VILLAGE OF KEY BISCAYNE

Village Council
Joe. I. Rasco, Mayor
Brett G. Moss, Vice Mayor
Franklin H. Caplan
Edward London
Allison McCormick
Oscar Sardinas
Fernando A. Vazquez

LOCAL PLANNING AGENCY MEETING
TUESDAY, APRIL 04, 2023
6:15 PM

1. CALL TO ORDER/ROLL CALL OF MEMBERS

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES:

3.A. FEBRUARY 15, 2023 MINUTES
(LOCAL PLANNING AGENCY MEETING)

TAB 1

4. ORDINANCE:

4.A.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING THE VILLAGE CODE OF ORDINANCES BY REVISING SECTION 10-63 "DEFINITIONS," 10-91, "PERMANENT PLACEMENT," AND SECTION 30-41, "RECREATIONAL VEHICLES AND MANUFACTURED HOMES," RELATING TO THE VILLAGE'S MANUFACTURED HOMES AND FLOODPLAIN MANAGEMENT REGULATIONS;** PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 2

5. 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.

MINUTES

LOCAL PLANNING AGENCY
KEY BISCAYNE, FLORIDA

WEDNESDAY, FEBRUARY 15, 2023

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Chairman at 6:19 p.m. Present were Councilmembers Edward London, Brett G. Moss, Oscar Sardiñas, Vice Mayor Franklin H. Caplan, and Chairman Joe I. Rasco. Councilmembers Allison McCormick and Fernando A. Vazquez were absent. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch, and Village Attorney Chad Friedman.

2. **PLEDGE OF ALLEGIANCE:** Chairman Rasco led the Pledge of Allegiance.

3. **APPROVAL OF MINUTES:** Vice Mayor Caplan made a motion to approve the minutes of the August 24, 2022 Local Planning Agency Meeting. The motion was seconded by Councilmember London and approved by a 5-0 voice vote. The vote was as follows: Councilmembers London, Moss, Sardiñas, Vice Mayor Caplan, and Chairman Rasco voting Yes.

4. **ORDINANCES:** A public hearing and recommendation of the Village Council sitting as the Local Planning Agency on the following proposed ordinances.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES CREATING SECTION 30-42, "DEVELOPMENT INCENTIVES FOR STORMWATER MANAGEMENT"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to recommend the adoption of the proposed ordinance to the

Council as it is consistent with the Master Plan. The motion was seconded by Councilmember Sardiñas.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-199, "LEGAL NONCONFORMING SIGNS," OF CHAPTER 30 OF THE VILLAGE CODE OF ORDINANCES RELATING TO THE CONTINUATION, RECONSTRUCTION, AND ALTERATION OF LEGAL NONCONFORMING MONUMENT SIGNS IN THE MULTIFAMILY AND PLANNED UNIT DEVELOPMENT ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Caplan made a motion to recommend the adoption of the proposed ordinance to the Council as it is consistent with the Master Plan. The motion was seconded by Councilmember London.

The Attorney addressed the Council regarding the two above proposed ordinances.

> The Chairman opened the public hearing. There were no speakers present. The Chairman closed the public hearing.

The motion to recommend the first proposed ordinance to the Village Council as it is consistent with the Master Plan was approved by a 5-0 roll call vote. The vote was as follows: Councilmembers London, Moss, Sardiñas, Vice Mayor Caplan, and Chairman Rasco voting Yes.

The motion to recommend the second proposed ordinance to the Village Council as it is consistent with the Master Plan was approved by a 5-0 roll call vote. The vote was as follows: Councilmembers London, Moss, Sardiñas, Vice Mayor Caplan, and Chairman Rasco voting Yes.

4. **ADJOURNMENT:** The meeting was adjourned at 6:25 p.m.

Respectfully submitted:

_____

Jocelyn B. Koch
Village Clerk

Approved this _____ day of _____2023:

_____

Joe I. Rasco
Mayor

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.

