered and given their due weight; however, no single factor is a determining factor.

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

a. Whether the village has received written support of the specifically identified variance requests from adjoining property owners.

    - The applicant has provided a letter of support from the east neighbor. The east neighbor will be impacted by a pool setback variance that will be heard at the March 20, 2023 Zoning Hearing. The application has been properly posted on site and notification postcards were mailed to all neighbors within a 500-foot radius. To date, the Village has not received an objection.

b. Whether approval of the variance would be compatible with development patterns in the village.

    - The property is in an area that was originally developed, like much of the Village, under Miami-Dade County regulations This particular area appears to originally have been developed as modest homes and lots with lots being 7,025 square feet and homes being built closer to 1,000 square feet.

c. Whether the essential character of the neighborhood would be preserved.

    - The homes directly to the west of the property are of similar size to the existing home. The adjacent home (7265) was built in 1968 and was originally 1,140 according to the Miami Dade Property Appraiser data. The home appears to maintain five-foot setbacks. In 1994 the home had a small addition of 150 square feet. The home directly west of the west neighbor (7275) was built in 1959 and was

originally 829 square feet. In 1995 the home had a small addition of 264 square feet. The home appears to maintain a 5 foot setback on its east property line and a driveway on its west property line.

d. Whether the variance can be approved without causing substantial detriment to adjoining properties.

    - The variance is to maintain an existing building line. Furthermore, the structure will remain one story. The proposed addition does not appear to cause any detriment to adjoining properties. The proposed addition is keeping with the low-impact intent of the adjoining Old Cutler Neighborhood Commercial District and the existing style of the home.

e. Whether the variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this chapter to provide substantial relief.

    - The property owner has indicated that the location of the proposed addition would allow construction in the most cost effective way manner and improvements such as a pool and tiki.

f. Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of this chapter unnecessarily burdensome.

    - The home appears to be built on an original 7,525 square foot lot that was typical of the street in the 1950s and 1960s. The home is not built in the center of the 15,050 lot but instead in conformity with the historical lot layout that included a five-foot side setback.

g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

    - As enumerated above, the home is sited to the west of the property in conformance with the historical lot size and setbacks of the street.

h. No variance shall be granted without the concurrence of the owner of property contiguous to the property line requiring the variance, unless a hardship exists.

    - The application has been properly posted on site and notification postcards were mailed to all neighbors within a 500-foot radius. To date, the Village has not received an objection. The layout of the home, the home's older construction techniques and the cost to add to the home could be considered a hardship.

<u>Development Application Review Committee (DARC)</u>
Section 30-30.2(d) of the Land Development Regulations states that no application shall proceed to public hearing without final sign off by applicable Village departments, where appropriate.

The proposed variance was reviewed by the Village's Zoning, Public Services, and Floodplain Management.

Zoning:	Proposed swimming pool requires an additional variance. At time of building permit, tabular information shall include setback between structures. At time of building permit, site plan shall include existing / proposed landscaping.
Public Services:	The proposed variance has no Village right-of-way concerns.
Floodplain Management:	The property is located in an X-Zone; Therefore, no special flood requirements will be required at the time of construction.

STAFF RECOMMENDATION

The Land Development Code states that the Village Council may impose conditions and safeguard in granting any variance. The Village Council may prescribe appropriate modifications and/or conditions, including a variance approval expiration date or expiration event, to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Plan and the Code. The Village Council shall prescribe a reasonable time limit within which the action for which the variance is required shall begin, and such time shall not exceed 365 days from the date of the development order, after which a new variance application must be made unless an application for development permit has been filed.

Village staff recommends that the Village Council, conditionally approve application V-23-002 for a setback variance located at 7255 SW 167 Street with the following conditions:

1. The approval is based on the plans prepared by Brockhouse Associates, PA dated January 3, 2023.
2. The approval is for a setback variance for a residential addition waiving the required interior side setback of fifteen (15) feet to allow a setback of five feet eight inches
3. The applicant and property owner shall maintain a six-foot solid fence along the west property line.
4. An additional variance is required for the pool and chickee hut.
5. The interior setback variance shall be valid for 180 days to obtain a building permit. The Community and Economic Development Director shall have the discretion to grant an additional 120 days.

ATTACHMENTS

Attachment A: Application / Letter of Intent
Attachment B: Property Survey
Attachment C: Site Plan

Attachment D: Letter from east neighbor

RESOLUTION NO. 2023-____
ZONING APPLICATION VPB-23-002

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 AN INTERIOR SIDE SETBACK VARIANCE REQUEST FOR ROBIN P. FORBES AT 7255 SW 167 STREET, TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL ADDITION WITHIN THE INTERIOR SIDE SETBACK OF A PARCEL ZONED ESTATE MODIFIED (E-M); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Robin P. Forbes has applied for a variance allowing an interior side setback variance to allow a five-foot eight inches setback where a 15-foot setback is required; and

WHEREAS, the subject property is located at 7255 SW 167 Street and is designated as folio number 33-5026-003-0061; and

WHEREAS, the property is designated "Estate Modified Single-Family ("EM") on the Village of Palmetto Bay Zoning Map, as adopted on July 19, 2021 by Ordinance 2021-13; and

WHEREAS, the ad-hoc Development Application Review Committee comprised of professional Village Staff reviewed the proposed variance; and

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay conducted a public hearing on the application at Village Hall, 9705 East Hibiscus Street on February 27, 2023; and

WHEREAS, the Village Council finds, based on substantial competent evidence in the record, that the application for the variance is consistent with the Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations; and

WHEREAS, based on the foregoing finding, the Village Council determined to grant the application, as provided in this Resolution.

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

Section 1. A public hearing on the present application was held on February 27, 2023 in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

Section 2. Findings of fact.

1. That the subject property is located at 7255 SW 167 Street and is designated as folio number 33-5026-003-006.

2. After hearing testimony from Village Staff, the applicant, the owner and the public, the Village Council accepted the findings of Village Staff as it relates to compliance with the following provisions of the Village's Code of Ordinances: Section 30-30.6, "Variances" and Section 30-50.4 "Estate Modified Single Family (EM) Zoning District".

3. The application for the variance is consistent with the Village's Comprehensive Plan, as further specified in the Planning and Zoning Division Staff Report.

4. The Village Council adopts and incorporates by reference the Planning and Zoning Division Staff Report.

Section 3. Conclusions of Law.

The application for the variance was reviewed pursuant to Section 30-30.6, "Variances" and Section 30-50.4 "Estate Modified Single Family (EM) Zoning District" of the Village's Code of Ordinances and was found to be consistent.

Section 4. Order.

The Village Council approves the application for an interior side setback variance request for Robin P. Forbes at 7255 SW 167 Street (Folio #33-

5026-003-0060), to permit the construction of a residential addition within the interior side setback; consistent with Section 30-30.6 “Variances” and Section 30-50.4 Estate Modified Single Family (EM) zoning district of the Village Zoning Code, as more particularly described in the attached application and site plan that is included in the public hearing package with the following conditions:

1. The approval is based on the plans prepared by Brockhouse Associates, PA dated January 3, 2023.
2. The approval is for a setback variance for a residential addition waiving the required interior side setback of fifteen (15) feet to allow a setback of five feet eight inches
3. The applicant and property owner shall maintain a six-foot solid fence along the west property line.
4. An additional variance is required for the pool and chickee hut.
5. The interior setback variance shall be valid for 180 days to obtain a building permit. The Community and Economic Development Director shall have the discretion to grant an additional 120 days.

This is the final order.

Section 5. Record.

The record shall consist of the notice of hearing, the Planning and Zoning Division Staff Report, the application, all documents submitted by the applicant and the owner to the Village of Palmetto Bay in connection with the application, the testimony and documents presented at the public hearing, and the tape and minutes of the hearing.

Section 6. This Resolution shall take effect immediately upon approval.

PASSED AND RESOLVED this 27th day of February 2023.

Attest:

Missy Arocha	Karyn Cunningham
Village Clerk	Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
John C. 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

V	**Village of Palmetto Bay** APPLICATION FOR VARIANCE (PUBLIC HEARING)

Date: 12/14/2022
Application No: _____

Petitioner / Applicant: ROBIN P. FORBES

Petitioner / Applicant Address: 7255 SW 167 ST, PALMETTO BAY, FL 33157

Phone: 305-749-4310 E-mail: roblisaf@att.net

Petitioner's Relation to Subject Property: PROPERTY OWNER

If Petitioner is not Owner, Name of Owner: _____

Address of Owner: _____

Signature of Petitioner: _____

RECEIVED
Zoning Department
V-23-002
Village of Palmetto Bay
Building & Zoning Department
By: MC
January 12 2023

Address of Property: 7255 SW 167 ST, PALMETTO BAY, FL 33157

Folio: 33-5026-003-0061

SUBMITTAL REQUIREMENTS:

- Letter of Intent outlining the variance request and how the request meets the review criteria in Section 30-30.6(e) of the Village's Land Development Regulations.
- Current Survey of Site including legal description
- Building elevations, site plan, and landscape plan, if applicable
- Signature approval card signed by contiguous neighbors (preferred)

OWNER / AGENT CERTIFICATE:

This is to certify that I am the owner/agent of the subject lands described above in the application for variance, 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 12th day of January 2023, by Robin Forbes.

☑ He/She is personally known to me or

☐ He/She has presented _____ as identification.

Signature of Notary Public _____
Type or Print Name Anabelle Schmidt Cordero

Anabelle Schmidt Cordero
Comm.: HH 119938
My Commission Expires:
April 23, 2025

FOR STAFF USE ONLY
Fee Paid: _____ Date: _____
Zoning Hearing Date: _____ ( ) Approved ( ) Denied ( ) Approved with conditions

BROCKHOUSE

BROCKHOUSE ASSOCIATES, PA
7430 S.W. 48 Street
Miami, Florida 33155
305 666-2333

To: Heidi Siegel, AICP
Village of Palmetto Bay
Community & Economic Development Director
9705 E Hibiscus Street
Palmetto Bay, Florida 33157

Re: Robin Peter Forbes
Elisabeth Peters Forbes
7255 SW 167th Street
Palmetto Bay, Florida 33157

RECEIVED
Zoning Department
V-23-002
Village of Palmetto Bay
Building & Zoning Department
By: RE
January 12 2023

Ms. Siegel,

It was a pleasure to meet with you regarding the Forbes Residence near the Deering Estate. Rob Forbes and I met with you to discuss the possibility of submitting for a Variance for the property located at 7255 SW 167th Street in Palmetto Bay.

At the time of our meeting, we decided that this property was better served by maintaining a pre-existing non-conforming setback that would allow the house to be better sited on the property. At time the house was constructed under Dade County Zoning the interior side setback was 5'-0". The property is on a double lot and the lot the house resides on is west of a vacant lot. Because the house is set far back from the street and the structures in the rear yard do not allow for the addition of a pool, it is preferred to orientate the house so that the pool is adjacent on the vacant lot to the east. In our meeting we felt that there were no exceptions to moving forward with a variance for these zoning requirements.

The owners have contacted the neighbor to the east of their home, and they have provided a letter confirming their approval.

Please find enclosed the Application Package for a Variance. Included is a Power Point presentation showing the previous R1 zoning requirements under Dade County Zoning in 1968 as well as the present EM, Palmetto Bay Zoning requirements. Also included is a Letter of intent, the proposed addition plans and elevations, a support letter from our east neighbor, and the property survey.

Please let us know that the staff would agree and support this request.

Sincerely,

Bruce Brockhouse, AIA, NCARB
Brockhouse Associates, PA

RECEIVED
Zoning Department

V-23-002- RC

January 12 2023

Village of Palmetto Bay
Building & Zoning Department
By:

Forbes Residence, Palmetto Bay, Florida



ZONING ANALSYS

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida



ORIGINAL PLAT MIAMI DADE COUNTY

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 11/16/2022

Property Information	
Folio:	33-5026-003-0061
Property Address:	7255 SW 167 ST Palmetto Bay, FL 33157-2517
Owner	ROBIN PETER FORBES ELISABETH PETERS FORBES
Mailing Address	7255 SW 167 ST PALMETTO BAY, FL 33157 USA
PA Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 1 / 0
Floors	1
Living Units	1
Actual Area	1,160 Sq.Ft
Living Area	1,092 Sq.Ft
Adjusted Area	1,126 Sq.Ft
Lot Size	15,050 Sq.Ft
Year Built	1968



Assessment Information			
Year	2022	2021	2020
Land Value	$316,050	$245,575	$206,800
Building Value	$109,895	$78,370	$78,370
XF Value	$2,188	$496	$504
Market Value	$428,133	$324,441	$285,674
Assessed Value	$404,738	$289,673	$285,674

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	$50,000	$50,000	$50,000
Taxable Value	$354,738	$239,673	$235,674
School Board			
Exemption Value	$25,000	$25,000	$25,000
Taxable Value	$379,738	$264,673	$260,674
City			
Exemption Value	$50,000	$50,000	$50,000
Taxable Value	$354,738	$239,673	$235,674
Regional			
Exemption Value	$50,000	$50,000	$50,000
Taxable Value	$354,738	$239,673	$235,674

Benefits Information				
Benefit	Type	2022	2021	2020
Save Our Homes Cap	Assessment Reduction		$34,768	
Portability	Assessment Reduction	$23,395		
Homestead	Exemption	$25,000	$25,000	$25,000
Second Homestead	Exemption	$25,000	$25,000	$25,000

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
06/23/2021	$100	32754-0595	Corrective, tax or QCD; min consideration
06/23/2021	$480,000	32617-1835	Qual by exam of deed
03/23/2016	$100	30031-4694	Corrective, tax or QCD; min consideration
08/12/2013	$275,000	28769-3297	Qual by exam of deed

Short Legal Description
ROBERTS SUB PB B-23
LOTS 10 & 11 BLK A & S1/2 OF
ALLEY LYG N & ADJ CLOSED PER
R- 05 -56
LOT SIZE 15050 SQFT

