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, DECEMBER 18, 2023 – 7:00 PM

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

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

   A. Zoning Hearing Notice

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 (September 18, 2023)

4. MAJOR PROJECTS UPDATE

5. PUBLIC HEARING ITEMS

A. **Applicant**: VILLAGE OF PALMETTO BAY
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE LOCAL AGENCY; AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COM-PREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTE; ADOPTION OF THE UPDATED MAP SERIES; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMERCE AND ALL OTHER UNITS OF GOVERNMENTAL AGENCIES AS RE-QUIRED PURSUANT TO CHAPTER 163, PART II, FLORIDA STATUTUES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

B. **Applicant:** BAPTIST HEALTH ENTERPRISES, INC.
Location: 8750 SW 144 STREET, PALMETTO BAY, FL
Property Folio: 33-5021-044-0010
Application: V-23-008
Request: VARIANCE 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 SIX (6) WALL SIGNS PROPOSED TO BE 82, 56.5, 39, 8, 13, 11 SQUARE FEET WHERE THE ALLOWABLE AREA IS 12 SQUARE FEET FOR EACH STREET FRONTAGE, TWO (2) MONUMENT SIGNS PROPOSED TO BE 40 AND 16.2 SQUARE FEET WHERE NONE ARE PERMITTED AND THREE (3) DIRECTIONAL SIGNS PROPOSED TO BE 11.2 SQUARE FEET EACH WHERE NONE ARE PERMITTED WITHIN THE R-5 OFFICE ZONING DISTRICT.

C. **Applicant:** SOUTH DADE IMPORTS
Location: 17400-17414 SW 97 AVENUE AND 9742 BANYAN STREET
Property Folio(s): 33-5032-004-2480, 33-5032-004-2490, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530
Application: SP-23-002
Request: REVISION OF PREVIOUSLY APPROVED SITE PLAN ALLOWED BY SECTION 30-30 "DEVELOPMENT APPROVAL PROCEDURES" TO MODIFY RESOLUTION 2018-26 FOR THE COLLECTION AUDI LAMBORGHINI MIAMI SOUTH, TO APPROVE THE FINAL DESIGNS FOR A REQUIRED BUS SHELTER, PUBLIC PLAZA, GREEN WALLS, BIKE RACKS, ELECTRIC VEHICLE CHARGING STATIONS, IMPROVEMENTS TO BANYAN ROAD, MODIFICATION TO THE SE

CORNER OF THE SERVICE BUILDING AND PAYMENT OF A FEE IN LIEU OF OFFSITE SIDEWALK IMPROVEMENTS.

D. **Applicant:** VILLAGE OF PALMETTO BAY
Application: RZ-23-008
Request: AMENDING CHAPTER 30, SECTION 30-60.32 OF THE CODE OF ORDINANCES STYLED: "LOW-THC CANNABIS AND MEDICAL CANNABIS DISPENSARIES, TREATMENT FACILITIES AND INDEPENDENT TESTING LABORATORIES", RENAMING SECTION 30-60.32 TO "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES" AND AMENDING SECTION 30-60.32 TO COMPLY WITH FLORIDA STATUE 381.986, AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

6. ADJOURNMENT

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

- We will respect the right of all citizens in our community to hold different opinions;
- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion;
- We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.

NOTICE OF APPEAL RIGHTS

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

AMERICAN DISABBILITIES ACT OF 1990

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

VILLAGE OF PALMETTO BAY
NOTICE OF LOCAL PLANNING AGENCY MEETING
(Preceding the Zoning Hearing)

NOTICE IS HEREBY GIVEN that the Village of Palmetto Bay shall conduct a Local Planning Agency Meeting prior to the Zoning Hearing on **Monday, December 18, 2023, at 7:00 p.m.** The Zoning Hearing shall be held at Village Hall, 9705 East Hibiscus Street, Council Chambers, Palmetto Bay, Florida 33157.

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

Item 4: The ***following Resolution requiring a Public Hearing*** is being considered pursuant to the Village's Comprehensive Plan:

Applicant: VILLAGE OF PALMETTO BAY
Request: A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY RECOMMENDING AN AMENDMENT TO THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTE; ADOPTION OF THE UPDATED MAP SERIES; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMERCE AND ALL OTHER UNITS OF GOVERNMENTAL AGENCIES AS REQUIRED PURSUANT TO CHAPTER 163, PART II, FLORIDA STATUTUES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

All persons are invited to appear and be heard. The documents pertaining to this Hearing may be inspected at the Department of Planning & Zoning at Village Hall, 9705 East Hibiscus Street, Palmetto Bay, Florida, during regular working hours. Any meeting may be opened and continued, and, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall for more information.

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

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

Public comments forum (Option 1): Prior to the meeting, the public can submit a web form available at this address: https://www.palmettobay-fl.gov/formcenter/public-comments-form-10/public-comments-form-52. **Form submissions received before 5:00 PM, the day of the meeting, shall be distributed to the members of the Village Council. Form submissions will remain part of the record.**

Public comments forum (Option 2): Residents can review agenda item details and indicate their position on an agenda item using the **e-comment feature** under the agenda tab of the Village website. The e-comment feature may be used from any device. Residents will need to create an account and log into the system and from there, residents can leave comments on agenda items and read other comments.

Public comments forum (Option 3): Public attendees wishing to provide real-time, audible public comments during the meeting may do so using GoToWebinar's desktop, laptop, tablet, or smartphone app. Once registered, attendees will receive GTW session information and call-in telephone numbers for those wishing to use a telephone. Telephone attendees may not participate in public comment as the system has no way to mute or

unmute. Attendees wishing to speak during public comment time must use the Go-ToWebinar application on their desktop, laptop, or smart device. Attendees may not use a webcam whatsoever. In lieu if no availability to participate through the webinar, please submit your public comment using the web form as described above.

Please register to attend the session as follows:

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

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

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

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

www.palmettobay-fl.gov

VILLAGE OF PALMETTO BAY
NOTICE OF ZONING HEARING REGARDING AMENDING THE VILLAGE'S COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the Village of Palmetto Bay shall conduct a **Zoning Hearing immediately following the Local Planning Agency Meeting** on **Monday, December 18, 2023, at 7:00 p.m.** The Zoning Hearing shall be held at Village Hall, 9705 East Hibiscus Street, Council Chambers, Palmetto Bay, Florida 33157.

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

Item 1: The ***following Ordinance on First Reading*** is being considered pursuant to the Village's Comprehensive Plan:

Applicant: VILLAGE OF PALMETTO BAY
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE LOCAL AGENCY; AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTE; ADOPTION OF THE UPDATED MAP SERIES; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMERCE AND ALL OTHER UNITS OF GOVERNMENTAL AGENCIES AS REQUIRED PURSUANT TO CHAPTER 163, PART II, FLORIDA STATUTUES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

All persons are invited to appear and be heard. The documents pertaining to this Hearing may be inspected at the Department of Planning & Zoning at Village Hall, 9705 East Hibiscus Street, Palmetto Bay, Florida, during regular working hours. Any meeting may be opened and continued, and, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall for more information.

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

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www.palmettobay-fl.gov

VILLAGE OF PALMETTO BAY
NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN that the Village of Palmetto Bay shall conduct a Zoning Hearing on **Monday, December 18, 2023, at 7:00 p.m.** The Zoning Hearing shall be held at Village Hall, 9705 East Hibiscus Street, Council Chambers, Palmetto Bay, Florida 33157.

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

Item 1: The ***following Resolution requiring a Public Hearing*** is being considered pursuant to the Village's Land Development Code:

Applicant: BAPTIST HEALTH ENTERPRISES, INC.
Location: 8750 SW 144TH STREET, PALMETTO BAY, FL
Property Folio: 33-5021-044-0010
Application: V-23-008
Request: VARIANCE 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 SIX (6) WALL SIGNS PROPOSED TO BE 82, 56.5, 39, 8, 13, 11 SQUARE FEET WHERE THE ALLOWABLE AREA IS 12 SQUARE FEET FOR EACH STREET FRONTAGE, TWO (2) MONUMENT SIGNS PROPOSED TO BE 40 AND 16.2 SQUARE FEET WHERE NONE ARE PERMITTED AND THREE (3) DIRECTIONAL SIGNS PROPOSED TO BE 11.2 SQUARE FEET EACH WHERE NONE ARE PERMITTED WITHIN THE R-5 OFFICE ZONING DISTRICT.

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

Applicant: SOUTH DADE IMPORTS, LLC
Location: 17400-17414 SW 97 AVENUE AND 9742 BANYAN STREET
Property Folio(s): 33-5032-004-2480, 33-5032-004-2490, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530
Application: SP-23-002
Request: REVISION OF PREVIOUSLY APPROVED SITE PLAN ALLOWED BY SECTION 30-30 "DEVELOPMENT APPROVAL PROCEDURES" TO MODIFY RESOLUTION 2018-26 FOR THE COLLECTION AUDI LAMBORGHINI MIAMI SOUTH, TO APPROVE THE FINAL DESIGNS FOR A REQUIRED BUS SHELTER, PUBLIC PLAZA, GREEN WALLS, BIKE RACKS, ELECTRIC VEHICLE CHARGING STATIONS, IMPROVEMENTS TO BANYAN ROAD, MODIFICATION TO THE SE CORNER OF THE SERVICE BUILDING AND PAYMENT OF A FEE IN LIEU OF OFFSITE SIDEWALK IMPROVEMENTS.

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

Applicant: VILLAGE OF PALMETTO BAY
Application: RZ-23-008
Request: AMENDING CHAPTER 30, SECTION 30-60.32 OF THE CODE OF ORDINANCES STYLED: "LOW-THC CANNABIS AND MEDICAL CANNABIS DISPENSARIES, TREATMENT FACILITIES AND INDEPENDENT TESTING LABORATORIES", RENAMING SECTION 30-60.32 TO "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES" AND AMENDING SECTION 30-60.32 TO COMPLY WITH FLORIDA STATUE 381.986, AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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AGENDA ITEM NO. 3.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE:	December 18, 2023
SUBMITTED BY:	Missy Arocha, Village Clerk's Office
ITEM TYPE:	Minutes
AGENDA SECTION:	**APPROVAL OF MINUTES**
SUBJECT:	Zoning Hearing (September 18, 2023)
SUGGESTED ACTION:	

ATTACHMENTS:
Minutes-2023-09-18-Zoning
Online Form Submittal_ Public Comments Form I
Online Form Submittal_ Public Comments Form II

MINUTES
ZONING HEARING
MONDAY, SEPTEMBER 18, 2023 – 7:00 PM
VILLAGE HALL COUNCIL CHAMBERS
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157

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

The Zoning Hearing was called to order at 7:00 PM.

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

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

Councilmember Patrick Fiore conducted the invocation.

Councilmember Steve Cody led the pledge of allegiance.

2. REQUESTS, PETITIONS, AND PUBLIC COMMENTS

The following in-person speakers spoke during public comments:

- Eric Tullberg (7884 SW 179th Terrace) – reported that sidewalks are needed on SW 98th Avenue and a crosswalk across SW 184th Street.
- Steve Kreisher (18201 SW 98th Avenue) – reported that he was unable to find the zoning map and exhibits of Franjo on Village website and questioned the size of the sidewalks located along Franjo Road as per the code.

3. APPROVAL OF MINUTES

A. Zoning Hearing (July 17, 2023)

Councilmember Steve Cody **motioned** to approve the minutes. Seconded by Vice Mayor Leanne Tellam. **All voted in favor (5-0). The motion passed unanimously.**

4. MAJOR PROJECTS UPDATE

Community and Economic Development Director, Heidi Siegel presented a Powerpoint Presentation on the Village's major projects status report that demonstrated administrative requestes received, projects under construction such as Indigo-Parkview and The Collection, Audi and Lamborghini, Vistas-52

residential unites, and Century Homebuilders, including approved projects pending building permit and contruction. Director Siegel reported that there were no applications for October 2023.

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

Attorney John Dellagloria provided an explanation on the quasi-judicial proceedings.

Village Clerk Arocha swore in the witnesses that wished to testify for the public hearing items.

5. PUBLIC HEARING ITEMS

A. **Applicant:** CHRIST FELLOWSHIP PALMETTO BAY CAMPUS
Location: 8900 SW 168TH STREET, PALMETTO BAY
Property Folio: 33-5033-000-0060
Application: V-23-007
Request: VARIANCE WAIVING THE MAXIMUM SIGN AREA ALLOWED BY SECTION 30-90 STYLED "SIGNAGE" OF THE VILLAGE LAND DEVELOPMENT CODE, FOR THREE (3) WALL SIGNS PROPOSED TO BE 53.47, 40.5, AND 33.3 SQUARE FEET WHERE THE ALLOWABLE AREA IS SIX (6) SQUARE FEET PER EACH USE ONSITE.

Item 5A was moved by Councilmember Steve Cody and seconded by Councilmember Patrick Fiore.

Clerk Missy Arocha read the public hearing item by title.

The Village Council provided their disclosures (i.e., ex-parte communications). There were no disclosures by the Village Council.

STAFF PRESENTATION:
Community and Economic Development Director, Heidi Siegel presented a PowerPoint Presentation on the applicant's request regarding the variance waiving the maximum sign area allowed by code. The presentation described the variance evaluation factors, development application review committee, and staff's recommendation. The Village staff recommended that the Village Council conditionally approve the application to allow a freestanding monument sign at 8950 SW 152 Street with the following conditions:

- The approval is for plans prepared by Signalite dated 5-16-23.
- The approval is for one wall sign to be located on the eastern façade above the existing drop off canopy measuring 42.91 SF text "Christ Fellowship" and 10.56 SF logo.
- The approval is for a second wall sign to be located on the south façade, near the southwest corner of the building measuring 28.52 SF text "Christ Fellowship Academy" and 9 SF logo.
- The approval is for a third wall sign to be located on the western façade of a freestanding building facing an internal entry driveway measuring 23.25 SF text "Caring for Miami a heart for people" and 5.50 SF logo.
- Enhance landscaping to buffer surrounding residences. Extend the current buffers around the SW portion of the site along SW 90 Av and SW 170 St. Plant trees and shrubs along the western half of the south property border (SW 170 Street) and the southern 1/3 of the east property border (SW 90 Avenue) consistent with the current property buffer installed along the remainder of SW 170 Street and SW 89 Avenue that consists of oak trees and podocarpus hedge.
- The wall sign variance shall be valid for 180 days to obtain a building permit. The Community and Economic Development Director shall have the discretion to grant an additional 60 days.

Following the presentation, Ms. Siegel answered questions raised by the members of the Council regarding the application.

APPLICANT'S PRESENTATION:
Mr. Jerry Proctor, Esq., legal counsel representing the applicant, explained that when people come to the property, they don't know where to go and that the proposed wall signs will assist with directing people to the different areas and functions inside the property, including assisting visitors in the parking area. He also explained that the applicant is concerned about condition number 5 of the staff's recommendation regarding the landscaping as having additional trees along SW 90th Avenue (western boundary) since the property recently planted 22 crepe myrtles alongside the road which grow at maturity to a height of 20-30 feet and will grow to that height and provide substantial screening for the people on that road. Mr. Proctor explained that the myrtles can be substituted for the oaks or similar species and provided an illustration of the breadth and height of the myrtle. Furthermore, Mr. Proctor explained that the applicant was concerned about the security of the hedges along SW 90th Avenue and SW 170th Street as the applicant preferred two to three-foot hedges to see through the hedges. He also reported that the security personnel would like to see over the hedges by at least a foot as visitors come and go from that area.

Following Mr. Proctor's presentation, he answered questions raised by the members of the Council regarding the three proposed wall signs for the church.

The following speakers spoke **in favor** of the public hearing item during public comments:

- Eric Tullberg (7884 SW 179th Terrace)
- Mary Hammel (16950 SW 90th Avenue)
- Carlos Cardenas (7833 SW 166th Street)

The following speakers spoke **opposed** to the public hearing item during public comments:

- Gary Pastorella (6940 SW 142nd Terrace)
- Henry Clifford (8875 SW 171st Street)
- Ronald Kuester (8925 SW 171st Street)

Following public comments, the applicant had a rebuttal to address the concerns raised by the members of the public regarding the illumination of sign number one, and answered questions raised by the members of the Council.

Councilmember Steve Cody **motioned** to add an additional whereas clause that states that the applicant has agreed to dealuminate the sign (sign number 1) during evening hours in which the church property is not being used for functions. Councilmember Patrick Fiore **seconded** the motion.

Mr. Proctor reported that the applicant would agree not to illuminate the sign at all.

Councilmember Steve Cody **withdrew his motion**.

Director Siegel announced that the conditions may be modified to remove the illumination of sign number one.

Councilmember Steve Cody **motioned** to modify the conditions by removing the illumination of the sign, specifically, line 10, page 3 of the Resolution. Vice Mayor Leanne Tellam **seconded** the motion. **All voted in favor (5-0). The motion passed unanimously.**

Councilmember Steve Cody motioned to modify line 2, page 2 of the Resolution, to accept granting the variance, removing the word "deny". Councilmember Patrick Fiore seconded the motion. **The motion passed (3-2);** Councilmember Marsha Matson and Vice Mayor Leanne Tellam voted opposed.

Vice Mayor Leanne Tellam **motioned** to insert a new section between Sections 4 and 5 to illustrate that sign, 1, 2, and 3 shall exceed a square footage of 25 feet. **The motion failed for a lack of a second.**

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

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

The amended Resolution passed (3-2); Vice Mayor Leanne Tellam and Councilmember Marsha Matson voted opposed.

B. **Applicant:** VILLAGE OF PALMETTO BAY
Application: RZ-23-007
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 30, SECTION 30-10.3 OF THE CODE OF ORDINANCES STYLED: "APPLICABILITY AND VESTED RIGHTS", REGARDING APPLICATION EXPIRATION; AMENDING CHAPTER 30, SECTION 30-30.3 OF THE CODE STYLED "ADMINISTRATION DEVELOPMENT APPROVALS", BY CREATING LIVE LOCAL ACT COMPLIANCE AND APPLICATION REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Karyn Cunningham)

Item 5B was moved by Vice Mayor Leanne Tellam. Seconded by Councilmember Steve Cody.

Clerk Missy Arocha read the public hearing item by title.

The following speaker was **neutral** of the public hearing item during public comments:

- Gary Pastorella (6940 SW 142nd Terrace)

The following speaker spoke **opposed** to the public hearing item during public comments:

- Steve Kreisher (18201 SW 98th Avenue)

Sponsor, Mayor Karyn Cunningham explained that the Live Local Act, passed by the state legislature in response to a statewide housing crisis, does not specify how a proposed development intends to evidence compliance with the affordable housing requirements necessary to benefit from the preemptions afforded under the Act during the application phase or during the 30-year tax exemption period of the development. She also explained that each municipality across the state of Florida is creating a process for how the development would look like with the new statute, i.e., allowing affordable housing in certain parts of the community for mixed-use, and that the purpose of the Ordinance is to carve out what it is going to look like in the Village, how do we meet the guidelines of the statute while protecting the residents of the community.

STAFF PRESENTATION:
Community and Economic Development Director, Heidi Siegel presented a PowerPoint Presentation that explained the overview of the Live Local Act, summary of amendments, Village of Palmetto Bay Zoning Map, and staff recommendation. Staff recommended that the Village Council approve the Ordinance on First Reading regarding application expiration thresholds and creating live local action compliance requirements.

Following Ms. Siegel's presentation, she answered questions raised by the members of the Village Council regarding the Live Local Act statute and how other municipalities are addressing the new statute.

Councilmember Steve Cody **motioned** to move to give direction to Ms. Siegel to add an amendment to the Ordinance that the mechanism shall include that the audit be conducted by a firm taken from a list of acceptable law firms put together

by the auditing firm. Vice Mayor Leanne Tellam **seconded** the motion. **All voted in favor (5-0). The motion passed unanimously.**

Mayor Karyn Cunningham requested that between the first and second reading of the Ordinance that Village Attorney Dellagloria investigate what some of the other cities are doing, including what firms the municipalities are using for auditing.

Councilmember Patrick Fiore urged the Council to defer the Ordinance until the City of Doral and the City of Miami Beach have more input as to what their cities are doing.

Discussion ensued between the members of the Village Council regarding the state legislature and the Live Local Act.

Director Siegel reported that there is no deadline in the state legislature by when municipalities must address the matter. She explained that the state legislature is silent as the law does not define the deadline and that the Village is choosing to do that.

Vice Mayor Leanne Tellam moved to call the question on the Ordinance on First Reading. No objections were made by the Council.

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

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

The Ordinance passed (3-2); Councilmember Patrick Fiore and Councilmember Marsha Matson voted opposed.

6. DISCUSSION ON COMPREHENSIVE PLAN AMENDMENTS AND PRESENTATION OF DRAFT GOALS, OBJECTIVES, AND POLICIES

Community and Economic Development Director, Heidi Siegel presented a PowerPoint Presentation that explained what the Comprehensive Plan is, a summary of the Comprehensive Plan update, Future Land Use Map, and the next steps. Ms. Siegel reported that Village staff will work with the consultant to finalize the document and that the adoption of the document would require two readings.

The following in-person public comments were made:

- Eric Tullberg (7884 SW 179th Terrace) – urged the Council to consider the bike lanes on SW 82nd Avenue and the sidewalks that are part of the Bicycle Pedestrian Plan and requested that what has been made of the Bicycle Plan get placed into the budget.
- Steve Kreisher (18201 SW 98th Avenue) – urged the Council to consider buffering the area close to the business district regarding the usage.
- Gary Pastorella (6940 SW 142nd Terrace) – requested clarification on application expiration dates on zoning applications.

7. ADJOURNMENT: Councilmember Steve Cody motioned to adjourn the meeting. Councilmember Patrick Fiore seconded the motion. **All voted in favor (5-0). The motion passed unanimously.** The meeting was adjourned at 9:57 p.m.

_____

The meeting minutes were approved this 18th day of December, 2023.

Attest:

_____ _____

Mayor Karyn Cunningham Village Clerk Missy Arocha

Written and prepared by: Village Clerk Missy Arocha

From: noreply@civicplus.com
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form
Date: Monday, September 18, 2023 4:51:28 PM

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

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	9/18/2023
Meeting Type	Zoning Hearing
The box below must be checked for Zoning Hearings ONLY	*Field not completed.*
Name	Rachel Stanton
Email Address	rachelnotaryfl@gmail.com
Address	8441 Sw 180 Street
City	Palmetto Bwy
State	FL
Zip Code	33157
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments -"Requests, Petitions & Public Comments Submitted"	*Field not completed.*
	(Section Break)
Agenda Item No.	5 A
Comments (type your comments in the box below)	*Field not completed.*

Agenda Item No.	5 A
Comments (type your comments in the box below)	I am opposed to the large signage request by Christ fellowship. Large signage should not be permitted in this residential neighborhood. Please deny request referenced in item 5 A, regarding VARIANCE WAIVING THE MAXIMUM SIGN AREA ALLOWED BY SECTION 30-90 STYLED "SIGNAGE" OF THE VILLAGE LAND DEVELOPMENT CODE, FOR THREE (3) WALL SIGNS PROPOSED TO BE 53.47, 40.5, AND 33.3 SQUARE FEET WHERE THE ALLOWABLE AREA IS SIX (6) SQUARE FEET PER EACH USE ONSITE, Thank you.
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

Email not displaying correctly? View it in your browser.

From: noreply@civicplus.com
To: Melissa Dodge; Missy Arocha
Subject: [EXT] Online Form Submittal: Public Comments Form
Date: Sunday, September 17, 2023 9:20:14 PM

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

Public Comments Form

Online Public Comments Form	Meeting Agenda
Meeting Date	September
Meeting Type	Regular Council Meeting
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	Rachamim
Email Address	Rhfreer@bellsouth.net
Address	9860 sw 120
City	Miami
State	Fl
Zip Code	33176
Meeting Agenda Link	Agenda Center
	(Section Break)
General Public Comments -"Requests, Petitions & Public Comments Submitted"	Deport illegal alien invaders. NO DACA AMNESTY. GO HOME.. No section 8 low income residences a la HIGH RISE TENEMANT SLUMS , INCREASED TRAFFIC DENSITY AND CRIME.
	(Section Break)
Agenda Item No.	*Field not completed.*
Comments (type your comments in the box below)	*Field not completed.*

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

Email not displaying correctly? View it in your browser.

AGENDA ITEM NO. 5.A

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: December 18, 2023

SUBMITTED BY: Missy Arocha, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT: **Applicant**: VILLAGE OF PALMETTO BAY
Request: AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE LOCAL AGENCY; AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COM-PREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTE; ADOPTION OF THE UPDATED MAP SERIES; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMERCE AND ALL OTHER UNITS OF GOVERNMENTAL AGENCIES AS RE-QUIRED PURSUANT TO CHAPTER 163, PART II, FLORIDA STATUTUES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SUGGESTED ACTION:

ATTACHMENTS:

Staff Memo-Comp Plan_1st Reading
Ordinance-Comp Plan_1st Reading
Attachment A Transmittal Comprehensive Plan

To: Honorable Mayor and Village Council

Date: December 18, 2023

From: Heidi Siegel, AICP, CED Director

Re: CP-23-001 / Amended Comprehensive Plan Dated December 2023, Associated Map Series, and Updated Data Inventory And Analysis / 1st Reading (Transmittal Ordinance)

BACKGROUND

Florida Administrative Code Rule Chapter 73C-49 requires municipalities to evaluate its Comprehensive Plan at least every seven years to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated. A Comprehensive Plan is a policy document that reflects a local government's broad land-use policies and establishes the municipality's levels of service required for new development.

On July 19, 2022, the Village Council adopted Resolution No. 2022-66 accepting the Comprehensive Plan Evaluation and Appraisal Report (EAR). The EAR outlined the required statutory amendments.

Prior to this current process, the Village had not completed a thorough Comprehensive Plan update since 2010. Furthermore, the Village's Comprehensive Plan still reflected many "copy and paste" policies from the Miami-Dade County Comprehensive Development Master Plan that do not reflect the Village's sense of place and vision.

On January 9, 2023, the Village of Palmetto Bay engaged with Stantec to update the Village's Comprehensive Plan. Village staff has worked closely with Stantec to create an updated Comprehensive Plan that allows the Village to come into compliance with State requirements and reflect the unique nature of the Village.

PUBLIC PARTICIPATION/PRESENTATIONS/NOTIFICATION

The Comprehensive Plan update included public participation. The public were presented with different mediums to provide feedback early in the process. On April 1, 2023, a public workshop was held. A postcard went to every property in the Village and there were multiple social media and newsletter items inviting the public. The meeting was also streamed live over social media.

Over 25 participants were in attendance. Participants were divided into three groups where they focused on each element (chapter) of the Comprehensive Plan. This activity was well received and provided a lot of detailed insight from residents and property owners.

Additionally, an interactive website was launched that allowed users to provide comments on an interactive map. Other users could click an icon to agree or disagree with the comments provided on the map. 283 unique users visited the interactive website and there was a total of 36 comments.

On May 15, 2023, the Village Council held a discussion regarding the Comprehensive Plan at the Zoning Hearing. The Council provided feedback and suggestions for inclusion in the plan.

On September 18, 2023, staff presented to the Village Council the draft Comprehensive Plan update. This included changes to the Future Land Use Map and updated Goals, Objectives, and Policies.

The Village's Code of Ordinances and Florida Statutes have specific hearing and notification requirements for Comprehensive Plan Amendments. Section 30-20.1 of the Village's Land Development Regulations designates the Village Council as the Local Planning Agency. The Local Planning Agency recommends to the Village Council, via Resolution, amendments to the adopted Comprehensive Plan.

The first reading of the Comprehensive Plan amendment ordinance is at a public hearing, also known as the "Transmittal Hearing". Florida Statue 163.3184(11) requires an affirmative vote of not less than a majority of the members of the governing body present at the hearing for the transmittal phase. The hearing shall be held at least seven (7) days after the public hearing is advertised. The December 18, 2023 hearing was advertised in the Miami Herald on December 11, 2023.

Section 30-30.11(i) of the Land Development Regulations provides additional notification requirements. In addition to recognizing the above requirements of Florida Statute 163.3184(11), the Village Code requires the Village to provide mailed notice to owners of record within a 2,500-foot radius of a property subject to Future Land Use Map amendments. Due to the location throughout the Village of the minor map changes being proposed, a postcard was sent to every property owner in the Village on November 30, 2023.

OVERVIEW OF AMENDMENTS

As stated above, Village staff recognized the comprehensive plan amendment process as an opportunity to exceed the typical State of Florida comprehensive plan update requirements and create a unique document. Below is a partial list of these updates and changes. It should be noted that the proposed amendments *do not* increase the overall density or height in the Village.

- The format will be updated to change the document from a typical policy document to a document that is engaging and user friendly.

- The required and voluntary elements (chapters) were reorganized to reflect the Village's commitment to sustainability, resiliency, and environmental stewardship. Typically, a comprehensive plan is ordered in a way that begins with Future Land Use followed by Transportation with Conservation and Recreation located in the middle. The proposed comprehensive plan begins with the Conservation and Sustainability Element, followed by Coastal Management, Future Land Use and Recreation.

- The proposed comprehensive plan incorporates feedback received from the public and the Village Council.

- Clearly states which goals, objectives, and policies that are required to be included by the State of Florida.

- Introduction of the mandatory Property Rights Element.

- Introduction of a Public Participation Element. This is not mandatory but reflects the Village's commitment to public involvement.

- The Conservation and Sustainability element introduces forward-thinking concepts such as consideration of a green business certification program, exploration of a green infrastructure master plan, take actions to assist in improving air quality for residents, and requiring water impact statements for new developments.

- The Coastal Management element acknowledges the Community Rating System program and the Village's commitment to lowering the rank.

- The Transportation element incorporates an Objective to implement the Village's Bicycle and Pedestrian Master Plan and further includes nine policies that came directly from the master plan.

- Highlights the "Village of Parks" desire for more pocket parks, walkability and access to waterways.

- The final comprehensive plan document includes expanded information to make it more user-friendly and provide a clear land-use vision for the Village. This includes a purpose and intent for each element, definitions, demographic data, maps, implementation strategies, and goals, objectives, and policies in one cohesive document.

- Creates a new land use category: Neighborhood Compatible (NC). The Neighborhood Compatible land use category may be utilized as a transition between commercial and residential land use districts. This new category shall encourage neighborhood compatible development that fosters a community where one can work, live, and play and may include residential, business, office, residential, civic, and institutional uses. This new land use category does not change the existing zoning on these effective

parcels. Any future zoning changes will follow the zoning map amendment requirements. (Page 62 of the Comprehensive Plan)

- Removes the Franjo Activity Center land use category and creates the Downtown land use category to provide consistency with the Downtown Zoning District. The Downtown land use category maintains the 2,500 residential unit cap that was in the Franjo Activity Center land use category. This new land use category does not change the existing zoning on these effective parcels. Any future zoning changes will follow the zoning map amendment requirements. (Page 63 of the Comprehensive Plan)

- Removes the Business and Office land use category and creates a Commercial land use category to better reflect the Village's business districts. This new land use category does not change the existing zoning on these effective parcels. Any future zoning changes will follow the zoning map amendment requirements. (Page 62 of the Comprehensive Plan)

- Removes the Medium-High Density Residential category. This category was not in use in the Village and only caused confusion.

- Expands the Institutional land use category to Institutional Public Facilities land use category. This allows for certain properties to be properly designated. (Page 64 of the Comprehensive Plan)

- Establishes Environmental Protection, Parks, Recreation, and Schools, and Water Management and Recreation (WMR) individual land use categories. As a result, the Civic Use, Environmental Protection, Parks and Recreation, Environmentally Protected Parks, Agricultural Use, Water Bodies land use categories are renamed or removed. (Page 64 of the Comprehensive Plan)

- As part of the amendment process, the Future Land Use Map has been updated. (Page 50 of the Comprehensive Plan)

    - To reflect the Village's commitment to parks, schools and environmental conservation several properties will be redesignated. For example, all Village parks and schools within the Village have historically been designated residential land use. These proposed changes further protect these properties.

    - Some properties that are currently low-scale residential or office use will be redesignated to Neighborhood Compatible to create appropriate transition areas from the commercial corridor to the residential neighborhoods.

NEXT STEPS

The Comprehensive Plan amendments will follow the Expedited State Review Process as outlined in 163.3184 Florida Statutes. The Village shall transmit the proposed amended plan within ten working (10) days after the initial public hearing to the State Land Planning Agency

(Department of Commerce). Following this transmittal, all review agencies will send comments directly to the Village and the State Land Planning Agency within 30 days after receipt of the proposed amended plan. The Village shall also receive a letter of comment from the State Land Planning Agency within the 30 days of receipt of the proposed amended plan.

The Village then must hold the second public hearing within 180 days after receipt of the State's comments. This public hearing will adopt the Comprehensive Plan. The Village then must transmit the final plan to the State within ten working (10) days after the second public hearing.

RECOMMENDATION

Village Staff recommends the Village Council transmit the amended Comprehensive Plan dated December 2023, the associated map series, and updated data inventory and analysis to the Florida Department of Commerce.

ATTACHMENTS

Attachment A: Proposed Village of Palmetto Bay Amended Comprehensive Plan Dated December 2023, Associated Map Series, and Updated Data Inventory and Analysis

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACCEPTING THE RECOMMENDA-TION OF THE LOCAL AGENCY; AMENDING THE VILLAGE'S COMPREHENSIVE PLAN'S GOALS, OBJECTIVES, AND POLICIES CONSISTENT WITH THE VILLAGE'S ADOPTED EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COM-PREHENSIVE PLAN, IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STAT-UTE; ADOPTION OF THE UPDATED MAP SERIES; PROVIDING FOR TRANSMITTAL OF CERTIFIED COPIES OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMERCE AND ALL OTHER UNITS OF GOVERNMENTAL AGENCIES AS RE-QUIRED PURSUANT TO CHAPTER 163, PART II, FLORIDA STATUTUES; PROVID-ING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Comprehensive Plan for the Village of Palmetto Bay ("Comprehensive Plan") was adopted on February 2, 2015, by Ordinance No. 2015-01, pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Comprehensive Plan was amended on July 28, 2020, by Ordinance No. 2020-08, pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Village Council adopted Resolution No. 2022-66 on July 19, 2022, accepting the Comprehensive Plan Evaluation and Appraisal Report (EAR); and

WHEREAS, the Village provided diverse opportunities for public participation during the amendment process; and

WHEREAS, on May 15, 2023, the Village Council held a discussion regarding the Comprehensive Plan at the Zoning Hearing. At this hearing, the Council provided feedback and suggestions for inclusion in the plan; and

WHEREAS, on September 18, 2023, Village staff presented to the Village Council the draft Comprehensive Plan update; and

WHEREAS, on December 18, 2023, Village Council met at the Local Planning Agency at a public meeting and adopted a resolution recommending transmittal of the amended Village of Palmetto Bay Comprehensive Plan; and

WHEREAS, Section 163.3184 Florida Statutes and Village of Palmetto Bay Code of Ordinance 30-30.11 governs the process for adoption and amendments of the comprehensive plan; and

WHEREAS, the first reading of the amended Comprehensive Plan public hearing was advertised consistent with Florida Statue 163.3184(11); and

WHEREAS, notification was sent to all property owners in the Village on November 30, 2023 to meet Village Code Section 30-30.11(i); and

WHEREAS, the Village of Palmetto Bay has proposed amendments to all elements of the Village of Palmetto Bay's Comprehensive Plan and all associated maps including the Future Land Use map.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1: **Recitals.**
The forgoing "Whereas" clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent underling the Ordinance and are hereby made a specific part of this Ordinance.

Section 2: **Amendment and Adoption.**
The Village of Palmetto Bay Comprehensive Plan Update, associated Map Series, and updated data inventory and analysis which are included in the proposed Comprehensive Plan, attached hereto as Exhibit "A," are hereby amended and approved.

Section 3: **Transmittal.**
Village staff is authorized to transmit certified copies of this Ordinance containing the proposed amendments to the Village of Palmetto Bay Comprehensive Plan to the Florida Department of Commerce and all other governmental agencies as required by Florida law for review after a vote on first reading of this Ordinance.

Section 4: **Severability.**

If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5: **Effective Date.**

This Ordinance shall be effective immediately upon passage by the Village Council on second reading, except that the effective date of the Comprehensive Plan approved by this Ordinance shall be the date a final order is issued by the Department of Commerce finding the Comprehensive Plan to be in compliance with Florida law, in accordance with Section 163.3184, Florida Statues, whichever occurs earlier. The Department of Commerce notice of intent to find the plan amendments in compliance shall be deemed to be a final order if no timely petition challenging the plan amendments is filed.

PASSED ON FIRST READING this 18th day of December, 2023.

Attest: _____ _____

Missy Arocha **Karyn Cunningham**
Village Clerk **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
Proposed Village of Palmetto Bay Amended Comprehensive Plan
dated December 2023
Associated Map Series
Updated Data Inventory and Analysis





VILLAGE OF PALMETTO BAY
COMPREHENSIVE PLAN

DECEMBER 2023

ACKNOWLEDGMENTS

Village Council

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

Village Staff

Nick Marano, Village Manager
Heidi Siegel, AICP, Community and Economic Development Director
Alexander Adams, AICP, CNU-A, Planning Division Manager
Andrea Candelaria, MPA, Resilience Coordinator
Dio Torres, Public Services Director
Fanny Carmona, Parks and Recreation Director

Stantec

Jared Beck, AICP / FRP
Amanda Brandon, AICP
Nicholas Perez-Alvarez, AICP, LEED AP ND, CFM
Joel Mann, AICP
Diane Quigley, AICP, CFM, WEDG
Matt Lewis, AICP
Erin Sturm, GISP
Joseph Velazquez



TABLE OF CONTENTS



INTRODUCTION .....Chapter 01

PURPOSE AND INTENT
VILLAGE MISSION STATEMENT AND FUTURE VISION
DEMOGRAPHICS, TRENDS, AND GEOGRAPHY

COMPREHENSIVE PLANNING.....Chapter 02

1 CONSERVATION & SUSTAINABILITY ELEMENT
2 COASTAL MANAGEMENT ELEMENT
3 FUTURE LAND USE ELEMENT
4 RECREATION AND OPEN SPACE ELEMENT
5 EDUCATIONAL FACILITIES ELEMENT
6 INFRASTRUCTURE ELEMENT
7 TRANSPORTATION ELEMENT
8 HOUSING ELEMENT
9 PUBLIC PARTICIPATION ELEMENT
10 PROPERTY RIGHTS ELEMENT

IMPLEMENTATION AND ACCOUNTABILITY.....Chapter 03

1 CAPITAL IMPROVEMENTS ELEMENT
2 INTERGOVERNMENTAL COORDINATION ELEMENT

DEFINITIONS .....Chapter 04

DATA INVENTORY & ANALYSIS (DIA)

CONSERVATION & SUSTAINABILITY DIA
COASTAL MANAGEMENT DIA
FUTURE LAND USE DIA
RECREATION AND OPEN SPACE DIA
INFRASTRUCTURE DIA
TRANSPORTATION DIA
HOUSING DIA
INTERGOVERNMENTAL COORDINATION DIA
VILLAGE 2023-2028 CAPITAL IMPROVEMENT PROGRAM (CIP)

INTRODUCTION





01 CHAPTER



PURPOSE AND INTENT

The Village of Palmetto Bay's Comprehensive Plan expresses the future vision and guiding principles that will be utilized to achieve desired outcomes related to land use. This document is a planning policy document with initiatives and actionable tasks to meet the Village's overall planning. The Village of Palmetto Bay is a unique suburban community known as the "Village of Parks". The Village was incorporated in 2002 largely to be able to control its growth rate and preserve its combination of environmentally protected parks, and large suburban lots that characterize over 80% of the municipality.

The Village does not expect its population to grow except in designated areas that are currently served or planned to be served by water, sewer, and transit along the US-1 corridor. This corridor, along the municipality's western boundary, is also the highest land with the least potential for flooding and sea level rise impacts. As a coastal jurisdiction the Village may be impacted by the effects of climate change, sea level rise and warmer oceans leading to greater storm threats, flooding events, and high winds. The comprehensive plan balances the Village's unique sense of place geographically with the character desired by residents.

The comprehensive plan's purpose is to guide predictable, sustainable growth patterns that have a positive economic impact for all who live, work, and play within the Village. The comprehensive plan directs limited infill redevelopment away from the coastline and outside existing low-density single family housing areas. Florida Statute 163.3177 states that the comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented.

The sections of the comprehensive plan containing the goals, objectives, and policies describe how the Village's programs, activities, and land development regulations will be initiated, modified, or continued to implement the plan in a consistent manner. The plan establishes meaningful and predictable standards for the use and development of land and provides guidelines for future land development regulations. The comprehensive plan is based on current data, community vision, and public input. The comprehensive plan appropriately reacts to local conditions and respects home rule authority.

Per Florida Statute, the Village of Palmetto Bay will formally evaluate and appraise the comprehensive plan every 7 years. The components of the evaluation and appraisal process include updating socioeconomic and development data and evaluating this data to determine if projections were accurate and what trends have developed during the previous planning period. The Goals, Objectives, Policies and Implementation items of this comprehensive plan reflect current law and include the introduction of new initiatives for the future planning period. Village staff will also regularly monitor the plan's Implementation items as part of the budgeting process and reflected in the 5-year Capital Improvements Plan included within.





VILLAGE MISSION STATEMENT

To provide high-quality services and collaborative government that enhance our community's quality of life and preserve our Village character.

VILLAGE'S FUTURE VISION

The Village of Palmetto Bay strives to be the premier community committed to tranquility, sustainability and engagement to ensure that the "Village of Parks" remains the best place to live, work, learn, and play.



TRANSPARENT GOVERNMENT

Transparent, accessible and efficient government, energized by engaged and informed Residents.

LIFELONG LEARNING

Outstanding Opportunities for lifelong learning.

FINANCIAL STABILITY

Financial stability secured by focused economic development.

ATTRACTIVE ENVIRONMENT

well planned and maintained public assets and an attractive built environment resulting from responsive land use planning and Zoning.

ENVIRONMENTAL STEWARDSHIP

Environmental stewardship and sustainability.

SAFE COMMUNITY

A consistent priority on ensuring Palmetto Bay is a safe community.

WALKABLE, BIKABLE COMMUNITY

A walkable, Bikable community with access to multimodal transportation.

DEMOGRAPHICS, TRENDS, AND GEOGRAPHY

Palmetto Bay is a municipality in Miami-Dade County on the east coast of Florida, generally situated between the Village of Pinecrest and City of Coral Gables to the north, the Town of Cutler Bay to the south, Biscayne Bay to the east and South Dixie Highway to the west. The Village was incorporated in 2002, becoming the 33rd municipality in Miami-Dade County.

Now known as the "Village of Parks," Palmetto Bay has a population of over 25,000 residents and is governed by a five-member Village Council operating under a Council-Manager form of government.



POPULATION- VILLAGE VS COUNTY

According to the University of Florida Bureau of Economic and Business Research (BEBR), the official population estimate of permanent residents in the Village of Palmetto Bay as of 2022 is **25,041 residents.** This is a growth of 602 persons (2.5% growth rate) since the 2020 recorded census population. The Shimberg Center for Housing Studies prepares population projections for all municipalities in Florida.

Palmetto Bay's future population is projected to be **25,219 residents by the year 2045**, with an average annual growth rate of 1%. This is in contrast with Miami-Dade County as a whole, which is projected to grow in population at an average annual rate of 3% through 2045. Palmetto Bay's share of the overall Miami-Dade County population has been 0.9% since 2010 and is projected to decrease to 0.8% of the overall County population by 2035.

According to the U.S. Census Bureau, the median age in Palmetto Bay is 42.

DEMOGRAPHIC SNAPSHOT

Palmetto Bay can expect to experience slight population growth through 2040, with the overall population plateauing between 2040 and 2045.

1%
Palmetto Bay projected average annual growth rate through 2045

3.12
Palmetto Bay average persons per household (2017-2021)

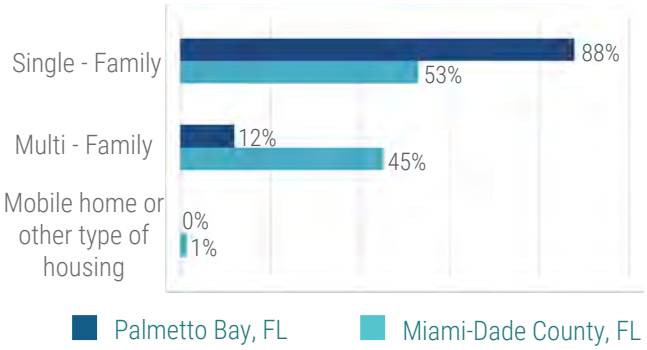
42
Median Age (2017-2021)

HOUSING

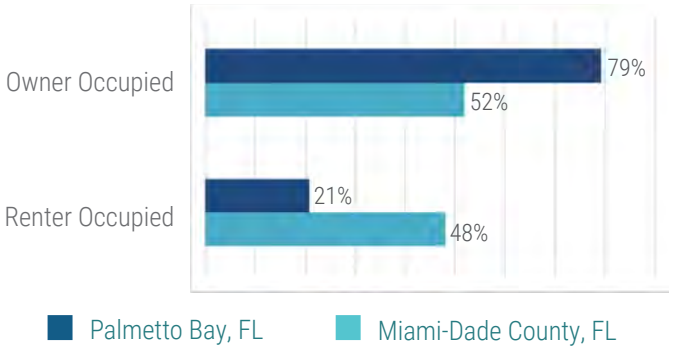
Housing Costs

		Palmetto Bay	Miami-Dade County
(2017 - 2021)	Median Value of Owner-Occupied Housing Units	$617,900	$332,800
(2017 - 2021)	Median Monthly Owner Cost - With a Mortgage	$3,271	$2,006
(2017 - 2021)	Owner-occupied housing unit rate	79.2%	51.9%
(2017 - 2021)	Median Gross Rent	$1,499	$1,470

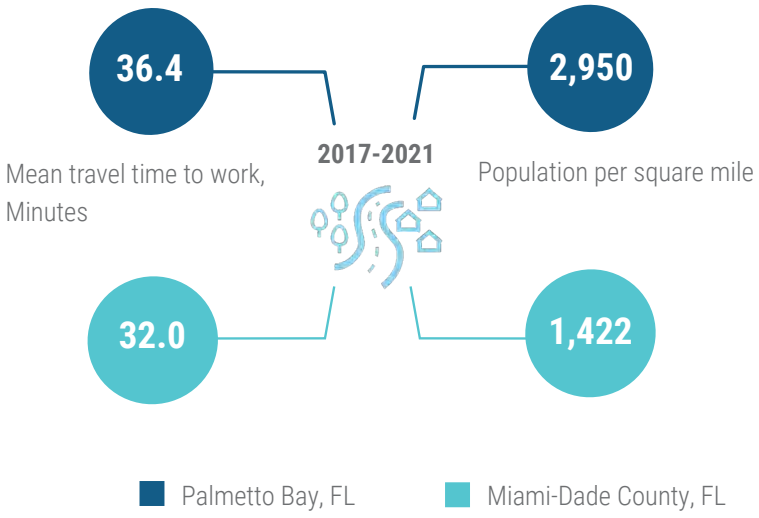
Housing Unit by Type
2017 -2021



Housing Unit by Occupancy
2017 -2021

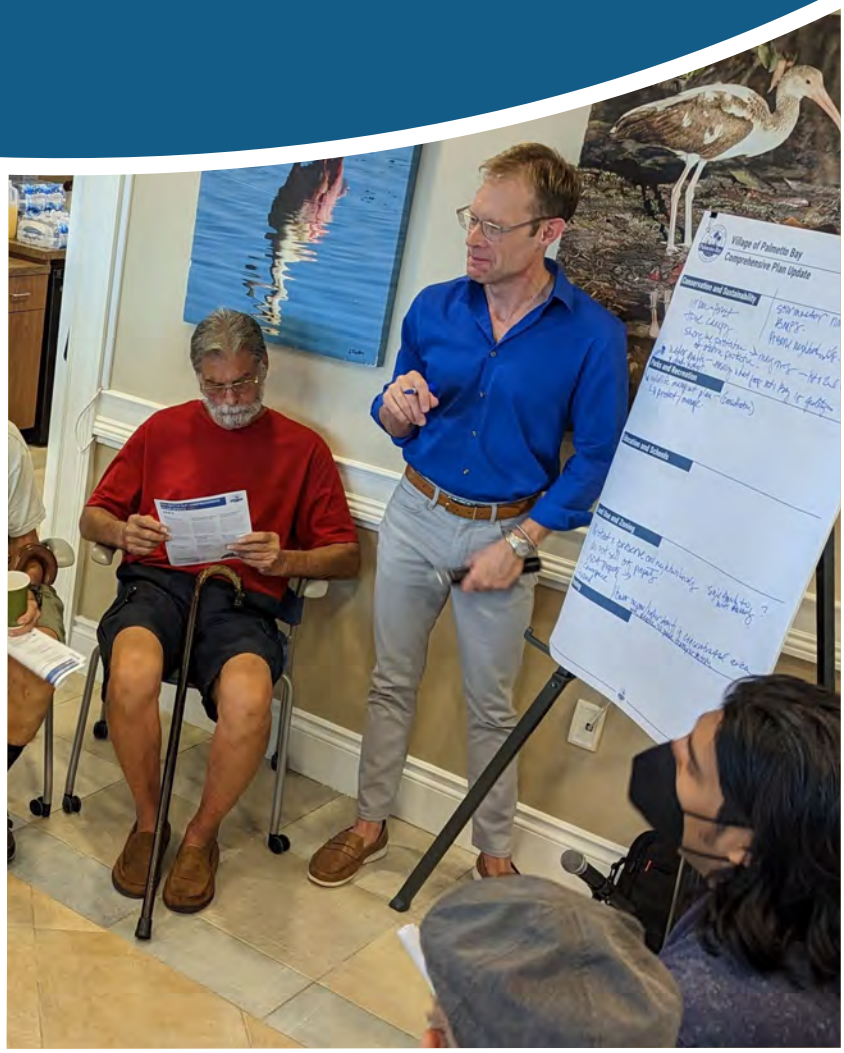


TRANSPORTATION & GEOGRAPHY



COMPREHENSIVE PLANNING





02 CHAPTER



ELEMENT 1

Conservation & Sustainability (CON)

The Conservation and Sustainability Element (CON) has been identified by the Village as the first element of the Comprehensive Plan through the lens that all other elements are reflective of; and serves to establish the priorities of the village's residents.

The Village respects the natural environment and the conservation, use, and protection of natural resources in the area that include land, water and air quality. Florida Statutes identifies the "air, water, land, water recharge areas, wetlands, water wells, estuarine marshes, soils, beaches, shores, flood plains, rivers, bays, lakes, harbors, forests, fisheries and wildlife, marine habitat, minerals, and other natural and environmental resources, including factors that affect energy conservation" as primary required elements for all municipalities." Florida Statutes continues that "conservation, appropriate uses, and protection of the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to affect adversely the quality and quantity of identified water sources, including natural groundwater recharge areas, wellhead protection areas, and surface waters used as a source of public water supply."
The Village will meet or exceed all state requirements and will maintain cooperation with adjacent local governments and relevant agencies to conserve, appropriately use, or protect unique vegetative communities located within the Village.

This element is divided into four themes: Land, Water, Air, Education. The Objectives and Policies in the Conservation and Sustainability Element are driven by the four overarching Goals below:



Promote Sustainability
The village shall promote sustainability, recycling, and healthy air quality in order to protect the community's natural resources and high quality of life.



Protect the Community's Flora and Fauna
In order to enhance the sustainability of the community and the quality of its natural systems, the Village shall protect, promote, and appropriately manage its diverse flora and fauna.

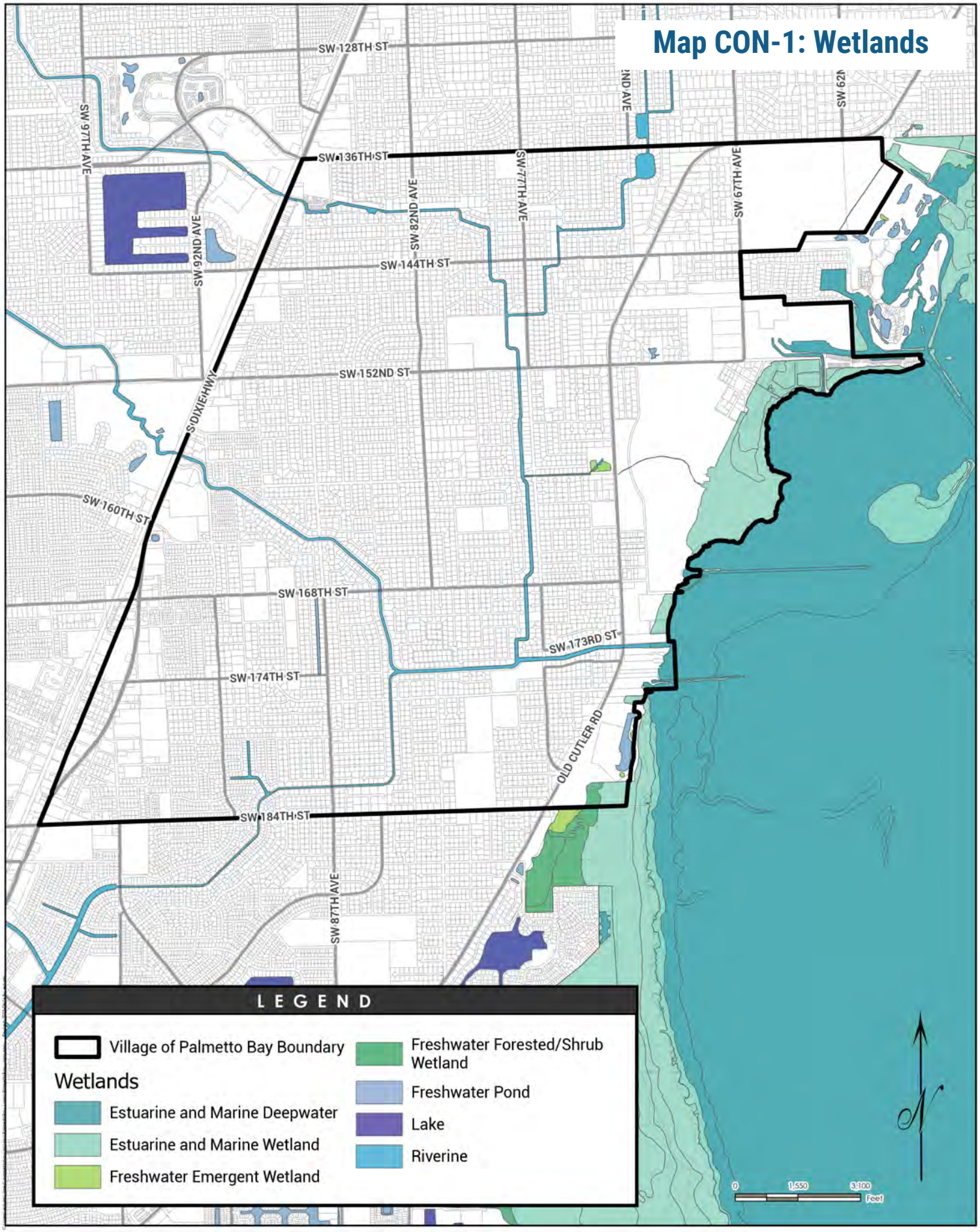


Protect Surface Waters, Wetlands, and Coastal Resources
The Village shall protect the community's surface waters, wetlands, and coastal resources in order to protect water quality and preserve important natural resources.

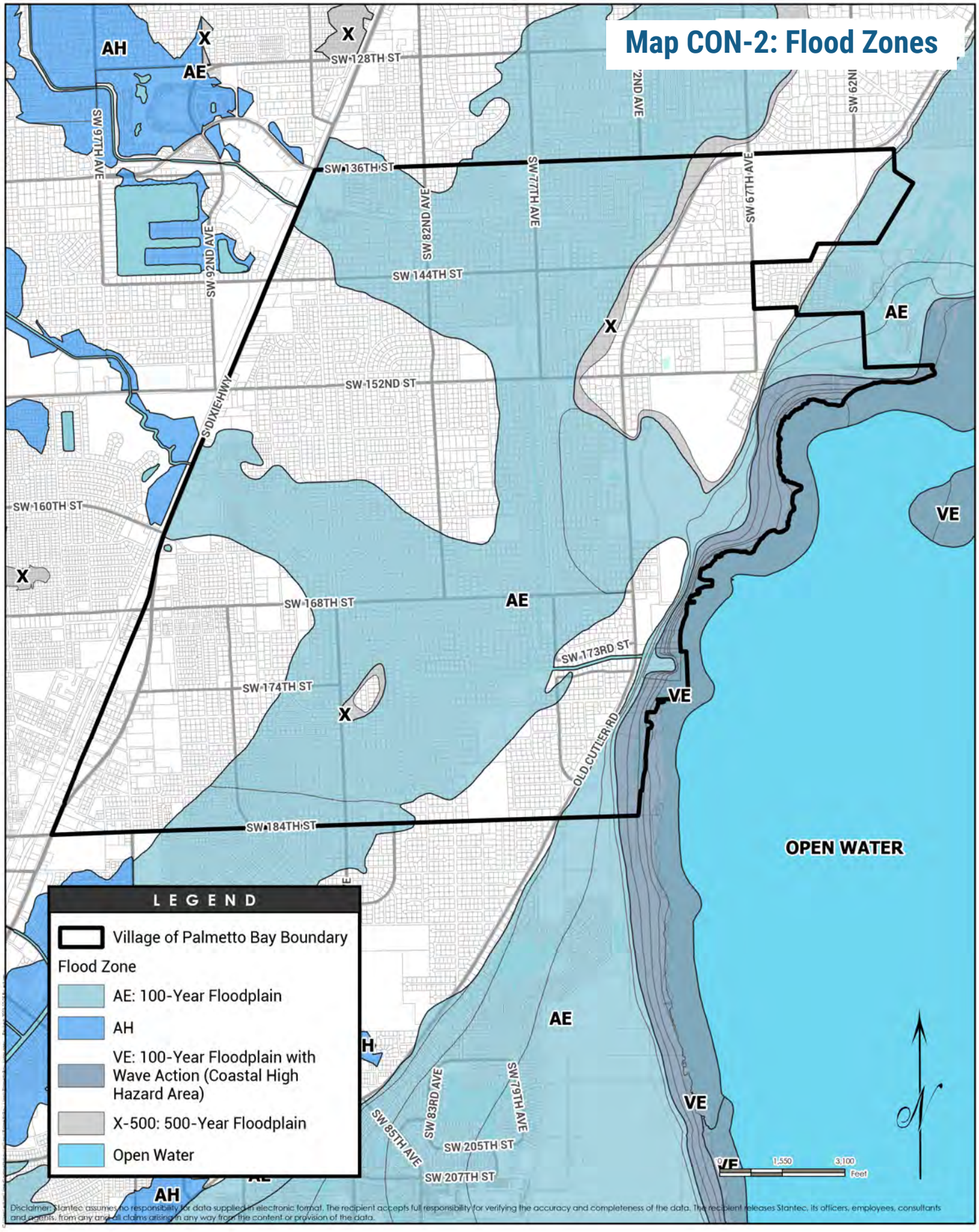


Protect Potable Water Quality and Supply
The Village shall encourage water conservation and ensure that the community has a quality, dependable potable water supply.

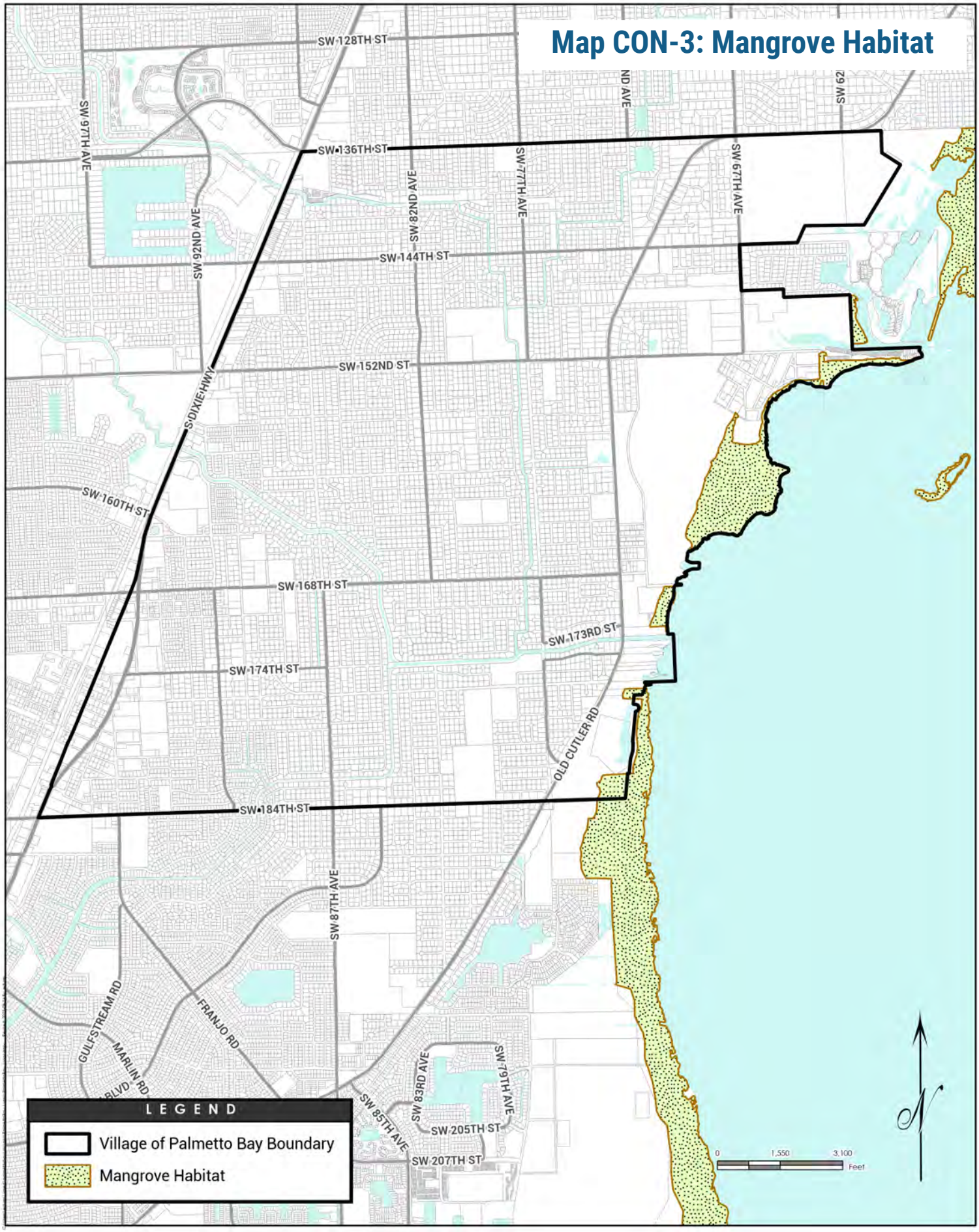
Map CON-1: Wetlands



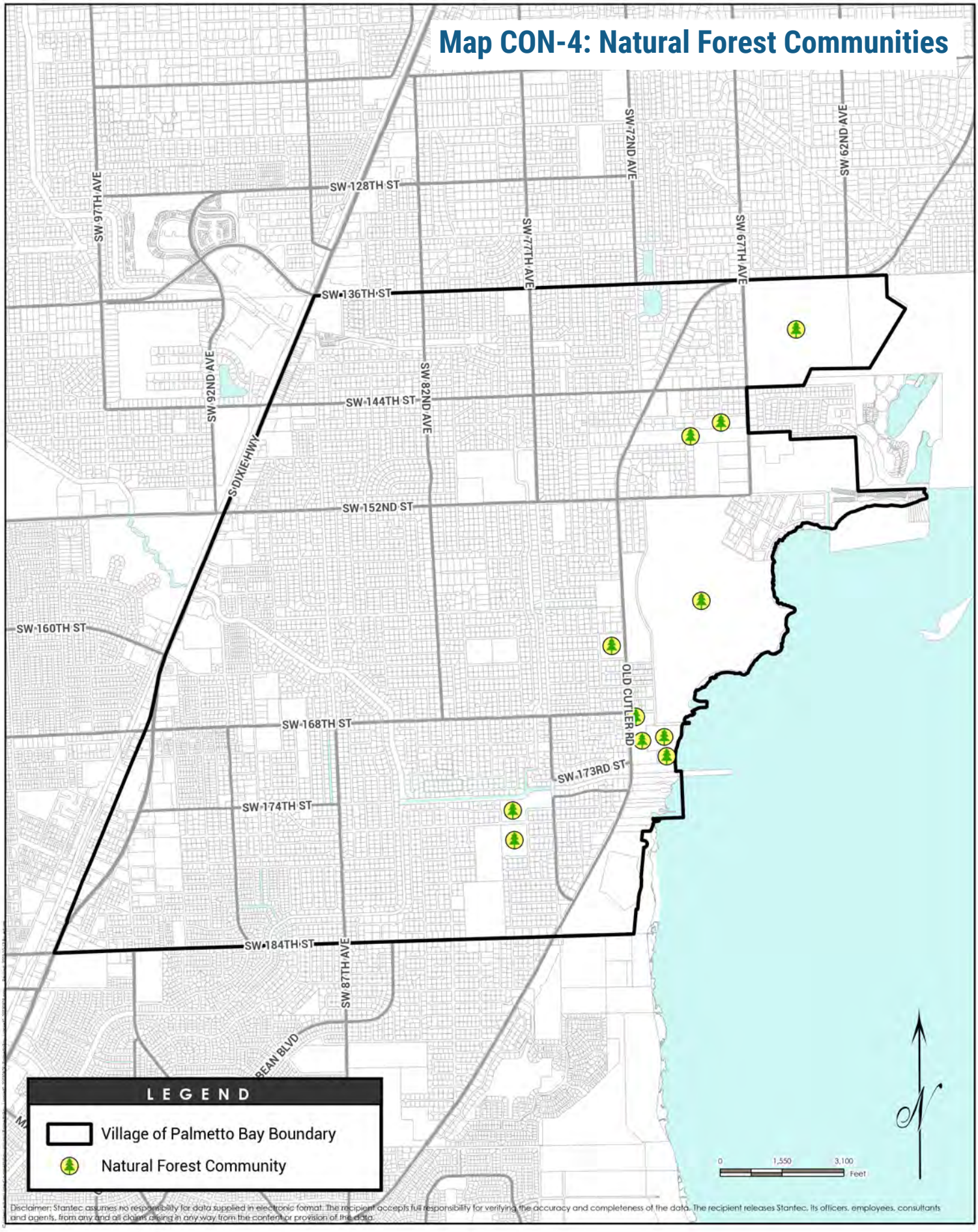
Map CON-2: Flood Zones



Map CON-3: Mangrove Habitat



Map CON-4: Natural Forest Communities



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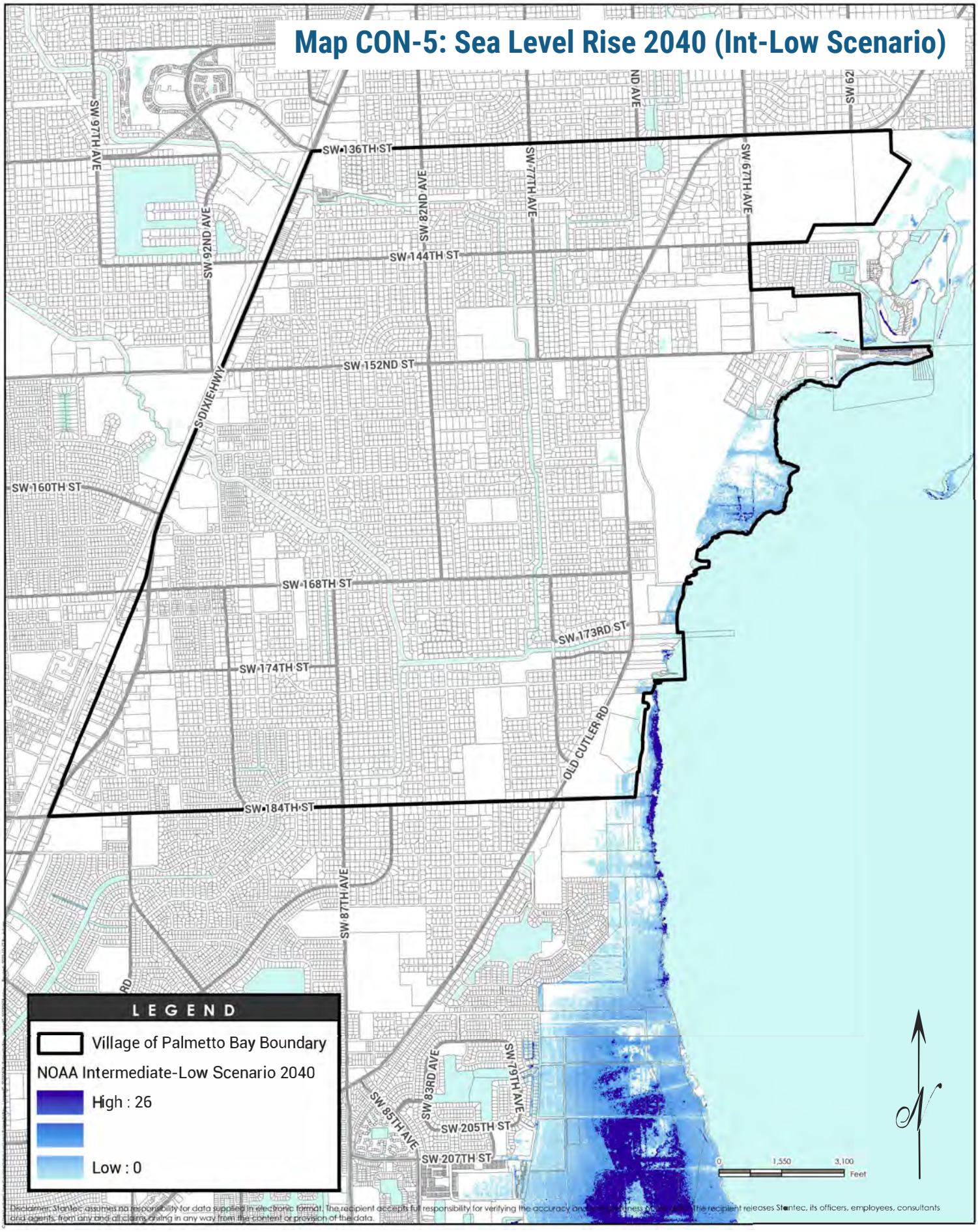
Map CON-5: Sea Level Rise 2040 (Int-Low Scenario)



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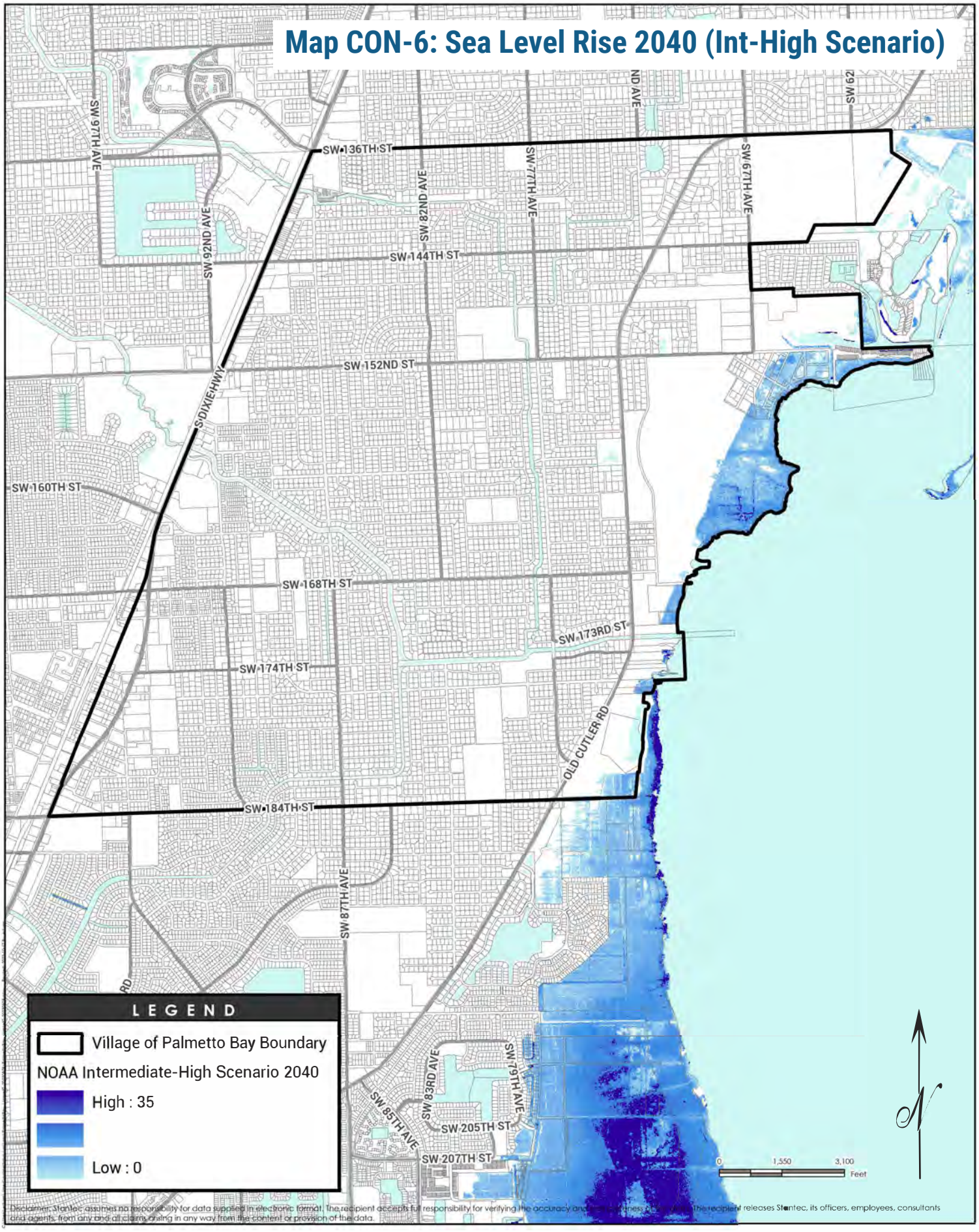
Map CON-6: Sea Level Rise 2040 (Int-High Scenario)



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I Increased Quality of Life through Conservation, Sustainability and Resiliency

The Village shall excel in its efforts to protect our natural environment proactively.

Objective A: Best Management Practices

The Village looks to find best management practices thinking globally about large-scale environmental trends and to be a model locally providing actionable steps to improve our community.

Policies:

- **CON I.A.1: Sustainability**

  Sustainability is the active implementation of climate adaptation strategies towards known changes in our land, air, and water resources that will affect our community's quality of life. friendly actions to prevent the continued acceleration of Global Climate Change, plastic pollution, impaired water and air quality, and thinking locally to act globally towards large scale environmental problems.

- **CON I.A.2: Smart Growth**

  The Village shall guide future land use decisions through Smart Growth principles.

- **CON I.A.3: Targeted Infrastructure**

  Encourage future development and redevelopment in areas that are already served, or programmed to be served, by WASD potable water facilities.

CON I.A.4:

- **Redevelopment Outside of the Coastal High Hazard Areas**

  The Village will guide growth and redevelopment to the higher elevation ground areas and away from vulnerable coastline hazards like sea level rise, floods, hurricanes, wind, recurring loss properties.

- **CON I.A.5: Low Impact Development (LID)**

  The Village shall promote environmentally friendly, LID strategies and best management practices that further protect water quality (See Future Land Use Element).

- **CON I.A.6: Water Quality Protection**

  Water quality shall be protected including through stormwater best management practices and requirements that mandate acceptable paving and drainage plans, adequate open (pervious) space areas, and stormwater detention and retention in development projects. All development projects shall use retention, infiltration, and detention systems as required by the LDR, state, and regional standards.

- **CON I.A.7: Minimum Green Standards**

  The Village shall require a minimum green building standards for all new development, remodels, and tenant improvements for commercial, mixed-use and government projects to promote energy efficiency, water conservation, resource efficiency, waste reduction, and pollution prevention.

  - The Village shall encourage developments, through incentives, to utilize energy efficient designs and the use of renewal materials.
  - The Village shall maintain its Florida Green Building Coalition Certified Green Local Government status.

- **CON I.A.8: Environmental Protection**

  As sustainability and environmental protection are priorities for the Village, the LDR shall maintain criteria that protects the Village's natural resources from the adverse impact of development.

- **CON I.A.9: Open Space**

  The Land Development Regulations (LDR) shall maintain open space requirements for developments and the Village shall seek to expand parks and pocket parks.

Objective B: Reduce, Reuse, Recycle

The Village shall promote a comprehensive strategy of reduction first, reusing products second and recycling of waste before sending materials to landfills.

Policies:

- **CON I.B.1: Reduced Water Use**
  The Village will remove barriers to reducing the total water usage through code changes, incentives, education and demonstration projects at government owned facilities and land.
- **CON I.B.2: Reduced Plastic and Styrofoam Use**
  The Village will explore all ways to reduce or discourage the total plastic and Styrofoam usage within the village.
- **CON I.B.3:Reduced Energy Use**
  The Village will explore all ways to reduce or discourage the total plastic and Styrofoam usage within the village.
- **CON I.B.4: Reduced Litter**
  The Village shall promote the reduction of litter by having adequate waste and recycling containers at all municipal sites and analyze the feasibility of an independent funding account to continue providing services for residents that divert waste from landfills and reduce litter within the community.
- **CON I.B.5: Reduced Hazardous Waste**
  The Village shall maintain regulations restricting the use of hazardous materials and assist the Miami-Dade County Department of Public Works Waste Management (PWWM) in the implementation of a comprehensive program for the proper storage, recycling, collection, and disposal of hazardous and toxic wastes in the community in order to protect the environment.
- **CON I.B.6:**
  Recycle at Schools, Parks and Public Facilities
  The Village shall collaborate with Miami-Dade County Public Works Waste Management (PWWM) and Miami-Dade County Schools to promote and encourage recycling solid waste materials to the maximum extent possible.
- **CON I.B.7: Recycling**
  The Village shall assist the Miami-Dade County Department of Public Work Waste Management (PWWM) in promoting and encouraging residents and businesses to recycle solid waste to the maximum extent possible.
- **CON I.B.8: Municipal Recycling Initiatives**
  The Village shall place recycling containers next to all trash cans in parks and other public spaces. The Village will include battery recycling drop off bins at publicly owned properties including primary parks/library with internal buildings, Village Hall and 900 Perrine.
- **CON I.B.9: Recycling Drives**
  The Village shall continue to fund bi-annual drive thru recycling events to reduce and recycle electrical, hazardous, and household wastes, as well as, reuse used clothes.





Objective C: Air Quality

The Village strives to protect the air quality for its residents.

Policies:

- **CON I.C.1: Improve Air Quality**
  The Village shall coordinate with county and state agencies to ensure all federal, state and local air quality standards are complied with or exceeded in order to improve the existing air quality. The Village should coordinate with local officials and universities to participate in studies that can help improve the overall air quality of the Village.
- **CON I.C.2: Lower Greenhouse Gas Emissions**
  The Village shall commission a Greenhouse Gas Inventory to identify areas to reduce emissions across the village and coordinate with the MPO, county and state on mitigation measures and recommendations.
- **CON I.C.3:Reduce Vehicle Emissions**
  The Village shall identify and execute projects that will help lower greenhouse gas emissions in the community including creating a greenhouse gas inventory and executing a Greenhouse Gas Emissions Study in order to preserve the residents' high quality of life.
- **CON I.C.4: VMT**
  The Village will implement Smart Growth land use practices that reduce the Vehicles Miles Traveled (VMT) and provide alternatives to automobile trips and reduces traffic congestion (See Transportation and Future Land Use Elements).
- **CON I.C.5: Green Fleet**
  The Village shall identify and execute initiatives that invest in electric and/or hybrid vehicles and charging stations in efforts to reach net zero emissions.
- **CON I.C.6: EV**
  The Village will prioritize free charging stations at public parks, schools and other Village owned sites to expand the use of electric vehicles.

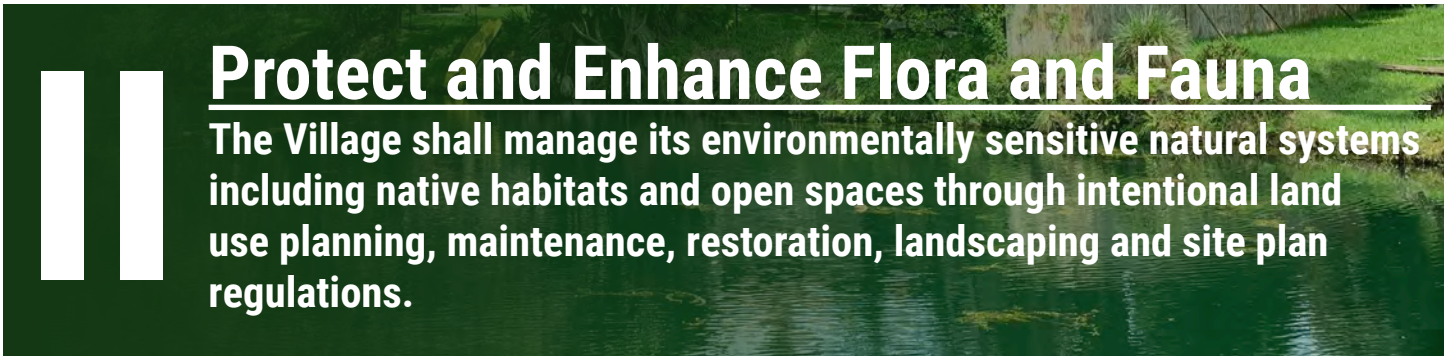


Objective D: Buildings

The Village strives to improve the energy efficiency of all buildings.

Policies:

- **CON I.D.1:Minimum Green Building Standards**
  The Village shall require minimum green building standards for all new development, remodels, and tenant improvements for all commercial, mixed-use and government projects to promote energy efficiency, water conservation, resource efficiency, waste reduction, and pollution prevention.
- **CON I.D.2: Sustainable Pest Management**
  The Village will promote sustainable pest management methods in all municipal sites that aim to minimize risk to both environmental and human health through the limited use of chemicals.
- **CON I.D.3: Brownfield Redevelopment**
  The Village supports the clean-up and reuse of brownfield infill redevelopment sites and will work with the county on designated sites. (See Future Land Use Element).
- **CON I.D.4: Renewable Energy**
  The Village will commit to maintain and upgrade all current renewable energy facilities on municipal buildings and sites. The village shall implement code requirements for sustainability and energy conservation at municipal sites.
- **CON I.D.5: Cool Roofs**
  The Village will update the LDR to reduce overall building energy usage by specifying that all new flat roofs must be white or high albedo surfaces to reflect light and promote cool roofs that save electricity and money for operators.



II Protect and Enhance Flora and Fauna

The Village shall manage its environmentally sensitive natural systems including native habitats and open spaces through intentional land use planning, maintenance, restoration, landscaping and site plan regulations.

Objective A: Preserve and Maintain Environmentally Sensitive Lands

The Village shall manage its environmentally sensitive natural systems including native habitats and open space through intentional land use planning and regulations.

Policies:

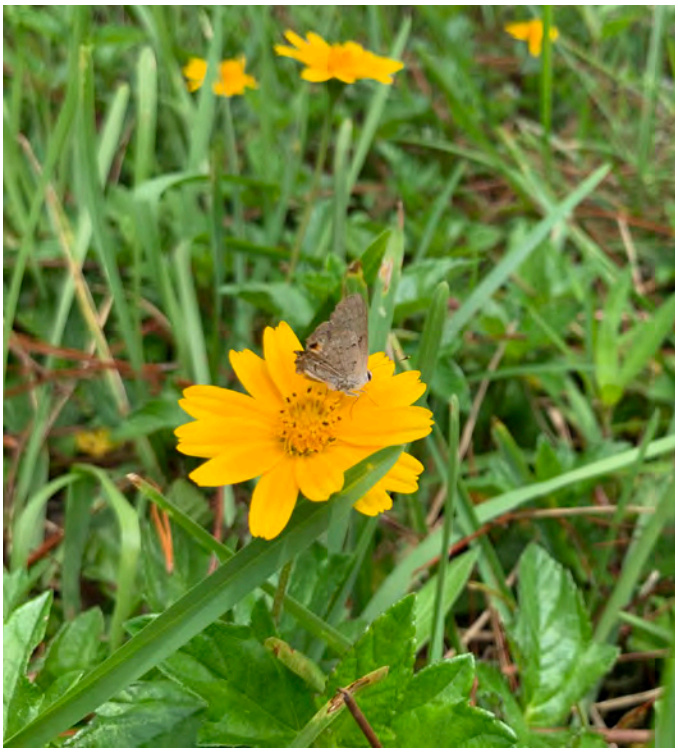
- **CON II.A.1: Natural Forested Communities**
  The Village will actively team with Miami-Dade County DERM/Parks to lead maintenance, restoration, and conservation of designated "Natural Forested Communities" within our municipal boundaries.
- **CON II.A.2: Protect Designated Areas**
  Areas reserved for conservation uses or restricted development, including parks or lands designated as 'Environmental Protection' or 'Water Management and Recreation' on the Future Land Use Map (FLUM), shall remain protected for future generations and wildlife habitat conservation.
- **CON II.A.3: Acquisition of Buffer Areas**
  The Village may consider the purchase of strategic properties for preservation, passive recreation, and conservation easements to buffer existing wildlife conservation areas, provide shoreline and canal access, protect against sea-level rise, storm surge, king tides, allow for passive stormwater filtration and treatment, as well as, buffers to existing 'Natural Forest Communities', wetlands, lakes and canals to sustain ecological systems and reduce further man-made impacts.
- **CON II.A.4: Environmentally Endangered Lands**
  The Village shall coordinate with Miami-Dade County to acquire land and implement the Environmentally Endangered Lands (EEL) program designed to protect and preserve Natural Forest Communities (NFC), parks designated as habitat conservation and passive natural areas for the continued perpetual preservation and habitat conservation.
- **CON II.A.5: Designate Lands for Protection**
  The Village shall maintain and seek to expand lands designated for environmental protection to uphold a sustainable and environmentally friendly community.
- **CON II.A.6: Tree Permits**
  The LDR shall require that all local, state, and federal permits that are required pertaining to flora and fauna species be obtained prior to development.
- **CON II.A.7: Protection of Vegetation**
  Existing mature vegetation and native vegetation shall be retained and protected in developments where possible.
- **CON II.A.8: Restoration Efforts**
  The Village shall encourage the restoration of degraded sensitive habitat in order to reestablish natural diversity and habitat connectivity.
- **CON II.A.9: Natural Resource Management**
  The Village shall have standards in place to manage its flora and fauna as well as coordinate with Miami-Dade County in regard to the County's Natural Areas Management Plan.

Objective B: Tree Protection and Wildlife Habitat Conservation

In order to protect vegetation, tree canopy, shading, and the beautiful design of the built environment, the Village shall regulate landscaping and tree protection standards within the community.

Policies:

- **CON II.B.1: Open Space**
  The LDR shall maintain open space requirements for developments and the Village shall seek to expand parks and pocket parks.
- **CON II.B.2: Open Space Connectivity**
  The Village shall promote connectivity of the community's open spaces and connectivity of wildlife corridors in order to minimize habitat fragmentation.
- **CON II.B.3: Endangered or Threatened Species**
  The Village shall continue to ensure that Federally and State listed endangered, threatened, or special concern species are protected, and their habitats are conserved and enhanced where possible.
- **CON II.B.4: Expansion of Parks System**
  The Village shall protect existing parks and natural preserves and seek to expand its parks and natural preserves, including identifying opportunities adjacent to the Biscayne Bay (See Parks and Recreation Element).
- **CON II.B.5: Restoration**
  The Village may pursue restoration efforts for its surface waters and shall coordinate with the appropriate state and county agencies to ensure that natural surface water flow regimes into and through coastal wetland systems are restored and maintained to the maximum extent possible.
- **CON II.B.6: Sustainability Focused Events**
  The Village shall encourage more programming focused on sustainability such as recycling drives, tree giveaways, canal debris cleaning, tree planting events or litter/ exotics removal events.
- **CON II.B.7: Coordination**
  Consistent with F.S. 163.177(6)(d)g, the Village shall maintain cooperation with adjacent local governments to conserve, appropriately use, and protect unique vegetative communities located within more than one local jurisdiction.
- **CON II.B.8: Tree Protection**
  Mature Trees shall be retained and protected where possible.
- **CON II.B.9: Landscape Code**
  The Village shall review the Land Development Regulations to expand and improve the Village's landscape requirements.
- **CON II.10: Street Tree Master Plan**
  The Village shall maintain and conduct regular reviews of the Street Tree Master Plan which creates roadways with planted medians and right-of-way landscaping for an attractive street environment including a tree canopy cover. Additionally, street trees shall be maintained and trimmed in front of signage to protect community safety.
- **CON II.B.11: Tree City USA**
  The Village shall participate in the Tree City USA program and support the maintenance and continued installation of trees which will enhance the urban forest and tree canopy cover in the community and improve shading.



Objective C: Promote Proper Landscaping and Tree Protection

In order to protect vegetation, tree canopy, shading, and the beautiful design of the built environment, the Village shall regulate landscaping and tree protection standards within the community.

Policies:

- **CON II.C.1: Village Landscape Code**
  The Village shall enhance its landscape standards in the Land Development Regulations (LDR), including maintenance requirements, to maintain the existing high quality of life and aesthetic community. Native vegetation shall be encouraged and planted where feasible.
- **CON II.C.2: Tree Canopy**
  The Village will expand its total tree canopy by increasing the LDR requirements for new development and redevelopment, implementing the city's street tree master plan and expanding trees in park spaces.
- **CON II.C.3: Florida Friendly Landscaping**
  The Village shall encourage the use of Florida Friendly landscaping in developments which uses low-maintenance water-saving plants and environmentally sustainable practices utilizing the Florida Friendly Landscaping Guide to Plant Selection & Landscape Design, (University of Florida) as a guidance document.
- **CON II.C.4: Removal of Undesirable Exotic Vegetation**
  Removal of Undesirable Exotic Vegetation. The LDR shall require the removal of all nuisance and invasive exotic vegetation as defined by the Florida Exotic Pest Plant Council (FLEPPC) prior to development, redevelopment, modifications, expansions and minimize the use of invasive species. Each site owner is responsible for maintaining their property free of invasive species at all times and may be subject to code compliance action.





III Protect Surface Waters, Wetlands, and Coastal Resources

The Village shall protect the community's surface waters, wetlands, and coastal resources in order to protect water quality and preserve important natural resources.

Objective A: Conserve Biscayne Bay National Park and Aquatic Preserve

The LDR shall limit adverse impacts or alterations to surface waters and wetlands to the greatest extent possible.

Policies:

CON III.A.1:

- **Protect Surface Waters, Wetlands, and Coastal Resources**

  The Village shall protect the community's surface waters, wetlands, and coastal resources in order to protect water quality and preserve important natural resources.

- **CON III.A.2: Protect Surface Waters and Wetlands**

  The LDR shall limit adverse impacts or alterations to surface waters and wetlands to the greatest extent possible.

- **CON III.A.3: Delineation**

  The LDR shall require that a proposed development conduct a delineation of the landward extent of wetlands and other surface waters which be formally approved by the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (FDEP), and/or the US Army Corps of Engineers (USACE).

- **CON III.A.4: USACE Methodology**

  Where wetlands may not be regulated by other jurisdictions, the Village will utilize the USACE methodology and seeks to protect all surface waters and wetlands that meet the federal standard and methodology.

- **CON III.A.5: Protect Wetlands**

  The LDR shall require that wetlands, as defined by F.S. 373.421 and 373.019(27), including their adjacent buffers, be protected to the maximum extent possible. If impacts are proposed, the Village shall evaluate these based on the type of the wetland, function, size, conditions/ location, and overall resource value. Policy 1C.1.4: Wetland Buffers. Development on uplands adjacent to wetlands shall preserve a wetland buffer which will act as a barrier between wetlands and development. The LDR shall require that this buffer be in accordance with the minimum standards set by SFWMD.

- **CON III.A.6: Regulatory Tools**

  The Village shall protect wetlands through the dedication of conservation easements, through the designation of 'Environmental Protection' on the FLUM, or through requiring compensatory wetland mitigation where feasible.

- **CON III.A.7: Potential Impacts**

  If impacts to a wetland are proposed, these impacts shall be consistent with SFWMD regulations. Activities in wetland areas may be permitted provided all applicable federal, state, regional, and local external environmental agency permits have been obtained.



Objective B: Protect Water Quality

The LDR shall maintain regulations and monitoring techniques to protect water quality and preserve and enhance the functions of natural groundwater aquifer recharge and natural drainage features.

Policies:

- **CON III.B.1: Water Quality Standards**
  The Village shall continue to enforce all FDEP, SFWMD, and Miami-Dade County water quality standards in order to protect, conserve, maintain, and improve the water quality of the community's water bodies and natural groundwater resources.
- **CON III.B.2: Protect Natural Canals and Ponds**
  The LDR shall include performance criteria designed to regulate against land development activities which adversely impact water quality, contribute to shoreline erosion and sedimentation, or otherwise threaten the long-term health and existence of the Village's surface waters including its natural canals and ponds.
- **CON III.B.3: Wetland Buffers**
  Development on uplands adjacent to wetlands shall preserve a wetland buffer which will act as a barrier between wetlands and development and enhance mangroves and other critical habitats.
- **CON III.B.4: Coordination**
  The Village shall coordinate with the Miami-Dade County and FDEP to conduct routine water quality tests in and adjacent to waterways and advocate for improvements where necessary to maintain acceptable water quality. The Village shall also continue to coordinate with the Biscayne Bay Commission to protect the water quality of the Bay against stormwater impacts.



Objective C: Protect Marine and Coastal Resources

The Village shall protect and conserve its living marine resources, coastal habitats, and estuarine water quality.

Policies:

- **CON III.C.1: Regulate Adverse Impacts**
  The Land Development Regulations (LDR) shall include performance criteria designed to regulate against the adverse impacts of development on estuarine water quality and habitat including, but not limited to, living marine organisms, seagrass, coastal hammocks, coastal marshes, marine wetlands, and mangroves.
- **CON III.C.2: Mangrove Protection Areas**
  The Village shall continue to protect areas designated as 'Mangrove Protection Areas' by Miami-Dade County in accordance with their regulations.
- **CON III.C.3: Coastal Restoration**
  The results of coastal water quality and living marine resources performed by Miami-Dade County and SFWMD shall be monitored by the Village Sustainability Officer.
- **CON III.C.4: Coastal Replanting**
  The Village shall encourage the replanting of mangroves and marsh grasses including to enhance public or semi-public shorelines.
- **CON III.C.5:**
  Reduce Litter in canals and Biscayne Bay
  The Village shall coordinate with SFWMD to maintain the water quality and reduce trash and other waste discharges to canals that connect to estuary areas.
- **CON III.C.6: Coastal boardwalks**
  For shoreline access, the Village shall encourage elevated boardwalks that minimize the impact to coastal vegetation.
- **CON III.C.7: Water Impact Statements**
  The Village shall require Water Impact Statements from property developers in order to regulate adverse effects construction can have on the environment, including the floodplain, aquifer and Biscayne Bay.

Objective D: Preserve, Enhance, Restore

The Village shall preserve, enhance, and restore coastal and wetland habitats.

Policies:

- **CON III.D.1: Vulnerability Analysis**

  The Village shall identify issues outside of its jurisdiction that affect the Village's coastal vulnerability area and Biscayne Bay and participate in projects that create solutions to mitigate these affects which would otherwise impact the residents' quality of life.

- **CON III.D.2: Mangrove Protection Areas**

  The Village shall continue to protect areas designated as 'Mangrove Protection Areas' by Miami-Dade County in accordance with their regulations.

- **CON III.D.3: Water Quality**

  The results of coastal water quality and living marine resources performed by Miami-Dade County and South Florida Water Management District (SFWMD) shall be monitored by the Village Sustainability Coordinator.

- **CON III.D.4: Replanting Coastal Areas**

  The Village shall encourage the replanting of mangroves and marsh grasses including to enhance public or semi-public shorelines.

- **CON III.D.5: Protection of Shoreline and Coast**

  The Village shall have measures in place that protect Biscayne Bay and its shorelines and enhance public access to the Bay and water-based facilities (See Costal Management Element). The LDR shall require development along the shoreline to be required to revegetate, stabilize, and enhance damaged shorelines by planting native vegetation.

- **CON III.D.6: Restoration Efforts**

  The Village will collaborate with the State and County to enhance, maintain and restore degraded sensitive habitats in order to reestablish natural biodiversity and habitat connectivity.



IV Protect Potable Water Quality and Supply

The Village shall encourage water conservation and ensure that the community has a quality, dependable potable water supply.

Objective A: Protect Potable Water Supply

The Village shall ensure that there is a sufficient potable water supply to meet the needs of the community.

Policies:

- **CON IV.A.1: Coordination**
  The Village shall coordinate with its water service provider, Miami-Dade County Water and Sewer Department (WASD), to ensure that potable water service to the Village will meet the adopted level-of-service (LOS) standard throughout the planning period (See Infrastructure Element).
- **CON IV.A.2: Septic to Sewer Connections**
  In order to protect water quality, the Village shall continue to support the conversion of septic tanks to centralized sewer services within the Village's designated infill areas and all commercial, mixed-use and multifamily properties.
- **CON IV.A.3: Groundwater Recharge**
  The Village shall utilize the Stormwater Master Plan and LDR regulations to ensure that private development and public infrastructure projects maintain required surface water quality standards and serve to recharge the groundwater aquifer. The Village will coordinate with public agencies to monitor and identify any groundwater recharge deficiencies and coordinate with local, state, and federal agencies in protecting the functions of natural groundwater recharge areas and natural drainage features in the community.





Objective B: Green Infrastructure, jobs

The Village shall promote the use of green infrastructure and other environmentally-friendly incentives and certifications.

Policies:

- **CON IV.B.1: Green Infrastructure**

  The Village shall promote the use of nature-based or green infrastructure solutions to address resiliency, where feasible. The Village shall explore the development of a Green Infrastructure Master Plan and consider coordinating with a green infrastructure consultant for municipal buildings and spaces in order to provide for enhanced and connected wildlife habitat, stormwater management systems, and recreational opportunities.

- **CON IV.B.2: Brownfield Redevelopment**

  The Village may pursue grant funding for the clean-up and reuse of brownfield sites or future brownfield sites. (See Future Land Use Element).

- **CON IV.B.3: Renewable Energy**

  The Village shall encourage the use of renewable energy and solar panels within the community and maximize the use of solar energy at public and park facilities where feasible.

- **CON IV.B.4: Green Business Certification**

  The Village shall consider the creation of a Green Business Certification Program and encourage businesses to participate.

- **CON IV.B.5: Dark Sky Lighting**

  The Village shall consider adoption of a lighting ordinance to minimize glare, light pollution and carbon emissions and mitigate negative impacts to natural habitats.



Objective C: Promote Potable Water Conservation

The Village shall promote potable water conservation in order to be environmentally conscious about water resources and ensure residents needs are being met.

Policies:

- **CON IV.C.1: Water Conservation**

  The Village shall actively enact strict regulations to ensure all residents and businesses reduce and conserve potable and non-potable water to the maximum extent possible.

- **CON IV.C.2: Irrigation Restrictions**

  The Village shall not require irrigation and set permanent water restrictions if irrigation is used in order to conserve water resources and shall encourage the use non-potable and/or reclaimed water for landscaping and lawn care.

- **CON IV.C.3: Water Coordination**

  The Village shall Coordinate with Miami-Dade County Water and Sewer Department (WASD) and South Florida Water Management District (SFWMD) to implement water demand management requirements as well as cooperate with these entities for mandated emergency water conservation measures.

- **CON IV.C.4: Yard Regulations**

  The Land Development Regulations (LDR) shall maintain regulations regarding water restriction, State of Florida Yards and Neighbors Program, and Florida Friendly landscaping in an effort to conserve water within the community.



V Advocate for the Environment and Educate the Public

The Village shall engage with the public in raising environmental awareness.

Objective A: Promote Public Engagement

The Village shall promote environmental awareness and engagement through a variety of programming and outreach.

Policies:

- **CON V.A.1: Educational Coordination**
  Consistent with F.S. 163.177(6)(d)g, the Village shall maintain cooperation with adjacent local governments to conserve, appropriately use, and protect unique vegetative communities located within more than one local jurisdiction.
- **CON V.A.2: Project Coordination**
  The Village shall identify and participate in projects outside of its jurisdiction for issues that could negatively affect the Village's groundwater systems in order to create solutions to mitigate these affects.
- **CON V.A.3: Sustainable Community Plan**
  The Village shall develop and maintain a Sustainable Community Action Plan that guides sustainability measures for the Village over time.
- **CON V.A.4: Recycling Awareness**
  The Village shall increase awareness and education campaigns on the importance of recycling and reduction of consumption of materials and the positive impacts it has on the environment and shall encourage recycling drives and battery recycling depots.
- **CON V.A.5: Engage with Students**
  The Village will work with local students to redesign their school campuses through mitigative techniques in alignment with the EPA Campus RainWorks Challenge criteria and may submit competition applications. Local schools will be encouraged to complete and learn about the effects of site design, stormwater, and pollution reduction techniques as contributors to a healthier environment and learning experience for all.
- **CON V.A.6: Annual Arbor Day Tree Planting**
  The Village will host an annual Arbor Day Tree Planting event to increase the overall tree canopy and educate the public on the value of nature in our lives.
- **CON V.A.7: Annual Earth Day Event**
  The Village will host an annual Earth Day event to celebrate the achievements of the village and continue to set goals for the future of our community to contribute to the global reduction of greenhouse gases, expansion of tree canopy, parks, recycling and conservation initiatives throughout the Village.
- **CON V.A.8: Water Monitoring Program**
  The Village will coordinate with SFWMD, MDC and a local not for profit to implement a water monitoring program. This program will measure water quality as specified to be eligible for EPA Sec 319 Non-Point Source pollution and Sec 303d Impaired Waters grant program funding to monitor canal outfalls at multiple points within the Village.

Implementation Snapshot

Review and amend the LDR's as needed to support the Policies of the Conservation and Sustainability Element.

Establish an incentive program that may consist of a range of mechanisms to encourage energy efficient designs such as expedited permitting or limited term ad valorem tax exemptions.

Develop a Green Infrastructure Master Plan, coordinating with a green infrastructure consultant for municipal buildings and spaces in order to provide for enhanced and connected wildlife habitat, stormwater management systems, and recreational opportunities.

Evaluate enhancing the landscape requirements within the LDR's to include maintenance requirements, to maintain the existing aesthetic and high quality of life in the community.

Evaluate enhancing water conservation regulations to ensure all residents and businesses reduce and conserve potable and non-potable water to the maximum extent possible.

Amend the Code of Ordinances to further enable and encourage the use of green stormwater infrastructure.



Provide funding to host community events and / or promote recycling.

Study the creation of a Green Business Certification Program and encourage businesses to participate.

Develop and maintain a Sustainable Community Action Plan that guides sustainability measures for the Village over time.

Adopt a more stringent lighting ordinance to minimize glare, light pollution and carbon emissions and mitigate negative impacts to natural habitats.

Consider expanding recycling containers, including battery recycling bins, in all publicly owned properties including all parks, the Public Services Department, Village Hall, and 900 Perrine.

Develop a greenhouse gas inventory and execute a Greenhouse Gas Emissions Study.

Participate in the Tree City USA Program.





ELEMENT 2

Coastal Management (COA)

The Coastal Management Element (COA) works together with the Conservation Element to guide growth away from the Coastal High Hazard Area, prevent flooding, and adapt to sea level rising. This element identifies the risks of flooding, storm surge, stormwater management, hazard mitigation, evacuation, protection of the coastline and adjacent Biscayne Bay National Wildlife Refuge.

Florida Statute recognizes the "importance of restricting and mitigating development activities that may damage or destroy coastal resources and to develop process that ensure new development or redevelop is designed to protect human life, and critical infrastructure, and to limit public expenditures in areas that are subject to natural disaster."

The Village will meet or exceed all state requirements and will maintain cooperation with adjacent local governments and relevant agencies to conserve, protect and secure the residential community.

This element is divided into four themes:

Flood Protection and Resiliency

Protect the Village's communities, residents, and critical assets from the effects of climate change and avoid loss of coastal zone resources through the identification of resilience strategies to reduce the risk of flooding from sea level rise, high-tide events, storm surge flash floods and stormwater runoff. Ensure that the protection of critical assets and communities from these events are considered in current and future planning and development scenarios, pursuant to F.S. 162.3177 (6)(g)(10).

Coastal High Hazard Area (CHHA)

Protect human life and limit public expenditures that subsidize private development within the CHHA, as defined in F.S. 163.3178(2)(h).

Emergency Management, Post Disaster Redevelopment, and Hazard Mitigation

Collaborate with the Miami-Dade County Office of Emergency Management (OEM) to minimize hurricane evacuation times and ensure adequate shelter capacity for residents during mandatory hurricane evacuation orders. Assist OEM in the development and implementation of post-disaster redevelopment and hazard mitigation plans that reduce or eliminate exposure of life and property to natural hazards towards the protection of health, safety, and welfare within the Village.

Public Access to the Shoreline

Consistent with F.S. 163.3178(2)(g), the Village shall continue to maintain and preserve the amount of shoreline devoted to public accessible uses in Palmetto Bay to promote water-based tourism and recreational activities.

Flood Protection and Resiliency

Protect the Village's communities, residents, and critical assets from the effects of climate change and avoid loss of coastal zone resources through the identification of resilience strategies to reduce the risk of flooding from sea level rise, high-tide events, storm surge, flash floods and post development stormwater runoff. Ensure the protection of critical assets and flood prone communities from these events are considered in current and future planning and development scenarios, pursuant to F.S. 162.3177 (6)(g)(10).

Objective A: Resilience Action Plan

Develop, maintain, and implement a Resilience Action Plan to include a Vulnerability Assessment, Adaptation Strategies, and Adaptation Action Areas.

Policies:

- **COA I.A.1: Integrate Resilience Action Plan**
  Integrate the results of the Resilience Action Plan into Palmetto Bay's Hazard Mitigation Plans to further assist emergency preparedness, response, recovery and community awareness.

- **COA I.A.2: Reduce Flood Risk**
  Increase the amount of post development stormwater to be retained and incorporate Adaptation Strategies and Adaptation Action Areas into the Village's Comprehensive Plan to reduce the risk of flooding from post development runoff, sea level rise, king-tide events, storm surge, flash floods and heavy rainfall events.

- **COA I.A.3: Vulnerability Assessment and Resilience Action Plan**
  The Village of Palmetto Bay's Vulnerability Assessment and Resilience Action Plan shall be updated as needed consistent with F.S. 380.093.

- **COA I.A.4: Identify Resources**
  Pursue additional funding options to implement recommendations from the Resilience Action Plan to adapt the Village's critical assets and mitigate the impacts from Climate Change. As funding becomes available the Village will include the projects into the Village's Capital Improvement Plan (CIP).

- **COA I.A.5: Implement Strategies**
  Implement and integrate resilience strategies, protocols, and projects into the planning processes of Adaptation Action Areas to improve the Village's Community Rating System (CRS) rating and save residents money. The Village will provide annual funding to maintain and enhance the CRS to assist in reducing flood insurance rates for residents.

- **COA I.A.6: Explore Nature-Based Solutions**
  Encourage the Army Corps of Engineers and Miami-Dade County to implementation living shorelines and nature-based solutions to prevent storm surges from Biscayne Bay. Promote species diversity, flora and fauna sustainability, protect the coastline from erosion, and encourage the restoration of adjacent sea grass beds and coastal systems pursuant to F.S. 163.3177(2)(e).

- **COA I.A.7: Evaluate Sea Level Rise Adaptation**
  Require state funded construction projects that are considered "at-risk due to sea level rise" per the statutory definition, to conduct a Sea Level Impact Projection Study consistent with F.S. 380.0937. Require the implementation of alternative design solutions to reduce the risk of property and danger to human lives and loss of property from flooding, sea level rise, storm surge, and high-tide events.

Objective B: Reduce Natural Hazard Impacts

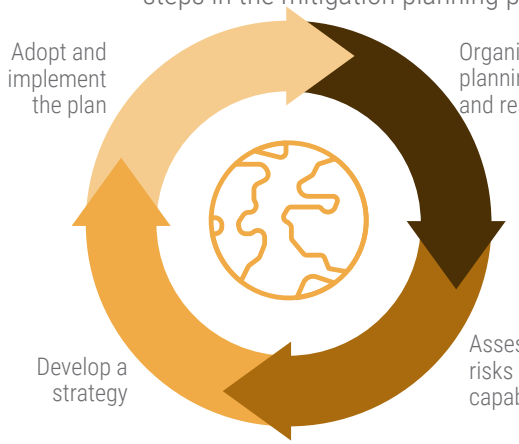
Reduce natural hazard impacts through compliance with Federal Emergency Management Agency (FEMA) regulations and by targeting repetitive flood loss and vulnerable properties for mitigation.

Policies:

- **COA I.B.1:Minimum Flood Elevations**
  The Village's Land Development Regulations shall incentivize exceeding all minimum required flood elevations under Florida Building Code (FBC) in the best interest of public health, safety, and welfare of the residents of Palmetto Bay.
- **COA I.B.2: Protect Shorelines**
  The Village shall minimize the disturbance of natural shorelines that provide stabilization and buffer landward areas from storm impacts.
- **COA I.B.3: National Flood Insurance Program**
  The Village will participate in the FEMA's National Flood Insurance Program (NFIP), and the Community Rating System pursuant to F.S. 163.3178(2)(f)(6). The Village will maintain all flood risk records consistent with the Federal Insurance Administration's listing of community selection factors for assistance in purchasing properties under Section 1362 of the National Flood Insurance Act.
- **COA I.B.4: Community Rating System**
  The Village shall provide annual funding to maintain and enhance the Community Rating System to assist in reducing flood insurance rates for residents.
- **COA I.B.5: Repetitive Loss**
  The Village shall maintain records consistent with the Federal Insurance Administration's listing of community selection factors for assistance in purchasing properties under Section 1362 of the National Flood Insurance Act.
- **COA I.B.6: Elevation Certificates**
  Surveyors shall submit FEMA elevation certificates for all new buildings within the Village to Miami-Dade County and the Florida Division of Emergency Management, pursuant to F.S. 427.0366.
- **COA I.B.7: CRS Reduction**
  Continue to pursue reduction in National Flood Insurance Program (NFIP) Community Rating System class, instituting more stringent floodplain management criteria and further increasing the percent reduction to residents' insurance premiums.
- **COA I.B.8: Review Protocol**
  The Village will create a risk-based review protocol for new development or redevelopment withing the CHHA and FEMA floodplains in order to account for the impacts of future estimates by NOAA on climate change, sea level rise, storm surge modeling, king tides and more frequent weather related flooding.

Having a Plan Helps:

Hazard mitigation planning reduces loss of life and property by minimizing the impact of disasters. There are four core steps in the mitigation planning process:



Hazard Mitigation Planning Process, FEMA, 2021

II Coastal High Hazard Area (CHHA)

Protect human life and limit public expenditures that subsidize private development within the CHHA, as defined in F.S.163.3178(2)(h).

Objective A:

The Village will discourage additional development or density within the Coastal High Hazard Area (CHHA) and FEMA flood zones in order to limit future loses and protect existing and future residents from extreme weather events.

Policies:

- **COA II.A.1: Determination of Coastal High Hazard Area**

  The Village of Palmetto Bay recognizes that the boundaries of its Coastal High Hazard Area (CHHA) shall be the area below the elevation of the Category 2 storm surge as calculated by South Florida Storm Surge Model known as the SLOSH model. The Village of Palmetto Bay CHHA boundary is derived from the Florida Statewide Regional Evacuation Study.

- **COA II.A.2: Protect Coastal Areas**

  The Village shall further protect coastal areas by studying areas contiguous to the CHHA for rezoning to conservation or parks land use.

- **COA II.A.3: Reduce Flood Risks**

  Consistent with F.S. 163.3178 (2)(f)(1), the Village will utilize best practices and update land development techniques to reduce flood risks in coastal areas from currently designated flood zones established by Federal Emergency Management Agency (FEMA).

- **COA II.A.4: Preserve Low Density**

  The Village shall ensure that existing low density residential development within the CHHA will remain consistent with the Low-Density Future Land Use category and reduce impacts of flooding, sea level rise and storm surge.



- **COA II.A.5: Transfer of Development Rights**

  The Village shall consider techniques that discourage additional development within the CHHA. The Village will evaluate strategies and techniques, such as the Transfer of Development Rights, to reduce the potential impacts.

- **COA II.A.6: State Standards**

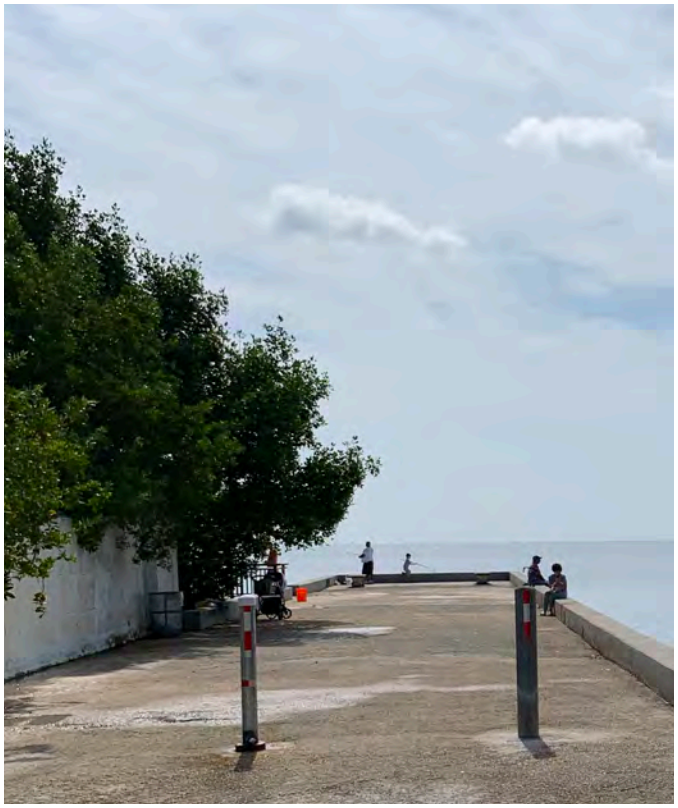
  Protect public investments in areas vulnerable to natural disasters by constructing improvements in accordance with standards maintained by the Florida Department of Environmental Protection (FDEP).

