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# VILLAGE OF KEY BISCAIYNE

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*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, MAY 09, 2023  
6:15 PM

**1. CALL TO ORDER/ROLL CALL OF MEMBERS**

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES:**

- 3.A. APRIL 4, 2023 MINUTES  
(LOCAL PLANNING AGENCY MEETING)

[TAB 1](#)

**4. ORDINANCE:**

- 4.A. AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, **ADOPTING THE EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS TO THE COMPREHENSIVE PLAN**; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING, AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

[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](http://www.keybiscayne.fl.gov) TO VIEW THE MEETING SCHEDULE.**

## MINUTES

LOCAL PLANNING AGENCY  
KEY BISCAVNE, FLORIDA

TUESDAY, APRIL 4, 2023

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Chairman at 6:20 p.m. Present were Councilmembers Edward London, Brett G. Moss, Oscar Sardiñas, Fernando A. Vazquez, Vice Mayor Franklin H. Caplan, and Chairman Joe I. Rasco. Councilmember Allison McCormick was 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 February 15, 2023 Local Planning Agency Meeting. The motion was seconded by Councilmember Vazquez and approved by a 6-0 voice vote. The vote was as follows: Councilmembers London, Moss, Sardiñas, Vazquez, Vice Mayor Caplan, and Chairman Rasco voting Yes.
4. **ORDINANCE:** A public hearing and recommendation of the Village Council sitting as the Local Planning Agency on the following proposed ordinance.

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAVNE, 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.**

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 Vazquez.

There was discussion from Council and the Attorney regarding the proposed ordinance.

The motion to recommend the proposed ordinance to the Village Council as it is consistent with the Master Plan was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers London, Moss, Sardiñas, Vazquez, Vice Mayor Caplan, and Chairman Rasco voting Yes.

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

*Respectfully submitted:*

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**Jocelyn B. Koch**  
**Village Clerk**

Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2023:

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**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 OF KEY BISCAINE

## MEMORANDUM

*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**

DATE: May 9, 2023  
TO: Mayor Rasco and Councilmembers  
THRU: Steve C. Williamson, Village Manager  
FROM: Jeremy Calleros Gauger, Director – Building,  
Zoning, & Planning Department  
RE: Transmittal Public Hearing – Evaluation and Appraisal  
Report Based Amendments to the Comprehensive Plan  
(Master Plan)

## RECOMMENDATION

I recommend the Village Council approve the Evaluation and Appraisal Report based amendments to the Comprehensive Plan, which also incorporates a new section in the Conservation and Coastal Management Element of the plan regarding the Peril of Flood.

## BACKGROUND

Communities must evaluate their comprehensive plans every 7 years and determine if plan amendments are necessary to reflect changes in state requirements. The Village's previous Evaluation and Appraisal Report (EAR) was adopted by the Village Council on June 25, 2018, via Resolution No. 2018-30 (See: Appendix A).

On June 25, 2018, the Village Council approved the EAR Notification Letter to DEO, which specified the necessary plan amendments required to reflect the changes in requirements and Statutes. Staff conducted a review of Florida Statutes changes and determined that amendments to the Future Land Use, Transportation, Capital Improvements, Conservation and Coastal Management, Intergovernmental Coordination, Infrastructure, Housing, Recreation and Open Space, Public Schools and Facilities, and amendments to ensure coordination with the regional water supply plan are required. In addition, a new Property Rights Element was recently introduced and required to be included within the Plan.

The legislation modified Chapter 163.3177 of the Florida Statutes to add a Property Rights Element as one of the required elements in all Comprehensive Plans. The legislation also limits the ability to adopt any other Comprehensive Plan amendments from being adopted until the Property Rights Element is adopted.

The 2015 Florida Legislature passed an amendment to section 163.7138(2)(f)1-6 of Florida Statutes called "Peril of Flood". This amendment directed jurisdictions that have a Coastal Management Element as a part of their comprehensive plan to include a redevelopment component



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# VILLAGE OF KEY BISCAYNE

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with principles that must be used to eliminate inappropriate and unsafe development in the coastal areas.

The Village must complete amendments to the Master Plan to reflect and satisfy changes in statutory requirements as Evaluation and Appraisal amendments which are required to be transmitted to the Department of Economic Opportunity (DEO). If the Village fails to update the comprehensive plan pursuant to Evaluation and Appraisal requirements, the Village cannot amend its comprehensive plan until such time as it complies with the Evaluation and Appraisal requirements.

The amendments to the Comprehensive Plan were presented to Council for first reading on August 24, 2022. Once the transmittal was presented to the State, comments to revise the Conservation and Coastal Management Element to include the Peril of Flood policies were noted and required.

## **FINDINGS**

The Village of Key Biscayne's Building, Zoning, and Planning Department is proposing Evaluation and Appraisal amendments to the Key Biscayne Master Plan to update the comprehensive plan to reflect changes in statutory and rule requirements; to update deadlines within the comprehensive plan, to eliminate accomplished or obsolete provisions, to make corrections to text and eliminate grammatical errors; and to amend provisions to reflect changes in local conditions and recent data, trends, issues, and challenges.

## **CONCLUSION**

The Village prepared the Comprehensive Plan amendments in accordance with the 2018 EAR.

**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE,  
FLORIDA, ADOPTING THE EVALUATION AND  
APPRAISAL REPORT-BASED AMENDMENTS TO THE  
COMPREHENSIVE PLAN; PROVIDING FOR  
TRANSMITTAL; PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3191, Florida Statutes, directs local governments to periodically evaluate its comprehensive plan to determine if comprehensive plan amendments are necessary to reflect changes in state requirements since the last update of the comprehensive plan; and

**WHEREAS**, the Village has completed its review of its Comprehensive Plan and transmitted its Evaluation and Appraisal Report Notification Letter to the Florida Department of Economic Opportunity (“DEO”); and

**WHEREAS**, the Village has prepared Evaluation and Appraisal Report-Based Comprehensive Plan Amendments necessary to reflect changes in state requirements; and

**WHEREAS**, the Village Council, sitting as the Local Planning Agency, has reviewed the proposed Evaluation and Appraisal Report-Based Comprehensive Plan amendments and recommends approval; 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:**<sup>1</sup>

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

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<sup>1</sup> 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.**    **Comprehensive Plan Amendments Adopted.**    The Village Council hereby adopts the Evaluation and Appraisal Report-Based Amendments to the Comprehensive Plan attached hereto as Exhibit “A.”

**Section 3.**    **Transmittal.** The Village Manager is authorized to transmit the Evaluation and Appraisal Report-Based Comprehensive Plan Amendments adopted by this Ordinance to the DEO and all other units of local government or governmental agencies required by Section 163.3184, Florida Statutes.

**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.**    **Severability.** That the provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent.

**Section 6.**    **Effective Date.** This Ordinance shall become effective upon passage and adoption by the Village Council on second reading. However, pursuant to Florida Law, the Evaluation and Appraisal Report-Based Comprehensive Plan Amendments adopted by this Ordinance shall go into effect pursuant to the DEO’s notice of intent. If timely challenged, an amendment does not become effective until the DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

**PASSED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**PASSED AND ADOPTED** on second reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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JOE I. RASCO  
MAYOR

ATTEST:

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JOCELYN B. KOCH  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

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



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# **KEY BISCAYNE MASTER PLAN**

## **Part II**

### **Goals, Objectives, Policies**

### **Capital Improvement Element Implementation Systems Monitoring, Updating and Evaluation Procedures**

|    |                                                              |           |
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37 **I. FUTURE LAND USE ELEMENT**

38 **GOAL 1 ACHIEVE THE FOLLOWING COMMUNITY CHARACTER:**

39 \*\*\*

40  
41 **Objective 1.1 Future Land Use Categories**

42  
43 *Maintain existing development and achieve new development and redevelopment*  
44 *which is consistent with the community character statement articulated as Goal 1.*

45 **Policy 1.1.1**

9J-5.006(3)(e)7

46  
47 ~~By the date required by statute or sooner, the~~ The Village shall maintain, and revise  
48 as necessary, effective land development code provisions and incentives that clearly  
49 implement the goals, objectives, and policies of this Element and which is consistent  
50 with the Future Land Use Map (Figure 1), including the land uses and the densities  
51 and intensities specified thereon and the descriptions of the requirements of those  
52 categories, which appear under the heading "Future Land Use Category  
53 Descriptions," beginning on page 12. The map and the descriptions are incorporated  
54 by reference into this Policy 1.1.1.

55 **Policy 1.1.2**

9J-5.006(3)(e)7

56  
57 ~~Between enactment of this plan and adoption of the land development code~~  
58 ~~referenced in Policy 1.1.1, the~~ The Village shall regulate all development in  
59 accordance the Future Land Use Map (Figure 1), including the land uses and the  
60 densities and intensities specified thereon and the description of the requirements of  
61 those categories, all of which are incorporated by reference into this Policy 1.1.2.

62 **Policy 1.1.3**

9J-5.006(3)(e)1

63  
64 ~~By the date required by state statute or sooner, the~~ The Village shall maintain, and  
65 revise as necessary, effective land development code provisions governing  
66 **subdivisions, signs and floodplain protection**. Such provisions shall be consistent  
67 with this plan and with the applicable Florida statutory and administrative code  
68 guidelines and otherwise conform to the following standards.

69  
70 \*\*\*

71 **Policy 1.1.4**

72  
73 The Village shall ~~establish and maintain a~~ review, revise, and maintain a street tree  
74 master plan as the basis for public right-of-way re-vegetation to achieve a tree  
75 and palm canopy with a specified tree species for each of the Village streets.  
76 Implementation begun on Crandon Boulevard in 1993 shall be continued in  
77 subsequent years.

78  
79 \*\*\*

**Figure 1 (Continued)**

**~~For the Planning Period 1994-2004~~**

The land use categories indicated ~~below~~ shall have the regulatory significance described herein and as further defined and described in Future Land Use Element Policy 1.1.1.

Notes Pertaining to Future Land Use Map:

1. The area within designated boundary line is subject to an approved development of regional impact. Pursuant to Florida Statute 163.31678, the designations reflected on this Future Land Use Plan Map are not intended to limit or modify the right to complete development pursuant to the existing Development of Regional Impact Development Order, so long as the Development Order remains valid and effective and development proceeds forward in compliance with the Development Order.
- ~~2. The area within designated boundary line is subject to an approved development of regional impact. Pursuant to Florida Statute 163.31678, the designations reflected on this Future Land Use Plan Map are not intended to limit or modify the right to complete development pursuant to the existing Development of Regional Impact Development Order, so long as the Development Order remains valid and effective and development proceeds forward in compliance with the Development Order.~~
- ~~3.2.~~ Crandon Boulevard is classified in the ~~Traffic Circulation~~ Transportation Element of the Master Plan as a four-lane divided County Minor Arterial.
- ~~4.3.~~ Harbor Drive between Crandon Boulevard and West Mashta Drive is classified in the Transportation Element of the Master Plan as a two-lane Village Collector.
- ~~5.4.~~ West Mashta Drive between Harbor Drive and Crandon Boulevard is classified in the ~~Traffic Circulation~~ Transportation Element of the Master Plan as a two-lane Village Collector.
- ~~6.5.~~ Notwithstanding the medium density residential land use category, the site at the southeast corner of Crandon and Seaview may be zoned to permit one story office use if the Village Council finds, based on substantial and competent facts, that such zoning will result in sufficient investment in the existing building or a new building to eliminate the blighting influence caused by the deteriorated condition of the existing building as of the enactment of this future land use map.
- ~~7.6.~~ The recreation and open space element and the capital improvements element express the intent that pedestrian access rights be acquired, through purchase or donation, over at least the designated view corridor.

**Objective 1.2 Commercial Redevelopment**

9J-5.006 (3) (b) 2  
9J-5.006 (3) (b) 3

~~No later than 2004, achieve private revitalization of at least one Crandon Boulevard property that has a blighting impact on the Village. Develop a program and policies to protect and enhance the commercial areas of the Village.~~

**Policy 1.2.1**

~~By the date required by state statute or sooner, the~~The Village shall review, revise, and maintain enact and enforce land development code standards and incentives to achieve **new development, renovated development** and/or **redevelopment** that meets high **signage, landscaping, circulation/parking** and other development standards in keeping with the goals, objectives and policies of this plan. Redevelopment shall be consistent with the Future Land Use Map, Policy 1.1.1 and all other relevant goals, objectives and policies of this plan.

\*\*\*

**GOAL 2 PROTECT AND ENHANCE THE RESIDENTIAL, COMMERCIAL, RESORT AND NATURAL RESOURCE AREAS OF KEY BISCAYNE.**

**Objective 2.1 Sanitary Sewer Facilities**

9J-5.006 (3) (b) 1

~~Extend public~~ Coordinate with the County and appropriate agencies to maintain sanitary sewer service to additional developed areas no later than 2008 and ensure effective septic and drain field functioning. See Policies 2.1.1 and 2.1.2 for additional measurability.

**Policy 2.1.1**

The Village shall cooperate with the County ~~in an attempt to complete a financial and engineering plan~~ to extend sanitary sewers to as much of the remaining unsewered areas as is ~~financially feasible and otherwise desirable~~. The intent is to complete that plan as soon as technically ~~and financially feasible, but no later than 1998 and to begin implementation as soon as technically and financially feasible and complete implementation no later than 2008.~~

**Policy 2.1.2**

~~The Village shall ensure effective functioning of septic tanks and drain fields by enacting and enforcing requirements that septic tank drain fields be installed with highly permeable material back fill and with marl broken through to ensure maximum downward percolation.~~

**Objective 2.2 Storm Sewer Infrastructure**

~~Upgrade~~ Continue to upgrade the drainage system so that stormwater outfalls into Biscayne Bay (and adjacent canals) fully meet National Pollution Discharge Elimination System (NPDES) standards no later than December 31, 1998 and the standards of Chapter 17-25, FAC and of Chapter 17-302.500, FAC. Upgrade on site drainage standards to ensure that private properties retain at least the first one inch of stormwater on site and permit no more runoff after development than before development.

**Policy 2.2.1**

~~9J-5.006 (3) (e) 4~~

The Village shall enforce flood damage prevention regulations which ensure that new development will occur at topographic elevations sufficient to minimize flood impact. The Village shall continue to enforce coastal construction regulations.

**Policy 2.2.2**

~~9J-5.006 (3) (e) 4~~

By the date required by state statute or sooner, the Village shall enact and enforce land development code provisions that require one inch of on-site drainage detention, post development runoff equal to or less than pre- development runoff, erosion control, a minimum percentage of pervious open space, maintenance of swales, and drainage level of service standards. These requirements shall be designed to help ensure full compliance with the specific standards set forth in Objective 1.1 of the Infrastructure Element.