Village Council
Joe I. Rasco, *Mayor*
Franklin H. Caplan, *Vice Mayor*
Brett G. Moss
Edward London
Allison McCormick
Oscar Sardiñas
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: April 4, 2023

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager

FROM: Jeremy Calleros-Gauger, Director
Building, Zoning, and Planning

RE: Zoning and Land Development Code Revision to Chapter 10 Related to Manufactured Homes

PURPOSE OF MEMORANDUM

This memo describes reasoning behind the recommendation to approve an ordinance revising the Building Regulations as it relates to Manufactured Homes.

BACKGROUND

In January 2014, Village Council adopted Ordinance 2014-1 which prohibited manufactured homes within the Village zoning ordinance. The Florida Department of Emergency Management/State Floodplain Management Office requires that similar language regarding manufactured homes prohibition in Flood Plains be located in Buiding regulations (Ch. 10).

REVIEW CRITERIA

Criteria 1 The proposed amendment is consistent with the Comprehensive Plan.

Analysis This amendment is consistent with Goal 1, Policy 1.1.3 of the Future Land Use Element of the Village of Key Biscayne's Comprehensive Plan better known as the Master Plan. The policy states "floodplain protection provision shall be consistent with applicable standards promulgated by the South Florida Water Management District, the South Florida Regional Planning Council, Miami Dade County Department of Environmental Protection and/or other agencies with relevant jurisdiction."

Florida's Department of Environmental Protection has provided guidance and recommendations on revising the Village's floodplain management

regulations on manufactured homes. The Village currently does not permit manufactured homes. However, the floodplain management regulations must explicitly state the same prohibition in order to satisfy the Community Rating System's requirements.

Finding Consistent

Criteria 2 The proposed amendment is consistent with strategic goals adopted by Council regarding lowering insurance rates through participation in the National Flood Insurance Program Community Rating System.

Analysis Staff tasked with updating ordinances from the State Floodplain Management Office has requested that the Village amend its Building ordinances in order to continue with the audit of the Village Community Rating System score. The audit of the CRS score is how the score will be adjusted in order to lower insurance rates.

Finding Consistent

CONCLUSION

Based on findings, relevant background information, and consistency with the review criteria, staff recommends that Council approve requested changes.

VILLAGE OF KEY BISCAYNE

Village Council
Joe I. Rasco, *Mayor*
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Village Manager
Steven C. Williamson

MEMORANDUM

DATE: April 4, 2023

TO: Honorable Mayor and Councilmembers

THRU: Steven C. Williamson, Village Manager

FROM: Jeremy Calleros-Gauger, Director
Building, Zoning, and Planning

RE: Zoning and Land Development Code Revision to Chapter 30 Related to Manufactured Homes

PURPOSE OF MEMORANDUM

This memo describes reasoning behind the recommendation to approve an ordinance revising the Zoning and Land Development Regulations as it relates to Manufactured Homes.

BACKGROUND

In January 2014, Village Council adopted Ordinance 2014-1 which prohibited manufactured homes within the Village. Subsequent state law and case law prohibiting housing discrimination makes blanket bans vulnerable to challenges. The zoning text amendment clarifies regulations governing manufactured homes in order to comply with statutes and reaffirm standards in

REVIEW CRITERIA

The Village's procedures for a text change provides for the amendment of the Zoning and Land Development Regulations provided that such amendments are consistent with the following criteria per Sec. 30-71(b) of the Village Ordinances:

Criteria 1 The proposed amendment is consistent with the Comprehensive Plan.

Analysis This amendment is consistent with Goal 1, Policy 1.1.3 of the Future Land Use Element of the Village of Key Biscayne's Comprehensive Plan better known as the Master Plan. The policy states "floodplain protection provision shall be consistent with applicable standards promulgated by the South Florida Water Management District, the South Florida Regional Planning Council, Miami Dade County Department of Environmental Protection and/or other agencies with relevant jurisdiction."

Florida's Department of Environmental Protection has provided guidance

and recommendation on revising the Village's floodplain management regulations on manufactured homes. The Village currently does not permit manufactured homes. However, the floodplain management regulations must explicitly state the same prohibition in order to satisfy the Community Rating System's requirements.

