VILLAGE OF KEY BISCAYNE

Village Council
Joe I. Rasco, Mayor
Oscar Sardinas, Vice Mayor
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

SPECIAL COUNCIL MEETING

THURSDAY, SEPTEMBER 10, 2026
6:15 PM

1. CALL TO ORDER/ROLL CALL OF MEMBERS

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENTS:
If you would like to speak during public comments, please fill out a blue request form available at the Council Chamber entrance and submit it to the Village Clerk prior to the start of the meeting. When your name is called, please come forward to the podium and state your name and address. (If applicable, please state if you are a hired consultant or Village employee and/or engaged in lobbying activities and/or representing an organization.) Unless otherwise provided by Council, members of the public will have three (3) minutes to speak.

4. SITE PLAN REVIEW WORKSHOP PRESENTATION:

4.A. PRESENTATION ON 303 GALEN DRIVE PRESENTED BY GALEN DRIVE MW, LLC (BUILDING, ZONING, AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

TAB 1

5. ORDINANCES:

5.A.
AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING THE VILLAGE'S COMPREHENSIVE PLAN BY PROVIDING DEVELOPMENT PARAMETERS AND DEVELOPMENT INCENTIVE BONUSES IN THE HIGH**

DENSITY MULTIFAMILY RESIDENTIAL FUTURE LAND USE CATEGORY; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.(BUILDING, ZONING, AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

FIRST READING
PUBLIC HEARING REQUIRED

TAB 2

5.B.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING SECTION 30-105 OF THE VILLAGE CODE OF ORDINANCES RELATING TO DEVELOPMENT REGULATIONS AND DEVELOPMENT INCENTIVE BONUSES WITHIN THE RM-30 MULTIPLE FAMILY DISTRICT;** PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.(BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

FIRST READING
PUBLIC HEARING REQUIRED

TAB 3

6. OTHER BUSINESS/GENERAL DISCUSSION

7. SCHEDULE OF FUTURE MEETINGS/EVENTS:

2ND BUDGET HEARING
TUESDAY, SEPTEMBER 22, 2026, 6:30 P.M., COUNCIL CHAMBER

COUNCIL WORKSHOP-RIAP UPDATE & ZORC RECOMMENDATIONS
TUESDAY, SEPTEMBER 29, 2026, 6:00 P.M., COUNCIL CHAMBER

REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 13, 2026, 6:30 P.M., COUNCIL CHAMBER

8. ADJOURNMENT

I. ANY PERSON WISHING TO ADDRESS THE VILLAGE COUNCIL ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN

TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY 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 (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

THE ABOVE MEETINGS ARE HELD IN THE COUNCIL CHAMBER, 560 CRANDON BOULEVARD AND ARE SUBJECT TO CHANGE. ZONING MEETINGS AND SPECIAL COUNCIL MEETINGS WILL BE SCHEDULED ON AN AS NEEDED BASIS. PLEASE VISIT www.keybiscayne.fl.gov TO VIEW THE MEETING SCHEDULE.

KEY BISCAYNE - DESIGN WORKSHOP
303 GALEN DR, KEY BISCAYNE, FL
CONCEPT DESIGN

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AUGUST 25TH 2026

ARCHITECTURE
LANDSCAPE
INTERIOR DESIGN
URBAN PLANNING

ARQUITECTONICA

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LOCATION MAP



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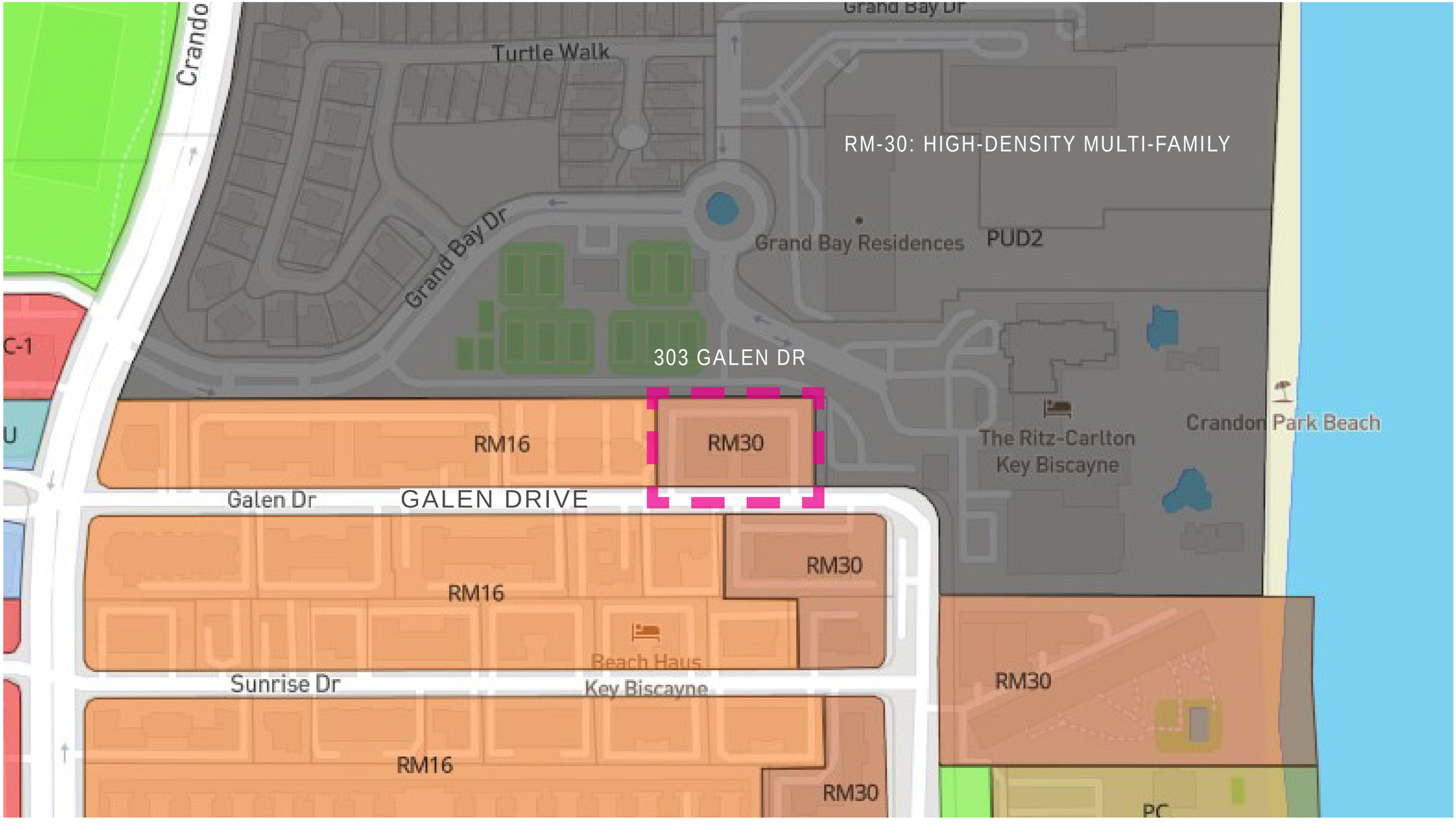

ZONING MAP

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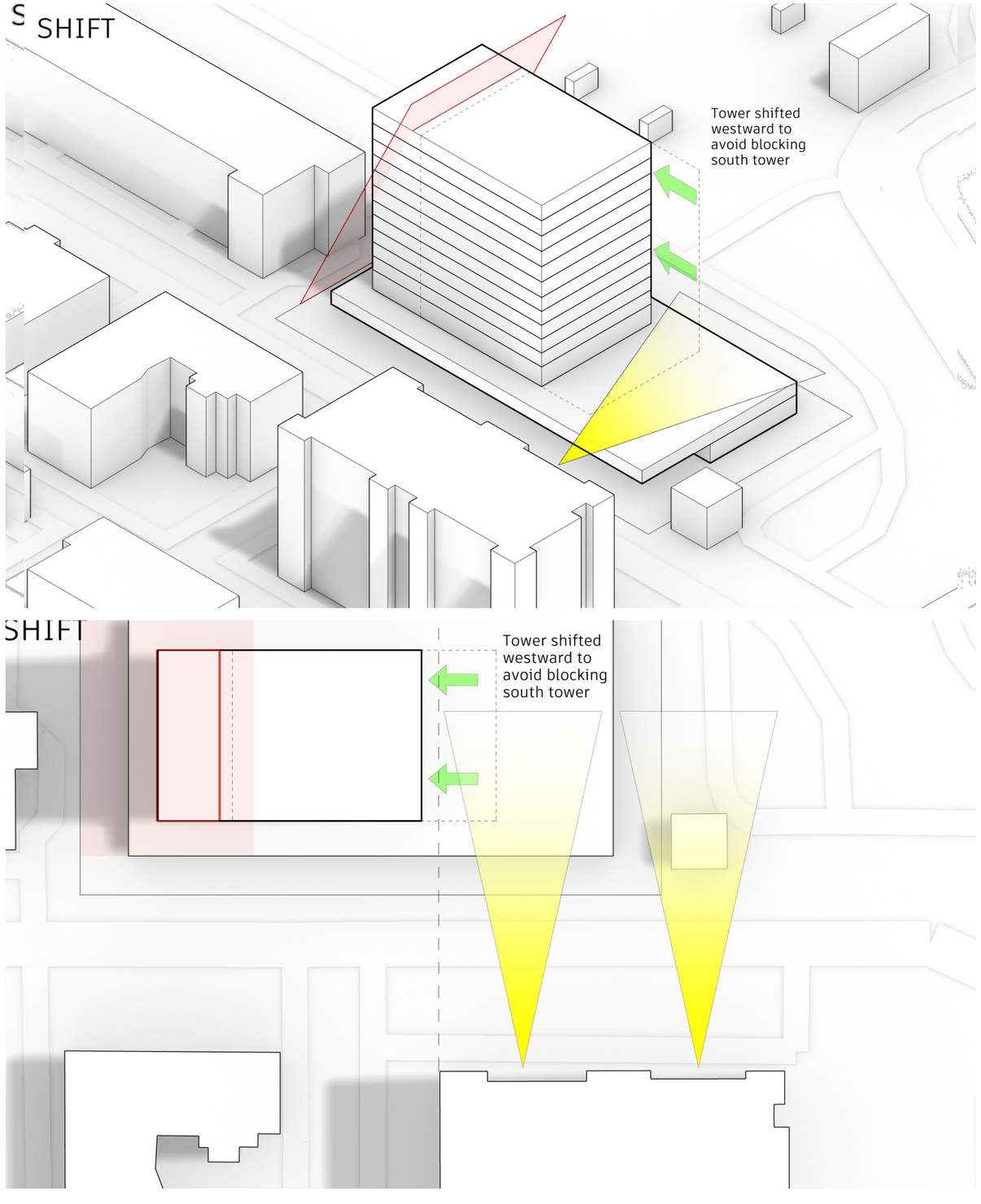





