



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, JUNE 17, 2024 – 7:00 PM

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

- 1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.
- 2. REQUEST, PETITIONS, AND PUBLIC COMMENTS** Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of the agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign-in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of the agenda. Please limit your comments to three (3) minutes or less. Public comments made by members of the public are important to the Village Council. Speakers will address the Village Council with respect.

3. APPROVAL OF MINUTES

- A. Zoning Hearing (May 20, 2024)

4. MAJOR PROJECTS UPDATE

5. PUBLIC HEARING ITEMS

- A. **Applicant:** BAPTIST HEALTH ENTERPRISES, INC.
Location: 8750 SW 144TH STREET, PALMETTO BAY, FL
Property Folio: 33-5021-044-0010
Application: V-23-008 (REV 2)
Zoning District: R-5, OFFICE ZONING DISTRICT AND E-M, ESTATE MODIFIED SINGLE FAMILY DISTRICT
Request: VARIANCE PURSUANT TO SECTION 30-30.6 VARIANCES, WAIVING THE MAXIMUM WALL SIGN AREA AND AMOUNT OF SIGNS PER STREET FRONTAGE ALLOWED BY SECTION 30-90 STYLED "SIGN REGULATIONS" OF THE VILLAGE LAND DEVELOPMENT CODE AND TO ALLOW ONE (1) MONUMENT SIGN WHERE NONE ARE PERMITTED AND TO ALLOW TWO (2) DIRECTIONAL SIGNS WHERE NONE ARE PERMITTED FOR A FREE STANDING EMERGENCY DEPARTMENT ON A PROPERTY THAT PREVIOUSLY HAD VARIANCES FOR SIMILAR SIGNAGE APPROVED THROUGH MIAMI-DADE COUNTY RESO NO. CZAB13-2-98. *(Continued from the May 20, 2024, Zoning Hearing)*
- B. **Applicant:** VILLAGE OF PALMETTO BAY
Location: VILLAGE-WIDE
Application: RZ-24-001
Request: AMENDING CHAPTER 30, SECTION 30-30 OF THE CODE OF ORDINANCES STYLED: "DEVELOPMENT APPROVAL PROCEDURES", REGARDING ADMINISTRATIVE DEVELOPMENT APPROVALS AND PUBLIC HEARING AND NOTICE REQUIREMENTS. *(Sponsored by Councilmember Steve Cody) (Ordinance on First Reading)*
- C. **Applicant:** VILLAGE OF PALMETTO BAY
Location: VILLAGE-WIDE
Application: RZ-24-002
Request: AMENDING CHAPTER 30, SECTION 30-50.1 OF THE CODE OF ORDINANCES STYLED: "DISTRICTS AND GENERAL PROVISIONS", REGARDING MIAMI-DADE COUNTY SMART PLAN CORRIDOR FLOOR AREA RATION (FAR) REQUIREMENTS. *(Ordinance on First Reading)*

6. DISCUSSION

- A. DRAFT SIGNAGE CODE (SECTION 30-90)

7. ADJOURNMENT Next Zoning Hearing (Monday, July 15, 2024)

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 DISABILITIES 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. 3.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: June 17, 2024

SUBMITTED BY: Missy Arocha, Village Clerk's Office

ITEM TYPE: Minutes

AGENDA SECTION: **APPROVAL OF MINUTES**

SUBJECT: Zoning Hearing (May 20, 2024)

SUGGESTED ACTION:

ATTACHMENTS:
[2024-05-20 Zoning-Minutes](#)
[Exhibit A-Public Comment by Form](#)



MINUTES
ZONING HEARING
MONDAY, MAY 20, 2024 – 7:00 PM
VILLAGE HALL COUNCIL CHAMBERS
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157

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

The Zoning Hearing was called to order at 7:06 PM by Vice Mayor Leanne Tellam.

Vice Mayor Leanne Tellam thanked Mayor Karyn Cunningham for attending the American Flood Coalition Meeting and representing the Village. She reported that she would Chair the meeting on behalf of Mayor Karyn Cunningham.

The following members of the Village Council were present during roll call:

Vice Mayor Leanne Tellam
Councilmember Patrick Fiore
Councilmember Steve Cody
Councilmember Marsha Matson

The following Charter Officials were in attendance:

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

Councilmember Patrick Fiore led the invocation.

Mr. Alex David from Calvin Giordano & Associates led the pledge of allegiance.

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

3
4 Village Clerk Missy Arocha swore-in the witnesses that wished to testify to the
5 public hearing items on the agenda.

6
7 Vice Mayor Leanne Tellam reported that applicant, Baptist Hospital provided
8 notice for their request of a deferral on public hearing item no. 5C.

9
10 **2. REQUESTS, PETITIONS, AND PUBLIC COMMENTS:** There was no public
11 comment.

12
13 **3. APPROVAL OF MINUTES:**

14
15 A. Zoning Hearing (April 15, 2024)

16
17 Moved by Councilmember Steve Cody. Seconded by Councilmember Patrick
18 Fiore.

19
20 Vice Mayor Leanne Tellam reported that the words "scrip nous error" on the
21 minutes need to be corrected to reflect the correct spelling: scrivener's error.

22
23 **All voted in favor (4-0). The minutes passed unimously.**

24
25 Councilmember Patrick Fiore **motioned** to move public hearing item 5C out of
26 order, prior to Major Projects Update. **Seconded** by Councilmember Steve
27 Cody. **All voted in favor (4-0). The motion passed unanimously.**

28
29 **PUBLIC HEARING ITEM 5C: OUT OF ORDER**

30 **Applicant:** BAPTIST HEALTH ENTERPRISES, INC.

31 **Location:** 8750 SW 144TH STREET, PALMETTO BAY, FL

32 **Property Folio:** 33-5021-044-0010

33 **Application:** V-23-008 (REV)

34 **Zoning District:** R-5 OFFICE ZONING DISTRICT AND E-M, ESTATE
35 MODIFIED SINGLE FAMILY DISTRICT

36 **Request:** VARIANCE PURSUANT TO SECTION 30-30.6 VARIANCES, WAIVING
37 THE MAXIMUM WALL SIGN AREA AND AMOUNT OF SIGNS PER STREET
38 FRONTAGE ALLOWED BY SECTION 30-90 STYLED "SIGN REGULATIONS" OF
39 THE VILLAGE LAND DEVELOPMENT CODE AND TO ALLOW (1) MONUMENT
40 SIGN WHERE NONE ARE PERMITTED AND TO ALLOW TWO (2) DIRECTIONAL
41 SIGNS WHERE NONE ARE PERMITTED FOR A FREE STANDING EMERGENCY
42 DEPARTMENT ON A PROPERTY THAT PREVIOUSLY HAD VARIANCES FOR
43 SIMILAR SIGNAGE APPROVED THROUGH MIAMI-DADE COUNTY RESO NO.
44 CZAB13-2-98. *(Continued from the April 15, 2024, Zoning Hearing)*

45
46 **Moved** by Councilmember Patrick Fiore. **Seconded** by Councilmember Steve Cody.

1 Alessandra San Ramon, representative of Baptist Health Enterprises explained that
2 the applicant requested a deferral on the public hearing item to the next Zoning
3 Hearing scheduled for June 17, 2024.

4
5 Vice Mayor Leanne Tellam reported that Village Attorney Dellagloria recommended
6 a continuance on the public hearing item, not a deferral.

7
8 Alessandra San Ramon responded that Baptist Health Enterprises would accept a
9 continuance on the item.

10
11 Councilmember Steve Cody **motioned** to continue public hearing item 5C to the next
12 Zoning Hearing. Councilmember Patrick Fiore seconded the motion. All voted in favor
13 (4-0). The motion passed unanimously.

14
15 Clerk Arocha announced that the next Zoning Hearing is scheduled for June 17, 2024.

16
17 Alessandra San Ramon accepted.

18 19 **4. MAJOR PROJECTS UPDATE**

20
21 Community and Economic Development Director Heidi Siegel illustrated a
22 Powerpoint Presentation on the Village's major projects status report dated
23 May 2024. The presentation demonstrated the stats on the Spril Recycling
24 Drive-Thru of the event that took place in April 2024, including the applications
25 received to date, pending applications, applications under review that require
26 a public hearing, submitted and incomplete applications, projects under
27 construction, recently approved building permits, approved projects pending
28 building permits and construction, and approved projects pending building
29 permit applications.

30 31 **5. PUBLIC HEARING ITEMS:**

32
33 A. **Applicant:** ROBERTO AND CHRISTINA ARIAS
34 **Location:** 7662 SW 144TH TERRACE, PALMETTO BAY, FL
35 **Property Folio:** 33-5023-039-0260
36 **Application:** V-24-001
37 **Zoning District:** R-5 OFFICE ZONING DISTRICT
38 **Request:** VARIANCE PURSUANT TO SECTION 30-30.6
39 VARIANCES, WAIVING THE MINIMUM SETBACKS ALLOWED BY
40 SECTION 30-50.4, STYLED "E-M ZONING DISTRICT" OF THE
41 VILLAGE LAND DEVELOPMENT CODE, FOR ROBERTO AND
42 CHRISTINA ARIAS AT 7662 SW 144 TERRACE, TO ALLOW THE
43 CONSTRUCTION OF AN ATTACHED COVERED TERRACE AND
44 SWIMMING POOL WITHIN THE REAR AND SIDE SETBACKS OF A
45 PARCEL ZONED E-M (ESTATE MODIFIED) ZONING DISTRICT.

46
47 **Moved** by Councilmember Steve Cody. **Seconded** by Councilmember
48 Patrick Fiore.

1 The Village Council provided their disclosures.

2
3 STAFF PRESENTATION: Community & Economic Development
4 Director, Heidi Siegel reported that the applicant requested setback
5 modifications to allow a rear setback to allow the construction of an
6 attached covered terrace and swimming pool. The presentation
7 illustrated the applicant's site information, application request, variance
8 evaluation factors, and staffs recommendation to approve the variance
9 with it being valid for 180-days with an opportunity for an extension.

10
11 There were no Council questions.

12
13 There were no public comments in favor or in opposition to the public
14 hearing item.

15
16 The members of the Village Council spoke in support of the variance.

17
18 **All voted in favor (4-0). The Resolution passed unanimously.**

19
20 B. **Property Owner:** SOUTH DADE REALTY, INC.
21 **Applicant:** LILLIAM NORDA-GOMEZ
22 (BRIGHT ADVENTURES ACADEMY)
23 **Location:** 17917 / 17925 SW 97TH AVENUE
24 **Property Folio:** 33-5033-000-0890
25 **Application:** SU-24-001
26 **Zoning District:** DOWNTOWN MAIN STREET SECTOR ZONING
27 DISTRICT
28 **Request:** THE EXPANSION OF AN EXISTING CHILDCARE FACILITY
29 PURSUANT TO SECTION 30-110 SYLED "RELIGIOUS FACILITIES,
30 PRIVATE SCHOOLS, CHILD CARE FACILITIES, AND OTHER NON-
31 GOVERNMENTAL PUBLIC ASSEMBLY USES" OF THE VILLAGE
32 LAND DEVELOPMENT CODE, TO PERMIT A MAXIMUM OF EIGHTY-
33 FIVE (85) STUDENTS.

34
35 **Moved** by Councilmember Patrick Fiore. **Seconded** by Councilmember
36 Steve Cody.

37
38 The Village Council provided their disclosures.

39
40 STAFF PRESENTATION: Community & Economic Development
41 Director, Heidi Siegel illustrated a PowerPoint Presentation reporting
42 the applicant's request to increase the student count, site information
43 detail, existing building layout and proposed layout of additional bay,
44 and staff's recommendation for approval for a total of eighty-five (85)
45 students.

46
47 Councilmember Marsha Matson questioned if private schools required
48 a vote of the constituents for their expansion.

Director Siegel that it's not required for child care facilities.

Applicant, Lilliam Norda-Gomez reported that all criterias provided in the staff report were met and provided an illustration of the existing childcare facility and its accomplishments since their grand opening in the Village.

There were no public comments in favor or in opposition to the public hearing item.

The members of the Village Council spoke in support of the variance.

All voted in favor (4-0). The Resolution passed unanimously.

6. DISCUSSION

A. DISCUSSION REGARDING 65% DESIGN PLANS FOR THE MULTI-PURPOSE RECREATIONAL FACILITY AT CORAL REEF PARK

Mr. Charles Michelson, representative of Saltz Michelson Architects presented the drawings of the proposed Multipurpose Recreational Facility at Coral Reef Park. The presentation illustrated the proposed site plan, aerial view of the park, finsih floor plan, and renderings of the proposed building.

Following his presentation, he answered questions raised the Council regarding the design build of the proposed facility.

7. ADJOURNMENT

Councilmember Steve Cody **motioned** to adjourn the meeting. **Seconded** by Councilmember Patrick Fiore. **All voted in favor (4-0). The motion passed unanimously.**

The Zoning Hearing adjourned at 7:51 p.m.

The meeting minutes were approved this 17th day of June 2024.

Attest:

Mayor Karyn Cunningham

Village Clerk Missy Arocha

Public Comments Form

Online Public
Comments Form

[Meeting Agenda](#)

Meeting Date 05/20/2024

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 Mr. & Mrs. Felipe de Varona

Email Address f.e.devarona@gmail.com

Address 17945 Franjo Rd. #508

City Palmetto Bay

State FL

Zip Code 33157

Meeting Agenda Link [Agenda Center](#)

(Section Break)

General Public
Comments -"Requests,
Petitions & Public
Comments Submitted"

Field not completed.

(Section Break)

Agenda Item No. 5B

Comments (type your comments in the box below)

Dear Members of the Village Council:

I am writing to express my strong support for the zoning application submitted by Bright Adventures Academy being considered by the Council on Monday, May 20, 2024, to expand their capacity for student enrollment at their location. As a [parent/community member/professional], I have witnessed firsthand the invaluable services provided by this facility and believe that allowing for this expansion is in the best interest of our community.

Bright Adventures Academy has consistently demonstrated a

commitment to providing high-quality early childhood education and care. The staff are highly trained, nurturing, and dedicated to fostering the development and well-being of the children they serve. The demand for child care services in our area has significantly increased, and BAA's ability to accommodate more students will address a critical need for many families. The proposed expansion will not only benefit individual families but also contribute positively to our community by:

1. Supporting Working Parents: Increasing capacity will enable more parents to find reliable and quality child care, thereby allowing them to work with the assurance that their children are in a safe and supportive environment.
2. Promoting Early Childhood Education: Early childhood education is crucial for the development of cognitive, social, and emotional skills. BAA's expansion will provide more children with the opportunity to benefit from structured learning experiences.
3. Stimulating Local Economy: By expanding their services, BAA will likely create new job opportunities within the community, contributing to local economic growth.

I understand that zoning changes must be carefully considered, and I am confident that BAA has taken all necessary steps to ensure that their expansion will comply with local regulations and have minimal impact on the surrounding area. They have consistently maintained a safe and welcoming environment and have been a good neighbor to the residents, businesses nearby, including employees of the Village.

I urge you to approve the zoning application. Their expansion is a vital step towards meeting the growing needs of our community and ensuring that all children have access to quality early childhood education and care.

Thank you for considering my perspective on this important matter.

Sincerely,
Mr. & Mrs. Felipe de Varona
17945 Franjo Rd. #508



AGENDA ITEM NO. 5.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: June 17, 2024

SUBMITTED BY: Heidi Siegel, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: BAPTIST HEALTH ENTERPRISES, INC.
Location: 8750 SW 144TH STREET, PALMETTO BAY, FL
Property Folio: 33-5021-044-0010
Application: V-23-008 (REV 2)
Zoning District: R-5, OFFICE ZONING DISTRICT AND E-M, ESTATE MODIFIED SINGLE FAMILY DISTRICT
Request: VARIANCE PURSUANT TO SECTION 30-30.6 VARIANCES, WAIVING THE MAXIMUM WALL SIGN AREA AND AMOUNT OF SIGNS PER STREET FRONTAGE ALLOWED BY SECTION 30-90 STYLED "SIGN REGULATIONS" OF THE VILLAGE LAND DEVELOPMENT CODE AND TO ALLOW ONE (1) MONUMENT SIGN WHERE NONE ARE PERMITTED AND TO ALLOW TWO (2) DIRECTIONAL SIGNS WHERE NONE ARE PERMITTED FOR A FREE STANDING EMERGENCY DEPARTMENT ON A PROPERTY THAT PREVIOUSLY HAD VARIANCES FOR SIMILAR SIGNAGE APPROVED THROUGH MIAMI-DADE COUNTY RESO NO. CZAB13-2-98. *(Continued from the May 20, 2024, Zoning Hearing)*

SUGGESTED ACTION:

ATTACHMENTS:

[Memo-V-23-008 Baptist](#)

[Resolution-V-23-008 Baptist](#)

[Attachments-V-23-008 Baptist Signage](#)



MEMORANDUM

To: Honorable Mayor and Village Council

Date: June 17, 2024

From: Heidi Siegel, AICP, CED Director

Re: V-23-008(REV2)/ Sign Variance
at 8750 SW 144 Street

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING A VARIANCE REQUEST WAIVING THE MAXIMUM SIGN AREA ALLOWED BY SECTION 30-90 STYLED "SIGNAGE" OF THE VILLAGE LAND DEVELOPMENT CODE, FOR BAPTIST HEALTH OFF-CAMPUS EMERGENCY CENTER TO INSTALL FOUR (4) WALL SIGNS PROPOSED TO BE THIRTY POINT TWO (30.2), EIGHTEEN (18) SQUARE FEET, FIVE POINT SEVEN (5.7) SQUARE FEET, AND THREE (3) SQUARE FEET RESPECTIVELY WHERE THE ALLOWABLE AREA IS TWELVE (12) SQUARE FEET FOR EACH STREET FRONTAGE, ONE (1) EXISTING MONUMENT SIGN FIFTY POINT SIX (50.6) SQUARE FEET WHERE NONE ARE PERMITTED AND TWO (2) DIRECTIONAL SIGNS PROPOSED TO BE NINE (9) SQUARE FEET EACH WHERE NONE ARE PERMITTED WITHIN THE R-5 OFFICE ZONING DISTRICT, AND PROVIDING AN EFFECTIVE DATE.

OVERVIEW

FILE: V-23-008(REV2)
APPLICANT: Baptist Health Enterprises, Inc.
PROPERTY OWNER: Baptist Health Enterprises, Inc.
ADDRESS: 8750 SW 144 Street, Palmetto Bay, Florida 33157
FOLIO: 33-5021-044-0010
LOT SIZE: 94,220 square feet (2.16 Acres)
BUILDING SIZE: 33,134 square feet (approximately)
FLUM: Office and Residential (OR)
ZONING: R5, Office and E-M Estates Modified Single-Family Zoning Districts
EXISTING USE: Medical related offices and parking

BACKGROUND

The applicant, Baptist Health Enterprises, Inc. (Baptist Health), requests the approval of application V-23-008(REV2) to allow multiple signs onsite in excess of those allowed by the R5 Office zoning district for a property located at 8750 SW 144 Street. The property was originally developed as Kings Bay Office Park in 1988 under Miami-Dade County approval (4ZAB46488) and was first approved for Baptist Health in 1995 (5ZAB46995). Since that time, the site has undergone continuous renovations and improvements to modernize the building, introduce new services.

The current application is in response to their most recent village approval to utilize the entire building for Baptist Health medical offices and an off-campus emergency department on the first floor as authorized under ASPR-22-001. Signage was not a part of that previous ASPR submittal or approval. The current signage onsite is legally nonconforming and was allowed through a previous variance process by Miami-Dade County (Z1997000394). The applicants (Baptist Health) are seeking to modify their existing signage in response to the new proposed uses. All signage is located on the portion of land zoned R-5 Office and no portion of signage is located on the easternmost portion of land designated E-M Estates Modified. Only existing associated parking to the office building, landscape buffer, and a six foot (6') concrete wall along the southern property line will be located on the eastern portion of the site as explicitly outlined in the original Miami-Dade County development agreement and modified herein.

The Village's Land Development Code regulates signage through Section 30-90. The Code allows monument, directional and wall signs for specific uses and/or specific zoning districts. 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 twelve (12) square feet and one (1) sign for each street frontage. The current property has three (3) street frontages and is proposing a total of four (4) wall signs on three (3) frontages. The revised application proposes to refurbish the existing monument sign along SW 144 Street in the same location and size with new graphics and add two (2) internal site directional signs within the current parking lot to direct vehicles and ambulances to the correct medical entrances. The total square feet of signage allowed under the current proposal will be less than previously allowed under the current variance from Miami-Dade County. (No signage is located on the E-M eastern parcel of land.)

The current revised application is proposing to install four (4) wall signs measuring: thirty point two (30.2) square feet, eighteen (18) square feet, five point seven (5.7) square feet and three (3) square feet respectively; one (1) existing monument sign measuring: fifty point six (50.6) square feet; two (2) directional signs measuring: nine (9) square feet each; and two (2) non advertising building identification signs over the entrance doors measuring: four point thirty-eight (4.38) square feet and five (5) square feet for a total signage of sixty-six point twenty-eight (66.28) square feet on site. All signs will be located fully within the subject property on the R-5 Office portion and will not project into any right-of-way. The total signage has been reduced from one hundred and seventy-five point one (175.1) square feet to sixty-six point twenty-eight (66.28) total square feet. As previously stated, the site was granted a sign variance from Miami-Dade County for the existing non-conforming signage. All signage will be located over one hundred fifty (150) feet from the closest neighbor's residence and the village has required landscaping and lighting upgrades to reduce any glare or spillover effects due to signs or parking lot lighting.

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 a quasi-judicial public hearing. A variance may be granted for signage. After the hearing, the Village Council shall adopt a development order approving, approving 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 Village has received two letters of opposition from a village resident as depicted in the attachments. The application has been properly posted on site, published in the newspaper and notification postcards were mailed to all neighbors within a 1,500-foot radius.
- b. Whether approval of the variance would be compatible with development patterns in the village.
 - The portion of the property where the building and signs are located is zoned R5 the Village's Code does not allow freestanding monument signs in the R5 Zoning District, however this site was previously granted the existing monument sign and this variance application will retain the existing location and size of the current sign to be refaced with new graphics only. The site was previously approved for 175.1 square feet of total signage on site and the subject application before you reduces this number to 134.88 total square feet. Other properties in the village have been approved for wall signs and monument signs in R5 zoning, however this is also usually obtained on a case-by-case basis through the village council public meetings. The subject property and current signage variance was granted by Miami-Dade County and existed prior to the Village's incorporation.
- c. Whether the essential character of the neighborhood would be preserved.
 - The subject property has historically operated as a professional office building and more recently a medical office building. The subject site plan has not changed and all current parking, site lighting and zoning districts will remain in place. This application proposes enhanced landscaping and a restriction of lighting spillover to further protect the surrounding residents from any potential impacts of the signage or any lighting on site. The village has requested a Declaration of Restrictive Covenant that binds the applicant to landscaping buffer standards beyond what is required by Miami-Dade County or the Village of Palmetto Bay.
- d. Whether the variance can be approved without causing substantial detriment to adjoining properties.
 - The subject application has agreed to extend the existing six foot (6') concrete wall across the entire southern boundary onto the portion of the parcel with E-M zoning district designation to further buffer this property from visual signage, lighting, parking and vehicles. The easternmost portion of the property includes an existing berm and

landscaping that will be required to include additional palms and native understory trees to further enhance the buffer area between the parking and nearby single-family homes. This area will be replanted thicker and maintained as a condition of this application-resolution and enforceable through a Declaration of Restrictive Covenant to be recorded in the public records. This project does not change the site layout or ancillary parking only use of the eastern parcel that was designated as residential to protect from any further development on this portion of the property. The areas along SW 144 St will remain as is currently developed with all current driveway locations and sizes, signage, existing trees and sidewalks will remain along this property line. There will be no changes to access to/from the existing site from surrounding residential streets.

- 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 site's current proposed use necessitates the need for signage immediately over the areas of entry. This signage has been reduced based on previous public meetings and feedback by residents. The R5 zoning district signage regulations currently do not anticipate modern medical offices and similar uses specifically and therefore the variance process has been used by churches, offices, and other medical uses to obtain signage beyond what is allowed by right, as long as, it is the minimum necessary to clearly define this use. The current site plan approved by Miami-Dade County restricts access to and from the site only through existing curb cuts along the county arterial road SW 144th Street. Furthermore, the eastern portion of the site was restricted to only associated parking use. This keeps all traffic off the other 2 surrounding residential use only streets. Only the signage located on the R-5 Office parcel of land is being revised in this application.
- 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 site plan was previously approved by Miami-Dade County and the updated use was previously approved by ASPR in 2022. The existing building location, height, orientation, parking, entry/exists were all approved through county building permits and purposefully located furthest to the west adjacent to commercial uses to protect the homes to the east. The applicant rezoned a portion of the parcel to the east as E-M to prevent any future commercial development and limiting this area's use to associated building parking only. Any emergency facility cannot operate without efficient signage to delineate emergency vehicles, visitors, and medical suites through clear entry points. The current plan has reduced the sizes and modified the locations to be less least intrusive with their layout.
- g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.
 - There are no special conditions or changes to site layout, building design or zoning districts in this application.
- 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 was properly posted on site, published in the newspaper and notification postcards were mailed to all neighbors within a 1,500-foot radius.

STAFF RECOMMENDATION

The Land Development Code states that the Village Council may impose conditions to safeguard residents and may prescribe appropriate modifications and/or conditions, including a variance approval expiration date or expiration event, to mitigate the proposed variance to ensure 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 three hundred and sixty-five (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.

In this case the applicant is seeking to modify existing signage. The proposed total square footage of signage will be reduced, as proposed, with enhanced landscaping buffers and extending the 6-foot concrete masonry wall along the south perimeter to further buffer the immediate neighborhood. The applicant will be adding other site enhancements as a part of the project scope, such as bicycle racks and energy efficient interior and exterior lighting that will be screened and buffered from all neighbors. The village has requested a Declaration of Restrictive Covenant to ensure that these protections are maintained as long as the property is a commercial use and external signage is installed. (Attachment D)

The medical office use and off campus emergency medical use was previously approved by Miami-Dade County and the Village of Palmetto Bay through multiple site plan approval processes and is not being reviewed in this application. The current application does not propose any site plan changes, building changes or parking changes. Therefore, staff has concluded that the sign variance request reduces the total signage onsite and we feel that this signage and any associated lighting from signage or parking will be appropriately screened from all nearby neighbors through a combination of landscaping, walls, and light shields. The building signage will be much less bright than the existing parking lot lights and all upgrades to all lighting will be screened from surrounding neighbors. A photometric plan was submitted to show that both signage and parking lights will not disrupt the neighborhood.

Staff is recommending additional neighborhood protections beyond the current site plan restrictions to buffer the neighbors from signage and lighting. Landscape buffers and screens will exceed current Miami-Dade County and Village regulations and require continuous maintenance of all landscape buffers and lighting screens. All current restrictions of zoning uses on the eastern portion designated E-M zoning district will remain in effect allowing ancillary onsite parking only for the existing building. Staff has recommended that all restrictions be recorded with Miami-Dade County Property Records to ensure future enforcement if necessary is clearly legal and that any future successor or owner is made aware of all restrictions to the parcel of land. These items are outlined as conditions for approval of the application. 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 three hundred and sixty-five (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.

The Village staff recommends that the Mayor and Village Council, conditionally approve application V-23-008(REV2) to allow four (4) wall signs larger than permitted by code and one existing monument signs to be refaced and two (2) directional signs and two (2) non-advertising signs to be located at 8750 SW 144 Street with the following conditions:

1. Approval of signage plans prepared by TGA Design dated 3-6-24 Baptist Health Off Campus Emergency Center to install four (4) wall signs measuring: thirty point two (30.2) square feet, eighteen (18) square feet, five point seven (5.7) square feet and three (3) square feet respectively; one (1) existing monument sign measuring: fifty

point six (50.6) square feet; two (2) directional signs measuring: nine (9) square feet each; and two (2) non advertising building identification signs over the entrance doors measuring: four point thirty-eight (4.38) square feet and five (5) square feet for a total signage of sixty-six point twenty-eight (66.28) square feet on site.

2. Approval of landscape plans prepared by Bermello Ajamil & Partners dated 02-05-24 Baptist Health Off Campus Emergency Center; specifically including the addition of understory trees as required by Section 30-100 of the Landscape Code to be located between the road and sidewalk along SW 87th Av and SW 145th St, the extension of the 6 foot (6') concrete screening wall along the entire southern boundary, and additional layers of palms and native understory trees to fill in along the top of the eastern landscape berm.
3. All required street trees shall be planted/maintained per the zoning code and all sidewalks shall be repaired/maintained in good repair prior to the issuance of the Final Building Inspections and a complete landscape plan of the adjacent public right of ways shall be submitted together at the time of the signage building permit.
4. The signage and site lighting photometric plan shall be submitted together at the time of the signage building permit. All lighting shall be shielded to prevent spillover into neighboring residential properties.
5. All signage, parking lot surfaces, landscaping and lighting shall be maintained in good condition in accordance with current zoning regulations and final approved building permit plans.
6. All lights and sirens shall be turned off adjacent to the site and prior to entering to the maximum extent possible.
7. This sign variance shall be valid for two hundred forty (240) days to obtain a building permit.
8. A Declaration of Restrictive Covenant agreed upon between Baptist Health Enterprises Inc and the Village of Palmetto Bay shall be recorded with the Miami-Dade County Clerk of Court, Public Records at the cost of the applicant, with the original recorded document returned to the Village to be submitted at the time of signage building permit issuance.
9. The final council resolution with all conditions, the survey clearly showing the current zoning district boundaries, the approved signage plan, lighting plan, site plan and landscape plan shall be recorded with the Miami-Dade County Clerk of Court, Public Records at the cost of the applicant, with the original recorded document returned to the Village to be submitted at the time of signage building permit issuance.

ATTACHMENTS

- Attachment A: Application / Letter of Intent
- Attachment B: Property Survey
- Attachment C: Signage Plan/ Landscape Plan/ Photometrics Plan
- Attachment D: Proposed Declaration of Restrictive Covenant
- Attachment E: 1997 Miami-Dade County Signage Variance/ Landscape Plan
- Attachment F: Neighbor letters

RESOLUTION NO. 2024-
V-23-008(REV2)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING A VARIANCE REQUEST WAIVING THE MAXIMUM SIGN AREA ALLOWED BY SECTION 30-90 STYLED "SIGNAGE" OF THE VILLAGE LAND DEVELOPMENT CODE, FOR BAPTIST HEALTH OFF-CAMPUS EMERGENCY CENTER TO INSTALL FOUR (4) WALL SIGNS PROPOSED TO BE THIRTY POINT TWO (30.2), EIGHTEEN (18) SQUARE FEET, FIVE POINT SEVEN (5.7) SQUARE FEET, AND THREE (3) SQUARE FEET RESPECTIVELY WHERE THE ALLOWABLE AREA IS TWELVE (12) SQUARE FEET FOR EACH STREET FRONTAGE, ONE (1) EXISTING MONUMENT SIGN FIFTY POINT SIX (50.6) SQUARE FEET WHERE NONE ARE PERMITTED AND TWO (2) DIRECTIONAL SIGNS PROPOSED TO BE NINE (9) SQUARE FEET EACH WHERE NONE ARE PERMITTED WITHIN THE R-5 OFFICE ZONING DISTRICT, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the applicant, Baptist Health Enterprises, Inc. has applied for a variance to permit four (4) walls signs larger than permitted by code, one (1) monument sign and two (2) directional signs not permitted by code; and

WHEREAS, the subject property is located at 8750 SW 144 Street and is designated as folio number 33-5021-044-0010; and

WHEREAS, the property is designated R-5 Office and E-M Estates Modified Zoning Districts on the Village of Palmetto Bay Zoning Map, as adopted on January 23, 2023 by Ordinance 2023-01; 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 December 18, 2023 where the item was continued to the February 26, 2024 hearing; and

1 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto
2 Bay conducted a public hearing on the application at Village Hall, 9705 East
3 Hibiscus Street on February 26, 2024 where the item was continued to the
4 April 15, 2024 hearing; and
5

6 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto
7 Bay conducted a public hearing on the application at Village Hall, 9705 East
8 Hibiscus Street on April 15, 2024 where the item was continued to the May
9 20, 2024 hearing; and
10

11 **WHEREAS**, the at the May 20, 2024 hearing the applicant requested
12 the item be continued to June 17, 2024; and
13

14 **WHEREAS**, the Mayor and Village Council of the Village of Palmetto
15 Bay conducted a public hearing on the application at Village Hall, 9705 East
16 Hibiscus Street on June 17, 2024; and
17

18 **WHEREAS**, the Mayor and Village Council finds, based on substantial
19 competent evidence in the record, that the application for the variance is
20 consistent with Section 30-30.6 Variances, the Village of Palmetto Bay's
21 Comprehensive Plan and the applicable Land Development Regulations;
22 and
23

24 **WHEREAS**, based on the foregoing finding of fact, the Mayor and
25 Village Council determined to grant the variance, as provided in this
26 Resolution.
27

28 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
29 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**
30 **AS FOLLOWS:**
31

32 **Section 1.** A public hearing on the present application was held on
33 June 17, 2024 in accordance with the Village's "Quasi-judicial Hearing
34 Procedures". Pursuant to the testimony and evidence presented during the
35 hearing, the Village Council makes the following findings of fact, conclusions
36 of law, and final order.
37

38 **Section 2.** Findings of fact.
39

1 1. That the subject property is located at 8750 SW 144 Street and is
2 designated as folio number 33-5021-044-0010.

3
4 2. After hearing testimony from Village Staff, the applicant, the owner
5 and the public, the Mayor and Village Council accepted the findings of
6 Village Staff as it relates to compliance with the following provisions of the
7 Village's Code of Ordinances: Section 30-30.6, Variances, Division 30-90.,
8 Sign Regulations, and Sections 30-50.15, R-5, Office and 30-50.4, E-M,
9 Estate Modified Zoning Districts.

10
11 3. The application for the sign variance is consistent with the Village's
12 Comprehensive Plan, as further specified in the Planning and Zoning
13 Division Staff Report.

14
15 4. The Village Council adopts and incorporates by reference the
16 Planning and Zoning Division Staff Report, which expert report is considered
17 competent substantial evidence.

18
19 **Section 3.** Conclusions of Law.

20
21 The application for the variance was reviewed pursuant to Section 30-
22 30.6, Variances, Division 30-90., Sign Regulations of the Village's Code of
23 Ordinances and was found to be consistent.

24
25 **Section 4.** Order.

26
27 The Mayor and Village Council approves with conditions the application by
28 Baptist Health Enterprises Inc. to permit the construction of four wall signs,
29 two identification signs, one monument signs and two directional signs
30 located at 8750 SW 144 Street identified with folio number 33-5021-044-
31 0010; consistent with Section 30-30.6 "Variances", Sign Regulations of the
32 Village Code of Ordinances, as more particularly described in the attached
33 application and site plan that is included in the public hearing package with
34 the following conditions:

- 35
36 1. Approval of signage plans prepared by TGA Design dated 3-6-24
37 Baptist Health Off Campus Emergency Center to install four (4) wall
38 signs measuring: thirty point two (30.2) square feet, eighteen (18)
39 square feet, five point seven (5.7) square feet and three (3) square
40 feet respectively; one (1) existing monument sign measuring: fifty

1 point six (50.6) square feet; two (2) directional signs measuring: nine
2 (9) square feet each; and two (2) non advertising building
3 identification signs over the entrance doors measuring: four point
4 thirty-eight (4.38) square feet and five (5) square feet for a total
5 signage of sixty-six point twenty-eight (66.28) square feet on site.
6

- 7 2. Approval of landscape plans prepared by Bermello Ajamil & Partners
8 dated 02-05-24 Baptist Health Off Campus Emergency Center;
9 specifically including the addition of understory trees as required by
10 Section 30-100 of the Landscape Code to be located between the
11 road and sidewalk along SW 87th Av and SW 145th St, the extension
12 of the 6 foot (6') concrete screening wall along the entire southern
13 boundary, and additional layers of palms and native understory trees
14 to fill in along the top of the eastern landscape berm.
15
- 16 3. All required street trees shall be planted/maintained per the zoning
17 code and all sidewalks shall be repaired/maintained in good repair
18 prior to the issuance of the Final Building Inspections and a complete
19 landscape plan of the adjacent public right of ways shall be
20 submitted together at the time of the signage building permit.
21
- 22 4. The signage and site lighting photometric plan shall be submitted
23 together at the time of the signage building permit. All lighting shall
24 be shielded to prevent spillover into neighboring residential
25 properties.
26
- 27 5. All signage, parking lot surfaces, landscaping and lighting shall be
28 maintained in good condition in accordance with current zoning
29 regulations and final approved building permit plans.
30
- 31 6. All lights and sirens shall be turned off adjacent to the site and prior
32 to entering to the maximum extent possible.
33
- 34 7. This sign variance shall be valid for two hundred forty (240) days to
35 obtain a building permit.
36
- 37 8. A Declaration of Restrictive Covenant agreed upon between
38 Baptist Health Enterprises Inc and the Village of Palmetto Bay
39 shall be recorded with the Miami-Dade County Clerk of Court,
40 Public Records at the cost of the applicant, with the original

1 recorded document returned to the Village to be submitted at the
2 time of signage building permit issuance.
3

- 4 9. The final council resolution with all conditions, the survey clearly
5 showing the current zoning district boundaries, the approved
6 signage plan, lighting plan, site plan and landscape plan shall be
7 recorded with the Miami-Dade County Clerk of Court, Public
8 Records at the cost of the applicant, with the original recorded
9 document returned to the Village to be submitted at the time of
10 signage building permit issuance.
11

12 **Section 5.** Record.
13

14 The record shall consist of the notice of hearing, the Planning and
15 Zoning Division Staff Report, the application, all documents submitted by the
16 applicant and the owner to the Village of Palmetto Bay in connection with the
17 application, the sworn testimony of witnesses and applicant, the documents
18 presented at the quasi-judicial public hearing, and the recording and minutes
19 of the hearing. The record shall be maintained by the Village Clerk.
20

21 **Section 6.** This Resolution shall be recorded on the public records of
22 Miami-Dade County at the expense of the applicant and returned to the
23 Village's Department of Community and Economic Development.
24

25 **Section 7.** This Resolution shall take effect immediately upon
26 approval.
27

28 **PASSED AND ADOPTED** this 17th day of June 2024.
29

30 Attest:
31

32 _____
33 Missy Arocha
34 Village Clerk
35

32 _____
33 Karyn Cunningham
34 Mayor
35

36
37 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**
38

39 _____
40 John C. Dellagloria

1 Village Attorney

2

3

4 **FINAL VOTE AT ADOPTION:**

5 Council Member Patrick Fiore

6 Council Member Steve Cody

7 Council Member Marsha Matson

8 Vice-Mayor Leanne Tellam

9 Mayor Karyn Cunningham

Attachment A
Application / Letter of Intent

V

Village of Palmetto Bay
APPLICATION FOR VARIANCE (PUBLIC HEARING)



Date: 10/19/2023

Application No: V-23-008Petitioner / Applicant: BAPTIST HEALTH ENTERPRISES INCPetitioner / Applicant Address: 6855 Red Road, Suite 600, Coral Gables, Florida 33143

Attn: Real Estate Dept.

Phone: 786-594-6871 E-mail: BHEREM@baptisthealth.netPetitioner's Relation to Subject Property: OwnerIf Petitioner is not Owner, Name of Owner: N/AAddress of Owner: N/ASignature of Petitioner: Kathleen S. Moorman

RECEIVED
Zoning Department

October 24, 2023

Village of Palmetto Bay
Building & Zoning Department

By: ABAddress of Property: 8750 SW 144 STFolio: 33-5021-044-0010

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:

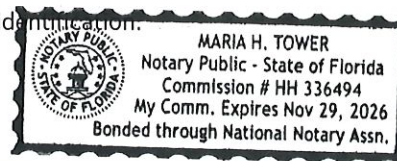
This is to certify that I am the owner/agent of the subject lands described above in the application for variance, and that all information supplied herein is true and correct to the best of my knowledge. By signing this application, owner/agent specifically agrees to allow access to described property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

Signature of owner/agent: Kathleen S. MoormanSworn to and subscribed before me this 20 day of OCTOBER 2023, by KATHLEEN S. MOORMAN.

He/She is personally known to me or



He/She has presented _____ as identification.

Signature of Notary Public [Signature]Type or Print Name MARIA H. TOWER

FOR STAFF USE ONLY

Fee Paid: _____ Date: _____

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

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Joseph G. Goldstein
305.789.7782
joseph.goldstein@hklaw.com

March 6, 2024

VIA HAND DELIVERY

Ms. Heidi Siegel, AICP
Community & Economic Development Director
Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, FL 33157

RE: Second Amended and Restated Letter of Intent for Sign Variance for Baptist Medical Plaza located at 8750 SW 144 Street in Palmetto Bay, Florida

Dear Ms. Siegel:

This constitutes our second amended and restated letter of intent on behalf of Baptist Health Enterprises Inc. ("Baptist") in support of its request for variances from the Village of Palmetto Bay's ("Village") Land Development Regulations Division 30-90 ("LDRs"). Baptist is requesting, among other things, variances for purposes of meeting the State of Florida's requirements for prominent lighted external signage for off-campus emergency departments and for directional signage to direct traffic flow and locate the entrances (the "Application"). The property that is the subject of the Application is Baptist Medical Plaza located at 8750 SW 144 Street in Palmetto Bay, Florida. The approximately \pm 2.16 acre parcel is identified by Property Tax Folio 33-5021-044-0010 (the "Property"; legally described in Exhibit "A"). It has been operated as a medical plaza, featuring an urgent care and other medical uses since the late 1990s.

I. The Property

The Property is comprised of one parcel located at the southwest corner of SW 144 Street and SW 87 Avenue. Pursuant to the online version of the Village's Future Land Use Map ("FLUM") of the Village Comprehensive Plan, the Property has a land use designation of Office and Residential ("OR"). Additionally, the western portion of the Property is designated "R-5, Office" and the western portion of the Property is designated "E-M, Estate Modified Single-Family Residential" on the Official Zoning Map of the LDRs. An aerial image of the Property is provided below:



II. Prior Approvals

Prior to the Village’s incorporation, Baptist received approvals from Miami-Dade County on March 18, 1998 of a sign variance to allow (1) awning sign, three (3) wall signs (plaque size), and one (1) detached twenty-four (24) square foot sign. A copy of the resolution approving the sign variance is included in Exhibit “B.” To our knowledge, no subsequent variances or modifications to the prior sign variance approval have been requested or granted either by the Village or Miami-Dade County.

On August 19, 2022, Baptist received administrative site plan approval under ASPR-22-001 from the Village to redevelop the existing medical plaza consisting of an urgent care and medical office building with a freestanding emergency department (“FSED”)¹ on the first floor and additional medical offices on the second floor in order to expand the medical services available on the Property (the “Approved Project”). A copy of the Notice of Approval (“NOA”) is included in Exhibit “C.”

III. Proposed Signage Variance Requests

Upon further review of Division 30-90 of the Village’s LDRs, Baptist reviewed its prior submittals and has once again significantly reduced its variance request. As such, Baptist is requesting variances based on the proposed signage, graphics, and locations for Baptist Health Palmetto Bay Off Campus Emergency Center as proposed below and shown in Exhibit “D.” Today, Baptist has several building and directional signs and is proposing to either replace, retrofit, or add additional signage to provide further identification of the medical plaza. The below chart summarizes what is existing today and what signage is proposed:

Building ID Signs

Existing Building ID Signs	Prior Proposed Building ID Signs	Current Proposed Building ID Signs
	Per January 16, 2024 Resubmittal (“First Resubmittal”)	Per March 6, 2024 Resubmittal (“Second Resubmittal”)
West façade ID approximately 93.5 SF (To Be Removed)	“Baptist Health” approximately 36.8 SF - North façade	“Baptist Health” approximately 30.2 SF - North façade

¹ Free-standing emergency departments are also sometimes referred to by other labels, such as “off-campus emergency departments,” “off-site emergency department,” or “independent free-standing emergency centers” depending on the context. The FSED proposed by Baptist is an off-campus emergency department, since it has an affiliation with Baptist Hospital.

North façade approximately 16.6 SF (To Be Replaced)	“Medical Offices” Door ID approximately 5 SF - North façade	“Medical Offices” Door ID approximately 5 SF - North façade
	“The Dr. Harry Richard Nateman Center” approximately 4.38 SF - East façade	“The Dr. Harry Richard Nateman Center” approximately 4.38 SF - East façade
	“Baptist Health Emergency” Wall Signage approximately 50.4 SF - East façade	“Emergency” Wall Signage approximately 18 SF - East façade
	“Emergency” sign approximately 5.7 SF - South façade	“Emergency” sign approximately 5.7 SF - South façade
		“ER” sign approximately 3 SF – North façade
Existing Building Signs Combined Total: 110.1 SF	Proposed Building Signs Combined Total: 102.28 SF <u>(Decrease in proposed square footage)</u>	Proposed Building Signs Combined Total: 66.28 SF <u>(Decrease in proposed square footage)</u>

Ground Signs – Monument Signs

Existing Identity Sign	Prior Proposed Identity Sign Per First Resubmittal	Current Proposed Identify Sign Per Second Resubmittal
“Baptist Medical Plaza” approximately 50.6 SF (To Be Retrofitted)	“Baptist Health Emergency Open 24 Hours” Approximately 50.6 SF that has been retrofitted to match the existing monument sign	No change from First Resubmittal
Existing Monument Sign Total: 50.6 SF	Proposed Monument Sign Total: 50.6 SF <u>(No change in square footage)</u>	Proposed Monument Sign Total: 50.6 SF <u>(No change in square footage)</u>

Directional Signs

Existing Directional (Quantity 2)	Prior Proposed Directional Per First Resubmittal (Quantity 2)	Current Proposed Directional Per Second Resubmittal (Quantity 2)
(2) 8750 Baptist Medical Plaza directional signs approximately 9 SF each.	“EMERGENCY/Ambulance” Directional Sign approximately 9 SF “Ambulance” directional sign approximately 9 SF	“EMERGENCY” Directional Sign approximately 9 SF “Ambulance” Directional Sign approximately 9 SF
Existing Directional Sign Total: 18 SF	Proposed Directional Sign Total: 18 SF (No change in square footage)	Proposed Directional Sign Total: 18 SF (No change in square footage)

Based on the existing and proposed signage, Baptist is requesting variances from Division 30-90 of the Village’s LDRs for purposes of meeting the State of Florida’s requirements for prominent lighted external signage for off-campus emergency departments and for directional signage to direct traffic flow and locate the entrances (the "Application"). The Applicant has drastically reduced the currently proposed signage under this Second Resubmittal in comparison to the First Resubmittal and purports that this is the absolute minimal signage possible on this Property in order to be compliant with state law. The following variances are being requested:

- (i) Under Sec. 30-90.17(g) of the Palmetto Bay Code of Ordinances in zoning district R-5 only one flat (wall or cantilever) sign is permitted for each street frontage. Therefore, Baptist is requesting a variance from Section 30-90 to allow for three (3) additional Building Identity wall signs than previously approved under the 1998 signage variance approval.
- (ii) Baptist is requesting a variance to retrofit one (1) monument sign that properly identifies the facility as an emergency facility as required by Florida Statutes and changes the name to Baptist Health.
- (iii) Finally, Baptist also proposes to replace two (2) directional signs with two (2) signs to direct traffic flow for patients and ambulances.

IV. Justifications for Variances

The primary reason for the requested variances are to comply with Florida law and regulations governing hospital-based off-campus emergency departments. Section 395.1041(3)(m)(1) of the Florida Statutes provides in pertinent part:

A hospital-based off-campus emergency department may not hold itself out to the public as an urgent care center and must clearly identify itself as a hospital emergency department, using, *at a minimum*, prominent lighted external signage that includes the word “EMERGENCY” or “ER” in conjunction with the name of the hospital. If a hospital-based off-campus emergency department is located on the same premises as an urgent care center, the signage may also identify the urgent care center. (emphasis added).

The changes from the existing signage to the revised signage enables the FSED to clearly identify itself as a hospital emergency department as required by Florida Statutes. In fact, the proposed signage drastically reduces the overall square footage of signage on the site and merely seeks to change the existing placement of certain signs and modify the text of existing signs.

Secondly, the proposed directional signage is an important aspect of accessible emergency healthcare services. Clear, highly visible, intuitive signage makes a significant impact on patients and their families in the midst of a medical crisis and helps ameliorate an already stressful situation. Directional signage also helps with vital tasks, including:

- Making it easy to identify the FSED especially in an emergency
- Marking entrances and parking areas
- Directing the flow of ambulances and other vehicles

Pursuant to Section 30-30.6 of the Village’s LDRs, the Village Council must consider the following factors when granting a variance:

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

Prior to the hearing for the variance request, Baptist proposes to reach out again to adjoining property owners with the revised signage package to seek written input and/or support for the proposed application.

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

The Village has found the FSED to be consistent with the permitted uses within the R-5 district plan. The Property has historically served as a medical plaza. The replacement of the existing urgent care facility to an FSED would will bring enhanced state-of-the-art emergency health care to local residents especially as the first FSED in the Village. The corresponding signage variance would support the FSED and medical uses on the Property and provide clear and visible signage for patients, employees, and visitors of the facility.

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

The proposed signs including those required by Florida law to properly identify the facility as an FSED will not affect the essential character of the neighborhood. Today, there is existing signage including directional signs to help identify the urgent care facility and additional medical offices. The proposed directional and monument signs have the same dimensions as the existing signs. Additionally, the proposed wall signs have a smaller square footage than the existing wall signs.

The FSED and medical offices on the site (similar to the urgent care) will continue to play an important role in providing healthcare and treatment to Village residents and the surrounding community. Therefore, given the existing signage on the site, the essential character of the neighborhood will be preserved and will further facilitate patients in identifying key entrances and exits especially during an emergency.

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

The approval of the variance will not cause any detriment to adjoining properties. Three directional and monument signs already exist on the Property. Baptist proposes to replace the two existing directional signs and retrofit the monument sign. The replacement directional signs and monument sign are all the same size as the existing signage. The proposed signage is required under Florida law to properly identify the facility as an FSED as well as where the emergency area is located for both visitors and ambulances. The FSED will be fully equipped to handle life-threatening injuries such as fractures, stroke, heart attacks, and also respiratory problems. The Village residents, including the adjoining properties will, therefore, benefit by having better and quicker access to emergency care with clear and visible signage.

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 emergency signage is required under Florida law for FSEDs and the requested directional signage is an important aspect of accessible emergency healthcare. Especially in an emergency, clear and visible signage will provide visitors convenient and easy information as to the location of the medical facility, parking, and entrances and exits.

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 granting of the requested variance from the LDR requirements allows Baptist to expand the quality of medical care available to the residents while providing clear and visible signage to visitors especially during an emergency. The FSED will operate 24/7 and will be equipped to handle a majority of the cases that hospital-based emergency departments treat. During the evening hours, the signage will be properly

illuminated as to both be compliant with Section 30-90.14 of the LDRs and provide clear and visible signage to visitors. Baptist cannot comply with the identification requirements mandated by Florida law without the requested variance.

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

The requested variance is necessary for Baptist to comply with Florida Statute 395.1041(3)(m)(1) that requires signage that at a minimum, features prominent lighted external signage that includes the word “EMERGENCY” or “ER” in conjunction with the name of the Emergency Department.

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.

Baptist cannot comply with the identification requirements mandated by Florida law without the requested variance.

V. Conclusion

The existing Baptist medical facility has played an important role in providing healthcare and treatment for minor illnesses and injuries for Village residents as well as the surrounding community. This FSED would be the first of its kind in the Village, and will further provide increased medical benefits to Village residents especially during an emergency.

Since emergency signage is required pursuant to Florida law for FSEDs and the requested signage including the directional signage is an important aspect of accessible emergency healthcare service, we believe that the requested variances satisfy the criteria in the LDR.

Based on the foregoing, we respectfully request your favorable review and recommendation for the variance requests. Thank you in advance for your considerate attention to this application. Should you have any questions or concerns, please do not hesitate to call me at (305) 789-7782.

Sincerely,

HOLLAND & KNIGHT LLP



Joseph G. Goldstein

Cc: Alessandria San Roman, Esq.
Luis Figueredo, Esq.

Exhibit "A"

Legal Description

ALL THAT PIECE AND PARCEL OF LAND LOCATED IN THE SOUTH EAST $\frac{1}{4}$ OF SECTION 21, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

LOTS 1 THROUGH 4, BLOCK 1, OF THE PLAT OF BAPTIST MEDICAL PLAZA, AS RECORDED IN PLAT BOOK 149 PAGE 83 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.



OFFICE OF THE PROPERTY APPRAISER

Summary Report

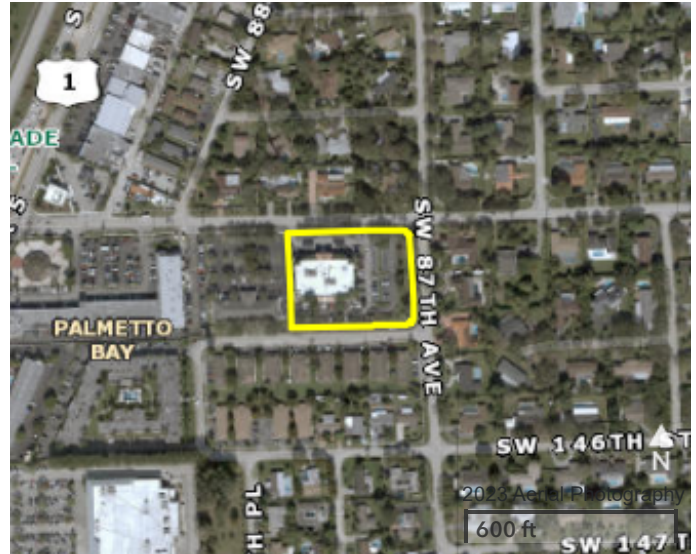
Generated On: 10/24/2023

PROPERTY INFORMATION	
Folio	33-5021-044-0010
Property Address	8750 SW 144 ST PALMETTO BAY, FL 33176-7296
Owner	BAPTIST HEALTH ENTERPRISES INC
Mailing Address	8900 N KENDALL DR MIAMI, FL 33176-2118
Primary Zone	6900 SEMI PROFESSIONAL OFFICE
Primary Land Use	1913 PROFESSIONAL SERVICE BLDG : OFFICE BUILDING
Beds / Baths /Half	0 / 0 / 0
Floors	1
Living Units	0
Actual Area	
Living Area	
Adjusted Area	33,134 Sq.Ft
Lot Size	94,220 Sq.Ft
Year Built	1997

ASSESSMENT INFORMATION				
Year	2023	2022	2021	
Land Value	\$3,297,700	\$3,297,700	\$3,297,700	
Building Value	\$3,702,300	\$2,003,740	\$1,499,008	
Extra Feature Value	\$0	\$0	\$0	
Market Value	\$7,000,000	\$5,301,440	\$4,796,708	
Assessed Value	\$5,804,015	\$5,276,378	\$4,796,708	

BENEFITS INFORMATION				
Benefit	Type	2023	2022	2021
Non-Homestead Cap	Assessment Reduction	\$1,195,985	\$25,062	
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).				

SHORT LEGAL DESCRIPTION	
BAPTIST MEDICAL PLAZA	
PB 149-83 T-18852	
LOTS 1 THRU 4 BLK 1	
LOT SIZE 94220 SQ FT	
F/A/U 30-5021-000-0372 & 0373	

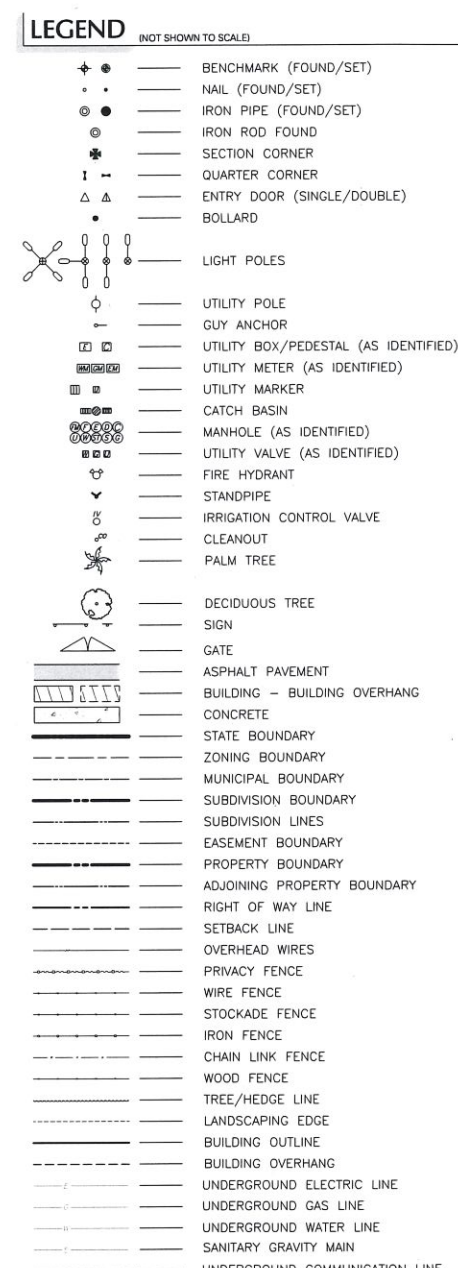


TAXABLE VALUE INFORMATION			
Year	2023	2022	2021
COUNTY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$5,804,015	\$5,276,378	\$4,796,708
SCHOOL BOARD			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$7,000,000	\$5,301,440	\$4,796,708
CITY			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$5,804,015	\$5,276,378	\$4,796,708
REGIONAL			
Exemption Value	\$0	\$0	\$0
Taxable Value	\$5,804,015	\$5,276,378	\$4,796,708

SALES INFORMATION			
Previous Sale	Price	OR Book-Page	Qualification Description

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

Attachment B
Property Survey



Date: 9/15/2023 Time: 15:25 User: darboleda Style Table: laganan.sih Layout: BoundarySurveyPlan Document Code: 300286601-0401-VB101-0101

Attachment C
Proposed Signage Plan- Landscape Plan- Photometrics Plan



SIGNAGE & GRAPHICS

BAPTIST HEALTH PALMETTO BAY OFF CAMPUS EMERGENCY CENTER 8750 SW 144 ST. PALMETTO BAY, FL

NEW SIGNAGE DESIGN & SCOPE PROPOSAL FOR ADMINISTRATIVE REVIEW

MARCH 6, 2024

property owner:



signage design by:



DRAWING INDEX

SHEET/DESCRIPTION

ZONING PLAN
AERIAL VIEW - EXISTING SITE PLAN
1a - EXISTING EAST FACADE PHOTO
1b - PROPOSED EAST FACADE SIGN DETAILS
2a - EXISTING NORTH FACADE PHOTO
2b - PROPOSED NORTH FACADE SIGN DETAILS
3 - EXISTING WEST FACADE PHOTO
4a - EXISTING SOUTH FACADE PHOTO
4b - PROPOSED SOUTH FACADE SIGN DETAILS
5 - EXISTING GROUND SIGN LOCATIONS
6 - PROPOSED GROUND SIGN LOCATIONS
7 - PROPOSED GROUND SIGN DETAILS
8a - 8d - RETROFIT OF EXISTING MONUMENT DETAILS
9 - OVERALL SQUARE FOOT COMPARISONS



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CLIENT:



Baptist Health

8500 SW 117 AVE.
Miami, FL 33183

PROJECT:

**PALMETTO BAY
BAPTIST HEALTH
EMERGENCY CARE &
MEDICAL OFFICES**
FREE STANDING EMERGENCY
CARE & MEDICAL OFFICES
FACILITY

8750 SW 144th St.
Palmetto Bay, FL
33176

ARCHITECT:

Bermello Ajamil & Partners
2601 S. Bayshore Drive, Suite 1000
Miami, FL 33133
305.859.2050

REV.	DATE	ISSUE / SUBMISSION
00	1/16/24	
	3/6/24	FINAL

DRAWN BY:

K0

DRAWING DESCRIPTION:

ZONING PLAN

SCALE:

as noted

SIGN TYPE:

SHEET #:



**Zoning
Plan**

42



**ADJACENT ZONING DISTRICTS
FOR ADJACENT PROPERTIES**

**BUSINESS
2 LEVELS**

**RESIDENTIAL
2 LEVELS**

**PROJECT
LOCATION**



**RESIDENTIAL
1 LEVEL**

**ADJACENT EXISTING
BUILDINGS**

Village of Palmetto Bay Official Enacted Zoning Map

Revised: 05/18/2016

AG
Agricultural / Residential
Minimum 5.0 gross acres

B-1
Business District - Limited
Maximum floor area ratio 0.4 at (1) story
increased by 0.11 for each additional story

B-2
Business District - Special
Maximum floor area ratio 0.4 at (1) story
increased by 0.11 for each additional story

DUV
Downtown Urban Village

E-1
Estate - Single Family
One unit per gross acre or more

E-1C
Estate - Single Family
One unit per 2.0 gross acres

E-2
Estate - Single Family
One unit per 5 gross acres or more

E-M
Estate Modified - Single Family
One unit per 15,000 net sq. ft.

E-S
Estate Use - Suburban Single Family
One unit per 25,000 net sq. ft.

I
Interim District

PAD
Planned Area Development
PAC, 20 acres minimum, mixed residential and convenience retail services

R-1
Single Family Residential District
One unit per 7,500 net sq. ft.

R-1M
Modified Single Family Residential District
One unit per 5,000 net sq. ft.

R-2
Two-Family Residential District
One two-family structure per 7,500 net sq. ft.

R-3
Four-unit Apartment District
7,500 net sq. ft.

R-3M
Minimum Apartment House
12.9 units per net acre

R-4L
Limited Apartment House District
23 units per net acre

R-5
Semi-professional Office District
10,000 net sq. ft.

R-TH
Townhouse District
8.5 units per net acre

VMU
Village Mixed-Use

Water

N





AERIAL VIEW OF EXISTING BHSF SITE - BUILDING SIGNAGE
NOT TO SCALE

EXISTING PROPOSED



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Baptist Health

8500 SW 117 AVE.
Miami, FL 33183

PROJECT:

PALMETTO BAY
BAPTIST HEALTH
EMERGENCY CARE &
MEDICAL OFFICES
FREE STANDING EMERGENCY
CARE & MEDICAL OFFICES
FACILITY

8750 SW 144th St.
Palmetto Bay, FL
33176

ARCHITECT:

Bermello Ajamil & Partners
2601 S. Bayshore Drive, Suite 1000
Miami, FL 33133
305.859.2050

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00	1/16/24	
	3/6/24	FINAL

DRAWN BY:

KO

DRAWING DESCRIPTION:

AERIAL VIEW
EXISTING
SITE PLAN

SCALE:

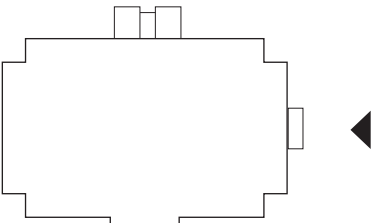
as shown

SIGN TYPE:

QUANTITY:

SHEET #:

Site Plan
43



KEY PLAN



PHOTO OF EXISTING EAST FACADE
(NO EXISTING SIGNS)



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Miami, FL 33183

PROJECT:

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FREE STANDING EMERGENCY
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00	1/16/24	
	3/6/24	FINAL

DRAWN BY:

KO

DRAWING DESCRIPTION:

**EXISTING
EAST FACADE**

SCALE:

as shown

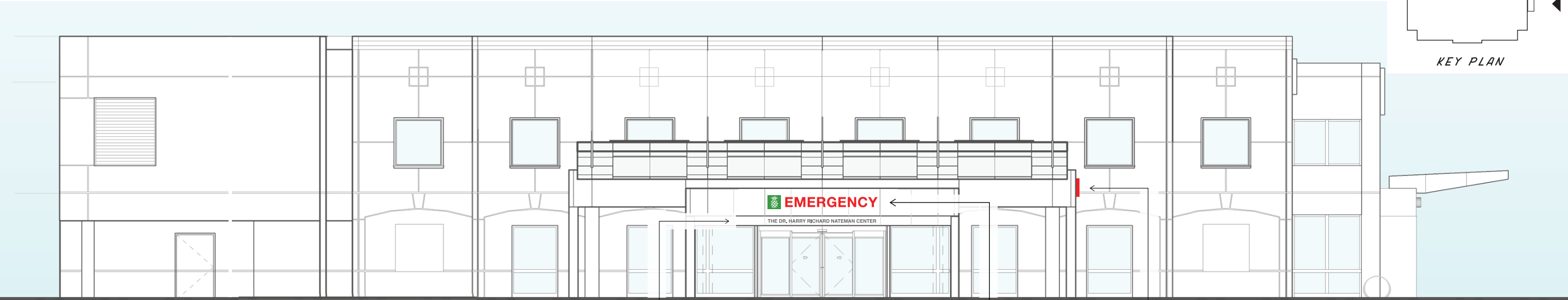
SIGN TYPE:

QUANTITY:

SHEET #:

1a

44

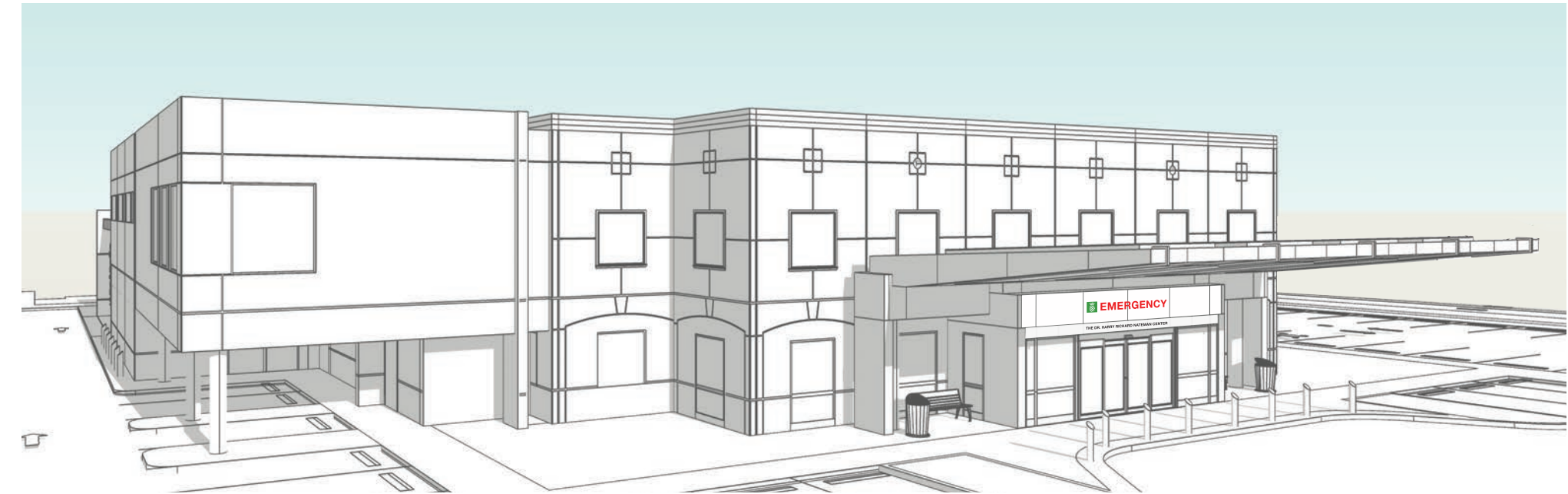


ELEVATION OF PROPOSED EAST FACADE SIGN

B: 4.5" (h) x 11' - 9" (w) = 4.38 s.f.