**Policy 2.2.3**

~~9J-5.006 (3) (e) 3~~

~~By the date required by state statute or sooner, the~~ The Village shall ~~enact and enforce~~ review and revise as part of the land development code a concurrency management system, ~~which meets the requirements of 9J-5.0055.~~ The concurrency management system shall specify that no development permit shall be issued unless the public facilities necessitated by a development (in order to meet level of service standards specified in the ~~Traffic Circulation~~ Transportation, Recreation and Open Space, and Infrastructure Policies) will be in place concurrent with the impacts of the development or the permit is conditional to assure that they will be in place. The requirement that no development permit shall be issued unless public facilities necessitated by the project are in place concurrent with the impacts of development shall be effective immediately and shall be interpreted pursuant to the following:

\*\*\*

**Objective 2.3      Natural Resources**

~~9J-5.006 (3) (b) 4~~

~~Upgrade~~ Continue to upgrade the drainage system so that stormwater outfalls into Biscayne Bay (and adjacent canals) fully meet or exceed National Pollution Discharge Elimination System (NPDES) standards ~~no later than December 31, 1998~~ and the standards of Chapter 17-25, FAC and of Chapter 17-302.500, FAC.

209 *Upgrade onsite drainage standards to ensure that private properties retain at least*  
210 *the first one inch of stormwater on site and permit no more runoff after development*  
211 *that before development.*

212 **Policy 2.3.1**

9J-5.006 (3)(c) 4

213  
214 Based upon the capital cost implications of the Village of Key Biscayne Drainage  
215 Master Plan, the Village shall activate the stormwater utility assessment, ~~as a basis~~  
216 ~~for bonding for the first phase of implementation no later than December 31, 1998.~~  
217 The Village shall update its Drainage Master Plan as necessary to ensure the  
218 continued efficacy of its provisions to upgrade the storm sewer system in  
219 accordance with the specific standards of Objective 1.1 of the Infrastructure  
220 Element.

221 **Policy 2.3.2**

222  
223 ~~By the date required by state statute or sooner, the~~ The Village shall ~~enact review,~~  
224 ~~revise,~~ and enforce land development code provisions that require one inch of on-  
225 site drainage detention, post development runoff equal to or less than pre  
226 development runoff, erosion control, a minimum percentage of pervious open  
227 space, maintenance of swales, drainage level-of-service standards, ocean beach  
228 dune protection and vegetation, and other environmentally sensitive land protection  
229 measures. These requirements shall be designed to help ensure full compliance with  
230 the specific standards set forth in Objective 2.3 above. Such provisions shall be  
231 consistent with this plan and with the applicable Florida statutory and  
232 administrative code requirements. They shall also be consistent with applicable  
233 standards promulgated by the South Florida Water Management District, the South  
234 Florida Regional Planning Council, the Miami-Dade County Department of  
235 Environmental Resource Management, the Florida Department of Environmental  
236 Protection, and/or other agencies with relevant jurisdiction and/or information.  
237

238 **Objective 2.4 Hurricane Evacuation**

9J-5.006 (3)(b) 5

239  
240 *Eliminate or reduce land uses which are inconsistent with applicable ~~interagency~~*  
241 *~~hazard mitigation report~~ Florida Natural Hazards Interagency Work Group*  
242 *Annual Report recommendations and enhance the efforts of the ~~Metro~~ Miami-Dade*  
243 *Office of Emergency Management by providing it with all relevant information.*

244 **Policy 2.4.1**

245  
246 The Village shall regulate all future development within its jurisdiction in  
247 accordance with the Future Land Use Map which is consistent with the ~~Interagency~~  
248 ~~Hazard Mitigation Team Report, FEMA 955 DR-FL, August 1992~~ Florida Natural  
249 Hazards Interagency Work Group Annual Report. The Village shall periodically  
250 review and revise the Future Land Use Map in light of future interagency hazard  
251 ~~mitigation~~ reports in order to reduce or eliminate uses which are inconsistent  
252 therewith.

|     |                                                                                                        |                               |
|-----|--------------------------------------------------------------------------------------------------------|-------------------------------|
| 253 | <b>Policy 2.4.2</b>                                                                                    |                               |
| 254 |                                                                                                        |                               |
| 255 | The Village Manager or designee shall annually assess the Village's existing and                       |                               |
| 256 | permitted population densities to determine if changes are significant enough to                       |                               |
| 257 | transmit such data to the <del>Metro-Miami-Dade</del> Office of Emergency Management to                |                               |
| 258 | assist in their hurricane evacuation planning.                                                         |                               |
| 259 |                                                                                                        |                               |
| 260 | <b>Objective 2.5     Drainage and Sewer System Land Needs</b>                                          | <del>9J-5.006 (3) (b) 8</del> |
| 261 |                                                                                                        |                               |
| 262 | <i>Ensure the availability of suitable land for drainage and sanitary sewer system</i>                 |                               |
| 263 | <i>facilities needed to support planned infrastructure improvements. See Policies for</i>              |                               |
| 264 | <i>measurability.</i>                                                                                  |                               |
| 265 | <b>Policy 2.5.1</b>                                                                                    |                               |
| 266 |                                                                                                        |                               |
| 267 | <del>By the date required by state statute or sooner, the</del> The Village <u>shall review and</u>    |                               |
| 268 | <u>revise</u> land development code provisions for sewer lift stations, stormwater lift                |                               |
| 269 | stations and collection/infiltration mechanisms and other utility land requirements.                   |                               |
| 270 | <b>Policy 2.5.2</b>                                                                                    |                               |
| 271 |                                                                                                        |                               |
| 272 | The Village shall not vacate any road rights-of-way without first obtaining an                         |                               |
| 273 | engineering opinion determining that the vacated right-of-way is not necessary to                      |                               |
| 274 | accommodate future storm and/or sanitary sewer facilities, all of which are                            |                               |
| 275 | expected to be needed in the future can be accommodated in such rights-of-way.                         |                               |
| 276 |                                                                                                        |                               |
| 277 | <b>Objective 2.6     Historic Preservation</b>                                                         |                               |
| 278 |                                                                                                        |                               |
| 279 | <del>No later than 1999, 2025</del> <u>prepare list of potentially significant historic structures</u> |                               |
| 280 | <u>and a strategy for their preservation including all properties eligible for</u>                     |                               |
| 281 | <u>designation on the National Register of Historic Places.</u>                                        |                               |
| 282 | <b>Policy 2.6.1</b>                                                                                    | <del>9J-5.006 (3) (e) 8</del> |
| 283 |                                                                                                        |                               |
| 284 | Based upon historical accounts of early development in the Village, the Council                        |                               |
| 285 | shall, <del>no later than 2025, designate</del> <u>identify those properties that are at least 50</u>  |                               |
| 286 | <u>years old structures</u> that due to age, architecture and function are candidates for              |                               |
| 287 | historic designation and protection. <u>Based upon the inventory of properties, the</u>                |                               |
| 288 | <u>Village will also consider which buildings, if any, may be eligible for designation</u>             |                               |
| 289 | <u>on the National Register of Historic Places.</u> A strategy for the preservation of some            |                               |
| 290 | or all of these structures shall be drafted.                                                           |                               |
| 291 |                                                                                                        |                               |
| 292 | <b>Objective 2.7     Biscayne Bay Preservation</b>                                                     | <del>9J-5.006 (3) (b) 6</del> |
| 293 |                                                                                                        |                               |
| 294 | <i>Assist <del>Metro-Miami-Dade</del> County's efforts to preserve and enhance the State-</i>          |                               |
| 295 | <i>designated Biscayne Bay Aquatic Preserve.</i>                                                       |                               |

296 **Policy 2.7.1**

297  
298 Through a combination of (a) implementation of a master drainage plan, (b)  
299 replacement of septic tanks with sanitary sewers, (c) land development code  
300 provisions for on-site stormwater detention and marina pump-out facilities, and  
301 (d) coordination with the Biscayne Bay Shoreline Development Review  
302 Committee, the Village will attempt to maintain and improve the water quality of  
303 Biscayne Bay.  
304

305 ~~Note: The following 9J5.006 FAC requirements and related policies are not applicable to Key~~  
306 ~~Biscayne:~~

307 ● ~~9J5.006(3)(b)7 urban sprawl~~

308 ● ~~9J5.006(3)(c)6 wellfields~~

309 ● ~~All archaeological and standing structure sites identified in the Florida site file as being~~  
310 ~~located on Key Biscayne are NOT in the Village of Key Biscayne, but rather in the~~  
311 ~~unincorporated portions of Dade County located on the Island of Key Biscayne. The~~  
312 ~~structures are: 1) the North Base Marker at the Key Biscayne Golf Course and 2) the~~  
313 ~~Cape Florida Lighthouse in Bill Baggs Park at the tip of the Island of Key Biscayne.~~  
314 ~~The sites are: 1) the Bear Cut Preserve, 2) Cape Florida, 3) Fort Bankhead and 4) the~~  
315 ~~Light keeper's house foundation. The Florida Department of State, Division of~~  
316 ~~Historical Resources has indicated that there is an archaeological site on Ridgewood~~  
317 ~~Road in incorporated Key Biscayne. The DHR map on which this site is identified is~~  
318 ~~stamped "Confidential: DO NOT DISTRIBUTE OR PUBLISH." Such a map is not~~  
319 ~~suitable grounds for public policy decisions.~~

320 \*\*\*  
321  
322

323 **Objective 2.8 Water Supply**

324  
325 Assist the Miami-Dade County Water and Sewer Department in ensuring there is  
326 sufficient water supply for existing and new development in the Village.  
327

328 **Policy 2.8.1**

329  
330 The Village, through the land development regulations, will coordinate land uses  
331 and future land use amendments with the availability of water supplies and water  
332 supply facilities.  
333

334 **GOAL 3 IMPLEMENT GREENHOUSE GAS REDUCTION**

335  
336 **Objective 3.1 Reduce energy use and greenhouse gas production**

337  
338 The Village shall consider changes to the future land use plan based upon energy  
339 efficient land use patterns, while providing for existing and future energy electric

*power generation and transmission systems.*

**Policy 3.1.1**

The Village shall ensure that its Master Plan and development regulation do not prevent the construction of electric substations within the Village.

**Policy 3.1.2**

The Village's land development regulations shall allow for use of alternate, renewable sources of energy including the use of solar panels.

**Policy 3.1.3**

The Village shall provide for redevelopment activities in the land development regulations and zoning code and enhance the infrastructure of aging neighborhoods as needed.

**Policy 3.1.4**

The Village shall permit a variety of housing opportunities in varying price ranges.

**Policy 3.1.5**

The Village shall continue to allow home based businesses to the extent that impacts are compatible with the residential community.

**Policy 3.1.6**

The Village shall support mixed use development to encourage reduced vehicle usage.

**Policy 3.1.7**

The Village shall maintain its network of bicycle lanes and pedestrian facilities with specific consideration of connectivity to schools and public facilities.

**Policy 3.1.8**

The Village shall ensure that new development and redevelopment provides for pedestrian, bicycle, and automobile connectivity to adjacent rights-of-ways, adjacent development and the public transportation system.

**Objective 3.2 Implement greenhouse gas reduction strategies**

*The Village shall provide for policies within the land development regulations and*

386 Master Plan which are designed to reduce energy use and the creation of  
387 greenhouse gases.

388  
389 **Policy 3.2.1**

390  
391 The Village shall, to the extent financially feasible, educate residents on home  
392 energy reduction strategies.

393  
394 **Policy 3.2.3**

395  
396 The Village shall continue to reduce the heat island effect by maintaining its green  
397 infrastructure through maintenance of its tree canopy, parks, open spaces,  
398 wetland mitigation areas, landscaped medians, and scenic vistas.

399  
400 **Policy 3.2.4**

401  
402 The Village shall continue to require open space and pervious surface areas in  
403 development and redevelopment.

404  
405 **Policy 3.2.5**

406  
407 By December 2025, the Village shall consider amending the land development  
408 regulations to adopt specific standards and strategies that address greenhouse gas  
409 emissions, energy efficient housing, and overall energy conservation as per  
410 Objective 3.1 and 3.2.  
411

## II. TRAFFIC CIRCULATION TRANSPORTATION ELEMENT

**GOAL 1**      **TO PROVIDE A TRANSPORTATION SYSTEM THAT MEETS THE CIRCULATION NEEDS OF KEY BISCAYNE IN A SAFE AND EFFICIENT MANNER BUT DOES NOT ADVERSELY IMPACT THE QUALITY OF LIFE OF THE RESIDENTS.**

**Objective 1.1**      **Motorized Transportation System**      ~~9J-5.007(3)(b)-1~~

*Maintain the designated level of service but with enhanced pedestrian safety and amenities.*

**Policy 1.1.1**      ~~9J-5.007(3)(e)-1~~

The Village shall regulate the timing of development to maintain at least the following peak hour Level of Service standards:

- Arterials - "~~E~~. LOS D." Crandon Boulevard is the only arterial in the Village.
- Collectors - "LOS B." Harbor Drive and West Mashta Drive are collectors.
- Local Service Streets - "LOS A." All other streets are local service streets.

Crandon Boulevard is projected to be at Level of Service ~~E-D~~ or better south of Harbor Drive (Table II-4, Traffic Circulation Element Data and Analysis), although the Level of Service could potentially fall slightly below ~~E-D~~ north of Harbor Drive near the north Village limits. The amount by which traffic on Crandon north of Harbor is projected to exceed Level of Service ~~E-D~~ is six tenths of one percent (0.006). Barton-Aschman Associates, Inc., traffic engineering consultants for this plan, believe that this amount of traffic (18 trips more than the 3.110 trip capacity), is not significant because it is far less than the margin of projection error. The Village prefers to utilize the ~~E-D~~ Level of Service standard based on the expectation that future volumes could be lower than projected volumes. If future volumes are equal to projected volumes, then the Village would have to lower the Level-of-Service standard on Crandon Boulevard north of Harbor Drive to 100.6 percent of ~~E-D~~ capacity.

**Policy 1.1.2**      ~~9J-5.007(3)(e)-3~~

~~By the date required by state statute or sooner, the~~ The Village shall enact and enforce review and revise land development code standards ~~and a review process~~ to control roadway access points, on-site traffic flow and on-site parking. The land development code ~~will require~~ the use of joint access drives for adjacent uses. It ~~will also set~~ minimum design standards for:

- the spacing and design of driveway curb cuts;

- the size of ingress and egress lanes for major land uses;
- the spacing and design of median openings; and
- the provision of service roads.

State highway access management standards will be considered in developing roadway access point controls, although they are not mandatory since there are no state highways in the Village. The access management controls will be tailored to achieve the ends set forth in Objective 1.4. On-site traffic flow and on-site parking standards will be designed to encourage high levels of pedestrian and bicycle use, including requiring bike racks under certain conditions.

#### **Policy 1.1.3**

~~9J-5.007 (3) (b) and (e)~~

By 2025 or sooner, Street improvements shall be designed and implemented for the collectors (Harbor Drive and Mashta) identified in Policy 1.1.1 and elsewhere in this plan. The intersection at Crandon and Harbor shall be channelized. Speed control methods that will require traffic to stop on a regular basis (such as four-way stop signs) should be avoided, since these will work against what the Collector street is mean to do. Instead strategies such as medians, pavement reduction, or the provision of shrubbery and trees close to the roadway will serve as deterrents to speeding on Collector roads.

### **Objective 1.2 Land Use Plan Implications**

~~9J-5.007 (3) (b) 2~~

*Limit commercial development and redevelopment to arterial road frontage (plus the Harbor Drive Collector frontage between Crandon Boulevard and Fernwood Road).*

#### **Policy 1.2.1**

Other than ocean resort hotels, the Future Land Use and zoning maps shall be used to limit new commercial and office development or redevelopment to arterial frontage (Crandon Boulevard) and the related Harbor Drive (Collector) frontage east of Fernwood Road.