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GROUND LEVEL

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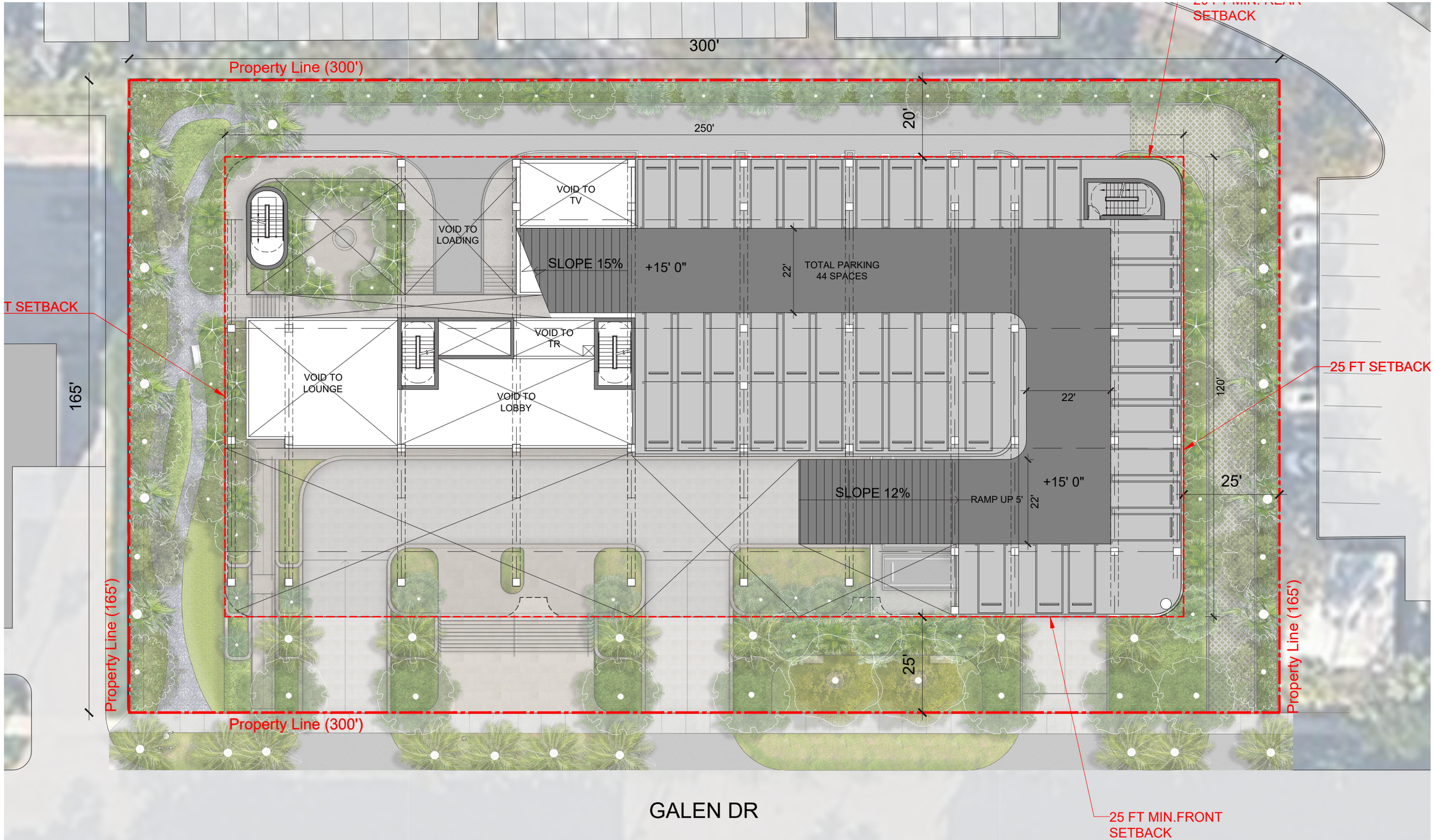

LEVEL GL MEZZ

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LEVEL 2 PARKING

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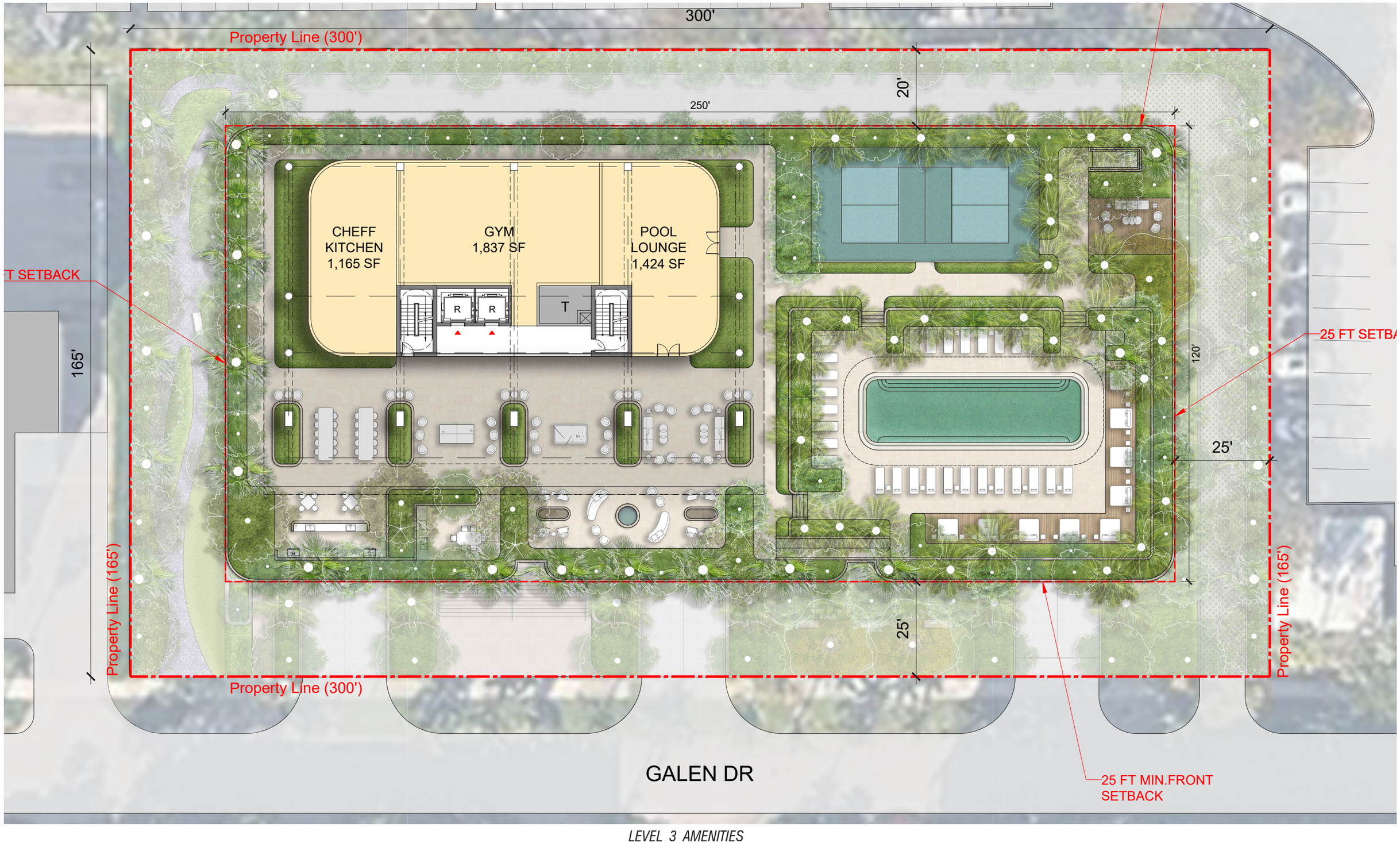

LEVEL 3 AMENITIES

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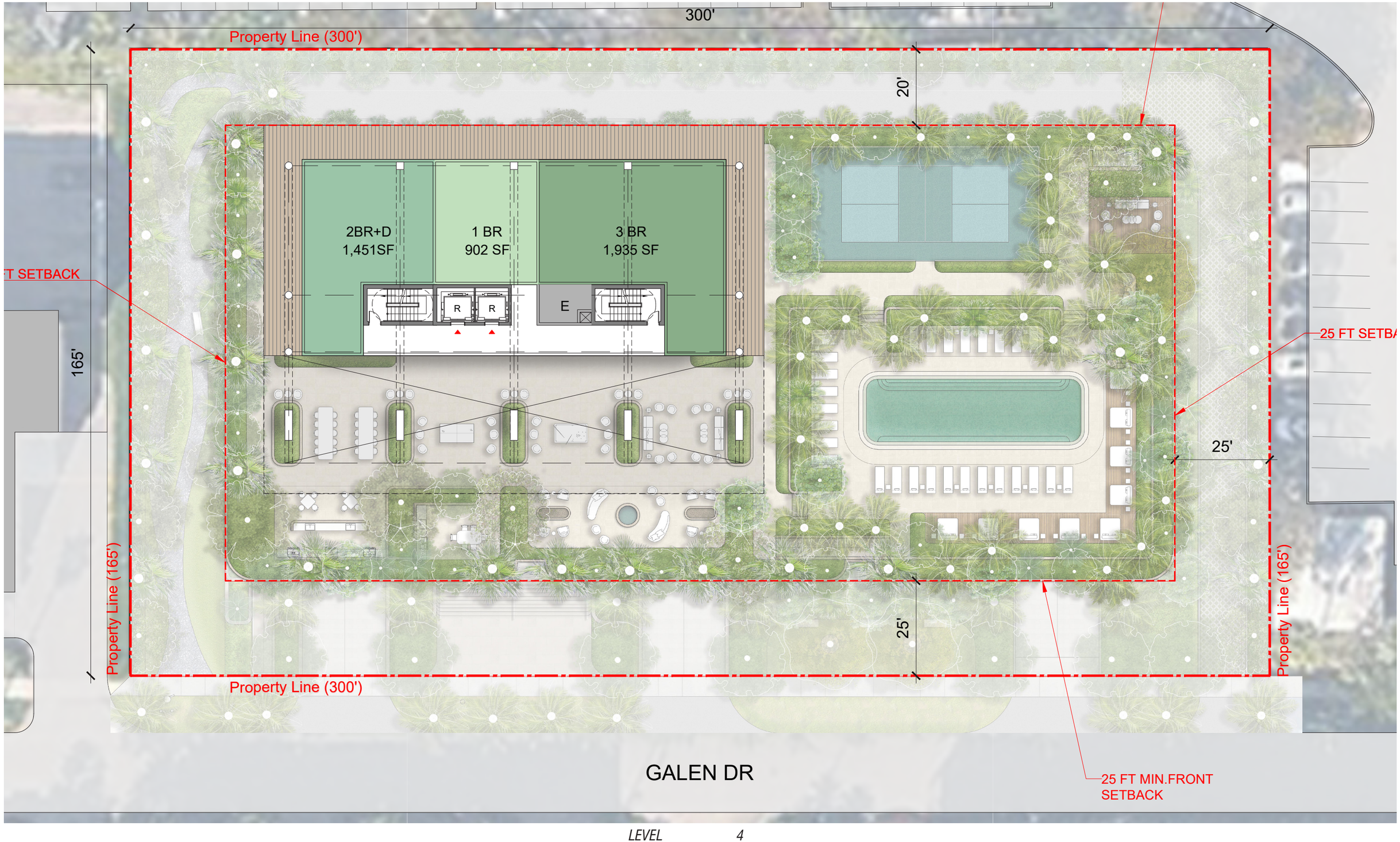

