



# VILLAGE OF KEY BISCAIYNE

*Village Council*

Michael W. Davey, Mayor  
Brett G. Moss, Vice Mayor  
Franklin H. Caplan  
Luis Lauredo  
Edward London  
Allison McCormick  
Ignacio J. Segurola

LOCAL PLANNING AGENCY MEETING  
WEDNESDAY, AUGUST 24, 2022  
5:45 PM

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF MINUTES:**

- 3.A. FEBRUARY 8, 2022 MINUTES  
(LOCAL PLANNING AGENCY)

TAB 1

**4. ORDINANCES:**

- 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)

RECOMMENDATION: Approval

TAB 2

- 4.B. AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, **AMENDING SECTION 30-197 OF ARTICLE VIII, SIGNS, OF CHAPTER 30 OF THE VILLAGE CODE OF ORDINANCES RELATING TO THE PLACEMENT OF**

**SIGNS ON DECORATIVE ARCHITECTURAL FEATURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)**

RECOMMENDATION: Approval

TAB 3

- 4.C. **AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-112 "SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS," RELATING TO OUTDOOR DINING REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)**

RECOMMENDATION: Approval

TAB 4

- 4.D. **AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING CHAPTER 30, ZONING AND LAND DEVELOPMENT REGULATIONS OF THE VILLAGE CODE OF ORDINANCES, BY COMPREHENSIVELY AMENDING, CREATING, AND UPDATING REGULATIONS RELATING TO BICYCLE AND GOLF CART REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)**

RECOMMENDATION: Approval

TAB 5

## 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 BISCAIYNE, 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 BISCAAYNE, FLORIDA

TUESDAY, FEBRUARY 8, 2022

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 5:45 p.m. Present were Councilmembers Franklin H. Caplan, Luis Lauredo, Edward London (arrived at 5:47 p.m.), Allison McCormick, Ignacio Segurola, Vice Mayor Brett G. Moss and Mayor Michael W. Davey. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch and Village Attorney Chad Friedman.
2. **PLEDGE OF ALLEGIANCE:** Mayor Davey led the Pledge of Allegiance.
3. **ORDINANCE:** A public hearing and recommendation of the Village Council sitting as the Local Planning Agency on the following proposed ordinances.

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAAYNE, FLORIDA, REZONING FROM VILLAGE RESIDENTIAL (VR) TO GOVERNMENT USE (GU) DISTRICT THAT CERTAIN PARCEL OF LAND LYING EAST OF HARBOR DRIVE BETWEEN WEST MCINTYRE STREET AND WEST ENID DRIVE, CONTAINING APPROXIMATELY 0.46 ACRES FOR THE HEREIN DESCRIBED PROPERTY OWNED BY THE VILLAGE OF KEY BISCAAYNE, LOCATED AT 571 AND 599 HARBOR DRIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time, Mayor Davey made a motion to defer the above ordinance. The motion was seconded by Vice Mayor Moss.

Councilmember Segurola addressed the Council requesting to defer with the amendment of



discussion. Mayor Davey accepted the amendment to the motion.

The motion, as amended, was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, Laredo, London, McCormick, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REZONING FROM VILLAGE RESIDENTIAL (VR) TO PUBLIC RECREATION AND OPEN SPACE (PROS) DISTRICT THAT CERTAIN PARCEL OF LAND LYING ON THE SOUTHEAST CORNER OF WEST HEATHER DRIVE AND HAMPTON LANE, CONTAINING APPROXIMATELY 0.19 ACRES FOR THE HEREIN DESCRIBED PROPERTY OWNED BY THE VILLAGE OF KEY BISCAYNE, LOCATED AT 401 HAMPTON LANE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

The Manager addressed the Council stating that in order for the state grant to be approved, the property needs to be zoned either Government Use (GU) or Public Recreation and Open Space (PROS).

Building, Zoning and Planning Director Jeremy Calleros Gauger addressed the Council regarding the above ordinance.

There was extensive discussion from Council, the Attorney and Director Calleros Gauger regarding the above two ordinances, time limits and advisory opinions.

Councilmember Laredo made a motion to defer the above ordinance. The motion was seconded by Vice Mayor Moss and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Caplan, Laredo, London, McCormick, Segurola, Vice Mayor Moss and Mayor Davey voting Yes.

4. **ADJOURNMENT:** The meeting was adjourned at 6:02 p.m.

*Respectfully submitted:*

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*Jocelyn B. Koch*  
*Village Clerk*

*Approved this \_\_\_\_\_ day of \_\_\_\_\_ 2022:*

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*Michael W. Davey*  
*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

*Village Council*

**Michael W. Davey, Mayor**

**Brett Moss, Vice Mayor**

**Frank Caplan**

**Luis Lauredo**

**Edward London**

**Allison McCormick**

**Ignacio J. Segurola**

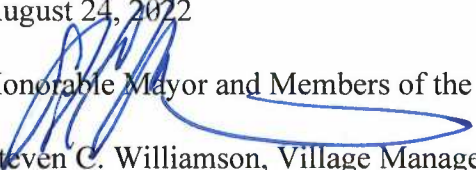
*Village Manager*

**Steven C. Williamson**

## MEMORANDUM

DATE: August 24, 2022

TO: Honorable Mayor and Members of the Village Council

FROM:  Steven C. Williamson, Village Manager

THRU: Jeremy Calleros Gauger, RA, LEED-AP  
Director, Building, Zoning, and Planning

RE: Evaluation and Appraisal Report (EAR) Based Amendments  
to the Comprehensive Plan (Master Plan)

### RECOMMENDATION

I recommend that Council approve the attached resolution regarding the adoption of the amended Evaluation and Appraisal Report (EAR) based amendments to the comprehensive plan also known as the Village of Key Biscayne's Master Plan.

### EXPLANATION

The Village cannot amend its comprehensive plan until such time as it complies with the Evaluation and Appraisal requirements per state statute.

Village administration 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. Adopting these proposed changes will bring the Village in compliance with state requirements which will allow future changes to the Master Plan.

### BACKGROUND

The Village of Key Biscayne Master Plan is the comprehensive plan providing principles, guidelines, standards, and strategies for orderly development of the community. While the comprehensive plan is not a statute, it provides a framework for zoning and other regulations. Zoning regulations, text amendments, and any changes to the Official Zoning Map must be consistent with the Master Plan.

The State of Florida through the Department of Economic Opportunity (DEO) requires periodic



## VILLAGE OF KEY BISCAIYNE

updates to the Master Plan. Required changes are specified in an Evaluation and Appraisal Report. The Village's previous Evaluation and Appraisal Report (EAR) was adopted by the Village Council on June 25, 2018 via Resolution No. 2018-30.

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 introduced last Year by the state legislatures when they modified Chapter 163.3177 of the Florida Statutes to add a Property Rights Element 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 Corradino Group prepared the EAR Report on behalf of the Village in order to come into compliance with statutes. The proposed changes are generally minimal and do not represent impactful changes in the principals or strategies of the Village.

### POTENTIAL FUTURE CHANGES

Staff intends to bring additional Master Plan amendments to Council including:

1. Formatting Amendments: The Master Plans layout and organization makes it difficult to use. We recommend reformatting and reorganizing the document while leaving text intact.
2. Resiliency related amendments: Master Plan amendments related to stormwater, sea-level rise, and storm-surge should be incorporated into the document in order to better influence zoning regulations and to better position the Village to win grants.
3. Future Land Use Element Amendments: Update data and analysis sections as well as updates to strategic approach.

ORDINANCE NO. 2022-\_\_\_\_\_

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 \_\_\_\_\_, 2022.

**PASSED AND ADOPTED** on second reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022

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MICHAEL W. DAVEY  
MAYOR

ATTEST:

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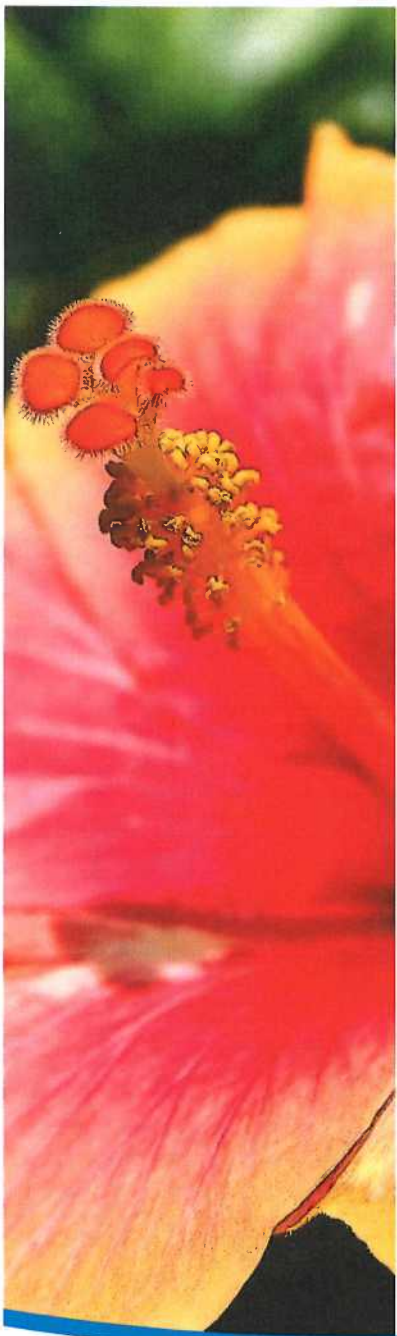
JOCELYN B. KOCH  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

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





Village of   
**KEY BISCAYNE**  
2018 Evaluation and Appraisal Report (EAR)  
of the Comprehensive Plan

Prepared By:  
**THE CORRADINO GROUP**





# KEY BISCAYNE

2018 Evaluation and Appraisal Report (EAR)  
of the Comprehensive Plan

## VILLAGE COUNCIL

Mayra P. Lindsay - Mayor  
Franklin H. Caplan - Vice Mayor  
Luis de la Cruz - Councilmember  
Gary R. Gross - Councilmember  
Allison McCormick - Councilmember  
Brett Moss - Councilmember  
Katie Petros - Councilmember

## VILLAGE ATTORNEYS

Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.A.

## VILLAGE MANAGER

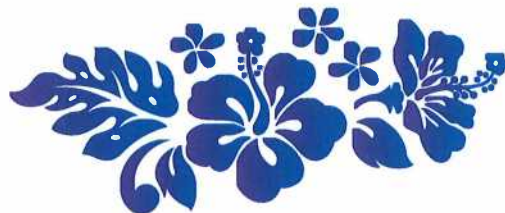
John C. Gilbert

## VILLAGE CLERK

Jennifer Medina, CMC

## VILLAGE HALL

88 West McIntyre Street  
Key Biscayne, FL 33149  
Tel: (305) 365-5512  
Fax: (305) 365-5556








Prepared By:

**THE CORRADINO GROUP**

4055 NW 97th Avenue • Doral, FL 33178  
(305) 594-0735 • Fax (305) 594-0755

[www.CORRADINO.com](http://www.CORRADINO.com)

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# EXECUTIVE SUMMARY

## Background

The Evaluation and Appraisal Report (EAR) is a periodic analysis of the goals, objectives, and policies set forth in the Village's Master Plan (comprehensive plan) required by State law. The State of Florida requires each city to produce an EAR every seven years. The Village's EAR is due to the State on July 1, 2018. The EAR evaluates each Element of the plan and suggest amendments to the plan. Once the EAR is submitted to the State and they accept, the Village has one year to complete the amendments.

### Task 1. Issue Scoping

This task consisted of three levels of outreach efforts to ensure multiple opportunities were sought to gain the most up-to-date and relevant information from which to analyze the plan and make recommendations for updates. The outreach meetings involved Village staff interviews, an open meeting where State, Regional and local planners were invited and to ensure all stakeholders had an opportunity to participate, a public workshop was held.

In order to fully understand the changes in local conditions, updated documents, reports and infrastructure improvements since the last time the comprehensive plan was updated, The Corradino Team met with Village staff to gather input on major issues including: transportation and traffic, resiliency planning, utilities, and many other topics. Meetings were held on April 11, 12 and 19<sup>th</sup> with the Directors of Parks & Recreation, Finance, Building, Zoning, Planning, Stormwater Utility and Sewer Departments. These meetings provided valuable input to ascertain how the Village has grown, how it has embraced new technologies, and what new issues are on the horizon that need to be faced in the near future.

In addition, on April 11<sup>th</sup> the Corradino Team gained input through an interagency scoping meeting with adjacent local jurisdictions and State, regional and county agencies. Representatives attended from Miami-Dade County RER; the South Florida Regional Planning Council; the Florida Department of Economic Opportunity. Additional input was received by email correspondence from agencies that were not available to participate. The purpose of the scoping meeting was to receive local agency input on the key issues that have been identified, identify additional issues that should be addressed, and collect local agency data to assist in the EAR development process. During the scoping meeting the discussion of comprehensive plan to identify areas where it is not in compliance with current State Law. Of the topics discussed, planning for resiliency and defending against flood events was of the highest importance to the State and Regional agencies.

A locally advertised Public Workshop was held the evening of April 26<sup>th</sup>. The workshop provided the public with an overview of the EAR process and purpose. A background and history of the comprehensive plan since it was first prepared when the Village incorporated. Four main topics were introduced to guide the discussion, seek further input and to open the conversation to other issues of importance to the public. The Workshop was successful in regards to the level of participation and engagement of attendees.

### Task 2. Preparation of the Evaluation and Appraisal Report

The issues identified in Task 1 were described, analyzed and utilized to inform the recommendations to the comprehensive plan. The report specifically addresses updated data and analysis for each of the elements. This includes updated population projections, land use data, transportation data, infrastructure and parks and recreation information. A comprehensive review of each element was completed in order to identify any successes, implemented and completed policies and achievements that have taken place since the previous EAR in 2008. Based on the review, each element contains specific recommendations for updates and amendments to address and comply with changes in state law, regional plans and programs, local conditions as well as the Village's vision for future achievements. The evaluation includes a matrix detailing the changes in Growth Management laws found in Florida Statutes, Chapter 163 since the plan was last reviewed in 2008. The matrix is organized by year, listing every change and how the change will or will not affect the Village comprehensive plan.





 **LETTER FROM THE PLANNING CONSULTANT TO THE STATE DEO**

June 1, 2018

Mr. Ray Eubanks  
Florida Department of Economic Opportunity  
Division of Community Planning  
107 East Madison Street  
Caldwell Building  
Tallahassee, Florida 32399-4120

**RE: Letter of Determination regarding the 2018 Evaluation  
of the Village of Key Biscayne Comprehensive Plan**

Dear Mr. Eubanks:

In accordance with the requirements of Chapter 163.3191, Florida Statutes (F.S.), as revised by the 2011 Growth Management Legislation (CS/HB7207ER), the Village of Key Biscayne hereby submits this letter of determination regarding potential amendments to comply with State requirements as of the date of this letter. The City has evaluated its Comprehensive Plan to determine if any amendments are required to address growth management legislation that has been adopted since 2008, the date of the last EAR (see enclosed Table "Statutory Changes to Comprehensive Plan Requirements from 2008-2016 and Related Impacts to the Key Biscayne Comprehensive Plan"). Based on this evaluation, the Village has 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 to address State statutory requirements at this time.

Thank you for your assistance in this matter. Please contact Scarlet Hammons, AICP, CTP at (305) 594-0735 or at [shammons@corradino.com](mailto:shammons@corradino.com) if you have any questions or need additional information.

Sincerely,



Scarlet Hammons, AICP, CTP  
Planning Consultant to the Village

Enclosure

**Population and Land Use Analysis**

Projections for years 2000 to 2040 are shown in the following Table is based on applying past growth trends, average person per household and the projected number of units to the next twenty year planning period. While these numbers are useful in planning for future services and infrastructure, they are to be used as guidance and not as a true prediction. It is likely, based on recent redevelopment trends in the single family residential areas that the Village will continue to experience population growth in the under 20 age groups, while the age 70 and over groups will decline. Additionally, these numbers could be skewed by the recent completion of two Developments of Regional Impact (Ocean Club and Grand Bay Residence and Ritz-Carlton Hotel) that affected the population increase in the recent past, but will not be continued into the future. The Village is essentially built-out, with only a handful of vacant single family residential lots remaining. All future growth will be in the way of redevelopment on existing platted lots. The Village anticipates no changes to densities or to the Future Land Use that currently exists. Commercial development is not likely to change in any significant way, Crandon Boulevard is developed. The Future Land Use Map for this planning period is the same as from the previous period (see below Figure 1. Future Land Use Map excerpted from the July 2007 Evaluation and Appraisal Report prepared by WRT).

Population Projection by Age for 2000-2040										
			Permanent Residents							
County	Place	Age	2000	2010	2016	2020	2025	2030	2035	2040
Miami-Dade	Key Biscayne	0-4	766	822	814	832	917	983	1,049	1,105
Miami-Dade	Key Biscayne	5-9	816	1,082	936	840	913	996	1,079	1,132
Miami-Dade	Key Biscayne	10-14	660	1,040	1,074	1,166	1,187	1,210	1,293	1,334
Miami-Dade	Key Biscayne	15-19	455	717	846	996	923	798	841	882
Miami-Dade	Key Biscayne	20-24	334	347	466	558	581	633	621	608
Miami-Dade	Key Biscayne	25-29	477	313	426	506	595	711	629	514
Miami-Dade	Key Biscayne	30-34	734	485	486	500	660	814	811	843
Miami-Dade	Key Biscayne	35-39	990	960	701	629	846	1,036	1,179	1,352
Miami-Dade	Key Biscayne	40-44	912	1,102	876	735	747	763	976	1,160
Miami-Dade	Key Biscayne	45-49	763	1,053	1,009	1,040	796	680	883	1,040
Miami-Dade	Key Biscayne	50-54	710	883	1,078	1,091	929	730	710	692
Miami-Dade	Key Biscayne	55-59	685	694	828	974	946	961	704	573
Miami-Dade	Key Biscayne	60-64	571	695	804	884	1,109	1,102	900	674
Miami-Dade	Key Biscayne	65-69	462	669	679	690	812	995	933	911
Miami-Dade	Key Biscayne	70-74	424	486	531	600	705	796	982	947
Miami-Dade	Key Biscayne	75+	748	996	1,229	1,419	1,588	1,775	1,999	2,248
Miami-Dade	Key Biscayne	Total	10,507	12,344	12,783	13,460	14,254	14,983	15,589	16,015

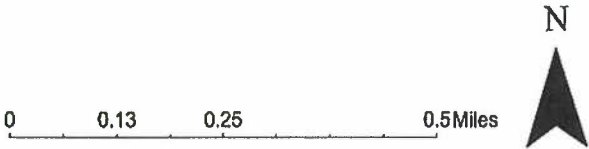


# Key Biscayne Vacant Parcels



## Legend

- Vacant Parcel
- Key Biscayne Municipal Limits





















VILLAGE OF KEY BISCAYNE  
**EVALUATION AND APPRAISAL REPORT (EAR) OF THE  
 KEY BISCAYNE MASTER PLAN**

**Section 30-80(f)(6)h.2 Site Plan Review Procedures:** A map of the area showing where runoff presently goes and size, location, topography and land use of off-site areas which drain through, onto, and from the project.

**Section 30-18(g):** Drainage for all off-street parking facilities shall meet the requirements of the Metropolitan Miami-Dade County Planning, Development, and Regulation Landscape Manual.

**Figure 1: Key Biscayne Future Land Use Map**

**Future Land Use Categories**

-  Waterfront Rec. and Open Space
-  Public Rec. and Open Space
-  Dune Restoration Area
-  Pedestrian Bicycle Way
-  Multi-Fam.-Ocean Resort Hotel
-  Two-Fam. Residential
-  Multi-Fam.-Low Density
-  Multi-Fam.-Med. Density
-  Multi-Fam.-High Density
-  Single Fam.-Low Density
-  Single Fam.-Med. Density
-  Public-Institutional
-  Commercial
-  Office



## Transportation

The Village adopted Level of Service Standards in the original 1995 Master Plan for transportation and public facilities. Although concurrency management is no longer a requirement of the State Growth Management rules, the Village desires to continue upholding the LOS standards and monitoring concurrency regulations. Crandon Boulevard is a County-owned facilities and remains the only major arterial in the Village. All local roads belong to the Village. The Village has completed many roadway projects since incorporation to address transportation issues such as speeding, pedestrian safety, bicyclist safety, and golf-cart integration. Recently a number of transportation planning studies were prepared to analyze new approaches to getting around the island. Many of these include advancing more options for residents and visitors alike. One example is the highly utilized “Freebie” on-call public golf-cart program. This transportation option has been so successful, the largest complaint is that there are not enough available and delays in response times are now common. During this planning period it is recommended that the Village to continue to fund projects from the following recently completed transportation studies:

- *Golf/Bike/Pedestrian Safety Plan of 2009*
- *Traffic Calming Master Plan of 2012*
- *Transit Mobility Study of 2015*





# Key Biscayne Transportation



## Legend

- Traffic Signals
- Traffic Calming Structures
- Key Biscayne Municipal Limits
- Bike Lane
- Bus Routes

0 0.13 0.25 0.5 Miles





## Stormwater and Resiliency

Planning for resiliency and addressing sea-level-rise will impact the future plans for the village transportation system and public facilities. The policies in the plan will be updated and revised to include public infrastructure projects that have been completed in addition to policies that address future needs. In the near-term, the 2016 Stormwater Improvement Implementation Plan will continue to be utilized to plan for upgrades to the system island-wide. Drainage improvements will include additional back flow preventers in all outfalls; additional pump stations for areas drained by gravity wells in low lying areas; back flow preventers in the gravity wells; continue to add pervious space as roadway are elevated and right-of-way becomes available. Additionally, in order to continue to fund the drainage improvements, the Village will prepare an updated Stormwater Utility Fee evaluation and adopt policies to update the stormwater master plan every two years. The Village continues to address climate change issue such as beach erosion with implementation of a beach re-nourishment program which is funded annually as a capital project. Future planning efforts will include considering adding breakwaters and other control mechanisms to prevent erosion. Other efforts to harden public facilities is the Village's plan to embark on under-grounding of the electric service lines. In the near-term, an undergrounding utility master plan will be prepared, which will include cost estimates and funding recommendations. Other updates to utilities could be to provide fiber optic infrastructure village-wide.





# Key Biscayne Critical Erosion Area



## Legend

- Critical Erosion Areas
- Key Biscayne Municipal Limits

0 0.13 0.25 0.5 Miles

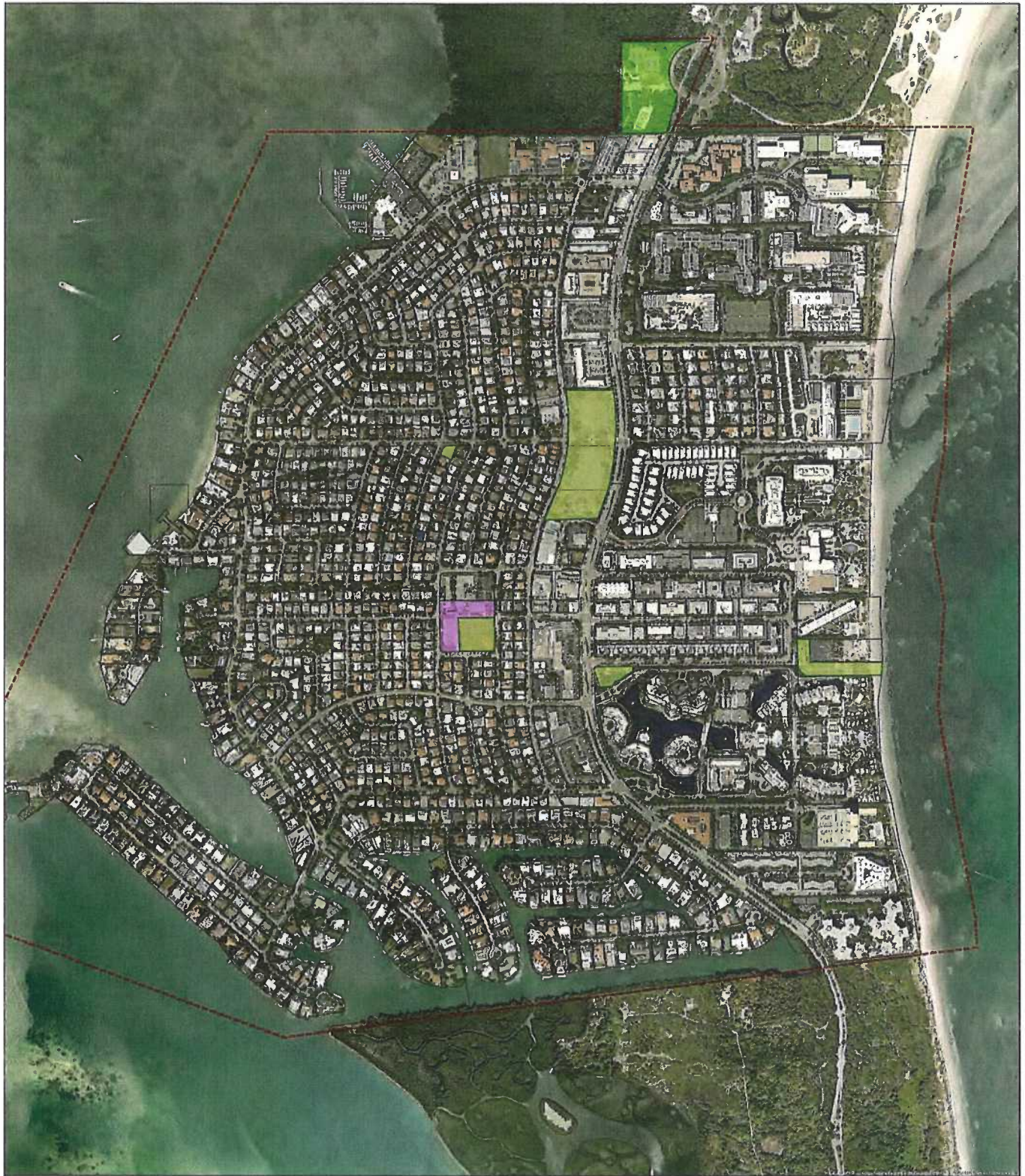


## Parks and Open Space

The Village recently purchased a vacant single-family parcel and applied for grant funding to develop a new pocket park in order to continue to provide more active recreational acres. The Village is attractive to young, growing families that have recreational needs. The challenge, due to the built-out condition of the island, is the lack of available space for active recreation. During the last planning period the Village developed a new recreation facility next to Village Hall and expanding active park space by adding soccer fields and tot lots. The village plans to continue to explore more opportunities to purchase single-family lots that can be redeveloped into additional pocket parks. The administration will also considered preparing a Parks Master plan to be strategic about the location of new pocket parks. The Parks plan could also consider planning for a new fine arts center or performance center and in the long-term a new library.



## Key Biscayne Parks and Public Open Spaces



### Legend

- Key Biscayne Municipal Limits
- Open Space
- Park

0 0.13 0.25 0.5 Miles





## Sewer, Water, Solid Waste & Schools

The Village will continue to coordinate and work with the County relating to services they provide such as sewer, water, solid waste and schools. In the previous planning period the sanitary sewer system was completed village-wide. While some users have yet to connect to the system (and remain on septic), the ten year grace period is due to expire in the next year, and all will be required to connect. The Village will continue to maintain the adopted levels-of-service for these facilities. The County maintains the sewer and water infrastructure and has capacity and resources to continue to service the Village's needs during this planning period. The Department operates three regional wastewater treatment plants (WWTP), the North, Central, and South District WWTP, with a permitted treatment capacity of 368 MGD.

It is a recommendation of this plan that the Village prepare and adopt a Water Supply Facilities Plan and amend the comprehensive plan to incorporate updates as needed to bring the plan in compliance. The Village will continue to support water conservation policies such as the requirement for new and re-development to install low-flow toilets and showers; restrictions on times and days to water landscaping; and others. The County maintains the sewer and water infrastructure and has capacity and resources to continue to service the Village's needs during this planning period. The Department operates three regional water treatment plants, and five smaller plants in the southern part of the County for a permitted water treatment capacity of 452 million gallons per day (MGD). Water is drawn from the Biscayne Aquifer through 100 wells located in 15 separate wellfields with a permitted allocation of 418 MGD through 2027. The Village has contractual agreements with private haulers for the collection disposal of solid waste. The County maintains the solid waste infrastructure and has capacity and resources to continue to service the Village's needs during this planning period. The South Dade Landfill is a Class I garbage landfill that is permitted to accept garbage, trash, and special wastes such as asbestos, sterile medical waste, sludge, shredded tires, pathological waste (dead animals), ash, and contaminated soil. The North Dade Landfill is a Class III landfill that is permitted to accept only waste that is not expected to produce leachate which poses a threat to public health or the environment, such as trash, yard trash, shredded tires, and construction/demolition debris. The Resources Recovery Facility (RRF) is owned by the County, the RRF converts garbage into refuse-derived fuel. Garbage and trash are processed into refuse-derived fuel and then burned in four boilers that produce steam to turn two turbine generators. Energy produced from burning the fuel is enough to power the plant and supply the average power needs of approximately 45,000 households per year. The Ash Landfill is a site for the final disposition of ash produced by the RRF.

The Village will continue to seek additional options for school facilities including requesting the school board pursue the "Old Frost Museum" as a new high school to service Key Biscayne and the neighborhoods such a Brickell that is also experiencing an increased need.