#### **Policy 1.2.2**

The Village shall maintain pedestrian, bikeway, and golf cart access points at the rear property lines of commercial properties which are bounded on the rear property line by Fernwood Road.

#### **Policy 1.2.3**

The Village shall coordinate its Future Land Use Map with its Future Transportation Map.

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**Objective 1.3      Regional Plans      9J-5.007 (3) (b) 3**

*Work with the County to limit traffic volume increases on the Rickenbacker Causeway.*

**Policy 1.3.1**

The Village shall work closely with the ~~Metro~~-Miami-Dade County Planning Department and the ~~Metropolitan~~-Transportation Planning Organization (TPO) to limit the intensity of development along the Causeway and Crandon Boulevard in order to maintain an adequate traffic level of service.

**Policy 1.3.2**

In order to provide for control of traffic flow associated with Bill Baggs Park, the Village shall encourage the appropriate governmental entities to place and operate electric message signs at the intersection of Interstate 95 and U.S. 1 as well as the Rickenbacker Causeway toll plaza to inform motorist if Bill Baggs Park is at capacity accepting additional visitors.

**Objective 1.4      Right-of-Way Protection      9J-5.007 (3) (b) 4**

*Protect existing and future rights-of-way from the encroachment of buildings and other impediments through enactment and enforcement of a land development code which implements the Future Land Use Map and the Future Traffic Circulation Plan, and achieve a 10 percent net reduction in the lineal footage of Crandon Boulevard (plus one block of Harbor Drive) curb cuts ~~no later than 2004~~ and otherwise protect the integrity of existing and proposed rights of way.*

**Policy 1.4.1      9J-5.007 (3) (e) 4**

The Village shall use the land development code to protect existing rights-of-way through setback requirements which prohibit right-of-way encroachments of any kind.

**Policy 1.4.2**

Use Land Development Code standards and Land Development Code review process to reduce number and width of existing curb cuts on Crandon and Harbor by 10%.

\*\*\*

**Policy 1.4.2      9J-5.007 (3) (e) 2**

As site plans are submitted, the Village shall use the standards in the land development code and the land development code development review process to reduce the number and width of existing non-residential curb cuts onto Crandon Boulevard and Harbor Drive by the amount stated in Objective 1.4; this policy is not to be implemented in a way which would preclude adequate accessways for the development of vacant land.

#### **Objective 1.5 Bikeways and Pedestrian Ways**

~~Achieve the first phase of a Harbor Drive~~ Maintain the pedestrian and bikeway system no later than 2004 based upon a streetscape and multi-modal circulation plan for Crandon Boulevard, Harbor Drive, Fernwood Road, West Wood Drive and West Mashta Drive.

##### **Policy 1.5.1**

9J-5.007 (3) (e) 5

~~No later than 1999, the~~ The Village shall complete a detailed maintain the bicycle, pedestrian way and streetscape plan for the following streets:

- Harbor Drive
- Fernwood Road
- West Mashta Drive, and
- Crandon Boulevard

Related to these plans for streetscape improvements will be traffic engineering techniques to slow traffic speeds; ~~West Wood Drive the Village shall also be included in this implement~~ speed control planning and implementation traffic calming mechanisms.

##### **Policy 1.5.2**

9J-5.007 (3) (e) 5

~~No later than 2004, achieve the first phase implementation of this plan on Harbor Drive.~~

#### **Objective 1.6 Reduction of Greenhouse Gases**

The Village shall explore transportation strategies to implement reductions in greenhouse gas emissions created by the transportation sector.

##### **Policy 1.6.1**

The Village shall explore and develop programs to encourage non-motorized and golf cart transportation by continued improvements and enhancements to its pedestrian, bikeway, and golf cart systems.

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**Policy 1.6.2**

To the extent financially feasible, the Village shall educate residents on the cost and environmental effects of automobile idling.

**Policy 1.6.3**

The Village shall continue to maintain a policy of permitting golf carts on designated local roadways to provide an energy efficient alternative means of transportation for Village residents.

### III. HOUSING ELEMENT

#### **GOAL 1 TO ASSURE THE AVAILABILITY OF A SOUND AND DIVERSIFIED HOUSING STOCK IN KEY BISCAIYNE.**

##### **Objective 1.1 New Construction**

~~9J-5.010 (3) (b) 1~~

~~Cooperate with the private sector in the construction of at least 250 additional residential units on the vacant residentially designated Crandon Boulevard frontage by 2004; said units shall be that are well designed but and that provide diversified housing types.~~

##### **Policy 1.1.1**

~~The Village Future Land Use Plan and zoning map designations shall continue to provide for a diversity of housing types on the remaining vacant land to meet the needs of the existing and anticipated population.~~

##### **Policy 1.1.2**

~~9J-5.010 (3) (e) 2~~

The Village shall periodically review its permitting process and the regulatory process established by the land development code thereby assuring a prompt and professional development permitting process.

##### **Objective 1.2 Group Homes**

~~9J-5.010 (3) (b) 4~~

~~Accommodate as many small group homes and foster care facilities as the market will support in residential areas and areas with residential character.~~

##### **Policy 1.2.1**

~~9J-5.010 (3) (e) 6~~

~~By the date required by state statute or sooner, the~~ The Village shall enact and continue to enforce land development code regulations which permit ~~HRS-State-~~ licensed group homes, including foster care facilities. Such regulations shall permit small scale group homes and foster care facilities in residential areas and areas with residential character and shall otherwise be designed to meet State law. Prior to enactment of such regulations, the Village shall interpret and enforce applicable existing regulations in a manner which is fully consistent with State law and administrative code requirements pertaining to group homes. The Village shall encourage ~~HRS-State-~~to consider the hurricane evacuation constraints in their licensing of facilities on the Key.

##### **Objective 1.3 Conservation, Rehabilitation, Demolition, Substandard Housing Structural and Aesthetic Improvement of Housing**

~~9J-5.010 (3) (b) 5~~

*Maintain a structurally sound housing stock by rehabilitating or demolishing*

633 housing units that may deteriorate to a substandard condition in the future.  
634 Achievement of this objective shall be measured by the existence of no substandard  
635 housing units.

636 **Policy 1.3.1** 9J-5.010 (3) (e) 3 and 4

637  
638 The Village Manager or designee shall enforce the County minimum housing  
639 standards code or an appropriate modification enacted by the Village Council.  
640

641 **Policy 1.3.2** 9J-5.010 (3) (e) 3

642  
643 Through land development code setback/bulk standards and through  
644 implementation of the ~~1993 Village's~~ drainage master plan (including on-site  
645 retention standards) the Village shall assure the continuation of stable residential  
646 neighborhoods.  
647

648 **Objective 1.4 Housing Coordination and Implementation** 9J-5.010 (3) (b) 7

649 *The Local Planning Agency (LPA) shall ~~serve as the body to coordinate and achieve~~*  
650 *~~housing policy implementation~~ define and seek opportunities to promote affordable*  
651 *~~housing of a type and within a price range consistent with the local Key Biscayne~~*  
652 *~~market and general market conditions.~~*

653 **Policy 1.4.1** 9J-5.010 (3) (e) 1

654  
655 The Village shall maintain formal communications with appropriate private and  
656 non-profit housing agencies to assure that adequate information on Village housing  
657 policies flows to housing providers. This list shall include Homes for South Florida,  
658 the Board of Realtors and the Home Builders Association.

659 **Policy 1.4.2** 9J-5.010 (3) (e) 7

660  
661 The Village shall fully cooperate with any developer using County ~~Surtax funds, the~~  
662 ~~County Housing Finance Agency~~ or other subsidy mechanisms.  
663

664 **Policy 1.4.3**

665  
666 The Village shall explore federal, state, and local housing subsidy programs as a  
667 means to provide housing opportunities for very low, low, and moderate-income  
668 persons and families.  
669

670 **Policy 1.4.4**

671  
672 The Village shall monitor current and future housing needs and explore innovative  
673 solutions to increase the affordability and diversity of housing stock while  
674 maintaining compliance with Coastal High Hazard Area and Floodplain regulations.  
675

**Policy 1.4.5**

The Village shall explore potential land development regulations to provide for the improvement of energy efficiency in new housing and in the redevelopment of existing housing.

**Objective 1.5 Historically Significant Housing**

*~~Identify and preserve at least one historically significant residential structure properties within the Village.~~*

**Policy 1.5.1**

~~9J-5.010(3)(e)3~~

Based upon historical accounts of early development in the Village, by 2025 the Council ~~shall~~ should designate those structures that due to age, architecture and function are candidates for historic designation and protection. A strategy for the preservation of some or all of these structures shall be drafted. The Village should identify all properties that are at least 50 years old. Based upon the inventory of properties, the Village may consider the designation of a local historic district. In addition, the Village will also consider which buildings, if any, may be eligible for designation on the National Register of Historic Places.

**Objective 1.6 Development of Affordable Housing in Nearby Communities**

*~~Provide List adequate sites for the distribution of very low income, low income and moderate-income families.~~*

**Policy 1.6.1**

~~9J-5.010(3)(b)3~~

The Village manager or designee shall monitor the housing and related activities of the South Florida Regional Planning Council and nearby local jurisdictions. The Village manager or designee shall inform the Village Council of these activities and shall recommend, as appropriate, Village actions that could help encourage the provision of adequate sites for the distribution of very low income, low income and moderate-income families in nearby communities with land values that can reasonably accommodate such housing. The Village shall encourage jurisdictions and non-governmental agencies to facilitate the provision of affordable housing.

**Policy 1.6.2**

The Village shall coordinate with Miami-Dade County and the City of Miami to create a program for annual evaluation of affordable housing needs within incorporated and unincorporated areas.

**Policy 1.6.3**

The Village shall participate in the South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and county, for promoting affordable housing.

#### **Policy 1.6.4**

The Village shall evaluate the feasibility of establishing an affordable housing trust fund in partnership with Miami- Dade County or the City of Miami through interlocal agreements, to fund affordable housing programs and projects in Miami-Dade County and/or the City of Miami.

#### **Policy 1.6.5**

Through the Village's affordable housing initiatives, and through intergovernmental coordination with Miami-Dade County and/or the City of Miami through interlocal agreements, the Village shall establish standards to improve energy efficiency of housing provided through affordable housing programs.

### **Objective 1.7 Structural and Aesthetic Improvement of Existing Housing**

*Achieve and maintain 100 percent standard housing and achieve private reinvestment to structurally and aesthetically upgrade at least 50 existing housing units.*

#### **Policy 1.7.1**

The Village shall vigorously enforce the existing code to ensure that no housing structures become substandard.

#### **Policy 1.7.2**

~~By the date required by State statute, or sooner, the~~ The Village shall enact or enforce land development code regulations which set appropriate building height, set back and other regulations which facilitate aesthetically pleasing upgrades to the existing housing stock.

~~Note: The following 9J-5.010 FAC objectives and related policies are not applicable to Key Biscayne as explained in the Data and Analysis:~~

- ~~● Objective 9J-5.010(3)(b)6 — relocation housing including Policy 9J-5.010 (3) (e) 8~~
- ~~● Objective 9J-5.010(3)(b)1 — references to rural/farm workers including Policy 9J-5.010 (3) (e) 5~~

763 **Objective 1.8 Coordination with Future Land Use Element**  
764

765 Evaluate the Future Land Use Element and Future Land Use Map and, as feasible,  
766 update the Village's land use designations and zoning districts in order to promote  
767 the development of affordable housing within the Village.  
768

769 **Policy 1.8.1**  
770

771 The Village shall coordinate its future land use planning to ensure that land  
772 designations and zoning districts foster diverse housing types to serve the needs of  
773 the Village's population by providing adequate areas for a variety of residential  
774 housing types including single-family, duplex, and multi-family units.  
775

776 **Objective 1.9 Greenhouse Gas Reduction**  
777

778 Support energy use and greenhouse gas reduction in conjunction with the existing  
779 and new housing stock.  
780

781 **Policy 1.9.1**  
782

783 The Village's land development regulations shall allow for the use of alternative,  
784 renewable sources of energy including the use of solar panels. The Village shall not  
785 prohibit the appropriate placement of photovoltaic panels. The Village shall develop  
786 and adopt review criteria to establish the standards for the appropriate placement of  
787 photovoltaic panels.  
788

789 **Policy 1.9.2**  
790

791 The Village, to the extent financially feasible, shall educate residents on home  
792 energy reduction strategies.  
793

794 **Policy 1.9.3**  
795

796 The Village shall encourage the placement of landscape materials to reduce energy  
797 consumption.  
798

799 **IV. INFRASTRUCTURE ELEMENT**

800  
801 **GOAL 1 TO PROVIDE AND MAINTAIN THE PUBLIC INFRASTRUCTURE IN A**  
802 **MANNER THAT WILL INSURE BAY WATER QUALITY, AND PUBLIC**  
803 **HEALTH, SAFETY, AND QUALITY OF LIFE FOR KEY BISCAYNE**  
804 **RESIDENTS.**

805 **Objective 1.1 Current Deficiencies and Future Needs; Drainage** 9J-5.011 (2) (b) 1  
806

807 *The Village shall continue to Upgrade the drainage system so that stormwater*  
808 *outfalls into Biscayne Bay (and adjacent canals) fully meet National Pollution*  
809 *Discharge Elimination System (NPDES) standards ~~no later than December 31, 1998~~*  
810 *and the standards of Chapter 17-25, FAC and of Chapter 17-302.500, FAC. The*  
811 *Village shall continue to Upgrade onsite drainage standards to ensure that private*  
812 *properties retain at least the first one inch of stormwater on site and permit no more*  
813 *runoff after development than before development.*

814 **Policy 1.1.1** 9J-5.011 (2) (e) 1  
815

816 ~~Based upon the capital cost implications of the Village of Key Biscayne Drainage~~  
817 ~~Master Plan, the~~ The Village shall ~~activate~~ maintain the stormwater utility  
818 assessment as a basis for bonding for the first phase of drainage plan implementation  
819 ~~no later than December 31, 1998~~. The Village shall continue to update its Drainage  
820 Master Plan as necessary to ensure the continued efficacy of its provisions to  
821 upgrade the storm sewer system in accordance with the specific standards of  
822 Objective 1.1 above.

823 **Policy 1.1.2** 9J-5.011 (2) (e) 1  
824

825 During the first phase of drainage master plan implementation ~~(to be initiated in~~  
826 ~~1994)~~, the Village shall begin to mitigate to the extent technically and economically  
827 feasible direct stormwater outfalls into the canals and Biscayne Bay. Anticipated  
828 improvements include a series of catch basins, manholes and pipes for the collection  
829 of the stormwater and routing to pollution control structures and drainage wells with  
830 emergency overflows. The pollution control devices (grease and oil separator) ~~are~~  
831 is to be provided before each drainage well to prevent contamination from entering.  
832 Emergency overflow structures are to be constructed at the existing outfalls and  
833 would discharge only when the storm events generates more than one inch of runoff.  
834 These improvements shall be designed to fully meet the specific standards set forth  
835 in Objective 1.1 above.