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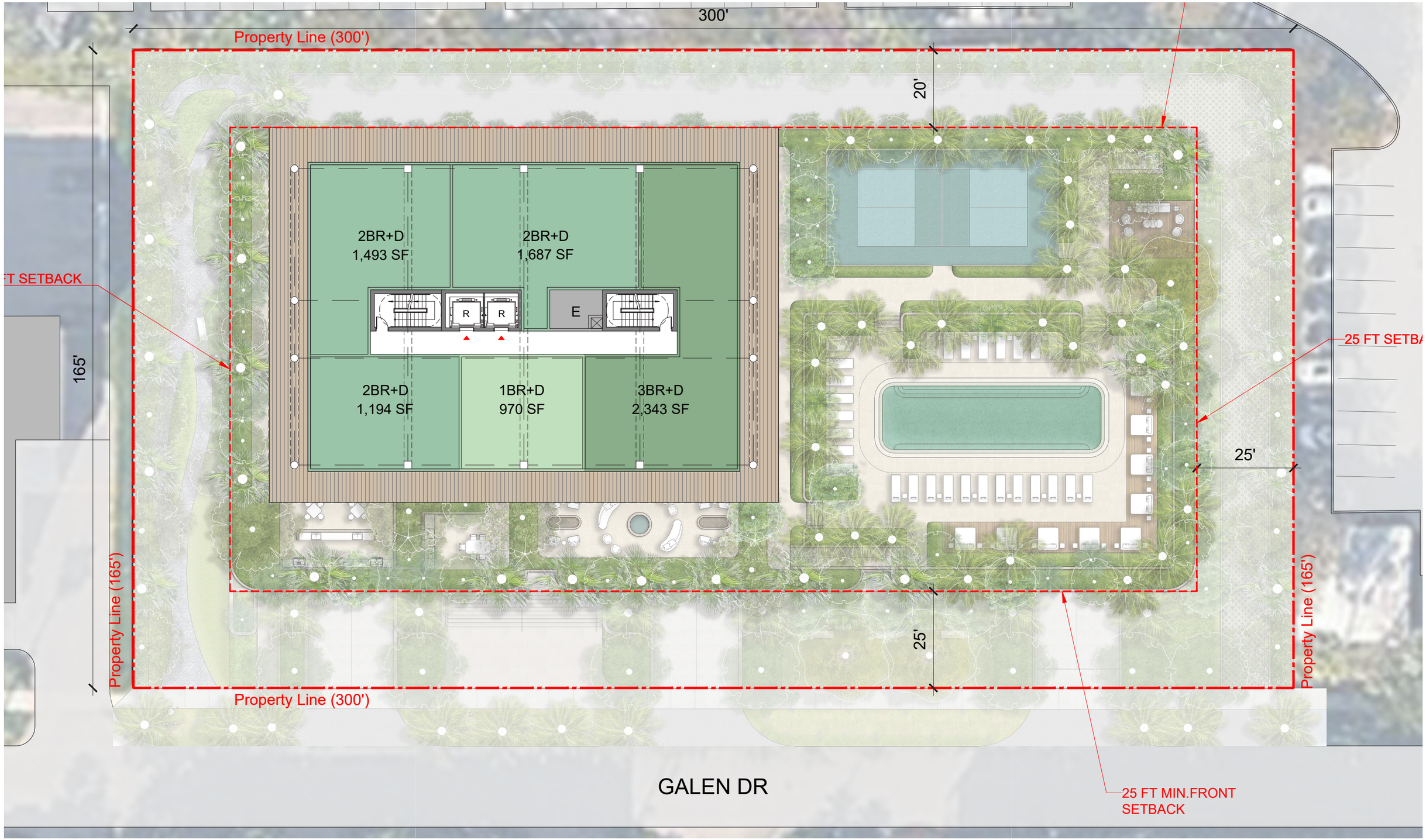

LEVEL 5 - 13

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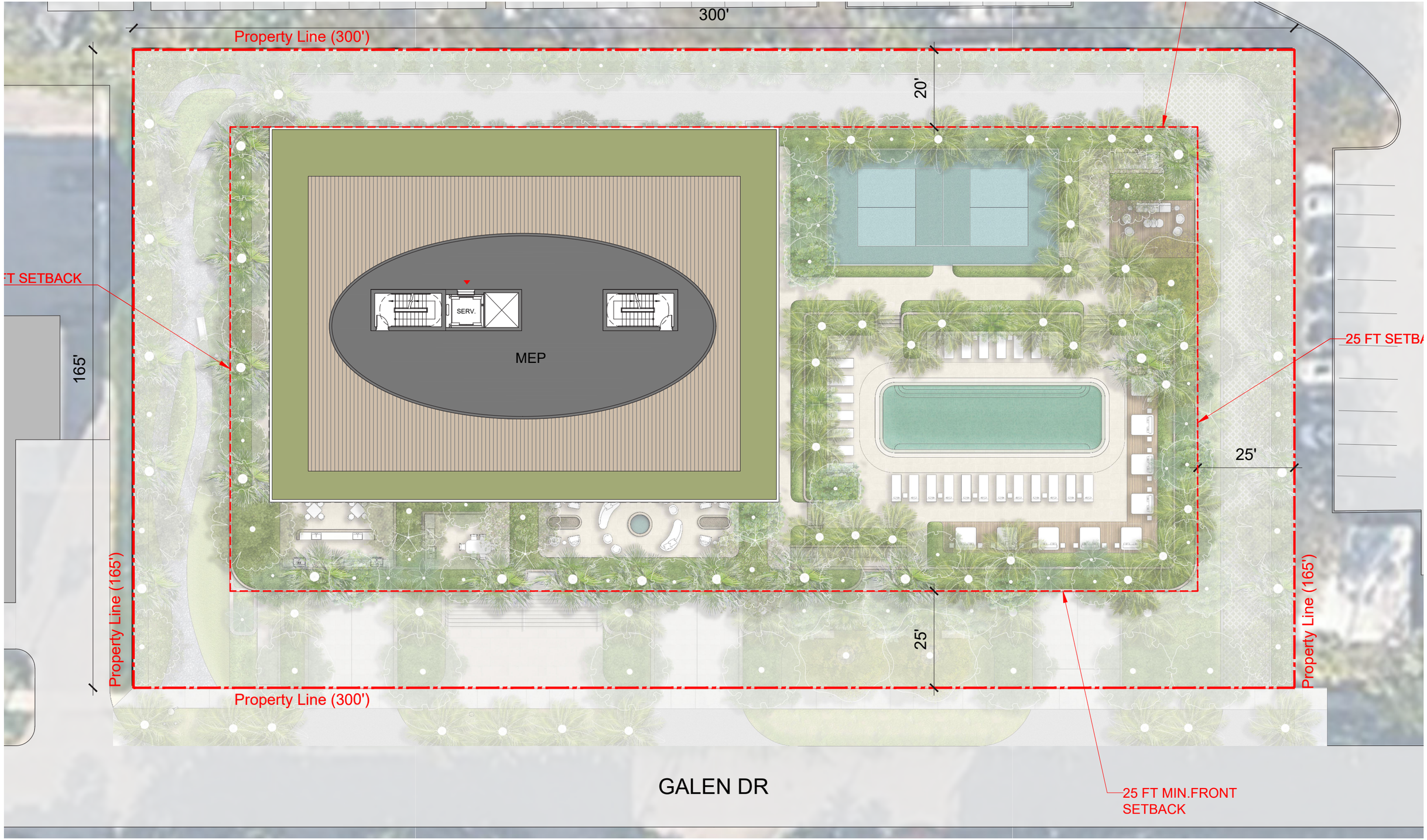

ROOF (MEP) PLAN

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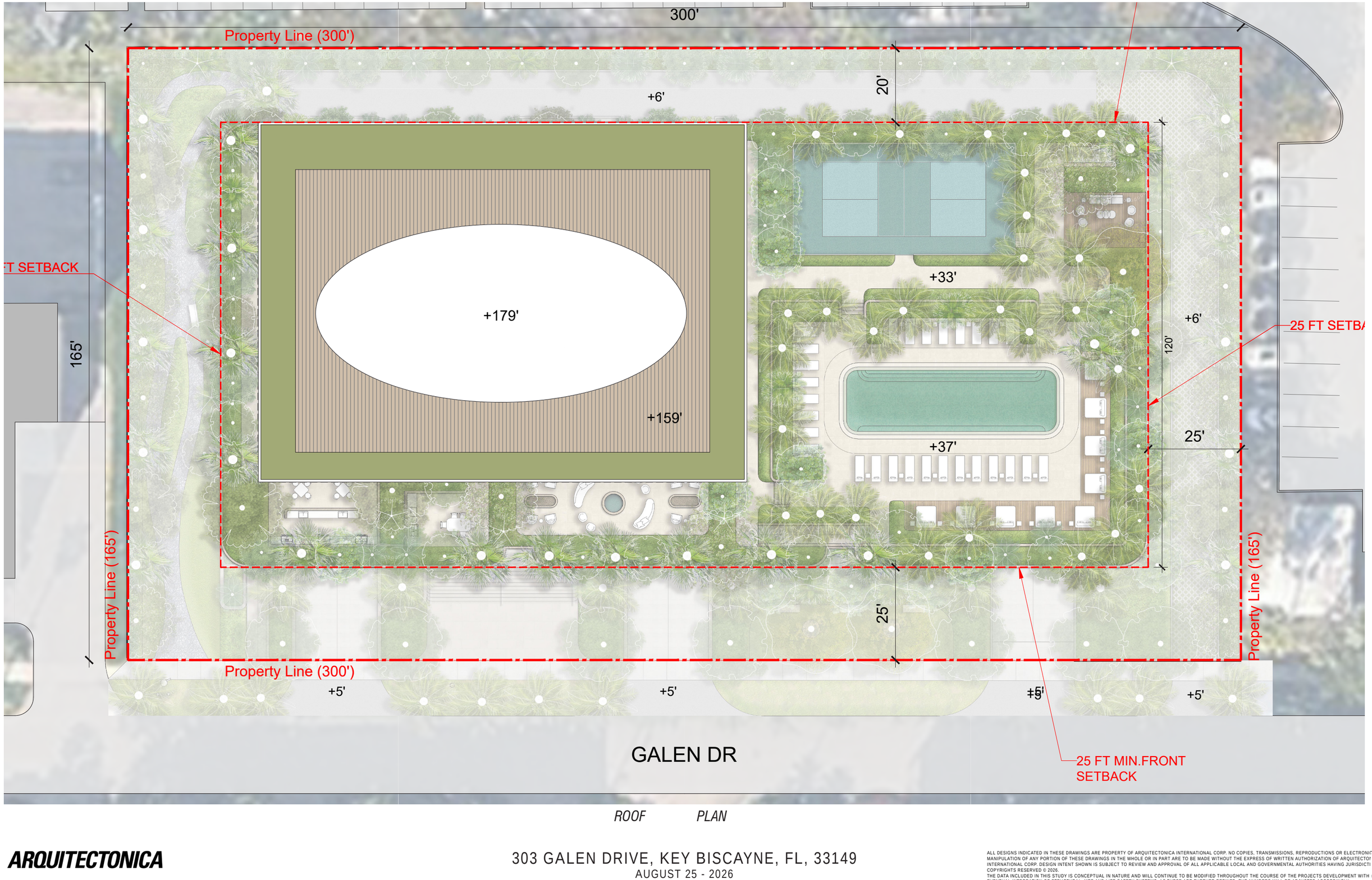