# Key Biscayne Sewer Lines



## Legend

- Sewer Line
- Key Biscayne Municipal Limits

0 0.13 0.25 0.5 Miles



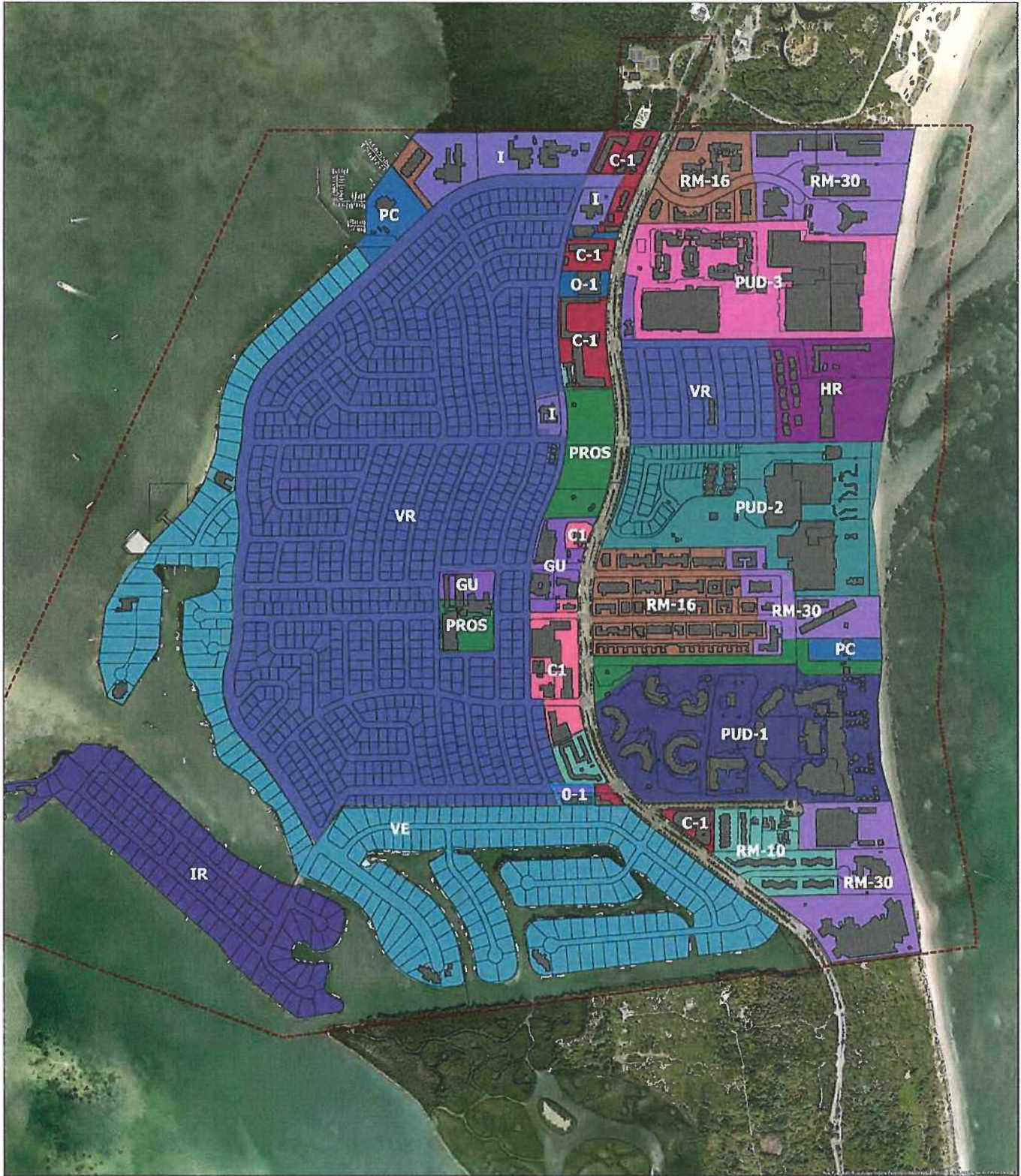


## Housing

While the density of units is presumed to remain the same over this planning period, the population could continue to increase, especially in the single family neighborhoods, with the largest increases continuing to be among children under age 18. Many existing, modestly sized residential structures are being redeveloped into substantially larger homes containing additional bedrooms. Future growth will be in the form of redevelopment. In addition to the population continue to increase, the redeveloped lots are affecting the community in other ways. Due to the recently adopted Flood Ordinance, homes are required to be built up, elevated out of the flood hazard zone. In some cases this has created a disconnected street scape in which the original Mackel homes remain essentially at ground level while a home next to it could have the front door at close to 15 feet higher. The Village will continue to regulate the use of fill dirt to ensure that elevated homes don't create a run-off hazard to those that remain at original elevation. During this planning period, it is estimated that the redevelopment at the mandated higher ground floor elevation will continue. The Village will consider addressing the aesthetic aspects of new development in creating urban design guidelines to encourage architectural options especially due to need to build at a higher elevation. Goal is to keep the street scape coordinated, the front door should not be 15' off the ground. The urban design guidelines will also address out-of-scale development due to FAR, this should further be addressed in the zoning code. During this period, the Village will continue to support and participate in regional sources of funding for homeowners to install solar panels and other technologies to increase energy efficiency of buildings. The Village currently participates in the PACE and COOP programs which provide financing opportunities to encourage green and energy efficient retrofits for homes.



# Key Biscayne Zoning (2018)



## Legend

Key Biscayne Municipal Limits	Government Use	Public Recreation and Open Spaces	Multi-Fam. High Density
Key Biscayne Municipal Limits	Hotel Resort	Ocean Club	Village Estate
Zoning	Institutional	Grand Bay	Village Residential
0-1	Island Residential	Key Colony	
Low Intensity Commercial	Low Intensity Office	Multi-Fam. Low Density	
C1	Private Club	Multi-Fam. Medium Density	

0 0.13 0.25 0.5 Miles





# Key Biscayne FEMA Flood Zones



## Legend

FEMA Flood Zone	VE
A	X
AE	X (SHADED)
AH	<all other values>
D	Key Biscayne Municipal Limits
OPEN WATER	Key Biscayne Municipal Limits

0 0.13 0.25 0.5 Miles





# EVALUATION AND ANALYSIS



## Future Land Use Element

### FUTURE LAND USE ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

Policy 1.1.1: Revise the following outdated language “enact and enforce land development code”

Policy 1.1.2: Revise the following outdated language “adopt the land development code”

Policy 1.1.3: Revise the following outdated language: “land development code provisions for subdivisions, signs and floodplain protection”

Policy 1.1.4: Revise the following outdated language “establish and maintain a street tree master plan”

Figure 1: Revise the following outdated language: “Notes pertaining to the future land use map planning period 1994-2004”

Revise the following outdated language: “1. DRI Development Order”

Delete this is a duplicate: “2. copy of note 1 above”

Revise the following outdated language: “3. – 5. Reference to the Traffic Circulation Element”

Revise the following outdated language: “6. site at the SE corner of Crandon and Seaview zoning and future redevelopment”

Revise the following outdated language: “7. acquire pedestrian access rights”

Objective 1.2: Revise the following outdated language: “No later than 2004 revitalization of at least on Crandon Boulevard property”

Policy 1.2.1: Revise the following outdated language: “land development code provisions for development standards”

Policy 2.1.2: Revise the following outdated language: “enact and enforce requirements that septic tank drain fields be installed”

Policy 2.2.4: Revise the following outdated language: “enact and enforce land development code a concurrency management system”

Policy 2.3.2: Revise the following outdated language: “enact and enforce land development code provisions that require one inch of on-site drainage detention”

Objective 2.4: Revise the following outdated language: “Eliminate or reduce land uses which are inconsistent with applicable interagency hazard mitigation report recommendations; Metro-Dade Office of Emergency “

Policy 2.4.1 Revise the following outdated language: “Interagency Hazard Mitigation Team Report, FEMA 955-DR-FL August 1992”

Policy 2.4.2 Revise the following outdated language: “Metro-Dade Office of Emergency Management”

Policy 2.5.1 Revise the following outdated language: “enact and enforce land development code for sewer lift stations, stormwater lift stations...”

Objective 2.6 Revise the following outdated language: “No later than 2015 prepare a list of significant historic structures”

Policy 2.6.1 Revise the following outdated language: “no later than 2015 identify all properties that are at least 50 years old”

Policy 2.7.1 Revise the following outdated language: “implementation of a master drainage plan; replacement of septic tanks with sewer”

Policy 3.1.2 Revise the following outdated language: “land development regulations shall allow for use of alternate renewable sources of energy”

Objective 3.2 Revise the following outdated language: “shall provide policies within the land development regulations which are designed to reduce energy use”

Policy 3.2.5 Revise the following outdated language: “By December 2015 consider amending the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions and energy conservation”

**COMPREHENSIVE REVIEW OF THE FUTURE LAND USE ELEMENT**

Goals, Objectives, and Policies	Element	Implementation Status
<b>FUTURE LAND USE</b>		
Goal 1	Achieve desired community character: Key Biscayne should be a residential community. Development policies should protect residential character. Future residential development shall be at the lowest densities consistent with protection of reasonable property rights. Hotels should be permitted in order to provide ocean access opportunities and respect an established land use pattern; however, they should be modest in size so as to not overpower the community’s residential character. Other commercial development should be sized to meet the needs of residents and hotel guests. Office development should be limited to the minimum amount practical in light of existing development patterns.	
Objective 1.1	<b>Future Land Use Categories:</b> Maintain existing development and achieve new development and redevelopment which is consistent with the community character statement articulated as Goal 1.	<b>Implemented.</b> The Land Development Code is consistent with the Master Plan.
Policy 1.1.1	By statutory deadline or sooner, enact and enforce land development code consistent with the Future Land Use Map (FLUM).	<b>Implemented: Ongoing.</b> The Land Development Code is consistent with the Master Plan.
Policy 1.1.2	Until adoption of a Land Development Code (LDC), regulate development according to the FLUM, including specified land uses, densities and intensities.	<b>Implemented.</b> The Land Development Code was adopted.

Policy 1.1.3	By statutory deadline or sooner, enact and enforce provisions governing subdivisions, signs and floodplain protection consistent with the Master Plan (MP).	<b>Implemented.</b> See below.
	<i>Subdivision regulations.</i>	<b>Implemented.</b> VKB uses the County's subdivision regulations.
	<i>Sign regulations.</i>	<b>Implemented.</b> Sign regulations are governed under the adopted Land Development Code.
	<i>Floodplain protection provisions.</i>	<b>Implemented.</b> Floodplain regulations are based on FEMA requirements as specified in the Master Plan. Additionally, the LDC was amended this year to establish lot elevations for SF-R at 10' + 1' minimum.
Policy 1.1.4	Establish a street tree master plan.	<b>Implemented.</b> Ongoing maintenance.
<b>Objective 1.2</b>	<b>Commercial Redevelopment:</b> By 2004, achieve private revitalization of at least one Crandon Boulevard property that has a blighting impact on the Village.	<b>Implemented.</b>
Policy 1.2.1	By statutory deadline or sooner, 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 standards.	<b>Implemented.</b> See below.
	All new development, renovated development and redevelopment consistent with FLUM.	<b>Implemented.</b> The Land Development Code is consistent with the Master Plan.
	Sign regulations.	<b>Implemented.</b> Sign regulations are governed under the adopted Land Development Code.
	Landscaping requirements.	<b>Implemented.</b> Landscaping requirements are governed under the adopted Land Development Code.
	Parking requirements.	<b>Implemented.</b> Parking requirements are governed under the adopted Land Development Code.
<b>Goal 2</b>	<b>Protect and enhance the residential, commercial, resort, and natural resource areas of the Village.</b>	
<b>Objective 2.1</b>	<b>Sanitary Sewer Facilities:</b> Coordinate with the County and appropriate agencies to maintain sanitary sewer service and ensure effective septic and drain field functioning.	<b>Implemented.</b> Ongoing. Septic and drain field monitoring will be phased out during this planning period due to the requirement to connect to the sewer system.



Policy 2.1.1	The Village shall coordinate with Miami-Dade County to maintain sanitary sewer services.	<b>Implemented.</b> The sewer system is complete and VKB will continue to coordinate with Miami-Dade County on maintenance.
Policy 2.1.2	Enact and enforce installation requirements to ensure effective functioning of septic and drain fields.	<b>Implemented.</b> Septic and drain field monitoring will be phased out during this planning period due to the requirement to connect to the existing sewer system.
<b>Objective 2.2</b>	<b>Storm Sewer Infrastructure:</b> Continue to upgrade drainage system so outfalls into Biscayne Bay (and adjacent canals) fully meet NPDES standards and Chapters 17-25 and 17- 302.500, F.A.C., Continue to upgrade private property on-site drainage standards to ensure retention of at least the first one inch of stormwater, and no more runoff after development than before.	<b>Implemented: Ongoing.</b>
Policy 2.2.1	Enforce flood damage prevention regulations to ensure that new development occurs at appropriate elevations to minimize flood impact.	<b>Implemented: Ongoing.</b>
Policy 2.2.2	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 (LOS) 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.	<b>Implemented: Ongoing.</b>
Policy 2.2.3	The Village shall continue to upgrade the drainage system so that outfalls into Biscayne Bay and adjoining canals fully meet the NPDES standards and Chapter 17-25 and 17-302.500. F.A.C.	<b>Implemented: Ongoing.</b>
Policy 2.2.4	Enact and enforce as part of the land development code a concurrency management system for development permits that meets 9J- 5.0055 for infrastructure, recreation, and Transportation.	<b>Implemented: Ongoing.</b>
<b>Objective 2.3</b>	<b>Natural Resources:</b> The Village shall continue to upgrade the drainage system so that stormwater outfalls into Biscayne Bay (and adjoining canals) fully meet NPDES and State standards. 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.	<b>Implemented: Ongoing.</b>
Policy 2.3.1	Based upon the capital cost implications of the Village of Key Biscayne Drainage Master Plan, the Village shall apply the stormwater utility assessment. The Village shall update 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.	<b>Implemented: Ongoing.</b>

Policy 2.3.2	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 predevelopment runoff, erosion control, a minimum percentage of pervious open space, maintenance of swales, drainage level-of-service standards, ocean beach dune protection and vegetation, and other environmentally sensitive land protection measures. These requirements shall be designed to help ensure full compliance with the specific standards set forth in Objective 2.3 above. Such provisions shall be consistent with this plan and with the applicable Florida statutory and administrative code requirements. The shall also be consistent with applicable standards promulgated by the South Florida Water Management District, the South Florida Regional Planning Council, Miami-Dade County, the Florida Department of Environmental Protection, and/or other agencies with relevant jurisdiction and/or information.	<b>Implemented:</b> <i>Ongoing.</i>
<b>Objective 2.4</b>	<b>Hurricane Evacuation:</b> Eliminate or reduce land uses inconsistent with interagency hazard mitigation report recommendations, and provide all relevant information to the Metro-Dade County (MAC) Office of Emergency Management (OEM).	<b>Implemented.</b>
Policy 2.4.1	Regulate development according to the FLUM and consistent with Interagency Hazard Mitigation Team Report, FEMA 955-DR-FL, 1992.	<b>Implemented:</b> <i>Ongoing.</i> Development continues to be regulated according to the FLUM. The Hazard Mitigation Team Report of 1992 is no longer relevant.
Policy 2.4.2	Annually assess population densities and transmit significant changes to MDC OEM.	<b>Implemented:</b> <i>Ongoing.</i> No significant changes to density are expected during this planning period.
<b>Objective 2.5</b>	<b>Drainage and Sewer System Land Needs:</b> Ensure suitable land is available for drainage and sanitary sewer facilities needed to support planned infrastructure improvements.	<b>Implemented:</b> <i>Ongoing.</i> The sanitary sewer system is complete village-wide. The Village continues to plan for and update storm drainage infrastructure.
Policy 2.5.1	By statutory deadline or sooner, enact and enforce land development code provisions for sewer and stormwater facilities.	<b>Implemented.</b>
Policy 2.5.2	Do not vacate road rights-of-way (ROW) without first determining that the ROW is not necessary to accommodate future storm and/or sanitary sewer facilities.	<b>Implemented:</b> <i>Ongoing.</i>

Objective 2.6	<b>Historic Preservation:</b> No later than 2015, prepare a list of potentially significant historic structures and a strategy for their preservation including all properties eligible for designation on the National Register of Historic Places.	<b>Not implemented.</b> There is no local designation process, nor a list of historic properties because there are few structures on the Island older than 50 years and of significant historic merit. The structure associated with Nixon was eligible, but it was demolished in the summer of 2004. A cottage on the Matheson property was restored in a manner consistent with how it was originally built to represent typical local tourist lodgings of the time. A plaque was erected to acknowledge its historical significance. As the oldest public buildings age, citizen groups are independently applying for historical designations.
Policy 2.6.1	Based upon historical records and accounts of early development in the Village, the Village shall, no later than 2015, identify all properties that are at least 50 years old. Based upon the inventory of properties, the Village will also consider which buildings, if any, may be eligible for designation on the National Register of Historic Places. A strategy for the preservation of some or all of these structures shall be drafted.	<b>Not implemented.</b> The Village will continue to encourage private designations as buildings age.
Objective 2.7	<b>Biscayne Bay Preservation:</b> Assist MDC's efforts to preserve and enhance Biscayne Bay Aquatic Preserve.	<b>Implemented.</b> The sanitary sewer system is complete village-wide.
Policy 2.7.1	Attempt to maintain and improve water quality of Biscayne Bay by implementing DMP, replacing septic tanks with sanitary sewers, land development code provisions for on-site stormwater detention and marina pump-out facilities, and coordination with Biscayne Bay Shoreline Development Review Committee.	<b>Implemented.</b> Coordination is ongoing. The sanitary sewer system is complete village-wide.
Objective 2.8	<b>Water Supply:</b> Assist the Miami-Dade County Water and Sewer Department in ensuring there is sufficient water supply for existing and new development in the Village.	<b>Implemented.</b> Through the Land Development Code requirements for concurrency.
Policy 2.8.1	The Village, through the land development regulations, will coordinate land uses and future land use amendments with the availability of water supplies and water supply facilities.	<b>Implemented.</b> Through the Land Development Code requirements for concurrency.
<b>Goal 3</b>	<b>Implement Greenhouse Gas Reduction Strategies.</b>	
Objective 3.1	<b>Reduction energy use and greenhouse gas production:</b> The Village shall consider changes to the future land use plan based upon energy efficient land use patterns, while providing for existing and future energy electric power generation and transmission systems.	<b>Implemented.</b>



Policy 3.1.1	The Village shall ensure that its Master Plan and land development regulation do not prevent the construction of electric substations within the Village.	<b>Implemented.</b>
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.	<b>Implemented.</b>
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.	<b>Implemented.</b> Through the Land Development Code requirements for new construction.
Policy 3.1.4	The Village shall permit a variety of housing opportunities in varying price ranges.	<b>Implemented.</b> Through the Land Development Code and the FLUM.
Policy 3.1.5	The Village shall continue to allow home based businesses to the extent that impacts are compatible with the residential community.	<b>Implemented.</b> Through the Land Development Code.
Policy 3.1.6	The Village shall support mixed use development to encourage reduced vehicle usage.	<b>Implemented.</b> Through the Land Development Code.
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.	<b>Implemented: Ongoing.</b>
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.	<b>Implemented: Ongoing.</b>
<b>Objective 3.2</b>	<b>Implement greenhouse gas reduction strategies:</b> The Village shall provide for policies within the land development regulations and Master Plan which are designed to reduce energy use and the creation of greenhouse gases.	<b>Implemented.</b> Through the Land Development Code and the Florida Building Code.
Policy 3.2.1	The Village shall to the extent financially feasible, educate residents on home energy reduction strategies.	<b>Implemented: Ongoing.</b>
Policy 3.2.2	The Village shall to the extent financially feasible, educate residents on the cost and environmental effects of automobile idling.	<b>Implemented: Ongoing.</b>
Policy 3.2.3	The Village shall continue to reduce the heat island effect by maintaining its green infrastructure through maintenance of its tree canopy, parks, open spaces, wetland mitigation areas, landscaped medians and scenic vistas.	<b>Implemented.</b> Ongoing, through the Capital Improvements Plan.
Policy 3.2.4	The Village shall continue to require open space and pervious surface areas in development and redevelopment.	<b>Implemented: Ongoing.</b>
Policy 3.2.5	By December 2015, the Village shall consider amending the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation as per Objective 3.1 and 3.2.	<b>Implemented: Ongoing.</b>



## Transportation Element

### TRANSPORTATION ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

Policy 1.1.2 Revise the following outdated language: “enact and enforce land development code”

Policy 1.1.3 Revise the following to include a date: “shall update its Future Transportation Map, when necessary”

Policy 1.3.1 Revise the following:

- Add to list and update organizations
  - “Metro-Dade County Planning Department”
  - Change “Metropolitan Planning Organization” to “Transportation Planning Organization”

Objective 1.6 Reduction of Greenhouse Gases

Description Paragraph

- Recommendations for expanding policies to include:
  - Including criteria pollutants (NOx, SOx, CO2, Pb, PM, etc.)
  - EPA concurrency and reporting
  - Electric vehicles and fleet expansion
  - Electric vehicle charging stations

Add new policies to address the following as it relates to transportation issues for this planning period:

- Rickenbacker Causeway, address sea level rise and hardening including repairs to ensure bridges don’t fail if experiencing significant storm surge
- Continue expanding bike and pedestrian infrastructure
- Climate change mitigation (incorporate new technology to support further reduction in GHG emissions)
- General pollutant mitigation (vehicle idling)
- Continue to expand on the FreeBee golfcart services for Village residents and visitors

### COMPREHENSIVE REVIEW OF THE TRANSPORTATION ELEMENT

Goals, Objectives, and Policies	Element	Implementation Status
<b>TRANSPORTATION</b>		
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.	

<b>Objective 1.1</b>	<b>Transportation System:</b> Maintain the designated LOS, but with enhanced pedestrian safety and amenities.	<b>Partially implemented and Ongoing.</b> The Village has maintained LOS except at main intersections; however, deficiencies will continued to be corrected. The Crandon Boulevard Street Enhancements are complete. Recent transportation planning includes 2009 Golfcard/ bike/pedestrian safety plan; 2012 Traffic Calming Master Plan and 2015 Transit Mobility Study.
Policy 1.1.1	The Village shall regulate timing of development to maintain at least the following peak hour level of service standards: Arterials (LOS "D"); Collectors (LOS "B"); and Local Service Streets (LOS "A").	<b>Implemented: Ongoing.</b> Density limited by ordinance to current level.
Policy 1.1.2	By statutory deadline or sooner, enact and enforce LDC standards regarding roadway access and on-site traffic flow and parking.	<b>Implemented.</b> Parking requirements and on-site traffic flow are governed under the adopted Land Development Code.
Policy 1.1.3	The Village shall update the Future Transportation Map, when necessary	<b>Implemented: Ongoing.</b>
<b>Objective 1.2</b>	<b>Land Use Plan Implications:</b> Limit commercial development and redevelopment to arterial road frontage plus Harbor Drive collector street frontage from Fernwood Road to Crandon Boulevard.	<b>Implemented: Ongoing.</b> The Village has a Commercial zoning district; all commercial development and redevelopment is contained within that zone. As denoted on the future land use map, the District is located along Crandon Boulevard.
Policy 1.2.1	Use future land use and zoning maps to limit commercial and office development to arterial frontage and Harbor Drive collector street frontage from Fernwood Road to Crandon Boulevard except for ocean resorts.	<b>Implemented: Ongoing.</b>
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.	<b>Implemented: Ongoing.</b>
Policy 1.2.3	The Village shall coordinate its Future Land Use Map with its Future Transportation Map.	<b>Implemented: Ongoing.</b>
<b>Objective 1.3</b>	<b>Regional Plans:</b> Work with MDC to limit traffic volume increases on the Rickenbacker Causeway.	<b>Implemented: Ongoing.</b>
Policy 1.3.1	The Village shall work closely with Miami-Dade County and Metropolitan Planning Organization to limit the intensity of development along the Causeway and Crandon Boulevard in order to maintain an adequate traffic level of service.	<b>Implemented: Ongoing.</b> Adopted Virginia Key and Calusa Park agreements.



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.	<b>In Progress.</b>
<b>Objective 1.4</b>	<b>Right-of-Way Protection:</b> 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 Transportation Map, and achieve a 10 percent net reduction in the lineal footage of Crandon Boulevard (plus on block of Harbor Drive) curb cuts and otherwise protect the integrity of existing and proposed rights-of-way.	<b>Implemented.</b> Curb cuts have been reduced in several locations as a result of the Crandon Boulevard Streetscape Project. The Project's Master Plan explicitly reduced curb cuts.
Policy 1.4.1	Use LDC to prohibit ROW encroachments through setback requirements.	<b>Implemented.</b>
Policy 1.4.2	Use LDC standards and LDC review process to reduce number and width of existing curb cuts on Crandon and Harbor by 10%.	<b>Implemented.</b> See above Objective 1.4.
<b>Objective 1.5</b>	<b>Bikeways and Pedestrian Ways:</b> Maintain the pedestrian and bikeway system for Crandon Boulevard, Harbor Drive, Fernwood Road, West Wood Drive and West Mashta Drive.	<b>Implemented.</b> Ongoing through the Capital Improvement Program.
Policy 1.5.1	The Village shall 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; the Village shall continue to implement speed control planning and traffic calming mechanisms.	<b>Implemented.</b> Ongoing through the Capital Improvement Program and the implementation of the 2012 Traffic Calming Master Plan.
<b>Objective 1.6</b>	<b>Reduction of Greenhouse Gases:</b> The Village shall explore transportation strategies to implement reductions in greenhouse gas emissions created by the transportation sector.	<b>Implemented.</b> Ongoing through the Capital Improvement Program and the implementation of the 2009 Golfcart/Bike/Pedestrian Safety Plan and the 2015 Transit Mobility Study.
Policy 1.6.1	The Village shall, to the extent financially feasible, 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.	<b>Implemented.</b> Ongoing through the Capital Improvement Program and the implementation of the 2009 Golfcart/Bike/Pedestrian Safety Plan.
Policy 1.6.2	To the extent financially feasible, the Village shall educate residents on the cost and environmental effects of automobile idling.	<b>Implemented: Ongoing.</b>
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.	<b>Implemented.</b> Ongoing through the Capital Improvement Program and the implementation of the 2009 Golfcart/Bike/Pedestrian Safety Plan.



## Housing Element

### HOUSING ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

Policy 1.1.1 Delete this policy, it is a duplication of Objective 1.2

Policy 1.4.2 Revise the following outdated language: “County Surtax funds, the County Housing Finance Agency”

Policy 1.4.5 Revise the following outdated language: “explore potential LDRs to provide for the improvement of energy efficiency in new housing and in the redevelopment of existing housing”

Policy 1.5.1 Revise the following outdated language: “by 2015 shall designate those structures that due to age, architecture and function are candidates for historic designation and protection”

Objective 1.7 Revise the following outdated language: “achieve and maintain 100 percent standard housing and achieve private reinvestment to structurally and aesthetically upgrade at least 50 existing housing units”

Objective 1.8 Revise the following outdated language: “Eval and update the land use designations and districts to promote affordable housing”

Policy 1.8.1 Revise the following outdated language: “coordinate its future land use planning to ensure that LDRs and zoning foster diverse housing types to serve the needs of the Village”

Policy 1.9.1 Revise the following outdated language: “land development regulations shall allow for use of alternate renewable sources of energy”

### COMPREHENSIVE REVIEW OF THE HOUSING ELEMENT

Goals, Objectives, and Policies	Element	Implementation
<b>HOUSING</b>		
<b>Goal 1</b>	<b>To assure the availability of a sound and diversified housing stock in Key Biscayne.</b>	
<b>Objective 1.1</b>	<b>New Construction:</b> Cooperate with private sector in the construction of residential units that are well designed and that provide diversified housing types.	<b>Implemented.</b> Ongoing through the Land Development Code.
Policy 1.1.1	Group Homes: Accommodate as many small group homes and foster care facilities as possible in residential areas.	<b>Implemented.</b> Ongoing through the Land Development Code.
Policy 1.1.2	Periodically review permitting and regulatory processes in the LDC to ensure prompt and professional development permitting process.	<b>Implemented: Ongoing.</b> The Village uses Permits Plus to upgrade processing and established a timeline for permit processing.
<b>Objective 1.2</b>	<b>Group Homes:</b> Accommodate as many small group homes and foster care facilities as possible in residential areas.	<b>Implemented.</b> Duplication of Policy 1.1.1



Policy 1.2.1	The Village shall enact and continue to enforce land development code regulations which permit 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 in a manner which is fully consistent with State law and administrative code requirements pertaining to group homes. The Village shall encourage the State to consider the hurricane evacuation constraints in the licensing of facilities on the Key.	<b>Implemented.</b> Ongoing through the Land Development Code.
<b>Objective 1.3</b>	<b>Conservation Rehabilitation, Demolition, Substandard Housing Structural and Aesthetic Improvement of Housing:</b> Maintain a structurally sound housing stock by rehabilitating or demolishing housing units that may deteriorate to a substandard condition in the future. Measure achievement by existence of no substandard housing units.	<b>Implemented: Ongoing.</b>
Policy 1.3.1	The Village Manager shall enforce County minimum housing standards code or appropriate modified code enacted by Council.	<b>Implemented: Ongoing.</b> The County's codes are used.
Policy 1.3.2	Through land development code setback/bulk standards and through implementation of the Village's drainage master plan (including on-site retention standards) the Village shall assure the continuation of stable residential neighborhoods.	<b>Implemented: Ongoing.</b> The Village will continue to revise Land Development Code standards to address bulk as well as compatible street frontage. On-site retention standards have been implemented. The Village continuously plans for and implements improvements to the village-wide drainage system.
<b>Objective 1.4</b>	<b>Housing Coordination and Implementation:</b> The Local Planning Agency (LPA) shall define and seek opportunities to promote affordable housing of a type and within a price range consistent with the local Key Biscayne market and general market conditions.	<b>Implemented: Ongoing.</b> The Village will continue to seek intergovernmental assistance and partnerships when addressing affordable housing beyond what is within the typical price range of the Key Biscayne market.
Policy 1.4.1	Communicate with private and non-profit housing agencies to assure that Village policy information flows to housing providers.	<b>Implemented: Ongoing.</b> The Village will continue to seek intergovernmental assistance and partnerships when addressing affordable housing beyond what is within the typical price range of the Key Biscayne market.

Policy 1.4.2	Cooperate with any developer using County or other subsidy mechanisms.	<b>Implemented: Ongoing.</b> No developer has called to date, but if one did the Village would be willing to cooperate.
Policy 1.4.3.	The Village shall explore federal, state, and local housing subsidy programs as a means to provide housing opportunities for very low, low, and moderate-income persons and families.	<b>Implemented: Ongoing.</b> The Village will continue to seek intergovernmental assistance and partnerships when addressing affordable housing beyond what is within the typical price range of the Key Biscayne market.
Policy 1.4.4	The Village shall monitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of housing stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations	<b>Implemented: Ongoing.</b> The Village will continue to seek intergovernmental assistance and partnerships when addressing affordable housing beyond what is within the typical price range of the Key Biscayne market.
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.	<b>Implemented.</b> Ongoing through the Land Development Code and the Florida Building Code requirements.
<b>Objective 1.5</b>	<b>Historically Significant Housing:</b> Identify historically significant residential properties within the Village.	<b>Not implemented.</b> There is no local designation process, nor a list of historic properties because there are few structures on the Island older than 50 years and of significant historical merit.
Policy 1.5.1	Based upon historical records and accounts of early development in the Village, by 2015 the Village 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.	<b>Not implemented.</b> See above Objective 1.5.
<b>Objective 1.6</b>	<b>Development of Affordable Housing in Nearby Communities:</b> List adequate sites for the distribution of very low income, low income and moderate income families.	<b>In progress.</b> The Village has not listed adequate sites in other communities, nor has its help been requested.