836 **Policy 1.1.3** 9J-5.011 (2) (e) 1  
837

838 By the date required by state statute or sooner, the Village shall enact and enforce  
839 land development code provisions that require one inch of on-site detention, post-  
840 development runoff equal to or less than peak pre-development runoff, erosion  
841 control, a minimum percentage of pervious open space, maintenance of swales and

the drainage level of service standard. These requirements shall be designed to help ensure full compliance with the specific standards set forth in Objective 1.1 above.

**Objective 1.2 Current Deficiencies and Future Needs; Sewage**

9J-5.011(2)(b)2

*~~Coordinate with Miami-Dade County and appropriate agencies to maintain Extend public sanitary sewer service to additional developed areas no later than 2008 and ensure effective septic and drain field functioning. See Policies 1.2.1 and 1.2.2 for additional measurability.~~*

**Policy 1.2.1**

9J-5.011(2)(e)1

The Village shall cooperate with the County in an attempt to complete a financial and engineering plan to extend sanitary sewers to as much of the remaining unsewered areas as is financially feasible and otherwise desirable. The intent is to complete that plan as soon as technically and financially feasible but no later than 1998 and to begin implementation as soon as technically and financially feasible and complete implementation no later than 2008.

**Policy 1.2.2**

9J-5.011(2)(e)1

The Village shall help ensure effective functioning of septic tanks and drain fields by cooperating with ~~HRS the State~~ and ~~DERM the County~~ in the exercise of the jurisdiction of those agencies over septic tank and drain field permitting and requirements.

**Objective 1.3 Future Needs; Solid Waste**

9J-5.011(2)(b)3

*~~Continue to Achieve the most cost-effective solid waste collection system by 1999.~~*

**Policy 1.3.1**

9J-5.011(2)(e)1

~~No later than 1996, the~~ The Village shall assess the cost effectiveness of replacing the County collection system with a system operated by one or more private contractors subject to Village-established operating specifications. Village control could be maintained through franchise agreements or other regulatory approaches.

**Policy 1.3.2**

9J-5.011(2)(e)1

~~No later than 1999, the~~ The Village will ~~will~~ shall monitor the cost efficiency of solid waste collection systems and initiate any resulting recommended changes in the solid waste collection system, including the recycling component.

**Objective 1.4 Level of Service**

*Provide adequate capacities to meet the Level of Service (LOS) standards; see policies for measurable standards.*

**Policy 1.4.1**

9J-5.011(2)(e)2a

Sewered Areas: The County-wide "maximum day flow"<sup>(1)</sup> of the preceding year shall not exceed 98 percent of the County treatment system's rated capacity. The sewage generation standard shall be 140 average gallons per capita per day.

**Policy 1.4.2** 9J-5.011 (2) (e) 2a

~~Unsewered Areas: The LOS shall be receipt of a Metro-Dade County Department of Environmental Resources Management septic tank permit.~~

**Policy 1.4.32** 9J-5.011 (2) (e) 2d

Potable Water: The County-wide "maximum day flow" of the preceding year shall not exceed 98 percent of the County treatment and storage system's rated capacity. The pressure shall be at least 20 pounds per square inch at the property line. The potable water consumption standard shall be 280 average gallons per capita per day.

**Policy 1.4.4** 9J-5.011 (2) (e) 2e

~~Drainage: All nonresidential development and redevelopment shall adequately accommodate runoff to meet all Federal, state and local requirements. Stormwater shall be treated in accordance with the provisions of Chapter 17-25, FAC in order to meet receiving water standards in Chapter 17-302.500, FAC. One inch of runoff shall be retained on site. Post-development runoff shall not exceed peak pre-development runoff.~~

**Policy 1.4.53** 9J-5.011 (2) (e) 2b

Solid Waste: The County solid waste disposal system shall maintain a minimum of five years capacity. For Village planning purposes, a generation rate of 5.2 pounds per person per calendar day shall be used.

**Objective 1.5 Water Conservation** 9J-5.011 (2) (b) 4

~~*Reduce-Continue to strive to reduce the average daily per capita water consumption by five percent no later than 2004 (dependent upon the near-term ability to measure Village-wide consumption).*~~

**Policy 1.5.1** 9J-5.011 (2) (e) 3

By the date required by state statute or sooner, the Village shall enact and enforce land development code and other regulations that include: 1) water conservation-based irrigation requirements; 2) water conservation-based plant species requirements derived from the South Florida Water Management District's list of native species and other appropriate sources; 3) lawn watering restrictions; 4) mandatory use of ultra-low volume water saving devices for substantial

rehabilitation and new construction; and 5) other water conservation measures, as feasible.

**Policy 1.5.2**

~~9J-5.011 (2) (e) 3~~

The Village shall promote education programs for residential, commercial and other uses which will discourage waste and conserve potable water.

**Policy 1.5.3**

The Village will cooperate with ~~WASA~~ Miami-Dade County in an effort to devise a means of tracking water consumption in the Village from customer billings or other sources.

**Policy 1.5.4**

~~9J-5.011 (2) (e) 3~~

The Village shall cooperate with WASA efforts to ensure that the potable water distribution system shall reduce water loss to less than 16 percent of the water entering the system.

Note: 1. ~~The following 9J-5.011 FAC objectives and related policies are not applicable to Key Biscayne:~~

• Objective ~~9J-5.011 (2) (b) 3~~ ————— ~~urban sprawl~~

• Objective ~~9J-5.011 (2) (b) 5~~ ————— ~~groundwater recharge/natural drainage features; includes Policy 9J-5.011 (2) (e) 4~~

2. ~~There are no potable water system deficiencies or future need issues within the Village.~~

**Policy 1.5.5**

The Village shall update the Master Plan within 18 months of the South Florida Regional Water Management District updating its regional water supply plan, highlighting alternative water supply projects, and completing the required "Work Plan Amendment".

**Policy 1.5.6**

The Village shall seek and obtain a written statement from the Miami-Dade County Water and Sewer Department regarding the availability of water to serve all proposed development projects, including the current and projected demand, remaining permitted water withdrawals, facility capacity, and scheduled capital improvement projects.

969  
970 **Policy 1.5.7**  
971

972 The Village shall establish a single-point-of-contact at the South Florida Water  
973 Management District and the Miami-Dade County Water and Sewer Department to  
974 determine the extent to which the Village will be involved in the planning, financing,  
975 construction, and operation of water supply facilities that will serve the community.  
976

977 **Policy 1.5.8**  
978

979 The Village shall verify with the Miami-Dade County Water and Sewer Department  
980 the availability of water before making changes to the Future Land Use Map.  
981

982 **Policy 1.5.9**  
983

984 The Village shall protect water quality in traditional and new alternative water  
985 supply sources.  
986

987 **Policy 1.5.10**  
988

989 The Village shall establish a concurrency monitoring system for water supply to  
990 ensure that the level-of-service is satisfied at the building permit stage.  
991

**V. CONSERVATION AND COASTAL MANAGEMENT ELEMENT**

**GOAL 1 TO PRESERVE AND ENHANCE THE SIGNIFICANT NATURAL FEATURES IN KEY BISCAZYNE.**

**Objective 1.1 Air Quality**

~~9J-5.013 (2) (b) 1~~

*Improve air quality to achieve or maintain applicable standards as established by the U.S. Environmental Protection Agency.*

**Policy 1.1.1**

The Village shall maintain compliance with its traffic level of service standard thereby avoiding congestion that would adversely impact air quality.

**Policy 1.1.2**

~~9J-5.013 (2) (b) 1~~

Emissions of fumes and vapors from all hazardous waste facilities shall be controlled, and these facilities shall comply with Lowest Achievable Emission Rates. Vapor control systems shall be required to reduce hydrocarbon emissions from vehicles being filled at gas stations.

**Objective 1.2 Water Pollution**

~~9J-5.012 (3) (b) 2 and 9J-5.013 (2) (b) 2~~

*Continue to Upgrade the drainage system so that stormwater outfalls into Biscayne Bay (and adjacent canals) fully meet National Pollution Discharge Elimination System (NPDES) standards ~~no later than December 31, 1998~~ and the standards of Chapter 17-25, FAC and of Chapter 17-302,500, FAC. Upgrade onsite drainage standards to ensure that private properties retain at least the first one inch of stormwater on site and permit no more runoff after development that before development.*

**Policy 1.2.1**

~~9J-5.012 (3) (e) 1 and 2, and 9J-5.013 (2) (e) 1 and 6~~

Based upon the capital cost implications of the Village of Key Biscayne Drainage Master Plan, the Village shall activate the stormwater utility assessment as a basis for bonding for the first phase of implementation no later than December 31, 1998. The Village shall updated its Drainage Master Plan as necessary to ensure the continued efficacy of its provisions to upgrade the storm sewer system in accordance with the specific standards of Objective 1.1 of the Infrastructure Element.

**Policy 1.2.2**

~~9J-5.012 (3) (e) 1 and 2, and 9J-5.013 (2) (e) 1 and 6~~

By the date required by state statute or sooner, the Village shall enact and enforce land development code provisions that require one inch of on-site drainage

1035 detention, post development runoff equal to or less than predevelopment runoff,  
1036 erosion control, a minimum percentage of pervious open space, maintenance of  
1037 swales, drainage level-of-service standards, ocean beach dune protection and  
1038 vegetation, and other environmentally sensitive land protection measures. These  
1039 requirements shall be designed to help ensure full compliance with the specific  
1040 standards set forth in Objective 1.2 above. Such provisions shall be consistent with  
1041 this plan and with the applicable Florida statutory and administrative code  
1042 requirements, standards promulgated by the South Florida Water Management  
1043 District and the Department of Environmental Protection.  
1044

1045 **Policy 1.2.3** 9J-5.013 (2)(c) 10  
1046

1047 The Village shall refer any development permit applications for uses involving the  
1048 storage of hazardous waste to ~~Metro-~~Miami-Dade County.  
1049

1050 **Objective 1.3 Vegetative and Soil Resources** ~~9J-5.012 (3)(b) 1~~ 9J-5.013 (2)(b) 3  
1051

1052 *Achieve 0 net loss of mangroves.*

1053 **Policy 1.3.1** 9J-5.012 (3)(c) 1  
1054 ~~9J-5.013 (2)(e) 3, 5, 6, 7, 8 and 9~~  
1055

1056 ~~By the date required by state statute or sooner, the~~ The Village shall enact and  
1057 continue to enforce estuarine waterfront protection provisions in the land  
1058 development code. The provisions will be drafted to assure that all applicable  
1059 development permit applications are reviewed in the context of the mangrove  
1060 protection policies of the State DEP and the waterfront policies of DERM. In  
1061 particular, DERM Class 1 Permits pursuant to Section 24-~~58~~ 48.1 of the Miami-  
1062 Dade County Code shall be required for all construction seaward of the mean high-  
1063 water line. Such construction shall be designed to minimize environmental impacts  
1064 and mitigate unavoidable impacts. This provision shall be interpreted to protect  
1065 sensitive lands from sea wall and other related construction, but it shall not be  
1066 interpreted as permitting construction seaward of the State Coastal Construction  
1067 Control Line in violation of other policies of this Comprehensive Plan.  
1068

1069 **Policy 1.3.2** 9J-5.012 (3)(c) 1 and 2  
1070 9J-5.013 (2)(c) 5 and 6  
1071

1072 The Village shall contact DERM if any adverse impact is observed relative to the  
1073 limited sea grass beds in adjacent Bay waters.  
1074

1075 **Objective 1.4 Sea Turtle Preservation** 9J-5.012 (3)(b) 1  
1076 9J-5.013 (2)(b) 4

1077 *Strive to achieve 0 human-induced loss of manatees and/or sea turtle eggs.*

1078 **Policy 1.4.1**

9J-5.012 (3) (c) 1  
9J-5.013 (2) (c) 5 and 6

1081 The Village police shall maintain communications with County and State marine  
1082 police in order to report any violations of the boat speed limits in the adjacent waters  
1083 which are a manatee protection area. The ~~Dade County Florida Fish and Wildlife~~  
1084 Conservation Commission manatee telephone hotline Wildlife Alert Hotline shall  
1085 also be publicized by Village officials.  
1086

1087 **Policy 1.4.2**

9J-5.012 (3) (c) 1  
9J-5.013 (2) (c) 5 and 6

1089  
1090 ~~By the date required by state statute or sooner, the~~ The Village shall enact and  
1091 enforce land development provisions which regulate the location and  
1092 screening of lights along the beach in a way which is practical to water dependent  
1093 and water related uses to assist in protecting sea turtles by minimizing the amount  
1094 of light on beach locations where sea turtles may nest.  
1095

1096 **Objective 1.5 Floodplains**

1097  
1098 ~~For residential uses, achieve construction of all new building first floors at or above~~  
1099 ~~FEMA specified flood elevations. For non-residential uses, achieve construction of~~  
1100 ~~all new building first floors at or above FEMA specified flood elevations or in~~  
1101 ~~accordance with FEMA approved waterproof specifications. The Village shall~~  
1102 amend its floodplain regulations to require all new and/or substantially improved  
1103 or repaired buildings to be constructed higher than the minimum standards as set  
1104 forth in the Florida Building Code and floodplain regulations in 44 C.F.R., Part 60.  
1105

1106 **Policy 1.5.1**

9J-5.012 (3) (c) 3 and 9J-5.013 (2) (c) 6

1108 The Village shall enforce the flood damage prevention regulations which ensure  
1109 that all new residential construction is at or above the ~~flood elevation specified on~~  
1110 ~~the FEMA Flood Insurance Rate Map minimum flood design requirements~~ and  
1111 which ensure that all new non-residential construction is either at or above the ~~flood~~  
1112 ~~elevation specified in the FEMA Flood Insurance Rate Map minimum flood design~~  
1113 requirements or in accordance with FEMA-approved waterproof construction  
1114 specifications methods. The Village manager shall design and promulgate specific  
1115 management techniques to ensure effective enforcement of FEMA regulations.  
1116

1117 **Policy 1.5.2**

1119 The Village shall amend its floodplain regulations to require all new and/or  
1120 substantially improved or repaired buildings to be constructed to a minimum  
1121 finished floor elevation of 2 feet above the Base Flood Elevation (BFE).  
1122

1123 **Policy 1.5.3**

The Village shall amend its floodplain regulations to require a cumulative calculation of improvement costs over a five-year period when determining whether improvements result in a substantial improvement to a nonconforming structure below the required design flood elevation.

**Policy 1.5.4**

The Village shall evaluate and adopt regulations to require or incentivize site low impact development techniques and best management practices to reduce losses due to flooding and resulting insurance claims.

**Policy 1.5.5**

The Village shall continue to provide public education on flood protection, best management practices and the National Flood Insurance Program via its website, pamphlets workshops, and other outreach methods.

**Objective 1.6    Emergency Water Conservation**

*Achieve a reduction of at least 10 percent in per capita water consumption in the event of a water supply emergency (dependent upon the near-term ability to measure Village-wide consumption).*

**Policy 1.6.1**

9J-5.013 (2) (c) 4

The Village shall enact and enforce an emergency water conservation ordinance based on both the South Florida Water Management District model ordinance and any specific SFWMD requirements of the emergency in question.

