

# THE AUDIO BUG, INC.

3800 HILLCREST DRIVE, # 102 • HOLLYWOOD, FL 33021 • PHONE: 954-983-2788 • FAX: 954-983-2789 • [audiobug1@aol.com](mailto:audiobug1@aol.com)

sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, unless such alarm is automatically terminated within 15 minutes of activation, shall be prohibited.

(10) Motorboats. Operating or permitting the operation of any motorboat in any lake, river, stream, canal, bay or other waterway in such a manner as to cause unnecessary and excessive noise within a residential area or noise-sensitive zone, or to exceed 85 dBA when measured at least 50 feet from the watercraft (single incident, any mode of operation).

(11) Noise-sensitive zones.

1. Creating or causing any excessive and unnecessary noise within or adjacent to any noise-sensitive zone provided that conspicuous signs are displayed indicating the presence of the noise-sensitive zone.

2. Creating or causing any sound within any noise-sensitive zone so as to exceed the decibel levels set forth in Table I for a noise-sensitive zone when measured at a distance of at least 25 feet from the sound source, provided that conspicuous signs are displayed indicating the presence of the noise-sensitive zone.

(12) Domestic power tools. Operating or permitting the operation of any mechanically powered saw, drill, grinder, lawn or garden tool, or similar tool between 9:00 p.m. or sunset, whichever is earlier, and 7:00 a.m. the following day on weekdays, or 9:00 p.m. or sunset, whichever is earlier, and 9:00 a.m. on weekends and village recognized holidays, unless such equipment is operated inside a building or other structure so that the sound therefrom does not travel across any residential real property line or noise-sensitive zone and does not exceed the levels set forth in Table 1. All such equipment shall be properly muffled and maintained in working order so as not to create excessive and unnecessary noise.

(13) Multifamily dwellings. Operating or permitting the operation within a multifamily dwelling of any source of sound in a manner so as to exceed 55 dBA from 7:00 a.m. to 11:00 p.m. when measured within an adjacent intra-building dwelling. The maximum permissible sound level, when measured in an adjacent intra-building area between 11:00 p.m. and 7:00 a.m. on weekdays and 11:00 p.m. and 9:00 a.m. on weekends and Village recognized holidays shall be 50 dBA.

(14) Recreational motorized vehicles operating off public right-of-way. No person shall operate or cause to be operated any recreational motorized vehicle, motorcycle, moped, dune buggy or any other type of motorized vehicle that exceeds the limits set forth in Table 1 off the public right-of-way in any residential or noise-sensitive zone. This section shall apply to all motorized vehicles noted above, whether or not duly licensed and registered.

(15) Idling vehicles. It shall be unlawful to park a bus, truck, or other motor vehicle having a gross vehicle weight of 11,000 pounds or greater and allowing the engine on such vehicle to run while such vehicle is parked on public or private property within the village limits unless such vehicle is parked for the purpose of making pickups or deliveries at that site, or if the vehicle is on public property, at a site nearby. This section shall also not apply to a vehicle regulated under this section that is parked on the premises of a licensed repair shop for the purpose of making repairs to such vehicle. Under no circumstances shall any vehicle regulated by this section be allowed to idle or run the engine for more than 45 minutes while parked at each location.

(16) Fans and air conditioners. It shall be deemed unlawful to create any excessive loud noise by the use or operation of any noise-creating air conditioner, compressor unit, power fan or blower or the electric motor or any engine used to drive such device, the operation of which causes the sound level to exceed 65 dBA. Such noise shall be muffled and deadened by adequate noise suppression and muffling devices to eliminate annoyance and disturbance to persons within the range of hearing.



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(17) Generators. Emergency generators installed in all residential districts shall be exempt from the sound levels set forth in Table 1 when operated during power outages. Generators in all residential districts may be operated for testing purposes one time for a period not to exceed 30 minutes in any seven-day period. Testing of generators in all residential districts is permitted between the hours of 11:00 a.m. through 5:00 p.m., Monday through Saturday. No testing of generators in any residential district is permitted on Sundays or village recognized holidays.

(Ord. No. 04-24, § 1(.05), 12-6-2004; Ord. No. 06-05, § 1(.05(Q)), 4-3-2006)

## Sec. 15-56. Method of sound level measurement.

Sound level measurement shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by American National Standards Institute or other reasonable standards adopted by the village or the state.

(Ord. No. 04-24, § 1(.06), 12-6-2004)

## Sec. 15-57. Exempt noises.

The following are exempt from the provisions of section 15-54.

(1) Noises from lawn mowers and agricultural equipment during daylight hours (7:00 a.m. to 9:00 p.m., or sunset, whichever is earlier) when operated with all the manufacturers' standard mufflers and noise-reducing equipment in use and in proper operating condition.