Policy 1.6.1	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 will inform Village Council of these activities and shall recommend, as appropriate actions that could help encourage the provision of adequate sites for distribution of affordable housing in nearby communities with land values that can reasonably accommodate such housing. The Village shall encourage ongoing interlocal coordination with other jurisdictions and non-governmental agencies to facilitate the provision of affordable housing.	<b>In progress.</b> The Village shall continue to encourage ongoing interlocal coordination with other 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.	<b>In Progress.</b> Implementation will occur through intergovernmental coordination efforts.
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.	<b>In Progress.</b> Implementation will occur through intergovernmental coordination efforts.
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.	<b>In Progress.</b> Implementation will occur through intergovernmental coordination efforts.
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.	<b>In Progress.</b> Implementation will occur through intergovernmental coordination efforts.
<b>Objective 1.7</b>	<b>Structural and Aesthetic Improvement of Existing Housing:</b> Achieve and maintain 100% standard housing and achieve private reinvestment to structurally and aesthetically upgrade at least 50 existing housing units.	<b>Implemented: Ongoing.</b> The number of renovated Mackel homes greatly exceeds 50. This policy should be updated to reflect the current condition in the Village.
Policy 1.7.1	Vigorously enforce the existing code to ensure no housing becomes substandard.	<b>Implemented: Ongoing.</b>
Policy 1.7.2	The Village shall enforce LDC regulations which set appropriate building height, setback and other regulations which facilitate aesthetically pleasing upgrades to existing housing stock.	<b>Implemented.</b> Ongoing through the Land Development Code.
<b>Objective 1.8</b>	<b>Coordination with Future Land Use Element:</b> Evaluate the Future Land Use Element and Future Land Use Map and as feasible, update the Village's land use designations and zoning districts in order to promote the development of affordable housing within the Village.	<b>Implemented: Ongoing.</b> Zoning and the FLUM allows for varying densities in zoning districts, however these regulations do not govern the market values.



Policy 1.8.1	The Village shall coordinate its future land use planning to ensure that land designations and zoning districts foster diverse housing types to serve the needs of the Village's population by providing adequate areas for a variety of residential housing types including single-family, duplex, and multi-family units.	<b>Implemented: Ongoing.</b> Zoning and the FLUM allows for varying densities in zoning districts.
<b>Objective 1.9</b>	<b>Greenhouse Gas Reduction:</b> Support energy use and greenhouse gas reduction in conjunction with the existing and new housing stock.	<b>Implemented.</b>
Policy 1.9.1	The Village's land development regulations shall allow for the use of alternative, renewable sources of energy including the use of solar panels. The Village shall not prohibit the appropriate placement of photovoltaic panels. The Village shall develop and adopt review criteria to establish the standards for the appropriate placement of photovoltaic panels.	<b>Implemented.</b>
Policy 1.9.2	The Village, to the extent financially feasible, shall educate residents on home energy reduction strategies.	<b>Implemented.</b>
Policy 1.9.3	The Village shall encourage the placement of landscape materials to reduce energy consumption.	<b>Implemented.</b>



## Infrastructure Element

### INFRASTRUCTURE ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

#### Objective 1.1 – Drainage

##### Description Paragraph

Revise the following outdated language: “The Village shall continue to upgrade “AND MAINTAIN” , delete the duplication of statement

Revise to reflect the most current Drainage Master Plan

Policy 1.1.1 Revise to set timeline horizons for assessments and updates to stormwater utility assessment, and Drainage Master Plan

Policy 1.1.2 Revise to delete redundancy; this is part of the Drainage Master Plan

Policy 1.1.3 Revise the following outdated language, which has been included in the Land Development Code:

- One-inch of on-site detention
- Post-development runoff equal to or less than peak pre-development runoff
- Erosion control
- Minimum percentage of pervious open space
- Maintenance of swales
- Drainage LOS standard

Objective 1.2 – Revise the following outdated language: “ensure effective septic and drain field functioning”

Objective 1.3 – Revise to add language on Sustainability (e.g. waste diversion/reduction, recycling, etc.)

#### Objective 1.4 – Level of Service

- Revise Level of Service standards as needed
  - “maximum day flow” (140 gallons/person/day) sewage
  - “maximum day flow” (280 gallons/person/day) potable water
    - o 20 pounds/square inch at property line
  - Drainage (meet local/state/fed requirements); one inch retainment
  - Solid waste (5 years’ capacity; 5.2 pounds/person/day generation)

Policy 1.4.2 – Delete, the policy is outdated.

Policy 1.4.4 – Delete “Post-development shall not exceed peak pre-development runoff” – redundant with policy 1.1.3 (Land Development Code)

Policy 1.5.9 Revise the following outdated language, add language about exploring new BMPs and technologies: “The Village shall protect water quality in traditional and new alternative water supply sources”

## RECOMMENDED NEW OBJECTIVES AND POLICIES

- Think about unintended consequences for stormwater (e.g. swales not reducing water, but holding it; having water come up through swales)
- Adding language about BMPs, new technologies, green infrastructure for stormwater management
- STORMWATER MANAGEMENT – need to include updates based on the most recent stormwater improvement implementation plan and on issues and how they will be managed in the future
- SEWERS – Include policies that address requirements for septic tank users to connect to the sanitary sewer system.
- Add language on Sustainability of Solid Waste systems (waste diversion, waste reduction, home composting, solar panels, etc)
- Add language on resiliency planning in phases that make sense; ie. Adding pumps before raising streets
- Add policies on beach protection infrastructure such as the feasibility of breakwaters
- Add policy for potential to elevate road on/off island at Crandon Park which is already experiencing flooding during heavy storm events
- Update the Infrastructure Element to address Water Supply Planning and for consistency with the Lower East Coast Water Facilities Supply Plan.

## COMPREHENSIVE REVIEW OF THE INFRASTRUCTURE ELEMENT

Goals, Objectives & Policies	Element	Implementation
<b>INFRASTRUCTURE</b>		
<b>Goal 1</b>	<b>To provide and maintain the public infrastructure in a manner that will insure bay water quality, and public health, safety, and quality of life for Key Biscayne residents.</b>	
<b>Objective 1.1.</b>	<b>Current Deficiencies and Future Needs; Drainage:</b> The Village shall continue to upgrade the drainage system so that stormwater outfalls into Biscayne Bay (and adjacent canals) fully meet NPDES standards and Chapters 17-25 and 17-302.500, F.A.C. The Village shall continue to 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.	<b>Implemented: Ongoing.</b> The Village has continuously planned for and implemented storm water and drainage improvements village-wide including compliance with outfall standards at all 17 of the outfall to Biscayne Bay. The Village is currently implementing the recommendations from the 2016 Stormwater Improvement Implementation Plan by EAC. The Village submits annual NPDES reports and is audited yearly.
<b>Policy 1.1.1</b>	The Village shall maintain the stormwater utility assessment. The Village shall continue to update its Drainage Master Plan as necessary to ensure the continued efficacy of its provisions to upgrade of storm sewer system in accordance with the specific standards of Objective 1.1 above.	<b>Implemented: Ongoing.</b> During this planning period the Village will prepare a study to review future funding needs and necessary adjustments to the stormwater utility fund assessments.



Policy 1.1.2	During the first phase of drainage master plan implementation, the Village shall begin to mitigate to the extent technically and economically feasible direct stormwater outfalls into the canals and Biscayne Bay. Anticipated improvements include a series of catch basins, manholes and pipes for the collection of the stormwater and routing to pollution control structures and drainage wells with emergency overflows. The pollution control devices (grease and oil separator) are to be provided before each drainage well to prevent contamination from entering. Emergency overflow structures are to be constructed at the existing outfalls and would discharge only when the storm events generates more than one inch of runoff. These improvements shall be designed to fully meet the specific standards set forth in Objective 1.1. above.	<b>Implemented: Ongoing.</b> The Village has continuously planned for and implemented storm water and drainage improvements village-wide including compliance with outfall standards at all 17 of the outfall to Biscayne Bay. The Village is currently implementing the recommendations from the 2016 Stormwater Improvement Implementation Plan by EAC. The Village submits annual NPDES reports and is audited yearly.
Policy 1.1.3	By statutory deadline or sooner, enact and enforce provisions regarding on-site drainage detention, runoff, erosion, minimum pervious open space, swale maintenance, and drainage level-of-service standards in order to meet requirements as outlined by Objective 1.1 above.	<b>Implemented: Ongoing.</b> Through the Land Development Code regulations.
<b>Objective 1.2</b>	<b>Current Deficiencies and Future Needs; Sewage:</b> Coordinate with the County and appropriate agencies to maintain sanitary sewer service, and ensure effective septic and drain field functioning. See Policies 1.2.1 for additional measurability.	<b>Implemented.</b> Septic and drain field monitoring will be phased out during this planning period due to the requirement to connect to the existing sewer system.
Policy 1.2.1	The Village shall help ensure effective functioning of septic tanks and drain fields by cooperating with the State and the County in the exercise of the jurisdiction of these agencies over septic tanks and drain field permitting and requirements.	<b>Implemented.</b> Septic and drain field monitoring will be phased out during this planning period due to the requirement to connect to the existing sewer system.
<b>Objective 1.3</b>	<b>Future Needs; Solid Waste:</b> Continue to achieve the most cost-effective solid waste collection system.	<b>Implemented: Ongoing</b> through existing contracts with haulers.
Policy 1.3.1	The Village shall monitor the cost efficiency of solid waste collection systems and initiate any resulting recommended changes in the solid waste collection and recycling system.	<b>Implemented: Ongoing</b> through existing contracts with haulers.
<b>Objective 1.4</b>	<b>Level of Service:</b> Provide adequate capacities to meet the LOS standards; see policies for measurable standards.	<b>Implemented.</b>
Policy 1.4.1	<b>Sewered Areas:</b> County-wide “maximum day flow” of preceding year shall not exceed 98% of County treatment system’s rated capacity. The sewage generation standard shall be 140 average gallons per capita per day.	<b>Implemented: Ongoing.</b>
Policy 1.4.2	<b>Unsewered Areas:</b> The LOS shall be receipt of a DERM septic tank permit.	<b>Obsolete.</b> The Village is serviced by a sanitary sewer system.

Policy 1.4.3	<i>Potable Water:</i> County-wide “maximum day flow” of preceding year shall not exceed 98% of County treatment system’s rated capacity. Minimum pressure of 20 lbs./sq. in. at property line and consumption standard of 280 avg. gallons/capita/day.	<b>Implemented:</b> The adopted LOS is maintained, however, it is a recommended of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.4.4	<i>Drainage:</i> Nonresidential development and redevelopment accommodate runoff to meet Federal, state and local requirements. Stormwater is treated in according to Chapter 17-25 and Chapter 17-302.500, F.A.C., with one inch of runoff retained on site.	<b>Implemented:</b> Ongoing, on-site stormwater retention is mandated.
Policy 1.4.5	<i>Solid Waste:</i> County solid waste disposal system maintains a minimum of five years capacity using a generation rate of 5.2 pounds per person per day.	<b>Implemented:</b> Ongoing through existing contracts with haulers.
<b>Objective 1.5</b>	<b>Water Conservation:</b> Continue to strive to reduce the average daily per capita water consumption (dependent upon near-term ability to measure Village-wide consumption).	<b>Implemented:</b> Ongoing, water conservation is required through enforcement of the Florida Building Code. It is a recommended of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.5.1	By statutory deadline or sooner, enact and enforce LDC regulations including water conservation-based irrigation; water conservation-based plant species, lawn watering restrictions, mandatory use of ultra-low volume water saving devices for substantial rehabilitation and new construction, and other water conservation measures as feasible.	<b>Implemented:</b> Ongoing, water conservation is required through enforcement of the Florida Building Code. It is a recommended of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.5.2	Promote education programs that discourage waste and conserve potable water.	<b>Implemented:</b> Ongoing, water conservation is required through enforcement of the Florida Building Code. It is a recommended of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.



Policy 1.5.3	The Village will cooperate with Miami-Dade County in the effort to devise a means of tracking water consumption in the Village from customer billings or other sources.	<b>Implemented: Ongoing.</b> Through intergovernmental coordination the Village has access to water consumption rates.
Policy 1.5.4	Cooperate with WASA efforts to ensure the potable water distribution system shall reduce water loss to less than 16% of the water entering the system.	<b>Implemented: Ongoing.</b> Through intergovernmental coordination the Village will continue to monitor water loss in the system.
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"	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the comprehensive plan policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
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.	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the comprehensive plan policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.5.7	The Village shall establish a single-point-of-contact at the South Florida Water Management District and the Miami-Dade County Water and Sewer Department to determine the extent to which the Village will be involved in the planning, financing, construction and operation of water supply facilities that will serve the community.	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the comprehensive plan policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.5.8	The Village shall verify with the Miami-Dade County Water and Sewer Department the availability of water before making changes to the Future Land Use Map.	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the comprehensive plan policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.5.9	The Village shall protect water quality in traditional and new alternative water supply sources.	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the comprehensive plan policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.5.10	The Village shall establish a concurrency monitoring system for water supply to ensure that the level-of-service is satisfied at the building permit stage.	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the comprehensive plan policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.



## Conservation & Coastal Management Element

### CONSERVATION & COASTAL MANAGEMENT ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

Objective 1.2 – Water Pollution: Revise the Objective to update dates

Policy 1.3.1 - Update language and statutes

Policy 1.4.1 Revise and update “Dade County manatee telephone hotline”

Policy 1.4.2 Revise and create more precise language (hours, locations, specific types of lighting, etc.)

Objective 1.5 – Floodplains Add policy (1.5.2) about reporting to FEMA; CRS credits?

Objective 1.7 – Conservation of Wildlife and Habitat

Policy 1.7.1 Include language regarding additional agencies (State DEP?)

Objective 1.8 Water Supply

Policy 1.8.5 Revise outdated language: “Shall implement the 10-Year Water Facilities Work Plan”

Policy 1.8.8 Revise outdated language: “Enforce Miami-Dade County’s Water Use Efficiency Standards Ordinance”

Policy 1.8.11 - Add to list: FPL Right Tree, Right Place

Objective 2.4 – Historic Preservation

- Consider expanding criteria upon which structures are designated historic
- Add policy about archeological sites, historic districts, etc.

Policy 2.4.1 Revise outdated language and Update “by 2015”

Objective 3.3 – Post-Disaster Redevelopment Planning

- Consolidate language within Objective 3.3
  - State that PDRP exists and should be implemented immediately following a disaster
  - State how often it needs to be updated

Policy 3.3.2 – sub-policy for 3.3.1.; should be included in the PDRP.

Objective 3.5 – Hurricane Damage Avoidance

- Lots of redundancy with other policies
  - Policy 3.5.1 – redundancy with 1.7.3
  - Policy 3.5.2 – redundancy with 1.5.1
  - Policy 3.5.3 – redundancy with some stormwater policies (different enough)

Policy 3.5.5 - verify relevancy of documents and plans listed

Objective 3.6 Energy Conservation and GHG Reduction



Policy 3.6.3 - Add language about trash diversion and waste reduction

Policy 3.6.4

- “By 2015 adopt specific standards to reduce GHG emissions...”
- Was this done? Does it need to be updated to “maintain”? What is overall strategy for Climate Change mitigation/GHG reduction?

**RECOMMENDED NEW OBJECTIVES AND POLICIES**

- Consider creation of the Key Biscayne Special Management Zone (SMZ).
- Hurricane Preparedness – trees (pruning, canopy maintenance), debris cleanup (pre and post)
- Expansion of Historic Structure (to include district, zones, waterfronts, etc.)
- Other mechanisms to enforce manatee and sea turtle protection

Goals, Objectives & Policies	Element	Implementation
<b>CONSERVATION AND COASTAL MANAGEMENT</b> (Conservation and Coastal Management goals, objectives and policies are combined because they are complimentary. )		
<b>Goal 1</b>	<b>To preserve and enhance the significant natural features in Key Biscayne.</b>	
Objective 1.1	<b>Air Quality:</b> Improve air quality to achieve or maintain applicable standards as established by the US Environmental Protection Agency (EPA).	<b>Implemented: Ongoing.</b> Through intergovernmental coordination, the Village supports Miami-Dade County’s efforts to improve air quality.
Policy 1.1.1	Maintain compliance with traffic LOS standard thereby avoiding congestion that would adversely impact air quality.	<b>Implemented: Ongoing.</b> Crandon Boulevard improvements and plans for Harbor Drive at the Village entrance have addressed congestion and air quality issues. Traffic issues will continue to be addressed during this planning period through implementation of recent transportation studies (See Transportation Element)
Policy 1.1.2	Control emissions from all hazardous waste facilities to comply with Lowest Achievable Emission Rates, including vapor control systems to control hydrocarbon emissions at gas stations.	<b>Implemented: Ongoing.</b> Through intergovernmental coordination, the Village supports Miami-Dade County’s efforts to improve air quality.

Objective 1.2	<b>Water Pollution:</b> Upgrade drainage system so outfalls into Biscayne Bay (and adjacent canals) fully meet NPDES standards and Chapters 17-25 and 17-302.500, F.A.C., by 1998. Upgrade private property on-site drainage standards to ensure retention of at least the first one inch of stormwater, and no more runoff after development than before.	<b>Implemented: Ongoing.</b> The Village has continuously planned for and implemented storm water and drainage improvements village-wide including compliance with outfall standards at all 17 of the outfall to Biscayne Bay. The Village is currently implementing the recommendations from the 2016 Stormwater Improvement Implementation Plan by EAC. The Village submits annual NPDES reports and is audited yearly.
Policy 1.2.1	Based on capital cost implications of DMP, activate the stormwater utility assessment as a basis for bonding by 1998. Update DMP to upgrade storm sewer system to meet standards of Objective 1.1 of the Infrastructure Element.	<b>Implemented: Ongoing.</b> The Village collects assessments from all property owners to finance the Stormwater Utility Fund. The Village is currently implementing the recommendations from the 2016 Stormwater Improvement Implementation Plan by EAC.
Policy 1.2.2	By statutory deadline or sooner, enact and enforce LDC provisions regarding detention, runoff, erosion control, pervious open space minimums, swales, drainage LOS, beach dune protection and other land protection measures.	<b>Implemented: Ongoing.</b> Through the Land Development Code requirements.
Policy 1.2.3	Refer any development permit applications for storage of hazardous waste to MDC.	<b>Implemented: Ongoing.</b> Through intergovernmental coordination efforts.
Objective 1.3	<b>Vegetative and Soil Resources:</b> Achieve zero net loss of mangroves.	<b>Implemented: Ongoing.</b> Ongoing There is no official Village map of mangroves. However, housing projects are evaluated on a case-by-case basis including a review of landscape. Should a project significantly infringe on environmental features, the Village would deny approval where appropriate.
Policy 1.3.1	By statutory deadline or sooner, enact and enforce estuarine waterfront protection provisions in the LDC in accordance with state of Florida Department of Environmental Protection (FDEP) and waterfront policies of DERM.	<b>Implemented: Ongoing.</b> As a result of lessons learned from Hurricane Irma in 2017, the Village will continue to considers new policies to address waterfront protection provisions.



Policy 1.3.2	Contact DERM if any adverse impact is observed relative to the limited sea grass beds in adjacent Bay waters.	<b>Implemented: Ongoing.</b> Through intergovernmental coordination efforts.
<b>Objective 1.4</b>	<b>Sea Turtle Preservation:</b> Strive to achieve zero human-induced loss of manatees and/or sea turtle eggs.	<b>Implemented: Ongoing.</b> Through education and intergovernmental coordination efforts.
Policy 1.4.1	Village police will report speeding violations in manatee protection areas to County and State marine police, and publicize the MDC manatee telephone hotline to the public.	<b>Implemented: Ongoing.</b> Through enforcement and intergovernmental coordination efforts.
Policy 1.4.2	By statutory deadline or sooner, enact and enforce land development provisions to minimize light on beach areas where sea turtles nest.	<b>Implemented: Ongoing.</b> Through Land Development Code requirements.
<b>Objective 1.5</b>	<b>Floodplains:</b> Achieve construction of all new building first floors at or above FEMA specified flood regulations and also, for non-residential uses only, in accordance with FEMA approved waterproof construction specifications.	<b>Implemented: Ongoing.</b> The Village has a base flood elevation ordinance that is more restrictive than FEMA's requirements.
Policy 1.5.1	Village Manager shall design and promulgate specific management techniques to ensure effective enforcement of FEMA regulations. Flood damage prevention regulations shall be enforced by the Village.	<b>Implemented: Ongoing.</b> Through Land Development Code and the 2017 Flood Ordinance requirements.
<b>Objective 1.6</b>	<b>Emergency Water Conservation:</b> Reduce per capita water consumption by at least 10% in the event of a water supply emergency (pending upon near term ability to measure Village-wide consumption).	<b>Implemented: Ongoing.</b> Through education and intergovernmental coordination efforts.
Policy 1.6.1	Enact and enforce and emergency water conservation based on South Florida Water Management District (SFWMD) model ordinance and requirements.	<b>Implemented: Ongoing.</b> Through intergovernmental coordination efforts.
<b>Objective 1.7</b>	<b>Conservation of Wildlife and Habitat:</b> Achieve zero degradation of fisheries, wildlife, wildlife habitat, marine habitat and environmentally sensitive land.	<b>Implemented: Ongoing.</b> Through education and enforcement efforts.
Policy 1.7.1	Cooperate with US Army Corps of Engineers (ACE) for beach renourishment as necessary to minimize damage to offshore grass flats, terrestrial and marine animal habitats and dune vegetation.	<b>Implemented: Ongoing.</b> Through the Land Development Code requirements and the Capital Improvement Program which includes yearly beach nourishment activities.
Policy 1.7.2	Limit permits (within Village jurisdiction) for beach restoration or renourishment borrow areas to those that do not negatively affect offshore reefs or grass flats.	<b>Implemented: Ongoing.</b> Through the Land Development Code requirements and the Capital Improvement Program which includes yearly beach renourishment activities.

Policy 1.7.3	By statutory deadline or sooner, enact and enforce LDC provisions requiring minimum building setbacks from the ocean. Prevent encroachment on beach front according to the Dune Restoration Area of the FLUM and the Coastal Construction Control Line.	<b>Implemented:</b> <i>Ongoing.</i> Through restrictions on construction to Coastal Zone A.
Policy 1.7.4	Prohibit dredging or filling that would result in the destruction of grass/algae flats, hard bottom or benthic communities within Village limits.	<b>Implemented.</b> This applies only in canals or in natural harbors (e.g. Hurricane Harbor; within the Yacht Club). The Village limits end at shoreline on Bayside. Measured at high tide, the beach along the Atlantic seaward is property of the State. Bayside water is County property up to the southern portion of the island, where it is national parkland.
Policy 1.7.5	Prohibit deposit of solid waste or industrial waste that create a health or environmental hazard.	<b>Implemented:</b> <i>Ongoing.</i>
Policy 1.7.6	Maintain standing as a bird sanctuary, and prohibit destruction of any bird except by those persons with a valid permit for scientific purposes issued by the US Fish and Wildlife Service.	<b>Implemented:</b> <i>Ongoing.</i> Cape Florida State Park/Bill Baggs is officially recognized as a bird sanctuary.
Policy 1.7.7	Require all new shoreline development affecting marine habitats to be reviewed by DERM.	<b>Implemented:</b> <i>Ongoing.</i> Through intergovernmental coordination with DERM.
Policy 1.7.8	Give preference to salt tolerant landscaping over traditional materials in the enactment of the landscape requirements of the LDC.	<b>Implemented:</b> <i>Ongoing.</i> Through the landscape requirements in the Land Development Code.
Policy 1.7.9	Prohibit and require eradication of invasive species on all sites of new and redevelopment projects.	<b>Implemented:</b> <i>Ongoing.</i> Through the landscape requirements in the Land Development Code.
Policy 1.7.10	Coordinate with County and FDEP in monitoring coastal waters and sediments.	<b>Implemented:</b> <i>Ongoing.</i> The Village has created a volunteer beach clean-up program that coincides with a national annual coastal clean-up effort.
Policy 1.7.11	Cooperate and comply with Federal, state and county programs and mandates regarding dockside pump out facilities.	<b>Implemented:</b> <i>Ongoing.</i>
Policy 1.7.12	Promote beautification with an annual clean-up drive for the beaches and shorelines.	<b>Implemented:</b> <i>Ongoing.</i> The Village has created a volunteer beach clean-up program that coincides with a national annual coastal clean-up effort.



Policy 1.7.13	Enact and enforce an emergency water conservation plan, through a water shortage ordinance consistent with SFWMD.	<b>In progress.</b>
Policy 1.7.14	Officially designate DERM mangrove areas within the Village (see Figure V-1, Data and Analysis) as environmentally sensitive lands which shall be protected from development unless their ecological value is replaced via mitigation.	<b>In progress.</b>
<b>Objective 1.8</b>	<b>Water Supply:</b> Assist the Miami-Dade County Water and Sewer Department in ensuring there is sufficient water supply for existing and new development in the Village.	<b>Implemented.</b> The Village monitors water supply through concurrency, however, it is a recommended of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.8.1	The Village shall coordinate land uses and future land use changes with the availability of water supplies and water supply facilities.	<b>Implemented.</b> The Village monitors water supply through concurrency, however, it is a recommended of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.8.2	The Village shall adopt 155 gallons of water per person per day as its level-of-service standard for residential and nonresidential users.	<b>Implemented.</b> The adopted LOS is maintained, however, it is a recommended of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.8.3	The Village shall continue to implement the same or more stringent water conservation measures through its land development regulations.	<b>Implemented.</b> Ongoing, water conservation is required through enforcement of the Florida Building Code. It is a recommended of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.

Policy 1.8.4	The Village shall conserve potable water resources, including the support of reuse programs and potable water conservation strategies and techniques.	<b>Implemented.</b> Ongoing, water conservation is required through enforcement of the Florida Building Code. It is a recommendation of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.8.5	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.	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.8.6	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.	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.8.7	In 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.	<b>Not Implemented.</b> It is a recommendation of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.8.8	The Village shall enforce Miami-Dade County's Water Use Efficiency Standards Ordinance, adopted on February 5, 2008.	<b>Implemented.</b> Ongoing, water conservation is required through enforcement of the Florida Building Code. It is a recommendation of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.

Policy 1.8.9	The Village may consider requiring the use of high-efficiency toilets, showerheads, faucets, clothes washers, and dishwashers in all new and redevelopment residential projects.	<b>Implemented.</b> Ongoing, water conservation is required through enforcement of the Florida Building Code. It is a recommended of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.8.10	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 water-using functions such as cooling towers and individual buildings, in all new and redeveloped multi-family residential projects.	<b>Implemented.</b> Ongoing, water conservation is addressed through the Land Development Code
Policy 1.8.11	The Village may encourage the use of Florida Friendly Landscape guidelines and principles; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc.) on walkways, driveways and patios.	<b>Implemented.</b> Ongoing, water conservation is addressed through the Land Development Code. It is a recommended of this plan that the Village update the conservation policies for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
<b>Goal 2</b>	<b>To conserve and manage the environmental resources and man-made uses in the coastal area of Key Biscayne.</b>	
<b>Objective 2.1</b>	<b>Water-Dependent and Water-Oriented Uses:</b> Preserve existing and planned sites for water-dependent and water-oriented ocean hotel resort uses, and assure that marina expansion or development meets appropriate location standards.	<b>Implemented.</b> Ongoing, the zoning code has a designation for private clubs with ocean or bay frontage.
Policy 2.1.1	By statutory deadline or sooner, enact and enforce zoning districts based on Multi- family Residential, Ocean Resort Hotel, Waterfront Recreation and Open Space Land Use Plan categories, and consistent with density limits in the FLUM.	<b>Implemented.</b> The Land Development Code is consistent with the Master Plan and the FLUM.
Policy 2.1.2	New water-dependent uses shall meet specified criteria incorporated in LDC by statutory deadline or sooner.	<b>Implemented.</b> Ongoing through the enforcement of the Land Development Code.
<b>Objective 2.2</b>	<b>Beaches and Dunes:</b> Achieve no new major development or redevelopment seaward of the Coastal Construction Control Line and restore and preserve a naturally vegetated dune along the entire Atlantic Ocean frontage of the Village.	<b>Implemented: Ongoing.</b>



Policy 2.2.1	The Village shall 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 additional buildings 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.	<b>Implemented.</b> Ongoing through the enforcement of the Land Development Code.
Policy 2.2.2	The Village shall 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.	<b>Implemented.</b> Ongoing through the enforcement of the Land Development Code.
Policy 2.2.3	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.	<b>Implemented.</b> Ongoing. Beach renourishment is funded through the Village Capital Improvement Plan.
<b>Objective 2.3</b>	<b>Beach Public Access:</b> Maintain a municipal beach access point open to the general public, Village residents, and their guests.	<b>Implemented: Ongoing.</b>
Policy 2.3.1	The Village shall maintain an existing agreement with a private property owner to provide beach access open to the general public.	<b>Implemented.</b> The Village has an agreement on an easement with the Grand Bay Resort.
<b>Objective 2.4</b>	<b>Historic Preservation:</b> No later than 2015, prepare a list of potentially significant historic structures.	<b>Not implemented.</b> There is no local designation process, nor a list of historic properties because there are no structures on the Island older than 50 years and of significant historical merit.
Policy 2.4.1	Based upon historical accounts of early development in the Village, by 2015 the Village shall identify all properties eligible for designation on the National Register of Historic Places.	<b>Not implemented.</b> There are no historic structures older than 50 years and therefore none that meet the requirements of the National Register.
<b>Objective 2.5</b>	<b>Biscayne Bay Preservation:</b> Assist the County, FDEP and National Park Service (NPS) to preserve and enhance Biscayne Bay Aquatic Preserve.	<b>Implemented.</b> Ongoing through the enforcement of the Land Development Code and NPDES annual reporting.

Policy 2.5.1	Contribute to the improvement of Biscayne Bay through implementation of DMP, replacing septic tanks with sanitary sewers tied into the County system and/or upgrading of septic tank and drainfield standards, mandating on-site stormwater detention and marina siting standards according to Infrastructure Element and this Element.	<b>Implemented.</b> The Village is entirely serviced by sanitary sewer. All existing properties currently utilizing septic tanks and drainfields will be required to tie-in to the sewer system during this planning period.
Policy 2.5.2	Contribute to the improvement of Biscayne Bay water quality through cooperation and consultation with the Biscayne Bay Shoreline Development Review committee, FDEP and the NPS.	<b>Not implemented.</b>
<b>Goal 3</b>	<b>To minimize human and property loss due to hurricanes.</b>	
<b>Objective 3.1</b>	<b>Coastal High-Hazard Area Land Use and Infrastructure:</b> Limit Village funds on infrastructure within the coastal high-hazard area that would have the effect of directly subsidizing development which is significantly more intense than authorized by this plan. The Coastal High Hazard Area is defined as the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The Coastal High Hazard Area is identified on the Future Land Use Map series.	<b>Implemented: Ongoing.</b> Infrastructure is based on the maximum density of development permitted by the zoning code.
Policy 3.1.1	Limit funding of public infrastructure expansion if the effect is a direct subsidy to a specific private development in the Village.	<b>Implemented: Ongoing.</b> The Village does not subsidize private development; it pays for its own infrastructure needs.
Policy 3.1.2	Objective 3.1 and Policy 3.1.1 should not preclude plans to extend sewer lines, improve drainage facilities or reconfiguration of streets to provide adequate infrastructure to serve Future Land Use Plan development or prior vested development rights.	<b>Implemented.</b>
<b>Objective 3.2</b>	<b>Hurricane Evacuation:</b> Maintain an out-of-County 13 hour hurricane evacuation clearance time or an evacuation time of 12 hours to a shelter.	<b>Implemented: Ongoing.</b> Evacuation time is based on the maximum density of development permitted by the FLUM and the zoning code.
Policy 3.2.1	Maintain traffic LOS, based on FLUM, to achieve a reasonable hurricane evacuation time.	<b>Implemented: Ongoing.</b> Evacuation time is based on the maximum density of development permitted by the FLUM and the zoning code.
Policy 3.2.2	The Village shall update its hurricane emergency plan; the plan shall be consistent with the current Miami-Dade County Emergency Operations Plan and the most current hurricane evacuation study.	<b>Implemented: Ongoing.</b> It is recommended that updates be made based on experiences that resulted from Hurricane Irma in 2017.