ROOF PLAN

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AUGUST 25 - 2026

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LANDSCAPE & RESILIENCY

RESILIENCY & RAIN GARDEN

Native coastal landscape

Key Biscayne character

Resilient planting palette

Rain garden + stormwater strategy

Layered canopy + understory

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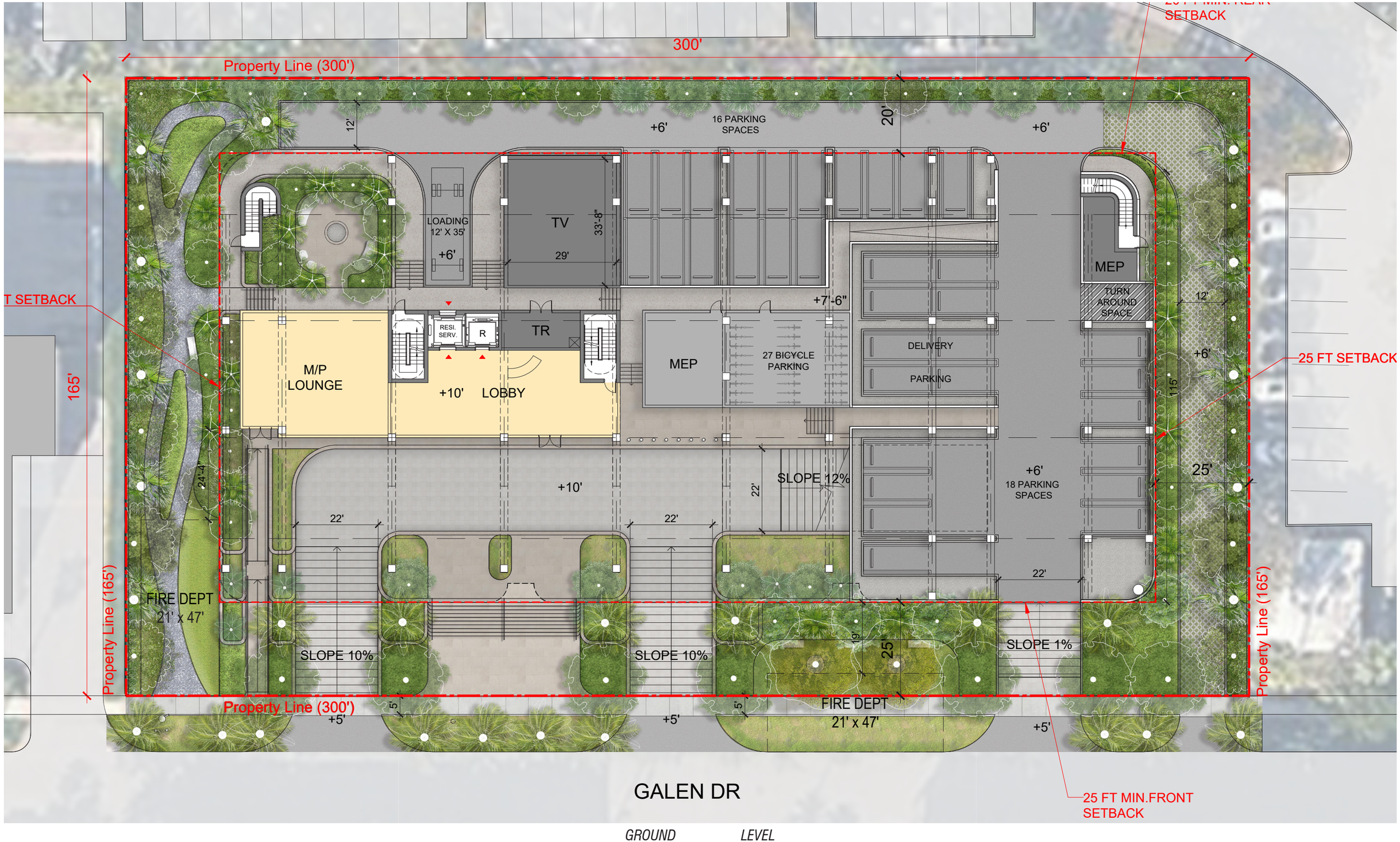

GROUND LEVEL

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PLANTING AREA | WALKWAY | RAIN GARDEN | WALKWAY | PLANTING AREA | PLANTING AREA

Western property edge
Native grasses + shrubs + trees
Stormwater capture + infiltration
Naturalized planting basin
Coastal habitat + biodiversity



ARQUITECTONICA

303 GALEN DRIVE, KEY BISCAYNE, FL. 33149
AUGUST 25 - 2026

PALMS



COCCOTRHINAX ARGENTATA
FLORIDA SILVER PALM



COCOS NUCIFERA
COCONUT PALM TREE



THRINAX RADIATA
FLORIDA THATCH PALM



SABAL PALMETTO
CABBAGE PALM

TREES



BURSERA SIMARUBA
GUMBO LIMBO



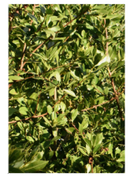
CLUSIA ROSEA
AUTOGRAPH TREE



COCCOLOBA DIVERSIFOLIA
PIGEON PLUM



COCCOLOBA UVIFERA
SEA GRAPE



CONOCARPUS ERECTUS
GREEN BUTTONWOOD

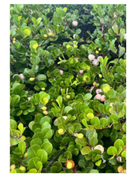


CONOCARPUS ERECTUS VAR. SERICEUS
SILVER BUTTONWOOD



MYRCIANTHES FRAGANS
SPANISH STOPPER

SHRUBS

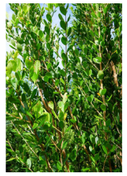


CHRYSOBALANUS ICACO 'HORIZONTALIS'
HORIZONTAL COCOPLUM



CLUSIA ROSEA 'NANA'
DWARF PITCH APPLE

SHRUBS



EUGENIA FOETIDA
SPANISH STOPPER



PSYCHOTRIA LIGUSTRIFOLLIA
BAHAMA WILD COFFEE



RANDIA ACULEATA
WHITE INDIGO BERRY



SERENOA REPENS VAR. SERICEUS
SILVER SAW PALMETTO



SURIANA MARITIMA
BAY CEDAR



ZAMIA INTEGRIFOLIA
COONTIE

NATIVE / SUN GROUNDCOVERS



ERNODEA LITTORALIS
GOLDEN CREEPER



HELIANTHUS DEBILIS
BEACH SUNFLOWER



HYMENOCALLIS LATIFOLIA
SPIDER LILY



SPARTINA BAKERI
CORDGRASS



IPOMEA PES CAPRAE
RAILROAD VINE

HARDSCAPE



GRAY SLATE CHIPS



MINI PINE BARK NUGGETS

Native + Florida-adapted species
Layered planting
Natural stone + mulch
Textural groundcovers
Integrated landscape character





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HARDSCAPE



MINI PINE BARK NUGGETS



TURF BLOCK



EXPOSED CONCRETE AGGREGATE

Eastern service drive
Permeable reinforced turf
Moving + delivery vehicles



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Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, *Vice Mayor*
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

STAFF MEMORANDUM

DATE: September 10, 2026

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager

FROM: Jeremy Calleros Gauger, Director – Building, Zoning, & Planning Department

RE: Density in the High Density Multifamily Residential Future Land Use Category

RECOMMENDATION

Recommend the Village Council approve the proposed ordinance which would alter the Village Masterplan to allow properties to be redeveloped with their current density and expanded intensity at any time rather than solely after the property is destroyed or damaged by a natural disaster.

DISCUSSION

Purpose: To review a change to the Village Masterplan proposed by a property owner within the Village. A potential developer of 303-305 Galen Drive proposes changes to the High Density Multifamily Residential (HDMFR) Future Land Use Category to allow properties to be reconstructed with their current density and expanded intensity via a bonus system. Currently, such properties may only redevelop with existing density in the event they are destroyed or damaged by a natural disaster. Absent such disaster-related damage, properties would be limited to 30 units per acre per the Land Use category description in the Masterplan and via Zoning Regulations.

Background:

Current density and Floor Area Ratio (FAR) were set at levels less than the existing buildings when creating the initial land use regulations in the Village. Historically, there was concern regarding larger developments which were allowed under the previous Miami-Dade County regulations. One of the reasons given for incorporating the Village was to control development capacity in response to the more generous County rules. The Village restricted capacity by setting the density at 30 units per acre. The desire to preserve lower density was further reiterated recently when the Village Council ratified its 2040 Vision Plan which included clear language to not allow an increase in residential units in the Village.

The Village Masterplan is the document in which the Village's goals and objectives are listed and is the document which guides policies which are then codified in Village ordinances. The Future Land Use Map (FLUM) is a component of the Village Masterplan. The FLUM is the underlying

map which is the foundation for the zoning map. As such, zoning regulations and districts may be more restrictive than the FLUM and Masterplan regulations, but never less restrictive.

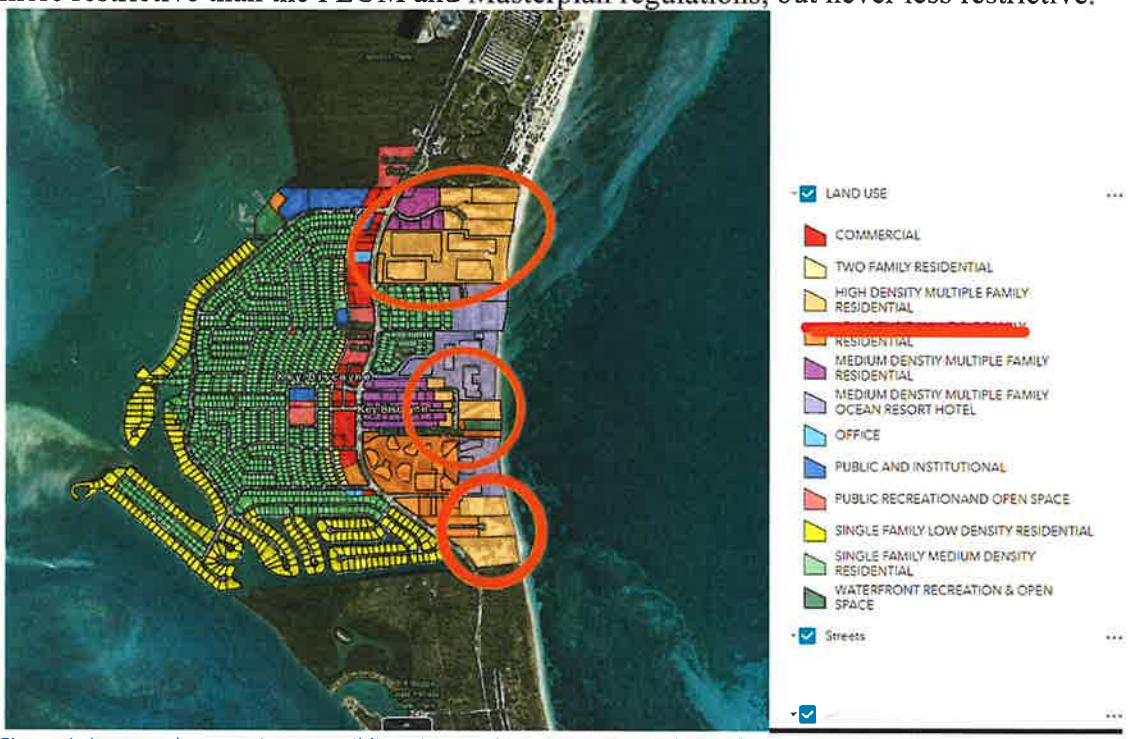

Figure 1: Impacted properties: 13 Buildings in 2 zoning categories, and one Planned Unit Development with multiple parcels.

The applicant is proposing - to alter language in the Village Masterplan which currently restricts residential units to a maximum of 30 units per acre. Thirty units per acre is less density than 9 of the 13 buildings currently have in the HDMFR land use category. Under the current code, the only way these properties could retain their existing density and be redeveloped is in the event they are destroyed in a disaster. The proposed legislation would allow planned redevelopment to retain existing density.

The applicant proposing this legislation finds that the property at 303-305 Galen Drive is difficult or impossible to redevelop with the existing regulations and has proposed the masterplan text amendment (and corresponding amendment to the Village zoning code) to enable redevelopment. Approving this text amendment may ease redevelopment at 13 properties, though other market forces may make redevelopment challenging, particularly since most parcels are condominiums.

There may be incentive for the Village to facilitate redevelopment. Three buildings in HDMFR have inhabited units below the floodplain level and many of the 13 properties have interior space below what current flood regulations permit. In the event of a catastrophic flood in which the buildings are damaged, these buildings would be permitted to be reconstructed with their current development capacity, however, this could only occur after a disaster. Ideally, buildings should be reconstructed to significantly mitigate these threats.