A: 18" (h) logo, 13" caps x 12' - 0" (w) = 18 s.f.

C: (See North Facade Elevation, sheet 2b).



3D RENDERING OF PROPOSED EAST FACADE SIGN

DESCRIPTION of PROPOSED SIGNS:

A: EMERGENCY Sign letters of aluminum construction. Face of red acrylic, sides are painted red mounted flush to wall. Letters are ILLUMINATED as red thru face with white LED's. Pineappl logo box of 2" deep acrylic with soft glow illumination thru face. 18" (h) logo, 13" caps x 12' - 0" (w): **Square Feet: 18**

B: DONOR NAME Dimensional 1" deep letters, 4.5" high, mounted flush to surface (adhered) above entry doors, non-illuminated. 4.5"(h) x 11' - 9" (w): **Square Feet: 4.38**

Combined Total Square Feet: 22.38

LIGHTING NOTE:
Illumination of letters may not exceed a maximum brightness level of 0.3 foot candles above ambient light as measured at a preset distance depending on sign size. Measuring distance shall be calculated by taking the square root of the product of the Sign Area multiplied by one-hundred (Example using a 12 s. f. Illuminated sign: [12 x 100] = 34.6 feet measuring distance). All applicants shall provide a written certification from the Sign Manufacturer that the light intensity has been factory preset not to exceed the levels specified.

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	3/6/24	FINAL

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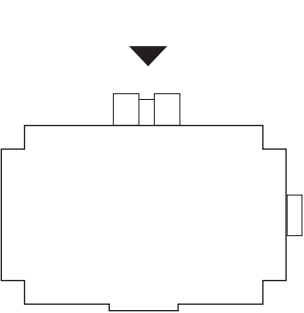
DRAWING DESCRIPTION:

**PROPOSED
EAST FACADE
SIGNS**

SCALE:
as shown

SIGN TYPE:	QUANTITY:

SHEET #:



KEY PLAN

EXISTING ID SIGN IS 16.6 .S.F.



PHOTO OF EXISTING NORTH FACADE



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CLIENT:

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8500 SW 117 AVE.
Miami, FL 33183

PROJECT:

**PALMETTO BAY
BAPTIST HEALTH
EMERGENCY CARE &
MEDICAL OFFICES**
FREE STANDING EMERGENCY
CARE & MEDICAL OFFICES
FACILITY
8750 SW 144th St.
Palmetto Bay, FL
33176

ARCHITECT:

Bermello Ajamil & Partners
2601 S. Bayshore Drive, Suite 1000
Miami, FL 33133
305.859.2050

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00	1/16/24	FINAL
	3/6/24	

DRAWN BY:

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DRAWING DESCRIPTION:

**EXISTING
NORTH
FACADE**

SCALE:

as shown

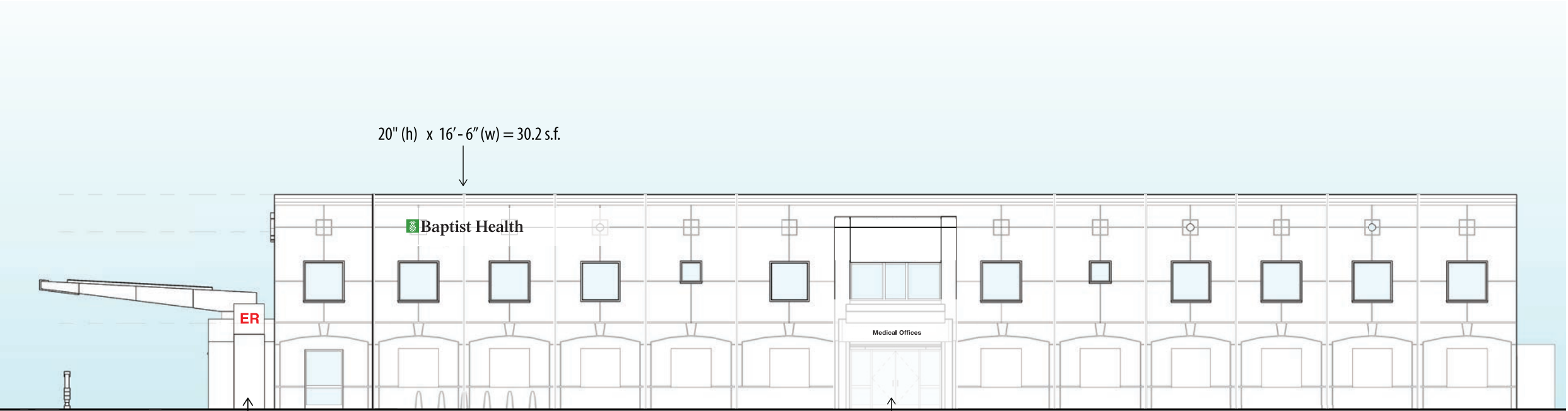
SIGN TYPE:

QUANTITY:

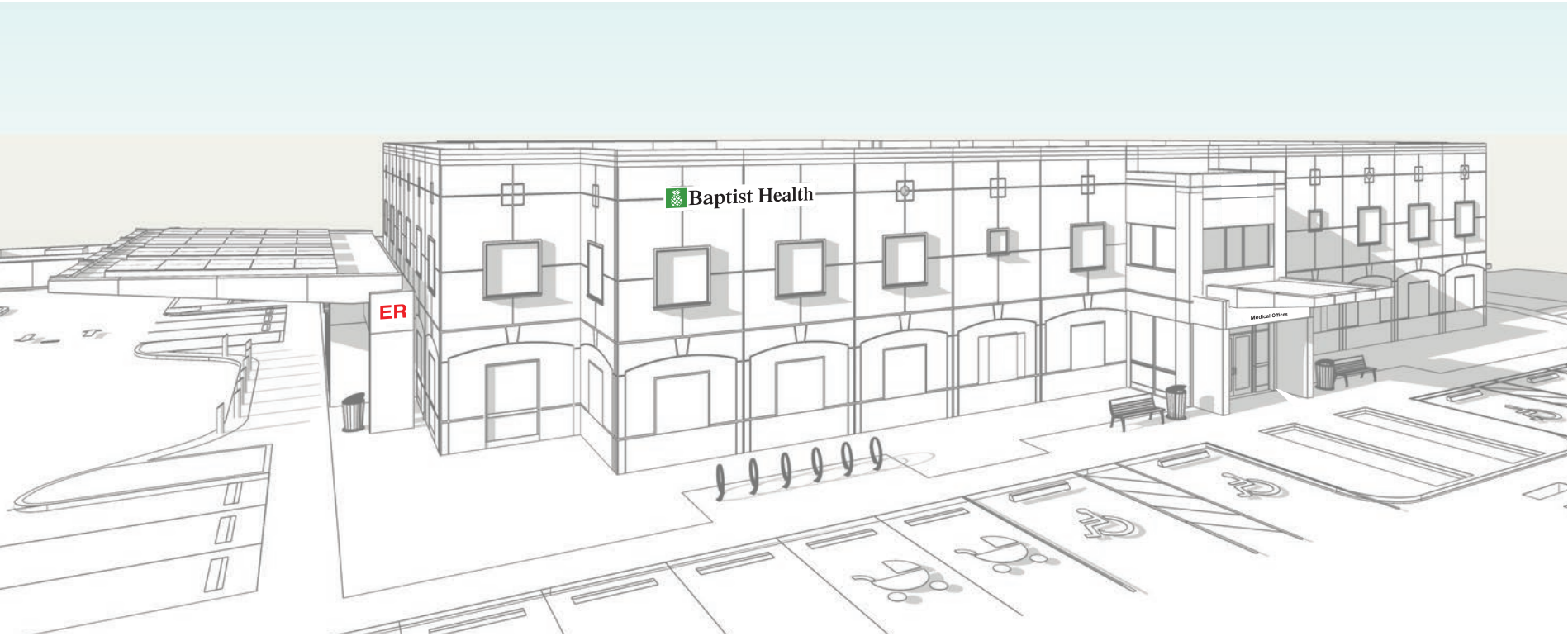
SHEET #:

2a

46



ELEVATION OF PROPOSED NORTH FACADE SIGNS



3D RENDERING OF PROPOSED NORTH FACADE SIGNS

DESCRIPTION of PROPOSED SIGNS:

A: “BAPTIST HEALTH” Sign letters of aluminum, 3” deep. Face and sides are painted Black and stand off the wall 2”. Letters are illuminated at night with reverse halo affect light wash onto the wall in white LED’s. LOGO: 3” deep aluminum cabinet. Pineapple elements of white acrylic, illuminated at night with reverse halo affect, white LEDs. 20" (h) x 16’ - 6” (w) **Square Feet: 30.2**

B: MEDICAL OFFICES, 1/2” thk. cut out aluminum letters. Painted in dark gray. Non-illuminated. 8" (h) x 7’ - 2” (w) **Square Feet: 5**

C: “ER”, 2” deep aluminum letters mounted flush to column with red acrylic faces and red painted sides, letters illuminate red thru face. **Square Feet: 3**

Combined Total of Signage Square Feet: 38.2

LIGHTING NOTE:
Illumination of letters may not exceed a maximum brightness level of 0.3 foot candles above ambient light as measured at a preset distance depending on sign size. Measuring distance shall be calculated by taking the square root of the product of the Sign Area multiplied by one-hundred (Example using a 12 s. f. Illuminated sign: [12 x 100] = 34.6 feet measuring distance). All applicants shall provide a written certification from the Sign Manufacturer that the light intensity has been factory preset not to exceed the levels specified.

REV.	DATE	ISSUE / SUBMISSION
00	1/16/24	
	3/6/24	FINAL

DRAWN BY:
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DRAWING DESCRIPTION:

**PROPOSED
NORTH FACADE
BUILDING ID’S**

SCALE:
as shown

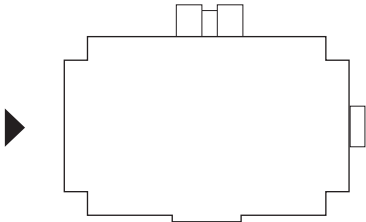
SIGN TYPE:	QUANTITY:
------------	-----------

SHEET #:



PHOTO OF EXISTING WEST FACADE

NO NEW SIGNAGE IS PROPOSED
FOR THE WEST FACADE



KEY PLAN



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CLIENT:

 **Baptist Health**
8500 SW 117 AVE.
Miami, FL 33183

PROJECT:

**PALMETTO BAY
BAPTIST HEALTH
EMERGENCY CARE &
MEDICAL OFFICES**
FREE STANDING EMERGENCY
CARE & MEDICAL OFFICES
FACILITY
8750 SW 144th St.
Palmetto Bay, FL
33176

ARCHITECT:

Bermello Ajamil & Partners
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00	1/16/24	
	3/6/24	FINAL

DRAWN BY:

KO

DRAWING DESCRIPTION:

**EXISTING
WEST
FACADE**

SCALE:

as shown

SIGN TYPE:	QUANTITY:

SHEET #:

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PROJECT:
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BAPTIST HEALTH
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00	1/16/24	
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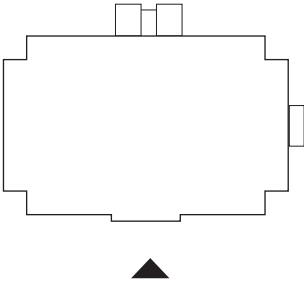
DRAWN BY:
KO

DRAWING DESCRIPTION:

**EXISTING
SOUTH
FACADE**

SCALE:
as shown

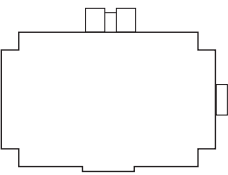
SIGN TYPE:	QUANTITY:
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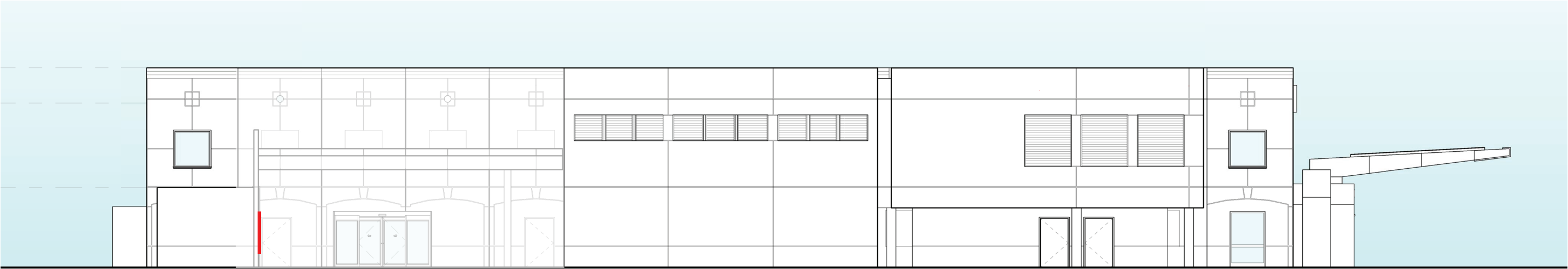
KEY PLAN



PHOTO OF EXISTING SOUTH FACADE
(NO EXISTING SIGNS)



KEY PLAN



EMERGENCY VEHICLE ENTRY

ELEVATION OF PROPOSED SOUTH FACADE SIGN

7'-8" (h) X 9" (w) = 5.7 s.f



NOTE:
ACTUAL PLACEMENT OF SIGN IS FACING EAST

3D RENDERING OF PROPOSED SOUTH FACADE SIGN



NOTE:
ACTUAL PLACEMENT OF SIGN IS FACING EAST

DESCRIPTION of PROPOSED SIGN:
7'-8" (h) X 9" (w) = 5.7 s.f.
"EMERGENCY" Sign letters are fabricated of aluminum with acrylic RED faces for daytime visibility. Letters are illuminated at night in RED through sign face.

Total Signage Square Feet: 5.7

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Miami, FL 33183

PROJECT:
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BAPTIST HEALTH
EMERGENCY CARE &
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	3/6/24	FINAL

DRAWN BY:
KO

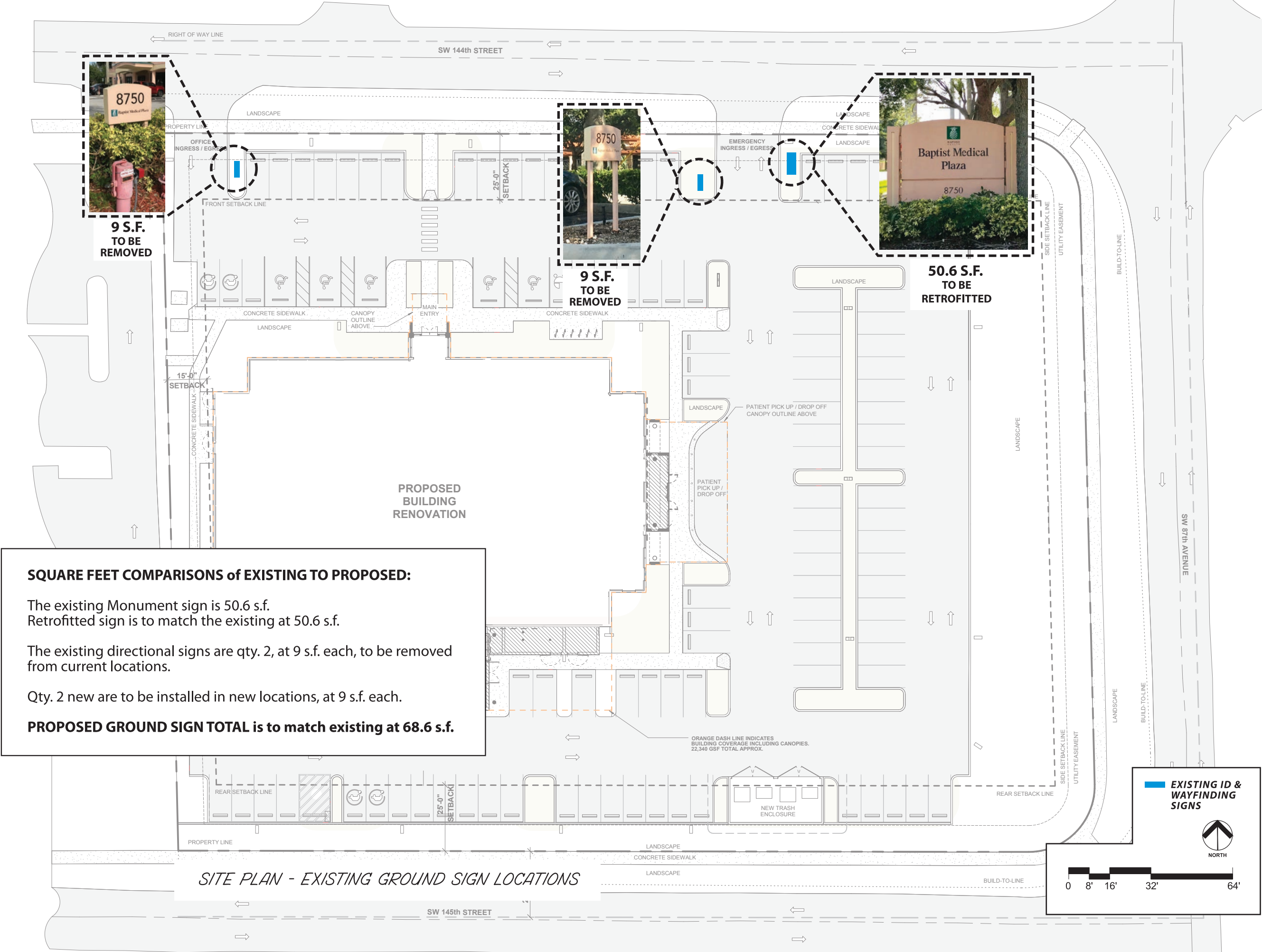
DRAWING DESCRIPTION:

**PROPOSED
AMBULANCE
EMERGENCY
SIGN LETTERS**

SCALE:
as shown

SIGN TYPE:	QUANTITY:

SHEET #:



SQUARE FEET COMPARISONS of EXISTING TO PROPOSED:

The existing Monument sign is 50.6 s.f.
Retrofitted sign is to match the existing at 50.6 s.f.

The existing directional signs are qty. 2, at 9 s.f. each, to be removed
from current locations.

Qty. 2 new are to be installed in new locations, at 9 s.f. each.

PROPOSED GROUND SIGN TOTAL is to match existing at 68.6 s.f.

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CLIENT:
Baptist Health
8500 SW 117 AVE.
Miami, FL 33183

PROJECT:
**PALMETTO BAY
BAPTIST HEALTH
EMERGENCY CARE &
MEDICAL OFFICES
FREE STANDING EMERGENCY
CARE & MEDICAL OFFICES
FACILITY**
8750 SW 144th St.
Palmetto Bay, FL
33176

ARCHITECT:
Bermello Ajamil & Partners
2601 S. Bayshore Drive, Suite 1000
Miami, FL 33133
305.859.2050

REV.	DATE	ISSUE / SUBMISSION
00	1/16/24	
	3/6/24	FINAL

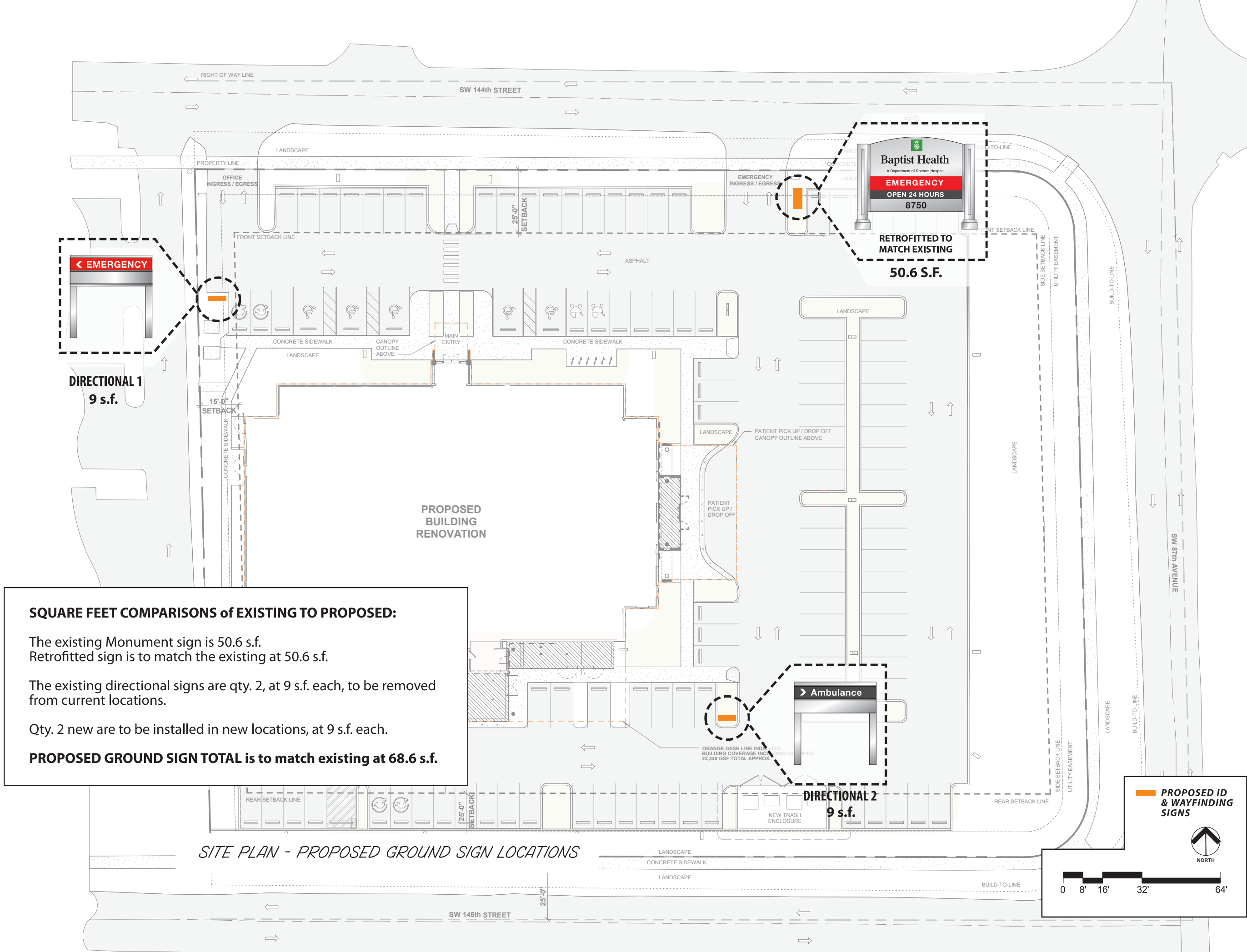
DRAWN BY:
KO

DRAWING DESCRIPTION:
**EXISTING
GROUND SIGN
LOCATIONS**

SCALE:
as noted

SIGN TYPE:

SHEET #:



SQUARE FEET COMPARISONS of EXISTING TO PROPOSED:

The existing Monument sign is 50.6 s.f.
Retrofitted sign is to match the existing at 50.6 s.f.

The existing directional signs are qty. 2, at 9 s.f. each, to be removed from current locations.

Qty. 2 new are to be installed in new locations, at 9 s.f. each.

PROPOSED GROUND SIGN TOTAL is to match existing at 68.6 s.f.

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	3/6/24	FINAL

DRAWN BY:
KO

DRAWING DESCRIPTION:

**PROPOSED
GROUND SIGN
LOCATIONS**

SCALE:
as noted

SIGN TYPE:

SHEET #:



RETROFITTED MONUMENT SIGN

50.6 Square Feet

The Existing Monument Sign is to be retrofitted with a new Center panel only and will NOT exceed square foot area of existing monument.

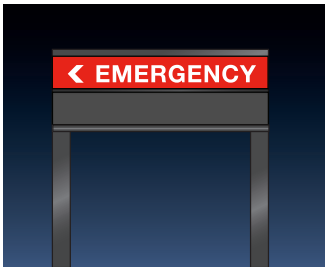
DESCRIPTION of PROPOSED SIGN (double-faced):

- SIGN LETTERS and postal numbers are translucent white acrylic with opaque black faces with halo/edge illumination at night. Small letters are painted onto face.
- GREEN PINEAPPLE LOGO is illuminated thru face with translucent green background.
- OPEN 24 HOURS letters are illuminated thru face with opaque dark gray background.
- EMERGENCY letters and background are illuminated thru face.

Signage Square Feet: 50.6 - To Match Existing Sq. Foot Area.



Nighttime View



Nighttime View



DIRECTIONAL 1
9 Square Feet

DIRECTIONAL 2
9 Square Feet

DIRECTIONAL SIGNS

DESCRIPTION of PROPOSED SIGN (single-faced):

- SIGN LETTERS and postal numbers are translucent white acrylic with opaque black faces with halo/edge illumination at night.
- GREEN PINEAPPLE LOGO is illuminated thru face with translucent green background.
- PYLON is of aluminum construction with concrete base and is single-faced.

Signage Square Feet: 18

Total Signage Square Feet: 68.6

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PROJECT:
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DRAWN BY:
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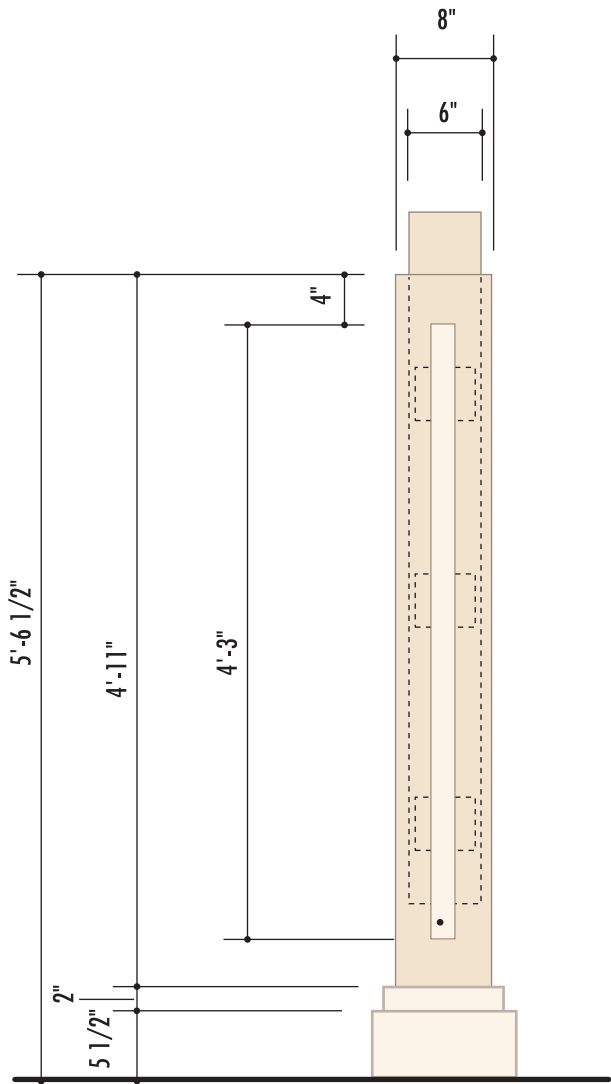
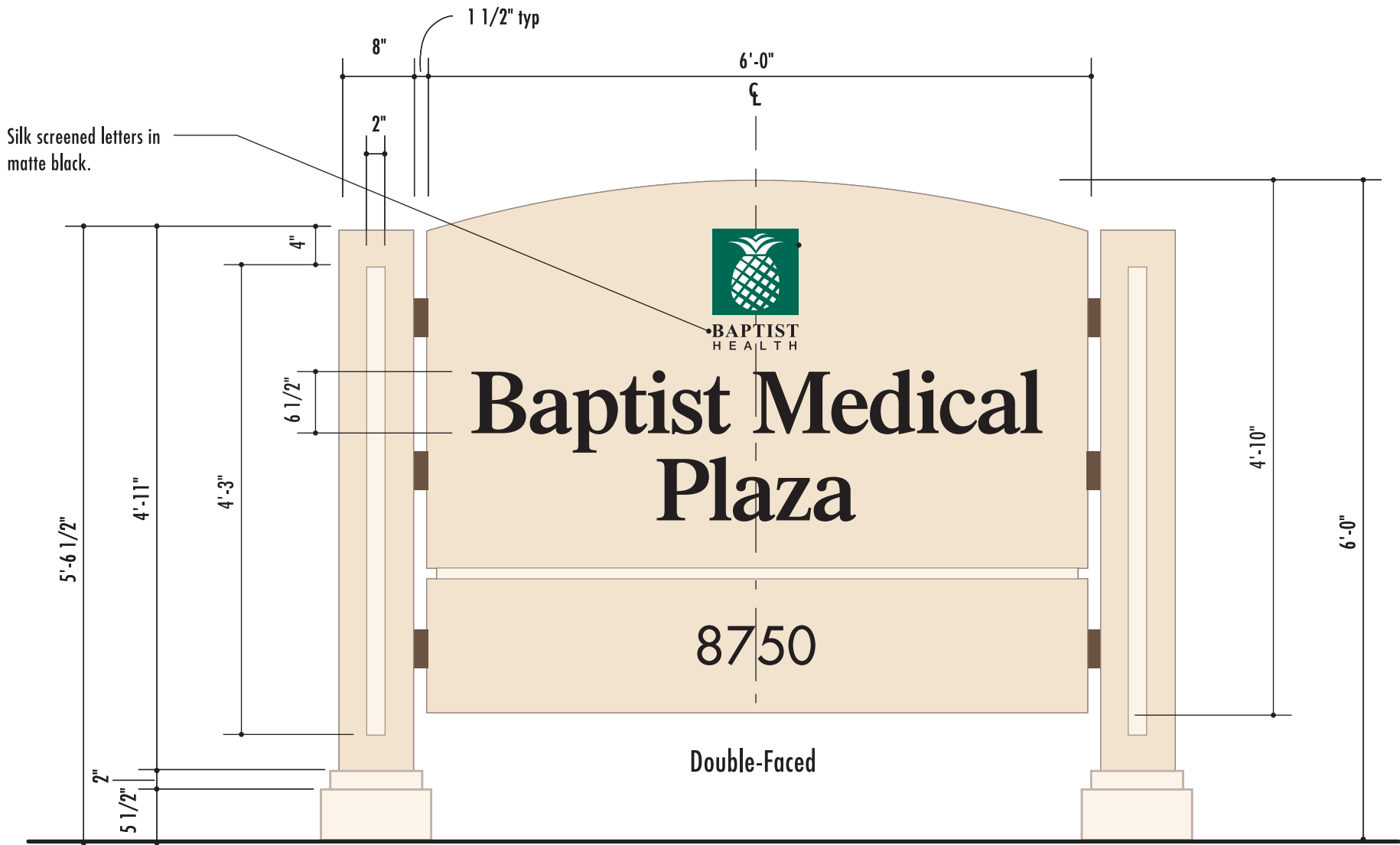
DRAWING DESCRIPTION:
**PROPOSED
GROUND SIGNS**

SCALE:
1/2" = 1'

SIGN TYPE:	QUANTITY:



3	Top View
	Scale: 3/4"=1'-0"



2	Side View
	Scale: 3/4"=1'-0"

EXISTING MONUMENT SIGN

1	Elevation
	Scale: 3/4"=1'-0"



PHASE ONE

Entry ID Specifications

description:

A

sign type:

1. 04.18.03 Brenda
2.

3. July 3, 2003
4.

issues & revisions:

pb01.1

sheet no.



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CLIENT:



PROJECT:

**PALMETTO BAY
BAPTIST HEALTH
EMERGENCY CARE &
MEDICAL OFFICES**
FREE STANDING EMERGENCY
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FACILITY

8750 SW 144th St.
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33176

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305.859.2050

REV.	DATE	ISSUE / SUBMISSION
00	1/16/24	
	3/6/24	FINAL

DRAWN BY:

KO

DRAWING DESCRIPTION:

**GROUND
SIGNS**

SCALE:

as shown

SIGN TYPE:

QUANTITY:

SHEET #:

8a



ILLUMINATION of EXISTING MONUMENT



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Miami, FL 33183

PROJECT:
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	3/6/24	FINAL

DRAWN BY:
KO

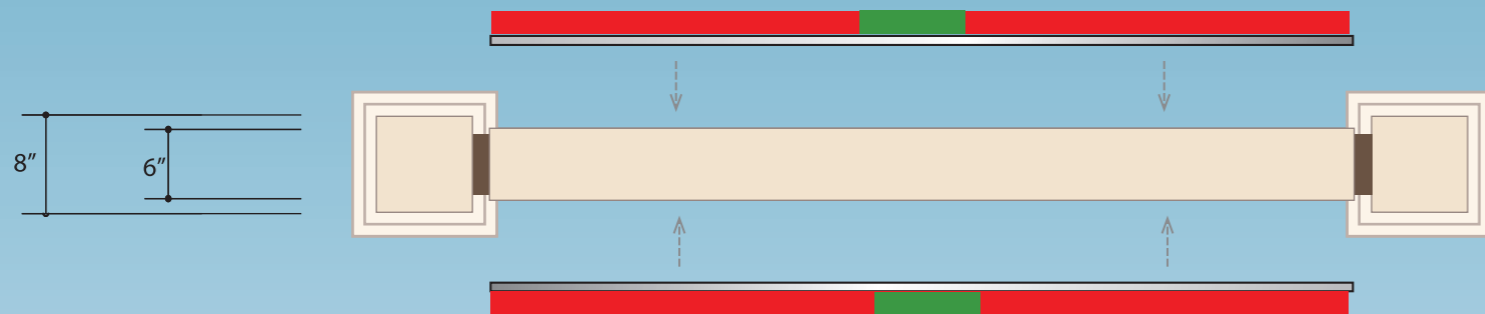
DRAWING DESCRIPTION:
**GROUND
SIGNS**

SCALE:
as shown

SIGN TYPE:	QUANTITY:
------------	-----------

SHEET #:
8b

55



The Existing Monument Sign is to be retrofitted with a new Center panel only and will NOT exceed square foot area of Existing Monument.

Center sign face panel (and top) of aluminum attached securely to existing sign face within equal square foot area (not to exceed existing).

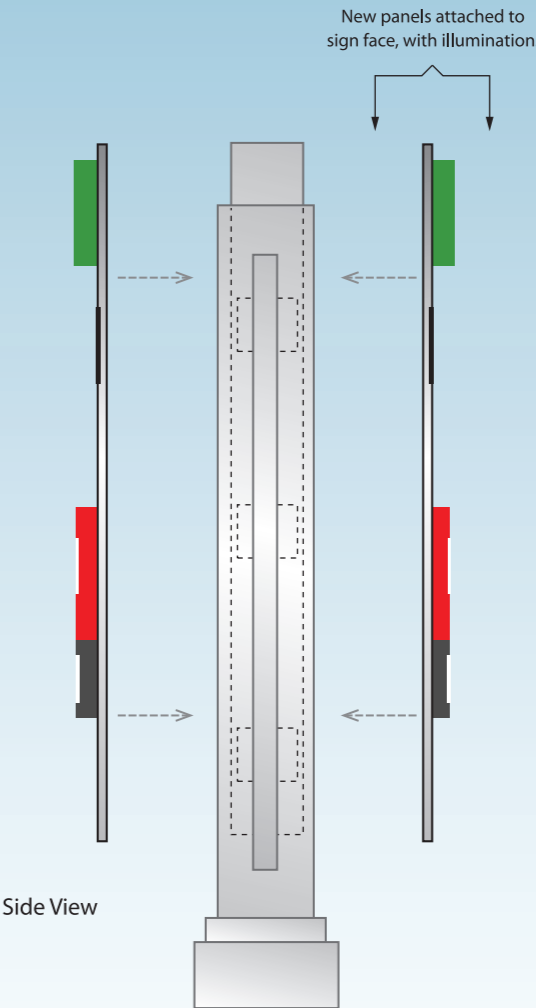
Baptist Health” text and “8750” address numbers are cut out and backed up clear acrylic with 3M Day/Night vinyl laminate on face for black reading during day and white illumination at night.

• “A Department of...” letters are masked and painted on first surface, Black.

• “EMERGENCY - OPEN 24 HOURS” is 2” deep fabricated aluminum pan with translucent white acrylic face panel secured with flush mount fasteners from top and sides. Red background illuminates. Dark gray background is opaque. Text illuminates white.

• Green Pineapple is fabricated aluminum box with acrylic faces front and back.

Existing Posts and base collars painted on all surfaces MP Alum. Gray.



RETROFIT of EXISTING MONUMENT SIGN



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PROJECT:

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BAPTIST HEALTH
EMERGENCY CARE &
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FREE STANDING EMERGENCY
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FACILITY

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33176

ARCHITECT:

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Miami, FL 33133
305.859.2050

REV.	DATE	ISSUE / SUBMISSION
00	1/16/24	
	3/6/24	FINAL

DRAWN BY:

KO

DRAWING DESCRIPTION:

**GROUND
SIGNS**

SCALE:

as shown

SIGN TYPE:

QUANTITY:

SHEET #:

8c



ILLUMINATION of RETROFITTED EXISTING
MONUMENT SIGN



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Miami, FL 33133
305.859.2050

REV.	DATE	ISSUE / SUBMISSION
00	1/16/24	
	3/6/24	FINAL

DRAWN BY:
KO

DRAWING DESCRIPTION:

**GROUND
SIGNS**

SCALE:
as shown

SIGN TYPE:	QUANTITY:

SHEET #:

8d

Existing Building Signs

Combined Total: 110.1 s.f.



North Facade
(16.6 s.f.)



West Facade
(93.5 s.f.)

Existing Ground Signs

Combined Total: 68.6 s.f.



50.6 s.f.



9 s.f.



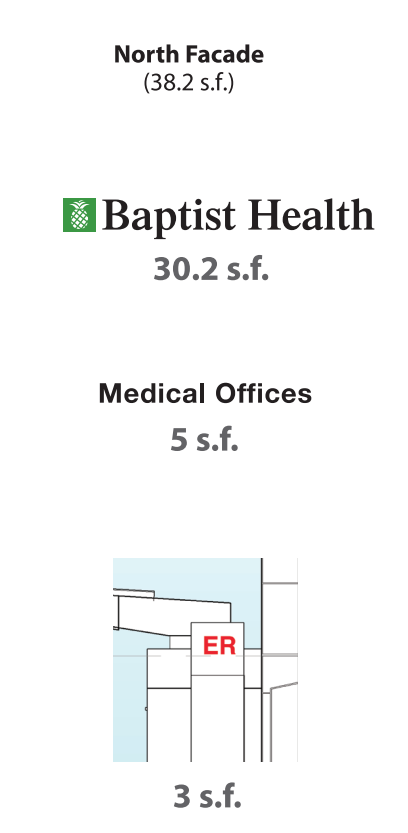
9 s.f.

Proposed Building Signs

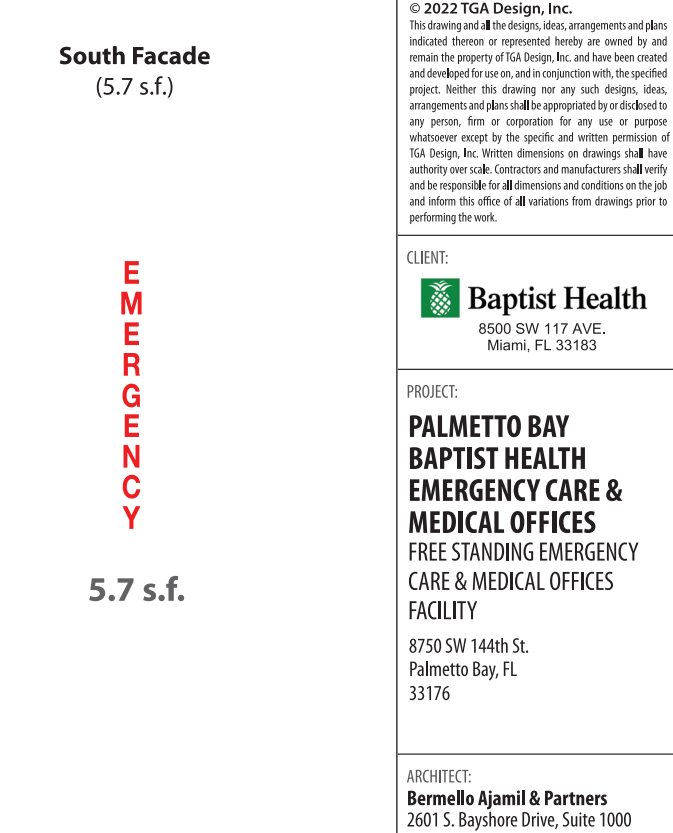
Combined Total: 66.28 s.f.



East Facade
(22.38 s.f.)



North Facade
(38.2 s.f.)



South Facade
(5.7 s.f.)

Proposed Ground Signs

Combined Total: 68.6 s.f.



RETROFITTED TO
MATCH EXISTING
50.6 s.f.



DIRECTIONAL 1
9 s.f.



DIRECTIONAL 2
9 s.f.



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305.859.2050

REV.	DATE	ISSUE / SUBMISSION
00	1/16/24	
	3/6/24	FINAL

DRAWN BY:

KO

DRAWING DESCRIPTION:

OVERALL
SQUARE FEET
COMPARISONS

SCALE:

as noted

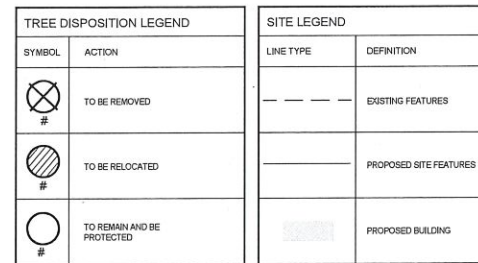
SIGN TYPE:

SHEET #:

V-23-008 (REV)

Flh way 8:2024

By: Ad



NORTH

0' 10' 20' 40'

SCALE: 1" = 20'

TITLE:	
TREE DISPOSITION PLAN	
Project No:	02142.000
Date:	2022-01-04
Scale:	As Indicated
Format:	30" x 42"
Drawn:	LH
Checked:	KJO
SHEET:	
LT-01	

V-23-008 (REV)

Village of Palmetto Bay

By:

Administrative Site Plan Approval (ASPR-22-001)
This approval shall be deemed to authorize only the particular subject property (Parcel: 33-5021-044-0010) site configuration, layout and level of impacts shown, unless the Site Plan is rescinded or revoked as provided in Chapter 30 of the Code of Ordinances of Village of Palmetto Bay, Florida. This approval is in compliance with Code Section 30-30.2(e), Section 30-30.3(a) and Section 30-50.15.

Mark Alvarez
Director of Community & Economic Development

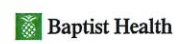


ARCHITECT - CIVIL - LANDSCAPE:
Bermello Ajamil & Partners
2001 S Bayshore Drive, Suite 1000
Miami, FL 33133
P: 305.659.2050

MEP ENGINEER:
TLC Engineering Solutions
255 S Orange Ave, Suite #1600
Orlando, FL 32801
P: 407.841.9050

STRUCTURAL ENGINEER:
Reliance Engineering, Inc.
10388 West State Road 87, #112
Davie, FL 33324
P: 954.474.7578

OWNER:
BAPTIST HEALTH
8500 SW 117 Ave
Miami, FL 33183



**BAPTIST HEALTH PALMETTO BAY
OFF-CAMPUS EMERGENCY CARE FACILITY**
FREE STANDING EMERGENCY CARE FACILITY
8750 SW 144TH STREET MIAMI, FLORIDA 33176
AHCA: 23/100154-267-1

PHASE:
CONSTRUCTION DOCUMENTS

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SEAL:
Kirk J Olney Digitally signed by Kirk J Olney
Date: 2024.01.05 14:58:54 -05'00'

REVISIONS:

No.	DESCRIPTION	DATE
6	TREE PERMIT	01/02/2024

TITLE:

LANDSCAPE PLAN

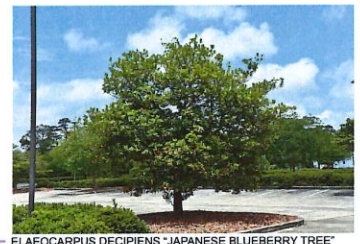
Project No: 02142.000

Date: As indicated

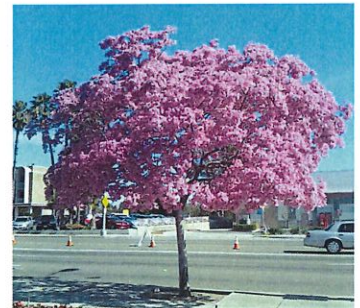
Scale: 30' x 42'

Drawn: Checked: SHEET:

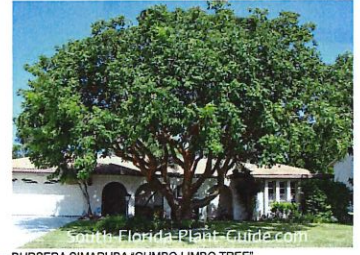
LL-01



Elaeocarpus decipiens "JAPANESE BLUEBERRY TREE"



Tabebuia heterophylla "PINK TABEBUIA"



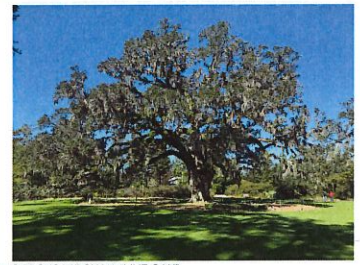
Bursera simaruba "GUMBO LIMBO TREE"



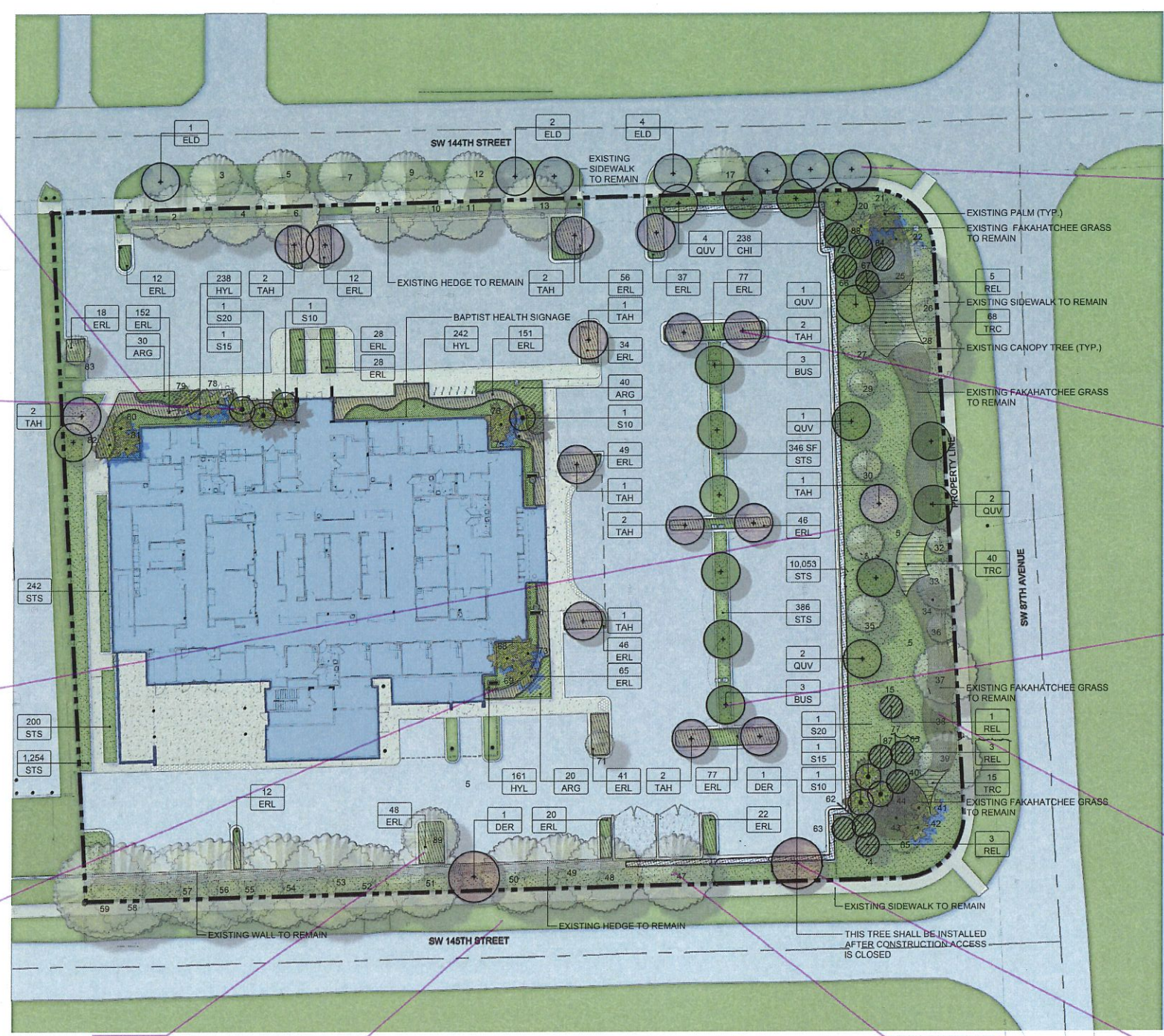
Tripsacum dactyloides "FAKAHATCHEE GRASS"



Delonix regia "ROYAL POINCIANA"



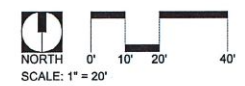
Quercus virginiana "LIVE OAK"



PLANT MATERIAL LIST														
CANOPY TREES														
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	DBH	CLEAR TRUNK	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	ENVIRONMENTAL TOLERANCES
BUS	8	Bursera simaruba	Gumbo Limbo	15' tall	8' wide	5" caliper	8'	B&B	As Shown	N/A	30' tall	40' wide	38" caliper	DROUGHT: Moderate WIND: Moderate NATIVE: Yes
DER	2	Delonix regia	Royal Poinciana	15' tall	15' wide	4" caliper	7'	B&B	As Shown	N/A	50' tall	50' wide	18"	DROUGHT: Moderate WIND: Moderate NATIVE: No
ELD	7	Elaeocarpus decipiens	Japanese Blueberry	12' tall	6' wide	2.5" caliper	5'	B&B	As Shown	N/A	30' tall	30' wide	4"	DROUGHT: High WIND: Moderate NATIVE: No
QUV	10	Quercus virginiana	Live Oak	14' tall	6' wide	3" caliper	6'	B&B	As Shown	N/A	50' tall	70' wide	48" caliper	DROUGHT: High WIND: Moderate NATIVE: Yes
TAH	14	Tabebuia heterophylla	Pink Tabebuia	18' tall	4' wide	3" caliper	6'	B&B	As shown	N/A	30' tall	30' wide	4"	DROUGHT: High WIND: Moderate NATIVE: No
PALMS														
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	CAL. AT 4" ABOVE GRADE	GRAY WOOD	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	ENVIRONMENTAL TOLERANCES
S10	3	Sabal palmetto	Cabbage Palm	10' tall	N/A	12"	8"	B&B	As Shown	Matched	85"	10'	16"	DROUGHT: High WIND: High NATIVE: Yes
S15	2	Sabal palmetto	Cabbage Palm	15' tall	N/A	12"	13"	B&B	As Shown	Matched	85"	10'	16"	DROUGHT: High WIND: High NATIVE: Yes
S20	2	Sabal palmetto	Cabbage Palm	20' tall	N/A	12"	15"	B&B	As Shown	Matched	85"	10'	16"	DROUGHT: High WIND: High NATIVE: Yes
SHRUBS & GROUNDCOVERS														
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	CAL. AT 4" ABOVE GRADE	CLEAR TRUNK	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	ENVIRONMENTAL TOLERANCES
ARG	80	Arachis glabrata	Golden Ornamental Peanut	12" tall	12" wide	N/A	N/A	N/A	30" O.C.	N/A	6" tall	Runners	N/A	DROUGHT: High WIND: High NATIVE: No
CHI	238	Chrysobalanus icaco	Red Tip Cocoplum	24" tall	15" wide	N/A	N/A	N/A	24" O.C.	Full	20' tall	20' wide	N/A	DROUGHT: High WIND: High NATIVE: Yes
ERL	1,031	Emodea littoralis	Golden Creeper	12" tall	12" wide	N/A	N/A	N/A	24" O.C.	N/A	3' tall	3' wide	N/A	DROUGHT: High WIND: High NATIVE: Yes
HYL	667	Hymenocallis latifolia	Spider Lily	18" tall	15" wide	N/A	N/A	N/A	18" O.C.	N/A	5' tall	5' wide	N/A	DROUGHT: High WIND: Low NATIVE: Yes
TRC	123	Tripsacum dactyloides	Fakahatchee Grass	30" tall	24" wide	N/A	N/A	N/A	30" O.C.	N/A	5' tall	4' wide	N/A	DROUGHT: High WIND: High NATIVE: Yes
SOD														
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	CAL. AT 4" ABOVE GRADE	GRAY WOOD	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	ENVIRONMENTAL TOLERANCES
STS	12,481 sq ft	Sterotaphrum secundatum	St. Augustine sod	Solid sod	N/A	N/A	N/A	N/A	As Shown	As Shown	6" to 12"	Runners	N/A	DROUGHT: Low WIND: N/A NATIVE: No
RELOCATED TREES														
REL	12	Relocated trees												

FOR SPECIFICATIONS SEE TREE DISPOSITION TABLE ON LT-04

05 FEBRUARY 2024



RECEIVED
Zoning Department
February 8, 2024
Village of Palmetto Bay
Building & Zoning Department
By: [Signature]



Arachis glabrata "GOLDEN ORNAMENTAL PEANUT"



Sabal palmetto "CABBAGE PALM"



Chrysobalanus icaco "RED TIP COCOPLUM"



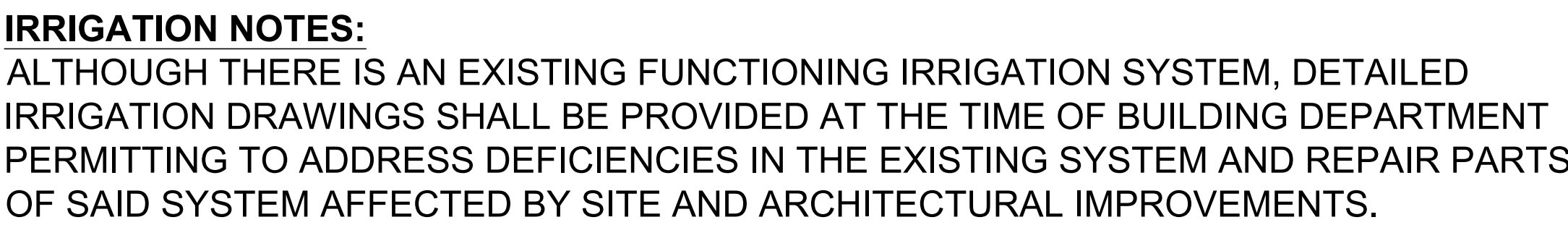
Hymenocallis latifolia "SPIDER LILY"



Emodea littoralis "GOLDEN CREEPER"



ST. AUGUSTINE SOD



NORTH

SCALE: 1" = 20'

0' 10' 20' 40'

MEP ENGINEER:
TLC Engineering Solutions
255 S Orange Ave. Suite #1600
Orlando, FL 32801
P: 407.841.9050

STRUCTURAL ENGINEER:
Reliance Engineering, Inc.
10388 West State Road 87, #112
Davie, FL 33324
P: 954.474.7578



Baptist Health

**BAPTIST HEALTH PALMETTO BAY
OFF CAMPUS EMERGENCY CENTER**
FREE STANDING EMERGENCY CARE FACILITY
8750 SW 144TH STREET MIAMI, FLORIDA
AHCA: 23/100154-267-1

ASPR-22-001

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SEAL:

KIRK J. OLNEY
LANDSCAPE ARCHITECT
FLORIDA LICENSE NO. LA 0001705
2601 S BAYSHORE DRIVE, SUITE 1000
MIAMI, FL 33133 - TEL: 305-859-2050

REVISIONS:		
No.:	DESCRIPTION	DATE:
1	ASPR COMMENTS	04/01/2022

[illegible]

TITLE:

PLANT MATERIAL LIST AND LANDSCAPE LEGEND

Project No:	02142.000
Date:	2022-01-04
Scale:	As indicated
Format:	30" x 42"
Drawn:	LH
Checked:	KJO

SHEET:

LL-03

CANOPY TREES

Symbol	Quantity	Botanical Name	Common Name	Installation Specifications							Typical Mature Size			Environmental Tolerances		Native
				Height	Spread	DBH	Clear Trunk	Root Ball	Spacing	Additional Specification	Height	Spread	Trunk Diameter	Drought	Wind	
BUS	8	Bursera simaruba	Gumbo Limbo	16' tall	8' wide	5" caliper	8'	B&B	As Shown	N/A	30' tall	40' wide	36" caliper	Moderate	Moderate	Yes
DER	2	Delonix regia	Royal Poinciana	15' tall	15' wide	4" caliper	7'	B&B	As Shown	N/A	50' tall	50' wide		Moderate	Moderate	No
ELD	7	Eleoocarpus decipiens	Japanese Blueberry	12' tall	6' wide	2.5" caliper	5'	B&B	As Shown	N/A	30' tall	30' wide		High	Moderate	No
QUV	9	Quercus virginiana	Live Oak	14' tall	6' wide	3" caliper	6'	B&B	As Shown	N/A	50' tall	70' wide	48" caliper	High	Moderate	Yes
TAH	12	Tabebuia heterophylla	Pink Tabebuia	16' tall	4' wide	3" caliper	6'	B&B	As shown	N/A	30' tall	30' wide		High	Moderate	No

Symbol	Quantity	Botanical Name	Common Name	Installation Specifications							Typical Mature Size			Environmental Tolerances		Native
				Height	Spread	Cal. At 6" Above Grade	Gray Wood	Root Ball	Spacing	Additional Specification	Height	Spread	Trunk Diameter	Drought	Wind	
SAP	7	Sabal palmetto	Cabbage Palm	15' tall	N/A	12"	13'	B&B	As Shown	Matched	65'	10'	16"	High	High	Yes

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	INSTALLATION SPECIFICATIONS							TYPICAL MATURE SIZE			ENVIRONMENTAL TOLERANCES		NATIVE
				HEIGHT	SPREAD	CAL. AT 6" ABOVE GRADE	CLEAR TRUNK	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	DROUGHT	WIND	
ARG	80	<i>Arachis glabrata</i>	Golden Ornamental Peanut	12" tall	12" wide	N/A	N/A	N/A	30" O.C	N/A	6" tall	Runners	N/A	High	High	No
CHI	238	<i>Chrysobalanus icaco</i> 'Red Tip'	Red Tip Cocoplum	24" tall	18" wide	N/A	N/A	N/A	24" O.C.	Full	20" tall	20" wide	N/A	High	High	Yes
ERL	654	<i>Ermodea littoralis</i>	Golden Creeper	12" tall	12" wide	N/A	N/A	N/A	24" O.C.	N/A	3' tall	3' tall	N/A	High	High	Yes
HYL	667	<i>Hymenocallis latifolia</i> 'Spider Lily'	Spider Lily	18" tall	18" wide	N/A	N/A	N/A	18" O.C.	N/A	5' tall	5' wide	N/A	High	Low	Yes
TRC	123	<i>Tripsacum dactyloides</i>	Fakahatchee Grass	30" tall	24" wide	N/A	N/A	N/A	30" O.C	N/A	5' tall	4' wide	N/A	High	High	Yes

Symbol	Quantity	Botanical Name	Common Name	Installation Specifications							Typical Mature Size			Environmental Tolerances		Native
				Height	Spread	Cal. at 6" Above Grade	Gray Wood	Root Ball	Spacing	Additional Specification	Height	Spread	Trunk Diameter	Drought	Wind	
STS	12,481 sq ft	<i>Stenotaphrum secundatum</i>	St. Augustine sod	Solid sod	N/A	N/A	N/A	N/A	As Shown	As Shown	8" to 12"	Runners	N/A	Low	N/A	No

REL	11	Relocated trees	FOR SPECIFICATIONS SEE TREE DISPOSITION TABLE ON LT-04
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Zoning/Land Use:	R5
Net Lot Area:	2.16 ACRES 94,220 S.F.
Open Space (non-paved area):	N/A

LANDSCAPE REQUIREMENTS & CALCULATIONS

SITE TREES CALCULATIONS	CALCULATIONS	TREES REQUIRED	TREES EXISTING	TREES NEW	TOTAL TREES PROVIDED
28 trees per acre of net lot area	28 x 2.16=	61	43	18	61

STREET TREES	CALCULATIONS	STREET TREES REQUIRED	TREES EXISTING	TREES NEW	TOTAL TREES PROVIDED
Trees provided at average maximum spacing of 20' on center.	SW 144th Street	323/20=17	6	7	13
	SW 87th Avenue	221/20= 12	10	2	12
	SW 145th Street	322/20= 17	15	2	17

PARKING LOT LANDSCAPE AREA

ISLAND TREES		TREES REQUIRED	TREES EXISTING	TREES NEW	TOTAL TREES PROVIDED
1 Tree per Island		18	2	16	18
Screen parking area w/ continuous hedge and groundcovers. Trees to be 20' O.C.		Yes	Yes	Yes	Yes
Landscape areas to be protected from vehicular encroachments with car stop 6' from edge of pavement.	2'-	Yes	Yes	Yes	Yes

TOTAL TREES		125	76	45	125
40% of req. trees shall be natives		50	35	26	61
50% of req. trees shall be drought tolerant		63	73	48	121

Administrative Site Plan Approval (ASPR-22-001)

This approval shall be deemed to authorize only the particular subject property (Parcel: 33-5021-044-0010) site configuration, layout and level of impacts shown, unless the Site Plan is rescinded or revoked as provided in Chapter 30 of the Code of Ordinances of Village of Palmetto Bay, Florida. This approval is in compliance with Code Section 30-30.2(e), Section 30-30.3(a) and Section 30-50.15.

Mark Alvarez
Director of Community & Economic Development



ARCHITECT/LANDSCAPE ARCHITECT:
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10386 West State Road #7, #112
Davie, FL 33324
P: 954.474.7578

OWNER:
BAPTIST HEALTH
8500 SW 117 Ave.
Miami, FL 33183



**BAPTIST HEALTH PALMETTO BAY
OFF CAMPUS EMERGENCY CENTER**
FREE STANDING EMERGENCY CARE FACILITY
8750 SW 144TH STREET MIAMI, FLORIDA
AHCA: 231100154-267-1

ASPR-22-001

PHASE:
**ADMINISTRATIVE
SITE PLAN APPROVAL**

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SEAL:
Kirk J Olney
Digitally signed by Kirk J Olney
Date: 2022.04.01 13:06:38 -04'00'

KIRK J OLNEY
LANDSCAPE ARCHITECT
FLORIDA LICENSE NO. LA 000105
2801 S BAYSHORE DRIVE, SUITE 1000
MIAMI, FL 33133 • TEL: 305-859-2050

REVISIONS:		
No.:	DESCRIPTION	DATE:
1	ASPR COMMENTS	04/01/2022

TITLE:
**TREE/ PALM
PROTECTION AND
RELOCATION
SPECIFICATIONS**

Project No: 02142.000
Date: 2022-01-04
Scale: As indicated
Format: 30" x 42"
Drawn: LH
Checked: KJO
SHEET:

LT-03

PART 1 - GENERAL
FOR SIMPLIFICATIONS, THE TERM 'TREE/S' IS USED TO REFER TO ALL PLANT MATERIAL TO BE RELOCATED. ALSO, 'CROWN' DOES NOT REFER TO PALMS UNLESS STATED OTHERWISE ON THE DRAWINGS.

1.01 RELATED WORK (NOT APPLICABLE)

1.02 DESCRIPTION OF WORK

PROVIDE LABOR, MATERIALS, EQUIPMENT AND SERVICES TO COMPLETE THE TREE/PALM RELOCATION WORK, AS INDICATED ON THE DRAWINGS, AS SPECIFIED HEREIN, OR BOTH.

A. INCLUDE THE FOLLOWING:

1. PREPARATION OF TREES FOR RELOCATION.
2. PRUNE CANOPIES AS NECESSARY OR AS DIRECTED BY AN ISA APPROVED ARBORIST.
3. ROOT PRUNING AND HARDENING OFF.
4. RELOCATE TREES AS SHOWN ON THE PLANS AND BACKFILL HOLES WITH PLANTING SOIL.
5. STAKE OR OTHERWISE BRACE RELOCATED TREES AS SHOWN ON THE DRAWINGS.
6. ERECT PROTECTIVE BARRIERS BEFORE AND AFTER RELOCATION.
7. PROVIDE CONTINUOUS IRRIGATION.
8. FERTILIZE, SPRAY, PRUNE, AND MAINTAIN IN HEALTHY CONDITION UNTIL FINAL ACCEPTANCE.
9. FILL TREE PITS AT OLD LOCATIONS OF TREES WITH PLANTING SOIL MIXTURE AND SOD THE AREA.

1.03 QUALITY ASSURANCE

A. THE SUPERVISORS USED FOR TRANSPLANTING EXISTING SHRUBS, TREES, AND OR PALMS SHALL HAVE A MINIMUM OF FIVE (5) YEARS EXPERIENCE IN THE FIELD OF RELOCATION OF SIMILAR TYPE PLANT MATERIALS AND SHALL BE A MEMBER OF THE AMERICAN ASSOCIATION OF NURSERYMEN.

B. ENGAGE OR RETAIN THE SERVICES OF A CERTIFIED MEMBER OF THE AMERICAN SOCIETY OF CONSULTING ARBORISTS (ISA) TO OBSERVE, MONITOR, AND DIRECT ALL TREE RELOCATION PROCEDURES. INTERNATIONAL SOCIETY OF ARBORICULTURE (ISA) MEMBERSHIP/CREDENTIALS ONLY, IS NOT SUFFICIENT FOR THE REQUIREMENTS OF THIS PROJECT. ISA MEMBER MUST BE PRESENT FOR ALL RELOCATION PROCEDURES. A WEEKLY INSPECTION MUST BE CONDUCTED BY THE ISA MEMBER AFTER RELOCATION IS COMPLETE TO EVALUATE THE GENERAL HEALTH OF TREES. A WRITTEN SUMMARY OF FINDINGS MUST BE PROVIDED TO THE OWNER'S REPRESENTATIVE WEEKLY DURING RELOCATION AND ESTABLISHMENT PERIOD.

C. FOR NAMES AND LOCATIONS OF QUALIFIED ISA MEMBERS VISIT WWW.ISA-ARBOR.COM.

D. PROTECTION OF EXISTING, TREES, SHRUBS, AND PALMS:

1. PROTECT WITH BARRICADES AS DETAILED ON THE DRAWINGS TO PREVENT ENCROACHMENT BENEATH CANOPIES.
2. REPLACE EXISTING TREES OR SHRUBS THAT ARE DAMAGED, SCARRED, OR DESTROYED BY THE CONTRACTOR WITH SAME SPECIES, SIZE AND QUALITY.

1.04 SUBMITTALS

A. SUBMIT A LIST OF EQUIPMENT, PROCEDURE, AND LABOR FORCE FOR USE IN TRANSPLANTING WORK.

B. SUBMIT A DAILY RELOCATION SCHEDULE.

C. SUBMIT MANUFACTURER'S LITERATURE ON WETTING AGENTS, FERTILIZERS, AND CONDITIONERS.

D. ARBORIST MUST PROVIDE TO THE OWNER'S REPRESENTATIVE WEEKLY REPORTS WHICH SHALL INCLUDE:

1. SUMMARY OF SITE ACTIVITIES AND CONDITIONS RELATING TO ALL TREES ONSITE.
2. EVALUATION OF EACH TREE'S CONDITION.
3. RECOMMENDATIONS ON WHAT SHOULD BE DONE TO IMPROVE SURVIVABILITY OF RELOCATED TREES.