<b>Objective 3.3</b>	<b>Post-Disaster Redevelopment:</b> Adopt a post-disaster redevelopment plan by 2015.	<b>Implemented: Ongoing.</b> It is recommended that updates be made based on experiences that resulted from Hurricane Irma in 2017.
Policy 3.3.1	By 2015, based upon staff review of post-disaster assessment, clean-up and housing repair experiences, the Village shall prepare a post-disaster redevelopment plan in consultation with the South Florida Regional Planning Council, Miami-Dade County and the appropriate federal agencies. 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.	<b>Implemented: Ongoing.</b> It is recommended that updates be made based on experiences that resulted from Hurricane Irma in 2017.
Policy 3.3.2	The adopted plan will specify that during post-disaster redevelopment, the Building, Zoning and Planning Department will distinguish between those actions needed to protect public health and safety with immediate repair/clean-up 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 Miami-Dade County Emergency Operations Plan.	<b>Implemented: Ongoing.</b> It is recommended that updates be made based on experiences that resulted from Hurricane Irma in 2017.
Policy 3.3.3	During recovery periods, use post-disaster redevelopment plan to reduce or eliminate future exposure of life and property to hurricanes, incorporate recommendation of interagency hazard mitigation reports and recommend any amendments to MP.	<b>Implemented: Ongoing.</b> It is recommended that updates be made based on experiences that resulted from Hurricane Irma in 2017.
Policy 3.3.4	Unsafe conditions and inappropriate uses identified in recovery phase will be eliminated as opportunities arise.	<b>Implemented: Ongoing.</b> It is recommended that updates be made based on experiences that resulted from Hurricane Irma in 2017.
<b>Objective 3.4</b>	<b>Level of Service and Public Facility Timing:</b> Achieve LOS standards by concurrency and a capital improvement schedule.	<b>Implemented: Ongoing.</b> During the site plan review process, the Village reviews LOS and concurrency to ensure the project is consistent with them.
Policy 3.4.1	Implement concurrency management system with phased capital improvement schedule to achieve and maintain LOS standards concurrent with the impact of development.	<b>Implemented: Ongoing.</b>
<b>Objective 3.5</b>	<b>Hurricane Damage Avoidance:</b> Minimize damage from any hurricane storm surge. See Policies for measurability.	<b>Implemented: Ongoing.</b>
Policy 3.5.1	By statutory deadline or sooner, enact and enforce LDC provisions requiring minimum setbacks from the ocean and compliance with the CCCL regulations.	<b>Implemented: Ongoing.</b>



Policy 3.5.2	Enforcement of new residential construction at or above flood elevation specified by FEMA, and new non-residential construction at or above flood elevation specified by FEMA or in accordance with FEMA approved waterproof construction specifications.	<b>Implemented:</b> <i>Ongoing.</i> In 2017 the Village updated the Flood Ordinance.
Policy 3.5.3	By statutory deadline or sooner, enact and enforce LDC provisions limiting the amount of fill added to a property in conjunction with development or redevelopment to minimize stormwater runoff.	<b>Implemented:</b> <i>Ongoing.</i> Onsite stormwater retention is mandated.
Policy 3.5.4	Monitor changes to and recommend County Emergency Operations Plan (EOP) hazard mitigation reports as basis for amending MP and LDC as appropriate.	<b>Not implemented.</b> Zoning in the LDC reflects the MP.
Policy 3.5.5	Reduce permitted population densities according to FLUM to coordinate with 1991 MDC EOP (local) and lower Southeast Florida Hurricane Evacuation Plan (regional).	<b>Not implemented.</b> The Village is maintaining levels, but not reducing them.
Policy 3.5.6	Limit funding of public infrastructure expansion if the effect is a direct subsidy to a specific private development in the Village.	<b>Implemented:</b> The Village does not subsidize private development.
<b>Objective 3.6</b>	<b>Energy Conservation and Greenhouse Gas Reduction:</b> The Village shall encourage methods for integration of energy conservation technologies in new construction and redevelopment and in Village municipal programs and services.	<b>In progress.</b> Village municipal and maintenance programs encourage energy conservation.
Policy 3.6.1	The Village shall encourage energy-efficient construction methods and develop initiatives to encourage energy conservation techniques in municipal and private-sector development.	<b>In progress.</b> Village municipal and maintenance programs encourage energy conservation.
Policy 3.6.2	The Village shall develop standards and principals to provide for the improvement of energy efficiency in municipal services and programs	<b>In progress.</b> Village municipal and maintenance programs encourage energy conservation.
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.	<b>In progress.</b> Village municipal solid waste pick-up includes recycling. It is a recommendation of this plan to encourage education on waste diversion.
Policy 3.6.4	The Village shall amend the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation by 2015.	<b>In progress.</b> Village municipal and maintenance programs encourage energy conservation.
Policy 3.6.5	As the replacement of municipal vehicles is scheduled, the Village shall consider the availability of replacement with low emission or fuel efficient vehicles.	<b>In progress.</b> Village municipal and maintenance programs encourage energy conservation.
Policy 3.6.6	The Village shall, through the current site plan review procedures, encourage the diversion from landfills of materials that are recyclable when issuing construction demolition permits.	<b>In progress.</b> Village municipal and maintenance programs encourage energy conservation.



## Recreation and Open Space Element

### RECREATION AND OPEN SPACE ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

#### Objective 1.1 – Waterfront Access

- Policy 1.1.1 – redundancy (exactly the same as Objective 2.3 and Policy 2.3.1)

Policy 1.3.1 Revise the following outdated language: Adjust and update LOS data table as needed

Policy 1.3.2 - Consider revision to realign to come before 1.3.1; or consider merging policies

Policy 1.3.4 - Revise the outdated language and include the need for a new Parks Master Plan to be prepared during this planning period.

Policy 1.3.5 Revise the following outdated language: “No later than Dec 31, 2015, explore a recreation impact fee”. Consider deleting, the impact fee was not established during the last planning period.

### RECOMMENDED NEW OBJECTIVES AND POLICIES

- Recreation impact fee, should be deleted if no longer a desire of the Village
- Revise inventory policy to specify a GIS based inventory be created
- Add a new policy to prepare a new Parks Master Plan during this planning period

### COMPREHENSIVE REVIEW OF THE RECREATION AND OPEN SPACE ELEMENT

Goals, Objectives & Policies	Element	Implementation
<b>RECREATION AND OPEN SPACE</b>		
<b>Goal 1</b>	<b>Provide a desirable level of public recreation and open space facilities together with supplemental private recreation and open space facilities.</b>	
<b>Objective 1.1</b>	<b>Waterfront Access:</b> Continue to provide for a municipal ocean beach access point within the Village.	<b>Implemented: Ongoing.</b> The Village maintains the Beach Park and offers FAR incentives for beach access easements.
Policy 1.1.1	The Village shall continue to maintain the Beach Park as the principal municipal ocean beach access point within the Village.	<b>Implemented: Ongoing.</b> The Village maintains the Beach Park.
<b>Objective 1.2</b>	<b>School Playfield Access:</b> Assure resident access to the elementary school playfield.	<b>Implemented.</b>
Policy 1.2.1	The Village shall maintain a joint use agreement with School Board to assure resident access to the school’s playfields.	<b>Implemented.</b>
<b>Objective 1.3</b>	<b>Public Recreation Facilities:</b> Achieve park and recreation lands (with facilities) of at least 2.5 acres per 1,000 people permanent population.	<b>In progress.</b>

Policy 1.3.1	The Village shall actively seek to acquire through purchase, long term lease and/or donation, sufficient additional acreage to meet the standard of 2.5 acres per 1,000 people permanent population. The standard of 2.5 acres per 1,000 permanent residential shall be used for concurrency purposes.	<b>In progress.</b> Although the Village still does not meet the standard of 2.5 acres per 1,000 persons, it has added parks and recreation space to its roster, recently acquiring a residential lot to be used as a neighborhood pocket park.																								
Policy 1.3.2	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.	<b>In progress.</b>																								
Policy 1.3.3	Continue to pursue acquisition (purchase or lease) of park land to meet LOS standard outlined in Capital Improvement Schedule.	<b>In progress.</b> As mentioned above, the Village continues to pursue opportunities to acquire additional park land.																								
Policy 1.3.4	As acquisition of park tracts is assured, the Village shall finalize detailed planning for facilities such as ball fields and playgrounds. A phased implementation plan shall be initiated.	<b>In progress.</b> The Village has acquired and improved land and build several new facilities over the past planning period, it is recommended that a new Parks Master Plan be prepared in this planning period.																								
Policy 1.3.5	No later than December 31, 2015, the Village shall explore a recreation impact fee to help finance acquisitions and improvements.	<b>Not implemented.</b> No impact fee is in place at this time.																								
Policy 1.3.6	<p>The following properties shall be included in the inventory of Parks and Recreation Space:</p> <table border="1"> <thead> <tr> <th>Parks and Recreation Space</th> <th>Acreage</th> </tr> </thead> <tbody> <tr> <td>Calusa Park</td> <td>3.00</td> </tr> <tr> <td>Village Green</td> <td>9.50</td> </tr> <tr> <td>Key Biscayne K-8 Center</td> <td>2.02</td> </tr> <tr> <td>East Enid Lake Park</td> <td>2.78</td> </tr> <tr> <td>Beach Park</td> <td>2.00</td> </tr> <tr> <td>St. Agnes Field</td> <td>2.13</td> </tr> <tr> <td>Community Center</td> <td>1.95</td> </tr> <tr> <td>Library Park</td> <td>1.17</td> </tr> <tr> <td>Hacienda Canal Pocket Park</td> <td>0.03</td> </tr> <tr> <td>530 Crandon Blvd</td> <td>0.52</td> </tr> <tr> <td>Total</td> <td>25.10</td> </tr> </tbody> </table> <p>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.</p>	Parks and Recreation Space	Acreage	Calusa Park	3.00	Village Green	9.50	Key Biscayne K-8 Center	2.02	East Enid Lake Park	2.78	Beach Park	2.00	St. Agnes Field	2.13	Community Center	1.95	Library Park	1.17	Hacienda Canal Pocket Park	0.03	530 Crandon Blvd	0.52	Total	25.10	<b>Not implemented.</b> No system currently exists to automatically update the inventory of properties. It is recommended that the Village institute a GIS based inventory tracking program in this planning period.
Parks and Recreation Space	Acreage																									
Calusa Park	3.00																									
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Objective 1.4	<b>Open Space:</b> Achieve semi-passive public open space in the central part of Village, public open space on the waterfront plus private open space in conjunction with any new private development.	<b>Implemented.</b> The Village has built the Village Green and Beach Park. If development generates a demand on open space and public recreation facilities, it is required to submit open space as part of its plan.
Policy 1.4.1	The Village shall maintain as part of LDC minimum front, side and rear setbacks and minimum pervious open space for all new construction. Definitions and standards will be included. The amount of open space required by these regulations shall be consistent with the high property values of the island and the need to ensure reasonably satisfactory levels of access to light and air, but pervious area shall not be less than 30 percent of total site area for the average single family residential site.	<b>Implemented.</b> Ongoing through enforcement of the Land Development Code.
Policy 1.4.2	The Village shall maintain a LDC zoning district to implement Waterfront Recreation and Open Space land use category and thereby preserve such open space uses such as the beach club and yacht club. The amount of open space required by these regulations shall be consistent with the high property values of the island and the need to ensure reasonably satisfactory levels of access to light and air, but pervious area shall not be less than 15 percent of total site.	<b>Implemented.</b> Ongoing through enforcement of the Land Development Code
Policy 1.4.3	The Village shall maintain a village center in order to provide for central public open space.	<b>Implemented.</b> Key Biscayne developed a Village center and is continuing to maintain it.
Objective 1.5	<b>Public-Private Coordination:</b> Explore and implement a fully coordinated system of recreation resources.	<b>In progress.</b> It is recommended that a new Parks Master Plan be prepared in this planning period.
Policy 1.5.1	The Village Manager or designee shall maintain an inventory of all private and semi-public recreational facilities.	<b>Not implemented.</b> No system currently exists to inventory private and semi-public facilities. It is recommended that the Village institute a GIS based inventory tracking program in this planning period.



## Intergovernmental Coordination Element

### INTERGOVERNMENTAL COORDINATION ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

Objective 1.1 Coordination with the County Plan and School Board - Revise the outdated language in Description paragraph – no mention of Miami 21 and other county plans that need to be included.

Policy 1.1.6 Revise the following outdated language: Says to establish LOS standard for public school facilities, but does not set them, revise to be consistent with the Public School Element of this plan.

Policy 1.2.1 Revise the following outdated language: “by 2015”

- Review leases and agreements and revise as needed:
  - Virginia Key Sites for Recreation and the Causeway
  - MAST Academy for Recreation
  - Key Biscayne Presbyterian Church for Recreation
  - Management Agreement for Calusa Park
  - Key Biscayne K-8 Center (for playground)
  - Other areas

Policy 1.2.4 Revise the following outdated language: “Replacement of septic tanks with sanitary sewers tied into County system.”

Policy 1.2.6 Revise the following outdated language: “Work with Miami-Dade County and City of Miami to create a program for annual evaluation of affordable housing” and “Affordable Housing fee trust fund partnership with MDC or City of Miami”

Policy 1.3.2 Revise the following outdated language: “Tracking system that measures increase in population resulting from development”

Policy 1.3.6 Revise the following outdated language: “Coordinate with Lower East Coast Water Supply Plan Update”

### RECOMMENDED NEW OBJECTIVES AND POLICIES

- Create policies to support participation in regional coordination efforts to combat current issues such as sea level rise, resiliency, climate change, waste management reduction and recycling, additional traffic safety and multi-modal options. Include a policy in support of the Southeast Florida Regional Climate Change Compact.
- Include a policy in support of continuing the new financing programs for solar and energy efficient retrofits including the PACE and the Co-op programs.
- Consider a policy in support of intergovernmental coordination in regards to the Village owning riparian rights in the Bay, possibly for the purpose of Village owned buoys.
- Create a policy to support coordination with other governing agencies on a plan for a breakwater to protect the beach and protect against the environmental degradation (gas and oil leaks) that can result from boats sinking or running aground during a hurricane event.
- Include a policy on continue diplomacy, including through participation in regional organizations such as the Miami-Dade League of Cities, the South Florida Regional Planning Council and other opportunities (i.e. “Dade Days” in Tallahassee)
- Include a policy to initiate intergovernmental coordination with all transportation planning authorities to address the integrity and future funding for improvements to the Bear Cut Bridge and the Rickenbacker Causeway.

- Include a policy to initiate intergovernmental coordination with the Miami-Dade County School Board to address the possibility of utilizing the “Old Frost Museum” as a future new High School to accommodate students from Key Biscayne and the Brickell and Roads neighborhoods.
- Include a policy to continue coordination with the Miami-Dade County School Board on the future of the Key Biscayne K-8 Education Center, which could include a new performing arts center and a modern library.
- Include a policy to continue coordination with the County, the City of Miami Beach and City of Miami as appropriate for maintenance of traffic during programmed events (The Boat Show and future events for the Miami Marine Stadium) and future uses on Virginia Key that will impact traffic on the Rickenbacker causeway.
- Revisit Level of Service standards to ensure consistency with other elements of the plan. Revise to include a statement that the Village is supportive of concurrency management as a community value
  - o Only sewage and potable water

### COMPREHENSIVE REVIEW OF THE INTERGOVERNMENTAL COORDINATION ELEMENT

Goals, Objectives & Policies	Element	Implementation
<b>INTERGOVERNMENTAL COORDINATION</b>		
<b>Goal 1</b>	<b>To maintain and establish processes to assure coordination with other governmental entities where necessary to implement this plan.</b>	
<b>Objective 1.1</b>	<b>Coordination with the County Plan and School Board:</b> Achieve consistency between the Village Plan and both MDC Comprehensive Development Master Plan and City of Miami Comprehensive Plan; achieve coordination with the plans of the Miami-Dade County School Board. See policies throughout this element for measurability.	<b>In progress.</b>
Policy 1.1.1	The Village shall continue to monitor the MDC Comprehensive Development Master Plan amendment process as County Plan is updated.	<b>Implemented: Ongoing.</b> Where the County makes decisions that affect the Village, such as on Virginia Key, in Crandon Park or at the Seaquarium, the Village monitors its actions.
Policy 1.1.2	The Village shall maintain an active dialogue with School Board staff concerning any plans for schools within the Village.	<b>Implemented: Ongoing.</b> The Village may desire to expand the dialogue to include schools outside of the Village, considering the fact that students attend schools at MAST Academy and at Coral Gables High.
Policy 1.1.3	Use informal mediation process of SFRPC to resolve annexation and other conflicts with other governmental entities.	<b>Obsolete.</b> The Village has not attempted to annex any land nor does it foresee doing so.
Policy 1.1.4	Review and compare proposed development in City of Miami and MDC with proposed development of Village Comprehensive Plan; and, where appropriate, respond at public hearings, through memoranda, or through the SFRPC mediation process.	<b>Implemented: Ongoing.</b>



<b>Objective 1.2</b>	<b>Master Plan Impact and Implementation Coordination:</b> Coordinate developmental impact of MP with other jurisdictions.	<b>Implemented: Ongoing.</b> Where other jurisdictions make decisions that affect the Village, such as on Virginia Key, in Crandon Park or at the Seaquarium, the Village monitors their actions.
Policy 1.2.1	No later than 2015 the Village shall continue to consider or implement the following types of interlocal agreements or leases generally of the type described below:	
	<i>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.</i>	<b>Implemented.</b> Ongoing, funding is budgeted through the annual Capital Improvement Plan.
	<i>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.</i>	<b>Implemented: Ongoing.</b>
	<i>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.</i>	<b>Implemented.</b> The Village is a member of the Virginia Key Master Plan Committee, which is guiding the development of Virginia Key.
	<i>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 pursue an agreement with the Miami-Dade County Park and Recreation Department to provide for Village management of Calusa Park.</i>	<b>Not implemented.</b> Although the Village still does not meet the standard of 2.5 acres per 1,000 persons, it has added parks and recreation space to its roster.
	<i>Key Biscayne K-8 Center: An agreement to cooperate and coordinate with the Miami-Dade County School Board to make the K-8 Center playground available for community use.</i>	<b>Implemented.</b> The Village maintains the property in exchange for its use during certain hours.
	<i>Other areas within or proximate to the Village: An agreement or lease with other areas within the Village, as necessary.</i>	<b>In progress.</b>
Policy 1.2.2	Maintain dialogue with Metro-Dade Planning Dept. and other County agencies relative to limiting land use intensity.	<b>Implemented: Ongoing.</b> Where the County makes decisions that affect the Village, such as on Virginia Key, in Crandon Park or at the Seaquarium, the Village monitors their actions.
Policy 1.2.3	Assist in providing information regarding services such as waste, water, sewers, transit and hurricane response to residents.	
Policy 1.2.4	Improve Biscayne Bay water quality by the following:	<b>Implemented: Ongoing.</b>
	<i>Implementation of Master Drainage Plan.</i>	<b>Implemented: Ongoing.</b>

	<i>Replacement of septic tanks with sanitary sewers tied into County system.</i>	<b>Implemented.</b> The entire Village is serviced by a sanitary sewer system.
	<i>Mandating on-site stormwater detention.</i>	<b>Implemented.</b> Ordinances specify the retention of stormwater on-site.
	<i>Marina siting standards.</i>	<b>Implemented.</b>
Policy 1.2.5	Improve Biscayne Bay water quality by coordination with BBSDRC, FDEP and	<b>Implemented: Ongoing.</b>
Policy 1.2.6	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 of the County.	<b>In progress.</b>
Policy 1.2.7	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.	<b>In progress.</b>
Policy 1.2.8	The Village shall evaluate the feasibility of establishing an affordable housing fee trust fund in partnership with Miami-Dade County or the City of Miami via interlocal agreements, to fund affordable housing programs and projects in Miami-Dade County and/or the City of Miami.	<b>In progress.</b>
<b>Objective 1.3</b>	<b>NPS Level of Service Standards Coordination:</b> Ensure coordination with Miami-Dade County Sewer and Water Department, Miami-Dade County, the South Florida Water Management District, and the Lower East Coast Water Supply Plan Update in establishing LOS standards for sewage and potable water.	<b>Implemented.</b> The adopted LOS is maintained, however, it is a recommended of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.3.1	Monitor changes to LOS standards of Miami-Dade County, the South Florida Water Management District, and the Lower East Coast Water Supply Plan Update and adjust own LOS standards accordingly.	<b>Implemented.</b> The adopted LOS is maintained, however, it is a recommended of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
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.	<b>Obsolete.</b> The WASD maintains water usage records.
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.	<b>In progress.</b> The adopted LOS is maintained, however, it is a recommendation of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.

Policy 1.3.4	The Village shall coordinate with the Miami-Dade County Water and Sewer Department in the implementation of alternative water supply projects, establishment of level-of-service standards, resource allocations, changes in service areas and potential for annexation.	<b>In progress.</b> The adopted LOS is maintained, however, it is a recommendation of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.3.5	The Village shall coordinate with the Miami-Dade County Water and Sewer Department by requiring applications to be reviewed by the Department during the site plan review process prior to approving a building permit, in order to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy for properties located within the Village. Additional coordination efforts will occur between the Department and the Village through the water allocation system, which is a monthly spreadsheet used for tracking development activity within the Village. The Village will monitor proposed amendments to the Miami-Dade County Comprehensive Development Master Plan as they relate to water supply planning in the county and provide input as necessary.	<b>In progress.</b> The adopted LOS is maintained, however, it is a recommendation of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
Policy 1.3.6	The Village shall coordinate with the Lower East Coast Water Supply Plan Update.	<b>In progress.</b> The adopted LOS is maintained, however, it is a recommendation of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.





## Capital Improvement Element

### CAPITAL IMPROVEMENT ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

Policy 1.1.2 Revise and update outdated language: “CIP shall include a drainage facility improvement/replacement program based upon the 1993 drainage master plan”

Policy 1.2.1 Revise and update outdated language: “Potable Water: Not to exceed 98% of County treatment and storage system’s rated capacity, with at least 20lbs per sq. inch at property line and average 155 gallons per capita per day”

Policy 1.2.2 Revise and update outdated language: “shall implement a tracking system that measures increases in population resulting from development and redevelopment and provide results to the MDC WASD on a regular basis”

Objective 1.4 Revise and update outdated language: “concurrency management system to be included in the land development code”

Policy 1.4.1 Revise and update outdated language: “annual report monitoring report”

Policy 1.4.4 Revise and update outdated language: “shall establish criteria to prioritize and update projects within the 5 year CIP”

Policy 1.5.1 Revise and update outdated language: “development orders” are no longer in effect

Policy 1.5.2 Revise and update outdated language: “No later than Dec 31, 2015 the village shall explore a recreation impact fee”

Policy 1.5.6 Revise and update outdated language: “2011/12 through 2015/16 Miami-Dade County Public Schools Facilities Work Program”

Implementation Systems: Revise and update outdated language:

1. “capital programming and budgeting process beginning no later than July 1995”
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 un-sewered areas”
4. “Amendments to Land Development code to assure conformance to the concurrency requirements”
5. “Explore park impact fees”
6. “evaluate the need for financing mechanism to pay for beach renourishment and dune development”
7. Recommended New Objectives and Policies

### RECOMMENDED NEW OBJECTIVES AND POLICIES

- Add new policy to adopt an annual update to the Capital Improvement Element to include new “5th Year” projects and any other revisions based on the annual update of the 5-year Capital Improvement Plan.
- Add a new policy updating criteria to prioritize projects to reflect issues that are currently of importance to the Village.
- Adopt the most current Capital Improvement Plan 2018 – 2022.
- Comprehensive Review of the Capital Improvement Element

**COMPREHENSIVE REVIEW OF THE CAPITAL IMPROVEMENT ELEMENT**

Goals, Objectives & Policies	Element	Implementation
<b>CAPITAL IMPROVEMENT</b>		
<b>Goal 1</b>	<b>To undertake capital improvements necessary to provide adequate infrastructure and a high quality of life, within sound fiscal practices.</b>	
<b>Objective 1.1</b>	<b>The Annual Capital Improvement Program Process:</b> The Village shall utilize this Element as the framework to monitor public facility needs as a basis for the annual capital budget and preparation of a 5-year capital improvements program.	<b>Implemented: Ongoing.</b> The Village does this as part of the budget process.
Policy 1.1.1	Staff and engineering studies to form basis for preparation of a 5-year capital improvement program, with one year capital budget, in order to further MP elements.	<b>Implemented.</b> The Village does a one year Capital Improvement Budget and a fiscal budget for five years.
Policy 1.1.2	Capital improvement program to include drainage facility program based on 1993 DMP.	<b>Implemented.</b> It is recommended that the most recent Stormwater Improvement Implementation Plan (2016 prepared by EAC) be referenced in this policy.
Policy 1.1.3	Public safety, quality of life, LOS, redevelopment and Biscayne Bay enhancement projects will be used as criteria for setting priorities that include financial feasibility or budget impact assessments.	<b>Implemented.</b> It is recommended that the priorities be revised to reflect the issues that are relevant for the Village in this planning period.
Policy 1.1.4	The Village shall use designated funding mechanisms such as the drainage utility and sewer assessments to the maximum extent feasible in order to prioritize the application of 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.	<b>Implemented: Ongoing.</b> The Village does this as part of its Capital Improvement Budget. The Village no longer collects a sewer assessment.
Policy 1.1.5	Pursue a prudent policy in terms of borrowing for capital improvements or other purposes.	<b>Implemented: Ongoing.</b>
<b>Objective 1.2</b>	<b>Level of Service and Land Use Decisions:</b> Use FLUP, financial analyses in this Element and LOS standards to review development applications and to prepare annual schedule of capital improvements.	<b>Implemented.</b> All development is consistent with adopted LOS standards.
Policy 1.2.1	The following peak hour LOS standards shall be maintained.	
	<i>Streets: Regulate the timing of development to maintain peak hour LOS standards (Arterial: LOS "D", Collectors: LOS "B", Local Service Streets: LOS "A"). LOS along Crandon Boulevard shall operate at level of service "D" or better and maintain operations at no less than level of service D near north Village limits.</i>	<b>Implemented.</b> All development is consistent with adopted LOS standards.

	<i>Sanitary Sewers in Sewered Areas: Not to exceed 98% of County treatment system's rated capacity. Average sewage generation standard of 140 gallons per capita per day.</i>	<b>Implemented.</b> All development is consistent with adopted LOS standards.
	<i>Sanitary Sewers in Unsewered Areas: Permit septic tanks only in compliance with county and state standards.</i>	<b>Obsolete.</b> The Village has provided sanitary sewer to all non-sewered areas.
	<i>Potable Water: Not to exceed 98% of County treatment and storage system's rated capacity, with at least 20 lbs. per sq. inch at property line and average 155 gallons per capita per day.</i>	<b>Implemented.</b> The adopted LOS is maintained, however, it is a recommended of this plan that the Village update the LOS for Potable Water to be consistent with the Lower East Coast Water Facilities Supply Plan.
	<i>Drainage: Nonresidential development and redevelopment accommodate runoff to meet Federal, state and local requirements.</i>	<b>Implemented.</b> All development is consistent with adopted LOS standards.
	<i>Solid Waste: County system maintains a minimum of 5 years capacity; Village use generation rate of 5.2 lbs. per person per day.</i>	<b>Implemented.</b> All development is consistent with adopted LOS standards.
	<i>Recreation: Maintain a LOS standard of at least 2.5 acres of park land per 1,000 persons permanent population.</i>	<b>In progress.</b> Prior to and since incorporation, the Village has been below a LOS standard of 2.5 acres of parks and recreation space per 1000 persons. However, the Village is in an ongoing pursuit to achieve this goal.
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.	<b>Obsolete.</b> The WASD maintains water usage records.
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.	<b>Implemented.</b> Ongoing through concurrency management.
<b>Objective 1.3</b>	<b>Infrastructure in Coastal High Hazard Area:</b> The Village shall not expend funds on infrastructure within the coastal high-hazard area that would have the effect of directly subsidizing development which is significantly more intensive than authorized by the Plan.	<b>Implemented: Ongoing.</b> The Village does not subsidize private development; it pays for its own infrastructure needs.
Policy 1.3.1	Capital improvement program schedule shall not include projects that would achieve significantly more intensive development than authorized by this plan by directly causing developer applications for Land Use Plan or zoning map amendments .	<b>Implemented.</b> Ongoing through the enforcement of the Land Development Code.