(2) Nonamplified crowd noises resulting from the activities such as those planned by student, governmental or community groups, such as parades or sports events.

(3) Noises from construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by any agency of government; providing all equipment is operated in accord with the manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition. Such construction shall not begin prior to 7:00 a.m. and shall cease by 7:00 p.m. unless the noise control officer grants a special permit.

(4) Noises of safety signals, warning devices, emergency pressure relief valves, and bells and chimes of churches, except noise relating to operation of trains.

(5) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.

(6) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the village in accordance with the above. Regulation of noises emanating from operations under permit shall be according to the conditions and limits stated on the permit and contained above.

(7) Noises made by persons having obtained a permit to use the streets.

(8) Noises from the normal operations of aircraft (not including model aircraft).



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(9) Noises, including but not limited to noise from operation of trains, of which regulation is preempted by the federal government, but only to the extent of such federal preemption.

(10) Noises from the unamplified human voice.

(11) Noises from routine maintenance of public service facilities.

(Ord. No. 04-24, § 1(.07), 12-6-2004)

Sec. 15-58. Special permits to exceed noise levels.

Application for a permit for relief from the maximum noise level limits designated in this article may be made in writing to the village manager. Any permit granted by the village manager hereunder must be in writing and shall contain all conditions upon which the permit is granted. The village manager may grant the applied-for special permit only as follows:

(1) Conditions. The village manager may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound-attenuating devices.

(2) Permits for entertainment. Permits may be granted for the purpose of entertainment under the following conditions:

a. The function must be open to the public.

b. The function must take place on public property.

c. The permit will be given for only eight hours in one 24-hour day.

d. The function must be staged between the hours of 9:00 a.m. and 12:00 a.m.

(3) Other special permits. Other special permits for nonentertainment special purposes may be issued under the following conditions:

a. If the special purpose relates to the operation of a trade or business, the special purpose must not be in the ordinary course of that trade or business and must be necessary to the operation of the trade or business.

b. If the special purpose does not relate to the operation of a trade or business, the special purpose must not be an ordinary event in the affairs of the applicant and must be compatible with the ordinary activities within the neighborhood in which the special purpose is proposed to occur.

c. If the special purpose is a recurring one, it must not recur more than four times each calendar year.

d. Except in emergency situations, as determined by the village manager, the special permit may be issued for eight hours (between 7:00 a.m. and 12:00 a.m.) only.

e. Special permits may be issued for no longer than 15 consecutive days, renewable by further application to the village manager.



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(4) Loudspeakers. No permit may be issued to permit the use of any loudspeaker or sound-amplifying device on the exterior of any building that at any time exceeds the sound level limits in Table 1 except those used for emergency warnings.

(Ord. No. 04-24, § 1(.08), 12-6-2004)

## Sec. 15-59. Enforcement responsibility.

The NCO shall have primary enforcement responsibility for this article. Alleged noise disturbance violations shall be investigated on a "complaint only" basis and only when the person or persons making the complaint contacts the Village of Palmetto Bay's Code Compliance Division.

(Ord. No. 04-24, § 1(.09), 12-6-2004)

## Sec. 15-60. Penalties.

(a) Notice of civil infraction. Upon a determination by the NCO that a source of noise is being conducted in violation of this article, the NCO shall issue a notice of civil infraction directing the operator or operators thereof to cease and desist such operations until the violation is corrected. Such notice of civil infraction shall be served by personal delivery to the source of noise or by deposit in the U.S. mail by registered or certified mail addressed to the operator of the noise facility at the location thereof. If such notice of civil infraction is delivered personally, a copy of the notice of civil infraction shall be posted on the property concerned. If any operator shall fail to comply with a valid, duly served notice of civil infraction, he shall be guilty of an offense and punished as heretofore provided. Each day's continuing violation shall constitute a separate and distinct offense.

(1) Any person receiving a notice of civil infraction may appeal such order to the NCO by serving a request for hearing upon the NCO within 20 calendar days of receipt of such order. Such notice may be served by deposit in the U.S. mail by registered or certified mail addressed to the NCO. Upon receipt of a request for hearing, the NCO shall grant a hearing to the appellant at the earliest possible date. At such hearing, the appellant is entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter as provided for under the village's special master system, section 2-205, Village of Palmetto Bay Code of Ordinances.

(b) Civil proceedings. Upon determination by the NCO that a source of noise is being conducted in violation of this Article or a notice of civil infraction issued by the NCO, in addition to other remedies provided in such sections and in the laws of the State of Florida, the NCO may, upon authorization by the special master, institute any appropriate action or proceedings to restrain, correct or abate such violations or otherwise prevent the unlawful use of such noise operation or the unlawful operation of such facility by any person, as provided for under section 2-205, Village of Palmetto Bay Code of Ordinances.