In addition, the HDMFR category consists of buildings constructed between 1967-1983 with an average age of 54.3 years old. While the buildings are adequately maintained, it is possible that the cost of maintenance could eventually become a significant burden, and the owners would wish

to sell for purposes of redevelopment. Existing density restrictions could make that economically challenging.

Address	Name	Lot Size (Acres)	Current Units	Allowed units (30 units / acre) or capped by 30-73	Additional Units	Current density	Density % increase over 30/acre	Year Built	Age
155 Ocean Ln Dr	Commodore West	3.71	184	111	73	50	67%	1973	53
155 Ocean Ln Dr	Commodore East	4.78	186	143	43	39	30%	1971	55
199 Ocean Ln Dr	Commodore South	5.78	180	173	7	32	7%	1974	52
170 Ocean Ln Dr	Ocean Lane Plaza	2.07	89	62	27	43	43%	1981	45
200 Ocean Ln Dr	Island House	5.26	131	131	0	25	-17%	1961	65
303-305 Galen	TBD	1.13	51	34	17	45	50%	1967	59
550 Ocean Drive	Galen Brakers	1.2	65	36	29	55	83%	1969	57
590 Ocean Drive	Ocean Dr Manors	0.57	21	17	4	37	23%	1968	58
611 Ocean Drive	Sands of KB	5.42	120	120	0	23	-23%	1969	57
650 Ocean Drive	Bahia Mar	1.05	40	31	9	38	27%	1983	43
881 Ocean Drive	Casa Del Mar	6.27	236	188	48	38	27%	1971	55
600 Grapetree	Mar Azul	4.52	131	131	0	29	-3%	1974	52
1121 Crandon	Towers of KB	10.26	538	267	307	53	-10%	1971	55

488 existing units beyond current density restrictions allow.

APPLICABLE GOALS, OBJECTIVES, AND POLICIES

The Village Masterplan is the guiding document for the Village in which broad goals, more specific objectives, and detailed policies are listed. The goals, objectives, and policies are intended to guide policy makers and inform Village ordinances and regulations. These policies include specific regulations regarding density and floodplain protection within Goals 1 and Goal 3 of the Masterplan.

GOAL 1 ACHIEVE THE FOLLOWING COMMUNITY CHARACTER:

Key Biscayne should be a residential community. Development policies should protect residential character. Future residential development should be at the lowest densities consistent with protection of reasonable property rights.

Policy 1.1.3
… **Floodplain protection provisions**… The Village shall revise as necessary and enforce flood hazard reduction regulations… 2)for residential buildings in A zone, the elevation of the lowest floor and mechanical equipment above the base flood elevation;…

GOAL 3 TO MINIMIZE HUMAN AND PROPERTY LOSS DUE TO HURRICANES

Objective 3.5 Hurricane Damage Avoidance

Minimize damage from any hurricane storm surge. See Policies for measurability.

Policy 3.5.2

The Village shall enforce flood damage prevention regulations which ensure that the first floor of all new residential construction is at or above the flood elevation specified on the FEMA Flood Insurance Rate Map and which ensure that the first floor of all new non-residential construction is either at or above the flood elevation specified in the FEMA Flood Insurance Rate Map or in accordance with FEMA approved waterproof construction specifications. The Village Manager shall design and promulgate specific management techniques to ensure effective enforcement.

Policy 3.5.5

Permitted population density maximums shall be reduced in accordance with the Future Land Use Map of this plan to better coordinate with the 1991 Metropolitan Dade County Emergency Operations Plan, which is the local hurricane evacuation plan for Key Biscayne, and the 1991 lower Southeast Florida Hurricane Evacuation Plan, the regional hurricane evacuation plan.

ANALYSIS

Key Biscayne has a goal in the Masterplan to reduce density while respecting property rights whenever possible while at the same time has multiple policies to improve flood resilience by developing or redeveloping above the floodplain. A challenge in the Village, and particularly within the Garden District, is that many buildings in the HDMFR pre-date the 1973 passage of the Flood Disaster Protection Act which encouraged and later required residential units to be elevated above the floodplain. The only way for buildings which have units in the floodplain to come into compliance with current regulations is for them to be demolished and redeveloped.

The aspirational policy of improving community character and minimizing harm by reducing population exposed to hurricane hazards is noteworthy, however, it has not taken place in practice. Few high-density multi-family buildings have been redeveloped with lower densities. In fact, developers and applicants have repeatedly stated that the density reduction from existing numbers is a disincentive for redevelopment. This has been the case in the Medium Density Multifamily (MDMFR) district as well. A single building was redeveloped with lower density at 101 Sunrise Drive. The 11-unit building completed in 2015 has not spawned imitators. If the project had been a financial success, we would expect additional redevelopment to have occurred at nearby sites.

Rather than redevelop properties to current codes which would elevate them from the floodplain, (consistent with Policy 3.5.2), another project was limited to refurbishment rather than redevelopment, partially to preserve existing higher density. This is in direct contrast to Policy 3.5.2 regarding development in the floodplain. The building at 201 Sunrise Drive in the MDMFR district would have been limited to 11 units under current regulations but was refurbished to retain 19 existing units.



Figure 2: 100 Sunrise Drive with 11 units built in 2015 and 201 Sunrise Drive retaining 19 units, including ground level units, refurbished in 2025.

RECOMMENDATION:

Village policies have had the unintended consequence of limiting building improvements to refurbishment in the floodplain rather than spurring more resilient development at reduced densities. Due to the practical challenges of redevelopment with limited density and based on the development history of the Garden District, I recommend approval of the Village Masterplan text amendment. Similarly, many of the challenges which impact the HDMFR also apply to the MDMFR district, and the MDMFR district and corresponding RM 16 zoning district should be studied for similar changes at a later date.

STRATEGIC CONNECTION (GOAL / FOCUS AREA)

Supports the Village's goal of creating a thriving and vibrant community. The proposed regulations will improve conditions .

- Goal: Thriving & Vibrant Community and Local Marketplace
- Focus Area: Preserve and Shape Village Character
- Action: Refine residential and commercial zoning regulations.

Prepared by: Jeremy Calleros Gauger, Building, Zoning, and Planning Director

Reviewed by Mr. Chad Friedman from Weiss Serota Helfman Cole & Bierman as to form and legal sufficiency.

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE'S COMPREHENSIVE PLAN BY PROVIDING DEVELOPMENT PARAMETERS AND DEVELOPMENT INCENTIVE BONUSES IN THE HIGH DENSITY MULTIFAMILY RESIDENTIAL FUTURE LAND USE CATEGORY; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne ("Village") Council has adopted the Village Master Plan (the "Comprehensive Plan"); and

WHEREAS, Coral Reef of Key Biscayne Dev has submitted a Comprehensive Plan text amendment application (the "Application") requesting amendments to the text of the Village Comprehensive Plan for the High Density Multifamily Residential Future Land Use Category to allow for the redevelopment of properties with increased densities and intensities through a development incentive bonus system; and

WHEREAS, Village staff has reviewed the Application and recommends adoption of the proposed text amendment; and

WHEREAS, public notice was provided as required by applicable law; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed the proposed amendment to the Comprehensive Plan and recommends approval of this Ordinance; and

WHEREAS, the Village Council finds that this Ordinance is in the best interest of the Village's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:[1]

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Comprehensive Plan Amendment Adopted. The Village Council hereby adopts the amendment to the Comprehensive Plan attached hereto as Exhibit "A."

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, 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

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

sections, sentences, clauses, and phrases of this 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. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Transmittal. The Village Manager or designee is hereby authorized to transmit the amendments adopted by this Ordinance to the Florida Department of Commerce ("DOC") and any other required reviewing agencies for review in accordance with Section 163.3184, Florida Statutes.

Section 6. Effective Date. This Ordinance shall be effective immediately upon passage and adoption by the Village Council on second reading, except that the effective date of the text amendment to the Comprehensive Plan adopted by this Ordinance shall go into effect 31 days after DOC notifies the Village that the Comprehensive Plan amendment package is complete. If timely challenged, the Comprehensive Plan amendments adopted by this Ordinance shall not become effective until DOC enters a final order determining the adopted Comprehensive Plan amendment is in compliance.

PASSED on first reading on the _____ day of _____, 2026.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2026.

_____
JOE I. RASCO
MAYOR

ATTEST AND RENDERED this ___ day of _____, 2026:

_____
JOCELYN B. KOCH, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

EXHIBIT "A"

KEY BISCAYNE MASTER PLAN

* * *

Part II

* * *

FUTURE LAND USE

* * *

FUTURE LAND USE CATEGORY DESCRIPTIONS

* * *

High Density Multifamily Residential

This category of land use is intended to allow for multifamily residential development up to 30 dwelling units per acre. Neither public nor private rights-of-way shall be counted for the purpose of determining the permitted number of units. Accessory recreation facilities such as swimming pools and tennis courts may be permitted in residential developments provided they are for the exclusive use of the residents of the development in which they are located, and their guests, and are not open on a membership or fee basis to nonresidents. Other uses allowed on land within this category include public parks, primary and secondary schools, houses of worship and public utility facilities necessary to serve the uses within this category.

The application of the density and intensity limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original density or intensity of the repaired or reconstructed building. This paragraph applies to densities and intensities, not uses.

Notwithstanding the foregoing limitations, any property may be redeveloped at density and intensity levels that exceed the provisions contained in this category through a bonus system adopted in the Land Development Regulations.

Village Council
Joe I. Rasco, *Mayor*
Oscar Sardiñas, *Vice Mayor*
Michael F. Bracken
Franklin H. Caplan
Edward London
Nancy Stoner
Fernando A. Vazquez

Village Manager
Steven C. Williamson

STAFF MEMORANDUM

DATE: September 10, 2026

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager

FROM: Jeremy Calleros Gauger, Director – Building, Zoning, & Planning Department

RE: Development regulations in the RM-30 Multiple Family Garden District properties.

RECOMMENDATION

Recommend Village Council approve the proposed ordinance with conditions. Staff recommend approval is subject to further study of the RM-30 and RM-16 districts as part of a broader Garden District review.

DISCUSSION

Purpose: To evaluate a potential developer's proposed zoning text changes to alter the development capacity and standards for the RM-30 district as outlined in Village Code Section 30-15. *Multiple Family Districts*. The process follows Section 30-71 *Procedures for a text change or zoning district change*

Metric	Current	Proposed	Via Bonus
Density	30 units/acre	Existing units retained	Public-benefit contribution
FAR	0.40	Up to 2.00	Public-benefit contribution
Lot coverage	40%	Up to 60%	On-site resiliency improvements
Setbacks	Multi-tier/angled	Simplified/reduced	Public-benefit contribution

I will analyze the four requests regarding density, FAR, setbacks, and lot coverage separately below, however, all elements are interdependent. Retaining more units generally requires additional building area, while setbacks and lot coverage determine whether that additional floor area can physically be accommodated on a site.

Background:

- The Village intentionally established relatively low RM-30 development capacity.
- Existing buildings exceed today's permitted density/FAR.
- The 2040 Vision Plan expresses a desire not to increase residential density.
- The proposed amendment would allow the existing number of units to be retained while facilitating redevelopment.

Historically, there was concern regarding larger developments allowed under the previous Miami-Dade County regulations. One of the reasons given for incorporating the Village was to control development capacity in response to the more generous county rules.

The applicant proposing this legislation finds that the property at 303-305 Galen is difficult to redevelop with the existing regulations and has proposed a zoning text amendment (and corresponding amendment to the Village Masterplan) to enable redevelopment. The current regulations limit development capacity below that which is currently existing in the four non-waterfront properties in the Garden District and function as a significant deterrent to redevelopment. Approving this text amendment may lead to redevelopment at all non-waterfront locations, though other market forces may make redevelopment challenging, particularly since all are condominiums.