<b>Objective 1.4</b>	<b>Concurrency:</b> Assure provision of public facilities concurrent with the impacts of development through a concurrency management system to be included in the land development code.	<b>Implemented.</b> All development is consistent with adopted LOS standards.
Policy 1.4.1	The Village shall enforce the concurrency management system provided within Article VI of Chapter 30 of the Code of Ordinances. 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 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:	<b>Implemented.</b> All development is consistent with adopted LOS standards.
	1. <i>Measure conformance with LOS standards for water, solid waste and drainage, recreation facilities, and transportation.</i>	<b>Implemented.</b> All development is consistent with adopted LOS standards.
	2. <i>Concurrency Monitoring System</i>	<b>Implemented: Ongoing.</b> The Land Development Code requires a review of concurrency during every building permit application review.
	3. Capacity Reservation	<b>Implemented: Ongoing.</b>
	4. Administration	<b>Implemented: Ongoing.</b>
	5. Project Impact or Demand Measurement	<b>Implemented: Ongoing.</b>
Policy 1.4.2	The Village shall adopt and maintain a five-year Capital Improvements Plan.	<b>Implemented: Ongoing.</b>
Policy 1.4.3	The Village shall seek to ensure that the Capital Improvements Element (CIE) of the Comprehensive Plan is financially feasible.	<b>Implemented: Ongoing.</b>
Policy 1.4.4	The Village shall establish criteria to prioritize and update projects within the five-year Capital Improvements Plan to achieve and maintain adopted level-of-service standards.	<b>Implemented. Ongoing,</b> it is recommended that the criteria to prioritize projects is updated to reflect issues that are currently of importance to the Village.
<b>Objective 1.5</b>	<b>Funding Capital Improvements:</b> The LDC concurrency management system shall reflect both the existing and approved Development of Regional Impact (DRI) development orders; this system shall operate in concert with the capital improvement program, recreation impact fee and drainage utility to assure the funding and provision of needed capital improvements. See policies for measurability.	<b>Implemented.</b>

Policy 1.5.1	The concurrency management system formulas shall include the public facility demands created by the two DRI projects as “committed” and capital improvement schedule shall include the project implications of this committed demand to assure concurrency, so long as either of these development orders is in effect.	<b>Implemented.</b>
Policy 1.5.2	No later than December 31, 2015, the Village shall explore a recreational impact fee that would apply to all new development to help fund acquisitions and improvements.	<b>Not implemented.</b>
Policy 1.5.3	The Village shall not approve any new construction, redevelopment or renovation project which creates a need for expanded capital improvement unless the project pays a proportionate share of the costs of these improvements following legally prescribed criteria for such fees.	<b>Implemented.</b>



## Public Schools and Facilities Element

### PUBLIC SCHOOLS AND FACILITIES ELEMENT RECOMMENDED AMENDMENTS

The following is a list of outdated Objectives and Policies that should be revised to address current local conditions that are of importance to the Village and the region.

Objective 1.1 Revise the following outdated language: “countywide enrollment will meet state requirements for class size by Sept 2010”

Policy 1.1.6 Revise the following outdated language: “staff working group review annually the educational element and school enrollment projections”

Policy 1.2.3 Revise the following outdated language: “it is the goal of the village and MDC public schools for all public school facilities to achieve 100% utilization of permanent FISH (No Relocatable Classrooms) by January 1, 2018.....By Dec 2010, MDC in cooperation with MDC public schools will assess the viability of modifying the adopted LOS standard to 100% utilization of permanent FISH for all CSAs”

Policy 1.2.6 Revise the following outdated language and reference the most current Work Program: “2011/12 through 2015/16 Miami-Dade County Public Schools Facilities Work Program is incorporated by reference”

Objective 1.5 Revise the following outdated language: “the school board, the village and other appropriate jurisdictions shall establish and implement mechanisms for on-going coordination and communication to ensure the adequate provision of public education facilities”

Policy 1.5.5 Revise the following outdated language: “village shall work with the county and the school district to periodically review the Educational Facilities Impact Fee Ordinance”

Policy 1.5.7 Revise the following outdated language: “The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance”

### RECOMMENDED NEW OBJECTIVES AND POLICIES

- Include a policy to initiate intergovernmental coordination with the Miami-Dade County School Board to address the possibility of utilizing the “Old Frost Museum” as a future new High School to accommodate students from Key Biscayne and the Brickell and Roads neighborhoods.
- Include a policy to continue coordination with the Miami-Dade County School Board on the future of the Key Biscayne K-8 Education Center, which could include a new performing arts center and a modern library.
- Consider adding more robust policies in support of school safety, security and monitoring.

### COMPREHENSIVE REVIEW OF THE PUBLIC SCHOOLS AND FACILITIES ELEMENT

Goals, Objectives & Policies	Element	Implementation
<b>PUBLIC SCHOOL FACILITIES</b>		
<p><b>Goal 1</b></p>	<p>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.</p>	



<b>Objective 1.1</b>	Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public Schools, while striving to attain an optimum level of service pursuant to Objective 1.2. Provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools will meet state requirements for class size by September 1, 2010.	<b>In progress.</b> The Village coordinates with MDCPS on LOS.
Policy 1.1.1	Cooperate with the Miami-Dade County Public Schools in their efforts to continue to provide new student stations through the Capital Overlay program, in so far as funding is available.	<b>In progress.</b> The Village coordinates with MDCPS on student stations.
Policy 1.1.2	Collect impact fees from new development for transfer to the Miami-Dade County Public Schools to offset the impacts of these additional students on the capital facilities of the school system.	<b>In progress.</b> The Village coordinates with MDCPS on concurrency and impact fees during the development review process.
Policy 1.1.3	Cooperate with the Miami-Dade County Public Schools in their efforts to develop and implement alternative education facilities, such as primary learning centers, which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.	<b>Not Implemented.</b> No alternative educational facilities were developed during this planning period.
Policy 1.1.4	Cooperate with the Miami-Dade County Public Schools in their efforts to provide public school facilities to the students of the Village, which operate at optimum capacity, in so far as funding available. Operational alternatives may be developed and implemented, where appropriate, which mitigates the impacts of overcrowding while maintaining the instructional integrity of the educational programs.	<b>In progress.</b> The Village coordinates with MDCPS on LOS.
Policy 1.1.5	Cooperate with the Miami-Dade County Public Schools in their efforts to maintain and/or improve the established level of service (LOS), for Public Educational Facilities, as established for the purposes of school concurrency.	<b>In progress.</b> The Village coordinates with MDCPS on LOS.
Policy 1.1.6	The village will through the Staff Working Group of the Interlocal Agreement for Public School Facility coordinate with the Miami-Dade County Public Schools, and applicable municipalities to review annually the Educational Element and school enrollment projections.	<b>Implemented: Ongoing.</b>
<b>Objective 1.2</b>	The Village shall coordinate new residential development with the future availability of public school facilities consistent with the adopted level of service standards for public school concurrency, to ensure the inclusion of those projects necessary to address existing deficiencies in the 5-year schedule of capital improvements, and meet future needs based upon achieving and maintaining the adopted level of service standards throughout the planning period.	<b>Implemented: Ongoing.</b>

Policy 1.2.1	Public school concurrency shall be applied on a less than district-wide basis in the form of concurrency service areas, except for Magnet Schools where public school concurrency shall be applied on a district wide basis. Level of Service standards for public school facilities apply to those traditional educational facilities, owned and operated by Miami-Dade County Public Schools, that are required to serve the residential development within their established concurrency area. Level of Service standards do not apply to charter schools. However, the actual enrollment (October Full Time Equivalent FTE) of both magnet and charter schools as a percentage of the total district enrollment will be credited against the impact of development.	<b>Implemented: Ongoing.</b>
Policy 1.2.2	The adopted Level of Service (LOS) Standard for all Miami-Dade County Public School facilities is 100% 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% FISH (With Relocatable Classrooms) which shall be calculated on a district-wide basis.	<b>Implemented: Ongoing.</b>
Policy 1.2.3	<p>It is the goal of the Village and Miami-Dade County Public Schools for all public school facilities to achieve 100% utilization of Permanent FISH (No Relocatable Classrooms) by January 1, 2018. To help achieve the desired 100% of permanent FISH utilization by 2018, Miami-Dade County Public Schools should continue to decrease the number of relocatable classrooms over time. Public school facilities that achieve 100% utilization of Permanent FISH capacity (No relocatable Classrooms) should, to the extent possible, no longer utilize relocatable classrooms, except as an operational solution. Relocatable classrooms may be used by the Miami-Dade County Public School System as an operational solution during replacement, renovation, remodeling or expansion of a public school facility; and in the event of a disaster or emergency which prevents the School Board from using a portion of the affected school facility.</p> <p>By December 2010, Miami-Dade County in cooperation with the Miami-Dade County Public School will assess the viability of modifying the adopted LOS standard to 100% utilization of Permanent FISH (No Relocatable Classrooms) for all CSAs.</p> <p>In the event the adopted LOS standard of the Miami-Dade County Public Schools established CSA 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:</p>	<b>Implemented: Ongoing.</b>

<p>Policy 1.2.3 (continued)</p>	<p>1. 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 Area as the proposed development; or</p> <p>2. The development’s impact is mitigated, proportionate to the demand for public schools it created, through a combination of one or more appropriate proportionate share mitigations options, as defined in Section 163.3180(13)e1, 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:</p> <ul style="list-style-type: none"> <li>a. Contribution of land;</li> <li>b. The construction, expansion or payment for land acquisition or construction of a permanent public school facility; or</li> <li>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 Public School Board and the Village and must be identified in the Miami-Dade County Public School Facilities Work Program.</li> </ul> <p>3. The development’s impacts are phased to occur when sufficient capacity will be available.</p> <p>If none of the conditions are met, the development shall not be approved.</p>	
<p>Policy 1.2.4</p>	<p>Concurrency Service Area (CSA) shall be delineated to: (1) Maximize capacity utilization of the facility; (2) Limit maximum travel times and reduce transportation costs; (3) Acknowledge the effect of court-approved desegregation plans; (4) Achieve socio-economic, racial, cultural and diversity objectives; and (5) Achieve other relevant objectives as determined by the School Board’s policy on maximization of capacity. Periodic adjustments to the boundary or area of a CSA may be made by the School Board to achieve the above stated factors. Other potential amendments to the CSA’s shall be considered annually at the Staff Working Group meeting to take place each year no later than April 30 or October 31, consistent with Section 9 of the Interlocal Agreement for Public School Facility Planning</p>	<p><b>Implemented: Ongoing.</b></p>



Policy 1.2.5	The Village through the implementation of the concurrency management system and Miami-Dade County Public School Facility Work Program for educational facilities, shall ensure that existing deficiencies are addressed and the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards throughout the planning period in the 5-year schedule of capital improvements.	<b>Implemented:</b> <i>Ongoing.</i>
Policy 1.2.6	Pursuant to Chapter 163, Florida Statutes, the Miami-Dade County Public Schools 5-Year District Facilities Work Program, developed by Miami-Dade County Public Schools and adopted by the Miami-Dade County Public 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 Work 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 School 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.	<b>Implemented:</b> <i>Ongoing.</i>
<b>Objective 1.3</b>	Obtain suitable site for the development and expansion of public education facilities.	<b>Not Implemented.</b>
Policy 1.3.1	In the selection of sites for future educational facility development, the Village encourages the Miami-Dade County Public Schools to consider whether a school is in close proximity to residential areas and is in a location that would provide a logical focal point for community activities.	<b>In progress.</b> Coordination efforts will continue with site selection considerations.
Policy 1.3.2	Where possible, the Miami-Dade County Public Schools should seek sites which are adjacent to existing or planned public recreation areas, community centers, libraries, or other compatible civic uses for the purpose of encouraging joint use facilities or the creation of logical focal points for community activity.	<b>In progress.</b> Coordination efforts will continue with site selection considerations.
Policy 1.3.3	The Village acknowledges and concurs that, when selecting a site, the Miami-Dade County Public Schools will consider if the site meets the minimum size criteria as recommended by the State Department of Education or as determined to be necessary for an effective educational environment.	<b>In progress.</b> Coordination efforts will continue with site selection considerations.

Policy 1.3.4	When considering a site for possible use as an educational facility, the Miami-Dade County Public Schools should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, transportation, fire flow and potable water, sanitary sewers, drainage, solid waste, police and fire services, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization. When considering a site for possible use as an educational facility the Miami-Dade County Public Schools should consider whether the present and projected surrounding land uses are compatible with the operation of an educational facility.	<b>In progress.</b> Coordination efforts will continue with site selection considerations.
Policy 1.3.5	The Village will continue to cooperate with Miami-Dade County Public Schools and adjacent local governments in utilizing Miami-Dade County Public School as emergency shelters during county emergencies.	<b>Implemented: Ongoing.</b>
<b>Objective 1.4</b>	Miami-Dade County Public Schools will continue to enhance effectiveness of the learning environment.	<b>Implemented.</b> Ongoing, the Village will continue to coordinate on the effectiveness of the learning environment.
Policy 1.4.1	Miami-Dade County Public Schools is encouraged to continue the design and construction of educational facilities which create the perception of feeling welcome, secure and positive about the students school environment and experiences.	<b>Implemented: Ongoing.</b>
Policy 1.4.2	Miami-Dade County Public Schools is encouraged to continue to design and construct facilities which better provide student access to technology designed to improve learning, such as updated media centers and science laboratories.	<b>Implemented: Ongoing.</b>
Policy 1.4.3	Miami-Dade County Public Schools is encouraged to continue to improve existing educational facilities, in so far as funding is available, through renovation and expansion to better accommodate increasing enrollment, new educational programs and other activities, both curricular and extra-curricular.	<b>Implemented: Ongoing.</b>
<b>Objective 1.5</b>	The School Board, the Village and other appropriate jurisdictions shall establish and implement mechanisms for on-going coordination and communication to ensure the adequate provision of public educational facilities.	<b>Implemented: Ongoing.</b>
Policy 1.5.1	The Village shall coordinate and cooperate with Miami-Dade County Public Schools, the State, County, municipalities, and other appropriate agencies to develop or modify rules and regulations in order to simplify and expedite proposed new educational facility developments and renovations.	<b>Implemented: Ongoing.</b>
Policy 1.5.2	The location of future educational facilities should occur where capacity of other public facilities and services is available to accommodate the infrastructure needs of the educational facility.	<b>Implemented: Ongoing.</b>



Policy 1.5.3	The Miami-Dade County Public Schools should coordinate school capital improvements plans with the planned capital improvement projects of the Village, other municipalities and the County.	<b>In progress.</b> The Village updates the CIP annually.
Policy 1.5.4	The Village shall cooperate with the Miami-Dade County Public Schools in their efforts to ensure that they are not obligated to pay for off-site infrastructure in excess of their fair share of the costs.	<b>In progress.</b> The Village updates the CIP annually.
Policy 1.5.5	The Village shall work with the County and Miami-Dade County Public Schools to periodically review the Educational Facilities Impact Fee Ordinance to strive to ensure that the full eligible capital costs associated with the development of public school capacity (new schools and expansion of existing ones) are identified when updating the impact fee structure. Pursuant to the terms of the state mandated Interlocal Agreement, the County and School Board shall review the Ordinance, its formula, the Educational Facilities Impact Fee methodology and technical report, in order to make recommendations for revisions to the Board of County Commissioners.	<b>In progress.</b> Coordination efforts will continue with review and updates to the Impact Fee Ordinance.
Policy 1.5.6	The Village and Miami-Dade County Public School will annually review the Public School Facilities Element and the Village will make amendments, if necessary.	<b>In progress.</b> Coordination efforts will continue with periodic updates to the Public School Facilities Element.
Policy 1.5.7	The Village shall seek to coordinate with the Miami-Dade County Public Schools in formalizing criteria for appropriate sharing of responsibility for required off-site facility improvements attributable to construction of new public schools or expansion of existing ones. The criteria should be prepared prior to the next full review of the School Impact Fee Ordinance.	<b>In progress.</b> The Village seeks to coordinate on an additional high school to be located at the former Frost museum in Miami.
Policy 1.5.8	The Village shall coordinate with the Miami-Dade County Public Schools and local governments to eliminate infrastructure deficiencies surrounding existing school sites.	<b>Implemented: Ongoing.</b>
Policy 1.5.9	The Village and the Miami-Dade County Public Schools shall coordinate efforts to ensure the availability of adequate sites for the required educational facilities.	<b>In progress.</b> The Village seeks to coordinate on an additional high school to be located at the former Frost museum in Miami.
Policy 1.5.10	The Village and the Miami-Dade County Public Schools shall coordinate the appropriate roles and responsibilities of affected governmental jurisdictions in ensuring the timely, orderly and efficient provision of adequate educational facilities.	<b>In progress.</b> The Village seeks to coordinate on an additional high school to be located at the former Frost museum in Miami.
Policy 1.5.11	The Village will account for the infrastructure needs of new, planned or expanded educational facilities when formulating and implementing its own capital improvement plans.	<b>In progress.</b> The Village updates the CIP annually.
<b>Objective 1.6</b>	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.	<b>Implemented: Ongoing.</b>



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.	<b>Implemented:</b> <i>Ongoing.</i>
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 and other appropriate sources.	<b>Implemented:</b> <i>Ongoing.</i>
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.	<b>Implemented:</b> <i>Ongoing.</i>
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 education facilities.	<b>Implemented:</b> <i>Ongoing.</i>





# Statutory Changes to Comprehensive Plan Requirements from 2008-2016 and related impacts to the Village of Key Biscayne's Comprehensive Plan

N/A = Not Applicable

2008 [Chapters 2008-191 and Chapters 2008-227, Laws of Florida]					
	Changes to Statute	Citations	N/A	Addressed (Where/How)	Amendments Needed
1	The future land use plan must discourage urban sprawl. Ch. 2008-191, LOF.	163.3177(6)(a)	x		
2	The future land use plan must be based upon energy-efficient land use patterns accounting for existing and future energy electric power generation and transmission systems. Ch. 2008-191, LOF.	163.3177(6)(a)		Repealed	
3	The future land use plan must be based upon greenhouse gas reduction strategies. Ch. 2008-191, LOF.	163.3177(6)(a)		Repealed	
4	The traffic circulation element must include transportation strategies to address reduction in greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(b)		Repealed	
5	The conservation element must include factors that affect energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Repealed	
6	The future land use map series must depict energy conservation. Ch. 2008-191, LOF.	163.3177(6)(d)		Repealed	
7	The housing element must include standards, plans and principles to be followed in energy efficiency in the design and construction of new housing and in the use of renewable energy resources. Ch. 2008-191, LOF.	163.3177(6)(f)1.h. and i.		Repealed	
8	Local governments within an MPO area must revise their transportation element to include strategies to reduce greenhouse gas emissions. Ch. 2008-191, LOF.	163.3177(6)(j)		Repealed	
9	Various changes were made in the State Comprehensive Plan (Chapter 187, F.S.) that address low-carbon-emitting electric power plants. See Section 5 of Chapter 2008-227, LOF.	State Comprehensive Plan		State Comprehensive Plan	

2009 [Chapters 2009-85 and Chapters 2009-96, Laws of Florida]					
	Changes to Statute	Citations	N/A	Addressed (Where/How)	Amendments Needed
1	Changes "Existing Urban service area" to "Urban service area" and revises the definition of such an area. Section 2, Chapter 2009-96, LOF.	163.3164(29)		Procedural	
2	Adds definition of "Dense urban land area." Section 2, Chapter 2009-96, LOF.	163.3164(34)		Procedural	
3	Postpones from December 1, 2008 to December 1, 2011, the need for the annual update to the capital improvements element to be financially feasible. Section 3, Chapter 2009-96, LOF.	163.3177(3)(b)1.		Repealed	

4	Requires the future land use element to include by June 30, 2012, criteria that will be used to achieve compatibility of lands near public use airports. For military installations, the date is changed from June 30, 2006, to June 30, 2012. Section 3, Chapter 2009-85, LOF.	163.3177(6)(a)	x		
5	Requires the intergovernmental coordination element to recognize airport master plans. Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1.b.		Repealed	
6	Requires the intergovernmental coordination element to include a mandatory (rather than voluntary) dispute resolution process and requires use of the process prescribed in section 186.509, F.S., for this purpose. Section 3, Chapter 2009-96, LOF.	163.3177(6)(h)1.c.			Amendment Needed, not included in Comprehensive Plan
7	Requires the intergovernmental coordination element to provide for interlocal agreements pursuant to s.333.03(1)(b), F.S., between adjacent local governments regarding airport zoning regulations. Section 3, Chapter 2009-85, LOF.	163.3177(6)(h)1.d.		Repealed	
8	Defines "rural agricultural industrial center" and provides for their expansion through the plan amendment process. Section 1, Chapter 2009-154, LOF	163.3177(15)(a) [New]	x		
9	Allows a municipality that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)2.		Procedural	
10	Allows a county that is not a dense urban land area to amend its comprehensive plan to designate certain areas as transportation concurrency exception areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)3.	x		
11	Requires local governments with state identified transportation concurrency exception areas to adopt land use and transportation strategies to support and fund mobility within such areas. Section 4, Chapter 2009-96, LOF.	163.3180(5)(b)4.	x		
12	Except in transportation concurrency exception areas, local governments must adopt the level-of-service established by the Department of Transportation for roadway facilities on the Strategic Intermodal System. Section 4, Chapter 2009-96, LOF.	163.3180(10)	x		
13	Defines a backlogged transportation facility to be one on which the adopted level-of-service is exceeded by existing trips, plus additional projected background trips. Section 5, Chapter 2009-85, LOF.	163.3180(12)(b) & (16)(i)		Procedural	



**2010 [Chapters 2010-5, 2010-33, 2010-70, 2010-102,  
2010-182, 2010-205 and 2010-209, Laws of Florida]**

	<b>Changes to Statutes</b>	<b>Citations</b>	<b>N/A</b>	<b>Addressed (Where/How)</b>	<b>Amendments Needed</b>
1	Deletes section 163.31771(6), F.S. (obsolete language that addressed an accessory dwelling unit report); no sustentative comprehensive planning requirement impact. Section 16, Chapter 2010-5, LOF.			Procedural	
2	Chapter 2010-102, Laws of Florida, makes several minor changes which do not effect sustentative comprehensive planning requirements: 1. Section 163.2526, F.S.: repealed 2. Section 163.3167(2), F.S.: obsolete language deleted 3. Section 163.3177(6)(h), F.S.: minor wording changes 4. Section 163.3177(10)(k), F.S.: minor wording changes 5. Section 163.3178(6), F.S.: obsolete language deleted 6. Section 163.2511(1), F.S.: minor wording changes 7. Section 163.2514, F.S.: minor wording changes 8. Section 163.3202, F.S.: minor wording changes			Procedural	
3	Chapter 2010-205, Laws of Florida, makes several minor wording changes Chapter 163, Part II, F.S., which do not affect sustentative comprehensive planning requirements: 1. Section 163.3167(13), F.S. 2. Section 163.3177(4)(a), F.S. 3. Section 163.3177(6)(c), (d) and (h), F.S. 4. Section 163.3191(2)(l), F.S.			Procedural	
4	Chapter 2010-209, Laws of Florida, make a minor wording change in Section 163.2523, F.S., which does not affect sustentative comprehensive planning requirements.			Procedural	
5	Deleted the phrase "SMART Schools Clearinghouse". Section 11, Chapter 2010-70, LOF.	163.31777(1)(a) and (3)(a)		Procedural	
6	Revises section 163.3175, F.S., to list the 14 military installations and 43 local governments affected by special coordination and communication requirements. Section 1, Chapter 2010-182, LOF.	163.3175(2)		Procedural	
7	Revises section 163.377(6)(a), F.S., to specify that the 43 local governments listed in section 163.3175(2), F.S., must consider the factors listed in section 163.3175(5), F.S., when considering the compatibility of land uses proximate to military installations. Section 2, Chapter 2010-182, LOF.	163.3177(6)(a)	x		
8	Revised section 163.3180(4)(b), F.S., to define hangars for the assembly, manufacture, maintenance or storage of aircraft as public transit facilities. Section 1, Chapter 2010-33, LOF.	163.3180(4)(b)		Procedural	

**2011 [Chapters 2011-139, Laws of Florida]**

	<b>Changes to Statutes</b>	<b>Citations</b>	<b>N/A</b>	<b>Addressed (Where/How)</b>	<b>Amendments Needed</b>
1	Deletes the exemption for plan amendments to designate an urban infill and redevelopment area from the twice per year amendment limitation of s.163.3187.	163.2517(4)		Procedural	
2	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.3161(1)		Procedural	
3	Expresses the purpose of the act, changing "control" future development to "manage" future development "consistent with the proper role of local government."	163.3161(2)		Procedural	
4	States the intent of the act is to focus the state role in managing growth to protect the functions of important state resources and facilities.	163.3161(3) [New]		Procedural	
5	Modifies the intent of the legislature with respect to how comprehensive plans and amendments affect property rights.	163.3161(10)		Procedural	
6	States the intent is to recognize and protect agriculture, tourism and military presence as being the state's traditional economic base.	163.3161(11) [New]		Procedural	
7	States the intent is to not require local government plans that have been found to be in compliance to adopt amendments implementing the new statutory requirements until the evaluation and appraisal period provided in s. 163.3191.	163.3161(12) [New]		Procedural	
8	Modifies the provisions for agricultural lands and practices to state that a plan amendment for an agricultural enclave is presumed not to be urban sprawl as defined in 163.3164.	163.3162(4)	x		
9	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act" and sets forth new and modified definitions, many of which were included in repealed Rule 9J-5.003, F.A.C.	163.3164		Procedural	
10	Establishes definition for "adaptation action area."	163.3164(1) [New]		Procedural	
11	Establishes definition for "affordable housing" [same meaning as in s.420.0004(3)].	163.3164(3) [previously in Rule 9J-5]		Procedural	
12	Establishes definition for "antiquated subdivision."	163.3164(5) [New]		Procedural	
13	Establishes definition for "capital improvement."	163.3164(7) [previously in Rule 9J-5]		Procedural	
14	Establishes definition for "compatibility."	163.3164(9) [previously in Rule 9J-5]		Procedural	

15	Establishes definition for “deepwater ports.”	163.3164(11) [previously in Rule 9J-5]		Procedural	
16	Establishes definition for “density.”	163.3164(12) [previously in Rule 9J-5]		Procedural	
17	Establishes definition for “floodprone areas.”	163.3164(18) [previously in Rule 9J-5]		Procedural	
18	Establishes definition for “goal.”	163.3164(19) [previously in Rule 9J-5]		Procedural	
19	Establishes definition for “intensity.”	163.3164(22) [previously in Rule 9J-5]		Procedural	
20	Establishes definition for “internal trip capture.”	163.3164(23) [New]		Procedural	
21	Establishes definition for “level of service.”	163.3164(28) [previously in Rule 9J-5]		Procedural	
22	Deletes definition for “financial feasibility.”	163.3164(32) [Deleted]		Procedural	
23	Establishes definition for “new town.”	163.3164(32) [previously in Rule 9J-5]		Procedural	
24	Establishes definition for “objective.”	163.3164(33) [previously in Rule 9J-5]		Procedural	
25	Deletes definition for “dense urban land areas.”	163.3164(34) [Deleted]		Procedural	
26	Establishes definition for “policy.”	163.3164(36) [previously in Rule 9J-5]		Procedural	
27	Deletes health systems and spoil disposal sites for maintenance dredging located in intracoastal waterways (except sites owned by ports) from the definition of “public facilities.”	163.3164(38)		Procedural	
28	Changes definition of “regional planning agency” to “the council created pursuant to chapter 186.”	163.3164(40)		Procedural	
29	Establishes definition for “seasonal population.”	163.3164(41) [previously in Rule 9J-5]		Procedural	
30	Changes definition of “optional sector plan” to “sector plan” and clarifies the purpose of a sector plan. The term includes an optional sector plan that was adopted before the effective date of the act.	163.3164(42)		Procedural	
31	Establishes definition for “suitability.”	163.3164(45) [previously in Rule 9J-5]		Procedural	





32	Establishes definition for “transit-oriented development.”	163.3164(46) [New]		Procedural	
33	Clarifies the definition of “urban service area” to delete the term “built-up” and to include any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.	163.3164(50)		Procedural	
34	Establishes new definition for “urban sprawl.”	163.3164(51) [replaces definition previously in 9J-5]		Procedural	
35	Modifies requirements for maintaining comprehensive plan, deleting the reference to s. 1633184 and the requirement that proposed plan amendments be submitted to the state land planning agency.	163.3167(2)		Procedural	
36	Deletes provisions for regional planning agency adoption of plan amendments for elements and amendments not prepared by a local government.	163.3167(3) and (6) [Deleted]		Procedural	
37	Deletes provisions for local government challenge of costs associated with preparing a comprehensive plan and related state land planning agency action.	163.3167(7) [Deleted]		Procedural	
38	Deletes provisions for encouraging each local government to articulate a vision of its future physical appearance and qualities of its community.	163.3167(11) [Deleted]		Procedural	
39	Establishes provisions for “planning innovations and technical assistance” and clarifies the roles of the state land planning agency and all other appropriate state and regional agencies in the process. Requires, upon request by the local government, the state land planning agency to coordinate multi-agency assistance on plan amendments that may adversely impact important state resources or facilities. Requires the state land planning agency to provide on its website guidance on the submittal and adoption of comprehensive plans, amendments and land development regulations, prohibiting such guidance from being adopted by rule and exempting such guidance from s. 120.54(1)(a).	163.3168(1) – (4) [New]		Procedural	
40	Modifies areas of authority under this act with respect to joint agreements and intergovernmental coordination between cities and counties and planning in advance of jurisdictional changes.	163.3171(4)		Procedural	
41	Modifies military base compatibility provisions to not require that commanding officer comments, underlying studies and reports be binding on the local government. Requires the affected local government to be sensitive to private property rights and not be unduly restrictive on those rights in considering the comments provided by the commanding officer or designee.	163.3175(5)(d) and (6)		Procedural	

42	Modified to require that any local government comprehensive plan that has been amended to address military compatibility requirements after 2004 and was found in compliance be deemed in compliance until the local government conducts its evaluation and appraisal review pursuant to s.163.3191 and determines that amendments are necessary.	163.3175(9)		Procedural	
43	Modified to include significant portions of repealed Rule 9J-5.001 and 9J-5.005, F.A.C., with respect to the principles, guidelines, standards and strategies to be set forth in required and optional elements of the comprehensive plan and requirements for basing these elements on relevant, appropriate and professionally accepted data.	163.3177(1)		Procedural	
44	Deletes financial feasibility requirements.	163.3177(2)		Procedural	
45	Modifies provisions for preparing the capital improvements element to require the schedule to cover a 5-year period and identify whether projects are either funded or unfunded and given a level of priority for funding. Deletes requirements for financial feasibility.	163.3177(3)(a)4		Capital Improvements Element, Objective 1	
46	Modifies requirements for local government annual review of capital improvements element to no longer require transmittal of the adopted amendment to the state land planning agency and deletes provisions related to sanctions by the Administration Commission, adoption of long-term concurrency management systems and financial feasibility.	163.3177(3)(b)		Procedural	
47	Modifies planning period requirements, allowing additional planning periods for specific components, elements, land use amendments, or projects as part of the planning process.	163.3177(5)(a)		Procedural	
48	Modifies requirements for the future land use element to include guidance from repealed Rule 9J-5.006, F.A.C., relative to general range of density or intensity of uses for gross land area and establishing a long term end toward which land use programs and activities are ultimately directed.	163.3177(6)(a)		Procedural	
49	Modifies the standards on which future land use plan and plan amendments are based to include: permanent and seasonal population, compatibility, the need to modify land uses and development patterns within antiquated subdivisions, preservation of waterfronts, location of schools proximate to urban residential areas, and other considerations taken from repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a)2 and 3		Procedural	
50	Modifies requirements for the future land use element "to accommodate at least the minimum amount of land required to accommodate the medium projections of the University of Florida's Bureau of Economic and Business Research for at least a 10-year planning period unless otherwise limited."	163.3177(6)(a)4		Procedural	