- **COA II.A.7: Coastal Construction Control Line**

  Pursuant to F.S. 161.053, the Village will require that all construction activities within the Coastal Construction Control Line be consistent with State and Federal laws.

- **COA II.A.8: Floodplain Management**

  Consistent with F.S. 163.3178(2)(f)(4), the Village will require the enforcement of flood resistant construction requirements consistent with, the Florida Building Code and applicable Federal floodplain management regulations set forth in 44 C.F.R, part 60.



- **COA II.A.9: Reduce Hurricane Evacuation Clearance Time**

  Consistent with F.S. 163.3178(8)(a), the Village will maintain or reduce the maximum hurricane evacuation clearance time of 10.0 hours for the Hurricane Vulnerability Area (HVA) measured using the methodology assumed in the South Florida Regional Planning Council "Hurricane Evacuation Study." To this end, no comprehensive plan amendments or development applications shall be approved that increase densities or intensities beyond those depicted on the Future Land Use Map. A 12-hour evacuation time to shelter shall be maintained for a Category 5 storm event as measured on the Saffir-Simpson scale and provide shelter space reasonably expected to accommodate expected needs.

- **COA II.A.10: Evaluate Hurricane Evacuation Impacts**

  In accordance with F.S. 163.3178 (8)(a), all amendments to this Comprehensive Plan and/or applications for development review within the CHHA shall be evaluated for impacts to evacuation routes, times and off-site sheltering capacities. If the evaluation indicates inadequate capacity, mitigation activities will need to be identified, built, or proffered to be accepted through a developer agreement to satisfy the generated demand.

- **COA II.A.11: Establish Resilience Review Protocols**

  The Village will consider the impacts of climate change, sea level rise, storm surge, king tides and flooding on all new and redevelopment within the CHHA and adjacent properties through the development of a risk-based review protocol.

- **COA II.A.12: Preserve Historical Resources**

  All Nationally designated historical resources shall follow all requirements and recommendations of the Department of Interior Guidance for Historical Resources for the retention, rehabilitation, and protection of designated historic, cultural, and archaeological resources. The Village will ensure that proposed developments and redevelopment activities eliminate or mitigate any adverse impacts to any Federal, State, or locally designated historic, cultural and archaeological resources, pursuant to F.S. 3177 (6)(g)(9).

- **COA II.A.13: Pervious Areas**

  The Village will encourage the use of pervious materials for landscaping, patios, and driveways and other green building techniques to reduce stormwater runoff and mitigate flooding.

Objective B:

Limit new infrastructure in the Coastal High Hazard Area (CHHA) and focus new public infrastructure in designated redevelopment areas and ensure that infrastructure is designed to mitigate against flooding, sea level rise and storm surge, while minimizing degradation of and harmful impacts to the public and natural environment.

Policies:

- **COA II.B.1: Infrastructure within the CHHA**
  The Village will ensure that infrastructure that enhances coastal resource preservation, community safety, and safe evacuation area is allowed.
  - Notwithstanding the provisions under Policy COA II.B.3, expenditures for flood control, natural resource enhancements, or the maintenance of existing utilities and services, including fire and recreation, shall be permitted in the CHHA.
  - Infrastructure improvements related to wetland restoration, flood mitigation or improved government facilities and projects within the CHHA shall be identified and phased in accordance with the Capital Improvements Element, as adopted and amended.
- **COA II.B.2: Focus Infrastructure Improvements**
  Infrastructure investments and improvements shall be diverted from the CHHA to be focused in support of development and economic activity along the US-1 corridor.
- **COA II.B.3: Privately-owned Facilities**
  The Village will not accept operation and maintenance responsibility for private roads or facilities located within the CHHA.
- **COA II.B.4: Public Facilities**
  Public facilities that must be located in the CHAA shall be constructed to take into account future flood events, sea level rise, and increased severe weather frequency to protect the public's investment and ensure reliability of critical infrastructure investments. Infrastructure improvements focused on coastal storm mitigation, regional wetland restoration and similar efforts are allowed in the CHAA.
- **COA II.B.5: Stormwater Master Plan Consistency**
  The Village continues to reduce its CRS rating and invest in innovative green infrastructure, guiding development away from at risk areas, and exceeding all federal, state, and local stormwater quantity and quality standards to protect our residents.
- **COA II.B.6: Preserve Estuaries**
  Consistent with F.S.3178(2)(c), the Village will protect and preserve the estuarine ecosystems including those located adjacent or downstream from local canals, drainage basins and coastal areas that outfall to Biscayne Bay.
- **COA II.B.7: Pollution Discharges**
  The Village will control point sources and non-point sources, and the implementation of projects and programs in the National Pollution Discharge Elimination System (NPDES) to reduce water pollution.
- **COA II.B.8: Nature Based Solutions**
  The Village will employ nature-based stormwater solutions when applicable and encourage thru LDR, incentives, or coordination with private sector on new or redevelopment sites within the CHHA. The village will develop a library of nature-based solution resources for applicant considerations.

Objective C:

Direct Population concentrations away from the Coastal High Hazard Area (CHHA) and FEMA floodplain areas, by directing new growth towards US-1 and limiting densities and intensities in existing Low Density Future Land Use designations.

Policies:

- **COA II.C.1: Direct Smart Growth**
  The Village shall direct additional population concentrations away from the known or predicted Coastal High Hazard Area (CHHA) as defined in F.S. 163.3178 (2) (h) by not locating infrastructure beyond that which is necessary to service development potential depicted on the Future Land Use Map.

- **COA II.C.2:**
  Maintain Low Density Residential Land Use
  The Village will not increase densities or intensities in the CHHA beyond those depicted on the Future Land Use Map.

- **COA II.C.3: Infrastructure Upgrades**
  Infrastructure such as water, gas, sewer new connections and upgrades to services provided shall be prioritized outside of the CHHA.

- **COA II.C.4: Update Requirements**
  The Village will update requirements in the LDR that support new infrastructure for new development or redevelopment within the CHHA be consistent with the Stormwater Master Plan and consider current and future NOAA and FEMA flooding estimates and at-risk areas as identified in the VA.





III Emergency Management, Post Disaster Redevelopment, and Hazard Mitigation

The Village will collaborate with the Miami-Dade County Office of Emergency Management (OEM) and state hurricane evacuation models to minimize hurricane evacuation times and ensure adequate storm shelter capacity for residents during mandatory evacuation orders.

Objective A: Post Disaster Redevelopment and Hazard Mitigation

The Village will assist federal, state and local FEMA/OEM in the development and implementation of hazard-mitigation, post-disaster relief and re-establishment of services with an emphasis on reducing or eliminating exposure of life and property to natural hazards protecting the health, safety, and welfare of our residents.

Policies:

- **COA III.A.1: Coordinate Data**
  The Village will coordinate with public emergency management agencies for inclusion of local data into the most current Comprehensive Emergency Management Plan (CEMP). The Village will continue to participate in regular coordination meetings of local and regional evacuation planning professionals and maintain a liaison with the Miami-Dade County Emergency Operations Center during a state of emergency to participate in the County's administration through the State of Florida emergency warning system.

- **COA III.A.2: Identify Vulnerable Populations**
  The Village will coordinate with officials for the Miami-Dade County OEM to identify "Persons with Special Needs" and inform these individuals of evacuation transportation and shelter services that may be available to them.

- **COA III.A.3: Inform the Public**
  The Village will actively disseminate public education information developed by the Miami-Dade County OEM prior to the hurricane season to notify households of their flood risk and storm risk necessary to evacuate and seek safe shelter in the event of a hurricane. The public education program will also be used to convey emergency preparedness information.

- **COA III.A.4: Maintain Timely Evacuations**
  The Village shall maintain an efficient and timely evacuation process in accordance with Rules 9G-6 and 9G-7 of the Florida Administrative Code.

- **COA III.A.5: Improve Evacuation Routes**
  The Village will work with public agencies to improve Vulnerability Assessment recommendations and improve signage, information and availability of public transportation systems and services.

- **COA III.A.6: Coordinate Damage Assessments**
  The Village will cooperate with FEMA/OEM to coordinate immediate damage assessments and assistance distribution from other federal, state, regional, and local governmental agencies.

- **COA III.A.7: Enforce Hazard Mitigation Plans**
  The Village shall enforce applicable recommendations of post disaster hazard mitigation plans required under Section 405 of the Federal Disaster Relief Act of 1974.

Objective B: Long-term Post Disaster Redevelopment and Hazard Mitigation

Post Disaster Redevelopment and Hazard Mitigation Plans ensure that redevelopment is consistent with state and county requirements to protect the health, safety and welfare of the village's residents.

Policies:

- **COA III.B.1: Redevelopment Standards**
  Long-term redevelopment following a major storm events shall exceed all FEMA, CHAA, stormwater quality and quality, the most recent Florida Building Code and be conducted in accordance with standards maintained by the Florida Department of Environmental Protection. All historic properties shall follow the Secretary of the Interior standards for historic resources redevelopment criterial, flood risk, and reviews of architectural standards.
- **COA III.B.2: Eliminate Unsafe Conditions**
  As opportunities arise, eliminate unsafe conditions, inappropriate uses and redevelopment in the Coastal High Hazard Area (CHHA) in accordance with recommendations in the post-disaster redevelopment plan.
- **COA III.B.3: Village Floodplain Management Regulations**
  If rebuilt, renovated or expanded structures with damage exceeding forty-nine percent (49%) of pre-storm market value shall be constructed to ensure compliance with the most current version of the Florida Building Code. Any expansions shall automatically meet all current local, state and federal standards.
- **COA III.B.4: Repeated Damage Assessment**
  During post-disaster redevelopment, structures that suffer repeated damage to pilings, foundations, or load bearing walls shall be required to rebuild landward of their present location and/or be structurally modified, elevated or flood proof mitigation to meet current flood criteria, elevations, and building code standards. Areas that have sustained repetitive insurance claims due to flooding, storm surge, building technology or other factors that could be mitigated must be considered for resiliency upgrades or acquisition in accordance with F.S. 163.3177(6)(g)(10)
- **COA III.B.5: Emergency Temporary Building Moratoriums**
  A temporary building moratorium may be issued following a significant storm event that impacts over fifty percent (50%) of the homes and businesses are deemed destroyed in order to assess impacts and options for largescale redevelopment.
- **COA III.B.6: Infrastructure Replacement**
  Critical infrastructure located in the CHHA that is damaged or needs to be replaced shall be replaced, upgraded, elevated, flood proof or moved inland outside of the CHHA taking into consideration long-term sea-level rise, greater frequency storm impacts and larger flood events due the effects of global warming as produced by NOAA.
- **COA III.B.7: Implement Upgrades**
  The Village will Incorporate the results of the Vulnerability Assessment and Resilience Action Plan into the Hazard Mitigation Plan to reflect at-risk communities and assets and to implement recommended adaptation strategies. Large capital projects will be included into the CIP 5-year plan.
- **COA III.B.8: Resilience Action Plan**
  The Village will develop, maintain, and implement a Resilience Action Plan (RAP) to include a Vulnerability Assessment (VA), Adaptation Strategies, and Adaptation Action Areas (AAA).
- **COA III.B.9: Pursue Additional Funding**
  The Village will pursue additional funding options for the recommended projects from the RAP to adapt the Village's critical assets and mitigate the impacts from Climate Change. As funding becomes available, include the projects in the Village's Capital Improvement Plan (CIP).

IV Public Access to the Shoreline

Consistent with F.S. 163.3178(2)(g), the Village shall continue to maintain and preserve the amount of shoreline devoted to public accessible uses and promote water-based tourism and recreational activities.

Objective A: Access to the Shoreline

The Village will look for ways to encourage access agreements and maintain existing coastal public access along the shorelines, including canals, to promote non-motorized water-based recreational activities.

Policies:

- **COA IV.A.1: Protect the Natural Environment**
  The Village shall ensure that new and existing public access locations to our shorelines do not degrade or endanger the natural environment.

- **COA IV.A.2: Maintain Existing Facilities**
  The Village shall encourage maintenance of existing recreational access locations along its shorelines.

- **COA IV.A.3: Prioritize Non-motorized Recreation**
  The Village will continue to place a high priority on promoting non-motorized water-based recreational activities.

- **COA IV.A.4: Incentivize Parks Access**
  The Village will establish standards within the Land Development Regulations that incentivize the connectivity of blue ways to parks for water-related recreational activities.

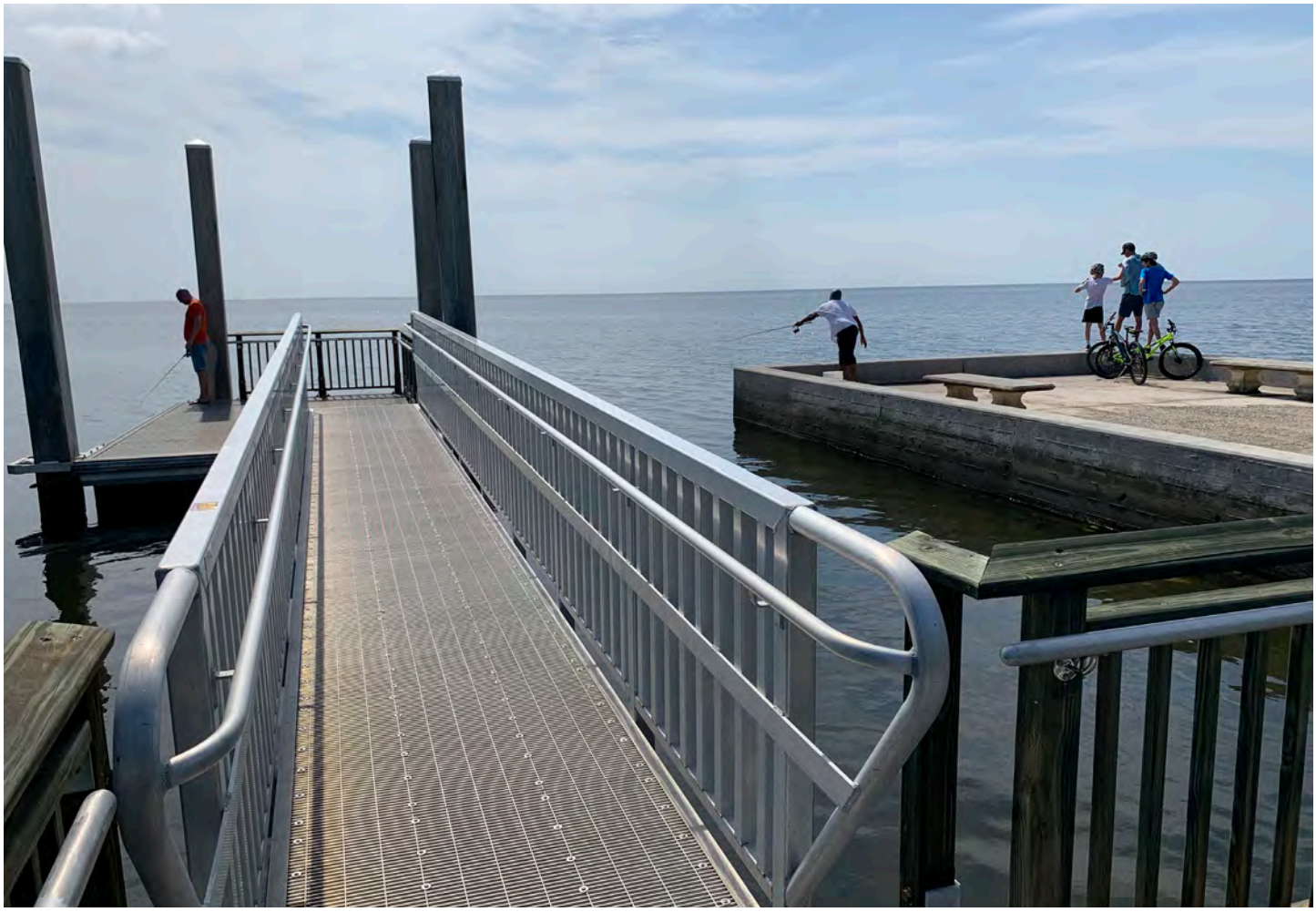


Objective B:
Identify Opportunities to Acquire Additional Waterfront Properties

Policies:

- **COA IV.B.1: Waterfront Acquisition**
  The Village will continue to place a high priority on the acquisition of unprotected coastal lands, shorelines, and waterfront land for use as parks and wildlife preserves that provide public access for residents and visitors alike to the shorelines.

- **COA IV.B.2: Conservation Acquisition**
  Consistent with F.S. 163.3178(7), the Village shall coordinate with Miami-Dade County EEL, Florida Forever, ACOE Back Bay Study, FDEP Parks land acquisition and other potential sources of funding to identify, acquire, and build additional public parks or preserves and provide public access to private commercial or mixed-use waterfront properties.



Implementation Snapshot

Develop, maintain, and implement a Resilience Action Plan (RAP) to include a Vulnerability Assessment (VA), Adaptation Strategies, and Adaptation Action Areas (AAA)

The Village of Palmetto Bay's VA and RAP shall be updated every five years, consistent with Section 380.093 F.S.

Require state funded construction projects that are considered "at-risk due to sea level rise" per the statutory definition, to conduct a Sea Level Impact Projection (SLIP) Study consistent with Section 380.0937 F.S. Require the implementation of alternative design solutions to reduce the risk of property and human lives from flooding, sea level rise, storm surge, and high-tide events.

Consistent with Section 3178(2)(c) F.S., protect and preserve the estuarine ecosystem and water quality of the Village's coastal area and Biscayne Bay through the control of stormwater runoff from point sources and non-point sources, and the implementation of projects and programs in the National Pollution Discharge Elimination System (NPDES) to reduce water pollution.



The Village will provide land use, population, and infrastructure data, to the Miami-Dade County OEM for inclusion in the most current Comprehensive Emergency Management Plan (CEMP).

The Village will Incorporate the results of the VA and RAP into the Hazard Mitigation Plan to reflect at-risk communities and assets and to implement recommended adaptation strategies.

Establish standards within the Land Development Regulations that incentivize the creation of future public access locations for water-related recreational activities.





ELEMENT 3

Future Land Use (FLU)

The Future Land Use Element's (FLU) purpose is to guide predictable, socially responsible development that improves the quality of life for the Village's residents.

Florida Statute states that the Future Land Use element and any amendment to the future land uses that are graphically shown on the 2043 Future Land Use Map (FLUM) provides a 20-year planning horizon and ensures that the Village continues to grow in a manner consistent with its Vision and Mission to enhance the community's quality of life and preserve the Village's character.

This element is divided into five themes:



Future Land Uses

The Village shall establish and maintain Future Land Uses that enable sustainable, predictable, and efficient infill growth within the Village.



SMART GROWTH PATTERNS

The Village shall guide patterns of land uses through smart growth principles in order to retain the Village's unique sense of place, high quality of life, and sustainability.



Implement and Monitor the FLUM

The Village shall implement and Monitor the FLUM, considering all Elements of this Comprehensive Plan.



Regulate Village Design

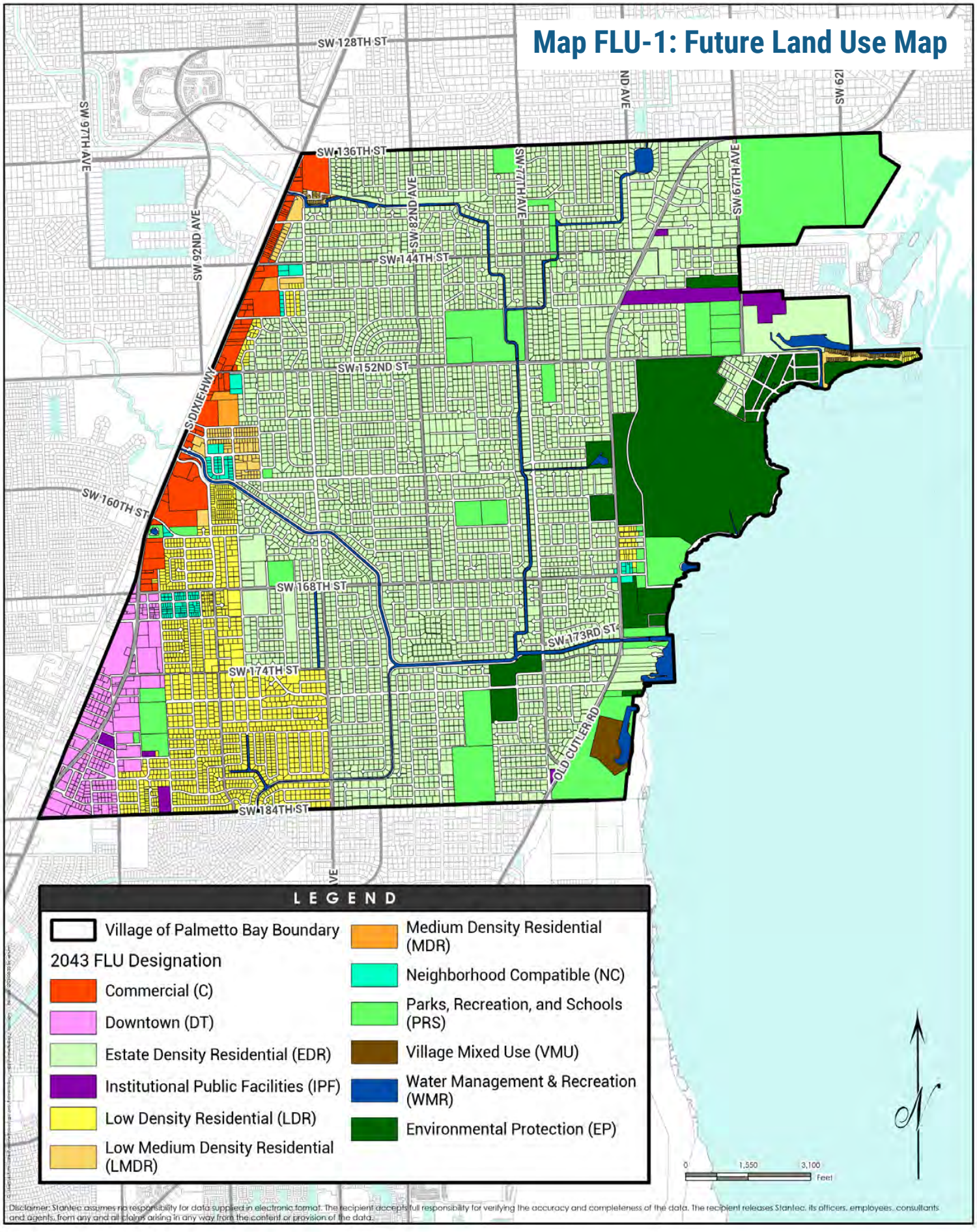
The Village shall encourage architectural design that protects the Village's unique sense of place and create identifiable neighborhoods.



Implement Regulations through the Land Development Regulations (LDR)

The Village shall implement this Comprehensive Plan through the LDR (a.k.a. Zoning Code) which shall provide clear and concise regulations for implementing the Village's future vision.

Map FLU-1: Future Land Use Map



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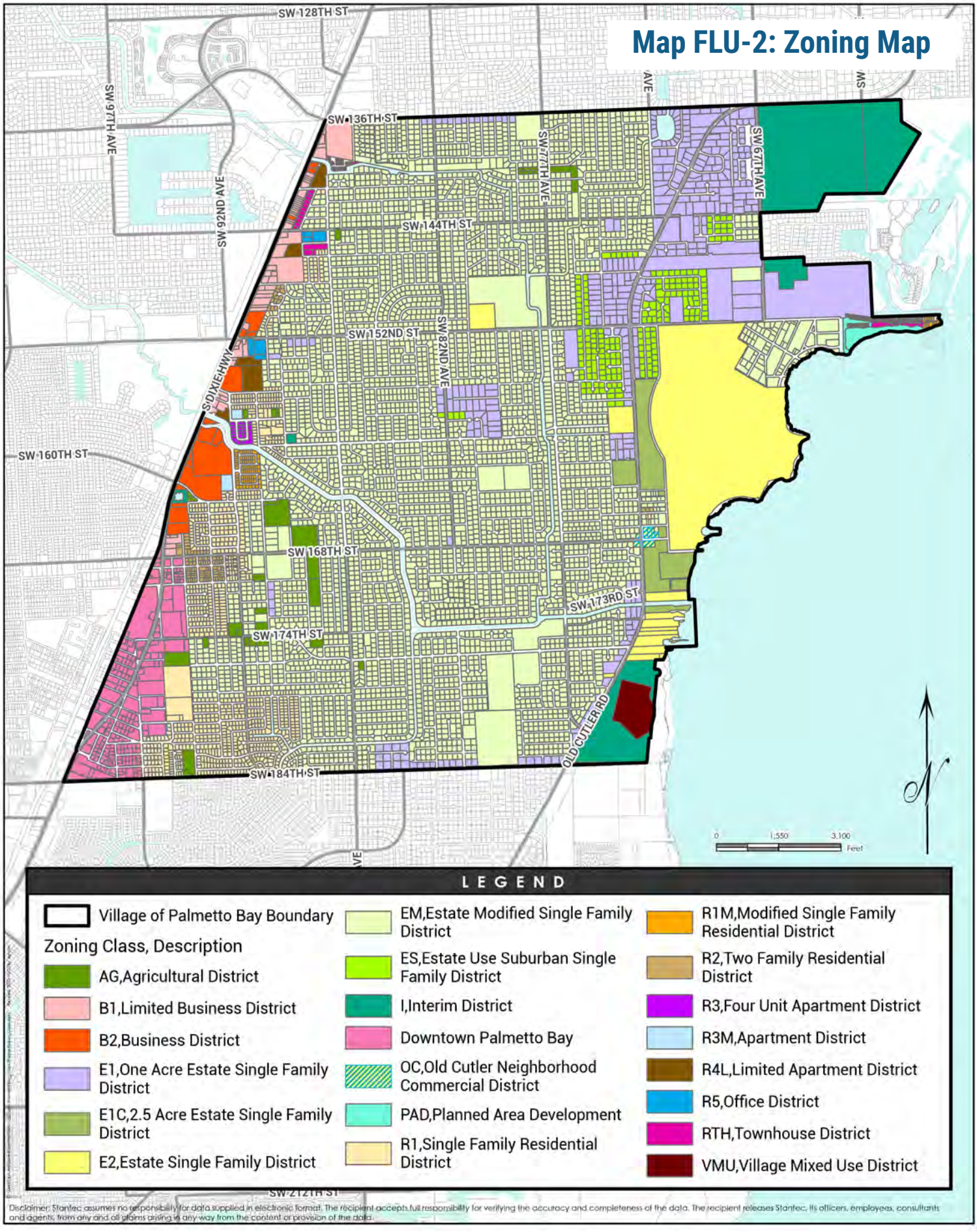
Map FLU-2: Zoning Map



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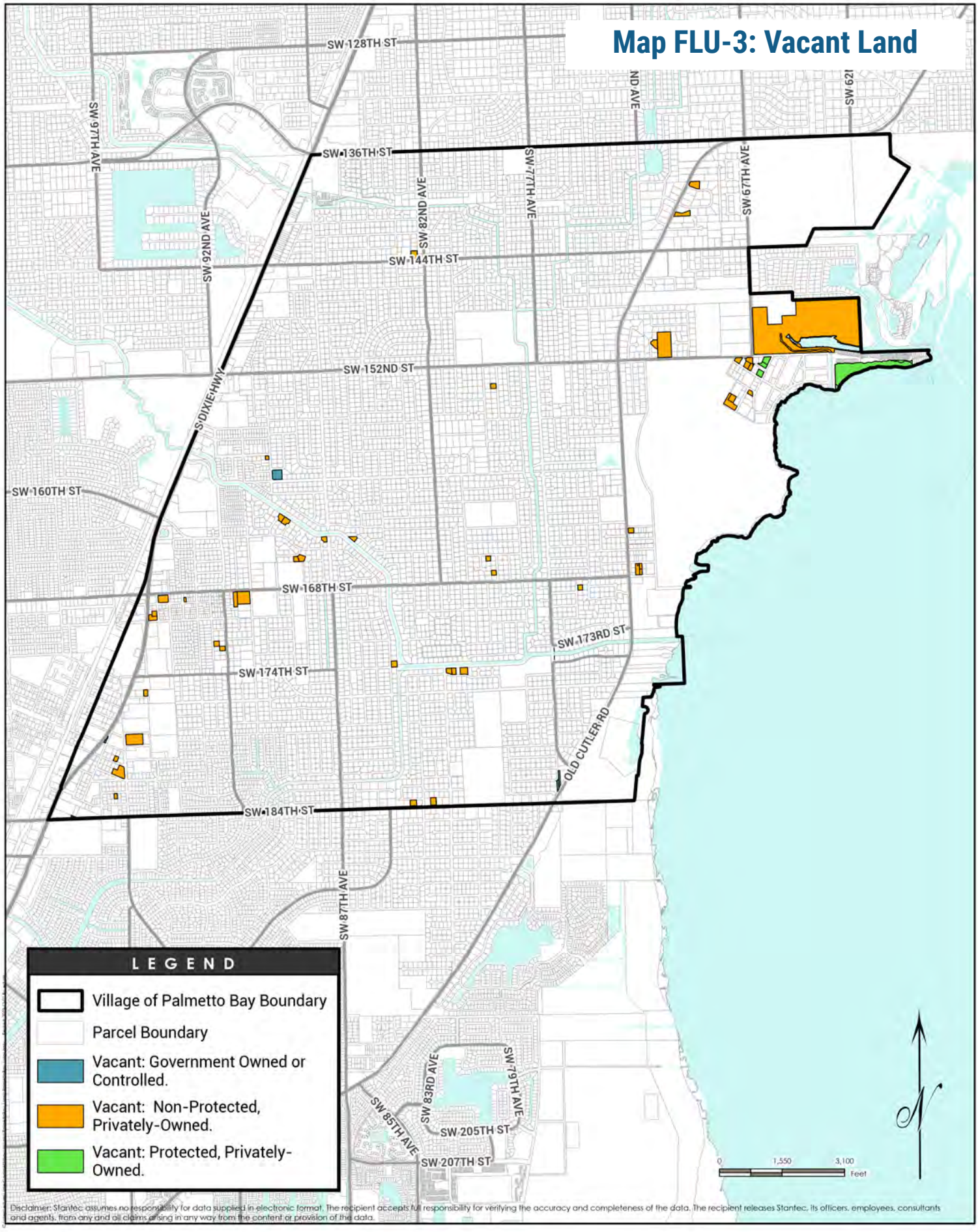
Map FLU-3: Vacant Land



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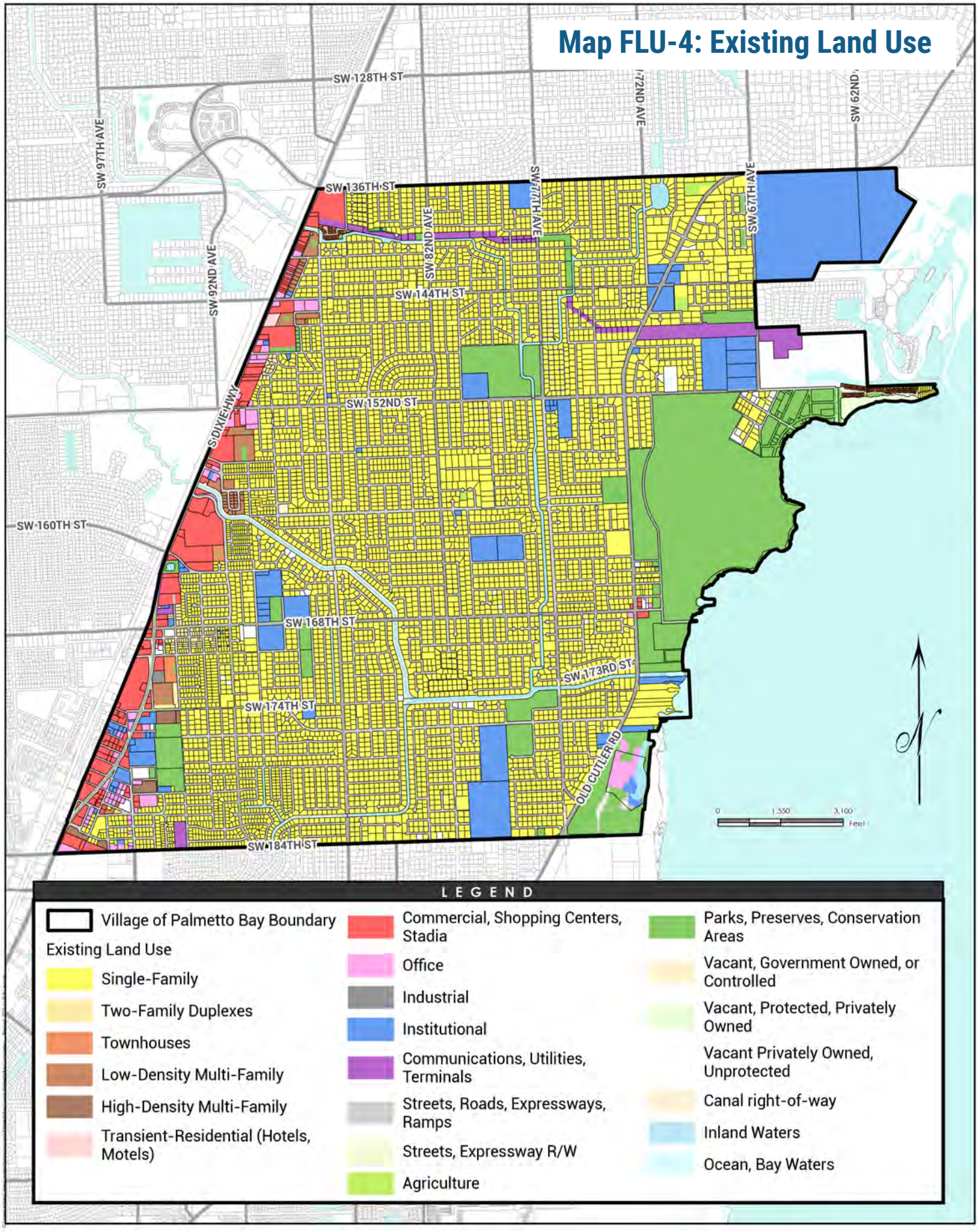
Map FLU-4: Existing Land Use



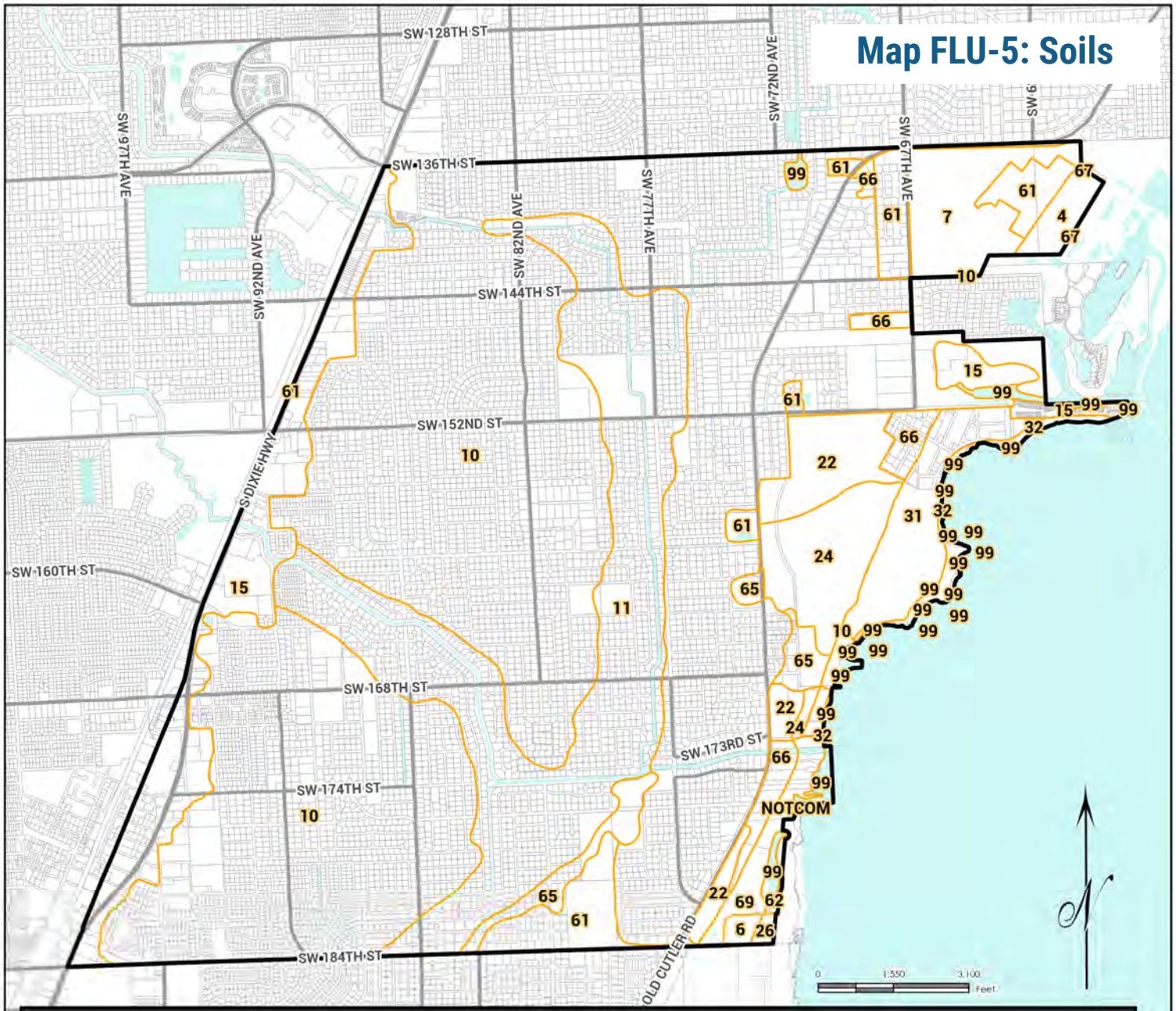
LEGEND

- Village of Palmetto Bay Boundary

Existing Land Use

- Single-Family
- Two-Family Duplexes
- Townhouses
- Low-Density Multi-Family
- High-Density Multi-Family
- Transient-Residential (Hotels, Motels)
- Commercial, Shopping Centers, Stadia
- Office
- Industrial
- Institutional
- Communications, Utilities, Terminals
- Streets, Roads, Expressways, Ramps
- Streets, Expressway R/W
- Agriculture
- Parks, Preserves, Conservation Areas
- Vacant, Government Owned, or Controlled
- Vacant, Protected, Privately Owned
- Vacant Privately Owned, Unprotected
- Canal right-of-way
- Inland Waters
- Ocean, Bay Waters

Map FLU-5: Soils



LEGEND

- Village of Palmetto Bay Boundary

MUSYM,MUDESC

- 10,Udorthents, limestone substratum-Urban land complex, 0 to 2 percent slopes
- 11,Udorthents, marl substratum-Urban land complex, 0 to 2 percent slopes
- 15,Urban land, 0 to 2 percent slopes
- 22,Opalocka sand-Rock outcrop complex, 0 to 2 percent slopes
- 24,Matecumbe muck, 0 to 1 percent slopes, frequently flooded
- 26,Lignumvitae marly silt loam, tidal, 0 to 1 percent slopes
- 31,Trout Cove marly silt loam, tidal, 0 to 1 percent slopes
- 32,Keylargo muck, tidal, 0 to 1 percent slopes
- 4,Pennsuco marly silt loam, drained, 0 to 1 percent slopes
- 6,Perrine marly silt loam, drained, 0 to 1 percent slopes
- 61,Krome very gravelly marly loam-Urban land complex, 0 to 2 percent slopes
- 62,Lignumvitae marly silt loam, tidal-Urban land complex, 0 to 1 percent slopes
- 65,Gator Lake muck, ponded-Urban land complex, 0 to 1 percent slopes
- 66,Opalocka sand-Rock outcrop-Urban land complex, 0 to 2 percent slopes
- 67,Pennsuco marly silt loam, drained-Urban land complex, 0 to 1 percent slopes
- 69,Perrine marly silt loam, drained-Urban land complex, 0 to 1 percent slopes
- 7,Krome very gravelly marly loam, 0 to 2 percent slopes
- 99,Water
- NOTCOM,No Digital Data Available

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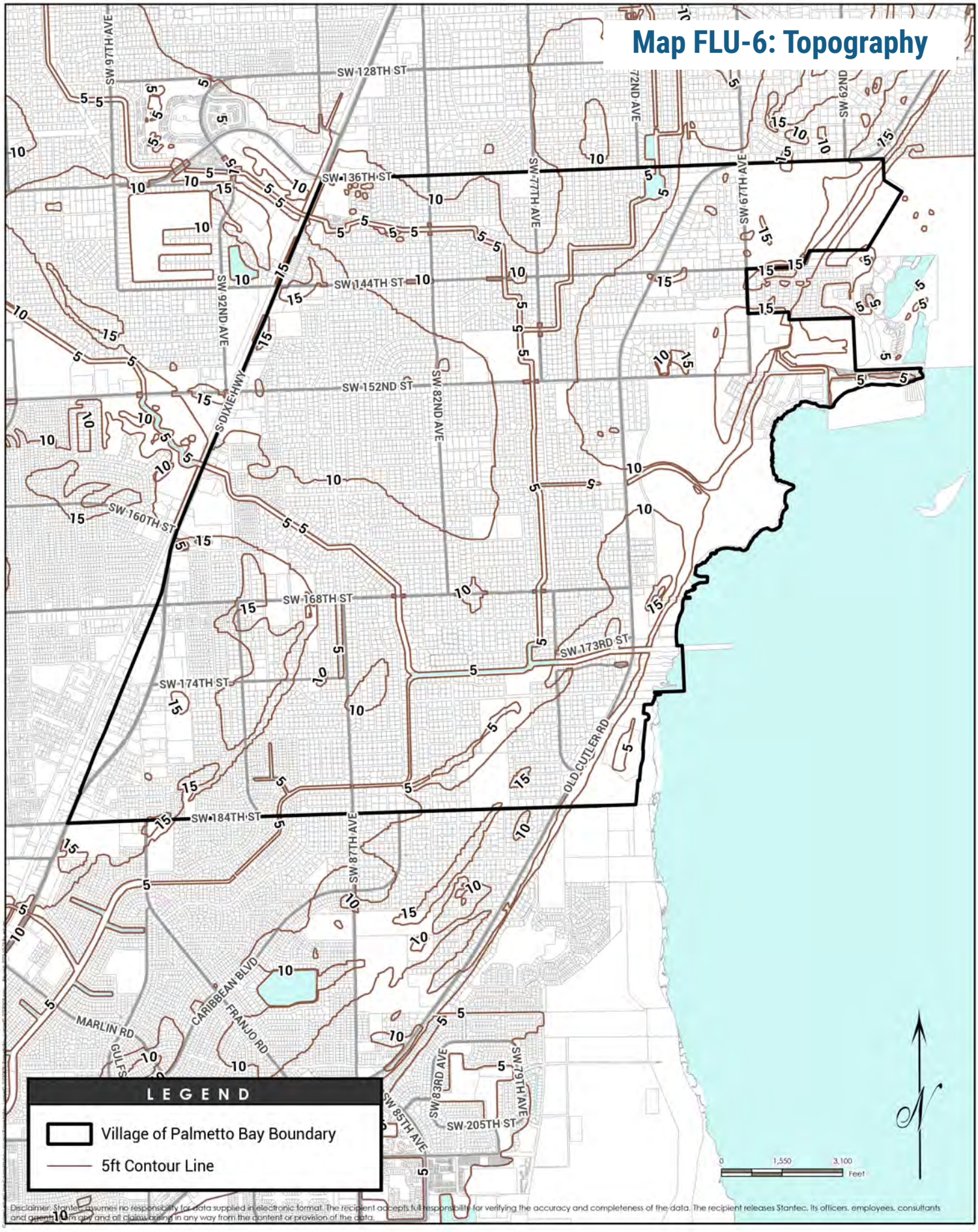
Map FLU-6: Topography



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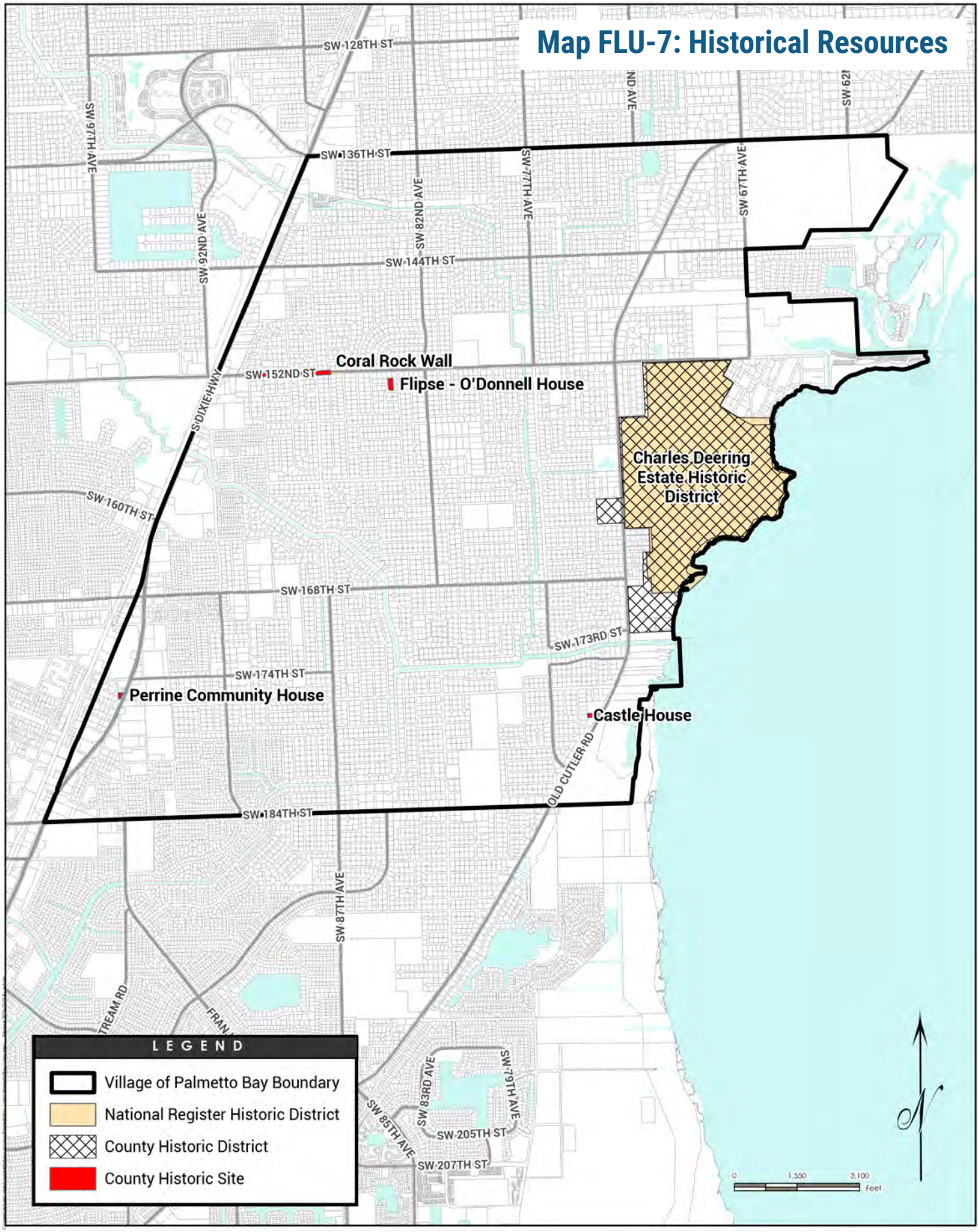
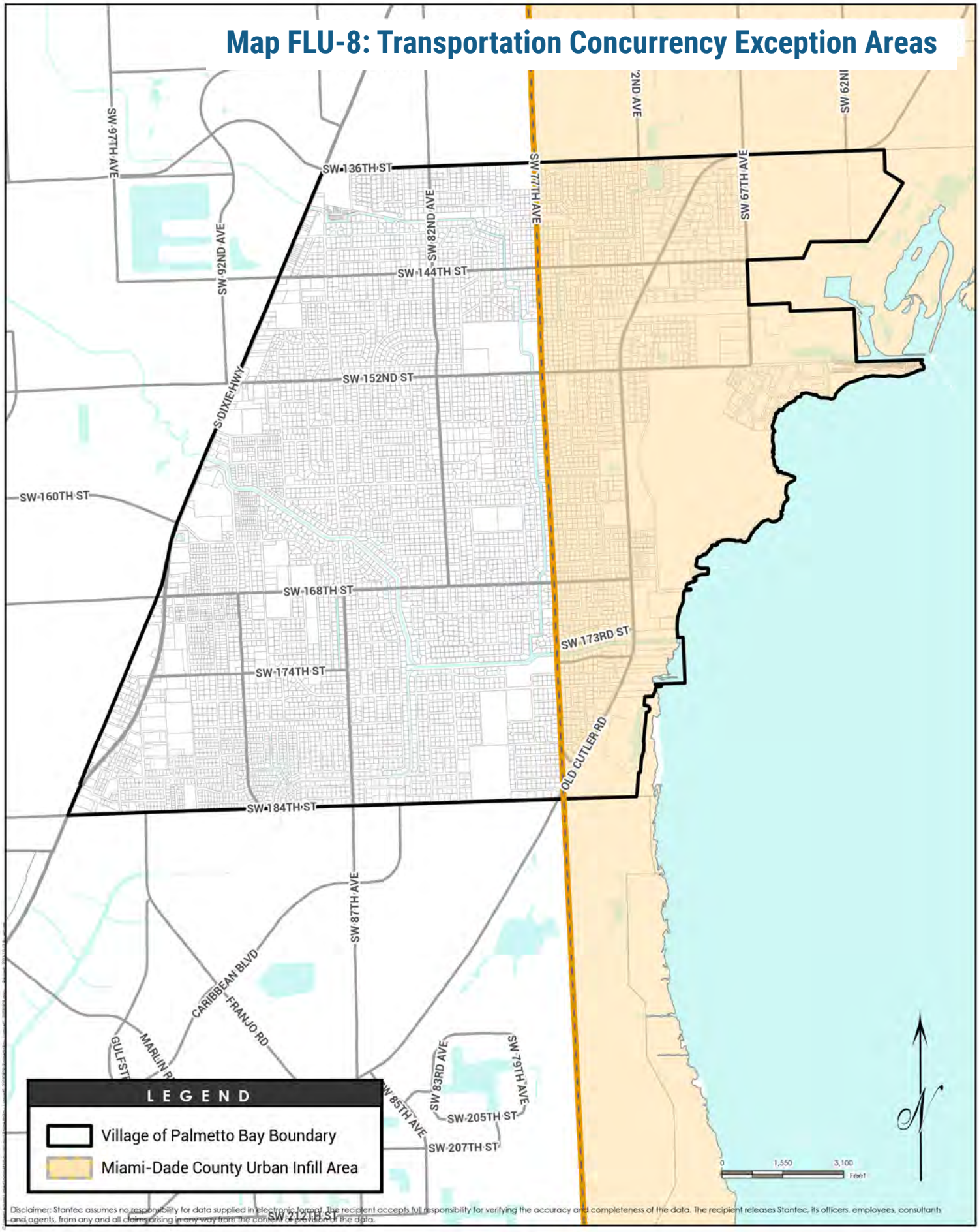

Map FLU-7: Historical Resources
SW 128TH ST
SW 136TH ST
SW 144TH ST
SW 152ND ST
SW 160TH ST
SW 168TH ST
SW 173RD ST
SW 174TH ST
SW 184TH ST
SW 207TH ST
SW 97TH AVE
SW 92ND AVE
SW 82ND AVE
SW 77TH AVE
SW 67TH AVE
SW 87TH AVE
SW 83RD AVE
SW 85TH AVE
SW 79TH AVE
S DIXIE HWY
OLD CUTLER RD
Coral Rock Wall
Flipse - O'Donnell House
Charles Deering Estate Historic District
Perrine Community House
Castle House
LEGEND
Village of Palmetto Bay Boundary
National Register Historic District
County Historic District
County Historic Site
0
1,550
3,100
Feet

Map FLU-8: Transportation Concurrency Exception Areas



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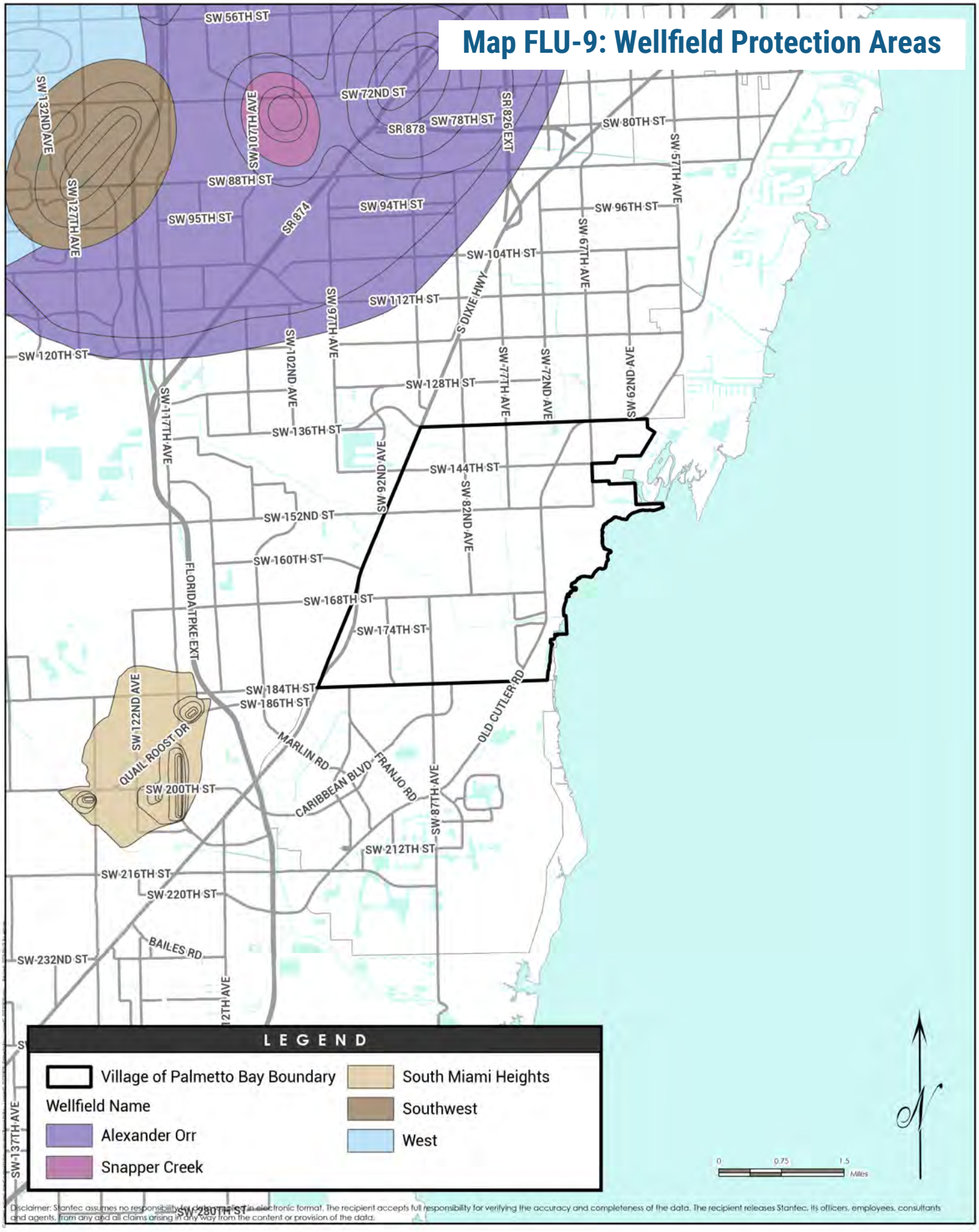
Map FLU-9: Wellfield Protection Areas



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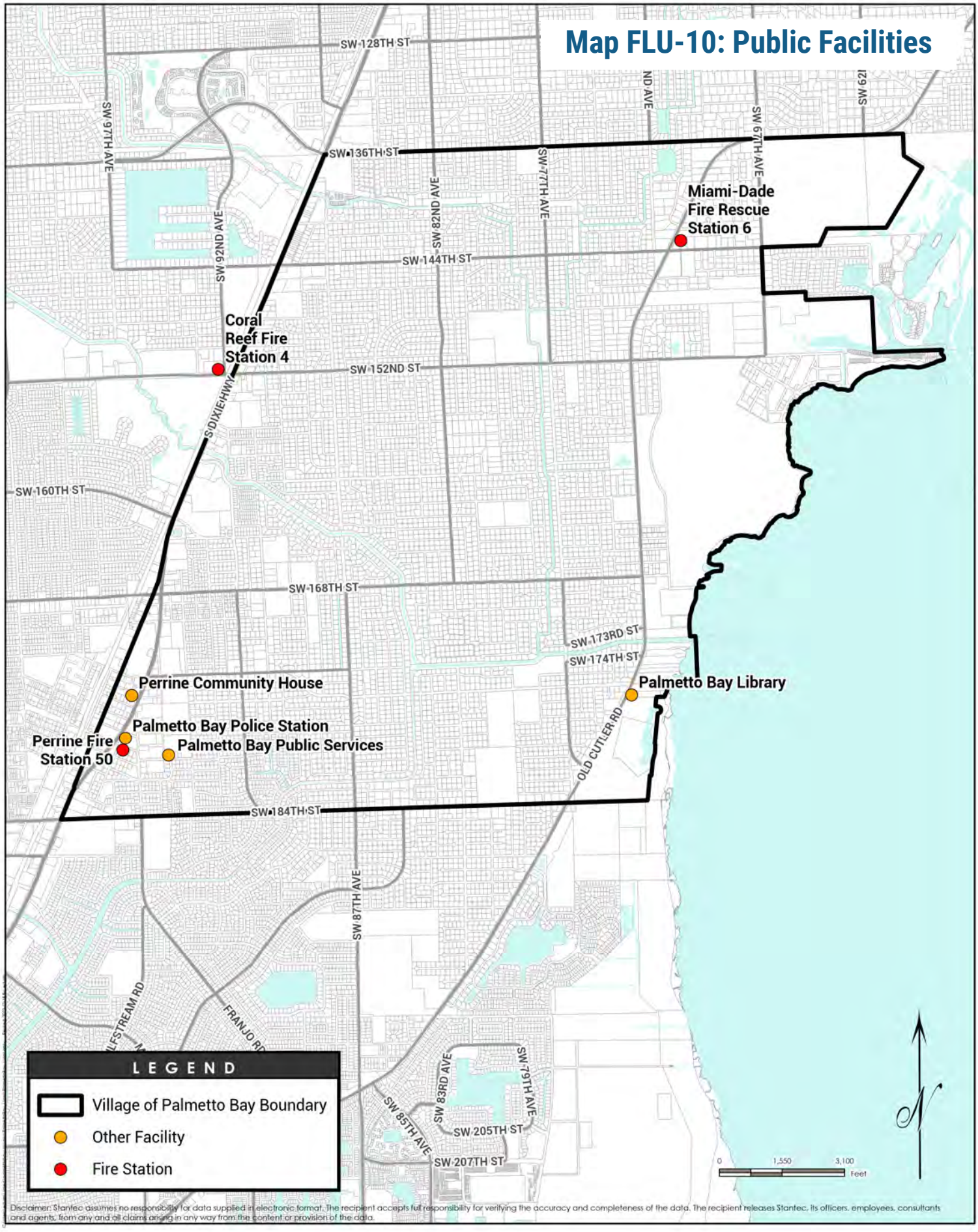
Map FLU-10: Public Facilities



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Establish Future Land Uses

The Village shall establish and maintain Future Land Uses that enable sustainable, predictable, and efficient infill growth within the Village.

Objective A: Protect Sense of Place

The Village shall establish and maintain Future Land Use categories that protect the Village's existing high quality of life and sense of place.

Policies:

- **FLU I.A.1: Density**

  Residential development shall be limited by density, measured as allowable dwelling units per gross acre (DUA), per FS 163.3177(6)(a). All residential densities stipulate the maximum densities permitted for development on the land, however, the maximum density is not guaranteed by right once all regulations are applied to the site.

- **FLU I.A.2: Intensity**

  Non-residential development shall be limited by intensity, measured by height, square footage, or as Floor Area Ratio (FAR), whichever is less. All non-residential intensities stipulate the maximum intensities permitted for development on the land however, the maximum intensity is not guaranteed by right once all regulations are applied to the site.

- **FLU I.A.3: Future Land Use Map (FLUM)**

  The Village shall establish and maintain Future Land Use categories. These categories shall be used to designate lands on the FLUM in order to accommodate, at a minimum, the projected residential population growth based on medium projections through the 20-year planning period as required by Florida Statutes 163.3177(1)(f)(3).



Objective B: Establish Residential Future Land Uses

The residential land use categories shall designate residential uses in successive density.

Policies:

- **FLU I.B.1: Estate Density Residential (EDR)**
  The residential densities allowed in the EDR category shall not exceed a maximum of 2.5 dwelling units per gross acre (DUA). The EDR category shall be comprised primarily of detached single-family homes on relatively large lots. Consistent with Policy 8B.1.2, the Village shall evaluate the appropriateness of allowing accessory Dwelling Units (ADUs) in this land use category (See Housing Element).

- **FLU I.B.2: Low Density Residential (LDR)**
  The residential densities allowed in the LDR category shall not exceed a maximum of 6 DUA. This category shall be comprised primarily of detached single-family housing and townhouses.

- **FLU I.B.3: Low-Medium Density Residential (LMDR)**
  The residential densities allowed in the LMDR category shall not exceed a maximum of 13 DUA. The LMDR category shall be comprised primarily of single-family homes, townhouses, and low-rise condominiums/ apartments.

- **FLU I.B.4: Medium Density Residential (MDR)**
  The residential densities allowed in the MDR category shall not exceed a maximum of 23 DUA. The MDR category shall be comprised primarily of townhouses, low-rise condominiums/apartments, and medium-rise condominiums/apartments, with ground floor retail allowed.

- **FLU I.B.5: Supporting Residential Utilities**
  The Land Development Regulations (LDR) shall allow small-scale public facilities and utilities intended to serve the immediate needs of a residential community to be permitted on compatible sites in all residential land use categories subject to adequate design and buffering.

Objective C: Establish Non-Residential and Mixed-Use Future Land Uses

The non-residential and mixed-use land use categories shall promote the efficient use of land in areas with adequate existing utilities to provide for economic development opportunities.

Policies:

- **FLU I.C.1: Commercial (C)**

  The non-residential intensity allowed in the Commercial category shall be 0.4 floor area ratio (FAR) for the 1st story plus 0.11 FAR for each additional story up to five (5) stories. The residential densities allowed shall not exceed a maximum of 24 DUA. The Commercial category shall be comprised primarily of commercial, general retail sales, office, storage, and restaurants and bars and may include hotels. Each hotel room shall be measured at 0.5 of a dwelling units per gross acre (DUA).

- **FLU I.C.2: Neighborhood Compatible (NC)**

  The NC is a category that may be utilized as a transition between commercial and residential land use districts and shall encourage neighborhood compatible development that fosters a community where one can work, live, and play and may include residential, business, office, residential, civic, and institutional uses. The non-residential intensity shall not exceed a maximum of 0.4 FAR for a 1-story building and 0.6 for a 2-story building while residential density shall not exceed a maximum of 13 DUA.







- **FLU I.C.3: Downtown (D)**

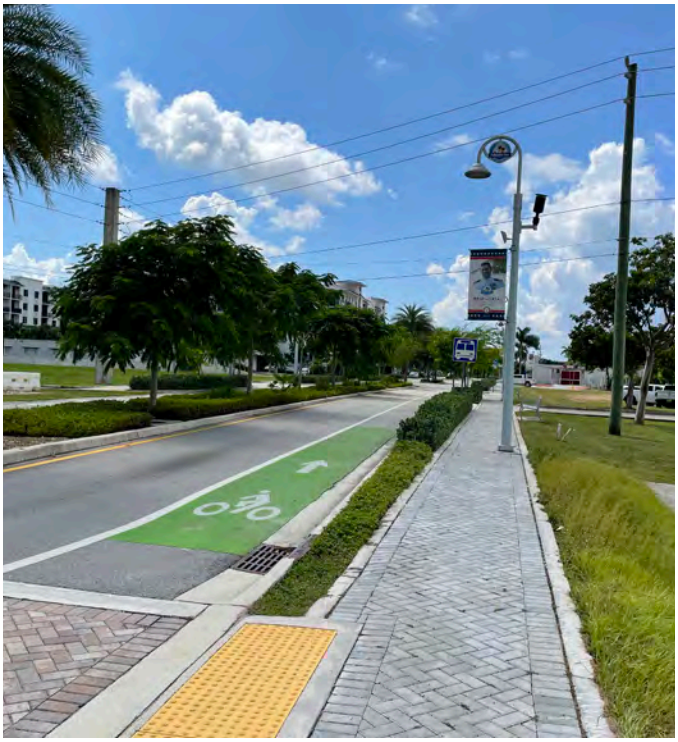
The Downtown category shall encourage development or redevelopment that seeks to facilitate multi-use and mixed-use projects which encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, provide for the efficient use of land and infrastructure, provide for urban civic open space, and give definition to a pedestrian urban form. The Downtown category is intended to support a residential to non-residential balance that increases opportunities for transportation demand management alternatives, including, but not limited to walking and transit, reduced vehicle miles traveled, and reduced single use trips. The Downtown category shall serve as a significant multifamily, employment, office, and commercial center of the Village as well as implement the following:

- Focus on the effective mix of office, service, retail, entertainment, residential, community facilities, open space, and transportation uses that will promote a lively, livable, and successful downtown area;
- Encourage a pedestrian oriented core;
- Promote alternative forms of transportation as an alternative to the automobile;
- Require wider sidewalks and bicycle lanes;
- Encourage the integration of transportation and transit systems with land use;
- Allow for development and redevelopment activities at varying density and intensity ranges, and allow for the transfer of densities and intensities to properties within the boundaries of the Downtown, as may be permitted by the Village;
- Promote compact, innovative land development; and
- Promote creative situating of buildings, transportation routes, and open space to create vistas that will unite the downtown areas.

The Downtown Category shall permit a total of 2,500 residential dwelling units. The maximum density and intensity for each sector of the Downtown is as follows:

- Main Street Sector – 32 DUA; Single Use Commercial and Stacked Apartment: Max. 50 ft Height / Min. 2 stories / Max. 4 stories; Mixed-use: Max. 65 ft. Height / Min. 2 stories / Max. 5 stories.
- Island Sector – 54 DUA; Max. 65 ft. Height / Min. 2 stories / Max. 5 stories.
- Eureka Sector – 43 DUA; Max. 65 ft. Height / Min.2 stories / Max. 5 stories.
- Neighborhood Sector – 24 DUA; Max. 36 ft. Height / Min. 2 stories / Max. 3 stories. Single-Family Detached buildings are exempt from2 story minimum.

Community facilities will continue to be permitted with the Downtown designation. Industrial uses and those uses which are determined to be detrimental to the goals of the Downtown are prohibited. The Village may use innovative land development regulations such as transit and pedestrian-oriented development, transfer development rights, development bonuses and minimum land use densities/intensities to ensure an appropriate land use pattern for the Downtown. These regulations shall promote effective multi-modal transportation.



- **FLU I.C.4: Village Mixed Use (VMU)**

  The land use designation is designed to encourage compact, mixed-use development comprised of business, office, residential, civic, institutional, recreation, open space, and hotel. Development must emphasize the efficient reuse of existing infrastructure, preservation of natural systems, integration of pedestrian and bicycle facilities, and an urban form characterized by close-knit neighborhoods and sense of community. The minimum VMU parcel size is 25.0 gross acres. Each parcel must also adhere to a unified "Development Plan" established through a public charrette process to specify the permitted uses, densities/intensities, building scale and types, and design features and controls. Residential density shall range from a minimum of 5.0 to a maximum of 10.0 dwelling units per gross acre, subject to the approved Development Plan. Non-residential intensities should average a floor area ratio (FAR) of 0.5; subject to limits adopted as part of an approved "Master Plan".

  The mix of uses proposed in any "Master Plan" accepted by the Village Council for a VMU site will be adopted into the Future Land Use Element of this Comprehensive Plan during the next regularly scheduled amendment cycle.

- **FLU I.C.5: Institutional Public Facilities (IPF)**

  The maximum non-residential intensity allowed in the IPF category shall be 0.4 FAR for the 1st story, plus 0.11 FAR for each additional story up to 6 stories. The residential densities allowed in the IPF category shall not exceed a maximum of 13 DUA. The IPF category is intended to be comprised primarily of public and semi-public services including hospitals, offices, schools and colleges, medical facilities, fire-rescue stations, libraries, solid waste transfer stations, utility plants and facilities, and government offices and facilities. Internally integrated business/office areas, up to 10% of the total development floor area, may also be allowed. This category also allows for public private partnerships on Village owned parcels. Major utility facilities should be located away from residential areas and completely screened from surrounding uses.



Objective D: Establish Environmental and Recreational Future Land Uses

The environmental and recreational future land use categories shall designate areas that preserve natural resources or promote parks and recreational uses.

Policies:

- **FLU I.D.1: Environmental Protection (ENV)**

  The ENV category shall designate environmentally-sensitive lands. No development except low intensity, passive recreational uses shall be permitted.

- **FLU I.D.2: Parks, Recreation, and Schools (PKS).**

  The PKS category shall designate passive and active park sites and school sites with ancillary support uses also allowed. Parks and schools should be integrated into the surrounding neighborhoods and provide for accessible non-vehicular routes of entry (See Recreation and Open Space Element and Educational Facilities Element).

- **FLU I.D.3: Water Management and Recreation (WMR)**

  The WMR land use category shall be for lands approved by the South Florida Water Management District. The purpose of the WMR category is to designate areas that are to be utilized for water management, maintenance of waterways, and stormwater management/flood control and may capture recreational uses in the vicinity of these water management resources such as trails or access points into parks. No residential or non-residential development shall be permitted.

II Guide Smart Growth Patterns

The Village shall guide patterns of land uses through smart growth principles in order to retain the Village's unique sense of place, high quality of life, and sustainability.

Objective A: Guide the Future Uses of Land

Smart growth principles and interpretive text shall guide where each category is assigned on the Future Land Use Map (FLUM).

Policies:

- **FLU II.A.1: Smart Growth**

  The Village shall promote smart growth principles that guide future growth in an intentional way that preserves the existing residential character of the community, encourages economic stability, and discourages land use patterns indicative of urban sprawl. This includes encouraging infill development in otherwise built-up areas and guiding density and intensity development in proximity of US-1 around nodes of existing activity in order to promote compact building design, walkability, and a mix of uses, as well as the efficient use of public transit, existing utility capacity, and resources.

- **FLU II.A.2: Transitions and Compatibility**

  The assignment of Future Land Use categories on the Future Land Use Map (FLUM) shall promote orderly land use transitions and the Land Development Regulations (LDR) shall have standards in place requiring developments to be designed in a way that enhances the identity, appearance, and vitality of the community while utilizing appropriate compatibility measures, such as buffering, to protect single-family residential areas.

- **FLU II.A.3: Waterfront**

  Consistent with F.S. 163.3177(6)(a)3.c., a high priority shall be placed on maintaining existing water-dependent and water-related land uses for public access along the shoreline. The LDR shall allow appropriate flexibility to encourage and enhance public access in the Village's coastal waterfront.

- **FLU II.A.4: Economic Development**

  The Village will encourage economic infill development along US-1 targeting locally owned businesses that foster economic development that result in responsible growth for the Village.

- **FLU II.A.5: Transfer of Development Rights**

  The Village shall maintain standards in the LDR that permit and regulate the transfer of development rights (TDRs). TDRs may be used to, but not limited to, preserve environmentally sensitive lands, to increase available park land, preserve existing low density residential neighborhoods, to facilitate appropriate redevelopment and revitalization, or to facilitate economic development.



Objective B: Maintain a Sustainable Community

The Village shall designate the future uses of land in an intentional way that promotes a beautiful mix of the built and natural environment and creates a sustainable community.



Policies:

- **FLU II.B.1: Environmental Protection**
  The LDR shall maintain standards to protect and enhance, to the maximum extent possible, environmentally important natural systems, wildlife habitats and corridors, and historical and archaeological resources (See Conservation and Sustainability Element).

- **FLU II.B.2: Low Impact Development (LID)**
  The Village shall encourage land and water resource best management practices and promote environmentally friendly, low-impact designs with greater permeability closer to the coastal area, where complete utilities may not yet be provided.

- **FLU II.B.3: Coastal High Hazard Area (CHHA)**
  Densities or intensities in the CHHA, as defined by Florida State Statute (F.S.), shall not be increased beyond those depicted on the Future Land Use Map (FLUM) (See Coastal Management Element).

- **FLU II.B.4: Tree Cover**
  In order to promote a sustainable and beautiful community, the LDR shall encourage existing mature vegetation and distinctive trees to be retained and protected in developments for the health of these natural resources and to retain the existing tree canopy cover (See Conservation and Sustainability Element)

- **FLU II.B.5: Tree-lined Streets**
  The Land Development Regulations (LDR) shall promote the maintenance of tree-lined streets in accordance with the Street Tree Master Plan and promote the planting of new trees and proper landscaping. (See Conservation and Sustainability Element).

III Implement and Monitor the FLUM

The Village shall implement and Monitor the FLUM, considering all Elements of this Comprehensive Plan.

Objective A: Implement Large Scale Planning

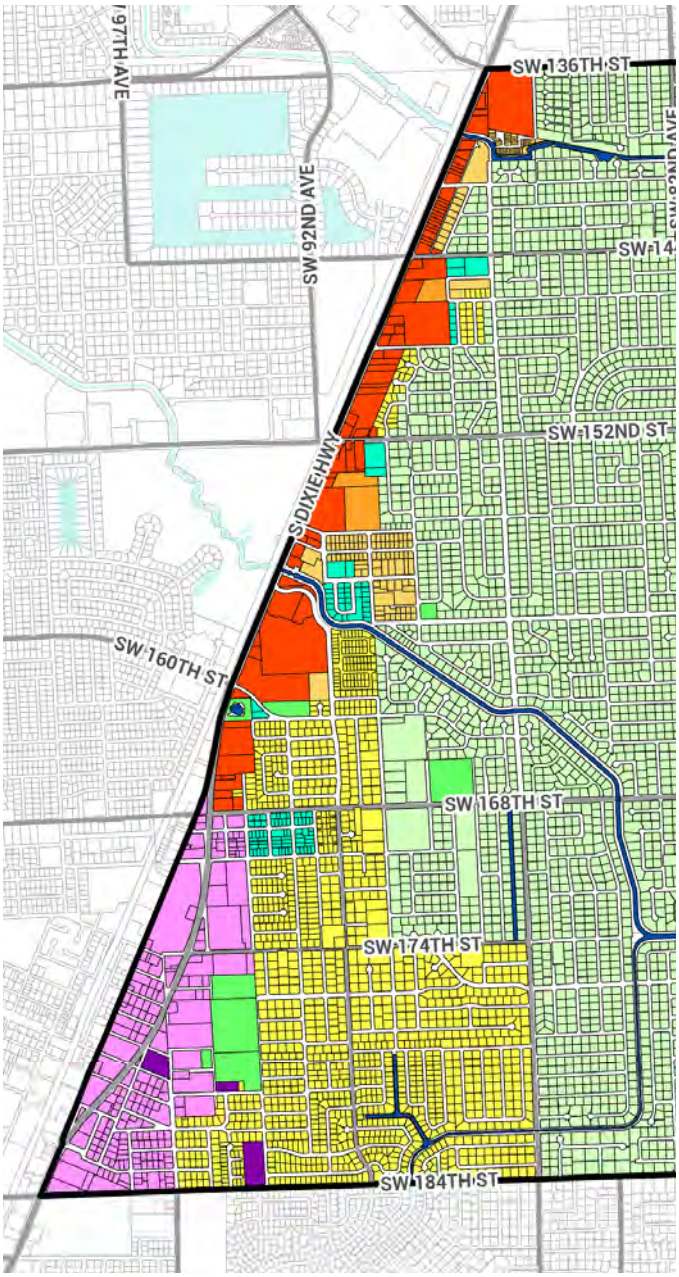
The Village shall implement and monitor the Future Land Use categories on the Future Land Use Map (FLUM), which are designed to be general categories for large-scale planning over the comprehensive planning 20-year period of time.

Policies:

- **FLU III.A.1: Implementation**
  The Village shall implement the Future Land Use Map (FLUM) and this Comprehensive Plan, designed to adequately plan for the projected population, utility capacity, roads, schools, parks, and other infrastructure needed to sustain the Village's residents, businesses, and visitors.

- **FLU III.A.2: Outdated Development Patterns**
  Consistent with F.S. 163.3164(5), the Land Development Regulations (LDR) shall address antiquated subdivisions that have been recorded or approved more than 20 years ago and that have substantially failed to be built and in which the continued buildout would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.

- **FLU III.A.3: Monitoring**
  The FLUM shall be analyzed annually to see if there have been any substantial changes to the planned future conditions. The Village Council shall receive a report from the Village staff about any proposed changes to the categories on the FLUM at the first public zoning hearing of each year.



IV Regulate Village Design

The Village shall encourage architectural design that protects the Village's unique sense of place and create identifiable neighborhoods.

Objective A: Promote Design Standards

The Land Development Regulations (LDR) shall promote design standards in commercial, mixed-use, and multi-family districts to allow for enhanced details and aesthetics in order to protect the community's appearance and promote a high quality of life for its residents.

Policies:

- **FLU IV.A.1: High Quality of Life**
  The Land Development Regulations (LDR) shall regulate design standards for specific districts, zoning categories, or geographic areas as deemed appropriate in order to maintain the high quality of life of residents.
- **FLU IV.A.2: Architecture**
  The LDR shall identify appropriate architectural design elements for commercial, mixed-use, and multi-family districts.
- **FLU IV.A.3: Mixed-Use Character**
  The Village shall encourage creative, yet proven, land development techniques for mixed-use developments, such as complete streets standards, to create pedestrian oriented streets, and internal to site development on sites adjacent to US-1 in order to enhance the character and functionality of those spaces.
- **FLU IV.A.4: Street Design**
  The LDR shall regulate context-sensitive street design for within the community (See Transportation Element).
- **FLU IV.A.5: Removal of Off-Site Signage Distractions**
  The Village shall prohibit all off-site advertising signage visible from the public right of way to prevent distracted driving dangers and encourage the enhancement of aesthetic landscaping that provides shaded sidewalks, streets and parking areas. The Village shall provide an amortization schedule for the removal of all existing off-site advertising signage including, but not limited to, billboards, kiosks, or other types of advertising on or visible from the public right-of-way in order to enhance safety, reduce distracted driving, and protect the unique character of the community's tree lined family friendly streets, and small Village aesthetic quality.
- **FLU IV.A.6: Safety**
  The LDR shall utilize the principles of Crime Prevention Through Environmental Design (CPTED), or other similar programs, in regulating the design of buildings and placement of uses in order to increase the safety of neighborhoods and the community.
- **FLU IV.A.7: US-1 Aesthetic Entrance Overlay**
  The Village shall consider the creation of a US-1 Aesthetic Entrance Overlay with the boundary to be determined by a safe streets analysis in order to make roadways safer for all users.
- **FLU IV.A.8: Maintain the Village's High Quality of Life.**
  The LDR shall address unique design features such as entry identification statements, waterway vistas, and public open space in order to maintain the Village's high quality of life.



Objective B: Create and Maintain Master Plans

The Village shall create and maintain Master Plans to allow for entire planned areas to be designed.

Policies:

- **FLU IV.B.1: Maintain Existing Master Plans**

  The Village shall maintain existing Master Plans including, but not limited to, the Resilience Action Plan, Bicycle and Pedestrian Master Plan, Stormwater Master Plan, and Street Tree Master Plan.

- **FLU IV.B.2: US-1 Gateway Boulevard Study**

  The Village shall consider conducting a US-1 Gateway Boulevard Study that applies urban design, architectural design, and landscape regulations to this gateway street.



V Implement Regulations through the Land Development Regulations (LDR)

The Village shall implement this Comprehensive Plan through the LDR (a.k.a. Zoning Code) which shall provide clear and concise regulations for implementing the Village's future vision.

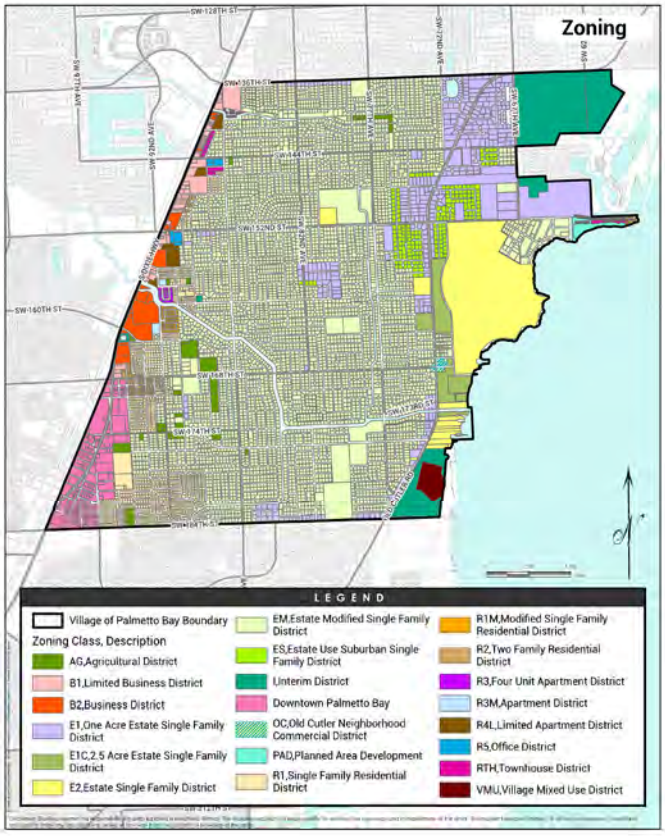
Objective A: Implement and Maintain the LDR

The Village shall implement and maintain the LDC so that it is consistent with this Future Land Use Element and other applicable Elements of this adopted Comprehensive Plan.

Policies:

- **FLU V.A.1: Uses**

  The Land Development Regulations (LDR) shall further regulate the placement of land uses and provide further restrictions as necessary to allow for proper transitions and the efficient use of the land based on the Village's vision.



- **FLU V.A.2: Zoning**

  The LDR shall maintain zoning districts that implement the intent of the Future Land Use categories and shall further define the allowed uses, density, intensity, setbacks, lot coverage, massing, and design guidelines within individual zoning districts, except as pre-empted by F.S. including, but not limited to:

  - Consistent with F.S. 163.3208(4), new distribution electric substations shall be permitted in all FLUM categories (except preservation, conservation, or historic preservation).
  - Consistent with F.S. 163.32051(3), floating solar facilities shall be a permitted use in the appropriate FLUM categories and the LDC shall promote the expanded use of floating solar facilities.
  - Consistent with F.S. 559.955, a home-based business that operates from a residential property may operate in an area zoned for residential use.
  - Consistent with F.S. 381.986, regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided for in F.S. 381.986(11).
  - Consistent with F.S. 509.032(7)(b), a local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals.

- **FLU V.A.3: Developments**

  The Village shall continue to include appropriate regulations in the LDR that require developments to address local topography, flooding frequency, soil, adequate drainage and storm water management, open space, vehicle parking, safe and convenient on-site traffic flow, and other applicable conditions.

- **FLU V.A.4: Design**

  The LDR shall incorporate and maintain regulations regarding the continual efforts associated with Tree USA, the Landscape Mitigation program, and the Art in Public Places (AIPP) program.

- **FLU V.A.5: Schools**

  Consistent with F.S. 163.3177(6)(a)3.d., schools shall be an allowable use in the Parks, Recreation, and Schools future land use category and the LDR shall encourage the location of schools proximate to residential areas as well as use opportunities to co-locate schools with public facilities such as parks, libraries, and community centers, however, adverse impacts to the tranquility of the residents shall be minimized to the maximum extent possible (See Educational Facilities Element).

Objective B: Monitor the LDC

The Village shall monitor the LDC to incorporate appropriate changes as needed.

Policies:

- **FLU V.B.1: Monitoring**

  The Land Development Regulations (LDR), including zoning districts, shall be monitored and maintained to stay in compliance with this Comprehensive Plan and may be updated at any regularly scheduled monthly Village Council zoning hearing.

- **FLU V.B.2: Village Council**

  The Village Council shall sit as the Local Planning Agency (LPA) as they have determined this will be in the best interest of the public and they will hear all applications for revisions to the LDR including its maps.

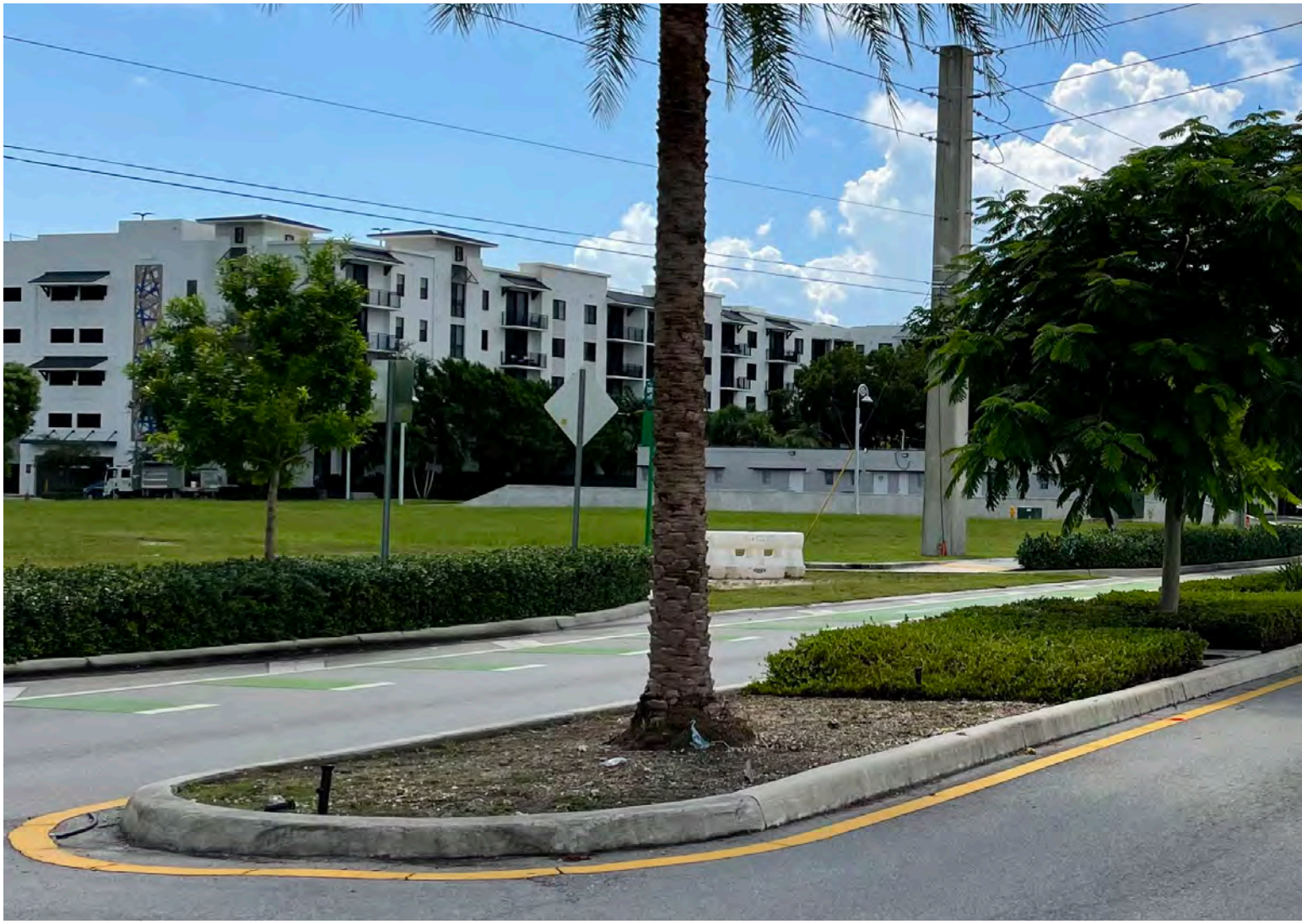


Implementation Snapshot

The LDR shall be updated to incorporate the principles of Crime Prevention Through Environmental Design (CPTED), in regulating the design of buildings and placement of uses in order to increase the safety of the community.

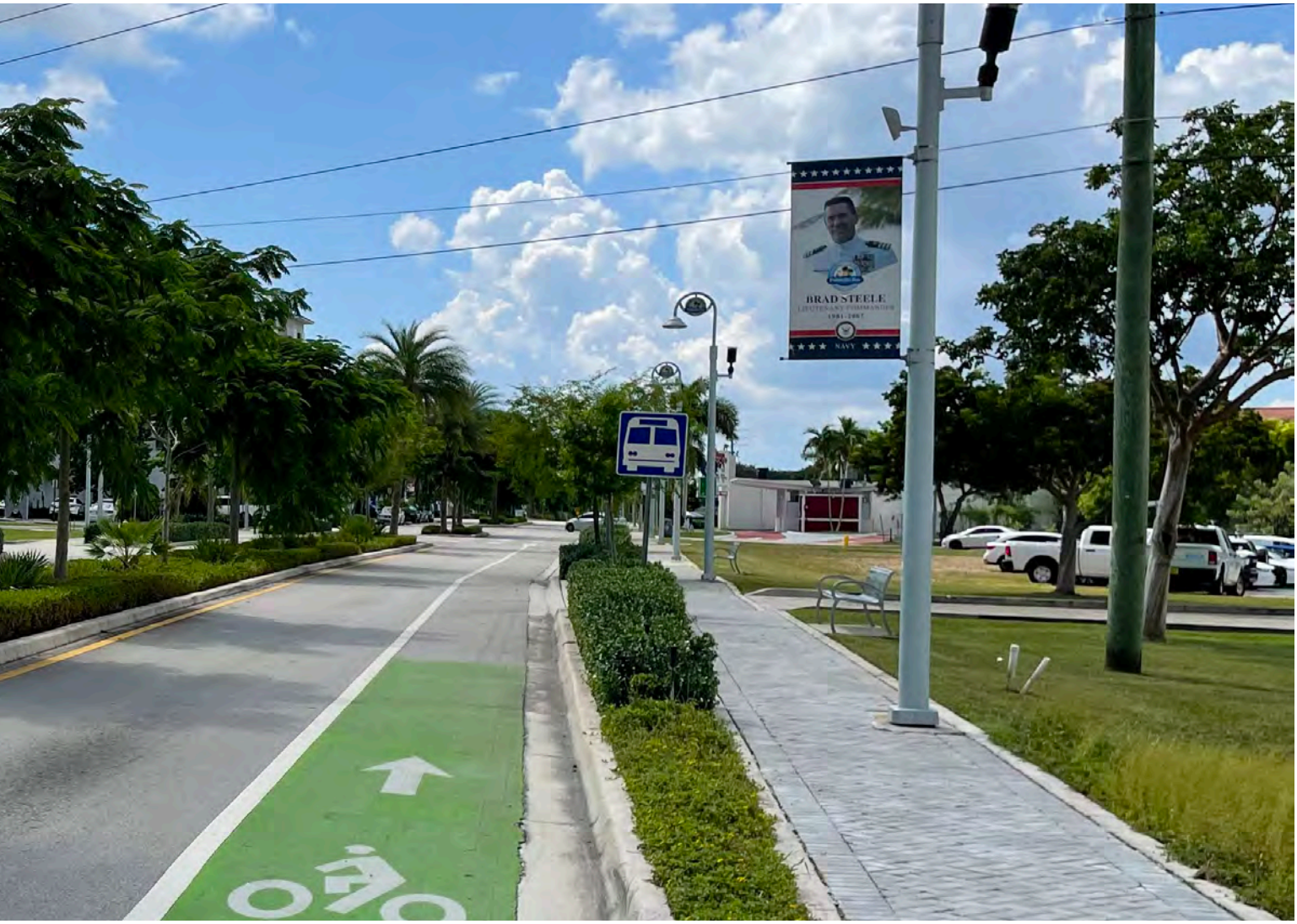
The Village will continue to enhance its entry locations and brand identity by installing similar entrance feature signage at all major entry points .

The Village shall consider conducting a US-1 Gateway Boulevard Study that applies urban design, architectural design, and landscape regulations to this gateway street.



The Village will seek every opportunity to encourage recycling and the reduction of single use plastic and Styrofoam thru the LDRs.

The Village will promote cultural and historic preservation through the procurement and installation of State Historical markers program.




HOME
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GUEST
BALL
STRIKE
OUT
Palmetto Bay Park

ELEMENT 4

Recreation And Open Space (REC)

The Village of Palmetto Bay's motto is the "Village of Parks". The Village considers parks, open spaces, and environmental resources to be a differentiating element from other local cities and towns.

The Recreation and Open Space Element (REC) of the comprehensive plan works to ensure that the community continues to have access to a broad array of high-quality parks and open spaces that serve a variety of needs including, active recreation to passive enjoyment of the natural environment.

The Village takes great pride in offering residents a high quality of life, health and fitness options, and aesthetically pleasing spaces to live, work, and play. This element's primary goal is that the Village's residents have public places to have fun. Parks and Recreation is all about providing opportunities for family fun, healthy living, and mental wellbeing that creates a unique sense of place.

This element is divided into two themes:

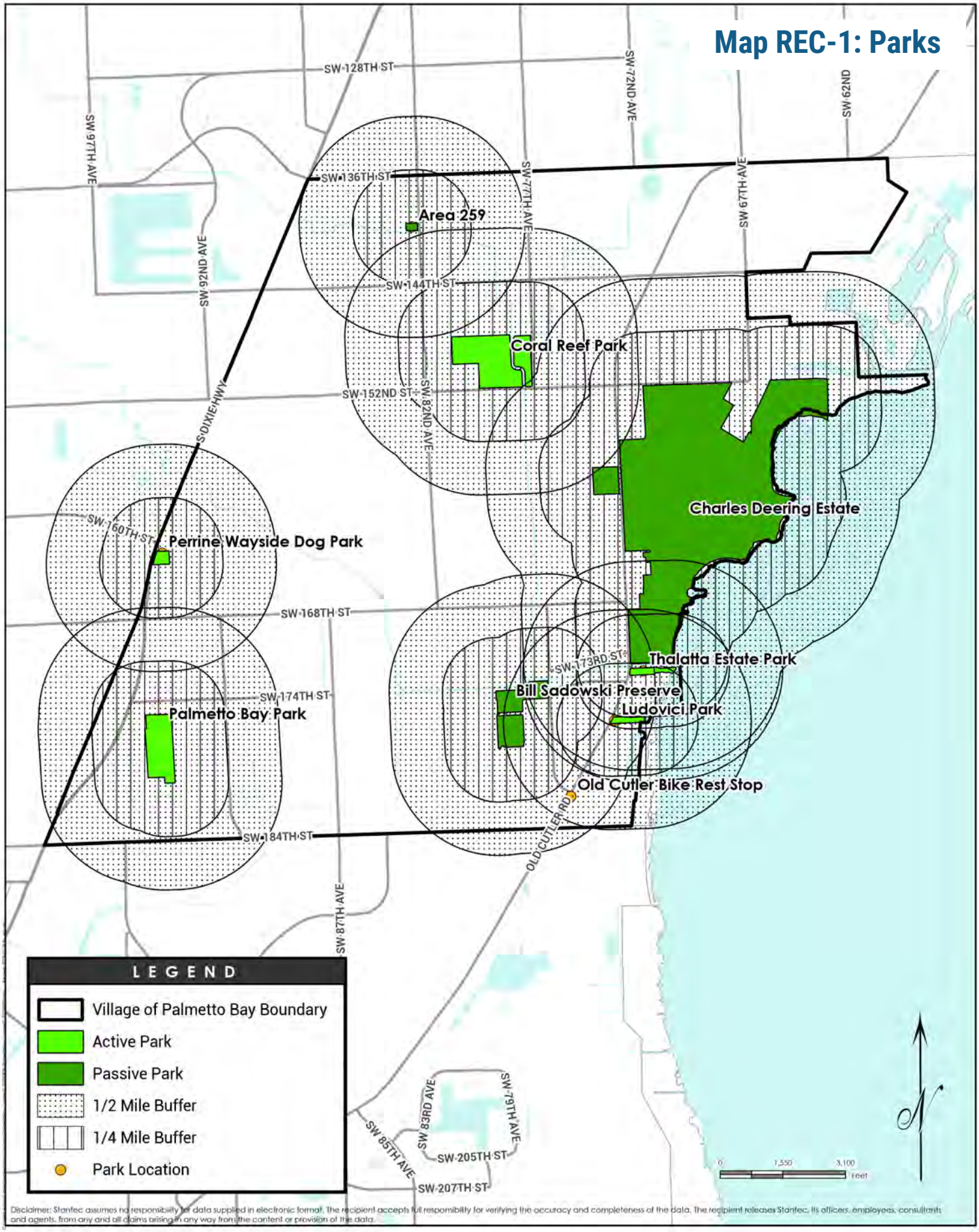
Highest Quality Parks

The Village shall provide parks, recreation and open space that benefits the community and retains the Village's brand as the Village of Parks.

Provide Access

The Village shall make public recreational facilities highly accessible to bicycles and pedestrians whenever feasible.

Map REC-1: Parks



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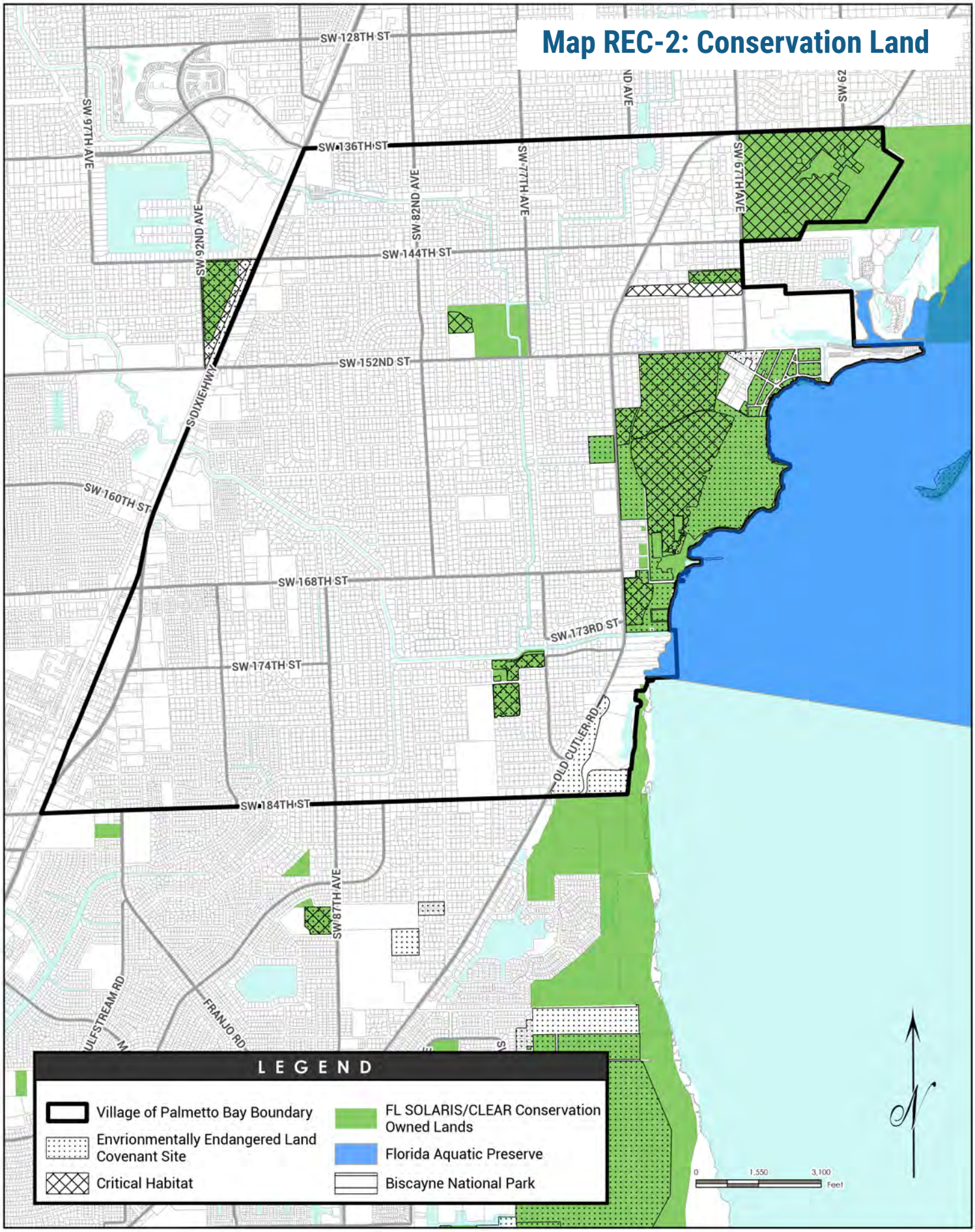
Map REC-2: Conservation Land



Highest Quality Parks

The Village shall provide parks, recreation and open space that benefits the community and retains the Village's brand as the Village of Parks.

Objective A: Meet the Parks and Recreation Level of Service (LOS) Standard

The Village shall provide a balanced, comprehensive system of active and passive parks consisting of pocket parks, greenways, trails, nature preserves, open spaces, public-private plazas, and recreational facilities that meet the needs of our residents.

Policies:

- **REC I.A.1: Capital Improvements**

  Consistent with the Capital Improvements Element, the Village shall review the parks portion of the Capital Improvement Program (CIP) prior to preparation of the annual capital budget each year in order to incorporate new recreation sites, facilities, improvements, repairs, and general preventive maintenance into the budget request, as needed.

- **REC I.A.2: LOS Standard**

  Through the maintenance and expansion of existing park facilities and the acquisition and/or development of new parks and open space, the Village shall achieve:

  - A Village-wide Level of Service (LOS) Standard of 3.0 acres per 1,000 residents; and
  - A separate LOS of .25 acres per 1,000 residents for developments within the Downtown area.

- **REC I.A.3: Parks Master Plan**

  The Village shall maintain a Parks Master Plan in order to plan for future recreational needs and ensure the LOS standard is being met.



Objective B: Location and Design of Parks

The Village shall regulate the design of parks and locate parks so that they are equally distributed throughout the community.

Policies:

- **REC I.B.1: Distribution of Parks**

  The Village shall maintain a balance of active parks, passive parks, and natural areas to meet the needs of Village residents, and seek future opportunities to increase the number of parks/pocket parks and public-private plazas within ¼ to ½-mile distance of neighborhoods.

- **REC I.B.2: Quality of Parks**

  The Village shall ensure recreational facilities are well-managed, and well-maintained, and that quality recreation programs are available to all residents. This shall be partially achieved by keeping an up-to-date inventory of park facilities and sites, and surveying the park and recreational needs of Village residents on a regular basis.

- **REC I.B.3: Design of Parks**

  Public parks and facilities shall be designed and constructed compatible with the character and quality of onsite natural resources. All plans for development or redevelopment of parkland resources shall incorporate creative concepts of urban design and landscape with unique natural features of the site. The designs shall provide a circulation system to minimize conflict between pedestrians and vehicles, and adequate landscape and screening to protect the integrity of established residential areas and enhance community appearance.

- **REC I.B.4: Promote Sustainable Development Concepts**

  The Village shall utilize native plants and Florida Friendly Landscape techniques when landscaping is added or updated in parks, recreation facilities, and open spaces. The Village shall also utilize low-impact development strategies to reduce stormwater runoff from parks and recreation facilities as well as provide for adequate trash bins and promote recycling and signage discouraging littering at parks.

- **REC I.B.5: Recycling**

  All public spaces shall provide adequate trash and recycling bins with signage discouraging littering at parks.

- **REC I.B.6: Mixed-Use Developments**

  The Village shall ensure ample parks and open space is a key component in the development of mixed-use areas.



- **REC I.B.7: Landscaping**

  The Village shall keep a maintenance schedule for updating the landscaping within all Village parks in order to provide for appropriate tree canopy, provide support for the indigenous flora and fauna, and provide for drought resistant, indigenous trees in parks.

- **REC I.B.8: Community-Oriented Programming**

  The Village may activate public recreation spaces by providing community events, public art, or community centers as appropriate.

- **REC I.B.9: Recreational and Educational Programs**

  The Village shall work with civic and non-profit groups to provide recreation programs, such as baseball, soccer, and softball, for residents within public parks and may use park and recreation resources for year-round environmental education as well as other adaptive educational programs for all age groups.

- **REC I.B.10: Waterways**

  The Village may assess high priority waterway networks, including boating, kayak, and canoe trail ways, and other water transportation options in recreation planning and may analyze the need for additional boat ramp and parking facilities.





Objective C: Park Land Acquisition

The Village shall continue to explore opportunities to acquire land necessary for maintaining and enhancing the parks, strategically located in order to maximize accessibility to residents served.

Policies:

- **REC I.C.1: Vacant Property Inventory**

  The Village shall prepare on an annual basis a vacant property inventory to identify potential properties for future parks and/or linear open spaces and especially for pocket parks.

- **REC I.C.2: Priority Sites**

  The Village shall give high priority to acquisition of lands in the Coastal High Hazard Area (CHHA), in or adjacent to jurisdictional wetlands, in floodplains, in conservation lands, in environmentally sensitive lands, and other similar areas for passive recreational land, provided that the Village determines that recreational use of these sites would not endanger the public health, safety, welfare, environment, marine life, or flora and fauna.

- **REC I.C.3: Acquired Site Developments**

  Development of the acquired sites shall be consistent with specific plans designed to:

  - Achieve cost efficiency;
  - Fulfill the spatial and functional needs of the intended uses;
  - Enhance the appearance of the Village; and
  - Establish highly visible Village focal points which reinforce a sense of community.

- **REC I.C.4: Waterfront Access**

  The Village shall protect existing and seek to expand its parks, trails, and natural preserves adjacent to Biscayne Bay (See Conservation and Sustainability Element).

- **REC I.C.5: Grant Funding**

  The Village may maximize grant funding for all future Village parks and recreation projects.

II Provide Access

The Village shall make public recreational facilities highly accessible to bicycles and pedestrians whenever feasible.

Objective A: Maintain Park Accessibility

The Village shall provide for accessibility to all parks and recreation spaces.

Policies:

- **REC II.A.1: Mobility Access**

  The Village shall ensure bicycle and pedestrian access where feasible to all recreation sites and internal pedestrian access to all recreation facilities. Whenever possible, site access shall be connected to existing sidewalks and pathways providing access to the community at large.

- **REC II.A.2: Bicycle Facilities**

  As future roadway improvements are analyzed and designed, the Village shall provide for non-motorized transportation needs using Florida Department of Transportation (FDOT) design standards for on street and off-street bicycle facilities.

- **REC II.A.3: Universal Design**

  In planning and designing park entrances, buildings, circulation, and facilities, access for all user regardless of abilities shall be provided through universal design to ensure equitable access.





- **REC II.A.4: Parking**

  The Village shall continue to look for opportunities to provide parking spaces and bicycle racks at recreation sites where they are deemed lacking or inadequate.

- **REC II.A.5: Trails**

  The Village will pursue the expansion of the existing network of shared use paths and trails to connect the Village's parks, schools, public facilities, transit corridors and mixed-use areas in a comprehensive, connected system with our neighboring municipalities. The Village will collaborate with Miami-Dade County parks, trails, and bicycle lanes within the village limits.

- **REC II.A.6: Wayfinding**

  The Village may add uniform wayfinding and similar signage, using consistent design themes and language, to all parks that are currently not marked and may install park system maps at all parks as may be necessary. The Village will collaborate with Miami-Dade County parks and trails to provide consistent wayfinding along all County designated routes.

- **REC II.A.7: Safe Routes to Parks**

  The Village will prioritize Safe Routes to Parks and identify projects within the 5-year CIP (See Capital Improvements Element).

Implementation Snapshot

Parks Master Plan. The Village shall maintain a Parks Master Plan in order to plan for future recreational needs and ensure the LOS standard is being met.

The Village will collaborate with Miami-Dade County parks and trails to provide consistent wayfinding along all County designated routes,

The village will prioritize Safe Routes to Parks and identify projects within the 5-year CIP. (Capital Improvements Element)






F FAME
STRENGTH
EXIT
Gracias

ELEMENT 5

Educational Facilities (EDU)

The Educational Facilities Element (EDU) of the Comprehensive Plan establishes continued coordination with Miami-Dade County Public Schools and additional ways to utilize local schools as community resources. The Village has an Education Advisory Board that works to make sure residents have access to schools within the Village boundaries and works to coordinate to expand park opportunities.

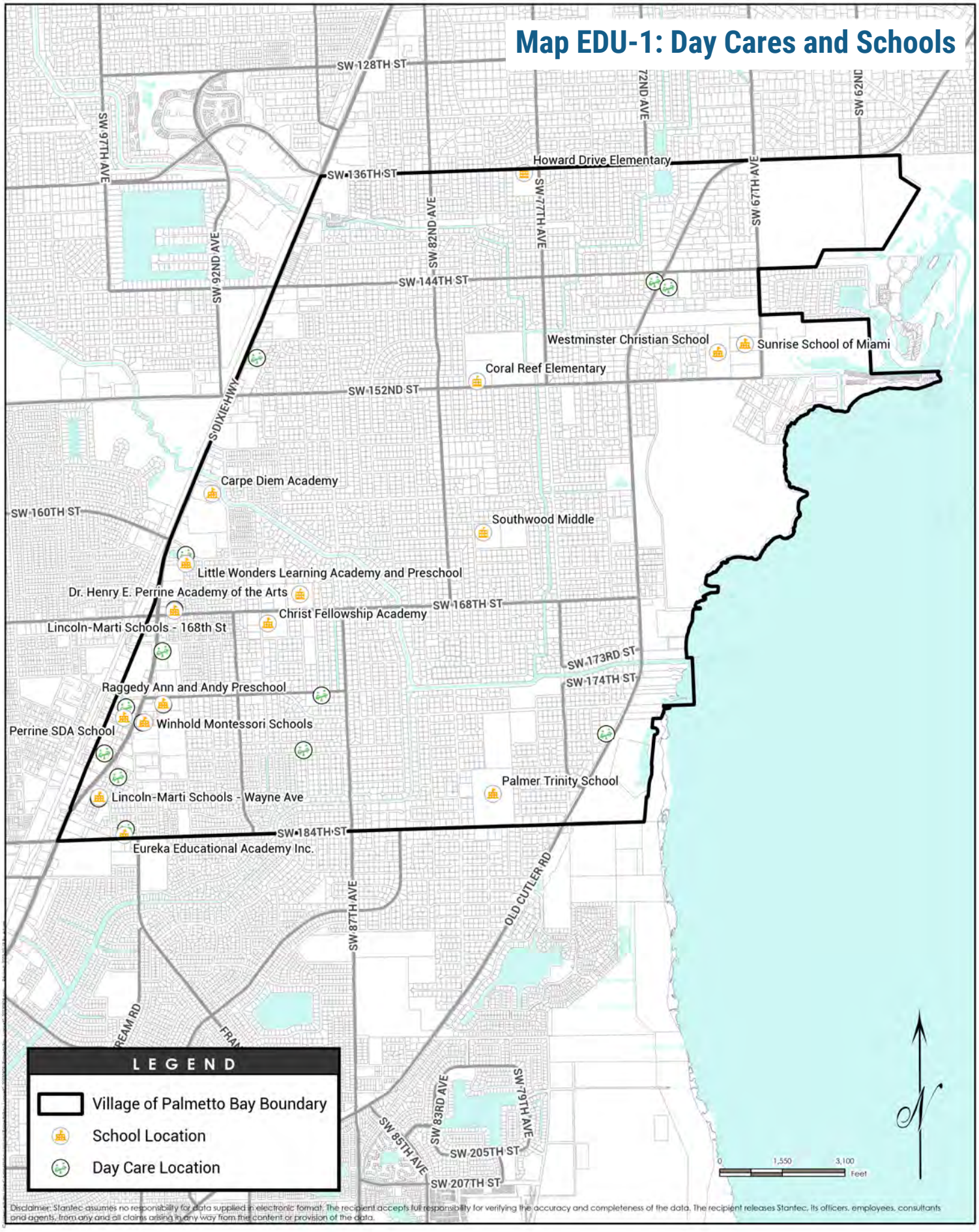
Florida Statutes states that "sufficient land must be delineated in the land use categories which public schools are an allowable use proximate to residential development to meet the projected needs for schools in coordination with public school boards. Each local government shall include lands contiguous to existing school sites, to the maximum extent possible, within the land use categories in which public schools are an allowable use for future expansion."

This element includes:



Public Education System

Develop, operate, and maintain the highest quality system of public education in cooperation with Miami-Dade County Public Schools.


Map EDU-1: Day Cares and Schools
SW 128TH ST
SW 97TH AVE
SW 136TH ST
SW 92ND AVE
SW 82ND AVE
SW 77TH AVE
72ND AVE
SW 67TH AVE
SW 144TH ST
Howard Drive Elementary
Westminster Christian School
Sunrise School of Miami
Coral Reef Elementary
SW 152ND ST
S DIXIE HWY
Carpe Diem Academy
SW 160TH ST
Southwood Middle
Little Wonders Learning Academy and Preschool
Dr. Henry E. Perrine Academy of the Arts
SW 168TH ST
Christ Fellowship Academy
Lincoln-Marti Schools - 168th St
SW 173RD ST
SW 174TH ST
Raggedy Ann and Andy Preschool
Perrine SDA School
Winhold Montessori Schools
Palmer Trinity School
Lincoln-Marti Schools - Wayne Ave
SW 184TH ST
Eureka Educational Academy Inc.
SW 87TH AVE
OLD CUTLER RD
SW 83RD AVE
SW 79TH AVE
SW 85TH AVE
SW 205TH ST
SW 207TH ST
LEGEND
Village of Palmetto Bay Boundary
School Location
Day Care Location
0
1,550
3,100
Feet
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Public Education System

Develop, operate, and maintain the highest quality system of public education in cooperation with Miami-Dade County Public Schools.

Objective A: Coordinate with Miami-Dade County Public Schools

Coordinate with Miami-Dade County Public Schools towards the reduction of the overcrowding which currently exist in Miami-Dade County Public Schools, while striving to attain an optimum level of service.

Policies:

- **EDU I.A.1: Education Compact**

  Continue to coordinate with Miami-Dade County Public Schools through the Village's Education Compact.