It may be beneficial for the Village to support redevelopment. Three of the four non-waterfront buildings have inhabited dwelling units below the floodplain level. In the event of a catastrophic flood in which the buildings are damaged, these buildings would be permitted to be reconstructed with their current development capacity per 30-105 (d), however, this could only occur after a disaster. Ideally, buildings could be reconstructed to significantly mitigate the threat in advance of a catastrophe.

In addition, three of the buildings in the RM-30 district were constructed between 1967-1969 with the fourth constructed in 1983. While the buildings are well maintained, it is possible that the cost of maintenance could eventually become a significant burden, and the owners would wish to sell for purposes of redevelopment.

The proposed text amendment specifically requests the following changes in the Garden District:

- Density equal to existing on-site conditions which could result in a density approximately 23% to 80% greater than that permitted under current Village regulations;
- FAR increase of approximately 10% to 113% above existing on-site conditions which could result in an FAR up to 500% greater than that currently allowed;
- Reduced setbacks, including front setbacks by 16%, rear setbacks by 48%, and side setbacks remaining unchanged through a simplified setback standard; and
- Increased lot coverage from 40% to 60%, a 50% increase.

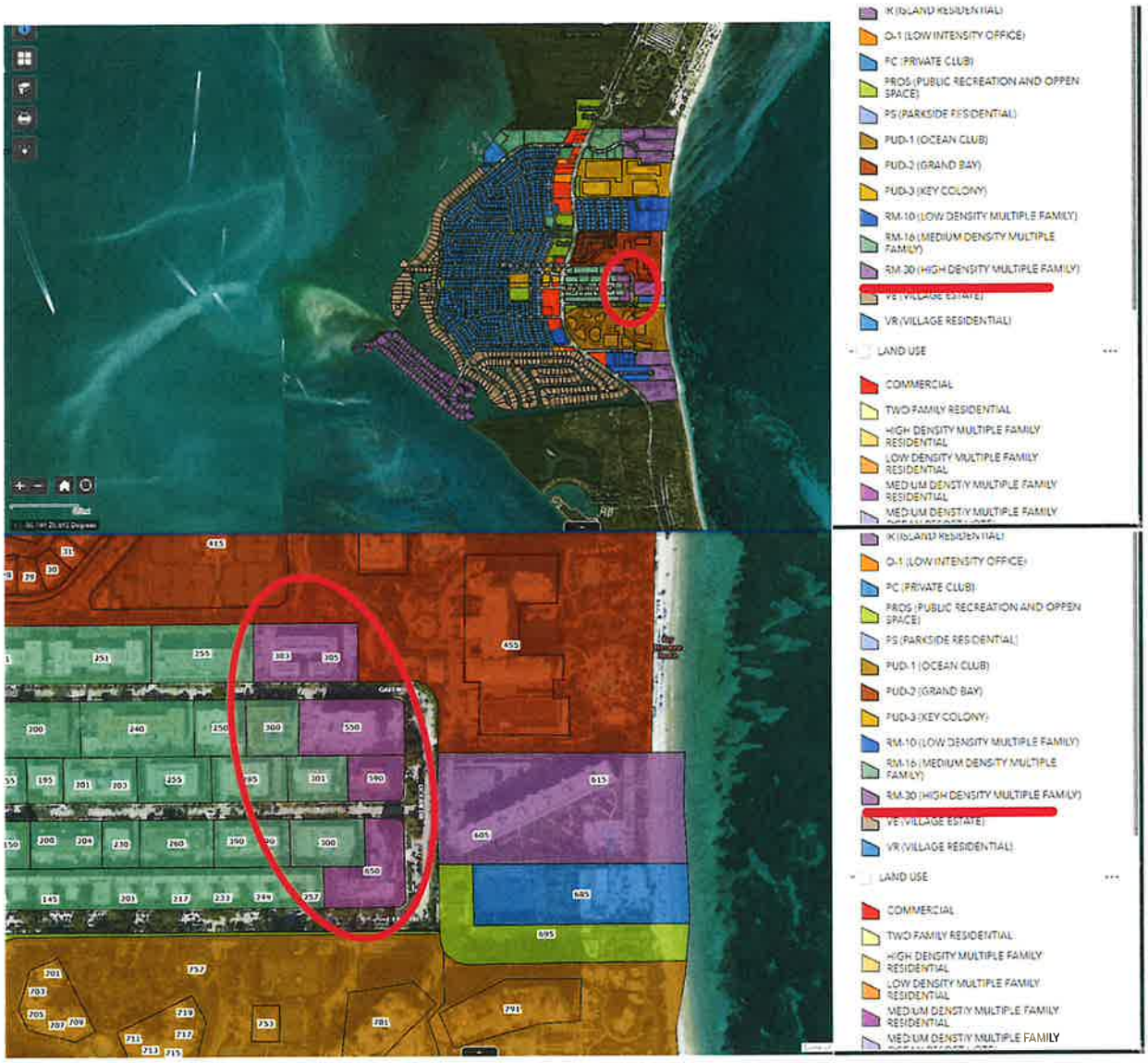

Figure 1: Zoning map showing RM-30 in purple.

DENSITY RETENTION

The text amendment would allow properties to be redeveloped at their current level of density. In all cases, this would allow additional density compared to the current regulations. In total, there are currently 177 residential units in the four non-waterfront RM-30 properties. The density allowed per current regulation is 30 units per acre, which if redeveloped would allow only 118 residential units, a difference of 59 additional units.

Address	Name	Floors	Lot Size (sqft)	Current Units	Allowed units (30 units / acre) or capped by 30-73	Additional Units	Current density	Density % increase over 30/acre
303 Galen	TBD	4	49,500	51	34	17	45	50%
550 Ocean Drive	Galen Brakers	9	52,338	65	36	29	55	83%
590 Ocean Drive	Ocean Dr Manors	8	24,920	21	17	4	37	23%
650 Ocean Drive	Bahia Mar	10	46,270	40	31	9	38	27%

*Lot size information is from KCI Village-wide survey, not from individual boundary surveys.

Since the legislation does not propose increasing the number of units within the Village, this amendment is consistent with some Village goals and objectives, though currently in conflict with language in the Village Masterplan, which the applicant proposes to amend via separate ordinance.

Recommendation: approval with a condition

Reasoning: Allows existing units to be retained while avoiding an increase in the number of units currently in the Village.

Condition: Corresponding Masterplan amendment must be approved.

FLOOR AREA RATIO BONUS ACCESS

The proposed legislation allows up to five times more FAR than the current Code allows for non-waterfront properties. The proposed ordinance would make higher FAR available by a new alternative bonus mechanism in addition to the current regulation which allows additional square footage in exchange for a community benefit in the form of a beach path of value to the Village and cost to the property owner.

The existing bonus exchanges additional FAR for public benefits. The proposed amendment would create a comparable alternative for non-waterfront properties, allowing a public-benefit contribution related to infrastructure. Staff consider this approach appropriate because the four properties may redevelop at different times and the value of land and public improvements will change over time.

The table below shows that the current FAR is greater in all cases than that allowed by current ordinance if redeveloped, though also less than that proposed by the applicant. Galen Breakers and

Bahia Mar properties' FAR is closest to that proposed by the applicant and is a reasonable basis for understanding the scale of potential buildings. The massing of the existing buildings is reasonable and consistent with the surrounding properties. The higher FAR proposed in the amendment is supported by policies in the Village Masterplan and by current practice.

Address	Name	Floors	Lot Size (sqft)*	Adjusted Area+	Floor Area Allowed 0.40 (Sqft)	*Max Area Proposed (Sqft)	FAR: Current	% increase
303 Galen	TBD	4	49,500	46,209	19,800	99,000	0.94	113%
550 Ocean Drive	Galen Brakers	9	52,338	95,000	20,935	104,676	1.82	10%
590 Ocean Drive	Ocean Dr Manors	8	24,920	30,498	9,968	49,840	1.23	63%
650 Ocean Drive	Bahia Mar	11	46,270	92,456	18,508	92,540	2.00	0%

*Lot size information is from KCI Village-wide survey, not from individual boundary surveys and is less accurate.

+Adjusted square footage for condominiums is estimated by adding floor area of all condominium units and adding a conservative 12% of additional space for lobbies, hallways, and other interior space.

The FAR proposed in the legislation is consistent with urban design principles as demonstrated by the accompanying site plan proposal and, more importantly, the existing buildings in the RM-30 district. The RM-30 district is an intermediate district between the low-rise multi-family buildings in the RM-16 district and the larger buildings on the waterfront in the RM-30 and Planned Unit Developments. The RM-30 Garden District, as currently constituted, is boarded on the north and south by the Grand Bay and Ocean Club Planned Unit Developments (PUD) which are large sites with large individual buildings. Overall, FAR is relatively low in the PUDs, however, their sites include access roads and surrounding open space which would otherwise be public space. Inclusion of all surrounding open space within the site makes the lot size large and the floor area relatively small as a ratio to the lot. The proposed 2.0 FAR maximum in RM-30 within the Garden District will be a suitable transition between the large individual buildings in the PUDs and the RM-16 district to the west.

Recommendation: Approve with conditions.

Reasoning: Proposed 2.0 FAR is consistent with existing RM-30 development and surrounding development patterns.

Condition: Study RM-30 together with RM-16 as part of the Garden District review.

SETBACK REDUCTION

As a preamble to review setback regulations, it is noteworthy that setbacks do not set the shape or size of the building. Setbacks set the outer limit within which the building may be placed. Expanding setbacks does not expand the allowable size of the building but gives additional flexibility on where the square footage (limited by FAR) may be located. However, when sites are small or have a narrow dimension, setbacks may effectively limit a building to less than the allowed FAR or may make building effectively unbuildable.

Refer to Figures 2 and 3 for existing and proposed setbacks.

Rear: approximately 48% less setback area; greatest potential neighborhood impact.
Front: approximately 16% less setback area; tower can come 10' closer to the street.
Side: similar overall setback area but redistributed to allow a more efficient vertical building.

REAR SETBACKS (see Figure 2)

The applicant proposes building closer to the rear property line in order to allow more efficient construction of a vertical tower. Rear setbacks would be a 48% decrease in area and simplification in geometry from a 10-stepped pyramid to a 2-tier setback with a 25' setback and an additional 5' setback.

The applicant proposes reducing the area of upper-level setbacks beyond 25' for both front and rear yards due to the particular difficulty of constructing on a relatively shallow site with the existing setback regulations. Current regulations would allow a 40' wide tower on the 165' deep lot as opposed to the 95' wide tower that is currently proposed.

Current regulations for the rear setback are particularly challenging for smaller lots in the RM-30 Garden District since there is a continuous 5' increase per floor up to 75' from the property line. The proposal would reduce the rear setback by approximately 48% of the setback area. On the 303 Galen site, the reduced rear setback has minimal negative impact due to the property abutting the Grand Bay Drive and Ritz Planned Unit Development which has recreational courts to the north. However, this needs to be reviewed for the other three properties which will be impacted by the zoning change since they have similar or greater challenges, but more neighborhood impact.