51	Establishes requirements for analyzing future land use map amendments using portions of repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a)8 [New]		Procedural	
52	Establishes requirements for the future land use element and map series, including with slight revisions the primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl that were in repealed Rule 9J-5.006, F.A.C.	163.3177(6)(a)9 and 10 [New]	x		
53	Modifies requirements for the transportation element to include significant portions of repealed Rule 9J-5.019, F.A.C., addressing circulation of recreational traffic, including bicycle facilities, exercise trails, riding facilities and airport master plans.	163.3177(6)(b)		Transportation Element	
54	Modifies requirements for the general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element to include guidance from portions of repealed Rule 9J-5.011, F.A.C., and deletes requirements for including a topographic map depicting any areas adopted by a water management district as prime groundwater recharge areas and addressing areas served by septic tanks.	163.3177(6)(c)		Procedural	
55	Modifies potable water supply planning requirements to remove the provision that states that "amendments to incorporate the work plan do not count toward the limitation on the frequency of adoption of amendments to the comprehensive plan."	163.3177(6)(c)3		Procedural	
56	Modifies requirements for the conservation element to include portions of repealed Rule 9J-5.013, F.A.C., to list the natural resources to be identified, analyzed and protected and toward which conservation principles, guidelines and standards are to be directed.	163.3177(6)(d)1 and 2 [New]		Procedural	
57	Modifies requirements for analyzing current and projected water sources for a 10-year period to include consideration of demands for industrial, agricultural and potable water use and the quality and quantity of water available to meet these demands and the existing levels of conservation, use and protection and policies of the regional water management district.	163.3177(6)(d)3		Infrastructure, Conservation, and Coastal Management Elements	Amendments are needed to adopt a Water Supply Facilities Plan
58	Clarifies requirements for the housing element to include guidelines, standards and strategies based on an inventory taken from the latest decennial United States Census or more recent estimates and various other considerations listed in repealed Rule 9J-5.010, F.A.C.	163.3177(6)(f)1 and 2		Procedural	
59	Deletes requirement for an affordable housing needs assessment conducted by the state land planning agency.	163.3177(6)(f)2 [Deleted]		Procedural	



60	Based on repealed Rule 9J-5.010, F.A.C., sets forth new requirements for the creation and preservation of affordable housing, elimination of substandard housing conditions, providing for adequate sites and distribution for a range of incomes and types and including programs for partnering, streamlined permitting, quality of housing, neighborhood stabilization and improving historically significant housing.	163.3177(6)(f)3 [New]		Housing Element, Objectives 1.3 – 1.7	
61	Modifies the objectives of the coastal management element and includes a new requirement for preserving historic and archaeological resources.	163.3177(6)(g)		Conservation and Coastal Management Element, Objective 2.4	
62	Deletes provisions for local government adoption of recreational surface water use policies.	163.3177(6)(g)2 [Deleted]		Procedural	
63	Sets forth an option for the local government to develop an adaptation action area designation for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level.	163.3177(6)(g)10 [New]		Procedural	
64	Deletes requirement for intergovernmental coordination element to provide for recognition of campus master plans and airport master plans.	163.3177(6)(h)1.b [Deleted]		Procedural	
65	Modifies requirements for the intergovernmental coordination element to include portions of repealed Rule 9J-5.015, F.A.C, including coordinating and addressing impacts on adjacent municipalities and coordinating the establishment of level of service standards.	163.3177(6)(h)3.a and b [New]		Procedural	
66	Deletes requirements in intergovernmental coordination element for fostering coordination between special districts and local general purpose governments, submittal of public facilities report, execution of interlocal agreement with district school board, the county and nonexempt municipalities, and submittal of reports to the Florida Department of Community Affairs by counties with populations greater than 100,000.	163.3177(6)(h)3 and 4 [Deleted]		Procedural	
67	Deletes provisions for optional elements of the comprehensive plan, transportation and traffic circulation, airport compatibility and other requirements related to transportation corridors and reduction of greenhouse gas emissions specific to local governments within an urbanized area.	163.3177(6)(i), (j), (k) [Deleted]		Procedural	
68	Deletes provisions for airport master plans.	163.3177(6)(k) [Deleted]		Procedural	
69	Deletes provisions for additional plan elements, or portions or phases thereof, including an economic development element.	163.3177(7)(a)-(l) [Deleted]		Procedural	
70	<b>See prior table entries for description of deleted provisions.</b>	163.3177(8)-(14) [Deleted]		Repealed	

71	See Chapter 2011-139, Laws of Florida.	163.3177(15)(a) Now: 163.3177(7)(a)			
72	Modifies provisions for processing plan amendments for land located within a rural agricultural industrial center to presume that these amendments are not urban sprawl as defined in s. 163.3164 and shall be considered within 90 days after any review required by the state land planning agency if required by s. 163.3184.	163.3177(7)(c)2		Procedural	
73	Deletes requirements for public schools interlocal agreements with respect to submittal of the agreements to the state land planning agency based on an established schedule and other requirements involving the state land planning agency related to waivers and exemptions.	163.3177(1) (b)-(d) and (2)		Procedural	
74	Deletes requirements related to the submittal of comments from the Office of Educational Facilities on the interlocal agreement, challenges to the state land planning agency notice of intent and other review process requirements.	163.3177(3)(a)- (c) and (4)-(7) [Deleted]		Procedural	
75	Deletes parks and recreation, schools and transportation from the list of public facilities and services subject to the concurrency requirement on a statewide basis.	163.3180(1)		Optional	
76	Modifies concurrency requirements to include portions of repealed Rule 9J-5.0055, F.A.C., which relate to achieving and maintaining adopted levels of service for a 5-year period, and providing for rescission of any optional concurrency provisions by plan amendment, which is not subject to state review.	163.3180 (1)(a) and (b) [New]		Procedural	
77	Deletes requirement that professionally accepted techniques be used for measuring levels of service for automobiles, bicycles, pedestrians, transit and trucks.	163.3180(1)(b) [Deleted]		Procedural	
78	Deletes requirement that parks and recreation facilities to serve new development are in place or under actual construction no later than one year after issuance of a certificate of occupancy or its functional equivalent.	163.3180(2)(b) and (c) [Deleted]		Procedural	
79	Deletes provisions addressing governmental entities and establishment of binding level of service standards with respect to limiting the authority of any agency to recommend or make objections, recommendations, comments or determinations during reviews conducted under s. 163.3184	163.3180(3)		Procedural	
80	Deletes concurrency provisions specifically related to public transit facilities and urban infill and redevelopment areas.	163.3180(4)(b) and (c) [Deleted]		Procedural	

81	Establishes concurrency provisions for transportation facilities, which include portions of repealed Rule 9J-5.0055, F.A.C. Sets forth requirements with respect to adopted level of service standards, including use of professionally accepted studies to evaluate levels of service, achieving and maintaining adopted levels of service standards, and including the projects needed to accomplish this in 5-year schedule of capital improvements. Requires coordination with adjacent local governments and setting forth the method to be used in calculating proportionate-share contribution. Defines the term “transportation deficiency.”	163.3180(5)(a)-(h) [New]		Procedural	
82	See prior table entries for description of deleted provisions.	163.3180(6)-(13) [Deleted]			
83	Sets forth concurrency provisions for public education, setting forth provisions for those local governments that apply concurrency to public education. If a county and one or more municipalities that represent at least 80 percent of the total countywide population have adopted school concurrency, the failure of one or more municipalities to adopt the concurrency and enter into the interlocal agreement does not preclude implementation of school concurrency within jurisdictions of the school district that have opted to implement concurrency.	163.3180(6)(a) [New]		Procedural	
84	Modifies school concurrency provisions to clarify that adoption and application of school concurrency is optional.	163.3180(6)(f)1 and 2		Procedural	
85	Modifies school concurrency provisions to remove requirement for financial feasibility and to require that facilities necessary to meet adopted levels of service during a 5-year period are identified and consistent with the school board’s educational facilities plan.	163.3180(d) <b>Now: 163.3180(g)</b>		Procedural	
86	Modifies school concurrency provisions to allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency if certain factors are shown to exist, including adequate facilities are provided for in the capital improvements element and school board’s educational facilities plan, demonstration that facilities needs can be reasonably provided, and the local government and school board have provided a means by which proportionate share is assessed.	163.3180(h)1.a, b and c [New]		Procedural	
87	<b>See prior table entries for description of deleted provisions.</b>	163.3180(14)-(17) [Deleted]			
88	Changes “transportation concurrency backlogs” to “transportation deficiencies” and makes related clarifications.	163.3182 [Revised]		Procedural	



89	Changes “creation of transportation concurrency backlog authorities” to “creation of transportation development authorities” and makes related clarifications.	163.3182(2) [Revised]		Procedural	
90	Changes “powers of a transportation concurrency backlog authority” to “powers of a transportation development authority” and makes related clarifications.	163.3182(4) [Revised]		Procedural	
91	Modifies the definition of “in compliance” to include a reference to s. 163.3248 and delete the reference to now repealed chapter 9J-5, F.A.C.	163.3184(1)(b) [Revised]		Procedural	
92	Provides a list of the “reviewing agencies.”	163.3184(1)(c) [New]		Procedural	
93	Sets forth the “expedited” and “coordinated” review processes.	163.3184(2) [New]		Procedural	
94	Sets forth requirements for adopting and processing plan amendments according to the “expedited” and “coordinated” review processes, the scope of the comments to be provided by review agencies, responsibilities of the state land planning agency with respect to its various levels of review and coordination with other state agencies and public hearings.	163.3184(3) and (4) [New]		Procedural	
95	Sets forth requirements for administrative challenges to plans and plan amendments, compliance agreements and mediation and expeditious resolution.	163.3184(5)-(7) [New]		Procedural	
96	Modifies provisions to enable the administration commission to specify sanctions to which the local government will be subject if it elects to make a plan amendment effective notwithstanding a determination of noncompliance.	163.3184(11) <b>Now: 163.3184(8)</b>		Procedural	
97	Modifies provisions for public hearings to state there is no prohibition or limitation on the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.	163.3184(15) <b>Now: 163.3184(11)</b>		Procedural	
98	Establishes provisions for concurrent zoning, requiring a local government, at the request of an applicant, to consider an application for zoning changes that would be required to properly enact any proposed plan amendment and making the approved zoning changes contingent upon the comprehensive plan or amendment becoming effective.	163.3184(12) [New]		Procedural	
99	Revises provisions to require that no proposed local government comprehensive plan or plan amendment that is applicable to a designated area of critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).	163.3184(13) [New]		Procedural	

100	Modifies provisions to address the process for adoption of small-scale comprehensive plan amendments, deleting several exceptions. Plan amendments are no longer limited to two times per calendar year and text changes that relate directly to and are adopted simultaneously with small scale FLUM amendments are permissible.	163.3187(1) (a)-(f) <b>Now:</b> <b>163.3187(1)</b> <b>(a)-(d)</b>		Procedural	
101	Modifies the public notice requirements for small scale plan amendments, addressing petitions, prohibiting the state land planning agency from intervening and requiring that consideration be given to the plan amendment as a whole and whether it furthers the intent of this part in all challenges.	163.3187 (1)2.a & b;3,4 and (e)-(q) <b>Now:</b> <b>163.3187(2)-(5)</b>		Procedural	
102	See prior table entries for description of deleted provisions.	163.3189 <b>Now: Repealed</b>		Repealed	
103	Modifies provisions for evaluation and appraisal of comprehensive plan. Maintains the requirement for local government evaluation of plan to occur at least once every 7 years. The local government is required to determine if amendments are necessary to reflect changes in state requirements (only) since the last update and to notify the state land planning agency by letter as to its determination. If needed, these amendments are to be prepared and transmitted within 1 year of this determination for review pursuant to 163.3184 (i.e., State Coordinated Review). Local governments are encouraged to comprehensively evaluate and as necessary update plans to reflect changes in local conditions. If a local government fails to submit its notification letter to the state land planning agency or fails to update its plan to reflect changes in state requirements, then the local government is prohibited from amending its plan until it complies with these requirements. The state land planning agency may not adopt rules to implement this section, other than procedural rules or a schedule indicating when local governments must comply with these requirements.	163.3191 (1) - (14) <b>Now:</b> <b>163.3191(1)-(5)</b>		Procedural	
104	Deletes the reference to s. 163.3187(1) and provisions regarding the frequency of adoption of plan amendments as they relate to adoption of a municipal overlay.	163.3217(2)		Procedural	
105	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.3220(3)		Procedural	
106	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.3221 (2) & (11)		Procedural	
107	Revises the duration of a development agreement from 20 years to 30 years, unless it is extended by mutual consent, and deletes reference to s. 163.3187 and s.163.3189 regarding compliance determination by state land planning agency.	163.3229		Procedural	

108	Modifies provisions for periodic review of a development agreement to delete requirements for annual review conducted during years 6 through 10, incorporation of the review into a written report and the state land planning agency adoption of rules regarding the contents of the report.	163.3235		Procedural	
109	Deletes requirements that a copy of the recorded development agreement be submitted to the state land planning agency within 14 days after the agreement is recorded and for the effectiveness of the agreement based on receipt by the state land planning agency.	163.3239		Procedural	
110	Changes "Optional Sector Plans" to "Sector Plans" and clarifies the intent to promote and encourage long-term planning for conservation, development and agriculture on a landscape scale and protection of regionally significant resources, including regionally significant water courses and wildlife corridors. Revises the amount of geographic area intended for sector plans from at least 5,000 acres to at least 15,000 acres and protection of public facilities.	163.3245(1)		Procedural	
111	Deletes provisions for the state land planning agency entering into an agreement to authorize preparation of an optional sector plan, and consideration of the state comprehensive and strategic regional policy plans, and clarifies the process for scoping meetings and joint planning agreements.	163.3245(2)		Procedural	
112	Modifies the provisions for two levels of sector planning, clarifying the requirements for the long term master plan and detailed specific area plan. These plans may be based upon a planning period longer than timeframe on which the local comprehensive plan is based and are not required to demonstrate need. The state land planning agency is required to consult with certain other agencies as part of its review of the plans.	163.3245(3)		Procedural	
113	Requires consistency with any long-range transportation plan and regional water supply plans, including consideration of water supply availability and consumptive use permitting.	163.3245(4) [New]		Transportation Element policies 1.2.3 and 1.3.1	
114	Requires the detailed specific area plan to establish a buildout date until which the approved development is not subject to downzoning, unit density reduction or intensity reduction, with certain exceptions.	163.3245(5)(d) [New]		Procedural	
115	Establishes provisions for master development approval, pursuant to s. 380.06(21), for the entire planning area in order to establish a buildout date and describes the level of detail appropriate for review of the application.	163.3245(6) [New]		Procedural	



116	Establishes provisions for a developer within an area subject to a long-term master plan or detailed specific area plan to enter into a development agreement.	163.3245(7) [New]		Procedural	
117	Establishes provisions for landowner withdrawal of consent to the master plan relative to proposed and adopted amendments.	163.3245(8) [New]		Procedural	
118	Allows the right to continue, after adoption of a long-term master plan or a detailed specific area plan, existing agricultural or silvicultural uses or other natural resource-based operations or establishment of similar new uses that are consistent with plans approved pursuant to this section.	163.3245(9) [New]		Procedural	
119	Allows the state land planning agency to enter into an agreement with a local government that on or before July 1, 2011 adopted a large-area comprehensive plan amendment consisting of at least 15,000 acres based on certain requirements.	163.3245(10) [New]		Procedural	
120	Addresses a detailed specific area plan to implement a conceptual long-term buildout overlay found in compliance before July 1, 2011.	163.3245(11) [New]		Procedural	
121	Provides for a landowner or developer that has received approval of a master DRI development order to implement this order by filing application(s) to approve the detailed specific area plan.	163.3245(12) [New]		Procedural	
122	Modifies provisions in the local government comprehensive planning certification program to allow small scale development amendments to follow the process in s. 163.3187.	163.3246(9)(a)		Procedural	
123	Deletes provisions in the local government comprehensive planning certification program that address the failure to adopt a timely evaluation and appraisal report and failure to adopt an evaluation and appraisal report found to be sufficient.	163.3246(12)		Procedural	
124	Deletes the requirement that the Office of Program Policy Analysis and Government Accountability prepare a report evaluating the certification program.	163.3246(14) [Deleted]		Procedural	
125	See prior table entries for description of repealed provisions.	163.32465 <b>Now: Repealed</b>			
126	Establishes provisions for Rural Land Stewardship Areas, which were provided for as part of the innovative and flexible planning and development strategies in now repealed s. 163.3177(11).	163.3248 [New]	x		
127	Sets forth the intent of Rural Land Stewardship Areas	163.3248(1) [New]	x		
128	Establishes a process upon which local governments may adopt a future land use overlay, which may not require a demonstration of need based on population projections or any other factors.	163.3248(2) [New]		Procedural	
129	Sets forth six broad principles of rural sustainability that rural land stewardship areas are to further.	163.3248(3) [New]	x		

130	Provides for agency assistance and participation to local governments or property owners in development of a plan for rural land stewardship area.	163.3248(4) [New]	x		
131	Requires that a rural land stewardship area not be less than 10,000 acres, is located outside of municipalities and established urban service areas and is designated by plan amendment by each local government with jurisdiction.	163.3248(5) [New]	x		
132	Requires the plan amendment(s) designating a rural land stewardship area to be reviewed pursuant to s. 163.3184 and to meet certain requirements involving criteria for designating receiving areas, the application of innovative planning and development strategies, a process for implementing these strategies and a mix of densities and intensities that would not be characterized as urban sprawl.	163.3248(5)(a)- (d) [New]	x		
133	Requires a receiving area to be designated only pursuant to procedures established in the local government's land development regulations. If approval of the designation by a county board of county commissioners is required, it is to be made by resolution with a simple majority vote. A listed species survey must be performed and coordinated with appropriate agencies if listed species occur on the receiving area development site. Protective measures must be based on the rural land stewardship area as a whole.	163.3248(6) [New]	x		
134	Sets forth requirements for establishing a rural land stewardship overlay zoning district and methodology for the creation, conveyance, and use of transferrable rural land use/stewardship credits.	163.3248(7) [New]	x		
135	Sets forth limitations for creating, assigning and transferring stewardship credits based on underlying permitted uses, densities and intensities, and considerations for assigning credits based on the value and location of land and environmental resources.	163.3248(8)(a)- (k) [New]	x		
136	Provides for incentives to owners of land within rural land stewardship sending areas, in addition to use or conveyance of credits, to enter into rural land stewardship agreements.	163.3248(9)(a)- (e) [New]	x		
137	Expresses the intent of the section as an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas.	163.3248(10) [New]	x		
138	Expresses the intent of the Legislature that the rural land stewardship area in Collier County be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.	163.3248(11) [New]	x		
139	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.360(2)(a)		Procedural	

140	Changes "Local Government Comprehensive Planning and Land Development Regulation Act" to "Community Planning Act."	163.516(3)(a)		Procedural	
141	See Chapter 2011-139, Laws of Florida.	163.3177(15)(a) <b>Now: 163.3177(7)(a)</b>			
142	Rewords the definition of farm	163.3162(2)(a)	x		
143	Rewords the definition of farm operation	163.3162(2)(b)	x		
144	Adds a definition of government entity	163.3162(2)(d)		Procedural	
145	Changes county to government entity	163.3162(3)(b)		Procedural	
146	Changes county to government entity	163.3162(3)(c)		Procedural	
147	Changes county to government entity	163.3162(3)(c)3		Procedural	
148	Changes county to government entity	163.3162(3)(c)3. (i)		Procedural	
149	Adds provisions related to agricultural enclaves	163.3162 Note	x		
150	Provides that any local government charter provision that was in effect as of June 1 2011 for an initiative or referendum process for development orders or comprehensive plan amendments may be retained and implemented	163.3167(8)		Procedural	
151	Changes the "preparation of the periodic reports" to "the periodic evaluation and appraisal of the comprehensive plan".	163.3174(4)(b)		June xx, 2018 evaluation letter	
152	Adds "advisory" to define the commanding officer's comments on the impacts of proposed changes to military bases	163.3175(5)	x		
153	Deletes the provision that the Coastal Resources Interagency Management Committee shall identify incentives to encourage local governments to adopt siting plans and uniform criteria and standards...to implement state goals related to marina siting	163.3178(6)		Procedural	
154	Adds language stating that an amendment that rescinds concurrency shall be processed under the state expedited state review process and is not required to be transmitted to the reviewing agencies for comments...	163.3180(1)(a)		Procedural	
155	Provides general rewording. Adds language to clarify that the choice of one or more municipality to not adopt school concurrency does not preclude implementation within other jurisdictions	163.3180(6)(a)		Procedural	
156	Moved to 163.3177(3)	163.3180(6)(i)		Procedural	
157	Adds developments that are proposed under s. 380.06(24)(x) to the list of amendments that must follow the state coordinated review process	163.3184(2)(c)		Procedural	
158	Added the word "working" to clarify the number of days a local government has to transmit an amendment	163.3184(3)(b)1		Procedural	
159	Changes the time limit for the reviewing agencies transmittal to 30 days "after" instead of "from" the date the amendment was received	163.3184(3)(b)2.		Procedural	



160	Added the word "working" to clarify the number of days a local government has to transmit an amendment	163.3184(3)(c)2.		Procedural	
161	Changes the time limit a local government has to transmit an amendment from "immediately following" the first public hearing to "within 10 working days after" the first public hearing	163.3184(4)(b)		Procedural	
162	Added the word "working" to clarify the number of days a local government has to transmit an amendment	163.3184(4)(e)2.		Procedural	
163	Corrects the citation related to plan amendment package completeness from 3(c)3. To (4)(e)3.	163.3184(5)(b)		Procedural	
164	Changes the time limit by which the Administration Commission must enter into a final order from 45 days after receipt of the planning agency	163.3175(5)		Procedural	
165	Removes the word "county" from "board of commissioners"	163.3248(6)		Procedural	

**2013 [Chapters 2013-15, 2013-78, 2013-115, 2013-213, 2013-224 and 2013-239, Laws of Florida]**

	Changes to Statutes	Citations	N/A	Addresses (Where/How)	Amendments Needed
1	Re-numbers section 163.3162(3)(b)-(j) as 163.3162(3)(c)-(k) in order to accommodate new section 163.3162(3)(b) – see item 4 below.	163.2136(3)(c)-(k) [re-numbered]		Procedural	
2	Amends the definition of "governmental entity" in the provisions for agricultural lands and practices, clarifying that in addition to not including a water control district established under chapter 298 or a special district created by special act for water management purposes, the term does not include a water management district.	163.3162(2)(d)		Procedural	
3	Replaces "county" with "governmental entity."	163.3162(3)(a)		Procedural	
4	Prohibits a governmental entity from charging a fee on a specific agricultural activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such agricultural activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program; or if such agricultural activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.	163.3162(3)(b) [New]		Procedural	

5	Clarifies the provisions for growth management that an initiative or referendum process in regard to any development order is prohibited. Removes language that allowed an initiative or referendum process by a local government charter in effect as of June 1, 2011 to be retained and implemented.			Procedural	
6	Clarifies that an initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited, except for those amendments that affect more than five parcels of land if it is expressly authorized by specific language in a local government charter that was lawful and in effect on June 1, 2011. A general local government charter provision for an initiative or referendum process is not sufficient.	163.3167(8)(b) [New]		Procedural	
7	States the intent of the Legislature is to prohibit any initiative and referendum in regard to any development order, and prohibit any initiative and referendum in regard to any local comprehensive plan or map amendment except as specifically and narrowly permitted in paragraph (b). States these prohibitions are remedial in nature and apply retroactively to any initiative or referendum process commenced after June 1, 2011, clarifying that any such initiative or referendum process that has been commenced or completed thereafter is null and void and of no legal force and effect.	163.3167(8)(c) [New]		Procedural	
8	Revises and adds requirements for local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified.	163.3180(5)(h)1 [New]		Procedural	
9	Adds “development agreement” in the listed land use development permits for which an applicant may satisfy transportation concurrency requirements of the local comprehensive plan, the local government’s concurrency management system and s. 380.06 when applicable, if conditions in subsequent sections are met.	163.3180(5) (h)1.c [New]		Procedural	
10	Adds language allowing a local government to accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose.	163.3180(5) (h)1.c.II [New]		Procedural	
11	Modifies language to require local governments that continue to implement a transportation concurrency system to “provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development.	163.3180(5) (h)1.d [New]		Capital Improvement Element, policy 1.5.3.	

12	Clarifies that a local government is not required to approve a development that, for reasons other than transportation impacts, is not qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.	163.3180(5)(h)3 [New]		Procedural	
13	Sets forth new provisions for any local government that elects to repeal transportation concurrency. Encourages adoption of alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Clarifies that any alternative mobility funding system adopted may not be used to deny, time or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. States that the revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. Requires a mobility fee-based funding system to comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).	163.3180(5)(i) [New]		Procedural	
14	Changes numerous references in the provisions for the local government comprehensive planning certification program from "department" to "state land planning agency."	163.3246(1),(4)-(7), (9)(a), (12) and (13)		Procedural	
15	Creates short title for ss. 163.325-163.3253 as the "Manufacturing Competitiveness Act."	163.325 [New]		Procedural	



16	<p>Creates six definitions as used in the provisions for manufacturing development in ss. 163.3251-163.3253:</p> <ol style="list-style-type: none"> <li>1. "Department" means Department of Economic Opportunity;</li> <li>2. "Local government development approval" means a local land development permit, order, or other approval issued by a local government, or a modification of such permit, order, or approval, which is required for a manufacturer to physically locate or expand and includes, but is not limited to, the review and approval of a master development plan required under s. 163.3252(2) (c).</li> <li>3. "Local manufacturing development program" means a program enacted by a local government for approval of master development plans under s. 163.3252.</li> <li>4. "Manufacturer" means a business that is classified in Sectors 31-33 of the National American Industry Classification System (NAICS) and is located, or intends to locate, within the geographic boundaries of an area designated by a local government as provided under s. 163.3252.</li> <li>5. "Participating agency" means: (a) The Department of Environmental Protection, (b) The Department of Transportation, (c) The Fish and Wildlife Conservation Commission, when acting pursuant to statutory authority granted by the Legislature and (d) Water management districts.</li> <li>6. "State development approval" means a state or regional permit or other approval issued by a participating agency, or a modification of such permit or approval, which must be obtained before the development or expansion of a manufacturer's site, and includes, but is not limited to, those specified in s.163.3253(1).</li> </ol>	163.3251(1)-(6) [New]		Procedural	
17	<p>Setting forth provisions for a local manufacturing development program and master development approval for manufacturers, allows a local government to adopt an ordinance establishing a local manufacturing development program through which the local government may grant master development approval for the development or expansion of sites that are, or are proposed to be, operated by manufacturers at specified locations within the local government's geographic boundaries.</p>	163.3252 [New]		Procedural	

18	Requires a local government that elects to establish a local manufacturing development program to submit a copy of the ordinance establishing the program to DEO within 20 days after the ordinance is enacted. A local government ordinance adopted before the effective date of this act establishes a local manufacturing development program if it satisfies the minimum criteria established in subsection (3) and if the local government submits a copy of the ordinance to DEO on or before September 1, 2013.	163.3252(1)(a) and (b) [New]		Procedural	
19	Requires DEO to develop by December 1, 2013 a model ordinance to guide local governments that intend to establish a local manufacturing development program. Requires the model ordinance, which need not be adopted by a local government to include the elements set forth in ss. 163.3252(2)(a)-(k).	163.3252(2) [New]		Procedural	
20	Requires the model ordinance to include procedures for a manufacturer to apply for a master development plan and procedures for a local government to review and approve a master development plan.	163.3252(2)(a) [New]		Procedure	
21	Requires the model ordinance to identify those areas within the local government's jurisdiction which are subject to the program.	163.3252(2)(b) [New]		Procedural	
22	Requires the model ordinance to include the minimum elements for a master development plan, including but not limited to: 1. A site map, 2. A list proposing the site's land uses, 3. The maximum square footage, floor area ratio, and building heights for future development on the site, specifying with particularity those features and facilities for which the local government will require the establishment of maximum dimensions and 4. Development conditions.	163.3252(2)(c)1-4 [New]		Procedural	
23	Requires the model ordinance to include a list of development impacts, if applicable to the proposed site, which the local government will require to be addressed in a master development plan, including but not limited to: 1.Drainage, 2.Wastewater, 3.Potable water, 4. Solid waste, 5. Onsite and offsite natural resources, 6. Preservation of historic and archeological resources, 7. Offsite infrastructure, 8. Public services, 9. Compatibility with adjacent offsite land uses, 10. Vehicular and pedestrian entrance to and exit from the site and 11. Offsite transportation impacts.	163.3252(2)(d)1-11 [New]		Procedural	
24	Requires the model ordinance to include a provision vesting any existing development rights authorized by the local government before the approval of a master development plan, if requested by the manufacturer.	163.3252(2)(e) [New]		Procedural	

25	Requires the model ordinance to include whether an expiration date is required for a master development plan and, if required, a provision stating that the expiration date may not be earlier than 10 years after the plan's adoption.	163.3252(2)(f) [New]		Procedural	
26	Requires the model ordinance to include a provision limiting the circumstances that require an amendment to an approved master development plan to: 1. Enactment of state law or local ordinance addressing an immediate and direct threat to the public safety that requires an amendment to the master development order and 2. Any revision to the master development plan initiated by the manufacturer.	163.3252(2)(g)1 and 2 [New]		Procedural	
27	Requires the model ordinance to include a provision stating the scope of review for any amendment to a master development plan is limited to the amendment and does not subject any other provision of the approved master development plan to further review.	163.3252(2)(h) [New]		Procedural	
28	Requires the model ordinance to include a provision stating that, during the term of a master development plan, the local government may not require additional local development approvals for those development impacts listed in paragraph (d) that are addressed in the master development plan, other than approval of a building permit to ensure compliance with the state building code and any other applicable state-mandated life and safety code.	163.3252(2)(i) [New]		Procedural	
29	Requires the model ordinance to include a provision stating that, before commencing construction or site development work, the manufacturer must submit a certification, signed by a licensed architect, engineer, or landscape architect, attesting that such work complies with the master development plan.	163.3252(2)(j) [New]		Procedural	
30	Requires the model ordinance to include a provision establishing the form that will be used by the local government to certify that a manufacturer is eligible to participate in the local manufacturing development program adopted by that jurisdiction.	163.3252(2)(k) [New]		Procedural	
31	Requires a local manufacturing development program ordinance to as a minimum be consistent with subsection (2) and establish procedures for (a) Reviewing an application from a manufacturer for approval of a master development plan, (b) Approving a master development plan, which may include conditions that address development impacts anticipated during the life of the development, (c) Developing the site in a manner consistent with the master development plan without requiring additional local development approvals other than building permits and (d) Certifying that a manufacturer is eligible to participate in the local manufacturing development program.	163.3252(3)(a)- (d) [New]		Procedural	