\*\*\*

**Objective 1.7    Water Supply**

*Assist the Miami Dade County Water and Sewer Department in ensuring there is sufficient water supply for existing and new development in the Village.*

**Policy 1.7.1**

The Village shall coordinate land uses and future land use changes with the availability of water supplies and water supply facilities.

**Policy 1.7.2**

The Village shall adopt 155 gallons of water per person per day as its level-of-service standard for residential and nonresidential users.

**Policy 1.7.3**

The Village shall continue to implement the same or more stringent water conservation measures through its land development regulations.

**Policy 1.7.4**

The Village shall conserve potable water resources, including the support of reuse programs and potable water conservation strategies and techniques.

**Policy 1.7.5**

The Village shall implement the 10-Year Water Facilities Work Plan to ensure that adequate water supplies and public facilities are available to serve the water supply demands of the Village's population.

**Policy 1.7.6**

Since the potable water network is an interconnected, countywide system, the Villages' Planning Department shall cooperate with the Miami-Dade County Water and Sewer Department to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity and ensure that sufficient capacity to serve development exists.

**Policy 1.7.7**

In the future there are issues associated with water supply, conservation or reuse. The Village shall immediately contact the Miami-Dade County Water and Sewer Department to address the corresponding issues. In addition, the Village will follow adopted communication protocols with the Miami-Dade County Water and Sewer Department to communicate and/or prepare an appropriate action plan to address any relevant issue associated with water supply, conservation, or reuse.

**Policy 1.7.8**

The Village shall enforce Miami-Dade County's Water Use Efficiency Standards Ordinance, adopted on February 5, 2008.

**Policy 1.7.9**

The Village may consider requiring the use of high efficiency toilets, showerheads, faucets, clothes washers, and dishwashers in all new and redeveloped residential projects.

**Policy 1.7.10**

The Village shall encourage the use of sub-metering for all multi-unit residential developments, including separate meters and monthly records kept of all major

1218 water-using functions such as cooling towers and individual buildings, in all new  
1219 and redeveloped multifamily residential projects.

1220  
1221 **Policy 1.7.11**

1222  
1223 The Village may encourage the use of Florida Friendly Landscape guidelines and  
1224 principles; gutter downspouts, roof runoff, and rain harvesting through the use of  
1225 rain barrels and directing runoff to landscaped areas; drip irrigation or micro-  
1226 sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch,  
1227 pervious concrete, etc.) on walkways, driveways, and patios.

1228  
1229 **GOAL 2 TO CONSERVE AND MANAGE THE ENVIRONMENTAL RESOURCES**  
1230 **AND MAN-MADE USES IN THE COASTAL AREA OF KEY BISCAYNE**

1231  
1232 **Objective 2.1 Water-Dependent and Water-Oriented Uses** **9J-5.012 (3) (b) 3**  
1233

1234 *Preserve the existing and planned sites for water-dependent uses and water-*  
1235 *oriented ocean resort hotel uses; assure that any related marina expansion or*  
1236 *development meets appropriate location standards.*

1237  
1238 **Policy 2.1.1** **9J-5.012 (3) (e) 8**  
1239

1240 By the date required by state statute or sooner, the Village shall enact and enforce as  
1241 part of the land development code: 1) a zoning district based on the Multifamily  
1242 Residential and Ocean Resort Hotel Future Land Use Plan category, and 2) a zoning  
1243 district based on the Waterfront Recreation and Open Space land use category.  
1244 Planned development or other flexible zoning regulations which effectuate vested  
1245 property rights and/or fulfill the spirit of Multifamily Residential and Ocean Resort  
1246 Hotel and/or the Waterfront Recreation and Open Space land use categories may  
1247 serve in lieu of specific zoning districts. The regulations of this district shall be  
1248 consistent with the density limits established by the Future Land Use Map of this  
1249 plan.

1250  
1251 **Policy 2.1.2** **9J-5.012 (3) (e) 8**  
1252

1253 Any new marina, marina expansion or similar water-dependent use shall meet the  
1254 following criteria:

1255 \*\*\*

1256  
1257 **Objective 2.2 Beaches and Dunes** **9J-5.012 (3) (b) 4**  
1258

1259 *Achieve no new major development or redevelopment seaward of the Coastal*  
1260 *Construction Control Line and restore a naturally vegetated dune along the entire*  
1261 *Atlantic Ocean frontage of the Village.*

1262 **Policy 2.2.1** **9J-5.012 (3) (e) 1 and 3, and 9J-5.013 (2) (e) 6**  
1263

By the date required by state statute or sooner, the Village shall enact and enforce as part of the land development code minimum oceanfront setback requirements including protection of the proposed dune system. The requirements shall specify that no building may be built seaward of the coastal construction control line and that only limited boardwalks, gazebos and similar structures may be built seaward of the coastal construction control line. The requirements shall apply to both development and redevelopment.

**Policy 2.2.2**

~~9J-5.012(3)(e)2~~

By the date required by state statute or sooner, the Village shall enact and enforce as part of the land development code dune development and vegetation planting requirements in conjunction with any new beachfront development and redevelopment. Dune grading and planting requirements shall be drafted to ensure the highest level of restoration of natural conditions which is economically and technically feasible. The requirements shall apply to both development and redevelopment.

**Policy 2.2.3**

~~9J-5.012(3)(e)2~~

By 1996, the Village shall evaluate the need for and efficacy of alternate financing mechanisms to pay for beach renourishment and dune development as a supplement to achieving beach renourishment and dune development via regulations of development and redevelopment.

**Objective 2.3 Beach Public Access**

~~9J-5.012(3)(b)9~~

*Achieve one municipal ocean beach access point open to the general public within the Village no later than 2004.*

**Policy 2.3.1**

~~9J-5.012(3)(e)9~~

The Village shall enforce an existing agreement with a private property owner calling for provision of beach access as a condition for development approval. The accessory so provided shall be open to the general public.

**Objective 2.4 Historic Preservation**

~~9J-5.012(3)(b)10~~

*No later than ~~1999~~2015, prepare a list of potentially significant historic structures and a strategy for their preservation.*

**Policy 2.4.1**

~~9J-5.012(3)(e)10~~

Based upon historical accounts of early development in the Village, by 2015 the Council-Village shall designate-identify those structures that due to age, architecture and function are candidates-eligible for historic designation and protection on the National Register of Historic Places. A strategy for the preservation of some or all

1311 of these structures shall be drafted.  
1312

1313 **Objective 2.5 Biscayne Bay Preservation**  
1314

1315 *Assist the efforts of ~~Metro-Miami~~-Dade County, the Florida Department of*  
1316 *Environmental Protection and the National Park Service to preserve and enhance*  
1317 *the State-designated Biscayne Bay Aquatic Preserve. See Policy 2.5.1 for*  
1318 *measurability.*  
1319

1320 **Policy 2.5.1**  
1321

~~9J-5.012(3)(e) 13 and 14~~

1322 The Village shall contribute to the improvement of Biscayne Bay water quality  
1323 through a combination of: 1) implementation of a master drainage plan, 2)  
1324 replacement of septic tanks with sanitary sewers tied into the County system and/or  
1325 upgrading of septic tank and drainfield standards, 3) mandating on-site stormwater  
1326 detention and 4) marina siting standards.  
1327

1328 Standards for on-site storm water retention, storm sewers, sanitary sewers, septic  
1329 tanks and drain fields are set forth in the Infrastructure Element (Objective 1.1 and  
1330 related policies; Objective 1.2 and related policies; and Policy 1.4.4) and are  
1331 incorporated in this policy by reference. Marina standards are set forth in Policy  
1332 2.1.2 of this Element and are incorporated in this policy by reference.

1333 **Policy 2.5.2**  
1334

~~9J-5.012(3)(e) 14 and 15~~

1335 The Village shall contribute to the improvement of Biscayne Bay water quality by  
1336 continuing to: 1) have a Village representative periodically consult with the  
1337 Biscayne Bay Shoreline Development Review Committee and 2) have relevant bay  
1338 front projects reviewed by the Committee. The Village shall cooperate with the  
1339 regulatory functions of the Florida Department of Environmental Protection and the  
1340 National Park Service.  
1341

1342 **GOAL 3 TO MINIMIZE HUMAN AND PROPERTY LOSS DUE TO HURRICANES**  
1343

1344 **Objective 3.1 Coastal High-Hazard Area Land Use**  
1345 **and Infrastructure**  
1346

~~9J-5.012(3)(b) 5 and 6~~

1347 *Limit Village funds on infrastructure within the Village (all of which is within the*  
1348 *coastal high-hazard area) that would have the effect of directly subsidizing*  
1349 *development which is significantly more intensive than authorized by this Plan.*  
1350

1351 **Policy 3.1.1**  
1352

~~9J-5.012(3)(e) 7~~

1353 The Village shall limit its funding of public infrastructure expansion if such funding  
1354 and such expansion would have the effect of directly subsidizing a specific private  
1355 development in the Village.  
1356

**Policy 3.1.2**

~~9J-5.012 (3) (c) 12~~

Objective 3.1 and Policy 3.1.1 above shall not be implemented in such a way as to preclude the Village's plans to extend sewer lines, improve drainage facilities or reconfigure streets in order to provide adequate infrastructure to serve the Future Land Use Plan development pattern or development for which rights were vested prior to enactment of this Plan.

**Objective 3.2 Hurricane Evacuation**

~~9J-5.012 (3) (b) 7~~

*Maintain the current estimated 13-hour out-of-county hurricane evacuation clearance time or an evacuation time of 12 hours to a shelter. which is based on both pre Hurricane Andrew planning and post Hurricane Andrew experience.*

**Policy 3.2.1**

~~9J-5.012 (3) (e) 4~~

The Village shall maintain its traffic level of service which in turn is based upon the Future Land Use map, thereby achieving a reasonable hurricane evacuation time.

**Policy 3.2.2**

~~9J-5.012 (3) (e) 4~~

~~By 1995, the~~ The Village shall ~~prepare a update its~~ hurricane emergency plan; based upon the experience of Hurricane Andrew; the plan shall be in concert with the 1991 County Emergency Operations Plan and the 1991 U.S. Corps of Engineers hurricane evacuation study, and any revisions thereto; the plan shall be consistent with the current Miami Dade County Emergency Operations Plan and the most current hurricane evacuation study.

**Objective 3.3 Post-Disaster Redevelopment**

~~9J-5.012 (3) (b) 8~~

*By ~~1996~~2015, adopt a post-disaster redevelopment plan.*

**Policy 3.3.1**

~~9J-5.012 (3) (e) 5~~

By ~~1996~~2015, based upon the ~~1992-1993 Hurricane Andrew staff review of~~ post-disaster assessment, clean-up and housing repair experience, the Village shall prepare a post-disaster redevelopment plan in consultation with the South Florida Regional Planning Council and the ~~Metro-~~Miami-Dade Office of Emergency Management. Special attention shall be devoted to the Building Official's permitting process to distinguish between minor and major repairs, require demolition or nuisance removal, and similar regulatory approaches.

**Policy 3.3.2**

The adopted plan shall specify that during post-disaster redevelopment, the Building Department will distinguish between those actions needed to protect public health and safety with immediate repair/cleanup and long-term repair activities and redevelopment areas. Removal or relocation of damaged infrastructure and unsafe

structures shall be by the Village in accordance with local procedures and those agencies and practices specified in the ~~Metro~~-Miami-Dade County Emergency Operations Plan.

\*\*\*

**Objective 3.4 Level of Service and Public Facility Timing** ~~9J-5.012 (3) (b) 11~~

*Achieve and maintain Level-of-Service standards through a concurrency management system with a phased capital improvement schedule.*

**Policy 3.4.1** ~~9J-5.012 (3) (e) 12~~

The Village shall implement the concurrency management system contained in this plan and the Village shall supplement the concurrency management system with which will be further detailed in land development code capital improvements when appropriate and necessary to meet Level-of-Service standards concurrent with the impact of development.

**Objective 3.5 Hurricane Damage Avoidance**

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

**Policy 3.5.1** ~~9J-5.012 (3) (e) 3~~

By the date required by state statute or sooner, the Village shall enact and enforce land development code provisions requiring minimum building setbacks from the ocean. Construction shall not be permitted seaward of the Coastal Construction Control Line, except that non habitable major and minor structures (as defined in 16B-33.002(54), FAC) and restaurants may be permitted so long as: 1) they are approved by a Coastal Construction Control Line permit granted by the State of Florida Department of Natural Resources; 2) at least 50 percent of the permitted area is free of any such structures; 3) no such individual structure shall exceed 15 percent of the permitted area.

**Policy 3.5.2** ~~9J-5.012 (3) (e) 3 and 9J-5.013 (2) (e) 6~~

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.

\*\*\*

**Objective 3.6 Commercial Redevelopment**

*The Village shall encourage methods for integration of energy conservation technologies in new construction and redevelopment and in Village municipal programs and services. No later than 2004, achieve private revitalization of at least one Crandon Boulevard property that has a blighting impact on the Village and is likely to sustain significant hurricane damage.*

**Policy 3.6.1**

9J-5.012 (3) (c) 6

~~The Village shall encourage energy-efficient construction methods and develop initiatives to encourage energy conservation techniques in municipal and private-sector development. By the date required by state statute or sooner, the Village shall enact and enforce land development code standards and incentives to achieve development, renovated development and/or redevelopment that meets high signage, landscaping, circulation/parking and other development standards, all in conformance with the flood damage prevention regulations required by Conservation and Coastal Management Policy 3.5.2.~~

Note: The following 9J-5 FAC policies are not applicable to Key Biscayne:

● Policy 9J-5.012 (3) (c) 11 — deepwater ports

● Policy 9J-5.013 (c) 1 — water wells

● Policy 9J-5.013 (c) 2 — extraction of minerals

● Inform the Florida Department of State, Division of Historical Resources that, to the best knowledge of Village officials based on documentation supplied by the Florida Department of State and Dade County, all archaeological and standing structure sites identified in the Florida site file as being located on Key Biscayne are NOT in the Village of Key Biscayne, but rather in the unincorporated portions of Dade County located on the Island of Key Biscayne. The structures are: 1) the North Base Marker at the Key Biscayne Golf Course and 2) the Cape Florida Lighthouse in Bill Baggs Park at the tip of the Island of Key Biscayne. The sites are: 1) the Bear Cut Preserve, 2) Cape Florida, 3) Fort Bankhead and 4) the Light keeper's house foundation.

**Policy 3.6.2**

The Village shall develop standards and principles to provide for the improvement of energy efficiency in municipal services and programs.

**Policy 3.6.3**

The Village shall, to the extent financially feasible, provide educational materials and promote recycling to enhance the efficiency of curbside pick-up, reduce the materials being sent to landfills, and ultimately reduce methane production.