- **EDU I.A.2: Implement the Interlocal Agreement**

  Continue to coordinate with Miami-Dade County Public Schools to implement the Interlocal Agreement for Public School Facility Planning in Miami-Dade County.

- **EDU I.A.3: Joint Use Agreements**

  The Village will work with all public schools to identify joint use agreements for parks and open spaces after hours and on weekends to be utilized by Village residents.

- **EDU I.A.4: Impact Fees**

  Miami-Dade County shall collect Impact fees from new development. with proof given to the Village prior to issuance of building permits, for transfer to Miami-Dade County Public Schools to offset the impacts of these additional students on the capital facilities of the school system.

- **EDU I.A.5: Improve the Level of Service**

  Cooperate with Miami-Dade County Public Schools in their efforts to maintain and/or improve the established Level of Service (LOS) Standards, for Public Educational Facilities, as established for the purposes of school concurrency.

- **EDU I.A.6: MDCPS Comment**

  Miami-Dade County Public Schools comments shall be sought and considered on comprehensive growth management plan amendments and other land use and zoning decisions which could impact the school district, consistent with the terms of the state mandated Interlocal Agreement pursuant to F.S. 1013.33 and 163.31777.

- **EDU I.A.7: Local Planning Agency**

  In accordance with F.S. 163.3174(1), the School Board of Miami-Dade County shall be invited to appoint a non-voting member to the Village's Local Planning Agency.

- **EDU I.A.8: Annual Review**

  The Village will, through the Staff Working Group of the Interlocal Agreement for Public School Facilities, coordinate with Miami-Dade County Public Schools, Miami-Dade County, and other applicable cities to review annually the Educational Facilities Element and School enrollment projections.



Objective B:

The Village of Palmetto Bay shall coordinate new residential development with the future availability of public school facilities consistent with the adopted level of service standards for public school concurrency, to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital Improvements, and meet future needs based upon achieving and maintaining the adopted level of service standards throughout the planning period.

- **EDU I.B.1: School Concurrency**

  The Village will continue to coordinate with Miami-Dade County in its efforts to implement school concurrency. The Miami-Dade County School Concurrency related policies and school Levels of Service are hereby adopted by reference.

- **EDU I.B.2: Proximity**

  In the selection of sites for future educational facility development, the Village encourages Miami-Dade County Public Schools to consider whether a school is in close proximity to residential areas and is in a location that would provide a logical focal point for community activities.

- **EDU I.B.3: Site Selection**

  The Village shall encourage and cooperate with Miami-Dade County Public Schools in their effort for public school siting reviews to help accomplish the objectives and policies of this element and other elements of the Comprehensive Plan. The Village shall cooperate with Miami-Dade County Public Schools to establish provisions for a scoping or pre-application meeting as part of the educational facilities review process, if determined to be warranted.

- **EDU I.B.4: Emergency Shelters**

  The Village will continue to cooperate with Miami-Dade County Public Schools in utilizing Miami-Dade County Public Schools as emergency shelters during county emergencies.

- **EDU I.B.5: Safe Routes to School**

  The Village will prioritize Safe Routes to Schools at all K-12 schools within the Village.

Implementation Snapshot

Work with Miami-Dade County Schools to promote joint use agreements for the use of school facilities after hours and weekends for passive neighborhood recreation by residents.

Work with Miami-Dade County Schools to ensure local neighborhood residents have priority at our schools located within our municipal boundaries.

The Village will provide representation to the Staff Working Group of the Interlocal Agreement for Public School Facilities to review annually the Educational Facilities Element and School enrollment projections.



The Village will establish provisions in the LDRs for a scoping or pre-application meeting as determined to be necessary as a part of the educational facilities review process.

Miami-Dade County and the village will prioritize Safe Routes to Schools at all public schools owned and operated by Miami-Dade County Public Schools and identify projects within the 5-year CIP. (Capital Improvements Element)





ELEMENT 6

Infrastructure (INF)

The Village of Palmetto Bay is a small municipal jurisdiction that operates limited roadways, sidewalks, drainage structures, parks, and general permitting services. The Infrastructure Element (INF) of the Comprehensive Plan ensures proposer coordination with other municipal service providers and the other previous elements.

The Village operates as a customer of Miami-Dade County for water, sewer and residential trash collection. South Florida Water Management District owns and operates large scale stormwater canals, levees, locks, pumps and other facilities within the Village's boundaries for flood protection infrastructure. Where the Village owns and operates infrastructure, such as roads, the Village will provide the highest customer service to residents and employ sustainability standards to reduce the demand or load on all infrastructure facilities whether owned and/or operated by the Village or other municipal entities.

This element is divided into five themes required by Florida State Statutes:



Potable Water Sub-Element

A quality, dependable potable water supply sufficient to meet the existing and future needs of Village residents and businesses on a timely basis, at a reasonable cost and in compliance with utility regulatory standards



Sanitary Sewer Sub Element

Environmentally-sound and cost effective wastewater treatment and distribution facilities that protect public health and safety and meet the village's current and future needs



Stormwater Management (Drainage) Sub-Element

Protect the health and safety of the public by ensuring storm water management facilities and services are properly maintained, environmentally-sound, cost-effective, and meet the community's present and future demands.



Solid Waste Sub-Element

Promote the efficient and economical balance of public and private solid waste collection and disposal services for the Village of Palmetto Bay that will meet established requirements in a manner that will protect the public health, safety, and environmental resources of the community.



Natural Groundwater Aquifer Recharge Sub-Element

Continue to support and monitor state, county, and South Florida Water Management District efforts to protect, conserve, and manage the quality and quantity of natural groundwater resources.

Potable Water Sub-Element

Quality, dependable potable water supply sufficient to meet the existing and future needs of Village residents and businesses on a timely basis, at a reasonable cost and in compliance with utility regulatory standards.

Objective A: Potable Water Level of Service

Coordinate effectively with the Village's water service provider, Miami-Dade County Water and Sewer Department (WASD) to ensure that potable water service to the Village will meet or exceed the adopted level-of-service (LOS) standard throughout the planning period.

Policies:

- **INF I.A.1: Development Reports**

  The Village shall provide development reports as requested to Miami-Dade County Water and Sewer Department (WASD) that summarize expected impact on the potable water system and its capacity.

- **INF I.A.2: Monitor and Assess**

  Monitor, and assess periodically, the planning, capital programming, and construction programs of the Miami-Dade County WASD, as well as service complaints, to help ensure that Village residents, businesses and other Village users are provided with potable water services in compliance with the adopted Level of Service (LOS) Standard.

- **INF I.A.3: Potable Water LOS**

  All Village development order approvals must ensure that the Village's adopted potable water LOS standard will be maintained from planning through constructions and operation.

- **INF I.A.4: Water Supply Facilities Work Plan**

  The Village shall update its Water Supply Facilities Work Plan as appropriate based on Miami-Dade County updates to the County's Water Supply Facilities Work Plan.



Objective B: Existing Water Facilities and Efficient Expansion

Coordinate with the Miami-Dade WASD to help ensure cost-efficient use of existing facilities and coordinate prudent future expansion plans consistent with projected needs to accommodate development at the densities and intensities proscribed in the Future Land Use Element.

Policies:

- **INF I.B.1: Water & Sewer Expansion**
  Due to climate change and sea level rise, the village will work with Miami-Dade County and other government agencies in accessing future areas of water and sewer expansion due to failing septic systems and saltwater intrusion.

- **INF I.B.2: Implementation**
  The Village will assist Miami-Dade County in implementing mandatory installation of water and sewer infrastructure if located "a reasonable proximity to development" as defined by Miami-Dade County or programmed to be served, by Miami-Dade County Water and Sewer Department (WASD) potable water and/or sewer facilities.

- **INF I.B.3: Provide Potable Water Service**
  Coordinate with the Miami-Dade County WASD to provide potable water service to those areas within municipal limits that are currently dependent upon private wells to satisfy potable water needs, including prioritizing those areas that may be subject to salt water intrusion and those areas indicated in Map FLU-9 of the Infrastructure Element Data, Inventory, and Analysis Report.

- **INF I.B.4: Update LDRs as Appropriate**
  Update the Village Land Development Regulations (LDR) as appropriate to require development applicants to cover the costs of any necessary infrastructure upgrades to allow connections to Miami-Dade County WASD service.

- **INF I.B.5: Future Water Needs**
  Coordinate Village population projections, commercial growth, land use changes, and development approvals with the Miami-Dade County WASD to assist that agency in effectively planning Palmetto Bay's future potable water needs.

- **INF I.B.6: Miami-Dade WASD Review**
  Include the review and comment of the Miami-Dade County WASD in the development review process for village Plan amendments, rezoning's, site plan, and plat approvals to help ensure the cost-efficient use of existing County water facilities and extension of new water service





Objective C: Water Conservation

Actively encourage and help all residents in Palmetto Bay to conserve potable and non-potable water to the maximum extent possible.

Policies:

- **INF I.C.1: Central Distribution Point**

  Village Hall shall serve as a central distribution point for South Florida Water Management District (SFWMD), Florida Department of Environmental Protection (FDEP) and Miami-Dade County Water and Sewer Department (WASD) news releases, brochures, and public presentations on ways for homeowners, businesses, and industry to conserve all forms of water resources.

- **INF I.C.2: Grey Water Reuse**

  Coordinate with the Miami-Dade County Water and Sewer Department (WASD) to install treated re-used (grey) water lines in Village of Palmetto Bay for use on rights-of way and other appropriate landscaped areas within the Village limits. MDWASD does not have any planned re-use projects within the Village of Palmetto Bay.

- **INF I.C.3: Water-Saving Devices**

  The Village's Land Development Regulations (LDR) shall contain regulations requiring the use of all feasible water-saving devices in new and renovation building construction.

- **INF I.C.4: Water-Saving Landscaping**

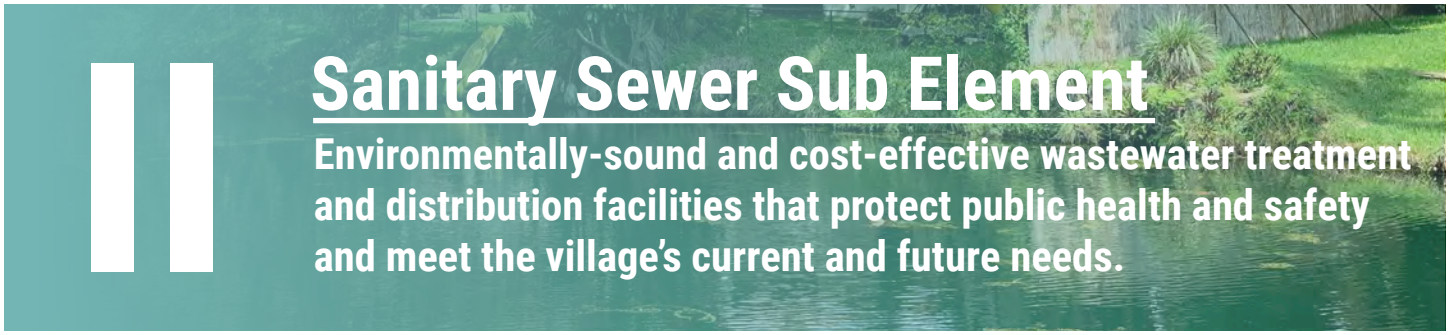
  Encourage the use of water-saving "Florida Friendly" plants, watering techniques and landscape designs in existing and future developed areas of the Village.

- **INF I.C.5: Irrigation Water Reuse**

  Do everything possible to encourage homeowners and businesses in the Village of Palmetto Bay to use non-potable and/or reuse water for landscaping and lawn care, based on availability of reuse water from the Miami-Dade County Water and Sewer Department (WASD).

- **INF I.C.6: Emergency Water Conservation**

  Cooperate fully with emergency water conservation measures mandated by the SFWMD.



II Sanitary Sewer Sub Element

Environmentally-sound and cost-effective wastewater treatment and distribution facilities that protect public health and safety and meet the village's current and future needs.

Objective A: Sanitary Sewer Level of Service

Coordinate effectively with the Village's wastewater service provider (WASD), to ensure that wastewater service to the Village will meet or exceed the adopted level-of-service standard thorough the planning period.

Policies:

- **INF II.A.1: Adopted Sanitary Sewer LOS**

  Development in the Village shall meet the adopted level of service standard established by the Miami-Dade County Water and Sewer Department (WASD) for sanitary sewer service. Specifically, the following shall apply.

  - Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.
  - Effluent discharged from wastewater treatment plants shall meet all federal, state, and county standards.
  - The system shall maintain the capacity to collect and dispose of 102 percent of average daily sewage demand for the preceding 5 years.

- **INF II.A.2: Monitor**

  Monitor the planning, capital programming, and construction programs of the Miami-Dade County WASD to help ensure that Village of Palmetto Bay residents, businesses and other Village users are provided with sanitary sewer services in compliance with the adopted Level of Service (LOS) Standard throughout the planning period.

- **INF II.A.3: Maintain LOS**

  All Village development order approvals must ensure the Village's adopted sanitary sewer LOS standard will be maintained from planning through to construction and operation.

Objective B: Existing Wastewater Facilities and Efficient Expansion

Coordinate with the Miami-Dade Water and Sewer Department (WASD) to help ensure the cost-efficient use of existing facilities and coordinate prudent future expansion plans consistent with projected needs to accommodate development at the densities and intensities prescribed in the Future Land Use Element.

Policies:

- **INF II.B.1: Encourage**

  Encourage future development into areas that are already served, or programmed to be served, by Miami-Dade County WASD sanitary sewer facilities.

- **INF II.B.2: Update Miami-Dade WASD**

  Coordinate Village population projections, commercial growth, land use changes, and development approvals with the Miami-Dade County WASD to assist that agency in effectively planning Palmetto Bay's future wastewater needs.

- **INF II.B.3: Miami-Dade WASD Review**

  Include the review and comment of Miami-Dade County WASD in the development review process for Village Plan amendments, rezoning's site plan and plat approvals to help ensure the cost-efficient use of existing County sanitary sewer facilities and extension of new central sewer service.

Objective C: Treated Wastewater Re-Use

Coordinate with the Miami-Dade County Water and Sewer Department (WASD) to promote reuse of treated wastewater and other by-products for public open space and golf course irrigation, fertilization, and aquifer recharge.

Policies:

- **INF II.C.1: Coordinate with Miami-Dade WASD**

  Coordinate with the Miami-Dade County WASD to install treated re-used (grey) water lines in Village of Palmetto Bay for use on rights-of-way and other appropriate landscaped areas within the municipal limits.

- **INF II.C.2: Coordinate with SFWMD**

  Coordinate with SFWMD on application of Florida-friendly landscape standards and practices per Florida Statutes Sec. 373-185 on all publicly owned and/or maintained landscape areas within the Village.

- **INF II.C.3: Update LDRs**

  Update the Village Land Development Regulations (LDR) to require development applicants to fully investigate and use, if viable, grey water in project open space and recreation irrigation.

III Stormwater Management (Drainage) Sub Element

Protect the health and safety of the public by ensuring storm water management facilities and services are properly maintained, environmentally-sound, cost-effective, and meet the community's present and future demands.

Objective A: Maintain Adopted Level-of-Service Standards

Coordinate with the Federal Emergency Management Agency (FEMA), South Florida Water Management District (SFWMD), and Miami-Dade County to ensure the Village's storm water management system meets or exceeds adopted LOS design standards over the planning period.

Policies:

- **INF III.A.1: Stormwater Management LOS**

  The stormwater management LOS standards for Village of Palmetto Bay are: Water Quality Standard. Stormwater facilities shall be designed to meet the design and performance standards established in Ch. 62-302.500 and 25.025, F.A.C., with treatment of first one (1) inch of rainfall runoff Water Quality Standard. Where two or more standards impact a specific development, the most restrictive standard shall apply:

  - Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.
  - Treatment of the runoff from the first one (1) inch of rainfall onsite or the first 0.5 inch of runoff, whichever is greater.

- **INF III.A.2: Stormwater Utility Fund**

  The Village shall continue to allocate annual funds collected through the Stormwater Utility fund to address existing stormwater deficiencies identified in the Stormwater Master Plan.

- **INF III.A.3: Review Development Proposals**

  Review all development proposals to make sure that, if the proposed projects are constructed, the Village's adopted stormwater management LOS standards will be maintained.

- **INF III.A.4: Minimum Floor Elevation**

  All structures shall be constructed at or above the minimum floor elevations specified in the most recent edition of the Florida Building Code (FBC) or Chapter 11-C of the Code of Miami-Dade County.

- **INF III.A.5: Inspect and Approve**

  Inspect and approve, if acceptable, the stormwater management facilities installed by developers, contractors and public agencies in Palmetto Bay.

- **INF III.A.6: Encourage BMPs**

  The Village shall encourage the use of green infrastructure, low-impact development, and other similar best management practices that minimize impacts from land development on stormwater sewer infrastructure systems.



Objective B: Future Growth Needs

Accommodate the future growth needs of the Village through proper planning and effective coordination with the appropriate water management agencies.

Policies:

- **INF III.B.1: Stormwater Master Plan**

  Update the Stormwater Master Plan every five years to revisit site development standards and overall Village stormwater system performance standards. This should involve engagement of engineering expertise with the intent of ensuring that standards stay current with evolving levels of flooding and damage from storm events.

- **INF III.B.2: Guide Locations of Future Development**

  Encourage future development into areas that are already served, or programmed to be served, by under-capacity storm water management facilities.

- **INF III.B.3: Coordination with other Agencies**

  Actively coordinate the Village's stormwater planning, programing, and construction with the Federal Emergency Management District (SFWMD), Miami-Dade County Department of Regulatory and Economic Resources, and the Miami-Dade County Public Works Department.



Objective C: Recharge Groundwater and Water Quality

Use the Stormwater Master Plan process and prudent land development regulations to ensure that private development and public infrastructure projects maintain required surface water quality standards and serve to recharge the groundwater aquifer.

Policies:

- **INF III.C.1: Protect Surface Water Quality**

  A primary objective of the Stormwater Master Plan is protection of surface water quality through Land Development Code (LDC) requirements that mandate acceptable paving and drainage plans, adequate open (pervious) space areas, and Stormwater detention and retention in private development projects.

- **INF III.C.2: Review the LDRs**

  Review the Land Development Regulations (LDR) on a regular basis to ensure that all feasible options are being utilized to protect water quality and enhance groundwater recharge.

Objective D: Stormwater System Maintenance

Implement a proactive maintenance program for all public facilities to ensure that all current and future stormwater management facilities operate at designed capacity.

Policies:

- **INF III.D.1: Developer Requirements**
  Require private developers to install on-site stormwater management systems and provide stormwater maintenance plans that define responsibilities for the Village and for applicants or their designated successors.

- **INF III.D.2: Village Management Program**
  The Village's Management program shall be reviewed annually and updated as needed to ensure timely maintenance of existing and future stormwater facilities.

- **INF III.D.3: Annual Inspections**
  Conduct annual inspections of stormwater facilities and coordinate with Miami-Dade County, South Florida Water Management District (SFWMD), and Federal Emergency Management Agency (FEMA) in reporting annual findings.



IV Solid Waste Sub-Element

Promote the efficient and economical balance of public and private solid waste collection and disposal services for the Village of Palmetto Bay that will meet established requirements in a manner that will protect the public health, safety, and environmental resources of the community.

Objective A: Existing and Future Needs

Coordinate with Miami-Dade County Department of Public Works Waste Management (PWWM), the entity responsible for solid waste collection and disposal, to help ensure maintenance of a safe, dependable, and efficient solid waste collection and disposal system for Village of Palmetto Bay residents and businesses and in compliance with the adopted level of service.

Policies:

- **INF IV.A.1: Solid Waste LOS**

  The adopted Level of Service standards maintained by the Miami-Dade County Department of Public Works Waste Management (PWWM), for solid waste services within Village of Palmetto Bay are 9.9 pounds/capita/day to maintain solid waste disposal capacity sufficient to accommodate waste flows committed to the system through long-term interlocal agreements or contracts along with anticipated non-committed waste flows for a period of five (5) years in accordance with the County's Comprehensive Development Master Plan.

- **INF IV.A.2: Monitor**

  Monitor the solid waste planning, capital programming and construction programs of Miami-Dade County by attending the Quarterly Solid Waste meetings to help ensure that Village of Palmetto Bay residents, businesses and other users are provided with solid waste services in compliance with the adopted LOS standard throughout the planning period.

- **INF IV.A.3: Review**

  Review all development proposals to make sure that if the proposed projects are constructed, the Village's adopted solid waste LOS standard will be maintained.

- **INF IV.A.4: Coordinate**

  Coordinate Village population projections, commercial growth, land use changes, and development approvals with the Miami-Dade County solid waste agency to assist them in effectively planning for Village of Palmetto Bay's future solid waste collection and disposal.

- **INF IV.A.5: Prioritize**

  Prioritize diligent monitoring of construction sites and vacant lots as a code enforcement focus to prevent or abate illegal dumping activities.



Objective B: Recycling

Assist the Miami-Dade County Department of Public Works Waste Management (PWWM) in promoting good recycling habits among the Village's residents and businesses.

Policies:

- **INF IV.B.1: Countywide Recycling**
  Use all available means to help the Miami-Dade County Department of Public Work Waste Management (PWWM) achieve its goal for countywide recycling in compliance with State mandated waste stream reduction objectives.

- **INF IV.B.2: Informational Campaign**
  Conduct an on-going informational campaign using existing leaflets and brochures available at Village Hall and other public locations describing the benefits of recycling and the collection rules which must be followed to properly recycle.



Objective C: Hazardous and Toxic Materials

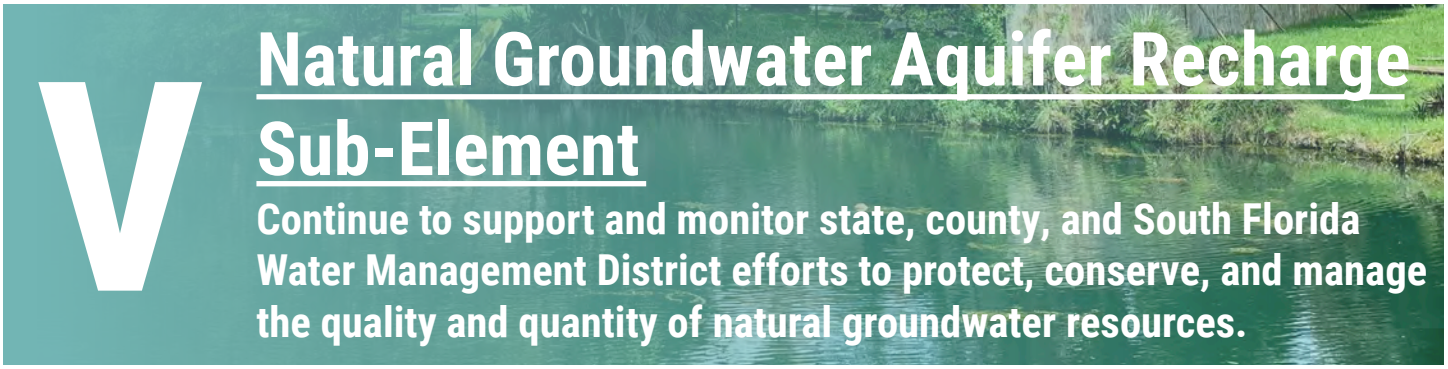
Assist the Miami-Dade County Department of Public Work Waste Management (PWWM) in the continuing implementation of a comprehensive program for their proper storage, recycling, collection, and disposal of hazardous and toxic wastes in the Village of Palmetto Bay

Policies:

- **INF IV.C.1: Education Program**
  Help the County's Department of Public Work Waste Management (PWWM) conduct an on-going education program for residents and businesses in the Village on the proper storage and handling of hazardous and toxic materials through distribution of available brochures and pamphlets at public locations and other means.

- **INF IV.C.2: Hazardous and Toxic Waste**
  Prepare and maintain an up-to-date list of all businesses in the Village that store, use and/or dispose of hazardous and toxic materials and/or waste, and monitor these establishments to ensure they have a current waste management and spill clean-up plan.

- **INF IV.C.3: Coordinate with Miami-Dade Fire**
  Coordinate with the Miami-Dade County Fire-Rescue Department to ensure they have a viable rapid response plan and proper equipment for responding effectively to hazardous and toxic waste spills in the Village.



V Natural Groundwater Aquifer Recharge Sub-Element

Continue to support and monitor state, county, and South Florida Water Management District efforts to protect, conserve, and manage the quality and quantity of natural groundwater resources.

Objective A: Recharge Deficiencies

In coordination with state, regional, and county water management agencies, correct any documented recharge deficiencies identified in Village of Palmetto Bay by the Stormwater Master Plan and outside agencies.

Policies:

- **INF V.A.1: Identify Deficiencies**
  As part of the Stormwater Master Plan process, identify groundwater recharge deficiencies, if any, in the Village.
- **INF V.A.2: Maintain and Enhance**
  Maintain and enhance, where appropriate, the capacity and period of natural surface water drainage and recharge.

Objective B: Recharge Areas

Assist State, Regional, and County efforts, where appropriate, in protecting the functions of natural groundwater recharge areas and natural drainage features in Village of Palmetto Bay.

Policies:

- **INF V.B.1: Development Standards**
  Continue to enforce the Village's on-site water retention and pervious open space standards for new development and redevelopment projects.
- **INF V.B.2: Retention, Infiltration, & Detention**
  All Development projects shall use retention, infiltration, and detention systems as required by the Village Code, and applicable State and Regional Standards



Implementation Snapshot

The Village shall provide development reports as required to WASD that summarize expected future impacts on the potable water system and its capacity.

Update the Village Land Development Regulations as appropriate to require development applicants to cover the costs of any necessary infrastructure upgrades to allow connections to Miami-Dade County Water and Sewer Department (WASD) service.

The village will amend its LDR to require a greater percentage of water-saving native and "Florida Friendly" plants and landscape designs in existing and future developed areas of the Village.

The Village will amend its LDR to remove all requirements for irrigation in single family, duplex and townhome lots.

Update the Village LDR to require development applicants fully investigate and use, if viable, grey water in project open space and recreation irrigation.



Review all development proposals to make sure that, if the proposed projects are constructed, the Village's adopted stormwater management LOS standards will be maintained.

The Village shall continue to allocate annual funds collected through the Stormwater Utility Fund to identified sub basin projects outlined in the CIP 5 yr plan to address existing stormwater quantity and/or quality deficiencies, enhancements, and/or maintenance identified in the Stormwater Master Plan. The Village's stormwater management program shall be reviewed annually and updated as needed to ensure timely maintenance of existing and future stormwater facilities.

Require private developers to install on-site stormwater management systems, provide as built plans and stormwater maintenance plans to MDC and the village defining responsible parties and their designated successors.

The Village shall explore the development of a Green Infrastructure Master Plan.





ELEMENT 7

Transportation (TRA)

The Transportation Element (TRA) of the Comprehensive Plan establishes a transportation system that emphasizes safety, accessibility by all forms, connectivity and coordination with the county and state. The Village of Palmetto Bay has one large commercial corridor along US-1 and a small commercial area on Old Cutler Road. All residential right of ways will provide stormwater capacity and landscaping. Village initiated capital projects are budgeted based on anticipated funding and grants listed in the 5-year Capital Improvements Plan (CIP). The CIP list may be updated annually and includes all state, MPO and county projects per FSS.

This element is divided into the following themes:



Safe and Balanced System

Palmetto Bay's transportation system will support all modes of travel in appropriate locations, and will enable alternative forms of travel in transportation project and management decisions.



Transportation and Land Use Connection.

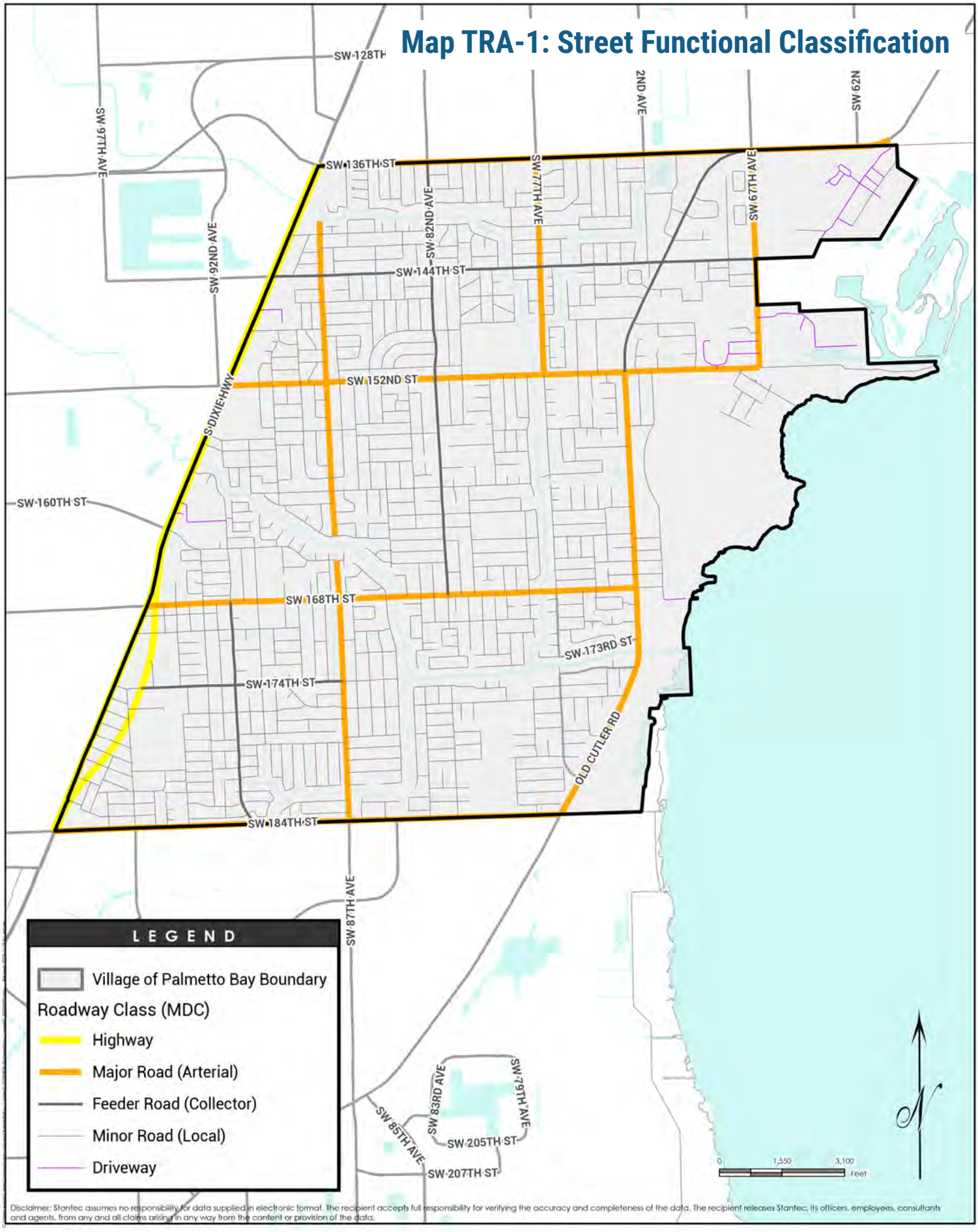
Transportation infrastructure will balance adequate capacity to support the travel demand from new development while fitting appropriately into established neighborhoods and other character areas.



Village-led transportation improvements and decisions are consistent with those of its agency partners

The Village's own contributions to its transportation network and actions to manage it will support and complement those from private developers and from partner agencies (including Florida Department of Transportation ((FDOT)), the Miami-Dade County Transportation Planning Organization ((TPO)), and Miami-Dade Transit).

Map TRA-1: Street Functional Classification



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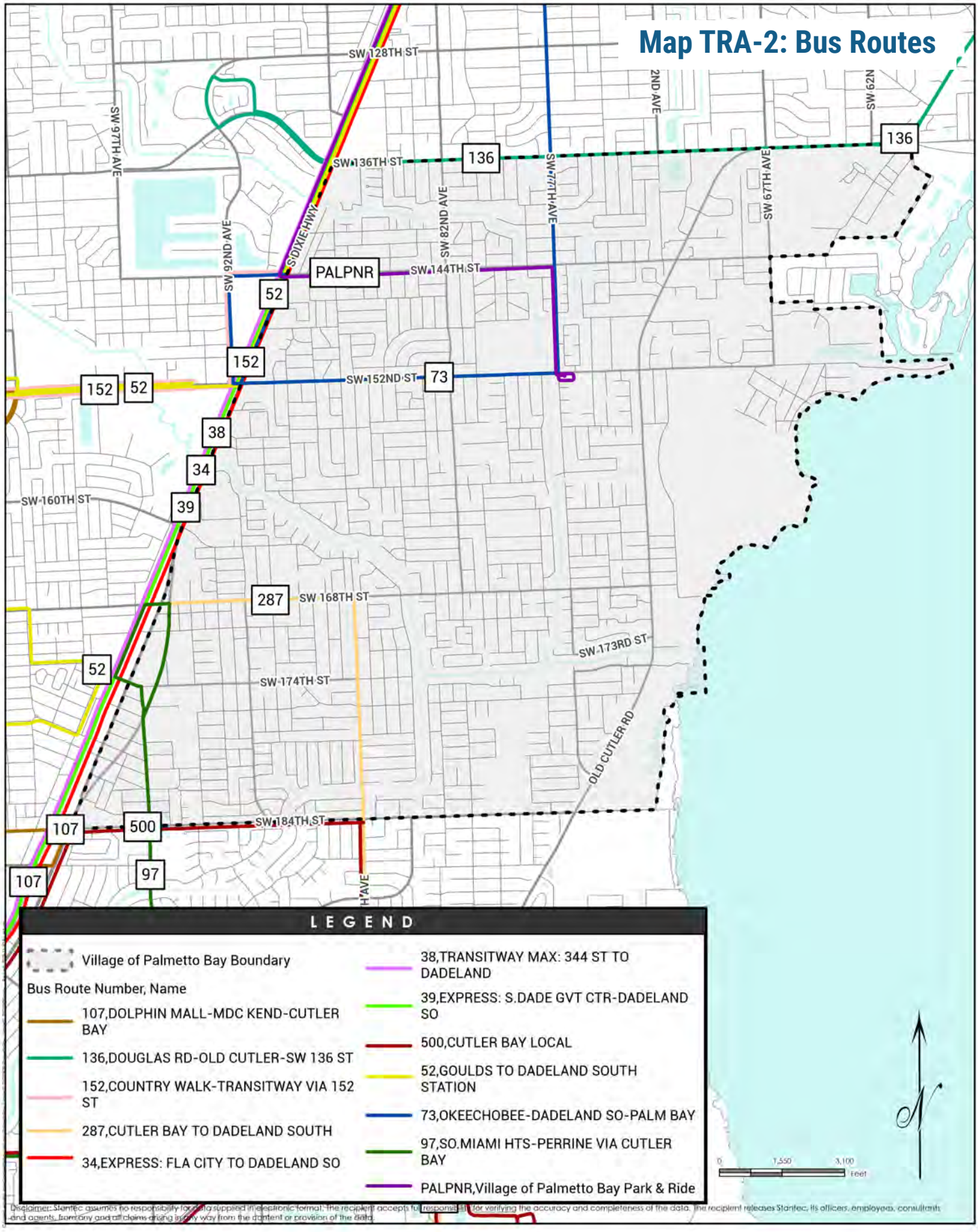
Map TRA-2: Bus Routes



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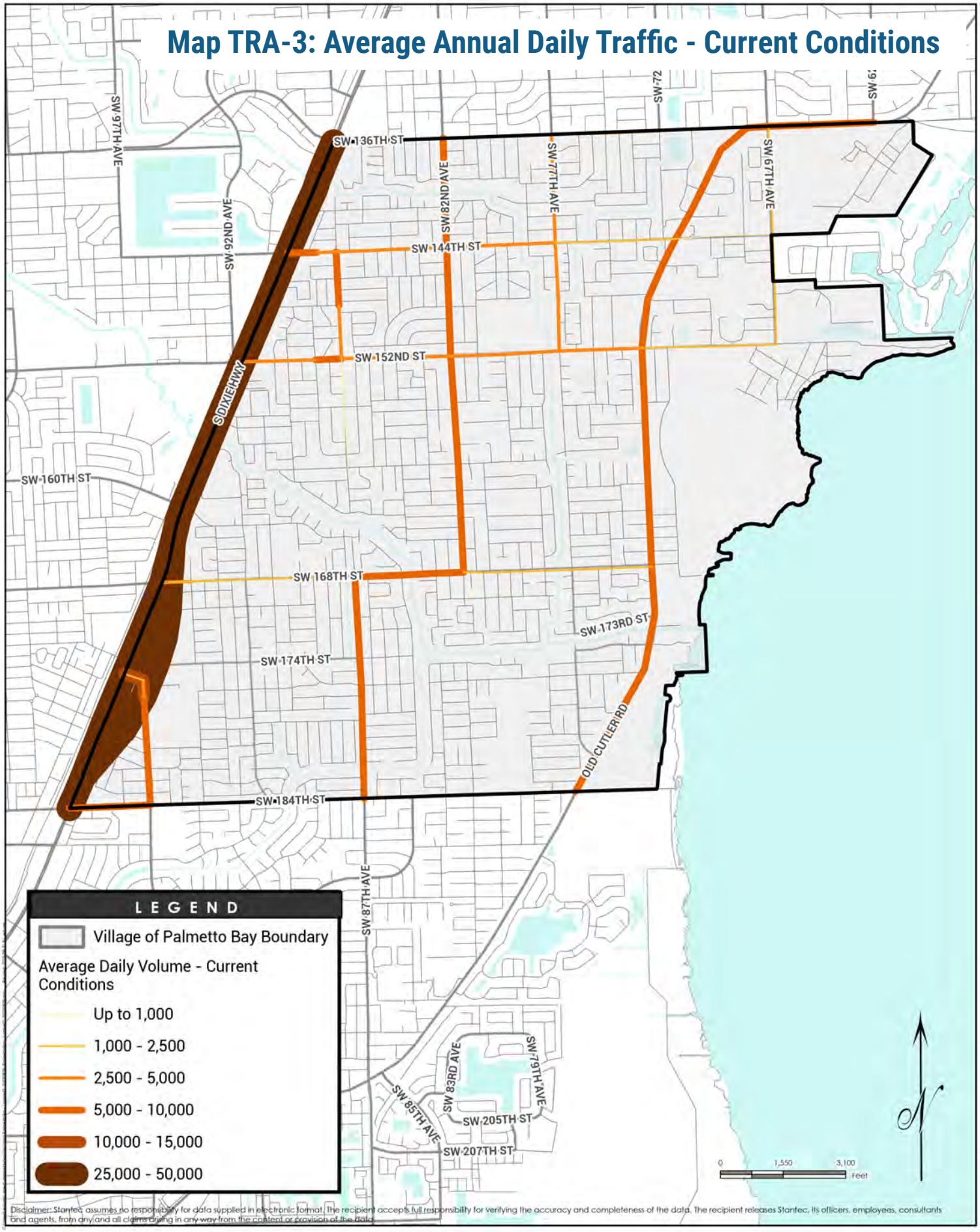
Map TRA-3: Average Annual Daily Traffic - Current Conditions



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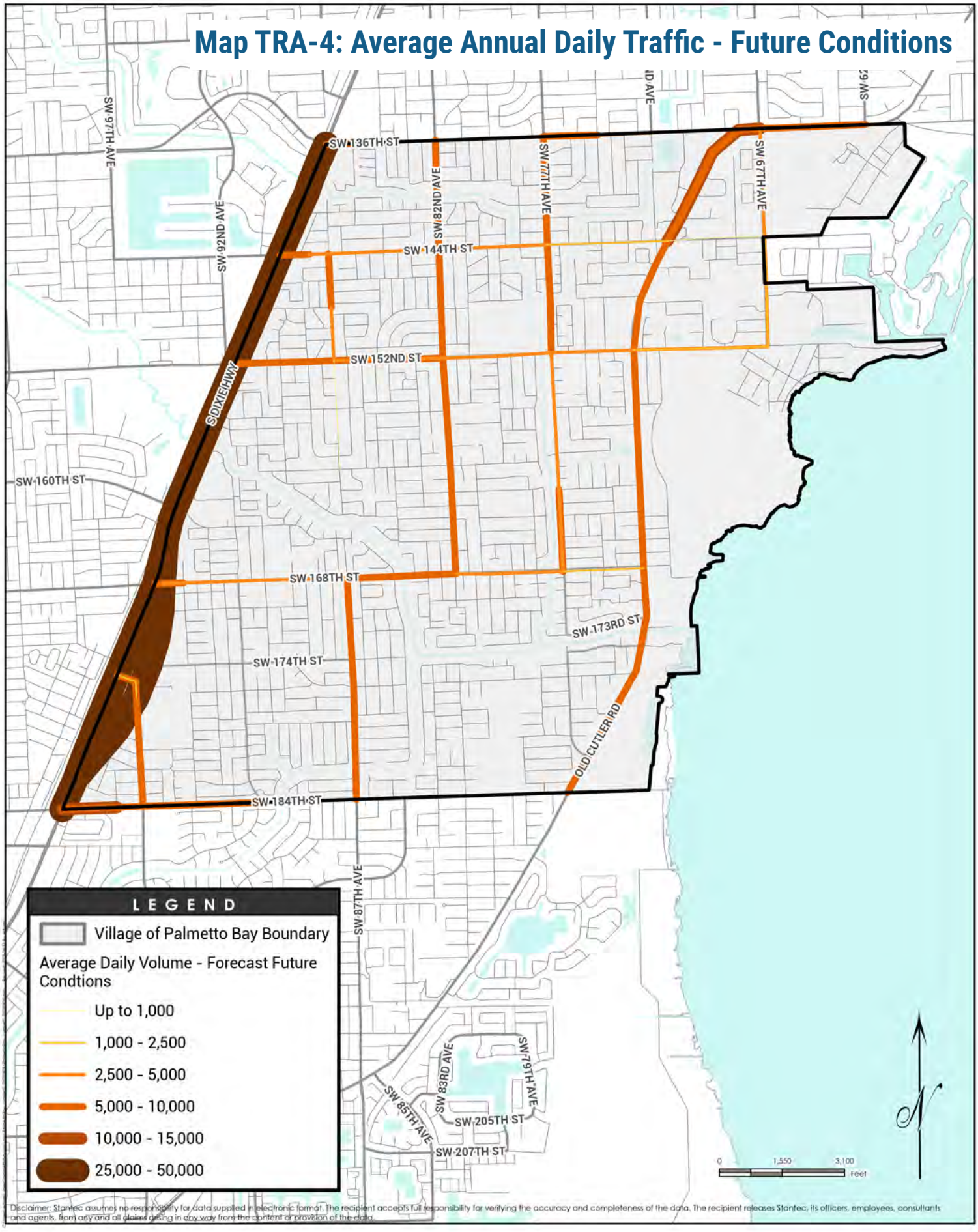
Map TRA-4: Average Annual Daily Traffic - Future Conditions



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Map TRA-5: Roadway Level of Service - Current Conditions



Map TRA-6: Roadway Level of Service - Future Conditions



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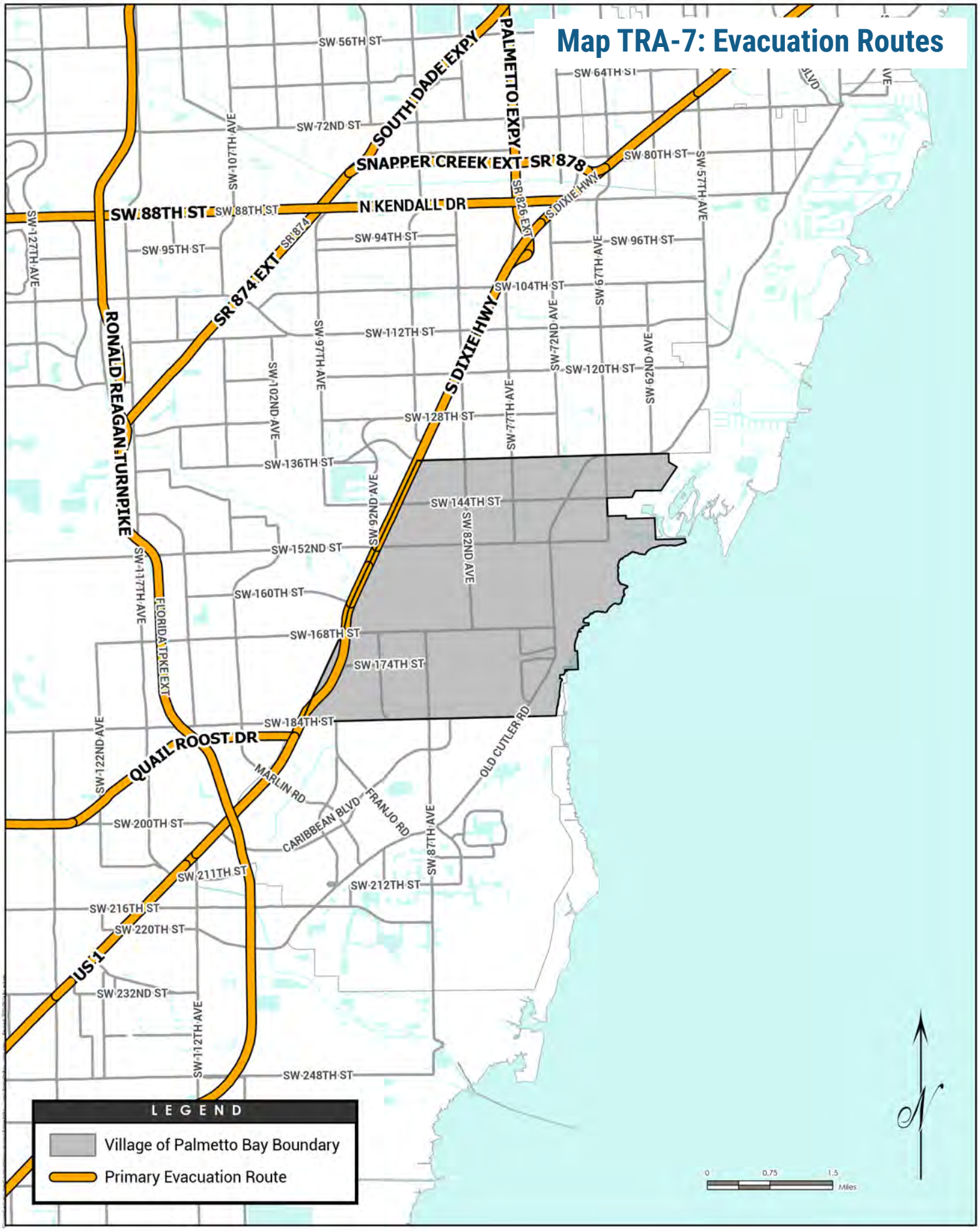
Map TRA-7: Evacuation Routes



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I Safe and Balanced System

Palmetto Bay's transportation system will support all modes of travel in appropriate locations, and will enable alternative forms of travel in transportation project and management decisions.

Objective A: Enable alternative transportation as viable options

The Village will continue to diversify its travel options and enable more travel to be made in non-driving modes of transportation on all trips.

Policies:

- **TRA I.A.1: Transportation Demand Management**

  The Village shall apply Transportation Demand Management (TDM) measures as a means of reducing drive-alone vehicle travel, especially during peak hour trips.

- **TRA I.A.2: Bike & Pedestrian Infrastructure**

  Any improvements to bicycle and/or pedestrian infrastructure required of development applicants shall be completed and constructed prior to issuance of a Certificate of Occupancy.

- **TRA I.A.3: Sidewalk Inventory**

  The Village shall maintain an inventory of sidewalks, including status of completion or construction, and overall condition.

- **TRA I.A.4: Bicycle Route System**

  Completion of bicycle route system. The Village shall implement dedicated bicycle facilities as recommended in the Village's Transportation Master Plan or any future successors to this plan.

- **TRA I.A.5: Last-Mile Connectivity**

  The Village shall prioritize capital projects that provide last-mile connectivity to fixed-route transit or to high-capacity transit stations.

- **TRA I.A.6: Pedestrian Network Improvements**

  The Village shall continue to target improvements to the pedestrian network to improve consistency with the Americans with Disabilities Act (ADA).

- **TRA I.A.7: Light Electric Vehicles**

  The Village shall explore, pursuant to State law, the use of golf carts and other light electric vehicles (LEVs) designed for personal transportation on streets owned and maintained by the Village.

- **TRA I.A.8: Safe Routes to School**

  The Village shall coordinate and work with the Miami-Dade County School Board to prepare traffic control and safety plans for the schools within the Village, proactively seeking funding (whether locally-based or outside the Village) to implement Safe Routes to School plan recommendations.

- **TRA I.A.9: Safe Streets for All**

  The Village will leverage our Safe Streets for All grant toward complete streets improvements throughout the village and program future improvements into the CIP 5-year implementation plan.

Objective B: Mode Priorities for Capacity Improvement Projects

The Village shall identify mode priorities in any capital projects that affect the transportation capacity of a street or thoroughfare.

Policies:

- **TRA I.B.1: Prioritize Pedestrians**

  The Village will prioritize pedestrian safety and accessibility in any capital projects related to transportation capacity, ensuring that adequate facilities are provided consistent with any Village-wide plans for pedestrian systems.

- **TRA I.B.2: Transportation LOS**

  The Village will prioritize meeting the transportation Level of Service (LOS) Standards requirements defined in Objective 7B.1 and its supporting policies with a focus on intersection LOS first, then corridor LOS second.

- **TRA I.B.3: Pedestrian Crossings**

  The Village will ensure that all signal-controlled intersections feature high-visibility pedestrian crossings, as defined by the Federal Highway Administration, pedestrian signals, and detectable warning ramps consistent with the Americans with Disabilities Act.





Objective C: Implement Bicycle and Pedestrian Master Plan

The Village will program suggested improvements from the Bicycle and Pedestrian Master Plan into the CIP 5-year implementation plan.

Policies:

- **TRA I.C.1: Walk-to-School Day**

  The Village shall encourage and enable an annual Walk-to-School Day.

- **TRA I.C.2: Safe Routes to School**

  The Village shall implement Safe Routes to Schools programming using education, engineering and enforcement strategies.

- **TRA I.C.3: Bike-to-Work Week/Day**

  The Village shall encourage and enable an annual Bike-to-Work Week/Day.

- **TRA I.C.4: Bicycle Education**

  The Village shall encourage bicycle education programming in the form of seminars, workshops, tabling events, brochures, etc. at local institutions such as schools and libraries.

- **TRA I.C.5: Cool Down Palmetto Bay**

  The Village shall collaborate with Miami-Dade County programs, such as Adopt-A-Tree, and use the Miami-Dade County Landscape Manual to strategically integrate native trees with high shade coverage along major road corridors.

- **TRA I.C.6: Bicycle Parking Ordinance**

  The Village shall consider adoption of a bicycle parking ordinance that ensures development will accommodate pathways to bicycle facilities, with full visibility to public entranceways, that are accessible and well maintained.



- **TRA I.C.7: Sidewalks Ordinance**

  The Village shall consider adoption of a Sidewalks Ordinance to ensure sidewalks are maintained by adjacent property owners and kept clear of obstructions.

- **TRA I.C.8: New Development Ordinance**

  The Village shall consider adoption of a new Ordinance that subjects new development to sidewalk requirements, including new sidewalk construction and addition to existing facilities.

- **TRA I.C.9: Walk, Peddle or Roll to the Park**

  The Village shall encourage the use of non-motorized transport to parks and natural areas.

II Transportation and Land Use Connection

Transportation infrastructure will balance adequate capacity to support the travel demand from new development while fitting appropriately into established neighborhoods and other character areas.

Objective A: Meet transportation levels of service

To the maximum extent controllable by the Village of Palmetto Bay, all roadways within the Village shall operate at or above the roadway Level of Service (LOS) Standards contained in this element.

Policies:

- **TRA II.A.1: Intersections and Roadways**

  All intersections and roadways under Village jurisdiction shall meet or exceed Level of Service (LOS) Standard "D" for peak-hour and daily conditions.

- **TRA II.A.2: Conduct Studies**

  The Village will conduct studies to determine reasonable and appropriate LOS standards for intersections and roadways based on land development patterns.

- **TRA II.A.3: Station Areas and Urban Centers**

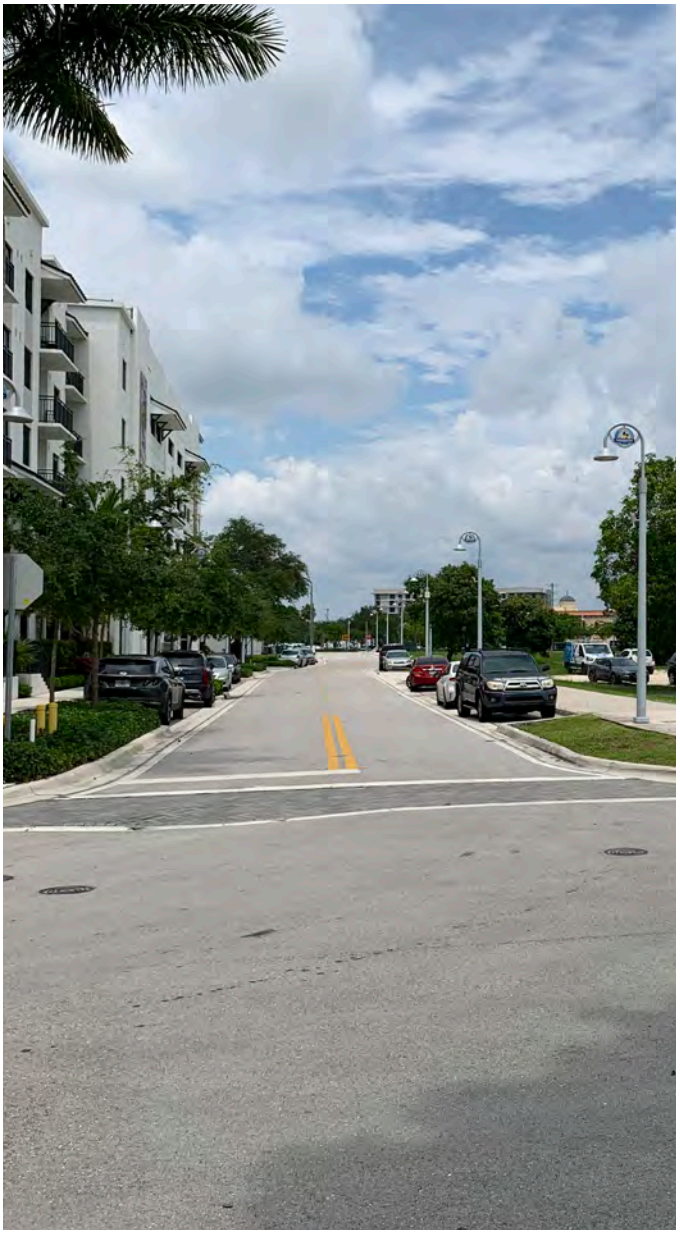
  Development in Village- and Miami-Dade-County-designated station areas and urban centers shall be exempted from the LOS standards of Policy 7A.1.1.

- **TRA II.A.4: Consider TDM Options**

  The Village shall apply Transportation Demand Management (TDM) measures as a means of reducing vehicle travel impacts that exceed adopted LOS standards and shall require development to consider TDM options before proposal of roadway or other capital improvements that increase vehicle-carrying capacity.

- **TRA II.A.5: Prioritize CIP Projects**

  The Village shall prioritize projects in its five-year Capital Improvement Plan that address any deficiencies that may remain after other policy measures in this objective, such as exemption at station areas and in urban centers or through use of TDM measures, have been applied.



Objective B: Coordinate transportation with Future Land Use

The Village shall coordinate transportation with the Future Land Use Map of this Comprehensive Plan for general adequate facilities.

Policies:

- **TRA II.B.1: Link Density with Transit**

  The Village shall recognize station areas on high-capacity transit corridors within or adjacent to the Village limits, and shall consider these areas first for higher-density development.

- **TRA II.B.2: Coordinate with FDOT and Miami-Dade**

  The Village shall coordinate with Florida Department of Transportation (FDOT) and Miami-Dade County in the development and implementation of the Village's design standards that would be applicable to State and County roadways in order to enhance the transportation corridors in the Village.

- **TRA II.B.3: Manage Driveway Access**

  The Village Land Development Regulations (LDR) shall maintain standards to manage driveway access in areas of any non-residential future land use designations such that frequent spacing of driveways does not contribute to reduced infrastructure performance or compromised safety.





Objective C: Protect neighborhoods

The Village shall prioritize the protection of neighborhood character in its single-family residential areas, and will reduce transportation-related impacts that compromise this character.

Policies:

- **TRA II.C.1: Limits for Single-Family Residential**

  The Village will not plan, design, or program projects increasing vehicle-carrying capacity in single-family residential areas.

- **TRA II.C.2: Traffic Calming**

  The Village shall preserve and protect single-family residential areas from non-local traffic through implementation of traffic calming measures as defined by the Village, and if necessary approved by the County.

- **TRA II.C.3: Perform Studies**

  The Village shall have the ability to perform traffic calming studies in neighborhoods and residential areas to determine if existing conditions justify the implementation of these measures.



III Village-led transportation improvements and decisions are consistent with those of its agency partners

The Village's own contributions to its transportation network and actions to manage it will support and complement those from private developers and from partner agencies (including Florida Department of Transportation ((FDOT)), the Miami-Dade County Transportation Planning Organization ((TPO)), and Miami-Dade Transit).

Objective A: Consistency and coordination with partners

The Village shall plan, design, and implement its own transportation capital projects, programs, and other investments in a manner compatible with those of its partner agencies.

Policies:

- **TRA III.A.1: County Transportation Liaison**
  The Village shall designate a transportation liaison to coordinate with Miami-Dade County departments, especially Transportation, Transit, and the Office of Emergency Management.

- **TRA III.A.2: South Florida Commuter Services**
  The Village shall designate a transportation liaison with South Florida Commuter Services, or any successor organization performing similar transportation management association functions, to identify and engage any Transportation Demand Management (TDM) services appropriate and applicable to the Village.

- **TRA III.A.3: Increase TDM Service**
  The Village shall contribute funding to South Florida Commuter Services to add or increase TDM services or options available to the Village, and this funding may be derived from development contributions used to mitigate transportation impacts, per Policy TRA II.A.4.

- **TRA III.A.4: Pedestrian Facilities**
  The Village shall strive for safe, continuous pedestrian facilities to be provided within one-quarter mile of any fixed-route transit service or high-capacity transit stations on or adjacent to the US 1 corridor.

- **TRA III.A.5: Evacuation Operations**
  Evacuation operations for emergency events, such as weather-related emergencies, shall begin within four hours of issuance of an emergency order by the County Administrator.

- **TRA III.A.6: Evacuation Support Plan**
  The Village's transportation liaison will designate a support plan for Village-maintained streets that connect to County and State routes designated as emergency evacuation routes. The Village will prioritize use of these streets for evacuation purposes and will suspend other activities on these streets upon issuance of an emergency order by the County administrator.



Objective B: : Engagement of partners to facilitate achieving Village goals, objectives, and policies

The Village shall coordinate with partner agencies to ensure that applicability of the goals, objectives, and policies of this Element can extend beyond right-of-way and districts outside of Village ownership and maintenance.

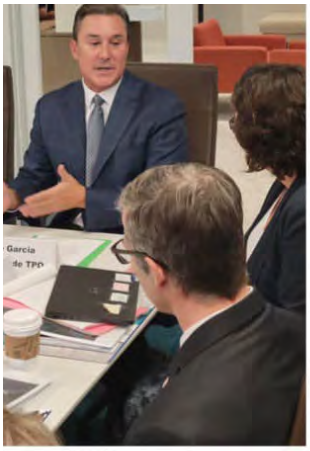
Policies:

- **TRA III.B.1: Coordinate with Miami-Dade Transit**

  The Village shall coordinate with Miami-Dade Transit to identify last-mile connection needs.

- **TRA III.B.2: Low Emission Vehicles**

  The Village transportation liaison will coordinate with Miami-Dade County and Florida Department of Transportation (FDOT) to designate locations where Low Emission Vehicle (LEV) use is permitted on County and State transportation facilities, consistent with Policy TRA I.A.7.













Implementation Snapshot

The Village shall maintain an inventory of sidewalks, street trees and bicycle lanes and off road pathways including status of completion or construction, and overall condition.

The Village shall explore the use of golf carts and other light electric vehicles (LEVs) designed for personal transportation on streets owned and maintained by the Village.

The Village shall encourage and enable an annual Walk-to-School Day coordinated with County/National designated day.



The Village shall encourage and enable an annual Parking Day coordinated with County/National designated day.

The Village will re-evaluate its commuter connection and first/last mile services offered once the South Dade Busway Bus Rapid Transit (BRT) project construction is completed.

The Village will provide local connectivity to the South Dade Busway through enhanced sidewalks, bike lanes, and a connected street grid within Downtown Palmetto Bay.




PALMETTO
Palmetto Bay

ELEMENT 8

Housing (HOU)

The Housing Element (HOU) of the Comprehensive Plan works to ensure that the Village's high quality of life and low-density residential character are maintained where established neighborhoods have a distinct sense of place. The planning of future housing is correlated with the Coastal Management, Infrastructure and Transportation Elements to guide future development away from the coastline, closer to transit proximity, and water-sewer service areas. The Village will meet all state statutes and coordinate with Miami-Dade County on regional initiatives.

This element is divided into four themes:



Maintain Safe, High-Quality Neighborhoods

The Village shall protect and enhance the community character and safety of neighborhoods.



Multigenerational Housing Opportunities

The Village shall plan for multi-generational housing options for residents and their families.



Mixed-Use Neighborhoods

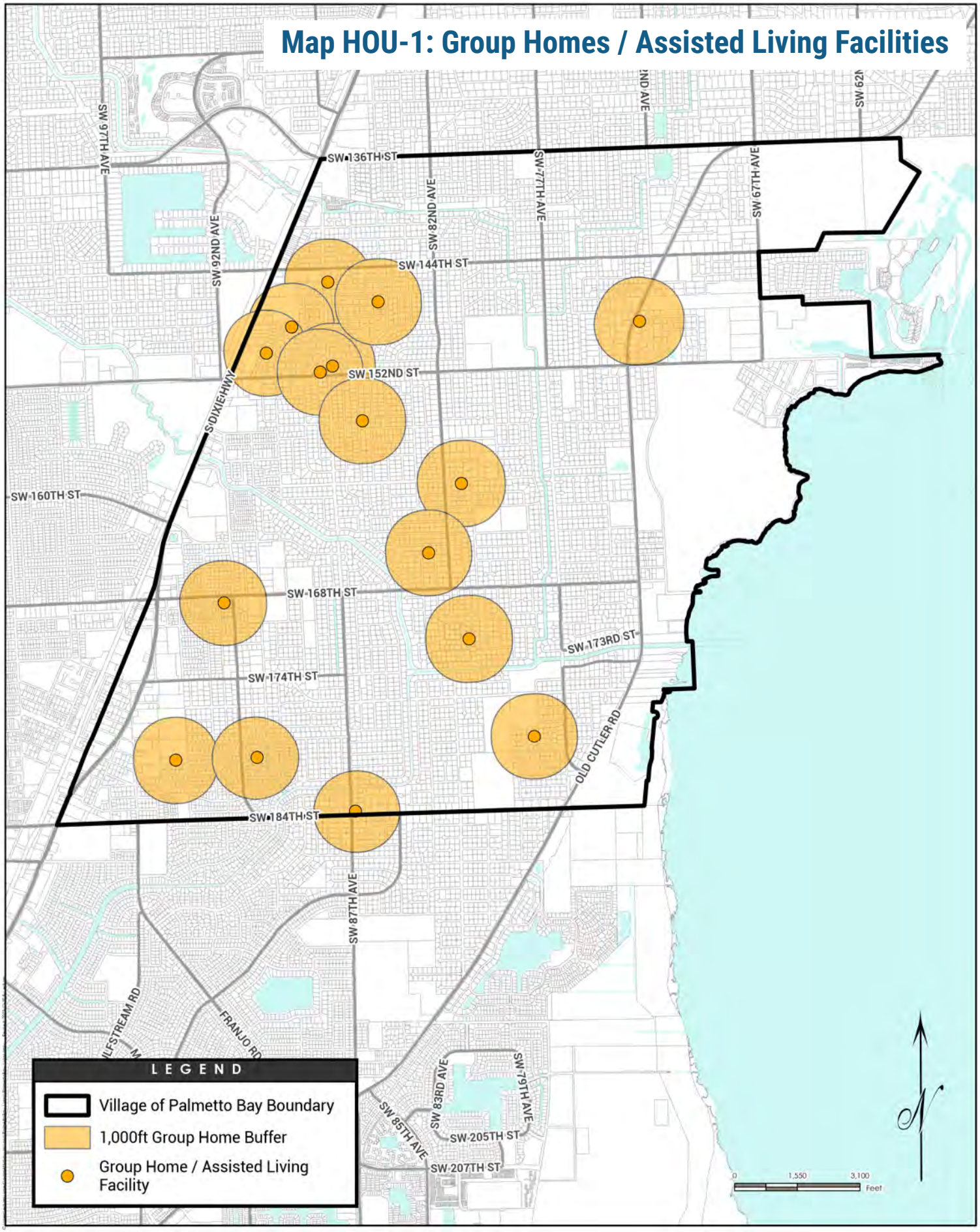
Support a diverse mix of housing and mixed-use neighborhoods along US-1.



Sustainable Housing

The Village shall promote sustainable housing measures in order to protect neighborhoods and the residents' quality of life.

Map HOU-1: Group Homes / Assisted Living Facilities



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Maintain Safe, High-Quality Neighborhoods

The Village shall protect and enhance the community character and safety of neighborhoods.

Objective A: Protect Neighborhood Safety

The Village will continue to diversify its travel options and enable more travel to be made in non-driving modes of transportation on all trips.

Policies:

- **HOU I.A.1: Crime Prevention Through Environmental Design (CPTED)**

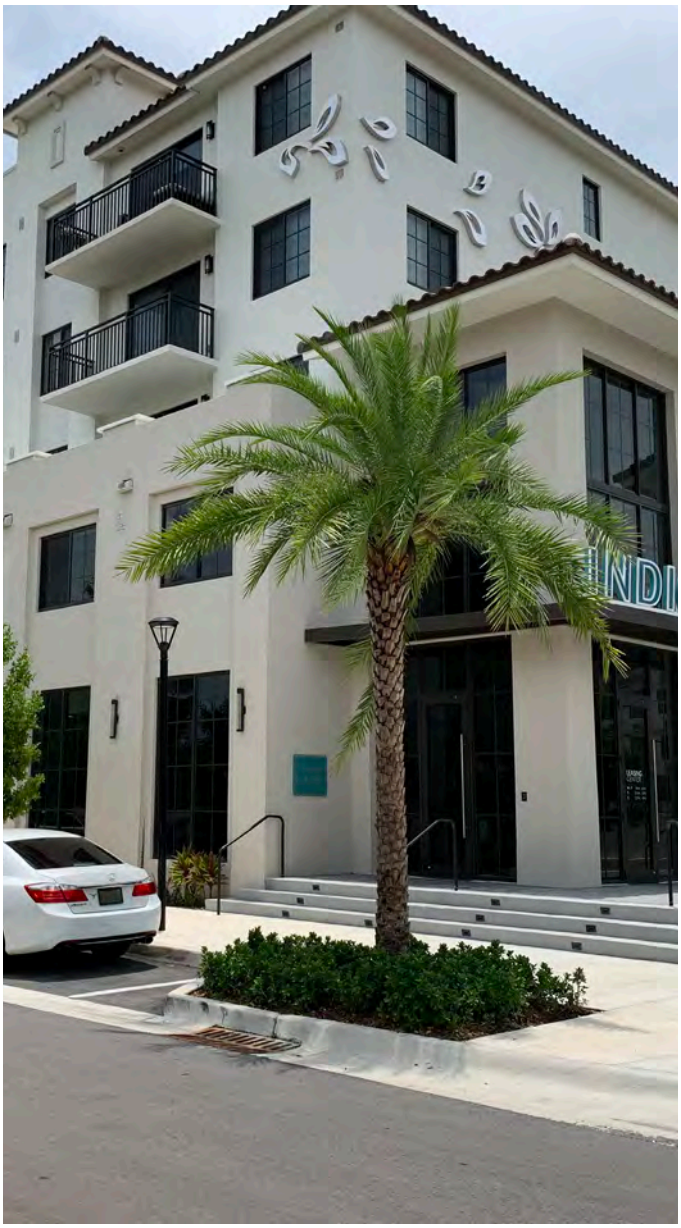
  The Land Development Regulations (LDR) shall utilize the principles of Crime Prevention Through Environmental Design (CPTED), or other similar programs, in regulating the design of buildings and placement of uses in order to increase the safety of neighborhoods and the community (See Future Land Use Element).

- **HOU I.A.2: Building Safety**

  Consistent with F.S. 163.3177(6)(f)1.b., the Village is required to maintain and enforce minimum Florida Building Code and LDR standards that regulate the elimination or rehabilitation of unsafe and substandard housing units in order to maintain existing housing in a state of good repair and aesthetically pleasing with the surrounding community.

- **HOU I.A.3: Safe Access**

  The Village shall enhance community parks and the safe access to parks and schools from residential neighborhoods (See Parks and Recreation Element and Educational Facilities Element).



Objective B: Maintain Community Character

The Village shall protect the community's sense of place and existing community character and established neighborhoods.

Policies:

- **HOU I.B.1: Neighborhood Aesthetics and Livability**

  The Village shall protect and promote quality housing, community aesthetics, walkability, and livability to maintain a vibrant community.

- **HOU I.B.2: Design**

  The Village shall maintain sustainability design guidelines for neighborhoods including street trees, sidewalks, bike lanes, and trails (See Future Land Use Element).

- **HOU I.B.3: Neighborhood Character**

  The Village shall protect existing neighborhoods from commercial intrusion to maintain the character of the community.

- **HOU I.B.4: Compatibility**

  The Land Development Regulations (LDR) shall promote the compatibility of other uses in proximity of residential housing and regulate proper screening and landscape buffering standards.

- **HOU I.B.5: Historical Resources**

  The Village shall encourage the protection of designated historical and archaeological housing, structures, and sites through appropriate LDR regulations, review procedures, and historic designations and may encourage the rehabilitation and adaptive reuse of designated historically significant housing. (See Parks and Recreation Element).



II Multigenerational Housing Opportunities

The Village shall plan for multi-generational housing options for residents and their families.

Objective A: Multi-generational Housing

The Village shall support aging-in-place and multi-generational housing strategies that encourage residents to remain in their neighborhoods as they age and as needs evolve.

Policies:

- **HOU II.A.1: Aging-in-Place Housing Options**

  The Land Development Regulations (LDR) shall include aging-in-place strategies such as shared housing options, sub-units under one roof, and other assisted living arrangements that may allow a single family to care for relatives onsite in all residential zoning districts.

- **HOU II.A.2: Accessory Dwelling Units**

  The Village shall evaluate the appropriateness of allowing accessory dwelling units as "granny flats" in the Estate Density Residential category provided they are not permitted to be rented, and incorporate adequate setbacks, parking, drainage, septic system, and other requirements and level of service standards are maintained.

- **HOU II.A.3: Senior Housing**

  The Village shall identify and support existing senior housing stock, including affordable senior housing, and plan for additional senior housing options such as continuum of care, condos, or senior-only affordable and market rate rentals.







III Mixed-Use Neighborhoods

Support a diverse mix of housing and mixed-use neighborhoods along US-1.

Objective A: New Housing

The Village shall designate density through mixed-use housing developments along US-1 in order to provide a variety of housing types in close proximity to jobs and supporting facilities.

Policies:

- **HOU III.A.1: Housing Variety**

  Consistent with F.S. 163.3177(6)(f)3., the Village is required to maintain housing implementation programs that encourage adequate sites for a housing supply of various types, sizes, and costs with new development guided towards infill along US-1 and continue to partner with private and nonprofit sectors to address housing needs in order to accommodate the anticipated population through the 20-year planning horizon.

- **HOU III.A.2: Smart Growth**

  The Village shall encourage smart growth and infill development and redevelopment of residential housing along US-1.

- **HOU III.A.3: Livability**

  The Village shall promote livability by supporting new housing options that are well-integrated with the community's mobility network, accessible to services, and in proximity to employment centers and parks.

- **HOU III.A.4: Mitigation**

  The Village shall consider traffic impacts when reviewing new multi-family housing developments to mitigate traffic impacts. Additionally, the improvement of mobility options for all types of users may be required for offsite and onsite mitigation based on the review of traffic impacts associated with these new developments (See Transportation Element).

- **HOU III.A.5: Attainable Housing**

  Consistent with F.S. 163.3177(6)(f)1.d, F.S. 163.3177(6)(f)1.g, F.S. 163.3177(6)(f)3, the Village is required to plan for adequate sites for future housing including attainable and affordable housing, especially along US-1, where community residents, including but not limited to teachers, government workers, and senior citizens can live where they work and have access to every day needs and transit.

- **HOU III.A.6: Consistency with State Requirements**

  Consistent with F.S. 163.3177(6)(f)1.d., the Village is required to continue to provide opportunities for mobile homes, group homes, and foster care facilities in residential zoning districts, provided that they meet design compatibility standards. Consistent with F.S. 163.3177(6)(f)1.e., the Village is also required to provide residents with the ability to relocate when residents are displaced by Village actions, through public development or redevelopment.

IV Sustainable Housing

The Village shall promote sustainable housing measures in order to protect neighborhoods and the residents' quality of life.

Objective A: Sustainability

Consistent with the Village's broader sustainability goals, the Village shall guide housing away from coastal areas and encourage sustainable housing design and construction methods.



Policies:

- **HOU IV.A.1: Coastal Sustainability and Resiliency**

  The Village shall guide housing development away from the Coastal High Hazard Area (CHHA). Any development and rehabilitation of housing near the coast and/or within the CHHA shall be consistent with the policies outlined in the Coastal Management Element of this Comprehensive Plan to ensure the long-term resiliency and safety of neighborhoods.

- **HOU IV.A.2: Mitigation**

  Where feasible, the Village shall coordinate with the appropriate state, federal, and other applicable entities to support property owners in the mitigation of risks from natural hazards and flooding such as elevating existing homes and support property owners in the repair of housing after a hazard event (See Coastal Management Element).

- **HOU IV.A.3: Sustainable Housing Design**

  The Land Development Regulations (LDR) may incorporate strategies to address housing design and construction methods that increase energy efficiency and encourage the use of renewable resources. The LDR may also provide incentives for housing developments that meet recognized green building criteria (i.e., LEED).


B4

Implementation Snapshot

The Land Development Regulations (LDR) shall utilize the principles of Crime Prevention Through Environmental Design (CPTED)

The Village will create appropriate "buffer" land use and zoning categories between commercial and single-family zoning where possible. The LDR shall promote the compatibility of other uses in proximity of residential housing and ensure gradual transition of height and massing, screening and landscape buffering standards.

The Village shall evaluate the appropriateness of accessory dwelling units as a way to provide multi-generational housing and aging in place of family members within single family residential area provided they are not permitted as short term rentals and will incorporate adequate setbacks, parking, drainage, septic system, and other requirements and all adopted level of service standards are maintained.



The Village will work with Miami-Dade County to implement smart growth, infill development and redevelopment along US-1 thru the Land Development Code.

The Village will modify the LDR to include state mandates as opportunities arise.

The Village shall incorporate sustainability standards into the LDR to address housing design and construction methods that increase energy efficiency, encourage the use of renewable resources, reduce continual losses, and flood risks.



ELEMENT 9

Property Rights (PRO)

The Village shall act in the public's interest through the highest quality customer services that are provided having a nexus to life, safety, health, and the well-being of the general public by all residents. Individuals must respect each property owner's individual rights and actively be a part of the collective neighborhood unit within which their parcel of land is located. All property owners must respect each other and allow for the peaceful enjoyment of the community within which individuals reside and are a part of the entire village.

This element includes:



Respect Property Rights

The Village shall consider judicially acknowledged and constitutionally protected private property rights in its local decision making.

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The Village shall consider judicially acknowledged and constitutionally protected private property rights in its local decision making.

Objective A: Property Rights

Consistent with F.S. 163.3177(i)(1), the Village is required to ensure that private property rights are considered in its local decision making amongst other factors required by the Comprehensive Plan and Land Development Regulations.

Policies:

- **PRO I.A.1: Physical Possession and Control**

  The Village shall consider in its local decision making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

- **PRO I.A.2: Personal Use of Property**

  The Village shall consider in its local decision making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

- **PRO I.A.3: Privacy**

  The Village shall consider in its local decision making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

- **PRO I.A.4: Disposal of Property**

  The Village shall consider in its local decision making the right of a property owner to dispose of his or her property through sale or gift.



ELEMENT 10

Public Participation (PUB)

The Village values the input and discussion with the public in the decision-making process. The Village recognizes that local residents elect municipal leaders and that their thoughts and concerns are the most important constituent. The public participation element ensures that everyone is heard through a lens of equity and inclusion where everyone has a voice and is enabled to be involved in your government's due process.

This element includes:



Public Participation

The Village's decision making will be reliable and predictable to promote sound, long-term investments in the community.

I Public Participation

The Village's decision making will be reliable and predictable to promote sound, long-term investments in the community.

Objective A: Public Participation Processes

The Village must provide for opportunities for all persons to be heard on actions that:

- Amend the Village's Comprehensive Plan;
- Change the zoning designation of property within the Village;
- Approve a site plan at a public hearing;
- Require a variance; or
- Quasi-judicial actions

Policies:

- **PUB I.A.1: Public Hearings**

  Action items identified in Objective A must occur in a public hearing meeting and adhere to the standards of this policy.

- **PUB I.A.2: Any Person may Participate**

  The Village recognizes that planning and development decisions affect complex systems and have impacts that occur beyond the site of development. Any person may participate in and be a party to a hearing on a decision this policy governs.

- **PUB I.A.3: Right to Evaluate Proposed Decisions**

  The Village respects the right of people, including elected officials, to fairly evaluate proposed decisions that this objective governs.



IMPLEMENTATION & ACCOUNTABILITY





03 CHAPTER


SPEED
LIMIT
25

ELEMENT 11

Capital Improvements (CAP)

The Capital Improvements Element (CAP) implements the Village's vision by establishing a list of infrastructure projects that are tied to the adopted level of service and predicted revenues to ensure a balanced budget. The comprehensive plan contains a Capital Improvements Element designed to consider the Village's needs assessment for public facilities in order to provide exceptional customer service to the citizens and end users.

The Village will coordinate on behalf of the residents' services that are provided by other government entities. Per Florida Statute, a schedule of capital improvements shall include any publicly funded projects of federal, state, or local government and the Village will assign funding sources for future investments. The Capital Improvements Plan is evaluated yearly to update project status, rankings, funding sources, projected revenues, and cost estimates if applicable. This element includes:



Provision of High-Quality road, utility and infrastructure facilities and services

Provision of High-Quality road, utility and infrastructure facilities and services and public education facilities necessary to correct current deficiencies and accommodate new development and redevelopment for the residents and businesses for Palmetto Bay consistent with the level-of-service standards establish in this comprehensive plan.

Provision of High-Quality road, utility and infrastructure facilities and services

and public education facilities necessary to correct current deficiencies and accommodate new development and redevelopment for the residents and businesses for Palmetto Bay consistent with the level-of-service standards establish in this comprehensive plan.



Objective A: Capital Improvement Funding Availability

Ensure that adequate fiscal resources are available to ensure that public facility improvements required for existing development, redevelopment, and planned future growth can be made concurrent with development impacts.

Policies:

- **CAP I.A.1: Five-Year Capital Improvement Program**

  Prepare and adopt a Five-Year Capital Improvement Program (CIP) and One-Year Capital Budget as part of the Village's annual budgeting process, along with an annual review and update, as necessary of the Capital Improvements Element (CIE). The annual update of the CIE's financially feasible Capital Improvements Schedule should demonstrate that level of service standards will be maintained during the next five-year period.

- **CAP I.A.2: Public Facilities**

  Prior to the issuance of new development orders, ensure public capital revenues and/or secured developer commitments are in place to provide all public facilities at adopted level-of-service standards, including but not limited to water supply concurrency requirements.

- **CAP I.A.3: Additional Capital Revenues**

  Seek grants and private development contributions, whenever possible, to provide additional capital revenues for the implementation of the Five-Year Schedule of Capital Improvements.

- **CAP I.A.4: Assess Impact Fees**

  Assess impact fees and other appropriate techniques for new development to bear a reasonable proportionate cost for public facility improvements required by new development and partially relieve the burden for capital improvements from property tax collections and existing residents.

- **CAP I.A.5: Mitigation**

  Include proportionate share mitigation methodologies in the Village's Code of Ordinances, and provide options for mitigation of impacts on public school facilities in the Village's concurrency management program and Interlocal Agreement for Public Facility Planning between the Village, Miami-Dade County Public Schools, Miami-Dade County and the Cities in Miami-Dade County, consistent with the requirements of Chapter 163, Florida Statutes. These mitigation options might include, but are not limited to, one or more of the following: contribution of land; the construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or, the creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits.

Objective B: Public Facilities

Provide high-quality roads and infrastructure facilities and services, including public educational facilities necessary to meet the existing needs and accommodate planned future growth at the adopted level-of-service standards.

Policies:

- **CAP I.B.1: Ensure Availability of Public Facilities**

  All Village decisions regarding land use planning and development will ensure the availability of public facilities and services necessary to support such development at the adopted level-of-service standards concurrent with the associated impacts by means of Village's Land Development Regulations (LDR) and in compliance with the Village's Water Supply Plan.

- **CAP I.B.2: Construction of Capital Improvements**

  Working with road, utility, and infrastructure service providers within the Village, help ensure that necessary capital improvements are constructed for reconstruction, redevelopment and future growth.

- **CAP I.B.3: Manage Land Development Process**

  Manage the land development process so public facility needs do not exceed the Village's ability to fund and provide, or require the provision of, needed improvements. This shall be accomplished through development and implementation of the Village LDR.

- **CAP I.B.4: CIP Guidelines**

  Include the capital improvement projects identified in the other Elements of this Plan in the 5-Year Schedule of Capital Improvements with priority for implementation according to the following guidelines:

  1. Protects public health, safety, and welfare;
  2. Promotes Sustainability and Resiliency;
  3. Fulfills existing legal commitments of the Village to provide facilities and services;
  4. Corrects an existing public facility deficiency identified in this Plan;
  5. Permits the most efficient and effective use of existing and/or future facilities;
  6. Provides new capacity to accommodate future growth consistent with this Plan;
  7. Prevents or reduces future improvement costs; and
  8. Promotes cost effective use of time and revenue (related projects)

- **CAP I.B.5: Assess Costs**

  Through appropriate public facility funding mechanisms and impact fees, assess new development and higher intensity redevelopment, a pro rata share of the public facility costs necessary to accommodate the impacts of the development at the adopted levels-of service. Public facilities include potable water, sanitary sewer, solid waste, drainage, parks, roadways, and public educational facilities.

- **CAP I.B.6: Repair and Upgrade**

  Repair and upgrade capital facilities managed by the Village according to generally accepted engineering principles and guidelines, and ensure that facilities and service providers are held to the same standards.

- **CAP I.B.7: School Concurrency**

  The Miami-Dade County Public Schools and Miami-Dade County have the responsibility for providing school concurrency related improvements and should continually seek to expand the funding sources available to meet those requirements.

- **CAP I.B.8: School District Facilities Work Plan**

  The Miami-Dade County School Board's latest adopted district facilities work plan should be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.

- **CAP I.B.9: Incorporated by Reference**

  The Miami-Dade County Public Schools Facilities Work Program is incorporated by reference into this Element, except as expressly excluded during the annual adoption of the Schedule of Projects. The Village is not financially responsible for those capital projects funded, maintained and/or under the control of other agencies or jurisdictions.

- **CAP I.B.10: Street Tree Master Plan**

  Continue to implement the Village Street Tree Master Plan, dated June 21, 2006, and update the plan as needed and appropriate.

Objective C: Concurrency and Level-of-Service Standards (LOS)

Make the availability of high-quality public facilities at adopted Level of Service (LOS) Standards concurrent with the impacts of development, an important basis for future land planning and capital decisions.

Policies:

- **CAP I.C.1: Support Development at Adopted LOS**

  Sanitary Sewer, Solid Waste, Drainage and Potable Water: As discussed in Element 6 (Infrastructure), prior to the issuance of any development order for new development or redevelopment, sanitary sewer, solid waste, drainage and potable water facilities needed to support the development at adopted Level of Service (LOS) Standards all must meet one of the following timing requirements:

  1. The development order includes the condition that at the time of issuance of a certificate of occupancy or its functional equivalent, the necessary facilities and services are in place and available to serve the new development; or
  2. The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380, to be in place and available to serve new development at the time of the issuance of a certificate of occupancy or its functional equivalent.

  Parks & Recreation: As discussed in Element 4 (Parks, Recreation and Open Space), prior to the issuance of any development order for new development, park and recreation public facilities needed to support the development at adopted LOS standards must meet one of the following timing requirements:

  1. The necessary facilities and services are in place or under actual construction; or
  2. The development order includes the condition that at the time of the issuance of a certificate of occupancy or its functional equivalent, the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the Village, or funds in the amount of the developer's fair share are committed; and
     a. The development order includes the conditions that the necessary facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent as provided in the adopted five-year schedule of capital improvements; or
     b. The necessary facilities and services are the subject of a binding executed agreement which requires the necessary Facilities and services to serve the new development to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or
     c. The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380, to be in place or under actual construction not more than one year after issuance of a certificate of occupancy or its functional equivalent; or
     d. Necessary covenants are executed.

Transportation: As discussed in Element 7 (Transportation), prior to the issuance of any development order for new development or redevelopment, transportation public facilities needed to support the development at adopted LOS standards must meet one of the following timing requirements:

1. The necessary facilities and services are in place or under construction; or
2. The development order includes the conditions that the necessary facilities and services needed to serve the new development are schedule to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its function equivalent as provided in the adopted five-year schedule of capital improvements.
3. The necessary facilities and services are the subject of a binding executed agreement which requires the necessary facilities and services to serve the new development to be in place or under actual construction no more than three years after the issuance of a certificate of occupancy or its functional equivalent; or
4. The necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to F.S. 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380, to be in place or under actual construction not more than three years after issuance of a certificate of occupancy or its functional equivalent, or
5. Necessary covenants are executed.

The application of the above requirements must ensure the availability of public facilities and services needed to support development concurrent with the impacts of such development.

Public Educational Facilities: Prior to the issuance of any development order for new development or redevelopment impacting educational facilities, public educational facilities needed to support the development at adopted LOS standards must meet one of the following timing requirements:

1. The necessary facilities and services and services are in place or under actual construction within three years after issuance of final subdivision or site plan approval (or functional equivalent); or
2. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the priority subject to the final plat or site plan (or functional equivalent).

- **CAP I.C.2: Meet or Exceed LOS**

  Public facilities and services must meet or exceed the LOS standards established in this Element of the Comprehensive Plan. Public facilities must be available at the adopted LOS standards when needed for development. If facilities are not available at the time of approval, development orders or permits are to be conditions on the availability of public facilities and services, or the necessary Facilities must be guaranteed either in an enforceable development agreement adopted pursuant to F.S. Chapter 163, or in development order issued pursuant to F.S. Chapter 380.

- **CAP I.C.3: Evaluate**

  Evaluate proposed Plan amendments and requests for new development or redevelopment according to the following guidelines:

  1. Will the action contribute to condition of public hazard as described in the Infrastructure Element?
  2. Will the action exacerbate any existing public facility capacity deficiency, as described in the Transportation Element, Infrastructure, and recreation and Open Space, Public Educational Facilities Elements, and Water Supply Elements?
  3. Will the action generate public facility demands that may be accommodated by capacity increases, which will maintain adopted level-of-service standards either planned in the Five-Year Schedule of Capital Improvements or by developer commitment?
  4. Is the action consistent with the goals, objectives, and policies of the Future Land Use Element, including the Future Land Use Map?
  5. If the Village provides public facilities, in part or while, is the action financially feasible pursuant to this Element?

- **CAP I.C.4: Proportionate Cost**

  Future development will be required to contribute a proportionate cost of facility improvements to maintain required LOS standards through the payment of applicable fees and charges pursuant to Village codes and ordinances in affect at the time.

- **CAP I.C.5: Minimal Impact**

  Any proposed development that is deemed to generate a minimal impact (as defined in F.S. subsection 163.3189 (6)), shall not be required to establish transportation concurrency.

- **CAP I.C.6: Amendment**

  A comprehensive plan amendment shall be required to eliminate, defer, or delay construction of any facility listed in the Five-Year Schedule of Capital Improvements.



Objective D: Debt Management

Develop and implement a debt management program if necessary, to assist the Village in providing adequate and timely revenues for scheduled capital improvements.

Policies:

- **CAP I.D.1: Debt**

  Incur debt within generally accepted municipal finance principles and guidelines, and only in relation to the Village's ability to pay for a new capital asset or to significantly extend the life expectancy of a capital asset.

- **CAP I.D.2: Operating Costs**

  When evaluating the debt to be incurred for a facility, the increase in operating costs for that new or additional facility must also be considered.

- **CAP I.D.3: Operation and Maintenance**

  The Village will not provide a public facility, nor accept the provision of a public facility by others, if it is unable to pay for the subsequent annual operation and maintenance costs of the facility.

- **CAP I.D.4: Debt Service Expenditures**

  The Village's total debt service expenditures shall be no more than 10% of total revenue.

- **CAP I.D.5: Capital Indebtedness**

  The Village's outstanding capital indebtedness shall be no more than five (5) percent of its property tax base.

Table CAP-1: Recommended Level of Service (LOS) Standards for the Village of Palmetto Bay

Public Facility	Level of Service Standard
Sanitary Sewer[A]	The Village shall coordinate with Miami-Dade County Water and Sewer District (WASD) to understand LOS standards that Miami-Dade County adopts and, as a client agency of WASD, will provide quarterly development reports to WASD to quantify system impacts and understand implications for LOS standards.
Solid Waste[A]	The Village shall coordinate with Miami-Dade County Solid Waste Management to understand LOS standards that Miami-Dade County adopts and, as a client agency of Solid Waste Management, will provide quarterly development reports to quantify system impacts and understand implications for LOS standards.
Potable Water[A]	The Village shall coordinate with Miami-Dade County Water and Sewer District (WASD) to understand LOS standards that Miami-Dade County adopts and, as a client agency of WASD, will provide quarterly development reports to WASD to quantify system impacts and understand implications for LOS standards.
Stormwater Drainage	Stormwater facilities shall be designed to meet the design and performance standards established in Chapter 62-25, 25.025 of the Florida Administrative Code with treatment of first one inch (1") of rainfall runoff to meet water quality standards required by Chapter 62-302, 862-302.500 of the Florida Administrative Code. Were two or more standards impact a specific development, the most restrictive standard shall apply. a. Post-development runoff shall not exceed the pre-development runoff rate for a 25 year storm event, up to and including an event with a 24-hour duration. b. Treatment of the runoff from the first one inch (1") of rainfall on-site or the first half inch (0.5") of runoff, whichever is greater.
Flood Protection	The minimum acceptable Flood Protection Levels of Service (FPLOS) standards for Miami-Dade County shall be protection from the degree of flooding that would result from a duration of one day from a ten-year storm, with exceptions in previously developed canal basins, where additional development to this base standard would pose a risk to existing development. All structures shall be constructed at, or above, the minimum floor elevation specified in the federal flood Insurance Rate Maps for Miami-Dade County or as specified in Chapter 11-C of the Miami-Dade County Code, whichever is higher.
Recreation /Open Space	3.0 acres per 1,000 population A separate LOS of .25 acres per 1,000 residents for developments within the Downtown area.

Public Facility	Level of Service Standard
Transportation - UIA TCEA[B]	All development applications within the Urban Infill Area Transportation Concurrency Exception Area are exempt from transportation concurrency requirements; however the following level of service thresholds are established for reviewing projects within the UIA TCEA: a. The Level of Service (LOS) Standard threshold within the UIA is LOS E (100% capacity) b. Where public transit service exists in the UIA operating with headways of 20 minutes or less, roadway located less than one-half mile of the service may operate at 120% of their capacity. c. Roadways parallel to exceptional transit service (i.e. commuter rail/express bus) are defined within an acceptable level of service at 150% of their capacity. These thresholds are used for evaluation of transportation impacts; however, in all cases, only development applications that result in an increase in peak period traffic on an FIHS roadway operating below the adopted level of service standard, now or in the future, would require a proposed project to implement and maintain trip reduction measure sufficient to reduce travel by single occupant automobiles so that they resultant increase in traffic volume does not exceed two percent of the defined maximum service volume.
Transportation-UDB[C]	All major roadways within the Urban Development Boundary must operate at LOS D except State urban minor arterials (SUMA), which may operate at LOS E.
Schools[C]	The Village shall coordinate with the Miami-Dade County Public School Board (School Board) to understand LOS standards that Miami-Dade County adopts and, as a client agency of the School Board, will provide quarterly development reports to the School Board to quantify system impacts and understand implications for LOS standards.

Notes:

[A] =These public facilities and services are provided by Miami-Dade County and are subject to the level of service standards established in the Miami-Dade County Comprehensive Development Master Plan (CDMP). The Village of Palmetto Bay Comprehensive Plan will adopt these same level of service standards to be consistent with the CDMP.

[B] =UIA TCEA denotes the Urban Infill Area Transportation Concurrency Exception Area. The section of Palmetto Bay located east of SW 77th Avenue is part of the Miami-Dade County UIA TCEA.

[C] =These public educational facilities are provided by the Miami-Dade County Public Schools and these standards were established through the "Amended and Restated Interlocal Agreement for Public School Facilities in Miami-Dade County."

FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS

The Village of Palmetto Bay's schedule of capital improvements is published annually as part of the Capital Improvement Program. It presents key information related to the future projects proposed in various elements of this Comprehensive Plan. Table 1 through 4 of the Capital Improvement Program outlines the Revenue Sources available to fund each capital improvement, the year the project is projected to be implemented, compliance with Goals, Objectives and Policies of the Comprehensive Plan and project-related expenses over the next five (5) years

PLAN MONITORING, EVALUATION AND APPRAISAL

The Village of Palmetto Bay will formally evaluate and appraise this Comprehensive Plan every 5-7 years, pursuant to State Statute, beginning with the original Plan adoption in 2005 under the 1985 State Growth Management Act, as amended. The components of this comprehensive process are the updating of socioeconomic and development data, which is evaluated to determine if projections were accurate and what trends have developed over the past five years. The Goals, Objectives, and Policies of the adopted Plan are then examined for updating, compliance with current law and introduction of new initiatives for the next planning period. Village staff will also conduct annual monitoring of Plan implementation with respect to goals, objectives and policies as part of the budgeting process.

Public participation is built into the entire process, which results in a final Evaluation and Appraisal Report (EAR) that is reviewed and adopted by the Local Planning Agency and Village Council, and transmitted to the Florida Department of Economic Opportunity for review. Once the final EAR is approved by all agencies, EAR-based amendments are initiated.

Implementation Snapshot

Prepare and adopt a Five-Year Capital Improvement Program (CIP) and Capital Budget as part of the Village's annual budgeting process, along with an annual review and update, as necessary of the Capital Improvements Element (CIE).

Include proportionate share mitigation methodologies in the Village's Code of Ordinances

The village will continue to implement the Street Tree Master Plan and passive swale area stormwater improvements.







ELEMENT 12

Intergovernmental Coordination (INT)

The Intergovernmental Coordination Element (INT) ensures that the Village is aligned with all of its service providers and adjacent municipalities to be able to make the best decisions for its residents. It is the purpose of this section is to permit the Village to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities. The Village acknowledges the fundamental State Constitutional value of Home Rule Authority and believes that localities are best equipped to make local decisions for their residents. This element includes:



Establish and improve intergovernmental relationships with public, quasi-public, private and non-profit entities
involved in planning and development activities, resource protection and allocation, and utility and infrastructure provision, including coordination of plans and programs affecting the Village of Palmetto Bay and its neighboring communities.



I. Establish and improve intergovernmental relationships with public, quasi-public, private and non-profit entities

involved in planning and development activities, resource protection and allocation, and utility and infrastructure provision, including coordination of plans and programs affecting the Village of Palmetto Bay and its neighboring communities.

Objective A: Non-Transportation Coordination Activities and Participation.

Maintain and enhance, where possible, intergovernmental coordination initiatives and activities with governmental agencies, quasi-public companies, local service providers and non-profits, such as Miami-Dade County, South Florida Water Management District, and Miami-Dade County School Board, to maximize the capital improvement, service and financial benefits from those entities to the residents and businesses of Palmetto Bay.

Policies:

- **INT I.A.1: Participate**

  Participate in federal, state, regional, and county workshops, meetings, and public hearings relating to topics affecting the Village of Palmetto Bay and its environs, including but not limited to water supply.

- **INT I.A.2: Communication**

  Maintain effective lines of communication with county, regional, and state agencies charged with setting levels-of-service and/or permitting requirements, and initiating maintenance and capital improvement projects for public facilities and water supply located in and around the Village of Palmetto Bay.

- **INT I.A.3: Disseminate Information**

  The Village Manager or his/her designee shall disseminate information on proposed comprehensive plan and/or land development regulation amendments by the Village, to neighboring cities, Miami-Dade County, and other governmental agencies in addition to publication requirements.

- **INT I.A.4: Level-of-Service Reports**

  The Village Manager or his/her designee shall prepare and review the level-of-service reports in order to provide the affected service providers and other entities with information to evaluate and coordinate level-of-service standards, including but not limited to water supply.

- **INT I.A.5: Coordinate Adopted LOS Standards**

  In situations where other public or private entities are providing a public facility or service within the Village of Palmetto Bay for roads, water, sewer, drainage, parks, solid waste or public educational facilities, the Village will coordinate its adopted level-of-service standard with such service provider within the parameters allowed by the Capital Improvements Element of this plan. The Village shall further coordinate with all other parties to the "Amended and Restated Interlocal Agreement for Public School Facility Planning" to establish level-of-service standards (including interim LOS standards) for public school facilities and any amendments affecting public school concurrency.

- **INT I.A.6: Comprehensive Plans**

  The Village's Comprehensive Plan will be coordinated with the State of Florida Comprehensive Plan, and the Miami-Dade County Comprehensive Development Master Plan.

- **INT I.A.7: Water Quality**

  Continue to coordinate with the Miami-Dade County Department of Regulatory and Economic Resources and the South Florida Water Management District on surface water quality monitoring and water quality in Biscayne Bay.

- **INT I.A.8: Regulatory Programs**

  Continue to coordinate with the US Department of Environmental Protection, US Army Corps of Engineers, South Florida Water Management District, and Miami-Dade County Department of Management Regulatory and Economic Resources to ensure that all regulatory programs administered through each of these agencies is integrated, as applicable, into the Village of Palmetto Bay Land Development Regulations.

- **INT I.A.9: Hurricane Evacuation and Shelter**

  Continue to cooperate with Miami-Dade County to maintain or reduce predicted hurricane evacuation times and ensure adequate shelter capacity for residents during mandatory hurricane evacuation orders by:

  - Providing land use and population data for inclusion in the Comprehensive Emergency Management Plan (CEMP);
  - Participating in regular coordination meeting of local and regional evacuation planning professionals;
  - Maintaining a liaison with the Miami-Dade County Emergency Operation Center during a state of emergency; and
  - Coordinating development and implementation of post-disaster redevelopment and hazard mitigation plans.

- **INT I.A.10: Coordinate with USDA & FPL**

  Coordinate with the USDA Horticulture Research Station and Florida Power and Light (FPL) regarding future plans for their properties or changes in their operations.

- **INT I.A.11: Conflict Resolution**

  Utilize the conflict resolution procedures established by the South Florida Regional Planning Council, the dispute resolution process as established by F.S. 186.509, and/or Miami-Dade County conflict resolution forums, where appropriate, to bring closure in a timely manner to intergovernmental disputes.

- **INT I.A.12: Development and Growth Management**

  Pursue resolution of development and growth management issues with impacts transcending the Village's political jurisdiction. Issues of regional and state significance shall be coordinated with the South Florida regional Planning Council, the South Florida Water Management District, and/or state agencies having jurisdictional authority. Issues to be pursued include, but are not limited to, the following:

  1. Impacts of development proposed in the Comprehensive Plan on Miami-Dade County, adjacent cities, the region, and the state.
  2. Land development activities adjacent to the Village's corporate limits within Miami-Dade County or nearby cities.
  3. Research regulatory framework and implementation of affordable housing programs.
  4. Village land development activities adjacent to the unincorporated area of the county, or nearby cities.
  5. Potential annexation issues.
  6. Area-wide drainage and stormwater management master plan, proposed improvements, and implementing programs.
  7. Solid waste disposal, including development of new landfill facilities, recycling resources, and other improvements.
  8. Level-of-service standards for infrastructure system impacting the Village and adjacent areas.
  9. Conservation of natural and historic areas.
  10. Emergency management and evacuation planning and procedures.
  11. Village water supply needs based upon the Miami-Dade County Water Supply Plan and the South Florida Water Management District Regional.

Objective B: Transportation and Transit Coordination Needs

Coordinate with governmental agencies providing all types of transportation facilities and services to Palmetto Bay to ensure the Village receives its fair share of funding and improvements..

Policies:

- **INT I.B.1: Move People Safely and Efficiently**

  Work with officials at the Florida Department of Transportation (FDOT), Miami-Dade County Metropolitan Planning Organization (MPO), and Miami-Dade County to promote the inclusion of projects in their plans, programs, and development regulations that adequately provide future capacity for moving people safely and efficiently through the Palmetto Bay.

- **INT I.B.2: County Road Impact Fees**

  Solicit the expenditure of County Road Impact Fees on facilities that best benefit the Villages of Palmetto Bay through participation in the Miami-Dade County MPO's policy and technical coordinating committees.

- **INT I.B.3: Pedestrian & Bicycle Linkages**

  Coordinate with officials at Miami-Dade Transit, the Miami-Dade MPO, and FDOT to ensure that safe, continuous pedestrian and bicycle linkages are within all future projects within one-quarter (1/4) mile of transit stops located within the Village to connect residents and visitors with public transit for completing higher order trips

- **INT I.B.4: Plant Trees**

  Coordinate with Miami-Dade County and the Florida Department of Transportation to plant trees on County and /or State owned medians or rights-of-way, as proposed in the Villages Street Tree Maser Plan dated June 21,2006.

- **INT I.B.5: Transit Coordination**

  Work with Miami-Dade Transit and the Office of Public Transportation Management to improve transit service within the Village and make public transit a more viable alternative to automobile travel, and increase the number of Miami-Dade Transit bus routes operating within the village that participate in the Agency's Bike and Ride Program.

- **INT I.B.6: Support Efforts**

  Support efforts by Miami-Dade Transit to consider improvements to the existing transit system including, but not limited to, increased routes, frequency of service, and reliability.

- **INT I.B.7: Coordinate Implementation**

  Coordinate with members of Miami-Dade Transit and the Citizens' Independent Transportation Trust to implement public transportation improvements, including but not limited to public transit, as identified in the Peoples Transportation Plan. Funding for these improvements will come from the half-cent sales tax referendum approved by Miami-Dade County voters in 2002.

Objective C: Communicate Village Plans to Affected Outside Entities

Village of Palmetto Bay's plans and programs proposed in the Comprehensive Plan or through other approved policy documents that impact adjacent communities, Miami-Dade County, the region and the State shall be fully communicated and considered through effective coordination mechanisms.

Policies:

- **INT I.C.1: Adjacent Communities**

  Review of proposed development within the Village of Palmetto Bay shall include findings, where appropriate, indicating any significant impacts on adjacent communities, including unincorporated Miami-Dade County, and their comprehensive plans. Special attention will be given to proposed development on the Village borders.

- **INT I.C.2: Identify, Develop, and Pursue**

  Identify, develop, and pursue areas where intergovernmental land use planning and level-of-service agreements are needed between the Village and adjacent or affected governments.

- **INT I.C.3: Review and Coordinate**

  The Village shall, as needed, review and coordinate with neighboring jurisdictions the Village of Palmetto Bay's land use plans and facility planning for water, sewer, roads, and any other public facilities that may have an impact on other entities or cause inconsistencies between comprehensive plans.

- **INT I.C.4: Cooperative Planning Programs**

  Continue to participate in cooperative planning programs with other governmental agencies.

- **INT I.C.5: Proposed Annexation Areas**

  When proposed annexation areas are considered, coordinate with all potential-impacted unincorporated communities, adjacent municipalities, and Miami-Dade County.

Objective D: Coordinate with Other Agencies for Recreation

The Village shall coordinate with appropriate agencies regarding recreation and open space.

Policies:

- **INT I.D.1: Coordination**

  The Village shall coordinate planning for recreational improvements with each level of government, including Miami-Dade County School Board, Miami-Dade County, and the private sector in order to promote enhanced recreational opportunities, including environmental educational activities, in a cost-effective manner.

- **INT I.D.2: Natural Areas**

  The Village shall coordinate with county, state, and federal agencies and landowners to protect and enhance the natural areas and environmentally sensitive lands (especially Biscayne National Park and Charles Deering Estate) within the Village.

- **INT I.D.3: Trails**

  The Village shall coordinate with the Miami-Dade County Metropolitan Planning Organization (MPO) to upgrade the multiuse trail along the east side of Old Cutler Road (i.e. "Old Cutler Trail") within the municipal boundaries to become a viable link within the trail network planned between downtown Miami and points south.

- **INT I.D.4: Adjacent Parkland**

  The Village shall coordinate with Miami-Dade County to ensure that sufficient parkland is provided in the areas adjacent to the Village to reduce non-resident burdens upon Village activities.

- **INT I.D.5: Park Site**

  The Village shall coordinate with Miami-Dade County on plans to develop a potential park site on all surplus designated lands that are located within the Village.

- **INT I.D.6: Greenways**

  The Village shall actively participate in the planning and update of Miami-Dade County's regional greenways system.

DEFINITIONS



04 CHAPTER

Definitions listed below in **bold** are defined by Florida Statutes. All state definitions are identified in Ch 163.3164 unless otherwise noted in parenthesis at the end of the definition. All Comprehensive Plan definitions are defined at the time of adoption of the Village's Comprehensive Plan and may be updated by Florida Statute at a future date.

1. **Adaptation Action Area** or **Adaptation Area** means a designation in the coastal management element which identifies one or more areas that experience coastal flooding due to extreme high tides and storm surge, and that are vulnerable to impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

2. **Affordable Housing** means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households. (F.S. 420.0004(3))

3. **Area** or **Area of Jurisdiction** means the lands lying within the limits of an incorporated municipality.

4. **Capital Improvement** means physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities' signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Eligible activities include but are not limited to: roadway improvements, water, wastewater, and sewer utilities, parks, Village buildings, and heavy equipment.

5. **Coastal Area** means the 35 coastal counties and all coastal municipalities within their boundaries, including the Village of Palmetto Bay within Miami-Dade County.

6. **Compatibility** means a condition in which land uses or conditions can coexist in relative proximity to each other such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

7. **Comprehensive Plan** means a plan that meets the requirements of ss. 163.3177 and 163.3178. A Comprehensive Plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

8. **Density** means an objective measurement by which residential development shall be determined based on the number of dwelling units allowed per gross area of land.

9. **Developer** means any person, including a governmental agency, undertaking any development as defined in this act.

10. **Development** means the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. (F.S. 380.04. (1))

11. **Development Order** means any order granting, denying, or granting with conditions an application for a development permit.

12. **Development Permit** includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

13. **Downtown Revitalization** means the physical and economic renewal of a central business district of a community as designated by local government, and includes both downtown development and redevelopment.

14. **Floodprone Areas** means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps. Portions of the Village lie within floodprone areas.

15. **Floor Area Ratio (FAR)** is calculated by dividing the total size of the building floor area, by the total size of the lot on which the building is located.

16. **Goal** means the long-term end toward which programs or activities are ultimately directed.

17. **Governing Body** means the board of county commissioners of a county, the commission or council of an incorporated municipality.

18. **Intensity** means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground. Non-residential development shall be limited by intensity, measured by height, square footage, or as Floor Area Ratio (FAR).

19. **Internal Trip Capture** means trips generated by a mixed-use project that travel from one onsite land use to another onsite land use without using the external road network.

20. **Land** means the earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

21. **Land Development Regulation Commission** means a commission designated by a local government to develop and recommend, to the local governing body, land development regulations which implement the adopted comprehensive plan and to review land development regulations, or amendments thereto, for consistency with the adopted plan.

22. **Land Development Regulations** means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213.

23. **Land Use** means the development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof.

24. **Level of Service** means an indicator of the extent or degree of service provided by, or 163.3164(7)proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

25. **Local Planning Agency** means the agency designated to prepare the comprehensive plan or plan amendments required by this act. The Planning Division is the local planning agency for the Village.

26. **Master Development Plan** or **Master Plan**, for the purposes of this act and 26 U.S.C. s. 118, means a planning document that integrates plans, orders, agreements, designs, and studies to guide development as defined in this section and may include, as appropriate, authorized land uses, authorized amounts of horizontal and vertical development, and public facilities, including local and regional water storage for water quality and water supply.

27. **Objective** means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

28. **Parcel of Land** means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

29. **Policy** means the way in which programs and activities are conducted to achieve an identified goal.

30. **Projects that promote public transportation** means projects that directly affect the provisions of public transit.

31. **Public Facilities** means major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

32. **Public Notice** means notice as required by s. 125.66(2) for a county or by s. 166.041(3)(a) for a municipality.

33. **Regional Planning Agency** means the council created pursuant to chapter 186.The Village of Palmetto Bay is incorporated in the Miami-Dade Metropolitan Planning Organization.

34. **Seasonal Population** means part-time inhabitants who use, or may be expected to use, public facilities or services.

35. **State Land Planning Agency** means the Department of Commerce.

36. **Structure** means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. “Structure” also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs. (F.S. 380.031(19))

37. **Suitability** means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

38. **Transit-Oriented Development** means a project or projects, in areas identified in a local government comprehensive plan, that is or will be served by existing or planned transit service. These designated areas shall be compact, moderate to high density developments, of mixed-use character, interconnected with other land uses, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

39. **Transportation Corridor Management** means the coordination of the planning of designated future transportation corridors with land use planning within and adjacent to the corridor.

40. **Urban Infill** means the development of vacant parcels in otherwise built-up areas where public facilities such as sewer systems, roads, schools, and recreation areas are already in place.

41. **Urban Redevelopment** means demolition and reconstruction or substantial renovation of existing buildings or infrastructure within urban infill areas, existing urban service areas, or community redevelopment areas created pursuant to part III.

42. **Urban Service Area** means areas where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element.

43. **Urban Sprawl** means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

DATA INVENTORY & ANALYSIS




SPEED
HUMP

CONSERVATION & SUSTAINABILITY ELEMENT DATA INVENTORY AND ANALYSIS

INTRODUCTION

Pursuant to the requirements of Chapter 163 of the 2022 Florida Statutes, the Conservation and Sustainability Element consists of a data inventory and analysis that influences the overarching goals, objectives, and policies. This Element sets the foundation for the Village to protect its natural environment.

WATERBODIES

Utilizing data retrieved from the U.S. Fish and Wildlife Service, **Map CON-1** illustrates the waterbodies located within and surrounding the Village of Palmetto Bay. The inland areas of Palmetto Bay, which are submerged during all of the year, with the exception of extreme dry periods, include wetlands, ponds, and canals. Those areas of Palmetto Bay classified as inland open waterways include the C-100 Canal network. Wetlands are concentrated along the coastal areas east of Old Cutler Road. The waters behind and adjacent to the Deering Estate are home to the Biscayne Bay Aquatic Preserve, which provides habitat for a wide variety of juvenile and adult marine species including several of Florida's imperiled species, such as the west Indian manatee, the smalltooth sawfish, the American crocodile, and Johnson's seagrass. Other vital resources of the Preserve include corals, sponges and algae, mangrove-lined shores, and a variety of invertebrate species throughout the length of the bay. Seagrass beds within the BBAP, especially along the shores of the Deering Estate, are prime feeding areas for wading birds and a valuable nursery area for juvenile fish and invertebrates, including many of commercial interest. Additionally, the Deering Estate contains some of the last remaining functioning springs in the region.

The estuary's mangrove wetlands is one of the most productive ecosystems in the region. Mangrove communities along the coastal areas of Biscayne Bay stabilize bottom sediments and protect shorelines from erosion and storm surge. Forest and fringe communities provide protection from storm surge and can potentially reduce damage to upland areas from hurricanes. Mangrove trees provide nesting and roosting habitat for many resident and migrating birds in addition to providing shelter and a safe nursery to growing marine life. Mangrove leaves are also a large component of the near shore food web.

While channelization of this region's historic waterflow has altered the ability to stabilize these mangrove communities, the Deering Estate Flow-way was completed in 2012 and is designed to increase freshwater flow directing it away from existing canal discharges and spreading it out as sheetflow prior to discharging into the aquatic preserve. This will result in healthier coastal wetlands and recreate the natural sheetflow of water through the land, into the bay. Improved freshwater flow and salinity distribution near the shore will also help re-establish productive nursery habitat for shrimp and shellfish.

Both Biscayne Bay and its mangrove forests are protected by County and State regulations from impacts of development. Waterways within the Village are protected and will receive only minimal effects from future development.

FLOODPLAINS

Flood zones allocated in the Village of Palmetto Bay are illustrated in **Map CON-2**. There are several areas within the Village of Palmetto Bay which have been identified by the Federal Emergency Management Agency (FEMA) as having the potential for flooding in the 100-year storm event, or 1% annual chance of flooding. Also included in the map is the 500-year storm event area, or those areas having a 0.2% annual chance of flooding. These areas are subject to rising waters due to their proximity to nearby canals and Biscayne Bay.

MINERAL RESOURCES

There are no significant deposits of commercially valuable minerals known to exist within the Village of Palmetto Bay.

SOILS

The Miami-Dade County Soil Survey prepared by the Natural Resources Conservation Service and updated in 1996 gives details of the 25 different soil types that exist throughout the County.

The soil classifications are made based upon the water table, slope, erosion potential, permeability, subsidence and organic (muck/peat) content. The soils are also rated as to their potential for development based upon those limiting properties. The primary soil types identified for Palmetto Bay include:

- Opalocka-Rock outcrop complex
- Perrine marl, tidal
- Plantation muck
- Hallandale fine sand
- Margate fine sand

The Village of Palmetto Bay does not have any specific areas of soil erosion. Erosion potential can be mitigated by reducing the time interval between the clearing of land and actual development or construction.

WATER QUANTITY AND QUALITY

This section analyzes the current and projected water needs and sources based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands.