1.05 EXISTING CONDITIONS

A. NO REPRESENTATIONS ARE MADE AS TO SUBSURFACE CONDITIONS.

B. CONTRACTOR MUST FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES, STRUCTURES AND PLANT MATERIAL.

PART 2 - PRODUCTS

2.01 FERTILIZER

A. FERTILIZER MIX:

1. A MIXTURE OF UREAFORM AMMONIUM PHOSPHATE AND SOLUBLE POTASH SUSPENDABLE POWDER TO BE DILUTED IN WATER AT A RATE OF 40 POUNDS OF FERTILIZER PER 100 GALLONS OF WATER.
2. USE FORMULA 30-410 WITH 50% NITROGEN IMMEDIATELY AVAILABLE FOR RELEASE AND 50% SLOW RELEASE OVER TWELVE MONTHS.
3. PRODUCT: USE ARBORGREEN AS MANUFACTURED BY LESCO, INC. OR AN APPROVED EQUAL.

B. WETTING AGENT:

1. LESCO WET AS MANUFACTURED BY LESCO, INC. OR AN APPROVED EQUAL.
2. DILUTE AT A RATE RECOMMENDED BY THE MANUFACTURER.

C. MINOR ELEMENT:

1. MICRO MIX LIQUID AS PRODUCED BY LESCO, INC. OR AN APPROVED EQUAL.
2. DILUTE IN WATER AT A RATE RECOMMENDED BY THE MANUFACTURER.

D. TIME RELEASE FERTILIZER TABLETS: AGRIFORM, 15 GRAM, DESIGNATION 20-10-5, OR APPROVED EQUAL.

E. USE THE FOLLOWING MIXTURE FOR DEEP ROOT FERTILIZER FOR TRANSPLANTED SHRUBS, TREES, AND PALMS:

1/3 LIQUID FERTILIZER MIX
1/3 WETTING AGENT MIX
1/3 MINOR ELEMENT MIX

USE INJECTION EQUIPMENT THAT AGITATES THE MIXTURE FOR UNIFORMITY OF APPLICATION.

2.02 SOIL BACKFILL/PLANTING SOIL MIX

A. PLANTING SOIL MIX:

1. SOIL USED FOR PLANTING SHALL BE FREE FROM STICKS, ROOTS, STONES, OR OTHER EXTRANEIOUS MATERIAL DETRIMENTAL OR INJURIOUS TO PLANTS. PARTICULAR CARE SHOULD BE TAKEN TO REMOVE PIECES OF MORTAR, CEMENT, WOOD, AND OTHER SIMILAR REMAINS OF CONSTRUCTION FROM ALL PLANTING AREAS.
2. SOIL USED FOR PLANTING MIX SHALL BE 50% EXISTING/SURROUNDING SOIL AND 50% IMPORTED (CONSISTING OF 1/3 APPROVED SOIL BACKFILL, 1/3 FLORIDA PEAT, AND 1/3 CLEAN D.O.T. SAND).
3. 'ACCEPTABLE SOIL BACKFILL' AND ANY IMPORTED SOIL USED ON THE PROJECT SHALL BE A NATURAL, FERTILE, FRIABLE SOIL POSSESSING CHARACTERISTICS REPRESENTATIVE OF A WELL-DRAINED AREA IN FLORIDA. SOIL CONTAINING MUCK OR POORLY DRAINED SOILS SHALL NOT BE USED.
4. PRIOR TO INSTALLATION OF PLANT MATERIAL IN PLANTERS (AREAS SUCH AS ROADWAY MEDIANS THAT ARE SURROUNDED BY CONCRETE OR PAVEMENT), ALL MATERIAL (INCLUDING BUT NOT LIMITED TO COMPACTED EARTH, ROAD ROCK OR CONSTRUCTION DEBRIS) SHALL BE REMOVED TO A MINIMUM DEPTH OF 3'-0" AND BACKFILLED WITH SOIL BACKFILL.

2.03 BRACING AND STAKING

A. STAKE OR OTHERWISE BRACE RELOCATED TREES/PALMS AS SHOWN ON THE DRAWINGS (LL-03)

B. WRAP TRUNK WITH THREE LAYERS OF BURLAP

C. ATTACHED BATTENS TO TRUNK WITH TWO METAL STRAPS.

D. ALL BRACES SHALL BE ATTACHED AT THE GROUND WITH STAKES AS SHOWN ON LL-03

PROVIDE 2" X 4" PRESSURE TREATED WOOD BRACES FOR TREES/PALMS UP TO 6" CALIPER

PROVIDE 4" X 4" PRESSURE TREATED WOOD BRACES FOR TREES/PALMS OVER 6" CALIPER

PROVIDE THE NUMBER OF MEMBER BRACES PER TREE AS FOLLOWS:

CALIPER	NUMBER OF PRESSURE TREATED BRACES
UP TO 4"	THREE BRACES
4" TO 6"	FOUR BRACES
6" AND UP	FIVE BRACES

ALL BRACING SHALL BE ATTACHED TO STAKE AND BATTENS WITH GALVANIZED WOOD SCREWS.

2.04 WATER

A. FREE OF SUBSTANCES HARMFUL TO PLANT GROWTH, OBJECTIONABLE ODOR OR STAINING AGENTS.

B. THE WATER USED FOR ESTABLISHMENT OF PLANT MATERIAL SHALL BE CLEAN AND FREE OF DIRT, DEBRIS, POISONS, PESTICIDES, CONTAMINANTS AND ANY OTHER MATERIAL OR COMPOUND THAT IS DETRIMENTAL OR INHIBITS VIGOROUS PLANT GROWTH

C. PROVIDED BY THE CONTRACTOR AND OBTAINED FROM ITS SOURCE LEGALLY. WATER DRAWN FROM CANALS AND OR LAKES AND ACCESS THEREOF WILL BE DONE ONLY WITH THE EXPRESS WRITTEN APPROVAL OF THE OWNER OF SAID PROPERTY AND OR APPLICABLE FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, STANDARDS OR OTHER REGULATORY REQUIREMENTS.

D. CONTRACTOR SHALL ROUTINELY AND REGULARLY PROVIDE SUFFICIENT SUPPLEMENTAL WATER TO RELOCATED AND EXISTING TREES IMPACTED BY CONSTRUCTION ACTIVITIES, AS WELL AS RELOCATED TREES, TO PROVIDE FOR VIGOROUS PLANT HEALTH AND GROWTH.

PART 3 - EXECUTION

3.01 GENERAL PREPARATION

A. CONTRACTOR TO VERIFY THAT TREES IN THE FIELD MATCH TREES DESIGNATED ON THE DRAWINGS. OBTAIN CONCURRENCE OF THE OWNER'S REPRESENTATIVE PRIOR TO CROWN PRUNING.

B. REMOVE TREES, SAPLINGS, SHRUBS, BUSHES, VINES AND UNDERGROWTH THAT INTERFERE WITH RELOCATION. HAND-CLEARING ONLY IS PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE RELOCATED.

C. CLEAR THE ROOT BALL AREA BY HAND ONLY OF FOREIGN MATERIAL AND TRASH TO EXPOSE UNDISTURBED SOIL.

D. VERIFY PERCOLATION RATES AND SOIL'S ACCEPTABILITY AT LOCATIONS TO WHICH THE TREES ARE TO BE TRANSPLANTED.

E. ALL TREES SHALL BE PRE-TIED IN OR TIED BACK TO PREVENT BREAKAGE AND SCRAPING OF LIMBS IN ORDER TO FACILITATE MACHINERY MOVEMENT

3.02 PREPARATION PRIOR TO RELOCATION

A. IN THE PRESENCE AND DIRECTION OF ISA MEMBER, PERFORM CROWN PRUNING BETWEEN 30 AND 60 DAYS PRIOR TO TRANSPLANTING.

B. ALL TREES SHALL BE PRE-PRUNED USING CLASS 4 SPECIFICATIONS

C. FERTILIZATION AND WATERING:

1. INJECT THE FERTILIZER MIXTURE INTO THE SOIL WITHIN 24 HOURS AFTER CROWN PRUNING, AND AT A MINIMUM OF 14 DAYS PRIOR TO RELOCATION.
2. INJECT THE DEEP ROOT FERTILIZER MIXTURE AT A RATE RECOMMENDED BY THE MANUFACTURER INTO THE ROOT ZONES OF SHRUBS, TREES, AND PALMS TO BE RELOCATED.
3. ALL TREES SHOULD BE WATERED IN THE FIELD PRIOR TO TRANSPLANTING USING A MINIMUM OF 50 GALLONS PER TREE.
4. WATER IS TO BE PROVIDED BY THE CONTRACTOR AND OBTAINED LEGALLY.

D. CROWN PRUNING:

1. TRIM TREES TO BE RELOCATED BY THINNING THE CROWN ONLY, AND NOT BY REDUCING CROWN DIMENSIONS. TRIM TO CONFORM TO ANSI A300 AND IFAS CIR853 STANDARDS, INCLUDING REMOVAL OF DEAD WOOD, REPAIR INJURIES TO TREES INCLUDING CAVITIES AND MACHINERY MARKS.
2. REMOVE SEEDPODS FROM SABAL PALMS, AND ALL BUT TEN OF THE YOUNGEST FRONDS. TRIM BOOTS TO A CLEAN, REGULAR PATTERN.
3. REMOVE TRIMMINGS OFF-SITE AND DISPOSE OF IN ACCORDANCE WITH THE CITY CODE.
4. UNDER NO CIRCUMSTANCE SHALL MORE THAN 30% OF THE CANOPY BE REMOVED.

E. ROOT PRUNING

1. PERFORM ROUGH PRUNING AT NO LESS THAN HALF THE DISTANCE BETWEEN THE DRIP LINE AND THE TRUNK.
2. PROVIDE TEN INCHES (10") OF ROOT BALL DIAMETER FOR EVERY 1" OF TRUNK CALIPER (MEASURED AT 12" ABOVE EXISTING GRADE).
3. MINIMUM BALL DEPTH FOR BROADLEAF TREES: BALL DIAMETER MINIMUM DEPTH 36" - 48" 60% OF DIAMETER 48" AND UP 35" MINIMUM
4. LEAVE ROOTS WITH A SMOOTH, CLEAN CUT WITHOUT TEARS OR SPLITS.
5. TREES TO BE RELOCATED WITH A CALIPER IN EXCESS OF TWELVE INCHES (12") SHALL BE ROOT PRUNED BY HAND.
6. PRIOR TO TRANSPLANTING, PRUNE ROOT SYSTEM IN THIRDS, 8 WEEKS APART.
7. BACKFILL TRENCH WITH SUGAR SAND.

F. IRRIGATION AND WATER

1. PROVIDE A MINIMUM OF THREE TIMES PER WEEK HAND WATERING OF EACH TRANSPLANTED TREE. RATE OF WATER APPLICATION SHALL BE: A MINIMUM OF 20 GALLONS OF WATER PER INCH OF CALIPER PER APPLICATION.

G. PROTECTION:

1. ERECT TREE PROTECTION MEASURES AS SHOWN ON THE DRAWINGS TO PROTECT INDIVIDUAL OR GROUPS OF TREES TO BE TRANSPLANTED.

3.03 RELOCATION

A. GENERAL

1. VERIFY THE PRESENCE OF VIGOROUS FEEDER ROOTS PRIOR TO RELOCATION OPERATIONS.
2. INJECT DEEP-ROOT FERTILIZER MIXTURE INTO THE SOIL 14 DAYS PRIOR TO TRANSPLANTING. APPLY AT A RATE RECOMMENDED BY THE MANUFACTURER INTO ROOT ZONES OF TREES AND PALMS
3. SOAK TREE BALLS TO THE FULL DEPTH DAILY FOR SEVEN CONSECUTIVE DAYS PRIOR TO RELOCATING.
4. LOCATE POSITION AND ELEVATION WHERE TREES ARE INTENDED TO BE PLANTED FOR VERIFICATION BY OWNER'S REPRESENTATIVE.
5. SELECT A MOVING ROUTE WHERE OVERHEAD AND UNDERGROUND UTILITIES, EXISTING OR PROPOSED, DO NOT CONFLICT WITH THE TRANSPLANTING PROCESS. COORDINATE THE ROUTE AND MOVING SCHEDULE WITH THE OWNER'S REPRESENTATIVE AND OTHER TRADES.
6. NOTIFY THE OWNER'S REPRESENTATIVE 24 HOURS IN ADVANCE OF EACH RELOCATION TO ALLOW FOR OBSERVATION OF PROCEDURES.

B. EQUIPMENT

1. A 65" TRANSPLANTING MACHINE WILL BE SUFFICIENT FOR TREES UP TO 4" CALIPER BUT NO LARGER.
2. A BIG JOHN MODEL 90 MACHINE WILL BE SUFFICIENT FOR TREES UP TO 8" IN CALIPER
3. A 102" MACHINE WILL BE SUFFICIENT FOR TREES 9" - 12" IN CALIPER
4. HAND DIGGING (BALL AND BURLAP) IS ACCEPTABLE AND MAY BE USED AT THE DISCRETION OF THE ISA MEMBER.
5. ALL CALIPERS ARE MEASURED AT 1 FT. ABOVE EXISTING GRADE.
6. ALL TRANSPLANTING MACHINES WILL HAVE CLEAN, TIGHT-FITTING SHARP BLADES.
7. ANY MACHINE DEEMED 'LOOSE' BY THE ISA MEMBERS WILL BE REJECTED AS UNSATISFACTORY.
8. TREES TO BE RELOCATED WITH A CALIPER IN EXCESS OF TWELVE INCHES (12") SHALL BE RELOCATED VIA TREE BOX OR OTHER APPROVED METHOD.

C. DIGGING AND MOVING

1. DIG PITS A MINIMUM OF 42" DEEP WITH VERTICAL SIDES AND NET BOTTOM.
2. HANDLE TREES TO AVOID DAMAGE TO BARK AND LIMBS. ATTACH SUPPORT STRAPS, CABLES, OR CHAINS AT MULTIPLE POINTS FOR WEIGHT DISTRIBUTION.
3. DO NOT FORCE TREE FROM GROUND PRIOR TO UNDERCUTTING ROOT BALLS. DETERMINE FINAL BALL DEPTH UPON ASSESSING CONDITIONS AT TIME OF TRENCHING. NOTIFY OWNER'S REPRESENTATIVE IF BALL DEPTH VARIES FROM SPECIFIED DEPTH.
4. SABAL PALMS MAY BE RELOCATED BY MEANS OF TREE SPADE AT THE DISCRETION OF THE CONTRACTOR. OTHERWISE, LIFT SIMILARLY TO CANOPY TREES.
5. TREES ARE TO BE PLACED IN HEAVY GRADE BASKETS LINED WITH TWO LAYERS OF BURLAP FOR RELOCATION PROCEDURES OR PRIOR TO PLACEMENT IN HOLDING AREA (IF APPLICABLE).
6. PLANT TOP OF ROOT BALLS THREE-INCHES (3") ABOVE FINISH GRADE.
7. ALL TREES TRANSPLANTED IN ANY GIVEN DAY WILL BE WATERED IN, SANDED, MULCHED, AND UNTIED THAT SAME DAY.

D. TREES IN HOLDING AREA (IF APPLICABLE)

1. LOCATE ROOT BALLS AS CLOSE TOGETHER WITHOUT DAMAGING THE CROWN OF THE TREE
2. ALL TREES SHALL BE SET IN HOLES 3'-6" ABOVE EXISTING GRADE IN THE TREE HOLDING AREA.
3. INSURE CLEARING AND GRUBBING IS COMPLETE IN HOLDING AREA
4. IMMEDIATELY BACKFILL VOIDS BETWEEN ROOT BALLS AND WATER IN TO REMOVE AIR POCKETS.
5. SOIL HEIGHT TO BE AT THE TOP OF THE ROOT BALL. NO ADDITIONAL FILL OR SOIL SHALL BE PLACED ON ROOT BALL.
6. PROVIDE HOLE IN HOLDING AREA THAT IS THE SAME SIZE AS THE TREE ROOT BALL.

E. TREE SUPPORTS

1. SUPPORT TREE WITH MACHINERY UNTIL BRACING IS COMPLETE.
2. BUTTRESSES MAY SUPPORT SEPARATE TRUNKS ON MULTIPLE TRUNK TREES

3.04 IRRIGATION

A. THE CONTRACTOR IS RESPONSIBLE FOR HAND WATERING ALL RELOCATED PLANT MATERIAL.

B. DAILY WATERING AND MONITORING SHALL BE PERFORMED DURING THE TERM OF THE CONSTRUCTION CONTRACT AND UNTIL FINAL ACCEPTANCE.

C. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING WATER AT HIS/HER OWN EXPENSE.

D. A TENSIO METER SHALL BE UTILIZED TO MEASURE AND MONITOR AVAILABLE MOISTURE IN THE GROUND. WEEKLY OBSERVATION SHALL BE REPORTED IN ISA MEMBER'S REPORT.

3.05 PLANTING

A. PLANTING AND BACKFILLING:

1. DIG PITS TO RECEIVE TRANSPLANTS WITH VERTICAL SIDES, FLAT BOTTOMS, SAME DEPTH AS THE TREE ROOT BALL, AND AT LEAST THREE TIMES LARGER THAN THE SIZE OF THE ROOT BALL.
2. ALL PLANTING SOIL/SOIL BACKFILL TO BE USED IN PLANTING PITS SHALL BE AMENDED WITH AGRODIAMONDS, APPROVED EQUAL, NA (SODIUM) BASE SOIL POLYMER OR APPROVED EQUAL AT THE MANUFACTURERS RECOMMENDED APPLICATION METHODS AND RATES.
3. PLACE TREE IN PIT AND ROTATE PRIOR TO SETTING TO ACHIEVE BEST POSITIONING RELATIVE TO ADJACENT TREES AND VIEWING ANGLES.
4. ALL PLANT PITS AND BACK FILL MATERIAL MUST BE FREE OF ALL DEBRIS AND ROCKS IN EXCESS IF ½" IN DIAMETER.
5. INSTALL TREE SO TOP OF ROOT BALL IS THREE-INCHES (3") WITH PROPOSED GRADE.
6. FLOOD BOTTOM SOIL LAYER TO SETTLE TREE INTO BEST POSITION AND TO REMOVE AIR POCKETS.
7. CONTINUE TO FLOOD ROOT BALL AS PLANTING SOIL MIX IS DEPOSITED TO REMOVE AIR POCKETS. MECHANICAL COMPACTION OF SOIL BACKFILL IS STRICTLY PROHIBITED.
8. CONSTRUCT A 6" HIGH BERM AROUND THE OUTSIDE OF THE TREE PIT AFTER BACKFILLING TO RETAIN WATER.

B. SOIL ADDITIVES

1. AGRODIAMONDS NA (SODIUM) OR APPROVED EQUAL BASE SOIL POLYMER SUPER ABSORBENT TO BE USED IN ALL RELOCATED PLANT MATERIAL AT THE MANUFACTURERS RECOMMENDED APPLICATION METHODS AND RATES.
2. AGRODIAMONDS WITH A PARTICLE SIZE RANGE OF .5MM TO 2.8MM.

3.06 POST-RELOCATION GROW-IN PERIOD

A. THE CONTRACTOR SHALL MAINTAIN ALL TRANSPLANTED MATERIAL IN A HEALTHY CONDITION UNTIL FINAL ACCEPTANCE.

B. THE CONTRACTOR SHALL PREPARE ALL OPERATIONS NECESSARY TO ENSURE THAT PLANTS ARE HEALTHY, VIGOROUS, AND UNDAMAGED.

3.07 ACCEPTANCE

A. FOR THE PURPOSE OF ESTABLISHING AN 'ACCEPTANCE' STANDARD, PLANTS SHALL BE HEALTHY AND EXHIBIT EVIDENCE OF ESTABLISHING NEW ROOTS.

1. PERFORM OPERATIONS AS NECESSARY TO COMPLETE MAINTENANCE AND ENSURE THAT PLANTS ARE HEALTHY, VIGOROUS, VISUALLY PLEASING, AND UNDAMAGED.
2. PERFORM ALL MAINTENANCE TASKS AS SPECIFIED HERE IN.

B. WHEN THE CONTRACTOR HAS MET THE OBLIGATIONS OF THE POST-TRANSPLANTING SCHEDULE, A SUBSTANTIAL COMPLETION INSPECTION SHALL BE CONDUCTED WITH ALL DEFICIENCIES NOTED AND GIVEN TO THE CONTRACTOR AS A PUNCH LIST OF ITEMS TO BE CORRECTED. FINAL ACCEPTANCE WILL NOT BE ISSUED UNTIL ALL PUNCH LIST ITEMS HAVE BEEN COMPLETED AND A RE-INSPECTION BY THE OWNER'S REPRESENTATIVE IS COMPLETED.

C. AT THE CONCLUSION OF THE WARRANTY PERIOD, AN INSPECTION SHALL BE MADE TO DETERMINE THE CONDITION OF WARRANTED PLANT MATERIAL.

1. REMOVE ALL MATERIAL NOTED AS NOT BEING IN A HEALTHY-GROWING CONDITION.
2. AT NO ADDITIONAL COST, REPLACE REJECTED MATERIAL WITH MATERIAL OF LIKE KIND AND SIZE, IN ACCORDANCE WITH THE SPECIFICATIONS.
3. WARRANTY PERIOD APPLIES ALSO TO REPLACED MATERIAL.
4. THE CONTRACTOR SHALL WARRANT ALL REPLACEMENT TREES FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF INSTALLATION.

3.08 GUARANTEE

A. THE MINIMUM ALLOWABLE RATE OF SURVIVAL OF ALL TRANSPLANTED MATERIAL SHALL BE 100%. DEATH OF ANY RELOCATED PLANT MATERIAL SHALL BE REPLACED WITH THE SAME SIZE AND SPECIES. DETERMINATION OF SURVIVABILITY SHALL BE MADE AT THE END OF THE WARRANTY PERIOD.

B. RELOCATED PLANT MATERIAL INSTALLED BY THE CONTRACTOR SHALL BE WARRANTED IN WRITING FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF FINAL ACCEPTANCE.

Administrative Site Plan Approval (ASPR-22-001)

This approval shall be deemed to authorize only the particular subject property (Parcel: 33-5021-044-0010) site configuration, layout and level of impacts shown, unless the Site Plan is rescinded or revoked as provided in Chapter 30 of the Code of Ordinances of Village of Palmetto Bay, Florida. This approval is in compliance with Code Section 30-30.2(e), Section 30-30.3(a) and Section 30-50.15.

Mark Alvarez
Director of Community & Economic Development

Date

PLANT MATERIAL LIST																	
CANOPY TREES																	
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	INSTALLATION SPECIFICATIONS							TYPICAL MATURE SIZE			ENVIRONMENTAL TOLERANCES		NATIVE	
				HEIGHT	SPREAD	DBH	CLEAR TRUNK	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	DROUGHT	WIND		
BUS	8	<i>Bursera simaruba</i>	Gumbo Limbo	16' tall	8' wide	5" caliper	8'	B&B	As Shown	N/A	30' tall	40' wide	36" caliper	Moderate	Moderate	Yes	
DER	2	<i>Delonix regia</i>	Royal Poinciana	15' tall	15' wide	4" caliper	7'	B&B	As Shown	N/A	50' tall	50' wide		Moderate	Moderate	No	
ELD	7	<i>Elaeocarpus decipiens</i>	Japanese Blueberry	12' tall	6' wide	2.5" caliper	5'	B&B	As Shown	N/A	30' tall	30' wide		High	Moderate	No	
QUV	9	<i>Quercus virginiana</i>	Live Oak	14' tall	6' wide	3" caliper	6'	B&B	As Shown	N/A	50' tall	70' wide	48" caliper	High	Moderate	Yes	
TAH	12	<i>Tabebuia heterophylla</i>	Pink Tabebuia	16' tall	4' wide	3" caliper	6'	B&B	As shown	N/A	30' tall	30' wide		High	Moderate	No	
PALMS																	
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	INSTALLATION SPECIFICATIONS							TYPICAL MATURE SIZE			ENVIRONMENTAL TOLERANCES		NATIVE	
				HEIGHT	SPREAD	CAL. AT 6" ABOVE GRADE	GRAY WOOD	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	DROUGHT	WIND		
SAP	7	<i>Sabal palmetto</i>	Cabbage Palm	15' tall	N/A	12"	13'	B&B	As Shown	Matched	65'	10'	16"	High	High	Yes	
SHRUBS & GROUNDCOVERS																	
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	INSTALLATION SPECIFICATIONS							TYPICAL MATURE SIZE			ENVIRONMENTAL TOLERANCES		NATIVE	
				HEIGHT	SPREAD	CAL. AT 6" ABOVE GRADE	CLEAR TRUNK	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	DROUGHT	WIND		
ARG	80	<i>Arachis glabrata</i>	Golden Ornamental Peanut	12" tall	12" wide	N/A	N/A	N/A	30" O.C.	N/A	6" tall	Runners	N/A	High	High	No	
CHI	238	<i>Chrysobalanus icaco 'Red Tip'</i>	Red Tip Cocoplum	24" tall	18" wide	N/A	N/A	N/A	24" O.C.	Full	20' tall	20' wide	N/A	High	High	Yes	
ERL	654	<i>Ernodea littoralis</i>	Golden Creeper	12" tall	12" wide	N/A	N/A	N/A	24" O.C.	N/A	3' tall	3' tall	N/A	High	High	Yes	
HYL	667	<i>Hymenocallis latifolia 'Spider Lily'</i>	Spider Lily	18" tall	18" wide	N/A	N/A	N/A	18" O.C.	N/A	5' tall	5' wide	N/A	High	Low	Yes	
TRC	123	<i>Tripsacum dactyloides</i>	Fakahatchee Grass	30" tall	24" wide	N/A	N/A	N/A	30" O.C.	N/A	5' tall	4' wide	N/A	High	High	Yes	
SOD																	
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	INSTALLATION SPECIFICATIONS							TYPICAL MATURE SIZE			ENVIRONMENTAL TOLERANCES		NATIVE	
				HEIGHT	SPREAD	CAL. AT 6" ABOVE GRADE	GRAY WOOD	ROOT BALL	SPACING	ADDITIONAL SPECIFICATION	HEIGHT	SPREAD	TRUNK DIAMETER	DROUGHT	WIND		
STS	12,481 sq ft	<i>Stenotaphrum secundatum</i>	St. Augustine sod	Solid sod	N/A	N/A	N/A	N/A	As Shown	As Shown	8" to 12"	Runners	N/A	Low	N/A	No	
RELOCATED TREES																	
REL	11	<i>Relocated trees</i>		FOR SPECIFICATIONS SEE TREE DISPOSITION TABLE ON LT-04													

1	PLANT MATERIAL LIST
LL-03	SCALE: N/A

Zoning/Land Use:	R5
Net Lot Area:	2.16 ACRES 94,220 S.F.
Open Space (non-paved area):	N/A

LANDSCAPE REQUIREMENTS & CALCULATIONS

SITE TREES CALCULATIONS	CALCULATIONS	TREES REQUIRED	TREES EXISTING	TREES NEW	TOTAL TREES PROVIDED
28 trees per acre of net lot area	28 x 2.16=	61	43	18	61

STREET TREES	CALCULATIONS	STREET TREES REQUIRED	TREES EXISTING	TREES NEW	TOTAL TREES PROVIDED
Trees provided at average maximum spacing of 20' on center.	SW 144th Street	323/20=17	6	7	13
	SW 87th Avenue	221/20= 12	10	2	12
	SW 145th Street	322/20= 17	15	2	17

PARKING LOT LANDSCAPE AREA

ISLAND TREES		TREES REQUIRED	TREES EXISTING	TREES NEW	TOTAL TREES PROVIDED
1 Tree per Island		18	2	16	18
Screen parking area w/ continuous hedge and groundcovers. Trees to be 20' O.C.		Yes	Yes	Yes	Yes
Landscape areas to be protected from vehicular encroachments with car stop 2'-6" from edge of pavement.		Yes	Yes	Yes	Yes

TOTAL TREES		125	76	45	125
40% of req. trees shall be natives		50	35	26	61
50% of req. trees shall be drought tolerant		63	73	48	121

Administrative Site Plan Approval (ASPR-22-001)

This approval shall be deemed to authorize only the particular subject property (Parcel: 33-5021-044-0010) site configuration, layout and level of impacts shown, unless the Site Plan is rescinded or revoked as provided in Chapter 30 of the Code of Ordinances of Village of Palmetto Bay, Florida. This approval is in compliance with Code Section 30-30.2(e), Section 30-30.3(a) and Section 30-50.15.

Mark Alvarez
Director of Community & Economic Development

2	LANDSCAPE LEGEND
LL-03	SCALE: N/A

[illegible]

RECEIVED
Zoning Department
Village of Palmetto Bay
Planning & Zoning Department
By: **AB**
Floway 8.2024
V-23-008 (REV)

RECEIVED V-23-008 (REV)

Zoning Department

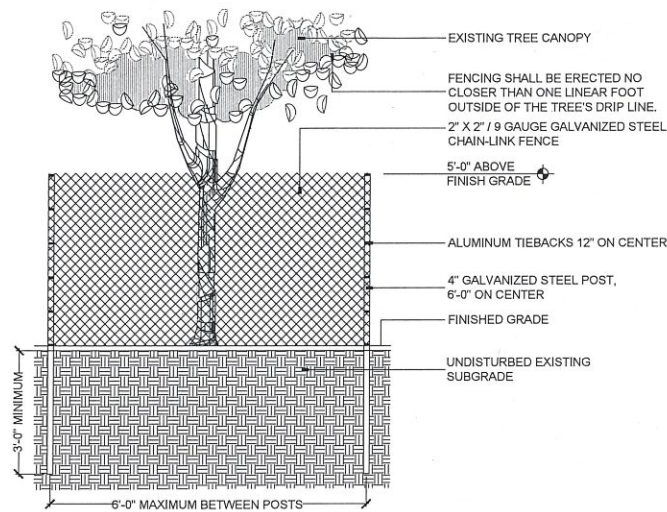
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Village of Palmetto Bay

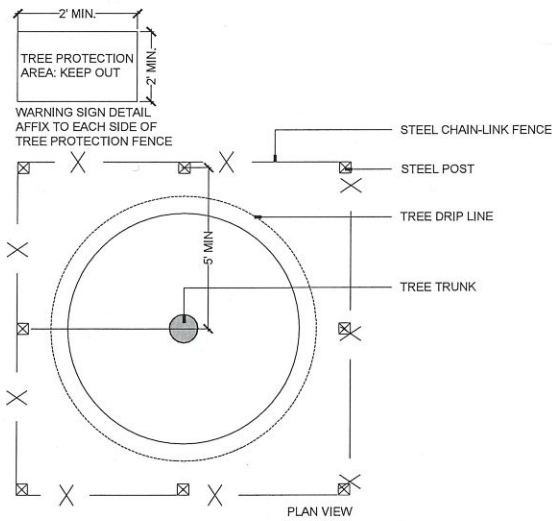
Planning & Zoning Department

By: *AKB*

1 EXISTING TO REMAIN AND RELOCATED TREE PROTECTION DETAILS SECTION & PLAN VIEW
LT-02 SCALE: 1/2"=1'-0"



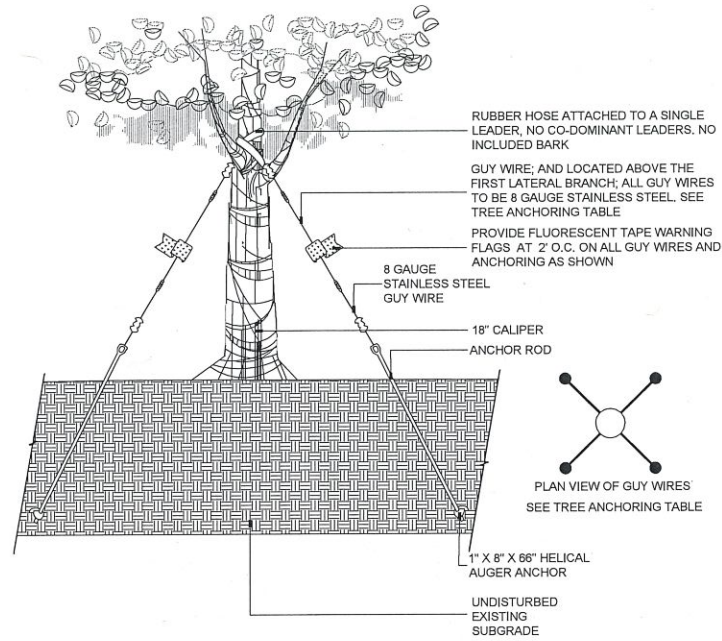
NOTE: BARRIER TO BE CONTINUOUS AROUND THE TREE OR GROUP OF TREES. SEE LANDSCAPE PLAN FOR LOCATION OF TREES TO REMAIN



2 EXISTING/RELOCATED TREE NOTES
LT-02 SCALE: N/A

- IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTE AND PROTECT THE EXISTING TREES TO REMAIN ON SITE.
- CONTRACTOR SHALL INSTALL A PERMANENT RIGID BARRIER PRIOR TO COMMENCEMENT OF WORK TO PROTECT THE CANOPY, TRUNK AND OR ROOT SYSTEM FROM DAMAGE.
- PROTECTION INCLUDES BUT IS NOT LIMITED TO THE PROHIBITION OF THE FOLLOWING ACTIVITIES UNDER THE CANOPY: STORING OF EQUIPMENT, STOCK PILING OF MATERIALS, TRASH OR DEBRIS AND STORING OF TRAILERS, MACHINERY AND OR VEHICLES.
- PRIOR TO COMMENCEMENT OF ANY WORK, CONTRACTOR SHALL PERFORM ROUTINE MAINTENANCE PER ANSI A300, ON THE EXISTING TREES SHOWN TO REMAIN. THIS INCLUDES REMOVAL OF DEAD/DECAYED WOOD, REMOVAL OF ATTACHED BRANCHES AND STRUCTURALLY UNSOUND LIMBS AS WELL AS REMOVAL OF SUBORDINATED BRANCHES. WHERE INCLUDED BARK IS PRESENT REMOVE BRANCHES AS NEEDED TO INCREASE LIGHT AND AIR PENETRATION WITHIN THE CANOPY, UNDER NO CIRCUMSTANCES SHALL MORE THAN 25% OF ANY CANOPY BE REMOVED IN A TWELVE MONTH PERIOD. REDUCTION OF OVERALL CANOPY SIZE IS PROHIBITED.
- PER ANSI A300, CONTRACTOR SHALL REMOVE DEAD BRANCHES AND SUCKERS FROM PRESERVED TREES.
- PER ANSI A300, CONTRACTOR SHALL REMOVE RIPPED, TORN OR 'LION TAILED' BRANCHES FROM PRESERVED TREES.
- PRIOR TO COMMENCEMENT OF WORK, THE CONTRACTOR UNDER THE DIRECTION OF A CERTIFIED ASCA ARBORIST, SHALL PERFORM AN INTERNAL DECAY SURVEY AND INSPECTION AND PROVIDE A WRITTEN REPORT OF FINDINGS TO THE OWNER'S REPRESENTATIVE. IF IT IS DEEMED NECESSARY TO REMOVE ANY EXISTING TREES THAT ARE NOTED AS "REMAIN," THE CONTRACTOR SHALL BE RESPONSIBLE FOR APPLYING FOR THE APPROPRIATE TREE REMOVAL LICENSE REQUIRED BY LOCAL CODES, LAWS AND OR REGULATIONS.
- WHERE CONSTRUCTION ACTIVITIES REQUIRE IMPACT TO EXISTING TREE ROOT SYSTEMS, THE CONTRACTOR, UNDER THE GUIDANCE OF AN ASCA ARBORIST, SHALL ROOT PRUNE TREES IN THE IMPACTED AREAS PER ANSI A300 STANDARDS. THE CONTRACTOR, AS WELL AS HIS/HER APPOINTED REGISTERED ASCA ARBORIST, SHALL TAKE ANY AND ALL CUSTOMARY PRECAUTIONS NECESSARY FOR THE SURVIVAL AND CONTINUED VIGOROUS GROWTH OF SAID TREES TO REMAIN.
- ANY REQUIRED ROOT PRUNING SHALL BE COMPLETED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES. UNDER NO CIRCUMSTANCE SHALL THE ROOT SYSTEM BE SUBJECT TO COMPACTION, TEARING, RIPPING OR ANY OTHER DAMAGE EXCEPT CLEAN CUTS AS DESCRIBED IN ANSI A300.
- TREE SHALL BE ROOT PRUNED IN THIRDS AND RELOCATED 6 MONTHS AFTER INITIAL PRUNING ACTIVITY.
- IF MORE THAN 25% OF AN EXISTING TREE ROOT SYSTEM IS IMPACTED FOR ANY REASON (IMPLIED IN THE DRAWINGS OR INCIDENTAL), THE CONTRACTOR SHALL BRACE THE TREE PER DETAIL 3 ON THIS SHEET.
- ANY TREE WITH AN IMPACTED ROOT SYSTEM SHALL BE WATERED DAILY AS DESCRIBED ON THIS SHEET.
- ALL ACTIVITY UNDER DRIP LINES AND IN THE PROXIMITY OF PRESERVED TREES SHALL BE ACCOMPLISHED BY NON-MECHANICAL METHODS.
- CONTRACTOR SHALL PROVIDE 3" MULCH UNDER AND AROUND THE BASE OF ALL PRESERVED TREES.

3 TREE GUY WIRE DETAIL
LT-02 SCALE: 1/2"=1'-0"



4 PRESERVED AND RELOCATED TREE WATERING NOTES
LT-02 SCALE: N/A

- WATER SHALL BE FREE OF SUBSTANCES HARMFUL TO PLANT GROWTH, OBJECTIONABLE ODOR OR STAINING AGENTS.
- THE WATER SHALL BE FREE OF DIRT, DEBRIS, POISONS, PESTICIDES, CONTAMINANTS AND ANY OTHER MATERIAL OR COMPOUND THAT IS DETRIMENTAL OR INHIBITS VIGOROUS PLANT HEALTH AND GROWTH.
- WATER SHALL BE OBTAINED LEGALLY FROM ITS SOURCE. FOR WATER DRAWN FROM CANALS AND OR LAKES, ACCESS THERETO SHALL BE DONE ONLY WITH THE EXPRESS WRITTEN APPROVAL OF THE OWNER OF SAID PROPERTY AND OR APPLICABLE FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, CODES, STANDARDS OR OTHER REGULATORY REQUIREMENT. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THESE APPROVALS WITHOUT ADDITIONAL COST TO THE OWNER.
- CONTRACTOR SHALL ROUTINELY AND REGULARLY PROVIDE SUFFICIENT SUPPLEMENTAL WATER TO EXISTING TREES IMPACTED BY CONSTRUCTION ACTIVITIES, AS WELL AS RELOCATED TREES, TO PROVIDE FOR VIGOROUS PLANT HEALTH AND GROWTH.
- WATER SHALL BE APPLIED AT A RATE OF 50 GALLONS OF WATER PER INCH OF CALIPER PER DAY.

Administrative Site Plan Approval (ASPR-22-001)

This approval shall be deemed to authorize only the particular subject property (Parcel: 33-5021-044-0010) site configuration, layout and level of impacts shown, unless the Site Plan is rescinded or revoked as provided in Chapter 30 of the Code of Ordinances of Village of Palmetto Bay, Florida. This approval is in compliance with Code Section 30-30.2(e), Section 30-30.3(a) and Section 30-50.15.

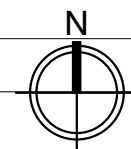
Mark Alvarez Date
Director of Community & Economic Development

5
LT-02 SCALE:

REVISIONS:		
No.	DESCRIPTION	DATE
1	ASPR COMMENTS	04/01/2022

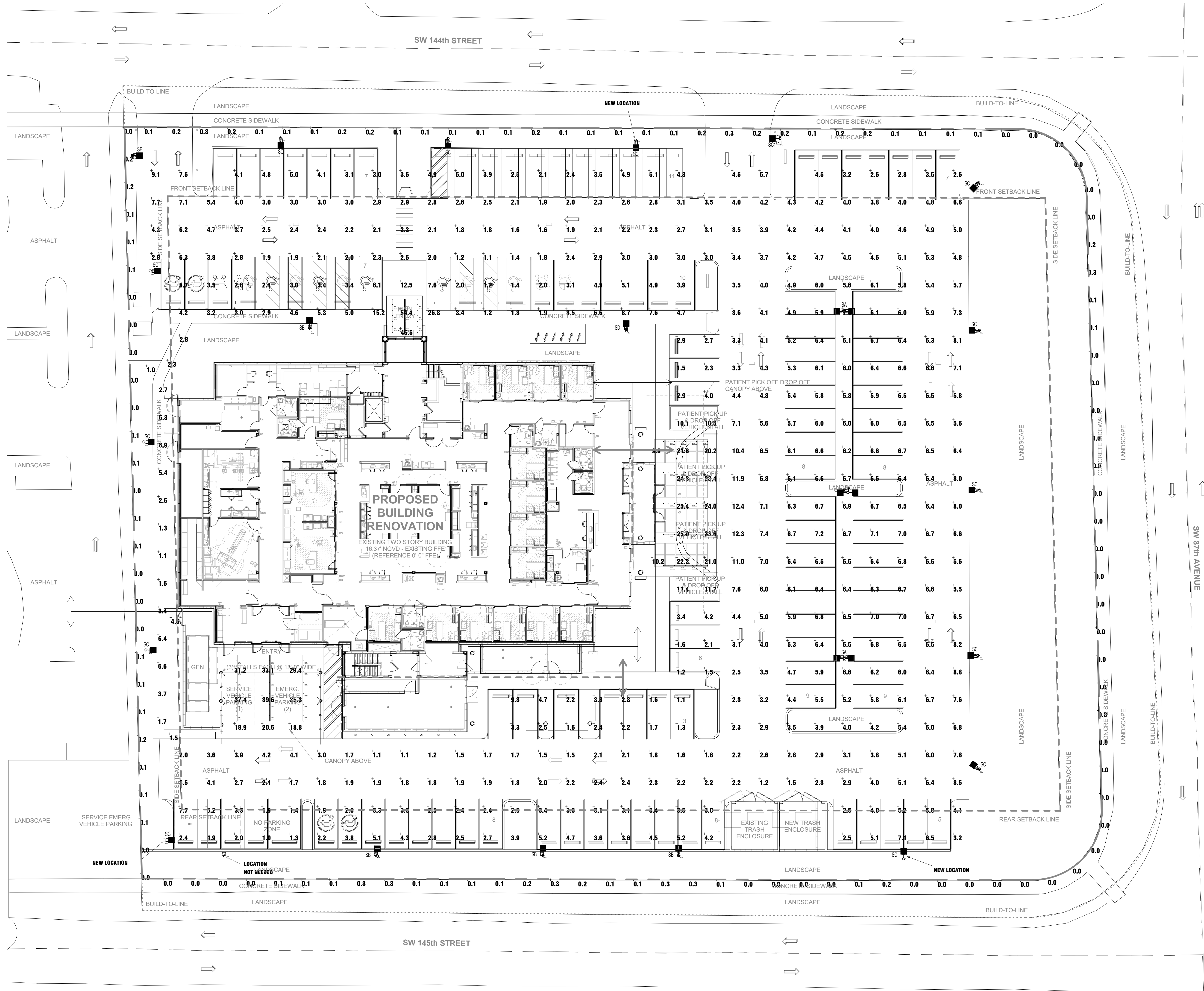
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SITE PLAN - LIGHTING PHOTOMETRICS

1/16" = 1'-0"



NOTES:

Calculation Summary					
Project: BHSF OCED - PALMETTO BAY - SITE - REV2 --- JAN-14-2022					
Label	Avg	Max	Min	Avg/Min	Max/Min
PROPERTY LINE	0.08	0.3	0.0	N.A.	N.A.
EMERGENCY VEHICLE CANOPY	29.37	39.6	18.8	1.56	2.11
MAIN ENTRY CANOPY	50.45	54.4	46.5	1.08	1.17
PARK & DRIVE	4.21	9.3	1.0	4.21	9.30
WEST ENTRY CANOPY	20.93	25.4	9.8	2.14	2.59



ARCHITECT:
Bermello Ajamil & Partners
4711 South LeJeune Road
Coral Gables, 33146
P: 305.859.2050

MEP ENGINEER: TLC# 121920
TLC Engineering Solutions
255 S Orange Ave. Suite #1600
Orlando, FL 32801
P: 407.841.9050

STRUCTURAL ENGINEER:
Reliance Engineering, Inc.
10388 West State Road 87, #112
Davie, FL 33324
P: 954.474.7578

OWNER:
BAPTIST HEALTH
8500 SW 117 Ave.
Miami, FL 33183



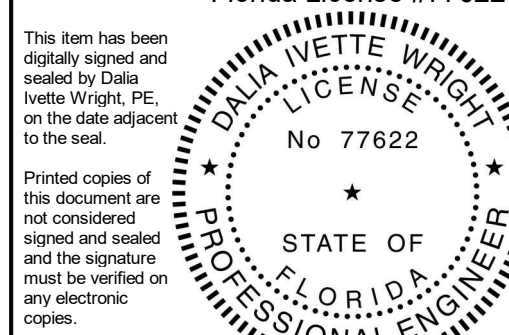
**BAPTIST HEALTH PALMETTO BAY
OFF-CAMPUS EMERGENCY CENTER**
8750 SW 144TH STREET PALMETTO BAY, FLORIDA 33176
AHCA: 23/100/154-267-1

PHASE:

**CONSTRUCTION
DOCUMENTS**

Note: This drawing is protected by copyright. It shall not be transmitted to any other except as agreed to by the Architect/Engineers

SEAL: Dalia Ivette Wright, P.E.
Florida License #77622



REVISIONS:

No.:	DESCRIPTION	DATE:

TITLE:

**SITE PLAN -
PHOTOMETRICS**

Project No: 02142.000
Date: 05/10/2023
Scale: 1/16" = 1'-0"
Format: 30" x 42"
Drawn: DIW
Checked: DIW

SHEET:

E014

Attachment D
Proposed Declaration of Restrictive Covenant

This Instrument Prepared by:
Joseph G. Goldstein, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, FL 33131

After Recording Send to:
John C. Dellagloria, Esq.
Village Attorney
Village of Palmetto Bay
9705 E. Hibiscus St.
Palmetto Bay, Fl. 33157

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DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS, the undersigned, **BAPTIST HEALTH ENTERPRISES, INC.**, a Florida not-for-profit corporation, whose address is 8900 North Kendall Drive, Miami, FL 33176 (the “Owner”), holds fee simple title to the real property located in the Village of Palmetto Bay (the “Village”), Florida, described in Exhibit “A” (the “Property”) and has entered into this Declaration of Restrictive Covenants (the “Declaration”) this day of May ____, 2024; and

WHEREAS, the Owner obtained a Notice of Approval (“NOA”) for an Administrative Site Plan approval from the Village pursuant to Administrative Site Plan Review No. ASPR-22-001 (Exhibit “B”) to redevelop the Property with a medical office development; and

WHEREAS, as part of the redevelopment of the Property, the Owner obtained a signage variance from the Village pursuant to Resolution No. _____ (Exhibit “C”), which requires the Owner to install landscaping on the Property in substantial accordance with the approved landscape plans entitled “Baptist Health Off-Campus Emergency Center” prepared by Bermello Ajamil & Partners and dated stamped received February 5, 2024 (“Landscape Plan”); and

WHEREAS, the Owner acknowledges that as part of the Landscape Plan, it is providing landscaping in excess of Village and Miami-Dade County municipal and county code requirements; and

WHEREAS, the Village and Owner have agreed on the form of this Declaration to be recorded in the Public Records of Miami-Dade County, Florida.

NOW, THEREFORE, the Owner voluntarily covenants and agrees that the Property shall be subject to the following restrictions that are intended to and shall be deemed to be a declaration running with the land and binding upon the Owners of the Property, their successors in interest and assign as follows:

1. **Recitals.** The foregoing Recitals are true and correct and are incorporated herein by reference and made a part hereof.
2. **Compliance with Landscape Plan.** That in conjunction with the underlying variance and administrative site plan approvals, the landscaping on the Property shall be installed and maintained in

substantial accordance with the Landscape Plan included in Exhibit “D” and shall comply with the following conditions:

- a. Owner shall provide the addition of understory trees as required by Section 30-100 of the Village Code to be located between the road and sidewalk along SW 87 Avenue and SW 145 Street.
- b. Owner shall extend the existing six foot (6') high concrete wall to include the entire southern boundary of the Property as depicted in the Landscape Plan.
- c. Owner shall install an additional layer of palms and native understory trees to enhance the top of the eastern landscape berm.
- d. Owner shall comply with the requirements of all other applicable departments/agencies as part of the Village building permit submittal process.
- e. All required street trees shall be planted/maintained per the Village code and all sidewalks shall be repaired/maintained in good repair prior to the issuance of the final signage inspection.

3. **Miscellaneous.**

A. **Village Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the Village, or its agents duly authorized, shall have the right at any time during normal working hours of entering and inspecting the use of the Property to determine whether or not the terms of this Declaration are being complied with.

B. **Term.** This Declaration is to run with the land and shall be binding on Owner and its successors and assigns from the Effective Date (defined below) for a period of thirty (30) years following the Effective Date (the “Term”), after which time it shall be extended automatically for successive periods of ten (10) years each, unless modified, amended, or released as prescribed below.

C. **Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the Property, including joinders of all mortgagees, if any, provided that the same is also approved in writing by the Village Attorney and the Village Director of Community and Economic Development Department.

D. **Enforcement.** Enforcement shall be by the Village by action against any entity, parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Restrictive Covenant shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of legal counsel. This enforcement provision shall be in addition to any other remedies available to the Village at law, in equity or both.

E. **Election of Remedies.** All rights, remedies, and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies, or privileges.

F. **Presumption of Compliance.** Where improvements or construction has occurred on the

Property or any portion thereof, pursuant to a lawful permit issued by the Village, and inspections made and approval of occupancy given by the Village, then such construction, inspection, and approval shall create a rebuttable presumption that the improvements, buildings or structures thus constructed comply with the intent and spirit of this Declaration.

G. **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land, shall be recorded, at the Owner's expense, in the Public Records of Miami-Dade County, Florida, and shall remain in full force and effect and shall be binding upon the Owner and its successors and assigns unless and until the expiration of the Term or the same is modified or released.

H. **Severability.** Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the Village shall be entitled to revoke any approval predicated upon the invalidated portion.

IN WITNESS WHEREOF, the undersigned has executed this Declaration as of the date first written above.

Witness:

Print Name: _____

Print Name: _____

BAPTIST HEALTH ENTERPRISES, INC., a
Florida not-for-profit corporation

By: _____
ANA LOPEZ-BLAZQUEZ, Chief Executive
Officer

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

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2024, by **Ana Lopez-Blazquez**, as Chief Executive Officer of Baptist Health Enterprises, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me or who has produced _____ as identification.

[NOTARIAL SEAL]

Print Name: _____
Notary Public, State of Florida
Commission #: _____
My Commission Expires: _____

Exhibit "A"

Property Description

Address: 8750 SW 144 Street, Palmetto Bay, FL 33176

Folio No. 33-5021-044-0010

Legal Description: ALL THAT PIECE AND PARCEL OF LAND LOCATED IN THE SOUTH EAST 1/4 OF SECTION 21, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 4, BLOCK 1, OF THE PLAT OF BAPTIST MEDICAL PLAZA, AS RECORDED IN PLAT BOOK 149 PAGE 83 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Exhibit “B”

Notice of Approval for ASPR-22-001

DRAFT

Exhibit “C”

Resolution No. _____

DRAFT

Exhibit “D”
Landscape Plan

DRAFT

Attachment E
1997 Miami-Dade County Signage Variance- Landscape Plan

RECEIVED
Zoning Department

October 26, 2023

Village of Palmetto Bay
 Building & Zoning Department

RESOLUTION NO. CZAB13-2-98

WHEREAS, BAPTIST HEALTH ENTERPRISES had applied for the following:

NON-USE VARIANCE OF SIGN REGULATIONS to permit 4 awning signs, 4 wall signs (plaque type) and 3 detached signs (2 wall signs permitted) (detached signs prohibited).

REQUEST #1 ON THE FOLLOWING:

EXHIBIT "A": The east 155' of the north ½, of the NE ¼, of the NE ¼, of the SE ¼, of Section 21, Township 55 South, Range 40 East, LESS: The east 40', the north 35', and the south 25' thereof, and less that external area formed by a 25' radius curve concave to the Southwest and tangent to the south line of the north 35' of the SE ¼ of said Section 21, and tangent to the west line of the east 40' of SE ¼ of said Section 21, and less that external area formed by a 25' radius concave to the Northwest and tangent to the west line of the east 40' of SE ¼ of said Section 21 and tangent to the north line of the south 25' of the north ½ of the NE ¼ of the NE ¼ of the SE ¼ of said Section 21.

A plan is on file and may be examined in the Zoning Department entitled "Baptist Medical Plaza," as prepared by Tom Graboski Associates, dated last revised 7/15/97 and consisting of 22 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "B": The east ½ of: the north ½ of the NE ¼ of the NE ¼ of the SE ¼ of Section 21, Township 55 South, Range 40 East, LESS: the west 40', the east 155', the south 25', and the north 35' thereof.

TOGETHER WITH:

The east 155' of the north ½, of the NE ¼, of the NE ¼, of the SE ¼, of Section 21, Township 55 South, Range 40 East, LESS: The east 40', the north 35', and the south 25' thereof, and less that external area formed by a 25' radius curve concave to the Southwest and tangent to the south line of the north 35' of the SE ¼ of said Section 21, and tangent to the west line of the east 40' of SE ¼ of said Section 21, and less that external area formed by a 25' radius concave to the Northwest and tangent to the west line of the east 40' of SE ¼ of said Section 21 and tangent to the north line of the south 25' of the north ½ of the NE ¼ of the NE ¼ of the SE ¼ of said Section 21.

LOCATION: 8750 S.W. 144 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 13 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested non-use variance of sign regulations on a modified basis to permit one (1) awning sign for after hours urgent care on the east side of the building, three (3) wall signs (plaque size) and one (1) detached twenty-four (24) square foot sign on the east drive, would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve the application on a modified basis was offered by Robert Harrison III, seconded by Susan M. Ludovici, and upon a poll of the members present, the vote was as follows:

Tom David	aye	Paula Palm	nay
Robert Harrison III	aye	John Pettit	aye
Susan M. Ludovici	aye	Marsha Silverman	aye
Linda Robinson	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 13, that the requested application on a modified basis to permit one (1) awning sign, three (3) wall signs (plaque size) and one (1) detached twenty-four (24) square foot sign, be and the same is hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Baptist Medical Plaza", as prepared by Tom Graboski Associates, dated last revised 7-15-97 and consisting of 22 sheets, except as herein modified.
3. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning, Development and Regulation and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 12th day of March, 1998.

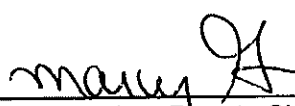
Hearing No. 98-2-CZ13-1
es

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 18th DAY OF March, 1998.

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

I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning, Development and Regulation as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning, Development and Regulation and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 13, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB13-2-98 adopted by said Community Zoning Appeals Board at its meeting held on the 12th day of March, 1998.

IN WITNESS WHEREOF, I have hereunto set my hand on this 18th day of March, 1998.



Marcy Gordon, Deputy Clerk and Legal Counsel
Miami-Dade County
Department of Planning, Development
and Regulation

SEAL



METROPOLITAN DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER

DEPARTMENT OF PLANNING, DEVELOPMENT AND REGULATION

111 NW 1ST STREET

SUITE 1110

MIAMI FLORIDA 33128-1974

(305) 375-2500

FAX (305) 375-2795

March 18, 1998

Baptist Health Enterprises, Inc.
 c/o William Enright
 8900 North Kendall Drive
 Miami, FL 33176

Re: Hearing No. 98-2-CZ13-1
 Location: 8750 SW 144 Street

Dear Applicant:

Enclosed herewith is a copy of Resolution No. CZAB13-2-98, adopted by the Miami-Dade County Community Zoning Appeals Board 13, which approved your application on a modified basis on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

Application for necessary permits and/or Certificate of Use and Occupancy permits should be made with this Department.

You are hereby advised that the decision of the said Community Zoning Appeals Board may be appealed by an aggrieved party to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Sincerely,

A handwritten signature in cursive script, appearing to read 'marcy', followed by a horizontal line.

Marcy Gordon
 Legal Counsel

MG:es
 Enclosures

cc: Joseph Goldstein, Esq.
 Greenberg Traurig, P.A.
 1221 Brickell Avenue
 Miami, FL 33131

Enforcement

Attachment F
Neighbor Letters

JUDY LITTLE
8775 SW 144th STREET
PALMETTO BAY, FL 33176

March 21, 2024

Via email: Council@palmettobay-fl.gov

Village Council, Village of Palmetto Bay
9705 Hibiscus Street
Palmetto Bay, FL 33157

Application No.: V-23-008 (REV2)
Location: 8750 SW 144th Street
Applicant: Baptist Health Enterprises, Inc.

Village Council Members:

I am grateful that you postponed the zoning variance hearing for the above-referenced matter to April 15, and request that this letter be made part of the record.

During the February 26, 2024, zoning hearing, Baptist Health Enterprises, Inc. (hereinafter referred to as "Baptist" or "Baptist Health") was directed to work with the neighbors to come up with a better plan for their proposed variance. On March 15, 2024, I learned that Baptist had submitted an amended signage variance package to the City on March 6, 2024. Baptist did not seek my input on the revisions prior to its submission of the revisions to the City, despite a clear directive from the City Council to do so.

On March 20, 2024, at my request, I received from Baptist a copy of its amended signage variance package. I have reviewed the amended signage variance package, and my objections to the non-conforming Baptist Health proposal are outlined below.

1. The Baptist Health Proposal Violates Zoning and Should Be Withdrawn or Denied.

Baptist Health proposes signage to route ambulances across the parking lot on the eastern side of its site, in violation of the residential zoning that applies there (*see Exhibit A*). No possible construction of that zoning would permit the back and forth of ambulances across it. Baptist Health should withdraw its current illegal plan or submit one that does not violate zoning.

2. The Baptist Health Proposal Violates the Variance Criteria and Does Not Address Community Concerns.

The variance criteria identify community input as important. Since the City's 2021 approval of the emergency center was an administrative proceeding, it was not subject to comment from the community. In this case, however, Baptist must actively engage with the community to address the residents' concerns. The current signage variance proposal not only violates zoning, but it is also an offense to the neighborhood, with high, illuminated signage proposed for the very top of the building's north side (almost double the size

of the current sign), as well as new signage on the east and south sides, where there is currently no signage. Baptist disingenuously has tried to sell this to the City Council and the community by emphasizing that it is proposing to reduce overall signage by 43.82 square feet. While technically that may be true, it is done by eliminating 93.5 square feet of signage on the west face of the building, which is the only sign that currently faces commercial property. The reality is that Baptist proposes to dramatically increase signage facing, and confronting, the single-family homes to the east and north. This does not satisfy the variance criteria by any stretch of the imagination and is completely unnecessary.

To date, Baptist has done nothing to my knowledge to address the community's reasonable concerns, or otherwise taken steps to achieve compliance with the zoning criteria.

3. Baptist Health Has Many Options Available to It to Correct Its Ill-Advised Plan.

Baptist incorrectly maintains that the only issue before the City Council is signage. This is clearly not the case. There is no way for Baptist Health to comply with zoning other than to revisit its site plan. Baptist must proceed only with a site plan and related signage that complies with zoning.

Options available to Baptist include: (1) providing ambulance ingress and egress other than on SW 144 Street; (2) reasonable conditions on ambulance sirens and lights when approaching the site (not just entering it); (3) eliminating top-of-building illuminated signage on the building's north face; (4) much more landscape and wall buffers as appropriate, including across the street; (5) reasonable conditions that patients will not be allowed for extended, multi-day stays in the event there are no available hospital beds in the immediate vicinity; and, (6) operating procedures that will keep the adjacent residential neighborhood from being subject to patient and/or patient family parking and foot traffic, particularly on weekends and overnight (when the existing facility is very quiet).

Since Baptist is pursuing a plan to drop an out-of-place and unwanted emergency center into the middle of a thriving and tight-knit residential neighborhood, it must take far more seriously its responsibility to its residential neighbors. Baptist must take greater steps to ensure that the project does not undermine the character of the neighborhood, as its current plan will most plainly do.

Accordingly, the City Council should vote NO on the proposed signage variance.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Judy Little

JUDY LITTLE
8775 SW 144th STREET
PALMETTO BAY, FL 33176

May 19, 2024

Via email: Council@palmettobay-fl.gov

Village Council, Village of Palmetto Bay
 9705 Hibiscus Street
 Palmetto Bay, FL 33157

Application No.: V-23-008 (REV2)
 Location: 8750 SW 144th Street
 Applicant: Baptist Health Enterprises, Inc.

Village Council Members:

My family has lived in the single-family house at 8775 SW 144 Street since September of 1967. That's 56 years of calling a house a home. 56 years of living in peace in a wonderful neighborhood, without an incompatible emergency medical facility across the street. Baptist is imposing its project on my family and this neighborhood – not the other way around.

As I said at the hearing on February 26, 2024, I feel like I am being steamrolled. Since then, Baptist has done little to make me feel any differently. Despite clear direction from the Village Council, Baptist has done nothing of substance to address the legitimate concerns I have voiced. Rather, Baptist's communications with me have been non-substantive -- a transparent attempt to create a mirage of good faith on its part. Baptist's brazen and frivolous claim that it is under hardship shows that it is confident it will be granted the variance despite flouting the Village law that applies to it. I cannot stand by and let that be the outcome without once again bringing my concerns to your attention.

I renew my request that the Village Council deny Baptist's request for a variance. The variance request does not comply with applicable law and would set a terrible precedent for not only my family and neighbors, but also the residents of Palmetto Bay, including diminishing local property values. Below, I further summarize the key reasons that the Village Council should, indeed must, deny Baptist's application.¹

City Law Prohibits a Variance Following an Administrative Approval

The Village Council is without jurisdiction to reach the merits of the Baptist application for a variance. This is the applicant's fault. Baptist could have, but chose not to, secure site plan approval with public notice,

¹ In connection with the above-referenced application and upcoming hearing (on May 20), I request that this letter be made part of the record.

comment, and hearing. Certainly, Baptist is aware of Sec. 30-30.3(a) of the Palmetto Bay Code of Ordinances, which states:

(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.**

[emphasis added]

By seeking a variance approval *after* an earlier administrative site plan approval, Baptist is violating this provision, and has not met the conditions needed for the Village Council to hear the variance application. Because this requirement goes to the very basis of Village Council jurisdiction, it is timely to raise this issue now.

On this basis alone, the Village Council should dismiss the Baptist variance application. Baptist is free to correct this problem by resubmitting its site plan, but this time properly, with public notice, comment, and a hearing. There is no prejudice to Baptist since this is the course Baptist was required to follow in the first place.

Baptist's Variance Application Does Not Comply with the Variance Criteria

The variance criteria are designed so that the Village Council can ensure businesses are being good neighbors and treating residents fairly. Here, Baptist is treating its north-side residential neighbors (i.e., SW 144th Street) differently than its east (i.e., 87th Avenue) and south-side (i.e., SW 145th Street) neighbors. This asymmetry is acute with regard to my home. This unequal treatment is unfair and harmful, and is inconsistent with the variance criteria, providing another basis for denial.

The east-side neighbors are buffered from the Baptist project by a wide landscape buffer and hill, providing visual and distance separation from Baptist's building. The Village proposes to require Baptist to improve the landscaping as part of this variance proceeding. The south-side neighbors are buffered from the Baptist project by a wall on Baptist's property. Baptist proposes to extend that wall as part of its site improvements.

Landscape buffers and walls are standard methods to protect residents from commercial development. See, e.g., [30-100.1(e)(9)]. And Baptist has adopted these approaches for two of the residential sides – in so doing, demonstrating its acceptance of this approach. Yet, in stark contrast, Baptist plans

neither a sufficient landscape buffer² nor a wall to protect the north-side residences from the emergency facility intrusion.

This asymmetry is even more pronounced when it comes to my home. I do not have a privacy wall or gate across my front yard. I never felt the need to add those features, as I grew up with an open lot across the street where kids would play, and I have adapted to some commercial use across the street in more recent years. But I absolutely feel the need for such privacy improvements on my property in light of Baptist's emergency facility.³ My neighbors along SW 144th Street already have improvements of this nature, likely because their homes were sold and turned over to new families over the decades and when commercial activity already was present across the street. (That is not to say that my neighbors might not have their own special circumstances which Baptist should address. There simply has been no effort on Baptist's part to meet and engage with us on the topic.)

Clearly, the variance criteria are violated with respect to the north-side neighbors. Approval of Baptist's variance request would be a "substantial detriment" to (30-30.6(e)(1)(d)) and would *not* preserve the "essential character" of our neighborhood (30-30.6(e)(1)(c)). Relaxation of the Village's land use requirements would not effect "substantial justice" to us (30-30.6(e)(1)(e)); rather, it would result in a substantial *in*justice to us. Not only does Baptist propose to impose a new incompatible use that will impact us forever, but the way that Baptist is rolling over our concerns is dispiriting and discouraging, to say the least. We need the Village Council to stand up for us against this heavy hand, as the Council is there to protect the interests of the residents.

And there is nothing "unnecessarily burdensome" (30-30.6(e)(1)(f)) for Baptist to correct these injustices. In fact, none of this is "beyond the control" (30-30.6(e)(1)(g)) of Baptist. Baptist is not required to make a new use of its property; it is choosing to do so for its own economic benefit, to compete with the existing level one trauma center that is less than one mile away and currently serves the residents of Palmetto Bay.

Baptist plainly has massive resources and capabilities – far beyond what is needed to undertake its proposed new use in a manner that respects the residents. The Village Council must require Baptist to make the efforts needed to comply with the variance criteria. Gates, walls, landscaping, and other buffering elements are all well within Baptist's means. In contrast, thrusting an emergency room facility on the overall

² Baptist is in violation of the Village's applicable buffer rule. Section 30-100.1(d)(9) requires "[b]uffers between dissimilar land uses, except for within the FT&I District. Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, that portion of such area not screened shall be provided with a buffer consisting of a six-foot high wall or fence, or shrubs which normally grow to a minimum height of six feet. Shrubs used as part of a buffer shall be a minimum of 30 inches in height at the time of planting, and shall be planted at a maximum average spacing of 36 inches on center. Said buffer shall form a continuous screen between the dissimilar land uses within one year after planting. Where chain link fencing is permitted, shrubs shall also be required. Buffers screening dissimilar uses shall include trees planted at a maximum average spacing of 35 feet on center within a minimum five-foot landscaped strip." Baptist has not provided a conforming buffer between its project and my street, in violation of this buffer rule. This provides another independent basis for denial.

³ On April 15, 2024, I requested Baptist to include a gate and wall across the front of my yard as a component of mitigation to help reduce the negative impacts of its project and provide a visual and acoustic buffer for me. To date, Baptist has not responded.

neighborhood, with particular harm to the north-side residents and my family should not be allowed, and, in fact, would be unlawful.

