



VILLAGE OF KEY BISCAYNE

Village Council

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

LOCAL PLANNING AGENCY MEETING

TUESDAY, MAY 13, 2025
6:15 PM

1. CALL TO ORDER/ROLL CALL OF MEMBERS

2. APPROVAL OF MINUTES:

2.A. MARCH 18, 2025 MINUTES
(LOCAL PLANNING AGENCY MEETING)

[TAB 1](#)

3. PUBLIC COMMENTS:

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

4. ORDINANCES:

4.A.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-11, "DEFINITIONS," AND ARTICLE VIII, "SIGNS," OF CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES RELATING TO DEFINITIONS, NON-COMMERCIAL STRUCTURAL SYMBOLS, AND MONUMENT SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION;

PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
(BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS
GAUGER)

TAB 2

4.B.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES, BY CREATING SECTION 30-62, TO ESTABLISH AN ADVISORY BOARD TO REVIEW REGULATORY VARIANCES; AMENDING SECTION 30-63, "VARIANCE PROCEDURES," AND SECTION 30-66 "REGULATORY VARIANCES," RELATING TO THE ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (COUNCILMEMBER STONER)

TAB 3

5. ADJOURNMENT

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

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

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

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

THE ABOVE MEETINGS ARE HELD IN THE COUNCIL CHAMBER, 560 CRANDON BOULEVARD AND ARE SUBJECT TO CHANGE. ZONING MEETINGS AND SPECIAL

COUNCIL MEETINGS WILL BE SCHEDULED ON AN AS NEEDED BASIS. PLEASE VISIT www.keybiscayne.fl.gov TO VIEW THE MEETING SCHEDULE.

MINUTES

LOCAL PLANNING AGENCY
KEY BISCAVNE, FLORIDA

TUESDAY, MARCH 18, 2025

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Chairman at 6:18 p.m. Present were Councilmembers Michael F. Bracken, Franklin H. Caplan, Nancy Stoner, Vice Mayor Oscar Sardiñas, and Chairman Joe I. Rasco. Councilmembers Edward London and Fernando A. Vazquez were absent. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch, and Village Attorney Chad Friedman.

2. **APPROVAL OF MINUTES:** Councilmember Caplan made a motion to approve the minutes of the January 14, 2025 Local Planning Agency Meeting. The motion was seconded by Councilmember Bracken and approved by a 4-0 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, Stoner, and Chairman Rasco voting Yes. Vice Mayor Sardiñas was out of the room at the time the vote was taken.

3. **PUBLIC COMMENTS:** There were no residents that addressed the Council.

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 CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-191, "PROHIBITED SIGNS," AND SECTION 30-195, "NONRESIDENTIAL DISTRICT SIGNS," TO PERMIT MONUMENT SIGNS IN THE C-1 LOW INTENSITY COMMERCIAL DISTRICT AND THE INSTITUTIONAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

Councilmember 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 Vice Mayor Sardiñas.

The Attorney addressed the Council regarding public comments for the above ordinance.

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

5. **ADJOURNMENT:** The meeting was adjourned at 6:20 p.m.

Respectfully submitted:

Jocelyn B. Koch
Village Clerk

Approved this _____ day of _____ 2025:

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 BISCAIYNE

MEMORANDUM

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

Village Manager
Steven C. Williamson

DATE: May 13, 2025

TO: Honorable Mayor and Councilmembers

FROM: Steven C. Williamson, Village Manager

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

RE: Zoning and Land Development Regulation Amendment Regarding Institutional District Monument Signs

RECOMMENDATION

Recommend the Village Council approve an Ordinance which will allow improvements to new and existing, stand-alone monument signs in Institutional District as well as create a new category of non-commercial structural symbols which may be installed in the Institutional District with certain limitations.

BACKGROUND

On March 9, 1993, the Village of Key Biscayne adopted a Sign Code to regulate signage within the border of the Village. (Ordinance 93-4) which allowed monument signs for multi-family dwellings with certain conditions. This ordinance called for Nonconformities created by subsequent amendments to be completely removed within 5 years. Per the definitions of the original ordinance, non-commercial symbols were signs and were thus prohibited.

On 12th of October 2010, the Village of Key Biscayne modified the Sign Code and added monument signs to the list of prohibited signs.

Per provisions of the original Sign Ordinance, monument signs should have been removed by October of 2015. The Village did not enforce the provision of the code that requires removal of monument signs in the Institutional district.