ORIGINAL PLAT MIAMI DADE COUNTY

7255 SW 167 ST

NOVEMBER 16, 2022

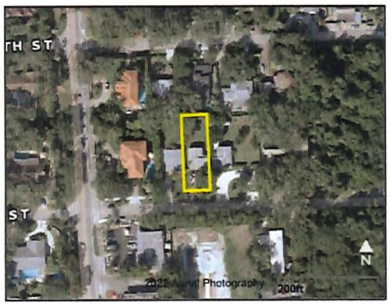
Forbes Residence, Palmetto Bay, Florida

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 11/16/2022

Property Information	
Folio:	33-5026-003-0060
Property Address:	7265 SW 167 ST Palmetto Bay, FL 33157-2517
Owner	ALI AREF
Mailing Address	7265 SW 167 ST PALMETTO BAY, FL 33157-2517
PA Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 1 / 0
Floors	1
Living Units	1
Actual Area	1,290 Sq.Ft
Living Area	1,242 Sq.Ft
Adjusted Area	1,266 Sq.Ft
Lot Size	7,525 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2022	2021	2020
Land Value	$165,550	$142,975	$120,400
Building Value	$119,294	$83,890	$83,974
XF Value	$450	$456	$462
Market Value	$285,294	$227,321	$204,836
Assessed Value	$247,850	$225,319	$204,836

Benefits Information				
Benefit	Type	2022	2021	2020
Non-Homestead Cap	Assessment Reduction	$37,444	$2,002	

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

Short Legal Description
ROBERTS SUB PB B-23 LOT 9 BLK A & S1/2 OF ALLEY LYG N & ADJ CLOSED PER R-05-56 FAU 30 5026 003 0060 OR 22964-4059 1204 4

Taxable Value Information	2022	2021	2020
County			
Exemption Value	$0	$0	$0
Taxable Value	$247,850	$225,319	$204,836
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$285,294	$227,321	$204,836
City			
Exemption Value	$0	$0	$0
Taxable Value	$247,850	$225,319	$204,836
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$247,850	$225,319	$204,836

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
12/01/2004	$0	22964-4059	Sales which are disqualified as a result of examination of the deed
03/01/2004	$250,000	22239-3620	Sales which are qualified
12/01/2000	$118,500	19492-3679	Sales which are qualified
06/01/1994	$86,000	16398-1217	Sales which are qualified

ORIGINAL PLAT MIAMI DADE COUNTY

7265 SW 167 ST

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

OFFICE OF THE PROPERTY APPRAISER

Summary Report

Generated On : 11/16/2022

Property Information	
Folio:	33-5026-003-0054
Property Address:	7275 SW 167 ST Palmetto Bay, FL 33157-2517
Owner	SOUTHERN 7275 LLC
Mailing Address	7072 SW 10 ST MIAMI, FL 33144 USA
PA Primary Zone	2100 ESTATES - 15000 SQFT LOT
Primary Land Use	0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT
Beds / Baths / Half	3 / 1 / 0
Floors	1
Living Units	1
Actual Area	1,092 Sq.Ft
Living Area	1,092 Sq.Ft
Adjusted Area	988 Sq.Ft
Lot Size	7,525 Sq.Ft
Year Built	Multiple (See Building Info.)



Assessment Information			
Year	2022	2021	2020
Land Value	$165,550	$142,975	$120,400
Building Value	$117,384	$72,941	$73,145
XF Value	$2,512	$750	$760
Market Value	$285,446	$216,666	$194,305
Assessed Value	$235,672	$213,735	$194,305

Benefits Information				
Benefit	Type	2022	2021	2020
Non-Homestead Cap	Assessment Reduction	$49,774	$2,931	

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

Short Legal Description
26 55 40
ROBERTS SUB PB B-23
LOT 8 BLK A & S1/2 OF ALLEY LYG
N & ADJ CLOSED PER R-05-56
LOT SIZE 7525 SQ FT

Taxable Value Information			
	2022	2021	2020
County			
Exemption Value	$0	$0	$0
Taxable Value	$235,672	$213,735	$194,305
School Board			
Exemption Value	$0	$0	$0
Taxable Value	$285,446	$216,666	$194,305
City			
Exemption Value	$0	$0	$0
Taxable Value	$235,672	$213,735	$194,305
Regional			
Exemption Value	$0	$0	$0
Taxable Value	$235,672	$213,735	$194,305

Sales Information			
Previous Sale	Price	OR Book-Page	Qualification Description
05/18/2017	$100	30578-0637	Corrective, tax or QCD; min consideration
03/31/2015	$251,300	29562-1014	Financial inst or "In Lieu of Foreclosure" stated
10/17/2014	$210,900	29359-2968	Financial inst or "In Lieu of Foreclosure" stated
05/01/2000	$120,000	19132-4000	Sales which are qualified

ORIGINAL PLAT MIAMI DADE COUNTY

7275 SW 167 ST

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

Sec. 30-50.3. - R-1, Single family Residential District.

(a) *Uses permitted.* No land, body of water and/or structure shall be used, or permitted to be used, and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose in the R-1 District for any purpose unless as specifically provided herein:

(1) Single family residential dwellings, including accessory uses consistent with the character of existing homes and uses in the area including but not limited to private garages.

(2) Municipal recreation building(s), playground(s), or park(s) owned or operated by the village or other governmental entity.

(3) Family day care facility and after-school care for children upon compliance with the following conditions:

a. That the total number of children on the premises for family day care does not exceed five in number, including in the count only preschool children of the resident family. Preschool children shall consist of children five years of age or younger.

b. That the age of the children for after-school care, excluding those of the resident family, shall not exceed 11 years of age.

c. That the applicant secure a license from the Florida Department of Children and Families to operate a family day care facility at the subject property.

d. Where applicable, compliance with the requirements of this Code pertaining to educational and child care facilities.

e. Upon compliance with all conditions enumerated, a certificate of use and occupancy is secured from the department.

f. That the facility shall comply with the safety barrier requirements and restrictions of this Code.

g. That the applicant secure an occupational license, and certificate of use from the village.

(4) Group homes upon compliance with the following conditions:

a. The total number of residents on the premises shall not exceed six in number.

b. That the applicant secures all required licenses required to operate a group home including but not limited to a license from the Florida Department of Health and Rehabilitation Service, occupational license, and certificate of use from the village.

c. That the structure used for the group home shall be located at least 1,000 feet from another existing, un-abandoned legally established group home. The 1,000-foot distance requirement shall be measured in a straight line from the property lines of an existing group home site to the property lines of the proposed group home site.

(5) Noncommercial boat piers or slips for docking of private watercraft, which shall be an incidental accessory use to the existing

ORIGINAL ZONING MIAMI DADE COUNTY

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

residential use, except live on board watercrafts.

(6) Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided the use is approved in conjunction with approval of the subdivision at time of site plan approval or plat.

(7) Golf courses.

(8) Home offices in accordance with Division 30-60.

(9) Schools and religious facilities pursuant to the requirements of Divisions 30-110 or 30-120.

(b) *Conditional uses.* The following uses may be approved after public hearing by the village council but only as a conditional use:

(1) Servant's quarters.

(c) *Prohibited uses.* The following uses shall be prohibited:

(1) Bee hives, or the breeding or raising of any insects, reptiles or animals other than customary pets.

(2) Kennels, private or commercial.

(3) The keeping, breeding, or maintaining of horses, cattle, swine, poultry, fowl, goats, or any other farm animals.

(4) Any use of the premises in a residential district which conflicts with normal and expected residential use in the district.

(d) *Dimensional regulations.*

(1) Minimum lot area	7,500 net square feet
(2) Maximum density	One unit per 7,500 net square feet
(3) Minimum lot frontage	75 feet
(4) Minimum lot depth	100 feet
(5) Maximum lot coverage	0.37 of net lot area including accessory buildings
(6) Reserved.	

ORIGINAL ZONING MIAMI DADE COUNTY

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

(7) Minimum open space	0.63 of net lot area
(8) Minimum landscaped pervious area	0.30 of the lot area
(9) Minimum building size	1,125 square feet
(10) Maximum building height	35 feet
(11) Maximum number of stories	Two
(12) Accessory building height not exceeding	15 feet above grade to the roof ridge.
(13) Uninhabitable sheds less than 145 square feet, with width and depth dimensions of 12 feet or less, shall not exceed eight feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.	
(14) Septic tanks. Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.	

ORIGINAL ZONING MIAMI DADE COUNTY

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

(e) *Minimum setbacks.*

Structure	Setbacks				
	Front	Rear	Between Buildings	Interior Side	Side Street
Principal	15 feet for 0.50 of the house width; 25 feet for balance of house width; except 20 feet for attached garage	15 feet for 0.50 of the house width; 25 feet for balance of house width	N/A	7.5 feet	15 feet
Accessory structures	75 feet	5 feet	10 feet	7.5 feet	20 feet
Sheds less than 145 square feet	55 feet	5 feet	5 feet	5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	10 feet	20 feet
Pool screen enclosures	N/A	6 feet	N/A	7.5 feet	15 feet

ORIGINAL ZONING MIAMI DADE COUNTY

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

Sec. 30-50.4. - E-M, Estate Modified Single family District.

(a) *Uses permitted.* No land, body of water and/or structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose in the E-M District which shall be designed, arranged or intended to be used or occupied for any purpose other than the following, unless specifically provided herein:

(1) Single family residential dwellings, including accessory uses consistent with the character of existing homes and uses in the area including but not limited to private garages, servant's quarters or guest houses not over one story in height (incidental to the principal residential use).

(2) Same uses as R-1 District.

(b) *Conditional uses.* Same as R-1 District.

(c) *Prohibited uses.* Same as R-1 District.

(d) *Dimensional regulations.*

(1) Minimum lot area	15,000 net square feet
(2) Maximum density	One unit per 15,000 net square feet
(3) Minimum lot frontage	120 feet
(4) Minimum lot depth	115 feet
(5) Maximum lot coverage	0.32 net lot area including accessory buildings
(6) Reserved.	
(7) Minimum open space	0.68 of net lot area
(8) Minimum landscaped pervious area	0.35 of lot area
(9) Minimum building size	1,500 square feet
(10) Maximum building height	35 feet

CURRENT ZONING PALMETTO BAY

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

(11) Maximum number of stories	Two
(12) Accessory building height	Not exceeding 15 feet above grade to the roof ridge.
(13) Uninhabitable sheds less than 145 square feet, with width and depth dimensions of 12 feet or less, shall not exceed eight feet in height above grade to the roof ridge. All other sheds and structures with roofs shall comply with the accessory building setback requirements.	
(14) Septic tanks. Unless the plumbing system of the residential building on the lot is connected to a sanitary sewer other than septic tank with field drains, every lot used for residential purposes in any district shall have a yard with an area of at least 25 percent of the total lot area, provided that sufficient lot area required to care for a septic tank drain field shall not be occupied by an accessory building or other structure. The septic system shall comply with all State of Florida Health Department and DERM requirements.	

(e) *Minimum setbacks.*

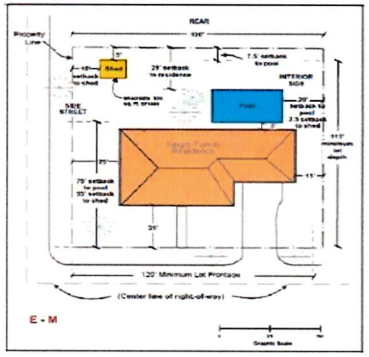
Structure	Setbacks				
	Front	Rear	Between Buildings	Interior Side	Side Street
Principal	25 feet	25 feet	N/A	15 feet	25 feet
Accessory structures	75 feet	7.5 feet	10 feet	20 feet	30 feet
Sheds less than 145 square feet	55 feet	5 feet	5 feet	5 feet	10 feet
Pools	75 feet	7.5 feet	5 feet	20 feet	30 feet

CURRENT ZONING PALMETTO BAY

NOVEMBER 16, 2022

Forbes Residence, Palmetto Bay, Florida

Pool screen enclosures	N/A	6 feet	N/A	15 feet	25 feet



(f) Minimum width of lots in new subdivisions in the E-M District may be decreased from the amount required under the following conditions:

(1) The decrease shall be applicable to lots containing a portion of their frontage along the curvilinear streets and culs-de-sac.

(2) The minimum lot frontage as defined elsewhere for the various zoning districts must be provided at the minimum building setback line of curvilinear lots.

(3) That the minimum frontage requirement at street right-of-way line and radius requirements of exterior street right-of-way line along curvilinear streets and culs-de-sac shall meet a minimum frontage of 80 feet.

(4) Lot area must comply with all other minimum zoning requirements.

(5) The design of the streets where the lot frontage occurs must conform to standards of the public works department.

(Ord. No. 09-17, § 1, 8-20-2009; Ord. No. 2012-23, §§ 2, 5, 11-5-2012; Ord. No. 2013-03, § 1, 2-25-2013; Ord. No. 2014-03, § 2, 4-7-2014)

CURRENT ZONING PALMETTO BAY

NOVEMBER 16, 2022



BROCKHOUSE ASSOCIATES P. A.

7430 S.W. 48 STREET
MIAMI, FLORIDA 33155
305.666.2333
WWW.BROCKHOUSEARCHITECTS.COM

revised

LETTER OF INTENT

January 3, 2023

To: Village of Palmetto Bay
Planning and Zoning Department
9705 E Hibiscus Street
Palmetto Bay, FL 33157

RECEIVED
Zoning Department
January 31, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

Re: Robin Peter Forbes
7255 SW 167th Street
Palmetto Bay, Florida 33157

V-23-002

To Whom It May Concern:

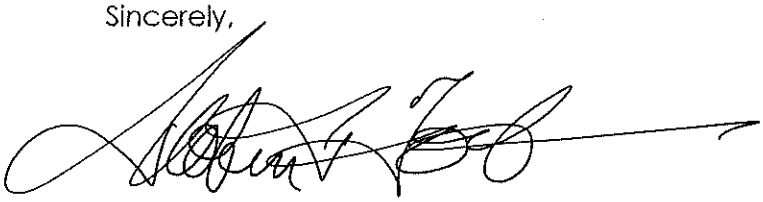
We hereby submit a letter of intent describing an addition of a Master Bedroom Suite, Covered Terrace, Patio, a Chickee Hut, and Swimming Pool.

We, the property owners are requesting to maintain a pre-existing interior west side setback of 5'-8" which was compliant with the R1 zoning requirements at the time of original construction in 1968. This house was on two lots and now with the incorporation of Palmetto Bay the house is on a single lot with more restrictive zoning requirements. The five-foot eight-inch setback is consistent with the two neighbors west of the subject property.

We are also requesting a twenty five percent reduction in front setback for a pool in order for the pool to be adjacent to the home. This location of 56'-3" is preferred as the house was originally sited in the middle of the lot and not in the front. In order to maintain the existing structure and site condition the pool functionally does not fit in the rear yard. Additionally, we would like to maintain a reduced setback of 5 feet in lieu of a 10-foot required setback between the Chickee Hut and the Covered Terrace structures.