Water Demands

The Miami-Dade County Water and Sewer Department (MDWASD) provides water to a number of Miami-Dade County municipalities, including the Village of Palmetto Bay. The South Florida Water Management District 2018 Lower East Coast Water Supply Plan Update details the projected potable water demand for MDWASD. Since MDWASD provides water to several Miami-Dade County municipalities and most of the unincorporated area, the analysis of the Village's water needs is determined by the Village's percentage of the overall population of the MDWASD service area population.

Table CON-1 below provides a listing of the projected potable water demand based upon the population projections and the entire Village being connected to the MDWASD potable water system. In order to meet projected demand in 2045, the Village will require an estimated 2,360,000 gallons per day. To ensure the efficient and acceptable delivery of potable water services to the Village of Palmetto Bay, continued coordination with MDWASD is recommended.

Table CON-1: Projected Potable Water Demand

Year	Population	Per Capita (gallons per day finished water)	Potable Water Demands (daily average annual, MGD)
2020	24,439	93.45	2.28
2025	24,826	93.45	2.32
2030	25,097	93.45	2.35
2035	25,204	93.45	2.36
2040	25,219	93.45	2.36
2045	25,219	93.45	2.36

Source: Population Projections from Shimberg Center – Florida Housing Data Clearinghouse; Per Capita data from Village of Palmetto Bay 18-Year Water Supply Facilities Work Plan (2016-2033)

Water Conservation

Water conservation is the key to maintaining the health and productivity of the Surficial Aquifer System. Promoting water conservation equipment, techniques, and practices will benefit customers economically and maintain a realistic water demand picture for utilities. Protection of the aquifer system and wellfields through conservation and reuse, recharge enhancement, limitations on withdrawal, regulation of land use, and maintenance of minimum flows and levels will ensure the availability of an adequate water supply for all competing demands, maintain and enhance the functions of natural systems and preserve water quality.

The Village of Palmetto Bay works in coordination with MDWASD and the South Florida Water Management District on water conservation, use, and protection through several programs and policies that include:

- Plumbing requirements
- Florida Friendly Landscaping as described in Section 373.185, Florida Statutes
- Adoption of a Village Stormwater Master Plan

Aquifer Recharge

There are no classified prime groundwater recharge areas within the Village of Palmetto Bay. Aquifer recharge sources in the Village include the Cutler Drain Canals and Biscayne Bay and their tributaries, drainage structures designed for infiltration, and lawns and swales.

Water Quality

The Miami-Dade County Water and Sewer Department operates three regional water treatment plants: Alexander Orr, Jr., John E. Preston and Hialeah. There are five smaller water treatment plants which make up the South Dade Water Supply System and the Hialeah Reverse Osmosis Water Treatment Plant. The Village of Palmetto Bay is served by the Alexander Orr, Jr. Water Treatment Plant, which serves customers who live south of Flagler Street to about SW 248 Street. This plant draws water from the Biscayne Aquifer and receives lime treatment to reduce hardness, and is then fluoridated, disinfected and filtered.

In 2022, the Florida Department of Environmental Protection (FDEP) performed a Source Water Assessment on the MDWASD system. The assessment was conducted to provide information about any potential sources of contamination in the source wells' vicinity. There are 91 potential sources of contamination identified for this system with low to moderate susceptibility levels. The susceptibility levels describe potential contamination due to nearby activity but do not indicate contamination. There were 24 parameters detected in Miami-Dade's water during the reporting period. All are below maximum contaminant levels allowed.

WILDLIFE AND HABITATS

The Village of Palmetto Bay's native vegetation and forests as well as wetlands, streams, ponds, and canals provide vital habitat for wildlife within the Village. Lands that have been dedicated for parks or conservation are displayed in **Maps REC-1 and REC-2**. The Biscayne Bay Aquatic Preserve and Biscayne Bay National Park border the eastern edge of the Village and provide crucial habitat for endangered species and migratory birds.

The Central Biscayne Bay sub-region extends from the Fisher Island/Virginia Key area on the north, southward to the Cutler area. Although the barrier island of Key Biscayne is present in the northerly portion of this sub-region, the absence of barrier islands to the south make this sub-region the most well-flushed area of Biscayne Bay. Freshwater inputs, which enter the west side of the Bay through the Coral Gables Waterway and Snapper Creek, result in estuarine salinities along the west shoreline. This salinity gradient, together with a westerly shoreline that includes mangroves and other naturally occurring vegetation provides habitat for a comparatively high diversity of flora and fauna.

Seagrasses are a major component of the benthos, and where seagrasses are not continuous, hardbottom is interspersed with seagrasses. Seagrasses are primarily dense beds of turtle grass in the east, but shoalgrass, paddle grass and manatee grass are also present, primarily along the coast. Attached macroalgae are abundant within this sub-region, particularly on hardbottom and/or in eastern portions. The combination of dense seagrass beds and grassbeds interspersed with hardbottom create ideal habitat conditions for a variety of crustaceans and fishes. This portion of Biscayne Bay sustains a major commercial pink shrimp (Farfantepenaeus duorarum) fishery. Shrimp are valuable both for the economic value of the fishery and for their contribution to the food web. Many species of fish that are valuable either commercially or recreationally feed on pink shrimp.

Aerial surveys and telemetry tracking have documented the presence of West Indian Manatees within this sub-region. These monitoring efforts have also documented the presence of manatees in manatee-accessible areas of the Coral Gales waterway, Snapper Creek and the Kings Bay/Cutler area. The extent to which fresh water and/or comparatively warm water during the winter, are the attracting features for manatees is not known, however the presence of manatees in these waterways at different times of the year suggest that both fresh water and warm water may be attracting features to varying extents throughout the year.

Loggerhead turtles, green turtles, and leatherback turtles are known to occur within this sub-region, although nesting habitat for these species in this subregion is exceedingly small. These species are designated as threatened (loggerhead) and endangered (green and leatherback) by both the State of Florida and federal resource agencies.

Wildlife species which have been listed by the United States Fish and Wildlife Service and the Miami-Dade County Comprehensive Development Master Plan as being endangered or threatened within Miami-Dade County are documented in **Table CON-2 and CON-3** below. Please note that these sources only contain records of all listed species that may occur at the county level. This list is not all inclusive. Some of the species which are included in the list may be found infrequently within the Village but have ranges that do include Palmetto Bay.

Table CON-2

List of Federal, State and County Endangered, Threatened, Rare, and Special Concern Flora In Miami-Dade County

Scientific Name	Common Name	Designated State	Status Federal	County
Acacia choriophylla	Tamarindillo; cinnecord	E	NL	Y
Acanthocereus tetragenus	Triangle cactus	T	NL	Y
Acoelorraphe wrightii	Everglades palm	T	NL	Y
Acrostichum aureum	Golden leather fern	T	NL	Y
Adiantum capillus-veneris	Venus hair fern; southern maidenhair fern	NL	NL	Y
Adiantum melanoleucum	Fragrant maidenhair fern	E	NL	Y
Adiantum tenerum	Brittle maidenhair fern	E	NL	Y
Aeschynomene pratensis	Meadow joint-vetch	E	NL	Y
Agalinis filifolia	Seminole false fox glove	NL	NL	Y
Aletris bracteata	White colic root	E	NL	Y
Alvaradoa amorphoides	Mexican alvaradoa	E	NL	Y
Amorpha herbacea var. *crenulata*	Crenulate (=Miami) lead plant	E	E	Y
Amphitecna latifolia	Black calabash	NL	NL	Y
Anemia wrightii	Wright's pineland fern	E	NL	Y
Angadenia berteroi	Pineland golden trumpet	T	NL	Y
Argusia gnaphalodes	Sea rosemary	E	NL	Y
Argythamnia blodgettii	Blodgett's silverbush	E	C	Y
Aristolochia pentandra	Marsh's dutchmans pipe	E	NL	Y
Asplenium abscissum	Cutleaf spleenwort	NL	NL	Y
Asplenium dentatum	Toothed spleenwort	E	NL	Y
Asplenium serratum	Wild bird nest fern	E	NL	Y
Asplenium verecundum	Modest spleenwort	E	NL	Y
Asplenium x biscaynianum	Biscayne spleenwort	NL	NL	Y
Asteraea lobata	Lobed croton; Florida treefern	NL	NL	Y
Baccharis dioica	Broombush falsewillow	E	NL	Y
Basiphyllaea corallicola	Carter's orchid	E	NL	Y
Bletia patula	Flor de Pesmo	NL	NL	Y
Bletia purpurea	Pinepink orchid	T	NL	Y
Bourreria cassinifolia	Smooth strongback	E	NL	Y
Bourreria succulenta	Bahama strongback	E	NL	Y
Brassia caudata	Spider orchid	E	NL	Y
Brickellia eupatorioides var. *floridana Brickellia mosieri*	Brickell-brush; Mosier's false boneset	E	C	Y
Byrsonima lucida	Locustberry	T	NL	Y
Caesalpinia major	Yellow nickerbean	E	NL	Y
Calopogon multiflorus	Many-flowered grass pink	E	NL	Y
Calyptranthes pallens	Spicewood; pale lid flower	T	NL	Y
Calyptranthes zuzygium	Myrtle-of-the-river	E	NL	Y
Campyloneurum angustifolium	Narrow strap fern	E	NL	Y
Campyloneurum costatum	Tailed strap fern	E	NL	Y
Campyloneurum latum	Broad strap fern	E	NL	Y
Canella winterana	Pepper cinnamon bark	E	NL	Y
Catopsis berteroniana	Powdery strap airplant	E	NL	Y
Catopsis floribunda	Florida strap airplant	E	NL	Y

Cayaponia americana	American melonleaf	NL	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Ceretopteris pteridoides	Water horn fern	NL	NL	Y
Celosia nitida	West Indian cock's comb	E	NL	Y
Chamaesyce deltoidea ssp. *adherens*	Gould's wedge sandmat	E	NL	Y
Chamaesyce deltoidea deltoidea	Wedge sandmat; rockland spurge	E	E	Y
Chamaesyce deltoidea garberi	Garber's sandmat; Garber's spurge	E	T	Y
Chamaesyce deltoidea pinetorum	Pineland sandmat	E	C	Y
Chamaesyce pergamena	Southern Florida sandmat	T	NL	Y
Chamaesyce porteriana	Porter's sandmat	E	NL	Y
Chaptalia albicans	White sunbonnets	T	NL	Y
Cheilanthes microphylla	Southern lip fern	E	NL	Y
Chrysophyllum oliviforme	Satin leaf	T	NL	Y
Cissampelos pareira	Velvet leaf; pareira brava	E	NL	Y
Clitoria mariana	Butterfly pea; Atlantic pigeonwings	NL	T	Y
Coccothrinax argentata	Florida silver palm	T	NL	Y
Colubrina cubensis var. *floridana*	Cuban nakedwood	E	NL	Y
Colubrina elliptica	Soldierwood	E	NL	Y
Conradina grandiflora	Large flowered false rosemary	T	NL	Y
Cordia globosa	Curacao bush	E	NL	Y
Cranichis muscosa	Cypress knee helmet orchid; moss orchid	E	NL	Y
Crossopetalum ilicifolium	Christmas berry	T	NL	Y
Crossopetalum rhacoma	Rhacoma maidenberry	T	NL	Y
Croton humilis	Pepperbush	E	NL	Y
Ctenitis sloanei	Red-hair comb fern	E	NL	Y
Ctenitis submarginalis	Brown-hair comb fern	E	NL	Y
Cupania glabra	Florida toadwood	E	NL	Y
Cuscuta amerciana	American dodder	NL	NL	Y
Cynanchum blodgettii	Blodgett's swallowwort	T	NL	Y
Cyperus pendunculatus	Beach star	E	NL	Y
Cyrtopodium punctatum	Cow-horn orchid; cigar orchid	E	NL	Y
Dalbergia brownei	Browne's Indian rosewood	E	NL	Y
Dalea carthagenensis var. *floridana*	Florida prairie clover	E	C	Y
Dendrophylax lindenii	Ghost orchid	E	NL	Y
Desmodium floridanum	Florida ticktrefoil	NL	NL	Y
Desmodium strictum	Pinebarren ticktrefoil	NL	NL	Y
Digitaria filiformis var. *dolichophylla*	Caribbean crabgrass	T	NL	Y
Digitaria pauciflora	Two-spike crabgrass; Florida pineland crabgrass	E	C	Y
Drypetes diversifolia	White wood; milkbark	E	NL	Y
Drypetes lateriflora	Guiana plum	T	NL	Y
Eleocharis albida	White albida	NL	NL	Y

Eleocharis rostellata	Beaked spikerush	E	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Eltroplectris calcarata	Long-clawed orchid; spurred neottia	E	NL	Y
Encyclia tampensis	Butterfly orchid	CE	NL	Y
Epidendrum anceps	Dingy-flowered star orchid; dingy-flowered epidendrum	E	NL	Y
Epidendrum floridense	Umbrella star orchid; umbrella epidendrum	E	NL	Y
Epidendrum nocturnum	Night scented; night scented epidendrum	E	NL	Y
Epidendrum rigidum	Stiff-flowered star orchid; rigid epidendrum	E	NL	Y
Erithalis fruticosa	Black torch	T	NL	Y
Ernodea cokeri	Coker's beach creeper; one nerved ernodea	E	NL	Y
Eugenia confusa	Redberry stopper; redberry eugenia	E	NL	Y
Eugenia rhombea	Red stopper	E	NL	Y
Eupatoriam compositifolium	Yankeeweed	T	NL	Y
Evolvulus convolvuloides	Bindweed dwarf morning glory; dwarf bindweed	E	NL	Y
Exostema caribaeum	Caribbean princewood	E	NL	Y
Galactia smallii	Small's milkpea	E	E	Y
Galeandra bicarinata	Helmet orchid; two keeled hooded orchid	E	NL	Y
Glandularia maritima	Coastal mock vervain	E	NL	Y
Gossypium hirsutum	Upland cotton; wild cotton	E	NL	Y
Govenia floridana	Gowen's orchid; Florida govenia	E	NL	Y
Guaiacum sanctum	Holywood lignumvitae	E	NL	Y
Guzmania monostachia	Fuch's bromeliad; West Indian tufted airplant	E	NL	Y
Gyminda latifolia	West Indian false box	E	NL	Y
Gymnopogon ambiguus	Bearded skeleton grass	NL	NL	Y
Gymnopogon brevifolius	Shortleaf skeleton grass	NL	NL	Y
Habenaria nivea	Snowy orchid	T	NL	Y
	Johnson’s seagrass	T	T	Y
Harrisia fragrans	Caribbean apple cactus; Indian River prickly-apple; Simpson's applecactus	E	E	Y
Harrisela porrecta	Needleroot airplant	T	NL	Y
Helenium flexuosum	Purple sneeze weed	NL	NL	Y
Hibiscus poeppigii	Poepigg's rosemallow	E	NL	Y
Hippomane mancinella	Manchineel	E	NL	Y
Hypelate trifoliata	White ironwood	E	NL	Y
Hypericum myrtifolium	Myrtle leaf St. John's wort	NL	NL	Y
Ilex krugiana	Krug's holly	T	NL	Y
Indigofera trita ssp. *scabra keyensis*	Florida Keys indigo	E	C	Y

Ipomoea microdactyla	Bejuco colorado; wild potato morning glory; man-in-the-ground	E	NL	Y
Ipomoea tenuissima	Rockland morning glory	E	NL	Y
Isoetes flaccida	Florida quillwort	NL	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Jacquemontia curtisii	Pineland jacquemontia	T	NL	Y
Jacquemontia havanensis	Havana clustervine	E	NL	Y
Jacquemontia pentanthos	Skyblue clustervine	E	NL	Y
Jacquemontia reclinata	Beach clustervine; beach jacquemontia	E	E	Y
Jacquinia keyensis	Joewood	T	NL	Y
Koanophyllon villosum	Florida shrub thoroughwood	E	NL	Y
Lantana canescens	Hammock shrub verbena	E	NL	Y
Lantana depressa	Rockland shrub verbena	E	NL	Y
Lactuca floridana	Woodland lettuce	NL	NL	Y
Lechea divaricata	Drysand pinweed; spreading pinweed	E	NL	Y
Leptochloa fusca var. *uninervia*	Mexican sprangletop	NL	NL	Y
Leptochloa virgata	Tropical sprangletop	NL	NL	Y
Licaria triandra	Pepper leaf sweetwood	E	NL	Y
Linum arenicola	Sand flax	E	C	Y
Linum carteri	Everglades flax	E	C	Y
Linum carteri var. *carterii*	Carter's Everglades flax	E	C	Y
Linum carteri var. *smallii*	Small's flax	E	NL	Y
Linum floridanum	Florida yellow flax	NL	NL	Y
Lippia stoechadifolia	Southern fogfruit; southern matchsticks	E	NL	Y
Liparis nervosa	Pantropical widelip orchid; tall tway blade	E	NL	Y
Lomariopsis kunzeana	Hollyvine fern; climbing holly fern	E	NL	Y
Macradenia lutescens	Long-gland orchid; Trinidad macradenia	E	NL	Y
Manilkara jaimiqui ssp. *emarginata*	Wild dilly	T	NL	Y
Matelea floridana	Florida milkvine; Florida spiny pod	E	NL	Y
Maytenus phyllanthoides	Florida mayten	T	NL	Y
Melanthera parvifolia	Small leaved cat-tongue	T	NL	Y
Microgramma heterophylla	Climbing vine fern	E	NL	Y
Mosiera longpipes	Mangrove berry	T	NL	Y
Myrcianthes fragrans	Simpson's stopper	T	NL	Y
Nephrolepis biserrata	Giant swordfern	T	NL	Y
Nevrodium lanceolatum	Ribbon fern	E	NL	Y
Nymphaea mexicana	Yellow waterlily	NL	NL	Y
Ocimum campechianum	Wild sweet basil; wild mosquito plant	E	NL	Y
Odontosoria clavata	Wedgelet fern	E	NL	Y
Okenia hypogaea	Burrowing four-o-clock; beach peanut	E	NL	Y
Oncidium ensatum	Florida dancing lady orchid; Florida oncidium	E	NL	Y

Ophioglossum palmatum	Hand fern	E	NL	Y
Ophioglossum nudicaule	Slender adders tongue	NL	NL	Y
Opuntia corallicola	Semaphore pricklypear; semaphore cactus	E	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Opuntia stricta	Erect pricklypear; shell- mound pricklypear	T	NL	Y
Osmunda cinnamomea	Cinnamon fern	CE	NL	Y
Osmunda regalis	Royal fern	CE	NL	Y
Paspalidium chapmanii	Coral panicum; coral panicgrass	E	NL	Y
Passiflora multiflora	White-flower passionflower; white- flowered passionvine	E	NL	Y
Passiflora pallens	Pineland passionflower; pineland passionvine	E	NL	Y
Passiflora sexflora	Goats foot	E	NL	Y
Pavonia paludicola	Swampbush	E	NL	Y
Pecluma dispersa	Widespread polypody	E	NL	Y
Pecluma plumula	Plume polypody	E	NL	Y
Pecluma ptilodon var. *bourgeanuana*	Comb polypody; swamp plume polypody; plumed rockcap fern; palmleaf rockcap fern	E	NL	Y
Pelexia adnata	Hachuela pelexia	E	NL	Y
Peperomia amplexicaulis	Jackie's saddle; clasping peperomia	E	NL	Y
Peperomia humilis	Low peperomia	E	NL	Y
Peperomia magnoliifolia	Spoonleaf peperomia; spatulate peperomia	E	NL	Y
Peperomia obtusifolia	Florida peperomia; baby rubberplant	E	NL	Y
Phoradendron rubrum	Mahogany mistletoe	E	NL	Y
Physalis cordata	Heartleaf ground cherry	NL	NL	Y
Picramnia pentandra	Florida bitterbush	E	NL	Y
Pithecellobium keyense	Florida Keys blackbead	T	NL	Y
Poinsettia pinetorum	Pineland spurge; Everglades poinsettia	E	NL	Y
Polygala polygama	Racemed milkwort	NL	NL	Y
Polygala smallii	Small's milkwort; ~~T~~tiny polygala	E	E	Y
Polygonella gracilis	Tall jointweed	NL	NL	Y
Polygonum setaceum	Bog smartweed	NL	NL	Y
Polystachya concreta	Greater yellow spike orchid	E	NL	Y
Ponthieva brittoniae	Britton's shadowwitch	E	NL	Y
Prescotia oligantha	Small prescott orchid; small flowered orchid	E	NL	Y

Prosthechea boothiana var. *erythronoides*	Dollar orchid	E	NL	Y
Prosthechea cochleata	Clamshell orchid; Florida cockleshell orchid	E	NL	Y
Prunus myrtifolia	West Indian cherry	T	NL	Y
Pseudophoenix sargentii	Seargants cherry palm; buccaneer palm	E	NL	Y
Psidium longipes	Mangrove berry	T	NL	Y
Psychotria ligustrifolia	Bahama wild coffee; smooth wild coffee	E	NL	Y
Pteris bahamensis	Bahama ladder brake	T	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Pteroglossaspis encristata ecristata	Giant orchid	T	NL	Y
Remirea maritima	Beach star	E	NL	Y
Reynosia septentrionalis	Darling plum	T	NL	Y
Rhipsalis baccifera	Mistletoe cactus	E	NL	Y
Rhynchosia parvifolia	Small leaf snoutbean	T	NL	Y
Rhynchosia swartzii	Swartz's snoutbean	E	NL	Y
Rhynchospora pusilla	Fairy beaksedge	NL	NL	Y
Nasturtium floridanum	Florida watercress	NL	NL	Y
Roystonea regia	Florida royal palm	E	NL	Y
Sachsia polycephala	Bahama sachsia	T	NL	Y
Sacoila lanceolata	Leafless beaked ladiestresses	T	NL	Y
Sacoila lanceolata var. *paludicola*	Leafy beaked ladiestresses	T	NL	Y
Salvia misella	Southern river sage; river sage	NL	NL	Y
Scaevola plumieri	Beachberry; inkberry; gullfeed	T	NL	Y
Schaefferia frutescens	Florida boxwood	E	NL	Y
Schizaea pennulata	Ray fern	E	NL	Y
Scleria ciliata var. *curtissii*	Fringed nutrush	NL	NL	Y
Scleria lithosperma	Florida Keys nutrush	E	NL	Y
Scutellaria havanensis	Havana scullcap	E	NL	Y
Selaginella armata var. *eatonii*	Eaton's spike-moss; pygmy spike-moss	E	NL	Y
Senna mexicana var. *chapmanii*	Chapman's sensitive plant	T	NL	Y
Sericarpus tortifolius	White top aster	NL	NL	Y
Smilax havanensis	Everglades greenbrier	T	NL	Y
Sideroxylon reclinatum ssp. *austrofloridense*	Everglades bully	NL	C	Y
Solanum donianum	Mullein nightshade	T	NL	Y
Solanum chenopodoiodes	Black nightshade	NL	NL	Y
Spermacoce terminalis	False buttonwood	T	NL	Y
Spiranthes brevilabris	Texas ladiestresses; small ladiestresses	E	NL	Y
Spiranthes costaricensis	Costa Rican ladiestresses	E	NL	Y

Spiranthes elata	Tall neottia; tall ladiestresses	E	NL	Y
Spiranthes laciniata	Lace lip ladiestresses	T	NL	Y
Spiranthes longilabris	Long lip ladiestresses	T	NL	Y
Spiranthes lucayana	Gray ladiestresses;	E	NL	Y
Spiranthes torta	Southern ladiestresses	E	NL	Y
Sporobolus compositus var. *clandestinus*	Hidden dropseed	NL	NL	Y
Stylosanthes calcicola	Everglades Key pencilflower	E	NL	Y
Swietenia mahagoni	Mahogany	T	NL	Y
Tectaria coriandrifolia	Hairy halberd fern; Hattie Bauer halberd fern	NL	NL	Y
Tectaria fibriata	Least halberd fern	E	NL	Y
Tectaria heracleifolia	Broad halberd fern	T	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Tephrosia angustissima	Narrowleaf hoarypea	E	NL	Y
Tephrosia angustissima var. *corallicola*	Coral hoarypea	E	NL	Y
Tephrosia spicata	Spiked hoarypea	NL	NL	Y
Tetrazygia bicolor	Florida clover ash	T	NL	Y
Thelypteris augescens	Abrupt tipped maiden fern	T	NL	Y
Thelypteris hispidula var. *versicolor*	Hairy maiden fern	NL	NL	Y
Thelypteris patens	Grid-scale maiden fern	E	NL	Y
Thelypteris reptans	Creeping star-hair fern	E	NL	Y
Thelypteris reticulata	Lattice vein fern	E	NL	Y
Thelypteris sclerophylla	Stiff star-hair fern	E	NL	Y
Thelypteris serrata	Toothed lattice-vein fern	E	NL	Y
Thrinax morissii	Brittle thatch palm; Silver thatch palm	E	NL	Y
Thrinax radiata	Florida thatch palm	E	NL	Y
Tillandsia balbisiana	Northern needleleaf	T	NL	Y
Tillandsia fasciculata	Cardinal airplant; common wildpine	E	NL	Y
Tillandsia fasciculata var. *clavispica*	Clubspike cardinal airplant	E	NL	Y
Tillandsia fasciculata var. *densispica*	Mez stiff-leaved wild pine	E	NL	Y
Tillandsia flexuosa	Twisted air plant	T	NL	Y
Tillandsia utriculata	Giant airplant; giant wild pine	E	NL	Y
Tillandsia variabilis	Leatherleaf airplant	T	NL	Y
Tournefortia hirsutissima	Chiggery grapes	E	NL	Y
Tragia saxicola	Rockland noseburn	T	NL	Y
Trema lamarckaina	West Indian trema; Lamarck's trema	E	NL	Y
Trichomanes krausii	Kraus' bristle fern	E	NL	Y
Trichomanes lineolatum	Lined bristle fern	E	NL	Y
Trichomanes punctatum ssp. *floridanum*	Florida bristle fern	E	C	Y

Tricocentrum undulata	Mule-eared oncidium; Cape Sable dancing lady orchid	E	NL	Y
Tridens flavus	Tall redtop; purple tridens	NL	NL	Y
Triplasis americana	Perennial sandgrass	NL	NL	Y
Tripsacum floridanum	Florida gamagrass	T	NL	Y
Tropidia polystachya	Young palm orchid	E	NL	Y
Utricularia juncea	Southern bladderwort	NL	NL	Y
Vallesia antillana	Tearshrub	E	NL	Y
Vanilla barbellata	Worm-vine orchid	E	NL	Y
Vanilla dilloniana	Leafless vanilla; Dillon's vanilla	E	NL	Y
Vanilla mexicana	Mexican vanilla; unscented vanilla; Fuch's vanilla	E	NL	Y
Voyria parasitica	Parasitic ghostplant	E	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Warea carteri	Carter's pinelandcress; Carter's mustard	E	E	Y
Zamia pumila	Florida arrowroot; coontie	CE	NL	Y
Zanthoxylum coriaceum	Biscayne pricklyash; leathery pricklyash	E	NL	Y
Zaphranthes atamasca	Atamasco lily	T	NL	Y
Zornia bracteata	Viperina	NL	NL	Y

Key:
NL = Not Listed

1) Federal Listings:

E = Listed as Endangered Species in the List of Endangered and Threatened Wildlife and Plants under the provisions of the Endangered Species Act. Defined as any species which is in danger of extinction throughout all or a significant portion of its range.

T = Listed as Threatened Species. Defined as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C = Candidate Species for addition to the List of Endangered and Threatened Wildlife and Plants. Includes taxa for which: the US Fish and Wildlife Service (USFWS) currently has substantial information on hand to support the biological appropriateness of proposing to list the species as endangered or threatened; or the USFWS currently possesses information indicating that proposing to list the species as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat(s) are not currently available to support proposed rules at this time.

2) State Listings:

E = Listed as Endangered Plants in the Preservation of Native Flora of Florida Act. Defined as species of plants native to the State that are in imminent danger of extinction within the State, the survival of which is unlikely if the causes of a decline in the number of plants continue, and includes all species determined to be endangered or threatened pursuant to the Federal

Endangered Species Act of 1973, as amended.

T = Listed as Threatened Plants in the Preservation of Native Flora of Florida Act. Defined as species native to the State that are in rapid decline in the number of plants within the State, but which have not so decreased in such number as to cause them to be endangered.

CE = Listed as a Commercially Exploited Plant in the Preservation of Native Flora of Florida Act. Defined as species native to the State, which are subject to being removed in significant numbers from native habitats in the State and sold or transported for sale.

3) County Listings:

Y = Miami-Dade County endangered, threatened, rare or special concern flora species as updated from previously adopted CDMP lists, due to low population numbers or limited/localized population; impacts resulting from habitat destruction or environmental contamination; or nesting destruction/disturbance/failures.

Table CON-3

List of Federal State and County Endangered, Threatened, Rare, and Special Concern Fauna in Miami-Dade County

Scientific Name	Common Name	Designated State	Status Federal	County
FISH				
Acipenser brevirostrum	Shortnose sturgeon	FE	E	Y
Acipenser oxyrinchus desotoi	Gulf sturgeon	FT	T	Y
Acipenser oxyrinchus oxyrinchus	Atlantic sturgeon	FE	E	Y
Etheostoma olmstedi maculaticeps	Southern tessellated darter	SSC	NL	Y
Fundulus jenkinsi	Saltmarsh topminnow	SSC	NL	Y
Menidia conchorum	Key silverside	ST	NL	Y
Pristis pectinata	Smalltooth sawfish	FE	E	Y
Rivulus marmoratus	Mangrove rivulus	SSC	NL	Y
AMPHIBIANS AND REPTILES				
Alligator mississippiensis	American alligator	FT(S/A)	T(S/A)	Y
Caretta caretta	Loggerhead sea turtle	FT	T	
Chelonia mydas	Green sea turtle	FE	E	
Crocodylus acutus	American crocodile	FT	E	Y
Dermochelys coriacea	Leatherback sea turtle	FE	E	
Drymarchon corais couperi	Eastern indigo snake	FT	T	Y
Elaphe guttata guttata	Red rat snake	NL	NL	Y
Eretmochelys imbricata	Hawksbill sea turtle	FE	E	
Eumeces egregieus egregioeus	Florida Keys mole skink	SSC	NL	Y
Gopherus polyphemus	Gopher tortoise	ST	C	Y
Kinosternon baurii	Striped mud turtle	ST	NL	Y
Lepidochelys kempii	Kemp's ridley sea turtle	FE	E	
Malaclyemys terrapin	Mangrove terrain turtle	NL	NL	Y
Neoseps reynoldsi	Sand skink	FT	T	
Nerodia clarkii taeniata	Atlantic salt marsh snake	FT	T	Y
Pituophis melanoleucus mugitus	Florida pine snake	SSC	NL	Y
Pseudemys concinna suwanniensis	Suwannee cooter	SSC	NL	Y
Lithobates capito	Gopher frog	SSC	NL	Y
Sitlosima extenuatum	Short-tailed snake	ST	NL	Y
Tantilla oolitica	Rim rock crowned snake	ST	NL	Y
Thamnophis sauritus sackeni	Florida ribbon snake	NL	NL	Y
BIRDS				
Accipiter cooperii	Cooper's hawk	NL	NL	Y
Aimophila aestivalis	Bachman's sparrow	NL	NL	Y
Ammodramus maritimes pennisulae	Scott's seaside sparrow	SSC	NL	Y
Ammodramus maritimus mirabilis	Cape sable seaside sparrow	FE	E	Y
Aphelocoma coerulescens coerulescens	Florida scrub jay	FT	T	
Aramus guarauna	Limpkin	SSC	NL	Y
Ardea herodias	Great blue heron	NL	NL	Y
Athene cunicularia	Florida burrowing owl	SSC	NL	Y
Botaurus lentiginosus	American bittern	NL	NL	Y

Calidris canutus rufa	Red knot	NL	C	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Campephilus principalis principalis	Ivory-billed woodpecker	FE	E	Y
Charadrius melodus	Piping plover	FT	T	Y
Charadrius alexandrinues	Southeastern (Cuban) snowy plover	ST	NL	Y
Chordeliles minor	Antillean nighthawk	NL	NL	Y
Circus cyaneus	Northern harrier	NL	NL	Y
Cistothorus palustris griseus	Worthington's marsh wren	SSC	NL	Y
Cistothorus palustris marianae	Marian's marsh wren	SSC	NL	Y
Coccyzus minor	Mangrove cuckoo	NL	NL	Y
Dendroica kirtlandii	Kirtland's warbler	FE	E	
Dendroica petechia gundlachi	Cuban yellow throated warbler	NL	NL	Y
Egretta caerulea	Little blue heron	SSC	NL	Y
Egretta rufescens	Reddish egret	SSC	NL	Y
Egretta thula	Snowy egret	SSC	NL	Y
Egretta tricolor	Tricolored heron	SSC	NL	Y
Elanoides forficatus	Swallow-tailed kite	NL	NL	Y
Elanus leucurus	White-tailed kite	NL	NL	Y
Eudocimus albus	White ibis	SSC	NL	Y
Falco columbarius	Merlin	NL	NL	Y
Falco peregrinus	Peregrine falcon	NL	NL	Y
Falco sparverius paulus	Southeastern American kestrel	ST	NL	Y
Frigata magnificens	Magnificent frigate bird	NL	NL	Y
Grus canadensis pratensis	Florida sandhill crane	ST	NL	Y
Grus americana	Whooping crane	FE/XN	E/XN	
Haematopus palliatus	American oyster catcher	SSC	NL	Y
Haliaeetus leucocephalus *	Bald eagle	NL*	NL	Y
Ixobrychus exilis	Least bittern	NL	NL	Y
Laterallus jamaicensis	Black rail	NL	NL	Y
Mycteria americana	Wood stork	FE	E	Y
Nyctanassa violacea	Yellow-crowned night heron	NL	NL	Y
Nycticorax nycticorax	Black-crowned night heron	NL	NL	Y
Pandion haliaetus	Osprey	NL	NL	Y
Passerina ciris	Painted bunting	NL	NL	Y
Patagioenas leucocephala	White crowned pigeon	ST	NL	Y
Pelecanus occidentalis	Brown pelican	SSC	NL	
Picoides borealis	Red-cockaded woodpecker	FE	E	Y
Picoides villosus	Hairy woodpecker	NL	NL	Y
Platalea ajaja	Roseate spoonbill	SSC	NL	Y
Polyborus plancus audubonii	Audobon's crested caraca	FT	T	Y
Pterodroma hasitata	Black-capped petrel	NL	NL	Y
Rallus longirostris insularum	Mangrove clapper rail	NL	NL	Y
Rostrhamus sociabilis plumbeus	Everglade snail kite	FE	E	Y
Rynchops niger	Black skimmer	SSC	C	Y
Setophaga discolor	Prairie warbler	NL	NL	Y
Sterna antillarum	Least tern	ST	NL	Y
Sterna dougallii douglallii	Roseate tern	FT	T	Y
Thalasseus sandvicensis	Sandwich tern	NL	NL	Y
Vermivora bachmanii	Bachman's warbler	FE	E	Y
Vireo altiloquus	Black-whisked vireo	NL	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
MAMMALS				
Balaenoptera borealis	Sei whale	FE	E	
Balaenoptera physalus	Finback whale	FE	E	
Eubalaena glacialis	North Atlantic right whale	FE	E	
Eumops glaucinus floridanus	Florida mastiff bat	ST	C	Y
Lutra canadensis	River otter	NL	NL	Y
Megaptera novaeangliae	Humpback whale	FE	E	
Monachus tropicalis	Caribbean monk seal	NL	NL	Y
Neotoma floridana smalli	Key Largo woodrat	FE	E	Y
Neovision vision evergladensis	Everglades mink	ST	NL	Y
Peromyscus gossypinus allapaticola	Key Largo cotton mouse	FE	E	Y
Peromyscus polionotus niveiventris	Southeastern beach mouse	FT	T	Y
Physeter catodon	Sperm whale	FE	E	
Plecotus rafinesquii	Rafinesque's big eared bat	NL	NL	Y
Podomys floridanus	Florida mouse	SSC	NL	Y
Puma (= Felis) concolor coryi	Florida panther	FE	E	Y
Sciurus niger avicennia	Big Cypress fox squirrel	ST	NL	Y
Sciurus niger shermani	Sherman's fox squirrel	SSC	NL	Y
Trichechus manatus latirostris	Florida manatee	E	E	Y
Ursus americanus floridanus	Florida black bear	NL*	NL	Y
INVERTEBRATES				
CRUSTACEANS				
Crangonyx gradimanus	Florida cave amphipod	NL	NL	Y
CORALS				
Acropora cervicornis	Staghorn coral	FT	T	Y
Acropora palmata	Elkhorn coral	FT	T	Y
Agaricia lamarcki	Lamarck's sheet coral	NL	NL	Y
Agaricia spp	Lettuce corals	NL	NL	Y
Colpophyllia natans	Boulder brain coral	NL	NL	Y
Dendrogyra cylindrus	Pillar coral	ST	NL	Y
Diploria cilvosa	Knobby brain coral	NL	NL	Y
Diploria labyrinthiformis	Grooved brain coral	NL	NL	Y
Dipolria strigosa	Symmetrical brain coral	NL	NL	Y
Eusmilia fastigiata	Smooth flower coral	NL	NL	Y
Meandrina meandrites	Maze coral	NL	NL	Y
Montastrea annularis	Boulder star coral	NL	NL	Y
Montastrea cavernosa	Great star coral	NL	NL	Y
Montastera faveolata	Mountainous star coral	NL	NL	Y
Montastrea franksi	Star coral	NL	NL	Y
Mussa angulosa	Spiny flower coral	NL	NL	Y
Mycetophyllia aliciae	Knobby cactus coral	NL	NL	Y
Mycetophyllia ferox	Rough cactus coral	NL	NL	Y
Mycetophyllia lamarckiana	Lamarck's cactus coral	NL	NL	Y
Siderastera siderea	Elliptical star coral	NL	NL	Y

Anaea troglodyta floridalis	Florida leafwing butterfly	NL	C	Y
Aphodius troglodytes	Gopher tortoise aphopdius commensal scarab beetle	NL	NL	Y

Scientific Name	Common Name	Designated State	Status Federal	County
Atrytone agros argos	Eastern beard-grass skipper	NL	NL	Y
Ceraclea floridana	Florida ceraclean long horn caddishfly	NL	NL	Y
Cyclargus thomasi bethunebakeri	Miami blue butterfly	FE	E	Y
Cyclophala miamiensis	Miami roundhead scarab beetle	NL	C	Y
Eumaeus atala floridana	Florida atala butterfly	NL	C	Y
Heraclides aristodemus ponceanus	Schaus swallowtail butterfly	FE	E	Y
Micronaspsis floridana	Florida intertidal firefly	NL	NL	Y
Mixogaster delongi	Delong's mixogaster flower fly	NL	NL	Y
Mycotrupes pedester	Scrub island burrowing scarab beetle	NL	NL	Y
Oxyethira florida	Florida oxeythiran micro-caddishfly	NL	NL	Y
Photuris brunnipennis floridana	Everglades brownwing firefly	NL	NL	Y
Strymon acis bartrami	Bartram's scrub-hairstreak butterfly	NL	C	Y
MOLLUSCS				
Liguus fasciatus var.	Florida tree snail	SSC	NL	Y
Orthalicus reses reses	Stock Island tree snail	FT	T	Y
Strombus gigas	Queen conch	NL	C	Y

Key:

NL = Not Listed

1) Federal Listings:

E = Listed as Endangered Species in the List of Endangered and Threatened Wildlife and Plants under the provisions of the Endangered Species Act. Defined as any species that is in danger of extinction throughout all or a significant portion of its range.

T(S/A) = Listed only because of similarity in appearance to the American crocodile. FE/FX = Experimental population in Florida.

T = Listed as Threatened Species. Defined as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

C = Candidate Species for addition to the List of Endangered and Threatened Wildlife and Plants. Includes taxa for which: the US Fish and Wildlife Service (USFWS) currently has substantial information on hand to support the biological appropriateness of proposing to list the species

proposing to list the species as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat(s) are not currently available to support proposed rules at this time.

2) State Listings:

FE/FT= Listed as Federally-designated Endangered and Threatened Species. Defined as species of fish or wild animal life, subspecies or isolated populations of species or subspecies, whethervertebrate or invertebrate, that are native to Florida and are classified as Endangered and Threatened under the Fish and Wildlife Conservation Commission (Commission) rule by virtue of designation by the United States Departments of Interior or Commerce as endangered or threatened under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq. and rules thereto; the definition of Federally-designated Endangered and Threatened Species does not include species that are not within the Commission's constitutional authority.

FT(S/A) = Listed only because of similarity in appearance to the American crocodile.

FE/FX = Experimental population in Florida

ST= Listed as State-designated Threatened Species by the Fish and Wildlife Conservation Commission (Commission). Defined as species of fish or wild animal life, subspecies, or isolated population of a species or subspecies, whether vertebrae or invertebrate, that are native to Florida and are classified as Threatened as determined by paragraph (a), (b), (c), (d), or (e) in accordance with Rule 68A-27.0012, F.A.C. The designation of a species as threatened shall include all subspecies unless stated otherwise in Commission rule.

SSC= Listed as a Species of Special Concern by the Fish and Wildlife Conservation Commission under an earlier listing process. Either the species is being evaluated for listing as a State-designated Threatened species or not enough data currently exist to make a listing determination.

C= A species of fish or wild animal life, subspecies, or isolated populations of species or subspecies, whether invertebrate or vertebrate, that the Fish and Wildlife Conservation Commission (Commission) has determined warrants listings as a State-designated Threatened Species in accordance with Rule 68A-27.0012, F.A.C., and is awaiting final Commission action to be added to the list of Florida Endangered and Threatened Species in Rule 68A-27.003, F.A.C.

* = The Fish and Wildlife Conservation Commission has delisted these species; however, the bald eagle continues to be under the protection of the state in accordance to rule 68A-16.002, F.A.C., and its Bald Eagle Management Plan, adopted on April 9, 2008, and the bear is protected under rule 68A-

3) County Listings:

Y = Miami-Dade County endangered, threatened, rare or special concern fauna species as updated from previously adopted CDMP lists, due to low population numbers or limited/localized population; impacts resulting from habitat destruction or environmental contamination; or nesting destruction/disturbance/failures.

COASTAL MANAGEMENT ELEMENT DATA INVENTORY & ANALYSIS

INTRODUCTION

The goals, policies and objectives contained in the Coastal Management Element include development and redevelopment principles and strategies designed to eliminate inappropriate and unsafe development in coastal areas and to protect the safety and lives of Village residents and visitors. These policies and objectives are in compliance with the six requirements identified in the Peril of Flood laws, Section 163.3178(2)(f), Florida Statutes.

COASTAL HIGH HAZARD AREA

The Village of Palmetto Bay's eastern boundary runs along the coast of Biscayne Bay. The Coastal High Hazard Area is an area particularly vulnerable to the effects of coastal flooding from tropical storm events and is defined by section 163.3178(2)(h)9, Florida Statutes, as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model (See **Map CON-2**). The threats of sea level rise and flood events should be taken into consideration in regard to development and redevelopment strategies used in the CHHA as defined in § 163.3178(2), F.S. The restriction of development activities and limiting of public infrastructure expenditures within the CHHA and hazard prone areas should also be considered.

The Storm Surge Planning Map prepared by Miami-Dade County delineates the County into the following storm surge evacuation areas:

- Zone A: At greatest risk for storm surge for Category 1 and higher storms
- Zone B: At greatest risk for storm surge for Category 2 and higher storms
- Zone C: At greatest risk for storm surge for Category 3 and higher storms
- Zone D: At greatest risk for storm surge for Category 4 and higher storms
- Zone E: At greatest risk for storm surge for Category 5 and higher storms

The Village is within Storm Surge Evacuation Areas A, B, C, and D. Zone A encompasses the portions of the Village east of SW 67th Avenue north of SW 152nd Street, and east of SW 77th Avenue south of SW 152nd Street. Miami-Dade offers an interactive storm surge planning zone map here: https://mdc.maps.arcgis.com/apps/webappviewer/index.html?id=4919c85a439f40c68d7b3c81c3f44b58

LAND USE

The existing land uses in the Village are illustrated in **Map FLU-4.** While the vast majority of the existing land within the CHHA consist of Parks, Preserves, or Conservation Areas, there is some single-family residential as well as office development within the CHHA. The Future Land Use map is shown in **Map FLU-1.** The majority of the CHHA consists of future land use designations such as Environmental Protection and Water Management and Recreation that cannot be developed. However, there are some areas designated as Low Density Residential, Low Medium Density Residential, and Estate Density Residential also within the CHHA. The development within the CHHA is served by a mix of public and private roads, water, and sewer.

UNDEVELOPED AREAS

While the vast majority of the developable vacant properties in the Village are outside of the CHHA, there are some vacant parcels within the CHHA designated as either Estate Density or Low Density Residential on the Future Land Use Map. Development of these parcels will be subject to the Village of Palmetto Bay's Floodplain Management regulations and the Florida Building Code. Vacant land in the Village can be viewed in **Map FLU-3**.

COMMUNITY RATING SYSTEM

The Village of Palmetto Bay has been an active participant of the CRS since 2017 entering the program as a Class 8 community, rewarding residents with a 10% premium discount on their flood insurance. The Village is currently rated as a Class 7, which rewards policy holders with a 15% reduction in their flood insurance premiums within the Special Flood Hazard Area (SFHA).

In CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the commu-

nity's efforts that address the three goals of the program:

- Reduce and avoid flood damage to insurable property
- Strengthen and support the insurance aspects of the National Flood Insurance Program
- Foster comprehensive floodplain management

The Village continues to implement new strategies to further reduce the community rating to achieve a higher discount eligibility. In March 2023, the Village Council passed and adopted Ordinance 2023-11, whereby higher regulatory standards were incorporated under the guidance of Village staff in accordance with the CRS program.

COASTAL CONSTRUCTION CONTROL LINE PROGRAM

The Florida Department of Environmental Protection's (FDEP) Coastal Construction Control Line (CCCL) Program regulates structures and activities that can cause beach erosion, destabilize dunes, damage upland properties or interfere with public access. CCCL permits also protect sea turtles and dune plants. There is currently no CCCL within the Village of Palmetto Bay limits. The CCCL line can be viewed on the interactive FDEP map via this link: https://ca.dep.state.fl.us/mapdirect/?webmap=a8c9e92fbad5446d987a8dd4ee5dc5cc

NATURAL RESOURCES

The Natural Resources Inventory for the Village can be found in the Conservation and Sustainability Element Data Inventory and Analysis.

CULTURAL RESOURCES

Palmetto Bay has two parks situated within the Coastal High Hazard Area: Thalatta Estate Park and Ludovici Park. The location of these parks can be viewed in **Map REC-1**.

Two historical sites in the Village are located within the Coastal High Hazard Area: The Deering Estate and the Thalatta Estate.

The full Historical Resources Inventory for the Village can be found in the Future Land Use Element Data Inventory and Analysis and is illustrated on **Map FLU-7**.

PUBLIC ACCESS ROUTES TO COAST

The Village of Palmetto Bay has two points of public access to the coast, both in the vicinity of the Deering Estate.

The Deering Estate People's Dock is located just east of the Estate's visitor center, on Biscayne Bay, and is a popular spot for locals for birdwatching, manatee and dolphin sightings, as well as picnics and family fishing.

Deering Point, located adjacent to the C-100 Canal at the south end of the Deering Estate, provides public access to the waterfront with a canoe, kayak, and paddleboard launch, and is served by picnic pavilions, off-street parking, and restroom facilities.

DISASTER PREPAREDNESS

The Miami-Dade County Comprehensive Emergency Management Plan (CEMP) establishes the framework that Miami-Dade County and its municipalities utilize to address a variety of hazards that threaten its communities, businesses and the environment. The CEMP outlines the roles and responsibilities of the local government, state and federal agencies and other stakeholder organizations.

The CEMP outlines the basic strategies, assumptions, operational goals and objectives, and mechanisms through which Miami-Dade County will mobilize resources and conduct activities to guide and support emergency management efforts through preparedness, response, recovery and mitigation. This is an operations-based plan that addresses evacuation; sheltering, post disaster response and recovery; deployment of resources; communications and warning systems. The Plan calls for annual exercises to determine the ability of the local government and its municipalities to respond to emergencies.

FUTURE LAND USE DATA INVENTORY AND ANALYSIS

INTRODUCTION

Pursuant to the requirements of Chapter 163 of the 2022 Florida Statutes, the Land Use Element consists of data inventory and analysis (DIA) that influences and informs the overarching goals, objectives, and policies that will guide the growth and development of the Village of Palmetto Bay. The Village's existing land uses, vacant land, build-out potential, natural resources, and population projections were evaluated and analyzed in order to update the Village's land use designations which will shape how the Village will grow in the next 20 years. The updated 2043 Future Land Use Map (FLUM) is provided as a regulatory tool to direct future development.

HISTORY AND SETTING

Palmetto Bay is a municipality in Miami-Dade County on the east coast of Florida, generally situated between the Village of Pinecrest and City of Coral Gables to the north, the Town of Cutler Bay to the south, Biscayne Bay to the east and South Dixie Highway to the west. The Village was incorporated in 2002, becoming the 33rd municipality in Miami-Dade County.

The Deering Estate, an environmental, archaeological, and historical preserve now managed by the Miami-Dade County Parks, Recreation and Open Spaces Department, reflects the Village's rich history. Most recently inhabited by a wealthy industrialist and his heirs through the mid-20th century, the Estate also contains Paleo-Indian archaeological remains dating back 10,000 years, along with remains of subsequent Tequesta settlements. The grounds also contain preserved structures from the late 19th century pioneer settlement that became known as the town of Cutler, which had been largely abandoned due to the construction of Henry Flagler's railroad farther west by the time the land was developed in its current form.

Now known as the "Village of Parks," Palmetto Bay has a population of over 25,000 residents and is governed by a five-member Village Council operating under a Council-Manager form of government.

EXISTING LAND USE CONDITIONS

In order to better guide and direct future land uses within the Village of Palmetto Bay, it is necessary to first gain an understanding of present land use patterns. The Village of Palmetto Bay covers approximately 8.29 square miles (5,383 acres). The existing 2023 land uses were determined by their Miami-Dade County Land Use Codes and may not precisely reflect what is "on the ground" but provide insight into the current conditions and development patterns of the Village. To provide a basis for analysis these existing land uses have been further grouped into the following distinct categories which include their definitions from the Florida Department of Revenue.

Agriculture: Property used for production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, grazing farm animals and horticultural crops that are raised, grown, or produced for commercial purposes.

Commercial: Business property, such as supermarkets, shopping centers, office buildings, medical centers, hotels, theaters, RV parks, financial institutions, stores, etc. which are intended to operate with a profit.

Residential: Property zoned for single-family homes, mobile homes, retirement homes, multifamily apartments and co-ops.

Government: All property owned by or leased to the Government or acquired by the Government under the terms of the contract. Not subject, in whole or in part, to Ad Valorem property taxes. Examples include forests, parks, public schools, county hospitals, military buildings etc.

Industrial: Property used for industrial purposes. Types of industrial property include heavy manufacturing buildings, light manufacturing buildings, packing plants, mineral processing plants, warehouses, wineries, sawmills etc.

Institutional: Property which is not strictly commercial, industrial, agricultural, or residential, but which serves some public purpose, even if privately owned. Examples include private schools, private hospitals, orphanages, cemeteries, sanitoriums, nursing homes etc.

Miscellaneous: Includes property such as mining land, railroad land, utilities, waste land, submerged land etc.

The current distribution of existing land uses is shown in **Table FLU-1** and **Figure FLU-1**. A detailed Existing Land Use Map, **Map FLU-4**, was developed depicting the current land use patterns in the Village of Palmetto Bay as of 2023.

A majority of Village is residential, with single-family residential comprising the largest share. Commercial development comprises a relatively minor share of the overall Village and is mostly located on the west side of the Village along US-1. The Village is largely developed, with only 2.5% vacant land.

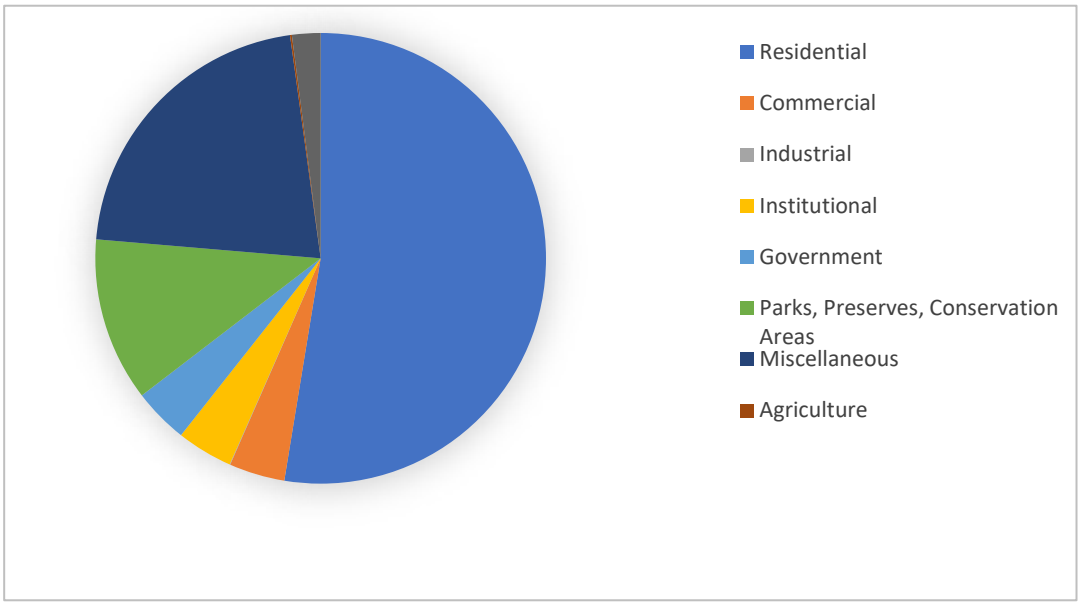
Table FLU-1: Existing Land Uses

Land Use	Acres	% of Total
Residential	2,841.42	52.58%
Commercial	215.93	4.00%
Industrial	2.08	0.04%
Institutional	217.35	3.95%
Government	213.50	3.95%
Parks, Preserves, Conservation Areas	635.11	11.75%
Miscellaneous*	1,160.65	21.48%
Agriculture	7.23	0.13%
Vacant	110.40	2.04%
Total	**5,403.67**	**100%**

*Miscellaneous includes rights-of-way, utilities, and water bodies

Source: Florida Department of Revenue and Miami-Dade County

Figure FLU-1: Existing Land Uses



Source: Florida Department of Revenue and Miami-Dade County

VACANT LAND ANALYSIS

An analysis of vacant land was conducted based on data the Florida Department of Revenue's land use codes as of June 2023. Approximately 6% of the Village's overall acreage is classified as vacant. Open green space properties designated as environmentally protected, water management, or parks, recreation and schools were not classified as vacant land in this analysis. Additionally, many of these parcels may be in the development application process or under development,

and therefore actual vacant land supply may be less than reported. The vacant lands within the Village of Palmetto Bay are displayed on **Map FLU-3.**

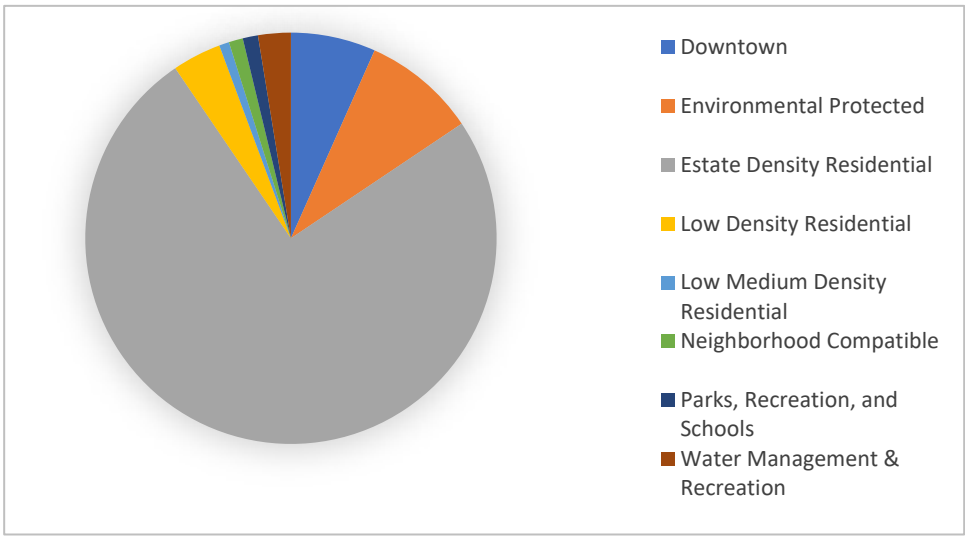
The Village is near full buildout, yet there remain opportunities for development and redevelopment. The relationship between the vacant lands and future land use designation is illustrated in this analysis in **Table FLU-2** and **Figure FLU-2**. According to this analysis, approximately 88% of vacant land in the Village is designated Estate Density Residential. The next highest percentage of vacant land, totaling approximately 7% of all vacant land, is designated as Downtown, followed by Low Density Residential at 3%.

Table FLU-2: Vacant Parcels by Future Land Use

Future Land Use Designation	Acres	% of Total Vacant Acreage
Commercial	0	0.0%
Downtown	7	6.7%
Estate Density Residential	81	74.9%
Institutional Public Facilities	0	0.0%
Low Density Residential	4	3.8%
Low Medium Density Residential	1	0.8%
Medium Density Residential	0	0.0%
Neighborhood Compatible	1	1.1%
Parks, Recreation, and Schools	1	1.2%
Village Mixed Use	0	0.0%
Water Management & Recreation	3	2.6%
Environmental Protection	10	8.9%
TOTAL	**109**	**100.0%**

Source: Florida Dpt. of Revenue, Miami-Dade County, and Palmetto Bay Department of Community and Economic Development

Figure FLU-2: Vacant Parcels by Future Land Use



Source: Florida Department of Revenue and Miami-Dade County

POPULATION TRENDS AND PROJECTIONS

Projected population is the driving force behind the Village's future facility needs, housing supply and demand, and land use requirements. This population analysis is a major consideration in preparing future land use designations and each of the Elements' goals, objectives, and policies. Future population estimates for Palmetto Bay identify the amount of residential land and development density allocations that will be necessary to accommodate the Village's anticipated population changes over the next 10 to 20 years.

According to BEBR, the official population estimate of permanent residents in the Village of Palmetto Bay as of 2022 is 25,041 residents. This is a growth of 602 persons (2.5% growth rate) since the 2020 recorded census population. The Shimberg Center for Housing Studies prepares population projections for all municipalities in Florida. Population projections for the Village of Palmetto Bay through the year 2045 are shown in **Table FLU-3** and **Figure FLU-3**.

According to the U.S. Census Bureau, the median age in Palmetto Bay is 42. A breakout of the population of individuals in different age groups is displayed in **Figure FLU-4.**

Palmetto Bay's future population is projected to be 25,219 residents by the year 2045, with an average annual growth rate of 1%. This is in contrast with Miami-Dade County as a whole, which is projected to grow in population at an average annual rate of 3% through 2045. Palmetto Bay's share of the overall Miami-Dade County population has been 0.9% since 2010 and is projected to decrease to 0.8% of the overall County population by 2035.

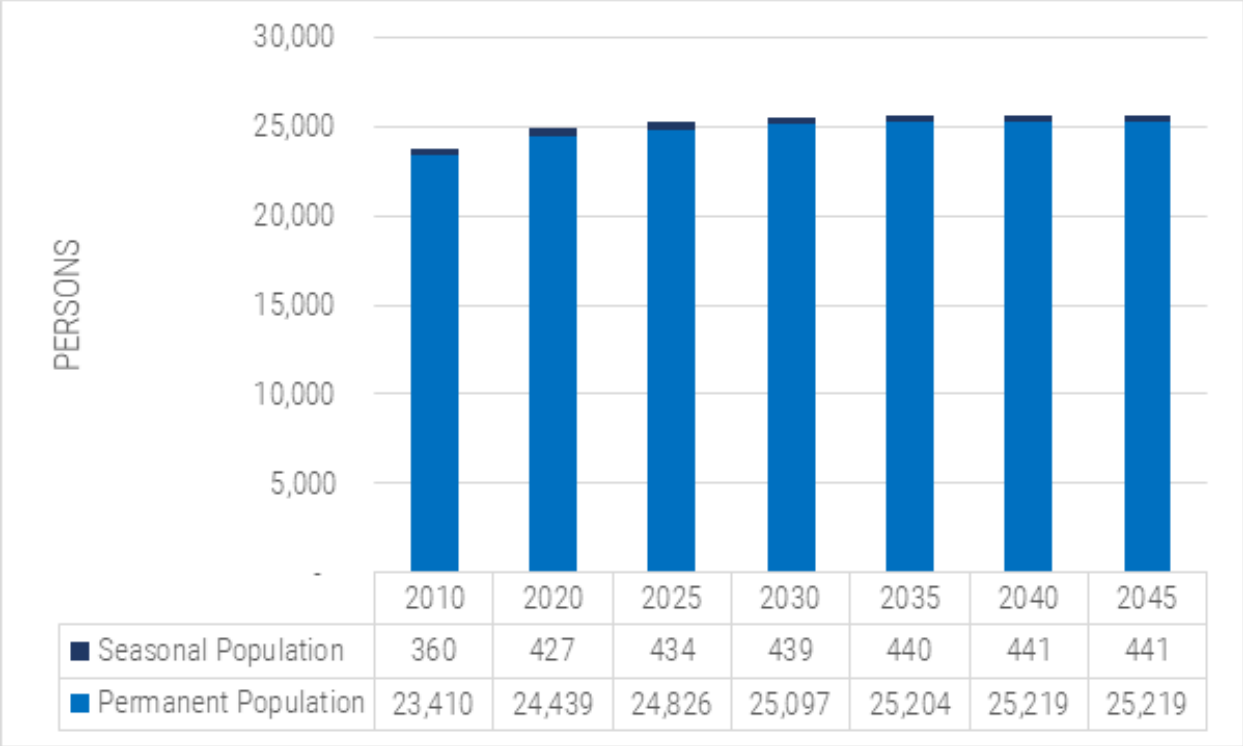
A small portion of the population is represented by seasonal residents who live in Palmetto Bay during certain times of year but claim another city as their permanent residence. The Village's seasonal population for 2020 was 427 people and was calculated using U.S. Census Bureau data. The seasonal population projections were calculated using the step-down method where the Village's seasonal population was proportionally derived from the Village's overall population projections. Palmetto Bay can expect to experience slight population growth through 2040, with the overall population plateauing between 2040 and 2045.

Table FLU-3: Population Projections

	Palmetto Bay			Miami-Dade County		Palmetto Bay Share of Miami-Dade County Population
Year	Permanent Population	Growth Rate	Seasonal Population	Population	Growth Rate	
2010	23,410	-	360	2,487,099	-	0.9%
2020	24,439	4.4%	427	2,701,767	8.6%	0.9%
2025	24,826	1.6%	434	2,823,792	4.5%	0.9%
2030	25,097	1.1%	439	2,922,599	3.5%	0.9%
2035	25,204	0.4%	440	3,001,805	2.7%	0.8%
2040	25,219	0.1%	441	3,068,382	2.2%	0.8%
2045	25,219	0.0%	441	3,126,593	1.9%	0.8%

Source: Shimberg Center – Florida Housing Data Clearinghouse

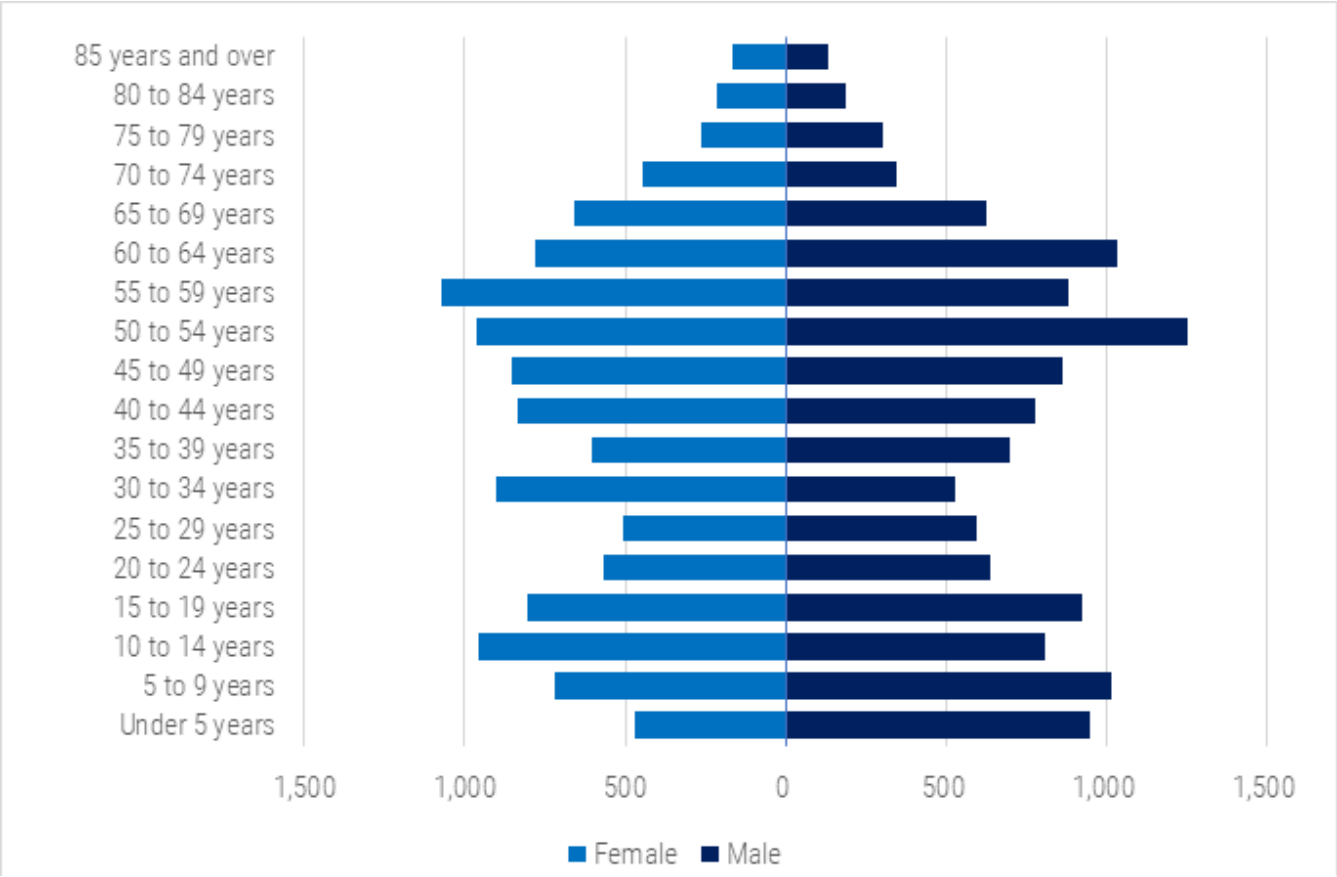
Figure FLU-3: Village Population Projections



	2010	2020	2025	2030	2035	2040	2045
Seasonal Population	360	427	434	439	440	441	441
Permanent Population	23,410	24,439	24,826	25,097	25,204	25,219	25,219

Source: Florida Housing Data Clearinghouse; US Census Bureau

Figure FLU-4: Age and Sex



Source: U.S. Census Bureau 2021 ACS 5-Year Estimates

FUTURE LAND USE DESIGNATIONS AND ANALYSIS

The 2043 Future Land Use Map, **Map FLU-1**, designates future land uses within the Village limits through the 2043 planning horizon. The acreages of the Future Land Use Map are shown below in **Table FLU-4**.

Table FLU-4: Future Land Use Designations and Analysis

Future Land Use Categories	Acres	% of Total
Commercial	124	2.8%
Environmental Protection	435	9.9%
Estate Density Residential	2,514	57.0%
Downtown	141	3.2%
Institutional Public Facilities	47	1.1%
Low Density Residential	407	9.2%
Low Medium Density Residential	51	1.2%
Medium Density Residential	13	0.3%
Neighborhood Compatible	33	0.7%
Parks, Recreation, and Schools	527	11.9%
Village Mixed Use	19	0.4%
Water Management & Recreation	102	2.3%
Total	**4,414**	**100%**

Source: Village of Palmetto Bay Department of Community and Economic Development

BUILD OUT ANALYSIS

To better understand the current level of development potential and the ability of the Village of Palmetto Bay to accommodate growth, a build out analysis was performed utilizing the Future Land Use Map and Vacant Lands. Maximum densities and intensities were assigned to each future land use designation as documented in **Table FLU-5**. The acreages of vacant parcels within these future land use designations were used to roughly calculate the most dense and intense development that Palmetto Bay could potentially expect.

The build out analysis shows that the currently adopted FLUM allows for a maximum construction of 477 dwelling units and approximately 31,461 square feet of non-residential floor area. This square footage does not include the non-residential development potential within the Downtown category, as there are no FAR limits in this category. Using BEBR's 2022 estimate of 2.74 people per dwelling unit for Miami-Dade County, the Village of Palmetto Bay can absorb an additional 1,307 people under the current FLUM's residential designations identified as vacant by the Florida Department of Revenue's data. This meets the dwelling units needed to absorb the amount of growth projected through 2045; a projected increase of 780 people between 2020 and 2045.

Table FLU-5: Build Out Analysis

Future Land Use Category	Vacant Acres	Maximum DU/Acre	Maximum FAR	Maximum Density DU/Acre	Maximum Intensity SF
Commercial	0.00	24	0.4 FAR for the 1st story plus 0.11 FAR for each additional story up to five (5) stories	0	-
Downtown - Main Street Sector	5.90	32	-	189	-
Downtown - Island Sector	0.00	54	-	0	-
Downtown - Eureka Sector	0.06	43	-	3	-
Downtown - Neighborhood Sector	1.28	24	-	31	-
Estate Density Residential	81.29	2.5	-	203	-
Institutional Public Facilities	0.00	13	0.4 FAR for the 1st story, plus 0.11 FAR for each additional story up to 6 stories	0	0
Low Density Residential	4.18	6	-	25	-
Low Medium Density Residential	0.85	13	-	11	-
Medium Density Residential	0.00	23	-	0	-
Neighborhood Compatible	1.20	13	0.4 FAR for a 1-story building and 0.6 for a 2-story building	16	31,461
Parks, Recreation, and Schools	1.30	0	-	0	-
Village Mixed Use	0.00	10	0.5	0	0
Water Management & Recreation	2.79	0	-	0	-
Environmental Protection	9.69	0	-	0	-
TOTAL	**109.98**			**477**	**31,461**

NATURAL RESOURCES INVENTORY

The presence of natural resources and the ability of land to support development within the City of Sebastian will be a major determinant for the future land use pattern. It is important to take these natural resources into consideration when guiding growth in order to avoid the potential adverse impacts of development activity. Below is an inventory of the natural resources located in the Village of Palmetto Bay.

Waterbodies and Shoreline Protection

Utilizing data retrieved from the U.S. Fish and Wildlife Service, **Map CON-1** illustrates the waterbodies located within and surrounding the Village of Palmetto Bay. The inland areas of Palmetto Bay, which are submerged during all of the year, with the exception of extreme dry periods, include wetlands, ponds, and canals. Those areas of Palmetto Bay classified as inland open waterways include the C-100 Canal network. Wetlands are concentrated along the coastal areas east of Old Cutler Road. The waters behind and adjacent to the Deering Estate are home to the Biscayne Bay Aquatic Preserve, which provides habitat for a wide variety of juvenile and adult marine species including several of Florida's imperiled species, such as the west Indian manatee, the smalltooth sawfish, the American crocodile, and Johnson's seagrass. Other vital resources of the Preserve include corals, sponges and algae, mangrove-lined shores, and a variety of invertebrate species throughout the length of the bay. Seagrass beds within the BBAP, especially along the shores of the Deering Estate, are prime feeding areas for wading birds and a valuable nursery area for juvenile fish and invertebrates, including many of commercial interest. Additionally, the Deering Estate contains some of the last remaining functioning springs in the region.

The estuary's mangrove wetlands is one of the most productive ecosystems in the region. Mangrove communities along the coastal areas of Biscayne Bay stabilize bottom sediments and protect shorelines from erosion and storm surge. Forest and fringe communities provide protection from storm surge and can potentially reduce damage to upland areas from hurricanes. Mangrove trees provide nesting and roosting habitat for many resident and migrating birds in addition to providing shelter and a safe nursery to growing marine life. Mangrove leaves are also a large component of the near shore food web.

While channelization of this region's historic waterflow has altered the ability to stabilize these mangrove communities, the Deering Estate Flow-way was completed in 2012 and is designed to increase freshwater flow directing it away from existing canal discharges and spreading it out as sheetflow prior to discharging into the aquatic preserve. This will result in healthier coastal wetlands and recreate the natural sheetflow of water through the land, into the bay. Improved freshwater flow and salinity distribution near the shore will also help re-establish productive nursery habitat for shrimp and shellfish.

Both Biscayne Bay and its mangrove forests are protected by County and State regulations from impacts of development. Waterways within the Village are protected and will receive only minimal effects from future development.

Floodplains and Coastal High Hazard Area (CHHA)

Flood zones allocated in the Village of Palmetto Bay are illustrated in **Map CON-2.** There are several areas within the Village of Palmetto Bay which have been identified by the Federal Emergency Management Agency (FEMA) as having the potential for flooding in the 100-year storm event, or 1% annual chance of flooding. Also included in the map is the 500-year storm event area, or those areas having a 0.2% annual chance of flooding. These areas are subject to rising waters due to their proximity to nearby canals and Biscayne Bay.

Mineral Resources

There are no significant deposits of commercially valuable minerals known to exist within the Village of Palmetto Bay.

Soils

The Miami-Dade County Soil Survey prepared by the Natural Resources Conservation Service and updated in 1996 gives details of the 25 different soil types that exist throughout the County.

The soil classifications are made based upon the water table, slope, erosion potential, permeability, subsidence and organic (muck/peat) content. The soils are also rated as to their potential for development based upon those limiting properties. The primary soil types identified for Palmetto Bay include:

- Opalocka-Rock outcrop complex
- Perrine marl, tidal
- Plantation muck
- Hallandale fine sand
- Margate fine sand

The Village of Palmetto Bay does not have any specific areas of soil erosion. Erosion potential can be mitigated by reducing the time interval between the clearing of land and actual development or construction.

Water Demands

The Miami-Dade County Water and Sewer Department (MDWASD) provides water to a number of Miami-Dade County municipalities, including the Village of Palmetto Bay. The South Florida Water Management District 2018 Lower East Coast Water Supply Plan Update details the projected potable water demand for MDWASD. Since MDWASD provides water to several Miami-Dade County municipalities and most of the unincorporated area, the analysis of the Village's water needs is determined by the Village's percentage of the overall population of the MDWASD service area population.

Table FLU-6 below provides a listing of the projected potable water demand based upon the population projections and the entire Village being connected to the MDWASD potable water system. In order to meet projected demand in 2045, the Village will require an estimated 2,360,000 gallons per day. To ensure the efficient and acceptable delivery of potable water services to the Village of Palmetto Bay, continued coordination with MDWASD is recommended. The Village's water supplies, public facilities, and services are illustrated in **Map FLU-10**.

Table FLU-6: Projected Potable Water Demand

Year	Population	Per Capita (gallons per day finished water)	Potable Water Demands (daily average annual, MGD)
2020	24,439	93.45	2.28
2025	24,826	93.45	2.32
2030	25,097	93.45	2.35
2035	25,204	93.45	2.36
2040	25,219	93.45	2.36
2045	25,219	93.45	2.36

Source: Population Projections from Shimberg Center – Florida Housing Data Clearinghouse; Per Capita data from Village of Palmetto Bay 18-Year Water Supply Facilities Work Plan (2016-2033)

Potable Water Wells

There are no designated wellfield protection areas within the Village of Palmetto Bay. **Map FLU-9** illustrates wellfield protection areas in the surrounding vicinity.

HISTORICAL RESOURCES INVENTORY

Palmetto Bay has a number of historic resources within its Village boundaries. Historic resource data was retrieved from the Division of Historical Resources of the Florida Department of State. The Division of Historical Resources of the Florida Department of State maintains a central archive for Florida's historical and archaeological sites known as the Florida Master Site File. Historical structures and properties including those which are on the National Register of Historic Places are listed in **Table FLU-7** and illustrated on **Map FLU-7**.

According to the Division of Historical Resources of the Florida Department of State there are 28 sites/structures documented in the Village as having historic significance. One site, the Charles Deering Estate, is on the National Register of Historic Places. The Charles Deering Estate, comprising 368-acres, contains three known archaeological sites, some of which are among the most significant and best-preserved sites in South Florida. Contributing buildings on the estate are the Deering House (built 1922), Richmond House (built 1896) and Cottage (built 1900), and Carriage House (built 1916).

It is important to take the historic resources in the Village into consideration when guiding growth in order to avoid the potential adverse impacts of development activity.

Table FLU-7: Historical Resources

SITE NAME	ADDRESS	SIGNIFICANCE
OLD CUTLER ROAD HISTORIC HIGHWAY	OLD CUTLER ROAD	STATE HISTORIC HIGHWAY
16553 OLD CUTLER RD	16553 OLD CUTLER RD	HISTORICAL STRUCTURE
16870 OLD CUTLER RD	16870 OLD CUTLER RD	HISTORICAL STRUCTURE
17301 OLD CUTLER RD	17301 Old Cutler RD	HISTORICAL STRUCTURE
17800 OLD CUTLER RD	17800 OLD CUTLER RD	HISTORICAL STRUCTURE
8315 SW 153RD TERRACE	8315 SW 153RD TERRACE	HISTORICAL STRUCTURE
CHARLES DEERING ESTATE	16701 SW 72nd AVE	NATIONAL REGISTER
CHARLES DEERING HOUSE	16701 SW 72nd AVE	HISTORICAL STRUCTURE
RICHMOND HOUSE AND COTTAGE	16701 SW 72nd AVE	HISTORICAL STRUCTURE
DEERING ESTATE BRIDGE	72nd Avenue unnamed creek	HISTORICAL STRUCTURE
Charles Deering Estate Oolite Wall	16701 SW 72nd AVE	HISTORICAL STRUCTURE
7253 SW 168TH ST	7253 SW 168TH ST	HISTORICAL STRUCTURE
PERRINE ELEMENTARY SCHOOL	9895 SW 184TH ST	HISTORICAL STRUCTURE
6725 SW 144 STREET	6725 SW 144 ST	HISTORICAL STRUCTURE
7201 SW 166 STREET	7201 SW 166 ST	HISTORICAL STRUCTURE
S.W. 72ND AVENUE ROAD SEGMENT	S.W. 72ND AVENUE	HISTORICAL SITE
HARRY TROEGER HOUSE	8940 SW 156th ST	HISTORICAL STRUCTURE
Bill Sadowsky Park Site	17555 SW 79TH AVE	HISTORICAL SITE
8001 SW 148th Drive	8001 SW 148th DR	HISTORICAL STRUCTURE
8025 SW 148th Drive	8025 SW 148th DR	HISTORICAL STRUCTURE
8101 SW 148th Drive	8101 SW 148th DR	HISTORICAL STRUCTURE
8125 SW 148th Drive	8125 SW 148th DR	HISTORICAL STRUCTURE
Miami Serpentorium	15321 S Dixie HWY	HISTORICAL SITE
Boat Turning Basin	16701 SW 72nd AVE	HISTORICAL STRUCTURE
South Estate Wall	16701 SW 72nd AVE	HISTORICAL STRUCTURE
Carriage House (Coach House)	16701 SW 72nd AVE	HISTORICAL STRUCTURE
Power House	16701 SW 72nd AVE	HISTORICAL STRUCTURE
Pump House (Water Storage House)	16701 SW 72nd AVE	HISTORICAL STRUCTURE

Source: Division of Historical Resources of the Florida Department of State

SUMMARY

The Land Use Data Inventory and Analysis has effectively provided the data to guide the type, location, and timing of development in an appropriate manner. The Land Use Element is the foundation of the Comprehensive Plan and is dependent upon the goals, objectives, and policies of each of the other Elements. It sets the planning framework for the Village to accommodate projected growth and development, minimize adverse impacts on natural and historical resources, and maintain essential amenities at desired levels to maintain the quality of life within the Village.

RECREATION & OPEN SPACE ELEMENT DATA INVENTORY & ANALYSIS

INTRODUCTION

Known as "the Village of Parks," Palmetto Bay has a comprehensive system of parks, recreation, and open space. Pursuant to the requirements of Chapter 163 of the 2022 Florida Statutes, the Parks and Recreation Element consists of a data inventory and analysis that influences the overarching goals, objectives, and policies.

RECREATION AND OPEN SPACE INVENTORY

The Village has a total of approximately 90 acres of developed, Village-operated recreation land and other undeveloped recreation land. An additional 470 acres of recreation and open space land within the Village is operated by Miami-Dade County. Below is a listing of the recreation sites and open space areas within the Village of Palmetto Bay. All parks, recreation, and open space within the Village is listed in **Table REC-1** below and can be viewed in **Map REC-1**.

Village of Palmetto Bay-Operated Parks

1. **Coral Reef Park:** Spanning more than 50 acres, Coral Reef Park offers open green spaces, pinelands preserve areas, and the tranquil streaming canal. It is a central location for playing, walking, reading, relaxing, and picnicking. Residents also flock here for beach volley ball, tennis, baseball, an expansive and fun playground, exercise trail, and abundance of indigenous birds and other wildlife.
2. **Ludovici Park:** Ludovici Park is a quiet and charming oasis, a perfect venue for musical performances, to enjoy a library book - all at once! With its meandering walkways, shaded gazebo, and manicured gardens, this park offers something for everyone. The main feature is the 5,000-square-foot Palmetto Bay Branch Library, which is complemented by the Edward and Arlene Feller Community Room and Amphitheater. The 1,000-square-foot, two-story Community Room offers ample meeting space overlooking the beautiful blue waters of Biscayne Bay. The first-story amphitheater features dramatic space for special performances and serves as an additional outdoor area for lectures, workshops, and children's activities.
3. **Palmetto Bay Park:** Soon after Village incorporation, this park transitioned from a 5-acre park to a 25-acre park facility - a veritable oasis of passive and active attractions, tucked off US-1 just east of the Village Municipal Complex. Formerly known as Perrine Park, Palmetto Bay Park was renamed by the Village Council in 2006. The new Palmetto Bay Park features expansive greenspace, basketball courts, the largest Boundless Playgrounds in South Florida, and a six-field, state-of-the-art softball complex, Palmetto Bay Park is truly a multi-recreational facility.
4. **Perrine Wayside Dog Park:** This unique wayside park is located on South Dixie Highway (U.S. 1) south of 164th Street. Perrine Wayside is a lushly landscaped, 3-acre dog oriented family park where "all" members of the family, including the family dogs, can relax and enjoy the park atmosphere.
5. **Thalatta Estate Park:** Approximately four acres in size with vast green areas and unobstructed views of Biscayne Bay, Thalatta Estate offers direct access to the pristine waters of Biscayne Bay. Its proximity to the water allows for a habitat of herons, pelicans, marine iguanas, and other plant and wildlife to thrive in and around the mangroves, which adorn the northeast portion of the property.

Nature Reserve Areas

1. **Property at SW 168th Street and SW 88th Avenue:** This approximately 9-acre natural area is owned by Miami-Dade County and currently leased to the Village of Palmetto Bay.

Miami-Dade County-Operated Parks

1. **Old Cutler Bike Path and Rest Stop:** The Old Cutler Trail is an 11-mile multi-use bike trail running 11-miles along Historic Old Cutler Road. The trail's northern terminus is at Coco Plum Circle in the City of Coral Gables and crosses through Palmetto Bay and into Cutler Bay. There is a sheltered rest stop along the trail within the Village at the intersection with SW 77th Avenue.
2. **Bill Sadowski Park:** Bill Sadowski Park and Nature Center offers three distinct habitats within thirty acres; pineland, tropical hardwood hammock, and a drained Everglades slough. The main building houses a live animal exhibit of native freshwater fish, arthropods, reptiles, and amphibians. A nature trail leads visitors through various plant communities to a canal where canoeing and fishing are available. Solution holes and Karst limestone formations are visible along the way. Encompassed within the park grounds are also a native tree arboretum and a bird watching area.
3. **Charles Deering Estate:** Located along the edge of Biscayne Bay, the 444-acre Deering Estate is an environmental, archeological and historical preserve. From canoe rides to butterfly hikes and guided tours, the Deering Estate has diverse activities for the whole family that make learning fun. The Estate offers daily tours of the historic houses

– dating from 1896 – as well as naturalist lead tours of the lush natural areas where fossil bones have been found from as far back as 50,000 years. The Park is part of the Miami-Dade County Parks, Recreation and Open Spaces Department, which manages the Estate on behalf of the State of Florida.

Table REC-1: Parks Inventory

Name	Size in Acres
Village-Operated Parks	
Coral Reef Park	48
Ludovici Park	2.64
Palmetto Bay Park	24.84
Perrine Wayside Dog Park	2.73
Thalatta Estate Park	3.52
168th St. Nature Reserve	8.69
Subtotal	**90.42**
Miami-Dade County-Operated Parks	
Old Cutler Bike Path & Rest Stop	N/A
Bill Sadowski Park	26.23
Charles Deering Estate	444
Subtotal	**470.23**
Total	**560.65**

Inventory as of August 2023

RECREATION AND OPEN SPACE ANALYSIS

Summary of Inventory

The recreation and open space inventory indicates that the Village of Palmetto Bay contains 560.65 acres dedicated for public recreation, which includes the approximately 9-acre Nature Reserve and the 444-acre Deering Estate. Based on the April 1, 2022 estimated resident population of 25,041 for Palmetto Bay, this total parks acreage represents 22.39 acres per 1,000 residents. The population estimate is provided by the Bureau of Economic and Business Research (BEBR) at the University of Florida, which is the official population estimate recognized by the State.

Projected Demand for Recreation and Open Space

The demand for park land in the future is based upon two factors: the future population and the adopted Level of Service. The Village has adopted a Level of Service of 3 acres per 1,000 population. The demand is determined by dividing the future population by 1,000 and then multiplying it by 3 acres for each classification. Based on the population projections and maintenance of the current parks inventory, the Village is expected to have a surplus of parks and open space through the 20-year planning horizon.

Table REC-2: Future Parks Demand

Year	Permanent Population	Adopted LOS (Acres/1,000 Population)	Demand Acres	Existing Acres	Surplus/ (Deficit)
2020	24,439	3	73.32	560.65	487.33
2025	24,826	3	74.48	560.65	486.17
2030	25,097	3	75.29	560.65	485.36
2035	25,204	3	75.61	560.65	485.04
2040	25,219	3	75.66	560.65	484.99
2045	25,219	3	75.66	560.65	484.99

Source Population Projections: Shimberg Center – Florida Housing Data Clearinghouse

INFRASTRUCTURE DATA INVENTORY AND ANALYSIS

INTRODUCTION

Pursuant to the requirements of Chapter 163 of the 2022 Florida Statutes, the Infrastructure Element consists of data inventory and analysis (DIA) that influences and informs the element's overarching goals, objectives, and policies. Provided in this inventory and analysis is sanitary sewer, solid waste, stormwater, and potable water facilities and services in the Village of Palmetto Bay.

The Village of Palmetto Bay does not maintain sanitary sewer, solid waste, or potable water facilities within its corporate limits. These services are provided to the Village pursuant to the terms of respective franchise agreements herein discussed. This DIA shall identify the nature of the existing facilities within Palmetto Bay. This identification shall include the following information:

- Entity having operational responsibility for the facility;
- Design capacity of the facility;
- Current demand on the facility capacity and the level of service provided by the facility; and
- Impact on adjacent natural resources.

This DIA will also provide an analysis of future public facilities for the Village of Palmetto Bay by determining future service demands as well as necessary levels of service to meet them.

POTABLE WATER

This section evaluates the potable water system serving the Village of Palmetto Bay inclusive of all structures designed to collect, treat, and distribute potable water in addition to water wells, treatment plants, reservoirs and distribution mains.

Miami-Dade County Water and Sewer Department (MDWASD) Geographic Service Area

The Village of Palmetto Bay's potable water is provided by a system operated by the Miami-Dade County Water and Sewer Department (MDWASD). The Village of Palmetto Bay is served by the Alexander Orr, Jr. Water Treatment Plant, which is located outside of the Village limits and serves customers who live south of approximately Flagler Street and north of SW 248th Street.

Water Sources

Potable water in the Village of Palmetto Bay is received from the County's water treatment plant. The Alexander Orr, Jr. Water Treatment Plant that serves the Village draws water from the Biscayne Aquifer and receives lime treatment to reduce hardness, and is then fluoridated, disinfected and filtered.

Water Treatment Plants (WTPs)

The Alexander Orr, Jr. WTP that serves the Village of Palmetto Bay is located at 6800 S.W. 87th Avenue in Unincorporated Miami-Dade County. The original design capacity was 40 MGD in 1954. This plant has undergone several expansions during the past 50 years. The raw water pumping capacity was increased by 32 MGD to 262 MGD in 1995 with an additional source from the West Wellfield. Additional reservoir and high pressure service capacities were also added to bring the total plant design capacity to 256 MGD.

The Alexander Orr, Jr. (AO) subarea is comprised of a high pressure system comprised of two major piping loops. This system delivers water to nearly all of Miami-Dade County south of approximately Flagler Street and north of SW 248th Street, including Virginia Key, Fisher Island, the Village of Key Biscayne and, upon request, to the City of Homestead, and Florida City. The Alexander Orr, Jr. subarea, water treatment plant is supplied by four water supply wellfields (Alexander Orr, Jr.- capacity 74.4 MGD; Snapper Creek – capacity 40.0 MGD; Southwest – capacity 161.2 MGD; and West 32.4 MGD), with a total designed capacity of approximately 308 MGD. In this subarea, there are also Upper Floridan Aquifer wells at two of the wellfields (West Wellfield (WWF) and the Southwest Wellfield (SWWF)). These wells have a total capacity of 25.08 MGD. MDWASD anticipates using these wells for storage of fresh Biscayne Aquifer water during the wet season (when operating water levels in the canal allows) for extraction and use in the dry season. In order to use the Upper Floridan Aquifer wells, the MDWASD installed an ultra-violet (UV) light disinfection system at both the SWWF and the WWF to provide treatment of the Biscayne aquifer water prior to injecting in the Floridan Aquifer.

Potable Water Level of Service

The Village's adopted Level of Service Standard for potable water is 93.45 gallons per capita per day. **Table INF-1** provides a listing of the projected potable water demand based upon the population projections and the entire Village being connected to the County potable water system. In order to meet projected demand in 2045, the Village will require an estimated 2,360,000 gallons per day. To ensure the efficient and acceptable delivery of potable water services to the Village of Palmetto Bay continued coordination with MDWASD is recommended.

Table INF-1: Projected Potable Water Demand

Year	Population	Per Capita (gallons per day finished water)	Potable Water Demands (daily average annual, MGD)
2020	24,439	93.45	2.28
2025	24,826	93.45	2.32
2030	25,097	93.45	2.35
2035	25,204	93.45	2.36
2040	25,219	93.45	2.36
2045	25,219	93.45	2.36

Source: Population Projections from Shimberg Center – Florida Housing Data Clearinghouse; Per Capita data from Village of Palmetto Bay 18-Year Water Supply Facilities Work Plan (2016-2033)

Water Conservation

Water conservation is the key to maintaining the health and productivity of the Surficial Aquifer System. Promoting water conservation equipment, techniques, and practices will benefit customers economically and maintain a realistic water demand picture for utilities. Protection of the aquifer system and wellfields through conservation and reuse, recharge enhancement, limitations on withdrawal, regulation of land use, and maintenance of minimum flows and levels will ensure the availability of an adequate water supply for all competing demands, maintain and enhance the functions of natural systems and preserve water quality.

The Village of Palmetto Bay works in coordination with MDWASD and the South Florida Water Management District on water conservation, use, and protection through several programs and policies that include:

- Plumbing requirements
- Florida Friendly Landscaping as described in Section 373.185, Florida Statutes
- Adoption of a Village Stormwater Master Plan

SANITARY SEWER

The sanitary sewer system is defined as structures or systems designed for the collection, transmission, treatment, or disposal of sewage. Disposal includes solids and effluent reuse, which is also referred to as reclaimed or grey water.

Geographic Service Area

The Village of Palmetto Bay does not maintain a sanitary sewer facility within its corporate limits and the majority of the homes are serviced by septic tanks. Those homes within the Village of Palmetto Bay on central sewer service receive service from Miami-Dade County Water and Sewer Department (MDWASD). The entire Village is within the County's service area.

Treatment Facilities and Capacity

The MDWASD wastewater system serves approximately 375,345 retail customers and 13 wholesale customers, consisting of 12 municipal customers and the Homestead Air Reserve Base. It consists of three regional wastewater treatment plants (WWTP), over 1,000 sewage pump stations and nearly 6,400 miles of collection and transmission pipelines, manholes, lift stations and force mains. The service area of the system covers approximately 375 square miles. The three WWTPs are the South District, Central District and North District WWTPs. The disposal of the by-products of the treatment process (sludge and effluent or treated wastewater) is an important part of MDWASD's plan to improve and expand its sewer system.

Disposal of treated wastewater at the North District Plant and the Central District Plant is accomplished by discharge into the Atlantic Ocean. A portion of the treated effluent at the North District Plant is also disposed via deep injection wells. The South District Wastewater Treatment Plant disposes of its effluent through deep injection wells to the lower Floridan Aquifer at a depth below 2,400 feet. In 1995, MDWASD completed construction of five additional deep injection wells as part of its 112.5 million gallons per day (MGD) plant expansion project. In FY 2014, MDWASD finalized operational permit for all the South District's 17 injection wells, which are now fully operational.

MDWASD continues to plan, and design reclaimed water facilities. Currently, in FY 2022 the Department reused 13 MGD of treated wastewater. Additional capacity for production of reclaimed water currently is available at the South District Wastewater Treatment Plant, with 97.66 MGD of public access reuse quality water produced in FY 2022. MDWASD is committed to distributing as much reclaimed water for aquifer recharge, irrigation, power plant cooling and potentially coastal wetlands rehydration as technically, environmentally, and economically feasible.

Table INF-2 depicts projected wastewater demand based upon the population projections and the entire Village being connected to the County wastewater system. To ensure the efficient and acceptable delivery of wastewater services to the Village of Palmetto Bay, continued coordination with MDWASD is recommended.

Table INF-2: Projected Wastewater Demand

Year	Population	Per Capita (gallons per day finished water)	Wastewater Demands (daily average annual, MGD)
2020	24,439	93.45	2.28
2025	24,826	93.45	2.32
2030	25,097	93.45	2.35
2035	25,204	93.45	2.36
2040	25,219	93.45	2.36
2045	25,219	93.45	2.36

Source: Population Projections from Shimberg Center – Florida Housing Data Clearinghouse; Per Capita data from Village of Palmetto Bay 18-Year Water Supply Facilities Work Plan (2016-2033)

SOLID WASTE

Miami-Dade County's Department of Solid Waste Management (DSWM) provides garbage, bulky trash pick-up, and recycling collection services, including electronic equipment recycling, for all homes in Palmetto Bay. Garbage collection occurs twice a week, with recycling once per week. Recycling services in Palmetto Bay are also provided by Miami-Dade County. DSWM offers bulky waste pick up services for Palmetto Bay residents. Each household is entitled to 2 bulky waste pickups per year of up to 25 cubic yards each. Besides the bulky trash pick-up services offered by DSWM, the division also manages 13 Neighborhood Trash and Recycling Centers, which accept landscape clippings, old appliances, vehicle tires, fence and construction debris, and more. The Eureka Drive Trash and Recycling Center at 9401 SW 184th St is located in Palmetto Bay.

The Miami-Dade County Department of Solid Waste Management (DSWM) currently maintains and operates three active solid waste landfills, which are:

- North Dade Landfill
- South Dade Landfill
- Resources Recovery Facility Ashfill

North Dade Landfill

The North Dade Landfill is a Class III (trash only) facility located just south of the Dade-Broward line. The eastern cell includes a leachate collection system and a groundwater monitoring system. Methane gas resulting from the decomposition of the landfill's waste is extracted and sent to a flare, where it is burned off.

South Dade Landfill

The 320-acre South Dade Landfill is used primarily for the disposal of garbage and non-processable waste from the Resources Recovery Facility. The landfill has been designed and constructed with natural and synthetic liners, a leachate collection

system, a groundwater monitoring and treatment system and a sequencing batch reactor to treat leachate and wastewater generated on site. Currently, the methane gas resulting from the decomposition of waste is extracted and sent to a flare, where it is burned off. The Department is working in partnership with the County's Water and Sewer Department (WASD) on a gas-to-energy recovery project where gas will be piped to the neighboring WASD wastewater treatment facility and converted into electricity for onsite use. Disposal capacity at the facility is anticipated to last through 2029.

Resources Recovery Facility

The Resources Recovery Facility (waste-to-energy plant) processes more than 1 million tons of garbage and trash each year. Waste delivered to the plant is converted into a fuel used to generate 77 megawatts of electricity, providing power to the plant and to 35,000 homes annually. The plant's front-end recovery systems remove valuable aluminum and ferrous metals for recycling. The plant includes a state-of-the-art air quality control system. Through waste-to-energy, the volume of waste for disposal is reduced by 90 percent. Ash resulting from the process is placed in the adjacent ash-only landfill.

Solid Waste Level of Service

The Village's Level of Service Standard for solid waste is 9.9 pounds/capita/day and projects this generation rate will continue. This requires a collection and disposal capacity of 120.97 tons per day in 2020 (population 24,439) and will require a collection and disposal capacity of 124.83 tons per day in 2045 (projected population 25,219). To ensure the efficient and acceptable delivery of solid waste services to the Village of Palmetto Bay, continued coordination with DSWM is recommended.

The projected demand for the planning horizon is shown in **Table INF-3** below.

Table INF-3: Projected Demand on Solid Waste

Year	Population	Pounds per Day	Tons per Day	Annual Tonnage
2020	24,439	241,946	120.97	44,155
2025	24,826	245,777	122.89	44,854
2030	25,097	248,460	124.23	45,344
2035	25,204	249,520	124.76	45,537
2040	25,219	249,668	124.83	45,564
2045	25,219	249,668	124.83	45,564

Source: Population Projections from Shimberg Center – Florida Housing Data Clearinghouse.

STORMWATER/DRAINAGE

The Village of Palmetto Bay is a co-permittee on the Miami-Dade County Multiple Separate Storm Sewer System (MS4) Permit through the EPA's National Pollutant Discharge Elimination System (NPDES). The permit is administered by the Florida Department of Environmental Protection (DEP). Each year, the co-permittees are required to submit an annual report to DEP detailing progress on permit-mandated activities. These activities range from inspecting stormwater treatment facilities to conducting public awareness events to publicize the environmental consequences of illegal dumping.

Since the 2014 Stormwater Master Plan Update, the Village has coordinated with the National Flood Insurance Program (NFIP) and has become a member of the Community Rating System (CRS). The Village's CRS rating is determined by activities ranging from stormwater infrastructure maintenance to public outreach programs. Based on the number of activities currently implemented by the Village and the associated credits, the Village received a rating of 8. A CRS rating of 8 represents reducing the cost of flood insurance to Palmetto Bay residents by 10%.

In 2020, the Village completed its Stormwater Master Plan Update, which summarizes priority sub-basin performance against those goals, but now includes impacts associated with estimated sea level rise. This report also includes proposed stormwater system modifications resulting from the revised analysis and those improvements are the basis for the Capital Improvement Program contained at the end of the report.

The Capital Improvement Program contains approximately $704,000 in annual expenses related to ongoing Operation and Maintenance of the existing system in conformance with federal and state agency mandates and the Village's desire to improve drainage conditions. The Capital Improvement Program also contains $11,102,905 worth of capital improvement

projects and localized drainage improvements recommended for implementation through 2030.

The Village has identified the following stormwater improvement projects in the 2020-2030 Ten -Year Capital Improvement Program.

- Drainage Sub-Basin #61 $772,905
- Drainage Sub-Basin #11 $1,450,000
- Drainage Sub-Basin #12 $930,000
- Drainage Sub-Basin #39 $1,020,000
- Drainage Sub-Basin #41 $1,270,000
- Drainage Sub-Basin #42 $930,000
- Drainage Sub-Basin #43 $1,570,000
- Drainage Sub-Basin #57/96 $2,160,000
- Localized Drainage Improvement Projects $1,000,000
- Annual O&M $7,040,000

Drainage Level of Service

Stormwater facilities shall be designed to meet the design and performance standards established in Ch. 62-302.500 and 25.025, F.A.C., with treatment of first one (1) inch of rainfall runoff Water Quality Standard. Where two or more standards impact a specific development, the most restrictive standard shall apply:

- Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.
- Treatment of the runoff from the first one (1) inch of rainfall onsite or the first 0.5 inch of runoff, whichever is greater.

Aquifer Recharge

There are no classified prime groundwater recharge areas within the Village of Palmetto Bay. Aquifer recharge sources in the Village include the Cutler Drain Canals and Biscayne Bay and their tributaries, drainage structures designed for infiltration, and lawns and swales.

The Village's zoning regulations, flood damage prevention ordinance, and subdivision regulations accomplish an adequate degree of protection for natural drainage and recharge areas. Palmetto Bay's existing land use has generally developed in a manner favorable to natural groundwater recharge and natural flood protection.

TRANSPORTATION DATA INVENTORY AND ANALYSIS

INTRODUCTION

The purpose of the Transportation Element is to plan for a transportation system that emphasizes residents' accessibility to goods and services and supports the Land Use Element. The Element also encourages a reduction in vehicle miles travelled and also encourages better transportation planning. The Transportation Element establishes Level of Service (LOS) standards for the major roadways and supports land development policies that promote other transportation alternatives.

An essential base for planning a transportation system is the Land Use Element. The Future Land Use Map (FLUM) can guide where new or improved transportation facilities may be needed. The Transportation Element assesses the condition and capacity of the existing transportation facilities, projects future needs, sets LOS standards for roads, and determines future system improvements.

Roadway LOS standards are established to ensure that adequate facility capacity for future development is concurrently sufficient with the issuance of development orders and development permits. These standards will be established for each roadway link consistent with the facility type, and current Florida Department of Transportation (FDOT) LOS guidelines.

The Transportation Element also recognizes the need to provide transportation alternatives to increase accessibility and provide a comprehensive transportation system. Therefore, this Element addresses roadway facilities, transit facilities, availability of public parking facilities, availability of bicycle and pedestrian facilities, and other ancillary services and programs.

INVENTORY

An efficient transportation system should provide access to various land uses through alternative transportation modes. The overview of the existing multi-modal transportation system within the Village of Palmetto Bay provides the basis for analyzing existing transportation deficiencies and needs within the Village. This section will identify existing roadway and transit facilities, availability of public parking facilities, availability of bicycle and pedestrian facilities, and other ancillary services and programs.

Road System

This section describes the major roadway facilities within the Village and their relative function in the Village's circulation system. The traffic circulation system can generally be described as an area of curvilinear gridded streets. The following is a description of the major roadways in the Village of Palmetto Bay.

US 1 (South Dixie Highway) is under the jurisdiction of FDOT and serves as an urban principal arterial connecting the Village of Palmetto Bay with neighboring Miami-Dade County municipalities such as Homestead, Cutler Bay, and Pinecrest. U.S. 1 runs along the state's east coast from Key West to Jacksonville. US 1 in the Village of Palmetto Bay is a divided six (6) lane facility located along the Village's western boundary. This road provides a linkage for both inter- and intra-state traffic between the north and south portions of the state.

Old Cutler Road is under the jurisdiction of Miami-Dade County and serves as a north/south minor arterial connecting the Village with Pinecrest and Coral Gables to the north and Cutler Bay to the south. The road in the Village of Palmetto Bay is a two (2) lane facility located along the eastern side of the Village. Old Cutler Road was declared a State Historical Highway in 1974 by the Florida Legislature.

SW 97th Avenue (Franjo Road) is a two (2) lane facility under the jurisdiction of Miami-Dade County and serves as a north/south major collector for the Village, providing access to US 1 and Unincorporated Miami-Dade to the north Cutler Bay to the south.

SW 87th Avenue is a two (2) lane facility under the jurisdiction of Miami-Dade County and serves as a north/south major collector for the Village, providing access to Cutler Bay to the south, leading eventually to its terminus at Black Point Park and Marina. SW 87th Avenue in the Village is interrupted twice where it terminates at the C-100 canal system and continues on the other side.

SW 82nd Avenue is a two (2) lane facility under the jurisdiction of Miami-Dade County and serves as a north/south major collector for the Village, providing access to Pinecrest to the north and Cutler Bay to the south. SW 82nd Avenue in the Village is interrupted at the C-100 canal, terminating just south of SW 170th Street and continuing on the other side of the canal at SW 176th Street.

SW 77th Avenue is a two (2) lane facility under the jurisdiction of Miami-Dade County and serves as a north/south major col-

lector for the Village, providing access through Pinecrest to the north and terminating at its southern end at Old Cutler Road at approximately SW 180th Street. SW 77th Avenue in the Village is interrupted twice where it terminates at the C-100 canal system and continues on the other side.

SW 67th Avenue is a two (2) lane facility under the jurisdiction of Miami-Dade County and serves as a north/south major collector for the Village, providing access through Pinecrest to the north and terminating at its southern end inside of the Village at SW 152nd Street.

SW 136th Street (Howard Drive) is a two (2) lane facility along the Village's northern boundary under the jurisdiction of Miami-Dade County and serves as an east/west major collector, providing access west through Unincorporated Miami-Dade County and merging at its eastern end with Old Cutler Road.

SW 144th Street (Mitchell Drive) is a two (2) lane facility under the jurisdiction of Miami-Dade County and serves as an east/west major collector for the Village, providing access west through Unincorporated Miami-Dade County and east to Deering Bay.

SW 152nd Street (Coral Reef Road) is a two (2) lane facility under the jurisdiction of Miami-Dade County and serves as an east/west major collector for the Village, providing access west through Unincorporated Miami-Dade County and east to the Deering Estate North Addition Preserve.

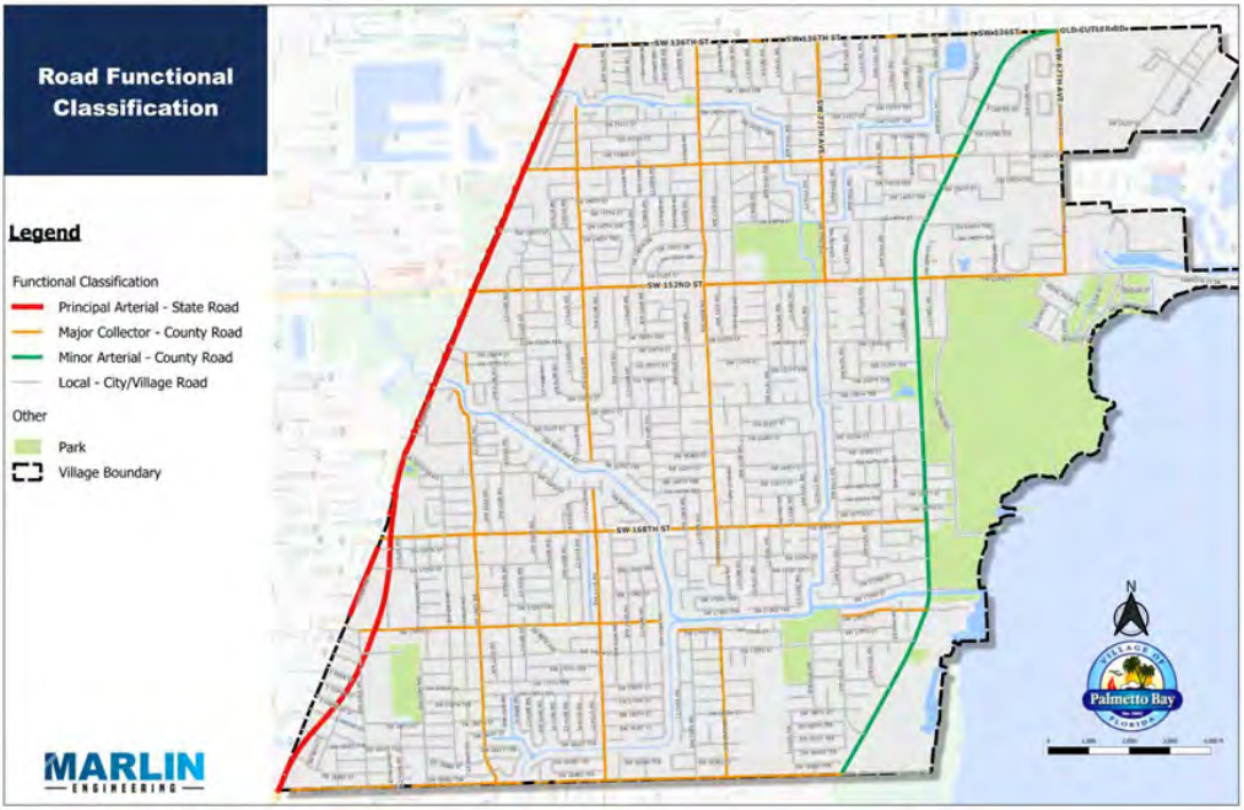
SW 168th Street (Richmond Drive) is a two (2) lane facility under the jurisdiction of Miami-Dade County and serves as an east/west major collector for the Village, providing access west through Unincorporated Miami-Dade County and east to the Deering Estate.

SW 184th Street (Eureka Drive) is a two (2) lane facility along the Village's southern boundary under the jurisdiction of Miami-Dade County and serves as an east/west major collector, providing access west through Unincorporated Miami-Dade County and terminating east just passed Old Cutler Road.

Jurisdiction and Maintenance Responsibility

The jurisdictional responsibility of each roadway in the Village of Palmetto Bay is displayed in the map below. There is one State roadway, US 1, and twelve County roadways, including Old Cutler Road. Several minor roadway segments that function as local collectors, under Village jurisdiction, have also been shown on the map.

Figure TRA-1: Roadway Jurisdiction



Source: 2023 Villagewide Traffic Calming Study

Functional Classification

The functional classification of major roads in the Village of Palmetto Bay is illustrated in **Map TRA-1**. The functional classification of public roads in this Element is based on FDOT criteria, which considers quantitative and qualitative factors such as jurisdiction, land access, route length, and trip lengths. A road hierarchy is used to identify relative importance of roads within the system; provide guidance for LOS and design standards; aid in establishing improvement priorities; identify maintenance responsibility; and, assist in determining funding and financing policies. The hierarchy used in this Element includes:

Limited Access Facilities/Freeways: Designed to provide regional mobility via uninterrupted flow at high travel speeds for regional trips. Access spacing is generally on the order of one mile or more, and average travel speeds are above 40 miles per hour. There is no direct land access, and urban freeways are multilane, divided facilities. Lane access is always via ramps to major arterials or frontage roads. There are currently no limited access facilities within the Village of Palmetto Bay.

Strategic Intermodal System (SIS): The Village does not have any Strategic Intermodal System (SIS) roadways in or near the municipal limits.

Arterials: Provide regional mobility via both uninterrupted flow and interrupted flow segments. Arterials provide mobility around and through urban and community cores and accommodate relatively long trip lengths as opposed to providing access to adjacent properties. Arterials are further classified as "Urban" or "Rural" depending on the road location, "Principal", "Major" or "Minor" depending on its function and relative importance and as Class I, II, or III based on the number of signals per mile, access controls, geometric cross sections, and speed limits for performance purposes.

Collectors: Provide for movement between local streets and the arterial network. Collectors serve residential, commercial and industrial areas and are further classified as urban or rural based on location and area served.

Local Roads: Provide direct access to abutting properties. Local roads accommodate traffic originating in or traveling to properties within a neighborhood, commercial or industrial development. Local roads are not considered part of the major thoroughfare system.

Existing Characteristics of Major Trip Generators and Attractors

Overall, the location of major trip generators and attractors influences roadway improvement needs as well as the demand for transit. Trip production areas are those portions of the Village where major residential developments are located because this is where trips are generated.

Trip attraction areas are locations with shopping, recreation, medical, employment, and other facilities, generally the location of the trip ends. People are attracted to these areas by the services or facilities available there. The major traffic attractors within the Village include the several shopping centers with retail, restaurant, and grocery chains chains along US 1. Other facilities that are classified as minor traffic attractors include Village Hall, the schools, parks, businesses along Old Cutler Road, Deering Estate, and the Palmetto Bay Branch Library.

Population Characteristics

According to the University of Florida Bureau of Economic and Business Research (BEBR), Palmetto Bay's official population estimate as of 2022 is 25,041 residents. According to the 2017-2021 American Community Survey, approximately 73% of the workers living in Palmetto Bay drove to work alone, 7% drove to work in a carpool, 16% worked from home, 1% took public transportation to work, 1% walked, and 0.5% rode bike to work.

Constrained Facilities

Section 339.155, Florida Statutes, makes governmental police powers available to preserve and protect property necessary for transportation corridors and recommends that needed rights-of-way be acquired as far in advance of construction as possible. FDOT requests that local governments identify constrained roadways in their comprehensive plans to ensure maintenance of the operating conditions, so that significant degradation in the LOS does not occur. A constrained roadway is one in which adding two or more through lanes to meet current or future needs is not possible due to physical, environmental or policy barriers. Currently, the Village has no such constrained routes on Village- or County-maintained routes.

Evacuation Routes

US 1 is the primary evacuation routes out of the Village of Palmetto Bay and serves all of Miami-Dade County. US 1 runs north and south through the entire County and would be used by a number of residents to evacuate into other counties. Because the evacuation route serving the Village also serves the County, hurricane evacuation planning must be done on a countywide basis. Constraints are likely to prevail on certain segments of US 1 since it traverses through areas subject to

flooding from 100 to 500-year storm waters. The two segments of U.S. 1 that cross the C1-A canal system lie within a 100 to 500-year floodplain. The potential for road-surface flooding during heavy rainfall is greater along these road segments within Palmetto Bay than along others. Evacuation clearance times for Miami-Dade County will vary based on storm levels and impacts associated with a hurricane.

The National Weather Service (NWS) created the StormReady® Program to encourage communities to take a proactive approach to improving hazardous weather operations and to strengthen their local public safety programs. To receive this recognition the community or county must establish a 24-hour warning system and Emergency Operations Center (EOC); have more than one way to receive severe weather watches, warnings and forecasts to alert citizens; have a system that monitors weather conditions locally; promote public readiness; and develop a formal hazardous weather plan. Miami-Dade County has been a StormReady® Community since 2002 and was awarded this status again in March 2020.

Miami-Dade Alerts is a free subscription service that enables County residents and visitors to receive emergency texts and/or emails regarding public safety issues, recommended public protective actions, or other emergency information. Miami-Dade Alerts provides weather advisory notifications issued by the NWS, such as tornado, tropical storm and hurricane warnings, or any other emergency which that may require protective actions.