1494  
1495 **Policy 3.6.4**  
1496

1497 The Village shall amend the land development regulations to adopt specific  
1498 standards and strategies that address greenhouse gas emissions, energy efficient  
1499 housing, and overall energy conservation by 2015.  
1500

1501 **Policy 3.6.5**  
1502

1503 As the replacement of municipal vehicles is scheduled, the Village shall consider  
1504 the availability of replacement with low emission or fuel-efficient vehicles.  
1505

1506 **Policy 3.6.6**  
1507

1508 The Village shall, through the current site plan review procedures, encourage the  
1509 diversion from landfills of materials that are recyclable when issuing construction  
1510 and demolition permits.  
1511

1512 \*\*\*  
1513

1514 **GOAL 4 PROTECT COASTAL PROPERTIES AND PUBLIC FACILITIES AND**  
1515 **INFRASTRUCTURE INVESTMENT BY PREPARING, ADAPTING AND**  
1516 **MITIGATING FOR CLIMATE CHANGE IMPACTS**  
1517

1518 **Objective 4.1 Flood Risk Reduction**  
1519

1520 The Village shall adopt and implement policies, land development regulations,  
1521 administrative procedures, incentives, or other strategies to reduce vulnerability to  
1522 sea level rise, high-tide events, storm surge, and stormwater runoff.  
1523

1524 **Policy 4.1.1**  
1525

1526 By 2025, the Village shall consider the development of a Resilience Action Plan  
1527 (RAP) to explore adaptation and mitigation measures which increase resilience to  
1528 climate change impacts, including the reduction of risk.  
1529

1530 **Policy 4.1.2**  
1531

1532 The Village shall review and monitor updates to The Unified Sea Level Rise  
1533 Projection for Southeast Florida produced by the Southeast Florida Regional  
1534 Climate Change Compact and consider the projections when evaluating, planning,  
1535 and designing public facility and infrastructure projects.  
1536

1537 **Policy 4.1.3**  
1538

1539 The Village shall encourage the use of living shorelines or other nature-based  
1540 infrastructure as a shore protection alternative.

1541  
1542 **Policy 4.1.4**  
1543

1544 Construction activities seaward of the coastal construction control lines established  
1545 pursuant to s. 161.053 shall be consistent with Chapter 161 of the Florida Statutes.  
1546

1547 **Policy 4.1.5**  
1548

1549 The Village shall maintain flood-resistant construction requirements that are  
1550 consistent with, or more stringent than, the Florida Building Code and applicable  
1551 floodplain management regulations as set forth in 44 C.F.R., Parts 59 and 60.  
1552

1553 **Policy 4.1.6**  
1554

1555 The Village shall continue to participate in the Community Rating System under  
1556 the National Flood Insurance Program (NFIP) to achieve flood insurance discounts.  
1557

1558 **Policy 4.1.7**  
1559

1560 The Village shall evaluate its policies and regulations on a periodic basis to consider  
1561 amendments to reduce and/or mitigate flooding impacts and shall ensure  
1562 amendments do not increase the extent and depth of flood potential.  
1563

1564 **Policy 4.1.8**  
1565

1566 The Village shall ensure that all applicable land development regulations and  
1567 policies are enforced during development review procedures, shall encourage  
1568 approaches to mitigate flood impacts, and shall evaluate opportunities for offering  
1569 incentives for exceeding minimum standards.  
1570

1571 **VI. RECREATION AND OPEN SPACE ELEMENT**

1572 **GOAL 1**

1573 **PROVIDE A DESIRABLE LEVEL OF PUBLIC RECREATION AND OPEN**  
1574 **SPACE FACILITIES TOGETHER WITH SUPPLEMENTAL PRIVATE**  
1575 **RECREATION AND OPEN SPACE FACILITIES.**  
1576

1577 **Objective 1.1**

1578 **Waterfront Access**

9J-5.014 (3) (b) 1

1579 *Continue to provide for a municipal ocean beach access point within the Village.*  
1580 *Achieve one municipal ocean beach access point within the Village no later than*  
1581 *2004.*

1582 **Policy 1.1.1**

9J-5.014 (3) (e) 3

1583 *The Village shall continue to maintain the Beach Park as the principal municipal*  
1584 *ocean beach access point within the Village. The Village shall enforce an existing*  
1585 *agreement with a private property owner calling for provision of beach access as a*  
1586 *condition for development approval. The accessway so provided shall be open to*  
1587 *the general public.*  
1588  
1589  
1590

1591 **Objective 1.2**

1592 **School Playfield Access**

9J-5.014 (3) (b) 1

1593 *Assure resident access to the elementary school playfield by 1995.*

1594 **Policy 1.2.1**

9J-5.014 (3) (e) 5

1595 *The Village shall seek maintain a joint use agreement with the School*  
1596 *Board to assure resident access to the school's playfields.*  
1597  
1598  
1599

1600 **Objective 1.3**

1601 **Public Recreation Facilities**

9J-5.014 (3) (b) 3

1602 *Achieve a system of public park and recreation lands which provides at least 2.5*  
1603 *acres per 1,000 people permanent population together with the appropriate range*  
1604 *of facilities.*  
1605

1606 **Policy 1.3.1**

1607 *The Village shall reserve for recreation use all of the Village owned land*  
1608 *designated on the Future Land Use Map. The Village shall actively seek to acquire*  
1609 *through purchase, long term lease and/or donation, sufficient additional acreage to*  
1610 *meet the standard of 2.5 acres per 1,000 people permanent population. The standard*  
1611 *of 2.5 acres per 1,000 people permanent population shall be used for concurrency*  
1612 *purposes.*  
1613  
1614

1615 **Policy 1.3.2**

9J-5.014 (3) (e) 4

1616 *By the date required by state statute, the Village shall conduct a thorough study*  
1617

of the feasibility of obtaining alternative sites needed to achieve and maintain a Level of Service standard of at least 2.5 acres of local public park land per 1,000 permanent population.

**Policy 1.3.3**

9J-5.014 (3) (e) 5

The Village shall continue to pursue the acquisition (purchase or lease) of additional park land ~~including an addition to Calusa Park and other sites as necessary~~ in order to meet the above Level of Service standard as outlined in the Capital Improvement Schedule.

**Policy 1.3.4**

9J-5.014 (3) (e) 5

As acquisition of the park tracts is assured, the Village shall finalize detailed planning for facilities such as ball fields, and playgrounds ~~and a community center~~. A phased implementation plan shall be initiated.

**Policy 1.3.5**

No later than December 31, ~~1994~~2015, the Village shall explore a recreation impact fee to help finance acquisitions and improvements.

**Policy 1.3.6**

The following properties shall be included in the inventory of Parks and Recreation Space:

| <b><u>Parks and Recreation Space</u></b> | <b><u>Acreage</u></b> |
|------------------------------------------|-----------------------|
| <u>Calusa Park</u>                       | <u>3.00</u>           |
| <u>Village Green</u>                     | <u>9.50</u>           |
| <u>Key Biscayne K-8 Center</u>           | <u>2.02</u>           |
| <u>East Enid Lake Park</u>               | <u>2.78</u>           |
| <u>Beach Park</u>                        | <u>2.00</u>           |
| <u>St. Agnes Field</u>                   | <u>2.13</u>           |
| <u>Community Center</u>                  | <u>1.95</u>           |
| <u>Library Park</u>                      | <u>1.17</u>           |
| <u>Hacienda Canal Pocket Park</u>        | <u>0.03</u>           |
| <u>530 Crandon Blvd</u>                  | <u>0.52</u>           |
| <u>Hampton Park</u>                      | <u>0.19</u>           |
| <u>Harbor Park</u>                       | <u>0.46</u>           |
| <b><u>Total</u></b>                      | <b><u>25.75</u></b>   |

This inventory of properties shall be automatically updated to include any additional recreational and open space properties acquired or utilized via a long-term lease. The public beach shall not be included in any calculation in order to meet the Village's Parks and Recreational Open Space Level of Service standard.

|      |                      |                                                                                                                    |                    |
|------|----------------------|--------------------------------------------------------------------------------------------------------------------|--------------------|
| 1651 | <b>Objective 1.4</b> | <b>Open Space</b>                                                                                                  | 9J-5.014 (3) (b) 4 |
| 1652 |                      |                                                                                                                    |                    |
| 1653 |                      | <i>Achieve <del>some semi-passive</del> public open space in the central part of the Village,</i>                  |                    |
| 1654 |                      | <i>some semi-public open space on the waterfront plus private open space in</i>                                    |                    |
| 1655 |                      | <i>conjunction with any new private development.</i>                                                               |                    |
| 1656 |                      |                                                                                                                    |                    |
| 1657 |                      | <b>Policy 1.4.1</b>                                                                                                | 9J-5.014 (3) (e) 1 |
| 1658 |                      |                                                                                                                    |                    |
| 1659 |                      | By the date required by state statute or sooner, the Village shall enact and enforce                               |                    |
| 1660 |                      | as part of the land development code: 1) minimum front, side and rear <b>residential</b>                           |                    |
| 1661 |                      | setbacks, and 2) minimum pervious open space for all new construction.                                             |                    |
| 1662 |                      | Definitions and standards will be included. The amount of open space required by                                   |                    |
| 1663 |                      | these regulations shall be consistent with the high property values of the island and                              |                    |
| 1664 |                      | the need to ensure reasonably satisfactory levels of access to light and air, but                                  |                    |
| 1665 |                      | pervious area shall not be less than 30 percent of total site area for the average                                 |                    |
| 1666 |                      | single family residential site.                                                                                    |                    |
| 1667 |                      |                                                                                                                    |                    |
| 1668 |                      | <b>Policy 1.4.2</b>                                                                                                | 9J-5.014 (3) (e) 2 |
| 1669 |                      |                                                                                                                    |                    |
| 1670 |                      | <del>By the date required by state statute or sooner, the</del> The Village shall <del>enact</del> <u>maintain</u> |                    |
| 1671 |                      | and enforce a land development code zoning district to implement the <b>Waterfront</b>                             |                    |
| 1672 |                      | <b>Recreation and Open Space</b> land use category and thereby preserve such open                                  |                    |
| 1673 |                      | space uses as the beach club and yacht club. The amount of open space required by                                  |                    |
| 1674 |                      | these regulations shall be consistent with the high property values of the island and                              |                    |
| 1675 |                      | the need to ensure reasonably satisfactory levels of access to light and air, but in                               |                    |
| 1676 |                      | no case shall previous area be less than 15 percent of the entire site.                                            |                    |
| 1677 |                      |                                                                                                                    |                    |
| 1678 |                      | <b>Policy 1.4.3</b>                                                                                                | 9J-5.014 (3) (e) 2 |
| 1679 |                      |                                                                                                                    |                    |
| 1680 |                      | The Village shall <del>evaluate the desirability of developing</del> <u>maintain</u> a village center              |                    |
| 1681 |                      | in order to <u>provide for</u> <del>tandem with</del> central area public open space.                              |                    |
| 1682 |                      |                                                                                                                    |                    |
| 1683 | <b>Objective 1.5</b> | <b>Public-Private Coordination</b>                                                                                 | 9J-5.014 (3) (e) 2 |
| 1684 |                      |                                                                                                                    |                    |
| 1685 |                      | <del>By 2004, achieve</del> <u>Explore and implement</u> a fully coordinated system of                             |                    |
| 1686 |                      | <u>recreational resources.</u>                                                                                     |                    |
| 1687 |                      |                                                                                                                    |                    |
| 1688 |                      | <b>Policy 1.5.1</b>                                                                                                |                    |
| 1689 |                      |                                                                                                                    |                    |
| 1690 |                      | <del>By 1996, the</del> The Village Manager or designee shall <del>complete</del> <u>maintain</u> an inventory     |                    |
| 1691 |                      | of all private and semi-public recreational facilities. <del>This survey will be used in</del>                     |                    |
| 1692 |                      | <del>finalizing the public recreational facilities plan described in Policy 1.3.3.</del>                           |                    |
| 1693 |                      |                                                                                                                    |                    |

**VII. INTERGOVERNMENTAL COORDINATION ELEMENT**

**GOAL 1 TO MAINTAIN OR ESTABLISH PROCESSES TO ASSURE COORDINATION WITH OTHER GOVERNMENTAL ENTITIES WHERE NECESSARY TO IMPLEMENT THIS PLAN.**

**Objective 1.1 Coordination with the County Plan and School Board 9J-5.015(3)(b)-1**

*Achieve consistency between the Village plan and both the ~~Metro~~-Miami-Dade County Comprehensive Development Master Plan and the City of Miami Comprehensive Plan (and amendments thereto); achieve coordination with the plans of the Miami Dade County School Board. See policies throughout this element for measurability.*

**Policy 1.1.1 9J-5.015(3)(e)-5**

The Village shall continue to monitor the ~~Metro~~-Miami-Dade County Comprehensive Development Master Plan process as the County Plan is updated and revised in conjunction with its Evaluation and Appraisal Report.

**Policy 1.1.2 9J-5.015(3)(e)-1**

The Village shall maintain an active dialogue with the School Board staff relative to any plans for the ~~elementary~~-schools within the Village.

**Policy 1.1.3 9J-5.015(3)(e)-2 and 4**

The Village will utilize the informal mediation process of the South Florida Regional Planning Council in order to try to resolve annexation and other conflicts with other governmental entities; the Village will enter into mediations on a nonbinding basis.

**Policy 1.1.4 9J-5.015(3)(e)-7**

The Village will thoroughly review and compare proposed development in the City of Miami and Miami-Dade County with proposed development in the Village Comprehensive Plan for consistencies and conflicts between identical elements and between plans as a whole. Where appropriate, the Village will respond at public hearings, through memoranda, or through the regional planning council's mediation process.

**Policy 1.1.5**

Implement activities associated with the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County, including, but not limited to coordinating City, County and School Board plans based upon consistent projections of the amount, type and distribution of population growth and student enrollment; participating in decision-making through floating

membership on the School Board's School Site Planning and Construction Committee regarding potential sites for new schools and proposals for significant renovation, the location of relocatables or additions to existing buildings, and potential closure of existing schools; and collaborating to identify options aimed to provide the capacity to accommodate anticipated student enrollment demand associated with increases in residential development potential.

#### Policy 1.1.6

Village shall coordinate with the Miami-Dade County Public Schools and other parties to the adopted Amended and Rested Interlocal Agreement for Public School Facility Planning to establish Level of Service Standards (including Interim LOS standards) for ~~public school facilities~~ Public Educational Facilities and any amendments affecting public school concurrency.

### Objective 1.2 Master Plan Impact and Implementation Coordination 9J-5.015 (3) (b) 2

*Establish mechanism to coordinate the impact of development proposed in the Village Master Plan with other jurisdictions.*

#### Policy 1.2.1 9J-5.015 (3) (c) 1

No later than ~~1999~~ 2015, the Village shall continue to consider and attempt to consummate as appropriate interlocal agreements generally of the type described below; or implement the following types of interlocal agreements or leases generally of the type described below:

~~Sewers: An agreement to cooperate and coordinate with appropriate County agencies for the extension of sewers.~~

Lease of MAST Academy Site for Recreation: A lease agreement by which the Village would commit to develop and maintain recreation facilities on a portion of the MAST Academy site.

~~Solid Waste: An agreement to cooperate and coordinate with the County Solid Waste Management Department for the disposal of solid waste generated in the Village.~~

~~Lease of Calusa Park: A lease agreement by which the Village would commit to maintain the recreation facilities at the Calusa Park for the benefit of all Dade County residents. This site and/or others identified herein and/or St. Agnes field (a private school facility that may be available part time on a lease basis) are needed to meet Village recreation level of service standards.~~

Lease of the Key Biscayne Presbyterian Church for Recreation: A lease agreement by which the Village would commit to develop and maintain recreation facilities on a portion of the Key Biscayne Presbyterian Church site.