We believe in good faith that the improvements to the existing home and adjacent vacant lot would not adversely affect this single-family neighborhood and would in fact be consistent with its character as a low-density residential area. It is the owner's intention to maintain a modest two bedroom home well beneath the requirements of the present zoning code for lot coverage and floor area. We seek only to have a reasonable solution to create a functional addition and recreational area. To summarize this cannot be achieved with the present location of the home which post-dates the siting of the house under a more restrictive zoning code.

Sincerely,

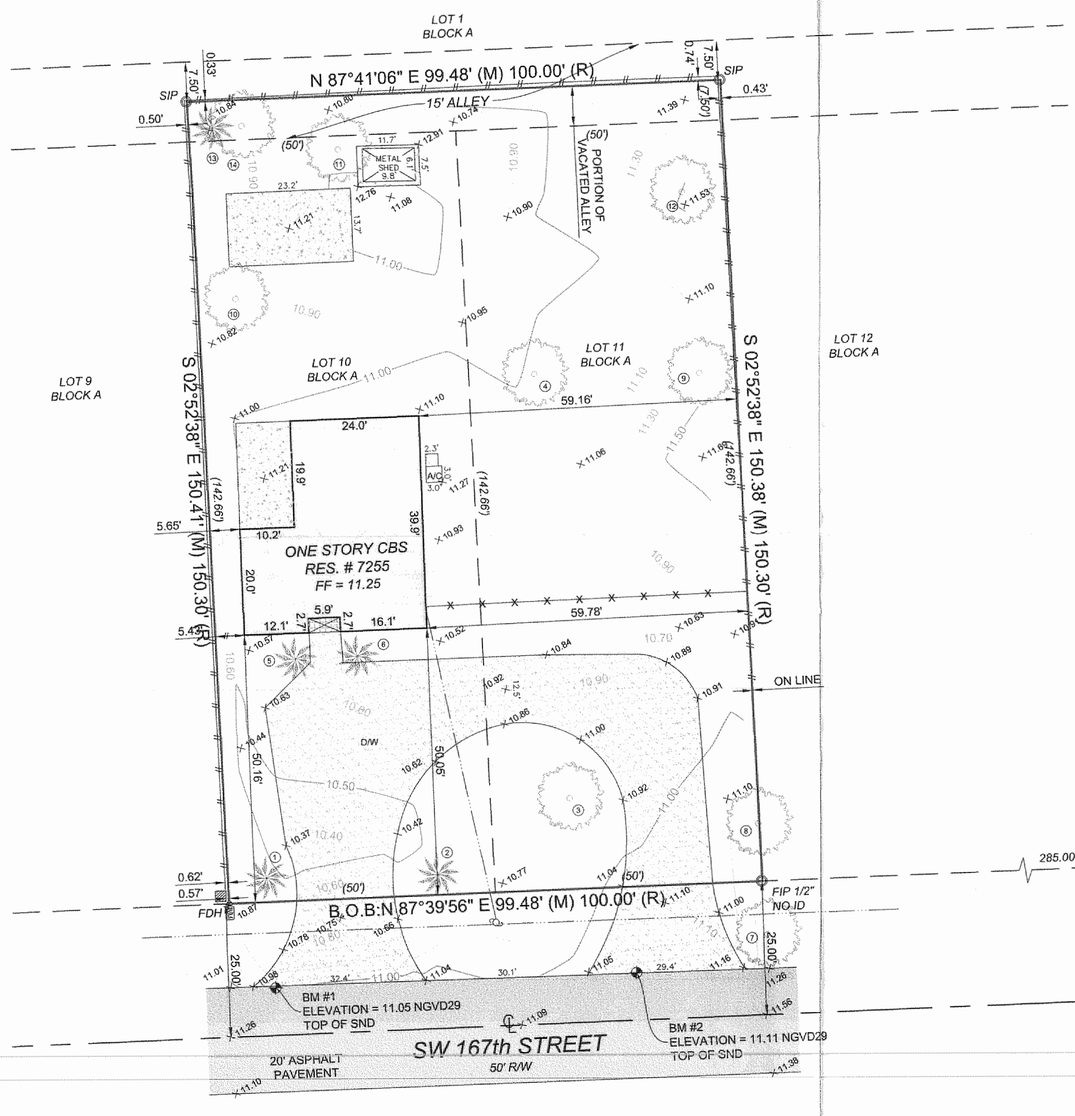


Robin Peter Forbes

Attachment B
Property Survey

MAP OF BOUNDARY, TOPOGRAPHIC & TREE SURVEY

NORTH
SCALE: 1"=20'



RECEIVED
Zoning Department
V-23-002
Village of Palmetto Bay
Building & Zoning Department
By: AC

January 12 2023

TREE TABLE					
NUMBER	COMMON NAME	DIAMETER (FT)	HEIGHT (FT)	SPREAD (FT)	REMARKS
1	COCONUT PALM	0.8	7	8	
2	COCONUT PALM	1	18	12	
3	MANGO	1.8	22	20	
4	AVOCADO	1.8	23	15	
5	ALEXANDRA PALM	-	-	-	CLUSTER
6	ALEXANDRA PALM	-	-	-	CLUSTER
7	GUMBO LIMBO	1	18	15	
8	OAK	1.7	35	60	
9	NISPERO	1	21	25	
10	NISPERO	2	30	30	
11	FICUS	1	22	15	
12	WILD ORCHID	0.5	20	15	
13	COCONUT PALM	1.5	60	20	
14	SEAGRAPE	1	20	25	

ONLY TREES WITH A TRUNK DIAMETER OF 3" (0.25') OR GREATER AT THE BREAST HEIGHT WERE LOCATED

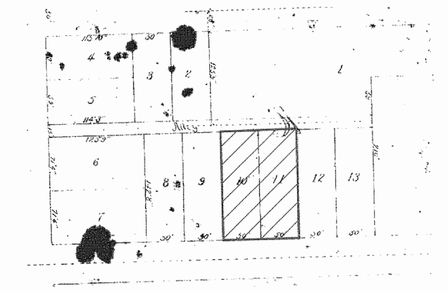
FLOOD ZONE INFORMATION:

NAME: U-758
ELEVATION NGVD29) = 12.33
LOCATION 1: SW 168 ST --- 103' NORTH OF C/L
LOCATION 2: OLD CUTLER RD --- 46' WEST OF C/L
DESCRIPTION: PK NAIL AND ALUMINUM WASHER IN CONC SIDEWALK 1' EAST OF A TRAFFIC SIGNAL CONTROL BOX AT THE NW CORNER OF THE INTERSECTION.

CERTIFICATE OF AUTHORIZATION # LB-7104
suarez surveying & mapping, inc.
13350 SW 131st Street, Suite 103, Miami, Florida 33186
Tel: 305.596.1799
www.suarezsurveying.com

PLAT IMAGE:

NORTH
NOT TO SCALE



LEGEND:

ABBREVIATIONS:

A = ARC DISTANCE
A/C = AIR CONDITIONER PAD
BCR =BROWARD COUNTY RECORDS
BLDG= BUILDING
BM = BENCH MARK
BOB = BASIS OF BEARINGS
CBS = CONCRETE BLOCK & STUCCO
(C) = CALCULATED
CB = CATCH BASIN
CHB = CHORD BEARING
C&G = CURB & GUTTER
CLF = CHAIN LINK FENCE
COL = COLUMN
CONC = CONCRETE
DE = DRAINAGE EASEMENT
DME = DRAINAGE & MAINTENANCE EASEMENT
D/W = DRIVE-WAY
EB = ELECTRIC BOX
ENC. = ENCROACHMENT
EP = EDGE OF PAVEMENT
EW = EDGE OF WATER
FDH = FOUND DRILL HOLE
FF = FINISHED FLOOR ELEVATION
FIP = FOUND IRON PIPE
FIR = FOUND IRON ROD
FN = FOUND NAIL (NO ID)
FND = FOUND NAIL & DISK
FPL = FLORIDA POWER & LIGHT TRANSFORMER PAD
LE = LANDSCAPE EASEMENT
LME = LAKE MAINTENANCE EASEMENT
(M) = MEASURED
MDCR=MIAMI-DADE COUNTY RECORDS
MH =MAN HOLE
ML = MONUMENT LINE
ORB = OFFICIAL RECORDS BOOK
O/S = OFF-SET
(P) = PLAT
PBC = PALM BEACH COUNTY
PB = PLAT BOOK
PC = POINT OF CURVATURE
PCP = PERMANENT CONTROL POINT
PE = POOL EQUIPMENT PAD
PG = PAGE
PI = POINT OF INTERSECTION
PK = PARKER KAELON (SURVEY NAIL)
PL = PLANTER
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRC = POINT OF REVERSE CURVATURE
PRM = PERMANENT REFERENCE MONUMENT
PT = POINT OF TANGENCY
R = RADIUS DISTANCE
(R) = RECORD
R/W = RIGHT OF WAY
RES. = RESIDENCE
SIP = SET IRON PIPE
SND = SET NAIL & DISK (PK)
STL = SURVEY TIE LINE
SWK = SIDEWALK
(TYP)= TYPICAL
UB = UTILITY BOX
UE = UTILITY EASEMENT
W/F = WOOD FENCE
WMDE = WALL MAINTENANCE DRAINAGE EASEMENT

SYMBOLS:

= HAND HOLE
= ELECTRIC BOX
= TELEPHONE RISER
= CABLE TV RISER
= WATER METER
= WATER VALVE
= CURB INLET
= FIRE HYDRANT
= LIGHT POLE
= DRAIN
= VALVE
= GAS VALVE
= BACKFLOW PREVENTER
= BOLLARDS
(00') = ORIGINAL LOT DISTANCE
= CENTRAL ANGLE
= CENTER LINE
= CATCH BASIN
= UTILITY POLE
= CONC. POLE
= DRAINAGE MANHOLE
= SEWER MANHOLE
= COMMUNICATION MANHOLE
= FPL MANHOLE
= SIGN
= ANCHOR
= GUARD RAIL
= IRON FENCE
= WOOD FENCE
= CHAIN LINK FENCE
= OVERHEAD UTILITY WIRE
= LIMITED ACCESS RIGHT-OF-WAY LINE
= BOUNDARY LINE
x 0.00 = ELEVATION
(#) = ENCROACHMENT NOTE (SEE SURVEYORS NOTES)

SURFACE:

ASPHALT | CONCRETE | PAVERS | BUILDING | TILES | WOOD | COVER | GRAVEL

SURVEYOR'S NOTES:

1. ELEVATIONS WHEN SHOWN REFER TO 1929 NATIONAL GEODETIC VERTICAL DATUM (NGVD 1929).
2. NO ATTEMPT WAS MADE TO LOCATE FOOTINGS/FOUNDATIONS, OR UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED.
3. THE LANDS SHOWN HEREON HAVE NOT BEEN ABSTRACTED IN REGARDS TO MATTERS OF INTEREST BY OTHER PARTIES, SUCH AS EASEMENTS, RIGHTS OF WAYS, RESERVATIONS, ETC. ONLY PLATTED EASEMENTS ARE SHOWN.
4. THIS SURVEY WAS PREPARED FOR AND CERTIFIED TO THE PARTY(IES) INDICATED HEREON AND IS NOT TRANSFERABLE OR ASSIGNABLE.
5. THE INTENT OF THIS SURVEY AS COMMUNICATED BY THE CERTIFIED PARTIES IS FOR REAL-ESTATE TRANSACTION OR MORTGAGE REFINANCING. THIS SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSE OR PARTY(IES) WITHOUT THE AUTHORIZATION OF THIS FIRM.
6. THIS SURVEY IS NOT INTENDED FOR NEITHER DESIGN NOR CONSTRUCTION PURPOSES, FOR THOSE PURPOSES, A TOPOGRAPHIC SURVEY MAY BE REQUIRED.
7. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
8. IMPROVEMENTS SHOWN HAVE BEEN MEASURED TO THE NEAREST 10TH OF A FOOT. TIES SHOWN HAVE BEEN MEASURED TO THE NEAREST 100TH OF A FOOT.
ELEVATIONS WHEN SHOWN HAVE BEEN MEASURED TO NEAREST 100TH OF A FOOT ON HARD SURFACES AND NEAREST TENTH OF A FOOT FOR GROUND OR SOD SURFACES
9. ALL BOUNDARY LIMIT INDICATORS SET ARE STAMPED LB# 7104.
10. THE BOUNDARY LIMITS ESTABLISHED ON THIS SURVEY ARE BASED ON THE LEGAL DESCRIPTION PROVIDED BY CLIENT OR ITS REPRESENTATIVE.
11. FENCE OWNERSHIP NOT DETERMINED.
12. BEARINGS WHEN SHOWN ARE TO AN ASSUMED MERIDIAN, THE SOUTH LINE OF LOTS 10 AND 11 HAS BEEN ASSIGNED A BEARING N 87°39'56" E.
13. TYPE OF SURVEY: BOUNDARY, TOPOGRAPHIC AND TREE.

PROJECT:

DATE OF FIELD SURVEY: 01/11/2022
JOB #: 211234226
FILE #: D-1571
PROJECT NAME: SURVEYS 2021
CAD FILE(H): FORBES
PARTY CHIEF: MUNOZ
F.B.: x PG. x
SHEET 1 OF 1

CERTIFIED TO:

ROBIN PETER FORBES
ELISABETH PETERS FORBES

REVISIONS:

PROPERTY ADDRESS:

7255 SW 167TH STREET, PALMETTO BAY, FLORIDA 33157

LEGAL DESCRIPTION:

Lots 10 and 11, in Block A, of ROBERTS SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book B, Page 23, Public Records of Miami-Dade County, Florida;

TOGETHER WITH that portion of the vacated 15-foot alley in Block A, of ROBERTS SUBDIVISION, according to the map or plat thereof, as recorded in Plat Book B, Page 23, Public Records of Miami-Dade County, Florida, abutting and lying between said Lots 10 and 11 and the centerline of the vacated 15-foot alley.

FLOOD ZONE INFORMATION:

BASED ON THE FLOOD INSURANCE RATE MAP OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY REVISED ON 09/11/09 AND INDEX MAP REVISED ON 09/11/09 THE GRAPHICALLY DEPICTED BUILDING(S) SHOWN ON THIS MAP OF SURVEY IS WITHIN ZONE X BASE FLOOD ELEVATION N/A COMMUNITY NAME & NUMBER VILLAGE OF PALMETTO BAY 120687 MAP & PANEL NUMBER 12086C0606 SUFFIX L

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUE.