Rather than enforce the existing ordinance and force the removal of signs, staff proposes modifying the ordinance to allow monument signs under certain circumstances and with restrictions which should ensure architectural and aesthetic compatibility. Additionally, staff proposes to create a new category for non-commercial symbols. Enforcement will begin two years after adoption.



VILLAGE OF KEY BISCAINE

REVIEW CRITERIA

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

Criteria 1	The proposed amendment is consistent with the Comprehensive Plan.
Analysis	Goal 1 regarding community character. Shall limited (sic) signs to the minimum amount consistent with reasonable identification of retail and other non-residential uses. The changes proposed are consistent with the intent and purpose of the goals, objectives, and policies stated on the Village of Key Biscayne's Master Plan (Comprehensive Plan).
Finding	Consistent
Criteria 2	The proposed change will result in Buildings that are consistent in scale and otherwise compatible with those within 300 feet of the site.
Analysis	This ordinance limits improvements to signs and symbols which will not allow for expansion of monument signs but allows improvements to existing signs which will maintain consistent with buildings in the proximity.
Finding	Consistent
Criteria 3	The resulting boundaries of a zoning district are logically drawn.
Analysis	The changed regulations apply only to institutional districts.
Finding	Consistent
Criteria 4	The proposed change will enhance property values in the Village.
Analysis	This ordinance allows existing signs to be repaired and substantially improved which will enhance the value of those properties and improve aesthetics overall in the Village.
Finding	Consistent



VILLAGE OF KEY BISCAINE

Criteria 5	The proposed change will enhance the quality of life in the Village.
Analysis	Improvements and repairs to existing signs will enhance the quality of life.
Finding	Consistent
Criteria 6	There are substantial and compelling reasons why the proposed change is in the best interests of the Village.
Analysis	A number of existing signs have not been repaired due to previous ordinances. Furthermore, it is desirable to create regulations which are consistently enforced and create the desired aesthetics and characteristics of the Village.
Finding	Consistent

ADVANTAGES AND DISADVANTAGES

Advantages

- Will allow existing aging signs to be repaired or replaced.
- New signs will be of a more consistent size and character.
- Will allow Institutional buildings which have larger setbacks to have presence on the street.

Disadvantages

- Will perpetuate a sign type which was previously limited.
- Will cause an expense if the property owner wishes to continue to have a monument sign and must update a sign to come into compliance.

CONCLUSION

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

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING SECTION 30-11, "DEFINITIONS," AND ARTICLE VIII, "SIGNS," OF CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES RELATING TO DEFINITIONS, NON-COMMERCIAL STRUCTURAL SYMBOLS, AND MONUMENT SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne (the "Village") has adopted regulations regulating signage within the Village under Article VIII of Chapter 30 of the Village Code of Ordinances (the "Code"); and

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

WHEREAS, the Village Council desires to amend Article VIII, "Signs," of the Village Code relating to regulations governing monument signs and non-commercial structural symbols in the Institutional Zoning District and related changes to Section 30-11, "Definitions," of the Village Code; and

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

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

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

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

Section 2. **Amending Chapter 30 of the Village Code.** That Chapter 30, "Zoning and Land Development Regulations," of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

* * *

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

ARTICLE II. – DEFINITIONS

* * *

Section 30-11. - Definitions.

As used in this chapter, the following words and terms shall have the meanings respectively ascribed:

* * *

Non-Commercial Structural Symbol. A freestanding structure that is a non-commercial symbol and which is permanently affixed to the ground.

* * *

Sign, Monument. A freestanding Sign that is a self-supported structure permanently affixed to the ground with a concealed means of support with a maximum height of eight feet. Monument signs shall be an integral and complementary element of the overall architectural and streetscape composition and shall be integrated with the building and landscape design.

* * *

Structure. Anything constructed or Erected, which requires location on the ground or attached to something having a location on the ground.

* * *

ARTICLE VIII. – SIGNS

* * *

Section 30-195. - Nonresidential district Signs.

The following Signs are authorized in all nonresidential districts in the Village:

* * *

(8) *Monument Signs.* Monument signs shall be permitted only in the C-1 Low Intensity Commercial District and the Institutional District, subject to the following restrictions:

Location	Allowed within front setback area when the front setback exceeds 10 feet.
Number	One per property in the C-1 Low Intensity Commercial District <u>and the Institutional District.</u>
Area (maximum)	25 square feet
Height (maximum)	Five feet
Illumination	See definition of Reverse Channel Wall Sign

* * *

Section 30-202. – Non-Commercial Structural Symbols.