The Variance Application Should Be Denied Because Baptist Is Not Being Forthright

The issuance of a variance is a discretionary act of the Village Council, which is vested with the authority to bring about a fair, just, and transparent outcome. Here, Baptist has not earned the privilege to have the Council exercise its discretion in Baptist's favor.

Baptist has not delivered on its March 6, 2024, written representation to the Council that it would "...reach out again to adjoining property owners with the revised signage package to seek written input and/or support for the proposed application" (see, March 6, 2024, letter at page 5). In fact, Baptist has not demonstrated any willingness to work with its neighbors on the north side.

Baptist has an army of lawyers and knows full well that it was not entitled to an administrative site plan approval since it needed a variance and a variance hearing to complete its project. Baptist took the administrative approval hoping to insulate its project from effective public comment. Now Baptist is refusing to talk about anything other than signage, even though the site plan approval was defective. This gamesmanship cannot be considered good faith and is bad form for an otherwise reputable company like Baptist.

In addition, Baptist plans to keep the neighborhood in project hell for years to come. It admits that it plans to redevelop the adjacent dialysis center, which it also owns, presumably as soon as final approvals are obtained for the emergency facility. Baptist admits that the current and future projects are linked, and that it plans to use the dialysis center as overflow parking for the emergency facility. The Village should not stand by and allow Baptist to piecemeal massive development that will forever damage the character of this neighborhood. This is corporate arrogance, plain and simple, and shows zero regard for the residents. The Village can restore transparency, fairness, and an orderly, comprehensive process by denying the variance and sending Baptist back to site planning, as is required under the law.

Finally, Baptist will not even provide traffic counts regarding the amount of vehicle traffic expected to come and go from the emergency medical facility during the evening and overnight hours of operation. Baptist is obviously hiding the ball and is concerned that these traffic counts – which it no doubt has – will show a far busier facility than the impression that Baptist is trying to sell. That Baptist has stonewalled Council staff and me on requests for this traffic data is brazen and is a tremendous source of anxiety for me.

These are not trivial points. Baptist's heavy handedness, stonewalling, and circumvention of an orderly planning process compounds its violation of the variance criteria and, in fact, itself violates the criteria. At a minimum, the Village Council should not approve the variance application unless and until Baptist changes its tune and behaves in a manner consistent with its otherwise admirable reputation. Quite frankly, Baptist should be glad to step up and do so.

Baptist's Claim of Hardship Is Disingenuous, at Best

Baptist has the audacity to claim that it should be granted the variance without the concurrence of its neighbors because otherwise it cannot comply with applicable Florida signage law. Variance criterion Sec. 30-30.6(e)(1)(h)) states that: "No variance shall be granted without the concurrence of the owner of the

property contiguous to the property line requiring the variance, unless a hardship exists.”⁴ In response to criterion (h), Baptist argues that “Baptist cannot comply with the identification requirements mandated by Florida law without the requested variance.”

In essence, Baptist is openly admitting that it has **not** complied with variance criterion (h). In other words, Baptist asks the Village Council to allow it to violate city law so that it can comply with state law. That is not a hardship! It is Baptist’s responsibility to present a project that complies with all law. And it most certainly can; it just does not want to.

There is no conflict here between city and state law. Baptist’s failure to seek the concurrence of the neighbors is not a legitimate basis to find such a conflict. In fact, it would be unlawful for the Village Council to excuse Baptist for the absence of good faith effort on its part to seek neighborhood concurrence. At least in my case, there has been no such effort, and, without it, how can Baptist claim hardship? I have never said that I would not concur with a reasonable project that reflects the reasonable concerns of the neighbors. The variance provision and the Florida identification requirements can be read in harmony; the Village Council is required to harmonize these laws in this instance.

Diminution in Property Values

Finally, Baptist’s project is also causing, and will continue to cause, a diminution of property values, including to the value of my home and other homes in the immediate neighborhood. There will be a diminution of property values during the years of construction confronting us in light of Baptist’s two adjoining projects. There will be diminution of property values due to being across the street from a busy, 24/7 emergency medical facility. These damages will be very significant and long-lasting. Baptist is liable for these damages.

Request for Determination of Status

As a materially impacted and interested resident homeowner, I request that the Village Council recognize me as a party with standing in this quasi-judicial proceeding.

Conclusion

I would like to reach an outcome that is fair all around. I would breathe a sigh of relief if we could resolve this in a manner that sees both the neighborhood and my home protected and a revised, compliant project proceed. Unfortunately, that is not where things stand today. I remain optimistic that the Village Council will navigate this matter towards such a reasonable and responsible outcome.

Thank you for your support and careful consideration of this request.

I submit this letter under penalty of perjury. This letter and my prior letters on this matter are true and accurate.

Respectfully submitted,

/s/ Judy Little

⁴ “Contiguous” is defined as having a common boundary or edge (<https://www.vocabulary.com/dictionary/contiguous>). The north-side neighbors are contiguous because we share a property line with Baptist -- SW 144th Street is the boundary for purposes of zoning.



AGENDA ITEM NO. 5.B

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: June 17, 2024

SUBMITTED BY: Heidi Siegel, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT: **Applicant:** VILLAGE OF PALMETTO BAY
Location: VILLAGE-WIDE
Application: RZ-24-001
Request: AMENDING CHAPTER 30, SECTION 30-30 OF THE CODE OF ORDINANCES STYLED: "DEVELOPMENT APPROVAL PROCEDURES", REGARDING ADMINISTRATIVE DEVELOPMENT APPROVALS AND PUBLIC HEARING AND NOTICE REQUIREMENTS.
(Sponsored by Councilmember Steve Cody) (Ordinance on First Reading)

SUGGESTED ACTION:

ATTACHMENTS:

[Memo-RZ-24-001-Amending Sec 30-30 Development Approval](#)
[Ordinance-RZ-24-001-Amending Sec 30-30 Development Approval](#)
[Attachments \(RZ-24-001\)](#)



To: Honorable Mayor and Village Council

Date: June 17, 2024

From: Heidi Siegel, AICP, CED Director

Re: RZ-24-001 / Section 30-30
Development Approval
Procedures

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, REGARDING ADMINISTRATIVE DEVELOPMENT APPROVALS AND PUBLIC HEARING AND NOTICE REQUIREMENTS; AMENDING CHAPTER 30, SECTION 30-30 OF THE CODE OF ORDINANCES STYLED: "DEVELOPMENT APPROVAL PROCEDURES", AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.
(Sponsored by Councilperson Steve Cody)

BACKGROUND

The Village Council and staff continuously seek opportunities to update and correct inconsistencies the Village's Land Development Code. At the request of Councilman Stev Cody, Village staff reviewed the Village's Public Hearing notice requirements. The Village's public hearing notice requirements are disjointed and, at times, cause procedural delays due to application submittal deadlines. Furthermore, some items reference statutory requirements of public hearing notification in Florida Statutes, while other items have different requirements.

The existing ordinance was reviewed to identify opportunities for consistency, clarity, and remove redundancies and contradictions. This review was conducted with a commitment to transparency and allowing accurate notification to residents.

Significant changes are as follows:

Section 30-30.3	<ul style="list-style-type: none"> Update code for consistency with updated Floodplain Management Regulations (Ordinance 2023-11) that established 49% as the threshold for substantial improvements in the Village.
Section 30-30.5	<ul style="list-style-type: none"> Update code for consistency with updated Floodplain Management Regulations (Ordinance 2023-11) that established 49% as the threshold for substantial improvements in the Village.
Section 30-30-10	<ul style="list-style-type: none"> Corrects language to clarify the difference between “zoning in progress” and “moratorium”.
Section 30-30.11	<ul style="list-style-type: none"> Removes obsolete language regarding days applications will be submitted. Clarifies that all public notices shall be prepared by the village. Amends the mailing date for public notices from thirty (30) days to fourteen (14) days. <ul style="list-style-type: none"> This allows staff appropriate time to review applications and determine if they are complete and sufficient for public hearing. This timeframe will align with newspaper public notices and posting of properties. Removes the requirement of paper copies of proof of notification mailings by applicants. Proposes “electronic format” instead. <ul style="list-style-type: none"> This is consistent with the Village’s commitment to resiliency and eliminates staff time spend on scanning paper. Updates staff report deadlines to reflect modern practices. Amends the publication date of public hearing notices from thirty (30) days to ten (10) days. <ul style="list-style-type: none"> This change aligns all publication requirements with Florida Statute 166.041 (Certain Land Development Code changes) and Florida Statute 163.3184 (Certain Comprehensive Plan changes). This change makes it more efficient for advertising for

	<p>meetings that have different types of applications.</p> <ul style="list-style-type: none">○ This change allows staff appropriate time to review applications and determine if they are complete and sufficient for public hearing. This timeframe will align with mailing of public notices and posting of properties. <ul style="list-style-type: none">● Updates the posting of agenda items to the website to reflect modern practices, such as the Village's electronic agenda system.● Amends the posting on subject property date of public hearing items from thirty (30) days to fourteen (14) days.<ul style="list-style-type: none">○ This change allows staff appropriate time to review applications and determine if they are complete and sufficient for public hearing. This timeframe will align with mailing of public notices and newspaper public notices.● Removes verbiage of all application specific requirements and provides all information in an efficient chart format.<ul style="list-style-type: none">○ This change removed conflicting information.○ The chart now provides the date for the notice to be mailed. Previously the Code did not specify the mailing deadline for public hearing items.○ Updates application types to reflect Village practices.○ No changes were made to the existing notification radii. Notification radii were included for site specific zoning in progress applications. These items previously did not include notification requirements.
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RECOMMENDATION

The Village staff recommends that the Village Council approve the attached ordinance on first reading.

Attachments:

Attachment A: Annotated Amended Section 30-30

Attachment B: Florida Statute 166.041

Attachment C: Florida Statute 163.3184

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1 including any required renewal of permits for existing legally erected
2 premises.

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4 **Section 2.** Section 30-30, of the Code of Ordinances of the Village of
5 Palmetto Bay, entitled Development Approval Procedures, is hereby
6 amended as follows:

7
8 (Additional text is shown as underlined; deleted text is shown as
9 ~~strike~~through)

10 11 **DIVISION 30-30. DEVELOPMENT APPROVAL PROCEDURES**

12 ***

13 **Sec. 30-30.3. Administrative development approvals.**

14 (b) *Improvements exempted from site plan review.* The department shall
15 have the authority to review and act on the following improvements
16 that are exempted from site plan review:

- 17 (1) Individual single family dwellings, duplex, complying with code
18 and not requiring public hearing;
- 19 (2) Changes in plant species that do not decrease landscaped or
20 pervious area, or in any fashion violate the village tree ordinance;
- 21 (3) Deck(s) or walkway(s) which do not exceed 12 inches above
22 existing grade and do not reduce the landscaped or pervious
23 area below the minimum requirements;
- 24 (4) Utility sheds not exceeding 100 square feet per property;
- 25 (5) Fences;
- 26 (6) Flag poles, provided Division 30-60, relating to
27 telecommunications is complied with and Division 30-90, relating
28 to same is complied with;
- 29 (7) Docks, davits and boat-lifts. Exemption of any items listed above
30 shall not eliminate any of the enumerated items from the
31 requirements of the site plan review process if the item is a part
32 of a proposed project or improvement that is subject to site plan
33 review;
- 34 (8) Signs, unless the sign(s) is/are part of a new building or
35 development which requires site plan approval; and,

1 (9) Alteration(s) or remodeling of existing buildings which affect less
2 than ~~50~~ forty-nine (49) percent of the floor area of the principal
3 building or use, or the cost of said alterations or remodeling is
4 less than ~~50~~ forty-nine (49) percent of the fair market value of the
5 improvement of the structure on the site prior to the alteration(s)
6 or improvement(s); provided however, the alteration or
7 remodeling complies with the current zoning and building code
8 requirements. If the zoning and building code requirements are
9 not complied with, site plan review shall be required.

10 (c) *Substantial compliance.* Any changes or amendments to an
11 approved site plan shall require a re-submission in accordance with
12 the provisions of this division. However, if the department determines
13 that the requested site plan change is minor, as delineated below,
14 the department shall have the authority to review and approve the
15 minor change with or without conditions. The department shall give
16 written notice of his/her preliminary determination regarding the
17 substantial compliance determination and shall hear any objections
18 regarding the preliminary determination during a subsequent 30-day
19 period. The planning determination shall be advertised in a
20 newspaper of general circulation, advising the community of the 30-
21 day deadline for an appeal. The village shall also provide notice as
22 provided under subsections 30-30.11(f) and (g). At the conclusion of
23 the 30-day period the department shall approve, approve with
24 conditions, or deny the substantial compliance determination by
25 written order.

26 ***

27 (7) The planning and zoning director shall give written notice of
28 his/her preliminary determination regarding the administrative
29 variance to the adjacent property owners and shall hear any
30 objections regarding the preliminary determination during a
31 subsequent 30-day period. Administrative (de minimus) variance
32 request for non-residential uses and multifamily residential uses
33 shall be noticed according to section 30-30.11(g) as per mailing
34 radius for variances. At the conclusion of the 30-day period the
35 village shall approve, approve with conditions, or deny the
36 administrative variance by written order. Any written objection
37 received from a property owner within the notice radius within the
38 30-day notice time period shall result in a denial of the request
39 and the applicant may seek a variance as provided under section

30-30.6. Notice of intent to issue the administrative variance will be posted on the property and noticed on the village. Posting of the property and notice on the village web site shall be considered supplementary in nature and a complementary service to the public and shall in no way compromise the outcome of the final disposition of the preliminary decision.

Sec. 30-30.4. Conditional use approval.

(a) *Generally.* The purpose of this section is to ensure that a conditional use, issued after a quasi-judicial hearing, shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating material adverse impacts on properties and land uses within the immediate vicinity. The immediate vicinity shall be defined as the equivalent radius of the required mailed notice identified in section 30-30.11(ø). A conditional use is one that would not be appropriate without restriction throughout the land use district, but, which, if controlled as to the area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity of the neighborhood. This section sets forth the procedures and criteria for approval conditional uses on specific sites. A conditional use shall be permitted only upon a finding that the proposed use satisfies the provisions of this section. Telecommunications conditional use hearings shall additionally comply with section 30-60.52[30], of this Code.

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.

1 (2) All buildings, building or structural alterations or remodeling,
2 where the alterations or remodeling affects ~~50~~ forty-nine (49)
3 percent or more of the floor area of the principal building or use,
4 or the cost of the alterations or remodeling exceeds ~~50~~ forty-nine
5 (49) percent of the fair market value of the improvement of the
6 site prior to the alterations or improvements, shall require site
7 plan approval.

8 (3) All land improvements, site alterations, building expansions of
9 any nature whatsoever, shall comply with these site plan
10 regulations, shall also ensure compliance with subsection 30-
11 30.2(n), relating to stormwater drainage, and comply with section
12 30-100.6.

13 ***
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15 **Sec. 30-30.10. Zoning in progress request.**

16 (a) *The village manager in conjunction with the village's planning and*
17 *zoning director may file a request with the village council for a "zoning*
18 *in progress resolution."* The request shall be made in writing and
19 shall be accompanied by a village staff report summarizing the need
20 for revising these regulations and the area or areas within the village
21 that will be affected. The report shall contain a determination
22 concluding the need for a resolution of the village council declaring
23 "zoning in progress" and for the adoption of a formal moratorium. The
24 village council may consider a "zoning in progress resolution" on its
25 own initiative.

26 (b) *Village council zoning in progress resolution review and decision.*

27 (1) The village council shall review the zoning in progress resolution
28 at the next available regularly scheduled meeting following the
29 submittal of the zoning in progress request.

30 (2) The village council shall make preliminary findings and
31 accordingly approve or deny the proposed zoning in progress
32 resolution.

33 (3) Should the village council determine that a ~~moratorium~~ zoning in
34 progress pending the preparation of a detailed and
35 comprehensive analysis of the area in question is reasonably
36 necessary or desirable, it shall approve the zoning in progress
37 resolution; and order a fixed time, not to exceed 90 calendar

1 days, within which village staff shall report to the village council
2 with its report, a proposed ordinance amending these
3 regulations, and recommendations relating to a potential
4 moratorium.

5 (4) The zoning in progress resolution shall be for a period not to
6 exceed the first regularly scheduled village council meeting after
7 120 calendar days, unless an extension not exceeding 60 days
8 is ordered pursuant to subsection (6) below.

9 (5) The village council on its own motion or otherwise may extend
10 any zoning in progress resolution for a longer period of time if
11 reasonably necessary and the public interest requires.

12 (6) Should village staff be unable to report back to the village council
13 within the time prescribed by its order, upon timely request by
14 village staff and after public hearing on the need, the village
15 council may extend the time limitation one time for a period not
16 to exceed 60 days.

17 (7) Upon adoption of the zoning in progress resolution, the village
18 clerk shall publish the adopted resolution in a newspaper of
19 general circulation published in the village, or Miami-Dade
20 County, Florida within ten days following the date of adoption.

21 (c) *Effect of zoning in progress resolution.*

22 (1) During the period of time that the village is considering a
23 ~~moratorium—zoning in progress~~ ordinance, no permit(s) or
24 development order(s) of any kind shall be issued if issuance
25 would result in the nonconforming or unlawful use of the subject
26 property should the ~~moratorium—zoning in progress~~, text
27 amendment, or zoning district change be finally enacted by the
28 village council.

29 (2) The period of time of the ~~moratorium—zoning in progress~~ on
30 permits shall begin on the earlier of:

31 (A) Village council adoption of zoning in progress resolution; or

32 (B) Notice has been given as required by law of the initial public
33 hearing before the village council on the amendment to these
34 regulations.

35 (d) ~~Village staff review, report and recommendation.~~ Moratorium

- (1) In the event the village council determines a moratorium is necessary to give village staff sufficient time to complete planning studies or other analysis prior to instituting an amendment to the regulations the village council, as part of the zoning in progress resolution, shall direct village staff to prepare a moratorium ordinance.
 - (2) Within the time fixed by the village council, village staff shall report to the village council with its ordinance, amending these regulations and recommendations regarding the moratorium and its scope.
 - (3) Village staff shall provide a detailed report indicating the necessity for zoning changes; provide a recommendation as to whether the proposed moratorium ordinance should be approved, approved with conditions or denied; schedule the moratorium ordinance for hearing before the village council, and provide notice of the hearing, as provided under subsection 30-30.11(ø).
- (e) *Village council review and recommendation of moratorium.*
- (1) Upon receipt of the report and recommendation of the village staff, the village council shall review the report, recommendations, and draft ordinance at two public hearing.
 - (2) The village council shall read the moratorium ordinance by title, in full, on the first public hearing following receipt of the village staff's recommendation.
 - (3) The village council shall hold a second public hearing and following the hearing adopt or deny the proposed moratorium ordinance.
 - (4) The village council may, upon request by the village staff, amend the scope and timing of the moratorium, as needed.
 - (5) The village shall consider such amendments to these regulations as are appropriate in accordance with the provisions of section 30-30.7 (section relating to rezoning).
- (f) *Waivers.* If the village council has provided for waivers in the ordinance adopting a moratorium, the building official, in consultation with the planning and zoning director and village manager may grant a waiver of the moratorium where the applicant can show the

1 following: That the proposed development complies with the existing
2 land development regulations; and that the proposed development
3 satisfies the objective of the village council in ordering a moratorium.
4 For example, if the village council is considering increasing the
5 minimum setback in a residential zoning district by two feet, and the
6 applicant demonstrates that it complies with the proposed
7 modification of the setback, the planning and zoning director may
8 grant a waiver of the moratorium. The waiver will not hinder the intent
9 of the village council in its proposed amendment to these regulations.

10 (g) *Exemptions.* Notwithstanding the adoption of a moratorium
11 ordinance, the building official may authorize the issuance of building
12 permits for nondeleterious items including, but not limited to: fences,
13 repairs and similar matters, where he determines that such permit(s)
14 will not affect the outcome of the planning study; provided, however,
15 that with regard to any particular moratorium, the village council may
16 by ordinance increase or decrease allowable exemptions and may
17 by ordinance provide either a supplemental or exclusive procedure
18 for acting upon requests for exemptions. Such procedure may vest
19 jurisdiction and responsibility for acting upon requests for exemptions
20 in the planning and zoning director, with the input of the village
21 manager and building official.

22 (h) *Conditional uses, variances, change in land use, change of zoning*
23 *or tentative plats during moratorium.* During the existence of any
24 moratorium, of applications for conditional uses, variances, changes
25 in land use, changes of zoning, development orders or tentative plats
26 within the affected area shall be acted upon by the village council,
27 except as provided in subsections 30-30.010(f) and (g), or unless
28 otherwise specifically provided by the village council by ordinance
29 with regard to a specific moratorium.

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31 ***

32 **Sec. 30-30.11. Public hearing and notice requirements.**

33 (a) *Generally.* The Village shall publish a schedule that outlines
34 submittal deadlines for public hearing items on its website annually.
35 ~~All zoning hearing applications shall be filed and accepted for filing~~
36 ~~by the village on the first and third Wednesday of each month, unless~~
37 ~~such date is a legal holiday.~~ An administrative adjustment may be
38 filed at any time. When an application for development approval is

1 subject to a public hearing, the village shall ensure that the necessary
2 public hearing is scheduled for the decision-making body reviewing
3 the application and that proper notice of the public hearing is
4 provided, as set forth herein. No action shall be taken by the village
5 council on applications for development approval that is subject to
6 the public hearing requirement, until a public hearing has been held
7 upon notice of the time, place, and purpose of such hearing. The cost
8 of the notice shall be borne by the applicant. All notices for public
9 hearings shall be prepared by the village and include the following
10 information:

- 11 (1) Identify the applicant.
- 12 (2) Indicate the date, time, and place of the public hearing.
- 13 (3) Describe the property involved by street address or by legal
14 description, and area of the subject property. A map may be
15 substituted for the legal description or as required by state law.
- 16 (4) Describe the nature, scope and purpose of the proposal being
17 noticed.
- 18 (5) Identify the village department(s) where the public may inspect
19 the application, staff report and related materials during normal
20 business hours.
- 21 (6) Include a statement that affected parties may appear at the public
22 hearing, be heard and submit evidence with respect to the
23 application.
- 24 (7) Include other information as may be required by law.

25 (b) *Mailed notice.*

- 26 (1) When the provisions of this division require that mailed notice be
27 provided, the applicant shall be responsible for acquiring and
28 providing the list of all property owners within the required radius
29 from the subject property that are to be notified (including the
30 subject property).
- 31 (2) The applicant shall be responsible for mailing the notice at no
32 cost to the village.
- 33 (3) Notice shall be deemed mailed by its deposit in the United States
34 mail and a certified/return notice mailed by the applicant to the
35 village clerk shall be required.

- 1 (4) The applicant shall provide an affidavit to the village stating the
2 date notices were mailed.
- 3 (5) Notice by mailing is a courtesy only and no action taken by the
4 village shall be voided by the failure of any individual property
5 owner to receive such notice. However, failure of the applicant to
6 mail the written notice shall render voidable any hearing held on
7 the application.
- 8 (6) The property owners required to be provided notice by this
9 section shall be determined from a certified copy of the most
10 recent county tax roll.
- 11 (7) Distances for purposes of mailed notice requirements shall be
12 measured from the perimeter of the property subject to
13 development approval, except that where the owner of the
14 subject property owns contiguous property, the distance shall be
15 measured from the perimeter of the boundary of the contiguous
16 property.
- 17 (8) Mailed notice shall be mailed at least ~~30~~ fourteen (14) calendar
18 days prior to a public hearing.
- 19 (9) If, after the initial notice is mailed, the application is changed in a
20 manner such that additional land area is encompassed within the
21 application, then the notice mailing requirements of this
22 subsection shall be repeated by the applicant, for the revised
23 application, at the applicant's expense.
- 24 (c) *The following notice information must be provided by the applicant:*
- 25 (1) Electronic copy ~~Two copies~~ of a list, with the names and
26 addresses of all property owners of land located within the
27 required radius from the exterior boundary of the subject
28 property. If the subject property constitutes only a portion of a
29 contiguous ownership parcel, the exterior boundary from which
30 the required radius is to be projected will be the exterior boundary
31 of the entire contiguous ownership parcel. Labels can be no older
32 than six months by the time the public hearing is heard.
- 33 (2) Electronic copy ~~Two copies~~ of a list with the legal description of
34 land owned by each property owner (lot number, block number
35 and subdivision).

1 (3) Electronic copy ~~Two copies~~ of a map of the subject area showing
2 the required radius with the subject property highlighted.

3 (4) Original certified letter plus one electronic copy stating that the
4 ownership list and map is a complete and accurate
5 representation of the real estate property and property owners
6 within the required radius from the subject property and that all
7 persons listed were mailed proper notice, and identify the date of
8 mailing. This letter must be dated and give the address of the
9 subject property and its legal description, subdivision and plat
10 book number and page. Also state the source for this information.
11 (If prepared by a professional data research company, the
12 preceding information should automatically be included. If
13 prepared by the applicant, this letter must be signed by the
14 applicant and notarized). The village maintains, in the application
15 package for public hearings, a list of names and telephone
16 numbers of local companies which the village believes are
17 capable of producing the required mailing labels and
18 accompanying maps, legal descriptions and certified letter for
19 this application requirement.

20 ~~(5) Nine copies of the site plan for the public hearing zoning item to~~
21 ~~be heard.~~

22 ~~(6) Six CD ROMs/DVDs containing a copy of all the images scanned~~
23 ~~on to the CD of the entire application, mailing radius labels,~~
24 ~~affidavit of compliance, maps, site plants, etc., as required under~~
25 ~~this Code.~~

26 (d) *Staff recommendations.* Applications requiring public hearing shall
27 be promptly transmitted to the village council together with a written
28 recommendation of the ~~planning and zoning director and appropriate~~
29 village staff persons and professionals no later than seven (7) days
30 prior to the scheduled public hearing. All recommendations shall
31 state all facts relevant to the application, including an accurate
32 depiction of know living, working, traffic and transportation conditions
33 in the vicinity of the property that is the subject of the application, and
34 also a description of all projected effects of the proposed zoning
35 action on those conditions. Before reaching a conclusion, each
36 recommendation shall list all known factors both in favor or and
37 against each application. ~~All such recommendations shall be signed~~
38 ~~and considered final no earlier than 20 days prior to the public~~

1 ~~hearing to give the public an opportunity to provide information to the~~
2 ~~staff prior to the recommendations becoming final. This shall not~~
3 ~~preclude earlier, preliminary recommendations. All documents of the~~
4 ~~departments evaluating the application, which documents pertain to~~
5 ~~the application, are open for public inspection to applicants or other~~
6 ~~interested persons.~~

7 (e) *Published notice.* When the provisions of this Land Development
8 Code require that notice be published, the applicant shall be
9 responsible for the cost of preparing the content of the notice and for
10 the cost of publishing the notice in the non-legal section of the local
11 newspaper of general circulation that has been selected by the
12 village.

13 (1) This notice shall be published at least ~~30~~ ten (10) days prior to
14 the required public hearing, ~~and no earlier than 45 days prior to~~
15 ~~the required public hearing~~, except where provided otherwise in
16 this division. The notice shall contain the date, time, and place of
17 the hearing, the property's location and street address (if
18 available), legal description, nature of the applications, including
19 all specific ~~variances and other~~ requests. The notice shall
20 additionally state and make clear that any interested person is
21 entitled to discuss the application with the village staff processing
22 and reviewing the application to the same extent as the applicant,
23 and that the application may change, be modified, during the
24 hearing process.

25 (2) A second, layman's notice may, at the discretion of the village be
26 published in a newspaper of general circulation no earlier than
27 ten days prior to the hearing and no later than one day prior to
28 the hearing. The layman's notice shall contain the same
29 information as the full legal notice, except that the property's legal
30 description may be omitted and the nature of the application and
31 requests contained therein may be summarized in a more
32 concise, abbreviated fashion. The layman's notice may be
33 published in a section or supplement of the newspaper
34 distributed only in the locality whether the property subject to the
35 application lies.

36 (f) *Website notice.* ~~The applicant is to provide the village clerk with a CD~~
37 ~~ROM containing a copy of all the images scanned onto the CD of the~~
38 ~~entire application, mailing radius, labels, affidavit of compliance,~~

1 ~~maps, site plans, etc. as provided under this code. The village clerk~~
2 ~~shall use the information from the CD ROM and place the notice on~~
3 ~~the website at the same time as the advertising. The entire~~
4 ~~application and staff recommendation The attachments shall be~~
5 ~~placed on the village's official website in a downloadable format~~
6 ~~accessible to the general public at least ~~three~~ seven (7) days prior to~~
7 ~~the public hearing. The clerk shall not be required to post non-ADA~~
8 ~~materials on the website until the village shall require all new~~
9 ~~applications to be ADA compliant.~~

10 (g) *Posted notice.* When the provisions of this Land Development Code
11 require that notice be posted on the property subject to the
12 application, the village shall be responsible for posting the property,
13 and shall:

14 (1) Place the signs on the property that is the subject of the
15 application for at least ~~20~~ fourteen (14) days prior to the public
16 hearing, ~~and not more than 30 days prior to the public hearing.~~

17 (2) Place the signs along each street that is adjacent to or runs
18 through the subject property at intervals of not more than 200 feet
19 in a manner that makes them clearly visible to adjacent residents
20 and passers-by.

21 (3) Place the signs no more than 25 feet from the street so that the
22 lettering is visible from the street. Where the land does not have
23 frontage on a street, signs shall be erected on the nearest street,
24 with an attached notation indicating generally the direction and
25 distance to the property subject to the application.

26 (h) *Affidavit of notice; re-noticing.* An affidavit and photographic
27 evidence shall be provided by the applicant before the public hearing
28 demonstrating that the applicant has complied with the applicable
29 notice requirements set forth in this division. Failure to comply with
30 the applicable notice requirements shall result in the postponement
31 and re-noticing of the public hearing. All costs of re-noticing a public
32 hearing shall be borne by the party failing to comply with the
33 applicable notice requirements.

34 (i) ~~*Comprehensive plan.* Notice for public hearings on applications for~~
35 ~~amendments to the comprehensive development plan shall be~~
36 ~~noticed as follows:~~

1 ~~(1) Text or map amendments initiated by the village shall be noticed~~
2 ~~by publication in accordance with the provisions of F.S. §~~
3 ~~163.3184. In addition, property owners of record within a 2,500-~~
4 ~~foot radius of the property subject to map amendments shall be~~
5 ~~provided mailed notice.~~

6 ~~(2) Text or map amendments initiated by a property owner or~~
7 ~~governmental agency other than the village shall be noticed by~~
8 ~~publication in accordance with the provisions of F.S. § 163.3184,~~
9 ~~and by posting of the property subject to the application. In~~
10 ~~addition, property owners of record within a 2,500-foot radius of~~
11 ~~the property subject to map amendments shall be provided~~
12 ~~mailed notice.~~

13 ~~(j) *Land Development Code, Chapter 30* Notice for public hearings on~~
14 ~~applications for amendments to Chapter 30 and the official zoning~~
15 ~~district map shall be noticed as follows:~~

16 ~~(1) Text or map amendments initiated by the village shall be noticed~~
17 ~~by publication in accordance with the provisions of F.S. §~~
18 ~~166.041. In addition, property owners of record within a 2,500-~~
19 ~~foot radius of the property subject to map amendments shall be~~
20 ~~provided mailed notice.~~

21 ~~(2) Text or map amendments initiated by a property owner or~~
22 ~~governmental agency other than the village shall be noticed by~~
23 ~~publication in accordance with the provisions of F.S. § 166.041,~~
24 ~~and by posting of the property subject to the application. In~~
25 ~~addition, property owners of record within a 2,500-foot radius of~~
26 ~~the property subject to map amendments shall be provided~~
27 ~~mailed notice.~~

28 ~~(k) *Other development.* Public hearings on applications for development~~
29 ~~permit approvals other than rezoning, including, but not limited to~~
30 ~~variances, conditional uses, site plans for conditional uses,~~
31 ~~elimination or modification of restrictive covenants, and plats shall be~~
32 ~~noticed as follows:~~

33 ~~(1) Posting of the property subject to the application.~~

34 ~~(2) Mailed notice to the neighboring property owners of record based~~
35 ~~upon the following radii:~~

36 ~~i. If the subject property is less than or equal to one acre, then~~
37 ~~500 foot notice is required.~~

1 ii. ~~If the subject property is greater than one acre and less than~~
2 ~~five acres, then 1,500-foot notice is required.~~

3 iii. ~~If the subject property is greater than or equal to five acres,~~
4 ~~then 2,500-foot notice is required.~~

5 (3) ~~Courtesy publication in the non-legal section of the local~~
6 ~~newspaper of general circulation that has been selected by the~~
7 ~~village.~~

8 ~~(l) Notice of administrative determination under 30-30.3(c).~~

9 (1) ~~Posting of the property subject to the application in accordance~~
10 ~~with the provision of this code, and the chart found at subsection~~
11 ~~(o). Mailed notice shall issue within five days of the administrative~~
12 ~~decision to the neighboring property owners of record based~~
13 ~~upon the following radii:~~

14 i. ~~If the subject property is less than or equal to one acre, then~~
15 ~~500-foot notice is required.~~

16 ii. ~~If the subject property is greater than one acre and less than~~
17 ~~five acres, then 1,500-foot notice is required.~~

18 iii. ~~If the subject property is greater than one acre or equal to~~
19 ~~five acres, then 2,500-foot notice is required.~~

20 ~~The property shall also be posted and advertised in accordance~~
21 ~~with the provisions of 30-30.11(o).~~

22 (2) ~~Appeals of administrative action. An applicant seeking an appeal~~
23 ~~of the action provided for under 30-30.3(c), shall be responsible~~
24 ~~for notice of the appeal by mailed notice to the neighboring~~
25 ~~property owners of record based upon the following radii:~~

26 i. ~~If the subject property is less than or equal to one acre, then~~
27 ~~500-foot notice is required.~~

28 ii. ~~If the subject property is greater than one acre and less than~~
29 ~~five acres, then 1,500-foot notice is required.~~

30 iii. ~~If the subject property is greater than or equal to five acres,~~
31 ~~then 2,500-foot notice is required~~

32 ~~The property shall also be posted and advertised in accordance~~
33 ~~with the provisions of 30-30.11(o).~~

34 ~~(m) Applicant bears burden of cost. All costs of publication, mailing and~~
35 ~~posting shall be borne by the applicant. Applicant shall also bear the~~

1 ~~cost of providing the village clerk with a CD ROM containing a copy~~
2 ~~of all the images scanned on to the CD of the entire application,~~
3 ~~mailing radius labels, affidavit of compliance, maps, site plans, etc.,~~
4 ~~as provided under section 30-30.9. The notice radii provided herein~~
5 ~~shall be complied with, regardless of the village's municipal district~~
6 ~~boundary line.~~

7 (n) *Provisions of Florida Statutes.* Where provisions of the Florida
8 Statutes conflict with provisions of Chapter 30, the Florida Statutes
9 shall prevail.

(e) (j) Table of notice requirements with citation to authority.

NOTICE REQUIREMENTS

Permit Application Type	Notice Section	Posted on Site	Published Notice	Mailed Notice
Administrative Determination i.e.: substantial compliance	30-30.3(c); 30-30.11(l)	Date of decision <u>Within five (5) days of the administrative decision</u>	To provide 30-day notice of appeal	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius Property 1 acre < property < 2.02 hectares <u>5 acres</u> requires 1,500' radius Property > 5 acres requires 2,500' radius
<u>Administrative Site Plan Review</u>		Date of decision <u>Within five (5) days of the administrative decision</u>	To provide 30-day notice of appeal	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius Property 1 acre < property < 2.02 hectares <u>5 acres</u> requires 1,500' radius Property > 5 acres requires

				2,500' radius
<u>Administrative Variance</u>		<u>Date</u> of <u>decision</u> <u>Within five (5) days of the administrative decision</u>	To provide 30-day notice of appeal	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius Property <u>1</u> acre < property < 2.02 <u>5</u> hectares <u>acres</u> requires 1,500' radius Property > 5 acres requires 2,500' radius
Appeal of Administrative Official i.e.: substantial compliance	30-30.3(c); 30-30.11(l)	20 <u>14</u> days prior to hearing	30 <u>10</u> days prior to hearing	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius Property <u>1</u> acre < property < 5 acres requires 1,500' radius Property > 5 acres requires 2,500' radius
Variance	30-30.11(k)	20 <u>14</u> days prior to hearing	30 <u>10</u> days prior to hearing	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius

				<ul style="list-style-type: none"> • <u>Property</u> 1 acre < property < 5 acres requires 1,500' radius • Property > 5 acres requires 2,500' radius
Other Development Permits Other Public Hearing Requests (<u>i.e., site plan, special use, conditional use</u>)	30- 30.11(k)	20 14 days prior to hearing	30 10 days prior to hearing	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • Property < 1 acre requires 500' radius • <u>Property</u> 1 acre < property < 5 acres requires 1,500' radius • Property > 5 acres requires 2,500' radius
Comprehensive Plan — Village	30- 30.11(i)(1)	No	163.3184, F.S.	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • 2,500' radius for map amendment.
Comprehensive Plan — Owner	30- 30.11(i)(2)	20 14 days prior to hearing for map amendment	163.3184, F.S.	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • 2,500' radius for map amendment.
Land Development Code — Village	30- 30.11(j)(1)	N/A	166.041, F.S.	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • 2,500' radius for

				map amendment.
Moratorium — Village	30-30.11(j)(1)	N/A	166.041, F.S.	166.041, F.S.
Land Development Code — Owner	30-30.11(j)(2)	20 <u>14</u> days prior to hearing for map amendment	166.041, F.S.	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • 2,500' radius for map amendment.
Extension of variance, special use, unusual use, new use, special permit beyond six (6) months	30-30.11	20 <u>14</u> days prior to hearing	30 <u>10</u> days prior to hearing	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • Property < 1 acre requires 500' radius • <u>Property</u> 1 acre < property < 5 acres requires 1,500' radius • Property > 5 acres requires 2,500' radius
Zoning In Progress	30-30.9	N/A	166.041, F.S.	166.041, F.S. <u>Site Specific:</u> <u>14 days prior to hearing</u> <u>2,500' radius for map amendment.</u>

(p) *Notice and appeals.* If the notices provided under section 30-30.9, are made and published, and the affidavits of compliance are of record, no judicial proceeding to void a hearing shall be commenced after the time for appeal from a resolution of an administrative or quasi-judicial hearing, as provided in the Florida Rules of Appellate Procedures.

1 **Section 3. Severability.** The provisions of this Ordinance are
2 declared to be severable, and if any sentence, section, clause, or phrase of
3 this Ordinance shall, for any reason, be held to be invalid or unconstitutional,
4 such decision shall not affect the validity of the remaining sentences,
5 sections, clauses, or phrases of the Ordinance, but they shall remain in effect
6 it being the legislative intent that this Ordinance shall stand notwithstanding
7 the invalidity of any part.

8
9 **Section 4. Codification.** It is the intent of the Village Council and is
10 hereby ordained that the provisions of this Ordinance shall become and be
11 made part of the Code of Ordinances of the Village of Palmetto Bay, Florida,
12 that sections of this Ordinance may be numbered or re-lettered to accomplish
13 such intentions, and that the word “Ordinance” shall be changed to “Section”
14 or other appropriate word.

15
16 **Section 5. Conflicting Provisions.** The provisions of the Code of
17 Ordinances of the Village of Palmetto Bay, Florida and all Ordinances or
18 parts of Ordinances in conflict with the provisions of this Ordinance are
19 hereby repealed.

20
21 **Section 6. Effective Date.** This Ordinance shall take effect
22 immediately upon enactment.

23
24 **PASSED ON FIRST READING** this 17th day of June, 2024.

25
26
27 Attest:

28
29
30 _____
31 **Missy Arocha**
32 **Village Clerk**

33 _____
34 **Karyn Cunningham**
35 **Mayor**

36
37 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**
38
39 _____
40

John C. Dellagloria
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	_____

Attachment A
Annotated Amended Section 30-30

DIVISION 30-30. DEVELOPMENT APPROVAL PROCEDURES

Sec. 30-30.3. Administrative development approvals.

- (b) *Improvements exempted from site plan review.* The department shall have the authority to review and act on the following improvements that are exempted from site plan review:
- (1) Individual single family dwellings, duplex, complying with code and not requiring public hearing;
 - (2) Changes in plant species that do not decrease landscaped or pervious area, or in any fashion violate the village tree ordinance;
 - (3) Deck(s) or walkway(s) which do not exceed 12 inches above existing grade and do not reduce the landscaped or pervious area below the minimum requirements;
 - (4) Utility sheds not exceeding 100 square feet per property;
 - (5) Fences;
 - (6) Flag poles, provided Division 30-60, relating to telecommunications is complied with and Division 30-90, relating to same is complied with;
 - (7) Docks, davits and boat-lifts. Exemption of any items listed above shall not eliminate any of the enumerated items from the requirements of the site plan review process if the item is a part of a proposed project or improvement that is subject to site plan review;
 - (8) Signs, unless the sign(s) is/are part of a new building or development which requires site plan approval; and,
 - (9) Alteration(s) or remodeling of existing buildings which affect less than ~~50 forty-nine (49)~~ percent of the floor area of the principal building or use, or the cost of said alterations or remodeling is less than ~~50 forty-nine (49)~~ percent of the fair market value of the improvement of the structure on the site prior to the alteration(s) or improvement(s); provided however, the alteration or remodeling complies with the current zoning and building code requirements. If the zoning and building code requirements are not complied with, site plan review shall be required.
- (c) *Substantial compliance.* Any changes or amendments to an approved site plan shall require a re-submission in accordance with the provisions of this division. However, if the department determines that the requested site plan change is minor, as delineated below, the department shall have the authority to review and approve the minor change with or without conditions. The department shall give written notice of his/her preliminary determination regarding the substantial compliance determination and shall hear any objections regarding the preliminary determination during a subsequent 30-day period. The planning determination shall be advertised in a newspaper of general circulation, advising the community of the 30-day deadline for an appeal. The village shall also provide notice as provided under subsections 30-30.11~~(f)~~ and ~~(e)~~. At the conclusion of the 30-day period the department shall approve, approve with conditions, or deny the substantial compliance determination by written order.

- (7) The planning and zoning director shall give written notice of his/her preliminary determination regarding the administrative variance to the adjacent property owners and shall hear any objections regarding the preliminary determination during a subsequent 30-day period. Administrative (de minimus) variance request for non-residential uses and multifamily residential uses shall be noticed according to section 30-30.11~~(e)~~ as per mailing radius for variances. At the conclusion of the 30-day period the village shall approve, approve with conditions, or deny the administrative variance by written order. Any written objection received from a property owner within the notice radius within the 30-day notice time period shall result in a denial of the request and the applicant may seek a variance as provided under section

30-30.6. Notice of intent to issue the administrative variance will be posted on the property and noticed on the village. Posting of the property and notice on the village web site shall be considered supplementary in nature and a complementary service to the public and shall in no way compromise the outcome of the final disposition of the preliminary decision.

Sec. 30-30.4. Conditional use approval.

- (a) *Generally.* The purpose of this section is to ensure that a conditional use, issued after a quasi-judicial hearing, shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating material adverse impacts on properties and land uses within the immediate vicinity. The immediate vicinity shall be defined as the equivalent radius of the required mailed notice identified in section 30-30.11~~(e)~~. A conditional use is one that would not be appropriate without restriction throughout the land use district, but, which, if controlled as to the area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity of the neighborhood. This section sets forth the procedures and criteria for approval conditional uses on specific sites. A conditional use shall be permitted only upon a finding that the proposed use satisfies the provisions of this section. Telecommunications conditional use hearings shall additionally comply with section 30-60.52[30], of this Code.

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.
 - (2) All buildings, building or structural alterations or remodeling, where the alterations or remodeling affects ~~50~~ forty-nine (49) percent or more of the floor area of the principal building or use, or the cost of the alterations or remodeling exceeds ~~50~~ forty-nine (49) percent of the fair market value of the improvement of the site prior to the alterations or improvements, shall require site plan approval.
 - (3) All land improvements, site alterations, building expansions of any nature whatsoever, shall comply with these site plan regulations, shall also ensure compliance with subsection 30-30.2(n), relating to stormwater drainage, and comply with section 30-100.6.

Sec. 30-30.10. Zoning in progress request.

- (a) *The village manager in conjunction with the village's planning and zoning director may file a request with the village council for a "zoning in progress resolution."* The request shall be made in writing and shall be accompanied by a village staff report summarizing the need for revising these regulations and the area or areas within the village that will be affected. The report shall contain a determination concluding the need for a resolution of the village council declaring "zoning in progress" and for the adoption of a formal moratorium. The village council may consider a "zoning in progress resolution" on its own initiative.
- (b) *Village council zoning in progress resolution review and decision.*
- (1) The village council shall review the zoning in progress resolution at the next available regularly scheduled meeting following the submittal of the zoning in progress request.

- (2) The village council shall make preliminary findings and accordingly approve or deny the proposed zoning in progress resolution.
 - (3) Should the village council determine that a ~~moratorium zoning in progress~~ pending the preparation of a detailed and comprehensive analysis of the area in question is reasonably necessary or desirable, it shall approve the zoning in progress resolution; and order a fixed time, not to exceed 90 calendar days, within which village staff shall report to the village council with its report, a proposed ordinance amending these regulations, and recommendations relating to a potential moratorium.
 - (4) The zoning in progress resolution shall be for a period not to exceed the first regularly scheduled village council meeting after 120 calendar days, unless an extension not exceeding 60 days is ordered pursuant to subsection (6) below.
 - (5) The village council on its own motion or otherwise may extend any zoning in progress resolution for a longer period of time if reasonably necessary and the public interest requires.
 - (6) Should village staff be unable to report back to the village council within the time prescribed by its order, upon timely request by village staff and after public hearing on the need, the village council may extend the time limitation one time for a period not to exceed 60 days.
 - (7) Upon adoption of the zoning in progress resolution, the village clerk shall publish the adopted resolution in a newspaper of general circulation published in the village, or Miami-Dade County, Florida within ten days following the date of adoption.
- (c) *Effect of zoning in progress resolution.*
- (1) During the period of time that the village is considering a ~~moratorium zoning in progress~~ ordinance, no permit(s) or development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property should the ~~moratorium zoning in progress~~, text amendment, or zoning district change be finally enacted by the village council.
 - (2) The period of time of the ~~moratorium zoning in progress~~ on permits shall begin on the earlier of:
 - (A) Village council adoption of zoning in progress resolution; or
 - (B) Notice has been given as required by law of the initial public hearing before the village council on the amendment to these regulations.
- (d) ~~Village staff review, report and recommendation. Moratorium~~
- (1) In the event the village council determines a moratorium is necessary to give village staff sufficient time to complete planning studies or other analysis prior to instituting an amendment to the regulations the village council, as part of the zoning in progress resolution, shall direct village staff to prepare a moratorium ordinance.
 - (2) Within the time fixed by the village council, village staff shall report to the village council with its ordinance, amending these regulations and recommendations regarding the moratorium and its scope.
 - (3) Village staff shall provide a detailed report indicating the necessity for zoning changes; provide a recommendation as to whether the proposed moratorium ordinance should be approved, approved with conditions or denied; schedule the moratorium ordinance for hearing before the village council, and provide notice of the hearing, as provided under subsection 30-30.11~~(e)~~.
- (e) *Village council review and recommendation of moratorium.*
- (1) Upon receipt of the report and recommendation of the village staff, the village council shall review the report, recommendations, and draft ordinance at two public hearing.
 - (2) The village council shall read the moratorium ordinance by title, in full, on the first public hearing following receipt of the village staff's recommendation.

- (3) The village council shall hold a second public hearing and following the hearing adopt or deny the proposed moratorium ordinance.
- (4) The village council may, upon request by the village staff, amend the scope and timing of the moratorium, as needed.
- (5) The village shall consider such amendments to these regulations as are appropriate in accordance with the provisions of section 30-30.7 (section relating to rezoning).
- (f) *Waivers.* If the village council has provided for waivers in the ordinance adopting a moratorium, the building official, in consultation with the planning and zoning director and village manager may grant a waiver of the moratorium where the applicant can show the following: That the proposed development complies with the existing land development regulations; and that the proposed development satisfies the objective of the village council in ordering a moratorium. For example, if the village council is considering increasing the minimum setback in a residential zoning district by two feet, and the applicant demonstrates that it complies with the proposed modification of the setback, the planning and zoning director may grant a waiver of the moratorium. The waiver will not hinder the intent of the village council in its proposed amendment to these regulations.
- (g) *Exemptions.* Notwithstanding the adoption of a moratorium ordinance, the building official may authorize the issuance of building permits for nondeleterious items including, but not limited to: fences, repairs and similar matters, where he determines that such permit(s) will not affect the outcome of the planning study; provided, however, that with regard to any particular moratorium, the village council may by ordinance increase or decrease allowable exemptions and may by ordinance provide either a supplemental or exclusive procedure for acting upon requests for exemptions. Such procedure may vest jurisdiction and responsibility for acting upon requests for exemptions in the planning and zoning director, with the input of the village manager and building official.
- (h) *Conditional uses, variances, change in land use, change of zoning or tentative plats during moratorium.* During the existence of any moratorium, of applications for conditional uses, variances, changes in land use, changes of zoning, development orders or tentative plats within the affected area shall be acted upon by the village council, except as provided in subsections 30-30.910(f) and (g), or unless otherwise specifically provided by the village council by ordinance with regard to a specific moratorium.

Sec. 30-30.11. Public hearing and notice requirements.

- (a) *Generally.* The Village shall publish a schedule that outlines submittal deadlines for public hearing items on its website annually. ~~All zoning hearing applications shall be filed and accepted for filing by the village on the first and third Wednesday of each month, unless such date is a legal holiday.~~ An administrative adjustment may be filed at any time. When an application for development approval is subject to a public hearing, the village shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. No action shall be taken by the village council on applications for development approval that is subject to the public hearing requirement, until a public hearing has been held upon notice of the time, place, and purpose of such hearing. The cost of the notice shall be borne by the applicant. All notices for public hearings shall be prepared by the village and include the following information:
 - (1) Identify the applicant.
 - (2) Indicate the date, time, and place of the public hearing.
 - (3) Describe the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by state law.

- (4) Describe the nature, scope and purpose of the proposal being noticed.
 - (5) Identify the village department(s) where the public may inspect the application, staff report and related materials during normal business hours.
 - (6) Include a statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application.
 - (7) Include other information as may be required by law.
- (b) *Mailed notice.*
- (1) When the provisions of this division require that mailed notice be provided, the applicant shall be responsible for acquiring and providing the list of all property owners within the required radius from the subject property that are to be notified (including the subject property).
 - (2) The applicant shall be responsible for mailing the notice at no cost to the village.
 - (3) Notice shall be deemed mailed by its deposit in the United States mail and a certified/return notice mailed by the applicant to the village clerk shall be required.
 - (4) The applicant shall provide an affidavit to the village stating the date notices were mailed.
 - (5) Notice by mailing is a courtesy only and no action taken by the village shall be voided by the failure of any individual property owner to receive such notice. However, failure of the applicant to mail the written notice shall render voidable any hearing held on the application.
 - (6) The property owners required to be provided notice by this section shall be determined from a certified copy of the most recent county tax roll.
 - (7) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
 - (8) Mailed notice shall be mailed at least ~~30~~ fourteen (14) calendar days prior to a public hearing.
 - (9) If, after the initial notice is mailed, the application is changed in a manner such that additional land area is encompassed within the application, then the notice mailing requirements of this subsection shall be repeated by the applicant, for the revised application, at the applicant's expense.
- (c) *The following notice information must be provided by the applicant:*
- (1) Electronic copy ~~Two copies~~ of a list, with the names and addresses of all property owners of land located within the required radius from the exterior boundary of the subject property. If the subject property constitutes only a portion of a contiguous ownership parcel, the exterior boundary from which the required radius is to be projected will be the exterior boundary of the entire contiguous ownership parcel. Labels can be no older than six months by the time the public hearing is heard.
 - (2) Electronic copy ~~Two copies~~ of a list with the legal description of land owned by each property owner (lot number, block number and subdivision).
 - (3) Electronic copy ~~Two copies~~ of a map of the subject area showing the required radius with the subject property highlighted.
 - (4) Original certified letter plus one electronic copy stating that the ownership list and map is a complete and accurate representation of the real estate property and property owners within the required radius from the subject property and that all persons listed were mailed proper notice, and identify the date of mailing. This letter must be dated and give the address of the subject property and its legal description, subdivision and plat book number and page. Also state the source for this information. (If prepared by a professional data research company, the preceding information should automatically be included. If

prepared by the applicant, this letter must be signed by the applicant and notarized). The village maintains, in the application package for public hearings, a list of names and telephone numbers of local companies which the village believes are capable of producing the required mailing labels and accompanying maps, legal descriptions and certified letter for this application requirement.

~~(5) Nine copies of the site plan for the public hearing zoning item to be heard.~~

~~(6) Six CD-ROMs/DVDs containing a copy of all the images scanned on to the CD of the entire application, mailing radius labels, affidavit of compliance, maps, site plans, etc., as required under this Code.~~

- (d) *Staff recommendations.* Applications requiring public hearing shall be ~~promptly~~ transmitted to the village council together with a written recommendation of the ~~planning and zoning director and appropriate village staff persons and professionals no later than seven (7) days prior to the scheduled public hearing.~~ All recommendations shall state all facts relevant to the application, including an accurate depiction of know living, working, traffic and transportation conditions in the vicinity of the property that is the subject of the application, and also a description of all projected effects of the proposed zoning action on those conditions. Before reaching a conclusion, each recommendation shall list all known factors both in favor or and against each application. ~~All such recommendations shall be signed and considered final no earlier than 20 days prior to the public hearing to give the public an opportunity to provide information to the staff prior to the recommendations becoming final. This shall not preclude earlier, preliminary recommendations.~~ All documents of the departments evaluating the application, which documents pertain to the application, are open for public inspection to applicants or other interested persons.
- (e) *Published notice.* When the provisions of this Land Development Code require that notice be published, the applicant shall be responsible for the cost of preparing the content of the notice and for the cost of publishing the notice in the non-legal section of the local newspaper of general circulation that has been selected by the village.
- (1) This notice shall be published at least ~~30~~ ten (10) days prior to the required public hearing, ~~and no earlier than 45 days prior to the required public hearing,~~ except where provided otherwise in this division. The notice shall contain the date, time, and place of the hearing, the property's location and street address (if available), legal description, nature of the applications, including all specific ~~variances and other~~ requests. The notice shall additionally state and make clear that any interested person is entitled to discuss the application with the village staff processing and reviewing the application to the same extent as the applicant, and that the application may change, be modified, during the hearing process.
- (2) A second, layman's notice may, at the discretion of the village be published in a newspaper of general circulation no earlier than ten days prior to the hearing and no later than one day prior to the hearing. The layman's notice shall contain the same information as the full legal notice, except that the property's legal description may be omitted and the nature of the application and requests contained therein may be summarized in a more concise, abbreviated fashion. The layman's notice may be published in a section or supplement of the newspaper distributed only in the locality whether the property subject to the application lies.
- (f) *Website notice.* ~~The applicant is to provide the village clerk with a CD-ROM containing a copy of all the images scanned onto the CD of the entire application, mailing radius, labels, affidavit of compliance, maps, site plans, etc. as provided under this code.~~ The village clerk shall ~~use the information from the CD-ROM and~~ place the notice on the website at the same time as the advertising. The entire application and staff recommendation ~~The attachments~~ shall be placed on the village's official website in a downloadable format accessible to the general public at least ~~three~~ seven (7) days prior to the public hearing. ~~The clerk shall not be required to post non-ADA materials on the website until the village shall require all new applications to be ADA compliant.~~
- (g) *Posted notice.* When the provisions of this Land Development Code require that notice be posted on the property subject to the application, the village shall be responsible for posting the property, and shall:
- (1) Place the signs on the property that is the subject of the application for at least ~~20~~ fourteen (14) days prior to the public hearing, ~~and not more than 30 days prior to the public hearing.~~

- (2) Place the signs along each street that is adjacent to or runs through the subject property at intervals of not more than 200 feet in a manner that makes them clearly visible to adjacent residents and passers-by.
 - (3) Place the signs no more than 25 feet from the street so that the lettering is visible from the street. Where the land does not have frontage on a street, signs shall be erected on the nearest street, with an attached notation indicating generally the direction and distance to the property subject to the application.
- (h) *Affidavit of notice; re-noticing.* An affidavit and photographic evidence shall be provided by the applicant before the public hearing demonstrating that the applicant has complied with the applicable notice requirements set forth in this division. Failure to comply with the applicable notice requirements shall result in the postponement and re-noticing of the public hearing. All costs of re-noticing a public hearing shall be borne by the party failing to comply with the applicable notice requirements.
- (i) ~~Comprehensive plan. Notice for public hearings on applications for amendments to the comprehensive development plan shall be noticed as follows:~~
- ~~(1) Text or map amendments initiated by the village shall be noticed by publication in accordance with the provisions of F.S. § 163.3184. In addition, property owners of record within a 2,500-foot radius of the property subject to map amendments shall be provided mailed notice.~~
 - ~~(2) Text or map amendments initiated by a property owner or governmental agency other than the village shall be noticed by publication in accordance with the provisions of F.S. § 163.3184, and by posting of the property subject to the application. In addition, property owners of record within a 2,500-foot radius of the property subject to map amendments shall be provided mailed notice.~~
- ~~(j) Land Development Code, Chapter 30 Notice for public hearings on applications for amendments to Chapter 30 and the official zoning district map shall be noticed as follows:~~
- ~~(1) Text or map amendments initiated by the village shall be noticed by publication in accordance with the provisions of F.S. § 166.041. In addition, property owners of record within a 2,500-foot radius of the property subject to map amendments shall be provided mailed notice.~~
 - ~~(2) Text or map amendments initiated by a property owner or governmental agency other than the village shall be noticed by publication in accordance with the provisions of F.S. § 166.041, and by posting of the property subject to the application. In addition, property owners of record within a 2,500-foot radius of the property subject to map amendments shall be provided mailed notice.~~
- ~~(k) Other development. Public hearings on applications for development permit approvals other than rezoning, including, but not limited to variances, conditional uses, site plans for conditional uses, elimination or modification of restrictive covenants, and plats shall be noticed as follows:~~
- ~~(1) Posting of the property subject to the application.~~
 - ~~(2) Mailed notice to the neighboring property owners of record based upon the following radii:~~
 - ~~i. If the subject property is less than or equal to one acre, then 500-foot notice is required.~~
 - ~~ii. If the subject property is greater than one acre and less than five acres, then 1,500-foot notice is required.~~
 - ~~iii. If the subject property is greater than or equal to five acres, then 2,500-foot notice is required.~~
 - ~~(3) Courtesy publication in the non-legal section of the local newspaper of general circulation that has been selected by the village.~~
- ~~(l) Notice of administrative determination under 30-30.3(c).~~
- ~~(1) Posting of the property subject to the application in accordance with the provision of this code, and the chart found at subsection (o). Mailed notice shall issue within five days of the administrative decision to the neighboring property owners of record based upon the following radii:~~

- i. ~~If the subject property is less than or equal to one acre, then 500-foot notice is required.~~
- ii. ~~If the subject property is greater than one acre and less than five acres, then 1,500-foot notice is required.~~
- iii. ~~If the subject property is greater than one acre or equal to five acres, then 2,500-foot notice is required.~~

~~The property shall also be posted and advertised in accordance with the provisions of 30-30.11(o).~~

- (2) ~~Appeals of administrative action. An applicant seeking an appeal of the action provided for under 30-30.3(c), shall be responsible for notice of the appeal by mailed notice to the neighboring property owners of record based upon the following radii:~~

- i. ~~If the subject property is less than or equal to one acre, then 500-foot notice is required.~~
- ii. ~~If the subject property is greater than one acre and less than five acres, then 1,500-foot notice is required.~~
- iii. ~~If the subject property is greater than or equal to five acres, then 2,500-foot notice is required.~~

~~The property shall also be posted and advertised in accordance with the provisions of 30-30.11(o).~~

- (m) ~~Applicant bears burden of cost. All costs of publication, mailing and posting shall be borne by the applicant. Applicant shall also bear the cost of providing the village clerk with a CD-ROM containing a copy of all the images scanned on to the CD of the entire application, mailing radius labels, affidavit of compliance, maps, site plans, etc., as provided under section 30-30.9. The notice radii provided herein shall be complied with, regardless of the village's municipal district boundary line.~~

- (n) ~~Provisions of Florida Statutes. Where provisions of the Florida Statutes conflict with provisions of Chapter 30, the Florida Statutes shall prevail.~~

- (o) ~~(i) Table of notice requirements with citation to authority.~~

NOTICE REQUIREMENTS

Permit Application Type	Notice Section	Posted on Site	Published Notice	Mailed Notice
Administrative Determination i.e.: substantial compliance	30-30.3(c); 30-30.11(l)	Date of decision <u>Within five (5) days of the administrative decision</u>	To provide 30-day notice of appeal	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius <u>Property</u> 1 acre < property < 2.02 hectares <u>5 acres</u> requires 1,500' radius Property > 5 acres requires 2,500' radius
<u>Administrative Site Plan Review</u>		Date of decision <u>Within five (5) days of the administrative decision</u>	To provide 30-day notice of appeal	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius <u>Property</u> 1 acre < property < 2.02

				hectares <u>5 acres</u> requires 1,500' radius <ul style="list-style-type: none"> Property > 5 acres requires 2,500' radius
<u>Administrative Variance</u>		Date of decision <u>Within five (5) days of the administrative decision</u>	To provide 30-day notice of appeal	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius <u>Property</u> 1 acre < property < 2-02 <u>hectares</u> 5 acres requires 1,500' radius Property > 5 acres requires 2,500' radius
Appeal of Administrative Official i.e.: substantial compliance	30-30.3(c); 30-30.11(f)	20 <u>14</u> days prior to hearing	30 <u>10</u> days prior to hearing	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius <u>Property</u> 1 acre < property < 5 acres requires 1,500' radius Property > 5 acres requires 2,500' radius
Variance	30-30.11(k)	20 <u>14</u> days prior to hearing	30 <u>10</u> days prior to hearing	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius <u>Property</u> 1 acre < property < 5 acres requires 1,500' radius Property > 5 acres requires 2,500' radius
Other Development Permits Other Public Hearing Requests (<u>i.e., site plan, special use, conditional use</u>)	30-30.11(k)	20 <u>14</u> days prior to hearing	30 <u>10</u> days prior to hearing	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> Property < 1 acre requires 500' radius <u>Property</u> 1 acre < property < 5 acres requires 1,500' radius Property > 5 acres requires 2,500' radius

Comprehensive Plan — Village	30-30.11(i)(1)	No	163.3184, F.S.	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • 2,500' radius for map amendment.
Comprehensive Plan — Owner	30-30.11(i)(2)	20 <u>14</u> days prior to hearing for map amendment	163.3184, F.S.	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • 2,500' radius for map amendment.
Land Development Code — Village	30-30.11(j)(1)	N/A	166.041, F.S.	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • 2,500' radius for map amendment.
Moratorium — Village	30-30.11(j)(1)	N/A	166.041, F.S.	166.041, F.S.
Land Development Code — Owner	30-30.11(j)(2)	20 <u>14</u> days prior to hearing for map amendment	166.041, F.S.	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • 2,500' radius for map amendment.
Extension of variance, special use, unusual use, new use, special permit beyond six (6) months	30-30.11	20 <u>14</u> days prior to hearing	30 <u>10</u> days prior to hearing	<u>14 days prior to hearing</u> <ul style="list-style-type: none"> • Property < 1 acre requires 500' radius • <u>Property</u> 1 acre < property < 5 acres requires 1,500' radius • Property > 5 acres requires 2,500' radius
Zoning In Progress	30-30.9	N/A	166.041, F.S.	166.041, F.S. <u>Site Specific:</u> <u>14 days prior to hearing</u> <u>2,500' radius for map amendment.</u>

- (p) *Notice and appeals.* If the notices provided under section 30-30.9, are made and published, and the affidavits of compliance are of record, no judicial proceeding to void a hearing shall be commenced after the time for appeal from a resolution of an administrative or quasi-judicial hearing, as provided in the Florida Rules of Appellate Procedures.

Attachment B
Florida Statute 166.041

The Florida Senate

2021 Florida Statutes (Including 2021B Session)

<u>Title XII</u> MUNICIPALITIES	<u>Chapter 166</u> MUNICIPALITIES <u>Entire Chapter</u>	SECTION 041 Procedures for adoption of ordinances and resolutions.
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166.041 Procedures for adoption of ordinances and resolutions.—

(1) As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(a) “Ordinance” means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) “Resolution” means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(2) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

(3)(a) Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(b) The governing body of a municipality may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of paragraph (a) of this subsection. However, no emergency ordinance or resolution shall be enacted which establishes or amends the actual zoning map designation of a parcel or parcels of land or that changes the actual list of permitted, conditional, or prohibited uses within a zoning category. Emergency enactment procedures for land use plans adopted pursuant to part II of chapter 163 shall be pursuant to that part.

(c) Ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a). Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

1. In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to

conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

b. If published in the print edition of a newspaper, the required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper in the municipality and of general interest and readership in the municipality pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least weekly unless the only newspaper in the municipality is published less than weekly. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following ordinance: (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. If published in the print edition of the newspaper, the map must also be part of any online notice made pursuant to s. [50.0211](#).

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance.

(4) A majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution; except that two-thirds of the membership of the board is required to enact an emergency ordinance. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein.

(5) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body.

(6) The procedure as set forth herein shall constitute a uniform method for the adoption and enactment of municipal ordinances and resolutions and shall be taken as cumulative to other methods now provided by law for adoption and enactment of municipal ordinances and resolutions. By future ordinance or charter amendment, a municipality may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein. However, a municipality shall not have the power or authority to lessen or reduce the requirements of this section or other requirements as provided by general law.

(7) Five years after the adoption of any ordinance or resolution adopted after the effective date of this act, no cause of action shall be commenced as to the validity of an ordinance or resolution based on the failure to strictly adhere to the provisions contained in this section. After 5 years, substantial compliance with the provisions contained in this section shall be a defense to an action to invalidate an ordinance or resolution for failure to comply with the provisions contained in this section. Without limitation, the common law doctrines of laches and waiver are valid defenses to any action challenging the validity of an ordinance or resolution based on failure to strictly adhere to the provisions contained in this section. Standing to initiate a challenge to the adoption of an ordinance or resolution based on a failure to strictly adhere to the provisions contained in this section shall be limited to a person who was entitled to actual or constructive notice at the time the ordinance or resolution was adopted. Nothing herein shall be construed to affect the standing requirements under part II of chapter 163.

(8) The notice procedures required by this section are established as minimum notice procedures.

History.—s. 1, ch. 73-129; s. 2, ch. 76-155; s. 2, ch. 77-331; s. 1, ch. 83-240; s. 1, ch. 83-301; s. 2, ch. 95-198; s. 5, ch. 95-310; s. 5, ch. 2012-212; s. 15, ch. 2021-17.