AUTHENTIC COPIES OF THIS SURVEY SHALL BEAR THE ORIGINAL SIGNATURE AND RAISED SEAL OF THE ATTESTING REGISTERED SURVEYOR AND MAPPER

SEAL

JUAN A. SUAREZ
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA LIC. # 6220

Attachment C
Site Plan

Zoning Information

ZONING DESIGNATION:

DISTRICT:	EM
FLOOD ZONE:	X
AREA OF PROPERTY	15,000 Sq. Ft.
AREA OF PROPOSED RESIDENCE (A/C)	
AREA OF EXISTING RESIDENCE (A/C)	1,143 Sq. Ft.
AREA OF PROPOSED ADDITION (A/C)	690 Sq. Ft.
AREA OF PROPOSED RESIDENCE (NOT UNDER-AIR)	
PROPOSED COVERED TERRACE	541 Sq. Ft.
TOTAL PROPOSED RESIDENCE	2,374 Sq. Ft.
AREA OF PROPOSED ACCESSORY STRUCTURE	
PROPOSED CHICKEE HUT	254 Sq. Ft.
EXISTING SHED	60 Sq. Ft.
TOTAL ACCESSORY STRUCTURE	314 Sq. Ft.
TOTAL LOT COVERAGE (STRUCTURES)	2,688 Sq. Ft.

Lot Coverage

LOT COVERAGE PROPOSED (INC. OVERHANGS)	3,130 Sq. Ft. (20.87 %)
MAXIMUM ALLOWABLE	4,800 Sq. Ft. (32.00 %)

Open Space

OPEN SPACE PROPOSED	12,623 Sq. Ft. (84.15 %)
MINIMUM REQUIRED	10,200 Sq. Ft. (68.00 %)

Setback Information

PRINCIPAL STRUCTURE

	REQUIRED	PROVIDED
FRONT	25'-0" (MIN.)	50'-2" (EXIST)
REAR	25'-0" (MIN.)	46'-5" (EXIST)
REQUIRED SIDE		
EXISTNG SIDE - WEST	15'-0" (MIN.)	5'-8" (EXIST)
EXISTING SIDE - EAST	15'-0" (MIN.)	59'-4" (EXIST)
HEIGHT OF ROOF	35'-0" (MAX.)	16'-5" (EXIST)

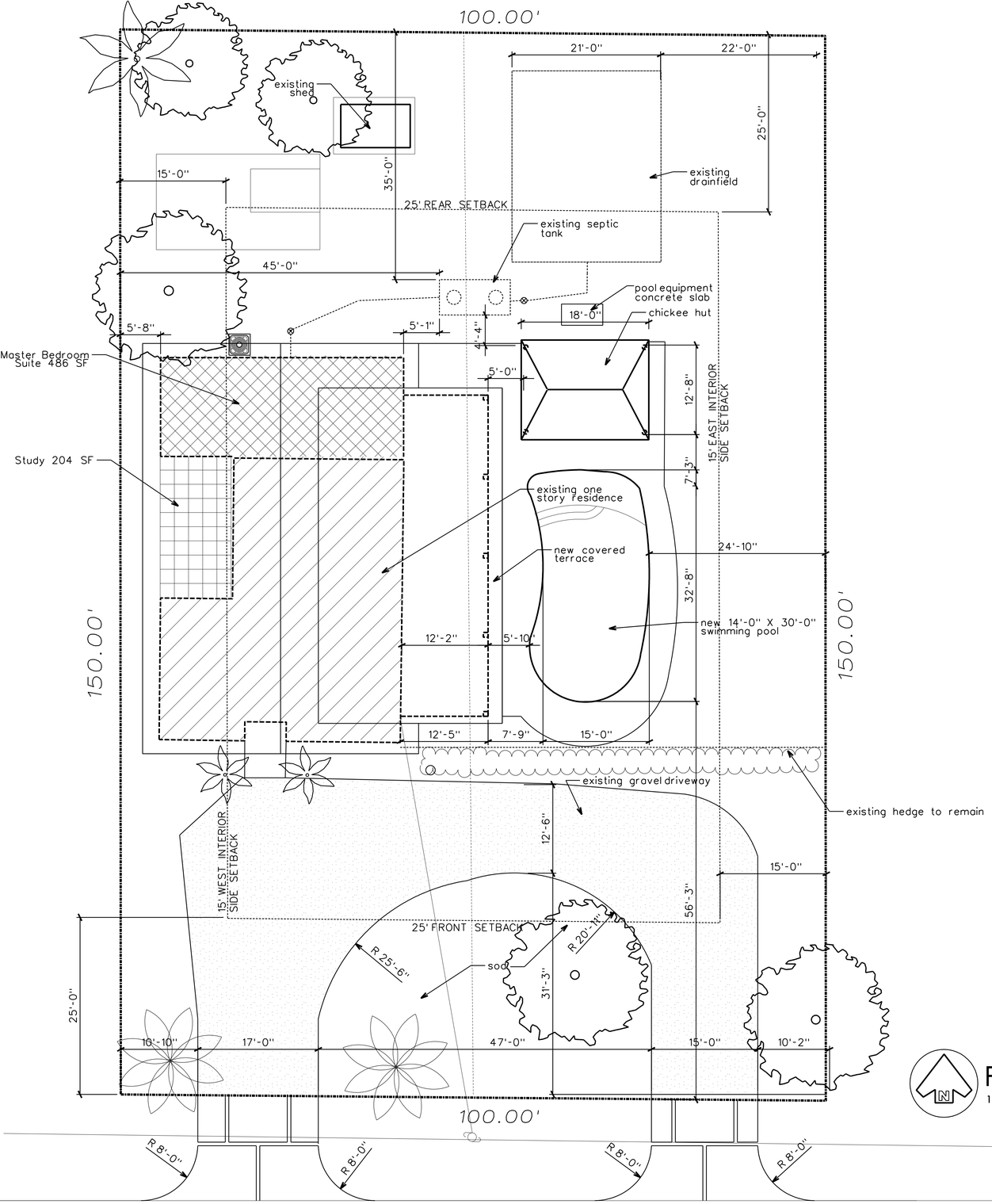
ACCESSORY STRUCTURE

	REQUIRED	PROVIDED
FRONT	75'-0" (MIN.)	101'-11"
REAR	7'-6" (MIN.)	13'-2"
REQUIRED SIDE		
PROPOSED SIDE - WEST	20'-0" (MIN.)	20'-1"
PROPOSED SIDE - EAST	20'-0" (MIN.)	73'-1"
HEIGHT OF ROOF	15'-0" (MAX.)	15'-0"

Landscape

LOT COVERAGE	3,130 Sq. Ft.
DRIVES & WALKWAYS	2,260 Sq. Ft.
POOL & POOL DECK	1,120 Sq. Ft.
SLABS	463 Sq. Ft.
TOTAL IMPERVIOUS AREA	6,973 Sq. Ft.
MINIMUM LANDSCAPED PERVIOUS AREA REQUIRED	5,250 Sq. Ft. (35.0%)
GREENSPACE PROPOSED	8,027 Sq. Ft. (53.5%)

Note: No Trees are to be removed as a result of the proposed new structures.



Property Site Plan

1/8" = 1'-0"

SW 167th STREET

BROCKHOUSE
BROCKHOUSE ASSOCIATES PA
4973 S. W. 75th AVENUE
MIAMI, FLORIDA 33155
305 666 2333 ▪ FAX 666 2332

AR 10682 AA 0002456
BRUCE BROCKHOUSE
ARCHITECTURE ▪ INTERIOR DESIGN

PROJECT

A Residential Addition For:

ROB & LISA FORBES

7255 SW 167th Street
Palmetto Bay, Florida

SEAL

STATE OF FLORIDA · BRUCE A. BROCKHOUSE · AR0010682 · REGISTERED ARCHITECT

SHEET TITLE

PROPOSED SITE PLAN

SHEET TITLE REFERENCE

ALL CONCEPTS, DESIGNS, ARRANGEMENTS, DRAWINGS AND SPECIFICATIONS ARE OWNED BY, AND ARE THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONJUNCTION WITH, THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF BROCKHOUSE ASSOCIATES, P.A.

REVISION

DESIGNED BY	B.A.
DRAWN BY	B.A.
APPROVED BY	D.S.
DATE	01-03-23
SCALE	1/8"=1'-0"
PROJECT NO.	21019
SHEET NO.	A.1.1

Attachment D
Letter from East Neighbor

LOURDES M. ORTA
CRAIG K. GROSSENBACHER
7245 SW 167 Street
Palmetto Bay, FL 33157

RECEIVED
Zoning Department
V-23-002
Village of Palmetto Bay
Building & Zoning Department
By: AC

January 9, 2023

Zoning Director
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

Re: Variance Requests for the Property Located at 7255 SW 167th Street, Palmetto Bay

Dear Zoning Director:

This letter is written in support of the variances that are being requested by our neighbors, Rob and Lisa Forbes, who are the owners of the above referenced property. The Forbes' property is located immediately to the west of (abutting) our property.

We understand that the Forbes are requesting to maintain a pre-existing interior west side setback of 5 feet 8 inches. In addition, a 25 percent reduction in the front setback is also being requested to allow for the construction of a pool adjacent (east) of the home. This pool would be located between their existing home and our home.

We have no objection to the granting of these variances and also fully support the construction of a pool as proposed. Please do not hesitate to contact us at (305) 498-9957 if you have any questions regarding this matter.

Sincerely,

Lourdes M. Orta

Craig K. Grossenbacher

AGENDA ITEM NO. 5.B

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Heidi Siegel, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: PUBLIC HEARING ITEMS

SUBJECT:

Applicant: Michael W. Sontag, Inc.
Location: 8950 SW 152 Street, Palmetto Bay, Florida 33157
Property Folio: 33-5028-000-0080
Application: V-23-003
Request: Variance to allow a freestanding monument sign
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, DIVISION 30-90., SIGN REGULATIONS, AND SECTION 30-50.15., R-5, OFFICE DISTRICT, AUTHORIZING A VARIANCE REQUEST FOR MICHAEL W. SONTAG, INC. AT 8950 SW 152 Street, TO PERMIT A FREESTANDING MONUMENT SIGN At A PARCEL ZONED R-5, OFFICE DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

SUGGESTED ACTION:

ATTACHMENTS:
Memo-V-23-003 Sontag Sign Variance
Resolution-V-23-003 Sontag Sign Variance

MEMORANDUM

To: Honorable Mayor and Village Council	Date: February 27, 2023
From: Heidi Siegel, CED Director	Re: V-23-003/Freestanding Monument Sign Variance at 8950 SW 152 Street

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, DIVISION 30-90., SIGN REGULATIONS, AND SECTION 30-50.15., R-5, OFFICE DISTRICT, AUTHORIZING A VARIANCE REQUEST FOR MICHAEL W. SONTAG, INC. AT 8950 SW 152 STREET, TO PERMIT A FREESTANDING MONUMENT SIGN AT A PARCEL ZONED R-5, OFFICE DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

OVERVIEW

FILE:	V-23-003
APPLICANT:	Michael W. Sontag, Inc.
PROPERTY OWNER:	Michael W. Sontag, Inc.
ADDRESS:	8950 SW 152 Street, Palmetto Bay, Florida 33157
FOLIO:	33-5028-000-0080
LOT SIZE:	108,580 square feet
BUILDING SIZE:	40,838 square feet (approximately)
FLUM:	Office and Residential (OR)
ZONING:	R5, Office Zoning District
EXISTING USE:	Medical related offices

BACKGROUND

The applicant, Michael W. Sontag, Inc., requests the approval of application V-23-003 to allow a freestanding monument sign in the R5 Office zoning district for a property located at 8950 SW 152 Street. The property has recently undergone extensive renovations and improvements to modernize the building and introduce property improvements such as enhanced landscaping and parking area improvements.

The Village's Land Development Code regulate signage through Section 30-90. The Code allows monument and freestanding signs for specific uses and/or specific zoning districts. Specific uses include religious facilities, schools and universities in residential districts, entrance signs for residential and multi-family developments and shopping centers. Zoning districts that allow

monument and freestanding signs include "business districts" and Village Mixed Use District (VMU). Section 30-90.17(g) states that only flat (wall or cantilever) signs are allowed in the R5 Office Zoning District. Furthermore, these signs are limited to 12 square feet and one for each street frontage.

The applicant is proposing a freestanding sign located at the northwest portion of the property along SW 152 Street. The sign would be located fully within the subject property and will not project into the right-of-way. The sign is twenty-four feet in width and five-feet in height with a one-foot above ground base. The depth of the sign is two feet. The design is a solid structure with an attached sign face and extensive landscaping.

A staff inspection of existing R5 zoned sites revealed that the three additional R5 sites in the Village have a version of a freestanding sign. 9000 SW 152 Street, directly west of the site, has a freestanding sign that appears to date to 1986 when the associated building was built. 8750 SW 144 Street, which operates as a Baptist Health medical plaza, has a freestanding sign. Adjacent to that site, at 8770 SW 144 Street there is a small freestanding sign at the entrance to the parking area.

ANALYSIS

Section 30-30.6 of the Village's Land Development Code addresses variances and establishes criteria for the evaluation by Village Council for variance applications. A variance is authorized to be granted by the Village Council, after quasi-judicial public hearing. A variance may be granted for signage. After the hearing, the Village Council shall adopt a development order approving, approving with modifications and/or conditions, or denying the variance request.

A variance application may be considered under the requirements of practical difficulty as set forth in Section 30-30.6. Any approval or approval with modifications and/or conditions, of a variance based on practical difficulty shall require a majority vote of the members of the Village Council present at the meeting. To authorize any variance application from the requirements of the Code on the basis of practical difficulty, the Council shall balance the rights of property owners in the Village as a whole against the need of the individual property owner to deviate from the requirements of this chapter based on an evaluation of the factors below. All of the factors should be considered and given their due weight; however, no single factor is a determining factor.

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

a. Whether the village has received written support of the specifically identified variance requests from adjoining property owners.

    - The applicant has provided variance signature cards from three adjacent property owners at two adjacent properties. These include two unit owners at 9000 SW 152 Street (Coral Reef Professional Center Condominium) and the property owner

directly to the east at the corner of SW 89 Court and SW 152 Street. The application has been properly posted on site and notification postcards were mailed to all neighbors within a 500-foot radius. To date, the Village has not received an objection.

b. Whether approval of the variance would be compatible with development patterns in the village.