(Ord. No. 04-24, § 1(.10), 12-6-2004)

## Secs. 15-61--15-100. Reserved.



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## ARTICLE II. PUBLIC CHARTER SCHOOL FACILITIES

1.

Sec. 9-51. Applicability, purpose and definitions.

Provisions of this chapter relating to public charter school facilities as defined herein shall be applicable in the incorporated area of the Village of Palmetto Bay, Florida.

The purpose of this chapter is to provide standards for considering approval of public charter school facilities, pursuant to agreement with the School Board of Miami-Dade County pertaining to siting of such facilities. Any use proposed for a public charter school site, other than the public charter school facility use provided for in this chapter, shall be subject to all other applicable provisions of the Code.

As used in this chapter, the term "public charter school" or "charter school" shall mean an educational institution which is authorized and maintained in accord with the provisions of F.S. ch. 1002, as same may be amended from time to time, and as authorized by the Miami-Dade County School Board. The terms "child," "student," "pupil," and their plurals are used interchangeably in this chapter. For purposes of this chapter, student educational opportunities within a public charter school shall include one or more of the following:

- (1) Kindergarten: preschool programs for children ages four through six.
- (2) Elementary school: educational programs for children in grades 1 through 5.
- (3) Middle school: educational programs for children in grades 6 through 8.
- (4) Senior high school: educational programs for children in grades 9 through 12.

(Ord. No. 05-04, § 1(.01), 6-6-2005)

Sec. 9-52. Public hearing required.

The establishment in existing or new structures, expansion or modification of a charter school facility is permitted in zoning districts that allow such use as a permitted use, after public hearing and upon a determination that the standards established in this chapter have been met.

(Ord. No. 05-04, § 1(.02), 6-6-2005)

Sec. 9-53. Required information.

All public charter school facilities shall submit the following information to the village's department of community development for review by the department and for consideration at a public hearing:

(a) Written information:

- (1) Total size of the site.
- (2) Maximum number of students to be served.
- (3) Grades or age groups that will be served.



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- (4) Maximum number of teachers, administrative and clerical personnel.
  - (5) Maximum number of classrooms and total square footage of classroom space.
  - (6) Total square footage of non-classroom, administrative office space.
  - (7) Total square footage of non-classroom, student activity space.
  - (8) Amount and location of exterior recreational/play area in square footage.
  - (9) Maximum number and type of vehicles that will be used in conjunction with the operation of the facility.
  - (10) Number of parking spaces provided for staff, visitors, and transportation and operation vehicles, and justification that those spaces are sufficient for this facility.
  - (11) Days and hours of operation; weekly and annually.
  - (12) An explanation of any such activities anticipated to be conducted in association with the charter school but typically conducted outside of the hours of operation of the charter school.
  - (13) Means of compliance with requirements by the Miami-Dade County Fire Department, Miami-Dade County Department of Public Health, the Florida Building Code, the Department of Health and Rehabilitative Services, and any Federal or State regulations applicable to the specific application.
  - (14) A copy of the charter approved by the Miami-Dade County Public School Board.
- (b) Graphic information. The following graphic information shall be prepared by a Florida registered design professional:
- (1) A plan indicating existing zoning on the site and adjacent areas.
  - (2) A site plan indicating the following:
    - a. Location of all structures;
    - b. Parking layout, auto stacking areas (parent pickup, school bus delivery/pickup, special needs locations) and drives
    - c. Walkways;
    - d. Location of recreation areas and play equipment which shall include surrounding fences and/or walls; and
    - e. Any other features which can appropriately be shown in plan form.
  - (3) Floor plans and elevations of all proposed structures.
  - (4) Landscape development plan listing quantities, size, and names of all plants.
- (Ord. No. 05-04, § 1(.03), 6-6-2005)
- Sec. 9-54. Charter school within multiple-use facility.



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Where a charter school facility is to be operated in a structure simultaneously used as a residence, religious facility or other type of facility, the area which will be specifically used for the charter school facility during the hours of operation shall be clearly defined.

The applicant for charter school approval shall additionally provide an explanation regarding any activities anticipated to be conducted in conjunction with the charter school, including but not limited to adult education classes, community outreach facilities, and civic building use. Such uses not determined by the village's director of the department of community development to be directly associated with the charter school operation shall require approval and compliance with the Code.

(Ord. No. 05-04, § 1(.04), 6-6-2005)

## Sec. 9-55. Physical standards.

All charter school facilities shall meet the minimum requirements included herein.