Lease of Virginia Key Site(s) for Recreation and the Causeway: A lease agreement

by which the Village would commit to develop and maintain recreation facilities at one or more sites on Virginia Key and/or the Causeway. These sites and/or others identified herein and/or St. Agnes field (a private school facility that may be available part time on a lease basis) are needed to meet Village recreation level of service standards.

~~Expansion of Calusa Park into Crandon Park: An agreement to cooperate and coordinate with the County Parks Department for the expansion of Calusa Park to accommodate play fields. This site and/or others identified herein and/or St. Agnes field (a private school facility that may be available part time on a lease basis) are needed to meet Village recreation level of service standards. It is understood that pursuit of the desired agreement for Calusa Park will require the Village to petition Dade County government to modify its current plan for Crandon Park.~~  
Management Agreement for Calusa Park: The Village shall encourage Miami-Dade County to make improvements to Calusa Park consistent with the Crandon Park Master Plan. The Village shall maintain an agreement with the Miami-Dade County Park and Recreation Department to provide for Village management of Calusa Park.

~~Bill Baggs State Park: An agreement to cooperate and coordinate with the Florida Department of Environmental Protection for the provision of play fields at Bill Baggs State Park. This site and/or others identified herein and/or St. Agnes field (a private school facility that may be available part time on a lease basis) are needed to meet Village recreation level of service standards. It is understood that pursuit of the desired agreement for Bill Baggs State Park will require the Village to petition an agency of state government to modify its current plan for Bill Baggs State Park.~~

~~Key Biscayne Elementary School~~K-8 Center: An agreement to cooperate and coordinate with the Miami Dade County School Board to make the ~~Key Biscayne Elementary School~~K-8 Center playground available for community use.

~~Crandon Boulevard: An agreement to cooperate and coordinate with the Dade County Public Works Department and the Dade County Transit Agency to achieve an improved Crandon Boulevard streetscape.~~

Other areas within or proximate to the Village: An agreement or lease with other areas within the Village, as necessary.

#### **Policy 1.2.2**

9J-5.015 (3)(c) 1

The Village shall maintain an active dialogue with the ~~Metro~~Miami-Dade Planning Department and other County agencies relative to limiting land use intensity between the Village and the maintained.

#### **Policy 1.2.3**

9J-5.015 (3)(c) 3

The Village Manager shall assist the County in providing information to the residents of the Village relative to services provided by the County, e.g., solid waste, potable water, sewers, transit and hurricane response planning. Such information may be disseminated through a Village newsletter, Village Hall counter handouts, notices posted at the Village Hall, and/or other appropriate means.

**Policy 1.2.4**

~~9J-5.015(3)(e)6~~

The Village shall contribute to the improvement of Biscayne Bay water quality through a combination of (a) implementation of a master drainage plan, (b) replacement of septic tanks with sanitary sewers tied into the County system, (c) mandating on-site stormwater detention and (d) marina siting standards.

**Policy 1.2.5**

~~9J-5.015(3)(e)6~~

The Village shall contribute to the improvement of Biscayne Bay water quality by continuing to: 1) have a Village representative periodically consult with the Biscayne Bay Shoreline Development Review Committee and 2) have relevant bay front projects reviewed by the Committee. The Village shall cooperate with the regulatory functions of the Florida Department of Environmental Protection and the National Park Service.

**Objective 1.3**

**Level of Service Standards Coordination**

~~9J-5.015(3)(b)3~~

*Ensure coordination with ~~Metro-Miami-Dade County~~ Water and Sewer Department, the South Florida Water Management District, and the Lower East Coast Water Supply Plan Update in establishing level-of-service standards for sewage, and potable water.*

**Policy 1.3.1**

~~9J-5.015(3)(e)7~~

Monitor changes to ~~the adopted~~ level-of-service standards of ~~Metro-Miami-Dade County and appropriately the South Florida Water Management District, and the Lower East Coast Water Supply Plan Update~~ and adjust its own level-of-service standards accordingly.

**Policy 1.3.2**

The Village shall implement a tracking system that measures increases in population resulting from development and redevelopment and provide results to the Miami-Dade County Water and Sewer Department on a regular basis.

**Policy 1.3.3**

The Village shall provide for improved or additional coordination between the Miami-Dade County Water and Sewer Department and the Village concerning the sharing and updating of information to meet ongoing water supply needs.

1886 **Policy 1.3.4**

1887  
1888 The Village shall coordinate with the Miami-Dade County Water and Sewer  
1889 Department in the implementation of alternative water supply projects,  
1890 establishment of level-of-service standards, resource allocations, changes in  
1891 service areas and potential for annexation.  
1892

1893 **Policy 1.3.5**

1894  
1895 The Village shall coordinate with the Miami-Dade County Water and Sewer  
1896 Department by requiring applications to be reviewed by the Department during the  
1897 site plan review process prior to approving a building permit, in order to determine  
1898 whether adequate water supplies will be available to serve the development by the  
1899 anticipated issuance date of the certificate of occupancy for properties located  
1900 within the Village. Additional coordination efforts will occur between the  
1901 Department and the Village through the water allocation system, which is a monthly  
1902 spreadsheet used for tracking development activity within the Village. The Village  
1903 will monitor proposed amendments to the Miami-Dade County Comprehensive  
1904 Development Master Plan as they relate to water supply planning in the county and  
1905 provide input as necessary.  
1906

1907 **Policy 1.3.6**

1908  
1909 The Village shall coordinate with the Lower East Coast Water Supply Plan Update.  
1910

1911

## **VIII. CAPITAL IMPROVEMENTS ELEMENT**

1912

1913 **GOAL 1**

**TO UNDERTAKE CAPITAL IMPROVEMENTS NECESSARY TO PROVIDE ADEQUATE INFRASTRUCTURE AND A HIGH QUALITY OF LIFE, WITHIN SOUND FISCAL PRACTICES.**

1914

1915

1916

1917 **Objective 1.1**

**The Annual Capital Improvement Program Process**

~~9J-5.016(3)(6)-1~~

1918

1919

*Achieve annual Village Council use of this Element as the framework to monitor public facility needs as a basis for annual capital budget and five-year program preparation.*

1920

1921

1922

1923

**Policy 1.1.1**

~~9J-5.016(3)(e)-7~~

1924

1925

As part of the annual budget process, staff and engineering studies shall form the basis for preparation of a five-year capital improvement program, including one year capital budget, to further the master plan elements.

1926

1927

1928

1929

**Policy 1.1.2**

~~9J-5.016(3)(e)-3~~

1930

1931

The capital improvement program shall include a drainage facility improvement/replacement program based upon the 1993-drainage master plan.

1932

1933

1934

**Policy 1.1.3**

~~9J-5.016(3)(e)-1~~

1935

In setting priorities, the following kinds of criteria shall be used by the Village Council; in all cases, financial feasibility or budget impact will be assessed:

1936

1937

1938

- Public safety projects: any project to ameliorate a threat to public health or safety.

1940

1941

- Quality of life projects: any project that would enhance the quality of life, such as a public streetscape improvement project.

1942

1943

1944

- Level of service or capacity projects: any project needed to maintain an adopted or otherwise desirable Level of Service.

1945

1946

1947

- Redevelopment projects: any project that would assist in the revitalization of deteriorated non-residential properties.

1948

1949

1950

- Biscayne Bay enhancement projects: any project which would enhance the environmental quality of Biscayne Bay.

1951

1952

1953

**Policy 1.1.4**

~~9J-5.016(3)(e)-9~~

1954

1955

The Village shall use designated funding mechanisms such as the drainage utility

1956

and sewer assessments to the maximum extent feasible thereby freeing up general funds (and general obligation bonds) for such Village-wide projects as park land acquisition and streetscape work as outlined in the policies of other Master Plan elements.

**Policy 1.1.5**

~~9J-5.016(3)(e)2~~

The Village shall pursue a prudent policy in terms of borrowing for capital improvements or other purposes.

\*\*\*

**Objective 1.2      Level of Service and Land Use Decisions**

~~9J-5.016(3)(b)3~~

*Achieve coordinated Village use of the Future Land Use Plan, financial analyses in this Element and Level of Service standards in both reviewing development applications and preparing the annual schedule of capital improvements.*

**Policy 1.2.1**

~~9J-5.016(3)(e)4~~

The following peak hour Level of Service (LOS) standards shall be maintained:

*Streets:* The Village shall regulate the timing of development to maintain at least the following peak hour level of service standards:

- Arterials -- "~~ED~~"
- Collectors - "B"
- Local Service Streets - "A"

within the Village limits, Crandon Boulevard will be at level of service ~~ED~~ or better, although the level of service could potentially fail slightly below ~~ED~~ near the north Village limits.

*Sanitary Sewers in Sewered Areas:* The County-wide "maximum day flow" of the preceding year shall not exceed 98 percent of the County treatment system's rated capacity. The sewage generation standard shall be 140 average gallons per capita per day.

*Sanitary Sewers in Unsewered Areas:* Septic tanks shall be permitted only in compliance with applicable county and state agency standards; compliance shall be determined by receipt of required approvals and permits from the ~~a Metro-~~ Miami-Dade County Department of Environmental Resources Management and the Florida Department of Health and Rehabilitative Services.

*Potable Water:* The County-wide "maximum day flow" of the preceding year shall

not exceed 98 percent of the County treatment and storage system's rated capacity. The pressure shall be at least 20 pounds per square inch at the property line. The potable water consumption standard shall be 280 average gallons per capita per day.

*Drainage:* All nonresidential development and redevelopment shall accommodate runoff to meet all Federal, state and local requirements.

*Solid Waste:* The County solid waste disposal system shall maintain a minimum of five years capacity. For Village planning purposes, a generation rate of 5.2 pounds per person per calendar day shall be used.

*Recreation:* The Village shall achieve and maintain a Level of Service standard of at least 2.5 acres of local public park land per 1,000 permanent population.

*Public School Facilities:* Maintain a LOS standard of at least 2.5 acres of park land per 1,000 persons permanent population. Upon public school concurrency becoming effective, the adopted Level of Service (LOS) standard for all Miami-Dade County public school facilities is 100% utilization of Florida Inventory of School Houses (FISH) Capacity (With Relocatable Classrooms). This LOS standard, except for Magnet Schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by the Miami-Dade County Public Schools. The adopted LOS standard for Magnet Schools is 100% of FISH (With Relocatable Classrooms), which shall be calculated on a districtwide basis. Level of service standards for public school facilities apply to those traditional educational facilities, owned and operated by the Miami-Dade County Public Schools, that are required to serve the residential development within their established Concurrency Service Area. Level of service standards do not apply to charter schools. However, the capacity of both charter and magnet schools will be credited against the impact of development.

### **Policy 1.2.2**

The Village shall implement a tracking system that measures increases in population resulting from development and redevelopment and provide results to the Miami-Dade County Water and Sewer Department on a regular basis.

### **Policy 1.2.3**

The Village shall develop mechanisms to ensure that adequate water supplies are available to all water users prior to the approval of a building permit. Furthermore, the Village shall monitor the Miami-Dade County Water and Sewer Department to be sure that it is responsibly monitoring the availability of water supplies for all water users of its department, which includes the Village of Key Biscayne, and to be sure that it is implementing a system that links water supplies to the permitting of new development.

## **Objective 1.3**

## **Infrastructure in Coastal High Hazard Area**

9J-5.016-(3)-(b)-2

2051  
2052 *Spend no Village funds on infrastructure within the Village (all of which is within*  
2053 *the coastal high-hazard area) that would have the effect of directly subsidizing*  
2054 *development which is significantly more intensive than authorized by this Plan.*  
2055

2056 \*\*\*

2057  
2058 **Objective 1.4 Concurrency**

9J-5.016(3)(b)-4

2059  
2060 *Assure the provision of public facilities concurrent with the impacts of development*  
2061 *through a concurrency management system to be included in the 1994-land*  
2062 *development code.*  
2063

2064 **Policy 1.4.1**

9J-5.016(3)(e)-6

2065  
2066 ~~By the date required by state statute or sooner, the~~ The Village shall enact and  
2067 enforce as part of the land development code a concurrency management system  
2068 ~~which meets the requirements of 9J-5.0055. The concurrency management system~~  
2069 ~~that~~ shall specify that no development permit shall be issued unless the public  
2070 facilities necessitated by a development (in order to meet level of service standards  
2071 specified in the ~~Comprehensive Plan~~ Transportation, Recreation and Open Space,  
2072 and Infrastructure policies) will be in place concurrent with the impacts of the  
2073 development or the permit is conditional to assure that they will be in place. The  
2074 requirement that no development permit shall be issued unless public facilities  
2075 necessitated by the project are in place concurrent with the impacts of  
2076 development shall be effective immediately and shall be interpreted pursuant to the  
2077 following:  
2078

- 2079 1. *Measuring Conformance with the Level-of-Service for water, sewer, solid*  
2080 *waste, drainage, ~~traffic~~ transportation and recreation facilities.*  
2081

2082 Public facility capacity availability shall be determined by a set of  
2083 formulas that reflect the following:  
2084

2085 Adding together:

- 2086  
2087 • The total design capacity of existing facilities; plus  
2088  
2089 • The total design capacity of any new facilities that will become  
2090 available concurrent with the impact of the development. The capacity  
2091 of new facilities may be counted only if one or more of the following  
2092 can be demonstrated:  
2093

2094 (A) For water, sewer, solid waste and drainage:

- 2095  
2096 (1) The necessary facilities are in place and available at the  
2097 time a certificate of occupancy is issued, or

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- (2) Such approval is issued subject to the condition that the necessary facilities will be in place and available when the impacts of development occur, or
- (3) The new facilities are guaranteed in an enforceable development agreement to be in place when the impacts of development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes (the Development of Regional Impact authorization).

(B) For recreation:

- (1) Paragraphs (1)-(3) under (A) above except that construction may begin up to one year after issuance of a certificate of occupancy.
- (2) The new facilities are the subject of a binding executed contract for the construction of facilities to be completed within one year of the time the certificate of occupancy is issued, or
- (3) A development agreement as outlined in (4) above but requiring construction to begin within one year of certificate of occupancy issuance.

(C) For traffic:

- (1) Paragraphs (A) (1) through (4) or (B) (2) above except that construction can begin up to three years after the approval date.
- (2) No modification of public facility level-of-service standards established by this plan shall be made except by a duly enacted amendment to this plan.

Subtracting from that number the sum of:

- Existing volumes or flows; plus
- "Committed" volumes or flows from approved projects that are not yet constructed; plus

- The demand that will be created by the proposed project, i.e., site plan, plat or other development order.

In the case of water, sewers, solid waste and recreation, the formulas must reflect the latest population vis a vis flows or park acreage.

Design capacity shall be determined as follows:

Sewage: the capacity of the County sewage treatment system.

Water: the capacity of the County water treatment and storage system.

Solid Waste: the capacity of the County disposal system.

Drainage: The on-site detention capability and/or storm sewer capacity.