- The property is zoned R5 and the Village's Code does not allow freestanding monument in the R5. Despite this restriction, all other properties zoned R5 in the Village have freestanding signs. These properties, existed prior to incorporation and the signs appear to be over twenty-years old.

c. Whether the essential character of the neighborhood would be preserved.

- The subject property has historically operated as a professional office building. Office uses, such as this, are common buffers to residential areas from more intense commercial uses such as those found on US1. The proposed sign is contemporary and only six feet tall. It is aesthetically modern and will include additional landscaping to the property.

d. Whether the variance can be approved without causing substantial detriment to adjoining properties.

- The subject property is adjacent to a single-family residential neighborhood. This neighborhood begins on the east side of SW 89 Court. The applicant is proposing to mitigate this proximity by placing the proposed freestanding monument sign at the west side of the property and adjacent to another professional office building.

e. Whether the variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this chapter to provide substantial relief.

- The introduction of a freestanding monument sign at the site will allow visitors to the site to find the site and mitigate any intrusion to the surrounding residential area. While the existing building is on a corner, the only access to the site is along SW 152 Street and adjacent to the proposed sign.

f. Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of this chapter unnecessarily burdensome.

- The Village's signage code does not contemplate freestanding signs in the R5 zoning district. The subject property is the only R5 zoned property in the Village without a freestanding sign.

g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

- As enumerated above, the Code does not contemplate freestanding signs in the R5 zoning district.

h. No variance shall be granted without the concurrence of the owner of property contiguous to the property line requiring the variance, unless a hardship exists.

- The applicant has provided variance signature cards from three adjacent property owners at two adjacent properties. These include two unit owners at 9000 SW 152 Street (Coral Reef Professional Center Condominium) and the property owner directly to the east at the corner of SW 89 Court and SW 152 Street. The application has been properly posted on site and notification postcards were mailed to all neighbors within a 500-foot radius. To date, the Village has not received an objection.

Development Application Review Committee (DARC)

Section 30-30.2(d) of the Land Development Regulations states that no application shall proceed to public hearing without final sign off by applicable Village departments, where appropriate.

The proposed signage variance was reviewed by the Village's Zoning, Public Services, and Floodplain Management.

Zoning:	At time of building permit, site plan shall include existing / proposed landscaping and meet the requirements specific to freestanding signs in Section 3o-90.21
Public Services:	At the time of building permit, the required sight triangle will be required to be depicted on plans.
Floodplain Management:	No special flood requirements will be required at the time of construction.

STAFF RECOMMENDATION

The Land Development Code states that the Village Council may impose conditions and safeguard in granting any variance. The Village Council may prescribe appropriate modifications and/or conditions, including a variance approval expiration date or expiration event, to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Plan and the Code. The Village Council shall prescribe a reasonable time limit within which the action for which the variance is required shall begin, and such time shall not exceed 365 days from the date of the development order, after which a new variance application must be made unless an application for development permit has been filed.

Village staff recommends that the Village Council, conditionally approve application V-23-003 to allow a freestanding monument sign at 8950 SW 152 Street with the following conditions:

1. The approval is for plans prepared by Evelyn + Roux Architects dated 12-13-22.
2. The approval is for a freestanding monument sign that is no larger than twenty-four feet in width, six-feet in height, and a depth of two-feet.
3. The applicant and property owner shall maintain all required landscaping for the life of the sign.
4. The sign shall be located at the northwest corner of the property directly east of the west driveway.
5. The required sight triangle shall be verified at the time of building permit.
6. The freestanding sign variance shall be valid for 180 days to obtain a building permit. The Community and Economic Development Director shall have the discretion to grant an additional 120 days.

ATTACHMENTS

Attachment A: Application / Letter of Intent
Attachment B: Property Survey
Attachment C: Sign Plan
Attachment D: Neighbor Signature Form

RESOLUTION NO. 2023-____
ZONING APPLICATION VPB-23-003

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, DIVISION 30-90., SIGN REGULATIONS, AND SECTION 30-50.15., R-5, OFFICE DISTRICT, AUTHORIZING A VARIANCE REQUEST FOR MICHAEL W. SONTAG, INC. AT 8950 SW 152 STREET, TO PERMIT A FREESTANDING MONUMENT SIGN AT A PARCEL ZONED R-5, OFFICE DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Michael W. Sontag, has applied for a variance allowing a freestanding monument sign; and

WHEREAS, the subject property is located at 8950 SW 152 Street and is designated as folio number 33-5028-000-0080; and

WHEREAS, the property is designated R-5 Office District on the Village of Palmetto Bay Zoning Map, as adopted on July 19, 2021 by Ordinance 2021-13; and

WHEREAS, the ad-hoc Development Application Review Committee comprised of professional Village Staff reviewed the proposed variance; and

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay conducted a public hearing on the application at Village Hall, 9705 East Hibiscus Street on February 27, 2023; and

WHEREAS, the Village Council finds, based on substantial competent evidence in the record, that the application for the variance is consistent with the Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations; and

WHEREAS, based on the foregoing finding, the Village Council determined to grant the application, as provided in this Resolution.

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

Section 1. A public hearing on the present application was held on February 27, 2023 in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

Section 2. Findings of fact.

1. That the subject property is located at 8950 SW 152 Street and is designated as folio number 33-5028-000-0080.

2. After hearing testimony from Village Staff, the applicant, the owner and the public, the Village Council accepted the findings of Village Staff as it relates to compliance with the following provisions of the Village's Code of Ordinances: Section 30-30.6, Variances, Division 30-90., Sign Regulations, and Section 30-50.15., R-5, Office District.

3. The application for the variance is consistent with the Village's Comprehensive Plan, as further specified in the Planning and Zoning Division Staff Report.

4. The Village Council adopts and incorporates by reference the Planning and Zoning Division Staff Report.

Section 3. Conclusions of Law.

The application for the variance was reviewed pursuant to Section 30-30.6, Variances, Division 30-90., Sign Regulations, and Section 30-50.15., R-5, Office District of the Village's Code of Ordinances and was found to be consistent.

Section 4. Order.

The Village Council approves the application for a freestanding monument sign variance request for Michael W. Sontag at 8950 SW 152 Street (Folio #33-5028-000-0080), to permit the construction of a freestanding monument

sign; consistent with Section 30-30.6 “Variances”, Sign Regulations, and Section 30-50.15., R-5 of the Village Zoning Code, as more particularly described in the attached application and site plan that is included in the public hearing package with the following conditions:

1. The approval is for plans prepared by Evelyn + Roux Architects dated 12-13-22.
2. The approval is for a freestanding monument sign that is no larger than twenty-four feet in width, six-feet in height, and a depth of two-feet.
3. The applicant and property owner shall maintain all required landscaping for the life of the sign.
4. The sign shall be located at the northwest corner of the property directly east of the west driveway.
5. The required sight triangle shall be verified at the time of building permit.
6. The freestanding sign variance shall be valid for 180 days to obtain a building permit. The Community and Economic Development Director shall have the discretion to grant an additional 120 days.

This is the final order.

Section 5. Record.

The record shall consist of the notice of hearing, the Planning and Zoning Division Staff Report, the application, all documents submitted by the applicant and the owner to the Village of Palmetto Bay in connection with the application, the testimony and documents presented at the public hearing, and the tape and minutes of the hearing.

Section 6. This Resolution shall take effect immediately upon approval.

PASSED AND RESOLVED this 27th day of February 2023.

Attest:

Missy Arocha	Karyn Cunningham

Village Clerk Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
John C. 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

V	**Village of Palmetto Bay** APPLICATION FOR VARIANCE (PUBLIC HEARING)

Date: 1/9/2023

Application No: _____

Petitioner / Applicant: Michael W. Sontag Inc.

Petitioner / Applicant Address: 15912 SW 92 Avenue Palmetto Bay, FL 33157

Phone: 786-525-5892 E-mail: msontag@Domatic.com

Petitioner's Relation to Subject Property: Fee Simple

RECEIVED
Zoning Department
V-23-003 Jan 12 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

If Petitioner is not Owner, Name of Owner: _____

Address of Owner: _____

Signature of Petitioner: _____

Address of Property: 8950 SW 152 Street Palmetto Bay FL 33157

Folio: 33-5028-000-0080

SUBMITTAL REQUIREMENTS:

- Letter of Intent outlining the variance request and how the request meets the review criteria in Section 30-30.6(e) of the Village's Land Development Regulations.
- Current Survey of Site including legal description
- Building elevations, site plan, and landscape plan, if applicable
- Signature approval card signed by contiguous neighbors (preferred)

OWNER / AGENT CERTIFICATE:

This is to certify that I am the owner/agent of the subject lands described above in the application for variance, 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 10 day of Jan. 2023, by Michael W. Sontag.

☒ He/She is personally known to me or

☐ He/She has presented _____ as identification.

Signature of Notary Public _____

Type or Print Name Aimee Artiles

AIMEE ARTILES
Notary Public-State of Florida
Commission # GG 950406
My Commission Expires
May 22, 2024

FOR STAFF USE ONLY

Fee Paid: _____ Date: _____

Zoning Hearing Date: _____ ( ) Approved ( ) Denied ( ) Approved with conditions

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 Profit Corporation
MICHAEL W. SONTAG, INC.

RECEIVED
Zoning Department
Jan. 12, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

V-23-003

Filing Information

Document Number	415451
FEI/EIN Number	59-1596638
Date Filed	12/28/1972
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	01/21/2020

Principal Address

15912 sw 92 ave
palmetto bay, FL 33157

Changed: 02/24/2016

Mailing Address

15912 sw 92 ave
palmetto bay, FL 33157

Changed: 02/24/2016

Registered Agent Name & Address

Sontag-Giannakopoulos, NOELLE
15912 sw 92 ave
palmetto bay, FL 33157

Name Changed: 01/21/2020

Address Changed: 02/24/2016

Officer/Director Detail

Name & Address

Title PST

SONTAG, MICHAEL
15912 sw 92 ave
palmetto bay, FL 33157

Annual Reports

Report Year	Filed Date
2020	01/21/2020
2021	01/16/2021
2022	02/02/2022

Document Images

02/02/2022 -- ANNUAL REPORT	View image in PDF format
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01/21/2020 -- REINSTATEMENT	View image in PDF format
01/18/2018 -- ANNUAL REPORT	View image in PDF format
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02/24/2016 -- ANNUAL REPORT	View image in PDF format
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01/14/1997 -- ANNUAL REPORT	View image in PDF format
01/24/1996 -- ANNUAL REPORT	View image in PDF format
01/19/1995 -- ANNUAL REPORT	View image in PDF format

Michael W Sontag Inc.
15912 SW 92 Ave
Palmetto Bay, FL 33157
msontag@domatic.com
786.525.5892

RECEIVED
Zoning Department
V-23-003 Jan. 12, 2023
Village of Palmetto Bay
Planning & Zoning Department
By: AC

January 12, 2023

Director Siegel, AICP
Village of Palmetto Bay
Community and Economic Development Director
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

RE: Letter of Intent for a Variance Request- 8950 SW 152 Street Palmetto Bay, FL

Director Siegel,

The property owner, Michael W. Sontag Inc., of 8950 SW 152 street (approximate 39,500 square feet of office space), is requesting a sign variance for; 1) a monument sign for the front of the property facing 152 street and 2) wall mounted signs in rear of building above entrance of tenant suites. The purpose for the monument sign is to professionally display the names of tenants, assist the public in finding said locations and reduce traffic to neighbors.

Village of Palmetto Bay regulation R- 5 zoning office district limits the sign to: flat wall, size 12 square feet, one sign for each street frontage, illumination permitted, sign shall be mounted on building or on a cantilever parallel with the wall.

The current regulation has not been updated nor does it assist residents and visitors to find the services located within the 8950 building. Moreover, the mature foliage and tree landscaping prevent line of sight using the current regulation. Unfortunately, the commercial next-door neighbors have complained that said 8950 visitors often go their property and park in their location. We are respectfully requesting a variance for a monument sign.

As per the Village Council action and criteria for approval.

a. Whether the village has received written support of the specifically identified variance requests from adjoining property owners; **YES** The neighboring property owners have been notified either by email or personal delivery of the variance package with a survey, sign location and current regulation. Resident Jorge Reyes of

15201 SW 89 Court is in support, The Foster Management company has been notified (property to the west) owners Richard Grabowski unit 103 & Mohammad Faghihi unit 209 are in support, Kino MacGregor All American Insurance has been notified, Dr Fernando Duarte Ortho across the street has been notified, lakeview Management representing Coral Condominium Association, Inc located directly behind the property has been notified.

b. Whether the approval of the variance would be compatible with development patterns in village; **YES** the monument sign will preserve the overall aesthetic of the property due to the location of the sign, landscape and design.

c. Whether the essential character of the neighborhood would be preserved: **YES** the proposed monument sign will not alter the appearance of the property.

d. Whether the variance can be approved without causing substantial detriment to adjoining properties; **YES** the proposed sign variance is compatible to surrounding commercial properties.

e. Whether the variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this chapter to provide substantial relief: **YES** The adjoining properties, neighborhood and Village will benefit by directing visitors to the exact location as opposed to driving around aimlessly causing accidents, traffic jams, interruption of businesses, and parking issues.

f. Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of this chapter unnecessarily burdensome; **YES** . The current sign ordinance is out of date and drastically limits the visibility of tenants, businesses and takes away from the aesthetics of the new construction.

g. Whether the special conditions and circumstances which exist are the results of actions beyond the control of the applicant; **YES** Due to Miami Dade County and Village ordinance regarding tree removal the property has mature oak trees that block the visibility if the current sign regulation is enforced (wall mount per each street). The owner expended thousands of dollars relocating trees and replanting which block wall mounted sign visibility.

h. No variance shall be granted without the concurrence of the owner of property contiguous to the property line requiring the variance unless a hardship exists. **(See attached Variance Neighbor Approval Form)**