Evacuation Routes are illustrated in **Map TRA-7**.

Clearance time is defined as the time required to clear the roadways of all vehicles evacuating in response to a hurricane or other severe weather event. Clearance time is determined by three factors: mobilization time, travel time, and delay time. From a transportation system perspective, travel time and delay time are important because those times, to a great extent, are dependent upon roadway characteristics. The South Florida Regional Planning Council's Regional Evacuation Transportation Analysis showed that the clearance time for Miami-Dade County ranges from 10 to 36.5 hours.

Airport

There are no airports within the Village of Palmetto Bay.

Rail

There is no passenger or freight rail within the Village of Palmetto Bay.

Public Transit System

Miami-Dade Transit (MDT) provides service to the Village of Palmetto Bay with five (5) routes. Bus routes within the Village are shown in **Map TRA-2**. In addition to participating with the Miami-Dade transit system, the Village of Palmetto Bay offers an Intra-Village bus service known as I-Bus. Two I-Bus circulator buses are available to transport passengers to and from the Dadeland South Metrorail Station during the morning and afternoon peak hours commute. The I-Bus runs from the St. Richards- Holy Rosary Catholic Church designated park and ride area directly to the Dadeland South Metrorail station on the Miami-Dade County Transitway.

In 2020, the Village completed its Mobility Hubs and Transit Infrastructure Plan, which seeks to improve connectivity, mobility and safety for pedestrians, bicyclists, and transit users by identifying Transit Infrastructure improvements and Mobility Hubs throughout the Village's roadway network in conjunction with Village staff and resident participation. A total of four (4) Mobility Hubs were identified, in addition to seven (7) locations for Transit Infrastructure with shared mobility options and amenities throughout the Village of Palmetto Bay.

Parking System

Public parking in the Village of Palmetto Bay consists mainly of privately-owned off-street parking lots, with some on-street parking available. The Palmetto Bay Downtown Redevelopment Traffic Impact Analysis (2015) evaluates existing supply and demand for the envisioned Downtown District in the Village's southwest corner and projects future parking demand.

Bicycle System

The Village of Palmetto Bay recognizes the need to provide transportation alternatives to increase accessibility and provide a comprehensive transportation system. In 2023, the Village completed its Bicycle and Pedestrian Master Plan Update. There are currently five multi-use paths accommodating cyclists in or directly adjacent to the Village. These being the M-Path, the Old Cutler Path traversing the Village border to border, a multiuse path along Howard Drive, and a small trail on 72nd Avenue at the western boundary of the Deering Estate, and Route 10, and multi-use path that starts at US-1 and 152nd ST and ends at Zoo Miami.

Pedestrian System

The Village currently has a sidewalk network that is disjointed in certain areas. The 2023 Bicycle and Pedestrian Master Plan Update seeks to increase sidewalk connectivity by linking the peripheries of residential areas to trip generators throughout the Village. Based on the current LDC, developments are required to construct sidewalks in the Downtown Zoning District.

Intermodal Facilities

Intermodal facilities are those traffic circulation components that accommodate and interconnect different modes of transportation and serve the movement of people and goods. The Village of Palmetto Bay has no water, rail, or air intermodal facilities within its boundaries.

TRANSPORTATION ANALYSIS

Transportation can have a major role shaping the spatial and functional organization of a community. It can determine the size, scale, status and identity of a community. However, there are other contributing factors that need to be considered, such as the personal, social, physical, environmental, economic and cultural attributes of the community. This section analyzes existing and projected future conditions of the transportation system to provide a comprehensive assessment of the various transportation facilities and services, and their relationship with existing land uses. This section also addresses growth trends. The analysis provides an examination of the current and future performance of the roadway system as well as the transit performance. Other modes of transportation are also addressed for additional opportunities in lieu of the automobile. Future travel demand estimates are based on the population growth rate and the employment-to- population ratio. This analysis includes a comprehensive approach to the future transportation demand. Included within this analysis are future plans for bicycle, pedestrian, transit and roadway facilities. Also included are potential strategies to help alleviate future demand on constrained and overcapacity facilities.

Roadway Current Performance

The roadway LOS concept is defined in the FDOT 2023 Quality/ Level of Service Handbook, as amended, as a qualitative assessment of the road user's perception of the quality of flow and is measured by a scale of driver satisfaction. The scale ranges from "A" to "F", with "A" representing the most favorable driving conditions and "F" representing the least favorable. FDOT has adopted statewide minimum LOS standards for the State highway system but has also developed generalized guidelines that may be applied to all roads in the state based on their community context (urban, suburban, or rural), the general class of roadway, and the number of lanes. These are used for planning applications, including the review of local government plans. Minimum level-of-service standards recommended for the state system are shown on **Table TRA-1.** The standardized descriptions of service levels used in transportation planning are as follows:

LOS A: A condition of road performance where traffic density is very low, with little or no restrictions in maneuverability. Drivers can maintain their desired speed with little or no delay.

LOS B: A condition of road performance where traffic density is low, and vehicles travel with operating speeds somewhat restricted by other vehicles. Drivers still have reasonable freedom to select their speeds.

LOS C: A performance condition where operating speeds are determined by other vehicles, permitting a stable traffic flow. Drivers might have limitations to maneuver and to increase speeds.

LOS D: A condition of road performance where traffic density is high but tolerable. Fluctuations in traffic volumes may cause reductions in operating speeds. Drivers have little freedom to maneuver. In some instances, traffic flows approach unstable conditions.

LOS E: Represents traffic operation near the roadway capacity or maximum service volume. Vehicles flow at unstable conditions. Stop-and-go situations may happen. In freeways or limited access roads, speeds are near thirty (30) miles per hour and traffic density is high.

LOS F: This condition usually results from long lines of vehicles backing up because the traffic volume exceeds the roadway capacity. The vehicles are forced to operate at very low speeds. Stop-and-go situations are frequent and in extreme cases, vehicles stop for long periods of time.

The existing performance of the roadway system represents the operating level of the facilities and will identify current deficiencies, if any exist.

Table TRA-1 FDOT Minimum Levels of Service Standards

	Rural Areas	Transitioning Urbanized Areas, Urban Areas, or communities	Urbanized Areas Under 500,000	Urbanized Areas Over 500,000	Roadways Parallel to Exclusive Transit Facilities	Constrained and Backlogged Roadways
INTRASTATE						
Limited Access Highway (Freeway)	B	C	C(D)	D(E)	D(E)	Maintain
Controlled Access Highways	B	C	C	D	E	Maintain
OTHER STATE ROADS						
Two-Lane	B	C	D	D	E	Maintain
Multi lanes	C	C	D	D	E	Maintain

Note: Level of service standards inside of parentheses apply to general use lanes only when exclusive through lanes exist.

Source: FDOT Level of Service Standards, 2009.

Availability of Transportation Facilities and Services to Serve Existing Land Uses

Current and future land use patterns have a substantial influence on the characteristics of the transportation system. In Palmetto Bay, which has a largely single-family residential land use character that will not be changed with this Comprehensive Plan's Future Land Use Map, the potential for major changes to land use and for impacts to transportation facilities that may come from this is focused on the US 1 corridor on the Village's western edge. Based on current forecasts from the Miami-Dade Transportation Planning Organization,

Future Growth Projections

Future growth projections are based on socioeconomic data (capturing jobs, households, and more specific economic functions) maintained by the Miami-Dade TPO and used for forecasting purposes in the Southeast Florida Regional Planning Model (SERPM). These are coordinated with the Village's Future Land Use map, as they are with all local government jurisdictions in Miami-Dade County and South Florida, to provide realistic forecasts for future travel demand based on expected growth in population, employment, and economic activity.

Future Roadway Performance

This subsection provides an analysis of the projected traffic circulation system needs based on conditions forecast in the SERPM. These needs are based on the anticipated travel demand and operating characteristics of major roadways, and are a function of land uses adjacent to and near the Village's major transportation corridors. **Tables TRA-2 through TRA-3** and **Maps TRA-3 through TRA-4** show the current and expected forecast traffic conditions. All roadway segments modeled comply with the FDOT LOS standards as described above.

In general, the Village's internal streets and thoroughfares currently operate at acceptable levels of service relative to the policy minimums in this Comprehensive Plan, and are expected to do so in future forecast conditions. This is due to the largely residential character of the Village's future land use designations, especially the single-family districts that make up a majority of the Village's jurisdiction. While the Village's streets are public thoroughfares and there is always the possibility of non-Village-based traffic using them, this is not something currently forecasted to occur in the Miami-Dade TPO's regional planning model, and would be a condition to be addressed with design measures focused on calming, slowing, and discouraging this through traffic—not through added roadway capacity.

Table TRA-2: Existing Level of Service (based on the current Base Year scenarios of the SERPM, from 2015)

Street/Road	Operating Level of Service (based on Daily Traffic)
SW 67th Avenue (SW 136th to 144th Streets)	B
Old Cutler Road (SW 136th to 152nd Streets)	B
Old Cutler Road (SW 152nd to 184th Streets)	C
SW 77th Avenue (SW 136th to 152nd Streets)	B
SW 77th Avenue (SW 152nd to 168th Streets)	B
SW 82nd Avenue (SW 136th to 152nd Streets)	B
SW 82nd Avenue (SW 152nd to 168th Streets)	B
SW 87th Avenue (SW 168th to 184th Streets)	B
SW 136th Street	A
SW 144th Street	A
SW 152nd Street	B
SW 168th Street	A
US 1 (SW 136th to 152nd Streets)	F
US 1 (SW 152nd to 168th Streets)	E
US 1 Northbound (SW 168th to 184th Streets)	D
US 1 Southbound (SW 168th to 184th Streets)	C

Table TRA-3: Year 2045 Projected Roadway Performance (based on Horizon Year scenarios of the SERPM)

Street/Road	Operating Level of Service (based on Daily Traffic)
SW 67th Avenue (SW 136th to 144th Streets)	B
Old Cutler Road (SW 136th to 152nd Streets)	C
Old Cutler Road (SW 152nd to 184th Streets)	C
SW 77th Avenue (SW 136th to 152nd Streets)	B
SW 77th Avenue (SW 152nd to 168th Streets)	B
SW 82nd Avenue (SW 136th to 152nd Streets)	B
SW 82nd Avenue (SW 152nd to 168th Streets)	B
SW 87th Avenue (SW 168th to 184th Streets)	B
SW 136th Street	A
SW 144th Street	A
SW 152nd Street	B
SW 168th Street	A
US 1 (SW 136th to 152nd Streets)	F
US 1 (SW 152nd to 168th Streets)	F

US 1 Northbound (SW 168th to 184th Streets)	D
US 1 Southbound (SW 168th to 184th Streets)	C

Future Transportation Plan

This section provides recommendations for creating a safe, convenient, and energy efficient transportation system, coordinated with future land uses, plans and programs of the County and FDOT. The goal of this Transportation Element is to look at roads as multi-modal transportation corridors, and to start to plan for future growth accordingly. Intergovernmental coordination is essential for the most cost-effective provision of transportation system improvements. Clearly, the Village of Palmetto Bay does not possess the resources nor is it fiscally responsible for the entire transportation system within the Village. For example, both Miami-Dade County and FDOT have financial responsibility for county roads and state highway system roads, respectively. Therefore, it is necessary for the Village to review the transportation improvement plans and programs prepared by the County and FDOT. In this way, the effort and dollars expended by the Village to improve its transportation system may be complemented and perhaps enhanced by the activities of the County and FDOT. One area of coordination should include the preservation and protection of rights-of-way for identified future roadway improvements and construction. With the escalating value of land and costs entailed in right-of-way acquisition it is essential that the Village protect roadway corridors in advance from building encroachment.

Increased right-of-way costs reduce the funds available for actual construction. The Village needs to utilize techniques such as setback requirements, zoning restrictions, right-of-way protection regulations and official transportation maps to preserve and protect existing and future rights-of-way.

Future Transportation Map

The Village of Palmetto Bay is located in an urbanized area. The adopted LOS standard of "D" for all of the major Village- and County-owned roadways serving Palmetto Bay will be met in the year 2045 given the assumptions included in this plan. The projected roadway performance for the year 2045 includes the programmed improvements listed below. Future roadway design will need to incorporate bicycle, pedestrian and, eventually, transit features to achieve a true multi-modal system. According to the Miami-Dade County 2045 Long Range Transportation Plan, anticipated roadway improvement and construction projects by 2045 include:

- SW 77th Avenue bridge over C-100A Feeder Canal from SW 159th Ter to SW 160th Ter with an estimated cost of $3,640,000.
- SW 77th Avenue bridge over C-100A Feeder Canal from SW 173rd St to SW 174th St with an estimated cost of $3,180,000.

Future Public Transit Plan

The Village of Palmetto Bay works closely with the Miami-Dade County Transit department. In 2020, the Village completed it Mobility Hubs and Transit Infrastructure Plan, which seeks to improve connectivity, mobility and safety for pedestrians, bicyclists, and transit users by identifying Transit Infrastructure improvements and Mobility Hubs throughout the Village's roadway network in conjunction with Village staff and resident participation. A summary of this Plan's recommendations are listed below:

Short Term Recommendations

- Adopt Communication Plan
- Create awareness campaign on benefits of transit and sidewalks
- Coordination with FDOT and DTPW on Projects and Improvements
- Ensure Future Traffic Circles are Designed to Enhance Safety and Comfort for all Users.
- 38% of Surveyors Favored Bicycle Improvements, including Bicycle Access, Bicycle Parking & Bicycle Storage Lockers.
- Identify Bicycle Improvements and Locations in Conjunction with Transit.
- Adopt Policies Related to Complete Streets, Micromobility, Electric Vehicle Charging, Curbside Management, Transportation Demand Management (TDM), Carshare, Green Infrastructure, and Sustainable Development.
- Define Transit Stops within Downtown.
- Add Vehicles to Freebee Services to Ensure Success of the Program.
- Coordinate with Neighboring Communities for Existing & Future Transit Services.
- Extend Hours of Operation for iBus Express.

- Incorporate Delay Notifications into App.
- Establish Wi-Fi, Electric Bike or Electric Scooters at Key Locations.
- Provide Basic Transit Amenities at Key Locations.
- Continue Coordination of Integrating iBus, Freebee and Metrobus Smartphone Application.
- Use Pop-Up Bus Stop when Testing New Transit Locations.
- Minimize Overlap with Metrobus Routes.
- Utilize Existing Bus Stops for iBus When Feasible.
- Coordinate with Schools to Promote Transit. Recruit Volunteers to Transport Students from Transitway to Schools.
- Coordinate with Town of Cutler Bay and Village of Pinecrest to Address School Traffic.
- Explore the Use of Key Transit Locations and Mobility Hubs as pickup/drop-off Locations for Freebee during Peak Travel Times.
- Follow 11 Principles of Placemaking
- Incorporate Amenities for all Types of Users when Implementing Mobility Hub Improvements.
- Coordinate with Town of Cutler Bay on Implementation of Village Center / Eureka Drive East Neighborhood Mobility Hub.
- Implement Shared Mobility Options Throughout Community.
- Coordinate with FDOT & DTPW on Improving Access to Transitway.
- Leverage Public Private Partnerships to Incorporate Recommendations and Mobility Hub Improvements.
- Collaborate with DTPW to Incorporate Mobility Hubs into Transit Station Design.
- Allocate Space for Shared Services, and Consider the Flexible Use of Space within the Community.
- Incorporate Mobility Hub Elements into Future Joint Development Projects.
- Partner with Shared Mobility Service Providers to Integrate Shared Mobility Services into a Platform for Trip Planning and Payment.
- Adopt Off-Street Parking Requirements to Better Align with Mobility Hub Investments.
- Implement Flexible Curb Space to Meet the Needs of Shared Mobility Services.
- Educate Developers, Employers, and Other Transportation Stakeholders on the Mobility Hub Concept and Garner Support.
- Communicate the Value of Prioritizing Drop-Off Space over Parking to Private Property Owners and Developers.
- Seek Pilot Projects that Enhance Transit and Bring Mobility Options to Commuters.
- Encourage Business and/or Developers to Test Technologies and Service Concepts in Real World Environments.
- Adopt Mobility Fee to Fund Multimodal Transportation Improvements.

Long Term Recommendations

- Construct Multi-Use Trails or Shared Use Pathways and/or Separated Facilities for Non-Motorized Traffic
- Construct Sidewalks Near with 1/4-Mile of All Transit Stops
- Complete ADA Improvements Adjacent to All Transit Stops
- Pilot New Routes During Peak Traffic Times, include School Times.
- Coordinate with Town of Cutler Bay and Village of Pinecrest to Establish Transit for Students between three (3) cities.
- Provide Transit Service to Proposed Mobility Hubs.
- Account for Autonomous Future in Local Planning Documents.
- Multi-Use Trail Along Main Roadways to Connect to Transitway.
- Florida-Friendly Landscape Improvements Along Multi-Use Trails, Bus Stops, Public Spaces & Sidewalks.

Future Pedestrian Plan

The Village currently has a sidewalk network that is disjointed in certain areas. The 2023 Bicycle and Pedestrian Master Plan Update seeks to increase sidewalk connectivity by linking the peripheries of residential areas to trip generators throughout the Village.

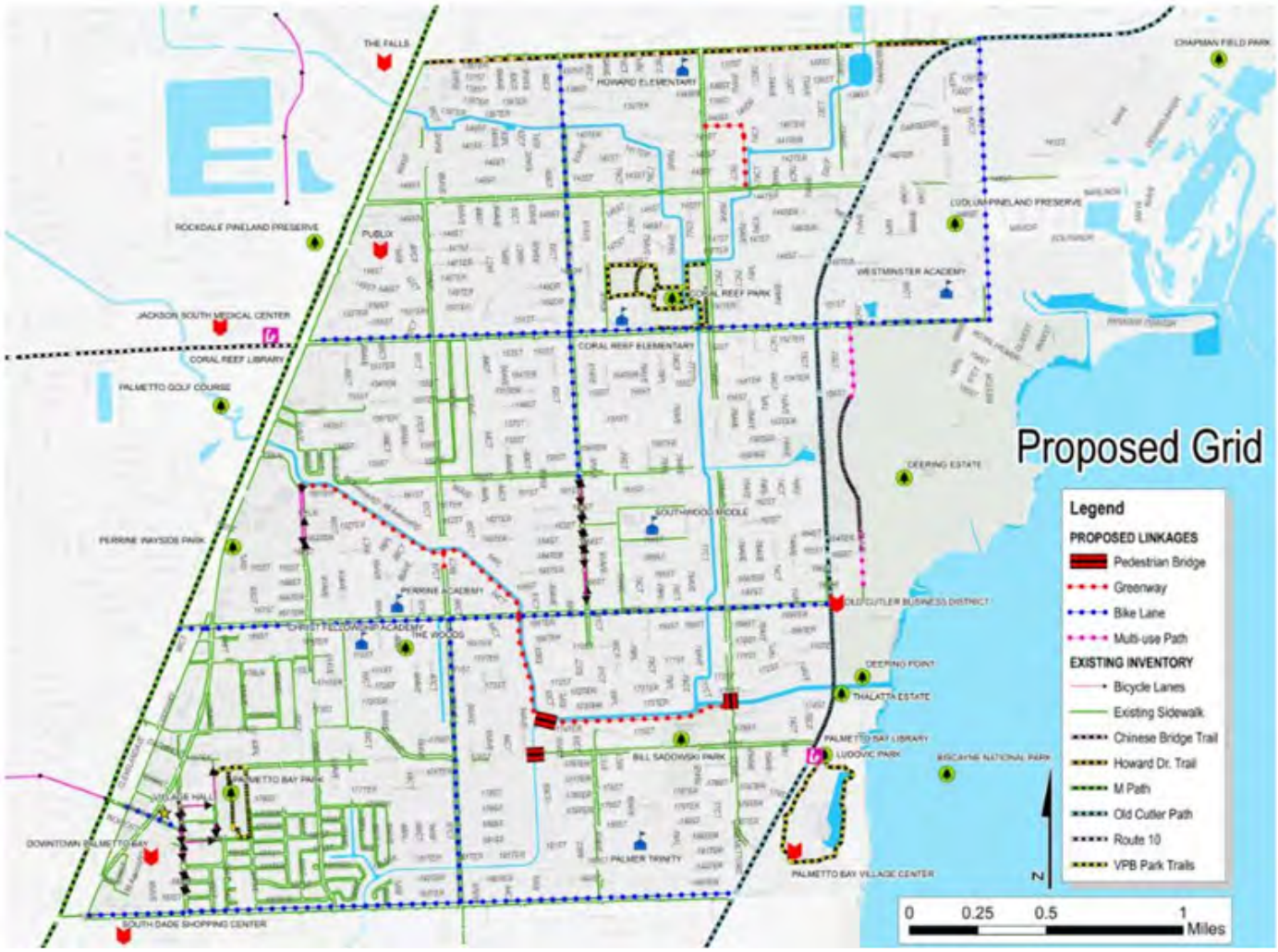
Future Bicycle Plan

The Village of Palmetto Bay recognizes the need to provide transportation alternatives to increase accessibility and provide a comprehensive transportation system. In 2023, the Village completed its Bicycle and Pedestrian Master Plan Update. As indicated in the inventory section, there are currently five multi-use paths accommodating cyclists in or directly adjacent to the Village. These being the M-Path, the Old Cutler Path traversing the Village border to border, a multiuse path along Howard Drive, and a small trail on 72nd Avenue at the western boundary of the Deering Estate, and Route 10, and multi-use path that starts at US-1 and 152nd ST and ends at Zoo Miami.

The Miami-Dade County 2045 Long Range Transportation Plan (LRTP) identified SW 82nd Avenue, Howard Drive, Coral Reef Drive, Richmond Drive, and Eureka Drive as needing bicycle facilities for 2045. **Figure TRA-2** below shows the Village's 2023

Bicycle and Pedestrian Master Plan Update proposed bike and pedestrian routes.

Figure TRA-2: Proposed Grid, from 2023 Bicycle and Pedestrian Master Plan Update



Source: 2023 Bicycle and Pedestrian Master Plan Update

TSM/TDM Strategies

Transportation System Management (TSM) and Transportation Demand Management (TDM) are options for communities trying to increase the performance of their transportation systems without having to construct costly new facilities or add vehicular capacity to existing ones. They have different approaches but generally seek to improve what existing roads and transportation facilities can do to meet overall travel demand.

TSM is based on using operational and traffic control systems and techniques to increase the effective capacity of roads, streets, and other facilities. It typically involves working with traffic signals and other traffic control devices at a system level to facilitate operations, address acute points of congestion, and to balance high-demand travel patterns in ways that reduce the propensity for congestion. Although they may be applied anywhere, they are typically mostly used on major regional travel corridors such as freeways and arterials.

Where TSM is more of a *supply*-side approach that finesses capacity in the roadway system, TDM is a *demand*-based approach that reduces the overall level of vehicle traffic, especially drive-alone traffic at peak hours, through behavior-changing incentive programs. In major metropolitan areas like South Florida, the most effective programs integrate supply and demand strategies to create a transportation network that promotes efficient choices. The Village of Palmetto Bay does not have the need to offer any of these programs in a Village-specific application. However, its current approach to coordination with partner agencies such as Miami-Dade County and the Florida Department of Transportation, will help to ensure that the Village may benefit from broader regional applications of both these approaches.

HOUSING DATA INVENTORY AND ANALYSIS

INTRODUCTION

Pursuant to the requirements of Chapter 163 of the 2022 Florida Statutes, the Housing Element consists of a data inventory and analysis (DIA) that influences the overarching goals, objectives, and policies that will guide housing development within the Village of Palmetto Bay. The Village's housing trends and needs are evaluated in this analysis in order to ensure a proper mix of housing types are available to accommodate diverse housing needs and achieve a livable community.

HOUSING INVENTORY

This section deals with the characteristics and conditions of the existing housing stock in the Village. In order to compile this analysis, the primary sources of data include the U.S. Census Bureau and the American Community Survey (ACS). These specific resources were applied as they comprise some of the most current and accurate information available.

Tables HOU-1 through HOU-16 of this section provide an inventory and comparison of housing characteristics for the Village of Palmetto Bay and Miami-Dade County. Data appearing for Miami-Dade County represents the entire county, including all unincorporated and incorporated areas as well as Palmetto Bay.

Dwelling Units by Structure Type

A comparison of dwelling units by structure type for the Village of Palmetto Bay when compared to Miami-Dade County is displayed in **Table HOU-1**. Single-family detached homes make up the majority of the inventoried housing units within Palmetto Bay. Miami-Dade County has a significantly higher percentage of multi-family units than Palmetto Bay.

Table HOU-1: Dwelling Units by Structure

Housing Units by Type, 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent	Units	Percent
Single-Family, Detached	6,385	81.9%	404,035	43.1%
Single-Family, Attached	477	6.1%	94,577	10.1%
Multi-Family	937	12.1%	424,383	45.4%
Mobile home or other type of housing	0	0.0%	13,356	1.4%
Total	7,799	100%	936,351	100%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Dwelling Units by Structure Tenure

A comparison between owner-occupied dwelling units and renter-occupied dwelling units in Palmetto Bay and Miami-Dade County is presented in **Table HOU-2**. As depicted below, approximately 79.2% of the Village's occupied dwelling units are occupied by the owner as compared to 51.9% in the County. The County has a significantly larger percentage of renter-occupied units at 48.1% as compared to 20.8% in Palmetto Bay.

Table HOU-2: Dwelling Units by Tenure

Housing Units by Tenure, 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent	Units	Percent
Owner-occupied	6,175	79.2%	486,018	51.9%
Renter-occupied	1,624	20.8%	450,333	48.1%
Total Occupied Housing Units	7,799	100%	936,351	100%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Household Size

The average household size in Miami-Dade County is 2.74 people per dwelling unit according to the University of Florida Bureau of Economic and Business Research (BEBR). **Table HOU-3** lists households according to the number of persons comprising a household in Palmetto Bay and in the County.

Table HOU-3: Persons per Household

Persons per Household	Palmetto Bay	Miami-Dade County
Total Occupied Households	7,799	936,351
1-person household	1,030	235,580
2-person household	2,457	279,025
3-person household	1,562	180,260
4-or-more-person household	2,750	241,486

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Housing Vacancy

Based on the 2017-2021 American Community Survey (ACS) 5-year Estimates, the Village experienced a vacancy rate of 7.0% for all housing units, a figure lower than that experienced by the County, which had a 12.1% vacancy rate. **Table HOU-4** shows the number of vacant housing units according to the circumstances creating vacant units.

Table HOU-4: Vacancy Status of Housing Units

Vacant Housing Units by Type, 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent of total housing units	Units	Percent of total housing units
Total Housing Units	8,388	100.0%	1,064,991	100.0%
Total Vacant Housing Units	589	7.0%	128,640	12.1%
Vacant Units for Rent	131	1.6%	26,876	2.5%
Rented, Not Occupied	123	1.5%	4,513	0.4%
For Sale Only	57	0.7%	7,493	0.7%
Sold, Not Occupied	0	0.0%	4,953	0.5%
For Seasonal, Recreational, or Occasional use	156	1.9%	60,236	5.7%
Vacant units for Migrant Workers	0	0.0%	134	0.01%
Other Vacant Units	122	1.5%	24,435	2.3%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Housing Age

Table HOU-5 compares the age of year-round housing units in the Village of Palmetto Bay and Miami-Dade County. The majority of year-round housing unit construction in the Village took place between 1960 and 1979, whereas the majority of housing unit construction in the County was spread over several more decades. As denoted below, a large majority of Palmetto Bay's housing stock (81.8%) was constructed between 1960 and 1999, with 29.1% being constructed between 1980 and 1999.

Table HOU-5: Dwelling Units by Age of Construction

Year Structure Built, 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent	Units	Percent
2020 or later	0	0.0%	1,171	0.1%
2010 to 2019	174	2.2%	62,150	6.6%
2000 to 2009	426	5.5%	113,789	12.2%
1980 to 1999	2,270	29.1%	259,847	27.8%
1960 to 1979	4,108	52.7%	286,706	30.6%
1940 to 1959	821	10.5%	180,651	19.3%
1939 or earlier	0	0.0%	32,037	3.4%
Total	7,799	100%	936,351	100%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Monthly Housing Rent

Table HOU-6 compares the monthly gross rents for specified renter-occupied housing units in the Village with the Miami-Dade County totals for the year 2021. The median gross rent in the Village of Palmetto Bay is approximately $1,499 as compared to $1,470 in Miami-Dade County.

Table HOU-6: Gross Rent

Gross Rent, 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent	Units	Percent
Less than $500	0	0.0%	28,740	6.6%
$500 to $999	86	5.4%	53,618	12.2%
$1,000 to $1,499	706	44.7%	145,980	33.3%
$1,500 to $1,999	281	17.8%	118,963	27.2%
$2,000 to $2,499	247	15.6%	55,431	12.7%
$2,500 to $2,999	53	3.4%	19,133	4.4%
$3,000 or more	207	13.1%	15,975	3.6%
Total	1,580	100%	437,840	100%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Monthly Cost of Owner-Occupied Units

The median monthly owner cost in the Village of Palmetto Bay is approximately $3,271 as compared to $2,006 in Miami-Dade County. The monthly owner costs with a mortgage are shown in **Table HOU-7**. This provides context in terms of the value of owning a home and affordability of owning a home when compared to renting.

Table HOU-7: Owner Costs

Owner Costs (with a mortgage), 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Housing units with a mortgage	Percent	Housing units with a mortgage	Percent
Less than $500	0	0.0%	1,605	0.5%
$500 to $999	37	0.9%	20,898	7.1%
$1,000 to $1,499	264	6.3%	57,572	19.4%
$1,500 to $1,999	258	6.1%	67,362	22.7%
$2,000 to $2,499	378	9.0%	56,336	19.0%
$2,500 to $2,999	830	19.7%	36,338	12.3%
$3,000 or more	2,441	58.0%	56,089	18.9%
Total	4,208	100%	296,200	100%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Value of Owner-Occupied Housing Units

The median home value in Palmetto Bay is $617,900 as compared to $332,800 in Miami-Dade County. The owner-occupied units by value are shown in **Table HOU-8**.

Table HOU-8: Owner-Occupied Units by Value

Owner-Occupied Units by Value, 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent	Units	Percent
Less than $50,000	92	1.5%	11,716	2.4%
$50,000 to $99,999	36	0.6%	13,148	2.7%
$100,000 to $149,999	24	0.4%	24,410	5.0%
$150,000 to $199,999	54	0.9%	43,139	8.9%
$200,000 to $299,999	211	3.4%	113,309	23.3%
$300,000 to $499,999	1,259	20.4%	178,923	36.8%
$500,000 to $999,999	4,031	65.3%	73,425	15.1%
$1,000,000 or more	468	7.6%	27,948	5.8%
Total	6,175	100%	486,018	100%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Household Income

The household income levels for Palmetto Bay compared to Miami-Dade County are shown in **Table HOU-9**. Both the median household income and per capita income are significantly higher for the Village than for Miami-Dade County.

Table HOU-9: Household Income

Income, 2017-2021 5-Year Estimates	Palmetto Bay	Miami-Dade County
Median household income (2021 dollars)	$131,605	$57,815
Per capita income (2021 dollars)	$60,121	$31,813
Persons in Poverty, in percent	5.9%	18.0%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Ratio of Income to Housing Cost

The ratio between housing costs and income within Palmetto Bay and Miami-Dade County are denoted in **Table HOU-10** and **Table HOU-11** below. Affordable housing is determined by comparing the cost of housing to household income. Florida statutes defines affordable housing as monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of the median adjusted gross annual income for households.

Rent-to Income Ratio

Rent as a percentage of income for Palmetto Bay compared to Miami-Dade County is shown in **Table HOU-10**. According to Census data, the majority of renters in both Palmetto Bay and Miami-Dade County are paying 35% or more of their income for housing. This makes affordability an issue for renters in both the Village and the County.

Table HOU-10: Rent-to Income Ratio

Gross Rent as a Percentage of Household Income, 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent	Units	Percent
Less than 15%	55	3.4%	28,724	6.4%
15% to 19.9%	153	9.4%	33,822	7.5%
20% to 24.9%	258	15.9%	45,132	10.0%
25% to 29.9%	129	7.9%	48,633	10.8%
30% to 34.9%	135	8.3%	40,706	9.0%
35% or more	850	52.3%	228,409	50.7%
Not computed	44	2.7%	24,907	5.5%
Total	1,624	100%	450,333	100%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Mortgage Costs-to Income Ratio

The monthly mortgage costs-to-income ratio for both Palmetto Bay and Miami-Dade County are shown in **Table HOU-11**. The highest percentage of owners with and without a mortgage in both Palmetto Bay and Miami-Dade County are paying less than 30% of their income for housing.

Table HOU-11: Costs-to Income Ratio

Owner Costs (with and without a mortgage), 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent	Units	Percent
With Mortgage, Less than 30%	2,771	45.1%	163,698	34.1%
With Mortgage, More than 30%	1,437	23.4%	129,681	27.0%
Without Mortgage, Less than 30%	1,620	26.4%	146,546	30.6%
Without Mortgage, More than 30%	310	5.1%	39,596	8.3%
Total	6,138	100%	479,521	100%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Inventory of Standard/Substandard Units

The Census provides indicators for substandard housing by measuring overcrowding and the lack of complete plumbing, kitchen, or heating equipment. As displayed in **Table HOU-12**, overall substandard housing makes up 5.2% of the overall occupied units in Palmetto Bay, compared to 12.1% of occupied units in Miami-Dade County.

Table HOU-12: Substandard Housing

Substandard Housing 2017-2021 5-Year Estimates	Palmetto Bay		Miami-Dade County	
	Units	Percent	Units	Percent
No fuel used	330	4.2%	41,388	4.4%
Lacking complete plumbing facilities	0	0.0%	3,596	0.4%
Lacking complete kitchen facilities	0	0.0%	7,523	0.8%
Overcrowded (1.01 or More Persons per Room)	78	1.0%	60,348	6.4%
Total	408	5.2%	112,855	12.1%

Source: U.S. Census Bureau, 2017-2021 American Community Survey 5-Year Estimates

Government Subsidized Housing

The following are government subsidized housing resources that can be utilized by the Village of Palmetto Bay.

Florida Housing Finance Corporation: a public corporation of the State of Florida that offers homeownership programs, multifamily development programs, predevelopment and demonstration project loans, and technical assistance for local governments.
Miami-Dade County Homeownership Assistance Program: increases the availability of affordable housing units in the County by providing low or no-interest loans for down payments and closing costs, making it easier to get approved for a mortgage. The funding source for the program is Documentary Surtax funds.
Community Development Block Grant: provides funds through the Small Cities Program for capital improvements.
Section 8: provides rental subsidies to very low, low, and moderate-income households. The rental limits are set each year by the U.S. Department of Housing and Urban Development (HUD).
Rural and Farm Worker Housing: no rural or farm workers housing is required within the Village, and no housing is designated for rural or farming purposes.

Mobile and Manufactured Homes

There are no licensed mobile home parks in the village of Palmetto Bay.

Housing for Special Needs

Special housing needs are necessary for the elderly, children, and those who have physical or emotional needs that require special residential accommodations. Such residential accommodations may or may not demand on-site professional medical assistance, twenty-four hour assistance, or other special facilities. In some cases, special housing situations can involve a group of unrelated residents that share living accommodations because their physical or emotional needs require special services or assistance from other group members.

The Village of Palmetto Bay recognizes the importance of providing housing for special needs. The State of Florida has adopted laws that control local government regulation of certain residential facilities serving special needs groups. These laws ensure that there are adequate sites for group homes in every community throughout the State (Chapter 419, F.S.). Special housing accommodations for Palmetto Bay's residents can include nursing homes and group homes. Group homes can be further defined as a community residential home, adult family care homes, assisted living facilities, and family foster homes. These special housing facilities are generally defined as follows:

Nursing Homes: Any institution, building residence, private home or other place, whether operated for profit or not, which provides 24-hour nursing care, personal care, or custodial care for persons not related to the owner or manager by blood or marriage. The person under such care resides overnight at the home. See Section 400.021(12) F.S.

Assisted Living Facilities: A facility designed to provide personal care services in the least restrictive and most home-like environment. These facilities can range in size from one resident to several hundred and may offer a wide variety of personal and nursing services designed specifically to meet an individual's personal needs. See Section 400.402, F.S.

Adult Family Care Homes: A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives. See Section 400.618, F.S.

Community Residential Home: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for seven to fourteen unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. See Section 419.001, F.S.

Family Foster Home: A private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Such homes include emergency shelter family homes, family foster group homes, and specialized foster homes for children with special needs. A person who cares for a child of a friend for a period not to exceed 90 days, a relative who cares for a child and does not receive reimbursement for such care from the state or federal government, or an adoptive home which has been approved by the department or by a licensed child-placing agency for children placed for adoption is not considered a family foster home. See Section 409.175 FS.

Assisted Housing Inventory

Based on the data from the Florida Housing Clearinghouse, **Table HOU-13** lists assisted living facilities located within the Village of Palmetto Bay.

Table HOU-13: Assisted Housing Inventory, 2020

Development Name	Street Address	City	Zip Code	County	Housing Programs	Total Units	Assisted Units
Merrick Place	S Dixie High-way and E Indigo Street	Palmetto Bay	33157	Miami-Dade	Housing Credits 9%	120	66

Source: Shimberg Center – Florida Housing Data Clearinghouse

Historical Structures

Palmetto Bay has a number of historic resources within its Village boundaries. Historic resource data was retrieved from the Division of Historical Resources of the Florida Department of State. The Division of Historical Resources of the Florida Department of State maintains a central archive for Florida's historical and archaeological sites known as the Florida Master Site File. Historical structures and properties including those which are on the National Register of Historic Places are listed in **Table HOU-14** and illustrated on **Map FLU-7**.

According to the Division of Historical Resources of the Florida Department of State there are 28 sites/structures documented in the Village as having historic significance. One site, the Charles Deering Estate, is on the National Register of Historic Places. The Charles Deering Estate, comprising 368-acres, contains three known archaeological sites, some of which are among the most significant and best-preserved sites in South Florida. Contributing buildings on the estate are the Deering House (built 1922), Richmond House (built 1896) and Cottage (built 1900), and Carriage House (built 1916).

It is important to take the historic resources in the Village into consideration when guiding growth in order to avoid the potential adverse impacts of development activity.

Table FLU-14: Historical Resources

SITE NAME	ADDRESS	SIGNIFICANCE
OLD CUTLER ROAD HISTORIC HIGHWAY	OLD CUTLER ROAD	STATE HISTORIC HIGHWAY
16553 OLD CUTLER RD	16553 OLD CUTLER RD	HISTORICAL STRUCTURE
16870 OLD CUTLER RD	16870 OLD CUTLER RD	HISTORICAL STRUCTURE
17301 OLD CUTLER RD	17301 Old Cutler RD	HISTORICAL STRUCTURE
17800 OLD CUTLER RD	17800 OLD CUTLER RD	HISTORICAL STRUCTURE
8315 SW 153RD TERRACE	8315 SW 153RD TERRACE	HISTORICAL STRUCTURE
CHARLES DEERING ESTATE	16701 SW 72nd AVE	NATIONAL REGISTER
CHARLES DEERING HOUSE	16701 SW 72nd AVE	HISTORICAL STRUCTURE
RICHMOND HOUSE AND COTTAGE	16701 SW 72nd AVE	HISTORICAL STRUCTURE
DEERING ESTATE BRIDGE	72nd Avenue unnamed creek	HISTORICAL STRUCTURE
Charles Deering Estate Oolite Wall	16701 SW 72nd AVE	HISTORICAL STRUCTURE
7253 SW 168TH ST	7253 SW 168TH ST	HISTORICAL STRUCTURE
PERRINE ELEMENTARY SCHOOL	9895 SW 184TH ST	HISTORICAL STRUCTURE
6725 SW 144 STREET	6725 SW 144 ST	HISTORICAL STRUCTURE
7201 SW 166 STREET	7201 SW 166 ST	HISTORICAL STRUCTURE
S.W. 72ND AVENUE ROAD SEGMENT	S.W. 72ND AVENUE	HISTORICAL SITE
HARRY TROEGER HOUSE	8940 SW 156th ST	HISTORICAL STRUCTURE
Bill Sadowsky Park Site	17555 SW 79TH AVE	HISTORICAL SITE
8001 SW 148th Drive	8001 SW 148th DR	HISTORICAL STRUCTURE
8025 SW 148th Drive	8025 SW 148th DR	HISTORICAL STRUCTURE
8101 SW 148th Drive	8101 SW 148th DR	HISTORICAL STRUCTURE
8125 SW 148th Drive	8125 SW 148th DR	HISTORICAL STRUCTURE
Miami Serpentorium	15321 S Dixie HWY	HISTORICAL SITE
Boat Turning Basin	16701 SW 72nd AVE	HISTORICAL STRUCTURE
South Estate Wall	16701 SW 72nd AVE	HISTORICAL STRUCTURE
Carriage House (Coach House)	16701 SW 72nd AVE	HISTORICAL STRUCTURE
Power House	16701 SW 72nd AVE	HISTORICAL STRUCTURE
Pump House (Water Storage House)	16701 SW 72nd AVE	HISTORICAL STRUCTURE

Source: Division of Historical Resources of the Florida Department of State

HOUSING PROJECTIONS

According to BEBR, the official population estimate of permanent residents in the Village of Palmetto Bay as of 2022 is 25,041 residents. This is a growth of 602 persons (2.5% growth rate) since the 2020 recorded census population. The Shimberg Center for Housing Studies prepares population projections for all municipalities in Florida. Population projections for the Village of Palmetto Bay through the year 2045 are shown in **Table HOU-15**.

Palmetto Bay's future population is projected to be 25,219 residents by the year 2045, with an average annual growth rate of 1%. This is in contrast with Miami-Dade County as a whole, which is projected to grow in population at an average annual rate of 3% through 2045. Palmetto Bay's share of the overall Miami-Dade County population has been 0.9% since 2010 and is

projected to decrease to 0.8% of the overall County population by 2035.

A small portion of the population is represented by seasonal residents who live in Palmetto Bay during certain times of year but claim another city as their permanent residence. The Village's seasonal population for 2020 was 427 people and was calculated using U.S. Census Bureau data. The seasonal population projections were calculated using the step-down method where the Village's seasonal population was proportionally derived from the Village's overall population projections. Palmetto Bay can expect to experience slight population growth through 2040, with the overall population plateauing between 2040 and 2045. **Tables HOU-17 and HOU-18** below provide additional population projections broken down by Tenure, Income, Cost Burden, and Age.

Table HOU-15: Population Projections

	Palmetto Bay			Miami-Dade County		Palmetto Bay Share of Miami-Dade County Population
Year	Permanent Population	Growth Rate	Seasonal Population	Population	Growth Rate	
2010	23,410	-	360	2,487,099	-	0.9%
2020	24,439	4.4%	427	2,701,767	8.6%	0.9%
2025	24,826	1.6%	434	2,823,792	4.5%	0.9%
2030	25,097	1.1%	439	2,922,599	3.5%	0.9%
2035	25,204	0.4%	440	3,001,805	2.7%	0.8%
2040	25,219	0.1%	441	3,068,382	2.2%	0.8%
2045	25,219	0.0%	441	3,126,593	1.9%	0.8%

Source: Shimberg Center – Florida Housing Data Clearinghouse

BUILD OUT ANALYSIS

To better understand the minimum housing need of the current and anticipated future residents and the ability of the Village to absorb the growth that is expected, a build out analysis was performed utilizing the currently adopted FLUM and vacant lands. Maximum densities were assigned to each future land use designation as documented in **Table HOU-16**. The acreages of vacant parcels within these future land use designations were used to roughly calculate the most dense development that the Village could potentially expect. This analysis assumes maximum build out and vacant land acreage is based on data retrieved from the Florida Department of Revenue.

The build out analysis shows that the currently adopted FLUM allows for a maximum construction of approximately 477 residential dwelling units. Using BEBR's expectation of 2.74 people per dwelling unit, the Village can absorb 1,307 people under the current FLUM's residential designations that have been identified as vacant utilizing the Florida Department of Revenue's data. This meets the dwelling units needed to absorb the amount of growth projected through 2045; a projected increase of 780 people between 2020 and 2045.

Table HOU-16: Build Out Analysis

Future Land Use Category	Vacant Acres	Maximum DU/Acre	Maximum Density DU/ Acre
Commercial	0.00	24	0
Downtown - Main Street Sector	5.90	32	189
Downtown - Island Sector	0.00	54	0
Downtown - Eureka Sector	0.06	43	3
Downtown - Neighborhood Sector	1.28	24	31
Estate Density Residential	81.29	2.5	203
Institutional Public Facilities	0.00	13	0
Low Density Residential	4.18	6	25
Low Medium Density Residential	0.85	13	11
Medium Density Residential	0.00	23	0
Neighborhood Compatible	1.20	13	16
Parks, Recreation, and Schools	1.30	0	0
Village Mixed Use	0.00	10	0
Water Management & Recreation	2.79	0	0
Environmental Protection	9.69	0	0
TOTAL	**109.98**		**477**

Additional Housing Projections

Table HOU-17: Household Projections by Tenure, Income (%AMI) and Cost Burden, 2020-2045

Year	Tenure	Household Income	Housing Cost Burden	House-hold Count
2020	Owner	less than or equal to 30% of AMI	less than or equal to 30%	28
2020	Owner	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	72
2020	Owner	less than or equal to 30% of AMI	greater than 50%	185
2020	Owner	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	45
2020	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	62
2020	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 50%	129
2020	Owner	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	208
2020	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	145
2020	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 50%	202
2020	Owner	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	173
2020	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	152
2020	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 50%	117
2020	Owner	greater than 100% of AMI	less than or equal to 30%	4,545
2020	Owner	greater than 100% of AMI	greater than 30% but less than or equal to 50%	567
2020	Owner	greater than 100% of AMI	greater than 50%	101
2020	Renter	less than or equal to 30% of AMI	less than or equal to 30%	28
2020	Renter	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	22
2020	Renter	less than or equal to 30% of AMI	greater than 50%	151

2020	Renter	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	78
2020	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	84
2020	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 50%	140
2020	Renter	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	105
2020	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	280
2020	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 50%	11
2020	Renter	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	107
2020	Renter	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	84
2020	Renter	greater than 100% of AMI	less than or equal to 30%	415
2020	Renter	greater than 100% of AMI	greater than 30% but less than or equal to 50%	101
2025	Owner	less than or equal to 30% of AMI	less than or equal to 30%	28
2025	Owner	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	72
2025	Owner	less than or equal to 30% of AMI	greater than 50%	185
2025	Owner	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	45
2025	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	62
2025	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 50%	129
2025	Owner	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	207
2025	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	144
2025	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 50%	202

2025	Owner	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	172
2025	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	151
2025	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 50%	116
2025	Owner	greater than 100% of AMI	less than or equal to 30%	4,530
2025	Owner	greater than 100% of AMI	greater than 30% but less than or equal to 50%	566
2025	Owner	greater than 100% of AMI	greater than 50%	101
2025	Renter	less than or equal to 30% of AMI	less than or equal to 30%	28
2025	Renter	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	22
2025	Renter	less than or equal to 30% of AMI	greater than 50%	152
2025	Renter	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	79
2025	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	84
2025	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 50%	141
2025	Renter	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	106
2025	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	281
2025	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 50%	11
2025	Renter	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	107
2025	Renter	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	84
2025	Renter	greater than 100% of AMI	less than or equal to 30%	416
2025	Renter	greater than 100% of AMI	greater than 30% but less than or equal to 50%	101
2030	Owner	less than or equal to 30% of AMI	less than or equal to 30%	28
2030	Owner	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	72

2030	Owner	less than or equal to 30% of AMI	greater than 50%	187
2030	Owner	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	45
2030	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	62
2030	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 50%	130
2030	Owner	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	210
2030	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	146
2030	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 50%	204
2030	Owner	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	174
2030	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	153
2030	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 50%	118
2030	Owner	greater than 100% of AMI	less than or equal to 30%	4,581
2030	Owner	greater than 100% of AMI	greater than 30% but less than or equal to 50%	572
2030	Owner	greater than 100% of AMI	greater than 50%	102
2030	Renter	less than or equal to 30% of AMI	less than or equal to 30%	28
2030	Renter	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	23
2030	Renter	less than or equal to 30% of AMI	greater than 50%	152
2030	Renter	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	79
2030	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	85
2030	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 50%	141
2030	Renter	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	106

2030	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	282
2030	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 50%	11
2030	Renter	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	107
2030	Renter	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	85
2030	Renter	greater than 100% of AMI	less than or equal to 30%	417
2030	Renter	greater than 100% of AMI	greater than 30% but less than or equal to 50%	101
2035	Owner	less than or equal to 30% of AMI	less than or equal to 30%	28
2035	Owner	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	73
2035	Owner	less than or equal to 30% of AMI	greater than 50%	187
2035	Owner	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	45
2035	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	62
2035	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 50%	130
2035	Owner	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	210
2035	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	146
2035	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 50%	204
2035	Owner	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	174
2035	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	153
2035	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 50%	118
2035	Owner	greater than 100% of AMI	less than or equal to 30%	4,582
2035	Owner	greater than 100% of AMI	greater than 30% but less than or equal to 50%	572

2035	Owner	greater than 100% of AMI	greater than 50%	102
2035	Renter	less than or equal to 30% of AMI	less than or equal to 30%	28
2035	Renter	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	22
2035	Renter	less than or equal to 30% of AMI	greater than 50%	152
2035	Renter	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	79
2035	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	84
2035	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 50%	140
2035	Renter	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	106
2035	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	281
2035	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 50%	11
2035	Renter	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	107
2035	Renter	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	84
2035	Renter	greater than 100% of AMI	less than or equal to 30%	416
2035	Renter	greater than 100% of AMI	greater than 30% but less than or equal to 50%	101
2040	Owner	less than or equal to 30% of AMI	less than or equal to 30%	28
2040	Owner	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	72
2040	Owner	less than or equal to 30% of AMI	greater than 50%	186
2040	Owner	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	45
2040	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	62
2040	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 50%	129

2040	Owner	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	208
2040	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	145
2040	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 50%	203
2040	Owner	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	173
2040	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	152
2040	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 50%	117
2040	Owner	greater than 100% of AMI	less than or equal to 30%	4,555
2040	Owner	greater than 100% of AMI	greater than 30% but less than or equal to 50%	569
2040	Owner	greater than 100% of AMI	greater than 50%	101
2040	Renter	less than or equal to 30% of AMI	less than or equal to 30%	28
2040	Renter	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	22
2040	Renter	less than or equal to 30% of AMI	greater than 50%	150
2040	Renter	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	78
2040	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	84
2040	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 50%	139
2040	Renter	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	105
2040	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	279
2040	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 50%	11
2040	Renter	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	106
2040	Renter	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	84

2040	Renter	greater than 100% of AMI	less than or equal to 30%	412
2040	Renter	greater than 100% of AMI	greater than 30% but less than or equal to 50%	100
2045	Owner	less than or equal to 30% of AMI	less than or equal to 30%	28
2045	Owner	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	73
2045	Owner	less than or equal to 30% of AMI	greater than 50%	187
2045	Owner	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	45
2045	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	62
2045	Owner	greater than 30% but less than or equal to 50% of AMI	greater than 50%	131
2045	Owner	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	210
2045	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	146
2045	Owner	greater than 50% but less than or equal to 80% of AMI	greater than 50%	204
2045	Owner	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	175
2045	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	153
2045	Owner	greater than 80% but less than or equal to 100% of AMI	greater than 50%	118
2045	Owner	greater than 100% of AMI	less than or equal to 30%	4,592
2045	Owner	greater than 100% of AMI	greater than 30% but less than or equal to 50%	573
2045	Owner	greater than 100% of AMI	greater than 50%	102
2045	Renter	less than or equal to 30% of AMI	less than or equal to 30%	28
2045	Renter	less than or equal to 30% of AMI	greater than 30% but less than or equal to 50%	22
2045	Renter	less than or equal to 30% of AMI	greater than 50%	150
2045	Renter	greater than 30% but less than or equal to 50% of AMI	less than or equal to 30%	78

2045	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 30% but less than or equal to 50%	83
2045	Renter	greater than 30% but less than or equal to 50% of AMI	greater than 50%	139
2045	Renter	greater than 50% but less than or equal to 80% of AMI	less than or equal to 30%	104
2045	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 30% but less than or equal to 50%	278
2045	Renter	greater than 50% but less than or equal to 80% of AMI	greater than 50%	11
2045	Renter	greater than 80% but less than or equal to 100% of AMI	less than or equal to 30%	106
2045	Renter	greater than 80% but less than or equal to 100% of AMI	greater than 30% but less than or equal to 50%	83
2045	Renter	greater than 100% of AMI	less than or equal to 30%	411
2045	Renter	greater than 100% of AMI	greater than 30% but less than or equal to 50%	100

Source: Shimberg Center – Florida Housing Data Clearinghouse

Table HOU-18: Population by Age Projections, Permanent Residents, 2020-2045

Age	2020	2025	2030	2035	2040	2045
0-4	1,077	1,425	1,591	1,550	1,514	1,484
9-May	1,485	1,588	1,612	1,592	1,551	1,503
14-Oct	1,784	1,800	1,831	2,057	2,264	2,203
15-19	1,820	1,819	1,736	1,723	1,729	1,706
20-24	1,446	1,293	1,231	1,213	1,219	1,369
25-29	1,031	1,020	963	959	893	882
30-34	1,040	1,244	1,357	1,198	1,120	1,095
35-39	1,357	1,609	1,707	1,551	1,441	1,430
40-44	1,575	1,656	1,780	2,007	2,150	1,896
45-49	1,847	1,662	1,753	1,985	2,073	1,880
50-54	1,988	1,731	1,488	1,549	1,639	1,840
55-59	2,007	1,612	1,411	1,291	1,339	1,509
60-64	1,716	1,710	1,383	1,248	1,056	1,093
65-69	1,352	1,358	1,458	1,196	1,038	950
70-74	1,078	1,159	1,263	1,281	1,034	943
75+	1,836	2,140	2,533	2,804	3,159	3,436
Total	24,439	24,826	25,097	25,204	25,219	25,219

Source: Shimberg Center – Florida Housing Data Clearinghouse

INTERGOVERNMENTAL COORDINATION DATA INVENTORY AND ANALYSIS

INTERLOCAL AGREEMENTS

The Village of Palmetto Bay has executed Interlocal Agreements with the entities below for the following services and coordination:

Miami-Dade County for continuation of the following municipal services:

- Fire Rescue Services
- Library Services
- Local Police Patrol Services
- Specialized Police Services
- Solid Waste Collection Services

Miami-Dade Public School Board to coordinate facility planning of public schools

Miami-Dade County Water & Sewer Department for potable water and wastewater and billing of stormwater utility charges

Miami-Dade County Transit Department for the provision of public transportation services

Miami-Dade County for franchises fees remitted by Florida Power & Light to the County for rights to utilize public right of way located within the Village

VILLAGE OF PALMETTO BAY CAPITAL IMPROVEMENT PROGRAM (CIP)

FY 2023-24 through FY 2027-28

Project Description	Lead Department	Status	Funding Source	2023-24	2024-25	2025-26	2026-27	2027-28	5 Year Total
US-1 downtown street lightin -- Phase study, design, construct	Public Services	Future	DOT- Village	$0	$50,000	$100,000	$100,000	$100,000	$350,000
Roadway Resurfacing – Village Wide	Public Services	On-going	Special Revenue Fund - Trasnportation	$150,000	$150,000	$100,000	$100,000	$100,000	$600,000
ADA-Compliant Sidewalks	Public Services	On-going	Special Revenue Fund - Trasnportation	$375,000	$200,000	$200,000	$150,000	$100,000	$1,025,000
Traffic Calming-Various Locations (prioritized in Traffic Calming Plan)	Public Services	On-going	Special Revenue Fund - Trasnportation	$150,000	$150,000	$150,000	$100,000	$100,000	$650,000
Localized Drainage Improvements	Public Services	Programmed	Special Revenue Fund - Capital Projects	$150,000	$150,000	$150,000	$150,000	$150,000	$750,000
Circulator/ Freebee - Route Improvements/post Busway study, realignment	Public Services	Future	MPO TDM-local match-	$0	$0	$0	$50,000	$0	$50,000
Bus Benches, Bus Shelters and Amenities	Public Services	On-going	TBD	$0	$50,000	$50,000	$50,000	$50,000	$200,000
Safe Routes to School Improvements -~~(~~Implementation of study)	Public Services	Future	MPO-Local match	$0	$0	$100,000	$100,000	$100,000	$300,000
Safe Routes to Parks Improvments - (Implementation of study)	Public Services	Future	TBD	$0	$0	$100,000	$100,000	$100,000	$300,000
Bicycle Lane SW 82 AV (from SW 160 St to SW 152 St)	Public Services	Programmed	Special Revenue Fund - Trasnportation	$75,000	$175,000	$225,000	$350,000	$0	$825,000
143 Water Main Extension	Public Services	Programmed	Special Revenue Fund - Capital Projects	$200,000	$0	$0	$0	$0	$200,000

Project Description	Lead Department	Status	Funding Source	2023-24	2024-25	2025-26	2026-27	2027-28	5 Year Total
Cartee Water Main Extension	Public Services	Programmed	Special Revenue Fund - Capital Projects	$500,000	$0	$0	$0	$0	$500,000
Village Hall HVAC	Public Services	Programmed	Special Revenue Fund - Capital Projects	$300,000	$0	$10,000	$10,000	$10,000	$330,000
Village Hall Painting	Public Services	Programmed	Special Revenue Fund - Capital Projects	$65,000	$7,500	$7,500	$7,500	$7,500	$95,000
174 Street On-Street Parking Construction	Public Services	Programmed	Special Revenue Fund - Capital Projects	$450,000	$0	$0	$0	$0	$450,000
Thalatta Parking (Lighting)	Public Services	Programmed	Special Revenue Fund - Capital Projects	$65,000	$0	$0	$0	$0	$65,000
Traffic Studies Main Corridors	Public Services	Programmed	Special Revenue Fund - Trasnportation	$35,000	$65,000	$65,000	$0	$0	$165,000
Vehicle purchase pool van	Public Services	Programmed	Special Revenue Fund - CITT - Transit	$102,000	$102,000	$0	$0	$0	$204,000
Tree Planting Main Corridors	Public Services	Programmed	Special Revenue Fund - Capital Projects	$50,000	$50,000	$50,000	$50,000	$50,000	$250,000
Drainage Sub-Basin 43 (SW 165th Ter, N. of SW 168th St, W. of SW 72th Av, E. of SW 77th Av)	Public Services	On-going	Grants/State Appropriations	$392,500	$450,000	$0	$0	$0	$842,500
Drainage Sub-Basin 57/96 (SW 155th Ter, N. of SW 160th St, W. of SW 92th Av, E. of SW 87th Av)	Public Services	On-going	Grants/State Appropriations	$2,670,000	$0	$0	$0	$0	$2,670,000
Drainage Sub-Basin 44 (S of SW 164 St, N of SW 166 St, W of SW 72 Ave, E of SW 77 Ave)	Public Services	On-going	Grants/State Appropriations	$1,346,100	$0	$0	$0	$0	$1,346,100
Drianage Sub-Basin 41 (S of SW 173 St, N of SW 174 St, W of Old Cutler Rd, E of SW 77 Ave)	Public Services	On-going	Grants/State Appropriations	$0	$1,270,000	$0	$0	$0	$1,270,000

Project Description	Lead Department	Status	Funding Source	2023-24	2024-25	2025-26	2026-27	2027-28	5 Year Total
Drainage Sub-Basin 11 (S of SW 152, N of SW 156 St, W of 89 Ave, E of Dixie Hwy)	Public Services	On-going	Grants/State Appropriations	$0	$0	$1,530,000	$0	$0	$1,530,000
Drainage Sub-Basin 12 (S of SW 168 St, N of SW 170 Terr, W of Old Cutler Rd, E of SW 76 Ave)	Public Services	On-going	Grants/State Appropriations	$102,295	$0	$0	$930,000	$0	$1,032,295
Drainage Sub-Basin 39 (S of SW 170 Terr, N of SW 173 St, W of Old Cutler Rd, E of SW 77 Ave)	Public Services	On-going	Grants/State Appropriations	$78,126	$0	$0	$500,000	$520,000	$1,098,126
Drainage Sub-Basin 42 (S of SW 168TH St, N of SW 171 St, W of SW 76 Ave, E of SW 77 Ave)	Public Services	On-going	Grants/State Appropriations	$147,910	$0	$0	$0	$930,000	$1,077,910
SW 174TH Street Complete Street Project	Public Services	On-going	Special Revenue Fund - Transportation Grants	$405,000	$0	$0	$0	$0	$405,000
SW 148TH Street Complete Street Project	Public Services	On-going	Special Revenue Fund - Transportation Grants	$475,000	$0	$0	$0	$0	$475,000
SW 92ND Avenue Complete Street Project	Public Services	On-going	Special Revenue Fund - Transportation Grants	$425,000	$0	$0	$0	$0	$425,000
Public Services Site Improvement Project	Public Services	Programmed	Special Revenue Fund - Capital Projects'	$70,910	$325,000	$125,000	$0	$0	$520,910
Traffic cirlce SW 144th. St & Sw 82nd. Ave	Public Services	Programmed	Special Revenue Fund - Transportation Grants	$100,000	$375,000	$125,000	$0	$0	$600,000
Park&Ride Demonstration project	Public Services	Programmed	Special Revenue Fund - Transportation Grants	$225,000	$0	$0	$0	$0	$225,000
Franjo Road west of US-1 Complete Street add bike lane, lighting (north side)	Public Services	Future	TBD	$0	$0	$100,000	$150,000	$150,000	$400,000
Old Cutler Trail intersection upgrades (add ped and bike crosswalks, village lighting, curbing/ bioswales)	Public Services	Future	DOT SS4A-MDC-Village	$0	$0	$50,000	$50,000	$50,000	$150,000

Project Description	Lead Department	Status	Funding Source	2023-24	2024-25	2025-26	2026-27	2027-28	5 Year Total
Downtown Sidewalk Connectivity, Maintenance, Repairs	Public Services	Future	DOT SS4A-MPO- Village	$0	$0	$25,000	$25,000	$25,000	$75,000
Restriping roadway-driveway intersections, crosswalks, reflectors, signage around schools	Public Services	Future	DOT SS4A-Village	$0	$10,000	$10,000	$10,000	$10,000	$40,000
Restriping roadway-driveway intersections, crosswalks, reflectors, signage around parks	Public Services	Future	DOT SS4A-Village	$0	$10,000	$10,000	$10,000	$10,000	$40,000
Pedestrian Improvements across canals	Public Services	Future	DOT SS4A-Village, MDC, MPO	$0	$0	$25,000	$25,000	$25,000	$75,000
Stormwater Vac-Con Operations	Public Services	On-going	Special Revenue - Stormwater	$175,000	$200,000	$225,000	$225,000	$250,000	$1,075,000
CRP- Multipurpose Building/Tennis Shop	Parks	Programmed	Village	$5,000,000	$0	$0	$0	$0	$5,000,000
CRP-Expanded Playground/ Improvements	Parks	Future	TBD	$0	$0	$0	$2,105,600	$0	$2,105,600
CRP-Walking Trails Repairs and Improvements	Parks	Programmed	DEP Grant/ Village	$800,000	$0	$0	$0	$0	$800,000
RP- Pine Rockland Restoration & Management	Parks	Programmed	EEL/ MDC/ Village	$50,000	$0	$0	$0	$0	$50,000
Pine Rockland & Other Parks Preservation lands exotic invasive removal	Parks	Annual	EEL/ MDC/ Village	$0	$25,000	$25,000	$25,000	$25,000	$100,000
Covered Pedestrian Connection from Multi-Purpose Building to Concessions	Parks	Future	TBD	$0	$0	$0	$0	$640,000	$640,000
Gymnasium Construction Option	Parks	Future	TBD	$0	$0	$0	$0	$4,500,000	$4,500,000
Pickleball Facility - Design & Construction	Parks	Programmed	Village	$1,200,000	$1,000,000	$0	$0	$0	$2,200,000
Addiitonal Volleyball Court	Parks	Programmed	Village	$143,000	$0	$0	$0	$0	$143,000
Frisbee Golf	Parks	Future	TBD	$0	$0	$0	$0	$24,500	$24,500
Canal Water Feature	Parks	Future	TBD	$0	$0	$0	$15,000	$0	$15,000
Canoe Launch/Paddle Boat/Storage	Parks	Future	TBD	$0	$0	$45,000	$0	$0	$45,000
Police - Boat Dock	Parks	Programmed	Village	$180,000	$0	$0	$0	$0	$180,000

Project Description	Lead Department	Status	Funding Source	2023-24	2024-25	2025-26	2026-27	2027-28	5 Year Total
CRP-Dumpster Enclosure	Parks	Programmed	Village	$10,000	$0	$0	$0	$0	$10,000
PBP-Redesign/Upgrades Playground	Parks	Future	TBD	$0	$0	$1,935,000	$0	$0	$1,935,000
PBP-Splash Pad	Parks	Future	TBD	$0	$0	$0	$0	$450,000	$450,000
PBP- Expanded Basketball Courts (3)	Parks	Future	TBD	$0	$0	$0	$110,000	$0	$110,000
PBP- Skate Park Improvements	Parks	Future	TBD	$0	$210,000	$0	$0	$0	$210,000
PBP-Enhanced Landscape	Parks	Future	TBD	$0	$0	$0	$0	$100,000	$100,000
PBP- Modify Parking lot expansion	Parks	Future	TBD	$0	$144,000	$0	$0	$0	$144,000
PBP-Scoreboards	Parks	Programmed	Village	$30,000	$0	$0	$0	$0	$30,000
PBP-Park Drive- Interior Access Road (including west side fence, entry feature and gates)	Parks	Programmed	Village	$80,000	$0	$0	$0	$0	$80,000
PBP-Mower	Parks	Programmed	Village	$45,000	$0	$0	$0	$0	$45,000
PBP-Irrigation	Parks	Programmed	Village	$100,000	$0	$0	$0	$0	$100,000
PBP-Golf Cart Access	Parks	Programmed	Village	$20,000	$0	$0	$0	$0	$20,000
PBP- Community Facility Building w/ Indoor Gymnasium	Parks	Future	TBD	$0	$0	$0	$0	$5,500,000	$5,500,000
PBP- Pineland Preserve	Parks	Future	TBD	$0	$0	$0	$120,000	$0	$120,000
PBP- Labyrinth/Sensory Garden	Parks	Future	TBD	$0	$0	$0	$0	$204,000	$204,000
PBP- Dog Park	Parks	Future	TBD	$0	$200,000	$0	$0	$0	$200,000
PBP- Shared Storage Area w/PS	Parks	Future	TBD	$0	0	$500,000	$0	$0	$500,000
PBP- New Outdoor Exercise Stations	Parks	Future	TBD	$0	$75,600	$0	$0	$0	$75,600
PBP-Pickleball Center	Parks	Programmed	Village	$1,200,000	$1,000,000	$0	$0	$0	$2,200,000
PWS- Recontour Lake Bank	Parks	Future	TBD	$0	$0	$0	$160,000	$0	$160,000
PWS- Seating Areas	Parks	Future	TBD	$0	$24,000	$0	$0	$0	$24,000

Project Description	Lead Department	Status	Funding Source	2023-24	2024-25	2025-26	2026-27	2027-28	5 Year Total
PWS- ADA Bathroom w/ Grooming Building	Parks	Future	TBD	$0	$0	$0	$0	$270,000	$270,000
PWS- Improved Walkways	Parks	Future	TBD	$0	$0	$19,200	$0	$0	$19,200
PCH- New Impact Windows	Parks	Future	TBD	$0	$35,000	$0	$0	$0	$35,000
TE-design/build pier/gazebo	Parks	Future	TBD	$0	$0	$0	$2,000,000	$0	$2,000,000
TE-Repave/Stripe/Curbing -Parking Lot	Parks	Programmed	Village	$150,000	$0	$0	$0	$0	$150,000
TE-Chair Lift- Carriage House	Parks	Programmed	Village	$15,000	$0	$0	$0	$0	$15,000
TE-Replace Patio Pavers	Parks	Programmed	Village	$50,000	$0	$0	$0	$0	$50,000
TE- Walkway along Canal	Parks	Future	TBD	$0	$0	$0	$144,000	$0	$144,000
TE- Event Stage area	Parks	Future	TBD	$0	$60,000	$0	$0	$0	$60,000
TE- Indoor Multipurpose Room/Space	Parks	Future	TBD	$0	$0	$990,000	$0	$0	$990,000
TE- New Pedestrian Bridge	Parks	Future	TBD	$0	$0	$0	$0	$2,000,000	$2,000,000
Veterans Park	Parks	Programmed	Village	$2,500,000	$2,500,000	$2,500,000	$0	$0	$7,500,000
LP- ADA Bathroom - 2nd Floor	Parks	Future	TBD	$0	$0	$0	$30,000.00	$0	$30,000
LP- Elevator Improvements	Parks	Future	TBD	$0	$60,000.00	$0	$0	$0	$60,000
LP- Planter Wall Barrier	Parks	Future	TBD	$0	$0	$15,000.00	$0	$0	$15,000
LP- Fence - Rear of property	Parks	Future	TBD	$0	$0	$0	$0	$6,000.00	$6,000
The Woods Park- (5- year plan)	Parks	Programmed	Village/Possible Grant	$200,000	$200,000	$150,000	$100,000	$100,000	$750,000
The Woods- Perimeter Walking Path, benches, signage, and waste receptacles.	Parks	Future	Village	$0	$252,000	0	$0	$0	$252,000
Parks Department Assessment	Parks	Programmed	Village	$25,000	$0	$0	$0	$0	$25,000
All parks- add trees, nature preserve area, bioswales, butterfly gardens with educational signage	Parks	Future	TBD	$0	$15,000	$15,000	$15,000	$15,000	$60,000

Project Description	Lead Department	Status	Funding Source	2023-24	2024-25	2025-26	2026-27	2027-28	5 Year Total
All parks- Recycling bins (next to every existing trash can)	Parks	Future	TBD	$0	$10,000	$10,000	$10,000	$10,000	$40,000
Parks- Bike Repair Stations and bike racks	Parks	Future	TBD	$0	$5,000	$5,000	$5,000	$5,000	$20,000
Parks- additional water fountains and bottle refill stations	Parks	Future	TBD	$0	$2,500	$2,500	$2,500	$2,500	$10,000
ID/ Branding (US-1 Lights) Downtown US-1 Overlay Study (Phase I- Dtwn, Phase II North end, Phase III middle)	Capital Projects	Future	TBD	$0	$50,000	$50,000	$50,000	$50,000	$200,000
Maintenance Entry Monuments @ US1 Entry Points Existing entry monuments need maintenance- solar lights, plants, palms.	Capital Projects	Future	TBD	$0	$15,000	$5,000	$5,000	$5,000	$30,000
Entry Monuments @ Franjo, 97 Av, 87nd Av south entrances	Capital Projects	Future	TBD	$0	$0	$50,000	$0	$0	$50,000
Entry Monuments @ 82 Av, Palmetto Rd, Old Cutler north entrances	Capital Projects	Future	TBD	$0	$50,000	$0	$0	$0	$50,000
Maintenace of existing traffic circles (art, fountains, landscape, signage, striping, reflectors, lighting	Capital Projects	Future	TBD	$0	$5,000	$5,000	$5,000	$5,000	$20,000
				$21,077,841	$9,727,600	$9,854,200	$8,144,600	$16,749,500	$65,553,741

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DECEMBER
2023





VILLAGE OF PALMETTO BAY
COMPREHENSIVE PLAN

AGENDA ITEM NO. 5.B

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: December 18, 2023

SUBMITTED BY: Alexander Adams, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: BAPTIST HEALTH ENTERPRISES, INC.
Location: 8750 SW 144 STREET, PALMETTO BAY, FL
Property Folio: 33-5021-044-0010
Application: V-23-008
Request: VARIANCE 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 SIX (6) WALL SIGNS PROPOSED TO BE 82, 56.5, 39, 8, 13, 11 SQUARE FEET WHERE THE ALLOWABLE AREA IS 12 SQUARE FEET FOR EACH STREET FRONTAGE, TWO (2) MONUMENT SIGNS PROPOSED TO BE 40 AND 16.2 SQUARE FEET WHERE NONE ARE PERMITTED AND THREE (3) DIRECTIONAL SIGNS PROPOSED TO BE 11.2 SQUARE FEET EACH WHERE NONE ARE PERMITTED WITHIN THE R-5 OFFICE ZONING DISTRICT.

SUGGESTED ACTION:

ATTACHMENTS:
Staff Memo-V-23-008_Baptist_Health_Sign_Varinace

Resolution-V-23-008_Baptist_Health_Sign_Variance
Attachments-V-23-008_Baptist_Health_Sign_Varinace

MEMORANDUM

To:	Honorable Mayor and Village Council	Date:	December 18, 2023
From:	Alexander Adams, Planning and Zoning Manager	Re:	V-23-008/ Sign Variance at 8750 SW 144 Street

A VARIANCE 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 SIX (6) WALL SIGNS PROPOSED TO BE 82, 56.5, 39, 8, 13, 11 SQUARE FEET WHERE THE ALLOWABLE AREA IS 12 SQUARE FEET FOR EACH STREET FRONTAGE, TWO (2) MONUMENT SIGNS PROPOSED TO BE 40 AND 16.2 SQUARE FEET WHERE NONE ARE PERMITTED AND THREE (3) DIRECTIONAL SIGNS PROPOSED TO BE 11.2 SQUARE FEET EACH WHERE NONE ARE PERMITTED WITHIN THE R-5 OFFICE ZONING DISTRICT.

OVERVIEW

FILE:	V-23-008
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 Zoning District
EXISTING USE:	Medical related offices

BACKGROUND

The applicant, Baptist Health Enterprises, Inc., requests the approval of application V-23-008 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 an 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 continuing renovations and improvements to modernize the building, introduce new services and Baptist Healthcare also entered previous agreements with the surrounding neighborhood to provide additional buffers.

The current application is in response to their most recent village approval to expand the existing building and add a free-standing emergency department and medical offices authorized under ASPR-22-001. Signage was not a part of that submittal or approval. The current signage is legally nonconforming as allowed through previous variance process by Miami-Dade County (Z1997000394). The applicants are before you today to modify and expand the current signage in response to the new expanded building and uses previously approved by the village.

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. Specific uses include religious facilities, schools and universities in residential districts, entrance signs for residential and multi-family developments and shopping centers. Zoning districts that allow monument and freestanding signs include "business districts" and Village Mixed Use District (VMU). Section 30-90.17(g) states that only flat (wall or cantilever) signs are allowed in the R5 Office Zoning District. Furthermore, these signs are limited to 12 square feet and one for each street frontage.

The applicant is proposing to install six (6) wall signs proposed to be 82, 56.5, 39, 8, 13, 11 square feet where the allowable area is 12 square feet for each street frontage, two (2) monument signs proposed to be 40 and 16.2 square feet where none are permitted. All signs will be backlit except the donor wall sign on the north elevation. All signs will be located fully within the subject property and will not project into any right-of-way. The total additional signage will be 17.4 SF total more than the 192.6 SF total currently permitted.

A staff inspection of existing R5 zoned sites revealed that several other R5 sites in the Village have freestanding signs. The subject site has been approved previously for wall and freestanding signs. This variance would increase the total number of signs and total square footage of signs on site. It is also important to note that the use was previously approved and emergency facilities are granted some state requirements for directional and identification of emergency healthcare facilities.

ANALYSIS

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

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

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

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

- The Village has not received any support or protests from surrounding property owners. The application has been properly posted on site 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 property is zoned R5 and the Village's Code does not allow freestanding monument signs in the R5 Zoning District, however this site was previously granted monument sign approval for the exact same locations proposed to be modified in this application. Despite the code restriction, other properties zoned R5 in the Village have been granted freestanding signs on a case-by-case basis. These properties, existed prior to incorporation and the many of the initial approvals were first authorized by Miami-Dade County.

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

- The subject property has historically operated as a professional office building dating back to the late 1980's. Office uses, such as this, commonly have building and monument signage to orient users and the applicant has agreed to enhance and maintain landscaped buffers to aesthetically separate the residential areas visually and to prevent light spillover at night from parking or signage onsite.

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

- The subject property is adjacent to the south and east to a existing well established single-family residential neighborhood. The applicant is proposing to mitigate this proximity by placing lush landscaping between the office and residential uses and maintain this area as a visual buffer.

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 previously obtained the right to have both monument signs and walls signs. This application reallocates the total square feet and removes all signage from the west façade in order to focus on the areas accessing the new emergency facilities. Emergency facilities are required by state law to meet certain signage requirements. The site restricts access to and from the site to the commercial corridor along SW 144th Street.

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

- The Village's signage code does not contemplate freestanding signs in the R5 zoning district. Emergency facilities are unique circumstances due to the nature of their use and the imperative nature of quickly being able to locate, access, and enter the facility in the correct location.

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

- As enumerated above, signage onsite exists and is required by state statute. This variance is in reference to the sizes, locations and mitigation measures taken to preserve the adjacent residential character as much as possible.

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

- The applicant is the current owner of the property and has owned the property since the 1980's. The application was properly posted on site and notification postcards were mailed to all neighbors within a 1,500-foot radius. To date, the Village has not received an objection.

Development Application Review Committee (DARC)

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

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

Zoning:	At time of building permit, an updated landscape plan shall be included of enhanced landscaping that meets all current code requirements and buffers the neighboring residential neighborhood.
Public Services:	At the time of building permit, the required sight triangle will be required to be depicted on plans.
Floodplain Management:	No special flood requirements will be required.

STAFF RECOMMENDATION

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

Village staff recommends that the Village Council, conditionally approve application V-23-008 to allow six walls signs larger than permitted by code and two monument signs and three directional signs at 8750 SW 144 Street with the following conditions:

1. The approval is for plans prepared by TGA Design dated 7-20-23.
2. Enhance and maintain a multi layered landscaping buffer of trees, palms and hedges planted on an existing raised landscape mound along the east and south property lines to separate the commercial use from adjacent residential properties.

3. All lighting shall be shielded to prevent spillover beyond the public right of way into neighboring residential properties. A photometric plan shall be provided at the time of building permit.
4. All parking lot and site plan landscaping shall be maintained in accordance with current zoning regulations.
5. All signage shall be maintained in good repair and lighting conditions.
6. This sign variance shall be valid for 180 days to obtain a building permit. The Community and Economic Development Director shall have the discretion to grant an additional 60 days if necessary.

ATTACHMENTS

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

RESOLUTION NO. 2023-____
ZONING APPLICATION V-23-008

A VARIANCE 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 SIX (6) WALL SIGNS PROPOSED TO BE 82, 56.5, 39, 8, 13, 11 SQUARE FEET WHERE THE ALLOWABLE AREA IS 12 SQUARE FEET FOR EACH STREET FRONTAGE, TWO (2) MONUMENT SIGNS PROPOSED TO BE 40 AND 16.2 SQUARE FEET WHERE NONE ARE PERMITTED AND THREE (3) DIRECTIONAL SIGNS PROPOSED TO BE 11.2 SQUARE FEET EACH WHERE NONE ARE PERMITTED WITHIN THE R-5 OFFICE ZONING DISTRICT.

WHEREAS, the applicant, Baptist Health Enterprises, Inc. has applied for a variance to permit six walls signs larger than permitted by code and two monument signs and three 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 Zoning District on the Village of Palmetto Bay Zoning Map, as adopted on January 23, 2023 by Ordinance 2023-01; and

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

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay conducted a public hearing on the application at Village Hall, 9705 East Hibiscus Street on December 18, 2023; and

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

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

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

Section 1. A public hearing on the present application was held on December 18, 2023 in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

Section 2. Findings of fact.

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

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

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

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

Section 3. Conclusions of Law.

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

Section 4. Order.

The Village Council approves the application for three wall signs larger than permitted by code at 8750 SW 144 Street (Folio #33-5021-044-0010), to permit the construction of six wall signs, two monument signs and three directional signs; consistent with Section 30-30.6 “Variances”, Sign Regulations, and Section 30-50.15, R-5, Office Zoning District of the Village Zoning Code, as more particularly described in the attached application and site plan that is included in the public hearing package with the following conditions:

1. The approval is for plans prepared by TGA Design dated 7-20-23.
2. Enhance and maintain a multi layered landscaping buffer of trees, palms and hedges planted on an existing raised landscape mound along the east and south property lines to separate the commercial use from adjacent residential properties.
3. All lighting shall be shielded to prevent spillover beyond the public right of way into neighboring residential properties. A photometric plan shall be provided at the time of building permit.
4. All parking lot and site plan landscaping shall be maintained in accordance with current zoning regulations.
5. All signage shall be maintained in good repair and lighting conditions.
6. This sign variance shall be valid for 180 days to obtain a building permit. The Community and Economic Development Director shall have the discretion to grant an additional 60 days if necessary.

This is the final order.

Section 5. Record.

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

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

PASSED AND RESOLVED this 18th day of December 2023.

Attest:

_____	_____
Missy Arocha	Karyn Cunningham
Village Clerk	Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	____
Council Member Steve Cody	____
Council Member Marsha Matson	____
Vice-Mayor Leanne Tellam	____
Mayor Karyn Cunningham	____

Attachment A
Application / Letter of Intent

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

Date: 10/19/2023
Application No: V-23-008

Petitioner / Applicant: BAPTIST HEALTH ENTERPRISES INC

Petitioner / Applicant Address: 6855 Red Road, Suite 600, Coral Gables, Florida 33143 Attn: Real Estate Dept.

Phone: 786-594-6871 E-mail: BHEREM@baptisthealth.net

Petitioner's Relation to Subject Property: Owner

If Petitioner is not Owner, Name of Owner: N/A

Address of Owner: N/A

Signature of Petitioner: Kathleen S Moorman

RECEIVED
Zoning Department
October 24, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AB

Address of Property: 8750 SW 144 ST

Folio: 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 Moorman

Sworn 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 _____

Type or Print Name MARIA H. TOWER

MARIA H. TOWER
Notary Public - State of Florida
Commission # HH 336494
My Comm. Expires Nov 29, 2026
Bonded through National Notary Assn.

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

V

Village of Palmetto Bay
APPLICATION FOR VARIANCE (PUBLIC HEARING)

Date: 10/19/2023
Application No: V-23-008

Petitioner / Applicant: BAPTIST HEALTH ENTERPRISES INC

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Petitioner's Relation to Subject Property: Owner

If Petitioner is not Owner, Name of Owner: N/A

Address of Owner: N/A

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RECEIVED
Zoning Department
October 24, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

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Signature of owner/agent: Kathleen S Moorman

Sworn 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

Type or Print Name MARIA H. TOWER

MARIA H. TOWER
Notary Public - State of Florida
Commission # HH 336494
My Comm. Expires Nov 29, 2026
Bonded through National Notary Assn.

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

Holland & Knight

V-23-008

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

October 24, 2023

VIA ELECTRONIC DELIVERY

RECEIVED
Zoning Department
October 24, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

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

RE: 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 the letter of intent on behalf of Baptist Health Enterprises Inc. ("Baptist") in support of its request for a variance from Village of Palmetto Bay's ("Village") Land Development Regulations Division 30-90 ("LDRs"). Baptist is requesting, among other things, a variance 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 ± 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 free standing 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 Request

Pursuant to Division 30-90 of the Village's LDRs, the Baptist is requesting several variances based on the proposed signage, graphics, and locations for Baptist Health Palmetto Bay Off Campus Emergency Center is attached as Exhibit "D." Today, Baptist has several building and directional signs and is proposing to either replace 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	**Proposed Building ID Signs**
West façade ID (To Be Removed)	Baptist Health - North façade
North façade (To Be Replaced)	Nateman Family Center Donor ID - North façade
	Medical Offices Door Entry ID - North façade
	Baptist Health Emergency ID - East façade
	Emergency Entrance ID - East façade
	Emergency - South 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.

Primary & Secondary Identity Signs – Monument Signs

Existing Identity Signs	Proposed Identity Signs
Baptist Medical Plaza (To Be Replaced)	Baptist Health Emergency Open 24 Hours
8750 (To Be Replaced) Baptist Medical Plaza (To Be Replaced)	Baptist Health 8750

Directional Signs

Existing Directional (Quantity 3)	Proposed Directional (Quantity 3)
Urgent Care **Open Daily** **9 a.m. – 9 p.m.**	**EMERGENCY** **Ambulance**

Based on the existing and proposed signage, Baptist is requesting a variance 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 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 2 additional Building Identity wall signs.

(ii) Baptist also proposes to replace two (2) Primary and Secondary Identity signs with two (2) signs that properly identify the facility as an emergency facility and changes the name to Baptist Health as required by Florida Statutes.

(iii) Finally, Baptist is requesting a variance to replace one (1) detached directional sign with one (1) detached directional sign 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 new signage enables the FSED to clearly identify itself as a hospital emergency department as required by Florida Statutes.

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 Emergency Center
- Marking entrances and parking areas
- Directing the flow of ambulances and other vehicles

Pursuant to Section 30-30.6 of the Village's LDR, 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;

Baptist proposes to meet with the adjoining property owners once the application is filed 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 signs have the same dimensions as the existing signs and do not exceed three square feet in area and do not exceed four feet in height above grade.

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 signs already exist on the Property. Baptist proposes to replace the three existing directional signs with three new signs that are same size. The proposed signage is required under Florida law to properly identify the facility as an FSED. 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. 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. Thank you for your considerate attention to this matter.

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 ¼ 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.

Attachment B
Property Survey

SURVEYOR'S NOTES

1. SURVEY SURVEY DATA ACQUISITION WAS PERFORMED BY LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES WITH LAST DAY OF ACQUISITION FOR THE INITIAL SURVEY ON SEPTEMBER 15, 2021 AND INTIAL SURVEY DATA COMPUTATIONS AND ANALYSIS WERE COMPLETED ON SEPTEMBER 23, 2021. AN UPDATE TO THIS SURVEY WAS PERFORMED BY LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES WITH LAST DAY OF ACQUISITION FOR THE UPDATED SURVEY ON SEPTEMBER 12, 2023 AND UPDATED SURVEY DATA COMPUTATIONS AND ANALYSIS WERE COMPLETED ON SEPTEMBER 15, 2023.
2. ALL SYMBOLS USED TO DEPICT IMPROVEMENTS ARE NOT TO SCALE.
3. MONUMENT OFFSET DIRECTIONS AND DISTANCES ARE COMPUTED IN CARDINAL DIRECTIONS FROM THE FOUND MONUMENTATION TO THE BOUNDARY CORNERS, RELATIVE TO THE BEARING BASIS (I.E., N 0.2' = NORTH 0.2').
4. ELEVATIONS ON "HARD" SURFACES ARE SHOWN TO THE NEAREST 0.01 (HUNDREDTH) OF A FOOT WHILE "SOFT" SURFACES ARE SHOWN TO THE NEAREST 0.1 (TENTH) OF A FOOT.
5. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=20' OR SMALLER, UNLESS OTHERWISE NOTED. LINEAR UNITS SHOWN ARE U.S. SURVEY FEET.
6. TYPE OF SURVEY: TOPOGRAPHIC LAND SURVEY AND BOUNDARY SURVEY PER CHAPTER 5J-17 F.A.C. USE OF THIS SURVEY FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
7. THERE ARE NO INHERENT GAPS, GORES OR HIATUS TO THE SURVEYED PROPERTY.
8. THE STREET ADDRESS OF THE SUBJECT PROPERTY IS: 8750 SW 144TH STREET, PALMETTO BAY, FL 33176.
9. THE SUBJECT PROPERTY ABUTS AND HAS ACCESS TO PUBLICLY DEDICATED RIGHT-OF-WAYS FOR SW 144TH STREET, SW 145TH STREET, AND SW 87TH AVENUE AS DESCRIBED IN PLAT BOOK 149 PAGE 83.
10. ALL ADJOINING RIGHTS-OF-WAY, SUBDIVISIONS AND INFORMATION ON ADJOINING PROPERTIES SHOWN HEREON ARE FROM INFORMATION SHOWN ON COUNTY PROPERTY APPRAISER'S WEBSITE. USERS OF THIS SURVEY ARE PLACED ON NOTICE THAT RELIANCE ON SUCH INFORMATION IS AT THEIR OWN PERIL, IN THIS REGARD.
11. BY SCALED DETERMINATION THE SUBJECT PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" (OTHER AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 12086C0464L, MAP EFFECTIVE DATE SEPTEMBER 11, 2009. AN ACCURATE ZONE DETERMINATION SHOULD BE MADE BY THE PREPARER OF THE MAP, THE FEDERAL EMERGENCY MANAGEMENT AGENCY, OR THE LOCAL GOVERNMENT AGENCY HAVING JURISDICTION OVER SUCH MATTERS PRIOR TO ANY JUDGMENTS BEING MADE FROM THE ZONE AS NOTED.
12. THIS SURVEY DOES NOT DETERMINE FENCE AND/OR WALL OWNERSHIP.
13. THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON LANDS ADJACENT TO THE SURVEYED LINES.
14. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO OR PURSUED BY THE UNDERSIGNED OTHER THAN THOSE SHOWN HEREON. UNRECORDED EASEMENTS OR RESTRICTIONS OF RECORD OTHER THAN THOSE SHOWN HEREON MAY EXIST. THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN UPON THIS SURVEY.
15. NO EXCAVATION WAS PERFORMED TO VERIFY THE LOCATION OR EXISTENCE OF ANY UNDERGROUND IMPROVEMENTS, STRUCTURES, OR FOUNDATIONS. UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN PER ABOVE GROUND EVIDENCE, AND SURFACE UTILITY LOCATIONS BY THE FIRM GEORGE F. YOUNG, INC.OF THAT INFORMATION COMPLETED BY GEORGE F. YOUNG, INC.. DRAINAGE AND SEWER PIPE SIZES HAVE BEEN COMPILED FROM FIELD OBSERVATIONS WITH LIMITED VISIBILITY. INVERT ELEVATIONS MAY VARY WHEN PIPE OPENING IS RECESSED.
16. THE TREES IDENTIFIED AND SHOWN ARE IN NO WAY TO BE CONSIDERED A TREE SURVEY. TREE SYMBOLS REPRESENT THE LOCATION OF THE CENTER OF THE TRUNK AND DO NOT REPRESENT THE TRUE SIZE OF THE CANOPY. SIZE OF THE TRUNK (IF SPECIFIED) IS THE DIAMETER OF THE TRUNK, IN INCHES, AT BREAST HEIGHT. SPECIMEN NOMENCLATURE IS GENERALLY COMMON (OAK, PALM, PINE, ETC.) AND CANNOT BE RELIED UPON AND THEREFORE IS NOT CERTIFIED BY THIS SURVEY. CONSULT WITH AN ARBORIST FOR FURTHER CLASSIFICATION.
17. ENVIRONMENTAL AND/OR HAZARDOUS MATERIALS LOCATION, IF ANY, ARE NOT COVERED UNDER THIS SURVEY. NO ENVIRONMENTAL ISSUES HAVE BEEN ADDRESSED BY THIS SURVEY.
18. THERE WAS NO EVIDENCE OF ACTIVE CONSTRUCTION ACTIVITIES OBSERVED DURING THE PROCESS OF CONDUCTING FIELD WORK.
19. NO CONDITIONS WERE ENCOUNTERED THAT PREVENTED FLORIDA ADMINISTRATIVE CODE 5J-17 FROM BEING MET.
20. THE WORD "CERTIFY" OR "CERTIFICATION" AS SHOWN AND USED HEREON, MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.
21. ADDITIONS OR DELETIONS TO THIS MAP AND REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
22. THIS SURVEY IS NEITHER FULL NOR COMPLETE WITHOUT ALL SHEETS OF THIS SET.

LEGAL DESCRIPTION

ALL THAT PIECE AND PARCEL OF LAND LOCATED IN THE SOUTH EAST ¼ 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.

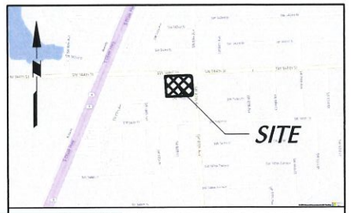
REFERENCE SURVEY CONTROL

R-759 MIAMI-DADE COUNTY VERTICAL BENCHMARK. PK NAIL AND ALUMINUM WASHER IN CONCRETE PAD OF TRAFFIC CONTROL BOX IN THE SOUTHWEST CORNER OF SW 144TH ST AND US HIGHWAY 1, MIAMI, FLORIDA. HAVING AN ELEVATION OF 13.86 FEET (NGVD29) OR 12.32 FEET (NAVD88).

1 SET MAG NAIL AND WASHER STAMPED "LANGAN ENGINEERING, LB8172".
NORTHING: 473818.81
EASTING: 875505.49
ELEVATION: 12.84 (NAVD88)

2 SET MAG NAIL AND WASHER STAMPED "LANGAN ENGINEERING, LB8172".
NORTHING: 473814.09
EASTING: 875228.51
ELEVATION: 12.37 (NAVD88)

1. HORIZONTAL CONTROL WAS ESTABLISHED BY PERFORMING REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS OF A MINIMUM OF TWO SEPARATE THREE MINUTE OBSERVATIONS.
2. VERTICAL CONTROL WAS ESTABLISHED BY DIFFERENTIAL LEVELING METHODS BASED ON MIAMI-DADE COUNTY MONUMENT "R-759" HAVING A PUBLISHED ELEVATION OF 12.32 FEET RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. THE HORIZONTAL COORDINATES SHOWN ON THIS MAP ARE GRID COORDINATES RELATIVE TO THE U.S. STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83) 2011 ADJUSTMENT, FLORIDA EAST ZONE.
4. ELEVATIONS SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). CONVERSION TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29) IS CALCULATED BY THE FOLLOWING CONVERSION FORMULA: NAVD88 + 1.54' = NGVD29
5. BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE NORTH LINE OF THE SOUTHEAST ¼ OF SECTION 21, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA HAVING A BEARING OF N 88°25'21" E. ALL OTHER BEARINGS ARE RELATIVE TO SAID LINE.
6. RELATIVE HORIZONTAL AND VERTICAL ACCURACIES OF THE FEATURES SHOWN ARE ESTIMATED TO BE 0.2' +/- BASED ON TOTAL STATION TRIGONOMETRIC METHODS AND REAL TIME KINEMATIC GPS METHODS.
7. THE FEATURES SHOWN HEREON ARE REFERENCED TO GRID NORTH BASED UPON THE U.S. STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83) 2011 ADJUSTMENT, FLORIDA EAST ZONE, REFERENCED TO THE FLORIDA PERMANENT REFERENCE NETWORK.
8. ALL CONTROL MEASUREMENTS EXCEEDED CLOSURES OF COMMERCIAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET.



PROJECT LOCATION MAP
SCALE: NOT TO SCALE
SOURCE: ©2023 Microsoft Corporation, HERE

V-23-008
RECEIVED
Zoning Department
October 24, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AG

ABBREVIATIONS

FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY	CL	CHORD LENGTH
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION	D	DELTA ANGLE
FPL	FLORIDA POWER AND LIGHT	R	RADIUS
MDC	MIAMI-DADE COUNTY	N.T.	NON-TANGENT CURVE
SFWMD	SOUTH FLORIDA WATER MANAGEMENT DISTRICT	PCC	POINT OF COMPOUND CURVATURE
(C)	CALCULATED BEARING/DISTANCE	PC	POINT OF CURVATURE
(D)	DEED BEARING/DISTANCE	PRC	POINT OF REVERSE CURVATURE
(M)	MEASURED BEARING/DISTANCE	PT	POINT OF TANGENCY
FND	FOUND MONUMENT	C.C.R.	CERTIFIED CORNER RECORD
L.A.	LIMITED ACCESS	D.B.	DEED BOOK
P.O.B.	POINT OF BEGINNING	F.A.C.	FLORIDA ADMINISTRATIVE CODE
P.O.C.	POINT OF COMMENCEMENT	No.	NUMBER
R/W	RIGHT-OF-WAY	O.R.B.	OFFICIAL RECORD BOOK
R.	RANGE	PG.	PAGE
SEC.	SECTION	P.C.N.	PARCEL CONTROL NUMBER
T.	TOWNSHIP	P.B.	PLAT BOOK
S.F.	SQUARE FEET	AVE	AVENUE
BM	BENCHMARK	ST	STREET
ELEV	ELEVATION	BC	BOTTOM OF CURB
N:	NORTHING (STATE PLANE GRID COORDINATE)	BW	BOTTOM OF WALL
E:	EASTING (STATE PLANE GRID COORDINATE)	C.B.S.	CONCRETE BLOCK STRUCTURE
GPS	GLOBAL POSITIONING SYSTEM	FF	FINISHED FLOOR
LB	LICENSED BUSINESS	N.M.	NOT ABLE TO MEASURE
NGS	NATIONAL GEODETIC SERVICE	TYP	TYPICAL
NGVD29	NATIONAL GEODETIC VERTICAL DATUM OF 1929	TC	TOP OF CURB
NAVD88	NORTH AMERICAN VERTICAL DATUM OF 1988	TW	TOP OF WALL
NAD83	NORTH AMERICAN DATUM OF 1983	GR	GRATED INLET
A	ARC LENGTH	INV	INVERT ELEVATION
CB	CHORD BEARING	UNK	UNKNOWN

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY MAP SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. ALSO, THIS SURVEY MAP COMPLIES WITH THE STANDARDS OF PRACTICE, AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

Gary M McDaniel
Digitally signed by Gary M McDaniel
Date: 2023.09.15 15:30:57-04'00'

GARY M. McDANIEL License Number LS7254 STATE OF FLORIDA Professional Surveyor and Mapper

GARY M. McDANIEL
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER LS7254
LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC.
LICENSED BUSINESS NUMBER LB8172, STATE OF FLORIDA.

THE FEATURES SHOWN ON THIS SURVEY ARE VALID AS TO THE DATE OF THE LAST DATE OF FIELD WORK, NOT TO THE SIGNATURE DATE OF THIS CERTIFICATION.

THIS DOCUMENT HAS BEEN DIGITALLY SIGNED AND SEALED BY THE ABOVE NAMED PROFESSIONAL SURVEYOR AND MAPPER USING A CRYPTOAPI PRIVATE KEY. IGC DIGITAL CERTIFICATE.

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Date	Description	No.
09/15/23	SURVEY UPDATE	DAA
Revisions		

LANGAN
Langan Engineering and Environmental Services, Inc.
15150 NW 79th Court, Suite 200
Miami Lakes, FL 33016
T: 786.264.7200 F: 786.264.7201 www.langan.com
FL CERTIFICATE OF AUTHORIZATION NO. 00006601/LB8172/LB8198

Project: BAPTIST HEALTH MEDICAL PLAZA
MIAMI-DADE COUNTY FLORIDA

Drawing Title: GENERAL NOTES

Project No. 300286601
Date 9/30/2021
Drawn By RJW
Checked By BAM

Drawing No. VB003
Sheet 1 of 2

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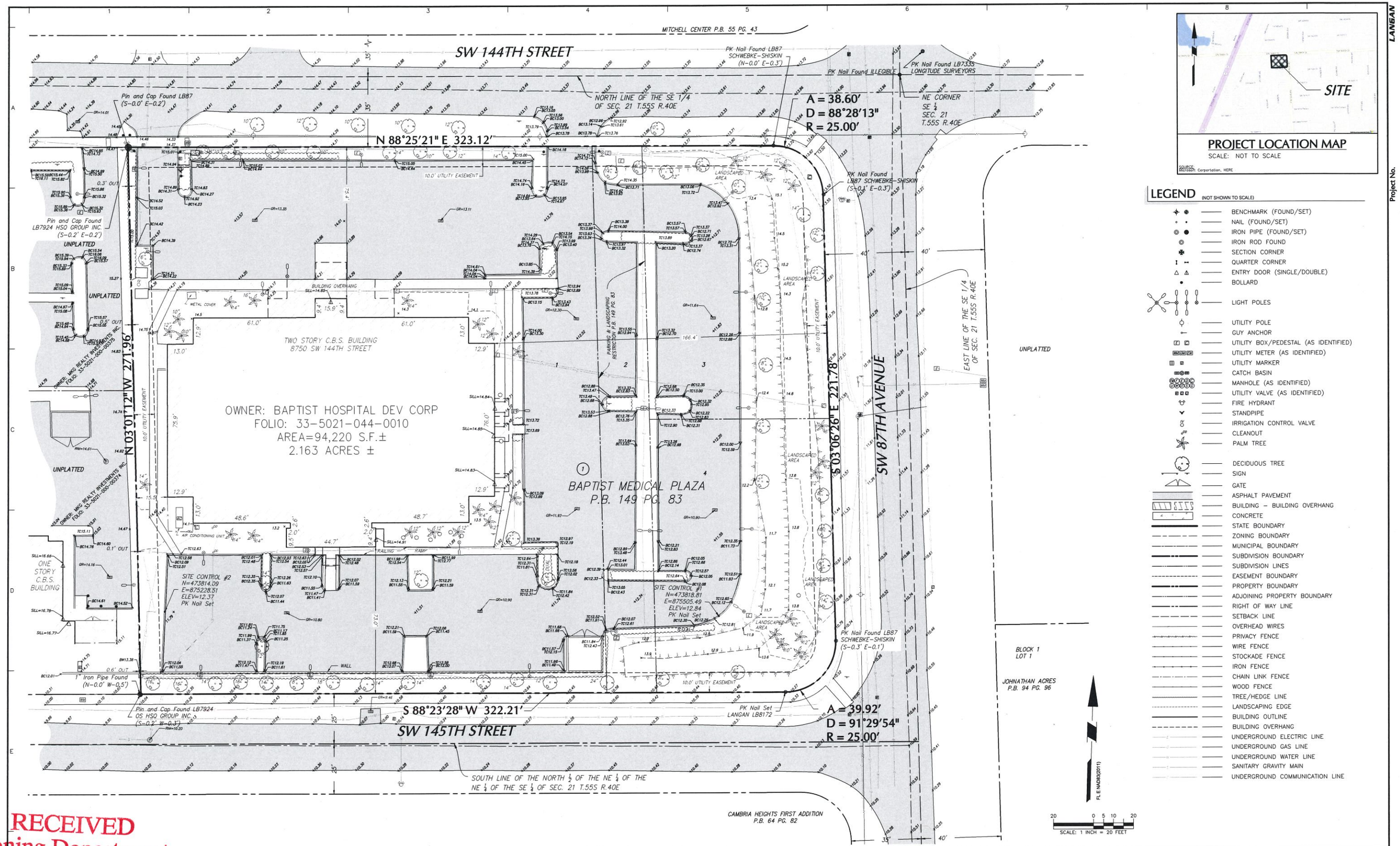
Date: 9/15/2023 Time: 15:24 User: darboleda Style Table: Langan.stb Layout: Notes Document Code: 300286601-0401-VB003-0101

LANGAN Project No.



PROJECT LOCATION MAP
SCALE: NOT TO SCALE
SOURCE: Microsoft Corporation, HERE

LEGEND (NOT SHOWN TO SCALE)

- BENCHMARK (FOUND/SET)
- NAIL (FOUND/SET)
- IRON PIPE (FOUND/SET)
- IRON ROD FOUND
- SECTION CORNER
- QUARTER CORNER
- ENTRY DOOR (SINGLE/DOUBLE)
- BOLLARD
- LIGHT POLES
- UTILITY POLE
- GUY ANCHOR
- UTILITY BOX/PEDESTAL (AS IDENTIFIED)
- UTILITY METER (AS IDENTIFIED)
- UTILITY MARKER
- CATCH BASIN
- MANHOLE (AS IDENTIFIED)
- UTILITY VALVE (AS IDENTIFIED)
- FIRE HYDRANT
- STANDPIPE
- IRRIGATION CONTROL VALVE
- CLEANOUT
- PALM TREE
- DECIDUOUS TREE
- SIGN
- GATE
- ASPHALT PAVEMENT
- BUILDING – BUILDING OVERHANG
- CONCRETE
- STATE BOUNDARY
- ZONING BOUNDARY
- MUNICIPAL BOUNDARY
- SUBDIVISION BOUNDARY
- SUBDIVISION LINES
- EASEMENT BOUNDARY
- PROPERTY BOUNDARY
- ADJOINING PROPERTY BOUNDARY
- RIGHT OF WAY LINE
- SETBACK LINE
- OVERHEAD WIRES
- PRIVACY FENCE
- WIRE FENCE
- STOCKADE FENCE
- IRON FENCE
- CHAIN LINK FENCE
- WOOD FENCE
- TREE/HEDGE LINE
- LANDSCAPING EDGE
- BUILDING OUTLINE
- BUILDING OVERHANG
- UNDERGROUND ELECTRIC LINE
- UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- SANITARY GRAVITY MAIN
- UNDERGROUND COMMUNICATION LINE

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Miami Lakes, FL 33016
T: 786.264.7200 F: 786.264.7201 www.langan.com
FL CERTIFICATE OF AUTHORIZATION NO. 00006601/LB8172/LB8198

Project: BAPTIST HEALTH MEDICAL PLAZA
MIAMI-DADE COUNTY FLORIDA

Drawing Title: BOUNDARY & TOPOGRAPHIC SURVEY

Project No.	300286601
Date	9/30/2021
Drawn By	RJW
Checked By	BAM

Drawing No. VB101
Sheet 2 of 2

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

LANGAN Project No.

Attachment C
Sign 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

PROGRESS SUBMITTAL, SEPT. 2023

property owner:

Baptist Health

signage design by:

tgadesign
www.tgadesign.com

DRAWING INDEX

SHEET/DESCRIPTION — *EXISTING* — *PROPOSED*

- ZONING PLAN
- SHEET 1a - AERIAL VIEW SITE PLAN of EXISTING
- SHEET 1b - EAST FACADE PHOTO (Existing)
- SHEET 1c - EAST FACADE SIGN DETAILS (Proposed)
- SHEET 1d - EAST FACADE SIGN LOCATIONS (Proposed)
- SHEET 2a - NORTH FACADE PHOTO (Existing)
- SHEET 2b - NORTH FACADE SIGN DETAILS (Proposed)
- SHEET 2c - NORTH FACADE SIGN LOCATIONS (Proposed)
- SHEET 3 - WEST FACADE PHOTO (Existing)
- SHEET 4a - SOUTH FACADE PHOTO (Existing)
- SHEET 4b - SOUTH FACADE SIGN DETAILS (Proposed)
- SHEET 4c - SOUTH FACADE SIGN LOCATION (Proposed)
- SHEET 5a - PRIMARY/SECONDARY ID SIGN DETAILS (Proposed)
- SHEET 5b - MONUMENT ID SIGN LOCATIONS (Proposed)
- SHEET 6a - DIRECTIONAL SIGN DETAILS (NProposed)
- SHEET 6b - DIRECTIONAL SIGN LOCATIONS (Proposed)
- SHEET 7 - OVERALL SIGN LOCATION PLAN

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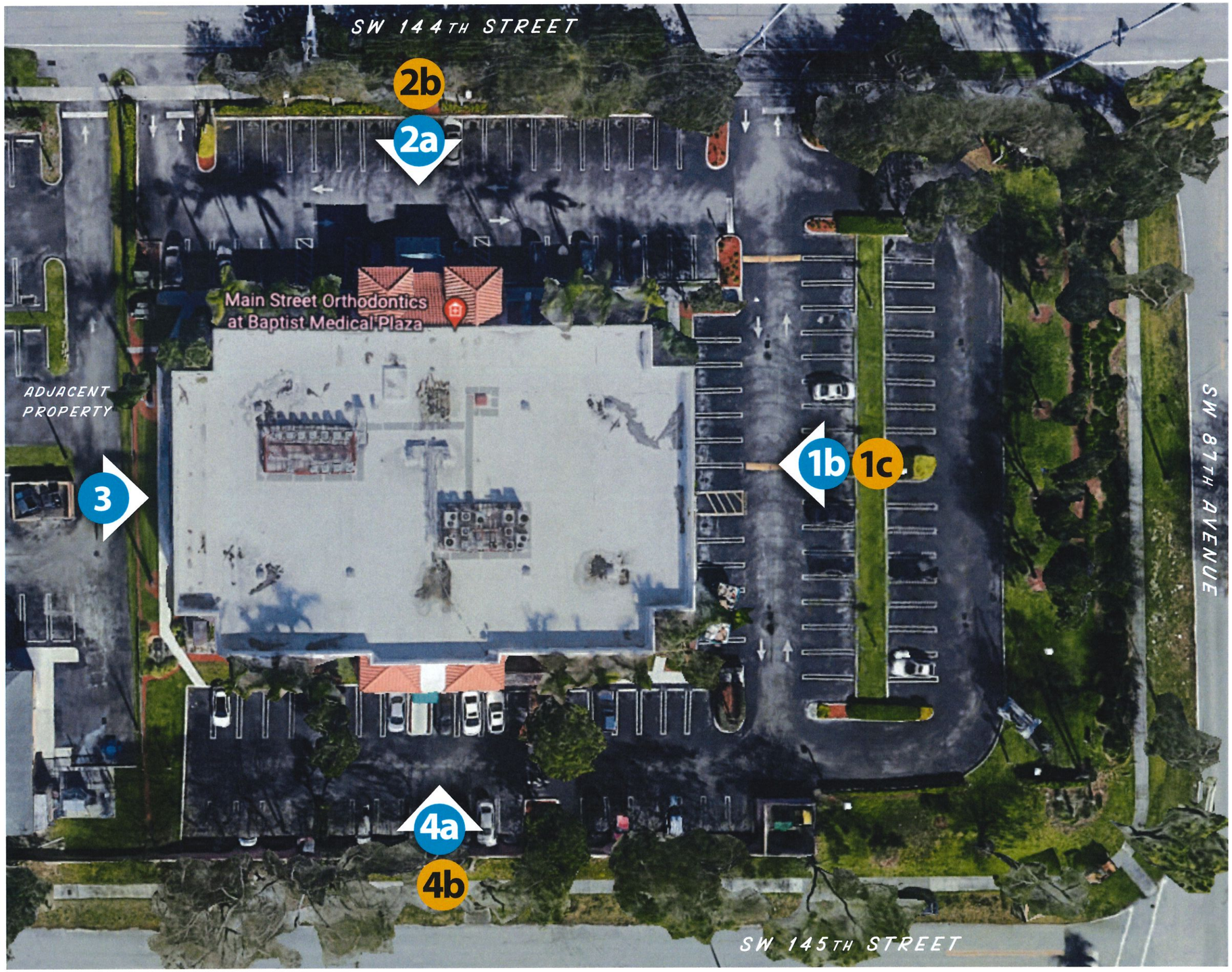

AERIAL VIEW OF EXISTING BHSF SITE
NOT TO SCALE

EXISTING PROPOSED NORTH

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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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DRAWN BY: KO

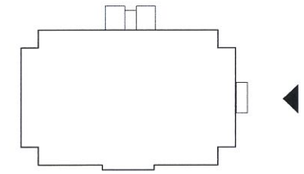
DRAWING DESCRIPTION:
AERIAL VIEW SITE PLAN

AERIAL VIEW SITE PLAN

SCALE: as shown

SIGN TYPE: | QUANTITY:

SHEET #: **Sheet 1a**



KEY PLAN



1B PHOTO OF EXISTING EAST FACADE - PALMETTO BAY BHSF URGENT CARE ENTRY

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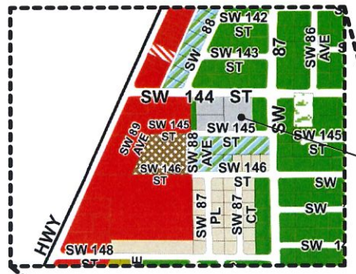
DRAWN BY: KO

DRAWING DESCRIPTION:
EXISTING EAST FACADE

SCALE: as shown

SIGN TYPE: | QUANTITY:

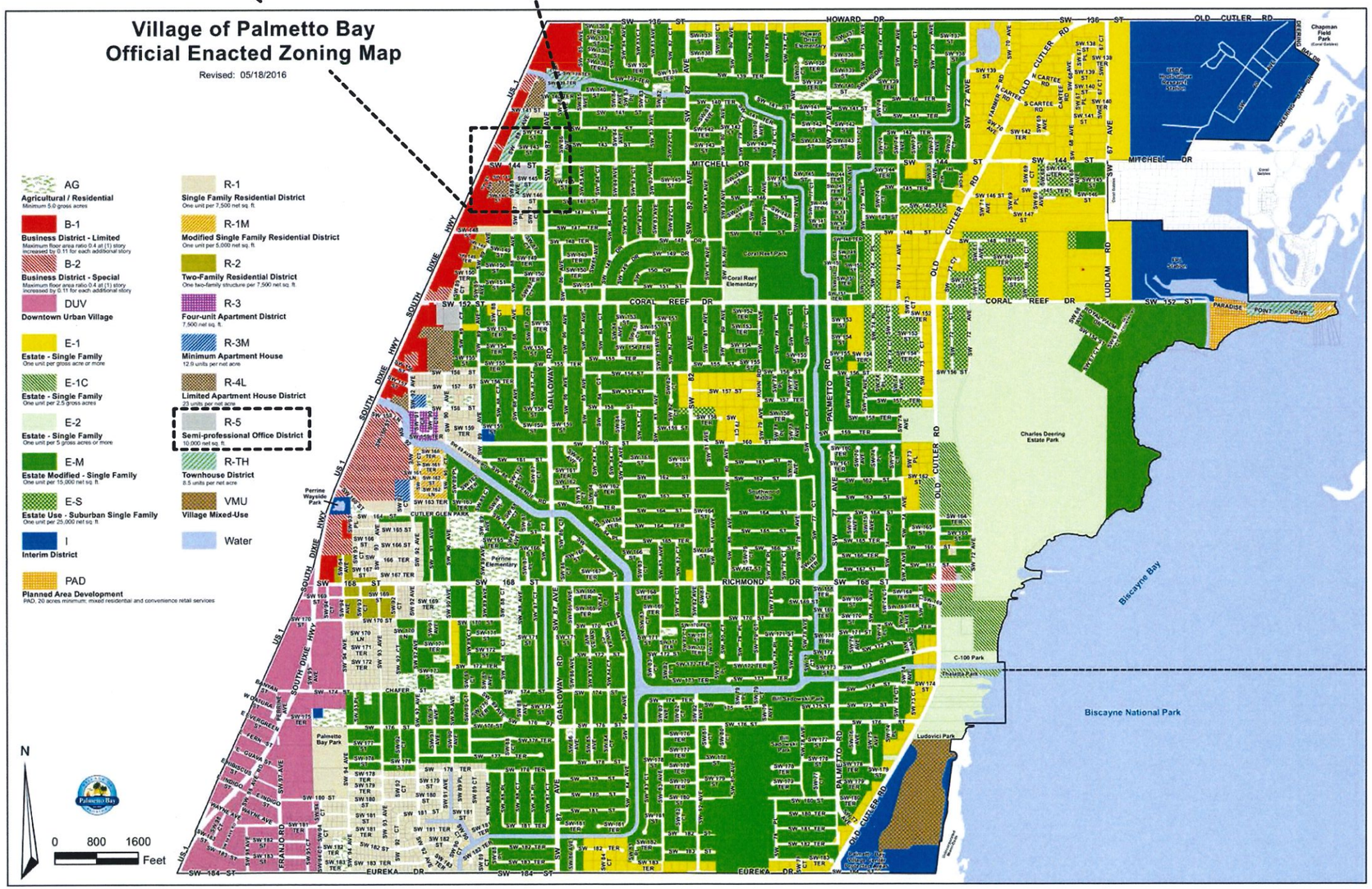
SHEET #: Sheet 1b



ADJACENT ZONING DISTRICTS FOR ADJACENT PROPERTIES



ADJACENT EXISTING BUILDINGS



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DRAWING DESCRIPTION:
ZONING PLAN

SCALE:
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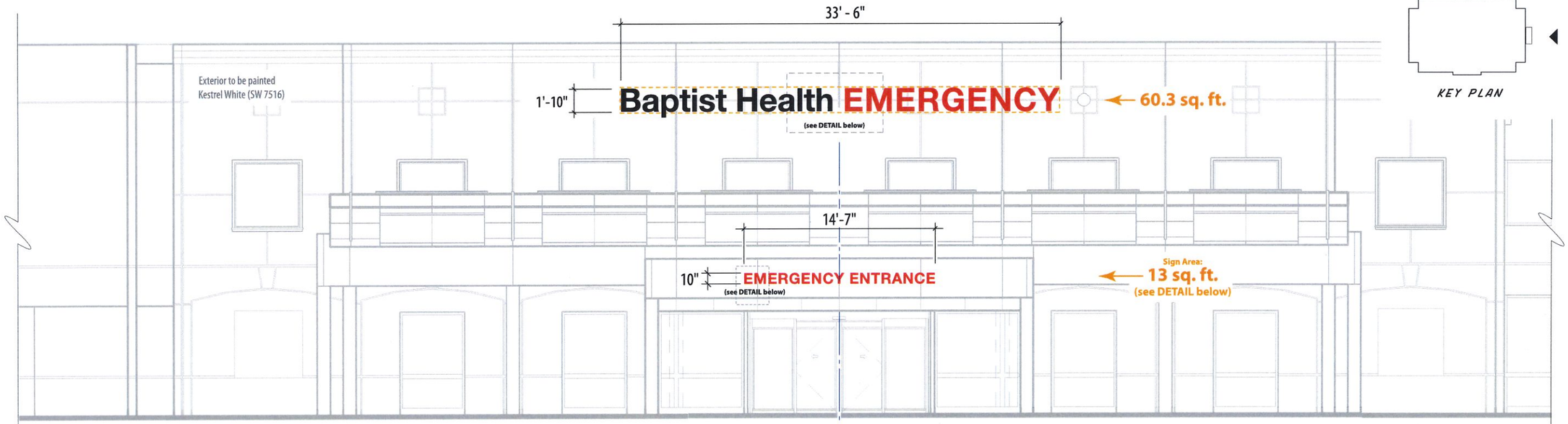
SIGN TYPE:

SHEET #:
Zoning Plan



EAST ELEVATION - Scale: 1/8" = 1' - 0"

KEY PLAN



DETAIL - DAYTIME RENDERING

"BAPTIST HEALTH" Sign letters of aluminum construction. Face and sides are painted Matthwes MAP Black and stand off the wall 2 inches. Letters are illuminated at night with reverse halo affect light wash onto the wall in WHITE LED's.