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Attachment C
Florida Statute 163.3184

The Florida Senate

2020 Florida Statutes

<u>Title XI</u> COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	<u>Chapter 163</u> INTERGOVERNMENTAL PROGRAMS <u>Entire Chapter</u>	SECTION 3184 Process for adoption of comprehensive plan or plan amendment.
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163.3184 Process for adoption of comprehensive plan or plan amendment. —

(1) DEFINITIONS. — As used in this section, the term:

(a) “Affected person” includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) “In compliance” means consistent with the requirements of ss. [163.3177](#), [163.3178](#), [163.3180](#), [163.3191](#), [163.3245](#), and [163.3248](#), with the appropriate strategic regional policy plan, and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) “Reviewing agencies” means:

1. The state land planning agency;
2. The appropriate regional planning council;
3. The appropriate water management district;
4. The Department of Environmental Protection;
5. The Department of State;
6. The Department of Transportation;
7. In the case of plan amendments relating to public schools, the Department of Education;
8. In the case of plans or plan amendments that affect a military installation listed in s. [163.3175](#), the commanding officer of the affected military installation;
9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and
10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS. —

(a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

(b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. [163.3187](#).

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. [380.05](#); propose a rural land stewardship area pursuant to s. [163.3248](#); propose a sector plan pursuant to s. [163.3245](#) or an amendment to an adopted sector plan; update a comprehensive plan based on an evaluation and appraisal pursuant to s. [163.3191](#); propose a development that is subject to the state coordinated review process pursuant to s. [380.06](#); or are new plans for newly incorporated municipalities adopted pursuant to s. [163.3167](#), must follow the state coordinated review process in subsection (4).

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS. —

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 working days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.

2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.

3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:

a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation comments shall be provided in accordance with s. [163.3175](#).

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

(c)1. The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. [380.06](#).

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(4) STATE COORDINATED REVIEW PROCESS.—

(a) *Coordination.*—The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c). Each comprehensive plan or plan amendment proposed to be adopted pursuant to this subsection shall be transmitted, adopted, and reviewed in the manner prescribed in this subsection. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this subsection, to the local governing body responsible for the comprehensive plan or plan amendment.

(b) *Local government transmittal of proposed plan or amendment.*—Each local governing body proposing a plan or plan amendment specified in paragraph (2)(c) shall transmit the complete proposed comprehensive plan or plan amendment to the reviewing agencies within 10 working days after the first public hearing pursuant to subsection (11). The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of this subsection. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment.

(c) *Reviewing agency comments.*—The agencies specified in paragraph (b) may provide comments regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment. Written comments submitted by the public shall be sent directly to the local government.

(d) *State land planning agency review.*—

1. If the state land planning agency elects to review a plan or plan amendment specified in paragraph (2)(c), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the proposed plan or plan amendment. Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments in its report regarding whether the plan or plan amendment is in compliance and

whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. When a federal, state, or regional agency has implemented a permitting program, a local government is not required to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. This subparagraph does not prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments regarding densities and intensities consistent with this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments.

2. The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document.

(e) *Local government review of comments; adoption of plan or amendments and transmittal.* —

1. The local government shall review the report submitted to it by the state land planning agency, if any, and written comments submitted to it by any other person, agency, or government. The local government, upon receipt of the report from the state land planning agency, shall hold its second public hearing, which shall be a hearing to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. [380.06](#).

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the second public hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c).

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens; in the case of a future land use map amendment, a copy of the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine if the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet website. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site shall be prima facie evidence of compliance with the publication requirements of this subparagraph.

5. A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS. —

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. [120.569](#) and [120.57](#), with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. [120.569](#) and [120.57](#), with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. Under the expedited state review process, this petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3. Under the state coordinated review process, this petition must be filed with the division within 45 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (4)(e)3.

1. The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.

2. If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. [120.569](#) and [120.57](#) in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.

(c) An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.

1. In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.

2.a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.

b. In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.

3. In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.

(d) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall make every effort to enter a final order expeditiously, but at a minimum within the time period provided by s. [120.569](#).

(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.

1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall make every effort to refer the recommended order and its determination expeditiously to the Administration Commission for final agency action, but at a minimum within the time period provided by s. [120.569](#).

2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall make every effort to enter its final order expeditiously, but at a minimum within the time period provided by s. [120.569](#).

3. The recommended order submitted under this paragraph becomes a final order 90 days after issuance unless the state land planning agency acts as provided in subparagraph 1. or subparagraph 2. or all parties consent in writing to an extension of the 90-day period.

(f) Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).

(6) COMPLIANCE AGREEMENT.—

(a) At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.

(b) Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. [120.569](#) and [120.57](#) regarding the plan or plan amendment covered by the compliance agreement shall be stayed.

(c) Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.

(d) The local government shall hold a single public hearing for adopting remedial amendments.

(e) For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.

(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the agreement within 20 days after receiving a complete plan or plan amendment adopted pursuant to a compliance agreement.

1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. [120.569](#) and [120.57](#), which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the

subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.

2. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. [120.569](#) and [120.57](#). Affected persons who are not a party to the underlying proceeding under ss. [120.569](#) and [120.57](#) may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).

(g) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.

(h) This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.

(7) MEDIATION AND EXPEDITIOUS RESOLUTION.—

(a) At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.

(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice. Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.

(c) Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.

(d) For a case following the procedures under this subsection, absent written consent of the parties or a showing of extraordinary circumstances, if the administrative law judge recommends that the amendment be found not in compliance, the Administration Commission shall issue a final order within 45 days after issuance of the recommended order. If the administrative law judge recommends that the amendment be found in compliance, the state land planning agency shall issue a final order within 45 days after issuance of the recommended order. If the state land planning agency fails to timely issue a final order, the recommended order finding the amendment to be in compliance immediately becomes the final order.

(8) ADMINISTRATION COMMISSION.—

(a) If the Administration Commission, upon a hearing pursuant to subsection (5), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions that would bring the comprehensive plan or plan amendment into compliance.

(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.

1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government is not eligible for grants administered under the following programs:

- a. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. [290.0401-290.048](#).
- b. The Florida Recreation Development Assistance Program, as authorized by chapter 375.

c. Revenue sharing pursuant to ss. [206.60](#), [210.20](#), and [218.61](#) and chapter 212, to the extent not pledged to pay back bonds.

2. If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. [163.3177\(6\)\(g\)](#), the commission order may also specify that the local government is not eligible for funding pursuant to s. [161.091](#). The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. [161.053](#) and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3. The sanctions provided by subparagraphs 1. and 2. do not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in this paragraph.

(9) **GOOD FAITH FILING.**—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.

(10) **EXCLUSIVE PROCEEDINGS.**—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.

(11) **PUBLIC HEARINGS.**—

(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subparagraph (3)(b)1. and paragraph (4)(b) and for adoption of a comprehensive plan or plan amendment pursuant to subparagraphs (3)(c)1. and (4)(e)1. shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.

(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

2. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.

(c) Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.

(12) **CONCURRENT ZONING.**—At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this section. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.

(13) **AREAS OF CRITICAL STATE CONCERN.**—No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).

History.—s. 9, ch. 75-257; s. 1, ch. 77-174; s. 4, ch. 77-331; s. 7, ch. 83-308; s. 8, ch. 84-254; s. 8, ch. 85-55; s. 9, ch. 86-191; s. 7, ch. 92-129; s. 77, ch. 92-279; s. 55, ch. 92-326; s. 10, ch. 93-206; s. 34, ch. 94-356; s. 1445, ch. 95-147; s. 5, ch. 95-181; s. 11, ch. 95-310; s. 2, ch. 95-322; s. 26, ch. 96-410; s. 16, ch. 97-99; s. 2, ch. 97-253; s. 3, ch. 98-146; s. 12, ch. 98-176; s. 15, ch. 2000-158; s. 34, ch. 2001-254; s. 7, ch. 2002-296; s. 2, ch. 2004-384; s. 6, ch. 2005-290; s. 19, ch. 2006-1; s. 3, ch. 2007-198; s. 7, ch. 2009-96; s. 6, ch. 2011-14; s. 17, ch. 2011-139; s. 15, ch. 2012-5; s. 1, ch. 2012-75; s. 8, ch. 2012-99; s. 3, ch. 2015-30; s. 3, ch. 2016-148.

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AGENDA ITEM NO. 5.C

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: June 17, 2024

SUBMITTED BY: Heidi Siegel, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: VILLAGE OF PALMETTO BAY
Location: VILLAGE-WIDE
Application: RZ-24-002
Request: AMENDING CHAPTER 30, SECTION 30-50.1 OF THE CODE OF ORDINANCES STYLED: "DISTRICTS AND GENERAL PROVISIONS", REGARDING MIAMI-DADE COUNTY SMART PLAN CORRIDOR FLOOR AREA RATION (FAR) REQUIREMENTS. (*Ordinance on First Reading*)

SUGGESTED ACTION:

ATTACHMENTS:

[Memo-Smart Plan Corridor Requirements](#)

[Ordinance-Smart Plan Corridor Requirements](#)

[Attachments \(RZ-24-002\)](#)



To: Honorable Mayor and Village Council

Date: June 17, 2024

From: Heidi Siegel, AICP, CED Director

Re: RZ-24-002 / Amending Section
30-50.1 Miami-Dade County Smart
Plan Corridor Floor Area Ratio
(FAR) Requirements

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

BACKGROUND

On September 1, 2022 the Miami-Dade County (MDC) Board of County Commissioners, via Ordinance 22-106, amended the County's Code of Ordinance to include floor area ration (FAR) requirements for certain properties within the County's Comprehensive Development Master Plan (CDMP) designated urban centers and rapid transit activity corridors (inclusive of the South Dade Transitway). The County asserted their Home Rule Charter powers to create these requirements.

Furthermore, MDC Ordinance 22-106 requires municipalities that exercise jurisdiction over properties that are located wholly or partially within one-half mile of each of the SMART Plan Corridors shall adopt standards by July 31, 2024 that comply with the floor area ratio requirement identified in the County's CDMP.

ANALYSIS

Section 33C-3.3 of the Miami-Dade County Code of Ordinances further exempts certain properties within MDC CDMP designated urban centers and rapid transit activity corridors. These exemptions include:

- Incompatible development encroaching into, or being established adjacent to or abutting, existing single-family or two-family neighborhoods.
- Existing single-family or two-family neighborhoods being required to be redeveloped.

- Development that is contrary to the requirements of a municipal historic preservation ordinance or Chapter 16A, as applicable, for a property or district that has been designated as historic pursuant to such historic preservation regulation.

The County's Land Use Plan Map (Attachment B) identifies the following designated urban centers adjacent to the Village of Palmetto Bay:

- SW 136 Street (existing)
- SW 173 Street / Banyan Drive (proposed)

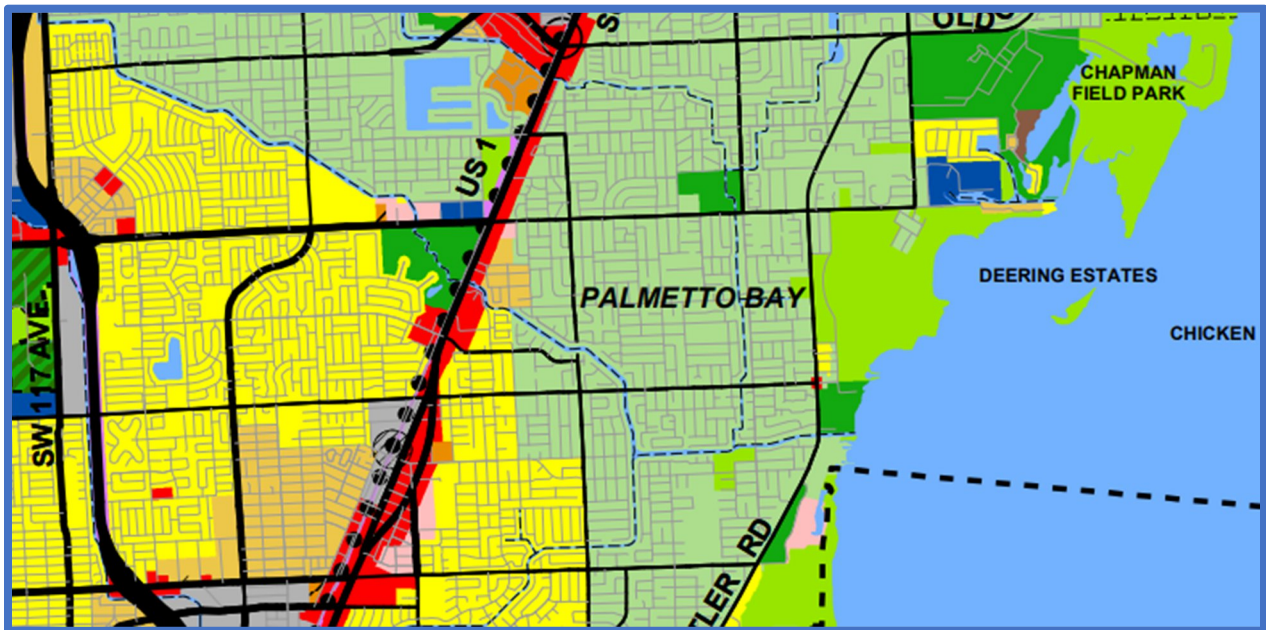


Figure 1 Excerpt of Miami-Dade County Land Use Plan Map

Further, the County CDMP describe urban centers as the following:

Urban Centers Diversified urban centers are encouraged to become hubs for future urban development intensification in Miami-Dade County, around which a more compact and efficient urban structure will evolve. These Urban Centers are intended to be moderate- to high-intensity design-unified areas which will contain a concentration of different urban functions integrated both horizontally and vertically. Three scales of centers are planned: Regional, the largest, notably the downtown Miami central business district; Metropolitan Centers such as the evolving Dadeland area; and Community Centers which will serve localized areas. Such centers shall be characterized by physical cohesiveness, direct accessibility by mass transit service, and high quality urban design. Regional and Metropolitan Centers, as described below, should also have convenient, preferably direct, connections to a nearby expressway or major roadways to ensure a high level of countywide accessibility.

The urban centers adjacent to the Village of Palmetto Bay are Community Urban Centers. The County's CDMP states that Community Centers shall have a radius of 700 to 1,800 feet but may be extended to a radius of one-half mile when recommended in a professional area plan for the center. Regional Activity Centers shall have a radius of one-mile, and Metropolitan Urban Centers shall have a radius of one-quarter of a mile. The following chart is from the County's CDMP and identifies the required FAR for each type of urban center. It should be noted that MDC Ordinance 22-106 does not require municipalities to enforce the maximum residential density in the chart.

	Average Floor Area Ratios (FAR)	Max. Densities Dwellings per Gross Acre
Regional Activity Centers	greater than 4.0 in the core not less than 2.0 in the edge	500
Metropolitan Urban Centers	greater than 3.0 in the core not less than 0.75 in the edge	250
Community Urban Centers	greater than 1.5 in the core not less than 0.5 in the edge	125

Village staff evaluated properties in the Village that would meet the County's maximum one mile radius. The evaluation removed all properties that qualify for the exemption outlined in MDC Ordinance 22-106 that protects single-family and two-family neighborhoods (Attachment C). The MDC Code of Ordinances defines adjacent as: (a) All adjacent parcels, the property lines of which are contiguous at any point; or (b) All adjacent parcels, the property lines of which are separated only by a public or private street, road, highway or utility right-of-way, or other public or private right-of-way at any point; or (c) All adjacent parcels, under common ownership or control of the applicant, including land owned or controlled by any business entities in which the applicant or immediate family members of the applicant possesses any form of management control (Section 33-193.6).

As a result of the above definition, it has been determined that a limited number of properties along the SMART Plan Corridor (South Dade Transitway) would be able to develop at the FAR prescribed in the County's CDMP. Additionally, most of the of properties that would meet the FAR standards are located in the Village's Downtown Sectors. The Village's Downtown Code does not prescribe FAR, however as a form-based Code there are protections in place as it relates to access, open space, and aesthetics. These, and other similar development standards, remain under the purview of the Village.

To meet the County's requirement that requires the Village to adopt standards by July 31, 2024 that comply with the floor area ratio requirement identified in the County's CDMP for properties that are located wholly or partially within one-half mile of each of the SMART Plan Corridors, staff is proposing that the Village's Code of Ordinances be amended to include the following language:

Section 30-50.1 (k) Miami-Dade County Smart Plan Corridor Floor Area Ratio (FAR) requirements. All new development and redevelopment within urban

centers and rapid transit activity corridors, as defined in Miami-Dade County Code of Ordinances Section 33C-3.3 (SMART Corridor Subzone; additional permitted uses; development standards; review and approval procedures), shall provide at least the minimum floor area ratio specified within the applicable floor area ranges provided in Miami-Dade County Code of Ordinances Section 33C-3.3 (C), except where such minimums would result in:

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

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

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

RECOMMENDATION

The Village staff recommends that the Village Council approve the attached ordinance on first reading to comply with Miami-Dade County requirement.

Attachments:

Attachment A: Miami-Dade County Code of Ordinances Chapter 33C - Rapid Transit System—Development Zone

Attachment B: Miami-Dade County Land Use Plan Map

Attachment C: Village of Palmetto Bay Properties within One Mile of US-1 Map

1
2 **Ordinance No. 2024 - _____**

3
4 **Application RZ-24-002**

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

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

21
22 **WHEREAS**, Miami-Dade County asserted their Home Rule Charter
23 powers to create the above referenced requirements; and

24
25 **WHEREAS**, Miami-Dade County Ordinance 22-106 requires
26 municipalities that exercise jurisdiction over properties that are located
27 wholly or partially within one-half mile of each of the SMART Plan Corridors
28 shall adopt standards by July 31, 2024 that comply with the floor area ratio
29 requirement identified in the County’s CDMP; and

30
31 **WHEREAS**, Section 33C-3.3 of the Miami-Dade County Code of
32 Ordinances further exempts certain properties within Miami-Dade County
33 Comprehensive Development Master Plan designated urban centers and
34 rapid transit activity corridors including, development encroaching into, or
35 being established adjacent to or abutting, existing single-family or two-family
36 neighborhoods; and

37
38 **WHEREAS**, The County’s Land Use Plan Map identifies two
39 designated urban centers adjacent to the Village of Palmetto Bay: SW 136
40 Street (existing) and SW 173 Street / Banyan Drive (proposed); and

1 **WHEREAS**, Village staff evaluated properties in the Village that would
2 meet the County's maximum one mile radius and would not meet the
3 exemptions referenced above and determined that a limited number of
4 properties along the SMART Plan Corridor (South Dade Transitway) would
5 be able to develop at the FAR prescribed in the County's CDMP; and
6

7 **WHEREAS**, the Village Council desires to amend Section 30-50.1 of
8 the Village's Code of Ordinances to comport with Miami-Dade County
9 requirements; and
10

11 **WHEREAS**, Section 30-50.1 shall be further amended to reference
12 Miami-Dade County Code of Ordinances Section 33C-3.3 (SMART Corridor
13 Subzone; additional permitted uses; development standards; review and
14 approval procedures).
15
16

17 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND**
18 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**
19 **FLORIDA, AS FOLLOWS:**
20

21 **Section 1.** The above recitals are incorporated as if set forth in full.
22

23 **Section 2** Nothing in this Ordinance should be construed or applied
24 to abrogate the vested right of a property owner to develop or utilize his/her
25 property in any other way commensurate with zoning and other regulations,
26 including any required renewal of permits for existing legally erected
27 premises.
28

29 **Section 3** Section 30-50.1, of the Code of Ordinances of the Village
30 of Palmetto Bay, entitled Districts and General Provisions, is hereby
31 amended as follows:
32

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

35 **Sec. 30-50.1. Districts and general provisions.**
36

37 (k) Miami-Dade County Smart Plan Corridor Floor Area Ratio (FAR)
38 requirements. All new development and redevelopment within urban

centers and rapid transit activity corridors, as defined in Miami-Dade County Code of Ordinances Section 33C-3.3 (*SMART Corridor Subzone; additional permitted uses; development standards; review and approval procedures*), shall provide at least the minimum floor area ratio specified within the applicable floor area ranges provided in Miami-Dade County Code of Ordinances Section 33C-3.3 (C), except where such minimums would result in:

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

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

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

Section 4. 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,

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

Section 6. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect immediately upon enactment.

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

Attest:

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John C. Dellagloria
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 _____

Attachment A
Miami-Dade County Code of Ordinances
Chapter 33C - Rapid Transit System—Development Zone

Footnotes:

--- (1) ---

Editor's note— Ord. No. 21-23, § 1, adopted April 20, 2021, amended the title of Ch. 33C to read as herein set out. The former Ch. 33C title pertained to fixed-guideway rapid transit system—development zone.

Cross reference— Zoning, Ch. 33; Developments in incorporated areas creating county impact, Ch. 33A.

Sec. 33C-1. - Legislative intent, findings and purposes.

The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that:

- (A) The uncoordinated use of lands within the County threatens the orderly development and the health, safety, order, convenience, prosperity and welfare of the present and future citizens of this County. The Miami-Dade County Home Rule Charter grants to the County the power to carry on a central metropolitan government and to, among other things, provide for and operate rail and bus terminals and public transportation systems and prepare and enforce comprehensive plans for the development of the County. Pursuant to Section 2-114 of this code and Section 163.3184, Florida Statutes, the Board adopted and accepted the Comprehensive Development Master Plan for Miami-Dade County (CDMP), which, among other goals, objectives, and policies, calls for the coordination of land uses and transportation facilities to: attract transit ridership, produce short trips, and minimize transfers; establish a more compact and efficient urban form within the Urban Development Boundary; and promote vertical and horizontal mixed-use development and redevelopment of properties along existing and planned transit corridors and designated urban centers, to provide for transit-oriented development. In addition, the CDMP's Statement of Legislative Intent specifically provides that municipalities are subject to CDMP policies for development of urban centers and its policies providing for County authority to maintain, site, construct, and operate public facilities in incorporated and unincorporated areas, as these policies are fundamental growth management components that are necessary to carry on a central metropolitan government.
- (B) In furtherance of these goals, objectives, and policies, the Board finds that the coordinated review and analysis of its mass transit facilities is necessary to carry on a central metropolitan government in Miami-Dade County, Florida. Coordinated review and analysis of the mass transit system is susceptible to, and would be most effectively carried on, under a uniform plan of regulation applicable to the County as a whole. The planning of major transportation facilities, combined with other plan implementation tools, can be effectively used in meeting social, economic and environmental needs and in creating a major influence on metropolitan

development patterns and life styles. The capability of a transportation network, acting in conjunction with other urban services to establish general development trends, is well recognized. A maximum coordination of transportation and land use policy decisions is therefore essential to optimize the role of transportation as a potent tool for implementing the desired patterns of metropolitan development.

(C) The Board further finds that the Stage I Fixed-Guideway Rapid Transit System has, since 1973, undergone extensive planning, review, analysis, and engineering design efforts. The Stage I System received design approval from both the federal and State governments and, as of March 12, 2021, consists of a 25-mile dual track rail system that provides service to Miami International Airport (MIA) and runs from Kendall through South Miami, Coral Gables, and downtown Miami; to the Civic Center/Jackson Memorial Hospital area; and to Brownsville, Liberty City, Hialeah, and Medley in northwest Miami-Dade, with connections to Broward and Palm Beach counties. The Stage I System, including proposed improvements in other forms of surface transportation facilities, represents a concerted, coordinated effort to improve not only the transportation facilities within Miami-Dade County, but the overall quality of life enjoyed by citizens of and visitors to Miami-Dade County. Finally, the Stage I System represents one of the largest public works projects ever undertaken in Miami-Dade County and the Southeastern United States. As such, the Stage I Fixed-Guideway Rapid Transit System may only be planned, engineered, implemented, and administered on a County-wide basis, in a manner which will:

- (1) Provide maximum opportunities for development to serve as financial assistance to the system; and
 - (2) Provide incentives for joint development with the private sector.
- (D) Prior to March 15, 2008, land use plans within the Rapid Transit Zone were prepared pursuant to the Station Area Design and Development (SADD) Program, a joint municipal-County program administered through the Rapid Transit Development Impact Committee (RTDIC), which was authorized by Miami-Dade County Resolution No. R-829-77. The SADD Program proposed land use plans for the Rapid Transit Development Impact Zone, which was defined as those lands in such close proximity to the Rapid Transit System as to have a significant impact thereon. The SADD Program resulted in the creation of the following station area land use plans adopted by the applicable municipality after recommendation by the RTDIC in accordance with then-applicable provisions of this chapter: Resolution No. 01-83 of the Miami City Commission, approving development standards for the Santa Clara Metrorail Station Project; Resolution No. 03-815 of the Miami City Commission, approving development standards for the Overtown/Arena Rapid Transit Zone; Resolution No. 62-02-11411 of the Mayor and City Commission of the City of South Miami, approving development standards for the South Miami Station; and Ordinance No. 06-76 of the Mayor and City Council of the City of Hialeah, approving development standards for the Okeechobee Station Area. Not all SADD

recommendations were ultimately adopted by the applicable municipalities. In Resolution No. 23224, adopted on February 10, 1981, the City of Coral Gables rejected the recommendation of the SADD Program regarding development of areas surrounding the University Station, deciding instead to continue existing land uses in accordance with the City's land use plans. And although the RTDIC issued recommended development standards for the Coconut Grove Station on January 24, 2007, the City of Miami did not adopt them. Subsequently, those recommendations were superseded by Ordinance No. 08-28, which this Board adopted on March 4, 2008, creating Section 33C-8 to provide development standards for non-Metrorail development within the City of Miami that was not already subject to a land use plan adopted pursuant to the SADD Program; Section 33C-8 governs development surrounding the Allapattah, Civic Center, Culmer, Vizcaya, Coconut Grove, and Douglas Road Metrorail Stations.

- (E) Beginning in April 2014, this Board has expanded the Rapid Transit System-Development Zone through legislation creating the following subzones: the Downtown Intermodal District Corridor (DIDC) Subzone, which was accompanied by Resolution No. R-353-14, approving an interlocal agreement with the City of Miami regarding that subzone; the Brickell Station Subzone, which was accompanied by Resolution No. R-613-18, approving an interlocal agreement with the City of Miami regarding that subzone; the Government Center Subzone; the Historic Overtown/Lyric Theatre Subzone; the Santa Clara Subzone; and the Metromover Subzone.
- (F) The Board further finds that providing for increased density and for transit-oriented development adjacent to the Stage I Fixed-Guideway Rapid Transit System will increase mass transit ridership and thereby further the health, safety, order, convenience, prosperity, and welfare of present and future County residents and visitors.
- (G) The Board further finds that the legislative intent, findings and purposes set forth herein also apply to public or private Intercity Passenger Rail Systems, the Metromover system, and other rapid transit systems.

(Ord. No. 78-74, § 1, 10-17-78; Ord. No. 14-37, § 1, 4-8-14; Ord. No. 21-33, § 1, 4-20-21)

Sec. 33C-2. - Rapid Transit Zone: definitions; designation of lands included; County jurisdiction; municipal services; occupational license taxes; municipal impact fees.

- (A) *Definitions.* Terms used throughout this article shall take their commonly accepted meaning unless otherwise defined in Chapters 18A, 28, or 33. Terms requiring interpretation specific to this article are as follows:
 - (1) "Rapid Transit Zone" consists of all land area, including surface, subsurface, and appurtenant airspace, designated in this section as necessary for the construction, operation, maintenance and support of the County's Rapid Transit System.

- (2) "Rapid Transit Corridor Station Areas" or "RTCSAs" consist of County-owned land areas within the Rapid Transit Zone that are used for bus lanes, station sites, parking areas for public transit system, or maintenance shop facilities.
- (3) "Rapid Transit Corridor Bicycle and Pedestrian Area" or "RTCBPA" consists of County-owned land areas within the Rapid Transit Zone that are located underneath the fixed guideway structures and within the Metrorail corridor right-of-way, excluding lands within the Rapid Transit Corridor Station Areas."
- (4) "Department" shall be as defined in Section 33-1.
- (5) "DERM" means the "Department" defined in Section 24-5.
- (6) "Director" shall be as defined in Section 33-1.
- (7) "DTPW" means the Miami-Dade County Department of Transportation of Public Works or its successor department.
- (8) "MDAD" means the Miami-Dade Aviation Department or its successor department.
- (9) "MDFR" means the Miami-Dade Fire Rescue Department or its successor department.
- (10) "PROS" means the Miami-Dade County Parks, Recreation and Open Spaces Department or its successor department.
- (11) "TPO" means the Miami-Dade Transportation Planning Organization or its successor agency.
- (12) "Rapid Transit System" includes the Stage I Fixed-Guideway Rapid Transit System (also referred to as the Metrorail) and the Metromover system, public or private Intercity Passenger Rail Systems, and other rapid transit systems within Miami-Dade County.
- (13) "WASD" means the Miami-Dade County Water and Sewer Department or its successor department.
- (14) *Micromobility* means any motorized transportation device made available for private use for point-to-point trips and that is generally not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and electric bicycles as defined in chapter 316, Florida Statutes.
- (15) *Public works manual* means the manual of minimum standards for the public works construction promulgated pursuant to Section 2-100.
- (16) *Rapid Transit Activity Corridor* or *RTAC* means the area within the Urban Development Boundary (UDB), and within one-half mile of the existing Metrorail corridor and the following proposed SMART Plan corridors: Kendall Drive, Beach Corridor, North Corridor, Northeast Corridor, and the South Dade Transitway Corridor. It also includes the area within one mile of the proposed East-West SMART Plan Corridor.
- (17) *"Single-family"* includes rowhouse or townhouse developments.
- (18) *"Workforce housing unit"* or "WHU" shall be as defined in Section 33-284.82.

- (19) *County-owned* means (i) property in which the County has a property interest, such as fee simple ownership, a leasehold interest, or an easement, and (ii) property that the County operates or maintains regardless of ownership.

(B) *Designation of lands included in the Rapid Transit Zone.*

- (1) The Board of County Commissioners hereby designates, as necessary for the construction, operation, maintenance, and support of the County's Rapid Transit System, and includes within the Rapid Transit Zone, all land areas (including surface, subsurface, and appurtenant airspace) shown on the following exhibits bearing the following effective dates, certified by the Clerk of the Board as a portion of this chapter, incorporated herein by reference, and transmitted to the custody of the Department: Exhibit 1, July 31, 1998; Exhibits 2 through 9 and Exhibits 11 through 16, July 13, 1979; Exhibit 10, May 26, 1983; Exhibit 17, February 13, 2014; Exhibit 18, February 1, 2020; Exhibit 19, February 1, 2020; Exhibit 20, December 27, 2019; Exhibit 21, June 12, 2020; and Exhibit 22(A), October 3, 2023; Exhibit 22(B), July 6, 2023; Exhibit 23, December 11, 2021; and Exhibits 24-26, 28-31, 33, and 34, September 11, 2022; and Exhibit 27, September 6, 2023.
- (2) The Board of County Commissioners hereby designates as, and includes within, the Rapid Transit Zone all land areas (including surface, subsurface, and appurtenant airspace) located wholly or partially within one-half mile of each of the SMART Plan Corridors, or within one mile of the East-West Corridor, identified on Exhibit 32, September 11, 2022, subject to Section 33C-3.3.
- (3) The Director shall submit to each affected municipality an official map or maps designating the Rapid Transit Zone which may from time to time be altered, enlarged, added to, amended or deleted by ordinance of the Board of County Commissioners.

(C) *Jurisdiction of County.* For lands included within the Rapid Transit Zone pursuant to subsection (B) above, jurisdiction over the following, all of which relate to the uses expressly authorized in this chapter, shall be and is hereby vested in Miami-Dade County regardless of any municipal code, charter, or ordinance provisions to the contrary, except as specifically provided in this chapter:

- (1) Regulatory decisions, including, but not limited to: comprehensive planning; district boundary changes, special exceptions, variances, unusual uses, site plan approvals, and other zoning approvals; historic preservation; compliance with environmental regulations; flood protection regulations; issuance of building permits; building inspections; construction-related fire permits and inspections, but not fire suppression or fire rescue services or annual inspections for fire safety; compliance with the Florida Building Code and the Florida Fire Prevention Code; issuance of certificates of occupancy; building or zoning moratoria; subdivision

approvals; and all other types of planning, zoning, subdivision, or building functions or other functions typically performed by departments, boards, or other entities that review or issue development permits or development orders.

- (2) Water and sewer installations.
- (3) Street maintenance (including sidewalks and bicycle paths where applicable).
- (4) Utility regulation.
- (D) *Municipal Services*. Where a municipality continues to provide services to a property in the Rapid Transit Zone other than those under the County's jurisdiction in subsection (C) above, the municipality shall be responsible for ensuring that all matters relating to enforcement of requirements within the County's jurisdiction that may arise in the course of providing municipal services are referred to the County's Building Official, and the municipality shall coordinate with the County to ensure that affected property owners and tenants are also informed as to these jurisdictional matters.
- (E) *Reservation of municipal business tax receipts*. It is the intent of the County that business tax receipts be, and hereby are, expressly reserved to the municipalities, where applicable. Accordingly, the uses provided in this chapter shall, where applicable, be subject to municipal ordinances relating to business tax receipts.
- (F) *Reservation of municipal impact fees*. The uses provided in this chapter shall, where established within a municipality, be subject to payment of impact fees established by municipal ordinance and collected by a municipality for such uses, to the extent such municipal impact fees are not duplicative of impact fees collected by Miami-Dade County, as may be amended.

(Ord. No. 78-74, § 1, 10-17-78; Ord. No. 79-59, § 1, 7-3-79; Ord. No. 82-80, § 1, 9-7-82; Ord. No. 83-27, § 1, 5-17-83; Ord. No. 95-215, § 1, 12-5-95; 98-114, § 1, 7-21-98; Ord. No. 98-125, § 24, 9-3-98; Ord. No. 00-38, § 1, 5-21-00; Ord. No. 02-171, § 1, 9-24-02; Ord. No. 03-113, § 2, 5-6-03; Ord. No. 08-28, § 1, 3-4-08; Ord. No. 14-37, § 2, 4-8-14; Ord. No. 16-122, § 1, 11-1-16; Ord. No. 18-3, § 8, 1-23-18; Ord. No. 18-66, § 2, 6-5-18; Ord. No. 18-81, § 2, 7-24-18; Ord. No. 19-127, § 2, 12-17-19; Ord. No. 20-9, § 2, 1-22-20; Ord. No. 20-10, § 2, 1-22-20; Ord. No. 20-16, § 2, 2-19-20; Ord. No. 20-50, § 2, 6-2-20; Ord. No. 21-33, § 1, 4-20-21; Ord. No. 21-135, § 2, 12-1-21; Ord. No. 22-25, § 2, 3-1-22; Ord. No. 22-106, § 2, 9-1-22; Ord. No. 22-121, § 2, 10-6-22; Ord. No. 22-126, § 2, 10-6-22; Ord. No. 23-13, § 2, 3-7-23; Ord. No. 23-50, § 2, 7-6-23; Ord. No. 23-71, § 2, 9-6-23; Ord. No. 23-86, § 2, 10-3-23)

Annotation—CAO 84-10.

Editor's note— Ord. No. 82-79, § 1, adopted Sept. 7, 1982, and Ord. No. 87-55, § 1, adopted July 21, 1987, amended § 33C-2 by amending one (1) of the drawings of the Rapid Transit Zone maps, which drawings are not reproduced herein.

- (A) *Zoning Designation.* All lands subject to this chapter shall be assigned to the zoning district named "Rapid Transit Zone (RTZ) District" and, if applicable, to the appropriate subzone identified in this chapter.
- (1) All lands that, prior to March 12, 2021, were the subject of review by the Station Area Design and Development Program process or other review by the Rapid Transit Developmental Impact Committee in accordance with then-applicable provisions of this chapter, or that received site plan approval, a special exception, or other zoning action or relief pursuant to then-applicable provisions of this chapter, shall be included within the RTZ District and assigned to the applicable subzone.
- (a) This includes, without limitation, the lands subject to land use plans that were approved in accordance with the then-applicable provisions of this chapter, as set forth in section 33C-1.
- (b) All such approved land use plans shall govern the respective lands, except as otherwise provided for in this chapter or as otherwise amended or varied in accordance with this chapter or other applicable process.
- (2) The boundaries of the RTZ District and its subzones shall be shown upon the district boundary maps maintained on file with the Department in accordance with Section 33-3.
- (3) Notwithstanding any other provisions to the contrary, all portions of the Rapid Transit Zone that are included within the boundaries of an urban center or urban area district pursuant to Chapter 33 shall be governed by the applicable urban center or urban area district regulations rather than this chapter.
- (B) *Uses.* No land, body of water, or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, structurally altered, or maintained for any purpose in the RTZ District, except as provided in this chapter.
- (1) *Administrative designation of RTCsAs and RTCBPA.* The Director may designate or redesignate County-owned land areas as either RTCsA or RTCBPA, and in that event, shall thereafter maintain maps on file showing the respective boundaries of the RTCsA and the RTCBPA.
- (2) *Permitted uses.* The following uses are permitted within the Rapid Transit Zone, including the RTCsAs, RTCBPA, and all subzones:
- (a) Fixed guideways for the Rapid Transit System.
- (b) Stations for the Rapid Transit System or bus rapid transit system, including such uses as passenger platforms and waiting areas, ticket and information booths, restrooms, utility rooms, kiosk signs only to the extent permitted by Section 33-107, in-station advertising

displays, stairs, elevators, walkways, concessions, vending machines, and other service-related businesses offering goods and services for sale to passengers, and other similar uses as are necessary for or ancillary to the proper functioning of a rapid transit station.

- (c) Parking lots and parking structures.
 - (d) Bus stops and shelters.
 - (e) Streets and sidewalks.
 - (f) Maintenance facilities for the Rapid Transit System, including yard and shops, and associated tracks and facilities.
 - (g) Landscaping.
 - (h) Bikeways, walkways, multi-use pathways, maintenance pathways, greenways, parks, plazas, greens, community gardening, playgrounds, recreation areas, and associated restrooms, utility rooms, and maintenance areas.
 - (i) Power substations.
 - (j) Micromobility and bicycle facilities.
 - (k) Other uses necessary for the construction, operation, or maintenance of the Rapid Transit System.
- (3) *Additional permitted uses within Rapid Transit Corridor Bicycle and Pedestrian Area.* Notwithstanding Section 33C-4 or any other provisions to the contrary, unless expressly permitted in paragraph (B)(2) above, uses within the RTCBPA shall be governed exclusively by the following standards and procedures.
- (a) The following additional uses may be permitted within the Rapid Transit Corridor Bicycle and Pedestrian Area, only after administrative site plan approval of said uses, including, but not limited to, all structures and decorative features, by the Director of the Department in accordance with Section 33-310.4, and subject to the conditions and approvals specified herein; it is provided, however, that, for any Metrorail segments constructed after February 29, 2020, such additional uses may only be permitted by ordinance of the Board of County Commissioners. Except where otherwise specified, the uses shall be as defined in Section 33-284.83(B) and shall be subject to the applicable restrictions from said section unless specifically provided to the contrary herein.
 - (i) General retail and personal service establishments.
 - (ii) Food and beverage establishments, including alcoholic beverages. The restrictions set forth in Chapter 33, Article X regarding hours and days of sale of alcoholic beverages, distance from other premises used for the sale of alcoholic beverages, and distance from schools or religious facilities shall not apply to alcoholic beverage uses in this area.

- (iii) Civic uses.
 - (iv) Roller skating and skateboard rinks, bicycle, skateboard, and rollerblade courses, and other similar entertainment or recreational facilities or uses.
 - (v) Temporary uses including seasonal tent sales, stands for the sale of flowers, fruit, and similar uses, and festivals and farmers' markets.
 - (vi) Signs, only in accordance with Section 33C-13.
- (b) The foregoing uses shall only be permitted in areas that are not within roadway rights-of-way.
 - (c) The foregoing uses shall only be permitted to the extent appropriate to and compatible with both the rapid transit operations and the surrounding area.
 - (d) The foregoing uses shall be exempt from all minimum parking requirements.
 - (e) The foregoing uses shall only be permitted to the extent authorized in writing by the Federal Transportation Agency or successor agency. As part of the administrative site plan review, the Director of the Department shall verify whether the Federal Transportation Agency or successor agency has approved the specific uses proposed, including whether structures may be permanent or must be temporary, and administrative site plan approval shall not be granted unless and until the Federal Transportation Agency's written approval for said uses has been provided to the Director.
 - (f) Notwithstanding any provision to the contrary, all approvals granted in the RTCBPA are revocable at will by the Director and shall not form the basis, in whole or in part, of any entitlement or right by any party to use RTCBPA property, or any portion thereof, for any purpose.
- (4) *Additional permitted uses in areas outside the RTCSAs and RTCBPA.* In addition to those uses listed in paragraph (B)(2) above, the following additional uses shall be permitted in the RTZ District outside the Rapid Transit Corridor Station Areas and outside the Rapid Transit Corridor Bicycle and Pedestrian Area, in conformance with the requirements set forth in this chapter:
- (a) Such other uses, including commercial, office, hotel, governmental, institutional, health care facilities, rental car facilities, and residential uses, as may be appropriate to and compatible with the operation of the Rapid Transit System or an Intercity Passenger Rail System and the convenience of the ridership thereof, as authorized pursuant to an applicable subzone or other provision of this chapter.
 - (b) Intercity Passenger Rail Systems, both public and private, including all uses permitted for the Rapid Transit System pursuant to paragraph (B)(2) above and including ancillary facilities associated with the maintenance and operations of a rail system. "Intercity

Passenger Rail System" means a rail system that provides passenger service on a guideway system between two or more cities, between several destinations within one city, or both.

(Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-106, § 2, 9-1-22)

Editor's note— Ord. No. 21-33, § 1, adopted April 20, 2021, renumbered the former § 33C-3 as § 33C-6 and enacted a new § 33C-3 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Sec. 33C-3.1 - Standard procedures for RTZ subzones.

- (A) Except as provided otherwise in this chapter, all development within a subzone shall be governed by the procedures set forth in this section.
- (B) *Initial Review.* The first step in obtaining development approval pursuant to this chapter for uses other than those permitted uses allowed as of right pursuant to subsection 33C-3(B)(2) shall be the filing of an application for a special exception for a general development plan, in accordance with the following:
 - (1) *Pre-application Conference.* The applicant shall participate in at least one pre-application conference coordinated by the Department, including representatives of the departments and agencies identified in Section 33-303.1(A)(1) to (9).
 - (2) Following the pre-application conference, civic uses that are governmental facilities as defined in subsection 33-303(b)(1), may be approved in accordance with the procedures for approval of governmental facilities set forth in Section 33-303.
 - (3) *Application for public hearing.*
 - (a) Following the pre-application conference, a request to approve one or more additional permitted uses enumerated in this chapter, except civic uses to the extent provided in paragraph (B)(2) above, shall be made by filing an application with the Department in accordance with Section 33-304.
 - (b) Applications shall be governed by the procedures set forth in Chapter 33, Article XXXVI.
 - (c) The application shall be considered a special exception for a general development plan to be considered and acted upon directly by the Board of County Commissioners.
 - (4) *Required exhibits.* The following exhibits shall be submitted with the application:
 - (a) Written exhibits: a narrative describing the properties to be included within the site plan, vision statement, consistency with the intent and purpose of these regulations, statement of conformance with these regulations, overall size and location, relevance to the region, connection to the surrounding urban context and rapid transit system, economic impact on the local economy, and any additional information necessary to explain the development.

- (b) Graphic exhibit(s): a plan depicting the property(ies) to be included in the subzone, the roadway network surrounding the property(ies), the pedestrian connections to the rapid transit system, size and folio of each subject property, and any additional information specified at the pre-application conference to evaluate the character and impact of the proposed development.
- (C) *Final Review—Administrative Site Plan Review ("ASPR")*. Final review for development shall be considered administratively by the Department through an application for administrative site plan review ("ASPR") in accordance with Section 33-284.88, except that the required dimensioned site plans shall include the following additional information:
 - (1) Floor-area ratio.
 - (2) Total square footage for each use by type, as applicable (i.e. residential uses, office uses).
 - (3) Total number of residential units, including identifying the number of affordable or workforce housing units where applicable.
 - (4) Existing and proposed fences, walls, architectural accents, or street furniture, if applicable.
 - (5) Vehicular and pedestrian circulation systems, including:
 - (a) Connection(s) to existing or proposed roadway and sidewalk system; and
 - (b) Connections via bridges, paths, sidewalks, or a combination thereof to adjacent or nearby rapid transit stations or systems; and
 - (c) Provisions for first and last mile connections to transit, including micromobility or bicycle facilities, rental, or parking; and
 - (6) Total number of parking spaces required and provided.
 - (7) Location of space for storage and collection of solid waste and recyclable material.
 - (8) Proposed grades, if significantly altered.
 - (9) Sketches of design elements to be used for buffering surrounding uses, if applicable.
 - (10) Development phase lines.
 - (11) For floor plans and elevations, provide isometrics or perspectives. For residential uses, provide floor plans and elevations for typical units.
 - (12) The Director may waive any of the required items required because of the nature or timing of the development or because the information cannot reasonably be furnished at the time of review.
- (D) *Modifications*. Modifications to an approved general development plan or conditions thereto shall also be subject to the foregoing procedures.
- (E) *Applications for other special exceptions, unusual uses, and variances*. Applications for special exceptions (other than for a general development plan or modifications to an approved plan or conditions thereto), unusual uses, and variances from the requirements of this section for

properties in the unincorporated area shall be to the Rapid Transit Developmental Impact Committee in accordance with Section 33C-6.

- (F) *Platting*. Separate parcels located within a subzone shall not be deemed a subdivision and shall be exempt from the platting requirements of Chapter 28 where the parcels are made subject to a unity of title or covenant in lieu of unity of title that satisfies the requirements set forth in Section 33-257, as determined in the discretion of the Director in consultation with the County Attorney as provided therein.
- (G) *Conflicts*. The development review procedures, standards, and criteria set forth in this chapter shall govern in the event of conflicts with other zoning, subdivision, or landscape regulations of this code, applicable municipal code, or with the public works manual, except that in the event of a conflict with Article XXXVII of Chapter 33, the airport zoning regulations shall control.

(Ord. No. 22-106, § 2, 9-1-22)

Sec. 33C-3.2. - Signs.

- (A) Except where expressly provided otherwise in this section or chapter, and notwithstanding any other provisions of this code to the contrary, all signs within the Rapid Transit Zone, shall be governed by Section 33-284.87 and shall be subject to administrative site plan review in accordance with Section 33-310.4.
- (B) Notwithstanding any provisions to the contrary, within the RTCBPA, only the following signs may be permitted, and only to the extent the use is permitted pursuant to Section 33C-2, provided that such signs comply with the following standards and criteria and are compatible with the surrounding uses:
 - (1) Signs up to 6 square feet, consisting solely of standard recreational and cultural interest icons, as shown on pages 3-110 through 3-113 of the Federal Highway Administration's Standard Highway Signs, 2004 Ed., or icons substantially similar thereto, as determined by the Director of the Department. Such signs may be attached or detached.
 - (2) Mile marker signs up to 24 square feet. Such signs may be attached or detached.
 - (3) Signs stating only "Underline" or "The Underline," up to 24 square feet. Such signs may be attached or detached.
 - (4) Attached locational signs such as Metrorail station names, cardinal directions such as "North" or "South," and "The Gym," up to 30 square feet.
 - (5) Detached non-commercial signs for pet waste stations up to 3 square feet.
 - (6) Attached non-commercial signs up to 60 square feet, provided that such signs are limited to historical, cultural or fitness information only. Because the RTCBPA entirely consists of County-owned property, the content of all such informational signs shall require approval of the County Mayor or designee.

- (7) Attached Class B (Point-of-sale) signs for such uses as concessions or personal services establishments, as authorized by Section 33-284.87 of the Code.
- (8) Off-site advertising signs, including donor recognition signs, subject to the following:
 - (i) Such sign shall be no larger than 2 square feet.
 - (ii) Such sign shall be oriented towards the bicycle and pedestrian uses of the RTCBPA.
 - (iii) Such sign shall not contain a message that can be seen or read from any road or adjacent property.
 - (iv) Small signs on benches are deemed to comply with this paragraph.
 - (v) Such signs may be attached or detached.
 - (vi) Kiosk signs may be permitted to the extent authorized by Section 33-107 and this subsection but shall not be subject to the size limitations set forth in subparagraph (i) above.
- (9) Attached donor recognition signs, provided that any such sign is no larger than 9 square feet, is painted on or affixed to a Metrorail column, and is placed on the narrow, trail facing side of a Metrorail column, and does not face U.S. 1.
- (10) Illumination may be allowed, in accordance with Section 33-284.87 or, for kiosk signs, in accordance with Section 33-96, only where compatible with the surrounding area.
- (11) Administrative site plan review required. All signs shall be presented for administrative site plan review in accordance with Section 33-310.4 as part of a comprehensive sign program to ensure a consistent aesthetic throughout the RTCBPA.
 - (a) Site plans and submittals shall include all relevant information pertaining to the location, size, copy, illumination, and orientation of the proposed signs and to the characteristics of the surrounding properties, and shall include written approval from the Federal Transit Administration and any other information requested by the Director.
 - (b) Notwithstanding any of the above-referenced maximum dimensions or other provisions to the contrary, the Director may require that the proposed size and number of signs be reduced, and that the proposed orientation, illumination, and location of proposed signs be modified, to maintain compatibility with surrounding properties, including, but not limited, to single-family residences.
 - (c) As part of the administrative site plan review, the Director shall also require the submittal of confirmation from the Florida Department of Transportation's Outdoor Advertising Division that the proposed sign or signs do not require a permit under chapter 479, Florida Statutes.
 - (d)

If a permit under chapter 479, Florida Statutes, is required for a sign, said sign shall not be approved by the Director, or, where applicable, the Director shall revoke the sign approval and the sign shall be removed forthwith.

(Ord. No. 20-16, § 3, 2-19-20; Ord. No. 20-51, § 2, 6-2-20; Ord. No. 22-106, § 4, 9-1-22; Ord. No. 23-51, § 2, 7-6-23)

Editor's note— Ord. No. 22-106, § 4, adopted September 1, 2022, renumbered former § 33C-13 as 33C-3.2.

Sec. 33C-3.3 - SMART Corridor Subzone; additional permitted uses; development standards; review and approval procedures.

(A) *Applicability in the incorporated and unincorporated areas.* Except as provided below, in Section 33C-4, or elsewhere in this chapter, lands within the RTZ District and outside of the RTCsAs and RTCBPA shall be assigned to the SMART Corridor Subzone and shall be governed by this subsection.

(1) *Exclusions.* Notwithstanding any other provision to the contrary, the following shall not be included within the SMART Corridor Subzone; the Director shall be responsible for interpreting the applicability of these exclusions to any particular parcel, subject to review of administrative interpretations pursuant to Section 33-314:

(a) Lands assigned to a different subzone in this chapter.

(b) Lands included within an urban center or urban area district pursuant to Chapter 33.

(c) Lands that are zoned for, or developed with, single-family or two-family residences and that are not part of a mixed-use development.

(d) Airport properties, except those constituting the Miami Intermodal Center as shown on Exhibit 25 to subsection 33C-2(B). Airport properties excluded from this subzone shall be governed by Article XXXVII of Chapter 33 and not this chapter.

(e) PortMiami, also known as the "Dante B. Fascell Port of Miami" or the "Port of Miami," which is the geographic area located within the CDMP's designated Regional Urban Center, commencing at the northeast intersection of Biscayne Boulevard and Port Boulevard, thence east along the north side of Port Boulevard to the perimeter of the Port of Miami, thence north/northeasterly, south/southeasterly, west/northwesterly, and northeast along said perimeter to Port Boulevard (encompassing the entirety of the Port of Miami lands, formerly Dodge, Lummus, and Sam's Islands), thence west along the south side of Port Boulevard to the eastern side of Biscayne Boulevard, thence north along the eastern side of Biscayne Boulevard to the point of beginning. The full legal description of the PortMiami boundaries is on file with the Department and with PortMiami's administrative office.

(f)

Those portions of the City of Miami Urban Core, as defined in Section 33-84, that are east of I-95.

(g) Fisher Island.

(h) Properties within the North Corridor, other than County-owned properties, outside of the Miami Gardens RTZ Boundaries shown on Exhibit 26.

(2) *Applicability to municipalities.*

(a) For lands within the SMART Corridor Subzone, municipalities shall only be subject to the requirements set forth in this subsection (2).

(i) Except as provided in this section and Section 33C-5, and notwithstanding Section 33C-2 regarding County jurisdiction, for properties within the SMART Corridor Subzone that are located within a municipality, the applicable municipality shall continue to exercise jurisdiction over regulatory decisions, as that term is defined in subsection 33C-2(C)(1), water and sewer installations, street maintenance, and utility regulation, to the extent it otherwise exercises jurisdiction over those functions.

(ii) Municipalities shall retain jurisdiction over signage within their respective boundaries, subject to the minimum standards set forth in Article VI of Chapter 33.

(b) Each municipality shall, by ordinance, adopt its own zoning districts, its own enumeration of permitted uses and uses allowable after public hearing, and its own development standards satisfying the minimum floor-area ratio requirements of this section. Such ordinance may include, without limitation: protection of existing single-family neighborhoods from encroachment by incompatible development; exclusion of existing single-family or two-family neighborhoods from the Rapid Transit Zone; protection of individual properties and districts designated as historic, subject to the minimum standards set forth in Chapter 16A; and requirements that buildings meet LEED or other green building standards that promote ecological and resource-efficient construction or operations.

(c) Each municipality shall, by ordinance, adopt its own procedures for review and approval of zoning applications, including district boundary changes, special exceptions, unusual uses, and variances, or their municipal equivalents.

(d) *Minimum floor-area ratio requirement.* Notwithstanding any provision to the contrary, municipal zoning districts and development standards for all new development and redevelopment within urban centers and rapid transit activity corridors, as defined below and as applicable, shall provide at least the minimum floor area ratio specified within the applicable floor area ranges provided in subsection (C), except where such minimums would result in:

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

- (ii) Existing single-family or two-family neighborhoods being required to redevelop; or
 - (iii) Development that is contrary to the requirements of a municipal historic preservation ordinance or Chapter 16A, as applicable, for a property or district that has been designated as historic pursuant to such historic preservation regulation.
- (e) *Time to comply.*
 - (i) For the North Corridor, as shown on Exhibits 26 and 32, the affected municipalities shall have until July 31, 2023, within which to adopt standards and procedures pursuant to this section or demonstrate that their existing standards or procedures comply with the minimum standards of this section.
 - (ii) All other municipalities that exercise jurisdiction over real properties that are located wholly or partially within one-half mile of each of the SMART Plan Corridors identified on Exhibit 32, or within one mile of the East-West Corridor identified on Exhibit 32, shall have until July 31, 2024, within which to adopt standards and procedures as required by this section or demonstrate that their existing standards or procedures comply with the minimum standards of this section.
 - (iii) Each municipality shall submit its adopted development standards and procedures for properties within the Rapid Transit Zone to the County Mayor or County Mayor's designee within 30 days of adoption.
- (f) *Adoption of municipal SMART Plan Corridor zoning maps.* The Board may, by resolution, designate for inclusion within the Rapid Transit Zone, as set forth in subsection 33C-2(B), a municipal map of lands that will be subject to the minimum floor-area ratio requirements of this section, which map has been adopted by municipal ordinance.
- (B) *Additional permitted uses.* The following categories of additional uses shall be permitted in the SMART Corridor Subzone, either alone or in horizontal or vertical mixed-use developments, as defined in Section 33-1. Except where otherwise specified herein, uses shall be as defined in Section 33-284.83(B).
 - (1) Accommodation uses.
 - (2) General retail/personal service establishments.
 - (3) Professional business offices.
 - (4) Residential uses.
 - (a) Residential uses include group residential homes subject to requirements for the MC category and rooming houses subject to subsection 33-208(6).
 - (b) All developments with more than 4 residential units shall provide a minimum of 12.5 percent of their units as workforce housing units on the site of the proposed development.

- (c) Workforce housing units above the minimum requirements of this section shall be entitled to such bonuses as are provided in the CDMP for "Density Bonus Programs for Affordable/Workforce Housing."
- (5) Entertainment uses, except adult entertainment.
 - (6) Food/beverage establishments.
 - (7) Rental car facilities.
 - (8) Commercial parking garages and surface parking lots.
 - (9) Institutional or governmental uses, including civic uses, colleges, universities, trade schools, child-care facilities, religious facilities, and schools (K-12).
 - (10) Health care services, except hospitals.
 - (11) Public and private parks and open spaces.
 - (12) Industrial uses as permitted in Section 33-259, subject to the following requirements:
 - (a) Prior to being added to the RTZ District, the property on which an industrial use is proposed was designated on the land use plan or zoned for industrial uses; and
 - (b) The proposed industrial use is mixed with one or more other allowed uses, either in vertical or horizontal mixed-use developments.
 - (13) Other similar uses, as determined by the Director.
- (C) *Density, intensity, and building height.* The County's CDMP provides different policies for development density and intensity for different areas within the SMART Corridor Subzone. Properties that are within the radius of a CDMP-designated urban center shall be governed by the CDMP policies for urban centers. Properties that are located outside of a CDMP-designated urban center shall be governed by the CDMP's policies for mixed-use development. Figure 1 graphically depicts the relationship between these areas. In accordance with those policies, the maximum density as measured by dwelling units per acre, maximum and minimum intensity as measured by floor-area ratio (FAR), and maximum building height shall be as set forth in the subparagraphs below.

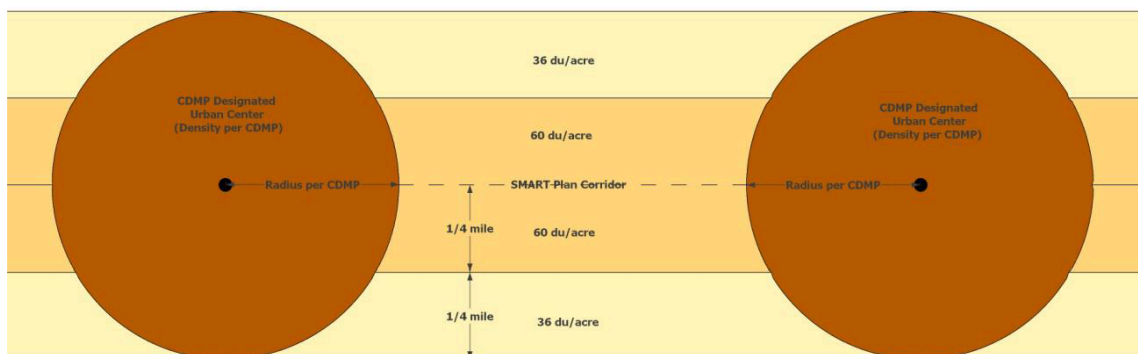


Figure 1

- (1) For properties located within the radius of an urban center designated on the CDMP Land Use Plan map but not incorporated in an urban center zoning district set forth in Chapter 33:

(a) The following table applies:

CDMP Urban Center Designation	Maximum Allowed Density (dwelling units per acre)	Minimum Required Floor Area Ratio	Maximum Allowed Height (Stories)
Community	125	Greater than 1.5 in the core; not less than 0.5 in the edge	15
Metropolitan	250	Greater than 3.0 in the core; not less than 0.75 in the edge	25
Regional	500		Note 1
Note 1: Maximum allowed height determined by MDAD pursuant to Article XXXVII of <u>Chapter 33</u>			

- (b) In addition, the following minimum densities shall govern residential development around existing and proposed rapid transit stations:

Distance from Proposed or Existing Rapid Transit Station	Minimum Required Density (dwelling units per acre)
Between one-half mile and one-quarter mile walking distance	10
One-quarter mile walking distance	15
Within 700 feet	20

(c) Notwithstanding the foregoing, where the underlying land use designation provides for greater density or intensity, the greater density or intensity shall govern, provided that the entire development fits within the maximum building envelope established by the applicable floor area ratio.

(2) For properties located within a Rapid Transit Activity Corridor but outside the radius of a designated urban center:

(a) The following table sets forth the range of densities and heights that may be permitted pursuant to the CDMP, depending on a property's location:

Mixed-Use Developments Located Within RTAC and:	Maximum Allowed Density (dwelling units per acre)	Floor Area Ratio Range	Maximum Allowed Height (Stories)
One-quarter mile of Metrorail or SMART Plan corridor	60	1.0 to 2.0	8
Between one-quarter mile and one-half mile of Metrorail or SMART Plan corridor	36	1.0 to 1.5	6
Between one-half mile and one mile of Metrorail or SMART Plan corridor	18	0.5 to 1.25	4

(b) Notwithstanding any provision to the contrary, in accordance with Article XIIA of Chapter 33, the Director may approve an increase of two additional stories about the maximum allowable height to accommodate development of WHUs, subject to compatibility and other building placement and design standards set forth in this section.

(c) Greater density, floor area ratio, or height may be available in accordance with the applicable CDMP Land Use Plan map designation. In that event:

(i) Maximum height shall be as set forth in subsection 33-493(2) for the Mixed-Use Corridor District ("MCD"); and

(ii)

The greater density, floor area ratio, or height shall govern, provided that the entire development fits within the maximum building envelope established by the applicable floor area ratio.

- (d) Notwithstanding any other provision to the contrary, where the applicant demonstrates that neither vertical nor horizontal mixed-use development on the subject property is feasible, a single-use building that provides for the maximum density or intensity of development allowed by the underlying land use plan map designation may be approved.

(D) *Building Placement Standards and General Requirements.*

- (1) The building placement standards and general requirements applicable to the MCD, as set forth in subsections 33-493(3) and (4), shall govern, except that a property that is adjacent to, or that is part of a unified development plan of which the closest property line is within 500 feet of the Douglas Road, Coconut Grove, or Vizcaya Metrorail Stations, may be developed in accordance with the development parameters set forth in subsection 33C-8(C) but pursuant to the procedures set forth in this section.
- (2) In addition, all proposed developments shall provide connections via bridges, paths, sidewalks, or a combination of such features to adjacent or nearby rapid transit stations or systems.

(E) *Compatibility with existing single-family or two-family neighborhoods.* Notwithstanding any other provision to the contrary, densities or intensities lower than the above minimum requirements may be approved where the minimum requirements would result in incompatible development encroaching into, or being established adjacent to or abutting, existing single-family or two-family neighborhoods.

(F) *Signs.* Signs shall be governed by Section 33C-3.2.

(G) *Parking.* Except as provided in this chapter, parking shall comply with subsection 33-284.86(F).

(H) *Jurisdiction over rights-of-way and County-owned and certain other properties within the SMART Corridor Subzone in incorporated and unincorporated areas.*

- (1) Notwithstanding any provision to the contrary, the following shall be under the County's exclusive regulatory jurisdiction pursuant to subsection 33C-2(C):
 - (a) SMART Corridor rights-of-way; and
 - (b) County-owned real properties and designated private properties in the incorporated and unincorporated areas meeting the qualifications set forth or otherwise identified in this subsection (H); and
 - (c) The real properties shown on Exhibits 33 and 34.
- (2) Properties in the SMART Corridor Subzone subject to this subsection (H), other than rights-of-way, shall be governed by subsection (I) below and the plan review standards for the Government Center Subzone, as set forth in subsection 33C-11(F), which is incorporated by

reference herein. It is provided, however, that all such applications shall be heard by the Board of County Commissioners and not a Community Zoning Appeals Board.

- (3) SMART Corridor rights-of-way are governed by this chapter and by Article XIV of Chapter 2.
- (4) *Subject properties.*
 - (a) This subsection (H) shall apply to a single property, or one or more contiguous or adjacent properties, that meet the following qualifications, regardless of whether such properties are specifically identified on the referenced exhibits or are partially located outside of the applicable boundaries:
 - (i) Are owned by Miami-Dade County; and
 - (ii) Are individually or collectively 0.5 acres or more in size; and
 - (iii) Are located wholly or partially within one-half mile of each of the SMART Plan Corridors, or within one mile of the East-West Corridor, identified on Exhibit 32; and
 - (iv) Are not excluded from the SMART Corridor Subzone pursuant to subsection (A) above.
 - (b) Notwithstanding any provision to the contrary, this subsection (H) shall also apply to the selected properties identified on Exhibit 27, which are further identified by the following folio numbers: 01-4109-048-0010, 01-4117-003-2490, 01-4117-003-2511, 01-4117-003-2510, 01-4120-045-0010, 01-4121-000-0010, 01-4121-004-0040, 01-4121-005-0010, 01-4121-005-0030, 01-4121-006-0330, 01-4121-007-0610, 01-4121-007-0740, 01-4121-007-0860, 01-4121-007-0870, 01-4121-007-0880, 01-4121-007-0890, 09-4025-063-0010, and 09-4025-063-0040.
 - (c) Notwithstanding any provision to the contrary, County-owned properties subject to the Stadium Zoning Ordinance shall be governed by article XLIII of chapter 33 and not this chapter.
- (I) *Review and approval procedures for development in SMART Corridor Subzone in unincorporated area; exceptions.*
 - (1) Applications for development in the SMART Corridor Subzone in the unincorporated area shall be governed by Section 33C-3.1, except as provided in this subsection (I), and except for the following:
 - (a) Applications that seek approval as provided in Section 33C-5; or
 - (b) Applications that seek approval in accordance with Chapter 33 and that provide:
 - (i) The minimum floor-area ratio required by subsection (C) above; and
 - (ii) The minimum workforce housing units required by subsection (B) above.
 - (2) Applications in the SMART Corridor Subzone shall be heard as follows:
 - (a)

Applications for properties in the unincorporated area of less than 5 acres in size and seeking approval of less than 250 residential units shall be heard by the applicable Community Zoning Appeals Board, the decision of which may be appealed to the Board of County Commissioners by an aggrieved or adversely affected party.

- (b) Applications for properties in the unincorporated area of at least 5 acres in size or seeking approval of at least 250 residential units shall be heard directly by the Board of County Commissioners.

(Ord. No. 22-106, § 2, 9-1-22; Ord. No. 23-71, § 3, 9-6-23)

Sec. 33C-4. - Rapid Transit Zone ("RTZ") District: general processes for certain stations and subzones outside of the SMART Corridor Subzone.

- (A) *Process within incorporated areas subject to a land use plan adopted pursuant to SADD Program.*

Except where provided for otherwise in this chapter, the following process shall govern development within lands subject to a land use plan approved through the Station Area Design and Development Program prior to March 15, 2008, and not included within an urban center or urban area zoning district pursuant to Chapter 33.

- (1) Previously adopted SADD Program land use plans shall control all public actions involving or affecting land use or development, including action on applications for zoning relief, except as provided in paragraph (2) below.
- (2) Notwithstanding any other provisions of this code or municipal ordinances or resolutions to the contrary, the Board of County Commissioners may supersede any previously adopted SADD Program land use plan by:
 - (a) Approving an application for special exception for a general development plan in accordance with the development standards and procedures for review and approval of development in the unincorporated area within the SMART Corridor Subzone, as set forth in Section 33C-3, or in accordance with the development standards and procedures of another applicable subzone as set forth in this chapter; or
 - (b) Including the subject property in an urban center or urban area district pursuant to Chapter 33.
- (3) Where the applicable SADD Program land use plan is not superseded as provided in paragraph (2), the Rapid Transit Developmental Impact Committee ("RTDIC") shall hear applications for the following in accordance with the procedures set forth in Section 33C-6 and under the standards and requirements established by such land use plan: site plan approval; special exception (other than for a general development plan or modification to an

approved plan or conditions thereto) or unusual use pursuant to such SADD Program land use plan; and variances or other zoning relief from the requirements of any such land use plan.

- (4) Decisions of the RTDIC upon such applications shall be subject to appeal to the Board of County Commissioners in accordance with Section 33-314.
- (5) It shall be the duty of the Clerk of the Board of County Commissioners to immediately transmit to the relevant municipality a certified copy of the RTDIC's and the County Commission's actions pursuant to this subsection.
- (6) An aggrieved party may seek judicial review of the County Commission's action in accordance with Section 33-316.