Non-Commercial Structural Symbols are permitted within the Institutional District, subject to the following regulations:

<u>Size</u>	<u>Faces visible from public rights-of-way for all Non-Commercial Structural Symbols on a property shall not exceed 25 square feet in the aggregate.</u>
<u>Maximum Height</u>	<u>Ten feet as measured from the Established Grade to the highest point of the structure.</u>
<u>Illumination</u>	<u>Externally or internally illuminated in accordance with Section 30-197(b)(6).</u>
<u>Setbacks</u>	
<u>Front</u>	<u>5 ft.</u>
<u>Side</u>	<u>10 ft.</u>
<u>Rear</u>	<u>5 ft.</u>
<u>Special Conditions</u>	<u>Any letter, figure, character, mark, logo, stroke, stripe, trademark, or reading matter other than a symbol is permissible provided that the total area of such matter does not exceed 10% of the surface area of the Non-Commercial Structural Symbol.</u>

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining

sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

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

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading. Notwithstanding the foregoing, pursuant to Section 30-199, the Village Manager shall conduct a public education campaign relating to this Ordinance and commence amortization enforcement of this Ordinance against nonconforming monument signs Institutional District two years after adoption on second reading.

PASSED on first reading on the _____ day of _____, 2025.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2025.

JOE I. RASCO
MAYOR

ATTEST:

JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

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

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, “ZONING AND LAND DEVELOPMENT REGULATIONS,” OF THE VILLAGE CODE OF ORDINANCES, BY CREATING SECTION 30-62, TO ESTABLISH AN ADVISORY BOARD TO REVIEW REGULATORY VARIANCES; AMENDING SECTION 30-63, “VARIANCE PROCEDURES,” AND SECTION 30-66 “REGULATORY VARIANCES,” RELATING TO THE ADVISORY BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the “Village”) has adopted regulations for variance requests under Article IV of Chapter 30 of the Zoning and Land Development Regulations of the Village (the “Zoning Code”); and

WHEREAS, Section 30-66, “Regulator Variances,” of the Zoning Code provides that the Village Council shall have jurisdiction regarding the disposition of Regulatory Variances and establishes procedures for the processing of applications for such variances; and

WHEREAS, the Village Council desires to establish an advisory board to review and provide recommendations on Regulatory Variances prior to consideration by the Village Council; and

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

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

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

Section 2. **Creating Sections 30-62 of the Village Code.** That Section 30-62, of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

ARTICLE IV. – ADMINISTRATION OF THE ZONING ORDINANCE

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

Section 30-62. - ~~Reserved.~~ Review of Regulatory Variances by Advisory Board.

(a) Creation, composition and qualifications.

- (1) In accordance with Section 2-10, there is hereby created and established an advisory board for the review of Regulatory Variances (the "Board"). The Board shall be composed of five (5) members appointed by the Mayor, with the approval of the Village Council, pursuant to Section 2.02 of the Village Charter.
- (2) All members of the Board shall be residents of the Village, and if a Board member ceases to reside within the Village limits during his or her term of service, the Board member shall be deemed to have resigned as of the date of his or her change of residence from the Village. To the extent practicable, the Board shall be composed of at least one (1) member who is a registered architect or individuals with experience or professional credentials in land use, planning, urban design, or related fields requiring specialized expertise.
- (3) Each member of the Board shall serve at the pleasure of the Village Council as provided by Section 2-10.
- (4) Each member of the Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.
- (5) In the event of the resignation or removal of any member of the Board, the Mayor shall appoint a person to fill the vacancy on the Board for the unexpired portion of the term of the member vacating such office, subject to approval of the Village Council.

(b) Term of Office. Members shall be appointed for a term of up to two (2) years. Members may be reappointed to additional terms of office by the Mayor for a maximum of eight years, subject to Village Council approval.

(c) Advisory Capacity; Standards of conduct. The powers and duties of the Board shall be solely of an advisory nature to the Village Council. Accordingly, Board members shall comply with the applicable requirements of the Code of Ethics for Public Officers and Employees as provided in Part III of Chapter 112, Florida Statutes, and any other standards of conduct set by federal, state, county, Village or other applicable law.

(d) Rules of Procedure; other requirements.

- (1) The Board may adopt rules of procedure as authorized by Section 2-10(k). In the absence of such rules of procedure, the fundamental parliamentary procedures of Roberts Rules of Order shall apply, subject to the provisions of Section 2-10.
- (2) During the first meeting of the Board, the members shall elect one of their members to act as Chairperson, Vice-Chairperson and Secretary.

(3) The Board shall be subject to and shall comply with the applicable provisions of Section 2-10.

(4) The Board shall not be required to submit an annual report to the Village Council.