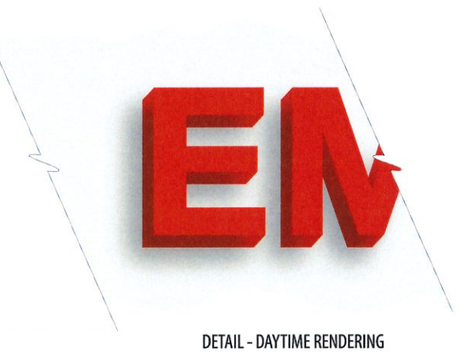


DETAIL - NIGHTTIME ILLUMINATION

"EMERGENCY" Sign letters are fabricated of aluminum with acryic RED faces and are illuminated at night through face of sign letters in glowing RED as per code requirements.

Baptist Health EMERGENCY

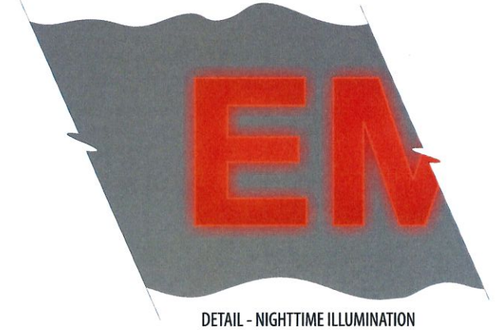
ILLUMINATED



DETAIL - DAYTIME RENDERING

"EMERGENCY ENTRANCE" Sign letters are fabricated of aluminum with acryic RED faces for daytime visibility as per code.

Letters are illuminated at night in RED through sign face of letters as per code requirements.



DETAIL - NIGHTTIME ILLUMINATION

EMERGENCY ENTRANCE

ILLUMINATED

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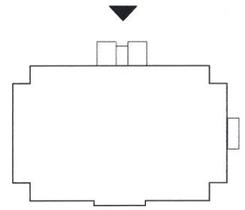
DRAWN BY: KO

DRAWING DESCRIPTION:
NEW EAST FACADE BUILDING ID'S

SCALE: as shown

SIGN TYPE: | QUANTITY:

SHEET #: Sheet 1c



KEY PLAN



2A PHOTO OF EXISTING NORTH FACADE - PALMETTO BAY BHSF MEDICAL PLAZA ENTRY

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DRAWING DESCRIPTION:
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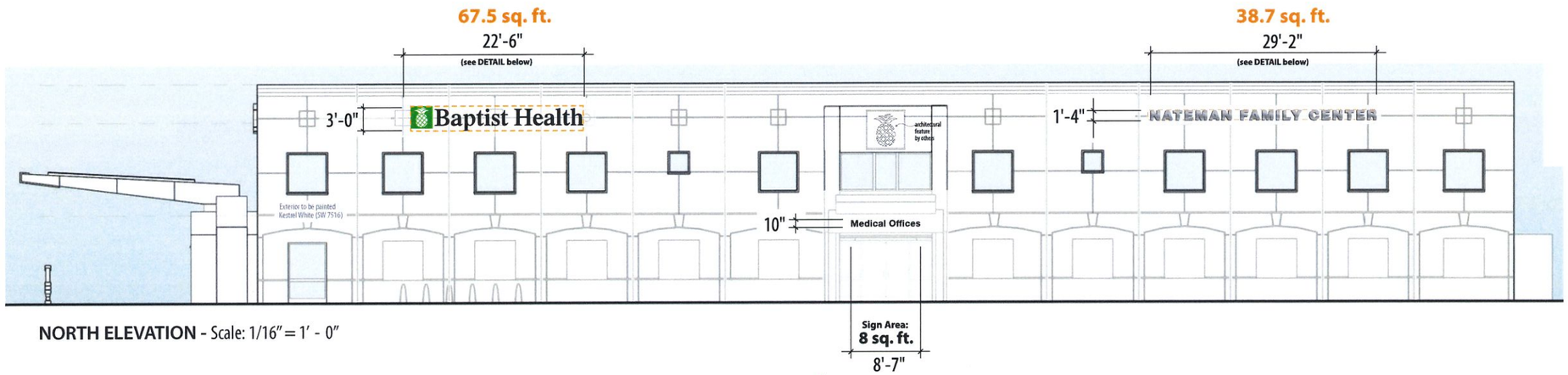
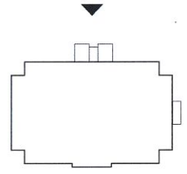
SCALE: as shown

SIGN TYPE: | QUANTITY:

SHEET #:
Sheet 2a



NORTH ELEVATION - Scale: 1/16" = 1' - 0"



KEY PLAN



DETAIL - DAYTIME RENDERING

PINEAPPLE LOGO:
3" deep fabricated aluminum logo cabinet with dimensional pineapple, pushed thru acrylic green face. Pineapple elements painted White illuminated at night with reverse halo affect with white LEDs.

"BAPTIST HEALTH" Sign letters of aluminum construction, 4" deep. Face and sides are painted Matthews MAP Black and stand off the wall 2 inches. Letters are illuminated at night with reverse halo affect light wash onto the wall in WHITE LED's.



DETAIL - NIGHTTIME ILLUMINATION

Baptist Health

ILLUMINATED



"NATEMAN FAMILY CENTER": 3" deep fabricated stainless steel channel letters with brushed finish on face and returns. Pin mount with 3/4" gap off wall surface. Non-illuminated. Font: Helvetica Bold



MEDICAL OFFICES: 1/2" thk. cut out aluminum letters. Painted finish on all sides in exterior grade acrylic polyurethane in dark gray. Pin mounted to under-canopy facade with 1/2" stand-offs. Non-illuminated.

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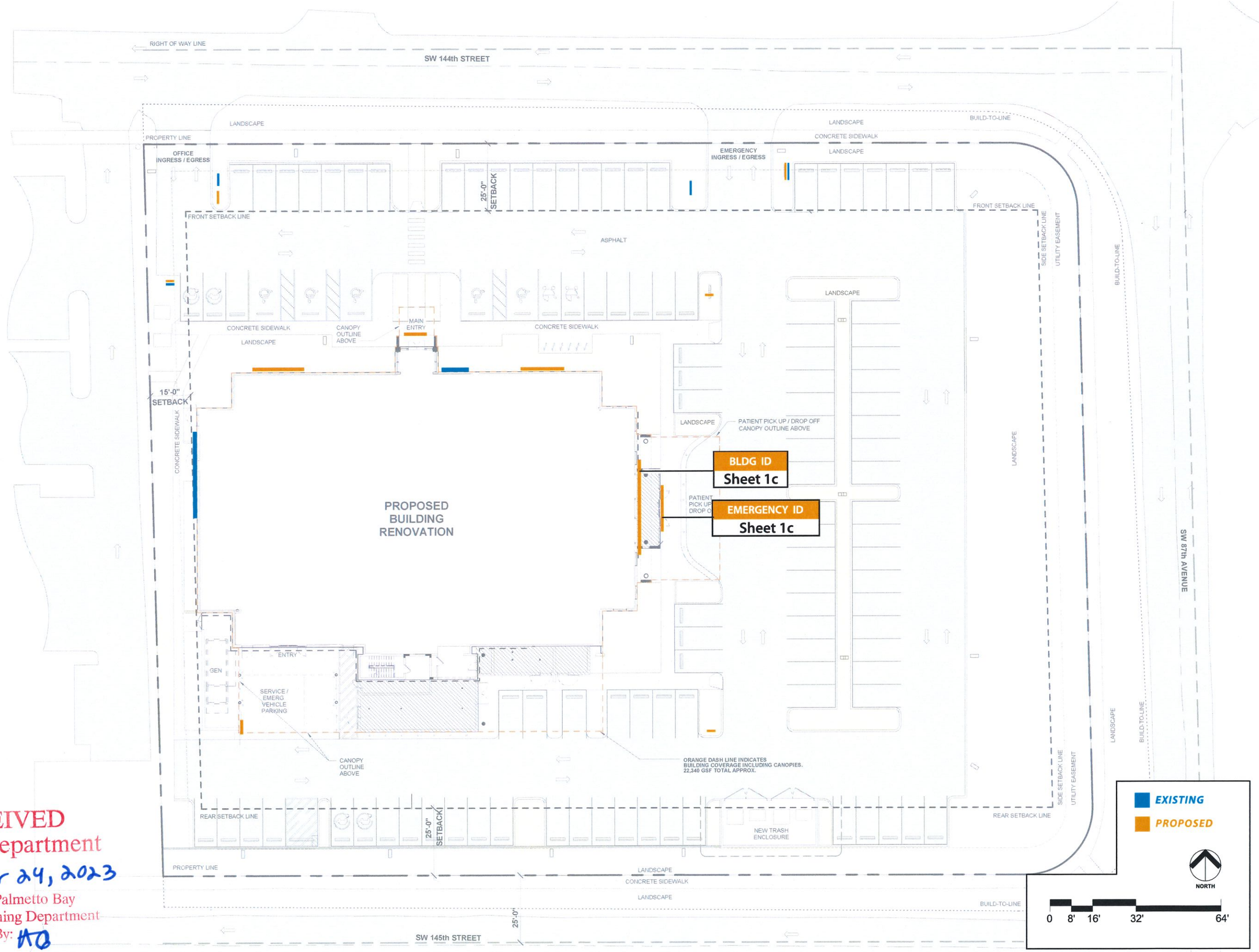
DRAWING DESCRIPTION:
NEW NORTH FACADE BUILDING ID'S

SCALE: as shown

SIGN TYPE: | QUANTITY:

SHEET #: **Sheet 2b**

ORIGINAL SHEET SIZE - 11" x 17"



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KO

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NEW EAST FACADE BLDG. ID LOCATIONS

SCALE:
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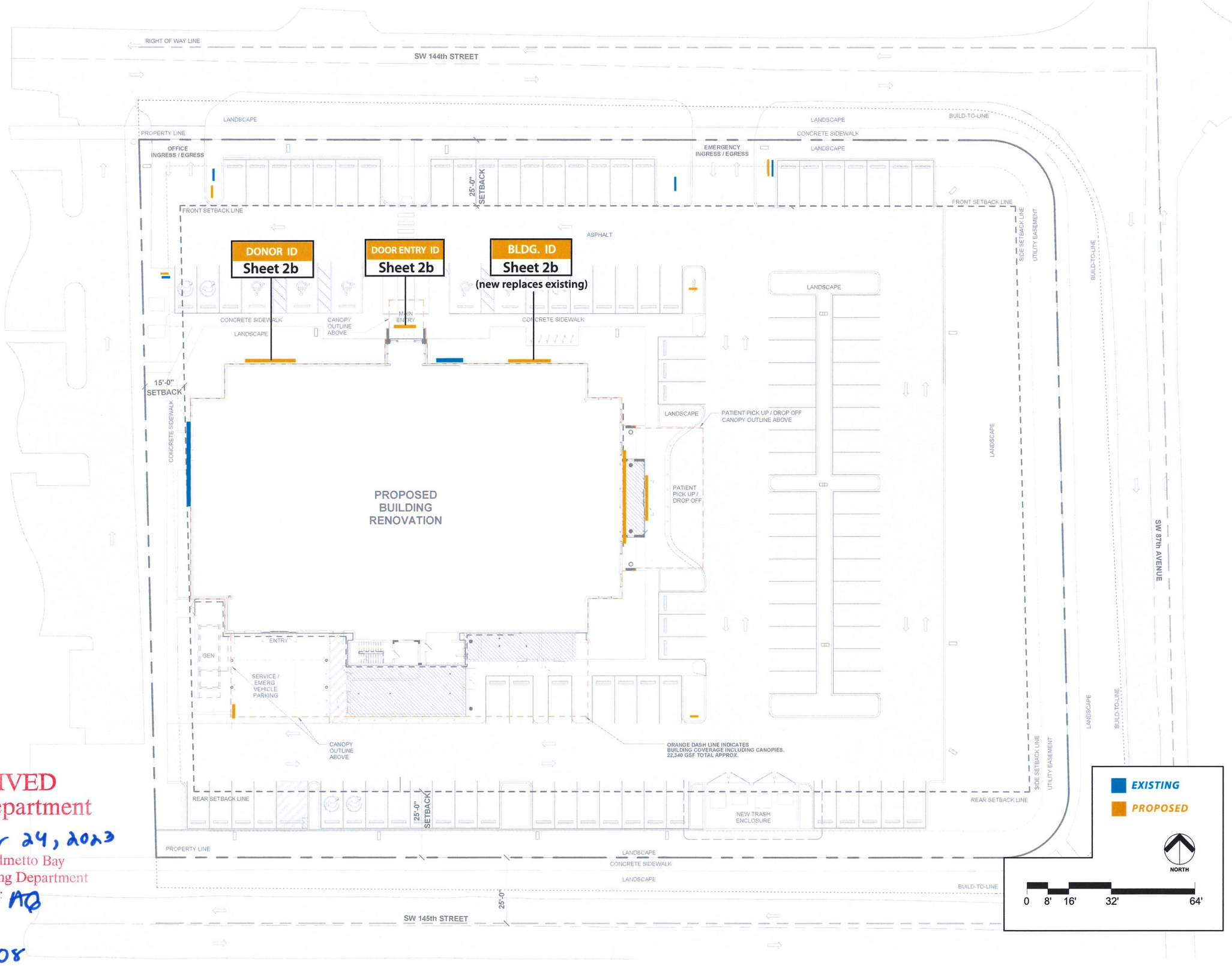
SHEET #:
Sheet 1d



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SCALE:
as noted

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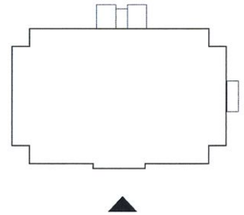
SHEET #:
Sheet 2c





KEY PLAN

4A PHOTO OF EXISTING SOUTH FACADE - PALMETTO BAY BHSF OCED

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Zoning Department
October 24, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC
V-23-008

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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	9/01/23	

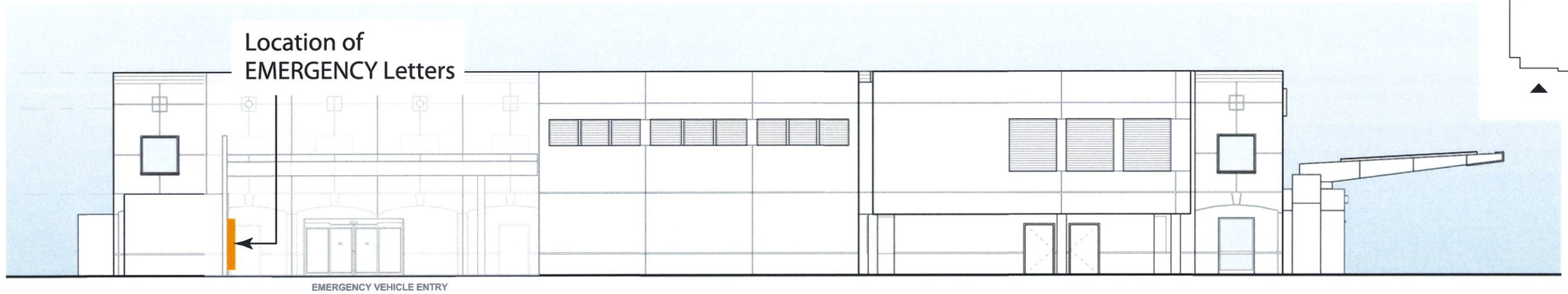
DRAWN BY: KO

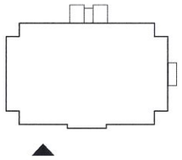
DRAWING DESCRIPTION:
EXISTING SOUTH FACADE

SCALE: as shown

SIGN TYPE: | QUANTITY:

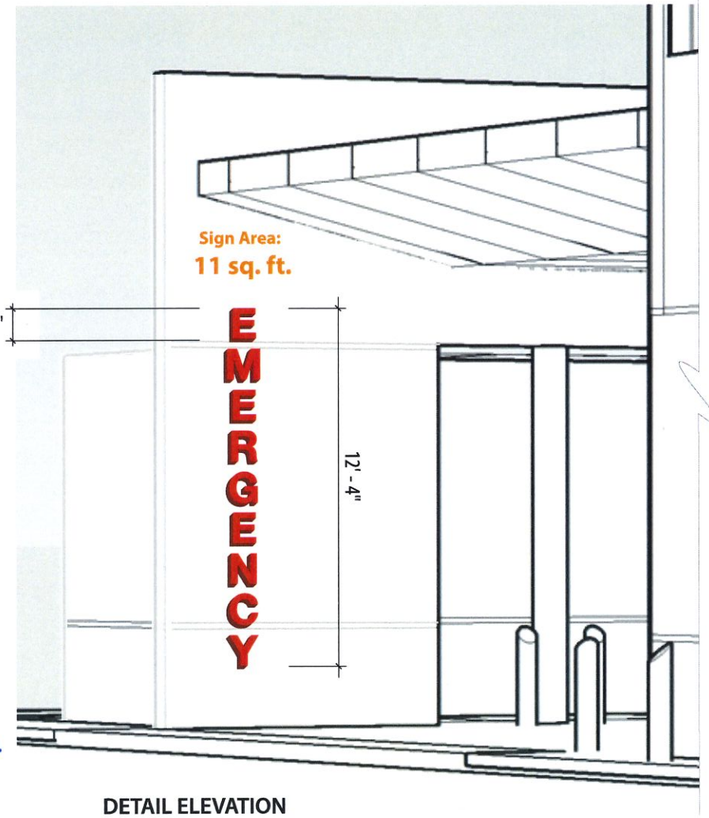
SHEET #: Sheet 4a





KEY PLAN

SOUTH ELEVATION
Scale: 1/16" = 1' - 0"



DETAIL ELEVATION
Not to Scale

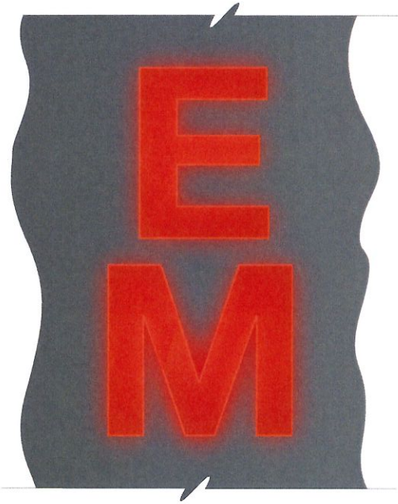
"EMERGENCY" Sign letters are fabricated of aluminum with acryic RED faces for daytime visibility as per code.

Letters are illuminated at night in RED through sign face of letters as per code requirements.

ILLUMINATED



DETAIL - DAYTIME RENDERING



DETAIL - NIGHTTIME ILLUMINATION

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BAPTIST HEALTH
EMERGENCY CARE & MEDICAL OFFICES
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8750 SW 144th St.
Palmetto Bay, FL
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00	9/01/23	

DRAWN BY:
KO

DRAWING DESCRIPTION:
NEW AMBULANCE EMERGENCY SIGN LETTERS

SCALE:
as shown

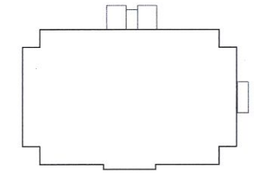
SIGN TYPE:	QUANTITY:

SHEET #:
Sheet 4b

EXISTING ID SIGN
TO BE REMOVED



3 PHOTO OF EXISTING WEST FACADE - PALMETTO BAY BHSF MEDICAL PLAZA



KEY PLAN

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By: AQ V-23-008

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00	9/01/23	

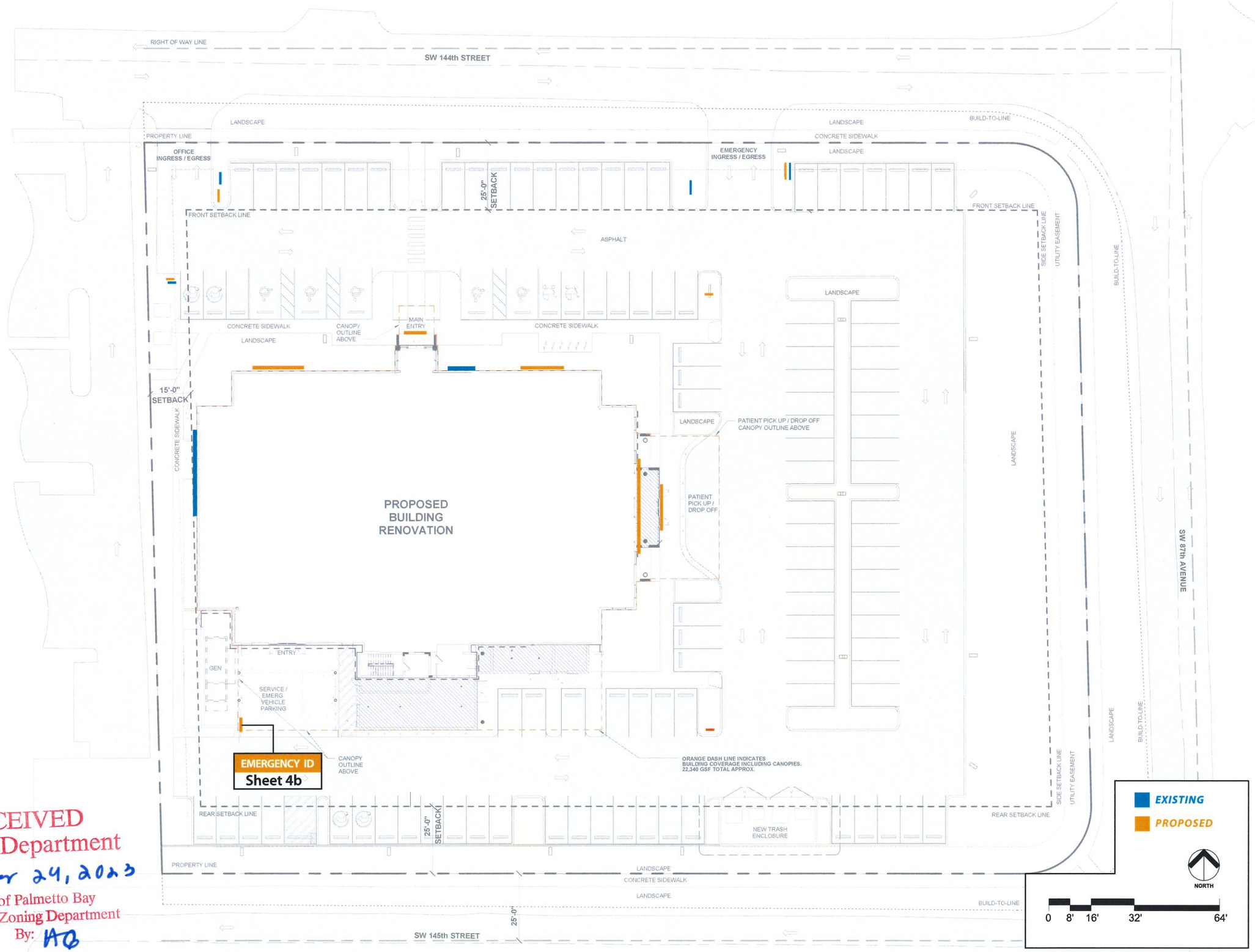
DRAWN BY: KO

DRAWING DESCRIPTION:
EXISTING WEST FACADE

SCALE: as shown

SIGN TYPE:	QUANTITY:

SHEET #: **Sheet 3**



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00	9/01/23	

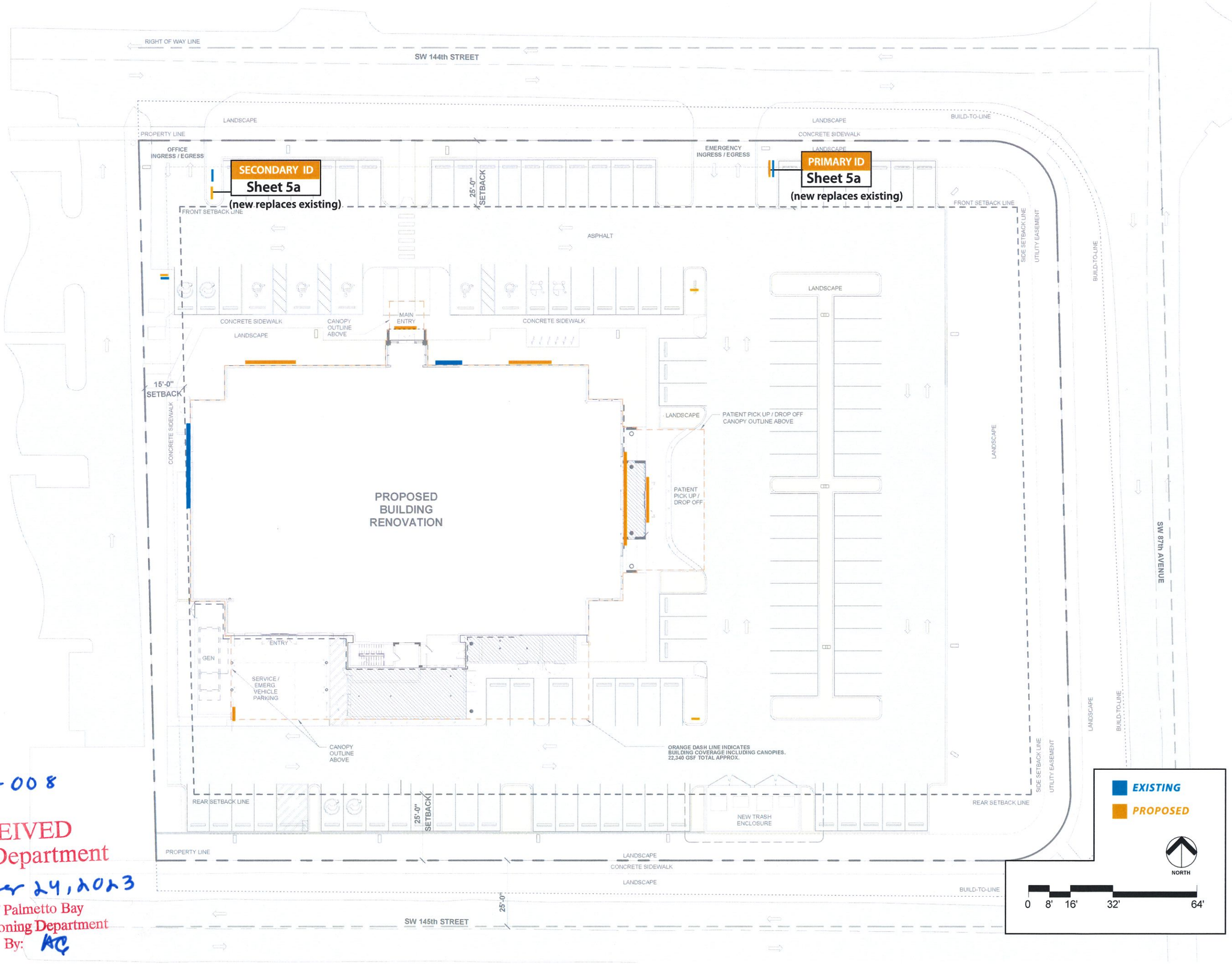
DRAWN BY:
KO

DRAWING DESCRIPTION:
NEW AMBULANCE EMERGENCY SIGN LOCATION

SCALE:
as noted

SIGN TYPE:

SHEET #:
Sheet 4c



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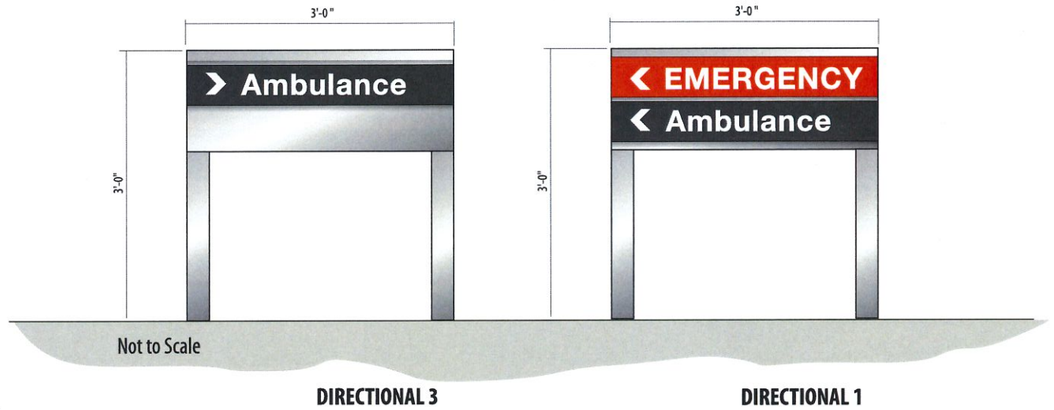
DRAWN BY:
KO

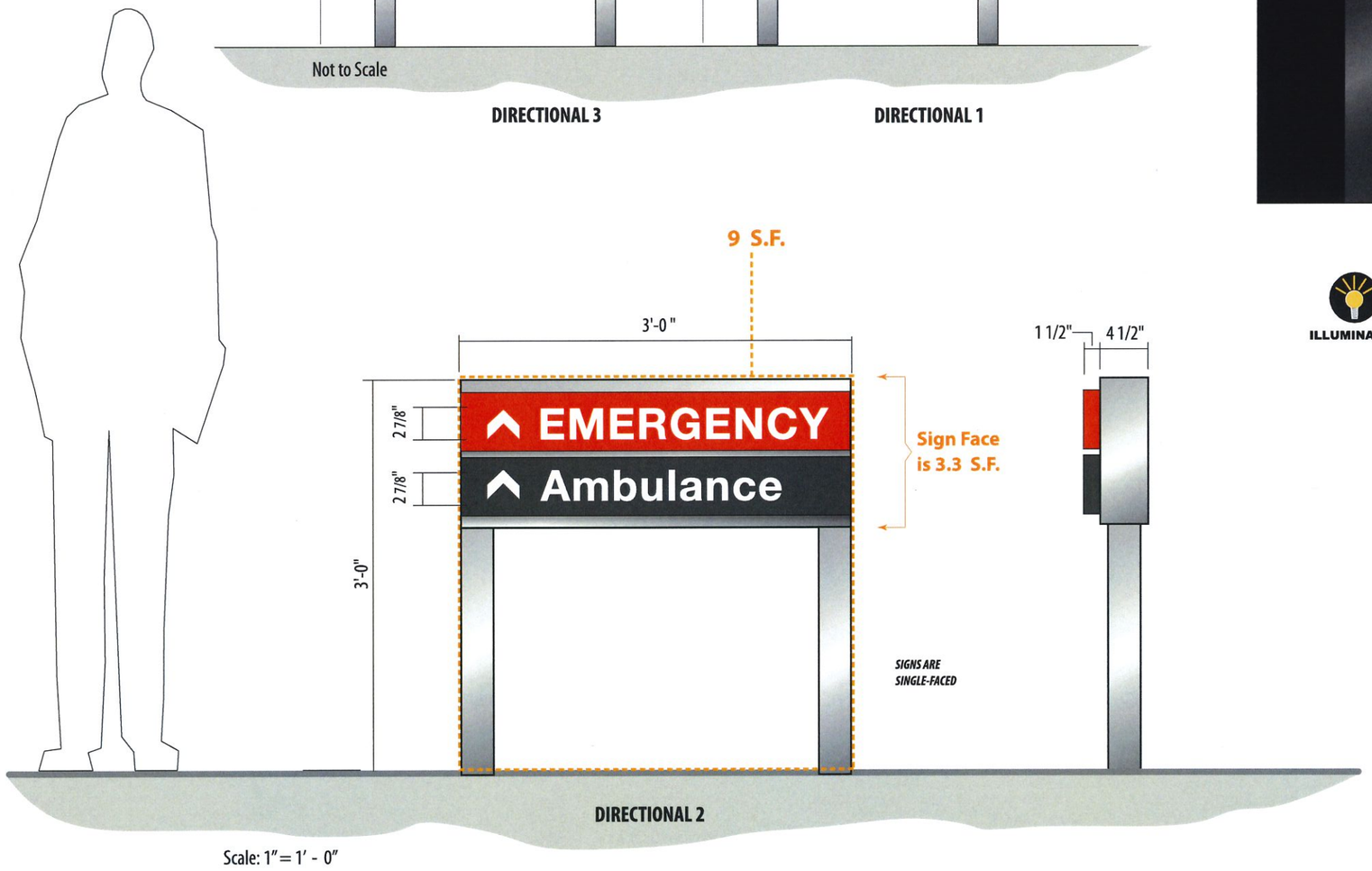
DRAWING DESCRIPTION:
LOCATIONS OF NEW PRIMARY & SECONDARY IDENTITY SIGNS

SCALE:
as noted

SIGN TYPE:

SHEET #:
Sheet 5b





Scale: 1″ = 1′ - 0″

- DIRECTIONAL SIGNS of aluminum construction and are single-faced.
- AMBULANCE letters are illuminated thru face with opaque dark gray background.
- EMERGENCY letters and background are illuminated thru face.



ILLUMINATED

MP 41342SP
Brushed Aluminum

MP 02916
Tower Gray

MP15026
Firebreathing Red

3M 3630-43
Light Tomato Red

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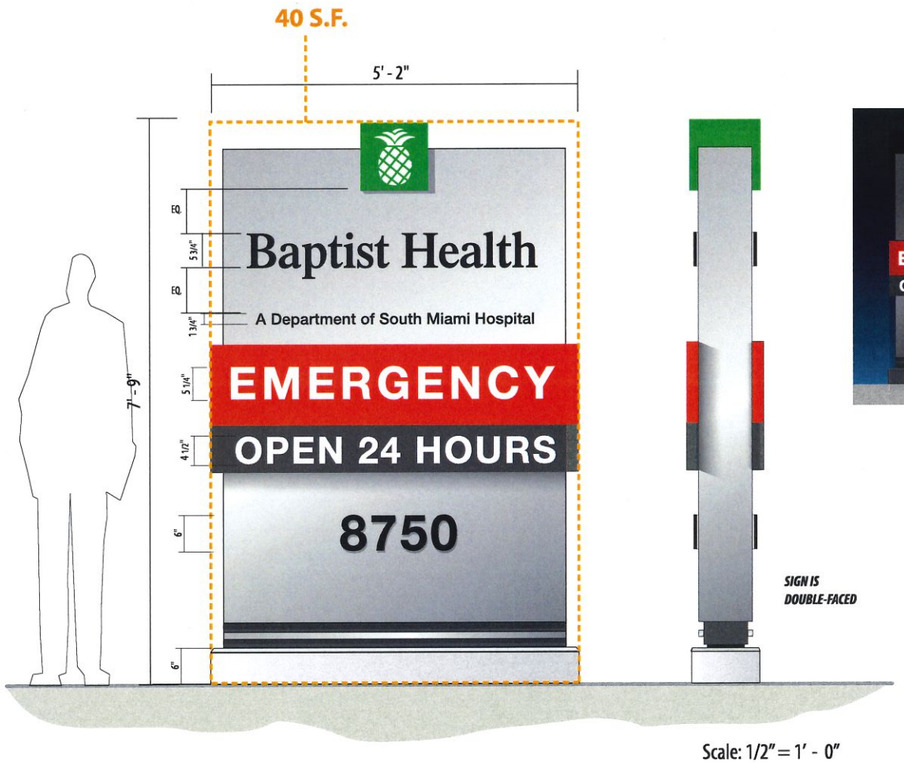
DRAWING DESCRIPTION:
NEW DIRECTIONAL SIGNS

SCALE: 1″ = 1′

SIGN TYPE: | QUANTITY:

SHEET #: Sheet 6a







Scale: 1/2" = 1' - 0"

PRIMARY IDENTITY SIGN

- 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.
- PYLON is of aluminum construction with concrete base and is double-faced.

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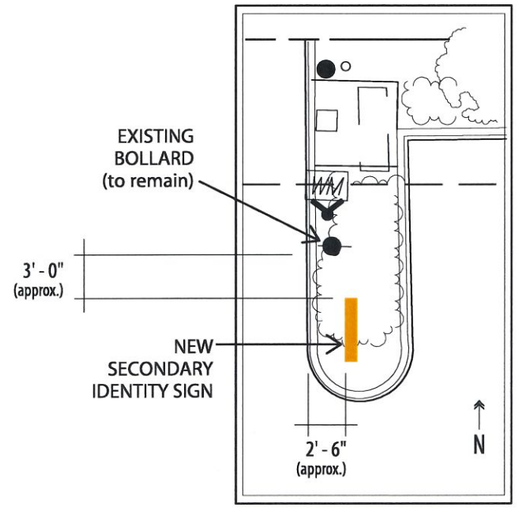
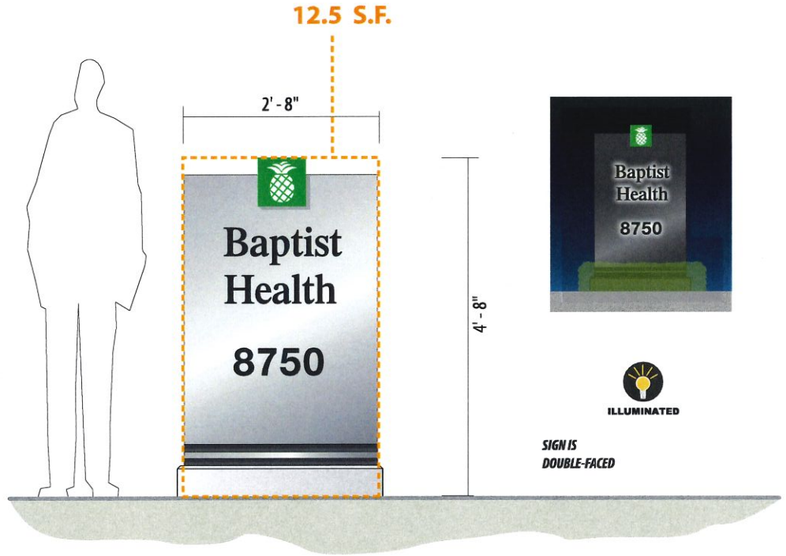


LOCATION DETAIL IN PLAN (proposed)
Scale: 1" = 10'



Scale: 1/2" = 1' - 0"

SECONDARY IDENTITY SIGN

- 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 double-faced.

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Miami, FL 33183

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EMERGENCY CARE & MEDICAL OFFICES
FREE STANDING EMERGENCY CARE & MEDICAL OFFICES FACILITY
8750 SW 144th St.
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00	9/01/23	
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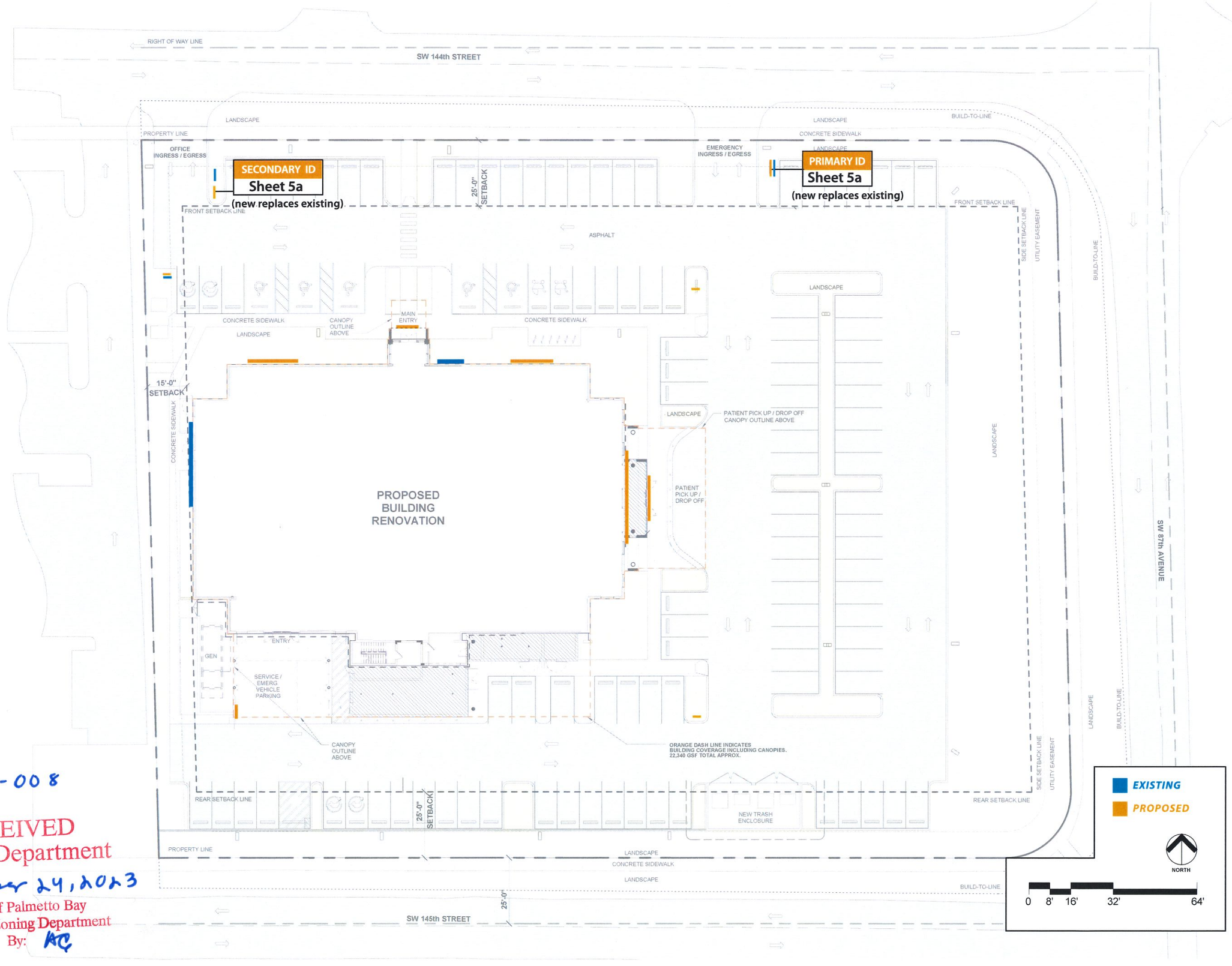
DRAWN BY:
KO

DRAWING DESCRIPTION:
NEW PRIMARY & SECONDARY IDENTITY SIGNS

SCALE:
1/2" = 1'

SIGN TYPE:	QUANTITY:

SHEET #:
Sheet 5a



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Miami, FL 33133
305.859.2050

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00	9/01/23	

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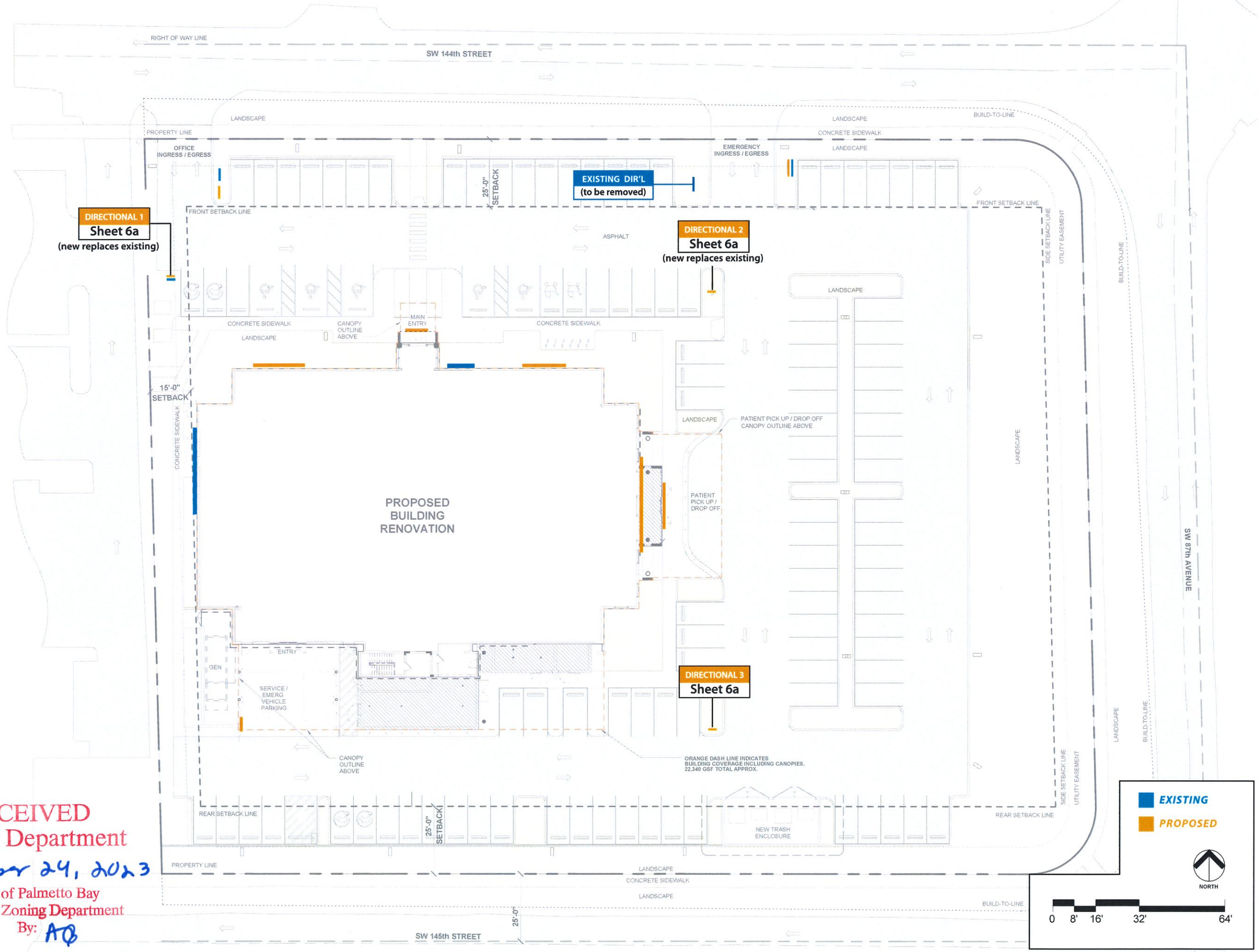
KO

DRAWING DESCRIPTION:
LOCATIONS OF NEW PRIMARY & SECONDARY IDENTITY SIGNS

SCALE:
as noted

SIGN TYPE:

SHEET #:
Sheet 5b



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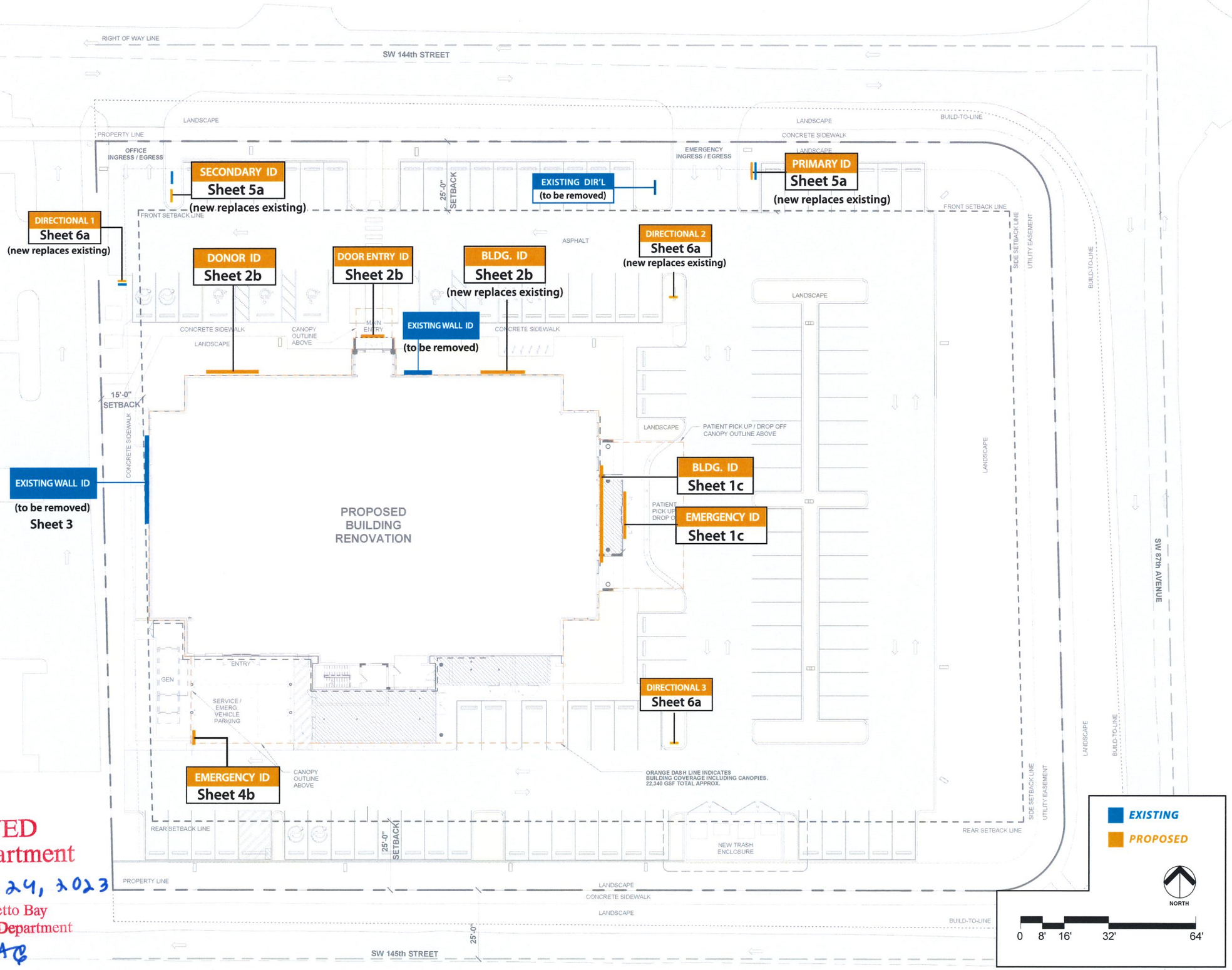
DRAWING DESCRIPTION:
NEW DIRECTIONAL SIGN LOCATIONS

SCALE:
as noted

SIGN TYPE:

SHEET #:
Sheet 6b



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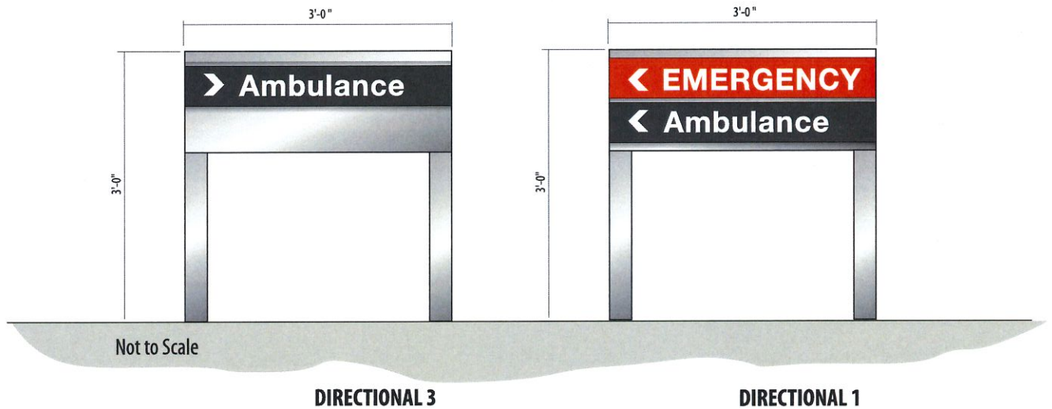
DRAWN BY:
KO

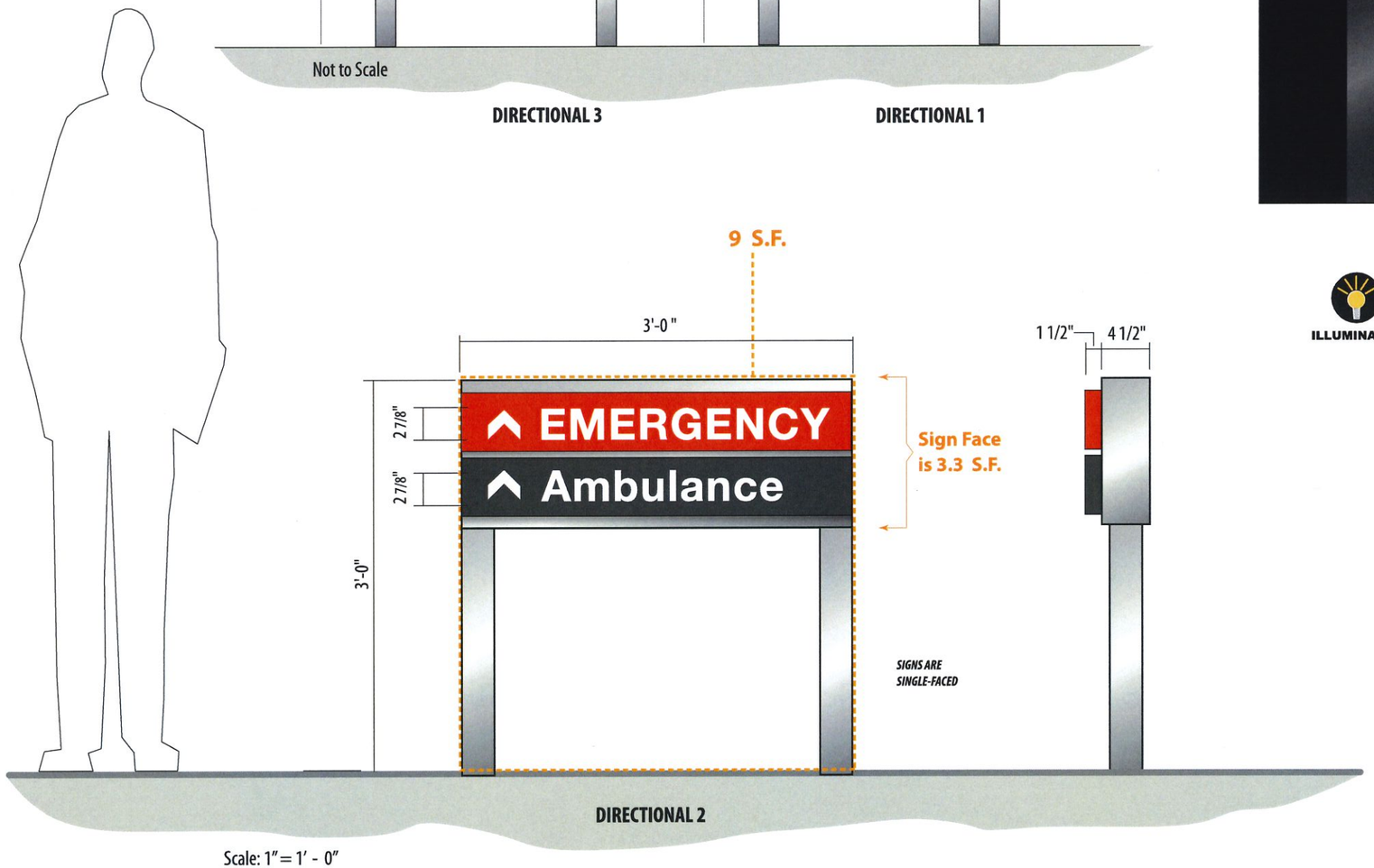
DRAWING DESCRIPTION:
OVERALL SIGN LOCATION PLAN

SCALE:
as noted

SIGN TYPE:

SHEET #:
Sheet 7





Scale: 1″ = 1′ - 0″

- DIRECTIONAL SIGNS of aluminum construction and are single-faced.
- AMBULANCE letters are illuminated thru face with opaque dark gray background.
- EMERGENCY letters and background are illuminated thru face.



ILLUMINATED

MP 41342SP
Brushed Aluminum

MP 02916
Tower Gray

MP15026
Firebreathing Red

3M 3630-43
Light Tomato Red

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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	9/01/23	

DRAWN BY:
KO

DRAWING DESCRIPTION:
NEW DIRECTIONAL SIGNS

SCALE:
1″ = 1′

SIGN TYPE:	QUANTITY:

SHEET #:
Sheet 6a

Attachment D
1997 Variance

RECEIVED
Zoning Department
October 26, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AB

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

ZONING APPEALS BOARD DADE COUNTY FLORIDA

METROPOLITAN **DADE** COUNTY, FLORIDA

METRO-DADE

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,

Marcy Gordon
Legal Counsel

MG:es
Enclosures

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

Enforcement

AGENDA ITEM NO. 5.C

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: December 18, 2023

SUBMITTED BY: Alexander Adams, Community and Economic Development

ITEM TYPE: Resolution

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: SOUTH DADE IMPORTS
Location: 17400-17414 SW 97 AVENUE AND 9742 BANYAN STREET
Property Folio(s): 33-5032-004-2480, 33-5032-004-2490, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530
Application: SP-23-002
Request: REVISION OF PREVIOUSLY APPROVED SITE PLAN ALLOWED BY SECTION 30-30 "DEVELOPMENT APPROVAL PROCEDURES" TO MODIFY RESOLUTION 2018-26 FOR THE COLLECTION AUDI LAMBORGHINI MIAMI SOUTH, TO APPROVE THE FINAL DESIGNS FOR A REQUIRED BUS SHELTER, PUBLIC PLAZA, GREEN WALLS, BIKE RACKS, ELECTRIC VEHICLE CHARGING STATIONS, IMPROVEMENTS TO BANYAN ROAD, MODIFICATION TO THE SE CORNER OF THE SERVICE BUILDING AND PAYMENT OF A FEE IN LIEU OF OFFSITE SIDEWALK IMPROVEMENTS.

SUGGESTED ACTION:

ATTACHMENTS:
Staff Memo-SP-23-002_Collection

Resolution-SP-23-002_Collection
Attachments-SP-2023-002_Collection

MEMORANDUM

To: Honorable Mayor and Village Council	Date: December 18, 2023
From: Alexander Adams, Planning and Zoning Manager	Re: SP-23-002/ Development Approval Revision 17400 Franjo Road

A REVISION OF PREVIOUSLY APPROVED SITE PLAN ALLOWED BY SECTION 30-30 "DEVELOPMENT APPROVAL PROCEDURES" TO MODIFY RESOLUTION 2018-26 FOR THE COLLECTION AUDI LAMBORGHINI MIAMI SOUTH, TO APPROVE THE FINAL DESIGNS FOR A REQUIRED BUS SHELTER, PUBLIC PLAZA, GREEN WALLS, BIKE RACKS, ELECTRIC VEHICLE CHARGING STATIONS, IMPROVEMENTS TO BANYAN ROAD, MODIFICATION TO THE SE CORNER OF THE SERVICE BUILDING AND PAYMENT OF A FEE IN LIEU OF OFFSITE SIDEWALK IMPROVEMENTS.

OVERVIEW

FILE:	SP-23-002
APPLICANT:	South Dade Imports
PROPERTY OWNER:	South Dade Imports LLC
ADDRESS:	17400 Franjo Road, Palmetto Bay, FL 33157
FOLIOS:	33-5032-004-2480, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530
LOT SIZE:	104,979 SF (2.41 net acres)
FLUM:	Franjo Activity Center
ZONING:	Downtown Island Sector District (approved under Downtown Urban Village)
EXISTING USE:	vacant

BACKGROUND

The applicant, South Dade Imports, received approval for two car dealerships VPB-16-017 in February 2018 (Resolution 2018-26). The approved site plan anticipated new and used car sales, service, storage and a small retail corner store. The applicant also agreed to several public improvements in the area including electric vehicle charging stations, public plazas, bus shelter, off site connection to the Busway, and repaving Franjo Road. Since this time, the applicant has requested several changes and also now has determined the final design of several elements approved at the initial public hearing. The application today seeks to finalize the agreement details between the applicant and village to complete the project and obtain a Certificate of Occupancy.

ANALYSIS

The applicant has worked with staff for over three months finalizing plans for all public spaces and finish details. The applicant is currently proposing a final landscape design that includes a public

plaza designed to be at the corner of Franjo Road and E Datura Street. This public space will provide a community landscaped area as outlined in the original agreement with benches, trees, and decorative paver design integrated with the public sidewalks. The eastern side of the building has undergone several changes as the project has been developed. This side was previously approved to create four mini seating areas along Franjo Road with storefront windows displaying items associated with the car dealership, however no advertisements. The corner of Franjo Road and Banyan Street will contain a retail storefront open to the public. The surrounding sidewalks and private areas will transition with high quality paving materials to create a clean unique look. The landscape, bike racks, and other street furniture is a simple modern design that blends into the site.

STAFF RECOMMENDATION

Village staff recommends conditional approval of the application to modify the development agreement for South Dade Imports, located at 17400 Franjo Road and more specifically is designated as folio number 33-5032-004-2480, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530 approximately 2.41 acres *with the following conditions:*

1. The approval is for plans prepared by Gardner + Semler Landscape Architecture submitted November 10, 2023 and titled plant photo board, green wall elevations, hardscape enlargement layout plan, perspective rendering and planting plan and plans prepared by Spring Engineering submitted November 10, 2023 and titled Overall Site/ Building Plan.
2. Submit final external downtown Palmetto Bay themed street lighting to the Public Services Director for review and approval prior to installation and final Certificate of Occupancy.
3. Submit a separate building permit for the final green wall installation drawings to Planning and Zoning prior to installation and final Certificate of Occupancy.
4. The public plaza and all street furniture shall be installed prior to final Certificate of Occupancy.
5. The electric vehicle charging stations shall be installed prior to final Certificate of Occupancy.
6. The payment in lieu shall be paid in full prior to final Certificate of Occupancy.
7. The bus stop design must have a minimum 48" covered roof structure and shall not contain any advertising except bus schedule and route information provided by Miami-Dade Transit and a bus stop sign provided by Miami Dade Transit.

ATTACHMENTS

Attachment A: Application / Letter of Intent
Attachment B: Property Survey
Attachment C: Drawings
Attachment D: Resolution 2018-26

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

A REVISION OF PREVIOUSLY APPROVED SITE PLAN ALLOWED BY SECTION 30-30 "DEVELOPMENT APPROVAL PROCEDURES" TO MODIFY RESOLUTION 2018-26 FOR THE COLLECTION AUDI LAMBORGHINI MIAMI SOUTH, TO APPROVE THE FINAL DESIGNS FOR A REQUIRED BUS SHELTER, PUBLIC PLAZA, GREEN WALLS, BIKE RACKS, ELECTRIC VEHICLE CHARGING STATIONS, IMPROVEMENTS TO BANYAN ROAD, MODIFICATION TO THE SE CORNER OF THE SERVICE BUILDING AND PAYMENT OF A FEE IN LIEU OF OFFSITE SIDEWALK IMPROVEMENTS.

WHEREAS, the applicant, South Dade Imports, Inc. has applied for a revision to an existing development agreement to permit modifications to the permitted site plan and associated conditions for approval of two new car dealerships; and

WHEREAS, the subject property is located at 17400 Franjo Road is designated as folio numbers 33-5032-004-2480, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530; and

WHEREAS, the pr
operty is designated Downtown Island Sector Zoning District on the Village of Palmetto Bay Zoning Map, as adopted on January 23, 2023 by Ordinance 2023-01; and

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

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

WHEREAS, based on the foregoing findings of fact, the Village Council determined to grant the variance, as provided in this Resolution.

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

Section 1. A public hearing on the present application was held on December 18, 2023 in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law, and final order.

Section 2. Findings of fact.

1. That the subject property is located at 17400 Franjo Road and is designated as folio number 33-5032-004-2480, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530.

2. After hearing testimony from Village Staff, the applicant, the owner and the public, the Village Council accepted the findings of Village Staff as it relates to compliance with the following provisions of the Village's Code of Ordinances: Section 30-30 "Development Approval Procedures and Section 20-50.23.1 the Downtown Urban Village Zoning District.

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

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

Section 3. Conclusions of Law.

The application for the development agreement modification was reviewed pursuant to Section 30-30 "Development Approval Procedures and Section 20-50.23.1 the Downtown Urban Village Zoning District of the Village's Code of Ordinances and was found to be consistent.

Section 4. Order.

The Village Council approves the application revision to an existing development agreement to permit modifications to the permitted site plan and associated conditions for approval of two new car dealerships at 17400 Franjo Road (Folios #33-5032-004-2480, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530), to approve the final designs for a required bus shelter, public plaza, green walls, bike racks, electric vehicle charging stations, improvements to Banyan Road, modification to the southeast corner of the service building and payment of a fee in lieu of offsite sidewalk improvements; consistent with Section 30-30 “Development Approval Procedures and Section 20-50.23.1 Downtown Urban Village Zoning District of the Village Zoning Code, as more particularly described in the attached application and site plan that is included in the public hearing package with the following conditions:

1. The approval is for plans prepared by Gardner + Semler Landscape Architecture submitted November 10, 2023 and titled plant photo board, green wall elevations, hardscape enlargement layout plan, perspective rendering and planting plan and plans prepared by Spring Engineering submitted November 10, 2023 and titled Overall Site/ Building Plan.
2. Submit final external downtown Palmetto Bay themed street lighting to the Public Services Director for review and approval prior to installation and final Certificate of Occupancy.
3. Submit a separate building permit for the final green wall installation drawings to Planning and Zoning prior to installation and final Certificate of Occupancy.
4. The public plaza and all street furniture shall be installed prior to final Certificate of Occupancy.
5. The electric vehicle charging stations shall be installed prior to final Certificate of Occupancy.
6. The payment in lieu shall be paid in full prior to final Certificate of Occupancy.
7. The bus stop design must have a minimum 48” covered roof structure and shall not contain any advertising except bus schedule and route information provided by Miami-Dade Transit and a bus stop sign provided by Miami Dade Transit.

This is the final order.

Section 5. Record.

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

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

PASSED AND RESOLVED this 18th day of December 2023.

Attest:

_____	_____
Missy Arocha	Karyn Cunningham
Village Clerk	Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
John C. Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	____
Council Member Steve Cody	____
Council Member Marsha Matson	____
Vice-Mayor Leanne Tellam	____
Mayor Karyn Cunningham	____

Attachment A
Application / Letter of Intent

DocuSign Envelope ID: 5F8B6A01-08B3-41EF-A717-872B4E14A401

SP

Village of Palmetto Bay
APPLICATION FOR SITE PLAN REVIEW

Date: November 13, 2023
Application No: SP-23-002
PURPOSE OF APPLICATION: ■ Public Hearing Site Plan ☐ Administrative Site Plan

Resubmittal

Petitioner / Applicant: South Dade Imports, Inc.

Petitioner / Applicant Address: 1550 Biscayne Blvd., Suite 300

Phone: c/o Graham Penn E-mail: gpenn@brzoninglaw.com

Petitioner's Relation to Subject Property: Owner

If Petitioner is not Owner, Name of Owner: Same as Applicant

Address of Owner: Same as Applicant

Signature of Petitioner: DocuSigned by: Art Murphy 1999A59B380A49C...

RECEIVED
Zoning Department
November 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AB

Address of Property: 17400-17414 SW 97 AVE, 9742 BANYAN ST

Folio: 33-5032-004-2480, 2490, 2500, 2520, 2530

SUBMITTAL REQUIREMENTS (See Submittal Review Checklist for Further Details):

- Provide one digital package (unless otherwise specified) containing the items below; and one 24" X 36" package fully signed and sealed with all original documents.
- Original executed application signed by the applicant and by the property owner and a letter of intent.
- Survey and legal description.
- Site Plan
- Vehicular circulation and Parking Plan
- Signed and sealed elevation plans
- Signed and sealed floor plans providing all dimensions and uses.
- All proposed signs and exterior lighting.
- Open Space and Landscape Plans
- Stormwater Plan
- Utilities Plan
- Letters of No Objection from relevant outside agencies.
- Other information as required by the village as may be necessary to determine conformance with and enforcement of the requirements of Chapter 30.
- **Please refer to Section 30-30.2 and 30-30.5(g)(2) of the Village of Palmetto Bay Land Development Code for a full list of submittal requirements.**

OWNER / AGENT CERTIFICATE:

This is to certify that I am the owner/agent of the subject lands described above in the application for Site Plan Review, 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: DocuSigned by: Art Murphy 1999A59B380A49C... Arthur Murphy, Manager of South Dade Imports, LLC

Sworn to and subscribed before me this 7 day of November 2023, by Arthur Murphy.

☒ He/She is

☐ He/She h

Signed on 2023/11/07 06:32:12-8:00

Signature of Notary Public

Type or Print Name Diana Ramos

Diana Ramos
Commission # HH 386927
Notary Public - State of Florida
My Commission Expires Apr 16, 2027

Notary Stamp 2023/11/07 07:32:12 PST 5504B7A8DA0

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

Revision 12/2022

7505B4B9-7695-426F-AB26-9943AD7A80CE --- 2023/11/07 06:31:04-8:00

SP-23-002
Resubmittal

RECEIVED
Zoning Department
November 13 2023
Village of Palmetto Bay
Building & Zoning Department
By: KG

BERCOW RADELL FERNANDEZ LARKIN + TAPANES
ZONING, LAND USE AND ENVIRONMENTAL LAW

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6229 office
305.377.6222 fax
gpenn@brzoninglaw.com

November 10, 2023

VIA ELECTRONIC MAIL AND HAND DELIVERY

Alexander Adams, AICP, CNU-A
Planning Division Manager
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

RE: Modifications to Zoning Resolutions 2018-26 and 2020-10 -- 17405-13 South Dixie Highway, 9742 Banyan Street, 17400 Franjo Road, and 17414 Franjo Road.

Dear Mr. Adams:

Our law firm represents South Dade Imports, LLC (the "Applicant"), the owner of the parcels at the above-described address (the "Property") and applicant in the above-referenced development. As you know, the Applicant is completing work on the new Audi and Lamborghini dealerships on the Property. Please consider this letter the Applicant's letter supporting an application for modification to the approved site plan and conditions for the development.

The proposed changes include minor adjustments to the approved southeast corner of the eastern dealership building on the site as well as revisions to conditions to reflect changed circumstances since the development was approved.. The attached plan set and specification materials show the proposed revisions.

The Property. The Property is approximately 2.41 net acres in size and consists of tax folio numbers 30-5032-004-2480, 2490, 2500, 2520, and 2530. The Property was historically developed with several single story commercial buildings first constructed in the late 1950s. The site is surrounded by a mix of non-residential uses,

including two banks on the east, an automotive dealership on the north, a church and school on the south, and a commercial center and used car sales use on the west. The Property is located in the Island Sector of the Village's Downtown Palmetto Bay Zoning District.

Approved Development. The Village Council approved Application VPB-16-017 in February 2018 through Resolution 2018-26 . The application sought the necessary approvals for a commercial development on the subject property, including an automotive dealership and associated commercial use. In January 2020, the Council approved a modification and phasing of the development. In July 2020, the Council approved the second phase of the development.

The approved development consists of a new auto sales facility with ancillary services, to include two luxury car dealerships – an Audi dealership and a Lamborghini dealership. The development will occupy the full block. The South Dixie Highway, East Datura and East Banyan Street frontages will feature new landscaping and widened sidewalks to improve pedestrian safety.

The corner of Franjo Road and East Banyan street is approved to be developed with a food and beverage use. The Franjo frontage was designed to create an attractive and walkable environment, including window displays and greenwalls. The design proposes to locate a bus stop at the southeast corner of the Property. The bus stop will be accompanied by a plaza designed to encourage pedestrian activity. The project will help create a high-quality urban transition from South Dixie Highway towards the Franjo Road main street.

Changes to Design. During the permitting of the project, the Applicant has made some minor revisions to the building design on the southeast corner of the site. The Applicant has also made refinements to the plan to implement the approved design. The following is a summary of the major elements of the revisions. Note that the buildings remain essentially as approved, with a very minor change to the southeast corner.

Phase II EV Charging Stations. The updated plans depict the location and basic specifications of two electrical vehicle ("EV") charging stations that will be installed along Franjo Road. The Applicant is proposing to work with "Blink Charging," a national provider of EV charging solutions. The chargers will be open to the public.

Surfaces. The updated plans depict the design of three separate surface treatments for the exterior of the project:

1. Concrete, which will be used for most of the public sidewalk areas.
2. Decorative pavers, which will be used in front of the Audi dealership building, along Franjo Road, and within the publicly accessible plaza on the southeast corner of the site.
3. Decorative tile, which will be used in front of the Lamborghini dealership to provide a unique appearance befitting of the brand,

Landscaping and Green Walls. The submitted set shows the details of the proposed landscape plan for the Property, including the greenwall areas proposed for Franjo Road and the landscape treatment of the publicly accessible plaza in the southeast corner. The landscape palate has been designed to be lush and inviting. In order to ensure a continuous attractive appearance for the greenwalls, the Applicant will be using an Easylvy installation (an example is below). These sophisticated systems provide for a varied and lush appearance. As you will note from the submitted elevation drawing, the greenwall design will be full and vary from panel to panel to provide visual interest. The exact design of each greenwall may deviate from what is depicted on the plan (each installation is custom) but the quality will remain the same.

Easylvy Artificial Grass Solutions – Material Chosen:



Bicycle Racks and Benches. The submitted plans depict the location and design of the "Bay City" bicycle racks that will be installed on the four corners of the site, including adjacent to the publicly accessible plaza. The Bay City rack design is clean and modern and the racks will not interfere with the pedestrian flow on the perimeter

of the Property. In order to support pedestrianization in the Downtown, the Applicant will install benches along Franjo Road and within the publicly accessible plaza. The benches, like the bicycle racks, are a simple and modern design and have been located in a manner that will not interfere with free pedestrian flow.



Bus Shelter. The submitted plans include the details of the proposed bus shelter. The shelter (the "Interlude Arch" model by Brasco International) will be designed with two side panels and weather protection. The side panels will remain blank and will not be used for advertising. A sample of the roof structure is depicted to the left. As of the date of this letter, Miami-Dade County has informed us that they will be retaining a route through this area of the Village.

Plaza Design. We believe the Applicant's designers have arrived at a beautiful design for the pedestrian plaza to be located at the southeast corner of the Property. As you will note the plaza will be developed with a mix of pavers and generous landscaping. The Applicant is proposing to locate eight (8) benches in this area to serve pedestrians.

Conditions of Approval. Resolution 2018-26 included multiple conditions of approval. In the intervening years, two of these conditions have been superseded by subsequent changes. For example, the 2018 Approval contemplated the installation of improvements linking the Property to the busway. In the intervening period, the County has approved its new South Dade TransitWay plan, and Village administration believes that the Applicant's resources would be better spent within the Village.

The Applicant is requesting the following deletions or modifications to the conditions of approval:

Condition 27(c) Bike lane along the north-bound lane of Franjo Road from Datura Street to Banyan Street.

The Applicant is requesting to delete this condition. After consultations with the Village, it was concluded that the Franjo Road right of way design cannot accommodate a dedicated bike lane on the east side of the road. A shared bike lane has been provided.

Condition 27(f) Off-site Sidewalk and crosswalk improvements to complete the "first/last mile" connection from the DUV at the Banyan Street and US-1 to the Banyan Street Station of the South Dade Transitway, to be designed and constructed in coordination with the Village and the Miami Dade Department of Transportation and Public Works (DTPW).

Because of the County's new South Dade TransitWay plan, under which the County has located its station at SW 168 Street, the Applicant has agreed with the administration to seek a modification of this condition. The funds that would have been spent on a busway connection are best used within the Downtown District. The Applicant proposes to modify Condition 27(f) to read as follows:

Prior to the issuance of a certificate of occupancy, the Applicant will provide the Village with $18,000 to fund the upgrade or addition of 450 foot of sidewalk within the Island Sector of the Downtown District.

Conclusion. We look forward to your review and recommendation. Should you have any questions regarding this matter, please feel free to email me at gpenn@brzoninglaw.com or call me at (305) 377-6229.

Sincerely,

Graham Penn

Enclosures

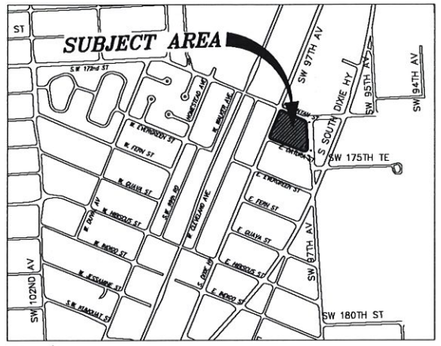
Attachment B
Property Survey

GENERAL LEGEND:

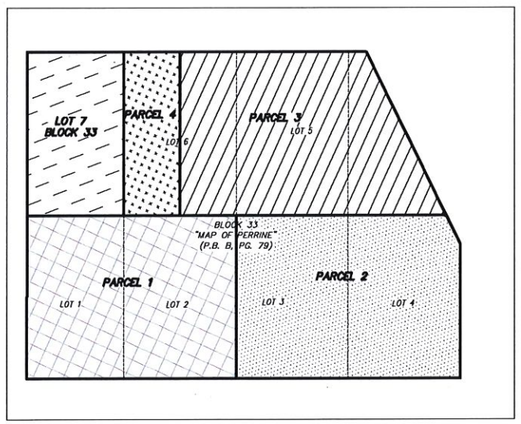
- AERIAL TARGET
- ALUMINUM LIGHT POST
- ALUMINUM LIGHT POST (SINGLE)
- ALUMINUM LIGHT POST (DOUBLE)
- ALUMINUM LIGHT POST (TRIPLE)
- ALUMINUM LIGHT POST (QUAD)
- ANCHOR/GUY WIRE
- BACKFLOW PREVENTER ASSEMBLY
- CABLE TELEVISION BOX
- CATCH BASIN
- CENTERLINE
- CHECK VALVE ASSEMBLY
- CIRCULAR DRAIN
- COLUMN (CIRCULAR)
- COLUMN (SQUARE)
- CONCRETE LIGHT POLE
- CONCRETE LIGHT POLE (DOUBLE)
- CPP CONCRETE POWER POLE
- CONTROL POINT
- CURB INLET
- ELECTRIC BOX
- ELECTRIC HAND HOLE
- ELEVATIONS (SEE NOTES FOR DATUM)
- FIRE HYDRANT
- FLAGPOLE
- FLOW LINE
- FORCE MAIN MANHOLE
- FORCE MAIN VALVE
- F.P.L. ELECTRIC MANHOLE
- F.P.L. TRANSFORMER PAD
- FPL F.P.L. TRANSMISSION POLE
- GAS MANHOLE
- GAS METER
- GAS PUMP
- GAS VALVE
- GREASE TRAP MANHOLE
- GROUND LIGHTING
- GP GUARD POST
- IRRIGATION HAND HOLE
- IRRIGATION VALVE
- MAILBOX
- MONITOR WELL
- MONUMENT LINE
- OHW OVERHEAD WIRES (APPROXIMATE)
- P-5 INLET
- P-6 INLET
- PARKING METER
- PEDESTRIAN CROSSING SIGNAL
- PRM PERMANENT REFERENCE MONUMENT
- POST INDICATOR VALVE
- VACUUM BREAKER ASSEMBLY
- PROPERTY LINE
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- SIAMESE CONNECTION
- SIGN POST
- SPRINKLER PUMP
- STANDPIPE
- STORM SEWER MANHOLE
- STREET LIGHT HAND HOLE
- SWALE INLET
- TELEPHONE BOX (SOUTHERN BELL)
- TELEPHONE HAND HOLE
- TELEPHONE MANHOLE (SO. BELL)
- TELEPHONE PAYPHONE
- TRAFFIC HAND HOLE
- TRAFFIC UTILITY BOX
- TRAFFIC SIGNAL POST
- UNDERGROUND UTILITY MARKER
- UNKNOWN UTILITY MANHOLE
- UNKNOWN UTILITY HAND HOLE
- WATER MANHOLE
- WATER METER
- WATER VALVE
- WOOD LIGHT POLE
- WOOD POWER POLE
- HANDICAP PARKING
- STROLLER PARKING
- UNKNOWN MANHOLE

ABBREVIATIONS:

R - denotes RADIUS
Δ - denotes DELTA ANGLE
L - denotes ARC DISTANCE
T - denotes TANGENT DISTANCE
PCP denotes PERMANENT CONTROL POINT
PRM denotes PERMANENT REFERENCE MONUMENT
PB denotes PLAT BOOK
PG. denotes PAGE
POC denotes POINT OF COMMENCEMENT
POB denotes POINT OF BEGINNING
OHW denotes OVERHEAD UTILITY WIRES
ORB denotes OFFICIAL RECORDS BOOK
PC denotes POINT OF CURVATURE
CBS denotes CONCRETE BLOCK STRUCTURE
CONC denotes CONCRETE
"CL" denotes CHAINLINK FENCE
"W" denotes WOOD FENCE
F.I.P. denotes FOUND IRON PIPE
S.I.P. denotes SET IRON PIPE & LB-87 CAP
F.N.D denotes FOUND NAIL & BRASS DISC
S.N.D. denotes SET LB-87 NAIL & BRASS DISC
CL denotes CLEAR
ENCR. denotes ENCROACHMENT
(D) denotes DEED DISTANCE
(L) denotes DISTANCE BY LEGAL DESCRIPTION
(M) denotes MEASURED DISTANCE
(R) denotes RECORD OR PLATTED DISTANCE



LOCATION MAP
A PORTION OF SECTION 32, TOWNSHIP 55 SOUTH, RANGE 40 EAST
MIAMI-DADE COUNTY, FLORIDA
NOT TO SCALE



SKETCH OF PARCELS
NOT TO SCALE

LEGAL DESCRIPTION:

PARCEL 1:

LOTS 1 AND 2, LESS THE WESTERLY 13 FEET OF LOT 1, IN BLOCK 33, OF TOWN OF PERRINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 79, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL 2:

LOTS 3 AND 4 IN BLOCK 33, OF TOWN OF PERRINE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B AT PAGE 79, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; LESS A PORTION OF LOTS 3 AND 4 DESCRIBED AS:

COMMENCE AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY BOUNDARY OF SAID LOT 4 AND THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY BOUNDARY OF SAID LOT 3; THENCE RUN NORTHWESTERLY ALONG THE SOUTHEASTERLY EXTENSION OF SAID LOT 3 A DISTANCE OF 55.61 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE NORTHWESTERLY ON THE LAST DESCRIBED COURSE A DISTANCE OF 79.25 FEET TO A POINT, SAID POINT BEING 52.57 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 3; THENCE RUN SOUTHWESTERLY AT RIGHT ANGLES TO LAST DESCRIBED COURSE AND ALONG THE FACE OF A 2 STORY CBS BUILDING A DISTANCE OF 0.15 FEET TO THE CORNER OF SAID BUILDING; THENCE RUN SOUTHEASTERLY ALONG THE FACE OF SAID BUILDING A DISTANCE OF 79.25 FEET TO THE MOST SOUTHERLY CORNER OF SAID BUILDING; THENCE RUN AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 0.12 FEET TO THE POINT OF BEGINNING; LESS THAT PART OF SAID LOT 4 WHICH LIES NORTHEASTERLY OF THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY LOT LINE OF LOT 3 IN SAID BLOCK 33 AND LESS THAT PORTION OF SAID LOT 4 IN SAID BLOCK 33 WHICH LIES NORTHEAST OF A LINE TO BE DRAWN AS FOLLOWS, TO WIT: A LINE TO BE DRAWN AS A CONTINUATION OF THE NORTHEAST BOUNDARY LINE OF LOT 3 IN SAID BLOCK 33, SAID LINE TO EXTEND WITHOUT DEVIATION TO THE WEST BOUNDARY LINE OF PETER'S AVENUE AS SAID PETER'S AVENUE IS SHOWN ON THE AFORESAID PLAT; SUBJECT, HOWEVER, TO THAT DEED FROM P. O. TYRE JOINED BY HIS WIFE ANNIE V. TYRE TO THE COUNTY OF DADE, A BODY CORPORATE AND POLITIC, DATED FEBRUARY 6, 1936, RECORDED IN DEED BOOK 1677, PAGE 503 OF SAID PUBLIC RECORDS, CONVEYING FOR USE AS A PUBLIC HIGHWAY AND FOR ALL PURPOSE INCIDENTAL THERETO, THE FOLLOWNG PORTION OF SAID LOT 4 TO WIT: BEGIN AT A POINT IN THE SOUTHERLY LINE OF SAID LOT 4, SAID POINT BEING 100 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 4 AS MEASURED ALONG SAID SOUTHERLY LINE; THENCE NORTHEASTERLY PARALLEL WITH THE WESTERLY LINE OF SAID LOT 4 FOR A DISTANCE OF 118.63 FEET; MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF SAID LOT 4; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 4 FOR A DISTANCE OF 132.08 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 4, THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 4 FOR A DISTANCE OF 58.22 FEET, MORE OR LESS, TO SAID POINT OF BEGINNING.

PARCEL 3:

LOT 5, AND THE SOUTHEASTERLY ONE HALF (1/2) OF LOT 6, IN BLOCK 33, TOWN OF PERRINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 79, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; AND

THAT PORTION OF LOT 4, IN BLOCK 33, OF TOWN OF PERRINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 79, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM A POINT OF BEGINNING AT THE NORTHWEST CORNER OF LOT 4, BLOCK 33, OF TOWN OF PERRINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 79, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 5 OF SAID BLOCK 33, THENCE RUN SOUTHWESTERLY ALONG THE LINE DIVIDING SAID LOTS 4 AND 5 FOR A DISTANCE OF 145 FEET, MORE OR LESS, THE SOUTHEAST CORNER OF SAID LOT 5; THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG A LINE WHICH IS A PROLONGATION OF THE SOUTHWESTERLY LINE OF SAID LOT 5, TO A POINT IN THE EAST LINE OF SAID LOT 4; THENCE RUN NORTH ALONG THE EAST LINE OF SAID LOT 4 TO THE NORTHEAST CORNER THEREOF; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 4, TO THE POINT OF BEGINNING; AND

A PORTION OF LOTS 3 AND 4, BLOCK 33, OF TOWN OF PERRINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 79, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY BOUNDARY OF SAID LOT 4 AND THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY BOUNDARY OF SAID LOT 3; THENCE RUN NORTHWESTERLY ALONG THE SOUTHEASTERLY EXTENSION OF SAID LOT 3 A DISTANCE OF 55.61 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREINAFTER TO BE DESCRIBED; THENCE CONTINUE NORTHWESTERLY ON THE LAST DESCRIBED COURSE A DISTANCE OF 79.25 FEET TO A POINT, SAID POINT BEING 52.57 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 3; THENCE RUN SOUTHWESTERLY AT RIGHT ANGLES TO LAST DESCRIBED COURSE AND ALONG THE FACE OF A 2 STORY CBS BUILDING A DISTANCE OF 0.15 FEET TO THE CORNER OF SAID BUILDING; THENCE RUN SOUTHEASTERLY ALONG THE FACE OF SAID BUILDING A DISTANCE OF 79.25 FEET TO THE MOST SOUTHERLY CORNER OF SAID BUILDING; THENCE RUN AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 0.12 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

THE WEST 1/2 OF LOT 6, BLOCK 33, OF MAP OF PERRINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, PAGE 79, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

LOT 7, IN BLOCK 33, OF TOWN OF PERRINE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK B AT PAGE 79 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.

TREE TABLE:

TREE NO	COMMON NAME	SPECIES	DIA. IN.	HT. FT.	CNPY. Ø FT.
1	QUEEN PALM	"Arecastrum romanzoffianum"	6	15	18
2	QUEEN PALM	"Arecastrum romanzoffianum"	7	15	20
3	QUEEN PALM	"Arecastrum romanzoffianum"	5	15	15
4	QUEEN PALM	"Arecastrum romanzoffianum"	6	15	18
5	QUEEN PALM	"Arecastrum romanzoffianum"	6	15	18
6	QUEEN PALM	"Arecastrum romanzoffianum"	6	15	18
7	QUEEN PALM	"Arecastrum romanzoffianum"	6	15	20
8	QUEEN PALM	"Arecastrum romanzoffianum"	5	15	18
9	QUEEN PALM	"Arecastrum romanzoffianum"	6	15	20
10	BLACK OLIVE	"Bucida buceras"	18	50	35
11	ORANGE GEIGER	"Cordia sebestena"	6	10	20
12	ORANGE GEIGER	"Cordia sebestena"	6	12	18
13	ORANGE GEIGER	"Cordia sebestena"	4	10	15
14	ORANGE GEIGER	"Cordia sebestena"	4	15	15
15	QUEEN PALM	"Arecastrum romanzoffianum"	6	10	10
16	QUEEN PALM	"Arecastrum romanzoffianum"	4	8	8
17	QUEEN PALM	"Arecastrum romanzoffianum"	6	10	12
18	QUEEN PALM	"Arecastrum romanzoffianum"	5	8	8
19	QUEEN PALM	"Arecastrum romanzoffianum"	8	15	12
20	BLACK OLIVE	"Bucida buceras"	12	45	30
21	FOXTAIL PALM	"Wodyetia bifurcata"	9	15	15
22	FOXTAIL PALM	"Wodyetia bifurcata"	7	15	15
23	FOXTAIL PALM	"Wodyetia bifurcata"	9	15	12
24	FOXTAIL PALM	"Wodyetia bifurcata"	6	15	15
25	FOXTAIL PALM	"Wodyetia bifurcata"	7	15	12
26	FOXTAIL PALM	"Wodyetia bifurcata"	4	15	14
27	FOXTAIL PALM	"Wodyetia bifurcata"	5	15	12
28	PAPAYA	"Carica papaya"	10	10	20
29	BISMARCK PALM	"Bismarckia nobilis"	18	25	25
30	LIVE OAK	"Quercus virginiana"	4	8	10
31	LIVE OAK	"Quercus virginiana"	4	8	10
32	LIVE OAK	"Quercus virginiana"	4	8	10
33	LIVE OAK	"Quercus virginiana"	4	8	10
34	FOXTAIL PALM	"Wodyetia bifurcata"	4	6	8
35	FOXTAIL PALM	"Wodyetia bifurcata"	4	8	10
36	FOXTAIL PALM	"Wodyetia bifurcata"	5	10	10
37	QUEEN PALM	"Arecastrum romanzoffianum"	8	15	20
38	QUEEN PALM	"Arecastrum romanzoffianum"	8	15	20
39	QUEEN PALM	"Arecastrum romanzoffianum"	7	15	18
40	QUEEN PALM	"Arecastrum romanzoffianum"	4	6	12
41	BLACK OLIVE	"Bucida buceras"	12	40	25
42	QUEEN PALM	"Arecastrum romanzoffianum"	10	20	18
43	QUEEN PALM	"Arecastrum romanzoffianum"	9	20	20
44	QUEEN PALM	"Arecastrum romanzoffianum"	9	20	18
45	QUEEN PALM	"Arecastrum romanzoffianum"	7	20	15
46	QUEEN PALM	"Arecastrum romanzoffianum"	10	15	18
47	QUEEN PALM	"Arecastrum romanzoffianum"	7	15	15
48	QUEEN PALM	"Arecastrum romanzoffianum"	7	15	18
49	BLACK OLIVE	"Bucida buceras"	12	35	25

SURVEYOR'S NOTES:

1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF N20°28'40"E ALONG THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (STATE ROAD No. 5)
2) LEGAL DESCRIPTION SHOWN HEREON WAS PROVIDED BY CLIENT
3) PROPERTY AS SHOWN HEREON CONTAINS 105,148± SQUARE FEET (2.414± ACRES).
4) UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTINGS AND/OR FOUNDATIONS.
5) THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON. THE ATTACHED CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PARTIES.
6) PROPERTY SHOWN HEREON FALLS WITHIN FEDERAL FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 120687 0601 L, OF F.E.M.A. MAP No. 12086C0601L, MAP DATED SEPTEMBER 11, 2009. (NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) OF 1929).
7) VISIBLE INDICATORS OF UTILITIES ARE SHOWN HEREON, HOWEVER, NO ATTEMPT HAS BEEN MADE TO LOCATE UNDERGROUND ITEMS.
8) DISTANCES ALONG BOUNDARY OF SUBJECT PROPERTY ARE RECORD AND/OR MEASURED, UNLESS OTHERWISE STATED.
9) THIS "BOUNDARY SURVEY" IS SUBJECT TO EASEMENTS, RIGHTS-OF-WAY AND OTHER MATTERS THAT MIGHT BE REFLECTED ON A SEARCH OF TITLE OF THE SUBJECT LANDS.
10) THERE ARE NO VISIBLE ENCROACHMENTS, OTHER THAN THOSE SHOWN HEREON.
11) ELEVATIONS SHOWN HEREON REFER TO NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D.)
12) BENCHMARKS:
    a) MIAMI-DADE COUNTY BENCHMARK (U-746) ELEV. (NGVD 29) 13.44
    LOC1 SW 168 ST ---29' SOUTH OF C/L
    LOC2 US HWY#1 (BUSWAY) ---53'EAST OF C/L
    BM DESCRIPTION PK NAIL AND BRASS WASHER IN CONC SLAB OF TRAFFIC CONTROL BOX AT SE CORNER OF INTERSECTION.
    b) MIAMI-DADE COUNTY BENCHMARK (U-700 REF) ELEV. (NGVD 29) 13.18
    LOC1 SW 184 ST ---200' SOUTHWESTERLY FROM SOUTH R/W LINE
    LOC2 US HWY#1 ---5' EASTERLY OF EAST EDGE OF PAVEMENT
    BM DESCRIPTION PK NAIL AND ALUMINUM WASHER IN 2" SQUARE CUT SIDEWALK, NEXT TO CONC CATCH BASIN.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: THAT THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED AND DRAWN UNDER MY SUPERVISION AND DIRECTION. THIS SURVEY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE FLORIDA STATE BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

Schwebke-Shiskin & Associates, Inc.

By _____
MARK STEVEN JOHNSON, SEC/TREASURER
PROFESSIONAL LAND SURVEYOR No. 4775
STATE OF FLORIDA.

Resubmittal
SP-23-002
RECEIVED
Zoning Department
November 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AB

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS ENGINEERS LAND SURVEYORS
3240 CORPORATE WAY, MIRAMAR, FLORIDA 33025
TEL: (954) 435-7010 FAX: (954) 435-2286

CERTIFICATE OF AUTHORIZATION No. LB-87

NOTE: This sketch is not valid unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper.

This is a "Boundary Survey."

Drawn By: A.S. | Checked By: J.G.H. | Date: 01-12-15
Survey Date: 12-24-14 | Scale: AS SHOWN
Order No. 203552 | F.B. No.: 2232 Pg.57 | Sheet 1 of 2 Sheet(s)
File No. AJ-5244

BOUNDARY SURVEY

PREPARED FOR: C.M.C. GROUP

Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida

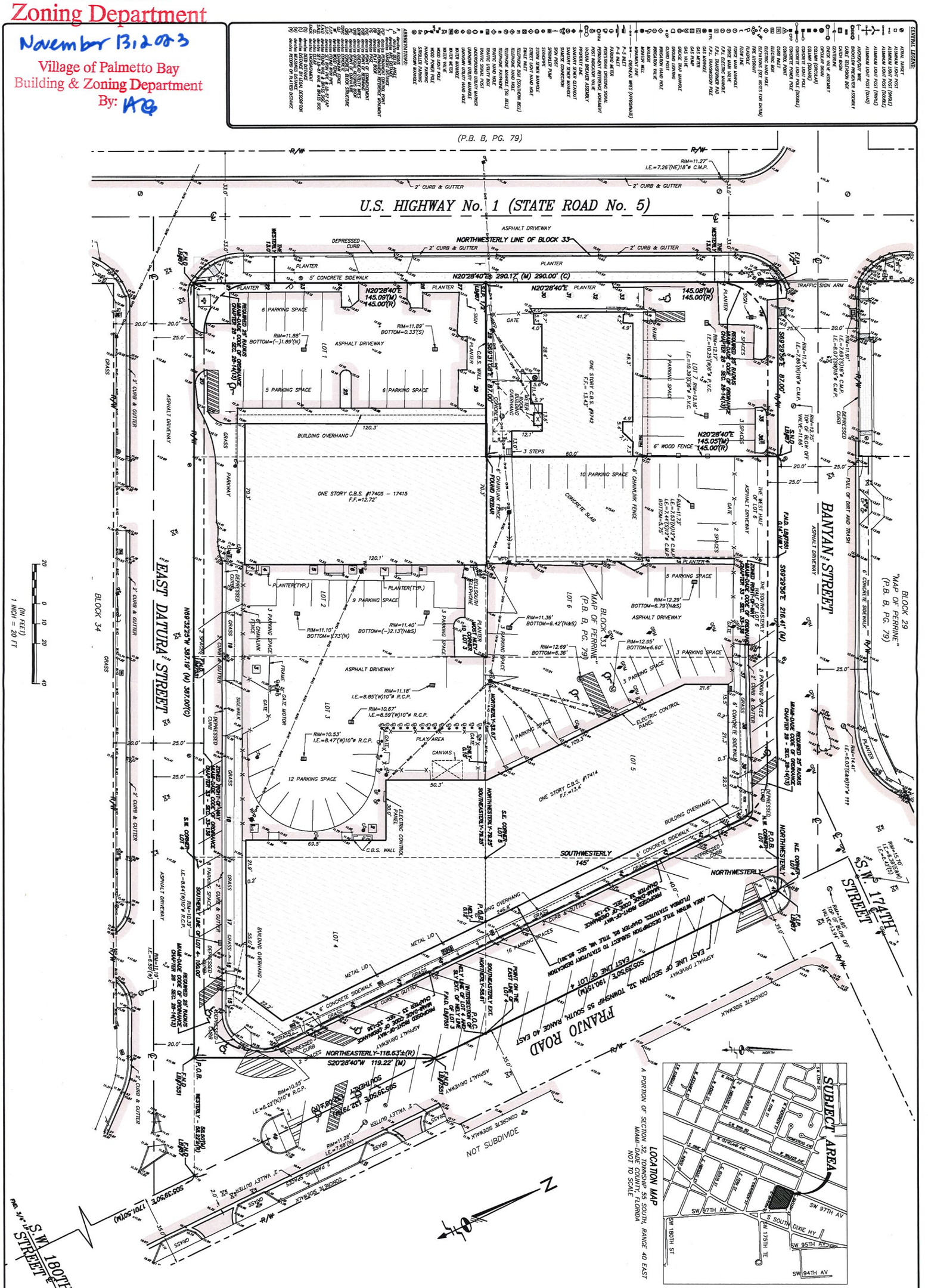
REVISIONS

Date	Order No.	Field Book	Remarks	By
06/15/15	205568	2232/29	UPDATE BOUNDARY SURVEY	TYLT

FILE NO. AJ-5244

Rcsubmitt1 SP-23-002

RECEIVED
Zoning Department
November 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: ATG



REVISIONS				
Date:	Order No.	Field Book	Remarks:	By:
06/15/15	203580	2259/29	UPDATE BOUNDARY SURVEY	TRT

AJ-5244

BOUNDARY SURVEY

PREPARED FOR: C.M.C. GROUP

Section 32, Township 55 South, Range 40 East, Miami-Dade County, Florida

Schwebke-Shiskin & Associates, Inc.
LAND PLANNERS • ENGINEERS • LAND SURVEYORS
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Order No. 203552	F.B. No.: 2232 Pg.57	Scale:	AS SHOWN
File No. AJ-5244		Sheet 2 of 2	Sheet(s)

Attachment C
Drawings

Ficus Green Island

Simpson's Stopper

Green Buttonwood

Small Leaf Clusia

Japanese Blueberry

Macho Fern

Coontie

White Bird Of Paradise

Green Wall

Sabal Palm

Muhly Grass

Wart Fern

Foxtail Palm

Bay Rum

Snake Plant

Copperleaf

Artillery Fern

Solitaire Palm

Perennial Peanut

Senegal Date Palm

Dwarf Coffee

Chinese Fringeflower

Pink Trumpet Tree

Wild Tamarind Tree

HARDSCAPE SCHEDULE

KEY	SYMBOL	SF/LF/QTY	DESCRIPTION	MANUFACTURER	COLOR	FINISH	SIZE
1		10,300 SF	Vitta Combo - Concrete Pavers - PV24-3	Tremron	Oyster	Standard	2-3/8" Thick
1a		1,475	Granite - Provided by Architect	Provided by Architect	Provided	Standard	Per Architect
2		980	Standard Concrete Light Tan	Local Concrete Co.	Standard Grey	Broom Finish	4" Thick
3			Bench	Home Surfaces	Grey	Powder Coated	6' Length
4		4	Bicycle - Bike Rack	Home Surfaces	Grey	Powder Coated	36"H x 34"W x 12"D

BENCH & BIKE RACKS TO BE INSTALLED AS PER MANUFACTURER SPECIFICATIONS *SF TO BE VERIFIED BY CONTRACTOR

Bahamas Wild Coffee

EXTERIOR PAVER PATTERN

2-PIECE ULTRA COMBO

PATTERN 3

Gumbo Limbo

1 EXTERIOR PAVER

1a EXTERIOR TILE - BY ARCHITECT

Montgomery Palm

Tropical Black Bamboo

Cocoplum 'Horizontalis'

Golden Creeper

LEGEND

TREES

PALMS / BAMBOOS

SHRUBS

Plant Photo Board

80' 40' 20' 0

SCALE: 1" = 20'

Resubmittal
RECEIVED
Zoning Department
November 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AP
SP-23-0002

GSLA DESIGN
GARDNER + SEMLER
LANDSCAPE ARCHITECTURE
WWW.GSLADESIGN.COM

17670 NW 78th AVE., SUITE 214
MIAMI, FL 33015
P 305.392.1016 F 305.392.1019
CORP. ID # 0000266

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AUDI - LAMBORGHINI MIAMI SOUTH
Palmetto Bay, FL

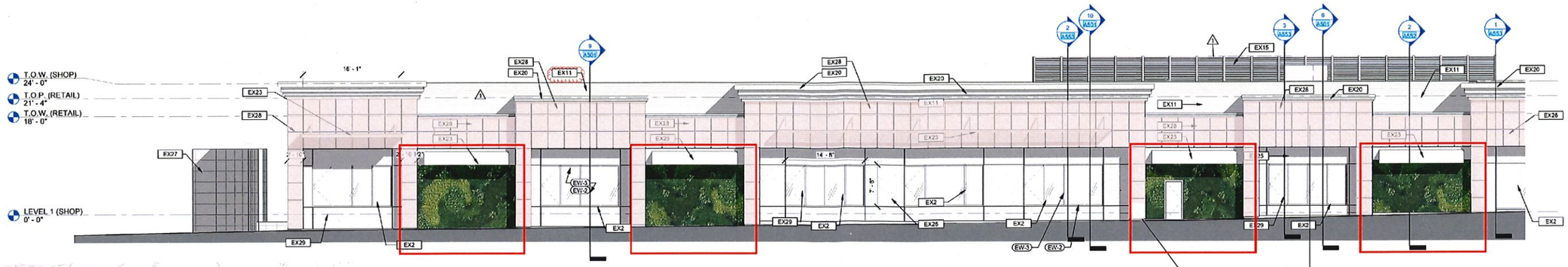
811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG www.callsunshine.com

REV

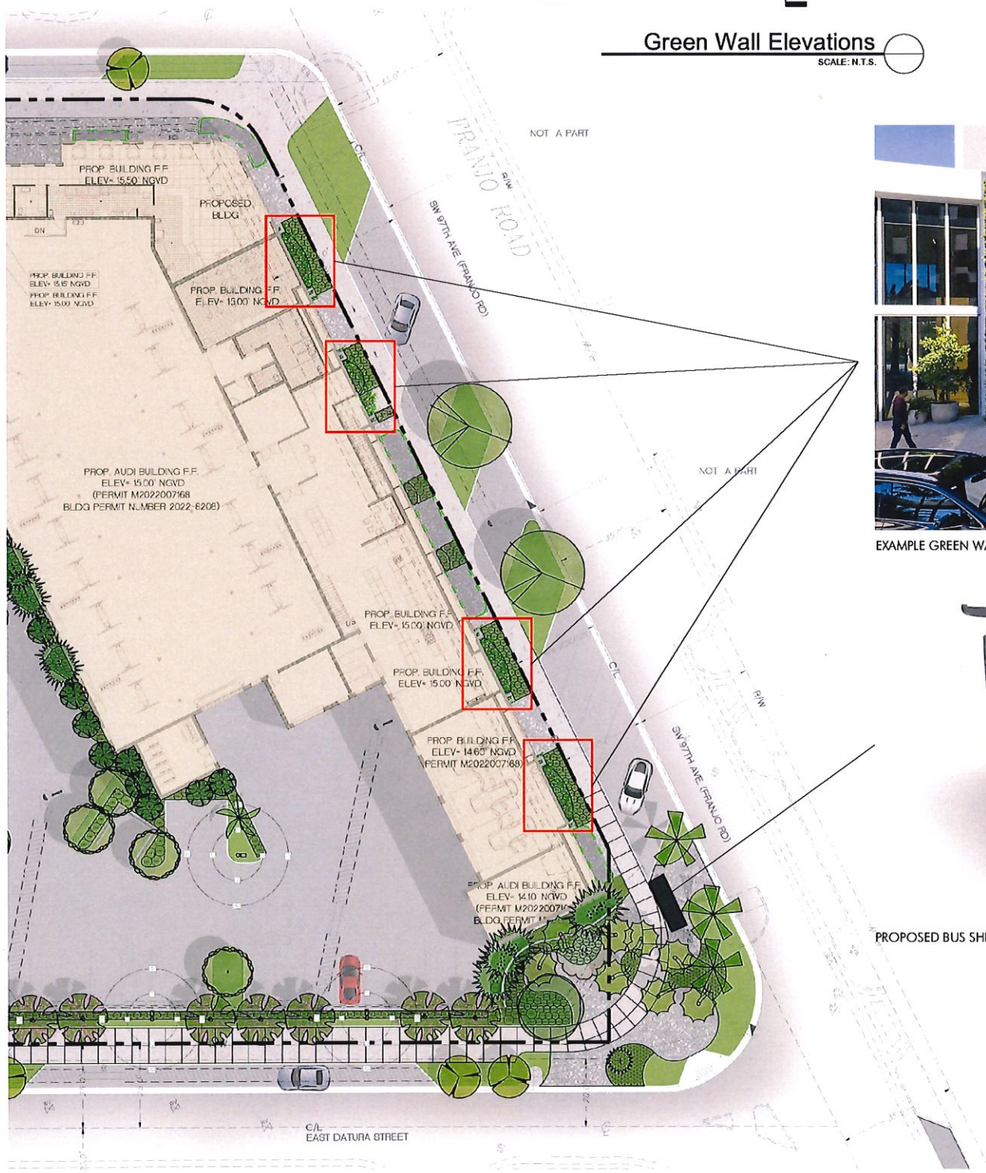
TITLE
PLANT PHOTO BOARD

Ken Gardner FLLA #1569
Kelli Semler FLLA #6667106

DATE 05.27.2022
SCALE as noted
SHEET EXB025

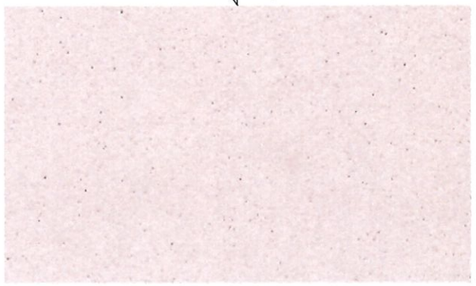


Green Wall Elevations
SCALE: N.T.S.





EXAMPLE GREEN WALL BY VISTAFOLIA - EASYGRASS



GFRC FOR BUILDING FACADE - BY ARCHITECT



PROPOSED BUS SHELTER

Green Wall Elevations
80' 40' 20' 0
SCALE: 1" = 20'

Resubmittal
RECEIVED SP-23-002
Zoning Department
November 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

GSLA DESIGN
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LANDSCAPE ARCHITECTURE
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17670 NW 78th AVE., SUITE 214
MIAMI, FL 33015
P 305.392.1016 F 305.392.1019
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AUDI - LAMBORGHINI MIAMI SOUTH
Palmetto Bay, FL

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REV.		

TITLE
GREEN WALL ELEVATIONS

Ken Gardner FLLA #1569 Keith Semler FLA #6662706

DATE 05.27.2022
SCALE as noted
SHEET EXB026



TREMRON - DECORATIVE PAVER



FORMS + SURFACES - BAY CITY BIKE RACK

Enlargement Layout Plan
SCALE: 1/4" = 1'-0"

RECEIVED
Zoning Department
SP-23-002
Resubmittal
November 13, 2023
Village of Palmetto Bay
Planning & Zoning Department
By:

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REV.

TITLE
HARDSCAPE ENLARGEMENT LAYOUT PLAN

Ken Gardner FLLA #1569
Keith Semler FLLA #6667206

DATE 05.27.2022
SCALE as noted
SHEET EXB028

SP-23-002 Resubmittal

RECEIVED
Zoning Department
November 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: ATB



PERSPECTIVE RENDERING OF SOUTHEAST CORNER

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Palmetto Bay, FL

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REV.		

TITLE
PERSPECTIVE RENDERING

Ken Gardner FLLA #1569
Keith Semler FLLA #6667206

DATE 05.27.2022
SCALE as noted
SHEET EXB029

BLOCK 29
"MAP OF PERRINE"
(P.B. B, PG. 79)

BANYAN STREET

S.W. 174TH STREET

FRANJO ROAD

NOT A PART

U.S. HIGHWAY No. 1 (STATE ROAD No. 5)
FDOT R/W MAP SECTION 87020 - MIS. 2 (SHEET 4)

EAST DATURA STREET

BLOCK 34
"MAP OF PERRINE"
(P.B. B, PG. 79)

PROP. AUDI BUILDING F.F.
ELEV= 14.50' NGVD
(PERMIT M2022007168
BLDG PERMIT NUMBER
2022-8208)

PROP. BUILDING F.F.
ELEV= 15.50' NGVD

PROP. BUILDING F.F.
ELEV= 15.15' NGVD

PROP. BUILDING F.F.
ELEV= 15.00' NGVD

PROP. BUILDING F.F.
ELEV= 15.00' NGVD

PROPOSED TRANSFORMER LOCATION

PROP. AUDI BUILDING F.F.
ELEV= 15.00' NGVD
(PERMIT M2022007168
BLDG PERMIT NUMBER 2022-8208)

PROP. BUILDING F.F.
ELEV= 15.00' NGVD

PROP. BUILDING F.F.
ELEV= 14.60' NGVD
(PERMIT M2022007168)

PROP. AUDI BUILDING F.F.
ELEV= 14.10' NGVD
(PERMIT M2022007168
BLDG PERMIT NUMBER

PROP. LAMBORGHINI BUILDING F.F.
ELEV= 13.45' NGVD
(PERMIT M2022007080
BLDG PERMIT NUMBER 2022-8207)

BUS STOP STATION

NOT A PART

NOT A PART

BIOBARRIER

GREEN WALL
ZAPU-17

GREEN WALL
NEBI-14

ZAPU-27

NEBI-8
ZAPU-3
BUSI-1

ZAPU-8

NEBI-3
ZAPU-8

NEBI-3
BUSI-1

ZAPU-27

NEBI-14
GREEN WALL

ZAPU-27

NEBI-14
GREEN WALL

VEMO2-3
BAVV-8
ERLI-22
SAPA-8
ERLI-85

ERLI-68
DISP-1

MYFR-2
LYBA-1
MUCA-25

MYFR-1

MUCA-48
SAPA-7

MUCA-33
FIGI-04
WOBI-1

MUCA-10

CLGU-3
PSBA-13
ELDE-2
NEBI-22
PTEL(2x)-2
PSBA-7
ELDE-1
NEBI-26
PTEL(2x)-2
COER-1

PSBA-7
ELDE-1
NEBI-11
PTEL(2x)-1

ELDE-6
PSBA-41
CLGU-8
COER-2

WOBI-1
LOCH-9
PIRA-9
PSLI-113
COER-1
LOCH-40

WOBI-3
MISC-308
LOCH-29
SATR-12

SATR-32
PHRE-1
ARGL-185
ACWI-18
PIMI-45
PTEL(2x)-5
MISC-63

SATR-17
CLGU-7
COER-1
COER-1
ARGL-146

FIGI-95
TAHE-8

PSBA-15
ELDE-2
CLGU-7
WOBI-1

COES-1
CHC-29
NEBI-33
CLGU-9

BIOBARRIER

BIOBARRIER

BIOBARRIER

BIOBARRIER

MYFR-1

LANDSCAPE LEGEND (This information to be permanently affixed to the plan.)