(B) *Process for City of Miami for certain areas.*

- (1) Whenever uses authorized by this chapter are proposed within portions of the Rapid Transit Zone located within the City of Miami that, as of March 15, 2008, were not subject to a land use plan approved by the City through the SADD Program and are not designated as RTCSA, RTCBPA, or as part of a specific subzone, the master plan development standards set forth in Section 33C-8 shall control such proposed uses unless the County Commission supersedes these standards in accordance with subsection (A)(2) above.
- (2) Except as provided otherwise in this chapter, development within and around the Allapattah, Civic Center, Culmer, Vizcaya, Coconut Grove, and Douglas Road Metrorail Stations shall be governed by the development standards set forth in Section 33C-8.

(Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-106, § 2, 9-1-22)

Editor's note— Ord. No. 21-33, § 1, adopted April 20, 2021, repealed the former §§ 33C-4, and enacted a new § 33C-4 as set out herein. The former § 33C-4 pertained to rapid transit development impact zone and derived from Ord. No. 78-74, § 1, adopted Oct. 17, 1978; Ord. No. 08-28, § 2, adopted March 4, 2008; Ord. No. 14-37, § 4, adopted April 8, 2014; Ord. No. 18-66, § 4, adopted June 5, 2018; and Ord. No. 19-127, § 2, adopted Dec. 17, 2019.

Sec. 33C-5. - Rapid Transit Zone ("RTZ") District: pending regulatory applications, existing zoning district regulations, non-conformities, and review of takings and vested rights claims.

- (A) *Pending applications.* Notwithstanding any provision to the contrary, an applicant with an active application that would be subject to this chapter but that was filed with a municipality or the County prior to the subject property being included in the Rapid Transit Zone may continue under the pending process until the application is decided or the permit is closed, including issuance of any final certificates of occupancy for building permits.
 - (1) Once the pending process is concluded, all future applications shall be subject to the County's jurisdiction as set forth in Section 33C-2.
 - (2)

Uses or structures established in accordance with such a pending application shall be subject to the provisions in this section regarding existing zoning designations and non-conformities.

(B) *Existing zoning designations; administrative site plan review required.* Until a special exception or other zoning approval for development is approved pursuant to this chapter, lands within the RTZ District shall remain subject to the applicable County or municipal zoning district regulations that existed prior to inclusion in the RTZ District, in accordance with the following:

(1) *Administration of prior regulations.*

(a) For properties included in the RTZ District as of April 30, 2021, and for properties included in a subzone other than the SMART Corridor Subzone after that date, all such prior regulations shall be administered by the County pursuant to its regulatory jurisdiction as set forth in this chapter.

(b) For properties included in the SMART Corridor Subzone in the unincorporated area:

(i) All such prior regulations, including applications for special exceptions, unusual uses, or variances, shall continue to be administered in accordance with Chapter 33;

(ii) It is provided, however, that applications for district boundary changes or other such changes in zoning district shall be subject to Section 33C-3.

(2) Notwithstanding any such prior regulations or other provisions to the contrary, no applications for development permits or development orders on undeveloped land shall be approved until the Department has approved a site plan following administrative site plan review in accordance with Section 33-284.88 and the following additional requirements:

(a) The Department determines that the site plan maximizes density or intensity to the greatest extent practicable, to further the purpose of this chapter to coordinate land uses with transportation facilities.

(b) DTPW certifies that approval of the application will not have an adverse impact upon a material element of the Rapid Transit System. DTPW shall, with respect to any application for which certification is refused, provide a detailed written explanation supporting the refusal to certify and specifying the corrective actions, if any, which would lead to certification.

(3) Notwithstanding any such prior regulations or other provisions to the contrary, no applications for development permits or development orders to modify existing development or vested development approvals shall be approved until:

(a) The Department has determined that the proposed modification complies to the greatest extent practicable with the purpose and requirements of this chapter to coordinate land uses with transportation facilities; and

(b) DTPW issues the certification required in paragraph (2)(b) above.

- (4) Denial of an application pursuant to this section may be appealed to the Board of County Commissioners in accordance with Section 33-314.
- (5) Notwithstanding any other provisions to the contrary, the following shall not be subject to the procedures set forth in paragraphs (2) and (3) above:
 - (a) Properties that are zoned for, or developed with, single-family or two-family residences and that are not part of a mixed-use development; and
 - (b) Properties that are added to the SMART Corridor Subzone.
- (C) *Non-conforming lots, uses, and structures.*
 - (1) Upon approval of a zoning application pursuant to this chapter, legally established lots, uses, and structures that do not conform to the requirements of this chapter, including approvals granted pursuant to subsections (A) and (B) above, shall be deemed nonconforming and shall be subject to Section 33-284.89.2.
 - (2) Notwithstanding any other provisions to the contrary, a non-conforming development may be expanded by any amount to provide a mixed-use development, and in that event, only the new mixed-use development shall be subject to the requirements of this chapter.
- (D) *Administrative review of takings and vested rights claims.* Any applicant alleging that this chapter, as applied to a particular development order or action, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights, shall comply with the procedures set forth in Section 2-114.1 regarding claims relating to the application of Chapter 33.

(Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-106, § 2, 9-1-22)

Editor's note— Ord. No. 21-33, § 1, adopted April 20, 2021, repealed the former § 33C-5, and enacted a new § 33C-5 as set out herein. The former § 33C-5 pertained to guideway aesthetic zone and derived from Ord. No. 78-74, § 1, adopted Oct. 17, 1978.

Sec. 33C-6. - Rapid Transit Developmental Impact Committee.

- (A) There is hereby established a Rapid Transit Developmental Impact Committee (RTDIC).
 - (1) The RTDIC shall be composed of:
 - (a) Two representatives of the Department, which shall be a combination of either the Director, the Assistant Director for zoning, or the DERM Director;
 - (b) A Director or Assistant Director of DTPW, MDFR, WASD, and PROS;
 - (c) The Secretariat of the TPO;
 - (d) The County Mayor or designee; and
 - (e) Two representatives selected by the applicable municipality when the subject property is located within a municipality.

- (2) Each member may assign staff of the respective department to act on the member's behalf as needed.
- (B) The RTDIC shall perform its duties in accordance with the procedures specified in Section 33-303.1 applicable to the DIC Executive Council, unless provided otherwise in this chapter, and shall hear only the following applications, after receiving the recommendation of the Director:
 - (1) For properties subject to a previously adopted SADD Program land use plan, applications for a site plan approval, special exception, unusual use, or variance from the requirements of such plan, provided that such application is not accompanied by an application for development pursuant to a subzone; and
 - (2) For properties subject to any subzone or to Section 33C-8, applications for a special exception (except for approval of a general development plan or modification to an approved plan or conditions thereto), an unusual use, or a variance from the requirements of the applicable subzone; and
 - (3) For properties subject to a subzone other than the SMART Corridor Subzone, such applications as are provided for in the applicable subzone regulations.
- (C) Except as expressly provided in this chapter, mailed notice of hearings before the Rapid Transit Development Impact Committee shall be provided in the same manner as hearings on applications filed before the Community Zoning Appeals Board pursuant to Section 33-310.
 - (1) Mailed notice of the hearing shall also be provided simultaneously to the municipality in which the application site is located.
 - (2) Applications shall comply with the procedural requirements of Section 33-304.
- (D) *Posting of final actions; appeals.*
 - (1) Final actions taken by the RTDIC on applications filed pursuant to this chapter shall be posted in accordance with Section 33-312.
 - (2) Any aggrieved or adversely affected party may appeal a final decision of the RTDIC on such application to the Board of County Commissioners in accordance with Section 33-314 within the time period provided in Section 33-312.

(Ord. No. 78-74, § 1, 10-17-78; Ord. No. 03-113, § 3, 5-6-03; Ord. No. 14-37, § 3, 4-8-14; Ord. No. 18-66, § 3, 6-5-18; Ord. No. 19-127, § 2, 12-17-19; Ord. No. 20-50, § 2, 6-2-20; Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-106, § 2, 9-1-22)

Editor's note— Ord. No. 21-33, § 1, adopted April 20, 2021, repealed the former § 33C-6, and renumbered the former § 33C-3 as § 33C-6 as set out herein (see the editor's note to § 33C-3). The former § 33C-6 pertained to exceptions and derived from Ord. No. 99-166, § 2, adopted Dec. 16, 1999 and Ord. No. 14-37, § 5, adopted April 8, 2014. See the editor's note to § 33C-3.

Editor's note— Ord. No. 20-39, § 5, adopted May 5, 2020, repealed § 33C-7, which pertained to Dr. Martin Luther Kings, Jr. Corridor Subzone and derived from Ord. No. 99-161, § 1, adopted Nov. 16, 1999; Ord. No. 10-13, § 8, adopted Feb. 2, 2010; Ord. No. 11-65, § 8, adopted Aug. 2, 2011; Ord. No. 14-37, § 6, adopted April 8, 2014; Ord. No. 15-140, § 1, adopted Dec. 10, 2015.

Sec. 33C-8. - Rapid transit zone district regulations for non-Metrorail development around certain stations within the City of Miami.

- (A) *Purpose and intent.* The purpose of these development standards is to provide guidelines governing the use, site design, building mass, parking, and circulation for all non-Metrorail development in the Rapid Transit Zone within the City of Miami around the Allapattah, Civic Center, Culmer, Vizcaya, Coconut Grove, and Douglas Road Metrorail Stations, with the intent of fulfilling the goals, objectives and policies of the County's Comprehensive Development Master Plan urban center text.
- (B) *Definitions.* Terms used in this section shall take their commonly accepted meaning unless otherwise defined in Chapters 18A, 28, or 33, or already defined herein. Terms requiring interpretation specific to this section are as follows:
 - (1) *Arcade/colonnade:* A roofed structure, extending over the sidewalk, open to the street except for supporting columns and piers. An arcade/colonnade's depth shall be measured from face of column to face of building. In Metropolitan Urban Centers colonnade depth shall be a minimum of 15 feet and in Community Urban Centers colonnade depth shall be a minimum of 10 feet.
 - (2) *Block:* A combination of contiguous building lots, the perimeter of which abuts rights-of-way, drives, or an open space.
 - (3) *Build-to-line:* A line parallel to the block face, along which a building shall be built.
 - (4) *Building height:* A limit to the vertical extent of a building measured in stories above grade, not including chimneys, antennas, elevator shafts, mechanical rooms or other non-habitable areas.
 - (5) *F.A.R.:* The floor area of the building or buildings, excluding parking structures, on any lot divided by the area of the site.
 - (6) *Habitable space:* Building space whose use involves human presence. Habitable space shall not include areas devoted to the parking of vehicles in parking garage structures, self-service storage facilities, or warehouses.
 - (7) *Live-work unit:* A mixed-use building type with one single-family residential dwelling located above one work space.
 - (8)

Open space: An outdoor, at grade space which is accessible to the public all or most of the time, including parks, plazas, squares, colonnades, greens, promenades, pedestrian paths and/or associated ornamental or shaded landscaped areas.

- (9) *Penthouse:* In a Community Urban Center, the 2 top stories (top 5 stories with Gold LEED Certification; top 3 stories with Silver LEED Certification) of a building with a floorplate area less than that of the tower below. In a Metropolitan Community Urban Center, the 5 top stories (7 top stories for Gold LEED Certification; 6 top stories for Silver LEED Certification) stories of a building with a floorplate area less than that of the tower below.
- (10) *Pedestal:* In a Community Urban Center, the bottom 5 stories (7 stories with Gold LEED Certification; 6 stories with Silver LEED Certification) portion of a building that creates the street frontage. In a Metropolitan Urban Center, the bottom 7 stories (11 stories with Gold LEED Certification; 8 stories with Silver LEED Certification) portion of a building that creates the street frontage.
- (11) *Plaza:* An open space fronted by retail and office uses. A minimum of 50% and a maximum of 75% of the plaza's area, exclusive of dedicated rights-of-way and drives, shall be hard-surfaced. Landscaping shall consist primarily of hard-surfaced areas, permanent architecture or water-oriented features, and trees that are placed in an orderly fashion and that are regularly spaced.
- (12) *Square:* An outdoor open space that shall be flanked by streets or drives on at least 3 sides and shall not be hard-surfaced for more than 50% of the area exclusive of dedicated rights-of-way. Landscaping shall consist primarily of hard-surfaced walks, lawns, and trees that are placed in an orderly fashion and that are regularly spaced.
- (13) *Story:* An enclosed floor level within a building containing habitable space.
- (14) *Tower:* In a Community Urban Center, the middle 8 stories (13 stories with Gold LEED Certification; 11 stories with Silver LEED Certification) portion of a building above the pedestal and below the penthouse. In a Metropolitan Urban Center, the middle 13 stories (22 stories with Gold LEED Certification; 16 stories with Silver LEED Certification) portion of a building above the pedestal and below the penthouse.
- (C) *Development Parameters.* The following parameters shall apply to Rapid Transit Zone Station development provided such uses are compatible with transit uses and operations as determined by DTPW:
 - (1) *Permitted Uses.* A minimum of two of the following uses shall be included in all Rapid Transit Zone Station development:
 - (a) Business and civic uses allowed in the BU-1, BU-1A and BU-2 zoning districts. Drive-thru services are permitted and shall be concealed from the adjoining street network.
 - (i)

Outside food sales and services including but not limited to outdoor dining, cart vendors, and merchandise displays.

- (ii) The provisions of Section 33-150(A) and (B) of the Zoning Code regarding alcoholic beverage uses shall not apply.
 - (b) Residential uses. All residential or mixed-use developments, including those which obtained LEED or similar organization certification, located within any of the Rapid Transit Zones, with more than 4 residential units, shall provide a minimum of 12.5% of their units as work force housing units.
 - (c) Housing for the elderly.
- (2) *Setbacks.* The setbacks for Rapid Transit Zone station development shall be as follows:
- (a) *Pedestal build-to-line from streets and drives:* 0 feet when colonnade is provided in all urban centers; 15 feet in Metropolitan Urban Centers when colonnade is not provided. 10 feet in Community Urban Centers when colonnade is not provided. The build-to-line setback shall be hard surfaced and finished to match the adjoining sidewalk when a colonnade is not provided.
- Tower build-to-line from streets and drives:* Minimum 10 feet when colonnade is provided in all urban centers; minimum 25 feet in Metropolitan Urban Centers when colonnade is not provided, minimum 20 feet in Community Urban Centers when colonnade is not provided. The build-to-line setback shall be hard surfaced and finished to match the adjoining sidewalk when a colonnade is not provided.
- Penthouse build-to-line from streets and drives:* For up to a minimum of 50% of the building frontage, minimum 20 feet when colonnade is provided in all urban centers; minimum 35 feet in Metropolitan Urban Centers when colonnade is not provided, minimum 30 feet in Community Urban Centers when colonnade is not provided. The build-to-line setback shall be hard surfaced and finished to match the adjoining sidewalk when a colonnade is not provided.
- When nonresidential uses are located across the street from single-family zoned property, the build-to-line shall be 30 feet for the pedestal, except 20 feet if colonnade is provided, a minimum of 40 feet for the tower and a minimum of 50 feet for the penthouse.
- (b) *Interior side:* 0 feet in all urban centers, except 30 feet minimum for all portions of the building including parking structures when adjacent to single-family residential zoned districts.
 - (c) *Rear side:* 0 feet minimum in all urban centers including the metrorail station guideway, except 30 feet minimum for all portions of the building including parking structures when adjacent to single-family residential zoned districts

(3) *Floor Area Ratio (F.A.R.)*. The floor area ratio for Rapid Transit Zone station development shall be as follows:

(a) Community Urban Centers (Civic Center Station; Coconut Grove Station; Culmer Station; the undeveloped portion of Douglas Road Station) shall have a minimum F.A.R. of 1.5.

(4) *Density*. The maximum densities for Rapid Transit Zone station development shall be as follows:

(a) Metropolitan Urban Centers: 250 units per net acre.

(b) Community Urban Centers: 125 units per net acre.

A 25% density bonus above the listed maximum urban center densities is permitted for residential rapid transit developments being designed for and having registered for certification for a Gold certification rating from LEED (Leadership in Energy and Environmental Design) or a similar organization accredited by the U.S. Green Building Council (USGBC). Residential developments being designed and having registered for certification for a Silver Certification rating from LEED or a similar organization accredited by the U.S. Green Building Council (USGBC) are permitted a density bonus of 12.5% above the listed maximum urban center densities.

(5) *Building Heights*. The maximum building heights for all Rapid Transit Zone station development shall be as follows:

(a) Metropolitan Urban Centers: 25 stories (maximum — 7 stories pedestal, 13 stories tower, 5 stories penthouse)

(b) Community Urban Centers: 15 stories (maximum — 5 stories pedestal, 8 stories tower, 2 stories penthouse)

(c) The maximum building height for the Coconut Grove station shall be 250 feet provided the development is designed and has registered for certification for a Silver Certification rating from LEED or a similar organization accredited by the U.S. Green Building Council (USGBC).

All rapid transit development having been designed and having registered for a certification rating from LEED or a similar organization accredited by the USGBC is permitted an increase in the number of allowable stories as follows:

(a) Metropolitan Urban Centers: a total of 30 stories (maximum — 8 stories pedestal, 16 stories tower, 6 stories penthouse) with Silver Certification; 40 stories (maximum — 11 stories pedestal, 22 stories tower, 7 stories penthouse) with Gold Certification

(b) Community Urban Centers: a total of 20 stories (maximum — 6 stories pedestal, 11 stories tower, 3 stories penthouse) with Silver Certification; 25 stories (maximum — 7 stories pedestal, 13 stories tower, 5 stories penthouse) with Gold Certification

Each story shall have a maximum height of 16 feet, as measured from floor to floor, except that a single story may have a maximum height of 30 feet, provided no mezzanine area exceeds 10% of the floor area of that story. Any height above 16 feet shall count as an additional story.

- (6) *Building Frontage.* 80% minimum at build-to-line for all Rapid Transit Zone station developments. Habitable space is required along the entire ground floor portion of all buildings including parking garages.
- (7) *Parking.* Notwithstanding any provision to the contrary, there shall be no minimum parking requirement within the Rapid Transit Zone.

Multi-story parking garage structures shall be screened along all frontages (streets and common open spaces), except along a service road or a pedestrian passage, by a liner building containing a minimum depth of 20 feet of habitable space. Parking garages shall have all architectural expression facing public open space consistent and harmonious with that of habitable space.

Surface parking shall be located a minimum of 20 feet from property lines. Streetwalls and/or habitable space shall be built at the frontage line or at the build-to-line to screen parking from view.

- (8) *Encroachments.* Awnings, balconies, roof eaves, signs, porches, stoops and ramps may encroach into setbacks. Awnings, balconies, roof eaves and signs may encroach into rights-of-way; however, they shall not extend a distance closer than 6 inches from the curb face. All right-of-way encroachments shall be a minimum of 132 inches above the sidewalk. Encroachments shall not be taller than the building or pedestal, whichever is lower. Cantilevers and mouldings shall not exceed 3 feet in extension beyond the vertical wall surface, unless visibly supported by brackets or other supports.

- (9) *Building Facades.*

- (a) Building streetwall surfaces shall be a minimum 30% glazed. Mirror-type glass shall not be allowed. All glazing shall be of a type that permits view of human activities and spaces within. The first floor streetwall shall be a minimum 30% glazed. Glazing shall be clear or very lightly tinted for the first 5 stories, except where used for screening garages where it may be translucent.

- (b) Security screens and gates shall be a minimum 50% transparent.

- (c) Colonnade column spacing, windows, and doors shall have a vertical proportion.

- (10) *Open Space.* A minimum of 15% of the lot area shall be reserved for open space in the form of greens, squares, plazas, parks, promenades and pedestrian paths. It shall be at grade level and it shall be accessible to the public. Arcades/colonnades shall count toward meeting the

minimum open space requirements. Parking lot buffers shall not count toward the open space requirement.

- (11) *Landscape*. Landscape shall be provided in accordance with Chapter 18A (Landscape Code) of Miami-Dade County with the following exceptions:
 - (a) Street trees shall be placed along all streets at an average spacing of 25 feet on center with a minimum 4-inch diameter at breast height.
 - (b) Street trees shall not be required when colonnades are being provided along the street.
 - (c) Tree requirements for private property shall be based on 16 trees per net acre of lot area.
- (12) *Pedestrian Passage*. A pedestrian passage shall be required every 400 linear feet of street frontage to allow public access through the site. The passage shall be minimum unobstructed 8 feet wide.
- (D) *Site Plan Review Standards and Criteria*. The purpose of the site plan review is to encourage logic, imagination, and variety in the design process in an attempt to ensure congruity of the proposed development and its compatibility with the surrounding area. The following site plan review standards shall be utilized as a guide in the consideration for development approval in the applicable areas. All development in the applicable area shall be designed to contribute to the creation of a high-quality pedestrian environment within the zone and along its perimeter and provide direct logistical connections between the transit station and the adjacent neighborhood.
 - (1) Design considerations shall include: the placement, orientation and scale of buildings and building elements particularly at street level, sidewalks and connections, and provisions of weather protection, landscape, and lighting.
 - (2) The architectural design and scale of any proposed structure shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent uses.
 - (3) All buildings shall have their main entrance opening to a street or meaningful open space from such as squares, parks, greens, plazas and promenades. In addition, there shall be pedestrian entrances at maximum intervals of 75' along the street.
 - (4) Building placement shall architecturally define transit station entrance plazas, fare collection areas, and platforms. Habitable space shall front entrance plazas, fare collection areas, and platforms to promote pedestrian activity between the development and the transit station.
 - (5) Colonnade column spacing and fenestration (doors, windows, openings) shall have a vertical proportion.
 - (6)

All developments shall have sidewalks or pedestrian paths a minimum 8' wide providing pedestrian linkages between the transit station and anticipated destinations in the Rapid Transit Zone and the adjacent neighborhoods.

- (7) Buildings and their pedestrian accommodations, landscapes and parking facilities shall be oriented and arranged toward the street, contribute to spatial enclosure of street space in and around the Subzone, blocks and pedestrian pathways in the Rapid Transit Zone, and shall produce coherent, direct connections within the site and to the adjacent streets, sidewalks and paths.
- (8) Building architecture, exterior finish materials and textures, architectural elements and ornamentation shall be selected to produce human scale at street level.
- (9) Open spaces and landscaping should be incorporated into the design of all development projects to allow sufficient light and air to penetrate the project, to direct wind movements, to shade and cool, to visually enhance architectural features and relate the structure design to the site, and to functionally enhance the projects. Outdoor graphics and exterior art displays and water features should be encouraged to be designed as an integral part of the open space and landscaped areas.
- (10) All development projects should be designed so as to reduce energy consumption. Energy conservation methods may include, without limitation, the natural ventilation of structures, the siting of structures in relation to prevailing breezes and sun angles, and the provision of landscaping for shade and transpiration.
- (11) Public open spaces in the form of squares, plazas, greens, etc., shall be connected to the station and proposed development, so as to provide easy access thereto. A sprinkler system shall be installed in all of the proposed landscaped areas to maintain said areas in good, healthy condition.
- (12) Service areas shall be located and screened to minimize negative visual impacts from the street.
- (13) Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements.
- (14) Trees shall be used as a design element to provide visual identity to the property and reinforce the street edge. Tree grates or other approved devices shall be provided around all trees in hard surface areas to ensure adequate water and air penetration.
- (15) All utilities on site shall be buried underground.
- (16) Adequate circulation throughout the development project shall be provided to accommodate emergency vehicles.
- (17)

The development shall be designed with a coordinated outdoor pedestrian-scaled lighting system that is adequate, integrated into the project and compatible and harmonious with the surrounding areas.

- (18) Street furniture such as trash containers and benches shall be permanently secured to the sidewalk. Street furniture shall not obstruct sight visibility triangles at street intersections.
- (19) Dumpsters shall not be visible from the public street.
- (20) Architectural elements at street level shall have human scale, abundant windows, doors and design variations to create interest for the pedestrian. Blank walls at street level and above the ground floor of buildings are not permitted.
- (21) All parking garages shall have all architectural expressions facing public open spaces consistent and harmonious with that of habitable spaces.
- (22) All developments shall provide vehicular passenger loading and unloading zones to: (i) accommodate passengers who use vehicles for hire or transportation network companies; and (ii) minimize impacts of passenger loading and unloading on the surrounding roadway network. A loading or unloading zone that is shared among adjacent or adjoining parcels may be permitted, provided that a safe pedestrian route to each parcel is provided.

(E) *Site Review Procedure and Exhibits.* Applications for development shall be governed by Section 33C-3.1, except that applications shall not be subject to the initial review procedures set forth therein.

(Ord. No. 08-28, § 3, 3-4-08; Ord. No. 15-140, § 2, 12-1-15; Ord. No. 20-39, § 6, 5-5-20; Ord. No. 22-106, § 2, 9-1-22)

Sec. 33C-9. - Downtown Intermodal District Corridor Subzone.

- (A) *Purpose and Intent.* The following development review standards and criteria shall govern applications for Initial Plan Approval of the general site development plan and applications for Final Site Plan Review for all development to be located within the boundaries of the Downtown Intermodal District Corridor Subzone (DID Corridor Subzone) established in subsection 33C-9(B) herein. The DID Corridor Subzone shall function as the urban transit hub of a major international tourism and trade destination. The standards set forth herein further the unique land use characteristics of this area, which lies within the City of Miami Urban Core and within a Regional Urban Center, as designated on the Land Use Plan Map of the County's Comprehensive Development Master Plan.
- (B) *Boundaries.* The DID Corridor Subzone of the Rapid Transit Zone is hereby established; the boundaries of the Subzone incorporated into Exhibit 17 of subsection 33C-2(B). The legal description of the boundaries and a full scale map of the boundaries of the DID Corridor Subzone presented in Exhibit 17 are on file with the Miami-Dade Department of Regulatory and Economic Resources or its successor Department.

(C) *Permitted Uses:* The following uses shall be permitted in the DID Corridor Subzone, either alone or as mixed uses in horizontal or vertical integration. "Vertical integration" means any combination of primary uses (such as passenger transit systems or businesses) located on the ground floor, and residential and accommodation uses such as hotels on the upper floors. "Horizontal integration" means any combination of parcels or buildings and structures with different primary uses within the same development.

- (1) Hotels;
- (2) Commercial/retail;
- (3) Offices;
- (4) Residential;
- (5) Bars and restaurants;
- (6) Intercity passenger rail systems, which provide, but not limited to such uses, elements and activities as stations, passenger platforms and waiting areas, ticket and information booths, luggage handling areas, restrooms, utility rooms, in-station advertising displays, stairs, elevators, escalators, walkways, concessions, vending machines, restaurants, lounges and other service-related businesses offering goods and services for sale to passengers, and other similar uses as are necessary for or ancillary to the proper functioning of a passenger rail station or system;
- (7) Maintenance facilities for an intercity passenger rail system, including yard and shops, and associated tracks and facilities;
- (8) Rental car facilities;
- (9) Parking lots and parking structures, including commercial parking lots and garages that charge fees for parking;
- (10) Governmental;
- (11) Convention halls and showrooms;
- (12) Institutional;
- (13) Health care facilities, except hospitals;
- (14) Other similar uses as approved by the Director of the Department of Regulatory and Economic Resources or its successor Department.

(D) *Review and approval process for development in DID Corridor Subzone.* Applications for development shall be governed by Section 33C-3.1, which is incorporated by reference herein, except as follows:

- (1) The pre-application conference shall include three representatives from the City of Miami.
- (2) *Initial review.*
 - (a)

Following the pre-application conference, applications, including governmental facilities, shall be presented to the RTDIC in accordance with Section 33C-6 for a recommendation as to compliance with the requirements of this chapter.

- (b) For purposes of this section, the City of Miami shall have three representatives on the RTDIC.
- (c) Within 60 days after the filing of the application, the RTDIC shall issue a recommendation upon such application. The recommendation shall reflect the consensus of the members present.
- (d) In the event that the City representatives present do not concur with a recommendation for approval, the recommendation shall be for denial. The recommendation shall be transmitted to the Board of County Commissioners for final action.
- (e) In the event of a recommendation of denial by the RTDIC, approval of the application shall require the affirmative vote of 9 members of the Board of County Commissioners.

(3) *Final Review for development of the Downtown Intermodal District Corridor Subzone.*

- (a) Following approval of the special exception, final review for all or a portion of the development shall be made and approved administratively by the RTDIC in accordance with plans and documents approved by the Board of County Commissioners.
- (b) The RTDIC review shall be guided by development and plan review standards established in this section.
- (c) Applications for modification of a site plan approved pursuant to this section, including applications for approval of a subsequent phase of a previously approved phased site plan, shall be considered and acted upon administratively by the RTDIC at a public meeting but without the necessity of public hearing.
- (d) In the event that the City representatives present do not concur with approval of the application, the decision of the RTDIC shall be for denial.
- (e) Any aggrieved or adversely affected party may appeal the decision of the RTDIC to the Board of County Commissioners pursuant to Section 33-314. The affirmative vote of 9 members of the Board of County Commissioners shall be required to reverse a decision of denial by the RTDIC.

(E) *Administrative Site plan development parameters.* The following development regulations shall apply to all development within the DID Corridor Subzone.

- (1) *Parking:* The table below indicates minimum parking for uses located in the DID Corridor Subzone.

Use	Minimum Parking Requirements
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Commercial/Retail, Restaurants, Bars, Convention Halls and Showrooms	1.8 spaces/1,000 SF
Office, Government, Institutional, Health Care Facilities	0.6 spaces/1,000 SF
Residential	0 spaces per unit
Hotels	0.3 spaces/room
Transit systems including Maintenance Facilities	0.6 spaces/1,000 SF (excluding platform)
Other Uses	50% of the required parking indicated in <u>Section 33-124</u>

- (a) To minimize adverse visual effects of the structure(s), multi-story parking garages facing public and private streets rights-of-way and/or public open space shall utilize but not be limited to: liner buildings; glazing; building wall extensions; vertical planted walls; berms; landscaping; architectural fenestration; sculpture; design features or other innovative screening methods. Surface parking lots fronting streets shall be located a minimum of ten (10) feet from the right-of-way and screened at the ten (10) foot line with a wall having a maximum height of 3'6". The setback shall incorporate a combination of hard-scape and landscape elements finished to match the existing sidewalk.
- (b) Mechanized parking shall be allowed and when provided, exempt from the provisions of Section 33-122 of this Code. For the purpose of this Subzone, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides for automobile storage and retrieval. A mechanized parking space shall be counted toward the parking requirements of this Section. Mechanized parking may not be provided unless a queuing analysis is submitted and approved during the Administrative Site Plan Review process.
- (c) Required off-street parking for uses located within the DID Corridor Subzone can be located within one mile of the boundaries of the DID Corridor Subzone. An applicant for approval of development with off-site parking shall execute and record in the public records of this County a declaration of restrictions approved by the Director covenanting

that such development shall cease and terminate upon the elimination of such parking area, and that no development requiring such parking shall be made of such property until the required parking area is available and provided.

(2) *Setbacks, cubic content, and lot size:*

- (a) Due to the unique characteristics associated with an intermodal transit corridor subzone, development setbacks from all streets (other than NW 1st Avenue), interior/rear property lines and Metromover and Metrorail rights-of-way shall be zero (0) feet minimum.
- (b) Setback from NW 1st Avenue: The minimum setback for thirty percent (30%) of buildings fronting on NW 1st Avenue shall be zero (0) feet. Seventy percent (70%) of buildings fronting on NW 1st Avenue shall setback ten (10) feet minimum; provided, however, where a colonnade is provided the minimum setback shall be zero (0) feet. Colonnades shall have a minimum clear height of ten (10) feet. When the development sets back a minimum of ten (10) feet from the edge of the right-of-way, the setback area shall incorporate a combination of hard-scape and landscape elements finished to match the existing sidewalk. The percentage of frontage requirement may be calculated by street block or as a combined cumulative average of all street blocks fronting NW 1st Avenue.
- (c) There shall be no cubic content or minimum lot size requirements.

(3) *Encroachments:*

- (a) Buildings and structures above the ground floor may be built above colonnades and/or encroach into street setbacks but shall not extend beyond the public or private right-of-way; except that a maximum of one hundred percent (100%) of the street may be covered above the first floor with structures connecting buildings including: platforms fitted with trains and passenger waiting areas; roofs; upper story terraces, pedestrian bridges, automobile bridges between parking garages and parking garages. Adequate clearance for structures above streets shall be maintained.
 - (b) Cantilevered balconies, awnings, weather protection elements and similar features with adequate vertical clearance may encroach into street rights-of-way but shall not extend closer than six (6) inches from the curb face. Notwithstanding anything to the contrary in Section 28-18, Code of Miami-Dade County, structures necessary or appropriate to the structural support of a Fixed-Guideway Rapid Transit System or an Intercity Passenger Rail System shall be permitted to encroach on or in a mapped street.
- (4) *Floor Area Ratio and lot coverage:* The floor area ratio, lot coverage and maximum square footage of buildings to be developed within the DID Corridor Subzone shall not be limited.
- (5) *Building Height:* The maximum building height shall be the maximum allowed by MDAD in accordance with the zoning regulations for Miami International Airport provided in Chapter 33.

- (6) *Open Space*: The minimum open space requirement shall be fifteen percent (15%) of the gross development area. Open space shall include parks, plazas, balconies, terraces, courtyards, arcades/colonnades, pedestrian paths, rooftop green spaces above buildings and parking garages, and transit platform areas improved for pedestrian comfort.
- (7) *Signs*: Signs visible from public rights-of-way or public areas shall comply with Section 33C-3.2, except that Class C signs may be permitted in accordance with Section 33-107.
 - (a) Subject to the requirements and limitations of Section 33-107, a maximum of five murals may be approved in this Subzone.
 - (b) The signage plan submitted with the application for final site plan review shall contain criteria, locations, and sizes of signs.
- (8) *Density*: Residential density shall not exceed 500 units per gross acre.
- (9) *Architectural Expression*: Building facades facing public and private street rights-of-way or public open space or both shall be a minimum 40% glazed. Glazing is not required for building facades which face the Metrorail or MetroMover rights-of-way or for above-grade parking garage structures which face public and private street rights-of-way or public open space; however, parking garages shall conform to the parking standards included herein. Blank walls facing public and private street rights-of-way and public open space shall be prohibited unless furnished with some type of artistic expression such as sculpture, mosaic and similar features.
- (10) *Landscaping*: Landscaping shall conform to the standards set forth in Section 18A-6, Code of Miami-Dade County, as applicable to non-residential development, with the following exceptions:
 - (a) *Lot trees*: Thirty (30) trees per net acre of open space. In addition to the placement of trees in the lot, they may be placed in greens, squares, plazas and street medians within or in close proximity to the Subzone. Lot trees shall have a minimum two (2) inch diameter at breast height.
 - (b) Street trees shall be planted at a maximum of thirty (30) feet average on center, with a minimum three (3) inch diameter at breast height. Street trees shall be placed inside landscaped strips, tree planters, and in medians in the right-of-way or on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Public Works and Waste Management Department or its successor Department or the appropriate authority within the municipality.
- (11) *Service areas and mechanical equipment*: Service areas and fixtures shall be screened and so located as not to be visible from public and private rights-of-way or public open space. Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. Fixtures, including but not limited to backflow preventers, pumps,

underground ventilation exhausts, and electrical vaults, shall be located within or to the side or rear of buildings; such fixtures shall not be located within the street setback area. Backflow preventers shall be shielded from view, as required by Section 32-157(d) of the Code.

- (12) *Alcoholic Beverages*: The restrictions on premises used for the sale of alcoholic beverages set forth in Chapter 33, Article X of this code regarding hours and days of sale, distance from other premises used for the sale of alcoholic beverages and distance from schools or religious facilities shall not apply in the Downtown Intermodal District Corridor Sub-Zone.

(F) *Plan Review Standards*. The purpose of the site development standards is to encourage the creation of development within the Subzone that acts as a significant gateway for and destination to downtown Miami by designing and arranging buildings, public open space, transit and street circulation in a manner that foster round the clock pedestrian-activity, serves the local and regional transit demands of the community and contributes to the urban revitalization of the City of Miami.

- (1) A mix of uses in the design of development projects is encouraged to the maximum extent possible. Mixed-use buildings including without limitation residential, commercial, office, hotel, and restaurants, are highly encouraged in combination with transit facilities.
- (2) Developments shall provide direct pedestrian and vehicular connections to the adjacent block and street network.
 - (i) All developments shall provide vehicular passenger loading and unloading zones to: (i) accommodate passengers who use vehicles for hire or transportation network companies; and (ii) minimize impacts of passenger loading and unloading on the surrounding roadway network. A loading or unloading zone that is shared among adjacent or adjoining parcels may be permitted, provided that a safe pedestrian route to each parcel is provided.
 - (ii) Pedestrian crosswalks providing safe passage from adjoining streets and blocks into the development project of the Subzone shall be installed at street corners and, if practicable, midblock locations.
 - (iii) Crosswalks shall be distinguished from other street elements by the use of conspicuous materials, texture, and color.
- (3) Public open space in the form of plazas, squares, greens, and landscaped areas shall be incorporated in the design of all development projects at grade or on above-grade surfaces. The public open spaces should have a scale that is compatible and complementary with the intensity of proposed development, and their design should relate to the development's concept. Landscaping, furniture, art, paved pedestrian paths, and lighting, among other features, should be used to enhance the open spaces pedestrian experience.

(4)

Consideration should be given to providing landscaping in a manner that reduces the heat island effect of the development on the urban environment.

- (5) All new development shall strive to meet certification standards from Florida Green Building Coalition or a similar organization.
- (6) Developments shall be designed with a coordinated outdoor lighting and signage system that is an integral part of the project and compatible and harmonious with existing and proposed development in the Subzone and with surrounding uses. Signage should clearly indicate locations of and guide pedestrians and vehicles to proposed parking areas, transit facilities, permitted uses, and surrounding activities and uses.
- (7) Proposed building scale should be in harmony with building scales allowed by applicable City of Miami regulations for surrounding properties. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have abundant fenestration, windows and doors and design elements that create interest for the pedestrian.
- (8) Proposed development in the Subzone shall provide connections via bridges, paths, sidewalks, or a combination of such features to the MetroRail and MetroMover systems that adjoin the property.
- (G) *Amendments.* At least six weeks prior to the scheduled public hearing of any amendments to this Section 33C-9, the County shall mail or e-mail a copy of the proposed ordinance to the City Clerk and the City Attorney of the City of Miami. The communication to the City shall include the date of the scheduled public hearing.

(Ord. No. 14-37, § 7, 4-8-14; Ord. No. 122, § 2, 11-1-16; Ord. No. 18-81, § 4, 7-24-18; Ord. No. 20-39, § 7, 5-5-20; Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-106, § 2, 9-1-22)

Sec. 33C-10. - Brickell Station Subzone.

- (A) *Purpose and Intent.* The following development review standards and criteria shall govern applications for Initial Plan Approval of the general site development plan and applications for Final Site Plan Review for all development to be located within the boundaries of the Brickell Station Subzone established in this section. The standards set forth herein further the unique land use characteristics of this area, which lies within the City of Miami Urban Core, as defined in Section 33-84, and within the Downtown Regional Urban Center, as designated on the Land Use Plan Map of the County's Comprehensive Development Master Plan, and are consistent with, and support the City's commitment to, principles of urban planning, including responding to the existing conditions of the City, its downtown corridor, and its natural features, infrastructure, and buildings, improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl. Development in this sub-zone also addresses government service and infrastructure

needs of this quickly growing area, and therefore projects within this sub-zone are encouraged to incorporate public service, public infrastructure, or public benefit components, including, but not limited to, a police or fire station, regional sewer pump station, and affordable housing.

- (B) *Boundaries.* The Brickell Station Subzone of the Rapid Transit Zone is hereby established; the boundaries of the sub-zone are identified in Exhibit 18 of Section 33C-2(B). The legal description and a full-scale map of the boundaries are on file with the Department.
- (C) *Permitted Uses.* The following uses shall be permitted in the Brickell Station Subzone, either alone or as mixed uses in horizontal or vertical integration. "Vertical integration" means any combination of primary uses (such as passenger transit systems or businesses) located on the ground floor, and residential and accommodation uses such as hotels on the upper floors. "Horizontal integration" means any combination of parcels or buildings and structures with different primary uses within the same development.
 - (1) Hotels;
 - (2) Commercial/retail;
 - (3) Offices;
 - (4) Residential;
 - (5) Bars and restaurants;
 - (6) Rental car facilities;
 - (7) Parking lots and parking structures, including commercial parking lots and garages that charge fees for parking;
 - (8) Governmental;
 - (9) Convention halls and showrooms;
 - (10) Institutional;
 - (11) Health care facilities, except hospitals;
 - (12) Public parks and open spaces; and
 - (13) Other similar uses, as approved by the Director of the Department.
- (D) *Pre-application conference.* The applicant shall participate in at least one pre-application conference with the Rapid Transit Development Impact Committee (RTDIC) prior to filing the application. The applicant shall provide a general outline of the proposal through schematics and sketch plans including narrative information sufficient for the understanding of the proposed development.
- (E) *Review and approval process for development in Brickell Station Subzone.* Applications for development shall be governed by the procedures for review and approval of development in the DID Corridor Subzone set forth in Section 33C-9, which are incorporated by reference herein,

except that the applicable development and plan review standards shall be those set forth in this section.

(F) *Administrative Site plan development parameters.* The following development regulations shall apply to all development within the sub-zone.

(1) *Parking:* The table below indicates minimum parking for each type of use.

Use	Minimum Parking Requirements
Commercial/Retail, Restaurants, Bars, Convention Halls and Showrooms	1.8 spaces/1,000 SF
Office, Government, Institutional, Health Care Facilities	0.6 spaces/1,000 SF
Residential	0 spaces per unit
Hotels	0.3 spaces/room
Transit systems including Maintenance Facilities	0.6 spaces/1,000 SF (excluding platform)
Other Uses	50% of the required parking indicated in <u>Section 33-124</u>

- (a) To minimize adverse visual effects of the structure(s), multi-story parking garages facing public and private streets, rights-of-way, and/or public open space shall use screening methods, including, without limitation: liner buildings; glazing; building wall extensions; vertical planted walls; berms; landscaping; architectural fenestration; sculpture; design features; and/or other innovative screening methods.
- (b) Surface parking lots fronting streets shall be located a minimum of 10 feet from the right-of-way and screened at the 10-foot line with a wall having a maximum height of 3'6". The setback shall incorporate a combination of hard-scape and landscape elements finished to match the existing sidewalk.
- (c) Mechanized parking shall be allowed and, when provided, shall be exempt from the provisions of Section 33-122. For the purpose of this sub-zone, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides

for automobile storage and retrieval. A mechanized parking space shall be counted toward the parking requirements of this section. Mechanized parking may not be provided unless a queuing analysis is submitted and approved during the Administrative Site Plan Review process.

- (d) Required off-street parking for uses located within this sub-zone may be located within one mile of the boundaries of the sub-zone. An applicant for approval of development with off-site parking shall execute and record in the public records of this County a declaration of restrictions, approved by the Director of the Department, covenanting that such development shall cease and terminate upon the elimination of such parking area, and that no development requiring such parking shall be made of such property until the required parking area is available and provided.

(2) *Setbacks, cubic content, and lot size:*

- (a) Due to the unique characteristics associated with the high-density or high-intensity, mixed-use developments contemplated for this sub-zone, there shall be no minimum setback from streets at grade and above the eighth floor, interior/rear property lines, and park rights-of-way.
- (b) There shall be no maximum or minimum limitation on the size of a floor plate.
- (c) The minimum lot size required to develop pursuant to these regulations is 32,000 square feet.

(3) *Encroachments:*

- (a) Buildings and structures above the ground floor may be built above colonnades and/or encroach into street setbacks but shall not extend into the public or private right-of-way unless permitted by State law and approved by the Miami-Dade County Department of Transportation and Public Works or successor agency ("DTPW") or by other agency with authority over the right-of-way. It is provided, however, that, to the extent permitted by State law and subject to the approval of DTPW or other agency with authority over the right-of-way, and for the transportation purpose of providing a connecting pedestrian or vehicular corridor, the street may be covered above the first floor with publicly-accessible structures connecting buildings, including: platforms fitted with trains and passenger waiting areas; roofs; upper story terraces, pedestrian bridges, and automobile bridges between parking garages. Adequate clearance for structures above streets shall be maintained.
- (b) Cantilevered balconies, awnings, weather protection elements and similar features with adequate vertical clearance may encroach into street rights-of-way but shall not extend closer than six (6) inches from the curb face.

(4)

Floor Area Ratio and lot coverage: The floor area ratio, lot coverage, and maximum square footage of buildings to be developed within the sub-zone shall not be limited.

- (5) *Building Height:* The maximum building height shall be the maximum allowed by the Miami-Dade Aviation Department (MDAD) or its successor agency in accordance with the zoning regulations for Miami International Airport provided in Chapter 33.
- (6) *Open Space:* The minimum open space requirement shall be 15 percent of the gross development area. Open space shall include parks, plazas, balconies, terraces, courtyards, arcades/colonnades, pedestrian paths, rooftop green spaces above buildings and parking garages, and transit platform areas improved for pedestrian comfort.
- (7) *Signs:* Signs visible from public rights-of-way or public areas shall comply with Section 33C-3.2, except that Class C signs may be permitted in accordance with Section 33-107. The signage plan submitted with the application for final site plan review shall contain criteria, locations, and sizes of signs.
- (8) *Density:* Residential density shall not exceed 500 units per gross acre.
- (9) *Architectural Expression:* Building facades facing public and private street rights-of-way or public open space or both shall be a minimum 40 percent glazed. Glazing is not required for building facades that face the Metrorail or Metromover rights-of-way or for above-grade parking garage structures that face public and private street rights-of-way or public open space; however, parking garages shall conform to the parking standards included herein. Blank walls facing public and private street rights-of-way and public open space shall be prohibited unless furnished with some type of artistic expression, such as sculpture, mosaic and similar features.
- (10) *Landscaping:* Landscaping shall conform to the standards set forth in Section 18A-6, Code of Miami-Dade County, as applicable to non-residential development, with the following exceptions:
 - (a) A minimum of 30 trees per net acre of open space shall be provided. Trees may be placed in the lot, or in greens, squares, plazas and street medians within or in close proximity to this sub-zone. Lot trees shall have a minimum 2-inch diameter at breast height.
 - (b) Street trees shall be planted at a maximum of 30 feet average on center, with a minimum 3-inch diameter at breast height. Street trees shall be placed inside landscaped strips, tree planters, and in medians in the right-of-way or on private property where demonstrated to be necessary due to right-of-way obstructions, as determined by the Department of Transportation and Public Works or its successor Department or other agency with jurisdiction.
- (11)

Service areas and mechanical equipment: Service areas and fixtures shall be screened and located so as not to be visible from public and private rights-of-way or public open space. Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. Fixtures, including but not limited to backflow preventers, pumps, underground ventilation exhausts, and electrical vaults, shall be located within or to the side or rear of buildings; such fixtures shall not be located within the street setback area. Backflow preventers shall be shielded from view, as required by Section 32-157(d).

- (12) *Alcoholic Beverages:* The restrictions on premises used for the sale of alcoholic beverages set forth in Chapter 33, Article X of this Code regarding hours and days of sale, distance from other premises used for the sale of alcoholic beverages, and distance from schools or religious facilities shall not apply in this sub-zone.
- (G) *Plan Review Standards.* The purpose of the plan review standards is to encourage the creation of development within the Brickell Subzone that is consistent with the intent and purposes of these regulations, acts as a significant gateway for and destination to the Brickell area, and facilitates its future growth by designing and arranging buildings, public open space, transit, and street circulation in a manner that fosters around-the-clock pedestrian activity, serves the local and regional transit demands of the community, contributes to the urban revitalization of the City of Miami, and encourages public service, infrastructure, or public benefit components to address the needs of a growing population.
- (1) A mix of uses in the design of development projects is encouraged to the maximum extent possible. Mixed-use buildings, including, without limitation, residential, commercial, office, hotel, and restaurants, are highly encouraged in combination with transit and other governmental facilities.
- (2) Developments shall provide direct pedestrian and vehicular connections to the adjacent block and street network.
- (i) All developments shall provide vehicular passenger loading and unloading zones to: (i) accommodate passengers who use vehicles for hire or transportation network companies; and (ii) minimize impacts of passenger loading and unloading on the surrounding roadway network. A loading or unloading zone that is shared among adjacent or adjoining parcels may be permitted, provided that a safe pedestrian route to each parcel is provided.
- (ii) Pedestrian crosswalks providing safe passage from adjoining streets and blocks into the development project of the sub-zone shall be installed at street corners and, if practicable, midblock locations.
- (iii) Crosswalks shall be distinguished from other street elements by the use of conspicuous materials, texture, and color.

(3)

Public open space in the form of plazas, squares, greens, and landscaped areas shall be incorporated in the design of all development projects at grade or on above-grade surfaces. The public open spaces should have a scale that is compatible and complementary with the intensity of proposed development, and their design should relate to the development's concept. Landscaping, furniture, art, paved pedestrian paths, and lighting, among other features, should be used to enhance the open spaces pedestrian experience.

- (4) Consideration should be given to providing landscaping in a manner that reduces the heat island effect of the development on the urban environment.
- (5) All new development shall strive to meet certification standards from Florida Green Building Coalition or a similar organization.
- (6) Developments shall be designed with a coordinated outdoor lighting and signage system that is an integral part of the project and compatible and harmonious with existing and proposed development in the sub-zone and with surrounding uses. Signage should clearly indicate locations of, and guide pedestrians and vehicles to, proposed parking areas, transit facilities, permitted uses, and surrounding activities and uses.
- (7) Proposed building scale should be in harmony with building scales allowed by applicable City of Miami regulations for surrounding properties. Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have abundant fenestration, windows and doors and design elements that create interest for the pedestrian.
- (8) Proposed development in the sub-zone shall provide connections via bridges, paths, sidewalks, or a combination of such features to adjacent or nearby Metrorail and Metromover systems.
- (H) *Amendments.* At least six weeks prior to the scheduled public hearing of any amendments to this Section 33C-10, the County shall mail or e-mail a copy of the proposed ordinance to the City Clerk and the City Attorney of the City of Miami. The communication to the City shall include the date of the scheduled public hearing.

(Ord. No. 18-66, § 5, 6-5-18; Ord. No. 20-39, § 8, 5-5-20; Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-106, § 2, 9-1-22)

Sec. 33C-11. - Government Center Subzone.

- (A) *Purpose and Intent.* The following development review standards and criteria shall govern all applications for development of properties located within the boundaries of the Government Center Subzone established in this section. The standards set forth herein further the unique land use characteristics of this area, which lies within the Downtown Regional Urban Center, as designated on the Land Use Plan Map of the CDMP, and within the City of Miami Urban Core, as

defined in Section 33-84. The CDMP calls for the highest level of development density and intensity within the Regional Urban Center, which is anchored by the Government Center Metrorail/Metromover Station. These standards implement CDMP policies calling for coordination of land uses and transportation facilities to promote transit-oriented development, attract transit ridership, and establish a more compact and efficient urban form within the Urban Development Boundary in this high-density, high-intensity area as well as policies calling for development of urban centers to be physically cohesive, to provide meaningful open spaces and enhanced pedestrian environments, and to incentivize affordable housing.

(B) *Boundaries*. The Government Center Subzone of the Rapid Transit Zone is hereby established; the boundaries of the Subzone are identified in Exhibit 19 of Section 33C-2(B). The legal description and a full-scale map of the boundaries are on file with the Department.

(C) *Permitted Uses*.

(1) All uses allowed in Section 33C-3(B)(2).

(2) The following categories of uses shall be permitted in the subzone, either alone or as mixed uses in horizontal or vertical integration. "Vertical integration" means any combination of categories of uses in the same building. "Horizontal integration" means any combination of parcels or buildings and structures with different primary uses within the same development. Except where otherwise specified herein, the uses provided herein shall be as defined in Section 33-284.83(B).

(a) Accommodation uses.

(b) General retail/personal service establishments.

(c) Professional business offices.

(d) Residential uses, including group residential homes subject to requirements for the MC category.

(e) Entertainment uses, except adult entertainment.

(f) Food/beverage establishments.

(g) Rental car facilities.

(h) Commercial parking garages and surface parking lots.

(i) Institutional uses, including civic uses, colleges and universities, child-care facilities, religious facilities, and schools (K-12).

(j) Health care services, except hospitals.

(k) Public parks and open spaces.

(l) Other similar uses, as determined by the Director.

(D) *Development regulations*. The following development regulations shall apply to all development within the sub-zone.

(1)

Parking: The table below indicates minimum parking for each type of use.

Use	Minimum Parking Requirements
General Retail/Personal Service, Entertainment, Food/Beverage Establishments, Convention Halls and Showrooms	1.8 spaces/1,000 SF
Professional Office, Institutional (except Convention Halls), Health Care Services	0.6 spaces/1,000 SF
Residential	1 space per unit
Accommodation	0.3 spaces/room
Transit systems, including Maintenance Facilities	0.6 spaces/1,000 SF (excluding platform)
Other Uses	50% of the required parking indicated in <u>Section 33-124</u>

- (a) Parking Garages. To minimize adverse visual effects of the structure, multi-story parking garages facing public and private streets, rights-of-way, or public open space shall use screening methods, including, without limitation: liner buildings; glazing; building wall extensions; vertical planted walls; berms; landscaping; architectural fenestration; sculpture; design features; and/or other innovative screening methods.
- (b) Surface parking lots fronting streets shall be located a minimum of 10 feet from the right-of-way and screened at the 10-foot line with a wall having a maximum height of 3'6". The setback shall incorporate a combination of hard-scape and landscape elements finished to match the existing sidewalk.
- (c) Mechanized parking shall be allowed and, when provided, shall be exempt from the provisions of Section 33-122. For the purpose of this subzone, mechanized parking shall be defined as a mechanism with vertical and horizontal transport capability that provides for automobile storage and retrieval. A mechanized parking space shall be counted

toward the parking requirements of this section. Mechanized parking may not be provided unless a queuing analysis is submitted and approved during the Administrative Site Plan Review process.

- (d) Required off-street parking for uses located within this subzone may be located within one-half mile of the boundaries of the subzone, provided that it is east of I-95. An application for development using off-site parking may be approved by the Director upon demonstration that such parking is available, that there is a legally enforceable mechanism for securing it, and that any use requiring such off-site parking shall terminate upon the elimination of the parking area.
 - (e) Administrative Modification/Approval. The Director may authorize a reduction in the amount of required parking for two or more uses if the following conditions are met:
 - (i) The applicant submits a study that, in the sole discretion of the Director, provides sufficient data to demonstrate that hours of maximum demand for parking across the uses do not usually overlap; and
 - (ii) That no change in use shall be permitted without the Director's prior determination that parking requirements are met.
- (2) *Setbacks, floor plate, and lot size:*
- (a) Due to the unique characteristics associated with the high-density or high-intensity, mixed-use developments contemplated for this subzone, there shall be no minimum setback from interior/rear property lines and park rights-of-way, and the street setback shall be no more than is necessary to ensure a minimum 15-foot-wide continuous sidewalk along all streets.
 - (i) The street setback may be further reduced to accommodate a sidewalk width of 10 feet if approved pursuant to the plan review required by subsection (F).
 - (ii) No street setback shall be required where a colonnade open to the street is provided with an equivalent sidewalk area, which sidewalk area may be reduced to 10 feet if approved pursuant to the plan review required by subsection (F).
 - (b) There shall be no maximum or minimum limitation on the size of a floor plate or minimum lot requirement.
- (3) *Encroachments:*
- (a) Buildings and structures above the ground floor may be built above colonnades and/or encroach into street setbacks but shall not extend into the public or private right-of-way unless permitted by State law and approved by DTPW or by another governmental agency with authority over the right-of-way. It is provided, however, that, to the extent permitted by State law and subject to the approval of the agency with authority over the right-of-way, and for the transportation purpose of providing a connecting pedestrian or vehicular

corridor, the street may be covered above the first floor with publicly-accessible structures connecting buildings, including: platforms fitted with trains and passenger waiting areas; roofs; upper story terraces, pedestrian bridges, and automobile bridges between parking garages. Adequate clearance for structures above streets shall be maintained.

- (b) Cantilevered balconies, awnings, weather protection elements and similar features with adequate vertical clearance may encroach into street rights-of-way but shall not extend closer than six inches from the curb face.
- (4) *Floor Area Ratio and lot coverage:* The floor area ratio, lot coverage, and maximum square footage of buildings to be developed within the subzone shall not be limited.
- (5) *Building Height:* The maximum building height shall be the maximum allowed by MDAD in accordance with the zoning regulations for Miami International Airport provided in Chapter 33.
- (6) *Open Space:* The minimum open space requirement shall be 15 percent of the gross development area. Open space shall include parks, plazas, balconies, terraces, courtyards, arcades/colonnades, pedestrian paths, rooftop green spaces above buildings and parking garages, and transit platform areas improved for pedestrian comfort.
- (7) *Signs:* Signs visible from public rights-of-way or public areas shall comply with Section 33C-3.2, except that Class C signs may be permitted in accordance with Section 33-107.
 - (a) A maximum of seven murals may be approved in this Subzone.
 - (b) The signage plan submitted with the application for final site plan review shall contain criteria, locations, and sizes of signs.
- (8) *Density:* Residential density shall not exceed 500 units per gross acre.
- (9) *Architectural Expression:* Building facades facing public and private street rights-of-way or public open space or both shall be a minimum 40 percent glazed. Glazing is not required for building facades that face the Metrorail or Metromover rights-of-way or for above-grade parking garage structures that face public and private street rights-of-way or public open space, provided that parking garages shall conform to the parking standards included herein. Blank walls facing public and private street rights-of-way and public open space shall be discouraged unless furnished with some type of artistic expression, such as sculpture, mosaic, or similar features.
- (10) *Landscaping:* Landscaping shall conform to the standards set forth in Section 18A-6, as applicable to non-residential development, with the following exceptions:
 - (a) A minimum of 30 trees per net acre of open space shall be provided. Trees may be placed in the lot, or in greens, squares, plazas and street medians within or in close proximity to this sub-zone. Lot trees shall have a minimum 2-inch diameter at breast height.

- (b) Street trees shall be planted at a maximum of 30 feet average on center, with a minimum 3-inch diameter at breast height. Street trees shall be placed inside landscaped strips, tree planters, and in medians in the right-of-way or on private property where demonstrated to be necessary due to right-of-way obstructions, as determined by DTPW or other agency with jurisdiction.
- (11) *Service areas and mechanical equipment:* Service areas and fixtures shall be screened and located so as not to be visible from public and private rights-of-way or public open space. Mechanical equipment installed on roofs shall be screened from view by parapets or other architectural elements. Fixtures, including but not limited to backflow preventers, pumps, underground ventilation exhausts, and electrical vaults, shall be located within or to the side or rear of buildings; such fixtures shall not be located within the street setback area. Backflow preventers shall be shielded from view, as required by Section 32-157(d).
- (12) *Alcoholic Beverages:* The restrictions on premises used for the sale of alcoholic beverages set forth in Chapter 33, Article X regarding hours and days of sale, distance from other premises used for the sale of alcoholic beverages, and distance from schools or religious facilities shall not apply in this subzone.
- (E) *Historic Preservation—Transfer of Development Rights.* Properties within this subzone that, prior to the effective date of this ordinance, were subject to the City of Miami's zoning regulations and were eligible to apply for the City of Miami's Transfer of Development Rights Program for Historic Properties may continue to avail themselves of the City's program to transfer unused development rights, subject to the approval of the City of Miami pursuant to the requirements of that program.
- (F) *Plan Review Standards.* These plan review standards are intended to: (i) encourage the creation of development within the Government Center Subzone, which acts as a significant gateway for, and destination to, the Miami-Dade Government Center area; and (ii) facilitate future growth in the Government Center Subzone by designing and arranging buildings, public open space, transit, and street circulation in a manner that fosters around-the-clock pedestrian activity, serves the local and regional transit demands of the community, and contributes to the urban revitalization of the downtown area.
 - (1) A mix of uses in the design of development projects is encouraged to the maximum extent possible. Mixed-use buildings, including, without limitation, residential, commercial, office, hotel, and restaurants, are highly encouraged in combination with transit and other governmental facilities.
 - (2) Developments shall provide direct pedestrian and vehicular connections to the adjacent block and street network.
 - (i)

All developments shall provide vehicular passenger loading and unloading zones to: (i) accommodate passengers who use vehicles for hire or transportation network companies; and (ii) minimize impacts of passenger loading and unloading on the surrounding roadway network. A loading or unloading zone that is shared among adjacent or adjoining parcels may be permitted, provided that a safe pedestrian route to each parcel is provided.

- (ii) Pedestrian crosswalks providing safe passage from adjoining streets and blocks into the development project of the Subzone shall be installed at street corners and, if practicable, midblock locations.
 - (iii) Crosswalks shall be distinguished from other street elements by the use of conspicuous materials, texture, and color.
- (3) Public open space in the form of plazas, squares, greens, and landscaped areas shall be incorporated in the design of all development projects at grade or on above-grade surfaces. The public open spaces should have a scale that is compatible and complementary with the intensity of proposed development, and their design should relate to the development's concept. Landscaping, furniture, art, paved pedestrian paths, and lighting, among other features, should be used to enhance the open spaces pedestrian experience.
- (4) Consideration should be given to providing landscaping in a manner that reduces the heat island effect of the development on the urban environment.
- (5) All new development shall strive to meet certification standards from Florida Green Building Coalition or a similar organization.
- (6) Developments shall be designed with a coordinated outdoor lighting and signage system that is an integral part of the project and compatible and harmonious with existing and proposed development in the sub-zone and with surrounding uses. Signage should clearly indicate locations of, and guide pedestrians and vehicles to, proposed parking areas, transit facilities, permitted uses, and surrounding activities and uses.
- (7) For developments located in the City of Miami, proposed building scale should be in harmony with building scales allowed by applicable City of Miami regulations for surrounding properties.
- (8) Buildings and their landscapes shall be built to the sidewalk edge in a manner that frames the adjacent street to create public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Architectural elements at street level shall have abundant fenestration, windows and doors and design elements that create interest for the pedestrian.
- (9) Proposed development in the subzone shall provide connections via bridges, paths, sidewalks, or a combination of such features to adjacent or nearby Metrorail and Metromover systems and other transit facilities.

- (G) *Review and approval process.* Applications for development shall be governed by Section 33C-3.1, which is incorporated by reference herein, except that the applicable development and plan review standards shall be those set forth in this section.

(Ord. No. 18-81, § 3, 7-24-18; Ord. No. 20-39, § 9, 5-5-20; Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-106, § 2, 9-1-22)

Sec. 33C-12. - Historic Overtown/Lyric Theatre Station Subzone.

- (A) *Purpose and Intent.* The following development review standards and criteria shall govern applications for Initial Plan Approval of the general site development plan, and applications for Final Site Plan Review, for all development to be located within the boundaries of the Historic Overtown/Lyric Theatre Subzone established in this section. The standards set forth herein further the unique land use characteristics of this area, which lies within the City of Miami Urban Core, as defined in Section 33-84, and within the Downtown Regional Urban Center, as designated on the Land Use Plan Map of the County's Comprehensive Development Master Plan. These standards are consistent with, and support the County's and the City's commitment to, principles of urban planning, including responding to the existing conditions of the downtown area and its natural features, infrastructure, and buildings, improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl. Development in this subzone also addresses government service and infrastructure needs of this quickly growing area, and therefore projects within this subzone are encouraged to incorporate public service, public infrastructure, or public benefit components, including, but not limited to, a police or fire station, regional sewer pump station, and affordable housing.
- (B) *Boundaries.* The Historic Overtown/Lyric Theatre Subzone of the Rapid Transit Zone is hereby established and the boundaries of the subzone are identified in Exhibit 20 to Section 33C-2. The legal description and a full-scale map of the boundaries are on file with the Department.
- (C) *Permitted Uses.* Permitted uses shall be in accordance with Section 33C-10(C) relating to the Brickell Station Subzone, which are incorporated by reference herein.
- (D) *Procedures for approval and development standards.*
- (1) Applications for development in the subzone shall be governed by the procedures and development standards relating to the DID Corridor Subzone, including the requirements for a supermajority vote of the Board in certain circumstances, as set forth in Section 33C-9, which are incorporated by reference herein.
 - (2) Notwithstanding the foregoing, County-owned properties in the subzone, as identified on Exhibit 20, shall be governed by the procedures and development standards relating to the Government Center Subzone, as set forth in subsections 33C-11(D), (E), (F), and (G), which are incorporated by reference herein.

Sec. 33C-13. - Reserved.

Editor's note— Ord. No. 22-106, § 4, adopted September 1, 2022, renumbered former § 33C-13 as 33C-3.2.

Sec. 33C-14. - Santa Clara Station Subzone.

- (A) *Purpose and Intent.* The following development review standards and criteria shall govern applications for initial plan approval of the general site development plan, and applications for final site plan review, for all development to be located within the boundaries of the Santa Clara Station Subzone established in this section. These standards are consistent with, and support the County's and the City's commitment to, principles of urban planning, including improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl.
- (B) *Boundaries.* The Santa Clara Station Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in Exhibit 21 of Section 33C-2. The legal description and a full-scale map of the boundaries are on file with the Department.
- (C) *Permitted Uses.* Permitted uses shall be in accordance with Section 33C-10(C) relating to the Brickell Station Subzone, which are incorporated by reference herein. In addition, the follow uses shall be permitted:
 - (1) Hospitals; and
 - (2) Warehouse and storage facilities, only if approved at public hearing and only in accordance with the following:
 - (a) The use is vertically integrated with, screened by, or located to the rear of, habitable space, as defined in Section 33-284.82, as amended;
 - (b) The use is established in accordance with the conditions set forth in Section 33-255, as amended; and
 - (c) No such facility shall be located less than 2,500 feet from any other such facility, measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.
- (D) *Procedures for approval and development standards.*
 - (1) Applications for development in the subzone shall be governed by the procedures and development standards relating to the DID Corridor Subzone, including the requirements for a supermajority vote of the Board in certain circumstances, as set forth in Section 33C-9, which are incorporated by reference herein.
 - (2) Notwithstanding the foregoing, any County-owned properties in the subzone shall be governed by the procedures and development standards relating to the Government Center Subzone, as set forth in subsections 33C-11(D), (E), (F), and (G), which are incorporated by

reference herein.

(Ord. No. 20-50, § 2, 6-2-20; Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-106, § 2, 9-1-22)

Sec. 33C-15. - Metromover Subzone.

- (A) *Purpose and Intent.* The following development review standards and criteria shall govern applications for initial plan approval of the general site development plan, and applications for final site plan review, for all development to be located within the boundaries of the Metromover Subzone established in this section. These standards are consistent with, and support the County's and the City's commitment to, principles of urban planning, including improved mobility, enhanced pedestrian environment, and the reduction of urban sprawl. They are also consistent with the need to provide for the public service and public infrastructure needs of this area, which is within the County's only regional urban center and, as such, is designated for the highest level of development density and intensity in the County.
- (B) *Boundaries.* The Metromover Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in Exhibits 22(A) and 22(B) of Section 33C-2. The legal description and a full-scale map of the boundaries are on file with the Department.
- (C) *Permitted Uses.* Permitted uses shall be in accordance with Section 33C-11(C) relating to the Government Center Subzone, which are incorporated by reference herein.
- (D) *Procedures for approval and development standards.*
 - (1) Applications for development in the subzone shall be governed by the procedures and development standards relating to the Government Center Subzone, as set forth in section 33C-11(D), (E), (F), and (G), which are incorporated by reference herein.
 - (a) Parking shall be governed by Section 33C-8.
 - (b) Plan review standards regarding public open space may be satisfied with private open space that is open to the public.
 - (c) Development along the Biscayne Bay and Miami River shorelines shall be subject to the following:
 - (i) *Purpose and intent.* In furtherance of CDMP objectives and policies regarding shoreline management, Chapter 33D, and municipal codes and plans addressing development along these shorelines, it is the intent of the criteria contained herein to promote connectivity and accessibility to bayfront and riverfront properties within this subzone and to maintain pedestrian connectivity along the existing and planned public walkway along the shoreline, referred to as the Miami Baywalk.
 - (ii) *Shoreline setback.* The setback from the shoreline shall be a minimum of 50 feet as measured from the mean highwater line provided along the applicable water frontage, except that on lots with a depth of less than 200 feet, the setback shall be a

minimum of 25 percent of the lot depth.