32	<p>Prohibits a local government that establishes a local manufacturing development program from abolishing the program until it has been in effect for at least 24 months.</p> <p>Sets forth provisions for a local government's repealing its local manufacturing development program ordinance, stating that 1. Any application for a master development plan which is submitted to the local government before the effective date of the repeal is vested and remains subject to the local manufacturing development program ordinance in effect when the application was submitted; and 2.The manufacturer that submitted the application is entitled to participate in the manufacturing development coordinated approval process established in s. 163.3253.</p>	163.3252(4)(a) and (b)1 and 2 [New]		Procedural	
33	<p>Creates provisions for a coordinated manufacturing development approval process, requiring DEO to coordinate the manufacturing development approval process with participating agencies, as set forth in this section, for manufacturers that are developing or expanding in a local government that has a local manufacturing development program.</p>	163.3253 [New]		Procedural	
34	<p>Requires the approval process to include collaboration and coordination among, and simultaneous review by, the participating agencies of applications for: (a) Wetland or environmental resource permits, (b) Surface water management permits, (c) Stormwater permits, (d) Consumptive water use permits (e) Wastewater permits, (f) Air emission permits, (g) Permits relating to listed species, (h) Highway or roadway access permits and (i) Any other state development approval within the scope of a participating agency's authority.</p>	163.3253(1)(a)-(i.) [New]		Procedural	
35	<p>Requires a manufacturer to file its application for state development approval with DEO and each participating agency with proof that its development or expansion is located in a local government that has a local manufacturing development program. If a local government repeals its local manufacturing development program ordinance, a manufacturer developing or expanding in that jurisdiction remains entitled to participate in the process if the manufacturer submitted its application for a local government development approval before the effective date of repeal.</p>	163.3253(2)(a) and (b) [New]		Procedural	
36	<p>Requires DEO to convene a meeting with one or more participating agencies if a manufacturer requests one at any time during the process and that the participating agencies attend.</p> <p>Allows DEO to participate as necessary to accomplish the purposes set forth in s. 20.60(4)(f), does not require the department to mediate between the participating agencies and the manufacturer.</p>	163.3253(3)(a) [New]		Procedural	

37	Prohibits DEO from being a party to any proceeding initiated under ss. 120.569 and 120.57 that relates to approval or disapproval of an application for state development approval processed under this section.	163.3253(3)(b) [New]		Procedural	
38	Prohibits DEO's participation in a coordinated manufacturing development approval process under this section from having any effect on its approval or disapproval of any application for economic development incentives sought under s. 288.061 or another incentive requiring DEO approval.	163.3253(3)(c) [New]		Procedural	
39	Requires if a participating agency determines an application is incomplete that the participating agency notifies the applicant and DEO in writing of the additional information necessary to complete the application. Requires, unless the deadline is waived in writing by the manufacturer, a participating agency to provide a request for additional information to the manufacturer and DEO within 20 days after the date the application is filed with the participating agency.	163.3253(4)(a) [New]		Procedural	
40	If the participating agency does not request additional information within the 20-day period, the participating agency may not subsequently deny the application based on the manufacturer's failure to provide additional information.	163.3253(4)(b) [New]		Procedural	
41	Within 10 days after the manufacturer's response to the request for additional information, a participating agency may make a second request for additional information for the sole purpose of obtaining clarification of the manufacturer's response.	163.3253(4)(c) [New]		Procedural	
42	Requires, unless the deadline is waived in writing by the manufacturer, each participating agency to take final agency action on a state development approval within its authority within 60 days after a complete application is filed. The 60-day period is tolled by the initiation of a proceeding under ss. 120.569 and 120.57.	163.3253(5)(a) [New]		Procedural	
43	Requires a participating agency to notify DEO if the agency intends to deny a manufacturers application and, unless waived in writing by the manufacturer, the department shall timely convene an informal meeting to facilitate a resolution.	163.3253(5)(b) [New]		Procedural	

44	Unless waived in writing by the manufacturer, if a participating agency does not approve or deny an application within the 60-day period, within the time allowed by a federally delegated permitting program, or, if a proceeding is initiated under ss. 120.569 and 120.57, within 45 days after a recommended order is submitted to the agency and the parties, the state development approval within the authority of the participating agency is deemed approved. A manufacturer seeking to claim approval by default under this subsection shall notify, in writing, the clerks of both the participating agency and DEO of that intent. A manufacturer may not take action based upon the default approval until such notice is received by both agency clerks.	163.3253(5)(c) [New]		Procedural	
45	Allows the manufacturer at any time after a proceeding is initiated under ss. 120.569 and 120.57 to demand expeditious resolution by serving notice on an administrative law judge and all other parties to the proceeding. The administrative law judge is required to set the matter for final hearing no more than 30 days after receipt of such notice. After the final hearing is set, a continuance may not be granted without the written agreement of all parties.	163.3253(5)(d) [New]		Procedural	
46	Prohibits subsections (4) and (5) from applying to permit applications governed by federally delegated or approved permitting programs to the extent that subsections (4) and (5) impose timeframes or other requirements that are prohibited by or inconsistent with such federally delegated or approved permitting programs.	163.3253(6) [New]		Procedural	
47	Allows DEO to adopt rules to administer section 163.3253.	163.3253(7) [New]		Procedural	
48	Revises the definitions to replace a reference to s.165.031(5) in the definition of "public body" to s. 165.031(7)	163.340(2)		Procedural	
49	Repeals section 4 of chapter 2012-75, Laws of Florida, which had established an alternate method for certain landowners to apply to DEO for an agricultural enclave designation. The right to apply for ag enclave designation under the alternate method expired on January 1, 2013.	Note to 163.3162 (2012 version of statute)		Procedural	



2016 [Chapters 2016-10, section 13; 2016-148, sections 2-4, Laws of Florida]

	Changes to Statutes	Citations	N/A	Addressed (Where/How)	Amendments Needed
1	<p>Deletes this obsolete subsection which required local governments to transmit comprehensive plan updates or amendments to address compatibility of lands adjacent or closely proximate to existing military installations or lands adjacent to an airport to the state land planning agency by June 30, 2012.</p>	<p>163.3177(6)(a)11, Amendments to Future Land Use Element to Address Military Base Compatibility (Chapter 2016-10, section 13, Laws of Florida)</p>	x		
2	<p>Modifies this section to state that a representative of a military installation is not required to file a statement of financial interest pursuant to section 112.3145, F.S., solely due to his or her service on the local government's land planning or zoning board.</p>	<p>Section 163.3175(7), Financial Reporting for Ex Officio Military Representatives on Local Boards (Chapter 2016-148, section 2, Laws of Florida)</p>	x		
3	<ul style="list-style-type: none"> <li>- Amends section 163.3184(2)(c) to modify the language pursuant to changes in section 380.06, F.S., to require state coordinated review of plan amendments that approve DRI-sized proposed developments; no substantive change.</li> <li>- Adds subsection 163.3184(5)(e)3 to provide that when an administrative law judge issues an order recommending that a plan amendment be found in compliance, the recommended order becomes the final order 90 days after issuance unless the state land planning agency issues a final order finding the amendment in compliance, refers the recommended order to the Administration Commission, or all parties consent in writing to an extension of the 90 day period.</li> <li>- Amends section 163.3184(7)(d), for plan amendment challenges that are subject to mediation or expeditious resolution, to provide that when an administrative law judge issues a recommended order finding an amendment in compliance, except where the parties agree or there are exceptional circumstances, the state land planning agency must issue a final order within 45 days after issuance of a recommended order; and if the final order is not issued in 45 days, the recommended order finding the amendment in compliance becomes the final order.</li> </ul>	<p>Section 163.3184, Process for Adoption of Comprehensive Plans or Plan Amendments (Chapter 2016-148, section 3, Laws of Florida)</p>		Procedural	



4	Modifies this section to reduce the minimum amount of total land area required for a sector plan from 15,000 acres to 5,000 acres.	Section 163.3245(1), Sector Plans (Chapter 2016-148, section 4, Laws of Florida)	x		
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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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**I. FUTURE LAND USE ELEMENT**

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

\*\*\*

**Objective 1.1 Future Land Use Categories**

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

**Policy 1.1.1** 9J-5.006 (3) (c) 7

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

**Policy 1.1.2** 9J-5.006 (3) (c) 7

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

**Policy 1.1.3** 9J-5.006 (3) (c) 1

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

\*\*\*

**Policy 1.1.4**

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

\*\*\*

88 **Figure 1 (Continued)**

89

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

91

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

94 Notes Pertaining to Future Land Use Map:

95

96 1. The area within designated boundary line is subject to an approved development of  
97 regional impact. Pursuant to Florida Statute 163.31678, the designations reflected on this  
98 Future Land Use Plan Map are not intended to limit or modify the right to complete  
99 development pursuant to the existing Development of Regional Impact Development  
100 Order, so long as the Development Order remains valid and effective and development  
101 proceeds forward in compliance with the Development Order.

102

103 2. The area within designated boundary line is subject to an approved development of  
104 regional impact. Pursuant to Florida Statute 163.31678, the designations reflected on this  
105 Future Land Use Plan Map are not intended to limit or modify the right to complete  
106 development pursuant to the existing Development of Regional Impact Development  
107 Order, so long as the Development Order remains valid and effective and development  
108 proceeds forward in compliance with the Development Order.

109

110 ~~3.2.~~ Crandon Boulevard is classified in the Traffic Circulation/Transportation Element of the  
111 Master Plan as a four lane divided County Minor Arterial.

112

113 ~~4.3.~~ Harbor Drive between Crandon Boulevard and West Mashta Drive is classified in the  
114 Traffic Circulation/Transportation Element of the Master Plan as a two lane Village  
115 Collector.

116

117 ~~5.4.~~ West Mashta Drive between Harbor Drive and Crandon Boulevard is classified in the  
118 Traffic Circulation/Transportation Element of the Master Plan as a two lane Village  
119 Collector.

120

121 ~~6.5.~~ Notwithstanding the medium density residential land use category, the site at the  
122 southeast corner of Crandon and Seaview may be zoned to permit one story office use if  
123 the Village Council finds, based on substantial and competent facts, that such zoning will  
124 result in sufficient investment in the existing building or a new building to eliminate the  
125 blighting influence caused by the deteriorated condition of the existing building as of the  
126 enactment of this future land use map.

127

128 ~~7.6.~~ The recreation and open space element and the capital improvements element express  
129 the intent that pedestrian access rights be acquired, through purchase or donation, over at  
130 least the designated view corridor.



131 **Objective 1.2 Commercial Redevelopment** 9J-5.006 (3) (b) 2

132 9J-5.006 (3) (b) 3

133  
134 *No later than 2004, achieve private revitalization of at least one Crandon*  
135 *Boulevard property that has a blighting impact on the Village. Develop a*  
136 *program and policies to protect and enhance the commercial areas of the*  
137 *Village.*

138 **Policy 1.2.1**

139  
140 By the date required by state statute or sooner, tThe Village shall review and, as  
141 appropriate, revise and maintain enact and enforce land development code  
142 standards and incentives to achieve **new development, renovated**  
143 **development** and/or **redevelopment** that meets high **signage, landscaping,**  
144 **circulation/parking** and other development standards in keeping with the  
145 goals, objectives and policies of this plan. Redevelopment shall be consistent  
146 with the Future Land Use Map, Policy 1.1.1 and all other relevant goals,  
147 objectives and policies of this plan.

148 \*\*\*

150  
151 **GOAL 2 PROTECT AND ENHANCE THE RESIDENTIAL, COMMERCIAL,**  
152 **RESORT AND NATURAL RESOURCE AREAS OF KEY BISCAYNE.**

153 **Objective 2.1 Sanitary Sewer Facilities** 9J-5.006 (3) (b) 1

154  
155 *Extend publicCoordinate with the County and appropriate agencies to maintain*  
156 *sanitary sewer service to additional developed areas no later than 2008*  
157 *maintain and ensure effective septic and drain field functioning. See Policies*  
158 *2.1.1 and 2.1.2 for additional measurability.*

159 **Policy 2.1.1**

160  
161 The Village shall cooperate with the County in an attempt to complete a  
162 financial and engineering plan to extend sanitary sewers to as much of the  
163 remaining unsewered areas as is financially feasible and otherwise desirable.  
164 The intent is to complete that plan as soon as technically and financially  
165 feasible but no later than 1998 and to begin implementation as soon as  
166 technically and financially feasible and complete implementation no later than  
167 2008..

168 **Policy 2.1.2**

169  
170 The Village shall ensure effective functioning of septic tanks and drain fields  
171 by enacting and enforcing requirements that septic tank drain fields be installed  
172 with highly permeable material back fill and with marl broken through to  
173 ensure maximum downward percolation.

174 **Objective 2.2 Storm Sewer Infrastructure**

175  
176 *Upgrade Continue to upgrade the drainage system so that stormwater outfalls*  
177 *into Biscayne Bay (and adjacent canals) fully meet National Pollution*  
178 *Discharge Elimination System (NPDES) standards no later than December 31,*  
179 *1998 and the standards of Chapter 17-25, FAC and of Chapter 17-302.500,*

180 *FAC. Upgrade on site drainage standards to ensure that private properties*  
181 *retain at least the first one inch of stormwater on site and permit no more runoff*  
182 *after development than before development.*

183 **Policy 2.2.1** 9J-5.006 (3) (c) 4

184  
185 The Village shall enforce flood damage prevention regulations which ensure  
186 that new development will occur at topographic elevations sufficient to  
187 minimize flood impact. The Village shall continue to enforce coastal  
188 construction regulations.

189 **Policy 2.2.2** 9J-5.006 (3) (c) 4

190  
191 By the date required by state statute or sooner, the Village shall enact and  
192 enforce land development code provisions that require one inch of on-site  
193 drainage detention, post development runoff equal to or less than pre-  
194 development runoff, erosion control, a minimum percentage of pervious open  
195 space, maintenance of swales, and drainage level of service standards. These  
196 requirements shall be designed to help ensure full compliance with the specific  
197 standards set forth in Objective 1.1 of the Infrastructure Element.

198 **Policy 2.2.3** 9J-5.006 (3) (c) 3

199  
200 By the date required by state statute or sooner, tThe Village shall enact and  
201 enforce review and, as appropriate, revise as necessary as part of the land  
202 development code a concurrency management system which meets the  
203 requirements of 9J-5.0055. The concurrency management system shall specify  
204 that no development permit shall be issued unless the public facilities  
205 necessitated by a development (in order to meet level of service standards  
206 specified in the Traffic CirculationTransportation, Recreation and Open Space,  
207 and Infrastructure Policies) will be in place concurrent with the impacts of the  
208 development or the permit is conditional to assure that they will be in place.  
209 The requirement that no development permit shall be issued unless public  
210 facilities necessitated by the project are in place concurrent with the impacts of  
211 development shall be effective immediately and shall be interpreted pursuant to  
212 the following:

213 \*\*\*

214  
215  
216  
217 **Objective 2.3 Natural Resources** 9J-5.006 (3) (b) 4

218  
219 *Upgrade Continue to upgrade the drainage system so that stormwater outfalls*  
220 *into Biscayne Bay (and adjacent canals) fully meet or exceed National Pollution*  
221 *Discharge Elimination System (NPDES) standards no later than December 31,*  
222 *1998 and the standards of Chapter 17-25, FAC and of Chapter 17-302.500,*  
223 *FAC. Upgrade onsite drainage standards to ensure that private properties*  
224 *retain at least the first one inch of stormwater on site and permit no more runoff*  
225 *after development that before development.*

226 **Policy 2.3.1** 9J-5.006 (3) (c) 4

227  
228 Based upon the capital cost implications of the Village of Key Biscayne  
229 Drainage Master Plan, the Village shall activate the stormwater utility  
230 assessment as a basis for bonding for the first phase of implementation no later  
231 than December 31, 1998. The Village shall update its Drainage Master Plan as

232 necessary to ensure the continued efficacy of its provisions to upgrade the  
233 storm sewer system in accordance with the specific standards of Objective 1.1  
234 of the Infrastructure Element.

235 **Policy 2.3.2**

236  
237 By the date required by state statute or sooner, tThe Village shall review and, as  
238 appropriate, revise as necessary the enact and enforce land development code  
239 provisions that require one inch of on-site drainage detention, post development  
240 runoff equal to or less than pre development runoff, erosion control, a minimum  
241 percentage of pervious open space, maintenance of swales, drainage level-of-  
242 service standards, ocean beach dune protection and vegetation, and other  
243 environmentally sensitive land protection measures. These requirements shall  
244 be designed to help ensure full compliance with the specific standards set forth  
245 in Objective 2.3 above. Such provisions shall be consistent with this plan and  
246 with the applicable Florida statutory and administrative code requirements.  
247 They shall also be consistent with applicable standards promulgated by the  
248 South Florida Water Management District, the South Florida Regional Planning  
249 Council, the Miami-Dade County Department of Environmental Resource  
250 Management, the Florida Department of Environmental Protection, and/or other  
251 agencies with relevant jurisdiction and/or information.  
252

253 **Objective 2.4 Hurricane Evacuation**

9J-5.006 (3) (b) 5

254  
255 *Eliminate or reduce land uses which are inconsistent with applicable*  
256 *interagency hazard mitigation report Florida Natural Hazards Interagency*  
257 *Work Group Annual Report recommendations and enhance the efforts of the*  
258 *Metro-Miami-Dade Office of Emergency Management by providing it with all*  
259 *relevant information.*

260 **Policy 2.4.1**

261  
262 The Village shall regulate all future development within its jurisdiction in  
263 accordance with the Future Land Use Map which is consistent with the *Florida*  
264 *Natural Hazards Interagency Work Group Annual Report* Interagency Hazard  
265 Mitigation Team Report, FEMA 955-DR-FL, August 1992. The Village shall  
266 periodically review and revise the Future Land Use Map in light of future  
267 interagency hazard mitigation reports in order to reduce or eliminate uses which  
268 are inconsistent therewith.

269 **Policy 2.4.2**

270  
271 The Village Manager or designee shall annually assess the Village's existing  
272 and permitted population densities to determine if changes are significant  
273 enough to transmit such data to the Metro-Miami-Dade Office of Emergency  
274 Management to assist in their hurricane evacuation planning.  
275

276 **Objective 2.5 Drainage and Sewer System Land Needs**

9J-5.006 (3) (b) 8

277  
278 *Ensure the availability of suitable land for drainage and sanitary sewer system*  
279 *facilities needed to support planned infrastructure improvements. See Policies*  
280 *for measurability.*

281 **Policy 2.5.1**



282  
283 By the date required by state statute or sooner, tThe Village shall enact and  
284 enforce review and, as appropriate, revise as necessary land development code  
285 provisions for sewer lift stations, stormwater lift stations and  
286 collection/infiltration mechanisms and other utility land requirements.

287 **Policy 2.5.2**

288  
289 The Village shall not vacate any road rights-of-way without first obtaining an  
290 engineering opinion determining that the vacated right-of-way is not necessary  
291 to accommodate future storm and/or sanitary sewer facilities, all of which are  
292 expected to be needed in the future can be accommodated in such rights-of-way.  
293

294 **Objective 2.6 Historic Preservation**

295  
296 *No later than 1999/2025, prepare list of potentially significant historic*  
297 *structures and a strategy for their preservation including all properties eligible*  
298 *for designation on the National Register of Historic Places.*

299 **Policy 2.6.1** 9J-5.006 (3) (c) 8

300  
301 Based upon historical accounts of early development in the Village, the Council  
302 shall, no later than 2025, designate identify those structures properties that are  
303 at least 50 years old that due to age, architecture and function are candidates for  
304 historic designation and protection. Based upon the inventory of properties, the  
305 Village will also consider which buildings, if any, may be eligible for  
306 designation on the National Register of Historic Places. A strategy for the  
307 preservation of some or all of these structures shall be drafted.  
308

309 **Objective 2.7 Biscayne Bay Preservation** 9J-5.006 (3) (b) 6

310  
311 *Assist Metro-Miami-Dade County's efforts to preserve and enhance the State-*  
312 *designated Biscayne Bay Aquatic Preserve.*

313 **Policy 2.7.1**

314  
315 Through a combination of (a) implementation of a master drainage plan, (b)  
316 replacement of septic tanks with sanitary sewers, (c) land development code  
317 provisions for on-site stormwater detention and marina pump-out facilities, and  
318 (d) coordination with the Biscayne Bay Shoreline Development Review  
319 Committee, the Village will attempt to maintain and improve the water quality  
320 of Biscayne Bay.  
321

322 **Note:** The following 9J5.006 FAC requirements and related policies are not applicable to Key  
323 Biscayne:

- 324
- 9J5.006(3)(b)7 urban sprawl
  - 9J5.006(3)(c)6 wellfields
  - 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
- 326  
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330

331 Island of Key Biscayne. The sites are: 1) the Bear Cut Preserve, 2) Cape Florida, 3)  
332 Fort Bankhead and 4) the Light keeper's house foundation. The Florida Department  
333 of State, Division of Historical Resources has indicated that there is an  
334 archaeological site on Ridgewood Road in incorporated Key Biscayne. The DHR  
335 map on which this site is identified is stamped "Confidential: DO NOT  
336 DISTRIBUTE OF PUBLISH." Such a map is not suitable grounds for public policy  
337 decisions.

338  
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340 **Proposed Pedestrian-Bicycle Way**

341  
342 The location and the width of the proposed pedestrian-bicycle ways shown on this future land  
343 use map are conceptual approximations not precise alignments. Considerable deviation from the  
344 alignments shown could fulfill the intent of this plan so long as: 1) provision is made for  
345 pedestrians and bicyclists to go from East Drive to Seaview and vis-a-versa along an alignment  
346 that is reasonably near the east end of these streets rather than along Crandon Boulevard; and 2)  
347 provision is made for pedestrians and bicyclists to go from Harbor Drive to Crandon Park along  
348 an alignment west of the commercial area at the northwest corner of Crandon Boulevard and  
349 Harbor Drive.

350  
351

352 **Objective 2.8 Water Supply**

353

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

356

357 **Policy 2.8.1**

358

359 The Village, through the land development regulations, will coordinate land uses and  
360 future land use amendments with the availability of water supplies and water supply  
361 facilities.

362

363 **GOAL 3 IMPLEMENT GREENHOUSE GAS REDUCTION**

364

365 **Objective 3.1 ReductionReduce energy use and greenhouse gas production**

366

367 *The Village shall consider changes to the future land use plan based upon*  
368 *energy efficient land use patterns, while providing for existing and future*  
369 *energy electric power generation and transmission systems.*

370

371 **Policy 3.1.1**

372

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

375

376 **Policy 3.1.2**

377

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

380

381 **Policy 3.1.3**

382

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

386

387 **Policy 3.1.4**

388

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

391

392 **Policy 3.1.5**

393

394 The Village shall continue to allow home based businesses to the extent that



395 impacts are compatible with the residential community.

396  
397 **Policy 3.1.6**

398  
399 The Village shall support mixed use development to encourage reduced vehicle  
400 usage.

401  
402 **Policy 3.1.7**

403  
404 The Village shall maintain its network of bicycle lanes and pedestrian facilities  
405 with specific consideration of connectivity to schools and public facilities.

406  
407 **Policy 3.1.8**

408  
409 The Village shall ensure that new development and redevelopment provides for  
410 pedestrian, bicycle, and automobile connectivity to adjacent rights-of-ways,  
411 adjacent development and the public transportation system.

412  
413 **Objective 3.2 Implement greenhouse gas reduction strategies**

414  
415 *The Village shall provide for policies within the land development regulations*  
416 *and Master Plan which are designed to reduce energy use and the creation of*  
417 *greenhouse gases.*

418  
419 **Policy 3.2.1**

420  
421 The Village shall to the extent financially feasible, educate residents on home  
422 energy reduction strategies.

423  
424 **Policy 3.2.2**

425  
426 The Village shall to the extent financially feasible, educate residents on the cost  
427 and environmental effects of automobile idling.

428  
429 **Policy 3.2.3**

430  
431 The Village shall continue to reduce the heat island effect by maintaining its  
432 green infrastructure through maintenance of its tree canopy, parks, open spaces,  
433 wetland mitigation areas, landscaped medians and scenic vistas.

434  
435 **Policy 3.2.4**

436  
437 The Village shall continue to require open space and pervious surface areas in  
438 development and redevelopment.

439  
440 **Policy 3.2.5**

441  
442 By December 20125, the Village shall consider amending the land  
443 development regulations to adopt specific standards and strategies that address  
444 greenhouse gas emissions, energy efficient housing, and overall energy  
445 conservation as per Objective 3.1 and 3.2.  
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**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)(c)1**

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

- Arterials - "ELOS 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) (c) 3**

By the date required by state statute or sooner, tThe Village shall enact and enforce review and, as appropriate, revise as necessary 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 requires the use of joint access drives for adjacent uses. It will also sets 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.

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

497 **Policy 1.1.3** 9J-5.007 (3) (b) and (c)

498  
499 By 2025 or sooner, Street improvements shall be designed and implemented for the  
500 collectors (Harbor Drive and Mashta) identified in Policy 1.1.1 and elsewhere in this plan.  
501 The intersection at Crandon and Harbor shall be channelized. Speed control methods that  
502 will require traffic to stop on a regular basis (such as four-way stop signs) should be  
503 avoided, since these will work against what the Collector street is meant to do. Instead  
504 strategies such as medians, pavement reduction, or the provision of shrubbery and trees  
505 close to the roadway will serve as deterrents to speeding on Collector roads.  
506

507 **Objective 1.2 Land Use Plan Implications** 9J-5.007 (3) (b) 2

508  
509 *Limit commercial development and redevelopment to arterial road frontage (plus*  
510 *the Harbor Drive Collector frontage between Crandon Boulevard and Fernwood*  
511 *Road).*

512 **Policy 1.2.1**

513  
514 Other than ocean resort hotels, the Future Land Use and zoning maps shall be used  
515 to limit new commercial and office development or redevelopment to arterial  
516 frontage (Crandon Boulevard) and the related Harbor Drive (Collector) frontage  
517 east of Fernwood Road.  
518

519 **Policy 1.2.2**

520  
521 The Village shall maintain pedestrian, bikeway, and golf cart access points at the  
522 rear property lines of commercial properties which are bounded on the rear  
523 property line by Fernwood Road.  
524

525 **Policy 1.2.3**

526  
527 The Village shall coordinate its Future Land Use Map with its Future  
528 Transportation Map.  
529

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

531  
532 *Work with the County to limit traffic volume increases on the Rickenbacker*  
533 *Causeway.*

534 **Policy 1.3.1**

535  
536 The Village shall work closely with the Metro-Miami-Dade County Planning  
537 Department and the Metropolitan Transportation Planning Organization (TPO) to  
538 limit the intensity of development along the Causeway and Crandon Boulevard in  
539 order to maintain an adequate traffic level of service.  
540

541 **Policy 1.3.2**



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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) (c) 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%.

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**Policy 1.4.2** 9J-5.007 (3) (c) 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) (c) 5

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

- Harbor Drive

- 593                   ●    Fernwood Road
- 594                   ●    West Mashta Drive, and
- 595                   ●    Crandon Boulevard

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

600                   **Policy 1.5.2** 9J-5.007 (3) (c)5

601  
602                   No later than 2004, achieve the first phase implementation of this plan on  
603                   Harbor Drive.

604  
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606    **Objective 1.6   Reduction of Greenhouse Gases**

607  
608                   *The Village shall explore transportation strategies to implement reductions in*  
609                   *greenhouse gas emissions created by the transportation sector.*

610  
611  
612                   **Policy 1.6.1**

613  
614                   The Village shall, to the extent financially feasible, explore and develop  
615                   programs to encourage non-motorized and golf cart transportation by continued  
616                   improvements and enhancements to its pedestrian, bikeway, and golf cart  
617                   systems.

618  
619                   **Policy 1.6.2**

620  
621                   To the extent financially feasible, the Village shall educate residents on the cost  
622                   and environmental effects of automobile idling.

623  
624                   **Policy 1.6.3**

625  
626                   The Village shall continue to maintain a policy of permitting golf carts on  
627                   designated local roadways to provide an energy efficient alternative means of  
628                   transportation for Village residents.

629

630 **III. HOUSING ELEMENT**

631 **GOAL 1 TO ASSURE THE AVAILABILITY OF A SOUND AND DIVERSIFIED**  
632 **HOUSING STOCK IN KEY BISCAWAYNE.**  
633  
634

635 **Objective 1.1 New Construction** 9J-5.010 (3) (b) 1  
636

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

641 **Policy 1.1.1**

642  
643 The Village Future Land Use Plan and zoning map designations shall continue  
644 to provide for a diversity of housing types on the remaining vacant land to meet  
645 the needs of the existing and anticipated population.

646 **Policy 1.1.21** 9J-5.010 (3) (c) 2  
647

648 The Village shall periodically review its permitting process and the regulatory  
649 process established by the land development code thereby assuring a prompt  
650 and professional development permitting process.  
651

652 **Objective 1.2 Group Homes** 9J-5.010 (3) (b) 4  
653

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

656 **Policy 1.2.1** 9J-5.010 (3) (c) 6  
657

658 By the date required by state statute or sooner, tThe Village shall enact and  
659 continue to enforce land development code regulations which permit HRS-  
660 State-licensed group homes, including foster care facilities. Such regulations  
661 shall permit small scale group homes and foster care facilities in residential  
662 areas and areas with residential character and shall otherwise be designed to  
663 meet State law. Prior to enactment of such regulations, the Village shall  
664 interpret and enforce applicable existing regulations in a manner which is fully  
665 consistent with State law and administrative code requirements pertaining to  
666 group homes. The Village shall encourage HRS the State to consider the  
667 hurricane evacuation constraints in their licensing of facilities on the Key.  
668

669 **Objective 1.3 Conservation, Rehabilitation, Demolition, Substandard Housing Structural**  
670 **and Aesthetic Improvement of Housing** 9J-5.010 (3) (b) 5  
671

672 *Maintain a structurally sound housing stock by rehabilitating or demolishing*  
673 *housing units that may deteriorate to a substandard condition in the future.*  
674 *Achievement of this objective shall be measured by the existence of no*  
675 *substandard housing units.*

676 **Policy 1.3.1** 9J-5.010 (3) (c) 3 and 4  
677



678 The Village Manager or designee shall enforce the County minimum housing  
679 standards code or an appropriate modification enacted by the Village Council.

680 **Policy 1.3.2** 9J-5.010 (3) (c) 3

681  
682 Through land development code setback/bulk standards and through  
683 implementation of the 1993 Village's drainage master plan (including on-site  
684 retention standards) the Village shall assure the continuation of stable  
685 residential neighborhoods.  
686

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

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

692 **Policy 1.4.1** 9J-5.010 (3) (c) 1

693  
694 The Village shall maintain formal communications with appropriate private and  
695 non-profit housing agencies to assure that adequate information on Village  
696 housing policies flows to housing providers. This list shall include Homes for  
697 South Florida, the Board of Realtors and the Home Builders Association.