Zoning District: DUV | Net Lot Area: 2.20 (acres) 95,925 (square feet)

OPEN SPACE REQUIREMENTS	REQUIRED	PROVIDED
Square feet of open space required by Chapter 33, as indicated on site plan:	19,185	16,435
Net lot area = 95,925 square feet x 20 % 19,185 square feet		
Square feet of parking lot open space required by Chapter 18A, as indicated on site plan:	1,010	1,010
The number of parking spaces 101 x 10 square feet per parking space =		
Total square feet of landscaped open space required by Chapter 33 = A+B=	20,195	17,445
TREES	**REQUIRED**	**PROVIDED**
The number of trees required per net lot acre		
= 28 trees x net lot acreage =		
TOTAL SITE TREES REQUIRED	62	41
less the existing number of trees that meet the minimum requirements (minus)	-	
TOTAL NEW SITE TREES REQUIRED	62	41
Street trees (max. average spacing of 25' o.c.): 1225 linear feet along street / 20 =	49	23
Palms as street trees (max. average spacing of 25' o.c. 0 linear feet along street / 20 =	-	
Street trees located directly beneath power lines (Max. average spacing 20 o.c.):		
0 linear feet along street / 20 =	-	
TOTAL STREET TREES REQUIRED	49	23
GRAND TOTAL SITE TREES REQUIRED	111	41
GRAND TOTAL NEW TREES REQUIRED	111	64
33% palm species allowed (two palms = one tree). Palms provided =	66	38
Percentage of native trees required = number of trees provided x 40% =	45	25
Percentage of drought tolerant /low maintenance trees req.= number of trees provided x 50% =	56	25
SHRUBS	**REQUIRED**	**PROVIDED**
A. Shrubs to buffer parking lots from street rights of way 350 linear feet along street / 2 =	175	239
B. The total number of trees required x 10 = the number of shrubs required	620	1019
C. The total number of trees required x 50% = the number of native shrubs required	56	641

IRRIGATION: Required by Chapter 33. Auto Irrigation X (or hose bib) provided.

PLANT LIST

KEY	PLANT NAME	QTY.	UT.	SIZE
TREES				
BUSI	Bursera simaruba ...Gumbo Limbo	2	ea.	14' tall x 6' spread, 3" cal.
COER	Conocarpus erectus ...Green Buttonwood	7	ea.	12' tall x 6' spread, 2" DBH
COES	Conocarpus erectus 'Sericeus' ...Silver Buttonwood	1	ea.	12' tall x 6' spread, 3 trunks (totalling 3" min. DBH) limbed to tree form
ELDE	Elaeocarpus decipiens ...Japanese Blueberry	12	ea.	12' tall x 6' spread, 2" DBH
MYFR	Myrciaria floribunda Simpson's Stopper	5	ea.	10' tall x 5' spread, multi-trunk, limbed to tree form
PIRA	Persea racemosa ...Bay Rum	10	ea.	12' tall x 6' spread, 2" DBH
TAHE	Tabebuia heterophylla ...Pink Trumpet Tree	8	ea.	12' tall x 6' spread, 2" DBH
BAMBOO				
BAVV	Bambusa vulgaris vittata ...Golden Hawaiian Bamboo	8	ea.	16' tall overall, 5-6 culms per clump
PALMS				
KEY	PLANT NAME	QTY.	UT.	SIZE
PHRE	Phoenix reclinata ...Senegal Date Palm	1	ea.	8' CW, multi-trunk, 6 trunk min.
PTEU2x	Ptychosperma elegans ...Solitaire Palm	10	ea.	20' tall OA, double trunk, matching height
SAPA	Sabal palmetto ...Sabal Palm	15	ea.	20' tall OA, curved trunks, leaning as shown on plan, smooth trunks, hemicone cut
VEMO2	Veitchia montgomeriana ...Montgomery Palm	3	ea.	16' tall OA, 11' GW, double trunk, both heads M/, same height
WOBI	Sabal palmetto ...Sabal Palm	9	ea.	20' tall OA
SHRUBS				
KEY	PLANT NAME	QTY.	UT.	SIZE
ACWI	Acalypha wilkesiana ...Copperleaf	18	ea.	30" x 24", install, 24" o.c.
CHC	Chrysobalanus icaco ...Red Tip Cocoplum	29	ea.	24x18', install 24" o.c.
CLGU	Clusia guttifera ...Small Leaf Clusia	34	ea.	24x24', install 36" o.c.
DISP	Dioon spinulosum ...Cycad	1	ea.	5'x5'
FIGI	Ficus microcarpa 'Green Island' ...Green Island Ficus	220	ea.	18'x18'
LOCH	Loropetalum chinensis 'Rubrum' ...Fringeflower	76	ea.	3 gal cans, full, install 24" o.c.
MUCA	Muhlenbergia capillaris ...Muhly Grass	117	ea.	3 gal cans, full, install 24" o.c.
NEB	Nephrolepis biserrata ...Macho Fern	148	ea.	24'x24'
PSBA	Psychotria babamensis ...Bahamas Wild Coffee	53	ea.	18'x18'
PSU	Psychotria ligustrifolia ...Dwarf Coffee	113	ea.	18" x 18", install 24" o.c.
SATR	Sansevieria trifasciata ...Snake Plant	61	ea.	3 Gallon Cans, install 12" o.c.
ZAPU	Zamia pumila ...Coontie	117	ea.	18'x18', install 24" o.c.
GROUNDCOVERS				
ARGL	Arachis glabrata ...Perennial Peanut	331	ea.	1 gal cans, full, install 9" o.c.
ERLI	Ernodea littoralis ...Golden Creeper	175	ea.	1 gallon cans, full, install 18" o.c.
MISC	Microsorum scolopendria ...Wart Fern	371	ea.	3 gal cans, full, install 18" o.c.
PIMI	Pilea microphylla ...Artillery Fern	45	ea.	18'x18'
MISCELLANEOUS				
sod	St. Augustine	as req.	s.f.	solid sod
	Planting Soil 70% Silica Sand 20% Everglades Muck 10% Shredded Pinebark	as req.	c.y.	
	Shredded Melaleuca Mulch	as req.	c.y.	3" layer in all shrub beds

REFER TO SHEET EXB022 FOR BIOBARRIER FRENCH DRAIN PROTECTION DETAIL.

GREEN WALL SPEC: EASYGRASS VISTAFOLIA TO BE INSTALLED PER MANUFACTURER SPECIFICATIONS. WWW.EASYGRASS.NET



Planting Plan
80' 40' 20' 0
SCALE: 1" = 20'

RECEIVED
Zoning Department
November 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AG

SP-23-002
Resubmittal

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Palmetto Bay, FL

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REV.	

TITLE: PLANTING PLAN

Kim Gardner FLLA #1569
Kristi Semler FLLA #6662706

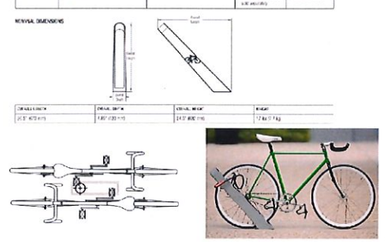
DATE: 05.27.2022
SCALE: as noted
SHEET: EXB021

FOLIO NUMBERS:			
ADDRESS	FOLIO NUMBER	BUILDING	MIAMI DADE PERMIT NO.
17405-15 S. DIXIE HWY.	33-5032-004-2480	LAMBORGHINI	M2022007080
9742 BANYAN STREET	33-5032-004-2490	AUDI	M2022007168
	33-5032-004-2500	AUDI	M2022007168
	33-5032-004-2520	AUDI	M2022007168
	33-5032-004-2530	AUDI	M2022007168



FORMS+SURFACES - FLIGHT BENCH

BAY CITY BIKE RACK DETAILS



NOTE - GC TO PROVIDE BICYCLE SIGNAGE (GREEN W/ RETROELLECTORIZED WHITE BACKGROUND STANDARD MUTCD SIGNAGE BICYCLE PARKING AREA SIGN (D4-3). LOCATE RACKS WHERE INDICATED ON PLAN - MUST BE WITHIN 30' OF AN ENTRANCE AND 48" FROM A WALL AND 24" WHEN PARALLEL TO A CURB.

GENERAL NOTES

1. GENERAL CONTRACTOR SHALL PROVIDE CONDUIT, POWER, PLUMBING AND COORDINATION FOR ALL EQUIPMENT ITEMS PROVIDED BY OWNER OR OTHERS.
2. ALL DOORS TO BE LOCATED 4" FROM INSIDE CORNER UNLESS OTHERWISE NOTED.
3. 'BY OTHERS' INDICATES THAT THIS ITEM IS NOT INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK.
4. REFER TO FINISH PLANS FOR FLOOR, WALL, AND CEILING FINISHES.
5. REFER TO ENLARGED PARTIAL PLANS FOR ADDITIONAL NOTES, DIMENSIONS, DOOR/WINDOW TYPES, AND WALL TYPES.

PARKING DATA

REQUIRED PARKING: 3 PER 1st 2,500 SF = (3 SPACES)
OFFICE SPACE 1/300 SF: 2,500 S F / 300 = (9 SPACES)
SALES+SERVICE 1/500 SF: 30,944 SF / 500 = (62 SPACES)
OPEN LOT AREA 3/5000 SF: 32,635 SF/(3)5000 = (20 SPACES)
4 HDCP REQUIRED = (94 TOTAL SPACES REQUIRED)

PROVIDED PARKING SPACES: TOTAL ON-SITE PARKING = 59 SPACES
BANYAN STREET = 4 SPACES
DATURA STREET = 8 SPACES
FRANJO ROAD = 12 SPACES
TOTAL PARKING = 83 SPACES

REQUIRED BICYCLE SPACES: 1 SPACE / 10 REQD. PARKING SPACES = 2 SPACES
PROVIDED BIKE SPACES: 8 SPACES

NOTE THIS SHEET HAS BEEN REVISED TO INCLUDE THE FOLLOWING:
UPDATED PARKING DATA TABLE (PROVIDED SPACES)
IDENTIFICATION OF ADA (4) PARKING STALLS
OF PARKING SPACES FOR CUSTOMERS/ EMPLOYEES = 45
OF PARKING SPACES FOR INVENTORY/ DISPLAY = 38

NOTE: THE APPROVAL IS CONDITIONED ON RECEIPT OF A COVENANT IN THE VILLAGE'S FAVOR TO HOLD HARMLESS THE VILLAGE FOR ALL LIABILITY IN CONNECTION WITH THE ENCROACHMENT (SHADED RED)

EAST BANYAN STREET

MIN. (5'x7'-1" THK 3000 PSI CONCRETE SLAB W/ (2) BIKE RACK (EQUAL TO BAY CITY BIKE RACK) TO ACCOMMODATE 4 BIKES

FOG CONTROL DEVICE WITH 3' HORIZONTAL CLEAR, 4' VERTICAL CLEAR - NO SEATS, FURNITURE, CARS, FIXED EQUIP., STORAGE, PARKING IS ALLOWED IN THIS LOCATION - REFER ALSO TO PLUMBING DWGS.

OUTDOOR SEATING IS REMOVED

NEW (5'x7'-1" THK 3000 PSI CONCRETE SLAB W/ (2) BIKE RACK (EQUAL TO BAY CITY BIKE RACK) TO ACCOMMODATE 4 BIKES

SOUTH WEST 97TH AVE (FRANJO RD)

BENCH, TYP.

EV CHARGING STATION

U.S. 1 (SOUTH DIXIE HWY.)

LAMBORGHINI BUILDING

BUILDING AND SITE PROVIDED UNDER A SEPARATE APPLICATION

DUMPSTER ENCLOSURE, REFER TO DETAIL ON THIS SHEET. PROVIDE STUCCO FINISH ON EXTERIOR AND PAINTED GOU OF INTERIOR - COLOR TO MATCH BYR'S. SEE EXTERIOR Finish SCHEDULE

FOG CONTROL DEVICE WITH 3' HORIZONTAL CLEAR, 4' VERTICAL CLEAR - NO SEATS, FURNITURE, CARS, FIXED EQUIP., STORAGE, PARKING IS ALLOWED IN THIS LOCATION - REFER ALSO TO PLUMBING DWGS.

ARTISTIC BACKDROP FEATURE WALL

EXISTING FLOOR LINE

EV CHARGING STATION

BUS STOP

BENCH, TYP.

BENCH, TYP.

(1) BIKE RACK (EQUAL TO BAY CITY BIKE RACK) TO ACCOMMODATE 2 BIKES

BIKE RACK (EQUAL TO BAY CITY BIKE RACK) TO ACCOMMODATE 4 BIKES

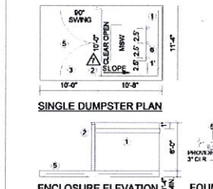
WEST DATURA STREET

1 LEVEL 1 - OVERALL SITE/ BUILDING PLAN
1/16" = 1'-0"

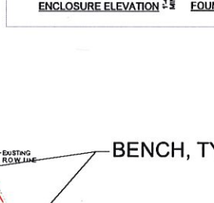
DUMPSTER DETAIL



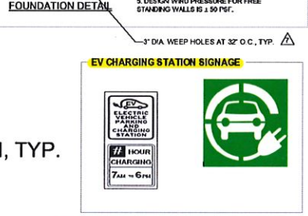
SINGLE DUMPSTER GATE ELEVATION



SINGLE DUMPSTER PLAN



ENCLOSURE ELEVATION



FOUNDATION DETAIL

1. 8" (nTm = 1500 PSI) CMU DUMPSTER ENCLOSURE WITH #5 BARS W/ STD HOOK BOTT @ CORNERS AND 24" O.C. W/ STUCCO FINISH TEXTURED TO MATCH BUILDING FILL ALL CELLS W/3000 PSI GROUT. INSTALL 1x8 DECORATIVE BAND 1' BELOW TOP EDGE OF ENCLOSURE. PAINT TO MATCH BUILDING.
2. BOLLARD: 6" DIA. GALV. PIPE COL. 14' LONG FILL W/CONC AND SET IN 2' DIAM. CONCR. FILLED PILE. PAINT TO MATCH BUILDING.
3. GATES: METAL PANEL W/ 2"x2"x1/4" WELDED STEEL FRAME AND X BRACING ON BACK. PAINT AND/OR FINISH TO MATCH BUILDING.
4. 3/4" DIA. x 1.5" DEEP RECESSES FOR GATE CANE BOLTS AT OPEN AND CLOSED POSITION (FIELD VERIFY LOCATION). RICHARDS WILCOX HARDWARE, CANE BOLT NO. 524-P23, INDUSTRIAL STRAP HINGE NO. 434-P28 (3 PER GATE). PAINT TO MATCH BUILDING
5. 6" THICK 4000 PSI CONCRETE SLAB WITH 6x6 x 2 1x3 1 WWF. PROVIDE A 12" THICKENED SLAB FOOTING (8" WIDE) RUN CIRCLED WITH (12) #5 CONT. BARS REFLOW CMU WALLS. PROVIDE DOWNER BARS.
6. BOLLARD: 6" DIA. GALV. PIPE COL. 7' LONG FILL W/CONC AND SET IN CONC. FOOTING. PAINT OSHA YELLOW.

8 x 8 BOND BEAM W/ (1) #5 CONT. @ TOP OF WALL

3" DIA. WEEP HOLES AT 32" O.C., TYP.

DESIGN LOAD AND SPECIFICATIONS

WIND DESIGN CRITERIA
1. THIS PLAN HAS BEEN DESIGNED TO COMPLY WITH ALL PROVISIONS OF 2020 FLORIDA BUILDING, 7TH EDITION INCLUSIVE OF ASCE7-16 WIND PROVISIONS FOR AN ULTIMATE DESIGN 3 SECOND GUST OF 175 MPH (136 MPH, NOMINAL WIND DESIGN).
2. RISK CATEGORY IS N/A.
3. WIND EXPOSURE CATEGORY IS B.
4. INTERNAL PRESSURE COEFFICIENT IS N/A.
5. DESIGN WIND PRESSURE FOR FREE STANDING WALLS IS ± 50 PSF.

EV CHARGING STATION SIGNAGE



PARKING LEGEND

- CUSTOMER 'C'; TOTAL NUMBER OF PARKING SPACE = 37
- INVENTORY 'IN'; TOTAL NUMBER OF PARKING SPACE = 31
- DEMO 'D'; TOTAL NUMBER OF PARKING SPACE = 7
- EMPLOYEE 'E'; TOTAL NUMBER OF PARKING SPACE = 8

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Resubmittal
SP23-0002

RECEIVED
Zoning Department
November 13, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AC

10/30/2023 2:33:24 PM

ISSUED FOR PERMIT
ISSUE DATE: 01.14.22

REV	DATE	DESCRIPTION
1	12/20/21	Revision 1
2	12/30/22	PZ1 Response
3	03/20/23	PZ2 Response
4	08/10/23	PZ3 Response
5	10/30/23	PZ4 Response

JAMES D. WILLIAMS, R.A. FL REG. # AR-97530
DATE

Audi
MIAMI SOUTH
US-1 AND BANYAN STREET, MIAMI, FLORIDA 33157

CONTRACT DATE:

34 YEARS
Spring Engineering
Architecture · Engineering · Land Planning
3914 U.S. HWY 1 S. HOLIDAY, FL • (727) 938-1515 • FLORIDA NO. 29903/1568 & LICENSE NO. AA-0001747

OVERALL SITE/ BUILDING PLAN

DESIGNED BY:
DRAWN BY:
CHECKED BY:
JOB NO 2015-01B

SHEET NO A100

Attachment D
Resolution 2018-26

DocuSign Envelope ID: 143219D1-2655-4345-A1E5-075714DF590B

SP-23-002
RECEIVED
Zoning Department
November 1, 2023
Village of Palmetto Bay
Building & Zoning Department
By: AQ

RESOLUTION NO. 2018-26

ZONING APPLICATION VPB-16-017

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ZONING; APPROVING MR. KEN GORIN OF THE COLLECTION, LLC AND AUDI SOUTH MIAMI SITE PLAN REQUEST WITH DESIGN CONSIDERAITONS AND CONDITIONS FOR THE PROPERTIES LOCATED AT: 17405-13 SOUTH DIXIE HIGHWAY, 9742 BANYAN STREET, 17400 FRANJO ROAD (SW 97TH AVENUE), AND 17414 FRANJO ROAD (SW 97TH AVENUE); BEARING FOLIO NUMBERS 33-5032-004-2480, 33-5032-004-2530, 33-5032-004-2500, 33-5032-004-2520 AND 33-5032-004-2490; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Mr. Ken Gorin of "The Collection, LLC" made an application for a site plan with design considerations to allow for the construction of a three-story auto sales center totaling 191,259 s.f, including 185,255 s.f. of sales and service space, and 6,004 s.f. of small retail space at street level along Franjo Road, for the entire block bounded by South Dixie Highway, Franjo Road, Banyan Street and Datura Street, comprising the properties located at: 17405-13 South Dixie Highway, 9742 Banyan Street, 17400 Franjo Road (SW 97th Avenue), and 17414 Franjo Road (SW 97th Avenue); bearing folio numbers 33-5032-004-2480, 33-5032-004-2530, 33-5032-004-2500, 33-5032-004-2520 and 33-5032-004-2490; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street on February 12, 2018; and

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

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

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

Section 1. A public hearing on the present application was held on February 12, 2018, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

Section 2. Findings of fact.

1. The requested site plan is consistent with the Village's Comprehensive Plan, as further specified in the Analysis Section of the Village's Staff report.

2. The rules that govern the conditions upon which such uses are permitted to be configured and operated are principally at Section 30-30.5 Site Plan Approval, Section 30-50.23, DUV Downtown Urban Village, and Division 30-100, Environmental Regulations, of the Village's Land Development Code. A review of the Code, as evidenced in the analysis of staff, which is incorporated by reference into this resolution, and after hearing the applicant and applicant's experts, the Village Council found the site plan request consistent with those standards.

3. The Applicant's traffic study, dated July 20, 2017, indicates that the number of trips generated by the proposed site plan does not cause the adjacent roadway to exceed the maximum capacity thresholds established by Miami-Dade County.

4. The Village Council accepted the findings of Village Staff as it relates to compliance with the following provisions of the Village's Code: Section 30-30.5, 30-50.23, and 30-100, and the accepted the findings of the traffic study.

5. The Village adopts and incorporates by reference the Planning & Zoning Division staff report, which expert report is considered competent substantial evidence.

6. The applicant has agreed to all proposed modifications and conditions in the section entitled Order.

7. The Village Council had not substantive disclosures regarding ex-parte communications and the applicant raised no objections as to the form or content of any disclosures by the Council.

Section 3. Conclusions of law.

The site plan for the specific use was reviewed pursuant to Sections 30-30.5, Section 30-50.23, and Division 30-100, of Palmetto Bay's Code of Ordinances, and was found to be conditionally consistent.

Section 4. Order.

The Village Council grants the site plan request as it would be in keeping with the applicable Land Development Regulations with the Village's Comprehensive Plan. The Village Council, pursuant to Section 30-30.5(j)(1), 30-50.23, and 30-100, approves the plans entitled "Audi Miami South" as prepared by Spring Engineering, Inc., consisting of 12 sheets, dated stamped received August 8th, 2017 and as presented to Village Council on February 12, 2017 with scrivener errors corrected on Sheet C2.0, together with the traffic study prepared by Richard Garcia & Associates, Inc., dated July 20th, 2017, with the following Design Considerations and Conditions:

1) Design consideration from DUV Regulations, Section 30-50.23.2. *Regulating plans*, 2.07, *Uses*, Table 4, Supplement to Table 4, D.2 (c) is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan and in compliance with Conditions 1)a. through 1)i, below:
   a. Limit the number of display vehicles and their location to the area along US-1 as requested and shown in the site plan, and subject to Conditions 1)c. though through 1)i. below;

b. An alternative to Condition 1)a. allows expansion of this sidewalk-level area to extend along US-1 as a pedestrian-oriented new vehicle display plaza" area, limited to Conditions 1)c. through 1)i. below, replacing the 5 open parking spaces at the front of the on-site surface lot, in which the number of display vehicles is limited to 10 in total which is the sum of the 5 display vehicles shown on the approved site plan plus the 5 vehicles displaced from the parking spaces that will be used for "pedestrian-oriented new vehicle display plaza" area.
c. Display vehicles to be spaced not less than 6-ft. from each other or buildings. Trees or other landscaping may be placed closer than 6-ft. if interspersed between display vehicles to enhance the "pedestrian-oriented new vehicle display plaza"; however, circulation distance around display vehicles must remain sufficient to meet ADA requirements;
d. Display area to be behind the US-1 façade showroom build-to line, maintaining a continuous 10½-foot sidewalk with 6½-foot landscape buffer in front of the display area along US-1.
e. Ground surface treatments are constructed and maintained pedestrian in appearance, and any spillage of fluids from vehicles is removed immediately and completely, and any resulting stains on the paver surface are removed completely;
f. Display vehicles are not located on pedestals, ramps, or any elevated disposition other than with 4 inflated tires wheels directly on the "pedestrian-oriented new vehicle display plaza";
g. At no time are display vehicles to be prepped, maintained, cleaned or detailed on the "pedestrian-oriented new vehicle display plaza" location;
h. Vehicles are treated only as display with closed and locked doors, trunks and hoods, and removed to the paved lot or other inventory location to be shown to customers;
i. Coordinate with the conditions for Design Consideration #15 conditions.

2) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, Franjo Road Requirements is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

3) Design consideration DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, Franjo Road Requirements is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.
4) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.
5) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.
6) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements is granted, based on Staff finding that the design complies with code without design consideration, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.
7) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary,* US-1 Requirements is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.
8) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

9) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

10) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards,* Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.

11) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements is granted based, on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

12) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

13) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

14) Design consideration from DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.

15) Design consideration from DUV Regulations, Section 3.02. B.5. *Parking Access and Setbacks* is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan, and in compliance with Conditions 15)a. through 15)f, below:

a. On-site parking spaces and display areas along the US-1 side be reconfigured to maintain a continuous 10½-foot sidewalk with 6½-foot landscape buffer between sidewalk and US-1 travel lanes in front of the display area along US-1. If the configuration of Condition 15)a. is used, then Condition 15)b., 15)e. and 15)f. apply;
b. Maintain a minimum buffer equal to that along Datura Street, which is 6-ft. to 13-ft. in a diagonal pattern or 9½-ft. minimum if not in a diagonal saw-tooth pattern;
c. An alternative configuration allowed by Condition 1)b. for the related Design Consideration 1, allows expansion of the sidewalk-level area to extend along US-1 as a "pedestrian-oriented new vehicle display plaza" area, replacing the 5 open parking spaces at the front of the on-site surface lot, limited to Conditions 1)c. through 1)i.. For the alternative configuration of Condition 15)c., then Condition 15)d., 15)e. and 15)f. apply.
d. Maintain a 6-ft depth of landscape behind the display area and in front of the paved lot.
e. Landscaping does not by design or maintenance permit walk-through from sidewalk or the "pedestrian-oriented new vehicle display plaza" area to paved vehicular parking or drive aisle;
f. Landscaping design and maintenance meets all other applicable requirements.

16) Design consideration from DUV Regulations, Section 4.03. *General Development Parameters*: a. Item F.2. *Landscape Standards* is granted, provided that the buildings and off-site

improvements are constructed in substantial compliance with the approved plan, and in compliance with Condition 16)a. below:

a. All trees deleted for the purpose of this Design Consideration along US-1 and Banyan Street are mitigated;

17) Design consideration from DUV Regulations, Section 4.03, Part G.3(a) *Frontage Standards* is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

18) Design consideration from DUV Regulations, Section 4.03, Part H.1(a) *Building Size and Massing* is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.

19) Design consideration from DUV Regulations, Section 4.03, Part H.1(b) *Building Size and Massing* is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan and in compliance with Conditions 19)a. through 19)d. below:

a. Accept the design consideration for the Franjo Road Façade;
b. Accept the design consideration for the Banyan Street Façade;
c. Accept the design consideration for the South Dixie Highway (US-1) Façade;
d. Require that the Datura Street Façade meets the requirement for vertical articulation in accordance with the DUV code, Section 4.03-H-1.(b)

20) Design consideration from DUV Regulations, Section 4.03, Part H.2.(a). *Building Size and Massing* is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.

21) Design consideration from DUV Regulations, Section 4.04.8. *Specific Development Parameters by Building Type* is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.

22) Design consideration from DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item A.1. *Arcade* is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

23) Design consideration from DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront* is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

24) Design consideration from DUV Regulations, Section 4.03, Part H.3. Table 33 under *Building Size and Massing Type* is granted, provided that the buildings and off-site improvements are constructed in substantial compliance with the approved site plan.

25) Design consideration from DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront* is granted, based on Staff finding that the design complies with code without design consideration, and provided that the buildings and off-site improvements are constructed in substantial compliance with the approved plan.

26) The Site Plan Approval is subject to the condition that along Franjo Road, the site plan is modified to provide head-in, diagonal parking spaces, with the additional conditions 26)a. through 26)e.:

a. With 4 street trees and planting areas at the general locations shown in the site plan;
b. The additional parking spaces are to count toward the parking requirement for the four (4) ground-level, retail spaces that are a part of this site plan along Franjo Road;
c. Additional design consideration to allow diagonal parking on only this segment of Franjo Road, from Banyan Street to Datura Street, and only in the southbound side is granted;

d. Additional design consideration is granted to allow the minimum sidewalk width reduction necessary only to the extent that it is compellingly required to allow for the additional cross-sectional distance to accommodate the diagonal parking;
e. Maintaining additional improvements proffered and included in Condition 27.

27) The Site Plan Approval is subject to the condition that off-site improvements as proffered by the applicant are provided, including 27)a, through 27)f:
a. 1,200-square foot public mini park/open space midblock along Franjo Road, as shown on the site plan;
b. thirteen (13) bicycle spaces;
c. Bike lane along the north-bound lane of Franjo Road from Datura Street to Banyan Street;
d. Two (2) public Electric Vehicle (EV) charging points located at two (2) of the Franjo Road on-street parking spaces;
e. Bus stop shelter on Franjo Road near the corner with Datura Street, providing a weather protected, safe and convenient location for transit riders, to be designed and constructed as shown in public workshop documents and in coordination with the Village and the Miami Dade Department of Transportation and Public Works (DTPW);
f. Off-site Sidewalk and crosswalk improvements to complete the "first/last mile" connection from the DUV at the Banyan Street and US-1 to the Banyan Street Station of the South Dade Transitway, to be designed and constructed in coordination with the Village and the Miami Dade Department of Transportation and Public Works (DTPW);

28) The project shall comply with all Village Public Services Department comments and the Villages traffic engineer.

This is a final order.

Section 5. Record.

The record shall consist of the notice of hearing, the applications, documents submitted by the applicant and the applicants' representatives to the Village of Palmetto Bay Division of Planning and Zoning in connection with the applications, the testimony of sworn witnesses and

documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the Village Clerk.

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

PASSED and ADOPTED this 12th day of February, 2018.

Attest: DocuSigned by: Missy Arocha 9EDC211E5E8C48C...
Missy Arocha
Village Clerk

DocuSigned by: 3B8654AD509F494...
Eugene Flinn
Mayor

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

DocuSigned by: Claudio Riedi, Esq. 4470B200EB374C2...
Claudio Riedi, Esq.
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham	YES
Council Member David Singer	YES
Council Member Larissa Siegel Lara	YES
Vice-Mayor John DuBois	YES
Mayor Eugene Flinn	YES

Village of Palmetto Bay
FLORIDA

ZONING ANALYSIS

FILE: VPB-16-017 **HEARING DATE:** February 12, 2018

APPLICANT The Collection, LLC **COUNCIL DISTRICT:**

GENERAL INFORMATION

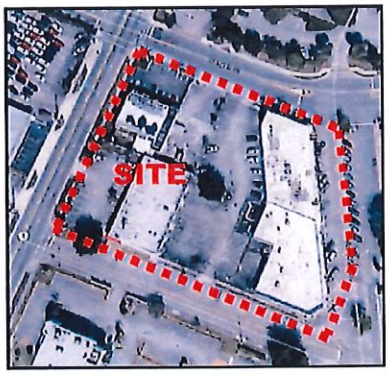
REQUEST: The applicant, Mr. Ken Gorin of The Collection, LLC requests of the Village, approval of a site plan with design considerations to allow for the construction of a three-story auto sales center totaling 191,259 s.f, including 185,255 s.f. of sales and service space, 6,004 s.f. of small retail space at street level along Franjo Road.

The application for site plan review, pursuant to the Village of Palmetto Bay Code, Section 30-30.5 and Section 1.05 Urban Design review procedure, within Section 30-50.23. - Downtown Urban Village.

The use is a permitted use with provisions in the Downtown General (DG) Sector of the DUV. The request includes design considerations for modifications of site plan and architectural requirements that are required in the DUV, but are not consistent with the characteristics of the automotive new sales use on three sides of this site. Along Franjo Road, the proposal includes pedestrian scale retail that is consistent with the vision for the DUV.

This application does not seek approval of reserve residential units, reserve commercial floor area, transfer of development rights or any development bonuses. There are no requests for non-use variances.

ADDRESS: 17405 South Dixie Highway:



LOCATION: Entire block, bounded by:

West:	South Dixie Highway
East:	Franjo Road (SW 97th Avenue)
North:	Banyan Street
South:	East Datura Street

LOT SIZE: 105,148 s.f.; approx. 2.41 acres

FOLIO(s): Assembled parcels to include:

17405-13 South Dixie Highway:	33-5032-004-2480
9742 Banyan Street:	33-5032-004-2530
17400 SW 97th Avenue:	33-5032-004-2500, 33-5032-004-2520
17414 SW 97th Avenue:	33-5032-004-2490

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BACKGROUND

The building that is currently on the site fronting Franjo Road is a one-story structure that was constructed in 1957 and added to in 1959. It was most recently occupied by general retail uses. The building facing Banyan Street, is a one-story structure with parking in front that was constructed in 1958, and was most recently occupied by general retail and service uses. The fourth structure in the southwest corner was is a one-story building, constructed in 1985 and was used for professional offices.

South Dade Imports, an active Florida LLC with address at 1550 Biscayne Boulevard, Suite 300 owns all five properties that comprise this block (purchased in 2016 according to Miami-Dade Property Appraiser records).

The applicant, The Collection, LLC proposes to construct a three-story Audi sales and service facility with 185,255 s.f. of sales and service space, 6,004 s.f. of small retail space at street level along Franjo Road. The new structure will include:

1st Floor: new car sales and service facilities, small retail along Franjo Road, a service queueing aisle partially under the second and third floors, surface parking with landscaping for customers at the southeast corner, a plaza area for inventory display at the corners of the customer parking, and a mini-park at the center of the Franjo Road side;

2nd Floor: new car sales and office space, an enclosed car wash and detailing area, and 81 spaces for inventory;

3rd Floor: enclosed car wash and detailing area, and 136 spaces for inventory.

The proposal includes 261 parking spaces, of which 217 are on the 2nd and 3rd floors, 29 are on-site surface spaces, and 15 are on-street around block's perimeter along Franjo Road, Datura Street and Banyan Street. In addition, there are 5 display spaces, and 2 customer pick-up spaces on-site.

As part of spearheading a "complete-streets" and multimodal approach to support the Downtown Urban Village, the site plan includes:

- continuous improved sidewalks with landscape and on-street parking buffering that range from a minimum of 10-ft. wide to 15-ft width of effective pedestrian path;
- a 1,200 s.f. public mini park / open space midblock along Franjo Road;
- 13 bicycle spaces (7 on-site and 6 off-site);
- Bike lane along the south-bound lane Franjo Road;
- 2 public Electric Vehicle (EV) charging points located at 2 of the Franjo Road on-street parking spaces;
- Bus stop shelter at on Franjo Road near the corner with Datura Street, providng a weather protected, safe and convenient location for transit riders at the near side of the intersection (bus does not block intersection).

In addition, the applicant has proffered additional sidewalk and crosswalk improvements to complete the "first/last mile" connection from the DUV to the Banyan Street Station of the South Dade Transitway.

The work will include the removal of the three existing buildings that total 30,860 s.f.

ZONING HEARING HISTORY

On January 21, 1947, the Board of County Commissioners approved Resolution 2396 to change zoning from RU-2 to GU for the west (approximate) half of the block, from RU-2 to BU-2 in the northeast quadrant of the block, and from RU-2 to BU-3 in the block's southeast quadrant.

On May 9, 1955, the Board of County Commissioners by Resolution 8305 approved with conditions to rezone from GU (Interim) RU-2 (two-family residential) to BU-1A, Neighborhood Business – Masonry for properties on the south part of the block.

On May 23, 1956, the Board of County Commissioners approved by resolution a variance of setback requirements to permit a cantilever extending 7 feet to the front on the property of the northeast quadrant of the block.

On April 23, 1957, the Board of County Commissioners approved a special permit to allow use of the 15-ft. setback on Perrine Avenue and Datura Street, and have a 6½-ft overhang on store fronts.

On June 20, 1957, the Board of County Commissioners approved Resolution 11745 approving a special permit for new lawn and patio supply sales and display, subject to conditions for the property that is on the west half (approximate) of the block.

On October 30, 1957, the Board of County Commissioners by resolution approved a variance to provide access to rear of lot parking for the property west of what is now 9742 Banyan Street.

On March 20, 1958, the Board of County Commissioners by Resolution 1159 approved a change of zone from RU-2 (Two-Family Residential) to BU-1A (Limited Business) the property that is just west of what is now 9742 Banyan Street.

On August 20, 1958, the Board of County Commissioners by Resolution 1966 denied the rezoning of the east part of the block from BU-1 (Neighborhood Business) and BU-1A Limited Business to BU-3 (Liberal Business). By the same resolution, the BCC approved a special permit for an automotive muffler and front-end service use establishment with required automobile lifts.

In 1967, the Board of County Commissioners approved Resolution Z-5-67 by the Director to rezone for all parts of land lying between the northbound and southbound sides of US-1.

On November 9, 1976, the Board of County Commissioners denied Resolution Z-317-76 to change zoning from BU-2 (Special Business) to BU-3 (Liberal Business) for the block's southwest quadrant.

On January 30, 1985, the Board of County Commissioners approved Resolution 4-ZAB-38-85 to permit and unusual use of a fortune teller with conditions, on the property that is now 9742 Banyan Street.

On July 4, 1996, the Board of County Commissioners denied Resolution 9999 to change zoning from BU-1 (Neighborhood Business) to BU-1A masonry (Limited Business) on the southwest quadrant.

On May 1, 2006, the Mayor and Village Council adopted Ordinance 06-06 creating the Franjo Triangle & US-1 Island (FT&I) Zoning District. The subject property, then part of the "Core Sub-District" was rezoned.

On September 9, 2015, the Council of the Village of Palmetto Bay approved and enacted the Franjo Activity Center as the Designation of this land on the Village Future Land Use Map.

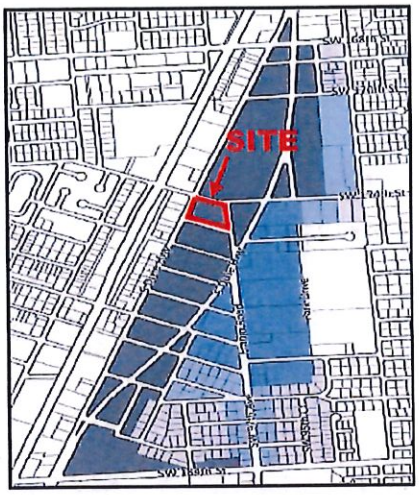
On December 14, 2015, the Council of the Village of Palmetto Bay approved and enacted the Downtown Urban Village DUV) as the zoning district in force on these properties, all being within the DG Sector.

NEIGHBORHOOD CHARACTERISTICS

Zoning District

Subject Property:

Zoning District: Downtown Urban Village, DUV
DUV Sector: Downtown General, DG



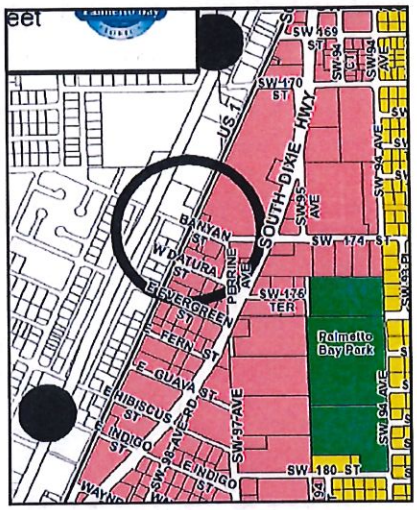
Surrounding Properties

North:	Downtown Urban Village, DUV Downtown General (DG) Sector
South:	Downtown Urban Village, DUV Downtown General (DG) Sector
East:	Downtown Urban Village, DUV Downtown General (DG) Sector
West:	Miami-Dade County, Liberal Business, BU-3

Comprehensive Plan

Subject Property:

FLUM Cat. Franjo Activity Center (FAC)
Community Urban Center (black circle)



Surrounding Properties

North:	VPB Franjo Activity Center Community Urban Center (black circle)
South:	VPB Franjo Activity Center Community Urban Center (black circle)
East:	VPB Franjo Activity Center Community Urban Center (black circle)
West:	Miami-Dade County, Industrial & Office (2020-2030 CDMP)

Existing Conditions

Subject Property:

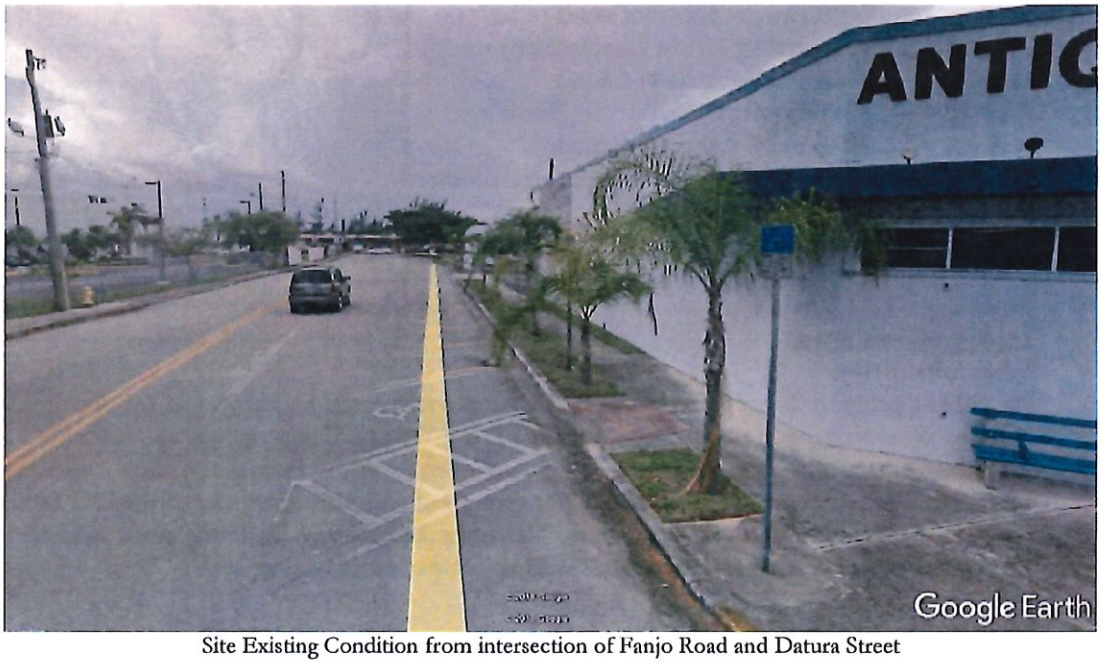
The subject property is occupied by vacated 1-story commercial buildings that are obsolete to the intended development of the DG Sector of the DUV. The buildings occupy approximately 29% of the 2.42-acre site, with the rest of 1.7 acres occupied by unused surface parking. Landscaping is minimal. Pedestrian accommodation is not consistent with the objectives of the DG Sector of the DUV with sidewalks on all sides at 5 to 7-ft. wide. Landscaped buffering from parking or travel lanes ranges from 3 to 7-ft. wide. There are no pedestrian amenities.

Surrounding Properties:

North:	New car auto sales surface inventory parking, building approx. 350-ft beyond
South:	1) Surface parking for religious use in 2-story office building; 2) parking in front of 1-story commercial bulding occupied by school; 3) historic Perrine Community House
East:	1) 2-story bank with drive-through; 2) 2-story bank with drive-through
West:	Perrine general arterial commercial uses:1) off-site fenced parking for new car dealer inventory; 2) 1-story commercial building



Site Existing Condition from intersection of Franjo Road and Banyan Street



Site Existing Condition from intersection of Fanjo Road and Datura Street



Site Existing Condition from intersection of Datura Street and US-1
(photo prior to business occupants vacating)



Site Existing Condition from intersection of Datura Street and US-1

Project and Site Plan Description:

Description:

The proposed site plan is for a new auto sales facility with ancillary services. The 3-story building occupies the full block. On the Franjo Road façade are located ground-level small retail spaces with front doors opening onto the landscaped sidewalk to address the priority of Franjo as the central pedestrian path for the center of the urban village. The building includes a through-drive for access to parking and queueing for service. The drive is covered, and is oriented north-south which preserves the Franjo side as pedestrian and avoids locating a vehicular drive on US-1.



Proposed Audi Auto Sales and Service conceptual image from corner of Banyan Street and US-1
(provided by applicant on June 26, 2017 as part of public workshop)

Data:

Building Area:				
1st Floor:	Sales – Office	32,123 sq. ft.	Workshop	46,523 sq. ft.
	Service Drive:	15,137 sq. ft.	Franjo Retail	6,004 s.f.
2nd Floor:	Sales – Office	7,676 sq. ft.	Parking:	50,755 sq. ft.
3rd Floor:			Parking:	65,155 sq. ft.
Building Height:		3 stories	66 ft.	
Site Area:		2.42 acres		
Impervious Area:		2.22 acres	91.7%	
Pervious Area:		0.20 acres	8.3%	
Landscape Area:		0.245 acres	10.1%	

Frontages :	Building	Lot	Bldg./Lot
Franjo Road:	270.6 ft.	300.0 ft.	%
Banyan Street:	272.4 ft.(non-continuous)	282.4 ft.	96.7%
Datura Street:	223.5 ft.	402.9 ft.	%
South Dixie Highway:	130.0 ft.	289.2 ft.	45.0%

Setbacks:	*street connectivity*	*street hierarchy*	*setback*
Franjo Road:	Typical Street (TS)	Priority B Street	6 ft.
Banyan Street:	Typical Street (TS)	Priority B Street	10 ft.
Datura Street:	Typical Street (TS)	B Street	10 ft.
South Dixie Highway:	US-1	A Street	6 ft.

Required Parking:		125 standard	5 HC	130 Total
Provided Parking:	On-site Surface:	27 std.	2 HC	29 Total
	On-site Interior:	214 std.	3 HC	217 Total
	Off-site on street:	15 std.		15 Total
				261 Total



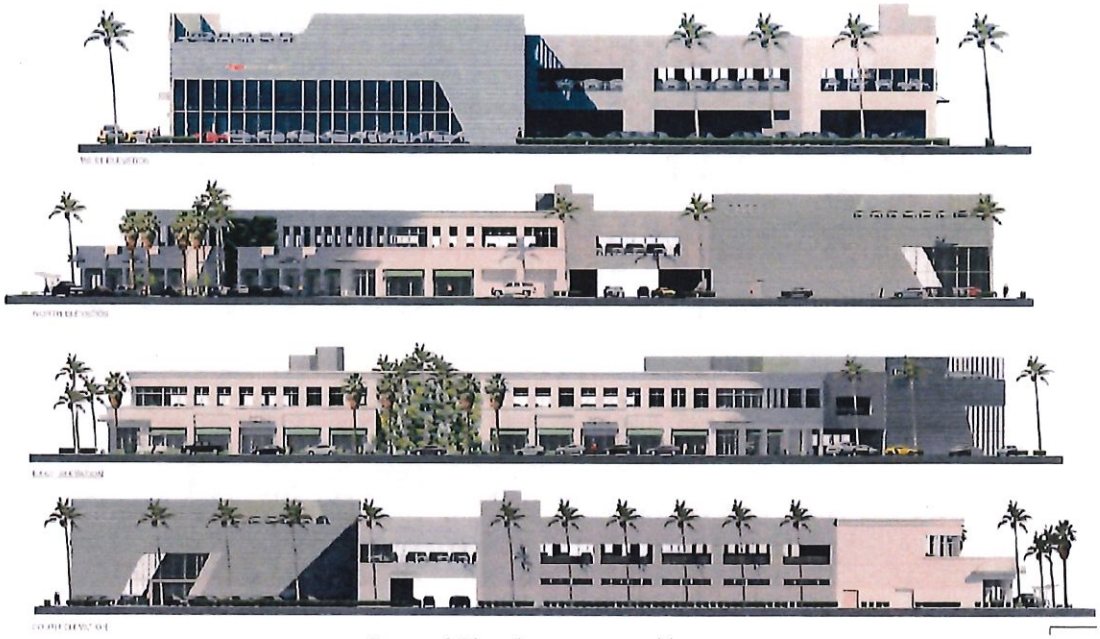
Proposal conceptual image looking north along Franjo Road from intersection with Datura Street
(provided by applicant on June 26, 2017 as part of public workshop)



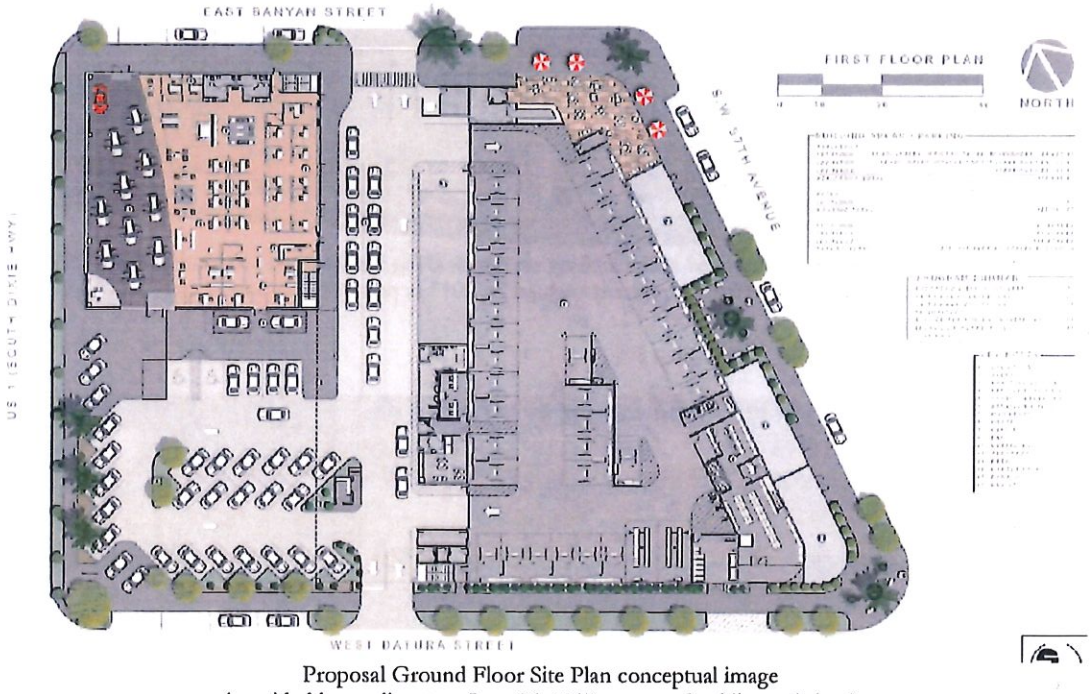
Proposal conceptual image looking southwest along Franjo Road and Banyan Street
(provided by applicant on June 26, 2017 as part of public workshop)



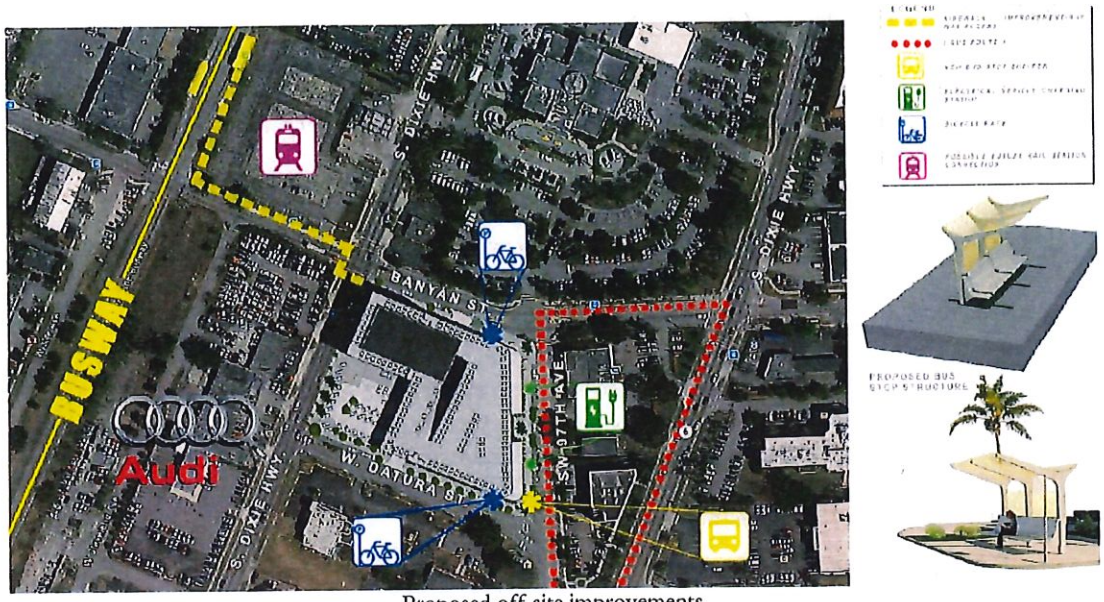
Proposal conceptual image looking northeast along US-1 from intersection with Datura Street
(provided by applicant on June 26, 2017 as part of public workshop)



Proposal Elevations conceptual images
(provided by applicant on June 26, 2017 as part of public workshop)



Proposal Ground Floor Site Plan conceptual image
(provided by applicant on June 26, 2017 as part of public workshop)



Proposed off-site improvements
to create transit station pedestrian connections, bicycle storage and electric vehicle charging stations
proffered by applicant as condition of approval
(provided by applicant on June 26, 2017 as part of public workshop)

Off-Site Improvements:

As part of initiating development of a "complete-streets" and multimodal approach to support the Downtown Urban Village, the site plan includes:

- continuous improved sidewalks with landscape and on-street parking buffering. Sidewalks are 10-ft. wide to 15-ft width of effective pedestrian path, as shown on site plan;
- 1,200 s.f. public mini park / open space midblock along Franjo Road, as shown on site plan;
- 13 bicycle spaces: 7 will be on-site and 6 off-site as shown on site plan; six (6) will be offsite, subject to Village approval, along Banyan Street and Datura Street. The bicycle racks shall be installed prior to the issuance of certificate of occupancy for the project.
- Bike lane along the south-bound lane Franjo Road, as shown in site plan;
- Subject to approval of the Florida Department of Transportation, Miami-Dade County, the Village, and the issuance of all required governmental approvals, the Applicant will design and construct pedestrian improvements linking the southwest corner of Banyan Street and South Dixie Highway with the South Dade Transitway station just north of Banyan Street.
- Subject to Village approval, the Applicant shall install a I-Bus shelter at the corner of Franjo Road and Datura Street. The bus shelter shall be installed prior to the issuance of certificate of occupancy for the project.
- Subject to Village approval, the Applicant shall install electric vehicle charging stations open to the public in two of the proposed on-street parking spaces on Franjo Road. The charging stations shall be installed prior to the issuance of certificate of occupancy for the project.

SITE PLAN REVIEW FINDINGS

The following findings have been made by staff pursuant to the requirements for Site Plan Review for a public hearing contained in Sec. 30-30.5(j)(1) a. through e. of the zoning ordinance of the Village of Palmetto Bay, Florida.

a. CONSISTENT WITH THE COMPREHENSIVE PLAN

Staff Findings on Consistency with the Village Comprehensive Plan

The site plan has been found to be consistent with the Village of Palmetto Bay, Florida adopted Comprehensive Plan. Consistent means compatible with the principles of, and furthering the objectives, policies, land uses, and intensities of the Village Comprehensive Plan. *(Sec. 30-40.1. – Definitions)* Specific policies that the site plan furthers are cited below, with Staff analysis of the specific policy in blue italics.

Land Use Policy 1.1.1
Franjo Activity Center, (FAC)

a. Mix of office, service, retail, entertainment, residential, community facilities, open space and transportation uses that will promote a lively, livable, and successful downtown area;
b. Pedestrian oriented core;
c. Promote mass transit and alternative transportation;
d. Encourage the integration of transportation and transit systems with land use;
e. Development and redevelopment at varying density and intensity ranges;
f. Promote compact, innovative land development;
g. Promote creative situating of buildings, transportation routes, and open space to create vistas that will unite the downtown areas, link the downtown with the rest of Franjo Activity Center area;
h. Total densities and intensities of development to include 5,661 residential units, 1,500,000 s.f. of commercial/office/retail space, urban open space and recreational space toward a goal of 0.25 acres per 1,000 residents.

- ***The project provides a commercial mixed-use project offering small-scale pedestrian-oriented retail along Franjo Road, supporting Part a, while providing a high-quality urban transition from US-1, leading potential patrons from high-volume vehicular traffic toward the Village's main street.***
- ***The site plan provides a highly visible, strongly iconic building that while commercial in branding, will attract vehicular passers-by to new main-street development along Franjo Road, supporting Part g. Design considerations are proposed to adapt the automotive sales use to be viable in addressing US-1 and Franjo Road, and support the initial small-scale retail into the context of a development with a high likelihood of long-term market viability.***
- ***In addition, the applicant has proffered of site enhancements to develop a higher quality continuous pedestrian connection between the South Dade Transitway, Banyan Street Station and Franjo Road, furthering Part c, and Part d.***

- *The site plan provides bicycle facilities in addition to high-quality pedestrian facilities, furthering Part b, Part c, and Part d.*
- *The site plan proposes a single-block integration of different commercial development that address both a large scale commercial use and small scale commercial uses, and places the different intensities at the correct locations, furthering Part e.*
- *The site plan provides for a large, new-car sales facility that is compact, vertical, urban and minimizes surface inventory storage and display, furthering Part f.*

Land Use Policy 1.3.2
Require that all new development and redevelopment maintain the adopted level-of-service standards for public facilities in this Plan concurrent with the build-out of planned projects.

Adopted level-of-service standards for water, wastewater, and drainage public facilities will be maintained through the permitting process. Transportation levels-of-service are acceptable. (see Transportation Policies below).

Land Use Policy 1.7.5
Provide landscaping within an average 50-foot right-of-way, whenever feasible adjacent to non-residential development.

Landscaping meets or exceeds landscape requirements, with the exception of the corner of Banyan Street and US-1, where a design consideration has been requested and Staff recommends to accept with conditions.

Land Use Policy 1.7.8
Study opportunities to provide landscape pockets with automatic irrigation systems along arterial streets that do not currently have landscaping to soften the visual effect of the block wall.

Along Franjo Road (not an arterial), the site plan provides a landscape pocket park area with a living wall at the middle of the block.

Transportation Policy 2A.1.1
The Village of Palmetto Bay recognizes the Urban Development Boundary (UDB) designated by Miami-Dade County and the Urban Infill Area UIA within its municipal limits. Pursuant thereto, the minimum acceptable peak-period LOS for all State and County roads within the UDB shall be the following:

1. All development applications within the Urban Infill Area Transportation Concurrency Exception Area are exempt from transportation concurrency requirements; however the following level of service thresholds are established for reviewing projects within the UIA TCEA: (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service E (100% of capacity), (2) Where mass transit service having headways of 20 minutes or less is provided within a half-mile distance, roadways shall operate at Level of Service of 120% of capacity (3) Where extraordinary transit service, such as express bus

service exists, parallel roadways within a half-mile shall operate at no greater than 150% of their capacity; and

2. Between the UDB and UIA: (1) Where no public mass transit service exists, roadways shall operate at or above Level of Service D (90% of capacity) (2) Where mass transit service having headways of 20 minutes or less is provided within a half-mile distance, roadways shall operate at Level of Service E (100% of capacity) (3) Where extraordinary transit service, such as express bus service exists, parallel roadways within a half-mile shall operate at no greater than 120% of their capacity

The applicant submitted an accepted traffic study, dated July 20, 2017 by a licensed professional engineer. The engineer has concluded that based on the analysis documented in the traffic report, "most impacted intersections and roadways are currently operating within the Village's acceptable LOS threshold and will continue to do so with the new traffic generated by the subject project. Therefore, no off-site improvements are required or recommended at this time. Lastly, it is fair to conclude that the subject project will not adversely impact the traffic operations within the study area." (p. 5, 22, Richard Garcia Associates, Traffic Impact Study, Audi Miami South, July 20, 2017)

Transportation Policy 2A.1.6
In connection with future development, all roadway, transit, bicycle and/or pedestrian improvements shall be built by respective developer(s), in accordance with the Village's adopted subdivision regulations, and in place prior to issuance of a final Certificate of Occupancy.

The site plan includes improvements to right-of-way public realm areas that include roadway, parking, bicycle, transit, and pedestrian facilities to be designed and constructed by the developer.

Transportation Objective 2A.5 Bicycle and Pedestrian Facilities
Increase the amount of pedestrian and bicycle activity within the Village by providing adequate facilities to promote friendly pedestrian and bicycle environments.

Along Franjo Road, the site plan provides space for a bike lane outside of the parking lane. The site plan provides 13 securable spaces for bicycles located on 3 sides of the block.

Transportation Objective 2B.2 Transit Usage.
Increase the transit modal split for all trips within the Village of Palmetto Bay.

Along Banyan Street and the crossing at US-1, the applicant has proffered off-site improvements to enhance the continuous pedestrian connection from Franjo Road to the Banyan Street Station of the South Dade Transitway. The off-site improvements will be recommended as a condition of the development order.

Transportation Policy 2C.1.1
In connection with future development, require that adequate and safe internal circulation improvements take into consideration the provision that pedestrian and/or bicycle facilities be in place prior to issuance of final Certificate of Occupancy.

The site plan includes improvements to right-of-way public realm areas that include bicycle and pedestrian facilities to be designed and constructed by the developer.

Recreation and Open Space Policy 7.1.3
Maintain a balance of active parks, passive parks, and natural areas to meet the needs and expectations of Village residents, and seek future opportunities to increase the number of pocket parks and other urban open spaces distributed throughout the Village.

Along Franjo Road, the site plan provides a landscape pocket park area with a living wall at the middle of the block. The park is not required and is additional to the pocket parks depicted in the DUV Public Open Spaces Plan (Sec. 2.04)

Recreation and Open Space Policy 7.1.8
Ensure than ample parks and open space is a key component in the development of the Palmetto Bay Village Center and the Franjo Road/US 1 Commercial Area mixed-use areas.

Along Franjo Road, the site plan provides a landscape pocket park area with a living wall at the middle of the block. The park is not required and is additional to the pocket parks depicted in the DUV Public Open Spaces Plan (Sec. 2.04)

Recreation and Open Space Policy 7.2.4
Continue to look for opportunities to provide parking spaces and bicycle racks at recreation sites where they are now lacking or inadequate.
Along Franjo Road (not an arterial), the site plan provides a landscape pocket park area with a living wall at the middle of the block.

The site plan provides 13 securable spaces for bicycles located on 3 sides of the block.

b. CONSISTENT WITH THE PURPOSE AND INTENT OF THE ZONING DISTRICT

Consistency with the intent of the Zoning District and specifically with the DUV Sector, Section 2.02-B. Sector Plan – DG, of Sec. 30-50.23.1 - Downtown Urban Village. The DG Sector specifically provides: The Downtown General (DG) serves as a transition from the large properties abutting US1 into the area intended to become the main, pedestrian/bike-friendly, transit-connected Downtown Urban Village (DUV).

a. This sector provides for flexible building types in the general form of flexible blocks and flex buildings, both of which may accommodate higher intensity commercial/retail at the ground level and offices or multi-unit residential on the floors above. More traditional 'urban big box' commercial uses may be accommodated in the Downtown General (DG) sector with a selection of other compatible uses, vertically integrated within the same building.
b. Landscaping should consist of a more urban scale and pattern of planting with street trees planted in tree grates and landscape islands.
c. Parking is permitted both on-site and off-site within the DG Sector

Staff Findings on Consistency with Intent of the Zoning District

Use:
The Automotive Use is a use that is permitted with conditions in the DG Sector of the DUV. The conditions are that automotive uses shall be permitted within the Downtown General (DG) sector subject to the following conditions:

(a) Used sales shall only be permitted in conjunction with new sales; and
(b) Ancillary sales, service and repair shall only be permitted in conjunction with new sales; and
(c) No outside storage and/or display of merchandise, equipment, materials or supplies is permitted.

(Sec. 30-50.23.2. - Regulating plans, 2.07, Uses, Table 4, Supplement to Table 4, D.2.)

The retail uses along Franjo Road are permitted uses as either "Neighborhood Proprietor Commercial-Retail/Office and Services", or "Food Beverage Establishments."

The parking components would also be permitted use as a "Commercial Parking Structure."

Density:
There are no residential units proposed.

Intensity:
The commercial components are proposed at a non-residential intensity of 3.14 Floor Area Ratio (FAR).

Building Type:
The proposal occupies the entire block and is a Flexible Block building type per Sec. 30-50.23.4. - Architecture standards Section 4.02 Permitted Building Types. A flexible block is a potential mixed-use building type, occupied by one of or a combination of multi-family residential, commercial or offices at the ground floor and office/multi-family residential units on the floor(s) above. The building is intended to front more than two street frontages and accommodate larger footprint commercial uses or structured parking within the envelope.

Bonuses or Other Special Permits:
There are no variances, reserve residential units, reserve commercial floor area, transfer of development rights, development bonuses, or any use which requires public hearing pursuant to the village's land development regulations.

c. CONFORMANCE WITH ALL APPLICABLE REGULATIONS OF THE ZONING DISTRICT

Staff Findings on Conformance with Applicable Regulations of the Zoning District

The proposal and a site plan are in conformance with all applicable requirements of the DG Sector of the DUV Zoning District as established at the time of submittal, with the exception of requested design considerations that were found to be necessary. Design considerations have been reviewed and analyzed, and are recommended for either acceptance or acceptance with conditions. Design Consideration requests are summarized in the Table on Page 18, with detailed findings for each contained in Attachment I.

Site Plan Review:	Acceptable with Design Considerations (see below)
Scale/Utilization of Site:	Acceptable with Design Considerations (see table p.19)
Location of Building(s):	Acceptable with Design Considerations (see table p.19)
Compatibility:	Acceptable with Design Considerations (see table p.19)
Landscape Treatment:	Acceptable with Design Considerations (see table p.19)
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable with Design Considerations (see table p.19)
Visibility/Visual Screening:	Acceptable with Design Considerations (see table p.19)
Circulation:	Acceptable with Design Considerations (see table p.19)

Note: Design Consideration Summary Table Key:

☐ Green shading:	recommendation to accept – design consideration is found to be necessary and consistent with the objectives of the DG Sector of the DUV District.
☐ Yellow shading:	recommendation to accept with conditions – design consideration is found to be necessary and consistent with the objectives of the DG Sector of the DUV District upon the inclusion of conditions listed.
☐ Blue shading:	design is found consistent with the objectives of the DG Sector of the DUV District – no Design Consideration is necessary.

DESIGN CONSIDERATION SUMMARY

	DESIGN CONSIDERATION REQUEST	RECOMMENDATION	CONDITIONS
Scale / Utilization of Site			
7	To remove secondary build-to lines above 2nd story on South Dixie Highway	Accept	None
10	To remove secondary build-to lines above 2nd story on Banyan Street	Accept	None
14	To remove secondary build-to lines above 2nd story on Datura Street	Accept	None
18	Allow 275-ft building frontage along Franjo Road instead of 250-ft. requirement	Accept	None
19	Exception to vertical building articulation every 60-ft.	Accept with conditions	Yes (p. 50)
20	To allow 11-ft. high parapet over showroom only, where 40" is required	Accept	None
21	To eliminate secondary massing element on Datura, Banyan and US-1 facades	Accept	None
24	To increase 1st floor height only for showroom from 18-ft. maximum to 20-ft.	Accept	None
Location of Buildings			
4	Allow 36-ft. build-to line where 50-ft. is required along South Dixie Highway, only for showroom	Accept	None
Compatibility			
1	Allow on-site, outside vehicle display	Accept with Conditions	Yes (p. 30)
3	Allow 51% glazing on Franjo Road	Proposed Design is Consistent	None
6	Allow 37% glazing on South Dixie Highway	Proposed Design is Consistent	None
9	Allow 18% glazing on Banyan Street	Proposed Design is Consistent	None
13	Allow 13% glazing on Datura Street	Proposed Design is Consistent	None
22	Eliminate arcade requirement along Franjo Road in lieu of storefront option	Proposed Design is Consistent	None
23	Provide 14-ft. between columns in lieu of 10-ft. spacing	Proposed Design is Consistent	None
25	Allow for reduction of ground floor glazing requirement	Proposed Design is Consistent	None
Landscape			
16	To allow interruption of street tree spacing in front of showroom	Accept with Conditions	Yes (p. 47)
Access			
2	Allow for 11-ft. sidewalk with 4-ft. wide landscaping along Franjo Road	Proposed Design is Consistent	None
5	Allow for 10½-ft. sidewalk where 16-ft. is required along South Dixie Highway	Accept	None
12	Allow for 11-ft. sidewalk with 4-ft. wide landscaping along Datura Street	Proposed Design is Consistent	None
Visual Screening			
15	Reduce 30-ft. parking setback along US-1 and Datura Street	Accept with Conditions	Yes (p. 45)
Circulation			
8	Accept 40 to 45-ft. ROW cross-section on Banyan Street	Proposed Design is Consistent	None
11	Accept 40 to 45-ft. ROW cross-section on Datura Street	Proposed Design is Consistent	None
17	Eliminate 15-ft. wide paseo from Franjo Road to US-1	Proposed Design is Consistent	None

SITE PLAN APPROVAL SUMMARY OF CONDITIONS

SCALE / UTILIZATION OF SITE

Design Consideration Request # 19 to allow for an exception to the building articulation requirement of a break in building facade every 60 feet maximum on buildings that occupy 150 feet of frontage.

Conditions:

1. Staff recommends acceptance of the design consideration for the Franjo Road Façade.
2. Staff recommends that the Banyan façade does not require vertical breaks.
3. Staff recommends that the US-1 façade does not require vertical breaks.
4. Staff recommends that the design consideration is not accepted for the Datura Street façade, and that shallow vertical breaks are required.

COMPATIBILITY

Design Consideration Request # 1 to allow on-site, outside vehicle display

Conditions:

5. Limit the number and location to the area along US-1 as requested, with none along Datura Street. Acceptable locations are the three locations along US-1 are shown in the site plan, with 2 more in an interior location flanking the showroom entrance;
6. Display vehicles to be spaced at a distance of not less than 10-ft. from each other, buildings, or landscaping;
7. That ground surface treatments are constructed and maintained pedestrian in appearance, and that any spillage of fluids from vehicles is with resulting stains removed completely;
8. That landscaping is not compromised;
9. That display vehicles are not located on pedestals, ramps, or any location other than with 4 inflated wheels on ground surface;
10. That at no time are display vehicles to be prepped, maintained, cleaned or detailed on the display location;
11. That vehicles are treated only as display with closed and locked doors, trunks and hoods, and removed to an inventory location to be shown to customers.

LANDSCAPE

Design Consideration Request # 16 to allow interruption of street tree spacing in front of the showroom at the corner of Banyan Street and South Dixie Highway.

Conditions:

12. two additional trees are planted in front of the blank wall part of the showroom along Banyan Street at 25-ft. intervals, and;
13. that the four trees deleted along the US-1 sides are mitigated.

VISUAL SCREENING

Design Consideration Request # 15 to reduce the 30-ft. parking setback along US-1 and Datura Street.

Conditions:

14. On-site parking spaces along the US-1 side be reconfigured to maintain the sidewalk at 10½-ft. width and;
15. Maintain a minimum buffer equal to that along Datura Street, which is 6-ft. to 13-ft. following a diagonal parking space pattern;
16. That landscaping does not by design or maintenance permit walk-through from sidewalk to vehicular parking, and that landscaping meet all other requirements;
17. As an alternative, applicant may extend the outdoor new car display area thin place of the parking area, subject to all the conditions provided in Request #1; however, no additional display vehicles may be included above the conditions given in Request #1.

d. **Conformance with the Village subdivision regulations and all other applicable Village requirements including the design and construction of streets, utility facilities and other essential services.** Consistent with good design standards in respect to all external relationships including but not limited to:
   i. Relationship to adjoining properties;
   ii. Internal circulation, both vehicular and pedestrian;
   iii. Disposition of open space, use of screening, buffering and/or preservation of existing natural features, including trees;
   iv. Building arrangements between buildings in the proposed development and those adjoining the site.

- ***The proposed development occupies an entire block. There are no adjoining properties.***
- ***Vehicular internal circulation is acceptable.***
- ***Pedestrian circulation s acceptable.***
- ***Disposition of open space is acceptable***
- ***The use of screening and buffering is acceptable with conditions to Design Consideration #15.***
- ***Building arrangements between buildings in the proposed development are acceptable.***

e. Conformance with the village policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

- ***The proposal is on 5 contiguous parcels of land that together constitute the entire block. All 5 parcels were purchased by the applicant, and are under common ownership. Unity of title will be required as a condition of approval.***
- ***Completion of the required improvements, both off-site and on-site will be required as a condition of approval.***
- ***Continued maintenance of on-site and off-site peripheral improvements will be required as a condition of approval (as a recorded covenant running with the land).***

RECOMMENDATION

Staff recommends approval of the site plan, with acceptance of design considerations as provided and conditions as provided.

Mark Alvarez
Planning Consultant

ATTACHMENTS

Attachment I	Detailed Design Consideration Analysis
Attachment II	Location Aerial
Attachment III	Future Land Use Map Excerpt
Attachment IV	Zoning Map Excerpt
Attachment V	Public Notice: Advertisement, Mailing, Posting
Attachment VI	Application
Attachment VII	Plans: Boundary Survey
	Site Plan
	Elevations
	First Floor
	Second Floor
	Third Floor
Attachment VIII	Traffic Study

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ATTACHMENT I
DESIGN CONSIDERATION ANALYSIS

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DESIGN CONSIDERATION ANALYSIS

Per Section 1.05-B. Urban design review procedure, of the DUV code, Section 30-50.23, All applications for development pursuant to section 30-50.23 shall require site plan review. Only those ***site plans that include*** variances, reserve residential units, reserve commercial floor area, transfer of development rights, development bonuses, any use which requires public hearing pursuant to the village's land development regulations, and/or ***any other design considerations not contemplated by these provisions, shall be subject to public hearing review before the mayor and village council.***

The analysis herein is toward the design considerations sought by the applicant that pertain to design issues not contemplated by these provisions. Although the Section provides for a public hearing process for the Village Council to decide on acceptable design considerations for the site plan, criteria for determining acceptability are not contained in the Code.

Analysis Organization:

Criteria:	To provide fair, even and factual analysis of the design considerations sought, the criteria listed in the section below have been used as the basis for the analysis and recommendation for each design consideration. Each criterion is evaluated to determine if the design consideration is consistent with the criteria. Consistency means that the design consideration generally supports the criteria, or does not countervail or diminish the criteria.
Description:	Since the design considerations are part of a site plan review, the project overall is briefly described in the subsection, "Project and Site Plan Description."
Design Considerations:	There are twenty-five (25) specific design considerations that are being requested. Many of the design considerations are for similar considerations; however, they are separate requests based on the street or façade where they are pertinent. Each design consideration is analyzed on a separate page, with the request, applicant's rationale, staff response, and analysis table summarizing how each design consideration meets the criteria.

Design Consideration Criteria Applied:

b. That the design consideration is required to allow an alternative to design criteria that are mandatory, stated requirements of the DUV code or other parts of Sec. 30. Where the design criteria are not mandatory and consistently stated requirements of the DUV code, then the request has been noted as being consistent with the DUV with no further design consideration. Subsequent criteria and evaluation are not applied.

c. That the design consideration is motivated by an inconsistency or need particular to the location, land, infrastructure or use that was not contemplated by the DUV code sections. The DUV regulations provide that where a conflict exists in the regulations, that the stricter criteria is applied; however, the staff analysis considers additional aspects of the design that are not anticipated. In these cases where staff finds that the design consideration is needed for a site plan that in other ways supports the objectives and goals of the district, and does not countervail key aspects of the DUV, DG Sector design requirements, then the design consideration is evaluated, and the following criteria are applied.

d. Consistency with Comprehensive Plan, specifically Policy 1.1.1 of the Future Land Use Element

e. Consistency with the intent of the Zoning District and specifically with the DUV Sector, Section 2.02-B. Sector Plan – DG, of Sec. 30-50.23.1 - Downtown Urban Village. The DG Sector specifically provides: The Downtown General (DG) serves as a transition from the large properties abutting US1 into the area intended to become the main, pedestrian/bike-friendly, transit-connected Downtown Urban Village (DUV).
   a. This sector provides for flexible building types in the general form of flexible blocks and flex buildings, both of which may accommodate higher intensity commercial/retail at the ground level and offices or multi-unit residential on the floors above. More traditional 'urban big box' commercial uses may be accommodated in the Downtown General (DG) sector with a selection of other compatible uses, vertically integrated within the same building.
   b. Landscaping should consist of a more urban scale and pattern of planting with street trees planted in tree grates and landscape islands.
   c. Parking is permitted both on-site and off-site within the DG Sector.

f. That the design consideration is allowed within the province of Village Council. These are: setback lines; lot width; street frontage; lot depth; lot coverage; landscape or open space requirements; height limitations; yard regulations; fence and wall regulations; signs; parking; and flood regulations approved under Section 30-100.6.

g. Existence of special conditions or circumstances that are peculiar to the land, setting involved and which are not applicable to other lands, structures, or buildings in the DUV.

h. Conditions or circumstances that are particular to the building use involved, if the use is an enumerated permitted use for the DUV. The use sought is for three-story auto sales center, with small retail space at street level along Franjo Road.

i. That the design consideration is the minimum extent or magnitude of deviation from requirements to meet the requirements of the rational for the design consideration.

j. The Village Council may prescribe appropriate conditions to the design consideration to ensure greater conformity with the Comprehensive Plan and Chapter 30. When made a part of the design considerations, the conditions must be included in the site plan.

Note 1: *Consistency or consistent* shall mean compatible with the principles of, and furthering the objectives, policies, land uses, and intensities of the village comprehensive plan. (Sec. 30-40.1. – Definitions) Generally used for these criteria to mean that it supports these objective and policies and does not countervail or diminish them.

Note 2: Criteria 3 through 11 are similar to non-use variance criteria and provide well-founded evaluation tests; however, their use does not imply that design considerations are non-use variances or are to be evaluated by the same criteria as non-use variances contained in Section 30-30.6(b) 1. through 9.

Design Considerations:

Request 1: **Design consideration to allow on-site, outside vehicle display**

Location: **South Dixie Highway, Datura Street**

Code Section: DUV Regulations, Section 30-50.23.2. *Regulating plans*, 2.07, *Uses*, Table 4, Supplement to Table 4, D.2 (c)

Applicant's Rationale: Due to the automotive use, the applicant requests this consideration in order to display a small segment of their vehicles. The applicant states that when they initially met with staff during the preapplication meeting to review the design of the facility, they agreed to minimize this area and only locate it along US-1.

Staff Analysis: The location of outdoor display is a typical component for new car sales along arterial streets, especially as showroom display may be more difficult to see at afternoon sun angles that cause reflectance on showroom glass. The location of the outdoor display spaces are limited in number to 7 of 41 total (17%). Location is limited to the US-1 side of the proposal with 5 of the 7 spaces at the edge near the sidewalk. On-site parking is permitted in the DG Sector, and the display vehicles are shown on plaza-like pavers instead of asphalt spaces. This treatment is superior to the parking which is allowed behind limited landscaping. It is also noted, that is vehicles are placed on a pedestrian surface in very limited numbers with adequate spacing and placed in a manner that is not like parking spaces, the vehicles can become a point of interest to pedestrians, similar to new car placements in shopping malls. This characteristic is dependent on strict adherence to conditions to maintain an appearance as a display and not as inventory.

Staff recommends acceptance of the design consideration with conditions:

1. **Limit the number of display vehicles, their location, and spacing to the area along US-1 as requested and shown in the site plan. An alternative to the conditions of Design Consideration #15 allows expansion of this area, in which number of display vehicles is limited per the conditions for Design Consideration #15;**
2. **Display vehicles to be spaced at a distance of not less than 6-ft. from each other or buildings. Trees may be placed closer than 6-ft. if interspersed between display vehicles to enhance the pedestrian area;**
3. **That ground surface treatments are constructed and maintained pedestrian in appearance, and that any spillage of fluids from vehicles is with resulting stains removed completely;**
4. **That display vehicles are not located on pedestals, ramps, or any location other than with 4 inflated wheels on ground surface;**
5. **That at no time are display vehicles to be prepped, maintained, cleaned or detailed on the display location;**

6. **That vehicles are treated only as display with closed and locked doors, trunks and hoods, and removed to the paved lot or or other inventory location to be shown to customers;**
7. **Coordinate with the conditions for Design Consideration #15**

DESIGN CONSIDERATION #1 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	**The design consideration is required**	Yes	Outdoor display is specifically restricted by Sec. 2.07 D. 2.(c) regarding automotive uses in the DG Sector.
2	**Motivated by need not contemplated in DUV code**	No	The automotive use is permitted with provisions, which include a restriction on outdoor display of merchandise / inventory.
3	**Consistency with Comprehensive Plan**	Consistent	Development responds to the transitional intent of the DG, however, strict conditions are to be applied to maintain pedestrian appearance and function.
4	**Consistency with intent of DG Sector of DUV**	Consistent	DG is intended as a transition from the US-1 highway condition to pedestrian-oriented DUV.
5	**Allowed within the province of Village Council**	Consistent	It is not prohibited.
6	**Special conditions peculiar to land**	No	The land characteristics are not a causal factor.
7	**Conditions particular to the use**	Consistent	Although not universally so, outdoor display of vehicles is commonly an important characteristic of new-car sales facilities.
8	**Design consideration is minimized**	Consistent	Through Pre-application process, outside vehicle display is minimized to 7 vehicles (17%) with 34-vehicle display spaces in interior spaces on 3 floors.
9	**Village Council may impose conditions**	Consistent	Village Council may require condition to restrict extent of outside vehicle display to 7 vehicles as shown on site plan.

Request 2:	**Design consideration to allow for an 11' wide sidewalk with a 4' wide landscape strip adjacent to the proposed building.**
Location:	**Franjo Road**
Code Section:	DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, Franjo Road Requirements
Applicant's Rationale:	There is a conflict between the Streets and Building Placement Table and the graphic located below the table. The table requests a 20-ft. sidewalk and the graphic shows a 15-ft. wide sidewalk (11-ft. walk path + 4-ft. landscape). The applicant proposes a 15-ft. wide landscape pedestrian zone along this street.
Staff Analysis:	Staff notes that in the Street Type Plan, this part of Franjo Road, north of US-1 is categorized as a "Typical Street." (Sec. 30-50.23.5. - Street connectivity standards, Section 5.01, Figure 62, Street Type Plan) For a Typical Street (TS-U1). (Sec. 30-50.23.5, Sec 5.01 D.) provides that an 11-ft. sidewalk (diagram, 10' stated in table) is required. The 11-ft. width as proposed, does not inhibit pedestrian activity, and is consistent with pedestrian objectives of the DUV District and DG Sector.
	The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable

Request 3: **Design consideration to allow for a reduction to the 70% glazing requirement down to 51%.**

Location: **Franjo Road**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, Franjo Road Requirements

Applicant's Rationale: The glazing along this façade has been maximized as the design, structure and energy calculations allow. Further, the applicant is providing a living wall (included in the %) in the public park area that would make glazing on the wall in the public park impractical. The green wall along with the fenestration provided minimizes the areas of blank walls.

Staff Analysis: The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

The DUV regulations require 70% glazing on a TS-U1 Street for Commercial-Retail, Office and Residential uses, each also permitted uses enumerated for the Sector. Staff recognizes that automotive uses in the DG Sector and DUV overall are treated with distinction from Commercial-Retail, and are a separate and distinct use. The requirement states that it is applicable to "C-R/O only", and it is not applicable to this use.

Although not applicable, in the interest of considering the pedestrian condition on Franjo Road, it is understood that the is intent to activate the pedestrian street with "eyes on the street" and points of interest for pedestrians. Other treatments may also activate pedestrian paths, such as gathering places (such as pocket park), pedestrian amenities, and landscaping that is variegated. Of particular note, are the location of small retail spaces with glazing and doors to provide pedestrian points of interest that are not typical of this type of use. The reduced percentage of glazing is related to the pocket park and living wall, whereas the retail components along the Franjo façade meet this standard. See elevations, Attachment 8.

See also staff analysis for Design Consideration #25,

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

Further it is noted that on the Franjo Road façade, the proposal addresses the intent of the District to produce points of interest for an active, pedestrian, complete street.

Request 4: **Design consideration to allow for a reduction to the required 50' build-to line. The proposed design has a 36' build-to line.**

Location: **South Dixie Highway (US-1)**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements

Applicant's Rationale: The existing US-1 right-of-way is only 66' wide, not 100' wide as shown on the table and graphic. The applicant is requesting a design consideration in order to resolve it the issue.

Staff Analysis: The Table in the Sector Summary section requires that for facades fronting US-1, the primary build-to line be 50 ft. from the centerline of the road, where the roadway right-of-way (ROW) is 100 ft. cross-section. Essentially, the requirement is that the building is constructed at the edge of the ROW. Referring to the Boundary Survey in Attachment 5, the US-1 ROW at this location is 66-ft. wide. The centerline is 33 ft. from the property line; therefore, properly setting the build-to line at 33 ft. from the centerline of the road. *"Build-to-line" is defined as,* "A line established by the Street Connectivity Standards and determined by the street it abuts, which is parallel to the block face, along which the building shall be built." (Sec 30-50.23.6 Definitions). The proposal shows that the building wall is 36½ ft. from the ROW centerline. The build-to line is exceeded by 3½ ft. Staff notes that given that the curb line is fixed, the applicant has included a 10½ ft. landscape buffer to protect pedestrians from US-1 traffic. Reducing the build-to to 33 ft. would reduce the buffer, which is countervalent to pedestrian objectives.

Staff recommends acceptance of the design consideration to allow 3½ additional feet for sidewalk and landscape buffer.

DESIGN CONSIDERATION #4 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Build-to line is specifically required.
2	Motivated by need not contemplated in DUV code	Yes	The DUV code anticipated the US-1 ROW cross-section to be 100' where it is actually 66' at this location.
3	Consistency with Comprehensive Plan	Consistent	Design consideration accommodates the actual street ROW and enhances pedestrian objectives.
4	Consistency with intent of DG Sector of DUV	Consistent	Design consideration accommodates the actual street ROW and enhances pedestrian objectives.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	Consistent	The change from 50' is caused by the different ROW of US-1. The difference from 33' is not caused by land.
7	Conditions particular to the use	Consistent	The applicant states structural reasons.
8	Design consideration is the minimized	Consistent	Change is 11%
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are recommended.

Request 5: **Design consideration to allow for a reduction to the 16' wide sidewalk requirement down to a 10' wide sidewalk with a portion of it in the ROW.**

Location: **South Dixie Highway (US-1)**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements

Applicant's Rationale: Due to the 66-ft. wide right-of-way there is not enough space to provide a 16-ft. wide sidewalk in the right-of-way. Also, the current building footprint is at the absolute minimum that is economically developable. The requirement assumes a right of way width of 100 ft. and the requested design consideration is the only way available to the applicant to resolve this. Further, the applicant is proposing off-site improvements to improve pedestrian circulation such as sidewalk improvements, new bus shelter and possible future rail station connection.

Staff Analysis: The design consideration is related to the build-to line which is at the edge of the right-of-way (ROW), and requires sidewalks to be in the ROW. The requirement is that sidewalks along US-1 are 16 ft. wide where the roadway ROW is 100 ft. The Boundary Survey (Attachment 5) shows that the US-1 ROW at this location is 66-ft. wide. The centerline is 33 ft. from the property line; therefore, the anticipated 50 ft. to accommodate travel lanes, sidewalk and landscape buffer is 17-ft. less (34%). The site plan shows a 10½-ft. wide sidewalk protected from travel lanes by a 6-ft. landscape buffer. The sidewalk reduction of 35% is proportional to the reduced ROW width. The 10½-ft. width does not inhibit pedestrian activity, and is consistent with objectives of the DUV, and transitional DG Sector.

Staff recommends acceptance of the design consideration to allow a 10½-ft. sidewalk.

DESIGN CONSIDERAITON #5 CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Sidewalk width is specifically required.
2	Motivated by need not contemplated in DUV code	Yes	The DUV code anticipated the US-1 ROW cross-section to be 100' where it is actually 66' at this location.
3	Consistency with Comprehensive Plan	Consistent	The sidewalk width of 10½ ft. along with buffering at this transitional location does not reduce pedestrian objectives .
4	Consistency with intent of DG Sector of DUV	Consistent	The sidewalk width of 10½ ft. along with buffering and at the transitional location along US-1 does not reduce the pedestrian objectives of the DUV.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	Consistent	The reduced ROW is a factor.
7	Conditions particular to the use	Consistent	Not Applicable
8	Design consideration is the minimized	Consistent	Design consideration is proportional to the reduced ROW.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are recommended.

Request 6: **Design consideration for a reduction to the 70% glazing requirement down to 37%.**

Location: **South Dixie Highway (US-1)**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, US-1 Requirements

Applicant's Rationale: The portion of the building at the build-to line provides 89% glazing. The design consideration is driven, therefore, by the fact that the remainder of the building needs to be pushed back from the US 1 right of way to allow for additional frontage on Franjo Road.

Staff Analysis: The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

The DUV regulations require 70% glazing on US-1 for Commercial-Retail, Office and Residential uses, each also permitted uses enumerated for the Sector. Staff recognizes that automotive uses in the DG Sector and DUV overall are treated with distinction from Commercial-Retail, and are a separate and distinct use. The requirement states that it is applicable to "C-R/O only", and it is not applicable to this use.

See also staff analysis for Design Consideration #25.

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

Request 7: **Design consideration to remove the required secondary build-to lines.**

Location: **South Dixie Highway (US-1)**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary,* US-1 Requirements

Applicant's Rationale: The value to the public of the step-back design is far more important for the priority "main street" of Franjo Road, which is why the Applicant has moved this portion of the design from the US-1 frontage and is providing the secondary build-to elements along Franjo Road. The Applicant also needs to comply with Audi Terminal facility design guidelines along US 1, which do not allow any step-backs in this portion of the facade.

Staff Analysis: The section requires that for facades fronting US-1, the secondary build-to line (above 2 stories) be 65 ft. from the centerline of the road, where the roadway right-of-way (ROW) is 100 ft. cross-section. The requirement is that upper floors are built 15 ft. from the property line. The Boundary Survey in Attachment 5, shows that US-1 ROW at this location is 66-ft. wide, with the centerline 33 ft. from the property line; therefore, properly setting the secondary build-to line at 48 ft. from the centerline. "Build-to-line" is defined as, "*A* line established by the Street Connectivity Standards and determined by the street it abuts, which is parallel to the block face, along which the building shall be built." (Sec 30-50.23.6 Definitions). The building is 36½ ft. from the ROW centerline, and does not step back. Staff notes a goal of the DUV is to be more urban, and that this façade presents a 66-ft. high building at a 66-ft. roadway cross-section, creating an aspect ratio of 1:1, and an urban enclosure that supports urban objectives for the DUV.

Staff recommends acceptance of the design consideration.

DESIGN CONSIDERATION # 7 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Secondary build-to lines are specifically required.
2	Motivated by need not contemplated in DUV code	Yes	While the secondary build-to line is included on the more pedestrian Franjo Road side, the transitional nature of the US-1 façade benefits from a more urban aspect ratio.
3	Consistency with Comprehensive Plan	Consistent	Design consideration accommodates the actual street ROW and enhances pedestrian objectives.
4	Consistency with intent of DG Sector of DUV	Consistent	Design consideration accommodates the actual street ROW and enhances pedestrian objectives.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	In part	It is in part due to a smaller ROW than code anticipated
7	Conditions particular to the use	Consistent	The automotive sales uses the building façade as part of its identity, integrating urban design with branding.
8	Design consideration is the minimized	No	Only with respect to particular need of the use.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are recommended.

Request 8: **Design consideration to the 50' – 60' right-of-way requirement.**

Location: **Banyan Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: According to the survey, the right-of-way varies from 40 ft. to 45 ft. along this facade. As with the US 1 frontage, the DUV standards do not reflect the actual width of the right-of-way and the only tool available to the applicant is to seek a design consideration to resolve that issue.

Staff Analysis: The survey provided in Attachment 5, shows the right-of-way (ROW) for Banyan Street to be 45 ft., with the centerline 20 ft. from the applicant's property line (25-ft. on north side). Banyan Street is a Typical Street in the Urban Street Plan (Section 30-50.23.5, Figure 62) and a Priority B Street in the Street Hierarchy Plan (Section 30-50.23.2, Figure 5). To cure the 10% deficiency, the applicant would have to dedicate the additional 5 ft.; however, there is no rationale for the dedication since the site plan provides a 15-ft. sidewalk, pedestrian buffering in the form of a 9-ft. on-street parking lane and landscaped bulb-outs, and there is sufficient pavement for an 11-ft. travel as shown in the Thoroughfare Standards for TS-U1 streets (Sec. 30-50.23.5, Figure 69).

Further, staff notes that the inclusion of ROW in the requirements tables is not clearly distinguished as a reference or requirement. If it is a requirement, text stating the requirement for ROW dedication should include a correct and specific map showing the future streets plan with specific ROW cross-sections. Section 30-50.23.5 states that property owners shall be responsible for the right-of-way on all sides of development, considered street frontage (p.67); however, Section 30-50-.23.1 states that Street Connectivity Standards are guidelines (p.1). Further, the Sector Summary table (p. 23) provides that the ROW for a TS-U1 Street Type is 50-ft. to 60-ft., while Section 30-50.23.5 shows a 60-ft. ROW cross-section (p.71)

Staff finds that the contextual reference in the text, tables and diagrams for ROW width is not consistent and should not compel the Village until corrected to require dedication of private lands, especially when complete street objectives are substantially met.

The design is not inconsistent with the current requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

Request 9: **Design consideration for a reduction to the 70% glazing requirement down to 18%.**

Location: **Banyan Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: Because of the need to focus on the Franjo corridor, there is limited building frontage along Banyan Street. There are structural and energy guidelines that are limiting the glazing along this frontage as well.

Staff Analysis: The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

The DUV regulations require 70% glazing on a Typical TS-U1 Street for Commercial-Retail, Office and Residential uses, each also permitted uses enumerated for the Sector. Staff recognizes that automotive uses in the DG Sector and DUV overall are treated with distinction from Commercial-Retail, and are a separate and distinct use. The requirement states that it is applicable to "C-R/O only", and it is not applicable to this use. The 70% glazing requirement is not applicable to this façade, except for the retail portion that is on the corner with Franjo Road which appears to meet the criteria. This portion of the façade is substantially glazed and appears to meet the requirement; however, staff recommends that he applicant state the percentage of glazing on this part as a condition of this finding.

See also the analysis for Design Consideration #25.

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable, conditioned on the applicant state the percentage of glazing on the retail portion of this façade.

Request 10: **Design consideration to remove the required secondary build-to lines.**

Location: **Banyan Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: The value to the public of the stepback design is far more important for the priority "main street" of Franjo Road, which is why the Applicant has moved this portion of the design from the Banyan frontage to the Franjo Road corridor. The Applicant also needs to comply with Audi Terminal facility design guidelines, which do not allow any stepbacks in this portion of the facade.

Staff Analysis: The section requires that for facades fronting Banyan Street, the secondary build-to line (above 2 stories) be 45 ft. from the centerline of the road, where the roadway right-of-way (ROW) is 50 ft. to 60 ft. in cross-section. The Boundary Survey in Attachment 5, shows that Banyan Street ROW at this location is 45-ft. wide, with the centerline 20 ft. from the property line; therefore, properly setting the secondary build-to line at 25 ft. from the property line. The upper floor of the building is 35 ft. from the ROW centerline., with 20 ft. of ROW and 15 ft. of setback, and no step-back. The secondary build-to line is deficient by 10 ft.

Staff notes that as a goal of the NUV is to be more urban, this façade presents a 66-ft. high building at a 45-ft. roadway cross-section, creating an aspect ratio of 1.3:1, and an urban enclosure that supports objectives for the DUV. Also, the proposal uses the building façade as part of its identity, integrating urban design with branding, which is a superior urban alternative to separate signage.

Staff recommends acceptance of the design consideration.

DESIGN CONSIDERATION #10 ANALYSIS OF CONSISTENCY WITH CRITERIA			COMMENTS
1	The design consideration is required	Yes	Secondary build-to lines are specifically required.
2	Motivated by need not contemplated in DUV code	Yes	While the secondary build-to line is included on the more pedestrian Franjo Road side, the transitional nature of the Banyan façade may benefit from a more urban aspect ratio.
3	Consistency with Comprehensive Plan	Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
4	Consistency with intent of DG Sector of DUV	Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	In part	The change from 50' is caused by the different ROW of US-1. The remainder is not caused by the land.
7	Conditions particular to the use	Consistent	The automotive sales uses the building façade as part of its identity, integrating urban design with branding.
8	Design consideration is the minimized	No	Only with respect to particular needs of the use.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

Request 11: **Design consideration to the 50-ft. to 60-ft. right-of-way requirement.**

Location: **Datura Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Sec. 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements.

Applicant's Rationale: According to the survey, the right-of-way varies from 40 ft. to 45 ft. along this facade. As with the US 1 frontage, the DUV standards do not reflect the actual width of the right of way and the only tool available to an applicant is to seek a design consideration to resolve that issue.

Staff Analysis: The survey provided in Attachment 5, shows the right-of-way (ROW) for Datura Street to be 45 ft., with the centerline 20 ft. from the applicant's property line (25 ft. on north side). Datura Street is a Typical Street in the Urban Street Plan (Section 30-50.23.5, Figure 62) Datura Street is a B Street in the Street Hierarchy Plan (Section 30-50.23.2, Figure 5). To cure the 10% deficiency, the applicant would have to dedicate the additional 5 ft.; however, there is no rationale for the dedication since the site plan provides a 10-ft. sidewalk, a 4.4-ft. interior landscape strip, pedestrian buffering in the form of a 9½-ft. on-street parking lane and outside landscape strip, and there is 24 ½ ft. of pavement from curb to curb for two 12-ft. lanes of local traffic. As shown, the street cross-section is sufficient to accommodate the Thoroughfare Standards for TS-U1 streets (Sec. 30-50.23.5, Figure 69); however, consistency with these standards would require and 11-ft. sidewalk, 9-ft. landscape strip, and 10-ft. vehicular travel lane.

Further, staff notes that the inclusion of ROW in the requirements tables is not clearly distinguished as a reference or requirement. If it is a requirement, text stating the requirement for ROW dedication should include a correct and specific map showing the future streets plan with specific ROW cross-sections. Section 30-50.23.5 states that property owners shall be responsible for the right-of-way on all sides of development, considered street frontage (p.67); however, Section 30-50-.23.1 states that Street Connectivity Standards are guidelines (p.1). Further, the Sector Summary table (p. 23) provides that the ROW for a TS-U1 Street Type is 50-ft. to 60-ft., while Section 30-50.23.5 shows a 60-ft. ROW cross-section (p.71)

Staff finds that the contextual reference in the text, tables and diagrams for ROW width is not consistent and should not compel the Village until corrected to require dedication of private lands, especially when complete street objectives are substantially met.

The design is not inconsistent with the current requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

Request 12: **Design consideration to allow for an 11' wide sidewalk with a 4' wide landscape strip adjacent to the proposed building.**

Location: **Datura Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: The regulations require a 10' wide sidewalk along this street. The Applicant is seeking to widen the sidewalk and provide some additional landscaping. This will help enhance pedestrian accessibility, especially between the busway and the core of the DUV. Further, the applicant is proposing a number of offsite improvements to improve pedestrian circulation such as sidewalk improvements, new bus shelter and possible future rail station connection."

Staff Analysis: The design consideration is related to the build-to line which is at the edge of the right-of-way (ROW), and essentially requires sidewalks to be in the ROW. The Table in the Sector Summary section requires that sidewalks along an Urban TS-U1 Street are 10 ft. wide where the roadway ROW is 50 ft. to 60 ft. The proposed site plan shows a 10-ft. wide sidewalk with 4.4 ft.-wide landscape strip along the building and protected from travel lanes by a 9½-ft. landscape buffer. The sidewalk width is consistent with the DUV DG requirement cited above. The landscape buffer at the street edge is consistent with TS-U1 Thoroughfare Standards in Figure 69 of Sec. 30-50.23.5.

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable

Request 13: **Design consideration for a reduction to the 70% glazing requirement down to 13%.**

Location: **Datura Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: The Audi Terminal facility design limits the amount of glazing on this elevation. There are also structural and energy guidelines that are limiting the glazing along this elevation as well.

Staff Analysis: The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

Datura Street is as a "Typical Street." (Sec. 30-50.23.5. - Street connectivity standards, Section 5.01, Figure 62, Street Type Plan). For a Typical Street, with respect to glazing, the requirement is 70%; however, the table notes that this requirement is only for Commercial-Retail (C-R) and Office (O) only. The Datura Street façade is primarily "Automotive Use" as enumerated in the permitted uses for the DG Sector. The 70% glazing requirement is not applicable to this façade, except for the retail portion that is on the corner with Franjo Road which appears to meet the criteria. This portion of the façade is completely glazed and meets the requirement.

See also, the analysis of Design Consideration #25.

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

Request 14: Design consideration to remove the required secondary build-to lines.

Location: **Datura Street**

Code Section: DUV Regulations, Section 30-50.23.3. *Urban Design Standards*, Section 3.01. B. *Downtown General (DG) Sector Summary*, TS-U1 Requirements

Applicant's Rationale: The value to the public of the step-back design is far more important for the priority "main street" of Franjo Road, which is why the Applicant has moved this portion of the design from the Datura frontage to the Franjo Road corridor. The Applicant also needs to comply with Audi Terminal facility design guidelines, which do not allow any step-backs in this portion of the facade.

Staff Analysis: The section requires that for facades fronting Datura Street, the secondary build-to line (above 2 stories) be 45 ft. from the centerline of the road, where the roadway right-of-way (ROW) is 50 ft. to 60 ft. in cross-section. The Boundary Survey in Attachment 5, shows that the Datura Street ROW is 40-ft. wide, with the centerline 20 ft. from the property line; therefore, properly setting the secondary build-to line at 25 ft. from the property line. The upper floor of the building is 14.4 ft. from the ROW centerline., with 20 ft. of ROW, 14.4 ft. of setback and no step-back. The secondary build-to line is deficient by 10.6 ft.

Staff notes that as a goal of the NUV is to be more urban, this façade creates an aspect ratio of 1.5:1, and an urban enclosure that supports objectives for the DUV. Also, the proposal has less frontage width along Datura Street: 268.6 ft. building frontage along the 402.9 ft. lot frontage (66.7%). This, and that the building is on the north side of the street mitigates any possible shadowing.

Staff recommends acceptance of the design consideration.

DESIGN CONSIDERATION #14 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Secondary build-to lines are specifically required.
2	Motivated by need not contemplated in DUV code	Yes	While the secondary build-to line is included on the more pedestrian Franjo Road side, the transitional nature of the Datura façade may benefit from a more urban aspect ratio.
3	Consistency with Comprehensive Plan	Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
4	Consistency with Intent of DG Sector of DUV	Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	In part	The change from 45' is caused by the different ROW of US-1. The remainder is not caused by the land.
7	Conditions particular to the use	Consistent	The building occupies 67% of the block and is located on the north side, limiting shadow.
8	Design consideration is the minimized	No	Only with respect to the particular needs of the use.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

Request 15: **Design consideration to reduce the 30' parking setback requirement along US-1 to 3'.**

Location: **South Dixie Highway, West Datura Street**

Code Section: DUV Regulations, Section 3.02. B.5. *Parking Access and Setbacks*

Applicant's Rationale: Due to the Automotive Use, we are requesting this consideration in order to display a small segment of our vehicles. When we initially met with staff during our preapplication meeting to review the design of the facility, we agreed to minimize the parking lot area and only locate it on the southwest corner of the property. Please note that the parking setback varies from 3' to 10' with an average of 6.5'."

Staff Analysis: The request is related to Request 1 for on-site, outside vehicle display. The proposed site plan (Attachment 6) shows surface parking amounting to 29 marked spaces, and an additional 7 locations on pedestrian pavers for inventory display (subject of request 1). This request addresses the 29 marked and paved spaces on the southwest corner of the property. The applicant states that these spaces will be primarily used for additional inventory (not including the 2 HC spaces), and that the primary parking for customers will be by valet services, similar to other urban new car retailers of luxury brands. The vale station is located at between this parking area and the main north-south interior drive. Staff and employees are also to use upper floor parking. (The program summary shows work statins for approximately 80 employees)

Along Datura Street, 7 diagonal parking spaces are buffered by approximately 6 to 13 ft. of landscape. Along US-1, 5 diagonal spaces are buffered by 3 to 10 ft. of landscape, and the sidewalk that is 10½-ft. at the showroom is narrowed to 6½ ft. Landscape buffering and sidewalk along US-1 are not consistent with DUV objectives, and staff recommends conditions to upgrade this area consistent with the DG Sector.

Staff recommends acceptance of the design consideration with conditions:

1. **On-site parking spaces and display areas along the US-1 side be reconfigured to maintain the sidewalk at 10½-ft. width, as it is to the north of this area;**
2. **Maintain a minimum buffer equal to that along Datura Street, which is 6-ft. to 13-ft. in a diagonal pattern or 9½-ft. minimum if not in a diagonal saw-tooth pattern;**
3. **Landscaping does not by design or maintenance permit walk-through from sidewalk to paved vehicular parking, and that landscaping meet all other Village requirements;**
4. **As an alternative, applicant may extend the depth of the outdoor new car display area in place of the part of the parking area, subject to maintaining a 6-ft depth of landscape behind the display area and in front of the paved lot subject to all the conditions provided in Request #1; however, no additional vehicles may be added beyond the sum of the two areas shown on the site plan.**

DESIGN CONSIDERAITON #15 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	**The design consideration is required**	Yes	Parking setback is specifically required at 30 ft.
2	**Motivated by need not contemplated in DUV code**	Yes	There is adequate parking; there is no demonstrated need. Display vehicles are part of Request #1. This parking is general parking that may be used for inventory or customers.
3	**Consistency with Comprehensive Plan**	Consistent	The Datura side more adequately meets the general objectives of the land use category. The US-1 side requires more setback.
4	**Consistency with intent of DG Sector of DUV**	Consistent	The Datura side more adequately meets the general objectives of the land use category. The US-1 side requires more setback.
5	**Allowed within the province of Village Council**	Consistent	It is not prohibited.
6	**Special conditions peculiar to land**	Not Applicable	The request is not related to land or ROW conditions.
7	**Conditions particular to the use**	Consistent	While customer parking is important to the use, the need for 27 spaces is not demonstrated as critical.
8	**Design consideration is the minimized**	Consistent	Design consideration is not minimized. Datura side provides 30% of requirement and US-1 side provides 10% of requirement without justification.
9	**Village Council may impose conditions**	Consistent	Conditions to increase landscape and sidewalk on US-1 side recommended.

Request 16: **Design consideration from the requirement that street trees shall be planted at an average of 25' on center.**

Location: **Banyan Street, South Dixie Highway**

Code Section: DUV Regulations, Section 4.03. *General Development Parameters*: a. Item F.2. *Landscape Standards*

Applicant's Rationale: Audi will not approve trees to be planted in front of the showroom glazing. The applicant requests that this requirement is waived along in front of the building at the showroom volume at the corner of US-1 and Banyan Street."

Staff Analysis: The applicant requests that street trees that will block the fully glazed view of showroom display not be planted. The US-1 facade of the showroom is 120 linear feet, of which 103-ft. are glazed and the remainder to the south is wall. Just beyond to the south is paver surface where three outdoor vehicle display spaces are. While a single street tree may be included in front of the wall area, it would block the view of outdoor display from southbound vehicles. Further, one midblock tree may be awkward in appearance. The Banyan Street façade is 120 linear feet, of which 40 ft. is glazed. From the end of the glazing, there is a tree just beyond the edge of the showroom, approximately 85-ft. away. Two additional trees on this façade of blank wall would be beneficial to the district, and not reduce visibility of the showroom display.

Staff recommends acceptance of the design consideration with conditions:

1. **two additional trees are planted in front of the blank wall part of the showroom along Banyan Street at 25-ft. intervals, and;**
2. **that the four trees deleted along the US-1 sides are mitigated**

DESIGN CONSIDERATION #16 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Street tree planting is specifically required at 25 ft.
2	Motivated by need not contemplated in DUV code	No	The need for branding and visibility of a blank wall is not sufficient for this criterion.
3	Consistency with Comprehensive Plan	Consistent	Balances the general objectives of the land use category with the needs of the uses.
4	Consistency with intent of DG Sector of DUV	Consistent	Balances the general objectives of the land use category with the needs of the uses.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	The request is not related to land or ROW conditions.
7	Conditions particular to the use	Consistent	The automotive use is a permitted use with showroom visibility requirements along US-1
8	Design consideration is the minimized	Consistent	Design consideration is not minimized. Additional trees are possible on Banyan without reducing showroom visibility.
9	Village Council may impose conditions	Consistent	Conditions to add trees on Banyan side in front of wall part of showroom are recommended.

Request 17: **Design consideration to eliminate the 15' wide pedestrian paseo requirement.**

Location: **Franjo Road through to South Dixie Highway**

Code Section: DUV Regulations, Section 4.03, Part G.3(a) *Frontage Standards*

Applicant's Rationale: The paseo requirement along Franjo Road would require the applicant to split up the service department into two (2) halves and the building would not function. The visual benefit of breaking up the building wall at the pedestrian level has been accomplished with the introduction of the recess and green wall element in the center of that frontage. As an offset the applicant proposes to increase the number of trees along the southwest corner of the property.

Staff Analysis: Section 4.03, Part G. *Frontage Standards* requires a paseo for frontages greater than 300 feet. recognize proximity to future transit station. Only the Datura Street elevation is on a street frontage than is greater than 300 feet. (402.9-ft.). The frontage across from the Datura Street side is Banyan Street, which is a frontage of 282.4-ft. The Banyan frontage does not meet the criteria to require a paseo.

While the illustrative diagram on p.8 of the DUV code shows a paseo here, Section 2.05, Street Hierarchy Plan does not show a "B Street" through this block, even though the new midblock "B Streets" are shown bifurcating the blocks south of Datura Street, and a "Priority B Street" extending Franjo Road is shown through the property to the north. The omission on this block informs staff that the DUV code does not intend for a pedestrian connection through this block.

Lastly, the Automotive Use, as an enumerated permitted with provisions use is not a use that should have a paseo bifurcating it for general safety reasons.

While the public safety reason would support a recommendation for acceptance of the design consideration, Staff finds that because of the omission for this block from a mid-block thoroughfare depicted in the Street Hierarchy Plan (sec. 2.05) and that only one side meets the criterion to require a paseo, that a paseo is not required.

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

Request 18: **Design consideration to allow for 275 L.F. continuous frontage along Franjo Road. The regulations call for a 250 L.F. maximum.**

Location: **Franjo Road**

Code Section: DUV Regulations, Section 4.03, Part H.1(a) *Building Size and Massing*

Applicant's Rationale: The frontage along Franjo Road is 275 linear feet. Due to this condition, the applicant requests a 25' extension to the rule in order to implement the design using the entire property.

Staff Analysis: Section 4.03, Part H.1(a) *Building Size and Massing* requires that no building shall occupy more than 250 feet of continuous frontage. In Section 30-40.1, Frontage is defined as the distance measured along a right-of-way. Using the definition of frontage as given in the village zoning code and the frontages given in the site plan (Sheet C 2.0, Feb.7, 2017) are:

Franjo Road:	270.6 ft. continuous
Banyan Street:	272.4 ft. non-continuous
Banyan St. West side:	120 ft. continuous
Banyan St. East side:	90.8 ft. continuous
Datura Street:	223.5 ft. continuous west of drive
South Dixie Highway:	130.0 ft.

The Franjo Road frontage exceeds the requirement by 20.6 ft., approximately 8%. The purpose of the regulation limiting frontage is to control massing. The applicant has provided a site plan the ameliorates the 8% oversize frontage by providing strong articulation at the center of the block with a 20-ft. deep pocket park that is 50-ft. wide, with remainder frontages of 110.6-ft. and 110.0-ft.

Staff recommends acceptance of the design consideration with park relief.

DESIGN CONSIDERATION #18 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Continuous frontage is specifically limited at 250 ft. maximum.
2	Motivated by need not contemplated in DUV code	Yes	The building is over the requirement by a small percentage with impacts ameliorated by the park. The effect of the park and deep break in massing is not included in the DUV code.
3	Consistency with Comprehensive Plan	Consistent	The applicant has provided a pocket park with living wall that ameliorates massing, and maintains pedestrian scale.
4	Consistency with intent of DG Sector of DUV	Consistent	The applicant has provided a pocket park with living wall that ameliorates massing, and maintains pedestrian scale.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	Not applicable
7	Conditions particular to the use	Consistent	The automotive requires continuous parking facilities on upper floors, necessitating higher utilization of the frontage
8	Design consideration is the minimized	Consistent	Requirements for sidewalks and other infrastructure at ends of frontage are adequate.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

Request 19: **Design consideration to allow for an exception to the building articulation requirement of a break in building facade every 60 feet maximum on buildings that occupy 150 feet of frontage.**

Location: South Dixie Highway, Banyan Street, West Datura Street

Code Section: DUV Regulations, Section 4.03, Part H.1(b) *Building Size and Massing*

Applicant's Rationale: Due to the specific Audi design requirements, the applicant cannot achieve this requirement along US-1, Banyan Street, or Datura Street. The applicant proposes a 50' wide break in the along the important Franjo Road façade to provide articulation along that frontage.

Staff Analysis: Section 4.03, Part H.1(b) *Building Size and Massing* requires that a break in building façade shall occur at a maximum of every 60-ft., that the break should be recessed from the build-to line up to 2 feet maximum, and shall be at a minimum the height of the base element. The continuous facades are:

Franjo Road:	270.6 ft. continuous	requires 4 breaks
Banyan St. West side:	120.0 ft. continuous	breaks not required
Banyan St. East side:	90.8 ft. continuous	breaks not required
Datura Street:	223.5 ft. continuous	requires 3 breaks
South Dixie Highway:	130.0 ft. continuous	breaks not required

The Franjo Road façade requirement is substantially met by the fenestration details of storefront windows and wall columns. In combination with the deeply recessed pocket park, Staff finds that building articulation is achieved.

The Banyan Street façade is comprised of two continuous frontages that do not meet the length criteria to require application of the requirement.

The Datura Street façade is comprised of horizontal elements with high windows on the first floor and garage openings above. The horizontal element limits align, and can be vertically connected with vertical breaks. The vertical breaks do not have to be deep (2-ft. max.); therefore, there should be no major impact to the structure or interior operations.

The South Dixie Highway façade is comprised of a large expanse of glass for the showroom and is organized with primarily horizontal elements. The massing pattern is intentional, and according to the applicant important to the visibility and branding of the proposed occupant. The façade frontage does not meet the length criteria to require application of the requirement.