Finding Consistent

Criteria 2 The proposed change will result in Buildings that are consistent in scale and otherwise compatible with those within 300 feet of the site.

Analysis The proposed changes will not affect the consistency in scale between buildings. These changes are meant to prohibit manufactured homes in Special Flood Hazard Area (SFHAs).

Finding Consistent

Criteria 3 The resulting boundaries of a zoning district are logically drawn.

Analysis The proposed changes do not alter the zoning districts.

Finding Not applicable

Criteria 4 The proposed changes will enhance property values in the Village.

Analysis Proposed changes are composed to ensure that new construction will be compatible with Village standards and will enhance property values.

Finding Consistent

Criteria 5 The proposed change will enhance the quality of life in the Village.

Analysis The proposed changes will allow for a potential decrease in the Community Rating System score thereby lowering insurance rates Village-wide and enhancing the quality of life.

Finding Consistent

Criteria 6	There are substantial and compelling reasons why the proposed change is in the best interests of the Village.
Analysis	It is in the best interests of the Village to approve the proposed ordinance because the Federal Emergency Management Agency (FEMA) now expects communities that do not allow manufactured homes to have a statement to that effect within the community's floodplain management regulations. In order to retain standards for prohibition of manufactured homes, the Village is required to clarify standards in Chapter 30.
Finding	Consistent

CONCLUSION

Based on findings, relevant background information, and consistency with the review criteria under Chapter 30-71(b), staff recommends that Council approve requested changes.

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES BY REVISING SECTION 10-63 "DEFINITIONS," 10-91, "PERMANENT PLACEMENT," AND SECTION 30-41, "RECREATIONAL VEHICLES AND MANUFACTURED HOMES," RELATING TO THE VILLAGE'S MANUFACTURED HOMES AND FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Village Council of the Village of Key Biscayne (the "Village") has adopted regulations relating to floodplain management regulations within the Village under Chapter 10 of the Village Code of Ordinances (the "Code"); and

WHEREAS, the Village participates in the National Flood Insurance Program ("NFIP") and the NFIP's Community Rating System ("CRS"), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

WHEREAS, the Village desires to update its floodplain management regulations as part of obtaining a new CRS rating; and

WHEREAS, such regulations pertain to accessory structures and prohibiting manufactured homes in special flood hazard areas; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interest and welfare of the Village and its residents.

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

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

[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.

Section 2. **Amending Sections 10-63 and 10-91 of Chapter 10 of the Village Code.** That Sections 10-63 and 10-91 of Chapter 10 of the Code of Key Biscayne, Florida, are hereby amended to read as follows:

* * *

CHAPTER 10 – FLOODPLAIN MANAGEMENT REGULATIONS

* * *

ARTICLE II. - DEFINITIONS

* * *

DIVISION 2. - DEFINITIONS

Sec. 10-63. Definitions.

* * *

Accessory structure means a structure on the same parcel of property as a principal structure and the use of which is limited to parking and storage incidental to the use of the principal structure.

* * *

ARTICLE III. - FLOOD RESISTANT DEVELOPMENT

DIVISION 5. – RECREATIONAL VEHICLES AND MANUFACTURED HOMES

* * *

Sec. 10-91. Permanent placement.

a) Recreational vehicles that do not meet the limitations in Section 10-90 for temporary placement are prohibited.

b) Manufactured homes shall not be permitted in any special flood hazard area.

* * *

Section 3. **Amending Section 30-41 of the Village Code.** That Section 30-41 of Chapter 30 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

* * *

Chapter 30 - ZONING AND LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE III. – GENERAL PROVISIONS

* * *

Sec. 30-41. Recreational vehicles and manufactured homes.

(1) Manufactured Homes shall be prohibited within the Village as provided in Section 10-91.

(2) A Recreational Vehicle shall be stored in a garage or Carport and shall not be permitted to remain on a property for more than 180 days in one calendar year, regardless of whether the days are consecutive.

* * *

Section 4. 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 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 5. 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 6. 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 7. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2023.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2023.

_____
JOE I. RASCO
MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

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