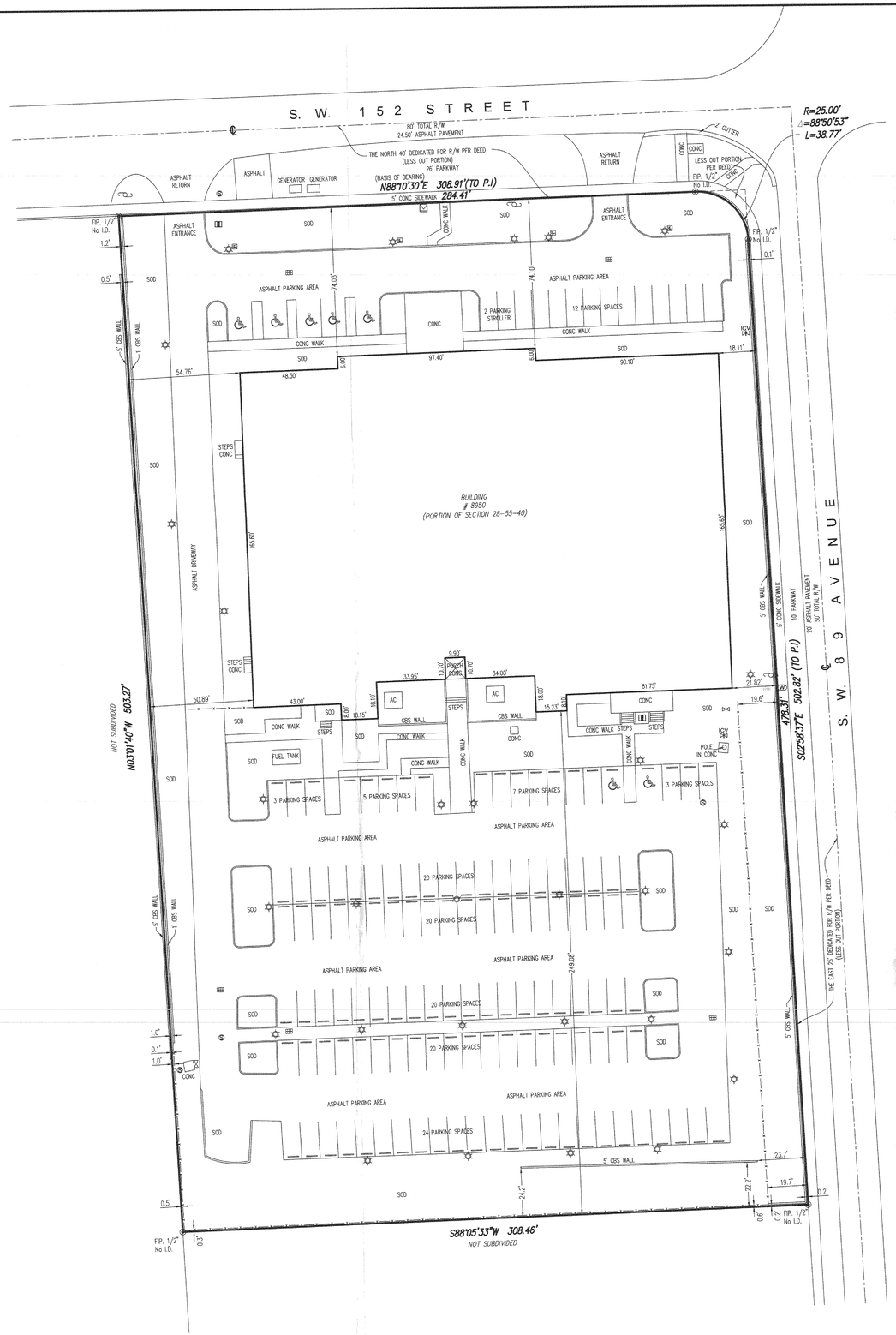
We are respectfully requesting your cooperation in considering the above and placing the Variance Application on the Village's next available docket for Public Hearing. Moreover, If you should have any questions or concerns please do not hesitate to contact me at 786-525-5892 or msontag@domatic.com.

Sincerely,

Michael Sontag, President
Michael W. Sontag Inc.

Attachment B
Property Survey

SCALE 1"=30'



ADDRESS:

8950 S.W 152nd STREET, PALMETTO BAY, FLORIDA, 33157

LEGAL DESCRIPTION:

The West one-half (W 1/2) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida, LESS AND EXCEPTING THEREFROM the Southerly 132 feet thereof, the Northerly 40 feet thereof, and the Easterly 25 feet thercof, and a triangular area bounded by the South line of said North 40 feet and bounded by the West line of said East 25 feet and bounded by a 25 foot radius arc concave to the Southwest, said are being tangent to both last described lines.

All of said lands situate, lying and being in Miami-Dade County, Florida.

SURVEYOR'S NOTES:

1. This survey is not to be used for design of construcion purposes.
2. No improvements located except as shown.
3. No instruments of record reflecting easements, right of way, and or ownership were furnished to this surveyor except as shown.
4. Unless otherwise noted record and measured data are in substantial agreement.
5. The Street Right-of-Way abutting this property are physically open unless otherwise noted.
6. Elevations if shown relative to The National Geodetic Vertical Datum of 1929.
7. Additions or deletions to survey map by other than the signing party or parties is prohibited without the wrtten consent of the signing party of parties.
8. No underground installations or improvements have been located.
9. This survey map or the copies thereof are not valid without the signature and the original raised seal of a Florida Licensed Surveyor & Mapper.

CERTIFIED TO:

MICHAEL W SONTAG INC

LEGEND:

INV. Invert
ANC Anchor
ASPH Asphalt
DWY Asphalt Driveway
℄ Base Line
BM Bench Mark
℄ Centerline
CA Central Angle
CDWY Concrete Driveway
CHD Chord
CLF Chain Link Fence —— x
CONC. Concrete
CULV. Culvert
C&G Curb & Gutter
CWF Chicken Wire Fence
△ Delta
DC Deep Cut
DH Drill Hole
DKW Deco Wall
EOW Edge of Water
F.F.E. Finish Floor Elevation
FAR Floor Area Ratio
FND Found
GR Guard Rail
GRD Ground
H Height of Lowest Transmission Line
IF Iron Fence
IP Iron Pipe
L Length of Curve
(M) Measured
M Monument Line
N&D Nail & Disc
O.R.B. Official Record Book
PF Plastic Fence
PG. Page
PS Parking Spaces
P.B. Plat Book
POB Point of Beginning
POC Point of Commence
POT Point of Terminus
N North
S South
E East
W West
R/W Right-of-Way
SN Set Nail
SWK Sidewalk
SF Square Feet
TOB Top of Bank
TYP. Typical
U.E. Utility Easement
WF Wood Fence ——//——
Tree
Sewer Valve
Water Meter
Water Valve
Lamp
Underground Sewer Line
Underground Telephone Line
Underground Water Line
Basketball Stand
Back Flow Preventer
Bell South Utility Box
Bell South Manhole
BUS Bus Stop
Catch Basin
Clean Out
Light Pole
Concrete Light Pole
Concrete Traffic Signal Pole
Drain
Drainage Manhole
Electric Box
Electric Manhole
Electric Meter
Flow Arrow
FPL Box
FPAL Manhole
Fire Hydrant
Gas Meter
Gas Valve
GPS Point
Grease Manhole
Guard Post
Handicap
Hedges
Drainage Inlet (4'x4' or 5'x5')
Irrigation Control Valve
Irrigation Valve
Light Meter
Concrete Power Pole
Mail Box
Manhole Unknown
Light Pole
Metal Power Pole
Metal Traffic Signal Pole
Monitoring Well
OH Overhead Cable
P.C.P. (Permanent Control Point)
P.R.M. (Permanent Reference Monument)
Palm
Pedestrian Signal Control Box
Phone Manhole
Plastic Light Pole
Post Indicator Valve
Rail Road Control Utility Box
Saimease Pump
Sanitary Sewer Manhole
Sewer Valve
Storm Sewer Manhole
Street Sign
T.V. Box
Telephone Box
Traffic Meter
Power Pole
Cable Box
Mail Box
Underground Cable TV Line
FPL Underground Electrical Line
GAS Underground Gas Line

Abbreviations

ADJ. -ADJACENT
A/C -AIR CONDITIONER
A -ARC
BM -BENCHMARK
B.C.R. -BROWARD COUNTY RECORDS
(C) -CALCULATED
CFT -CALCULATED FIELD TRAVERSE
C.E. -CANAL EASEMENT
C.M.E -CANAL MAINTENANCE EASEMENT
C/L -CENTERLINE
CH -CHORD
C.B.S. -CONCRETE BLOCK STRUCTURE
COL -COLUMN
CONC -CONCRETE
D -DELTA
D.E. -DRAINAGE EASEMENT
D.M.E. -DRAINAGE MAINTENANCE EASEMENT
ESMT. -EASEMENT
E/P -EDGE OF PAVEMENT
E.O.W. -EDGE OF WATER
EL. -ELEVATION
F.D.H -FOUND DRILL HOLE
FFE. -FINISH FLOOR ELEVATION
FIP. -FOUND IRON PIN/PIPE
FIR. -FOUND REBAR
F.N.&D-FOUND NAIL & DISC
FND. -FOUND
GAR. -GARAGE
G.E. -GARAGE ELEVATION
INV. -INVERT
I.R. -IRON ROD
L -ARC LENGTH
L.M.E -LAKE MAINTENENCE EASEMENT
L.A.E -LIMITED ACCESS EASEMENT
L.F. -LOWEST FLOOR
MAINT. -MAINTENANCE
M.E. -MAINTENANCE EASEMENT
(M) -MEASURED
N/D. -NAIL AND DISC
N.G.V.D. -NATIONAL GEODETIC VERTICAL DATUM
N.T.S. -NOT TO SCALE
O/S -OFFSET
O/L -ON LINE
OPT. -OPTIONAL
PG. -PAGE
PAV'MT -PAVEMENT
P.C.P -PERMANENT CONTROL POINT
P.R.M. -PERMANENT REFERENCE MONUMENT
(P) -PLAT
P.B. -PLAT BOOK
P.C. -POINT OF CURVATURE
P.I. -POINT OF INTERSECTION
P.O.B. -POINT OF BEGINNING
P.O.C. -POINT OF COMMENCE
P.R.C. -POINT OF REVERSE CURVATURE
P.T. -POINT OF TANGENCY
P/L -PROPERTY LINE
R -RADIUS
(R) -RECORD
R/W -RIGHT OF WAY
R.E.E. -ROOF ENCROACHMENT EASEMENT
(R) -RECORD
S/W -SIDEWALK
STY. -STORY
T -TANGENT
T.O.B. -TOP OF BANK
U.E. -UTILITY EASEMENT
U.E.A. -UTILITY EASEMENT ACCESS
U.&M.E. -UTILITY AND MAINTENANCE EASEMENT

RECEIVED
Zoning Department
January 13,2023
Village of Palmetto Bay
By: RC

UP-DATE: 11-17-2022

PREPARED FOR: MICHAEL W SONTAG INC

V-23-003

BOUNDARY SURVEY

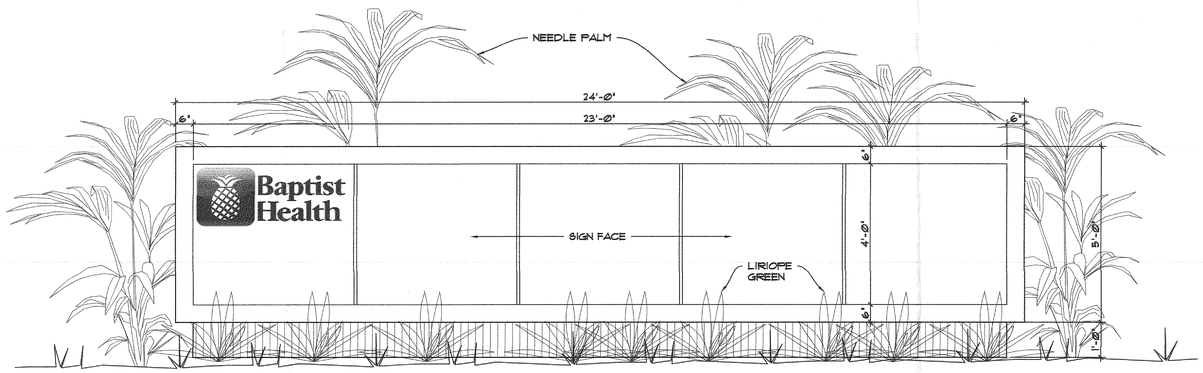
MARTINEZ & MARTINEZ ENTERPRISES, INC.
7179 WEST 13th AVENUE, HIALEAH, FLORIDA 33014
Phone: 786-277-4851 plspsm@gmail.com
Business License # 7702

PEDRO L MARTINEZ
PEDRO L. MARTINEZ P.S.M. (FOR THE FIRM)
PROFESSIONAL SURVEYOR AND MAPPER
5443
STATE OF FLORIDA.