Address	Name	Lot Size (sqft)*	Site depth (ft)	Site width	Current vertical tower depth	Proposed vertical tower width
303 Galen	TBD	49,500	165	300	40	95
550 Ocean Drive	Galen Brakers	52,338	165	315	40	95
590 Ocean Drive	Ocean Dr Manors	24,920	135	175	10	65
650 Ocean Drive	Bahia Mar	46,270	120	255	0	50

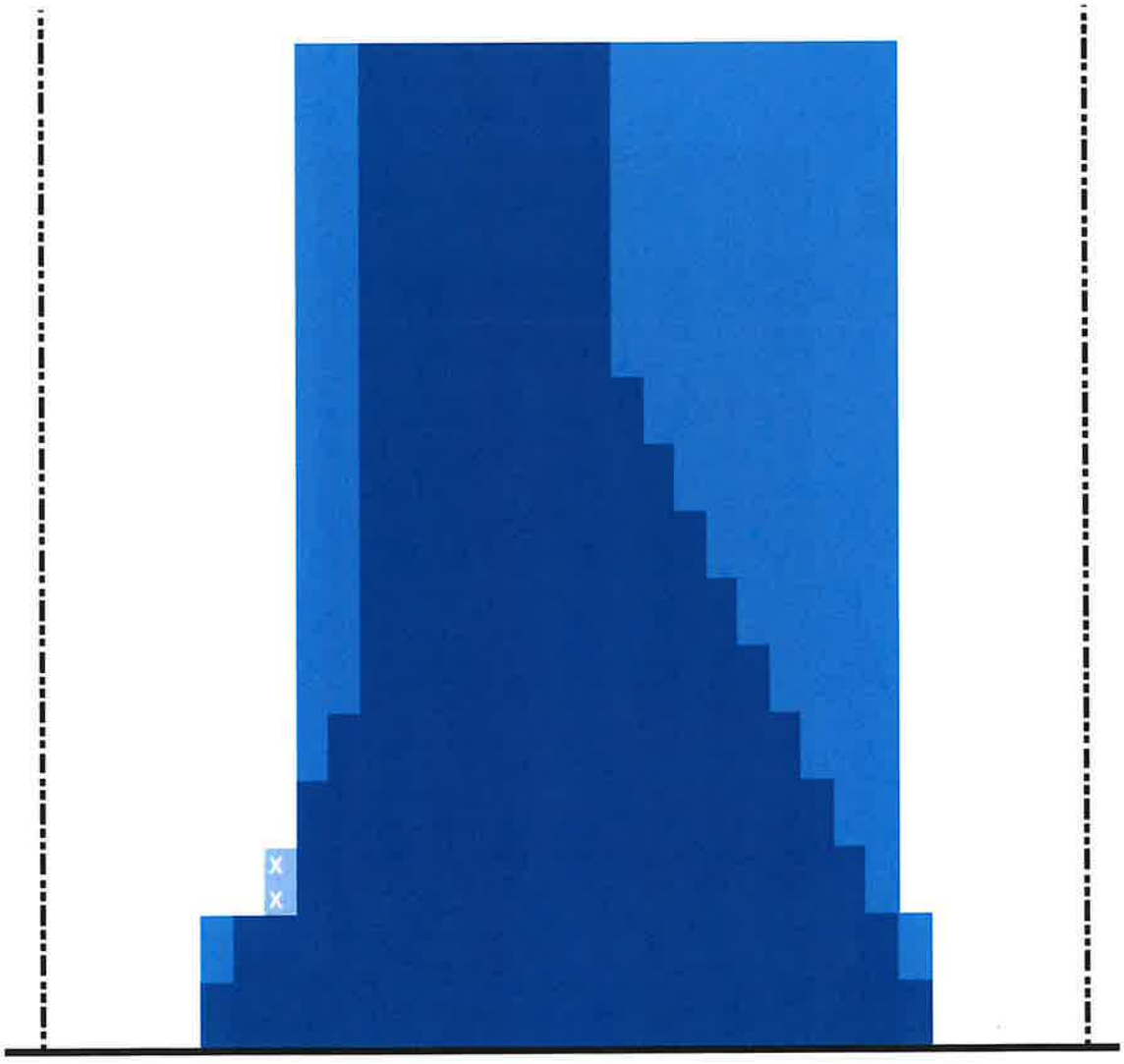

Figure 2: Front and rear setbacks showing both current and proposed. Proposal reduces front by 16% and rear setback by 48%.

FRONT SETBACK

20% decrease in area and simplification in geometry from a 5 stepped pyramid to a 2-tier setback with a 25' setback with an additional 15' setback, (see figure 2).

While there is a small increase in the proposed lower-level front setback, the overall massing of the building would be allowed to be closer to the street by 10' in the proposal. The front setback is reduced by approximately 16% in the proposed text amendment. While this is a greater neighborhood impact compared to current zoning, this is justified considering the relatively narrow lots of the RM-30 Garden District lots.

SIDE SETBACKS

Side setbacks would be a similar area, though a simplification of the geometry from the 25' setback with a 63-degree angle from the property line to a 25' setback with an additional 15' setback above 30'. (see figure 3).

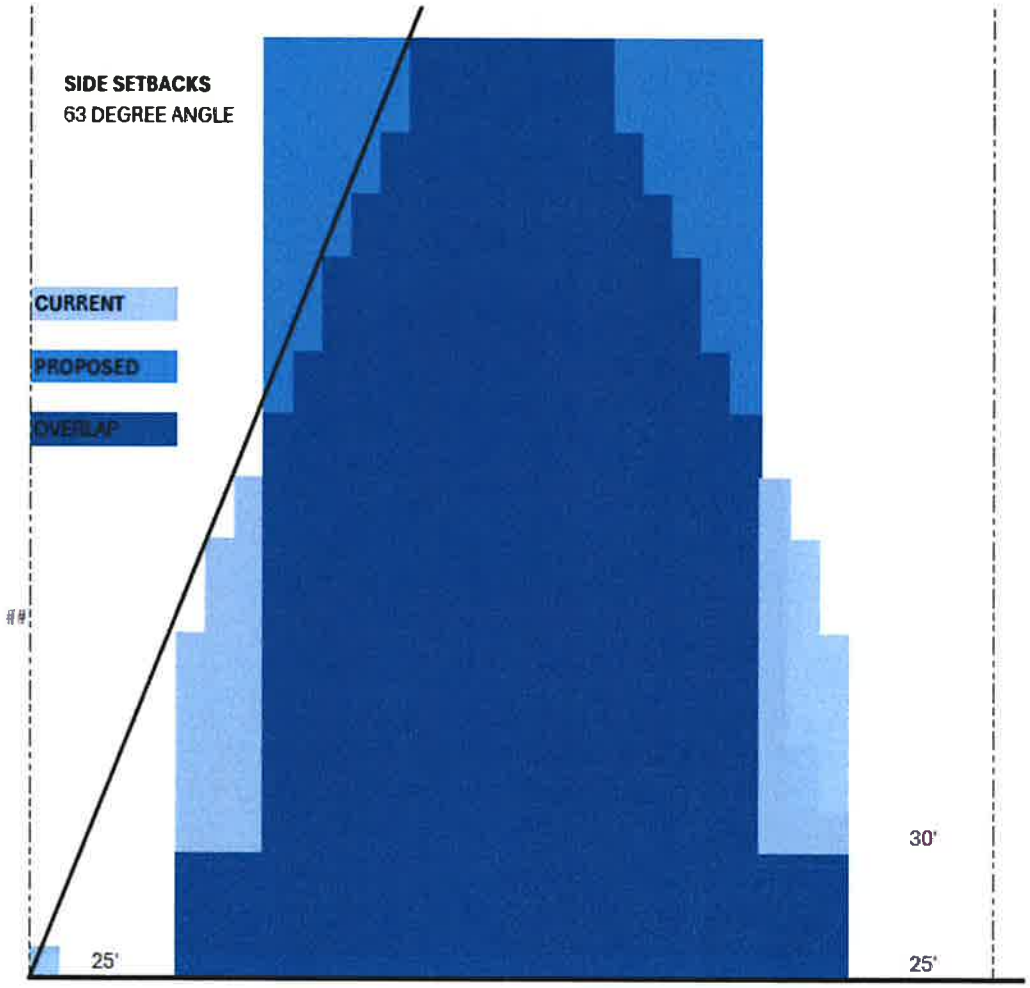

Figure 3: Side setback diagram showing existing 63-degree angle and proposed setbacks.

The proposed updated side setback diagram exchanges allowable areas at lower levels, (below ~55 above ground level) for increased areas at upper levels. This exchange allows for more flexible location of a vertical tower. In general, vertical towers are simpler to build and maintain compared to angled or stepped buildings and are more desirable for developers. Current triangular setback angles effectively force a vertical tower to the center of the site while allowing a much taller podium level compared to the proposed regulations. Due to the decreased building area at lower levels, the impact to the community in the Garden District of redevelopment will be reduced by this side setback configuration, though it will encourage more vertical towers.

Recommendation: Approve with conditions.

Reasoning: Existing setback regulations create difficult redevelopment conditions. Side and front setbacks will likely be compatible with the neighborhood, while the reduced rear setback requires additional study for impact. Building massing will be subject to Council approval via site plan approvals.

Conditions: Consider reducing impact by slightly increasing setbacks but not counting balconies against the calculation, which will ensure balconies remain open. Setbacks should be studied for all RM-30 properties in the context of the Garden District.

LOT COVERAGE INCREASE VIA BONUS (refer to figures 4 and 5).

The applicant proposes to increase the allowable lot coverage from 40% of the site to 60% of the site through several bonuses. The bonus criteria are based on a similar system to that which is already in place in the zoning ordinance for single family districts.

The RM-30 proposal will allow increase coverage in exchange for:

- providing a 50% increase above minimum stormwater retention requirements which require a 5-year 24-hour storm per Miami Dade County code found in 24.42.8 Storm-water related standards for Miami-Dade County;
- which requires holding approximately 9" of rain falling within a 24-hour window on the site rather than baseline of 6";
- providing greenspace increase to 20%. from a baseline of 12-15% based on typical setbacks and screening requirements, and;
- providing pervious area of 30%, whereas the baseline has no requirement beyond the 12-15% landscaped area.

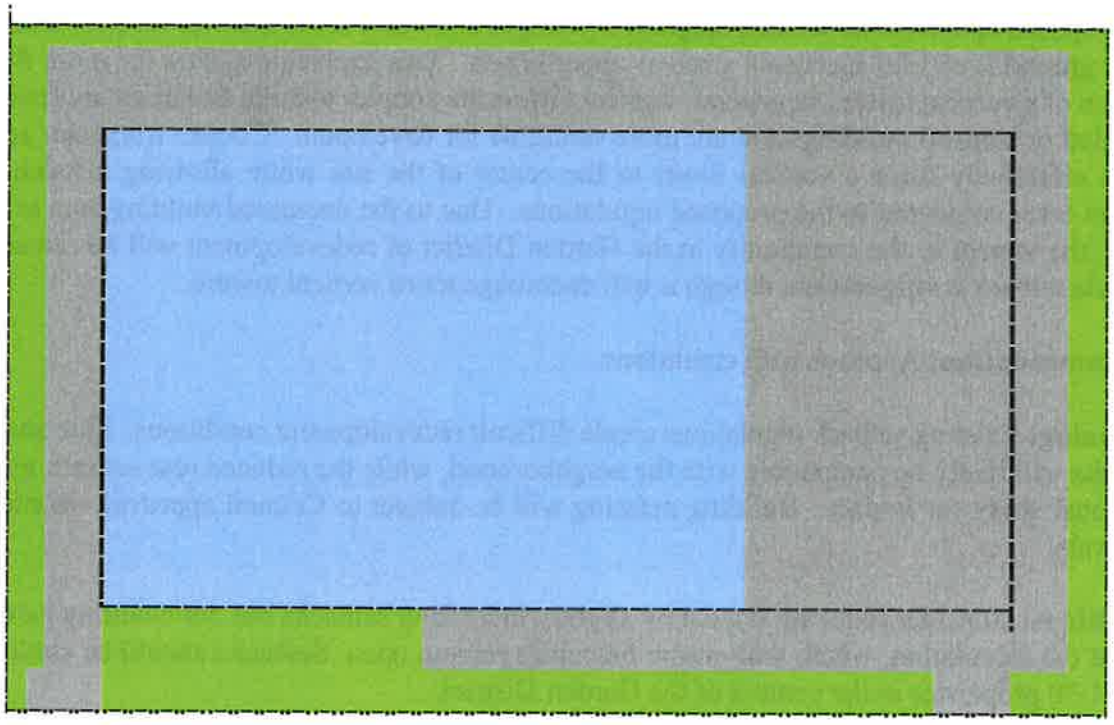

Figure 2: Lot coverage with current zoning regulations allowing 0.40 building, 0.15 Greenspace, and 0.45 impervious hardscape.