(1) Outdoor areas. Outdoor recreation/play areas are not required. Where provided, the outdoor recreation/play area shall, whenever possible, be located so that the recreation/play area is not immediately adjacent to single-family residences or section line roads, nor create incompatible impacts on other immediately adjacent properties. Adequate screening in the form of a wall, fence and/or landscaping shall be provided wherever the outdoor/play area abuts a property under different ownership.

(2) Signs. Signs shall comply with district regulations as contained in the Code; provided, however, that the total square footage of all freestanding signs in any residential district shall not exceed six square feet in size.

(3) Auto stacking. Stacking space, defined as that space in which pickup and delivery of children can take place, may be provided in the form of specified parking stalls and/or areas clear of vehicular drive aisles. Stacking space shall be provided in sufficient amount and number to serve the grade profile at the school in a manner that limits auto stacking to on-site locations and prevents spill-over of stacking to any adjacent streets or properties.

(4) Parking requirements. Parking requirements shall be as required by the Miami Dade County Public School Board for the type and size of school proposed.

(5) Height. The structure height shall not exceed the height permitted for that site by the existing underlying zoning district.

(6) Trees. Landscaping and trees shall be provided in accordance with the Code.

(7) Charter school facilities as described herein shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river, bay, or the ocean unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards. Swimming pools and permanent wading pools in excess of 18 inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of 48 inches in height and shall comply with the following standards:

a. Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safety lock and shall be locked when the area is without supervision.



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b. All safety barriers shall be constructed in accordance with the standards established in the Code, except that screen enclosures shall not constitute a safety barrier for these purposes.

(8) Lot coverage and floor area ratio. The charter school facility shall not exceed the lot coverage and floor area ratio allowed by the underlying zoning district.

(9) Building setbacks. The charter school facility shall comply with the setbacks established in the Code for buildings of public assemblage.

(Ord. No. 05-04, § 1(.05), 6-6-2005)

## Sec. 9-56. Cessation of charter school operation.

The owners of property where a charter school facility is proposed to be located shall at time of public hearing application submit a document in a form approved by the director suitable for recording in the public records and assuring the following:

If the charter school facility is constructed, but fails to begin operation and/or the charter school fails after establishment, the property owner within 36 months shall cause:

(1) The facility to be in full compliance with all zoning regulations applicable to property on which the charter school is located and allowing a use other than the charter school use, or

(2) The operation of the charter school facility to be transferred to another charter school operator or the school board, approved through applicable processes of the Miami-Dade County School Board, or

(3) The charter school facility to be converted to an allowable use within the zoning district, provided said allowable use has first been authorized through the issuance of the appropriate permits, or

(4) Authorization to be obtained at public hearing to convert the charter school facility to a use not otherwise allowable within the zoning district.

(Ord. No. 05-04, § 1(.06), 6-6-2005)

## Sec. 9-57. Plan review standards.

(a) Scale. The scale of proposed public charter school facilities shall be compatible with the scale of surrounding proposed or existing uses and shall be made compatible by the use of buffering elements.

(b) Compatibility. The design of public charter school facilities shall be compatible with the design, kind and intensity of uses and scale of the surrounding area.

(c) Buffers. Buffering elements shall be utilized for visual screening and substantial reduction of noise levels at all property lines where necessary.

(d) Landscape. Landscape shall be preserved in its natural state insofar as is practicable by minimizing the removal of trees or the alteration of favorable characteristics of the site. Landscaping and trees shall be provided in accordance the Code.



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(e) Circulation. Pedestrian and auto circulation shall be separated insofar as is practicable and all circulation systems shall adequately serve the needs of the facility and be compatible and functional with circulation systems outside the facility.

(f) Noise. Effective measures shall be provided to keep noise at acceptable levels.

(g) Service areas. Wherever service areas are provided, they shall be screened and so located as to be compatible with the adjacent properties.

(h) Parking areas. Parking areas shall be screened and so located as to be compatible with the adjacent properties.

(i) Operating time. The operational hours of a public charter school facility shall be compatible with the activities of other adjacent properties.

(j) Commercial. Where schools are proposed in or adjacent to industrial or commercial areas it shall be clearly demonstrated in graphic form and otherwise how the impact on the commercial area has been minimized through site design techniques and/or operational modifications.

(k) Fences and walls. Outdoor recreation and/or play areas shall be enclosed with fences and/or walls.

(Ord. No. 05-04, § 1(.07), 6-6-2005)

## Sec. 9-58. Certificate of use.

The certificate of use shall be automatically renewable annually by the village upon compliance with all terms and conditions including maintenance of the facility in accordance with the approved plan and adopted zoning resolution. Said certificate of use is subject to cancellation upon violation of any of the conditions contained in this chapter or upon notification from the school board of revocation of the charter of the public charter school.

(Ord. No. 05-04, § 1(.08), 6-6-2005)