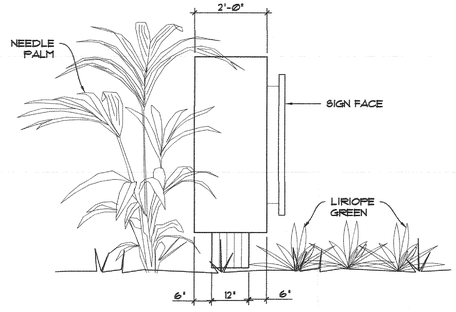
This survey map or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

DRAWN BY: I.C.
CHECKED BY: P.L.M.
DATE: 03-25-2022
SHEET: 1 of 1

Attachment C
Sign Plan



FRONT



SIDE

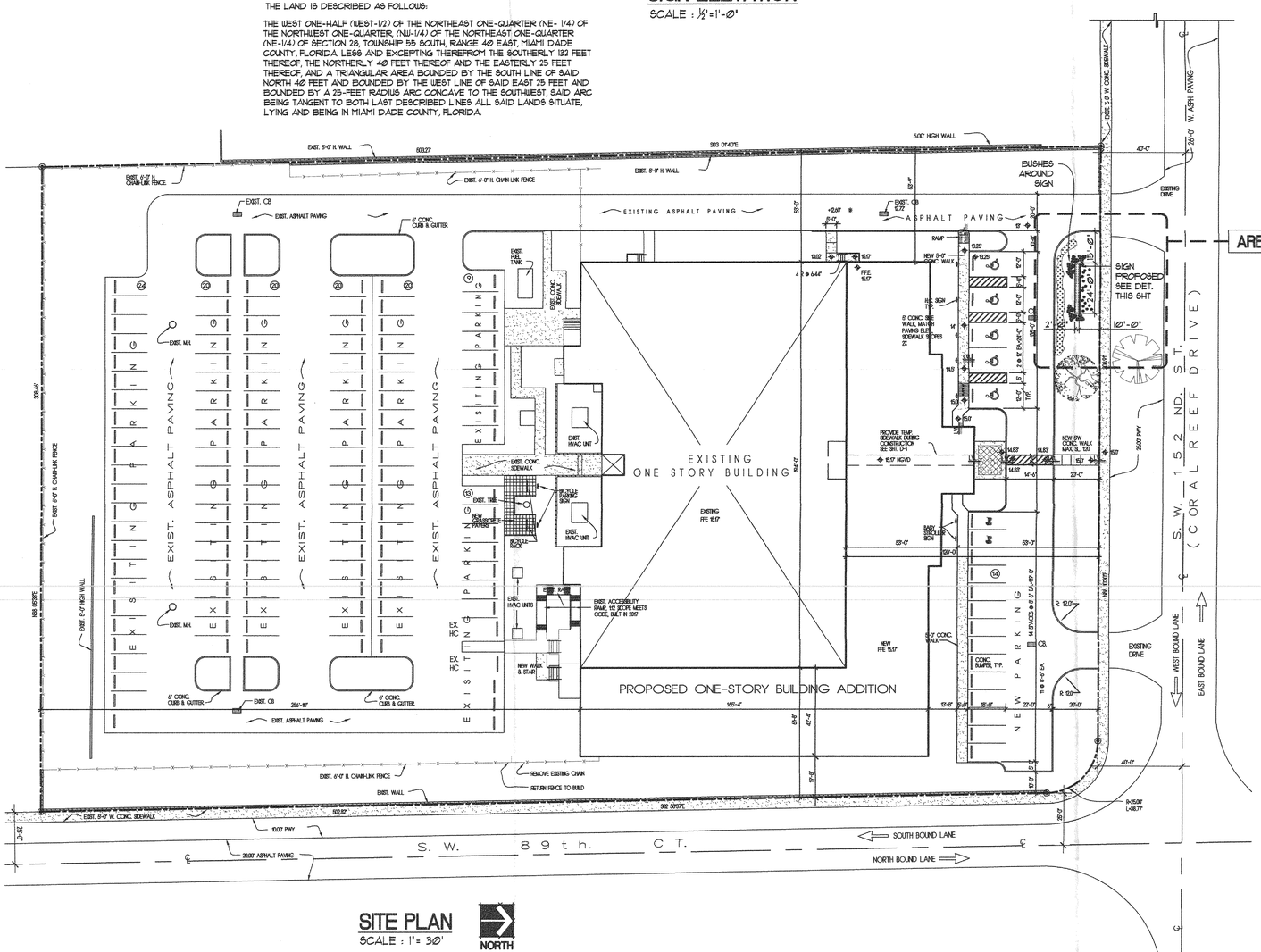
SIGN ELEVATION

SCALE : ½"=1'-0"

LEGAL DESCRIPTION:

THE LAND IS DESCRIBED AS FOLLOWS:

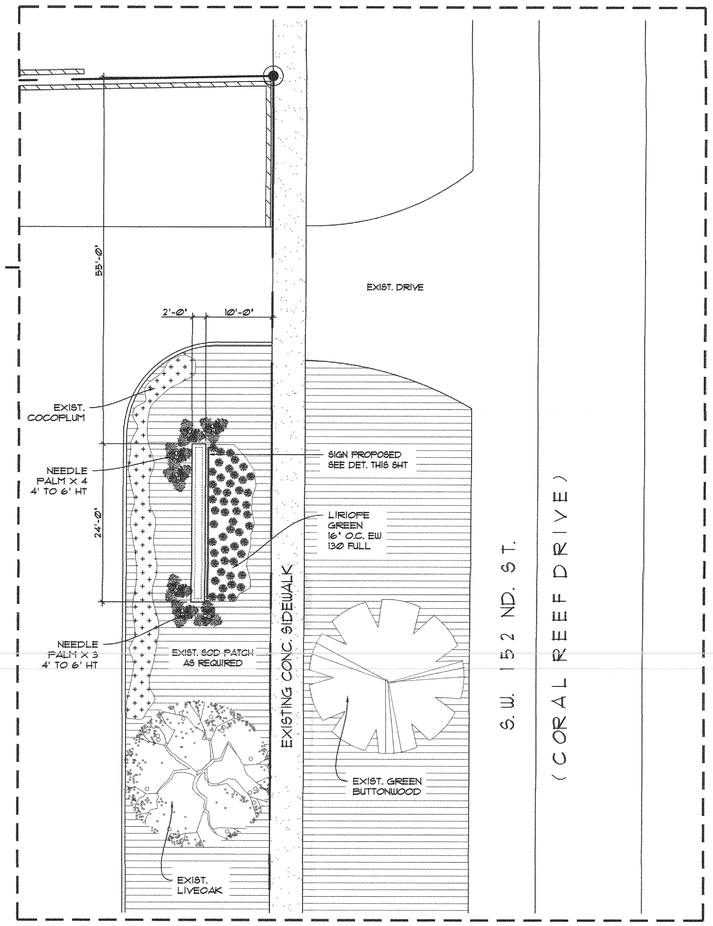
THE WEST ONE-HALF (WEST-1/2) OF THE NORTHEAST ONE-QUARTER (NE- 1/4) OF THE NORTHWEST ONE-QUARTER, (NW-1/4) OF THE NORTHEAST ONE-QUARTER (NE-1/4) OF SECTION 28, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI DADE COUNTY, FLORIDA LESS AND EXCEPTING THEREFROM THE SOUTHERLY 132 FEET THEREOF, THE NORTHERLY 40 FEET THEREOF AND THE EASTERLY 25 FEET THEREOF, AND A TRIANGULAR AREA BOUNDED BY THE SOUTH LINE OF SAID NORTH 40 FEET AND BOUNDED BY THE WEST LINE OF SAID EAST 25 FEET AND BOUNDED BY A 25-FEET RADIUS ARC CONCAVE TO THE SOUTHWEST, SAID ARC BEING TANGENT TO BOTH LAST DESCRIBED LINES ALL SAID LANDS SITUATE, LYING AND BEING IN MIAMI DADE COUNTY, FLORIDA.



SITE PLAN

SCALE : 1"= 30'

NORTH



DETAIL WORK AREA

SCALE : 3/32"=1'-0"

NORTH

NOTE:

ALTER EXISTING A LANDSCAPE IRRIGATION AS REQUIRED TO PROVIDE 100% COVERAGE AT SIGN

STATE OF FLORIDA
THEODORE L. ROUX
AR0004169
REGISTERED ARCHITECT

DEC 15 2022

RECEIVED
Zoning Department
January 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC
V-23-003

OWNER :
MICHAEL W. SONTAG
15912 S.W. 92nd AVENUE
MIAMI, FL. 33157
PHONE : 305-233-5910

SIGN
OFFICE BUILDING

8950 S.W. 152ND STREET VILLAGE OF PALMETTO BAY, FLORIDA

EVELYN + ROUX architects
Theodore Roux AIA
Robert John Evelyn
4854 S.W. 72nd Avenue
Miami, Florida 33155
phone (305)443-8116

date: 12-13-22

job no: 2297

A-1

Attachment D
Neighbor Signature Form

Village of Palmetto Bay
VARIANCE NEIGHBOR APPROVAL FORM

I, Michael W Sortas Inc, have applied for a Variance, to allow for a monument sign on 152 street & wall mounted sign in the rear of the building above entrance to tenant suite.

I, an undersigned property owner, have read (or have had read to me) the information applicable to this request for a variance from the Village of Palmetto Bay's Land Development Regulations and fully understand that by subscribing my name to this consent form, I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant to this form and to the plans accompanying this application.

Name (Type or Print) Mohammad Faghihi Date _____
Address 9000 SW 152nd St
Palmetto Bay Suite 209
Signature

Name (Type or Print) _____ Date _____
Address _____
Signature

Name (Type or Print) _____ Date _____
Address _____
Signature

Name (Type or Print) _____ Date _____
Address _____
Signature

Name (Type or Print) _____ Date _____
Address _____
Signature

RECEIVED
Zoning Department
Jan. 12 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

V-23-003

Village of Palmetto Bay
VARIANCE NEIGHBOR APPROVAL FORM

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Name (Type or Print) Richard H. Grabowski Date 1-11-23
Address 9000 SW 152nd Str Palmetto Bay, FL 33157 #103

Richard H. Grabowski
Signature

Name (Type or Print) _____ Date _____
Address _____

_____
Signature

Name (Type or Print) _____ Date _____
Address _____

_____
Signature

Name (Type or Print) _____ Date _____
Address _____

_____
Signature

Name (Type or Print) _____ Date _____
Address _____

_____
Signature

RECEIVED
Zoning Department
Jan. 12. 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

V-23-003

Revision 12/2022

Village of Palmetto Bay
VARIANCE NEIGHBOR APPROVAL FORM

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Name (Type or Print) Jorge Reyes Date 01.10.23
Address 15201 SW 89th Ct. Palmetto Bay 33157

Signature

Name (Type or Print) _____ Date _____
Address _____

Signature

Name (Type or Print) _____ Date _____
Address _____

Signature

Name (Type or Print) _____ Date _____
Address _____

Signature

Name (Type or Print) _____ Date _____
Address _____

Signature

RECEIVED
Zoning Department
January 12, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC V-23-003

Revision 12/2022

AGENDA ITEM NO. 5.C

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Heidi Siegel, 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 30-30 "DEVELOPMENT APPROVAL PROCEDURES" SECTION 30-30.1, "GENERAL APPLICATION REQUIREMENTS", SECTION 30-30.3, "ADMINISTRATIVE DEVELOPMENT APPROVALS", SECTION 30-30.5 "SITE PLAN APPROVAL"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. ***(Second Reading)***

SUGGESTED ACTION:

ATTACHMENTS:

Staff Memo-Amending Section 30-30 Development Approvals

Ord-Amending Section 30-30 Development Approvals

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

Date: February 27, 2023
Re: Amending Land Development Code – Section 30-30

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE LAND DEVELOPMENT CODE AT DIVISION 30-30, "DEVELOPMENT APPROVAL PROCEDURES"; AMENDING SECTION 30-30.1, "GENERAL APPLICATION REQUIREMENTS'; SECTION 30-30.3, "ADMINISTRATIVE DEVELOPMENT APPROVALS", AND SECTION 30-30.5 "SITE PLAN APPROVAL"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BACKGROUND:
At the July 19, 2022 and September 20, 2022 Committee of the Whole Workshops and the October 17, 2022 and December 12, 2022, Village staff received feedback and direction from the Village Council regarding potential amendments to the Land Development Code. The ordinance passed Village Council on first reading at the January 23, 2023 Zoning Hearing.

The proposed amendments would modify the thresholds for the administrative review process. The goals of these amendments are to increase public awareness of certain development projects and allow the Village Council proper governance of the Land Development Code.

Additionally, while reviewing Division 30-30 "Development Approval Procedures", Village staff identified additional opportunities to improve the application process and increase public participation opportunities.

The item has been readvertised for first hearing to ensure compliance with all requirements.

<u>Section 30-30.2 – General Application Requirements</u>
The proposed ordinance updates the required documents for all development applications to include the following additional items. Some of these items are referenced in other sections of the Land Development Code and are now included in Section 30-30.2 for ease of use.

- Letter of Intent about the proposed development project
- Parking plan by a certified traffic engineer, licensed in the State of Florida
- Basic Civil Plan that illustrates the existing and proposed infrastructure
- Grading and Drainage (Stormwater) Plan
- Sediment and Erosion Control Plan
- Landscape Plan
- Photometric Plan (exterior lighting)
- Pre-Construction Staging Plan
- Dumpster Enclosure Detail

- Bicycle and Pedestrian Circulation Plan
- Traffic Impact Analysis

Additionally, Village staff identified improvements to the community presentation requirements for certain proposed development projects. These amendments will expand opportunities for public involvement and will increase the responsibility of the applicant during outreach efforts.

- The current code limits community outreach meetings to development projects to five residential units or more or a commercial project in excess of 50,000 square feet or more.
    - Village staff is proposing an amendment to maintain the five residential units or more and now require community meetings for commercial projects 10,000 square feet or more.

- The current code states that the Village clerk shall place notice of the meeting on the Village website seven calendar days prior to the meeting.
    - Village staff is proposing the following amendments:
        - The Village clerk shall place a notice on the Village website site at least thirty calendar days prior to the meeting.
        - Notice shall be mailed to all property owners within 750-feet radius 30 days prior to the meeting.
        - The applicant shall provide the cost to the Village.
        - The property shall be posted 30 days prior to the meeting by the Village notifying the public of the upcoming public information meeting.
        - The Village Public Information Officer shall maintain the sign-in sheet of all attendees at the required community presentation.
        - The community presentation shall be recorded by the Village and placed on the Village website under Public Meetings.

- Village staff is proposing amendments that would require the applicant to provide the Community and Economic Development Department the following in written format within ten working days of the meeting:
    - A written summary of the issues and concerns raised during the meeting and how the applicant proposes to resolve these issues and concerns. If the applicant is unable or unwilling to resolve the issues and concerns raised during the meeting, the summary should state the reason these issues and concerns cannot be resolved. The written summary shall be placed on the Village website and Village media once received by the Village.

<u>Section 30-30.3 Administrative development approvals</u>
The proposed ordinance removes the following language from this Section specific to administrative development approvals*: "Every permitted use, except as exempted below, shall receive administrative site plan review."*

<u>Section 30-30.5 Site plan approval</u>

The proposed ordinance adds language that states that all site plans that constitute a change of use shall require a quasi-judicial public hearing. As change of use is defined as the following in the proposed amendment:

- Change from one category to another including, but not limited to:
    - Vacant to commercial
    - Residential to commercial
    - Agricultural to commercial
    - Vacant to mixed-use or multi-family
    - Agricultural to mixed-use or multifamily
- Vacant to single family residential shall be exempt from a quasi-judicial public hearing.

FISCAL IMPACT:
The fiscal impact of the proposed ordinance to the Village of Palmetto Bay is neutral.

RECOMMENDATION:
The Village staff recommends that the Village Council approve the proposed ordinance on first reading.

ORDINANCE 2023-

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING THE LAND DEVELOPMENT CODE AT DIVISION 30-30, "DEVELOPMENT APPROVAL PROCEDURES"; AMENDING SECTION 30-30.1, "GENERAL APPLICATION REQUIREMENTS';SECTION 30-30.3, "ADMINISTRATIVE DEVELOPMENT APPROVALS", AND SECTION 30-30.5 "SITE PLAN APPROVAL"; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (SPONSORED BY THE 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 update the provisions within the Land Development Code in order to effectuate the vision of the Village and future land development; and

WHEREAS, the Village desires to specifically amend Chapter 30 "Zoning" Article II "Village of Palmetto Bay, Florida – Land Development Code" Division 30-30 "Development Approval Procedures"; 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 incorporated as if set forth in full.