(e) *Jurisdiction and Dissolution.*

(1) The Board shall review all applications for Regulatory Variances submitted pursuant to this Article and provide recommendations to the Village Council. The jurisdiction of the Board shall be solely advisory.

(2) The Board shall continue to exist until such time as the Board is dissolved by an ordinance adopted by the Village Council.

(f) *Procedures for Review of Regulatory Variances by the Board.*

(1) *Public notice and hearing requirements.* Upon receipt of a complete application, the Village Clerk shall schedule a public hearing before the Board pursuant to the procedures set forth in Section 30-68. All hearings of the Board shall be open to the public. Interested persons may appear and be heard in person or through counsel and may also submit written comments prior to the hearing.

(2) *Recommendation.* The Board shall consider the application and all public testimony and written comments received. The Board shall review the variance application in accordance with the criteria provided in Section 30-63 and shall recommend approval, approval with conditions, or denial of the application.

(3) *Transmittal to Council.* The recommendation of the Board shall be transmitted to the Village Council and included in the agenda materials for the Village Council's public hearing on the application pursuant to the procedures set forth in Section 30-66.

(4) *Quorum and Vote.* A majority of the voting members of the Board shall constitute a quorum. A recommendation shall require the affirmative vote of a majority of those members present and voting.

Section 3. Amending Section 30-63, "Variance Procedures," of the Village Code.

That Section 30-63, "Variance Procedures," of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

ARTICLE IV. – ADMINISTRATION OF THE ZONING ORDINANCE

Section 30-63. – Variance Procedures.

(f) ~~Building, Zoning and Planning Director~~ Recommendations for Variance applications. The Director of the Building, Zoning and Planning Department shall provide the Village Council with a recommendation for each application that is considered by the Council. For Regulatory Variances, the Board shall provide the Village Council with a recommendation in accordance with the procedures set forth in Section 30-62.

Section 4. Amending Section 30-66, “Regulatory Variances,” of the Village Code.
That Section 30-66, “Regulatory Variances,” of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

ARTICLE IV. – ADMINISTRATION OF THE ZONING ORDINANCE

Sec. 30-66. Regulatory Variances.

The Village Council shall have final jurisdiction regarding the disposition of Regulatory Variances. Pursuant to Section 30-62, the Board shall conduct a public hearing and provide a recommendation to the Village Council prior to the Village Council’s public hearing. The following procedures shall be used in the processing of applications for Regulatory Variances.

- (1) *Application forms.* The Building, Zoning, and Planning Department shall have the responsibility of assisting applicants in the filing of applications for Regulatory Variances.
- (2) *Public notice and hearing requirements.* A public hearing before the Board shall be scheduled in accordance with the procedures set forth in Section 30-62. After the Board issues its recommendation, the Village Clerk shall schedule a public hearing before the Village Council pursuant to the procedures set forth in section 30-68. An application for a Regulatory Variance requires one public hearing before the Village Council. All public hearings and meetings of the Council with regard to a Regulatory Variance are open to the general public. Interested parties shall have the right to appear at any meeting or public hearing, personally or by an attorney, and have the right to object or to express favor before the Council. Any interested Person may file their objection or approval In Writing prior to the time the Council makes a decision on the application.
- (3) *Vote.* Except as provided for in the Village Charter, a majority vote of the members of the Council in attendance is required to deny, approve or approve a request with conditions. Violations of the conditions shall be deemed to be a violation of this article.
- (4) *Modification of conditions.* Should the applicant request to modify any condition, said request must be approved by the Village Council. Public notice shall be the same as that which was required for the original request.

- (5) *Resolution.* The Village Council shall memorialize its decision in the form of a resolution or development order. The resolution or development order shall be recorded in the public records of Miami-Dade County and be considered as a covenant running with the land. No building permit, certificate of occupancy, certificate of use, or Local Business Tax Receipt shall be issued until the applicant provides evidence of the recordation. A copy of the proof of recordation shall be submitted to the Building, Zoning, and Planning Department prior to the issuance of any building permits.
- (6) *Conditions.* The Village Council may stipulate reasonable conditions and requirements in granting any application for a Regulatory Variance, when it is found by the Village Council to be necessary to further the purpose of the zoning district or compatibility with the surrounding neighborhood.
- (7) *Appeals.* Judicial review of a decision made by the Village Council shall be to a court of competent jurisdiction.

Section 5. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

PASSED on first reading on the _____ day of _____, 2025.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2025.

JOE I. RASCO
MAYOR

ATTEST:

JOCELYN B. KOCH

VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

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