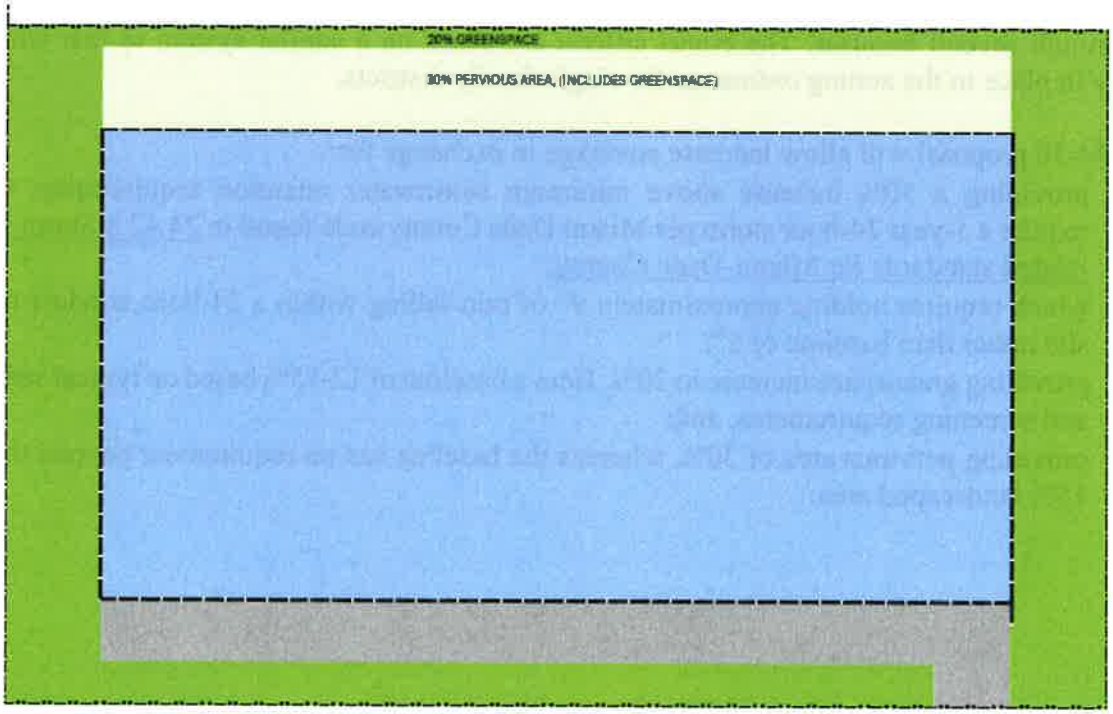

Figure 3: Proposed lot coverage: 0.60 building, 0.20 greenspace, 0.30 pervious area, (including greenspace), and 0.10 impervious hardscape.

The increase in lot coverage will likely encourage buildings which have elevated parking podiums and cover more area as shown in the applicant's site plan application. The buildings developed

under the proposed regulations would be in contrast to existing buildings which are at ground level surrounded by parking. While this change will alter the character of the Garden District, the offsetting on-site flood protection benefits of having the building elevated with improved stormwater retention and neighborhood benefit of increased greenspace and pervious area could be worthwhile.

Recommendation: Approve with conditions.

Reasoning: The proposed lot coverage via bonuses is consistent with Village goals but will change the character of the Garden District.

Conditions: Building massing should be studied on all lots and in the neighborhood context.

OVERALL RECOMMENDATION: Approve with conditions.

Reasoning: While several aspects of the proposed zoning text amendment have merit, additional analysis is warranted to understand potential impacts on the Garden District as a whole, particularly the effect of reduced rear setbacks on the other RM-30 property that could become eligible to utilize the proposed standards.

Conditions: The proposed changes should be studied for the following conditions:

- Rear setbacks;
- Building height and verticality;
- Elevated parking podiums and building massing;
- Neighborhood character;
- Cumulative effects of the proposed bonuses, and;
- Interaction with adjacent RM-16 properties.

The applicant may analyze and demonstrate these impacts through massing diagrams on all four RM-30 properties in the Garden District, presented in a neighborhood context.

Furthermore, staff recommends a future Village-led study of RM-16 Garden District properties to assess similar redevelopment considerations in that zoning district.

STRATEGIC CONNECTION (GOAL / FOCUS AREA)

Supports the Village's goal of creating a thriving and vibrant community. The proposed regulations will increase the possibility of aging properties being redeveloped.

- Goal: Thriving & Vibrant Community and Local Marketplace
- Focus Area: Preserve and Shape Village Character
- Action: Refine residential and commercial zoning regulations.

Prepared by: Jeremy Calleros Gauger, Building, Zoning, and Planning Director

Reviewed by Mr. Chad Friedman from Weiss Serota Helfman Cole & Bierman as to form and legal sufficiency.

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-105 OF THE VILLAGE CODE OF ORDINANCES RELATING TO DEVELOPMENT REGULATIONS AND DEVELOPMENT INCENTIVE BONUSES WITHIN THE RM-30 MULTIPLE FAMILY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne ("Village") Council finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, Coral Reef of Key Biscayne Dev has submitted an application (the "Application") requesting amendments to Section 30-105 of the Village Code relating to non-oceanfront properties fronting Galen Drive and Ocean Drive within the RM-30 Multiple Family District, including the establishment of development incentive bonuses; and

WHEREAS, Village staff has reviewed the Application and recommends adoption of the proposed text amendment; and

WHEREAS, public notice was provided as required by applicable law; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed the proposed amendment to the Village Code and recommends approval of this Ordinance; and

WHEREAS, the Village Council finds that this Ordinance is in the best interest of the Village's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:[1]

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Amending Section 30-105 of the Village Code.** That Section 30-105 of the Code of Key Biscayne, Florida, is hereby amended to read as provided in the text amendment attached hereto as Exhibit "A."

Section 3. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

[1] Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double strikethrough~~ and double underline.

held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this 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. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading, except that the effective date of the amendments adopted by this Ordinance shall be the effective date of the companion ordinance amending the High Density Multifamily Residential Future Land Use Category within the Comprehensive Plan.

PASSED on first reading on the _____ day of _____, 2026.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2026.

_____
JOE I. RASCO
MAYOR

ATTEST AND RENDERED this ___ day of _____, 2026:

_____
JOCELYN B. KOCH, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

_____
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

EXHIBIT "A"

Chapter 30 - ZONING AND LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE V. - SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS

* * *

Sec. 30-105. Multiple Family districts.

* * *

(b) *Development Regulations.*

District	Maximum Density (Units per net acre)	Maximum Height	Floor Area Ratio		Lot Coverage
RM-10 Low Density	10	35 ft.	.30		.35
RM-16 Medium Density	16	50 ft.	1 Story .30	3 Story .75	.30
			2 Story .50	4 Story+ .80	
RM-30 High Density <u>(Oceanfront)</u>	30	150 ft.	.40 <u>or bonus up to 2.0.</u>		.40

RM-30 High Density (Oceanfront) Bonus Criteria			If oceanfront/bayfront Buildings provide a 7.5 ft. dedicated Easement on each side of the property, which is improved with a hard paved surface from the Street to the beach, then the below FAR's provided in the RM-30 (Non-Oceanfront fronting Galen Drive and Ocean Drive) may be used. ÷	
RM-30 High Density (Non-Oceanfront fronting Galen Drive and Ocean Drive)	30 or bonus up to existing building density	150 ft.	0.40 or bonus up to 2.0	0.4 or bonus up to 0.6
RM-30 (Non-Oceanfront fronting Galen Drive and Ocean Drive) Bonus	The Village Council, in its sole discretion, may approve a density bonus up to the existing development's density level, if the proposed development makes a contribution furthering Village infrastructure initiatives by the contribution of land, easement rights, and/or		The Village Council, in its sole discretion, may approve a FAR bonus as provided below, if the proposed development makes a contribution furthering Village infrastructure initiatives by the contribution of land, easement rights, and/or infrastructure improvements.	The Village Council, in its sole discretion, may approve a lot coverage bonus, if the property retains 50% more stormwater on-site compared to minimum requirements and provides additional greenspace and/or Pervious Area as follows: for every 1% of the site which is greenspace over a

	infrastructure improvements.				15% minimum, the development shall receive a lot coverage bonus increase of 0.02, up to a maximum lot coverage increase of 0.1; and/or for each increase of 1% of Pervious Area above 20% minimum, the development shall receive a lot coverage bonus increase of 0.01, up to a maximum increase of 0.1.
			1 Story .40	6 Story 1.40	
			2 Story .60	7 Story 1.60	
			3 Story .80	8 Story 1.80	
			4 Story 1.00	9+ Story 2.00	
			5 Story 1.20		

PUD-1 Ocean Club	*	*	*	*	
PUD-2 Grand Bay	*	*	*		*
PUD-3 Key Colony	*	*	*		*

* Key Colony pursuant to the Site Plan as approved by Dade County. Grand Bay and Ocean Club pursuant to the Site Plan as approved by the Village Council. Both Developments are previously approved Developments of Regional Impact (see notes pertaining to Future Land Use Map 1 and 2 of the master plan regarding the Development rights of these two projects).

(c) *Setback Regulations.*

District	Distance Between Bldgs.	Front	Side	Side Facing a Street	Rear
* * *					
RM-30 High Density	50 ft.	25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft.	25 ft. minimum (however no portion of Building may extend beyond a "building envelope" formed by a prism the base of which is formed by the Lot boundaries and whose height is defined by two base angles of 63	25 ft. minimum (however no portion of Building may extend beyond a "building envelope" formed by a prism the base of which is formed by the Lot boundaries and whose height is defined by two base	25 ft. + 5 ft. per floor above the first floor but not to exceed 75 ft.

			degrees each, * see sketch below).	angles of 63 degrees each, * see sketch below).	
RM-30 High Density (Non-Oceanfront fronting Galen Drive and Ocean Drive) Bonus	N/A	The Village Council, in its sole discretion, may approve a bonus as provided below, if the proposed development makes a contribution furthering Village infrastructure initiatives by the contribution of land, easement rights, and/or infrastructure improvements. 25 ft. + 15 ft at 30 ft. above minimum floor level.	The Village Council, in its sole discretion, may approve a bonus as provided below, if the proposed development makes a contribution furthering Village infrastructure initiatives by the contribution of land, easement rights, and/or infrastructure improvements. 25 feet + 10 ft at 30 ft. above minimum floor level.	The Village Council, in its sole discretion, may approve a bonus as provided below, if the proposed development makes a contribution furthering Village infrastructure initiatives by the contribution of land, easement rights, and/or infrastructure improvements. 25 ft. + 15 ft at 30 ft. above minimum floor level.	The Village Council, in its sole discretion, may approve a bonus as provided below, if the proposed development makes a contribution furthering Village infrastructure initiatives by the contribution of land, easement rights, and/or infrastructure improvements. 20 feet + 5 ft at 30 ft. above minimum floor level.
* * *					

* Key Colony pursuant to the Site Plan as approved by Dade County. Grand Bay and Ocean Club pursuant to the Site Plan as approved by the Village Council. Both Developments are previously approved Developments of Regional Impact (see notes pertaining to Future Land Use Map 1 and 2 of the master plan regarding the Development rights of these two projects).