- (iii) *Visual corridors.* To allow visual corridors to open from ground to sky and to allow public access to the waterfront, side setbacks shall be equal in aggregate to a minimum of 25 percent of the water frontage of each lot based on average lot width.
 - (iv) *Public shoreline walkway.* To maintain pedestrian connectivity along the shoreline, a publicly accessible walkway shall be provided within the shoreline setback. Walkway design and connections to adjacent existing or planned walkway segments shall be consistent with the County's Shoreline Development Review Manual and, if adjacent to properties under the City of Miami's jurisdiction, with the City of Miami's Waterfront Walkway Design Standards.
- (2) It is further provided that, in the review of an application for public hearing other than for a governmental facility, each reviewing agency shall provide a statement as to the proposed development's impact on public facilities and services, including assessment of impacts beyond minimum concurrency requirements pursuant to Chapter 33G and minimum subdivision requirements pursuant to Chapter 28. The reviewing agency may recommend additional improvements to address such identified impacts.
 - (3) Approval of such public hearing application may be conditioned on the provision of improvements recommended by a reviewing agency and of such other public service, public infrastructure, or public benefits improvements as the Board may determine to be appropriate to address the impacts of the new development on rapid transit infrastructure and on other properties or public facilities or infrastructure surrounding the proposed development area. Such improvements may include, without limitation: improvements to rapid transit infrastructure or surrounding roadways; mobility connections to the Rapid Transit System or other buildings or facilities in the surrounding area; emergency services facilities; educational facilities; public parks or public open spaces; tree canopy enhancements; public water and sewer infrastructure; or affordable housing.
 - (4) Notwithstanding any other provision to the contrary, for any privately-owned property added to this subzone after April 20, 2021, unless an application for initial review for development approval for such property has been filed in accordance with this section within two years from the effective date of its inclusion in the subzone, the inclusion of such property in the subzone, and the corresponding assertion of County regulatory jurisdiction over it, shall sunset.

(Ord. No. 21-33, § 1, 4-20-21; Ord. No. 22-25, § 3, 3-1-22; Ord. No. 22-106, § 2, 9-1-22)

Sec. 33C-16. - Dolphin Station Subzone.

- (A) *Purpose and Intent.* The following development review standards and criteria shall govern applications for initial plan approval of the general site development plan, and applications for final site plan review, for all development to be located within the boundaries of the Dolphin Station Subzone established in this section. These standards are consistent with, and support, the CDMP's policies requiring development of rapid transit station sites and surrounding properties based on the density and intensity standards applicable to community urban centers.
- (B) *Boundaries.* The Dolphin Station Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in Exhibit 23 of Section 33C-2. The legal description and a full-scale map of the boundaries are on file with the Department.
- (C) *Permitted Uses.* Permitted uses shall be in accordance with Section 33C-11(C) relating to the Government Center Subzone, which is incorporated by reference herein, subject to the following:
- (1) Notwithstanding the maximum density permitted by the CDMP, residential density shall not exceed 125 dwelling units per acre.
 - (a) This density restriction shall not apply if there is no active mining within 2 miles of the subject property or if the applicable statute is amended to remove the restriction on increasing residential density on the subject property.
 - (b) If the applicable statute is amended to modify, but not remove, the restriction, then the restriction shall only apply to the extent required by the statute.
 - (2) The following additional uses are permitted:
 - (a) Hospitals;
 - (b) Laboratories;
 - (c) Life science uses;
 - (d) Nursing homes;
 - (e) Schools, to the extent consistent with Policy EDU-3A of the CDMP Educational Element; and
 - (f) Urgent Care Centers.
- (D) *Procedures for approval and development standards.* Applications for development in the subzone shall be governed by the procedures and development standards relating to the Government Center Subzone, as set forth in subsections 33C-11(D), (E), (F), and (G), which are incorporated by reference herein, subject to the following:
- (1) *Parking.*
 - (a) *Minimum parking requirements.* Notwithstanding any provision to the contrary, residential uses shall provide at least 1 space per dwelling unit.
 - (b)

Surface parking lots. Surface parking lots may satisfy the screening requirements set forth in Section 33C-11(D)(1)(b) by providing continuous landscaping at a minimum height of 3.5 feet at time of planting.

- (2) *Setbacks.* Notwithstanding section 33-46 or any other provision to the contrary, no minimum lot frontage on a public right-of-way shall be required. Lots may provide access to either public streets or accessways complying with private street requirements, as long as such private accessways provide each lot with access to a public street.
- (3) *Building Height.* The maximum building height shall be the lower of 25 stories or the maximum allowed by MDAD in accordance with Article XXXVII of Chapter 33.
- (4) *Signs.* Notwithstanding any provision to the contrary, murals shall not be allowed in this subzone.
- (5) *Open Space.* Open space shall be calculated based upon the entire subzone area.
- (6) *Architectural Expression.* Notwithstanding any other provision to the contrary, the minimum glazing for building facades facing public and private street rights-of-way or public open space or both shall be 30 percent.
- (7) *Landscaping.* Notwithstanding any other provision to the contrary, landscaping shall be governed by the following:
 - (a) The minimum number of required lot trees shall be 15 trees per net acre of open space.
 - (b) Required lot trees may be placed:
 - (i) On a lot or in greens, squares, plazas, or street medians within, or within 1,000 feet of the exterior boundaries of, the Subzone; or
 - (ii) In a County or municipal park located within 2 miles of the exterior boundaries of the Subzone.

(Ord. No. 21-135, § 3, 12-1-21; Ord. No. 22-106, § 2, 9-1-22)

Sec. 33C-17. - Palmetto Station Subzone.

- (A) *Purpose and intent.* The following development review standards and criteria shall govern applications for initial plan approval of the general site development plan, and applications for final site plan review, for all development to be located within the boundaries of the Palmetto Station Subzone established in this section. These standards are consistent with, and support, the CDMP's policies requiring development of rapid transit station sites and surrounding properties based on the density and intensity standards applicable to community urban centers.
- (B) *Boundaries.* The Palmetto Station Subzone of the Rapid Transit Zone is hereby established; the boundaries of the subzone are identified in Exhibit 24 of Section 33C-2. The legal description and a full-scale map of the boundaries are on file with the Department.
- (C) *Permitted uses.* Permitted uses shall be in accordance with subsection 33C-11(C) relating to the

Government Center Subzone, which is incorporated by reference herein, subject to the following:

- (1) Notwithstanding the maximum density permitted by the CDMP, residential density shall not exceed 125 dwelling units per acre.
- (2) The following additional uses are permitted:
 - (a) Hospitals;
 - (b) Laboratories;
 - (c) Life science uses;
 - (d) Nursing homes;
 - (e) Schools; and
 - (f) Urgent care centers.
- (D) *Procedures for approval and development standards.* Applications for development in the subzone shall be governed by the procedures and development standards relating to the Government Center Subzone, as set forth in subsections 33C-11(D), (E), (F), and (G), which are incorporated by reference herein, subject to the following:
 - (1) *Parking.* Notwithstanding any provision to the contrary, residential uses shall provide at least 1 space per dwelling unit, except that parking for workforce housing units may be reduced pursuant to subsection 33-284.86(F)(3)(1) (Group 1).
 - (2) *Building Height.* The maximum building height shall be the lower of 25 stories or the maximum allowed by MDAD in accordance with Article XXXVII of Chapter 33.
 - (3) *Signs.* Notwithstanding any provision to the contrary, murals shall not be allowed in this subzone.
 - (4) *Architectural Expression.* Notwithstanding any other provision to the contrary, the minimum glazing for building facades facing public and private street rights-of-way or public open space or both shall be 30 percent, except that parking garage facades shall not be subject to this requirement.
 - (5) *Sidewalks.* Notwithstanding any other provision to the contrary, sidewalk widths may be further reduced in a manner consistent with the context of the area if approved pursuant to the plan review required by subsection 33C-11(F).

(Ord. No. 22-106, § 2, 9-1-22)

Attachment B
Miami-Dade County Land Use Plan Map

Attachment C
Village of Palmetto Bay Properties within One Mile of US-1 Map

Palmetto Bay Properties Within 1 Mile of US-1

Properties Within 1 Mile of US-1: 4,296

Properties Not Abutting or Adjacent to One/Two Family Neighborhoods: 284

Zoning	Properties	Zoning	Properties
B1	52	Main St	52
B2	8	Nbhd	46
Eureka	41	R3	15
Island	50	R4L	1
		RTH	19

Zoning	Properties
B1	52
B2	8
R3	15
R4L	1
R5	19

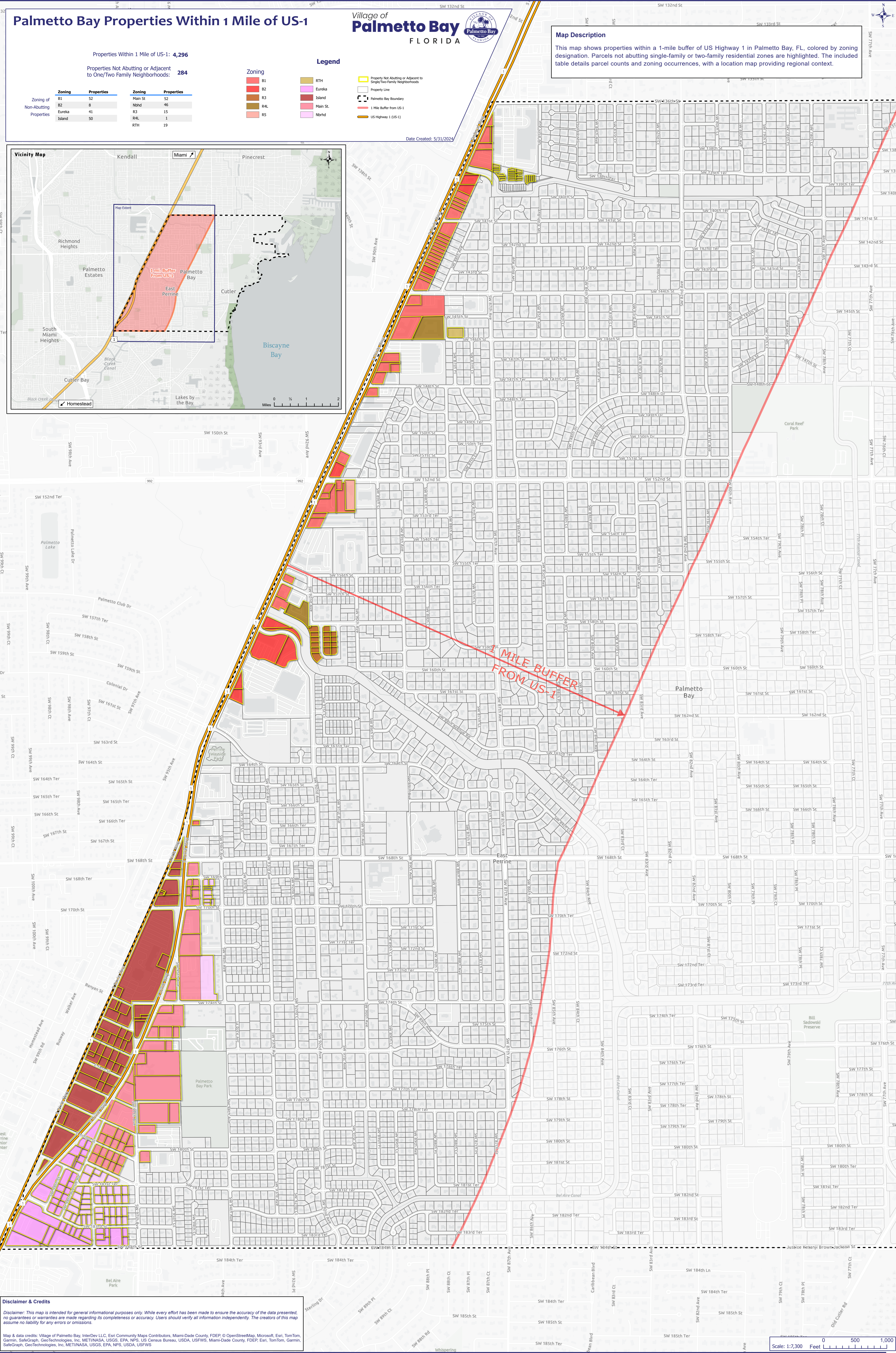
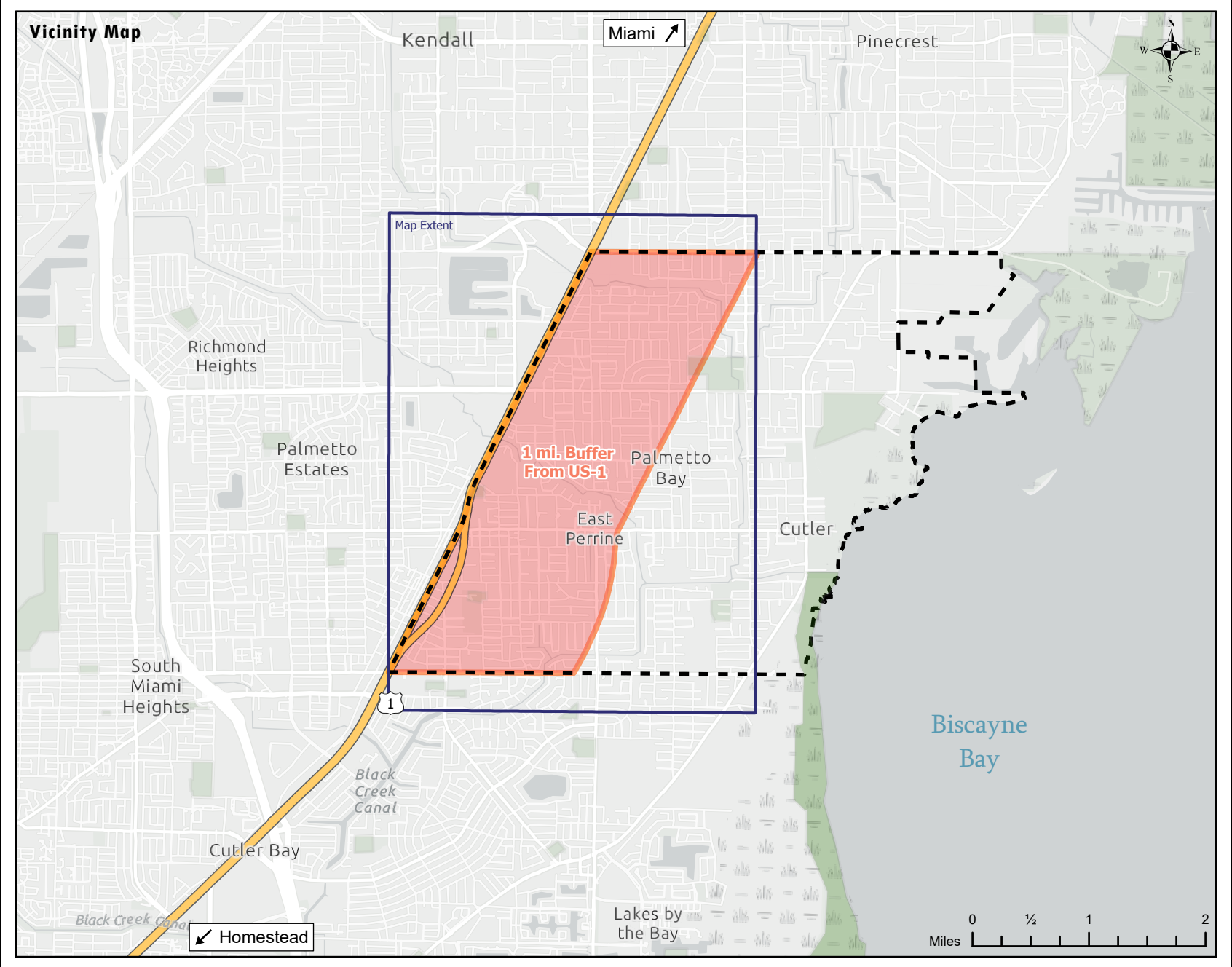
Legend

- Property Not Abutting or Adjacent to Single/Two-Family Neighborhoods
- Property Line
- Palmetto Bay Boundary
- 1 Mile Buffer from US-1
- US Highway 1 (US-1)

RTH	Eureka
Island	Main St
Nbhd	

Map Description

This map shows properties within a 1-mile buffer of US Highway 1 in Palmetto Bay, FL, colored by zoning designation. Parcels not abutting single-family or two-family residential zones are highlighted. The included table details parcel counts and zoning occurrences, with a location map providing regional context.



Disclaimer & Credits

Disclaimer: This map is intended for general informational purposes only. While every effort has been made to ensure the accuracy of the data presented, no guarantees or warranties are made regarding its completeness or accuracy. Users should verify all information independently. The creators of this map assume no liability for any errors or omissions.

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Scale: 1:7,300 Feet 0 500 1,000



AGENDA ITEM NO. 6.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: June 17, 2024

SUBMITTED BY: Heidi Siegel, Community and Economic Development

ITEM TYPE: Discussion

AGENDA SECTION: **DISCUSSION**

SUBJECT: DRAFT SIGNAGE CODE (SECTION 30-90)

SUGGESTED ACTION:

ATTACHMENTS:
[Draft-Signage Code Update_Full Package](#)



To: Honorable Mayor and Village Council

Date: June 17, 2024

From: Heidi Siegel, AICP, CED Director

Re: Draft Signage Code Amendments

BACKGROUND

At the request of Councilperson Cody, the Village Council reviewed the existing signage regulations at the January 17, 2024 Committee of the Whole workshop. Using the direction and feedback staff received at the workshop, a draft update to the signage code has been prepared. The Village engaged with Calvin, Giordano & Associates to propose amendments to the Village's Sign Code to modernize, strengthen and add or delete language as necessary.

Staff is recommending to *repeal* the existing Division 30-90 regulations in their entirety and *replace* them with a new Division 30-90 at a future public hearing. The proposed sign regulations in this draft are provided in a strikethrough and underline format so that the changes may be easily followed.

Generally, the changes include the following:

1. Adding language to exempt certain signage from these regulations (Government, Hazard or Public Notice signs)
2. Adding Crime Prevention Through Environmental Design (CPTED) principles language.
3. Adding, amending or deleting definitions.
4. Adding Temporary on premises signs regulations.
5. Prohibiting new pylon signs.
6. Clarifying language on window signs.
7. Providing for Safe Sight Distance Triangles.
8. Allowances for Monument type signs.
9. Creating sign regulations for the Downtown (DMU).
10. Inserting the Old Cutler Neighborhood Commercial District sign regulations within Division 30-90.
11. Creating a process and schedule for sign amortization.

ATTACHMENTS

Attachment A: Proposed Division 30-90. Sign Regulations

Attachment B: Village Sign Survey PowerPoint

Attachment C: Survey of Other Municipalities' Signage PowerPoint

Attachment A
Proposed Division 30-90. Sign Regulations

DIVISION 30-90. SIGN REGULATIONS

Sec. 30-90.1. General.

This division regulates signage, exempts certain signs from these regulations, prohibits certain signs, establishes regulations to govern the number, character, placement and size of temporary and permanent signs within the village, establishes permit application procedures and maintenance standards to enhance the visual appearance of the village. All new signs shall be consistent with Village Code of Ordinances Sec. 5-75, The village architectural design style is Florida Vernacular

Various signs that serve as signage for distinct land uses are based upon content-neutral criteria in recognition of the functions served by those land uses, but not based upon any intent to favor any specific viewpoint or control the subject matter of public discourse.

(Ord. No. 08-20, § 1, 10-6-2008)

Sec. 30-90.2. Applicability.

- (a) This division applies to all signs, and other advertising devices, on private property that are constructed, erected, operated, used, maintained, enlarged, illuminated or substantially altered within the village. ~~More~~ Repainting or routine maintenance of a sign shall not, in and of itself, be construed as a substantial alteration.
- ~~(b) Miami Dade County at Sections 33-82 through 33-121 developed the "Sign Code of Miami Dade County, Florida" which provides the minimum standard for incorporated and unincorporated Miami Dade County. The Village of Palmetto Bay shall adhere to these minimum standards unless the specifications of this division are more stringent, in which case the village's more stringent code shall prevail.~~
- (b) This division does not regulate the following:
 - (1) Government signs on government property or public rights-of-way, including, but not limited to, Village signs on property owned or controlled by the Village, Miami-Dade County, or the State of Florida.
 - (2) Hazard, life-safety, warning signs, and traffic control devices required or installed by a government agency on public or private property.
 - (3) Notices required to be posted by law or ordinance on public or private property.
 - (4) Signs that are wholly within the interior of a building or structure, and not visible from the exterior of such building or structure.

Sec. 30-90.3. Finding of fact.

The village council finds that:

- (1) In accordance with the U.S. Supreme Courts cases on sign regulation, the regulations in this division are not intended to regulate or censor speech based on its content or viewpoint, but rather to regulate the secondary effects of speech that may be adversely affect the Village's substantial and compelling

governmental interests in preserving community aesthetics, and in vehicular and pedestrian safety in conformance with the First Amendment.

- (2) The manner of ~~the erection~~ing, locationing and ~~maintenance~~ maintaining ~~of~~ signs may affects and ~~may~~ endanger the public health, safety, morals, and welfare ~~of the people of this community. Therefore, a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards is required.~~
- (3) The safety of motorists, cyclists, pedestrians, and other users of the public streets and sidewalks are affected by the number, size, location, lighting and movement of signs that divert the attention of drivers and may jeopardize pedestrian or vehicular traffic safety.
- (4) The safety of motorists, cyclists, pedestrians, and other users of the streets and sidewalks and are affected by unsafe conditions. Following the principles of Crime Prevention Through Environmental Design (CPTED), spaces around signage must be open and visible to allow for clear sightlines with quality landscape and lighting that enhances views for passersby and to avoid creating concealed or isolated areas which are often predictable routes for potential offenders to corner pedestrians in.
- (4 5) The size and location of signs may, if uncontrolled, constitute an obstacle to effective firefighting techniques.
- (5 6) ~~The e~~Constructioning, erectioning and ~~maintenance~~ maintaining ~~of~~ large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds, and hurricane events.
- (6 7) Uncontrolled, unlimited and signs not maintained may degrade the natural and humanmade attributes of the community village and thereby undermine ~~the economic value of tourism, visitation, business operations and permanent its~~ economic growth.
- (7 8) The creation of sign regulations is required as failure to do so may mislead, confuse, or obstruct the vision of people seeking to locate or identify uses or premises and may cause sign pollution.
- (7) ~~The above recitals (whereas clauses) set forth above are true and correct and incorporated by reference into this section.~~
- (9) One of the most important goals is to define and protect aesthetic resources and community character. Excessive signage and sign clutter impair aesthetics, and undermine the effectiveness of governmental signs, traffic control devices and other required signs.

Sec. 30-90.4. Purpose and intent.

- (a) ~~The village council recognizes that there are various persons and entities that have an interest in communicating with the public through the use of signs that serve to identify businesses and services, residences and neighborhoods, and also to provide for expression of opinions. The council is also responsible for furthering the village's~~

~~obligation to its residents and visitors to maintain a safe and aesthetically pleasing environment where signs do not create excessive visual clutter and distraction or hazards for pedestrians and vehicles; where signs do not adversely impact the predominantly residential character of the village and where signs do not conflict with the natural and scenic qualities of the village. The purpose of these regulations are intended is~~ to ensure that permitted signs will not, because of size, location, method of construction, installation or manner of display endanger the public safety, create distractions that may jeopardize pedestrian or vehicular traffic safety; mislead, confuse or obstruct the vision of people seeking to locate or identify uses or premises; or destroy or impair visual qualities of the village which is essential to general welfare and economic viability.

~~It is the intent of the council that these regulations is to create a comprehensive system of graphic controls on private property, contained in this division shall which~~ provide uniform sign criteria, ~~which~~ regulate the size, height, graphic character, lighting, number and placement of signs in a manner that is compatible to the scale and character of the village, and which shall place the fewest possible restrictions on personal liberties, property rights, free commerce, and the free exercise of Constitutional rights, while achieving the village's goal of creating a safe, healthy, attractive and aesthetically pleasing environment that does not contain excessive clutter or visual distraction from rights-of-way and adjacent properties; the surrounding natural coastal environment and residential neighborhoods, and to ensure consistency with the village's comprehensive plan.

- (b) *Scope.* ~~Theis division's provisions of this division~~ shall govern the number, size, location, and character of all signs which may be permitted. No sign shall be permitted on a plot or parcel except in accordance with ~~theis division's provisions of this division.~~
- (c) *Substitution of noncommercial speech for commercial speech.* Notwithstanding any provisions of this division to the contrary, to the extent that this article permits a sign containing commercial copy, ~~it shall permit~~ a noncommercial sign shall be permitted to the same extent. The noncommercial message may occupy the entire sign area or any portion thereof, ~~and or may be~~ substituted for or be combined with the commercial message. The sign message may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited, and the sign continues to comply with all requirements of this division.
- (d) The village may regulate the size, shape and location of temporary signs as content-neutral and reasonable "time, place and manner" restrictions on speech (~~federal review standard of pursuant to case law on~~ First Amendment regulation of speech). ~~At some point, the sheer number of signs do realistically impair the visibility and line of site for vehicles within the neighborhood and provided the temporary residential signs are regulated uniformly as to the type, size, number, and location due to safety issues (to prevent wind debris and interference with visibility) the local regulation would comply with strict scrutiny review of the courts. Temporary and non-commercial signage can be provided a deadline on removal of the sign after the end of the "event" that triggers it. Moreover, the village recognizes that campaign signs~~

~~are a type of temporary sign, and their size, number, location, requirements for removal, and other aspects must be regulated uniformly with other speech, and it is the village's intent is to comply with Federal and State precedent, and comply with the unanimous decision of the U.S. Supreme Court in 1994, in the matter *City of Ladue v. Gilleo*, 512 US 43 (1994) as it relates to political signs and uniform time, manner, place restrictions and content neutrality.~~

(e) *Severability.*

- (1) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word of this division is declared unconstitutional by the final and valid judgment or decree of any court of competent jurisdiction, this declaration of unconstitutionality or invalidity shall not affect any other part, section, subsection, graph, paragraph, subparagraph, sentence, phrase, clause, term or word of this division. Should any section, paragraph, sentence, clause, phrase, or other part of this division or the adopting ordinance be declared by a court of competent jurisdiction to be valid, such decision shall not affect the validity of this division or the adopting ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.
- (2) *Severability where less speech results.* This subsection shall not be interpreted to diminish or limit the effect of this subsection ~~(1), above~~, or any other applicable severability provision in the code of ordinances or any adopting ordinance. The village Council specifically intends that severability shall be applied to these regulations even if the result would be to allow less speech in the village, whether by subjecting currently exempt signs to permitting or by some other means.
- (3) *Severability of provisions pertaining to prohibited signs.* This subsection shall not be interpreted to diminish or limit the effect of this subsection ~~(1), above~~, or any other applicable severability provision in the code of ordinances or any adopting ordinance. The village eCouncil specifically intends that severability shall be applied to the section entitled "prohibited signs" so that each of the prohibited sign types listed in that section shall continue to be prohibited irrespective of whether another sign prohibition is declared unconstitutional or invalid.
- (4) *Severability of prohibition on off-premises signs.* This subsection shall not be interpreted to diminish or limit the effect of this subsection ~~(1), above~~, or any other applicable severability provision in the code of ordinances or any adopting ordinance. If any or all of this division or any other provision of the Village's Code is declared unconstitutional or invalid by the final and valid judgment of any court of competent jurisdiction, the village eCouncil specifically intends that the declaration of unconstitutionality shall not affect the prohibition of off-premises signs, as provided under this division.

Sec. 30-90.5. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where there is a question as to the correct classification or designation

of a sign, it shall be the prerogative of the planning and zoning director to place the sign in the strictest category and/or classification.

Abandoned sign shall mean a sign that:

- (1) For a period of 6 months or more, no longer currently directs or informs any person or advertises a bona fide occupant, product or activity conducted, or project on the premises; or
- (2) For a period of 6 months or more, identifies a time, event or purpose that has passed or no longer applies; or
- (3) For a period of 6 months or more, contains letters that are missing to the extent the intended message is rendered indecipherable; or
- (4) For a period of 6 months or more, is not maintained pursuant to the applicable sign maintenance requirements of Section 30-90.6; or
- (5) Any freestanding structure installed expressly for the purpose of affixing a sign, which bears no sign or copy for a period of six consecutive months.

Advertise or advertising shall mean any form of public announcement intended to aid directly or indirectly, in the sale, use, or promotion of a commercial product, commodity, service, activity, or entertainment.

A-Frame sign shall mean a removable temporary sign usually constructed to form an "A".

Animated sign shall mean any sign or part of a sign, including the advertising message, which changes physical position, flashes, flickers or changes light intensity or color, or that gives the visual impression of movement by any means of movement.

Attraction board shall mean a sign or portion of a sign on which copy is changed periodically, advertising special sales and bargains.

Attached sign shall mean a sign which is attached to or supported by a building, wall or other structure. The definition of attached sign shall not include a sign painted directly on the wall face of a building or structure.

Automated changeable sign shall mean any sign, which through a mechanical, electrical, solar, or other power source is capable of delivering messages, which rotate or appear to rotate, change or move at any time and in any way, including tri-vision or any multi-prism sign faces. It shall also mean any electrical or electronically controlled sign where different messages or copy changes are shown, and shall include any sign or portion thereof, where any light source, including but not limited to incandescent bulbs or light-emitting diodes (LEDs), constitutes the sign text or image. This type of sign includes, but is not limited to electronic message boards; television screens; plasma screens; digital screens; flat screens; LED screens; video boards; other types of electric and electronic display boards and screens; and holographic displays.

Awning, canopy, or umbrella sign shall mean any sign painted, stamped, perforated, or stitched on the surface area of an awning, canopy, or umbrella. These signs should be mounted in locations that respect the design of the building and not obscure ornamental features.

Banner sign shall mean a temporary sign made of cloth, fabric, paper, non-rigid plastic, or similar type of material associated with a tenant space, that may be mounted on a pole or attached to a façade or fence where authorized by this division.

Billboard shall mean a type of permanent freestanding sign, where the bottom of the sign is at least 20 feet above the ground and which is at least 200 square feet in area.

Building sign shall mean a type of permanent sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, or marquees, which identifies the address of the building.

Bunting shall mean any kind of pennant, streamer or other similar fabric decoration.

Cabinet sign shall mean a sign that is mounted on a wall or structure and contains all the text and/or logo symbols within a single enclosed cabinet and may, or may not be illuminated. A cabinet sign may also be referred to as a "can" sign.

Can sign shall mean cabinet sign.

Canopy shall mean a roof-like structure, generally self-supporting, that may be freestanding or attached to a principal structure, providing shade and weather protection, typically utilized in locations such as over drive-thru lanes, walkways, entrances, and gasoline pumps.

Cantilever shall mean that portion of a building, projecting horizontally, whether it is on the same plane as the roof line or not.

Cantilever sign shall mean any sign mounted on a cantilever and shall not extend beyond the cantilever.

Changeable copy sign (manual) shall mean any sign displaying a message which can be changed by hand through the use of removable characters.

Commercial advertising sign shall mean any sign which is used for any purpose other than that of advertising to the public the legal or exact firm name of business carried on the premises, or for advertising any service or product(s) actually and actively being offered for sale on the premises, or which is designed and displayed solely to offer for sale or rent the premises or to advertise construction being done, or proposed to be done, on the premises, or advertising special events.

Commercial event sign shall mean a temporary banner sign announcing any commercial special event such as, but not limited to, the first opening of a business not previously conducted in the village by the same person or at the particular location, or the first sale of dwellings in a residential project.

Copy shall mean any written or graphic material placed, displayed, depicted, or otherwise indicated on a sign.

Copycat Sign shall mean signs that resemble any official sign or markers and that because of design, location, position, shape, or color may be reasonably confused with or construed as traffic-control devices or regulatory signs.

Detached sign shall mean any sign not attached to or painted on a building, but which is affixed and permanently attached to the ground, and which is not a monument sign as

defined herein. Permanently attached as used herein shall mean that the supporting structure of the sign is attached to the ground by a concrete foundation or other support anchored in the ground.

Development identification sign shall mean any sign allowed to be installed only around the perimeter of a development to identify it.

Directional sign shall mean a sign which guides or directs the public and contains no advertising. The name of the facility which the sign is giving direction to may be included when in compliance with specified conditions of this division.

Double-faced sign shall mean a sign with two faces that are typically parallel.

Double-faced freestanding sign shall mean a sign with two faces that are typically parallel. Double-face freestanding signs shall have a maximum distance of three (3) feet between the sides and an internal angle not to exceed 15 degrees.

Emitting sign shall mean signs that emit audible sound, odor, or visible matter such as smoke or steam.

Eave line shall mean the lowest line of the eaves on a pitched roof building.

Entrance feature shall mean any combination of decorative structures and landscape elements located at the entrance to a development, which identifies or draws attention to the development and/or exercises control of ingress and egress to the development. An entrance feature may include, ~~although not necessarily be limited to,~~ any of the following: ornamental walls, fences, identifying lettering, logos, works of art, and other decorative structures, earthworks, water bodies, fountains, trees, plantings, and other landscape elements, as well as gatehouses, either singularly or in any combination thereof.

Façade area shall mean the area of a building coinciding with the outer edges of the walls, ~~windows, doors, parapets or marquees that is owned by or under lease to a single occupant,~~ to the top of the parapet or ridge line that is owned by or under lease to a single occupant.

Flag shall mean a piece of fabric with a color or pattern representing a government or institutional entity, or other organization, ~~entity,~~ or idea.

Flat sign shall mean any sign attached to and erected parallel to the face of, or erected or painted on the outside wall of any building and supported throughout its length by the wall or building.

Freestanding sign shall mean any sign which is incorporated into or supported by structures or supports in or upon the ground, independent of support from any building. Freestanding signs include pole, pylon, ground, monument or A-frame types.

Frontage, street shall mean the portion of a building abutting or facing a public right-of-way.

Grade shall mean the average finished ground level of a parcel on which a sign is located.

Human/animal sign shall refer to a person or animal used to draw attention to a business or commercial event by holding, wearing or drawing attention to a sign outdoors.

Illegal sign shall mean a prohibited sign or a sign installed without a permit, if one is required.

Illuminated sign shall mean any sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and also shall include signs with reflectors that depend upon automobile headlights for an image. a sign that is internally or externally illuminated by artificial means.

Inflatable sign shall mean a sign made of a flexible material that can be expanded by air or other gas to form a three-dimensional shape. Inflatable sign shall also mean any sign of fabric or similar material inflated by cold air to a point of semi rigidity for the purpose of floating above the ground.

Item of information shall mean a word, an initial, a logo, an abbreviation, a number, a symbol, or a graphic shape.

Marquee shall mean a covered structure projecting from, and supported by the building with independent roof and drainage provisions, and which is erected over a doorway or entranceway as protection against the weather.

Marquee sign shall mean any signed attached to or hung from a marquee.

Master sign plan shall mean drawings and plans that illustrate the sign program for the overall development, including size, location, type, architectural design, dimensions, and other design standards including materials, color, and sign illumination.

Menu board sign shall mean a movable stand containing a menu in conjunction with a restaurant. It shall also mean a menu board mounted permanently on a building wall.

Mobile sign shall mean signs mounted on top or on the rear of a vehicle or bicycle, or signs attached to or located on a trailer or other equipment towed by a vehicle or bicycle. Signs of a portable or mobile nature attached after-market, including signs mounted on top of or on the rear of a vehicle, and signs attached to or located on a trailer or other equipment towed by a vehicle. A mobile sign shall not be construed to include any sign mounted on a vehicle or trailer by the original manufacturer.

Monument sign shall mean a freestanding, permanent sign with a self-supported structure of solid construction base, not attached or affixed in any way to a building or any other primary structure, and with concealed means of support that is built into the ground that could not be construed to be a pole sign.

Multi-family office sign shall mean a sign identifying the location of the management office of a multi-family residential property.

Multi-tenant center sign shall mean any shopping center, office center, or business center in which two or more occupancies abut each other or share common parking facilities or driveways or are otherwise related.

Noncommercial sign shall mean a sign containing only noncommercial copy. "Noncommercial" shall mean not-for-profit or commercial gain. Regardless of the content of the copy a noncommercial sign shall not be construed to be an off-premises sign.

~~*Nonconforming sign* shall mean a sign located within the village limits of the effective date of this Code or existing in an area annexed by the village after the effective date of this Code, or any amendments hereto, which by its height, type, area, design, colors, materials, location, use or structural support, conformed to the Code prior to the effective date of this division, but does not conform to the requirements of this Code after enactment. This shall include signs that had been granted variances that were approved, and signs that were issued a construction permit by the Village of Palmetto Bay or Miami-Dade County prior to the effective date of this division. sign or sign structure that by its design, height, type, sign area, location, use, structural support, or otherwise, does not conform to the requirements of this division after adoption.~~

Nonresidential district shall mean all zoning districts that are not residential districts.

Obstructing sign shall mean s sign that obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.

Off-premises sign shall mean a sign that directs attention to a commercial business, commodity, service, product, or activity not conducted, sold, offered, or available on the premises where such sign is located, the copy of which may be intended to be changed periodically. This definition includes a sign displayed on a trailer or the bed of a truck that advertises something other than the identity of the truck, the driver, or its contents.

On-premises sign shall mean sign that is located on the premises of the occupant, business or property identified on the sign. The occupant business or property is the principal use of the property, and the sign is an accessory use of the property on which it is located.

Parapet shall mean false front or wall extending above the roofline.

Parapet line shall mean the line of a parapet on the facade of a flat roofed building with a parapet, and the line of the roof on the facade of a flat roofed building without a parapet.

Permanent sign shall mean any sign which is designed and installed for more than short-term use, including freestanding and building signs.

Point of sale sign shall mean any sign advertising or designating the use, occupant of the premises, or merchandise and product(s) sold on the premises and shall be located on the same premises where such is situated or the products sold.

Pole sign shall mean a sign erected upon a pole, poles, post, or "pole-like" structure that is visible and wholly independent of any building or structure for support. A pole sign is not a monument sign.

Portable sign shall mean any sign not attached to or painted on a building and not affixed or permanently attached to the ground.

Projecting sign shall mean any sign which is an independent structure attached to the building wall and which extends at any angle from the face of the wall. No sign may project more than one foot from a building wall. ~~No projecting sign shall extend above the roof or parapet wall in any residential district.~~

~~*Pylon* shall mean a vertical extension of a building, constructed integrally and concurrently with the building, or in connection with a major remodeling or alteration of a building. To classify as a pylon for sign purposes, the pylon structure must be an integral part of the building structure, extending to ground level. In business and mixed-use districts only, the material and construction may vary from the materials and type of construction of the exterior walls of the building and must be approved by the director. In all cases, the pylon shall have the appearance of a solid structure.~~

~~*Pylon sign* shall mean a flat sign attached to or painted on the face of a pylon. The outer edge of the sign shall not extend beyond the pylon nor above the roof line freestanding sign that is usually supported by either one or two poles. Pylon signs can be one- or two-sided.~~

~~*Real estate for sale sign* shall mean a sign erected by the owner or agent advertising the real property upon which the sign is located for sale.~~

~~*Real estate leasing sign* shall mean a sign erected by the owner or agent advertising the premises or real property upon which the sign is located for rent or lease.~~

~~*Residential district* shall mean a single family, duplex, multifamily, or townhouse zoning district.~~

Roof line shall mean a horizontal line intersecting the highest point(s) of a roof.

Roof sign shall mean a sign which is attached to, painted on, fastened to, or supported by the roof or erected over the roof.

Semaphore shall mean any sign consisting of two dual-face signs extending horizontally from a light standard. ~~It may be located in the parking lot of a shopping center to identify the location of parking areas.~~ No advertising is permitted on the sign.

Shopping center shall mean ~~an area zoned a property used for business or commercial purposes with four (4) or more tenants where at least 250 feet of street frontage has been zoned for commercial purposes under one application and under one ownership, and where it contains at least two tiers of in-front parking, contains two or more retail uses, and is subject to site plan or plot use approval as a condition of the applicable resolution or ordinance.~~

Sign shall mean any display of characters, letters, logos, numbers, identification, description, illustration, ornamentation, or device illuminated or nonilluminated, which is visible from any outdoor ~~place~~ area and which directs attention to a product, service, place, activity, person, institution, or business. A sign includes any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, designed to advertise, announce, identify, indicate direction, or convey information. Exempted from the definition of a sign are customary window displays, official public notices required by federal, state or local regulations, newspapers, leaflets and books intended for individual distribution to members of the public, attire that is being worn, badges, and similar personal gear. The term shall also exclude architectural features, or part thereof, not intended to communicate information. Use of merchandise, products, vehicles, equipment, inflated balloons, or the like as an attention attractor or advertising device, with or without a printed or written message or advertisement, shall be considered a sign.

Sign area shall mean the area within the smallest regular geometric shape which contains the entire sign copy, but not including any supporting framework, braces, or supports. Refer to Sec. 30-90.13.

Sign copy shall mean the linguistic or graphic content, including trim and borders, of a sign.

Sign face shall mean the part of a sign that is or may be used to display sign copy.

Sign height shall mean the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign structure shall mean any construction used or designed to support a sign.

Snipe sign shall mean any sign of any material, including paper, plastic, cardboard, wood or metal when tacked, nailed or attached in any way to trees, poles, stakes, fences, the ground, or other objects where such sign may or may not be applicable to the present use of the property upon which such sign is located.

Special event shall mean a dedication, groundbreaking event, holiday event, celebration, anniversary, **unique** event associated with a business, going out of business and/or grand opening announcement, relocation of business, or announcement relating to sporting events, festivals, carnivals, or any public, charitable, educational or religious events or functions.

Snipe sign shall mean a sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Storefront shall mean the façade of a store or tenant space, typically on the ground floor or street level.

Temporary sign shall mean any sign which is ~~designed or installed on a short-term basis~~ not permanently affixed or installed or is displayed for a limited period. A permanent sign with periodic changes to the message shall not be considered a temporary sign.

Unauthorized sign shall mean any sign erected on or attached to public or private property, real or personal, without the express permission of the owner of such property.

Vehicle sign shall mean any sign affixed to a vehicle.

Wall shall mean for sign purposes, that portion of the building's exterior, horizontal surface on the same plane, regardless of vertical or horizontal indentations, and including the surface of parapets ~~and pylons projecting from the building~~. A plane is defined, for purposes of this division, as a continuous architectural façade which may include projections and/or recesses.

Wall sign shall mean any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

Wind sign shall mean any device, including but not limited to, one or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to wind pressure.

Window area shall mean the entire glass area of a window or door used for calculation of maximum sign area, including any mullions or transoms within a window or door, but excluding the supporting structures of such window or door.

Window sign shall mean a sign located on the inside of a window or within a building or other enclosed structure, where the sign face is visible and legible from the exterior through a window or other opening.

Yard or Garage sale sign shall mean a sign advertising yard or garage sales.

Sec. 30-90.6. Maintenance of signs.

- (a) All signs allowed by this division, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with building and electrical codes.
- (b) Signs and sign structures shall be properly maintained in a safe, legible, and good condition.
- (c) The vegetation and landscaping around, in front of, behind, and underneath the base of freestanding signs ~~for a distance of 50 feet or to the nearest right-of-way or waterway shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign shall be maintained to prevent obstruction of the signs.~~
- (d) Where the rear of any sign is visible from a street, waterway, park, residence or business, the exposed structural members shall be either concealed or painted latticework, slats, ~~or be painted or decorated, and the back screening shall be designed, painted,~~ and maintained.

(Ord. No. 08-20, § 1, 10-6-2008)

Sec. 30-90.7. Interpretation.

Only those signs that are specially authorized by this division shall be permitted. Those that are prohibited within this division, those not listed or authorized shall be deemed prohibited.

Sec. 30-90.8. Permit required; compliance with codes.

- (a) No sign, unless exempted by this division, shall be constructed, posted, painted, erected, installed, operated, used, maintained, enlarged, illuminated, relocated, or altered without first obtaining a permit. Before any permit is issued, an application on a form provided by the village for a permit shall be filed together with two (2) sets of drawings and/or specifications to describe the location; method of construction; type of materials; manner of illumination; method of erection, securing or fastening; number and type of signs; and, advertisement content.
- (b) The application for a permit shall describe the size, shape, and nature of the proposed advertisement, advertising sign or advertising structure, and its actual or proposed locations with sufficient accuracy to ensure its proper identification.
- (c) A separate permit application is required for each building elevation. All sign-face changes shall require a separate permit. Electrically illuminated signs shall require a separate electrical permit.
- (d) No sign shall be placed on any property unless the applicant has the written consent of the owner and the lessee, if any, or the authorized agents of the property.
- (e) For multiple occupancy complexes, individual occupants may apply for a sign permit, but they shall be issued in the name of the lot owner or agent, rather than in the name of the individual occupants. The lot owner, and not the village, shall be responsible for allocating allowable sign area to individual occupants.
- (f) No sign shall be erected or used to advertise any use or matter which would conflict with the regulations for the applicable zoning district in which it is located or be in conflict with the use permitted under the certificate of use, or certificate of occupancy for the property.
- (g) No sign, where a permit is necessary, shall be exhibited unless the required permit fees are paid.
- (h) Each sign requiring a permit shall carry the permit number and the name of the person or firm placing the sign on the premises. The markings shall be permanently attached and clearly visible from the ground.
- (i) The owner and/or tenant of the premises, and the owner and/or erector of the sign shall be held responsible for any violation of this division; provided, however, that when the sign has been erected in accordance with the provisions of this division, the sign company shall be relieved of further responsibility after final inspection of the sign.
- (j) All signs shall be erected on or before 90 days from the date of issuance of the permit. Upon written application for an extension prior to the expiration of the initial permit,

the village may provide up to an additional 90-day extension upon a showing of good cause. Failure to erect the sign or obtain an extension prior to expiration of the permit shall result in the permit being null and void.

- (k) For traffic signs, street name signs, directional signs erected by governmental authorities within public rights-of-way, a detailed specification plan shall be submitted for review and approval by the village.
- (l) For commercial signs that include the name of a municipality or a geographic location as a part of the business name on the sign, "Palmetto Bay" is the preferred name to include to prevent any confusion or mislead visitors seeking to locate the business.

Sec. 30-90.9. Right of entry for inspection.

- (a) No sign shall be approved for use nor erected unless it complies with all requirements of this division, and applicable technical codes and available for inspection. ~~The holder of a permit for a sign shall request inspections as follows:~~
 - ~~(1) Foundation inspection to include the method of fastening to building or other approved structure;~~
 - ~~(2) Shop inspection to include electrical and/or structural where indicated on the permit and/or approved plan;~~
 - ~~(3) Final inspection to include structural framing, electrical work, identification of permit number and erector of sign; and,~~
 - ~~(4) Any additional inspections which may be specified on the permit and/or approved plans.~~
- (b) Appropriate village employees in the performance of their functions and duties and under the provisions of this division may enter into and upon any land upon which advertising signs or advertisements are displayed and make examinations and surveys as may be relevant, subject to constitutional limitations and state law.

Sec. 30-90.10. Signs permitted without a sign permit.

- (a) Within all zoning districts, the following signs, whether temporary or permanent, when not electrically illuminated shall be permitted and exempt from the requirement to obtain a sign permit.
 - (1) Emergency signs erected by governmental authorities within public rights-of-way.
 - (2) Legal notices, identification, or informational signs erected by or on behalf of governmental bodies.
 - (3) Signs as required by law to display building permits or other similar required public notices.
 - (4) Construction signs not exceeding six (6) square feet.
 - (5) No trespassing and private property signs not exceeding two (2) square ~~feet~~ feet in area.

- (6) Vacancy/no vacancy signs not exceeding two (2) square feet in area.
- (7) Address and street number signs not exceeding two (2) square feet.
- (8) Personal expression signs limited to two (2) per lot or parcel for single-family uses, or in the case of duplex, townhouse or multi-family uses, one (1) per dwelling unit, expressing personal views or opinions not exceeding 620 square inches in area, providing such signs are otherwise in compliance with applicable local, state and federal laws and displayed for a period of not more than 90 days in any year.
- (9) Signs placed within interior courtyards, the inside fence line of recreational fields ~~and on golf courses~~, provided these signs are visible only to those persons visiting the site.
- (10) Disabled, handicapped or child, and baby stroller, EV, or hybrid parking signs, nonstructural in nature.
- (11) Warning signs, including: "danger," "no parking," "bad dog," not exceeding two (2) square feet.
- (12) ~~Temporary on-premises real estate signs. Not more than one temporary real estate sign on premises, per street face advertising the sale, rental or lease of only the premises on which the sign is located. The signs shall not exceed 144 square inches 1 square foot in area in residential zoning districts and six square feet in area in all other zoning districts. No more than two riders to the principal temporary real estate sign may be added of a dimension not to exceed the length of the principal sign and each rider shall not exceed six inches in height. One temporary "open house" sign shall be permitted on premises as provided under subsection (13), below.~~

Temporary on premises sign regulations for business, real estate, construction, and election/free speech signs.

(a) Purpose and intent. Temporary on premises signs are being regulated equally, ensuring the same setback, height, and other regulations for temporary signs. The terms "temporary business, real estate, construction, future construction and election/free speech signs" are by way of example and are not meant to be utilized to improperly distinguish content.

(b) Setback, height regulations for temporary business, real estate, construction, and election/free speech signs. Unless affixed to a fence or an existing building, detached signs shall be setback five (5) feet from any property line. The maximum height to the top of a detached sign affixed to posts or a fence shall be five (5) feet above grade in residential districts and 12 feet above grade in all other districts. The maximum height to the top of a flat sign affixed to a building shall not extend above the first floor in residential districts and shall not extend above the second story of such building in all other districts.

(c) Timeframe, removal. Temporary signs shall only be allowed for a period beginning with the temporary activity which is the subject of the sign and must be removed within seven (7) days from the date the temporary activity ceases.

Temporary business signs may be erected and maintained for a period not to exceed 30 days and be limited to four (4) times per year, except that the Community and Economic Development Director may approve an extension of time for the business to erect and maintain such signs beyond the 30 days, after the Director finds that such extension is necessary to mitigate the impacts of public construction on visibility of, or access to, the business. Such extension beyond 30 days shall terminate concurrent with the termination of the public construction.

(d) *Number.* There shall be a maximum of one (1) temporary sign per street frontage, with the exception of election/free speech signs, as per Subsection 15.

(e) *Copy.* Artistic murals or ornamental signs are permitted on construction fences surrounding a construction site, subject to the provisions contained herein and design review approval.

(f) *Type.* Signs may be flat wall signs, part of a fence, or rigid detached signs, affixed to posts or a construction fence. The sign area for window signs shall not exceed twenty-five percent (25%) of total window area.

(g) *Size, single-family or two-family.* The sign area for single-family signs shall not exceed four (4) square feet.

(h) *Size, townhouse or multifamily.* The sign area for a townhouse or multifamily zoning district shall not exceed 16 square feet.

(i) *Size, all other districts.* The sign area for all other districts shall not exceed 40 square feet.

- (13) Temporary off-premises real estate signs, otherwise known as "open house" signs shall be permitted to advertise residential property for sale, rent or lease on premises other than the property for sale, rent or lease in all districts, provided the size of the sign is no greater than ~~two feet by two~~ four (4) square feet measured from grade to top of sign, with one "open house" sign allowed on the premises being advertised, and no more than three (3) off-site to be located five (5) feet from edge of roadway pavement or back of curb, which signs may not be illuminated. The "open house" signs are permitted only within the hours of 11:00 a.m. to 6:00 p.m. The attachment of balloons, streamers, flags, or other attention attracting devices is prohibited and shall be a violation of this division.
- (14) ~~Yard or g~~Garage sale signs. Up to four (4) signs providing directions to a garage sale are permitted to be placed off-site from the location of the garage sale; two (2) of the signs advertising a garage sale are permitted to be displayed on private property where the garage sale is being held. The signs advertising a garage sale shall not be displayed until the first day of the sale and shall be removed at the end of the last day of the sale. Signs shall not be larger than 22 inches by 28 inches. The garage sale signs shall include the property address of the garage sale and the garage sale permit number. Charitable, civic, educational, or religious organizations shall additionally be allowed to display one banner not to exceed three (3) feet by ten (10) feet in size at the site of the sale, provided

the sale occurs at the location of the organization. No off-site banners are allowed.

- (15) Temporary political campaign signs announcing the candidacy of a candidate for public office not exceeding 620 square inches in size in residential zoning districts and in area in all other zoning districts. Setback and location shall be at least five feet from the official right-of-way and five feet from property under different ownership. Only one political campaign sign, per candidate, per street face is permitted. Political signs may be installed 90 days prior to the election.

Temporary political campaign signs shall be removed within seven (7) days after the last election or within seven (7) days of withdrawal of a candidate from running for elected office. If such signs are not removed within this period of time, the village may remove such signs and may charge the candidate the actual cost for such removal. Failure to remove signs is a violation of this Code division and is enforceable pursuant to the village's code enforcement ordinance.

- (16) Religious symbols.
 - (17) Holiday and seasonal decorations shall not be construed as signs, providing that these contain no commercial advertising message, and further provided that such decoration is not up more than 90 days for a single holiday.
 - (18) Flags and insignia, except as provided in this Code.
 - (19) Signs within a building or structure not visible from the exterior of the building or structure, provided they are not hazardous nor require electrical permits.
 - (20) Temporary window signs placed from within the interior of a building or structure, provided coverage does not exceed ~~25~~ twenty-five percent (25%) of the total window coverage.
- (b) Within all nonresidential districts, the following signs, whether temporary or permanent, when not electrically illuminated shall be permitted and exempt from the requirement to obtain a sign permit.
- (1) Decals, limited to those as required by law, which are affixed to or painted upon store windows, store equipment, fuel pumps or other types of vending equipment used for dispensing retail products.
 - (2) Lettering only, for the purpose of providing ownership, licensing, and emergency contact information, when placed upon doors and windows of lawfully licensed businesses, with letters not exceeding three (3) inches in height and limited to a maximum area of two (2) square feet.
 - (3) Building signs, historical markers, memorial signs, tablets or plaques, or the name of a building and the date of erection, when cut into any masonry surface or when constructed of bronze or other permanent material.
 - (4) Professional nameplates for physicians, surgeons, dentists, lawyers, architects, teachers, and other professional persons placed on the premises occupied by

the person(s), not exceeding two (2) square foot in sign face area, provided the professional has a valid occupational license.

- (5) Signs denoting the name and profession of an occupant of a building, placed flat against the exterior surface of the building, and not exceeding two (2) square feet in sign face area, and provided the occupant has a valid occupational license.
- (6) Restaurant menu boards, in accordance with subsection 30-90.22(a) of this division.

Sec. 30-90.11. Prohibited signs.

Signs in all zoning districts must be constructed pursuant to valid building and sign permits, when required under this division or the Building Code, and authorized or mandated by this division. This shall not be interpreted to require the removal of a billboard or other off premises sign pursuant to 70.20, F.S.

- (a) Signs that violate the building code or electrical code.
- (b) Any sign that presents safety, traffic or pedestrian hazard including signs which obstruct visibility.
- (c) Blank signs.
- (d) Animated signs.
- (e) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for governmental traffic devices and signs and automated changeable signs in Business (B) Districts.
- (f) Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- (g) Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, to include animated signs and automatic changeable message devices.
- (h) Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- (i) Wind, balloon or inflatable signs.
- (j) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals and/or humans.
- (k) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- (l) Signs or sign structures that interfere with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code.
- (m) Nongovernmental signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location,

movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.

- (n) Nongovernmental signs that use the words "stop," "look," "danger," or any similar word, phrase, or symbol, or which is a copy or imitation of an official sign that may be reasonably confused with or construed as, or conceal a traffic device.
- (o) Off-premises signs, vehicles carrying portable billboards or advertisements or off-premises signs. and/or signs painted or affixed in any manner to any vehicle, trailer, or pickup truck, van, or similar transportable device and which is used to advertise a place of business or activity as viewed from a public road. This shall not be interpreted to prohibit identification of commercial vehicles provided such vehicles are operational, move, and are used daily for delivery or service purposes and are not used, or intended for use, as portable signs. This sign shall also not be interpreted to apply to buses, taxicabs, and similar common carrier vehicles which are licensed or certified by Miami-Dade County or other governmental agencies. Prima facie evidence of a vehicle sign being used as a prohibited portable sign shall be: (1) when the vehicle is parked and visible from a distance of 100 feet of the street right-of-way for more than 60 consecutive minutes (not in the midst of commercial service or delivery enterprise); and/or (2) is not regularly used in the conduct of the business advertised on the vehicle.
- (p) Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets thereby creating a safety hazard for the public.
- (q) Signs, within ten (10) feet of public right-of-way or 100 feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights, thereby creating a safety hazard for the public.
- (r) Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- (s) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
- (t) Searchlights used to advertise or promote a business or to attract customers to a property.
- (u) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, and traffic control signs.
- (v) Signs placed upon benches, bus shelters or waste receptacles, except as may be authorized in writing pursuant to ~~F.S. §~~ 337.407, F.S.
- (w) Signs erected over or across any public street except as may otherwise be expressly authorized by this Code.
- (x) Vehicles carrying advertising signs for any reason, including dealing with the candidacy of individuals for elected office are prohibited as a visual nuisance. Political campaign signs shall not be used as advertising on vehicles viewable from the public rights-of-way.

- (y) Portable signs, including those that are tied down with metal straps, chaining, or otherwise temporarily anchored to an existing structure or building ~~and including A-frame signs.~~
- (z) Roof signs.
- (aa) Signs placed, posted, or erected upon land adjacent to adjoining public streets and highways, without the written consent of the owner.
- (bb) Signs placed upon any tree, utility pole, lamp post, hydrant, or fence.
- (cc) Signs on any public building or property without a properly issued permit.
- (dd) Billboards.
- (ee) Signs with obscene, lewd, or lascivious language or graphic representation of the human body.
- (ff) Snipe signs ~~located in public rights-of-way.~~
- (gg) Political campaign signs shall be prohibited on village property, other public property or on public rights-of-way. Illegally placed political campaign signs shall be removed by the village's code compliance officer(s) without notice to the candidate or abutting property owner or occupant.
- (hh) Vehicles carrying advertising signs, advertising propositions to be submitted and voted upon by the people.
- (ii) Wall signs in residential districts.
- (jj) Signs attached to fences in all districts.
- (kk) Advertisement(s) placed or affixed onto any face of a building or structure.
- (ll) Freestanding signs projecting over a public right-of-way.
- (mm) Pole signs.
- (nn) Cabinet signs.
- (oo) Obsolete or abandoned signs.
- (pp) Human or animal signs.
- (qq) Wind signs, except for new business which are allowed up to 30 days.

Sec. 30-90.12. Mobile signs exemption.

Mobile signs or off-premises signs that are parked on public or private property shall be prohibited. This prohibition, however, does not apply to:

- (1) Identification of a firm or its principal products on a vehicle operating during the normal hours of business or parked at the owner's residence; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on a vehicle for the purpose of advertising a business or firm or calling attention at the location of a business or firm.

- (2) Vehicles which require governmental identification, markings, or insignias of a local, state or federal government agency.

Sec. 30-90.13. Sign area, number, computation.

- (a) For freestanding signs, the sign area shall be the area within the smallest geometric shape that touches the outer points or edges of the sign face.
- (b) For building, wall, or window signs, the sign area shall be the area within the smallest geometric shape that touches the outer points of raised portions of the sign or of all borders or trims, or in the absence of such border or trim, the outer points of the letters or pictures.
- (c) For freestanding signs, where two (2) or more sign faces are placed ~~back-to-back~~ on a single sign structure, and the faces are at no point more than four (4) feet apart, the sign area shall be the area of one of the faces.
- (d) For freestanding signs, where four (4) sign faces are arranged in a square, rectangle, or diamond, the sign area shall be the area of the two (2) largest faces.
- (e) Where a freestanding or building sign is in the form of a three-dimensional object, the sign area shall be the area within the smallest geometric shape that touches the outer points or edges of the largest possible two-dimensional outline of the three-dimensional object and multiplying that area by two (2).
- (f) In calculating the number of signs, a single sign shall be permitted to contain content advertisement on each side thereof, and shall be counted as one (1) sign.
- (g) In calculating the sign size, the area of a sign shall include borders and framing. Heights shall be measured to the top extremity of the sign and distances to the farthest point. The square footage in a circular rotating, or revolving sign shall be determined by multiplying one-half (0.5) of the circumference by the height of the rotating sign, except in the case of the flat rotating sign, the area will be determined by the square footage of one (1) side of the sign. The director shall have the discretion of determining the area of any sign which is irregular in shape and in such cases will be guided by calculations as made by a licensed, registered engineer when same are shown on the drawing.
- (h) A ground floor establishment shall be permitted a maximum of two (2) window signs. The maximum area of the window sign shall be twenty-five percent (25%) of the total window area.
- (hi) Permitted temporary signs shall not be counted as part of allowable area for freestanding, monument, or buildings signs.

Sec. 30-90.14. Illumination standards.

- (a) Illumination for wall signs shall be channel letter or reverse channel letter.
- (b) Sign lighting may not be designed or located to cause confusion with traffic control lights.

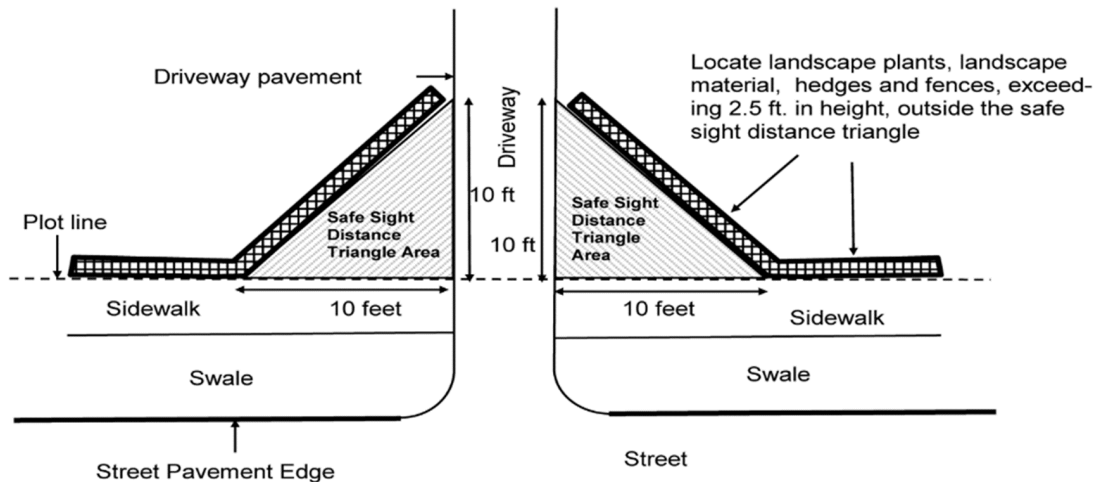
- (c) Illumination of the sign is permissible, provided that none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.
- (d) Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.
- (e) ~~All~~ The illumination of permanent signs, and the illumination thereof, shall be designed, constructed, and maintained in conformity with applicable provisions of the *Florida Building Code*.
- (f) Electrical transformer boxes, raceways, conduit and junction boxes shall be concealed from public view. Any exposed metal surfaces of the raceway should be finished to match the background wall or integrated into the overall design of the sign.

Sec. 30-90.15. Placement standards.

- (a) *In right-of-way.* Supports for signs or sign structures shall not be placed in or upon a public right-of-way or public easement including utility poles, except under the terms of a lease between the owner of the easement or right-of-way and the owner of the sign or with the written approval of the Village of Palmetto Bay.
- (b) *Location.* All signs and sign structures shall be located completely on the site where the principal building is located, except as provided for in (a) above.
- (c) *Setbacks.* Freestanding signs that are permanent signs may be placed in required setbacks, provided that no sign shall be permitted within ten (10) feet of any adjacent property line, within setbacks adjacent to residential lots, or within required corner sight distance triangles.
- (bd) *Blocking exits and/or fire escapes and exits.* No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.
- (e) *Blocking ventilation.* No sign shall be attached in any way that will interfere with any ventilation opening.
- (e f) *Near certain properties.* No sign or sign structure shall be within 15 feet of the outside boundary of any public highway ~~or within 200 feet of any church, school, cemetery, public park, public playground or residential district. The distance to the sign shall be measured along the public highway on which the advertisement is located; provided, however, that signs may be erected on any business lot within 120 feet of any residential district or may be affixed or painted upon any business building located within any business district.~~

- (g) Blocking visibility. No sign or sign structure shall be erected that blocks pedestrian and vehicular visibility on private property or public R.O.W as shown in the illustrations below.

Safe Sight Distance Triangle on Private Property



Note: there may or may not be a public sidewalk in the ROW



- (1) The safe sight distance triangle must not contain obstructions to cross-visibility at a height of two and one-half (2.5) feet or more above ground/grade. Obstructions include, but are not limited to, fences and landscape plants and materials.
- (2) Low-hanging limbs and tree canopy of trees located within the sight triangles must be to a minimum height of six (6) feet above ground/grade level.

Sec. 30-90.16. Clearance standards.

- (a) *Over pedestrian ways.* All signs over pedestrian ways shall provide a minimum of ~~seven~~ eight (8) feet ~~six inches~~ of clearance.
- (b) *Over vehicular ways.* All signs over vehicular ways shall provide a minimum of ~~43~~ 16 feet ~~six inches~~ of clearance.

Sec. 30-90.17. Signs requiring a permit.

- (a) *Real estate, subdivision, entrance feature, construction, and future construction signs that exceed the sizes established in section 30-90.10 require a permit.*

Type of Signs	Maximum Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Real estate	In business and mixed-use districts: up to 40 square feet. In agricultural and residential districts: up to 1.5 square feet <u>Residential Districts: 1.5 square feet.</u> <u>Non-Residential</u>	<u>1</u> One per frontage.	No closer than five feet to an official R.O.W. line unless attached to an existing building; 15 feet to an interior side property line or centered on a lot between interior side property lines. Five (5) Feet to R.O.W., 15 feet to interior side property line	Permitted.	Signs shall not exceed eight feet measured from grade to top of sign. <u>8</u> Eight feet from grade.	Only permitted on premises advertised for rent or for sale. No sign shall be maintained on the premises for more than 90 30 days, without an approved extension. Upon the expiration of the approved period,

	<u>Districts: 40 square feet.</u>		<u>ROW: 5 feet.</u> <u>Interior property line: 15 feet.</u>			the sign shall be removed from the premises.
Subdivision	Maximum of up to 40 square feet each.	3 Three	Not closer than 15 feet to official R.O.W.; not closer than 15 feet to property under a different ownership. 15 Feet to R.O.W., 15 feet to interior side property line <u>ROW: 15 feet.</u> <u>Interior property line: 15 feet.</u>	Permitted.	Signs shall not exceed eight feet measured from grade to top of sign. <u>8 Eight feet from grade.</u>	No sign shall be maintained on the premises for more than 90 days, without an approved extension. Upon the expiration of the approved period, the sign shall be removed from the premises.
Construction	Maximum: of up to 40 square feet. When construction signs are painted on an approved construction shed, there is no size limitation	One general sign and one for each trade: provided the total sign area does not exceed	15 feet from official R.O.W.; 15 feet to property under different ownership or centered between interior property lines. 15 Feet to R.O.W., 15 feet to interior side property line <u>ROW: 15 feet.</u>	Permitted.	Signs shall not exceed eight feet measured from grade to top of sign. <u>8 Eight feet from grade.</u>	No sign shall be maintained on the premises for more than 90 days, without an approved extension. Upon the expiration of the approved period, the sign shall be removed from the premises.