Roadways: The standard for measuring highway capacities shall be the Florida DOT Table of Generalized Two-Way Peak Hour Volumes for Urbanized Areas or other techniques that are compatible to the maximum extent feasible with FDOT standards and guidelines. The measurement of capacity may also be determined by engineering studies provided that analysis techniques are technically sound and acceptable to the Village engineer.

Recreation: Measurement shall be based on recreation data in the Comprehensive Plan plus the latest Village population estimate with any necessary interpretation provided by the Village manager or designee thereof.

Transit: The County Transit Agency bus schedules for routes within the Village.

~~2. Measuring Conformance with the Level of Service for Public School Facilities:~~

~~(A) Necessary public school facilities must be in place or under actual construction within three years after issuance of final subdivision or site plan approval, or the functional equivalent.~~

~~In the event the adopted Level of Service standard of the Miami-Dade County Public Schools established Concurrency Service Area cannot be met as a result of a proposed development's impact, the development may proceed provided at least one of the following conditions is met:~~

~~a. The development's impact can be shifted to one or more contiguous CSAs that have available capacity and is located, either in whole or in part, within the same Geographic Areas (Northwest, Northeast, Southwest, Southeast, see Figure 1A through 1D) as the proposed development; or~~

~~b. The developments' impact is mitigated, proportionate to the demand~~

for public schools it created, through a combination of one or more appropriate proportionate share mitigation options, as defined in Section 163.3180(13)(e)1, Florida Statutes. The intent of these options is to provide for the mitigation of residential development impacts on public school facilities, guaranteed by a legal binding agreement, through mechanisms that include, one or more of the following:

a. Contribution of land;

b. The construction, expansion, or payment for land acquisition or construction of a permanent public school facility; or

c. The creation of a mitigation bank based on the construction of a permanent public school facility in exchange for the right to sell capacity credits.

The legally binding proportionate share mitigation agreement is subject to the approval of Miami Dade County School Board and the Village and must be identified in the Miami Dade County Public School Facilities Work Program.

e. The development's impacts are phased to occur when sufficient capacity will be available.

### 3.2. Concurrency Monitoring System

The manager or designee thereof shall be responsible for monitoring facility capacities and development activity to ensure that the concurrency management system database is kept current, i.e., includes all existing and committed development. This database shall be used to systematically update the formulas used to assess projects. An annual report shall be prepared.

### 4.3. Capacity Reservation

Any development permit application which includes a specific plan for development, including densities and intensities, shall require a concurrency review. Compliance will be finally calculated and capacity reserved at time of final action of an approved final Design Review approval or building permit if no Design Review is required or enforceable developers agreement. ~~Phasing of development is authorized in accordance with Rule 9J-5.0055.~~ Applications for development permits shall be chronologically logged upon approval to determine rights to available capacity. A capacity reservation shall be valid for a time to be specified in the land development code; if construction is not initiated during this period, the reservation shall be terminated.

2236 4. *Administration*

2237  
2238 The Village manager (or designee thereof) shall be responsible for concurrency  
2239 management. The land development code shall specify administrative procedures,  
2240 including an appeals mechanism, exemptions, plan modifications, burden of proof,  
2241 etc.  
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2243 5. *Project Impact or Demand Measurement*

2244  
2245 The concurrency management user's procedural guide (a supplement to the land  
2246 development code) will contain the formulas for calculating compliance plus tables  
2247 which provide generation rates for water use, sewer use, solid waste and traffic, by  
2248 land use category. Alternative methods acceptable to the Village manager or  
2249 designee thereof may also be used by the applicant. For example, traffic generation  
2250 may be based upon the Institute of Transportation Engineer's "Trip Generation"  
2251 manual.  
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2253 **Policy 1.4.2**

2254  
2255 The Village shall adopt and maintain a five-year Capital Improvements Plan.  
2256

2257 **Policy 1.4.3**

2258  
2259 The Village shall seek to ensure that the Capital Improvements Element (CIE) of  
2260 the Comprehensive Plan is financially feasible.  
2261

2262 **Policy 1.4.4**

2263  
2264 The Village shall establish criteria to prioritize and update projects within the five-  
2265 year Capital Improvements Plan to achieve and maintain adopted level-of-service  
2266 standards.  
2267

2268 **Objective 1.5 Funding Capital Improvements**

9J-5.016-(3)-(b)-5

2269  
2270 *The land development code concurrency management system shall reflect both the*  
2271 *existing approved Development of Regional Impact development orders; this system*  
2272 *shall operate in concert with the capital improvement program, recreation impact*  
2273 *fee and drainage utility to assure the funding and provision of needed capital*  
2274 *improvements. See policies for measurability.*  
2275

2276 **Policy 1.5.1**

9J-5.016-(3)-(c)-5

2277  
2278 The concurrency management system formulas shall include the public facility  
2279 demands to be created by the two DRI projects (Continental, and Key Biscayne  
2280 Hotel and Villas) as "committed" and the capital improvement schedule shall  
2281 include the project implications of this committed demand to assure concurrency,  
2282 so long as either of these development orders is in effect.

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**Policy 1.5.2** ~~9J-5.016 (3) (e) 8~~

No later than December 31, 1994, the Village shall explore a recreation impact fee that would apply to all new development in order to help fund acquisition and improvements.

**Policy 1.5.3** ~~9J-5.017 (3) (b) 4 and (e) 8~~

The Village shall not give development approval to any new construction, redevelopment or renovation project which creates a need for new or expanded public capital improvement unless the project pays a proportional share of the costs of these improvements following legally prescribed criteria for such fees.

**Policy 1.5.4**

The capital improvements associated with the construction of educational facilities are the responsibility of the Miami-Dade County Public Schools. To address financial feasibility associated with public school concurrency, the Miami-Dade County Public School Facilities Work Program for educational facilities will be incorporated by reference into the Capital Improvements Element.

**Policy 1.5.5**

The Village shall coordinate with the Miami-Dade County Public Schools, to annually update its Facilities Work Program to include existing and anticipated facilities for both the 5-year and long-term planning periods, and to ensure that the adopted level of service standard, including interim standards, will continue to be achieved and maintained. Miami-Dade County, through its annual update to the Capital Improvements Schedule, will incorporate by reference the latest adopted Miami-Dade County Public Schools Facilities Work Program for educational facilities. Miami-Dade County and the Miami-Dade County Public Schools will coordinate their planning efforts prior to and during the Miami-Dade County Comprehensive Development Master Plan Amendment process and during updates to the Miami-Dade County Public Schools Facilities Work Program.

**Policy 1.5.6**

Those capital improvements for educational facilities, as listed in the 2011-2012 through 2015-2016 Miami-Dade County Public Schools Facilities Work Program dated September 2007 and adopted by the Miami-Dade School Board, are incorporated by reference into the Capital Improvements Element.

**CAPITAL IMPROVEMENT ELEMENT  
IMPLEMENTATION SYSTEMS**

~~9J-5.016 (4) (a)~~

**A. Five-Year Schedule of Capital Improvements**

~~9J-5.016 (4) (a) 1 and 2~~

See schedule on page 41.

**B. Other Programs**

~~9J-5.016 (4) (b)~~

The other principal programs needed to implement this Element are as follows:

1. An annual capital programming and budgeting process beginning no later than July 1995 and including use of the project selection criteria contained in Policy 1.1.3; related thereto will be the annual review of this Element.
2. Completion of a master drainage plan and final approval of a drainage utility funding mechanism.
3. Preliminary financial and engineering feasibility exploration of extending sewers to the unsewered areas.
4. Amendments to the existing land development code to assure conformance to the "concurrency" requirements relative to development orders, levels of service and public facility timing as outlined in C below.
5. Exploration of park impact fees.
6. Evaluate the need for and efficacy of financing mechanism to pay for beach renourishment and dune development.

**C. Monitoring and Evaluation**

~~9J-5.016 (5)~~

The Village Manager or designee shall annually prepare a status report on this Capital Improvement Element for submittal to the Village Council. The primary purpose is to update the five-year schedule including the basis for the next year's capital budget. The project evaluation criteria shall be used in the project list review and special attention shall be devoted to maintenance of the level of service standards. This entire evaluation process shall be integrated into the Village's annual budget process.

**D. Concurrency Management**

~~9J-5.016 (4) (b) and 9J-5.0055~~

Concurrency management shall be implemented as articulated in Land Use Element Policy 2.14 and Capital Improvement Element Policy 1.4.1.

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**MONITORING, UPDATING AND EVALUATION  
PROCEDURES, 1994-1998**

9J-5.005-(7)

**1. Annual Monitoring:**

In conjunction with one of the plan amendment cycles, the Local Planning Agency shall annually conduct a public workshop on the Master Plan. A status report shall be provided by the Village Manager or designee and then citizen comment shall be solicited. This meeting shall be publicized by a legal notice in the newspaper plus efforts to have a news story in the Islander and flyer announcements at Village Hall. The LPA will then submit a report on the status of the Plan to the Village Council. This report may be accompanied by recommended amendments, using the normal amendment process.

**2. Five-Year Evaluation and Appraisal Report (EAR):**

In early 1999, the Village Manager or designee shall prepare a Five-Year Evaluation and Appraisal Report in conformance with statutory requirements and with special emphasis on the extent to which the 1993 Master Plan objectives and policies have been achieved. The report will pinpoint obstacles to plan implementation and update baseline data.

**3. Revised Objectives and Policies:**

As a part of this EAR process, amendments to the goals, measurable objectives and policies based upon the above review, focusing on the 1999-2004 period but also including longer term objectives. The citizen participation procedures used in preparing the 1993 Master Plan (plus any future modifications thereto) shall be used in amending the Plan.

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**IX. PUBLIC SCHOOL FACILITIES ELEMENT**

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**GOAL 1**

**DEVELOP, OPERATE, AND MAINTAIN A SYSTEM OF PUBLIC EDUCATION BY MIAMI-DADE COUNTY PUBLIC SCHOOLS, IN COOPERATION WITH THE COUNTY AND OTHER APPROPRIATE GOVERNMENTAL AGENCIES, WHICH WILL STRIVE TO IMPROVE THE QUALITY AND QUANTITY OF PUBLIC EDUCATIONAL FACILITIES AVAILABLE TO THE CITIZENRY OF THE VILLAGE AND OTHER LOCAL GOVERNMENTS WITHIN THE COUNTY.**

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**Policy 1.2.6**

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Pursuant to Chapter 163, Florida Statutes, the 2011-2012 through 2015-2016 Miami-Dade County Public Schools ~~5-Year District~~ Facilities Work Program, developed by Miami-Dade Public Schools and adopted by the Miami-Dade County School Board on September 5, 2007, is incorporated by reference into the Village's Capital Improvement Plan, as applicable. The Village shall coordinate with Miami-Dade County Public Schools to annually update its Facilities Wok Program and/or concurrency service area maps to include existing and anticipated facilities for both the 5-year and long-term planning periods, and to ensure that the adopted level of service standard will continue to be achieved and maintained. The Village, through its annual updates of the 5-year Capital Improvements Element and Program, will incorporate by reference the latest adopted Miami-Dade County Public Schools Facilities Work Program for educational facilities. The Village, Miami-Dade County Public School, and other local governments will coordinate their planning efforts prior to and during the Village's Comprehensive Land Use Plan amendment process, and during updates to the Miami-Dade County Public Schools Facilities Work Program. The Miami-Dade County Public Schools Facilities Work Program will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.

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**Objective 1.5**

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*The School Board, the Village, and other appropriate jurisdictions shall ~~establish and implement mechanisms for~~ maintain on-going coordination and communication to ensure the adequate provision of public educational facilities.*

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**Objective 1.6**

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*Miami-Dade County Public Schools, in conjunction with the Village and other appropriate agencies, will strive to improve security and safety for students and staff.*

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**Policy 1.6.1**

Continue to cooperate with the Miami-Dade County Public Schools to develop and/or implement programs and policies designed to reduce the incidence of violence, weapons and vandalism on school campuses. Encourage the design of facilities, which do not encourage criminal behavior and provide clear sight lines from the street.

**Policy 1.6.2**

Continue to cooperate with the Miami-Dade County Public Schools to develop and/or implement programs and policies designed to reduce the number of incidents related to hazardous conditions as reported by the Environmental Protection Agency (EPA), the fire marshal, the State Department of Education (DOE), and other appropriate sources.

**Policy 1.6.3**

Continue to cooperate with the Miami-Dade County Public Schools to provide for the availability of alternative programs for at-risk students at appropriate public educational facilities.

**Policy 1.6.4**

Coordinate with the Miami-Dade County Public Schools and the County to provide for pedestrian and traffic safety in the area of schools, and signalization for educational facilities.

**X. PROPERTY RIGHTS ELEMENT**

**GOAL 1 RESPECT PROPERTY RIGHTS AND PEOPLE'S RIGHTS TO PARTICIPATE IN DECISIONS THAT AFFECT THEIR LIVES AND PROPERTY IN THE VILLAGE'S PLANNING AND DEVELOPMENT DECISIONS.**

**Objective 1.1**

*The Village will respect judicially acknowledged and constitutionally protected private property rights.*

**Policy 1.1.1.**

*Consider the right of a property owner to physically possess and control their interests in the property, including easements, leases, or mineral rights.*

**Policy 1.1.2.**

*Consider the right of a property owner to use, maintain, develop, and improve their property for personal use or another person's use, subject to state law and local ordinances.*

**Policy 1.1.3.**

*Consider the right of the property owner to privacy and to exclude others from the property to protect their possessions and property.*

**Policy 1.1.4.**

*Consider the right of a property owner to sell or gift their property.*

**Policy 1.1.5.**

*Adhere to the rule of law in making land use decisions, whether legislative, administrative, or quasi-judicial.*

**Objective 1.2.**

*Provide transparency in the decision-making processes and procedures so that all people may reasonably participate in decisions that affect their lives and property.*

**Policy 1.2.1.**

*Allow public participation from any affected person, as is consistent with controlling law, and be a party to a hearing on any land use decision.*

**Policy 1.2.2.**

2507 Allow public participation from the general public which may not have true legal  
2508 standing under controlling law.

2509 **Policy 1.2.3.**

2510 Respond to true and accurate information when making any planning and  
2511 development decisions and provide every affected person an opportunity to be  
2512 heard, to present, and rebut evidence and be informed of all information on  
2513 which the Village bases its decision as required under controlling Florida law.

2514 **Policy 1.2.4.**

2515 Provide public notice as required by controlling law and shall adhere to a policy  
2516 of open meetings and freedom to review and copy public records.

2517 **Policy 1.2.5.**

2518 Allow every affected person the opportunity to participate early and throughout  
2519 the decision-making process.

2520 **Policy 1.2.6.**

2521 The Village will not grant any affected person a greater opportunity to be heard  
2522 than another affected party during a public hearing process.

2523  
2524 **Objective 1.3.**

2525 Provide planning processes that are reliable and predictable to support sound  
2526 land development regulations that promote long-term investments in the  
2527 community.

2528 **Policy 1.3.1.**

2529 Respect the right of people, including elected and appointed officials, citizens,  
2530 and property owners, to fairly evaluate proposed decisions relating to real  
2531 property.

2532 **Policy 1.3.2.**

2533 Ensure that public meetings and public hearings afford the right to participation  
2534 by the public as a general matter and afford administrative due process about  
2535 matters that are decided during quasi-judicial hearing processes and procedures.  
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