Section 2. Chapter 30 "Zoning", at Article II, Division 30-30 "Development Approval Procedures", is amended to read as follows:

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

*****

Sec. 30-30.2. – General Application Requirements

(d) *Building permit application(s) and all other development order application(s).* A development order application is an action pursuant to Chapter 30, taken after public hearing or an administrative development review as provided under this Division 30-30. All applications for development shall be filed with the appropriate department, and shall be reviewed by all the various departments needed as per the applicable regulating authority, including Miami-Dade County and village public works, building, parks, and all outside agencies, including but not limited to the Miami-Dade County School Board, Miami-Dade County Fire Department, PERA, or the South Florida Water Management District (SFWMD). The application shall be accompanied by a fee as is established from time to time by the village council. No application shall proceed to public hearing without final sign off by the above applicable agencies where appropriate. All applicable state, county, and village codes and ordinances shall be complied with at all times. Where a conflict exits in the applicable code(s), the more restrictive shall prevail.

(1) All applications shall include the following documents:

a. Original executed application signed by the applicant and by the property owner, plus two copies of all necessary supportive construction drawings and documents.

b. Letter of Intent about the proposed development project.

~~b.~~c. Location map including geographic coordinates at a scale not less than 1″ = 1,000′.

~~c.~~d. Identification of applicable key persons, including, owner(s); owner's authorized agent(s); contracted buyer for owner's property; architects, engineers, landscape architects; and/or any other representative(s) or professional(s) involved in the application, if any.

(2) A verified statement disclosing the name of each person having a legal or equitable ownership interest in the subject property. If the owner is a private corporation, or partnership trust, the name of each person holding an interest and percentage of interest in the entity shall be disclosed. If the owner is a publicly held corporation, the stock of which is traded on a nationally recognized stock exchange, the names and addresses of the corporation and principal executive officers shall be disclosed, together with the names of any stockholder owning ten percent or more of the stock.

(3) The application shall be executed and sworn to by the owner(s) the property, or by the tenant(s) with the owner(s) sworn consent.

(4) A Legal description and a survey that is no more than one year old, which accurately depicts site conditions, at a scale of not less than one-inch equals 30 feet (1″ = 30′), certified by a state registered land surveyor or engineer. If a notarized affidavit of no change is provided, the survey may be older than one year, but no more than three year's old.

(5) Sealed elevation plans showing all four cardinal elevations (north, south, east and west), and shall include heights, distances, and dimensions of existing and proposed new building conditions.

(6) Sealed floor plans of all existing buildings (cross-hatched), and proposed additions. Revisions shall be "clouded."

(7) The site plan shall include the information as required by section 30-30.5, and a separate ~~shall include a~~ detailed parking ~~legend~~ plan as required by Section 30-70.4 shall be included. The ~~legend~~ parking plan will include a table showing all uses currently established at the location and shall provide a parking breakdown indicating the number of spaces required for each business, based on the indicated uses. For new uses the number of parking spaces and calculation shall be based upon section 30-70.8. For existing uses the calculation shall be based upon the original development parking ratio that was established at the time of original construction. The required ~~P~~parking ~~legend~~ plan shall be signed and sealed by a certified traffic engineer, licensed in the State of Florida and paid for by the applicant. ~~architect of record and by Village of Palmetto Bay Planning and Zoning Director.~~

(8) Copies of all prior approved variances, comments, declaration of restrictions, development orders and/or zoning resolutions applicable to the site.

(9) Copies of all permits required by other agencies to be obtained within the time period required under subsection 30-30.2(k).

(10) ~~Legal description.~~ Basic Civil Plan that illustrates the existing and proposed infrastructure, primarily the existing wastewater and water systems pursuant to Section 30-30.5(a)(2).

(11) Grading and Drainage (Stormwater) Plan pursuant to Section 30.30.2(n); Section 30-30.5(a)(2)and(b)(2); Section 30-30.5(g)(2).

(12) A Sediment and Erosion Control Plan.

(13) Landscape Plan pursuant to Section 30-100.1.

(14) Photometric Plan that indicates the location of any proposed exterior lighting and that it will not exceed the maximum illumination permitted pursuant to Section 30-60.6 Please indicate that all parking area lighting will maintain the minimum requirements pursuant to Section 30-70.5(g).

(15) Pre-Construction Staging Plan.

(16) Dumpster Enclosure Detail. Within the Site Plan and all other applicable sheets please accurately locate, dimension and detail the proposed dumpster enclosures, provide a separate detail sheet that indicates the specific container size and details the proposed dumpster enclosures and how they will be adequately screened and accessible pursuant to Section 30-60.7(f) and Section 30-100.1(d)(3)(j).

(17) Bicycle and Pedestrian Circulation Plan.

(18) A Traffic Impact Analysis.

~~(11)~~(19) Other information as required by the village as may be necessary to determine conformance with and enforcement of the requirements of Chapter 30.

~~(12)~~(20) Proof of land ownership of property by warranty deed or other instrument.

~~(13)~~(21) The village may require a property owner to file supporting legal instruments as outlined below:

a. *Restrictive covenant.* A restrictive covenant shall mean a binding document executed by the property owner that runs with the land and recorded in the public records. The restrictive covenant shall address specific conditions, concerns, easements, maintenance requirements, or other legal conditions on the use and/or maintenance of the property and shall specifically provide an enforceable encumbrance on the use of the land.

b. *Unity of title.* A unity of title, or other similar agreement or covenant, shall be required to be submitted on a form approved for legal sufficiency by the village attorney, which shall run with the land and be binding upon the heirs, successors, personal representatives, assigns, and upon all mortgagees or lessees and others having any interest in the property. No permits shall be issued until the covenant/unity of title is recorded.

c. *Maintenance of common areas and facilities.* A homeowners' association, master association or similar type of association, shall be created for the entire

development (total property), which shall provide for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase of development of a project so as to maintain buildings and other common areas provided however these associations, or the members thereof, are later made members of the master association. Alternatively, the property owner shall execute and record in the public records a covenant running with the land for the entire property providing for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land.

(v) *Presentations before general public regarding a proposed development project.*

(1) *Presentations required.* A private developmenter ~~of residential~~ project which is greater than five (5) residential units or a commercial project in excess of ~~50~~10,000 square feet ~~which requires Council approval to develop~~ shall make a presentation to the general public. ~~between two and four weeks prior to Council deliberations.~~ At the meeting for the presentation, traffic studies, plans, characteristics, parameters, architectural presentations and any and all other pertinent information by professionals working on the project shall be presented to the public for public discussion.

(2) *Notice.* The applicant ~~developer~~ shall schedule the meeting for the presentation with the village clerk and notice of the meeting shall be placed on the official website of the Village of Palmetto Bay at least ~~seven~~ thirty calendar days prior to the meeting. Notice shall be mailed to all property owners within 750 feet radius 30 days prior to the meeting. The applicant shall provide the cost to the village. The property shall be posted 30 days prior to the meeting by the village notifying the public of the upcoming public information meeting.

(3) *Meeting procedure.* The meeting for the presentation shall take place on the evening of a regular semester school day of the Miami-Dade County Public Schools. No meetings shall be scheduled during Miami-Dade County Public Schools spring or winter breaks and the period of June 15 to August 15, federal holidays or when the village has zoning-in-progress or a moratorium in effect. The meeting shall allocate equal time to the applicant ~~developer~~ and the public, for a minimum of 15 minutes for the presentation of the applicant ~~developer~~, and 15 minutes for questions and comments by the public, whereby the applicant ~~developer~~ and any village staff present will attempt to answer all relevant questions from the public to the best of their ability. The meeting shall

be facilitated by the village's public information officer. The Public Information Officer shall maintain a sign-in sheet of all attendees with attendee contact information including name, address, and email.

(4) Meeting documentation. Within 10 working days of the meeting, the applicant shall provide the Community and Economic Development Department the following in written format:

A written summary of the issues and concerns raised during the meeting and how the applicant proposes to resolve these issues and concerns. If the applicant is unable or unwilling to resolve the issues and concerns raised during the meeting, the summary should state the reason why these issues and concerns cannot be resolved. The written summary shall be placed on the Village website and Village media once received by the Village.

(5) The community presentation shall be recorded by the Village and placed on the Village website under Public Meetings.

~~*Exemption.* This subsection shall not apply to: (i) Any development that can be administratively approved by the planning and zoning department; (ii) exigent circumstances as determined by the village council.~~

Sec. 30-30.3. Administrative development approvals.

(a) *Administrative approval.* The planning and zoning director shall have the authority to review and act on any application for development approval for a permitted use, unless a public hearing is required, in the zoning district in which a development is proposed. ~~Every permitted use, except as exempted below, shall receive administrative site plan review.~~ After reviewing all staff comments, the department shall act to approve, approve with conditions, or disapprove the site plan based on the criteria for site plan approval contained in section 30-30.5. The department shall provide written comments documenting any conditions to approval. If the site plan is denied, the department shall specify in writing the reasons for the denial. Where, in the department's opinion, the proposed site plan has a design, intensity, or scale that may produce potential area-wide impacts, the department shall forward the item to the village council for review and action during a public hearing. The department shall not have the authority to approve site plan applications for those uses that require conditional use or variance approvals, unless an administrative variance process applies. These approvals shall require village council approval, after public hearing.

Sec. 30-30.5. Site plan approval.

(b) *Development and uses requiring site plan review.*

(1) All permitted, conditional and accessory uses shall require site plan approval unless otherwise exempted from the approval by this division, or unless waived by the village council as provided below. No structure, parking area, part thereof, land, or water, shall be erected, increased, or used, or any change of use consummated, nor shall any building permit be issued therefore unless a site plan for the structure or use is submitted, reviewed and approved pursuant to the provisions of this division. All site plan approvals that constitute a change of use shall require a quasi-judicial public hearing. A change of use shall be determined by the Community and Economic Development Director. For the purposes of this division a change of use shall mean a change from one category to another including but not limited to vacant to commercial, residential to commercial, agricultural to commercial, vacant to mixed-use or multi-family, and agricultural to mixed-use or multifamily. Vacant to single family residential shall be exempt from a quasi-judicial public hearing.

(f) *Site plans requiring a quasi-judicial public hearing.* Site plans review at public hearing shall be required for applications that constitute a change of use pursuant to Section 30-30.5(b)(1), parcels that encompass~~es~~ five (5) or more acres of land, the propose~~s~~d development of twenty (20) or more dwelling units and/or ~~40~~10,000 square feet of nonresidential and/or commercial building area. ~~outside of the mixed-use districts. The village's two mixed-use districts shall comply with administrative site plan review, unless a specific requirement within those districts requires a public hearing.~~

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 23rd day of January 2023.
PASSED ON SECOND READING this 27th day of February 2023.

Attest: _____ _____
Missy Arocha Karyn Cunningham
Village Clerk Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
John C. Dellagloria, Esq.
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham ___

Council Member Steven Cody ___

Council Member Marsha Matson ___

Vice-Mayor Leanne Tellam ___

Council Member Patrick Fiore ___

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 _____

Additions shown by underlining and deletions shown by ~~overstriking~~.

AGENDA ITEM NO. 5.D

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: February 27, 2023

SUBMITTED BY: Heidi Siegel, 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, 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. ***(First Reading)***

SUGGESTED ACTION:

ATTACHMENTS:

Memo-Off Street Parking Amendments
Ordinance-Off Street Parking Amendments
Amendments-Annotated Section 30-70 Off Street Parking

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

Date: February 27, 2023
Re: RZ-23-001 / Section 30-70 Off Street Parking Amendments

THIS ITEM WAS CONTINUED FROM THE JANUARY 23, 2023 ZONING HEARING DUE TO TIME.

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. (FIRST READING)

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.

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. • 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 the attached ordinance on first 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. *(First 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	
One space per 100 gross square	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	

feet of patron area:		
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.	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	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	After the first 20,000 square feet, one parking space per 10,000 square feet (or fraction thereof) of

feet for the first 20,000 square feet	400 square feet and an interior height not to exceed 12 feet. No wholesale or retail sales are permitted.	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.

(~~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.

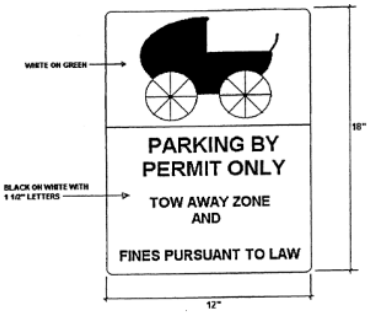
Sec. 30-70.10. Child and baby stroller spaces.

(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

Material	Solar Reflectance
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.

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, FLORIDA ONLY:

_____

John C. Dellagloria

Village Attorney

FINAL VOTE AT FIRST 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	
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.	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 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.

(~~1~~28) *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.

(~~1~~39) *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.

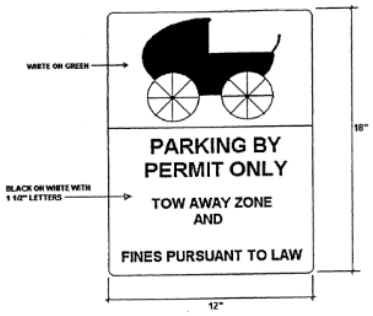
(a) *Parking spaces specifically designed for persons transporting young children under the age of three and strollers, shall be required for all uses other than single family, duplex, townhouse, or multi-family sites.* Child and baby stroller parking spaces shall be provided as follows:

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

Material	Solar Reflectance
Typical weathered white concrete	0.40
New asphalt	0.05
Weathered asphalt	0.10

AGENDA ITEM NO. 5.E

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: February 27, 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. ***(First Reading)***

SUGGESTED ACTION:

ATTACHMENTS:

Memo-AIPP Code Change Section
Ordinance-AIPP Code Change
Attachment A-AIPP Code Change Section

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

Date: February 27th, 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. *(First 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.

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 first 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. *(FIRST 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 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 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.

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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.

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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 and ENACTED this 27th day of February 2023.

FIRST READING: _____

SECOND READING:_____

Attest: _____ _____

Missy Arocha Karyn Cunningham

Village Clerk Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
John C. 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 ___

Additions shown by underlining and deletions shown by ~~overstriking~~.

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;
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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 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.