	<u>1 One general sign and one for each trade: total sign area cannot exceed 256 square feet.</u>	<u>256 square feet.</u> <u>Varies</u> <u>Varies.</u>	<u>Interior property line: 15 feet.</u>			
Future construction signs	<p><u>Maximum: of</u></p> <p><u>Residential and Agriculture Districts: 24 square feet.</u></p> <p><u>Business and Mixed Use Districts: 40 square feet. in business and mixed use districts</u></p> <p><u>24 square feet in agricultural and residential districts.</u></p>	<u>1 One</u>	<p><u>Not closer than 15 feet to official R.O.W.; not closer than 15 feet to property under a different ownership.</u></p> <p><u>15 Feet to R.O.W., 15 feet to interior side property line</u></p> <p><u>ROW: 15 feet.</u></p> <p><u>Interior property line: 15 feet.</u></p>	<u>Permitted.</u>	<p><u>Shall not exceed eight feet from ground level to top of sign.</u></p> <p><u>8 Eight feet from grade.</u></p>	<p><u>No sign shall be maintained on the premises for more than 90 30</u></p> <p><u>days, without an approved extension.</u></p> <p><u>Upon the expiration of the approved period, the sign shall be removed from the premises.</u></p> <p><u>Shall be removed within 30 days of issuance of C.O. or C.U. or if construction ceases.</u></p> <p><u>Upon issuance of the C.O. or C.U. or if construction ceases, the sign shall be removed</u></p>

						<u>from the premises within 30 days.</u>
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- (b) Permanent point of sale signs for single family, two-family, and townhouse, and multi-family residential zoning districts, including religious facilities, schools, and universities. Type of signs permitted: detached and flat.

~~All lettering or numbering shall be a minimum of three inches in height, and placed in location visible to public right-of-way for identification purposes. A nonconforming use(s) in a residential district is permitted a flat sign only of the same size as if the use was established on a property in a zoning district permitting the use concerned. Religious facilities, schools and universities when located in these districts shall be permitted one freestanding, detached sign not to exceed 24 square feet. In lieu of a freestanding sign, schools may have a 24 square foot sign at the property entrance which is affixed to a perimeter masonry wall. Illuminated signs shall be backlit with LED fixtures. Religious facilities, schools, universities, and governmental uses may in addition provide a flat, wall, awning, or canopy attached building sign per use, not to exceed six square feet per attached sign.~~

- (1) Lettering or numbering: Minimum of three (3) inches in height and placed in a location visible to public right-of-way.
- (2) A nonconforming use in a residential district: flat sign only of the same size as if the use was in a zoning district permitting the use concerned.
- (3) Religious facilities, schools, and universities: One (1) freestanding, detached, or monument sign per frontage not to exceed 40 square feet, a 24 square foot sign at the property entrance which is and/or affixed to a perimeter masonry wall.
- (4) Illuminated signs shall be backlit with LED fixtures.

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Detached	1.5 square feet.	One	15 feet from R.O.W. line five feet to interior property line.	See general section on illumination lighting. permitted if does not	20 feet from grade to top of sign.	No permit, if sign is not illuminated and sign is 1.5 square feet or less.

				conflict with adjacent property.		
Flat (wall and cantilever)	1.5 square feet.	One	Not applicable.	Same as Detached.	Not applicable.	No permit, if sign is not illuminated and sign is 1.5 square feet or less. Same as Detached.

- (c) ~~Permanent point of sale signs for AU. Type of signs permitted: detached and/or flat. Religious facilities, schools and universities when located in this district shall be permitted one sign not to exceed 24 square feet. Religious facilities, schools, universities, and governmental uses may in addition provide a flat, wall, awning, or canopy attached building sign per use, not to exceed six square feet per attached sign.~~

Type of Signs	Size	Number	Setback—and Spacing	Illumination	Maximum Height	Special Conditions
Detached	24 square feet.	One	15 feet from R.O.W. line five feet to interior property line.	See general section on illumination lighting permitted if does not conflict with adjacent property.	20 feet from grade to top of sign.	Permit required
Flat (wall and cantilever)	24 square feet	One	Not applicable	Same as detached.	Not applicable	Permit required

- (d) ~~Permanent point of sale signs in R-3, R-3B and R-3M districts. Type of signs permitted: detached, flat, awning, canopy, projecting and marquee.~~

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Detached	permitted six square feet. except for which are permitted 24 square feet. R-3B and permitted 24 square feet.	One An additional office sign of not more than 1.5 square feet is permitted.	15 feet from R.O.W. five feet from interior side property.	Illumination permitted; see general provision on illumination.	20 feet from grade to top of sign.	Not applicable.
Flat (wall and cantilever)	Same as detached.	Same as detached.	Not applicable	Same as detached.	Cantilever signs shall not extend vertically above the roof line or parapet wall, whichever is higher.	Not applicable.
Awning, canopy	Same as detached.	Same as detached.	15 feet from R.O.W. five feet to interior side property line.	No illumination permitted.	Not applicable	No permit required. Letters attached or painted to fabric shall be limited to the identification of the occupant and/or use of the property.

Projecting	Same as detached.	Same as detached.	Same as detached.	Same as detached.	9 or 8? feet from grade to bottom of sign.	Not applicable.
Marquee	Same as detached.	Same as detached.	Same as detached.	Same as detached.	Not applicable.	Not applicable.

~~(e) Permanent point of sale signs in the R-4L zoning district. Type of signs permitted: detached, flat, marquee, awning, canopy, projecting, and pylon.~~

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Detached	24 square feet.	Two; and An additional office sign no more than 1.5 square feet. is permitted.	15 feet from R.O.W. line five feet to interior side property line.	Illumination permitted; see general provision on illumination.	20 feet from grade to top of sign.	Not applicable.
Flat (wall and cantilever)	40 square feet for a building not exceeding 15 feet in height; thereafter, a fourth of a square foot for each foot above 15 feet measured to the lowest point of the sign on the building.	Same as detached.	Not applicable.	Same as detached.	Cantilever signs shall not extend vertically above the roof line or parapet wall.	Not applicable.

Marquee	40-square-foot.	Same as detached.	Same as detached.	Same as detached.	Not applicable.	Not applicable.
Awning, canopy, and/or umbrella	24 square-foot.	Same as detached.	Same as detached.	No illumination.	Not applicable.	No permit required. Letters attached or painted to fabric shall be limited to eight inches in height and shall be limited to the identification of the occupant and/or use of the property.
Projecting	24 square-foot.	Same as detached.	Same as detached.	Same as detached.	Not applicable.	Not applicable.
Pylon	40-square-foot.	Same as detached.	Not applicable.	Same as detached.	Not applicable.	See definition for pylon sign.

~~(f) Permanent point of sale signs in the R-4 zoning districts. Type of signs permitted: Detached, marquee, flat, awning, canopy, projecting or pylon. General conditions within R-4: Hotels, motels and apartment hotels may use signs to advertise cocktail lounge, swimming pool, cabanas, coffee shop and other facilities approved and available on the premises providing the sign indicates that the use is available and restricted to their patrons only. The advertisement of these incidental uses must be incorporated in the sign, advertising the name of the hotel, apartment hotel or motel. The lettering advertising the incidental facilities and uses shall be the same size as the restriction notifying the public that the use is available for patrons only, and in no event shall either exceed four inches in height. Hotels and motels in addition to all other signs authorized for their use shall be permitted one additional sign for the sole purpose of advertising and displaying credit club membership or association insignia, provided the sign or display shall be of a box type with glass or plastic sides with inner illumination, constructed in accordance with existing sign regulations and~~

~~electrical code requirements, and shall contain an overall area not in excess of 25 square feet, with lettering not to exceed 12 inches in height; provided further, that such signs or displays may only advertise or display the proprietor's membership in credit clubs or other association, or such club or association insignia but the same may in addition thereto include the identification of the hotel or motel so advertising (these signs are permitted in addition to the two signs permitted below) An additional office sign of no more than one and one-half square feet is permitted.~~

Type of Signs	Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Detached	24 square feet	Two	15 feet from R.O.W. line five feet to interior side property line ten feet between signs.	Illumination permitted; see general provision on illumination.	20 feet from grade to top of sign.	See general comments above.
Marquee	Total of 40 square feet.	Two	Same as detached.	Same as detached.	Not applicable.	See general comments above.
Flat (wall and cantilever)	40 square feet for a building not exceeding 15 feet in height; thereafter, a fourth of a square foot for each foot above 15 feet measured to the lowest point of the sign on the building.	Two	Not applicable.	Same as detached.	Cantilever signs shall not extend vertically above the roof line or parapet wall.	See general comments above.

Awning, canopy	24 square feet.	Two	Same as detached.	No illumination.	Not applicable.	No permit required.
Projecting	24 square feet.	Two	Not applicable.	Same as detached.	Not applicable.	See general comments above.
Pylon	40 square feet.	Two	Not applicable.	Same as detached.	Not applicable.	Same as detached.

<u>Type of Signs</u>	<u>Use</u>	<u>Maximum Size</u>	<u>Number</u>	<u>Setback and Spacing</u>	<u>Illumination</u>	<u>Maximum Height</u>	<u>Special Conditions</u>
<u>Detached</u>	<u>Single-family and two- family</u>	<u>1.5 square feet.</u>	<u>1</u>	<u>ROW: 15 feet. Interior property line: 5 feet.</u>	<u>See general section on illumination lighting. Sec. 30- 90.14.</u>	<u>20 feet from grade to top of sign.</u>	<u>No permit if sign is not illuminated and sign is 1.5 square feet or less.</u>
	<u>Townhouse and multi- family</u>	<u>6 square feet.</u>	<u>2 An additional office sign of not more than 1.5 square feet.</u>	<u>ROW: 15 feet. Interior property line: 5 feet. Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting. Sec. 30- 90.14.</u>	<u>20 feet from grade to top of sign.</u>	<u>Not applicable.</u>
	<u>Hotels, religious facilities, schools, and universities</u>	<u>24 square feet.</u>	<u>2 An additional office sign no more</u>	<u>ROW: 15 feet. Interior property line: 5 feet.</u>	<u>See general section on illumination lighting.</u>	<u>20 feet from grade to top of sign.</u>	<u>Not applicable.</u>

			<u>than 1.5 square feet.</u>	<u>Spacing between signs: 10 feet.</u>	<u>Sec. 30-90.14.</u>		
<u>Flat (wall and cantilever)</u>	<u>Single-family and two-family</u>	<u>1.5 square feet.</u>	<u>1</u>	<u>Not applicable.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Not applicable.</u>	<u>No permit if sign is not illuminated and sign is 1.5 square feet or less.</u>
	<u>Townhouse and multi-family</u>	<u>6 square feet.</u>	<u>2</u> <u>An additional office sign no more than 1.5 square feet.</u>	<u>Not applicable.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Cantilever signs shall not extend vertically above the roof line or parapet wall, whichever is higher.</u>	<u>Not applicable.</u>
	<u>Hotels, religious facilities, schools, and universities</u>	<u>Buildings not exceeding 15 feet in height: 40 square feet. Buildings exceeding 15 feet in height: 0.25 square feet for each foot</u>	<u>2</u> <u>An additional office sign no more than 1.5 square feet.</u>	<u>Not applicable.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Cantilever signs shall not extend vertically above the roof line or parapet wall, whichever is higher.</u>	<u>Not applicable.</u>

		<u>above 15 feet</u>					
<u>Awning, canopy, and umbrella</u>	<u>Single-family and two-family</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>
	<u>Townhouse and multi-family</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>
	<u>Hotels, religious facilities, schools, and universities</u>	<u>24 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>Not permitted.</u>	<u>Not applicable</u>	<u>Letters attached or painted to fabric shall be limited to 8" in height and to the identification of the occupant and/or use of the property.</u>
<u>Projecting</u>	<u>Single-family and two-family</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>
	<u>Townhouse and multi-family</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>
	<u>Hotels, religious facilities, schools, and universities</u>	<u>24 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Minimum clearance: 8 feet.</u>	

<u>Marquee</u>	<u>Single-family and two-family</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>
	<u>Townhouse and multi-family</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>
	<u>Hotels, religious facilities, schools, and universities</u>	<u>40 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>Not applicable.</u>	<u>Not applicable.</u>
<u>Monument</u>	<u>Single-family and two-family</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>	<u>Not permitted.</u>
	<u>Townhouse and multi-family</u>	<u>32 square feet</u>	<u>1 per frontage</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>8 feet from grade to top of sign</u>	<u>Not applicable</u>
	<u>Hotels, religious facilities, schools, and universities</u>	<u>40 square feet.</u>	<u>1 per frontage</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>See general section on illumination lighting.</u>	<u>8 feet from grade to top of sign</u>	<u>Not applicable.</u>

				<u>Spacing between signs: 10 feet.</u>	<u>Sec. 30-90.14.</u>		
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~~(g)(c)~~ *Permanent point of sale signs for the R-5 zoning districts office uses.* Type of sign permitted: Only flat (wall or cantilever) sign.

Type of Signs	Maximum Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Flat (wall and cantilever)	12 square feet.	<u>1</u> One for each street frontage.	Not applicable.	Illumination permitted; see general provision on illumination. <u>Sec. 30-90.14</u>	Not applicable.	Sign shall be mounted on building wall or on a cantilever parallel with the wall.

~~(h)(d)~~ *Permanent point of sale signs for shopping centers.* Type of signs permitted: detached, attraction board, flat, pylon, awning, canopy, umbrella, and semaphore. Service stations in a shopping center are permitted the same type and number of signs that are permitted a service station in a business districts and shall comply with all applicable regulations.

- (1) *Detached sign setbacks and spacing:* Setbacks for all street rights-of-way is ~~seven~~ ten (10) feet for a sign not exceeding 40 square feet; thereafter 0.8125 feet of additional setback for each ~~ten~~ (10) square feet of sign (calculated to the nearest half-foot). Interior side setback is a minimum of ~~three and one-half~~ five (5) feet for a sign not exceeding 40 square feet; thereafter the interior side setback shall be increased by ~~ten percent~~ (10%) of the calculated street frontage up to 100 lineal feet and by ~~20~~ twenty percent (20%) off the calculated street frontage where it exceeds 100 lineal feet but does not exceed 200 lineal feet; then increases by ~~30~~ thirty percent (30%) of the calculated street frontage above the 200 lineal feet. Minimum space between detached signs shall be 20 feet.

Type of Signs	Maximum Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
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Detached and Monument	<p>Up to 40 square feet for first 50 feet of frontage plus 0.75 square feet for each additional foot of frontage to a maximum sign size of 300 square feet.</p> <p><u>First 50 feet of frontage: 40 square feet.</u></p> <p><u>Buildings exceeding 50 feet of frontage: 0.75-0.50 square feet for each additional foot. Maximum sign size shall not exceed 300 200 square feet.</u></p>	<p>One, if less than 500 feet of lineal street frontage; if more than 500 lineal street frontage, then, either one 300-square foot or two 200 square foot signs; shopping centers on a corner lot are permitted an additional 40 square foot sign on a side street.</p> <p><u>Less than 500 feet of lineal street: 1</u></p> <p><u>More than 500 feet of lineal street frontage: either 1 300-square-foot sign, or, 2 200-square-foot signs.</u></p> <p><u>Shopping centers on</u></p>	See (h)(1), above.	<p>Illumination permitted; see general provision on illumination.</p> <p><u>Sec. 30-90.14</u></p>	<p>30 feet from grade to top of sign for property signage located along US-1, 20 feet abutting other R.O.W.</p>	Sign shall be used only to identify the shopping center and/or as a directory of tenants in the shopping center.
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		<u>corner lots: an additional 40-square-foot sign on a side street.</u>				
Flat (wall and cantilever)	10% Ten percent of the wall area for a building that does not exceed 15 feet in height, then <u>1.5% one-half percent</u> increase for each feet <u>foot</u> of building height above grade measured to the bottom of the sign.	2 Two	Not applicable.	Illumination permitted; see general provision on illumination. <u>Sec. 30-90.14</u>	Not applicable.	Signs permitted only for individual tenants shopping center must be placed flat against building or on a cantilever. or pylon.
Awning, canopy, and <u>or</u> umbrella	24 square feet.	2 Two	7 Seven feet from R.O.W.	Illumination permitted; see general provision on illumination. <u>Sec. 30-90.14</u>	Not applicable.	No permit required.

~~(i)(e)~~ Permanent point of sale signs in the business zoning districts, except shopping centers. ~~Type of signs permitted: detached, marquee, monument, flat, awning, canopy, umbrella, projecting, and pylon.~~ Shopping centers shall comply with (h) above. Automated changeable signs (ACS's) are permitted in business (B) zoning districts in accordance with the provisions of subsection 30-90.22(c).

- (1) For detached and monument signs, the following setbacks and spacing shall apply: Setbacks for all street rights-of-way is ~~seven~~ ten (10) feet for a sign not exceeding 40 square feet; thereafter 0.8125 feet of additional setback for each ~~ten~~ (10) square feet of sign (calculated to the nearest half-foot); maximum required setback need not be greater than 20 feet. Interior side setback is a minimum of ~~three and one-half~~ five (5) feet for a sign not exceeding 40 square feet; thereafter the interior side setback shall be increased by ten percent (10%) of the calculated street frontage up to 100 lineal feet and by ~~20~~ twenty percent (20%) off the calculated street frontage where it exceeds 100 lineal feet but does not exceed 200 lineal feet; then increases by ~~30~~ thirty percent (30%) of the calculated street frontage above the 200 lineal feet.

~~Setbacks and spacing: Setback for all street rights-of-way is seven feet for a sign not exceeding 40 square feet; thereafter .8125 feet of additional setback for each ten square feet calculated to the nearest half foot; maximum required setback need not be greater than 20 feet Interior side setback is a minimum of three and one-half feet for a sign not exceeding 40 square feet; thereafter the interior side setback shall be increased by ten percent of the calculated street frontage up to 100 lineal feet and by 20 percent of the calculated street frontage where the same exceeds 100 lineal feet but does not exceed 200 lineal feet; then increases by 30 percent where the calculated street frontage is above the 200 lineal feet.~~

- (2) ~~Minimum spacing between detached and/or monument signs shall be ten feet.~~

- (32) For detached and monument signs, the following special conditions shall apply:

Type and number of point-of-sale signs permitted for a single individual business on a lot will be based on the following formula:

Lot Frontage by Footage:	Number of Signs Allowed with Dimensions:
0—75	<u>2</u> Two signs but no detached or monument type signs.
76—150	<u>3</u> Three signs, <u>1</u> one of which may be detached.
151 or more	<u>4</u> Four signs; <u>1</u> one of which may be detached or a monument type sign. In addition, a A corner lot with minimum dimensions of 300 feet by 300 feet will be allowed <u>4</u> four signs, <u>2</u> two of which may be detached or monument signs provided that the second sign is no greater than half the size allowed for the first sign and provided the separation between the two signs is at least equal to <u>50%</u> percent of the total amount of frontage on both streets or roadways. Where multiple businesses are located on a given lot, each business use shall be permitted a wall sign only.

Type of Signs	Maximum Size	Number	Setback and Spacing	Illumination	Maximum Height	Special Conditions
Detached and Monument	40 square feet maximum for first 50 feet of initial street frontage, plus .75 square feet for each additional feet of street frontage to a maximum size of 300 square feet. <u>First 50 feet of frontage: 40 square feet.</u> <u>Buildings exceeding 50 feet of frontage: 0.75 square feet for each additional foot.</u> <u>Maximum sign size shall not exceed 300 square feet.</u>	See special conditions.	See (i)(1), above.	See general section on illumination. <u>Sec. 30-90.14</u>	30 feet from grade to top of sign.	See (i)(2), above. <u>Minimum spacing between detached and/or monument signs: shall be 10 feet.</u>
Marquee	40 square feet.	Same as detached.	15 feet from R.O.W. five feet from	Same as detached.	30 feet from grade to top of sign.	Same as detached. In addition, for

			interior side property line. <u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>			purpose of counting signs, each face of a marquee shall count as an individual sign.
Flat (wall and cantilever)	Ten percent of the wall area for a building that does not exceed 15 feet in height; then one-half percent increase for each feet of building height above the 15 feet measured to bottom of the sign.	Same as detached.	Not applicable.	Same as detached.	Not applicable.	Not applicable.
Awning, canopy, and <u>or</u> umbrella	24 square feet.	Same as detached.	Same as detached.	Same as detached.	Not applicable.	No permit required <u>for</u> eight-inch letter height.
Projecting	40 square feet.	Same as detached.	Seven feet from R.O.W. <u>ROW: 15 feet.</u>	<u>Same as detached.</u>	<u>Not applicable.</u>	<u>Same as detached.</u>

			<u>Interior property line: 5 feet.</u>			
No closer than five feet to interior side property line	Same as detached.	Not applicable.	Same as detached.			

(k f) *Directional signs on private property.* Permitted only in connection with the specified uses. Directional signs, ~~to direct traffic flow and locate entrances and exits,~~ shall be permitted in all zoning districts in connection with any permitted use provided they do not exceed ~~three~~ 3 square feet in area and do not exceed ~~four~~ 4 feet in height above grade; and providing they are shown and approved on site plans which indicate sign size, location, and copy. Logos, names, and advertising are not permitted on directional signs.

Use	Type	<u>Maximum Size</u>	Number	Setbacks	Locations	Maximum Illumination
<u>Colleges Universities, Hospitals, Housing Developments, Shopping Centers</u>	Detached only	Maximum 18 square feet	Depends on site plan approval. The number of signs shall be determined for each facility by site plan review of the facility, the type and number of structures to be identified, and the need for a sign at a given location.	<p>Signs shall be located on private property and no sign shall be closer than 75 feet to a public R.O.W.</p> <p><u>75 feet from any public R.O.W.</u></p> <p>Other sign setbacks and spacing will be determined as part of the site plan review process.</p>	<p>Directional signs shall be located a</p> <p><u>At points of entry to the facility from the public road(s) provided that signs may be located elsewhere and/or in addition to entries based on need as determined by</u></p>	<p>No neon lighting permitted. ; also see other requirements under general provisions for illumination. See general section on illumination. Sec. 30-90.14</p> <p>Lighting should be in character with overall design of the</p>

			<u>Shall be determined during site plan approval on a case-by-case basis.</u>		the site plan review process.	project as determined by site plan review.
Hospitals	Same as colleges	Same as colleges	Same as colleges	Same as colleges	Same as colleges	Same as colleges
Housing developments	Same as colleges	Same as colleges	Same as colleges	Same as colleges	Same as colleges	Same as colleges
Shopping centers	Same as colleges	Same as colleges	Same as colleges	Same as colleges	Same as colleges	Same as colleges

Uses	Maximum Height	Minimum Site Size	Special Conditions
<u>Colleges-Universities</u>	<u>10 feet to top of sign with</u> The maximum height of a directional sign shall be ten feet to top of sign with a minimum clearance of <u>four</u> 4 feet from the bottom of sign to grade,; provided, however, that s Signs that are affixed to the ground need not provide the <u>four</u> 4 feet clearance.	Minimum 20 net acres.	At least two <u>2</u> buildings on the site.
Hospitals	Same as colleges.	Minimum ten <u>10</u> net acres.	At least two <u>2</u> buildings on the site.
Housing developments	Same as colleges.	Minimum ten <u>10</u> net acres.	At least two <u>2</u> buildings on the site.
Shopping centers	Same as colleges.	Minimum 30 net acres.	Minimum of 400,000 square feet of gross leasable floor area and at least two <u>2</u> full

			line department stores as lead tenants. Sign permits shall be issued only to the owner of the shopping center. Only major tenants with a minimum of 75,000 square feet gross leasable floor area may be identified on the sign.
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(g) Permanent point of sale signs for Downtown Zoning district.

(1) Neighborhood sector.

<u>Type of Signs</u>	<u>Use</u>	<u>Maximum Size</u>	<u>Number</u>	<u>Setback and Spacing</u>	<u>Illumination</u>	<u>Maximum Height</u>	<u>Special Conditions</u>
<u>Detached</u>	<u>Single-family and two-family</u>	<u>1.5 square feet.</u>	<u>1</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>20 feet from grade to top of sign.</u>	<u>No permit if sign is not illuminated and sign is 1.5 square feet or less.</u>
	<u>Townhouse and multi-family</u>	<u>6 square feet.</u>	<u>2</u> <u>An additional office sign of not more than 1.5 square feet.</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>20 feet from grade to top of sign.</u>	<u>Not applicable.</u>

(2) Main Street, Eureka, and Island Sectors

For multi-family, nonresidential, and mixed-use.

<u>Type of Signs</u>	<u>Sector</u>	<u>Maximum Size</u>	<u>Number</u>	<u>Setback and Spacing</u>	<u>Illumination</u>	<u>Maximum Height</u>	<u>Special Conditions</u>
<u>Detached</u>	<u>Main Street</u>	<u>12 square feet.</u>	<u>2</u> <u>An additional office sign of not more than 1.5 square feet.</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>20 feet from grade to top of sign.</u>	<u>Not applicable.</u>
	<u>Eureka</u>	<u>24 square feet.</u>	<u>2</u> <u>An additional office sign no more than 1.5 square feet.</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>20 feet from grade to top of sign.</u>	<u>Not applicable.</u>
	<u>Island</u>	<u>24 square feet.</u>	<u>2</u> <u>An additional office sign no more than 1.5 square feet.</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>20 feet from grade to top of sign.</u>	<u>Not applicable.</u>

				<u>signs: 10 feet.</u>			
<u>Flat (wall and cantilever)</u>	<u>Main Street</u>	<u>12 square feet.</u>	<u>2</u> <u>An additional office sign no more than 1.5 square feet.</u>	<u>Not applicable.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Cantilever signs shall not extend vertically above the roof line or parapet wall, whichever is higher.</u>	<u>Not applicable.</u>
	<u>Eureka</u>	<u>Buildings not exceeding 24 feet or 2 stories in height: 40 square feet. Buildings exceeding 24 feet or 2 stories in height: 0.25 square feet for each foot</u>	<u>2</u> <u>An additional office sign no more than 1.5 square feet.</u>	<u>Not applicable.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Cantilever signs shall not extend vertically above the roof line or parapet wall, whichever is higher.</u>	<u>Not applicable.</u>

		<u>above 15 feet.</u>					
	<u>Island</u>	<u>Buildings not exceeding 24 feet or 2 stories in height: 40 square feet. Buildings exceeding 24 feet or 2 stories in height: 0.25 square feet for each foot above 15 feet.</u>	<u>2</u> <u>An additional office sign no more than 1.5 square feet.</u>	<u>Not applicable.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Cantilever signs shall not extend vertically above the roof line or parapet wall, whichever is higher.</u>	<u>Not applicable.</u>
<u>Awning, canopy, and umbrella</u>	<u>Main Street</u>	<u>16 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>Not permitted.</u>	<u>Not applicable.</u>	<u>Letters attached or painted to fabric shall be limited to 8" in height and to the identification of the occupant and/or use of the property.</u>
	<u>Eureka</u>	<u>24 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u>	<u>Not permitted.</u>	<u>Not applicable.</u>	<u>Letters attached or painted to fabric shall be</u>

				<u>Interior property line: 5 feet.</u>			<u>limited to 8" in height and to the identification of the occupant and/or use of the property.</u>
	<u>Island</u>	<u>24 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>Not permitted.</u>	<u>Not applicable</u>	<u>Letters attached or painted to fabric shall be limited to 8" in height and to the identification of the occupant and/or use of the property.</u>
<u>Projecting</u>	<u>Main Street</u>	<u>16 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Minimum clearance: 8 feet.</u>	
	<u>Eureka</u>	<u>24 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Minimum clearance: 8 feet.</u>	
	<u>Island</u>	<u>24 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u>	<u>See general section on illumination lighting. Sec. 30-90.14.</u>	<u>Minimum clearance: 8 feet.</u>	
<u>Marquee</u>	<u>Main Street</u>	<u>24 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u>	<u>See general section on</u>	<u>Not applicable.</u>	<u>Not applicable.</u>

				<u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>illumination lighting.</u> <u>Sec. 30-90.14.</u>		
	<u>Eureka</u>	<u>40 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>Not applicable.</u>	<u>Not applicable.</u>
	<u>Island</u>	<u>40 square feet.</u>	<u>2</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>Not applicable.</u>	<u>Not applicable.</u>
<u>Monument</u>	<u>Main Street</u>	<u>32 square feet.</u>	<u>1 per frontage.</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>8 feet from grade to top of sign.</u>	<u>Not applicable.</u>

				<u>signs: 10 feet.</u>			
	<u>Eureka</u>	<u>32 square feet.</u>	<u>1 per frontage.</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>8 feet from grade to top of sign.</u>	<u>Not applicable.</u>
	<u>Island</u>	<u>40 square feet.</u>	<u>1 per frontage.</u>	<u>ROW: 15 feet.</u> <u>Interior property line: 5 feet.</u> <u>Spacing between signs: 10 feet.</u>	<u>See general section on illumination lighting.</u> <u>Sec. 30-90.14.</u>	<u>8 feet from grade to top of sign.</u>	<u>Not applicable.</u>

(h) Permanent point of sale signs for VMU district. Signage shall be reviewed as part of an overall master plan.

(i) Permanent point of sale signs in Old Cutler Neighborhood Commercial district. Signage shall comply with the standards in division 30-90 except as modified herein.

(1) Uniform signage plan.

a. Uniform signage plan. No building permit shall be issued for an individual sign requiring a permit unless and until a uniform signage plan for the lot on which the sign will be erected has been submitted as conforming with this section.

1. Uniform signage plan requirements.

- i. An accurately scaled site plan of the subject property;
- ii. Location of buildings, parking lots, driveways, and landscaped areas;
- iii. Tabular summary with a computation of the maximum total sign area, the maximum area for individual signs, the height of signs, the number of signs permitted and setbacks if applicable;
- iv. The following details about the proposed signage must be indicated:
 - (A) Color scheme;
 - (B) Lettering or graphic style;
 - (C) Lighting;
 - (D) Location of each sign on the buildings;
 - (E) Material type;
 - (F) Sign proportions

(2) Permanent signs.

- a. Wall signs. One wall sign for each building or store front on a lot. The maximum area of such sign shall be in accordance with the following table:

<u>Location of Sign on Building</u>	<u>Square Footage of Signage for each Linear foot of Building or Store Frontage</u>
<u>1 or 2-stories</u>	<u>1</u>
<u>3 to 4 stories</u>	<u>1.5</u>

This sign shall not encompass more than 75 percent of the width of store front or building. On corner lots the owner may elect to have two wall signs provided that the total sign area of the two wall signs shall not exceed the total area permitted for one such sign.

1. Walls sign standards:

- i. All wall signs constructed, erected, placed or modified shall consist only of individual, or channel letters, numbers, figures and other symbols.
- ii. Wall signs shall be located only on the wall face containing the main entrance to the building or establishment on which it is placed. In the case of corner properties, a second wall sign may be permitted.
- iii. Wall signs shall not extend above the eaves of a building with a pitched roof nor be situated so as to block doors or windows

wholly or partially, conceal architectural details or obscure the composition of the facade where they are located.

iv. Wall signs shall be architecturally compatible with the style, composition, materials, colors, and details of the building, as well as with other signs used on the building or its vicinity.

v. Walls signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.

vi. Wall signs located on buildings within the same block-face shall be placed at the same height in order to create a unified sign band.

b. *Hanging signs.* One hanging sign shall be permitted per tenant in a multi-tenant center.

1. *Hanging sign standards:*

i. Hanging signs for the purpose of this section are signs that suspend perpendicular to a building wall, down from and supported by or attached to the underside of a structure or to an extension of a structure.

ii. Hanging signs must be securely fastened to an approved overhang with a maximum size of one foot by three feet providing eight feet clearance between the bottom of the sign and the walkway below.

iii. Hanging signs shall not be electrified in any manner.

iv. No part of a hanging sign shall extend beyond the edge of the overhang.

v. The copy of a hanging sign must pertain to the premises.

vi. Wood and painted metal are the preferred materials for hanging signs. Wood signs shall use only high-quality exterior grade wood with suitable grade finishes.

c. *Monument signs.* Each lot having a street frontage of 100 feet or more shall be permitted one monument sign in accordance with the following table:

<u>Bldg. footprint Gross Floor Area (sq. ft)</u>	<u>Total Sign Height (feet)</u>	<u>Area per sign side (sq. ft.)</u>	<u>Total Face Area (for 2- sided signs) (sq. ft.)</u>	<u>Minimum Letter Size</u>	<u>Maximum Letter Size</u>
<u>Less than 5,000</u>	<u>3</u>	<u>20</u>	<u>40</u>	<u>5"</u>	<u>18"</u>
<u>Greater than 5,000</u>	<u>4</u>	<u>25</u>	<u>50</u>	<u>5"</u>	<u>18"</u>

The dimensions of monument signs permitted within this district shall not exceed these dimensions.

1. *Monument sign standards:*

- i. *Minimum setbacks:* a monument sign shall not be located (leading edge) less than seven feet from any public right-of-way line, five feet from any adjacent property line, or 25 feet from any public right-of-way intersection.
- ii. *Landscaping:* a monument sign shall be located in a landscaped area of a minimum of 100 square feet of additional landscaping in accordance with a landscape plan, in addition to the other applicable landscaping requirements, which shall be required as a condition of erecting and maintaining a monument sign.
- iii. *Materials:* a monument sign shall be constructed of the same or aesthetically comparable materials and products of which the principal building finish on the same property is constructed.

(3) Murals shall be permitted in this district pursuant to the procedures in section 30-160.

- a. Murals easily accessible or clearly visible to the general public from adjacent public property such as a street or other public thoroughfare or sidewalk shall be subject to review pursuant to section 30-160.6.
- b. Murals for the purpose of this section are any mosaic, painting, or graphic art technique applied, implanted, or placed directly onto a building, exterior wall, or site that contains no copy, advertising symbols, or trademarks.
- c. Murals are not permitted on any façade directly abutting a residentially-zoned property or directly across a public right-of-way from a residentially-zoned property. A primary façade is defined (for purposes of this section) as the building elevation that faces the adjacent street right-of-way and is the primary entrance.
- d. Design standards:
 1. The location, scale, and content of the proposed mural shall be integrated with the building's façade and other elements of the property to enhance the architecture and aesthetics of a building, exterior wall, or site;
 2. The proposed mural, by its design, construction, and location will not have an adverse effect on an abutting property or the permitted use thereof;
 3. The mural will not have a detrimental effect on the structural integrity of the exterior wall on which it is applied or affixed.

4. Mural dimensions will be reviewed on a case-by-case basis.
- e. Additional materials required for a conditional use application of a mural:
 1. A scaled detailed drawing indicating the location of the proposed mural on the building or site;
 2. An elevation plan of the existing building, exterior wall, or site;
 3. Materials and methods of installation;
 4. The name of the artist and the anticipated process and timeline;
 5. Maintenance plan.
- f. Maintenance:
 1. The mural shall be kept in good condition for the life of the mural according to a maintenance.
 2. The display surface shall be kept clean and neatly painted and free from corrosion.
 3. A maintenance plan and budget for the mural is required. This plan will allocate responsibility for monitoring the condition of the mural on a regular basis, for decision-making related to repair and removal.
 4. Any mural that is not maintained, faded, or is in disrepair shall be ordered removed or covered with opaque paint, similar to the primary building materials, colors, or other appropriate material by the mayor and village council.
- (4) Prohibited signs.
 - a. Prohibited signs are found in section 30-90.11. Additionally, back-lighting, incandescent lighting, LED, marquee, neon and pylon signs are prohibited in this district.

(l) ~~j) Permanent point of sale signs for planned area development zone.~~ Residential signs in accordance with requirements which best reflect the residential use of the PAD as determined by site plan review. Detached signs and signs visible from public roads, for permitted retail convenience facilities, are prohibited. All other uses as permitted in the PAD shall conform to the applicable zoning district requirements for signs.

(m) ~~Village Mixed Use District.~~ Signage shall be permitted on the exterior of any structure, not to exceed five percent of the square footage area of the exterior façade of any structure. Monument signage shall also be permitted, not to exceed ten feet in height, and shall otherwise comply with shopping center signage requirements.

(n) ~~Franjo Triangle, & U.S. 1 Island (FT&I) Sectors.~~

(1) ~~Permanent point of sale signs.~~ Permanent point of sale signs shall be permitted in all sub-districts in conjunction with permitted business uses: building identification, detached, monument, flat-attached, hanging, awning, and cantilever projecting.

a. ~~Cantilever projecting signs shall be mounted and perpendicular to the building.~~

b. ~~The copy of an awning sign shall only be located on the valance of the awning.~~

c. ~~The bottom of a hanging sign shall be located at a minimum height of eight feet from the finished floor.~~

(2) ~~Maximum size, location, and number of signs shall be as follows:~~

Core	Center	Number of Signs
Building identification at top of building: 150 square feet.	Building identification at top of building: 75 square feet.	One per building
Flat-attached: 24 square feet.		One of each type per tenant per street frontage
Cantilever: eight square feet		
Hanging, awning, detached, six square feet		

(3) ~~Maximum height shall be eight feet above grade to top of sign for detached or monument signs and shall otherwise comply with shopping center signage requirements. Sign copy on the valance of an awning shall not exceed one foot.~~

(Ord. No. 08-20, § 1, 10-6-2008; Ord. No. 2015-15, § 2, 11-2-2015)

Sec. 30-90.18. Shopping center u Unified sign plan.

(a) ~~Requirement for a unified sign plan.~~ After the initial effective date adoption of these regulations, all ~~new~~ nonresidential development or redevelopment of existing developments, which shall contain spaces or units for more than one business or

occupant on a unified parcel or parcels, shall provide a unified sign plan with the application for any new building permits. All subsequent applications for sign permits shall comply with the approved unified sign plan. The unified sign plan shall comply with the provisions of this division and shall also demonstrate a consistent theme and architectural design with the associated ~~shopping center~~ nonresidential development with respect to each of the following:

- (1) Manner and type of construction including materials to be used, installation method and mounting details;
 - (2) Means of illumination, if any, and hours of illumination; and,
 - (3) Size, color, lettering, location and graphic style.
- (b) Types of permanent point of sale permitted signs for ~~shopping centers~~ nonresidential development: ~~detached, monument, attraction board, flat, pylon, awning, or canopy, umbrella, or semaphore.~~
- (c) Where new or replacement signage is proposed for existing ~~shopping centers~~ nonresidential development, the property owner, or designee, shall establish a sign plan, approved by the village, that shall be implemented for each replacement sign in the development. Once the plan has been established for a ~~shopping center~~ nonresidential development, the plan shall be applied to the entire ~~center~~ nonresidential development, as well as each individual occupant, and shall remain as long as the ~~center~~ development exists, regardless of change of ownership or management. The plan may only be changed if all signs in the ~~shopping center~~ nonresidential development are changed to conform to the new plan, and ~~which plan is to be approved by the village.~~
- (d) Written consent to the plans and criteria must be provided by the owner(s) of the building, structure or land to which or on which the sign structure is to be erected, relocated, maintained, or altered.
- (e) *Requirement to display street number.* All businesses shall display the street number in a manner that is prominent and clearly readable to vehicular and pedestrian traffic, as appropriate. Street numbers shall be displayed on all freestanding signs and over front doors or primary entryways.

Sec. 30-90.19. Entrance features.

- (a) Entrance features within residential zoning districts shall be limited to:
- (1) For single family and two-family residential subdivisions and developments containing ten (10) or more residential lots, where individual lots are accessed from a common internal roadway, one entrance feature, including a sign, identifying the name of the subdivision shall be allowed at each entrance from a collector or arterial street.
 - a. *Size permitted:* 32 total square feet of sign face area.
 - b. *Maximum height of sign:* Eight (8) feet.

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- c. *Type allowed:* Freestanding or monument style. Where more than one (1) sign is allowed, each such sign erected shall be constructed and designed in the same manner.
 - d. These signs shall be externally illuminated with ground-mounted lighting only. Any lighting shall project from the ground onto the sign only, and shall not be directed towards any street or residential lot.
 - (2) For multi-family residential uses, one (1) entrance feature, to include a sign identifying the name of the multi-family development shall be allowed at each entrance. Internal directional signs and signs identifying buildings shall also be allowed limited to three (3) feet in height and eight (8) square feet in sign face area.
 - a. *Size permitted:* 60 square feet of sign face area.
 - b. *Maximum height of sign:* Eight (8) feet.
 - c. *Type allowed:* Freestanding or monument style. Where more than one (1) entrance feature is allowed, each sign erected in conjunction with the entrance feature shall be constructed and designed in the same manner.
 - d. *Illumination:* The entrance features may only be externally illuminated with ground mounted lighting. Any lighting shall project from the ground onto the feature, and shall not be directed towards any street, vehicular drive or residential unit.
 - (b) Entrance features are permitted within all commercial districts provided that:
 - (1) Shall not exceed 96 square feet in area or eight (8) feet in height;
 - (2) No development shall have more than one (1) freestanding sign, including a monument sign, associated with the entrance feature;
 - (3) They are located consistent with the setback requirements as set forth in this Code;
 - (4) They are not located in the right-of-way.
 - (c) Entrance features that are placed on private property shall be continually and properly maintained by the owners. To assure the proper maintenance of entrance features the owners shall execute a covenant stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained. This covenant shall be delivered to the village for review and, upon approval shall be recorded prior to the issuance of any permits.
 - (d) Entrance features may be placed within public rights-of-way provided:
 - (1) Prior approval is granted by Miami-Dade County or the village public works department, as applicable, depending upon jurisdiction over the public rights-of-way;

-
- (2) A bond is submitted to Miami-Dade County or the village public works department, as applicable, in an amount to cover the removal of said features if deemed necessary at a later date by the governing authority. The bond shall have an initial ten-year life and shall be renewed for five-year periods thereafter; and,
- (3) An executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to Miami-Dade County or the village public works department, as applicable, for review and, upon approval, shall be duly recorded prior to the issuance of any permits.
- (e) Entrance features shall be placed so as not to encroach upon utility lines or traffic control devices, whether such lines or devices be located overhead or underground; and where a conflict is indeed encountered, the developer or designated property owner shall be responsible for removal or relocation of the entrance features, or parts thereof.
- (f) Entrance features shall be placed so as not to cause a visual obstruction and thereby create a traffic hazard, and should the use of illumination be incorporated in said features, such illumination shall be placed so as to be unobtrusive to moving traffic lanes or adjacent properties.
- (g) The character and scale of entrance features shall be of a design such that said features are complementary to the identified development and compatible with the immediate neighborhood insofar as its overall impact is concerned.
- (h) All structures within entrance features shall meet all standard of the *Florida Building Code* and any other applicable standards, and all water bodies with depths greater than 18 inches shall meet all applicable standard of Chapter 30, applicable to reflecting pools and water features, standards.
- (i) Applications for permits for entrance features shall be made by the fee owner of the property in question and shall be submitted to the village. Applications shall include an accurately dimensioned plot use plan identifying all structures and landscaping incorporated in the feature(s) and identifying all setbacks and elevations of the feature(s).
- (j) Upon receipt of all necessary information, the documents shall be reviewed by the county and/or village and shall issue a staff report and render a decision approving, modifying, or denying the request. A copy of the decision shall be published in a newspaper of general circulation. All approvals or modifications shall not be effective until 15 days after the village's decision is published in a newspaper of general circulation. The decision shall be recorded on the official zoning maps of Miami-Dade County and the Village of Palmetto Bay.
- (k) The applicant, or any aggrieved property owner in the area, may appeal the decision to the village council.

- (l) Any person violating any of the provisions of this section shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail for a period not to exceed 60 days, or by both, in the discretion of the county court. Each day's violation shall be considered a separate violation. Any continuing violations of this section may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purpose.
- (m) *Village Mixed Use*. Entrance features shall be permitted within the village mixed use districts upon a showing that the location and means of access do not create a visual obstruction that results in a traffic hazard, are complimentary in character and scale to the development on the property, and are maintained in a manner acceptable to the village.

Sec. 30-90.20. Flag display standards.

- ~~(a) *Maximum height*. Except as otherwise provided herein, flags shall be displayed on flag poles. Such poles in nonresidential zoning districts shall not exceed the allowed structure height of the zoning district, or 60 feet, whichever is less. Flag poles may not be placed on top of buildings or light poles. Flag poles in residential districts shall not exceed 20 feet.~~

Zoning District	Maximum Pole Height
<u>Residential</u>	<u>20 feet.</u>
<u>Mixed-Use or Nonresidential</u>	<u>60 feet or the maximum structure height of the district, whichever is less.</u>

- (b) *Maximum number and size*.

- (1) The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag shall not exceed ~~20~~ twenty percent (20%) of the vertical height of the pole. In addition, flags are subject to the following limitations:

Pole Height	Maximum Flag Size
Up to 25 feet	24 total square feet
26 to 39 feet	40 total square feet
40 to 49 feet	60 total square feet
50 to 60 feet	150 total square feet

- (2) Each property shall be allowed a maximum of three (3) flag poles. A maximum of two (2) flags shall be allowed per flag pole. References to flag pole height in this division refer to vertical flag poles. References to the number of flags and flag poles and flag dimensions refer to both vertical flag poles and mast-arm flag poles (staff extending at an angle from a building). On United States and Florida holidays, there shall be no maximum flag size, number of flags or other limitations on manner of display.

- (c) *Flags on permanent fixtures other than poles.* Flags that are attached to the side of a structure without a pole shall not, individually or cumulatively, cover more than the greater of 24 square feet or ten percent (10%) of the façade of the structure on which the flag is mounted. One (1) flag is permitted on up to two (2) building façades.
- (d) *Setback.* A vertical flag pole shall be set back at least five (5) feet from all property boundaries.
- (e) *Condition of flag and pole or other permanent mounting.* The flag and flag pole or other permanent mounting shall be maintained in good repair. Flag poles with broken halyards shall not be used, and torn or frayed flags shall not be displayed.
- (f) *Use of flags as attention-attractors prohibited.* The placement of flags upon merchandise or structures to draw the public's attention to such items shall be considered to render such flags "attention attractors" and shall be prohibited.

(Ord. No. 08-20, § 1, 10-6-2008)

Sec. 33-90.21. Landscaping and freestanding sign construction standards.

- (a) A planting bed at least three (3) feet in width shall surround all freestanding signs. In no case shall the planting be less than 18 inches in height. The bed planting shall contain shrubs and supplemental ground cover and shall be shown on the site plan.
- (b) An application for a freestanding sign shall include an accurate and up-to-date survey of the property indicating the lot dimensions, the proposed location of the sign with all setbacks to property lines, and a landscaping plan.
- (c) Solid CBS and stucco construction is required for all permanent monument signs. Structural components shall not be covered by a material that is high-gloss, reflective, or illuminated. The solid ground-mounted base of a monument sign shall be equal to or greater than the length of the sign face.

(Ord. No. 08-20, § 1, 10-6-2008)

Sec. 30-90.22. Miscellaneous sign regulations.

- (a) *Restaurant menu board sign:* A restaurant menu board may be placed temporarily upon a movable stand in conjunction with an approved sidewalk café permit or permanently mounted on a building wall at a restaurant pedestrian entrance in accordance with the following conditions:

<u>Number of signs</u>	<u>1 per establishment.</u>
<u>Maximum sign area</u>	<u>6 square feet.</u>
<u>Maximum height</u>	<u>6 feet.</u>
<u>Setbacks</u>	<u>Movable stand or on a pedestrian way: At property sidewalk line, provided there is no disruption to pedestrian traffic.</u> <u>Wall mounted: Adjacent to the front entrance.</u>
<u>Display length</u>	<u>Movable stand signs: Only during normal business hours.</u>

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(Supp. No. 9)

<u>Illumination</u>	<u>Indirect light solely for illuminating menu copy.</u>
<u>ADA requirements</u>	<u>In accordance with all accessibility requirements.</u>

~~(1) *Maximum number:* One per establishment.~~

~~(2) *Maximum sign area:* Six square feet.~~

~~(3) *Height:* Six feet.~~

~~(4) *Setback:* If placed on a movable stand, the sign may be located at the property sidewalk line or on a pedestrian way provided there is no disruption to pedestrian traffic; otherwise the sign shall be wall mounted adjacent to the establishment front entrance.~~

~~(5) *Length of display:* Movable stand signs shall be displayed only during normal business hours.~~

~~(6) *Illumination:* Indirect light solely for illuminating menu copy.~~

~~(7) In accordance with all accessibility (ADA) requirements.~~

(b) *A-Frame signs:* a removable temporary sign in the shape of an "A" may be placed temporarily upon a sidewalk or pedestrian way, provided there is no disruption to pedestrian traffic or accessibility.

<u>Number of signs</u>	<u>1 per establishment.</u>
<u>Maximum sign area</u>	<u>6 square feet.</u>
<u>Maximum height</u>	<u>4 feet.</u>
<u>Setbacks</u>	<u>Movable stand or on a pedestrian way: At property sidewalk line, provided there is no disruption to pedestrian traffic.</u> <u>Wall mounted: Adjacent to the front entrance.</u>
<u>Display length</u>	<u>Only during normal business hours.</u>
<u>Illumination</u>	<u>Prohibited.</u>
<u>ADA requirements</u>	<u>In accordance with all accessibility requirements.</u>

(c) *Changeable copy signs:*

(1) *Drive-through facilities:* In addition to other permitted signs, drive-through facilities shall be permitted to have a changeable copy sign showing featured items, provided it has a transparent protective locked cover; it is affixed to a wall of the establishment adjacent to the drive-in service window or located freestanding within and parallel to the drive-in lane area; sign shall not exceed six (6) feet in sign height or 32 square feet in sign area; a landscaped area screening the base of all such signs. Additionally, whenever such sign is visible from a right-of-way a landscape material shall also be required and located so as to screen the sign from the right-of-way.

- (2) All changeable copy signs, other than drive through facilities, are permitted, provided it has a transparent protective locked cover, it is part of a monument sign, and meets the design requirements for a monument sign.
- (d) *Automated changeable signs (ACS), subject to the following mandatory conditions:*
 - (1) Shall be limited to the B-1 and B-2 Business ~~(B)~~ Districts ~~zoning classification business districts~~ on a minimum lot size of ten (10) acres gross of improved land area.
 - (2) Provided the ACS is incorporated into a "point of sale" sign.
 - (3) Provided the ACS does not exceed 48 square feet in area.
 - (4) Provided the ACS does not increase the maximum display area permitted.
 - (5) Provided the content of an ACS is limited solely to the promotion of products or services offered on the premises. The only fixed message shall be the name of the company possessing a valid certificate of use and occupancy for the subject premises.
 - (6) Incandescent lamps/bulbs in excess of nine (9) watts are prohibited in an ACS. Incandescent lamps/bulbs in an ACS shall not be exposed but shall be covered by a translucent lenses or filter.
 - (7) Provided the ACS is equipped with an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one-half (0.5) hour before sunset to one-half (0.5) hour before sunrise.
 - (8) The following operating modes of an ACS are prohibited:
 - a. *Flash.* The condition created by displaying the same message intermittently by turning it on and off, on and off, with rapidity, or any other delivery mode that creates a flashing effect. The copy on messages may not move or appear to move. A change of message may occur at no more than six-second intervals.
 - b. *Zoom.* The look or condition created by expanding a message from a central point to its full size.
 - c. Any signs which use the word "stop" or "danger" or imply the need or requirement of stopping, or which are copies or imitations of official signs.
 - d. Red, green or amber (or any color combination thereof) revolving or flashing light, giving the impression of a police or caution light shall be prohibited.
 - (9) An ACS shall be limited to locations only on a major thoroughfare including principal and minor arterials as depicted in the village's comprehensive plan.
 - (10) A freestanding ACS shall be of a monument type and shall comply with the sign height and size regulations for monument signs within the B-1 and B-2 Business ~~(B)~~ Districts.

- (11) A detached ACS shall be surrounded by a minimum of 25 square feet of landscaped area. A plan indicating such landscaped area shall be submitted to the village at time of building permit application.
- (12) The applicant for an ACS shall file a declaration of use, on a form prescribed and approved by the village, which will govern the operation of the ACS and contain penalties for abatement and removal of the ACS for violations of the declaration of use and provisions herein.
- (13) An ACS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this division and shall comply with all building code requirements.
- (e) *Gasoline station canopies.* A company logo not to exceed four (4) square feet shall be permitted on each side of a gasoline station canopy. Wall signs shall be prohibited on gasoline station canopies.
- (f) *Rear of signs.* Where the rear or side of any sign is visible from any street or from any adjoining residential zoning district, such side or rear face shall present a completely finished appearance to screen structural support systems, electrical conduits and boxes, and unpainted surfaces as determined by the village.

(g) Nonresidential uses on Old Cutler Road.

- (1) Except as otherwise provided in this article, signs along Old Cutler Road shall only be erected in accordance with chapter 74-400, F.S., which provides as follows: Signs shall not be erected within 300 feet of either side of the paved surface of Old Cutler Road, except as follows:
 - a. Official road signs, including traffic control devices, erected by the department of transportation, by the village or county having jurisdiction over the portion of the road involved;
 - b. Signs not visible from the road;
 - c. Markers indicating points of historical interest erected or approved by the State Department of Transportation and Bureau of Historic Preservation;
 - d. Signs that do not exceed six (6) square feet in area advertising the sale or lease of the property upon which they are located; or
 - e. Signs advertising only the name or nature of the business being conducted upon or the products, facilities, goods or services being sold, supplied, or distributed upon or from the premises where the signs are located, if such signs do not exceed a total of 30 square feet in area for any one business.

Sec. 30-90.23. Light pole banners.

The installation of light pole banners shall require written approval of the village, after submittal of the proposed light pole banner design. No commercial or for-profit organization banners shall be allowed on public light-poles. The village shall only grant requests for not-for-profit or governmental events and/or organizations to place banners on light poles within the public rights-of-way. The maximum duration for a public right-of-

way light pole banner display shall be 45 days and shall be limited to four (4) times a year. Village banners shall be excluded from compliance with the 45-day requirement of this section. Exceptions to this policy may be granted by the village manager, with the consent of the mayor and village council, via resolution. Light pole banners shall be no bigger than: three (3) feet by eight (8) feet and shall otherwise comply with the criteria of this Code division as it relates to types of permitted and prohibited signs.

(Ord. No. 08-20, § 1, 10-6-2008)

Sec. 30-90.24. Special event signs.

A special event permit is required. Within residential districts the special event may not be held for a commercial purpose; not-for-profit purposes are allowed. One (1) three-foot by ten-foot (3' x 10') special event banner or other temporary sign is permitted on-premises per for special events in commercial nonresidential and mixed use districts. The banner may be two sided. If the banner is placed on property with more than one folio number, but, one unified use, the banner may be located on any of the folio numbered properties due to the uniform use of the site. No off-premises banners are permitted. The maximum duration for a special event banner display shall be 30 days and limited to four (4) times a year. After 30 days the banners shall be deemed illegal. All banners shall otherwise comply with the criteria of this Code division as it relates to the types of permitted and prohibited signs. ~~A special event permit is required. Within residential districts the special event may not be held for a commercial purpose; not-for-profit purposes are allowed.~~

(Ord. No. 08-20, § 1, 10-6-2008)

Sec. 30-90.25. Nonconforming signs.

- (a) A sign existing within the village, or an area subsequently annexed to the village, upon the passage of this division or any future amendment to this division, which because of its height, square foot area, location, design or other characteristic, does not conform to this division in all respects is declared to be a legal nonconforming sign if it was approved with a permit prior to the effective date of this division, as amended.
- (b) If any nonconforming sign is damaged by any cause and the cost of repairing the sign equals ~~50~~ fifty percent (50%) or more of the original cost of the sign structure, then its classification as a nonconforming sign shall be automatically revoked and the sign shall be removed, repaired, or replaced to meet all the requirements established in this division.
- (c) *Loss of nonconforming status.*
 - (1) *Immediate loss of nonconforming status.* A nonconforming sign shall immediately lose its nonconforming status if:
 - a. The sign is altered in any way (except for the normal use of changeable copy signs or cabinet or other signs, where message can be changed without altering the sign, and normal maintenance) that renders the sign less in

compliance with the requirements of this division than it was before the alteration (including alteration of the technology used in the sign);

- b. The sign is relocated to a position making it less in compliance with the requirements of this division; or
- c. The sign is replaced or abandoned for a period of six (6) months or more.

If any one of these events occurs, the sign shall be immediately brought into compliance with this division.

- (2) *Nonconforming sign maintenance and repair.* Nothing in this division shall relieve the owner or user of a nonconforming sign, or the owner of the property on which the nonconforming sign is located, from the provisions of this division, regarding safety, maintenance and repair of signs or removal of an on-premise sign of compliance cannot be achieved.
- (3) *Notification of repair or alteration to nonconforming signs.* The owner of a nonconforming sign who desires to make any repair or alteration to a sign shall, in addition to compliance with the applicable building code requirements, submit an application describing the nature of the repair or alteration to the village. Nonconforming signs and sign structures shall not be enlarged, altered, or moved without the entire sign being brought into compliance with this division. All final determinations as to the nonconforming status of any sign shall be made by the planning and zoning director, or designee.

Sec. 30-90.26. Violation constitutes nuisance; abatement.

Any advertisement, advertising sign or advertising structure which is constructed, erected, operated, used, maintained, posted or displayed in violation of this Code division is hereby declared to be a public and private nuisance and shall be removed, forfeited to the public, and subject to confiscation. Any portable sign such as snipe signs or real estate signs may be removed without notification of to the ~~property~~ owner, if the sign is placed in public rights-of-way. The village shall have the right to recover the full cost of removal and disposal of the sign from the owner or person placing the sign, or from the benefactor of the sign.

Sec. 30-90.27. Removal for reasons of safety, obsolete content, lack of maintenance or illegal status.

- (a) *Unsafe signs.* Where any sign is in eminent danger of falling, is a threat to the safety of persons or property, or otherwise in violation of or in noncompliance with the *Florida Building Code*, the sign shall be removed, repaired or replaced, if otherwise lawful.
- (b) Lawful signs found to be decrepit, dilapidated or showing neglect shall be removed, repaired, or replaced by the owner of the property after notice.
- (c) Signs advertising obsolete content related to establishments, commodities, or services previously associated with the premises on which the sign is erected, shall be removed within 60 days from the time the activity ceases, or in the case of a

painted sign, painted out. Sign removal shall be the responsibility of the owner of the property. If the owner fails to remove the sign the village is entitled to remove the sign, after issuing notice. The expense associated therewith shall be the property owner and sign owner's financial responsibility.

- (d) All signs that are installed ~~after the enactment of this division~~ that are contrary to the prohibited sign provisions of this division shall be deemed illegal and shall be removed. A code compliance action may result ~~to remove~~ in the removal of illegal signs.

- (e) All signs that are replaced or removed after the enactment of this division, as amended, shall be replaced with signs that conform to the provisions of this division.

Sec. 30-90.28. Sign amortization.

- (a) This section recognizes that the elimination, over time, of certain existing signs not in conformity with these regulations, is in the best interest of the village and would be prohibited as any new signs that would violate these regulations. It is also the intent of this section to protect private property rights to the extent required by law. This procedure shall not apply to off-premises signs governed by the provisions of 70.20, F.S.
- (b) These sign amortization procedures shall apply to all signs prohibited by section 30-90.11. This procedure shall not apply to off-premises signs governed by the provisions of 70.20, F.S.
- (c) Subject to the sign amortization schedule below, a nonconforming sign may be continued for the length of the applicable amortization period, and shall be maintained in good condition, and shall conform with the regulations applicable to nonconforming structures in the village.
- (d) All nonconforming signs in existence upon the effective date of their prohibition by the adopted regulations, and which previously conformed to all legal requirements, but which are made nonconforming by the provisions of these regulations, shall be brought into conformity or shall be removed in accordance with the following amortization plan:

<u>Schedule of time periods for removal, replacement, or alteration of signs based upon the cost of original installation</u>	
<u>Cost of Original Installation</u>	<u>Time Period to Conform (Years)</u>
<u>\$1,000.00 and under</u>	<u>3</u>
<u>\$1,001.00 – \$5,000.00</u>	<u>4</u>
<u>\$5,001.00 - \$10,000.00</u>	<u>5</u>
<u>\$10,000.00 - \$19,999.00</u>	<u>6</u>
<u>\$20,000.00 and over</u>	<u>7</u>

- (e) Procedure for enforcement of amortization requirements.

- (1) This section shall apply to all zoning districts within the village. Properties that receive an amortization letter from the village shall be required to amortize the applicable sign(s) in accordance with the timeframe provided for in such letter or as otherwise extended, in writing, by the director. The amortization schedule applicable to each sign determined to be subject to this subsection shall be determined by the director or designee, based upon a review of building permits to determine the original cost of installation of the sign. If an original building permit is not available, the value will be determined by the professional estimation of the village building official. The period of nonconformity shall begin as of the effective date of the adopted regulations. Prior to the village enforcing the amortization period against any sign, it shall be the responsibility of the director, or designee, to make an inventory and a record of all nonconforming signs subject to the amortization requirement and to serve notification of the commencement of amortization regulations on the owners of such signs. Such inventory shall include the following information:
- a. Owner;
 - b. Location;
 - c. Valuation; and
 - d. Photo of nonconforming sign.
- (2) An owner of a sign who desires an amortization period longer than that specified in the amortization schedule shall file an application for extension with the department within 30 days of notification of the commencement of amortization regulations. The application shall be on a form provided by the department and shall include a statement setting forth the cost of the nonconforming sign, the date of installation, and/or the cost and date of the most recent renovation. An extension of an amortization period may be granted if the director finds that the amortization period set forth in this division is unreasonable. The director's decision may be appealed to the village council by the applicant within 30 days of the determination.

Attachment B
Village Sign Survey PowerPoint

Existing Sign Survey Village of Palmetto Bay

April 8, 2024



Wall signs



Wall signs



Window signs



Hanging - Canopy signs



Flag - Banner signs



Semaphore sign



Monument signs



Pole - Pylon signs



Billboard sign



A-Frame & Menu Board signs



Human signs



Entrance Features



Old Cutler Road



Old Cutler Road



Mural or Wall sign?



Unknown



THANK YOU

Contact: Alex A. David, AICP
Calvin, Giordano & Associates
adavid@cgasolutions.com



Attachment C
Survey of Other Municipalities' Signage PowerPoint

Existing Sign Survey Other Municipalities

June 5, 2024



Wall signs



Wall signs



Wall signs



Window signs



Hanging - Canopy signs



Projecting signs



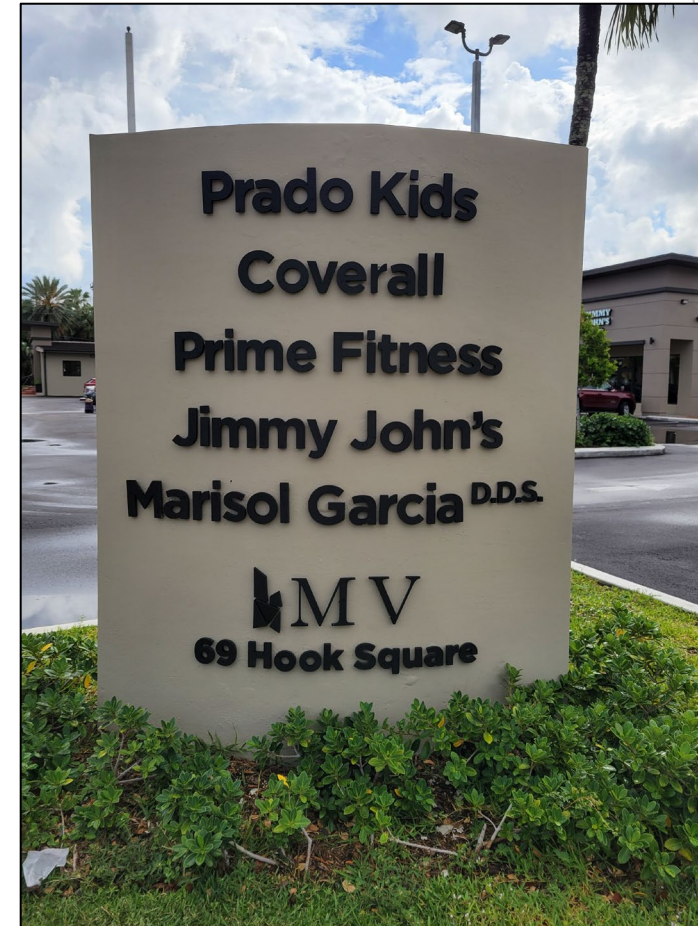
Marquee signs



Flag - Banner signs



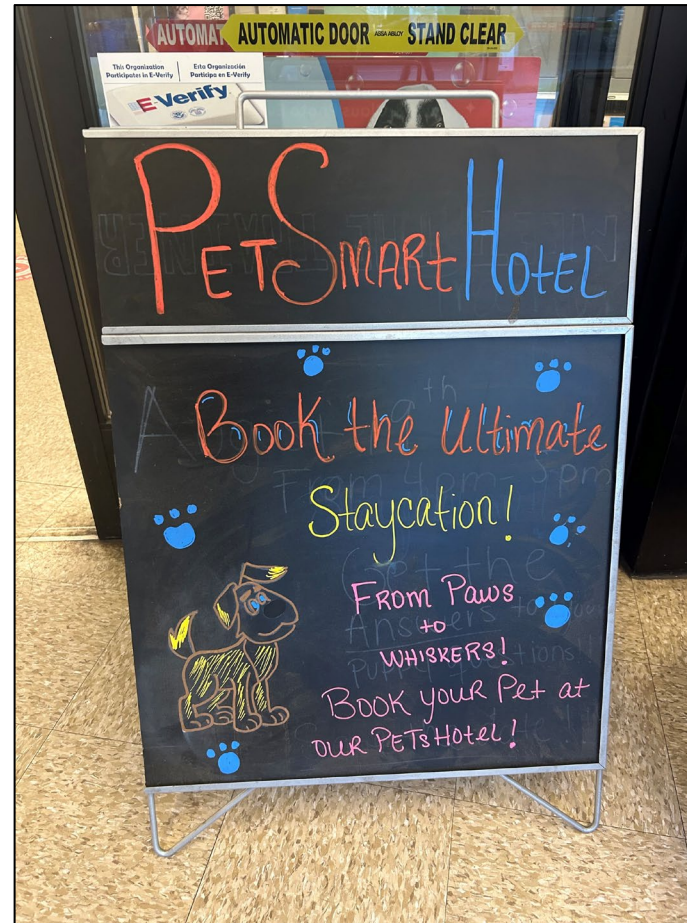
Monument signs



Pole - Pylon signs



A-Frame & Menu Board signs



Mural



Mural



THANK YOU

Contact: Alex A. David, AICP
Calvin, Giordano & Associates
adavid@cgasolutions.com