1. **Staff recommends acceptance of the design consideration for the Franjo Road Façade.**
2. **Staff recommends that the Banyan façade does not require vertical breaks.**
3. **Staff recommends that the US-1 façade does not require vertical breaks.**
4. **Staff recommends that the design consideration is not accepted for the Datura Street façade, and that shallow vertical breaks are required.**

DESIGN CONSIDERATION # 19 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	**The design consideration is required**	Yes	Frontage breaks are specifically required at 60-ft. intervals for frontages over 150 ft.
2	**Motivated by need not contemplated in DUV code**	Yes	The building is over the requirement by a small percentage with impacts ameliorated by the park. The effect of the park and deep break in massing is not included in the DUV code.
3	**Consistency with Comprehensive Plan**	Partially Consistent	All except the Datura Street façade are found consistent with the comprehensive plan.
4	**Consistency with Intent of DG Sector of DUV**	Partially Consistent	All except the Datura Street façade are found consistent with the comprehensive plan.
5	**Allowed within the province of Village Council**	Consistent	It is not prohibited.
6	**Special conditions peculiar to land**	No	Not applicable
7	**Conditions particular to the use**	No	The automotive requires continuous parking facilities on upper floors, necessitating higher utilization of the frontage
8	**Design consideration is the minimized**	Partially Consistent	On the required Datura façade, the design consideration is not minimized.
9	**Village Council may impose conditions**	Consistent	Village Council may impose additional design conditions. None are suggested.

Request 20: **Design consideration to allow for an 11' high parapet in lieu of the 40" high maximum allow by this regulation.**

Location: South Dixie Highway, Banyan Street, West Datura Street

Code Section: DUV Regulations, Section 4.03, Part H.2.(a). *Building Size and Massing*

Applicant's Rationale: Due to the specific Audi Terminal facility design requirements, this parapet will need to exceed the allowable 40" high maximum requirement around the showroom volume. The applicant proposes a 48" high parapet on the rear parking structure volume to meet code (min. 42"). Unless the mechanical equipment requires a higher parapet for screening, the retail spaces along Franjo Road should be able to meet the 40" high maximum requirement.

Staff Analysis: Section 4.03, Part H.2.(a). *Building Size and Massing*, requires that a parapet wall shall be a maximum of 40 inches tall measured from the top of the highest slab from the roof. The site plan includes a 37-inch parapet throughout, except for the facades that comprise the main showroom part of the structure at the corner of Banyan Street and US-1, for which the parapets are 11-ft. high.

The purpose of the maximum height limit of parapets, included under the section regulating building heights, is to control façade heights and thereby to control building massing as seen from the street. Although the parapets are substantially taller than the maximum on this part of the building, the total height of the building is 66-ft. The height range required for the DG Sector is 4 stories minimum t 5 stories maximum without bonuses. Based on floor height requirements, this range in façade height is 41-ft. to 96 ft. The high parapets do not adversely affect the building facades to be inconsistent with the DG Sector building massing.

Staff recommends acceptance of the design consideration with park relief.

DESIGN CONSIDERATION # 20 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Parapet height limits are specifically required at 40 inches
2	Motivated by need not contemplated in DUV code	Yes	Garages are an allowed use in the DG Sector. The high parapets help to conceal parked cars from street-level view.
3	Consistency with Comprehensive Plan	Consistent	The building is over the requirement for parapet heights, but within the range of façade height.
4	Consistency with intent of DG Sector of DUV	Consistent	The building is over the requirement for parapet heights, but within the range of façade height.
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	Not applicable
7	Conditions particular to the use	No	The Automotive Use uses the roof for parking to use the structure efficiently, and should shield vehicles from view.
8	Design consideration is the minimized	Consistent	The design consideration is applicable on part of the proposal.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

Request 21: Design consideration to eliminate secondary massing element.

Location: South Dixie Highway, partial façade; Datura Street, partial façade; Banyan Street, partial façade.

Code Section: DUV Regulations, Section 4.04.8. *Specific Development Parameters by Building Type*

Applicant's Rationale: Due to the specific Audi Terminal facility design requirements, the applicant will not be able to meet this requirement along the Audi facades; however, the applicant proposes to provide secondary massing on the retail spaces along the more important frontage along Franjo Road.

Staff Analysis: Staff analysis considers that the introduction of a secondary massing element of reduced floor area, especially in the DG Sector is potentially problematic for certain uses on small blocks. In particular, any use that essentially is a facility for parking cars in a multi-level facility has the potential to require a design consideration, similar to Design Consideration 21 (this one) and the related design consideration for secondary build-to lines on South Dixie Highway (#7), Banyan Street (#10), and Datura Street (#14).

Parking ramps require specific minimum dimensions for parking spaces, aisles, and floor-to-floor ramps. If a dimension that is just sufficient is reduced by even a small amount that causes a sub-standard parking or ramp dimension, for safety reasons an entire row of parking may be lost on every floor, and the proposal can become infeasible or require additional height. Further, parking garages have more limited flexibility for vertically realigning structural supporting walls and columns.

For this site plan, the need to delete secondary massing elements on the Banyan Street and Datura Street sides result mostly from the dimension required for the vehicular ramp for internal circulation, as well as for structural reasons. The secondary mass is deleted on the South Dixie Highway façade for design reasons in which it properly responds to the US-1 built environment. On the Franjo façade, the site plan does provide secondary massing as it properly responds to the more pedestrian scale of that façade.

Staff finds that the design based rational for the South Dixie Highway side deleting secondary massing is both appropriate to the US-1 condition and mitigated by the response to developing the Franjo Road design consistent with the aspirations of the DUV.

Staff recommends acceptance of the design consideration to eliminate the secondary massing element on the South Dixie Highway side, the Datura Street side, and the Banyan Street side of the proposal.

(analysis of consistency with criteria on next page)

DESIGN CONSIDERATION # 21 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	**The design consideration is required**	Yes	The secondary massing element is not included for the building elements that serve to provide parking space and are motivated by the inability to scale parking ramp dimensions and vehicular ramp dimensions.
2	**Motivated by need not contemplated in DUV code**	No	It is a need that should have been reasonably foreseen for this use, as well as some others that are particular to the DG Sector
3	**Consistency with Comprehensive Plan**	Partially Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
4	**Consistency with intent of DG Sector of DUV**	Partially Consistent	Design consideration provides urban enclosure and design, and does not reduce pedestrian objectives.
5	**Allowed within the province of Village Council**	Consistent	It is not prohibited.
6	**Special conditions peculiar to land**	No	The request is not caused by the land.
7	**Conditions particular to the use**	Yes	The design consideration is particular to any DG permitted use that provides automotive parking on upper floors.
8	**Design consideration is the minimized**	Consistent	Only with respect to particular needs of the use.
9	**Village Council may impose conditions**	Consistent	Village Council may impose additional design conditions. None are suggested.

Request 22: **Design consideration to eliminate the arcade requirement along Franjo Road.**

Location: Franjo Road

Code Section: DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item A.1. *Arcade*

Applicant's Rationale: The proposed design along Franjo Road will incorporate the storefront façade option.

Staff Analysis: In the DG Sector, three frontage types are permitted: Arcade, Storefront, or Forecourt. A forecourt is more appropriate to residential or residential mixed-use buildings. The arcade or storefront are permitted per Sections 4.04, Table 38 (p.48). In providing for design details, the Section 4.06 Specific Parameters by Frontage Type provides language that arcades are only permitted for certain building types in the Sector, and only along primary frontage on Franjo Road. While this limits the frontage type to Franjo Road, it does not require this option for Franjo road, and the site plan may optionally use a storefront frontage type or arcade storefront type. There is no requirement in the Section that mandates the use of the arcade option.

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

Request 23: **Design consideration to provide 14' clear between the columns in lieu of the 10' wide maximum allowed by this regulation.**

Location: Banyan Street

Code Section: DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront*

Applicant's Rationale: The column spacing for the storefronts (along Banyan Street) has 14' openings between the columns to match the adjacent storefront opening widths.

Staff Analysis: In the DG Sector, three frontage types are permitted: Arcade, Storefront, or Forecourt. The storefront has been used for part of the Banyan Street façade. The two 15-ft. wide openings as shown on the site plan are provided to match the storefront openings along Franjo Road, providing a continuity and consistency to help visually lead pedestrians from Banyan Street to Franjo Road.

The requirement contained in Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront* is for "Openings within the Storefront shall be vertically proportioned and a minimum of 10 feet wide and 10 feet tall." The design consideration request misinterprets the code requirement as a maximum. The glazed storefront openings of 15'-1" openings set approximately 5-feet apart, meet the requirements.

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

Request 24: Design consideration to increase storefront maximum height from 18 feet to 20 feet.

Location: Banyan Street and US-1

Code Section: DUV Regulations, Section 4.03, Part H.3. Table 33 under *Building Size and Massing*

Applicant's Rationale: Due to the specific Audi Terminal design requirements, 20' minimum is required on all sides of the 2-story showroom volume. This change will allow for more light into the building and a better visual experience for the public.

Staff Analysis: Section 4.03, Part H.3. Table 33 under *Building Size and Massing*, requires that the ground floor of a Flexible Block type building have a ground story height of 14-ft. minimum to 18-ft. maximum. As a part of the building Size and Massing section, the regulation is to control façade heights and thereby to control building massing as seen from the street. Although the ground story height is taller than the maximum for this part of the building, the total height of the building is 66-ft. The height range required for the DG Sector is 4 stories minimum t 5 stories maximum without bonuses, which based on floor height requirements, the range in façade height is 41-ft. to 96 ft. The building height at 66-ft. is still within the expected and permissible range of massing for the DG Sector.

The height of the ground floor of most of the automobile sales use structure and the small retail part of the building along Franjo Road is 18-ft. The showroom part of the building at the Northwest corner is at a ground floor height of 20-ft.

For a building of this size, for a component to have a difference in ground floor height from 18-ft. to 20-ft. is imperceptible. The additional ground story height is 11% of the requirement, and 2-ft. It is 2½-inches more than the de-minimus criteria established in Sec. 30-30.3(d).

Staff finds that the increased height of the ground floor part of the showroom does not cause any adverse impact to building height, exterior massing, or other building or urban design criteria for the DG Sector of the DUV.

Staff recommends acceptance of the design consideration.

DESIGN CONSIDERATION # 24 ANALYSIS OF CONSISTENCY WITH CRITERIA			
CRITERIA		CONSISTENT	COMMENTS
1	The design consideration is required	Yes	Ground floor maximum height of 18-ft. is specifically required.
2	Motivated by need not contemplated in DUV code	No	It is not a need that should have been reasonably foreseen.
3	Consistency with Comprehensive Plan	Partially Consistent	It does not cause any adverse impact to building height, exterior massing, or other building or urban design criteria
4	Consistency with intent of DG Sector of DUV	Partially Consistent	It does not cause any adverse impact to building height, exterior massing, or other building or urban design criteria
5	Allowed within the province of Village Council	Consistent	It is not prohibited.
6	Special conditions peculiar to land	No	Not applicable
7	Conditions particular to the use	Yes	The automotive use requires a higher showroom floor.
8	Design consideration is the minimized	Consistent	The increase in height is 11%. At 2-ft., it is 2½ inches more than it could be permitted administratively as de-minimus.
9	Village Council may impose conditions	Consistent	Village Council may impose additional design conditions. None are suggested.

Request 25: **Design consideration to allow for a reduction to the 70% ground floor glazing requirement.**

Location: Banyan Street, Datura Street, Franjo Road

Code Section: DUV Regulations, Section 4.06. A.1. *Specific Parameters by Frontage Type*: a. Item B.2(b) *Storefront*

Applicant's Rationale: This request is addressed above under DUV Section 3.02.

Staff Analysis: The request has been addressed by design considerations 3, 6, 9 and 13.

The proposal is an enumerated permitted use in the DG Sector, an "Automotive Use". As with other permitted uses in DG such as big-box retail, this use does not typically have extensive glazing on all sides at street level if it occupies an entire block.

The DUV regulations require 70% glazing on a TS-U1 Street or on US-1 for Commercial-Retail, Office and Residential uses. The sections of storefront façade, in which the uses are "C-R" along these elevations meet the criteria.

Staff recognizes that automotive uses in the DG Sector and DUV overall are treated with distinction from Commercial-Retail, and are a separate and distinct use. The requirement states that it is applicable to "C-R/O only", and it is not applicable to the parts of this site plan that are for Automotive Use.

The design is consistent with the requirements of the DG Sector in the DUV. No design consideration is required. The design is acceptable.

ATTACHMENT II
LOCATION

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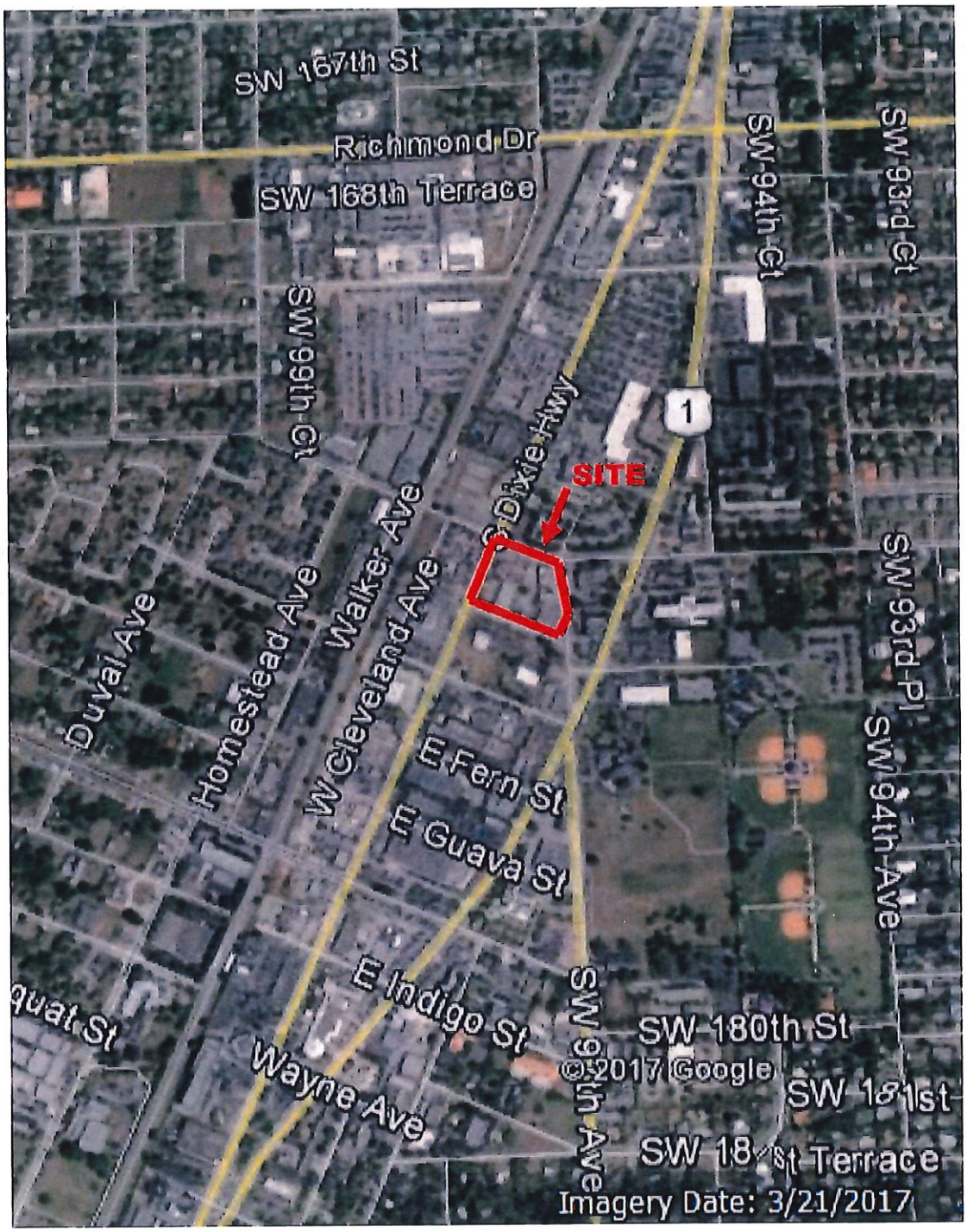
GENERAL LOCATION



DETAILED LOCATION



ATTACHMENT III
FUTURE LAND USE MAP

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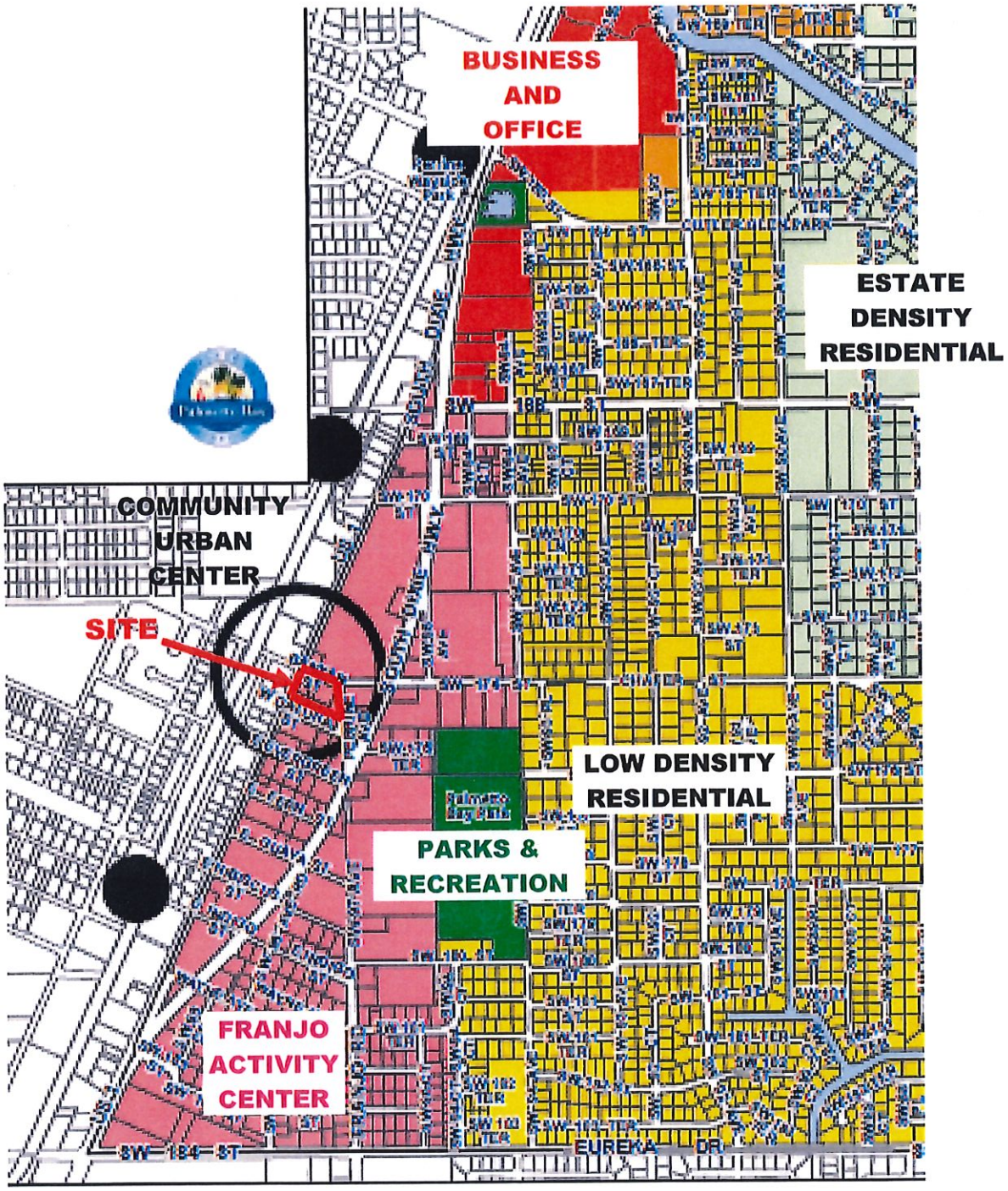
ATTACHMENT III
FUTURE LAND USE MAP EXCERPT



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ATTACHMENT IV
ZONING MAP

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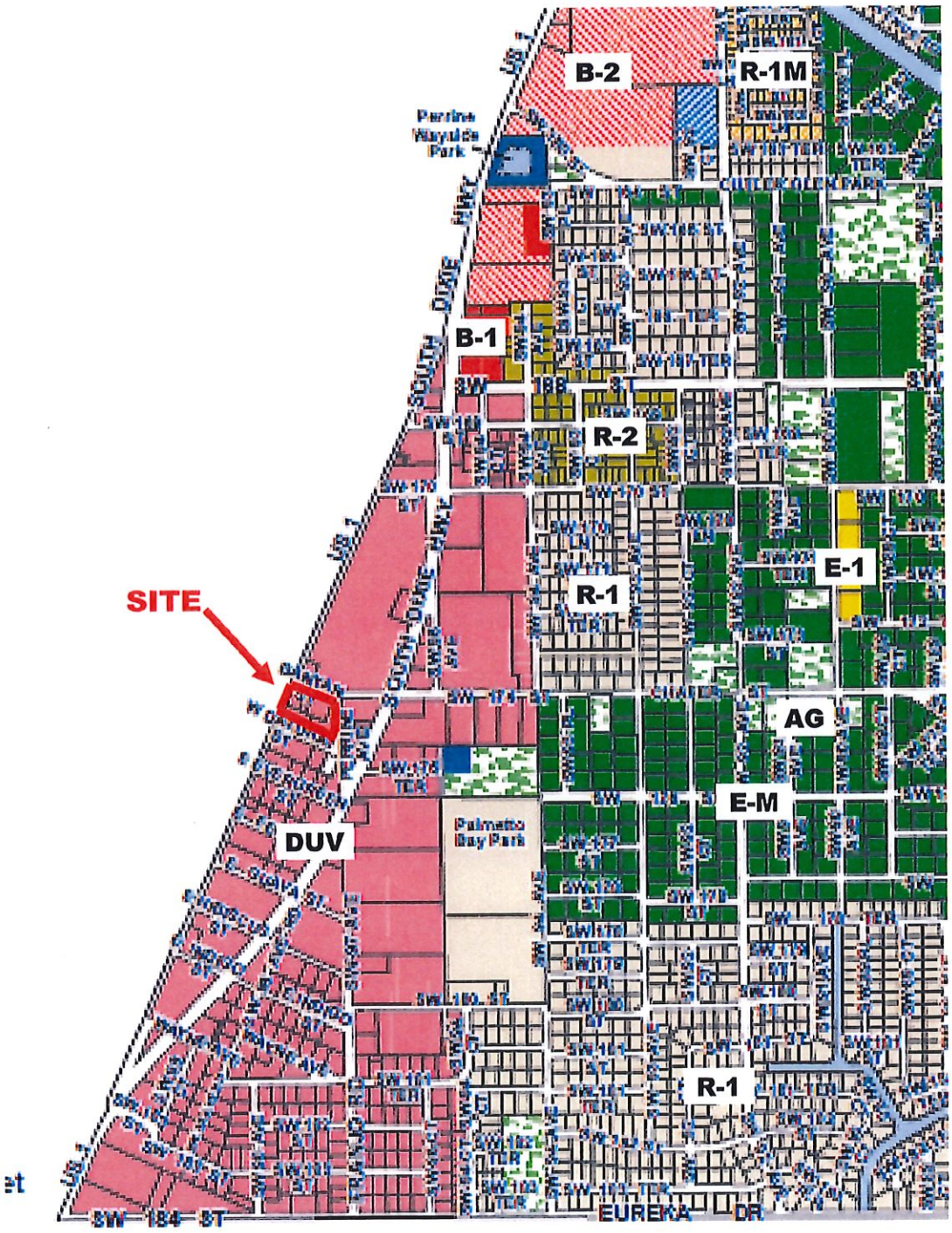
ATTACHMENT IV
ZONING MAP EXCERPT



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ATTACHMENT V
PUBLIC NOTICE:

ADVERTISMENT
MAILED POSTCARD
POSTING

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PUBLISHED ADVERTISEMENT

VILLAGE OF PALMETTO BAY
NOTICE OF ZONING PUBLIC HEARING

The Village of Palmetto Bay shall conduct a zoning public hearing on Monday, February 12, 2018, at 7:00 p.m. Discussion and public input will be welcomed concerning the following hearing items which may be of interest to your immediate neighborhood.

The following items are being considered pursuant to Division 30-80 of the Village's Land Development Code:

Applicant:	South Dade Imports, LLC
Folio(s):	33-5032-004-2480, 33-5032-004-2490, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530
File #:	VPB-16-017
Location:	17400 SW 97th Avenue, 17414 SW 97th Avenue, 17405 South Dixie Highway, 17407 South Dixie Highway, 17409 South Dixie Highway, 17411 South Dixie Highway, 17413 South Dixie Highway
Zoned:	Downtown Urban Village (DUV)
Request:	A request for design considerations to allow for the construction of a three-story auto sales center with approximately 185,255 s.f. of sales and service facilities, and 6,004 s.f. of retail space at street level.

PLANS ARE ON FILE FOR THE ABOVE APPLICATIONS AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED AT THE PUBLIC HEARING.

The hearing shall be held at the **Council Chambers located within Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157.** Any meeting may be opened and/or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) days prior to the proceedings.

Advertisement published in Daily Business Review, January 12, 2018

POST CARDS

Village of Palmetto Bay
Department of Planning and Zoning
9705 East Hibiscus Street
Palmetto Bay, FL 33157

Post Card Front, mailed out to property owners with 1,500-ft. radius: mailed January 12, 2018

VILLAGE OF PALMETTO BAY
PUBLIC NOTICE

APPLICANT: SOUTH DADE IMPORTS, LLC

LOCATION: **17400 SW 97TH AVENUE, 17414 SW 97TH AVENUE, 9742 BANYAN STREET, 17405 SOUTH DIXIE HIGHWAY, 17407 SOUTH DIXIE HIGHWAY, 17409 SOUTH DIXIE HIGHWAY, 17411 SOUTH DIXIE HIGHWAY, 17413 SOUTH DIXIE HIGHWAY**

REQUEST: REQUESTFOR SITE PLAN REVIEW AND APPROVAL WITH DESIGN CONSIDERATIONS TO ALLOW FOR THE CONSTRUCTION OF A THREE-STORY AUTO SALES CENTER WITH APPROXIMATELY **185,255** S.F. OF SALES AND SERVICE FACILITIES, AND **6,004** S.F. OF RETAIL SPACE AT STREET LEVEL.

A PUBLIC HEARING WILL BE HELD MONDAY, FEBRUARY 12, 2018, AT 7:00 P.M. AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE: However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

Post Card Back, mailed out to property owners within a 1,500-ft. radius: mailed January 12, 2018

Affidavit Attesting to Providing Public Notice

STATE OF FLORIDA
COUNTY OF MIAMI DADE

Graham Penn
Property Owner of Authorized Representatives Name(s)

That I am the property owner or the authorized representative of the following described property:

Folio Number(s) (List All):
33-5032-004-2490, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530, 33-5032-004-2480

That on the 12th day of **January, 2018**, I sent by first class service mail, to each person on the list of names and addresses attached a true copy of the attached notice.

STATE OF FLORIDA
COUNTY OF MIAMI DADE

Graham Penn
Attorney for Applicant

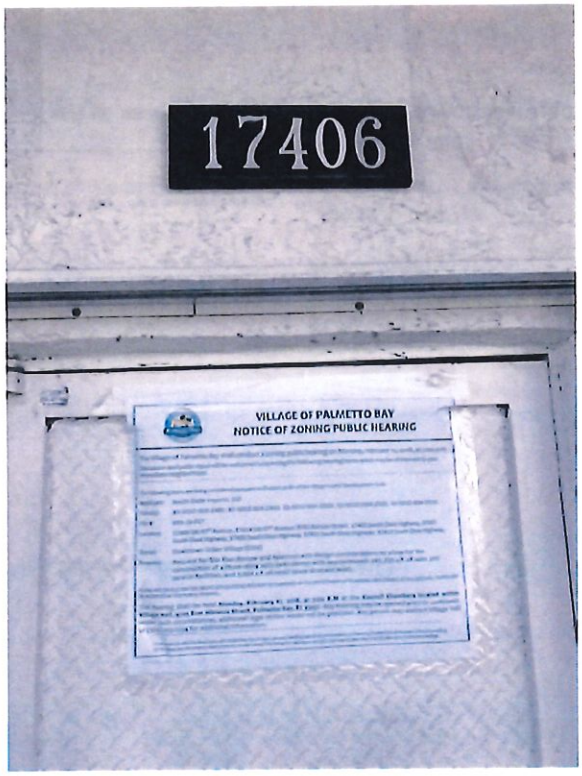
The foregoing instrument was acknowledged before me on the 12th day of January, 2018 (date), by Graham Penn
Name of person acknowledging), who is personally known to me or who has produced _____ as identification.
(type of identification)

Notary Public State of Florida
Diana Ramos
My Commission FF 207719
Expires 04/10/2019

Seal: _____

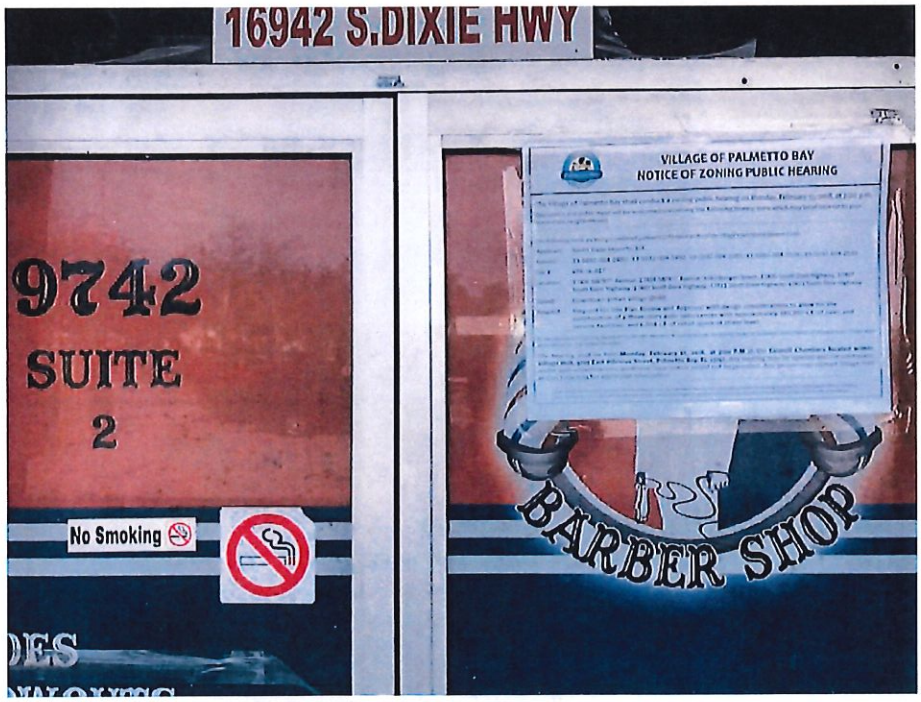
POSTED ON SITE
Franjo Road





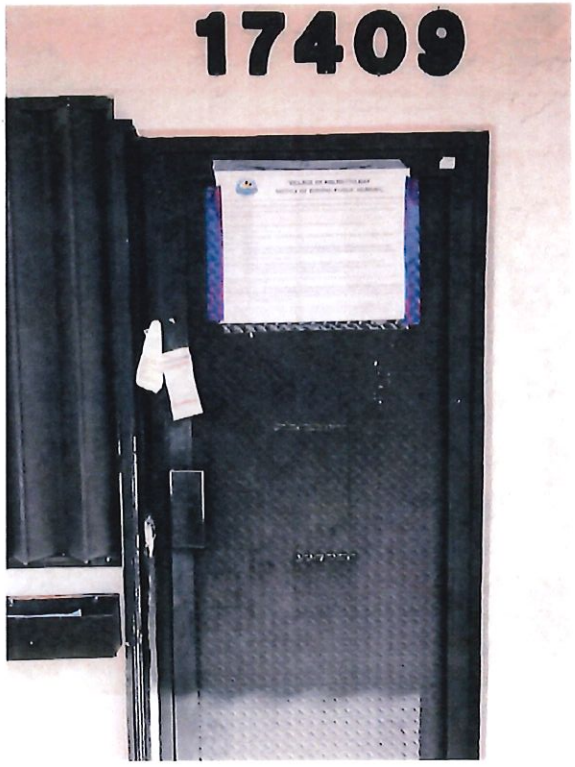
POSTED ON SITE
Banyan Street





POSTED ON SITE
South Dixie Highway





POSTED ON SITE
Datura Street



Palmetto Bay FLORIDA

NOTICE OF ZONING PUBLIC HEARING

he Village of Palmetto Bay shall conduct a zoning public hearing on Monday, February 12, 2018, at 7:00
iscussion and public input will be welcomed concerning the following hearing items which may be of interest to yo
mmediate neighborhood.

he following items are being considered pursuant to Division 30-80 of the Village's Land Development Code:

pplicant:	South Dade Imports, LLC
olio(s):	33-5032-004-2480, 33-5032-004-2490, 33-5032-004-2500, 33-5032-004-2520, 33-5032-004-2530
ile #:	VPB-16-017
ocation:	17400 SW 97th Avenue, 17414 SW 97th Avenue, 9742 Banyan Street, 17405 South Dixie Highway, 17407 South Dixie Highway, 17409 South Dixie Highway, 17411 South Dixie Highway, 17413 South Dixie Highway
oned:	Downtown Urban Village (DUV)
equest:	Request for Site Plan Review and Approval with design considerations to allow for the construction of a three-story auto sales center with approximately 185,255 s.f. of sales and service facilities, and 6,004 s.f. of retail space at street level.

LANS ARE ON FILE FOR THE ABOVE APPLICATIONS AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS M
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nder such circumstances, additional legal notice would not be provided. Any person may contact Village Hall
t (305) 259-1234 for additional information.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) [illegible]

RESOLUTION NO. _____

ZONING APPLICATION VPB-16-017

REQUEST FOR APPROVAL OF A SITE PLAN MODIFICATION WITH DESIGN CONSIDERATIONS FOR A NEW AUTO SALES CENTER WITH SALES AND SERVICE FACILITIES AND A RETAIL COMPONENT AT SOUTH DIXIE HIGHWAY AND BANYAN ROAD, ZONED DOWNTOWN URBAN VILLAGE (DUV),DOWNTOWN GENERAL (DG) SECTOR, PURSUANT TO SECTION 30-50.23 DUV ZONING DISTRICT; AND SECTION 30-30.5, SITE PLAN APPROVAL.

WHEREAS, The applicant, Mr. Ken Gorin of "The Collection, LLC" was approved for a site plan with design considerations to allow for the construction of a three-story auto sales center totaling 191,259 sq. ft, including 185,255 sq. ft. of sales and service space, and 6,004 sq. ft. of small retail space at street level along Franjo Road, for the entire block bounded by South Dixie Highway, Franjo Road, Banyan Street and Datura Street, comprising the properties located at: 17405-13 South Dixie Highway, 9742 Banyan Street, 17400 Franjo Road (SW 97th Avenue), and 17414 Franjo Road (SW 97th Avenue); bearing folio numbers 33-5032-004-2480, 33-5032-004-2530, 33-5032-004-2500, 33-5032-004-2520 and 33-5032-004-2490; and

WHEREAS, on December 9, 2019, the Village of Palmetto Bay Planning and Zoning Division received a request for phased modification of the approved development order; and

WHEREAS, the proposed modifications were determined by Village of Palmetto Bay Planning and Zoning staff to exceed the threshold for administrative approval and required approval at a public hearing; and

WHEREAS, the Phase I modification was approved by the Village Council on January 22, 2020 by Resolution 2020-10; and

WHEREAS, the Phase II modification to complete the unified development design was received on March 9, 2020 and modified on May 4, 2020 in response to initial staff review; and

WHEREAS, the unified design, encompassing the entire 2.41 net acre block along the southbound lanes of US-1 between Banyan Street and Datura Street is to include a new vehicle dealership featuring vehicles marketed under two brands; and

WHEREAS, the modified site plan has reduced the 3-story building volume of the approved site plan to two 1-story volumes, the larger which is designed to be visually equivalent to 2 stories; and

WHEREAS, transitional design and use concepts are retained at a smaller scale, with auto-oriented uses along the southbound US-1 frontage and a small-scale eatery at the corner of Banyan Street and Franjo Road; and

WHEREAS, off-site conditions, public open-space and park space have been retained and enhanced from the 2018 approval; and

WHEREAS, the Phase I modification adds an additional building containing an additional new automobile sales showroom and service facility, totaling 7,802 sq. ft. in the southwest surface parking area of the approved site plan; and

WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial hearing on the application at Village Hall, 9705 East Hibiscus Street on January 13, 2020; and

WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence in the record, that the application for the modification to the approved site plan is consistent with the Village of Palmetto Bay Comprehensive Plan and the applicable Land Development Regulations; and

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

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

Section 1. A public hearing on the present application was held on July 27, 2020, in accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village Council makes the following findings of fact, conclusions of law and final order.

Section 2. Findings of fact.

1. The requested modification of the approved site plan is consistent with the Village's Comprehensive Plan, as further specified in the analysis section of the Village's staff report.

2. The rules that govern the conditions upon which such uses are permitted to be configured and operated are principally at Section 30-30.5 Site Plan Approval and Section 30-50.23, DUV Downtown Urban Village, of the Village's Land Development Code. After review of the Code, as evidenced in the analysis of staff, which is incorporated by reference into this resolution, and after hearing the applicant and applicant's experts, the Village Council found the site plan request consistent with those standards.

3. The Village Council accepted the findings of Village Staff as it relates to compliance with the following provisions of the Village's Code: Sections 30-30.5 and 30-50.23.

5. The Village adopts and incorporates by reference the Planning & Zoning Division staff report, which expert report is considered competent substantial evidence.

6. The applicant has agreed to all proposed modifications and conditions in the section entitled Order.

7. The Village Council had not substantive disclosures regarding ex-parte communications and the applicant raised no objections as to the form or content of any disclosures by the Council.

Section 3. Conclusions of law.

The site plan for the specific use was reviewed pursuant to Section 30-30.5 and Section 30-50.23 of Palmetto Bay's Code of Ordinances and was found to be conditionally consistent.

Section 4. Order.

The Village Council grants the Phase II modification to the site plan request as it would be in keeping with the applicable Land Development Regulations and with the Village's adopted Comprehensive Plan. The Village Council, pursuant to Section 30-30.5(j)(1), and 30-50.23, approves the plans as prepared by Spring Engineering, Inc., consisting of 7 sheets, dated and stamped received March 4, 2020, and as presented to Village Council on July 27, 2020 with the following conditions:

1. Bicycle spaces will be increased with the addition of 4 bicycle spaces to a total of 13 in a covered or shaded location.
2. The applicant will work with the Village Public Services Department towards the design of and will pay for the marking of a bike lane in the northbound lane of Franjo Road from Datura Street to Banyan Street in fulfillment of Condition 27.c) of the Resolution 2018-26.

3. All on-site improvements that are within the public realm, including sidewalks, landscaping, benches, open space areas, park pavers, and approved art are to be maintained at all times by the property owner.

4. Window displays along Franjo Road will include merchandise of general public interest such as boutique shop merchandise, automotive information or informative displays that are well lit at night

and maintained in clean condition at all times. Windows may not be used for replacement parts, inventory storage, or the storage of sales materials. Windows may not be covered with opaque coverings. Display windows may not be shuttered except during states of emergency.

5. The project shall comply with all Village Public Services Department comments and the Village's traffic engineer.

6. Scrivener's errors or omissions in the site plan that have not been recommended for Design Considerations, must conform to applicable code sections for permitting review.

This is a final order.

Section 5. Record.

The record shall consist of the notice of hearing, the Village of Palmetto Bay Staff Report, the application, documents submitted by the applicant and the applicants' representatives to the Village of Palmetto Bay in connection with the applications, the testimony of sworn witnesses and documents presented at the quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the Village Clerk.

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

PASSED AND RESOLVED this 27th day of July, 2020.

Attest:

Missy Arocha	Karyn Cunningham
Village Clerk	Mayor

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

_____
John Dellagloria
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore _____

Council Member David Singer _____

Council Member Marsha Matson _____

Vice Mayor John DuBois _____

Mayor Karyn Cunningham _____

AGENDA ITEM NO. 5.D

Item Cover Page

ZONING HEARING AGENDA ITEM REPORT

DATE: December 18, 2023

SUBMITTED BY: Heidi Siegel, Community and Economic Development

ITEM TYPE: Ordinance

AGENDA SECTION: **PUBLIC HEARING ITEMS**

SUBJECT:

Applicant: VILLAGE OF PALMETTO BAY
Application: RZ-23-008
Request: AMENDING CHAPTER 30, SECTION 30-60.32 OF THE CODE OF ORDINANCES STYLED: "LOW-THC CANNABIS AND MEDICAL CANNABIS DISPENSARIES, TREATMENT FACILITIES AND INDEPENDENT TESTING LABORATORIES", RENAMING SECTION 30-60.32 TO "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES" AND AMENDING SECTION 30-60.32 TO COMPLY WITH FLORIDA STATUE 381.986, AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

SUGGESTED ACTION:

ATTACHMENTS:
Staff Memo RZ-23-0078 Amending Sec3036.32 Medical Marijuana.docx
Attachments.pdf
Ordinance Amending Sec.3060.32 Medical Marijuana.docx

To: Honorable Mayor and Village Council

Date: December 18, 2023

From: Heidi Siegel, AICP, CED Director

Re: RZ-23-0078 / Amending Section 30-60.32 Amending Medical Marijuana and Pharmacy Regulations

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER 30, SECTION 30-60.32 OF THE CODE OF ORDINANCES STYLED: "LOW-THC CANNABIS AND MEDICAL CANNABIS DISPENSARIES, TREATMENT FACILITIES AND INDEPENDENT TESTING LABORATORIES", RENAMING SECTION 30-60.32 TO "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES" AND AMENDING SECTION 30-60.32 TO COMPLY WITH FLORIDA STATUE 381.986, AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Sponsored by Administration and prepared by Heidi Siegel, AICP, Director of Community and Economic Development)*

BACKGROUND

The Village Council and Staff continuously seek opportunities to update and correct inconsistencies in the Village's Land Development Regulations. In 2014, the State of Florida enacted Florida Statute 381.986, a/k/the Compassionate Medical Cannabis Act, which provided a regulatory framework for the cultivation, transportation, processing and dispensing of low THC cannabis for limited medical use treatment only. In 2015 those same rules were expanded to include full strength medical marijuana for the treatment of individuals diagnosed with a terminal illness and/or undergoing chemotherapy. On November 8, 2016, the residents of the State of Florida approved by referendum, expanded use for medical marijuana and low TCH cannabis to extend to a greater range of ailments.

The Florida Legislature further amended Florida Statute 381.986 by adopting bill SB 8-A during a 2017 Special Session which, among other provisions, outlined the conditions under which local municipalities may regulate the location of cannabis dispensaries and medical marijuana treatment centers.

Florida Statute 381.986(11) places certain limitations on municipal governance of medical

marijuana treatment center dispensing facilities. Specifically, per Florida Statute:

- A municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that municipality. A municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that municipality.

- A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. A municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality to pharmacies.

- A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the municipality approves the location through a formal proceeding open to the public at which the municipality determines that the location promotes the public health, safety, and general welfare of the community.

On September 23, 2019, by way of Ordinance 2019-19, the Village Council created Section 30-60.32 of the Code of Ordinances entitled Low-THC cannabis and medical cannabis dispensaries, treatment facilities and independent testing laboratories. Upon further review of the existing ordinance, it has been determined by Village staff that the current ordinance does not comply with Florida Statute 381.986. The attached ordinance has been crafted to correct this error.

Significant changes are as follows:

Section 30-60.32	Changes regulation title from "Low-THC cannabis and medical cannabis dispensaries, treatment facilities and independent testing laboratories" to "Medical marijuana treatment center dispensing facilities and pharmacies".
Section 30-60.32 (b)	States that pharmacies are subject to this chapter consistent with F.S. § 381.986. Exempts certain types of pharmacies from these regulations including: • Pharmacies located in an establishment where physicians provide surgical services such as hospitals. • Pharmacies located in a retail establishments such as a convenience stores, sundry stores or supermarkets. • Pharmacies affiliated with an accredited medical school where training is provided for medical students, medical residents, or fellows. • Pharmacies owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or is owned or operated by a public agency.
Section 30-60.32 (c)	Updates the definition of Medical Use to comply with Florida Statutes. Add definitions related to Pharmacies.
Section 30-60.32 (d) (removed)	Removed regulation limiting location of medical marijuana dispensaries based on zoning district due to conflict with Florida Statutes.
Section 30-60.32 (d) (new)	Added requirement for conditional use approval at a public hearing for medical marijuana treatment center dispensing facilities and pharmacies. Adds language that complies with Florida Statue regarding location of medical marijuana treatment center dispensing facilities and pharmacies. Conditional use criteria is established. Establishes timeframes for establishment after Council

	approval. Establishes monitoring criteria for Community and Economic Development Director.
Section 30-60.32 (e)	Allows applications that have (1) obtained a site reservation for a Medical Marijuana Treatment Center Dispensing Facility use, or (2) filed building or development permit application with the Village for the establishment of a Medical Marijuana Treatment Center Dispensing Facility use prior to the date of this ordinance to proceed as-of-right without a conditional use.

RECOMMENDATION

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

Attachments:

Attachment A: Annotated Amended Section 30-60.32
Attachment B: Florida Statute 381.986

Attachment A
Annotated Amended Section 30-60.32

Additional text is shown as underlined in red; deleted text is shown as ~~strikethrough in red.~~

Sec. 30-60.32. ~~Low-THC cannabis and medical cannabis dispensaries, treatment facilities and independent testing laboratories~~ Medical marijuana treatment center dispensing facilities and pharmacies.

(a) *Intent.* F.S. § 381.986 and Florida Administrative Code Chapter 64-4 authorize a limited number of dispensing organizations throughout the State of Florida to cultivate, process, and dispense low-tetrahydrocannabinol (low-THC) cannabis and medical cannabis for use by qualified patients suffering from cancer, terminal conditions, and certain chronic conditions. The dispensing organizations must be approved by the Florida Department of Health and, once approved, are subject to state regulation and oversight. The intent of this article is to establish the criteria for the location and permitting of establishments that dispense low-THC cannabis or medical cannabis in accordance with F.S. § 381.986, and Florida Administrative Code Chapter 64-4.

(b) *Applicability.*

(1) The provisions of this article shall be applicable to all land and water body areas within the municipal boundaries on the Village of Palmetto Bay. This article shall only be construed to allow the dispensing of low-THC cannabis or medical cannabis by a state-approved dispensing organization for medical use. The sale of cannabis or marijuana is prohibited in the Village of Palmetto Bay except in accordance with this article.

(2) Consistent with F.S. § 381.986, the provisions of this article shall be applicable to pharmacies and establishments conducting the practice of the profession of pharmacy.

a. The following pharmacies shall be exempt from these provisions and shall conform to the applicable zoning district requirements:

1. The pharmacy is located in an establishment where physicians provide surgical services;

2. The pharmacy is located in a retail establishment such as a convenience store, sundry store or supermarket;

3. The pharmacy is affiliated with an accredited medical school where training is provided for medical students, medical residents, or fellows; or

4. The pharmacy is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or is owned or operated by a public agency.

(c) *Definitions.* Except as provided herein, all terms shall be defined in accordance with this chapter and F.S. § 381.986, as may be amended from time to time:

(1) *Dispensing facility* refers to the building or structure where low-THC cannabis or medical cannabis, as well as cannabis delivery devices are dispensed at retail.

(2) *Dispensing organization* means an organization approved by the state to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis.

DRAFT

(3) *Low-tetrahydrocannabinol cannabis* or *low-THC cannabis* means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than ten percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

(4) *Medical cannabis* means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient.

(5) *Medical use* means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:

1. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking.
2. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.
3. Use or administration of low-THC cannabis or medical cannabis:
   a. On any form of public transportation.
   b. In any public place.
   c. In a qualified patient's place of employment, if restricted by his or her employer.
   d. In a state correctional institution as defined in F.S. § 944.02 or a correctional institution as defined in F.S. § 944.241.
   e. On the grounds of a preschool, primary school, or secondary school.
   f. On a school bus or in a vehicle, aircraft, or motorboat.

~~*Medical use* means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:~~

~~a. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking; or~~

~~b. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative authorized to receive it on the qualified patient's behalf.~~

~~c. Use or administration of low-THC cannabis or medical cannabis:~~

~~1. On any form of public transportation; including publicly available shared vehicles;~~

~~2. In any public place;~~

~~3. In a qualified patient's place of employment, if restricted by his or her employer;~~

~~4. In a correctional institution;~~

~~5. On the premises of any child-care facility, preschool, or school;~~

~~6. On the premises of any religious institution, ministry or their ancillary facilities;~~

~~7. In any vehicle or motorboat.~~

(6) *Pharmacy* means a drug or sundry store selling prescription drugs. Pharmacy includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, and an Internet pharmacy. Any act described in this definition constitutes the practice of pharmacy. The pharmacy department of any permittee shall be considered closed whenever a Florida licensed pharmacist is not present and on duty. The term "not present and on duty" shall not be construed to prevent a pharmacist from exiting the prescription department for the purposes of consulting or responding to inquiries or providing assistance to patients or customers, attending to personal hygiene needs, or performing any other function for which the pharmacist is responsible, provided that such activities are conducted in a manner consistent with the pharmacist's responsibility to provide pharmacy services.

a. The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.
b. The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.
c. The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.
d. The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.
e. The term "Internet pharmacy" includes locations not otherwise licensed or issued a permit under this chapter, within or outside this state, which use the Internet to communicate with or obtain information from consumers in this state and use such communication or information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy in this state. Any act described in this definition constitutes the practice of pharmacy as defined in subsection (13).

(7) *Practice of the profession of pharmacy* means compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and conducting other pharmaceutical services. For purposes of this subsection, the term "other pharmaceutical services" means monitoring the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes reviewing, and making recommendations regarding, the patient's drug therapy and health care status in communication with the patient's prescribing health care provider as licensed under F.S. Chapter 458, Chapter 459, Chapter 461, or Chapter 466, or a similar statutory provision in another jurisdiction, or such provider's

agent or such other persons as specifically authorized by the patient; and initiating, modifying, or discontinuing drug therapy for a chronic health condition under a collaborative pharmacy practice agreement.

~~(d) *Zoning districts where dispensing allowed.* Only in accordance with the requirements of this article and the applicable zoning district, dispensing of low-THC or medical cannabis shall be permitted in the B-1 Zoning District.~~

~~(e)~~(d) *Zoning requirements for dispensing facilities and pharmacies.* ~~Low-THC and medical cannabis dispensing facilities~~ Medical marijuana treatment center dispensing facilities and pharmacies shall comply with the following requirements:

(1) Medical marijuana treatment center dispensing facilities and pharmacies, including drug or sundry stores selling prescription drugs shall be allowed upon approval of a conditional use consistent with Section 30-40 of these regulations.

a. A medical marijuana treatment center dispensing facility or pharmacy shall only be permitted in business and mixed use districts.

b. A medical marijuana treatment center dispensing facility or pharmacy may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the Village Council approves the location through a formal proceeding open to the public at which the Village Council determines that the location promotes the public health, safety, and general welfare of the community.

c. Prior to the application of a conditional use, the applicant shall furnish a certified survey from a registered engineer or surveyor, indicating the distance between the proposed medical marijuana treatment center dispensing facility or pharmacy and any existing a public or private elementary school, middle school, or secondary school. In case of dispute, the measurement scaled by the Village shall govern. The Community and Economic Development Department shall verify in writing receipt of the survey from the applicant, which shall serve as a reservation of said location by a pharmacy or state-approved dispensing organization to dispense low-THC or medical cannabis. Upon reservation, the applicant shall have 60 days to apply for a conditional use. A reservation shall expire if a complete and sufficient application is not received within 60 days of the written receipt of the reservation. Upon approval for a Conditional Use by the Village Council, the reservation shall expire if a building permit is not issued within one hundred twenty (120) days from the date of Village Council approval, unless the Applicant demonstrates to the Community and Economic Development Director that the applicant has been diligently engaged in the process of applying for a building permit and the Director extends the expiration date. However, in no event shall the reservation be extended beyond three hundred sixty-five (365) days from the date of issuance unless the Village Council extends the Reservation for good cause. In the event that the applicant is denied an extension of time for a building permit, or denied any relief needed to obtain a building permit, and if the applicant fails to take a timely appeal from such denial, the reservation shall immediately expire on the date that the time for appeal expires. The applicant shall have the right to appeal

the denial of an extension of time consistent with the procedures of Section 30-30.14(c) (Appeals).

d. The Village Council shall evaluate each conditional use application for a medical marijuana treatment center dispensing facility or pharmacy at a public hearing based on the following criteria:

1. *Vehicular traffic.* A medical marijuana treatment center dispensing facility or pharmacy shall demonstrate that there is no queuing of vehicles in the rights-of-way. No medical marijuana treatment center dispensing facility or pharmacy shall have a drive-through or drive-in service aisle or a walk-up service window for doing business to the outside of the space housing the medical marijuana treatment center dispensing facility or pharmacy; a variance may be requested for drive-through and/or drive-in service for a pharmacy use in accordance with the standards in Section 30-30.6 (Variances).

2. *Parking.* Any parking demand created by a medical marijuana treatment center dispensing facility or pharmacy shall not exceed the parking spaces located or allocated on site, as required by the Village's parking regulations. An applicant shall be required to demonstrate that on-site vehicle circulation and parking attributable to the medical marijuana treatment center dispensing facility or pharmacy will be sufficient to accommodate traffic and parking demands generated by the use, based upon a current traffic and parking study prepared by a certified professional.

3. *Requirement for indoor operation and prohibition on loitering.* All medical marijuana treatment center dispensing facilities or pharmacies are prohibited from having or allowing outdoor seating, outdoor queues, or outdoor customer waiting areas. A site plan shall be provided demonstrating that all activities of the medical marijuana treatment center dispensing facility or pharmacy including sales, display, preparations and storage shall be conducted entirely within an enclosed building. The medical marijuana treatment center dispensing facility or pharmacy shall not direct or encourage any patient or business invitee to stand, sit, gather, or loiter outside of the building where the medical marijuana treatment center dispensing facility or pharmacy operates, including in a parked car, in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business. The applicant shall provide proposed signage in their application for a conditional use.

4. *Landlord responsibilities.* The applicant shall provide a current or proposed lease for a space to contain a medical marijuana treatment center dispensing facility or pharmacy that expressly states that failure to comply with the Village Code of Ordinances or State of Florida regulations is a material non-curable breach of the lease and shall

constitute grounds for termination of the lease and immediate eviction by the landlord ("termination clause").

5. *Neighborhood Compatibility.* The application shall be evaluated to determine whether approval of the conditional use would be compatible with development patterns in the village and whether the essential character of the neighborhood would be preserved.

~~(1) No low-THC or medical cannabis dispensing facility shall be located within:~~

~~a. One mile from any other low-THC or medical cannabis dispensing facility;~~

~~b. One thousand feet of any child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, place of worship, mission, ministry or facilities ancillary to any of these uses;~~

~~c. One thousand feet from any public park or recreation area.~~

~~(2)~~ (1) Distances shall be measured by drawing a straight line between the closest point of a building housing medical marijuana treatment center dispensing facility or pharmacy to the closest property line of a public or private elementary school, middle school, or secondary school.~~as required below:~~

~~a. Between two low-THC or medical cannabis dispensing facilities, distance shall be measured by drawing a straight between the front doors of the respective dispensing facilities.~~

~~b. The distance from a child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, place of worship, ministry, or facilities ancillary to any of these uses, shall be measured by following a straight line from the nearest point of the respective structure to the front door of the proposed dispensing facility.~~

~~c. The applicant shall furnish a certified survey from a registered engineer or surveyor, indicating the distance between the proposed dispensing facility and any existing low-THC or medical cannabis dispensing facility, child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, place of worship, ministry, or facilities ancillary to any of these uses within the applicable radius. In case of dispute, the measurement scaled by the planning and zoning director shall govern. The planning and zoning director shall verify in writing receipt of the survey from the applicant, which shall serve as a reservation of said location by a state-approved dispensing organization to dispense low-THC or medical cannabis. Upon reservation, the applicant shall have 180 days to apply for a permit or certificate of use.~~

~~(3)~~ (2) Dispensing of, payment for, and receipt of low-THC or medical cannabis is prohibited anywhere outside of the dispensing facility, including, but not limited to, on sidewalks, in parking areas, or in the rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit delivery of low-THC or medical cannabis to an eligible patient, as permitted by state law or rule.

~~(4)~~ (3) Consumption of low-THC or medical cannabis or alcoholic beverages is prohibited onsite at the dispensing facility, including, but not limited to, in the parking areas,

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sidewalks, or rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit consumption associated with a dispensing facility employee, trained by a medical professional such as a doctor, nurse, pharmacist, or medical or physician's assistant, instructing an eligible patient on the mechanism of consumption of low-THC or medical cannabis, as permitted by state law or rule.

~~(5)~~ (4) ~~Irrespective of any statutory amendment, facilities dispensing low-THC or medical cannabis~~ Medical marijuana treatment center dispensing facilities ~~shall only be allowed to operate between the hours of 7:00 a.m. and 9:00 p.m. daily,~~ shall not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day, as provided by F.S. § 381.986.

~~(6)~~ (5) Upon approval by Village Council, a ~~A~~ certificate of use shall be obtained for the ~~low-THC or medical cannabis~~ medical marijuana treatment center dispensing facility each year. The application for the certificate of use shall be made on a form furnished by the Village ~~prescribed by the planning and zoning director~~.

a. The ~~low-THC or medical cannabis~~ medical marijuana treatment center dispensing facility must be established on the premises by a state-approved dispensing organization within 180 days of the date the certificate of use is issued; after 180 days, unless the time period is extended by the ~~planning and zoning~~ Community and Economic Development Director for good cause shown, the certificate of use shall be null and void and the applicant must re-apply for a conditional use.

b. The Village of Palmetto Bay, and any of its officers, shall have the right to periodically inspect the premises of the dispensing facility at any reasonable time to ensure that the facility has a current and valid certificate of use, and to ensure compliance with the terms and conditions under which it was issued. Violators will be subject to all appropriate penalties, including revocation of the certificate of use.

~~(7)~~ (6) Any use created and established under this article in a legal manner, which may thereafter become legally nonconforming, may continue until there is an abandonment of said use. Once a legally nonconforming use is abandoned, it shall not be re-established unless it conforms to the requirements of this article. Abandonment shall consist of: a change of use or suspension of active business with the public for a period of at least three months; or a lesser time if a written declaration of abandonment is provided by the owner of the premises or, if the property is subject to a lease, by the owner and tenant thereof.

~~(8)~~ (7) No certificate of use, license, or building or other permit shall be issued for a ~~low-THC or medical cannabis~~ medical marijuana treatment center dispensing facility or pharmacy where the proposed place of business does not conform to the requirements of this subsection.

~~(9)~~ (8) If an approved medical marijuana treatment center dispensing facility or pharmacy is, determined by the Community and Economic Development director to be adversely affecting the health or safety of persons residing or working in the vicinity of the proposed use, to be detrimental to the public welfare or property or improvements in the neighborhood, or to be not in compliance with other applicable Code provisions, the conditional use approval may be modified or revoked.

DRAFT

(e) Notwithstanding anything herein to the contrary, any applicant that has (1) obtained a reservation for a Medical Marijuana Treatment Center Dispensing Facility use, or (2) filed building or development permit application with the Village for the establishment of a Medical Marijuana Treatment Center Dispensing Facility use prior to the date of this ordinance, shall be permitted to proceed as of right in accordance with the requirements of F.S. § 381.986(11).

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Attachment B
Florida Statute 381.986

[1]**381.986 Medical use of marijuana.—**

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

(a) "Caregiver" means a resident of this state who has agreed to assist with a qualified patient's medical use of marijuana, has a caregiver identification card, and meets the requirements of subsection (6).

(b) "Chronic nonmalignant pain" means pain that is caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.

(c) "Close relative" means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption.

(d) "Edibles" means commercially produced food items made with marijuana oil, but no other form of marijuana, that are produced and dispensed by a medical marijuana treatment center.

(e) "Low-THC cannabis" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.

(f) "Marijuana" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.

(g) "Marijuana delivery device" means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a medical marijuana treatment center for medical use by a qualified patient, except that delivery devices intended for the medical use of marijuana by smoking need not be dispensed from a medical marijuana treatment center in order to qualify as marijuana delivery devices.

(h) "Marijuana testing laboratory" means a facility that collects and analyzes marijuana samples from a medical marijuana treatment center and has been certified by the department pursuant to s. 381.988.

(i) "Medical director" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or osteopathic physician under chapter 459 and is in compliance with the requirements of paragraph (3)(c).

(j) "Medical use" means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:

1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.

2. Possession, use, or administration of marijuana in the form of commercially produced food items other than edibles or of marijuana seeds.

3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.

4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified patient's caregiver on behalf of the qualified patient.

5. Use or administration of marijuana in the following locations:

a. On any form of public transportation, except for low-THC cannabis not in a form for smoking.

b. In any public place, except for low-THC cannabis not in a form for smoking.

c. In a qualified patient's place of employment, except when permitted by his or her employer.

d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.

e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.

f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis not in a form for smoking.

6. The smoking of marijuana in an enclosed indoor workplace as defined in s. 386.203(5).

(k) "Physician certification" means a qualified physician's authorization for a qualified patient to receive marijuana and a marijuana delivery device from a medical marijuana treatment center.

(l) "Qualified patient" means a resident of this state who has been added to the medical marijuana use registry by a qualified physician to receive marijuana or a marijuana delivery device for a medical use and who has a qualified patient identification card.

(m) "Qualified physician" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and is in compliance with the physician education requirements of subsection (3).

(n) "Smoking" means burning or igniting a substance and inhaling the smoke.

(o) "Terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.

(2) QUALIFYING MEDICAL CONDITIONS.—A patient must be diagnosed with at least one of the following conditions to qualify to receive marijuana or a marijuana delivery device:

(a) Cancer.

(b) Epilepsy.

(c) Glaucoma.

(d) Positive status for human immunodeficiency virus.

(e) Acquired immune deficiency syndrome.

(f) Posttraumatic stress disorder.

(g) Amyotrophic lateral sclerosis.

(h) Crohn's disease.

(i) Parkinson's disease.

(j) Multiple sclerosis.

(k) Medical conditions of the same kind or class as or comparable to those enumerated in paragraphs (a)-(j).

(l) A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.

(m) Chronic nonmalignant pain.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician, as defined in paragraph (1)(m), and before each license renewal, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination shall be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500. A physician who has met the physician education requirements of former s. 381.986(4), Florida Statutes 2016, before June 23, 2017, shall be deemed to be in compliance with this paragraph from June 23, 2017, until 90 days after the course and examination required by this paragraph become available.

(b) A qualified physician may not be employed by, or have any direct or indirect economic interest in, a medical marijuana treatment center or marijuana testing laboratory.

(c) Before being employed as a medical director, as defined in paragraph (1)(i), and before each license renewal, a medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination shall be administered at least annually and may be

offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed $500.

(4) PHYSICIAN CERTIFICATION.—

(a) A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted a physical examination while physically present in the same room as the patient and a full assessment of the medical history of the patient.

2. Diagnosed the patient with at least one qualifying medical condition.

3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient's medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient's medical record.

4. Determined whether the patient is pregnant and documented such determination in the patient's medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.

5. Reviewed the patient's controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.

6. Reviews the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.

7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:

a. Enters into the registry the contents of the physician certification, including the patient's qualifying condition and the dosage not to exceed the daily dose amount determined by the department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana.

b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change.

c. Deactivates the registration of the qualified patient and the patient's caregiver when the physician no longer recommends the medical use of marijuana for the patient.

8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient's medical record. The patient, or the patient's parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:

a. The Federal Government's classification of marijuana as a Schedule I controlled substance.

b. The approval and oversight status of marijuana by the Food and Drug Administration.

c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.

d. The potential for addiction.

e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.

f. The potential side effects of marijuana use, including the negative health risks associated with smoking marijuana.

g. The risks, benefits, and drug interactions of marijuana.

h. That the patient's de-identified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.

(b) If a qualified physician issues a physician certification for a qualified patient diagnosed with a qualifying medical condition pursuant to paragraph (2)(k), the physician must submit the following to the applicable board within 14 days after issuing the physician certification:

1. Documentation supporting the qualified physician's opinion that the medical condition is of the same kind or class as the conditions in paragraphs (2)(a)-(j).

2. Documentation that establishes the efficacy of marijuana as treatment for the condition.

3. Documentation supporting the qualified physician's opinion that the benefits of medical use of marijuana would likely outweigh the potential health risks for the patient.

4. Any other documentation as required by board rule.

The department must submit such documentation to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. 1004.4351.

(c) If a qualified physician determines that smoking is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition, the qualified physician must submit the following documentation to the applicable board:

1. A list of other routes of administration, if any, certified by a qualified physician that the patient has tried, the length of time the patient used such routes of administration, and an assessment of the effectiveness of those routes of administration in treating the qualified patient's qualifying condition.

2. Research documenting the effectiveness of smoking as a route of administration to treat similarly situated patients with the same qualifying condition as the qualified patient.

3. A statement signed by the qualified physician documenting the qualified physician's opinion that the benefits of smoking marijuana for medical use outweigh the risks for the qualified patient.

(d) A qualified physician may not issue a physician certification for marijuana in a form for smoking to a patient under 18 years of age unless the patient is diagnosed with a terminal condition, the qualified physician determines that smoking is the most effective route of administration for the patient, and a second physician who is a board-certified pediatrician concurs with such determination. Such determination and concurrence must be documented in the patient's medical record and in the medical marijuana use registry. The certifying physician must obtain the written informed consent of such patient's parent or legal guardian before issuing a physician certification to the patient for marijuana in a form for smoking. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine which must include information concerning the negative health effects of smoking marijuana on persons under 18 years of age and an acknowledgment that the qualified physician has sufficiently explained the contents of the form.

(e) The Board of Medicine and the Board of Osteopathic Medicine shall review the documentation submitted pursuant to paragraph (c) and shall each, by July 1, 2021, adopt by rule practice standards for the certification of smoking as a route of administration.

(f) A qualified physician may not issue a physician certification for more than three 70-day supply limits of marijuana or more than six 35-day supply limits of marijuana in a form for smoking. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center. The department shall use the daily dose amount to calculate a 70-day supply.

1. A qualified physician may request an exception to the daily dose amount limit, the 35-day supply limit of marijuana in a form for smoking, and the 4-ounce possession limit of marijuana in a form for smoking established in paragraph (14)(a). The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:

a. The qualified patient's qualifying medical condition.

b. The dosage and route of administration that was insufficient to provide relief to the qualified patient.

c. A description of how the patient will benefit from an increased amount.

d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient's qualifying medical condition.

2. A qualified physician must provide the qualified patient's records upon the request of the department.

3. The department shall approve or disapprove the request within 14 days after receipt of the complete documentation required by this paragraph. The request shall be deemed approved if the department fails to act within this time period.

(g) A qualified physician must evaluate an existing qualified patient at least once every 30 weeks before issuing a new physician certification. A physician must:

1. Determine if the patient still meets the requirements to be issued a physician certification under paragraph (a).

2. Identify and document in the qualified patient's medical records whether the qualified patient experienced either of the following related to the medical use of marijuana:

a. An adverse drug interaction with any prescription or nonprescription medication; or

b. A reduction in the use of, or dependence on, other types of controlled substances as defined in s. 893.02.

3. Submit a report with the findings required pursuant to subparagraph 2. to the department. The department shall submit such reports to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. 1004.4351.

(h) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before June 23, 2017, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.

(i) The department shall monitor physician registration in the medical marijuana use registry and the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or a marijuana delivery device and shall take disciplinary action as appropriate.

(j) The Board of Medicine and the Board of Osteopathic Medicine shall jointly create a physician certification pattern review panel that shall review all physician certifications submitted to the medical marijuana use registry. The panel shall track and report the number of physician certifications and the qualifying medical conditions, dosage, supply amount, and form of marijuana certified. The panel shall report the data both by individual qualified physician and in the aggregate, by county, and statewide. The physician certification pattern review panel shall, beginning January 1, 2018, submit an annual report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(k) The department, the Board of Medicine, and the Board of Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(5) MEDICAL MARIJUANA USE REGISTRY.—

(a) The department shall create and maintain a secure, electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this section. The medical marijuana use registry must be accessible to law enforcement agencies, qualified physicians, and medical marijuana treatment centers to verify the authorization of a qualified patient or a caregiver to possess marijuana or a marijuana delivery device and record the marijuana or marijuana delivery device dispensed. The medical marijuana use registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of marijuana are prescribed. The medical marijuana use registry must prevent an active registration of a qualified patient by multiple physicians.

(b) The department shall determine whether an individual is a resident of this state for the purpose of registration of qualified patients and caregivers in the medical marijuana use registry. To prove residency:

1. An adult resident must provide the department with a copy of his or her valid Florida driver license issued under s. 322.18 or a copy of a valid Florida identification card issued under s. 322.051.

2. An adult seasonal resident who cannot meet the requirements of subparagraph 1. may provide the department with a copy of two of the following that show proof of residential address:

a. A deed, mortgage, monthly mortgage statement, mortgage payment booklet or residential rental or lease agreement.

b. One proof of residential address from the seasonal resident's parent, step-parent, legal guardian or other person with whom the seasonal resident resides and a statement from the person with whom the seasonal resident resides stating that the seasonal resident does reside with him or her.

c. A utility hookup or work order dated within 60 days before registration in the medical use registry.

d. A utility bill, not more than 2 months old.

e. Mail from a financial institution, including checking, savings, or investment account statements, not more than 2 months old.

f. Mail from a federal, state, county, or municipal government agency, not more than 2 months old.

g. Any other documentation that provides proof of residential address as determined by department rule.

3. A minor must provide the department with a certified copy of a birth certificate or a current record of registration from a Florida K-12 school and must have a parent or legal guardian who meets the requirements of subparagraph 1.

For the purposes of this paragraph, the term "seasonal resident" means any person who temporarily resides in this state for a period of at least 31 consecutive days in each calendar year, maintains a temporary residence in this state, returns to the state or jurisdiction of his or her residence at least one time during each calendar year, and is registered to vote or pays income tax in another state or jurisdiction.

(c) The department may suspend or revoke the registration of a qualified patient or caregiver if the qualified patient or caregiver:

1. Provides misleading, incorrect, false, or fraudulent information to the department;

2. Obtains a supply of marijuana in an amount greater than the amount authorized by the physician certification;

3. Falsifies, alters, or otherwise modifies an identification card;

4. Fails to timely notify the department of any changes to his or her qualified patient status; or

5. Violates the requirements of this section or any rule adopted under this section.

(d) The department shall immediately suspend the registration of a qualified patient charged with a violation of chapter 893 until final disposition of any alleged offense. Thereafter, the department may extend the suspension, revoke the registration, or reinstate the registration.

(e) The department shall immediately suspend the registration of any caregiver charged with a violation of chapter 893 until final disposition of any alleged offense. The department shall revoke a caregiver registration if the caregiver does not meet the requirements of subparagraph (6)(b)6.

(f) The department may revoke the registration of a qualified patient or caregiver who cultivates marijuana or who acquires, possesses, or delivers marijuana from any person or entity other than a medical marijuana treatment center.

(g) The department shall revoke the registration of a qualified patient, and the patient's associated caregiver, upon notification that the patient no longer meets the criteria of a qualified patient.

(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(6) CAREGIVERS.—

(a) The department must register an individual as a caregiver on the medical marijuana use registry and issue a caregiver identification card if an individual designated by a qualified patient meets all of the requirements of this subsection and department rule.

(b) A caregiver must:

1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center or a marijuana testing laboratory.

2. Be 21 years of age or older and a resident of this state.

3. Agree in writing to assist with the qualified patient's medical use of marijuana.

4. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as provided in this paragraph.

5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed $100.

6. Pass a background screening pursuant to subsection (9), unless the patient is a close relative of the caregiver.

(c) A qualified patient may designate no more than one caregiver to assist with the qualified patient's medical use of marijuana, unless:

1. The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient;

2. The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient;

3. The qualified patient is admitted to a hospice program; or

4. The qualified patient is participating in a research program in a teaching nursing home pursuant to s. 1004.4351.

(d) A caregiver may be registered in the medical marijuana use registry as a designated caregiver for no more than one qualified patient, unless:

1. The caregiver is a parent or legal guardian of more than one minor who is a qualified patient;

2. The caregiver is a parent or legal guardian of more than one adult who is a qualified patient and who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision;

3. All qualified patients the caregiver has agreed to assist are admitted to a hospice program and have requested the assistance of that caregiver with the medical use of marijuana; the caregiver is an employee of the hospice; and the caregiver provides personal care or other services directly to clients of the hospice in the scope of that employment; or

4. All qualified patients the caregiver has agreed to assist are participating in a research program in a teaching nursing home pursuant to s. 1004.4351.

(e) A caregiver may not receive compensation, other than actual expenses incurred, for any services provided to the qualified patient.

(f) If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may not purchase marijuana.

(g) A caregiver must be in immediate possession of his or her medical marijuana use registry identification card at all times when in possession of marijuana or a marijuana delivery device and must present his or her medical marijuana use registry identification card upon the request of a law enforcement officer.

(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(7) IDENTIFICATION CARDS.—

(a) The department shall issue medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state, which must be renewed annually. The identification cards must be resistant to counterfeiting and tampering and must include, at a minimum, the following:

1. The name, address, and date of birth of the qualified patient or caregiver.

2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.

3. Identification as a qualified patient or a caregiver.

4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.

5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.

6. The expiration date of the identification card.

(b) The department must receive written consent from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.

(c) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing procedures for the issuance, renewal, suspension, replacement, surrender, and revocation of medical marijuana use registry identification cards pursuant to this section and shall begin issuing qualified patient identification cards by October 3, 2017.

(d) Applications for identification cards must be submitted on a form prescribed by the department. The department may charge a reasonable fee associated with the issuance, replacement, and renewal of identification cards. The department shall allocate $10 of the identification card fee to the Division of Research at Florida Agricultural and Mechanical University for the purpose of educating minorities about marijuana for medical use and the impact of the unlawful use of marijuana on minority communities. The department shall contract with a third-party vendor to issue identification cards. The vendor selected by the department must have experience performing similar functions for other state agencies.

(e) A qualified patient or caregiver shall return his or her identification card to the department within 5 business days after revocation.

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:

a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.

b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2.

c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.

3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of

this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.

2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.

3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.

4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.

5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.

7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.

a. Upon approval, the applicant must post a $5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.

b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.

8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

b. Efforts to recruit minority persons and veterans for employment; and

c. A record of contracts for services with minority business enterprises and veteran business enterprises.

(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center, unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.

(d) The department shall establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all medical marijuana treatment centers and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each medical marijuana treatment center shall use the seed-to-sale tracking system established by the department or integrate its own seed-to-

sale tracking system with the seed-to-sale tracking system established by the department. Each medical marijuana treatment center may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in a medical marijuana treatment center or a marijuana testing laboratory.

(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.

b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.

c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.

d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.

Within 30 days after the receipt of a complete application, the department shall approve or deny the application.

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.

3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).

5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.

6. When growing marijuana, a medical marijuana treatment center:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

11. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select a random sample from edibles available for purchase in a dispensing facility which shall be tested by the department to determine that the edible meets the

potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall edibles, including all edibles made from the same batch of marijuana, which fail to meet the potency requirements of this section, which are unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the medical marijuana treatment center from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date dispensed.

(IV) The name of the physician who issued the physician certification.

(V) The name of the patient.

(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.

(VII) The recommended dose.

(VIII) A warning that it is illegal to transfer medical marijuana to another person.

(IX) A marijuana universal symbol developed by the department.

12. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol.

14. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

15. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the

packaging and labeling requirements in subparagraphs 11. and 12., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list of all the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

16. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

d. Must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes or wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:

(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

(II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points.

(III) Recorded images must clearly and accurately display the time and date.

(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the medical marijuana treatment center's outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated

from the waiting area and area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

5. Store marijuana in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement within 24 hours after the medical marijuana treatment center is notified or becomes aware of the theft, diversion, or loss of marijuana.

(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:

1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:

a. Departure date and approximate time of departure.

b. Name, location address, and license number of the originating medical marijuana treatment center.

c. Name and address of the recipient of the delivery.

d. Quantity and form of any marijuana or marijuana delivery device being transported.

e. Arrival date and estimated time of arrival.

f. Delivery vehicle make and model and license plate number.

g. Name and signature of the medical marijuana treatment center employees delivering the product.

(I) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.

(II) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.

(III) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.

2. Ensure only vehicles in good working order are used to transport marijuana.

3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.

4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.

5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.

6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.

(h) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:

1. The dispensing location of a medical marijuana treatment center may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. A medical marijuana treatment center's trade name and logo may not contain wording or images commonly associated with marketing targeted toward children or which promote recreational use of marijuana.

2. A medical marijuana treatment center may engage in Internet advertising and marketing under the following conditions:

a. All advertisements must be approved by the department.

b. An advertisement may not have any content that specifically targets individuals under the age of 18, including cartoon characters or similar images.

c. An advertisement may not be an unsolicited pop-up advertisement.

d. Opt-in marketing must include an easy and permanent opt-out feature.

(i) Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:

1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.

2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.

3. The price for each marijuana delivery device available for purchase.

4. If applicable, any discount policies and eligibility criteria for such discounts.

(j) Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.

(k) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(9) BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. 435.04, shall exclude an individual who has an arrest awaiting final disposition for, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction.

(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(b) Fees for state and federal fingerprint processing and retention shall be borne by the individual. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.

(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—

(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect a medical marijuana treatment center upon receiving a complaint or notice that the medical marijuana treatment center has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

(c) The department shall conduct at least a biennial inspection of each medical marijuana treatment center to evaluate the medical marijuana treatment center's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).

(e) The department shall publish a list of all approved medical marijuana treatment centers, medical directors, and qualified physicians on its website.

(f) The department may impose reasonable fines not to exceed $10,000 on a medical marijuana treatment center for any of the following violations:

1. Violating this section or department rule.

2. Failing to maintain qualifications for approval.

3. Endangering the health, safety, or security of a qualified patient.

4. Improperly disclosing personal and confidential information of the qualified patient.

5. Attempting to procure medical marijuana treatment center approval by bribery, fraudulent misrepresentation, or extortion.

6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a medical marijuana treatment center.

7. Making or filing a report or record that the medical marijuana treatment center knows to be false.

8. Willfully failing to maintain a record required by this section or department rule.

9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.

10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a medical marijuana treatment center.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a medical marijuana treatment center.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a medical marijuana treatment center suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(g) The department may suspend, revoke, or refuse to renew a medical marijuana treatment center license if the medical marijuana treatment center commits any of the violations in paragraph (f).

(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.

(b)1. A county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality.

2. A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. A county may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. 381.986(8)(b), Florida Statutes 2016, is not subject to the location requirements of this subsection.

(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county

or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.

(d) This subsection does not prohibit any local jurisdiction from ensuring medical marijuana treatment center facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.

(12) PENALTIES.—

(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the qualified physician issues a physician certification for the medical use of marijuana for a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.

(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public; in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. 1006.062, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A qualified patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.

2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of $5 for dismissing the case under this paragraph.

(f) A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present a transportation manifest upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(i) Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.

(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

(k) A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed medical marijuana treatment center but that is counterfeit commits a felony of the third degree, punishable as

provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "counterfeit" means marijuana; a marijuana delivery device; or a marijuana or marijuana delivery device container, seal, or label which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a licensed medical marijuana treatment center and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed medical marijuana treatment facility.

(l) Any person who possesses or manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued medical marijuana use registry identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(13) UNLICENSED ACTIVITY.—

(a) If the department has probable cause to believe that a person or entity that is not registered or licensed with the department has violated this section, s. 381.988, or any rule adopted pursuant to this section, the department may issue and deliver to such person or entity a notice to cease and desist from such violation. The department also may issue and deliver a notice to cease and desist to any person or entity who aids and abets such unlicensed activity. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person or entity who violates any provisions of such order.

(b) In addition to the remedies under paragraph (a), the department may impose by citation an administrative penalty not to exceed $5,000 per incident. The citation shall be issued to the subject and must contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section. Each day that the unlicensed activity continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject's last known address or place of practice. If the department is required to seek enforcement of the cease and desist or agency order, it shall be entitled to collect attorney fees and costs.

(c) In addition to or in lieu of any other administrative remedy, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist. The civil penalty shall be no less than $5,000 and no more than $10,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation and prosecution.

(d) In addition to the other remedies provided in this section, the department or any state attorney may bring an action for an injunction to restrain any unlicensed activity or to enjoin the future operation or maintenance of the unlicensed activity or the performance of any service in violation of this section.

(e) The department must notify local law enforcement of such unlicensed activity for a determination of any criminal violation of chapter 893.

(14) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding paragraph (a), s. 893.13, s. 893.135, s. 893.147, or any other provision of law, a qualified patient and the qualified patient's caregiver may purchase and possess a marijuana delivery device intended for the medical use of marijuana by smoking from a vendor other than a medical marijuana treatment center.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, and by department rule. For the purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. 381.988, and by department rule.

(e) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, in s. 381.988, and by department rule.

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(g) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.062(8), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.

(h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute, Inc., established under s. 1004.43, or a state university that has achieved the preeminent state research university designation under s. 1001.7065 may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.

(15) APPLICABILITY.—

(a) This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy.

(b) This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana.

(c) This section does not create a cause of action against an employer for wrongful discharge or discrimination.

(d) This section does not impair the ability of any party to restrict or limit smoking or vaping marijuana on his or her private property.

(e) This section does not prohibit the medical use of marijuana or a caregiver assisting with the medical use of marijuana in a nursing home facility licensed under part II of chapter 400, a hospice facility licensed under part IV of chapter 400, or an assisted living facility licensed under part I of chapter 429, if the medical use of marijuana is not prohibited in the facility's policies.

(f) Marijuana, as defined in this section, is not reimbursable under chapter 440.

(16) FINES AND FEES.—Fines and fees collected by the department under this section shall be deposited in the Grants and Donations Trust Fund within the Department of Health.

[2](17) Rules adopted pursuant to this section before July 1, 2022, are not subject to ss. 120.54(3)(b) and 120.541. This subsection expires July 1, 2022.

History.—s. 2, ch. 2014-157; s. 1, ch. 2016-123; s. 24, ch. 2016-145; ss. 1, 3, 18, ch. 2017-232; s. 29, ch. 2018-10; s. 43, ch. 2018-110; s. 1, ch. 2018-142; s. 1, ch. 2019-1; s. 39, ch. 2019-116; s. 85, ch. 2020-2; s. 31, ch. 2020-114; s. 13, ch. 2021-37; s. 7, ch. 2021-52.

[1]**Note.**—

A. Section 1, ch. 2017-232, provides that "[i]t is the intent of the Legislature to implement s. 29, Article X of the State Constitution by creating a unified regulatory structure. If s. 29, Article X of the State Constitution is amended or a constitutional amendment related to

cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment." If such amendment or adoption takes place, s. 381.986, as amended by s. 1, ch. 2017-232, will read:

381.986 Compassionate use of low-THC and medical cannabis.—

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

(a) "Cannabis delivery device" means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing low-THC cannabis or medical cannabis into the human body.

(b) "Dispensing organization" means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.

(c) "Independent testing laboratory" means a laboratory, including the managers, employees, or contractors of the laboratory, which has no direct or indirect interest in a dispensing organization.

(d) "Legal representative" means the qualified patient's parent, legal guardian acting pursuant to a court's authorization as required under s. 744.3215(4), health care surrogate acting pursuant to the qualified patient's written consent or a court's authorization as required under s. 765.113, or an individual who is authorized under a power of attorney to make health care decisions on behalf of the qualified patient.

(e) "Low-THC cannabis" means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

(f) "Medical cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s. 499.0295.

(g) "Medical use" means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:

1. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking.

2. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative on behalf of the qualified patient.

3. Use or administration of low-THC cannabis or medical cannabis:

a. On any form of public transportation.

b. In any public place.

c. In a qualified patient's place of employment, if restricted by his or her employer.

d. In a state correctional institution as defined in s. 944.02 or a correctional institution as defined in s. 944.241.

e. On the grounds of a preschool, primary school, or secondary school.

f. On a school bus or in a vehicle, aircraft, or motorboat.

(h) "Qualified patient" means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis or medical cannabis from a dispensing organization.

(i) "Smoking" means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN ORDERING.—A physician is authorized to order low-THC cannabis to treat a qualified patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms; order low-THC cannabis to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for the qualified patient; order medical cannabis to treat an eligible patient as defined in s. 499.0295; or order a cannabis delivery device for the medical use of low-THC cannabis or medical cannabis, only if the physician:

(a) Holds an active, unrestricted license as a physician under chapter 458 or an osteopathic physician under chapter 459;

(b) Has treated the patient for at least 3 months immediately preceding the patient's registration in the compassionate use registry;

(c) Has successfully completed the course and examination required under paragraph (4)(a);

(d) Has determined that the risks of treating the patient with low-THC cannabis or medical cannabis are reasonable in light of the potential benefit to the patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient's medical record;

(e) Registers as the orderer of low-THC cannabis or medical cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order, including the amount of low-THC cannabis or medical cannabis that will provide the patient with not more than a 45-day supply and a cannabis delivery device needed by the patient for the medical use of low-THC cannabis or medical cannabis. The physician must also update the registry within 7 days after any change is made to the original order to reflect the change. The physician shall deactivate the registration of the patient and the patient's legal representative when treatment is discontinued;

(f) Maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient's symptoms and other indicators of tolerance or reaction to the low-THC cannabis or medical cannabis;

(g) Submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis and medical cannabis on patients;

(h) Obtains the voluntary written informed consent of the patient or the patient's legal representative to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient's condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects;

(i) Obtains written informed consent as defined in and required under s. 499.0295, if the physician is ordering medical cannabis for an eligible patient pursuant to that section; and

(j) Is not a medical director employed by a dispensing organization.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or

2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders medical cannabis for a patient without a reasonable belief that the patient has a terminal condition as defined in s. 499.0295.

(c) A person who fraudulently represents that he or she has cancer, a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms, or a terminal condition to a physician for the purpose of being ordered low-THC cannabis, medical cannabis, or a cannabis delivery device by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) An eligible patient as defined in s. 499.0295 who uses medical cannabis, and such patient's legal representative who administers medical cannabis, in plain view of or in a place open to the general public, on the grounds of a school, or in a school bus, vehicle, aircraft, or motorboat, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device and receives compensation from a dispensing organization related to the ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(4) PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis, medical cannabis, or a cannabis delivery device for medical use by a patient in this state, the appropriate board shall require the ordering physician to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis and medical cannabis, the appropriate cannabis delivery devices, the contraindications for such use, and the relevant state and federal laws governing the ordering, dispensing, and possessing of these substances and devices. The course and examination shall be administered at least annually. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) The appropriate board shall require the medical director of each dispensing organization to hold an active, unrestricted license as a physician under chapter 458 or as an osteopathic physician under chapter 459 and successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis, medical cannabis, and cannabis delivery devices.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis, medical cannabis, or a cannabis delivery device may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—The department shall:

(a) Create and maintain a secure, electronic, and online compassionate use registry for the registration of physicians, patients, and the legal representatives of patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization to verify the authorization of a patient or a patient's legal representative to possess low-THC cannabis, medical cannabis, or a cannabis delivery device and record the low-THC cannabis, medical cannabis, or cannabis delivery device dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis, medical cannabis, or a cannabis delivery device under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a $5 million performance bond. However, upon a dispensing organization's serving at least 1,000 qualified patients, the dispensing organization is only required to maintain a $2 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

7. The employment of a medical director to supervise the activities of the dispensing organization.

(c) Upon the registration of 250,000 active qualified patients in the compassionate use registry, approve three dispensing organizations, including, but not limited to, an applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the Black Farmers and Agriculturalists Association, which must meet the requirements of subparagraphs (b)2.-7. and demonstrate the technical and technological ability to cultivate and produce low-THC cannabis.

(d) Allow a dispensing organization to make a wholesale purchase of low-THC cannabis or medical cannabis from, or a distribution of low-THC cannabis or medical cannabis to, another dispensing organization.

(e) Monitor physician registration and ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis, medical cannabis, or a cannabis delivery device and take disciplinary action as indicated.

(6) DISPENSING ORGANIZATION.—An approved dispensing organization must, at all times, maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) and the criteria required in this subsection.

(a) When growing low-THC cannabis or medical cannabis, a dispensing organization:

1. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

2. Must grow low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from any other plant.

3. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state, notify the Department of Agriculture and Consumer Services within 10 calendar days after a determination that a plant is infested or infected by such plant pest, and implement and maintain phytosanitary policies and procedures.

4. Must perform fumigation or treatment of plants, or the removal and destruction of infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

(b) When processing low-THC cannabis or medical cannabis, a dispensing organization must:

1. Process the low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from other plants or products.

2. Test the processed low-THC cannabis and medical cannabis before they are dispensed. Results must be verified and signed by two dispensing organization employees. Before dispensing low-THC cannabis, the dispensing organization must determine that the test results indicate that the low-THC cannabis meets the definition of low-THC cannabis and, for medical cannabis and low-THC cannabis, that all medical cannabis and low-THC cannabis is safe for human consumption and free from contaminants that are unsafe for human consumption. The dispensing organization must retain records of all testing and samples of each homogenous batch of cannabis and low-THC cannabis for at least 9 months. The dispensing organization must contract with an independent testing laboratory to perform audits on the dispensing organization's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the low-THC cannabis or medical cannabis meets the requirements of this section and that the medical cannabis and low-THC cannabis is safe for human consumption.

3. Package the low-THC cannabis or medical cannabis in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

4. Package the low-THC cannabis or medical cannabis in a receptacle that has a firmly affixed and legible label stating the following information:

a. A statement that the low-THC cannabis or medical cannabis meets the requirements of subparagraph 2.;

b. The name of the dispensing organization from which the medical cannabis or low-THC cannabis originates; and

c. The batch number and harvest number from which the medical cannabis or low-THC cannabis originates.

5. Reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of testing pursuant to the audit required under subparagraph 2.

(c) When dispensing low-THC cannabis, medical cannabis, or a cannabis delivery device, a dispensing organization:

1. May not dispense more than a 45-day supply of low-THC cannabis or medical cannabis to a patient or the patient's legal representative.

2. Must have the dispensing organization's employee who dispenses the low-THC cannabis, medical cannabis, or a cannabis delivery device enter into the compassionate use registry his or her name or unique employee identifier.

3. Must verify in the compassionate use registry that a physician has ordered the low-THC cannabis, medical cannabis, or a specific type of a cannabis delivery device for the patient.

4. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a physician-ordered cannabis delivery device required for the medical use of low-THC cannabis or medical cannabis, while dispensing low-THC cannabis or medical cannabis.

5. Must verify that the patient has an active registration in the compassionate use registry, the patient or patient's legal representative holds a valid and active registration card, the order presented matches the order contents as recorded in the registry, and the order has not already been filled.

6. Must, upon dispensing the low-THC cannabis, medical cannabis, or cannabis delivery device, record in the registry the date, time, quantity, and form of low-THC cannabis or medical cannabis dispensed and the type of cannabis delivery device dispensed.

(d) To ensure the safety and security of its premises and any off-site storage facilities, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, or cannabis delivery devices, a dispensing organization shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; or

b. Maintain a video surveillance system that records continuously 24 hours each day and meets at least one of the following criteria:

(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms;

(II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points;

(III) Recorded images must clearly and accurately display the time and date; or

(IV) Retain video surveillance recordings for a minimum of 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the organization's outdoor premises have sufficient lighting from dusk until dawn.

3. Establish and maintain a tracking system approved by the department that traces the low-THC cannabis or medical cannabis from seed to sale. The tracking system shall include notification of key events as determined by the department, including when cannabis seeds are planted, when cannabis plants are harvested and destroyed, and when low-THC cannabis or medical cannabis is transported, sold, stolen, diverted, or lost.

4. Not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day.

5. Store low-THC cannabis or medical cannabis in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times.

7. Require each employee to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor's pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis.

(e) To ensure the safe transport of low-THC cannabis or medical cannabis to dispensing organization facilities, independent testing laboratories, or patients, the dispensing organization must:

1. Maintain a transportation manifest, which must be retained for at least 1 year.

2. Ensure only vehicles in good working order are used to transport low-THC cannabis or medical cannabis.

3. Lock low-THC cannabis or medical cannabis in a separate compartment or container within the vehicle.

4. Require at least two persons to be in a vehicle transporting low-THC cannabis or medical cannabis, and require at least one person to remain in the vehicle while the low-THC cannabis or medical cannabis is being delivered.

5. Provide specific safety and security training to employees transporting or delivering low-THC cannabis or medical cannabis.

(7) DEPARTMENT AUTHORITY AND RESPONSIBILITIES.—

(a) The department may conduct announced or unannounced inspections of dispensing organizations to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect a dispensing organization upon complaint or notice provided to the department that the dispensing organization has dispensed low-THC cannabis or medical cannabis containing any mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

(c) The department shall conduct at least a biennial inspection of each dispensing organization to evaluate the dispensing organization's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The department may enter into interagency agreements with the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Agency for Health Care Administration, and such agencies are authorized to enter into an interagency agreement with the department, to conduct inspections or perform other responsibilities assigned to the department under this section.

(e) The department must make a list of all approved dispensing organizations and qualified ordering physicians and medical directors publicly available on its website.

(f) The department may establish a system for issuing and renewing registration cards for patients and their legal representatives, establish the circumstances under which the cards may be revoked by or must be returned to the department, and establish fees to implement such system. The department must require, at a minimum, the registration cards to:

1. Provide the name, address, and date of birth of the patient or legal representative.

2. Have a full-face, passport-type, color photograph of the patient or legal representative taken within the 90 days immediately preceding registration.

3. Identify whether the cardholder is a patient or legal representative.

4. List a unique numeric identifier for the patient or legal representative that is matched to the identifier used for such person in the department's compassionate use registry.

5. Provide the expiration date, which shall be 1 year after the date of the physician's initial order of low-THC cannabis or medical cannabis.

6. For the legal representative, provide the name and unique numeric identifier of the patient that the legal representative is assisting.

7. Be resistant to counterfeiting or tampering.

(g) The department may impose reasonable fines not to exceed $10,000 on a dispensing organization for any of the following violations:

1. Violating this section, s. 499.0295, or department rule.

2. Failing to maintain qualifications for approval.

3. Endangering the health, safety, or security of a qualified patient.

4. Improperly disclosing personal and confidential information of the qualified patient.

5. Attempting to procure dispensing organization approval by bribery, fraudulent misrepresentation, or extortion.

6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a dispensing organization.

7. Making or filing a report or record that the dispensing organization knows to be false.

8. Willfully failing to maintain a record required by this section or department rule.

9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.

10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a dispensing organization.

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a dispensing organization.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a dispensing organization suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(h) The department may suspend, revoke, or refuse to renew a dispensing organization's approval if a dispensing organization commits any of the violations in paragraph (g).

(i) The department shall renew the approval of a dispensing organization biennially if the dispensing organization meets the requirements of this section and pays the biennial renewal fee.

(j) The department may adopt rules necessary to implement this section.

(8) PREEMPTION.—

(a) All matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the state.

(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.

(9) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis or medical cannabis ordered for the patient, but not more than a 45-day supply, and a cannabis delivery device ordered for the patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device. For purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved independent testing laboratory may possess, test, transport, and lawfully dispose of low-THC cannabis or medical cannabis as provided by department rule.

(d) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device.

(e) An approved dispensing organization that continues to meet the requirements for approval is presumed to be registered with the department and to meet the regulations adopted by the department or its successor agency for the purpose of dispensing medical cannabis or low-THC cannabis under Florida law. Additionally, the authority provided to a dispensing organization in s. 499.0295 does not impair the approval of a dispensing organization.

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of low-THC cannabis or medical cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

B. Section 14(1), ch. 2017-232, as amended by s. 15, ch. 2021-37, "in order to implement Specific Appropriations 460 through 462, 466, 467, 469A, and 474 of the 2021-2022 General Appropriations Act," provides that:

"(1) EMERGENCY RULEMAKING.—

"(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

"(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(4)(a), Florida Statutes, if the department or the applicable boards have, before July 1, 2019, held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

"(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. Rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act to replace emergency rules adopted under this section are exempt

from ss. 120.54(3)(b) and 120.541, Florida Statutes. By July 1, 2022, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after July 1, 2022, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section."

C. Section 16, ch. 2021-37, provides that "[t]he amendments to s. 14(1) of chapter 2017-232, Laws of Florida, made by this act expire July 1, 2022, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section." Effective July 1, 2022, s. 14(1), ch. 2017-232, as amended by s. 16, ch. 2021-37, will read:

"(1) EMERGENCY RULEMAKING.—

"(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

"(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, before [June 23, 2017], held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

"(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. By January 1, 2018, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after January 1, 2018, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section."

[2]**Note.**—Section 13, ch. 2021-37, amended subsection (17) "[i]n order to implement Specific Appropriations 460 through 462, 466, 467, 469A, and 474 of the 2021-2022 General Appropriations Act."

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Ordinance No. 2023 - _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER 30, SECTION 30-60.32 OF THE CODE OF ORDINANCES STYLED: "LOW-THC CANNABIS AND MEDICAL CANNABIS DISPENSARIES, TREATMENT FACILITIES AND INDEPENDENT TESTING LABORATORIES", RENAMING SECTION 30-60.32 TO "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES" AND AMENDING SECTION 30-60.32 TO COMPLY WITH FLORIDA STATUE 381.986, AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, in 2014, the State of Florida enacted Florida Statute 381.986, a/k/a the Compassionate Medical Cannabis Act, which provided a regulatory framework for the cultivation, transportation, processing and dispensing of low THC cannabis for limited medical use treatment only; and

WHEREAS, in 2015 those same rules were expanded to include full strength medical marijuana for the treatment of individuals diagnosed with a terminal illness and/or are undergoing chemotherapy; and

WHEREAS, on November 8, 2016, the residents of the State of Florida approved by referendum, expanded use for medical marijuana and low TCH cannabis to extend to a greater range of ailments; and

WHEREAS, the Florida Legislature amended Florida Statute 381.986 by adopting bill SB 8-A during a 2017 Special Session which, among other provisions, outlined the conditions under which local municipalities may regulate the location of cannabis dispensaries and medical marijuana treatment centers; and

WHEREAS, Florida Statute 381.986(11)(b) (2) permits states that "[a] municipality may not enact ordinances for permitting or for determining the

location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465" of the Florida Statutes; and

WHEREAS, on September 23, 2019, by way of Ordinance 2019-19, the Village Council created Section 30-60.32 of the Code of Ordinances entitled Low-THC cannabis and medical cannabis dispensaries, treatment facilities and independent testing laboratories; and

WHEREAS, the Village Council desires to amend Section 30-60.32 of the Code of Ordinances to comport with Florida Statute 381.986; and

WHEREAS, Section 30-60.32 shall be amended to be entitled Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.

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

Section 1. Nothing in this Ordinance should be construed or applied to abrogate the vested right of a property owner to develop or utilize his/her property in any other way commensurate with zoning and other regulations, including any required renewal of permits for existing legally erected premises.

Section 2. Section 30-60.32, of the Code of Ordinances of the Village of Palmetto Bay, Entitled Low-THC Cannabis and Medical Cannabis Dispensaries, Treatment Facilities and Independent Testing Laboratories, is hereby amended as follows:

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

Sec. 30-60.32. ~~Low-THC cannabis and medical cannabis dispensaries, treatment facilities and independent testing laboratories~~ Medical marijuana treatment center dispensing facilities and pharmacies.

(a) *Intent.* F.S. § 381.986 and Florida Administrative Code Chapter 64-4 authorize a limited number of dispensing organizations throughout the State of Florida to cultivate, process, and dispense low-tetrahydrocannabinol (low-THC) cannabis and medical cannabis for use by qualified patients suffering from cancer, terminal conditions, and certain chronic conditions. The dispensing organizations must be approved by the Florida Department of Health and, once approved, are subject to state regulation and oversight. The intent of this article is to establish the criteria for the location and permitting of establishments that dispense low-THC cannabis or medical cannabis in accordance with F.S. § 381.986, and Florida Administrative Code Chapter 64-4.

(b) *Applicability.*

(1) The provisions of this article shall be applicable to all land and water body areas within the municipal boundaries on the Village of Palmetto Bay. This article shall only be construed to allow the dispensing of low-THC cannabis or medical cannabis by a state-approved dispensing organization for medical use. The sale of cannabis or marijuana is prohibited in the Village of Palmetto Bay except in accordance with this article.

(2) Consistent with F.S. § 381.986, the provisions of this article shall be applicable to pharmacies and establishments conducting the practice of the profession of pharmacy.

a. The following pharmacies shall be exempt from these provisions and shall conform to the applicable zoning district requirements:

1. The pharmacy is located in an establishment where physicians provide surgical services;

2. The pharmacy is located in a retail establishment such as a convenience store, sundry store or supermarket;

3. The pharmacy is affiliated with an accredited medical school where training is provided for medical students, medical residents, or fellows; or

4. The pharmacy is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 501(c)(3) or is owned or operated by a public agency.

(c) *Definitions.* Except as provided herein, all terms shall be defined in accordance with this chapter and F.S. § 381.986, as may be amended from time to time:

(1) *Dispensing facility* refers to the building or structure where low-THC cannabis or medical cannabis, as well as cannabis delivery devices are dispensed at retail.

(2) *Dispensing organization* means an organization approved by the state to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis.

(3) *Low-tetrahydrocannabinol cannabis* or *low-THC cannabis* means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than ten percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

(4) *Medical cannabis* means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient.

(5) *Medical use* means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:

1. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking.

2. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was

ordered or the qualified patient's legal representative on behalf of the qualified patient.

3. Use or administration of low-THC cannabis or medical cannabis:

a. On any form of public transportation.

b. In any public place.

c. In a qualified patient's place of employment, if restricted by his or her employer.

d. In a state correctional institution as defined in F.S. § 944.02 or a correctional institution as defined in F.S. § 944.241.

e. On the grounds of a preschool, primary school, or secondary school.

f. On a school bus or in a vehicle, aircraft, or motorboat.

~~*Medical use* means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:~~

~~a. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking; or~~

~~b. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient's legal representative authorized to receive it on the qualified patient's behalf.~~

~~c. Use or administration of low-THC cannabis or medical cannabis:~~

~~1. On any form of public transportation; including publicly available shared vehicles;~~

~~2. In any public place;~~

~~3. In a qualified patient's place of employment, if restricted by his or her employer;~~

~~4. In a correctional institution;~~

~~5. On the premises of any child-care facility, preschool, or school;~~

~~6. On the premises of any religious institution, ministry or their ancillary facilities;~~

~~7. In any vehicle or motorboat.~~

(6) *Pharmacy* means a drug or sundry store selling prescription drugs. Pharmacy includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, and an Internet pharmacy. Any act described in this definition constitutes the practice of pharmacy. The pharmacy department of any permittee shall be considered closed whenever a Florida licensed pharmacist is not present and on duty. The term "not present and on duty" shall not be construed to prevent a pharmacist from exiting the prescription department for the purposes of consulting or responding to inquiries or providing assistance to patients or customers, attending to personal hygiene needs, or performing any other function for which the pharmacist is responsible, provided that such activities are conducted in a manner consistent with the pharmacist's responsibility to provide pharmacy services.

a. The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.

b. The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.

c. The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.

d. The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.

e. The term "Internet pharmacy" includes locations not otherwise licensed or issued a permit under this chapter, within or outside this state, which use the Internet to communicate with or obtain information from consumers in

this state and use such communication or information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy in this state. Any act described in this definition constitutes the practice of pharmacy as defined in subsection (13).

(7) *Practice of the profession of pharmacy* means compounding, dispensing, and consulting concerning contents, therapeutic values, and uses of any medicinal drug; consulting concerning therapeutic values and interactions of patent or proprietary preparations, whether pursuant to prescriptions or in the absence and entirely independent of such prescriptions or orders; and conducting other pharmaceutical services. For purposes of this subsection, the term "other pharmaceutical services" means monitoring the patient's drug therapy and assisting the patient in the management of his or her drug therapy, and includes reviewing, and making recommendations regarding, the patient's drug therapy and health care status in communication with the patient's prescribing health care provider as licensed under F.S. Chapter 458, Chapter 459, Chapter 461, or Chapter 466, or a similar statutory provision in another jurisdiction, or such provider's agent or such other persons as specifically authorized by the patient; and initiating, modifying, or discontinuing drug therapy for a chronic health condition under a collaborative pharmacy practice agreement.

~~(d) *Zoning districts where dispensing allowed.* Only in accordance with the requirements of this article and the applicable zoning district, dispensing of low-THC or medical cannabis shall be permitted in the B-1 Zoning District.~~

~~(e)~~(d) *Zoning requirements for dispensing facilities and pharmacies.* ~~Low-THC and medical cannabis dispensing facilities~~ Medical marijuana treatment center dispensing facilities and pharmacies shall comply with the following requirements:

(1) Medical marijuana treatment center dispensing facilities and pharmacies, including drug or sundry stores selling prescription drugs shall be allowed upon approval of a conditional use consistent with Section 30-40 of these regulations.

a. A medical marijuana treatment center dispensing facility or pharmacy shall only be permitted in business and mixed use districts.

b. A medical marijuana treatment center dispensing facility or pharmacy may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the Village Council approves the location through a formal proceeding open to the public at which the Village Council determines that the location promotes the public health, safety, and general welfare of the community.

c. Prior to the application of a conditional use, the applicant shall furnish a certified survey from a registered engineer or surveyor, indicating the distance between the proposed medical marijuana treatment center dispensing facility or pharmacy and any existing a public or private elementary school, middle school, or secondary school. In case of dispute, the measurement scaled by the Village shall govern. The Community and Economic Development Department shall verify in writing receipt of the survey from the applicant, which shall serve as a reservation of said location by a pharmacy or state-approved dispensing organization to dispense low-THC or medical cannabis. Upon reservation, the applicant shall have 60 days to apply for a conditional use. A reservation shall expire if a complete and sufficient application is not received within 60 days of the written receipt of the reservation. Upon approval for a Conditional Use by the Village Council, the reservation shall expire if a building permit is not issued within one hundred twenty (120) days from the date of Village Council approval, unless the Applicant demonstrates to the Community and Economic Development Director that the applicant has been diligently engaged in the process of applying for a building permit and the Director extends the expiration date. However, in no event shall the reservation be extended beyond three hundred sixty-five (365) days from the date of issuance unless the Village Council extends the Reservation for good cause. In the event that the applicant is denied an extension of time for a building permit, or

denied any relief needed to obtain a building permit, and if the applicant fails to take a timely appeal from such denial, the reservation shall immediately expire on the date that the time for appeal expires. The applicant shall have the right to appeal the denial of an extension of time consistent with the procedures of Section 30-30.14(c) (Appeals).

d. The Village Council shall evaluate each conditional use application for a medical marijuana treatment center dispensing facility or pharmacy at a public hearing based on the following criteria:

1. *Vehicular traffic.* A medical marijuana treatment center dispensing facility or pharmacy shall demonstrate that there is no queuing of vehicles in the rights-of-way. No medical marijuana treatment center dispensing facility or pharmacy shall have a drive-through or drive-in service aisle or a walk-up service window for doing business to the outside of the space housing the medical marijuana treatment center dispensing facility or pharmacy; a variance may be requested for drive-through and/or drive-in service for a pharmacy use in accordance with the standards in Section 30-30.6 (Variances).

2. *Parking.* Any parking demand created by a medical marijuana treatment center dispensing facility or pharmacy shall not exceed the parking spaces located or allocated on site, as required by the Village's parking regulations. An applicant shall be required to demonstrate that on-site vehicle circulation and parking attributable to the medical marijuana treatment center dispensing facility or pharmacy will be sufficient to accommodate traffic and parking demands generated by the use, based upon a current traffic and parking study prepared by a certified professional.

3. *Requirement for indoor operation and prohibition on loitering*. All medical marijuana treatment center dispensing facilities or pharmacies are prohibited

from having or allowing outdoor seating, outdoor queues, or outdoor customer waiting areas. A site plan shall be provided demonstrating that all activities of the medical marijuana treatment center dispensing facility or pharmacy including sales, display, preparations and storage shall be conducted entirely within an enclosed building. The medical marijuana treatment center dispensing facility or pharmacy shall not direct or encourage any patient or business invitee to stand, sit, gather, or loiter outside of the building where the medical marijuana treatment center dispensing facility or pharmacy operates, including in a parked car, in any parking areas, sidewalks, rights-of-way, or neighboring properties for any period of time longer than reasonably required for patients to conduct their official business. The applicant shall provide proposed signage in their application for a conditional use.

4. *Landlord responsibilities.* The applicant shall provide a current or proposed lease for a space to contain a medical marijuana treatment center dispensing facility or pharmacy that expressly states that failure to comply with the Village Code of Ordinances or State of Florida regulations is a material non-curable breach of the lease and shall constitute grounds for termination of the lease and immediate eviction by the landlord ("termination clause").

5. *Neighborhood Compatibility.* The application shall be evaluated to determine whether approval of the conditional use would be compatible with development patterns in the village and whether the essential character of the neighborhood would be preserved.

~~(1) No low-THC or medical cannabis dispensing facility shall be located within:~~

~~a. One mile from any other low-THC or medical cannabis dispensing facility;~~

~~b. One thousand feet of any child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, place of worship, mission, ministry or facilities ancillary to any of these uses;~~

~~c. One thousand feet from any public park or recreation area.~~

~~(2)~~ (1) Distances shall be measured by drawing a straight line between the closest point of a building housing medical marijuana treatment center dispensing facility or pharmacy to the closest property line of a public or private elementary school, middle school, or secondary school.~~as required below:~~

~~a. Between two low-THC or medical cannabis dispensing facilities, distance shall be measured by drawing a straight between the front doors of the respective dispensing facilities.~~

~~b. The distance from a child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, place of worship, ministry, or facilities ancillary to any of these uses, shall be measured by following a straight line from the nearest point of the respective structure to the front door of the proposed dispensing facility.~~

~~c. The applicant shall furnish a certified survey from a registered engineer or surveyor, indicating the distance between the proposed dispensing facility and any existing low-THC or medical cannabis dispensing facility, child care facility, preschool, kindergarten, elementary school, middle school, junior high school, high school, place of worship, ministry, or facilities ancillary to any of these uses within the applicable radius. In case of dispute, the measurement scaled by the planning and zoning director shall govern. The planning and zoning director shall verify in writing receipt of the survey from the applicant, which shall serve as a reservation of said location by a state-approved dispensing organization to dispense low-THC or medical cannabis. Upon reservation, the applicant shall have 180 days to apply for a permit or certificate of use.~~

~~(3)~~ (2) Dispensing of, payment for, and receipt of low-THC or medical cannabis is prohibited anywhere outside of the dispensing facility, including, but not limited to, on sidewalks, in parking areas, or in the rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit delivery of low-THC or medical cannabis to an eligible patient, as permitted by state law or rule.

~~(4)~~ (3) Consumption of low-THC or medical cannabis or alcoholic beverages is prohibited onsite at the dispensing facility, including, but not limited to, in the parking areas, sidewalks, or rights-of-way surrounding the dispensing facility; provided, however, this provision shall not be construed to prohibit consumption associated with a dispensing facility employee, trained by a medical professional such as a doctor, nurse, pharmacist, or medical or physician's assistant, instructing an eligible patient on the mechanism of consumption of low-THC or medical cannabis, as permitted by state law or rule.

~~(5)~~ (4) ~~Irrespective of any statutory amendment, facilities dispensing low-THC or medical cannabis~~ Medical marijuana treatment center dispensing facilities ~~shall only be allowed to operate between the hours of 7:00 a.m. and 9:00 p.m. daily,~~ shall not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day, as provided by F.S. § 381.986.

~~(6)~~ (5) Upon approval by Village Council, a ~~A~~ certificate of use shall be obtained for the ~~low-THC or medical cannabis~~ medical marijuana treatment center dispensing facility each year. The application for the certificate of use shall be made on a form furnished by the Village ~~prescribed by the planning and zoning director~~.

a. The ~~low-THC or medical cannabis~~ medical marijuana treatment center dispensing facility must be established on the premises by a state-approved dispensing organization within 180 days of the date the certificate of use is issued; after 180 days, unless the time period is extended by the ~~planning and zoning~~ Community and Economic Development Director for good cause shown, the certificate

of use shall be null and void and the applicant must re-apply for a conditional use.

b. The Village of Palmetto Bay, and any of its officers, shall have the right to periodically inspect the premises of the dispensing facility at any reasonable time to ensure that the facility has a current and valid certificate of use, and to ensure compliance with the terms and conditions under which it was issued. Violators will be subject to all appropriate penalties, including revocation of the certificate of use.

~~(7)~~ (6) Any use created and established under this article in a legal manner, which may thereafter become legally nonconforming, may continue until there is an abandonment of said use. Once a legally nonconforming use is abandoned, it shall not be re-established unless it conforms to the requirements of this article. Abandonment shall consist of: a change of use or suspension of active business with the public for a period of at least three months; or a lesser time if a written declaration of abandonment is provided by the owner of the premises or, if the property is subject to a lease, by the owner and tenant thereof.

~~(8)~~ (7) No certificate of use, license, or building or other permit shall be issued for a ~~low-THC or medical cannabis~~ medical marijuana treatment center dispensing facility or pharmacy where the proposed place of business does not conform to the requirements of this subsection.

~~(9)~~ (8) If an approved medical marijuana treatment center dispensing facility or pharmacy is, determined by the Community and Economic Development director to be adversely affecting the health or safety of persons residing or working in the vicinity of the proposed use, to be detrimental to the public welfare or property or improvements in the neighborhood, or to be not in compliance with other applicable Code provisions, the conditional use approval may be modified or revoked.

(e) Notwithstanding anything herein to the contrary, any applicant that has (1) obtained a reservation for a Medical Marijuana Treatment Center Dispensing Facility use, or (2) filed building or

development permit application with the Village for the establishment of a Medical Marijuana Treatment Center Dispensing Facility use prior to the date of this ordinance, shall be permitted to proceed as of right in accordance with the requirements of F.S. § 381.986(11).

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

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

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

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

PASSED ON FIRST READING this 18th day of December, 2023.

Attest:

_____	_____
Missy Arocha	**Karyn Cunningham**
Village Clerk	**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 ___