698 **Policy 1.4.2** 9J-5.010 (3) (c) 7

699  
700 The Village shall fully cooperate with any developer using County Surtax funds,  
701 the County Housing Finance Agency or other subsidy mechanisms.  
702

703 **Policy 1.4.3**

704  
705 The Village shall explore federal, state, and local housing subsidy programs as a  
706 means to provide housing opportunities for very low, low, and moderate-  
707 income persons and families.  
708

709 **Policy 1.4.4**

710  
711 The Village shall monitor current and future housing needs and explore  
712 innovative solutions to increase the affordability and diversity of housing stock  
713 while maintaining compliance with Coastal High Hazard Area and Floodplain  
714 regulations  
715

716 **Policy 1.4.5**

717  
718 The Village shall explore potential land development regulations to provide for  
719 the improvement of energy efficiency in new housing and in the redevelopment  
720 of existing housing.  
721

722 **Objective 1.5 Historically Significant Housing**

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

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**Policy 1.5.1**

9J-5.010 (3) (c) 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.

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**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.*

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**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 jurisdictionsjurisdictions and non-governmental agencies to facilitate the provision of affordable housing.

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**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.

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761

**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.

767  
768

**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.

774  
775

**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

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779

780 programs.  
781  
782

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

784  
785 *Achieve and maintain 100 percent standard housing and achieve private*  
786 *reinvestment to structurally and aesthetically upgrade at least 50 existing*  
787 *housing units.*

788 **Policy 1.7.1**

789  
790 The Village shall vigorously enforce the existing code to ensure that no housing  
791 structures become substandard.

792 **Policy 1.7.2**

793  
794 By the date required by State statute, or sooner, tThe Village shall enact or  
795 enforce land development code regulations which set appropriate building  
796 height, set back and other regulations which facilitate aesthetically pleasing  
797 upgrades to the existing housing stock.  
798

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

- 801  
802 ● Objective 9J-5.010(3)(b)6 relocation housing including  
803 Policy 9J-5.010 (3) (c) 8  
804  
805 ● Objective 9J-5.010(3)(b)1 references to rural/farm workers  
806 including Policy 9J-5.010 (3) (c) 5  
807

808 **Objective 1.8 Coordination with Future Land Use Element**

809  
810 *Evaluate the Future Land Use Element and Future Land Use Map and as*  
811 *feasible, update the Village's land use designations and zoning districts in*  
812 *order to promote the development of affordable housing within the Village.*

813  
814 **Policy 1.8.1**

815  
816 The Village shall coordinate its future land use planning to ensure that land  
817 designations and zoning districts foster diverse housing types to serve the needs  
818 of the Village's population by providing adequate areas for a variety of  
819 residential housing types including single-family, duplex, and multi-family  
820 units.  
821

822 **Objective 1.9 Greenhouse Gas Reduction**

823  
824 *Support energy use and greenhouse gas reduction in conjunction with the*  
825 *existing and new housing stock.*

826  
827 **Policy 1.9.1**

828  
829 The Village's land development regulations shall allow for the use of  
830 alternative, renewable sources of energy including the use of solar panels. The



831 Village shall not prohibit the appropriate placement of photovoltaic panels. The  
832 Village shall develop and adopt review criteria to establish the standards for the  
833 appropriate placement of photovoltaic panels.  
834

835  
836 **Policy 1.9.2**

837 The Village, to the extent financially feasible, shall educate residents on home  
838 energy reduction strategies.  
839

840  
841 **Policy 1.9.3**

842 The Village shall encourage the placement of landscape materials to reduce  
843 energy consumption.  
844  
845

846 **IV. INFRASTRUCTURE ELEMENT**  
847

848 **GOAL 1 TO PROVIDE AND MAINTAIN THE PUBLIC INFRASTRUCTURE IN**  
849 **A MANNER THAT WILL INSURE BAY WATER QUALITY, AND**  
850 **PUBLIC HEALTH, SAFETY, AND QUALITY OF LIFE FOR KEY**  
851 **BISCAYNE RESIDENTS.**  
852

853 **Objective 1.1 Current Deficiencies and Future Needs; Drainage** 9J-5.011 (2) (b) 1  
854

855 *The Village shall continue to Upgrade the drainage system so that stormwater*  
856 *outfalls into Biscayne Bay (and adjacent canals) fully meet National Pollution*  
857 *Discharge Elimination System (NPDES) standards no later than December 31,*  
858 *1998 and the standards of Chapter 17-25, FAC and of Chapter 17-302.500,*  
859 *FAC. The Village shall continue to Upgrade onsite drainage standards to*  
860 *ensure that private properties retain at least the first one inch of stormwater on*  
861 *site and permit no more runoff after development than before development.*

862 **Policy 1.1.1** 9J-5.011 (2) (c) 1  
863

864 Based upon the capital cost implications of the Village of Key Biscayne  
865 Drainage Master Plan, tThe Village shall activate maintain the stormwater  
866 utility assessment as a basis for bonding for the first phase of drainage plan  
867 implementation no later than December 31, 1998. The Village shall continue to  
868 update its Drainage Master Plan as necessary to ensure the continued efficacy of  
869 its provisions to upgrade the storm sewer system in accordance with the specific  
870 standards of Objective 1.1 above.

871 **Policy 1.1.2** 9J-5.011 (2) (c) 1  
872

873 During the first phase of drainage master plan implementation (to be initiated in  
874 1994), the Village shall begin to mitigate to the extent technically and  
875 economically feasible direct stormwater outfalls into the canals and Biscayne  
876 Bay. Anticipated improvements include a series of catch basins, manholes and  
877 pipes for the collection of the stormwater and routing to pollution control  
878 structures and drainage wells with emergency overflows. The pollution control  
879 devices (grease and oil separator) areis to be provided before each drainage  
880 well to prevent contamination from entering. Emergency overflow structures  
881 are to be constructed at the existing outfalls and would discharge only when the  
882 storm events generates more than one inch of runoff. These improvements shall  
883 be designed to fully meet the specific standards set forth in Objective 1.1 above.

884 **Policy 1.1.3** 9J-5.011 (2) (c) 1  
885

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

893 **Objective 1.2 Current Deficiencies and Future Needs; Sewage** 9J-5.011 (2) (b) 2

894  
895 *Coordinate with Miami-Dade County and appropriate agencies to maintain*  
896 *Extend public sanitary sewer service to additional developed areas no later*  
897 *than 2008 and ensure effective septic and drain field functioning. See Policies*  
898 *1.2.1 and 1.2.2 for additional measurability.*

899 **Policy 1.2.1** 9J-5.011(2)(c)1

900  
901 The Village shall cooperate with the County in an attempt to complete a  
902 financial and engineering plan to extend sanitary sewers to as much of the  
903 remaining unsewered areas as is financially feasible and otherwise desirable.  
904 The intent is to complete that plan as soon as technically and financially  
905 feasible but no later than 1998 and to begin implementation as soon as  
906 technically and financially feasible and complete implementation no later than  
907 2008.

908 **Policy 1.2.2** 9J-5.011(2)(c)1

909  
910 The Village shall help ensure effective functioning of septic tanks and drain  
911 fields by cooperating with HRS the State and DERM the County in the exercise  
912 of the jurisdiction of those agencies over septic tank and drain field permitting  
913 and requirements.  
914

915 **Objective 1.3 Future Needs; Solid Waste** 9J-5.011(2)(b)3

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

917 **Policy 1.3.1** 9J-5.011(2)(c)1

918  
919 No later than 1996, tThe Village shall assess the cost effectiveness of replacing  
920 the County collection system with a system operated by one or more private  
921 contractors subject to Village-established operating specifications. Village  
922 control could be maintained through franchise agreements or other regulatory  
923 approaches.

924 **Policy 1.3.2** 9J-5.011(2)(c)1

925  
926 No later than 1999, tThe Village shall monitor the cost efficiency of solid waste  
927 collection systems and will initiate any resulting recommended changes in the  
928 solid waste collection systems, including the recycling component.  
929

930 **Objective 1.4 Level of Service**

931  
932 *Provide adequate capacities to meet the Level of Service (LOS) standards; see*  
933 *policies for measurable standards.*

934 **Policy 1.4.1** 9J-5.011 (2) (c) 2a

935  
936 Sewered Areas: The County-wide "maximum day flow"<sup>(1)</sup> of the preceding year  
937 shall not exceed 98 percent of the County treatment system's rated capacity.  
938 The sewage generation standard shall be 140 average gallons per capita per day.

939 **Policy 1.4.2** 9J-5.011 (2) (c) 2a



940  
941 Unsewered Areas: The LOS shall be receipt of a Metro-Dade County  
942 Department of Environmental Resources Management septic tank permit.

943 **Policy 1.4.32** 9J-5.011 (2) (c) 2d

944  
945 Potable Water: The County-wide "maximum day flow" of the preceding year  
946 shall not exceed 98 percent of the County treatment and storage system's rated  
947 capacity. The pressure shall be at least 20 pounds per square inch at the  
948 property line. The potable water consumption standard shall be 280 average  
949 gallons per capita per day.

950 **Policy 1.4.4** 9J-5.011 (2) (c) 2c

951  
952 Drainage: All nonresidential development and redevelopment shall adequately  
953 accommodate runoff to meet all Federal, state and local requirements.  
954 Stormwater shall be treated in accordance with the provisions of Chapter 17-25,  
955 FAC in order to meet receiving water standards in Chapter 17-302.500, FAC.  
956 One inch of runoff shall be retained on site. Post-development runoff shall not  
957 exceed peak pre development runoff.

958 **Policy 1.4.5** 9J-5.011 (2) (c) 2b

959  
960 Solid Waste: The County solid waste disposal system shall maintain a  
961 minimum of five years capacity. For Village planning purposes, a generation  
962 rate of 5.2 pounds per person per calendar day shall be used.

963

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

965  
966 *Reduce Continue to strive to reduce the average daily per capita water*  
967 *consumption by five percent no later than 2004 (dependent upon the near-term*  
968 *ability to measure Village-wide consumption).*

969 **Policy 1.5.1** 9J-5.011 (2) (c) 3

970  
971 By the date required by state statute or sooner, the Village shall enact and  
972 enforce land development code and other regulations that include: 1) water  
973 conservation-based irrigation requirements; 2) water conservation-based plant  
974 species requirements derived from the South Florida Water Management  
975 District's list of native species and other appropriate sources; 3) lawn watering  
976 restrictions; 4) mandatory use of ultra-low volume water saving devices for  
977 substantial rehabilitation and new construction; and 5) other water conservation  
978 measures, as feasible.

979 **Policy 1.5.2** 9J-5.011 (2) (c) 3

980  
981 The Village shall promote education programs for residential, commercial and  
982 other uses which will discourage waste and conserve potable water.

983 **Policy 1.5.3**

984  
985 The Village will cooperate with WASA Miami-Dade County in an effort to  
986 devise a means of tracking water consumption in the Village from customer  
987 billings or other sources.

988 **Policy 1.5.4** 9J-5.011 (2) (c) 3

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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) (c) 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.

**Policy 1.5.7**

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

**Policy 1.5.8**

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

**Policy 1.5.9**

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

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**Policy 1.5.10**

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



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**V. CONSERVATION AND COASTAL MANAGEMENT ELEMENT**

Conservation Element and Coastal Management Element goals, objectives and policies are combined because they are complimentary.

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

**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) (c) 1 and 2, and 9J-5.013 (2) (c) 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) (c) 1 and 2, and 9J-5.013 (2) (c) 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 detention, post development runoff equal to or less than pre development runoff, erosion control, a minimum percentage of pervious open space, maintenance of swales, drainage level-of-service standards, ocean beach dune protection and vegetation, and other environmentally sensitive land protection measures. These requirements shall be designed to help ensure full

1098 compliance with the specific standards set forth in Objective 1.2 above. Such  
1099 provisions shall be consistent with this plan and with the applicable Florida  
1100 statutory and administrative code requirements, standards promulgated by the  
1101 South Florida Water Management District and the Department of  
1102 Environmental Protection.

1103 **Policy 1.2.3** 9J-5.013 (2) (c) 10

1104  
1105 The Village shall refer any development permit applications for uses involving  
1106 the storage of hazardous waste to MetroMiami-Dade County.  
1107

1108 **Objective 1.3 Vegetative and Soil Resources** 9J-5.012 (3) (b) 1

1109 9J-5.013 (2) (b) 3

1110  
1111 *Achieve 0 net loss of mangroves.*

1112 **Policy 1.3.1** 9J-5.012 (3) (c) 1

1113 9J-5.013 (2) (c) 3, 5, 6, 7, 8 and 9

1114  
1115 By the date required by state statute or sooner, tThe Village shall enact  
1116 andcontinue to enforce estuarine waterfront protection provisions in the land  
1117 development code. The provisions will be drafted to assure that all applicable  
1118 development permit applications are reviewed in the context of the mangrove  
1119 protection policies of the State DEP and the waterfront policies of DERM. In  
1120 particular, DERM Class 1 Permits pursuant to Section 24-58 48.1 of the Miami-  
1121 Dade County Code shall be required for all construction seaward of the mean  
1122 high- water line. Such construction shall be designed to minimize  
1123 environmental impacts and mitigate unavoidable impacts. This provision shall  
1124 be interpreted to protect sensitive lands from sea wall and other related  
1125 construction, but it shall not be interpreted as permitting construction seaward of  
1126 the State Coastal Construction Control Line in violation of other policies of this  
1127 Comprehensive Plan.

1128 **Policy 1.3.2** 9J-5.012 (3) (c) 1 and 2

1129 9J-5.013 (2) (c) 5 and 6

1130  
1131 The Village shall contact DERM if any adverse impact is observed relative to  
1132 the limited sea grass beds in adjacent Bay waters.  
1133

1134 **Objective 1.4 Sea Turtle Preservation** 9J-5.012 (3) (b) 1

1135 9J-5.013 (2) (b) 4

1136 *Strive to achieve 0 human-induced loss of manatees and/or sea turtle eggs.*

1137 **Policy 1.4.1** 9J-5.012 (3) (c) 1

1138 9J-5.013 (2) (c) 5 and 6

1139  
1140 The Village police shall maintain communications with County and State  
1141 marine police in order to report any violations of the boat speed limits in the  
1142 adjacent waters which are a manatee protection area. The Dade CountyFlorida  
1143 Fish and Wildlife Conservation Commission manatee telephoneWildlife Alert  
1144 hHotline shall also be publicized by Village officials.

1145 **Policy 1.4.2** 9J-5.012 (3) (c) 1

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

**Objective 1.5 Floodplains**

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*For residential uses, achieve construction of all new building first floors at or above FEMA specified flood elevations. For non-residential uses, achieve construction of all new building first floors at or above FEMA specified flood elevations or in accordance with FEMA approved waterproof specifications.*

**Policy 1.5.1** 9J-5.012 (3) (c) 3 and 9J-5.013 (2) (c) 6

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The Village shall enforce the flood damage prevention regulations which ensure that all new residential construction is at or above the flood elevation specified on the FEMA Flood Insurance Rate Map and which ensure that 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 of FEMA regulations.

**Policy 1.5.2**

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

**Objective 1.6 Emergency Water Conservation**

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*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

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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.

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**Objective 1.8 Water Supply**

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*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 1.8.1**

1192  
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1194

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



- 1195                   **Policy 1.8.2**
- 1196                   The Village shall adopt 155 gallons of water per person per day as its level-of-  
1197                   service standard for residential and nonresidential users.
- 1198                   **Policy 1.8.3**
- 1199                   The Village shall continue to implement the same or more stringent water  
1200                   conservation measures through its land development regulations.  
1201
- 1202                   **Policy 1.8.4**
- 1203                   The Village shall conserve potable water resources, including the support of  
1204                   reuse programs and potable water conservation strategies and techniques.
- 1205                   **Policy 1.8.5**
- 1206                   The Village shall implement the 10-Year Water Facilities Work Plan to ensure  
1207                   that adequate water supplies and public facilities are available to serve the water  
1208                   supply demands of the Village’s population.
- 1209                   **Policy 1.8.6**
- 1210                   Since the potable water network is an interconnected, countywide system, the  
1211                   Villages’ Planning Department shall cooperate with the Miami-Dade County  
1212                   Water and Sewer Department to jointly develop methodologies and procedures  
1213                   for biannually updating estimates of system demand and capacity and ensure  
1214                   that sufficient capacity to serve development exists.
- 1215                   **Policy 1.8.7**
- 1216                   In in the future there are issues associated with water supply, conservation or  
1217                   reuse, the Village shall immediately contact the Miami-Dade County Water and  
1218                   Sewer Department to address the corresponding issues. In addition, the Village  
1219                   will follow adopted communication protocols with the Miami-Dade County  
1220                   Water and Sewer Department to communicate and/or prepare an appropriate  
1221                   action plan to address any relevant issue associated with water supply,  
1222                   conservation, or reuse.
- 1223                   **Policy 1.8.8**
- 1224                   The Village shall enforce Miami-Dade County’s Water Use Efficiency  
1225                   Standards Ordinance, adopted on February 5, 2008.
- 1226                   **Policy 1.8.9**
- 1227                   The Village may consider requiring the use of high efficiency toilets,  
1228                   showerheads, faucets, clothes washers, and dishwashers in all new and  
1229                   redevelopment residential projects.
- 1230                   **Policy 1.8.10**

1231 The Village shall encourage the use of sub-metering for all multi-unit residential  
1232 developments, including separate meters and monthly records kept of all major  
1233 water-using functions such as cooling towers and individual buildings, in all  
1234 new and redeveloped multifamily residential projects.

1235 **Policy 1.8.11**

1236 The Village may encourage the use of Florida Friendly Landscape guidelines  
1237 and principles; gutter downspouts, roof runoff, and rain harvesting through the  
1238 use of rain barrels and directing runoff to landscaped areas; drip irrigation or  
1239 micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf  
1240 block, mulch, pervious concrete, etc.) on walkways, driveways and patios.  
1241  
1242

1243 **GOAL 2 TO CONSERVE AND MANAGE THE ENVIRONMENTAL**  
1244 **RESOURCES AND MAN-MADE USES IN THE COASTAL AREA OF**  
1245 **KEY BISCAIYNE**  
1246

1247 **Objective 2.1 Water-Dependent and Water-Oriented Uses** 9J-5.012 (3) (b) 3  
1248

1249 *Preserve the existing and planned sites for water-dependent uses and*  
1250 *water-oriented ocean resort hotel uses; assure that any related marina*  
1251 *expansion or development meets appropriate location standards.*

1252 **Policy 2.1.1** 9J-5.012 (3) (c) 8  
1253

1254 By the date required by state statute or sooner, the Village shall enact and  
1255 enforce as part of the land development code: 1) a zoning district based on the  
1256 Multifamily Residential and Ocean Resort Hotel Future Land Use Plan  
1257 category, and 2) a zoning district based on the Waterfront Recreation and Open  
1258 Space land use category. Planned development or other flexible zoning  
1259 regulations which effectuate vested property rights and/or fulfill the spirit of  
1260 Multifamily Residential and Ocean Resort Hotel and/or the Waterfront  
1261 Recreation and Open Space land use categories may serve in lieu of specific  
1262 zoning districts. The regulations of this district shall be consistent with the  
1263 density limits established by the Future Land Use Map of this plan.

1264 **Policy 2.1.2** 9J-5.012 (3) (c) 8  
1265

1266 Any new marina, marina expansion or similar water-dependent use shall meet  
1267 the following criteria:  
1268

1269 \*\*\*

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1271	<b>Objective 2.2</b>	<b>Beaches and Dunes</b>	9J-5.012 (3) (b) 4
1272			
1273		<i>Achieve no new major development or redevelopment seaward of the Coastal</i>	
1274		<i>Construction Control Line and restore a naturally vegetated dune along the</i>	
1275		<i>entire Atlantic Ocean frontage of the Village.</i>	
1276		<b>Policy 2.2.1</b>	9J-5.012 (3) (c) 1 and 3, and 9J-5.013 (2) (c) 6
1277			
1278		By the date required by state statute or sooner, the Village shall enact and	
1279		enforce as part of the land development code minimum oceanfront setback	
1280		requirements including protection of the proposed dune system. The	
1281		requirements shall specify that no building may be built seaward of the coastal	
1282		construction control line and that only limited boardwalks, gazebos and similar	
1283		structures may be built seaward of the coastal construction control line. The	
1284		requirements shall apply to both development and redevelopment.	
1285		<b>Policy 2.2.2</b>	9J-5.012 (3) (c) 2
1286			
1287		By the date required by state statute or sooner, the Village shall enact and	
1288		enforce as part of the land development code dune development and vegetation	
1289		planting requirements in conjunction with any new beachfront development and	
1290		redevelopment. Dune grading and planting requirements shall be drafted to	
1291		ensure the highest level of restoration of natural conditions which is	
1292		economically and technically feasible. The requirements shall apply to both	
1293		development and redevelopment.	
1294		<b>Policy 2.2.3</b>	9J-5.012 (3) (c) 2
1295			
1296		By 1996, the Village shall evaluate the need for and efficacy of alternate	
1297		financing mechanisms to pay for beach renourishment and dune development	
1298		as a supplement to achieving beach renourishment and dune development via	
1299		regulations of development and redevelopment.	
1300			
1301	<b>Objective 2.3</b>	<b>Beach Public Access</b>	9J-5.012 (3) (b) 9
1302			
1303		<i>Achieve one municipal ocean beach access point open to the general public</i>	
1304		<i>within the Village no later than 2004.</i>	
1305		<b>Policy 2.3.1</b>	9J-5.012 (3) (c) 9
1306			
1307		The Village shall enforce an existing agreement with a private property owner	
1308		calling for provision of beach access as a condition for development approval.	
1309		The accessory so provided shall be open to the general public.	
1310			
1311	<b>Objective 2.4</b>	<b>Historic Preservation</b>	9J-5.012 (3) (b) 10
1312			
1313		<i>No later than 1999/2015, prepare a list of potentially significant historic</i>	
1314		<i>structures and a strategy for their preservation.</i>	
1315		<b>Policy 2.4.1</b>	9J-5.012 (3) (c) 10
1316			
1317		Based upon historical accounts of early development in the Village, by 2015 the	
1318		Council Village shall designate identify those structures that due to age,	



1319 architecture and function are candidates eligible for historic designation and  
1320 protection on the National Register of Historic Places. A strategy for the  
1321 preservation of some or all of these structures shall be drafted.  
1322

1323 **Objective 2.5 Biscayne Bay Preservation**  
1324

1325 *Assist the efforts of MetroMiami-Dade County, the Florida Department of*  
1326 *Environmental Protection and the National Park Service to preserve and*  
1327 *enhance the State-designated Biscayne Bay Aquatic Preserve. See Policy 2.5.1*  
1328 *for measurability.*

1329 **Policy 2.5.1** 9J-5.012 (3) (c) 13 and 14  
1330

1331 The Village shall contribute to the improvement of Biscayne Bay water quality  
1332 through a combination of: 1) implementation of a master drainage plan, 2)  
1333 replacement of septic tanks with sanitary sewers tied into the County system  
1334 and/or upgrading of septic tank and drainfield standards, 3) mandating on-site  
1335 stormwater detention and 4) marina siting standards.  
1336

1337 Standards for on-site storm water retention, storm sewers, sanitary sewers,  
1338 septic tanks and drain fields are set forth in the Infrastructure Element  
1339 (Objective 1.1 and related policies; Objective 1.2 and related policies; and  
1340 Policy 1.4.4) and are incorporated in this policy by reference. Marina standards  
1341 are set forth in Policy 2.1.2 of this Element and are incorporated in this policy  
1342 by reference.

1343 **Policy 2.5.2** 9J-5.012 (3) (c) 14 and 15  
1344

1345 The Village shall contribute to the improvement of Biscayne Bay water quality  
1346 by continuing to: 1) have a Village representative periodically consult with the  
1347 Biscayne Bay Shoreline Development Review Committee and 2) have relevant  
1348 bay front projects reviewed by the Committee. The Village shall cooperate with  
1349 the regulatory functions of the Florida Department of Environmental Protection  
1350 and the National Park Service.  
1351

1352 **GOAL 3 TO MINIMIZE HUMAN AND PROPERTY LOSS DUE TO**  
1353 **HURRICANES**

1354 **Objective 3.1 Coastal High-Hazard Area Land Use**  
1355 **and Infrastructure** 9J-5.012 (3) (b) 5 and 6  
1356

1357 *Limit Village funds on infrastructure within the Village (all of which is within*  
1358 *the coastal high-hazard area) that would have the effect of directly subsidizing*  
1359 *development which is significantly more intensive than authorized by this Plan.*

1360 **Policy 3.1.1** 9J-5.012 (3) (c) 7  
1361

1362 The Village shall limit its funding of public infrastructure expansion if such  
1363 funding and such expansion would have the effect of directly subsidizing a  
1364 specific private development in the Village.

1365 **Policy 3.1.2** 9J-5.012 (3) (c) 12  
1366

1367 Objective 3.1 and Policy 3.1.1 above shall not be implemented in such a way as  
1368 to preclude the Village's plans to extend sewer lines, improve drainage facilities

1369 or reconfigure streets in order to provide adequate infrastructure to serve the  
1370 Future Land Use Plan development pattern or development for which rights  
1371 were vested prior to enactment of this Plan.  
1372

1373 **Objective 3.2 Hurricane Evacuation** 9J-5.012 (3) (b) 7  
1374

1375 *Maintain the current estimated 13 hour out-of-county hurricane evacuation*  
1376 *clearance time or an evacuation time of 12 hours to a shelter. which is based on*  
1377 *both pre Hurricane Andrew planning and post Hurricane Andrew experience.*

1378 **Policy 3.2.1** 9J-5.012 (3) (c) 4  
1379

1380 The Village shall maintain its traffic level of service which in turn is based  
1381 upon the Future Land Use map, thereby achieving a reasonable hurricane  
1382 evacuation time.

1383 **Policy 3.2.2** 9J-5.012 (3) (c) 4  
1384

1385 By 1995, tThe Village shall prepare a update its hurricane emergency plan;  
1386 based upon the experience of Hurricane Andrew; the plan shall be in concert  
1387 with the 1991 County Emergency Operations Plan and the 1991 U.S. Corps of  
1388 Engineers hurricane evacuation study, and any revisions thereto. the plan shall  
1389 be consistent with the current Miami Dade County Emergency Operations Plan  
1390 and the most current hurricane evacuation study.  
1391

1392 **Objective 3.3 Post-Disaster Redevelopment** 9J-5.012 (3) (b) 8  
1393

1394 *By 19962015, adopt a post-disaster redevelopment plan.*

1395 **Policy 3.3.1** 9J-5.012 (3) (c) 5  
1396

1397 By 19962015, based upon the 1992-1993 Hurricane Andrew staff review of  
1398 post-disaster assessment, clean-up and housing repair experience, the Village  
1399 shall prepare a post-disaster redevelopment plan in consultation with the South  
1400 Florida Regional Planning Council and the MetroMiami-Dade Office of  
1401 Emergency Management. Special attention shall be devoted to the Building  
1402 Official's permitting process to distinguish between minor and major repairs,  
1403 require demolition or nuisance removal, and similar regulatory approaches.

1404 **Policy 3.3.2**  
1405

1406 The adopted plan shall specify that during post-disaster redevelopment, the  
1407 Building Department will distinguish between those actions needed to protect  
1408 public health and safety with immediate repair/cleanup and long term repair  
1409 activities and redevelopment areas. Removal or relocation of damaged  
1410 infrastructure and unsafe structures shall be by the Village in accordance with  
1411 local procedures and those agencies and practices specified in the MetroMiami-  
1412 Dade County Emergency Operations Plan.  
1413

1414 \*\*\*  
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1416 **Objective 3.4 Level of Service and Public Facility Timing** 9J-5.012 (3) (b) 11

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

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**Policy 3.4.1**

9J-5.012 (3) (c) 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.

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**Objective 3.5 Hurricane Damage Avoidance**

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

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**Policy 3.5.1**

9J-5.012 (3) (c) 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.

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**Policy 3.5.2**

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

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**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.*

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**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



1468 Village shall enact and enforce land development code standards and incentives  
1469 to achieve development, renovated development and/or redevelopment that  
1470 meets high signage, landscaping, circulation/parking and other development  
1471 standards, all in conformance with the flood damage prevention regulations  
1472 required by Conservation and Coastal Management Policy 3.5.2.  
1473

1474 **Policy 3.6.2**  
1475

1476 The Village shall develop standards and principals to provide for the  
1477 improvement of energy efficiency in municipal services and programs.  
1478

1479 **Policy 3.6.3**  
1480

1481 The Village shall, to the extent financially feasible, provide educational  
1482 materials and promote recycling to enhance the efficiency of curbside pick-up,  
1483 reduce the materials being sent to landfills, and ultimately reduce methane  
1484 production.  
1485

1486 **Policy 3.6.4**  
1487

1488 The Village shall amend the land development regulations to adopt specific  
1489 standards and strategies that address greenhouse gas emissions, energy efficient  
1490 housing, and overall energy conservation by 2015.  
1491

1492 **Policy 3.6.5**  
1493

1494 As the replacement of municipal vehicles is scheduled, the Village shall  
1495 consider the availability of replacement with low emission or fuel-efficient  
1496 vehicles.  
1497

1498 **Policy 3.6.6**  
1499

1500 The Village shall, through the current site plan review procedures, encourage  
1501 the diversion from landfills of materials that are recyclable when issuing  
1502 construction  
1503 demolition permits.  
1504

1505 \*\*\*

1506 **VI. RECREATION AND OPEN SPACE ELEMENT**

1507 **GOAL 1 PROVIDE A DESIRABLE LEVEL OF PUBLIC RECREATION AND**  
1508 **OPEN SPACE FACILITIES TOGETHER WITH SUPPLEMENTAL**  
1509 **PRIVATE RECREATION AND OPEN SPACE FACILITIES.**  
1510  
1511

1512 **Objective 1.1 Waterfront Access** 9J-5.014 (3) (b) 1

1513  
1514 *Continue to provide for a municipal ocean beach access point within the Village.*  
1515 *Achieve one municipal ocean beach access point within the Village no later than*  
1516 *2004.*

1517 **Policy 1.1.1** 9J-5.014 (3) (c) 3

1518  
1519 The Village shall continue to maintain the Beach Park as the principal  
1520 municipal ocean beach access point within the Village. The Village shall  
1521 enforce an existing agreement with a private property owner calling for  
1522 provision of beach access as a condition for development approval. The  
1523 accessway so provided shall be open to the general public.

1524 **Objective 1.2 School Playfield Access** 9J-5.014 (3) (b) 1

1525 *Assure resident access to the elementary school playfield by 1995.*

1526 **Policy 1.2.1** 9J-5.014 (3) (c) 5

1527  
1528 The Village shall seek maintain a joint use agreement with the School Board to  
1529 assure resident access to the school's playfields.

1530 **Objective 1.3 Public Recreation Facilities** 9J-5.014 (3) (b) 3

1531  
1532 *Achieve a system of public park and recreation lands which provides at least 2.5*  
1533 *acres per 1,000 people permanent population together with the appropriate*  
1534 *range of facilities.*

1535 **Policy 1.3.1**

1536  
1537 The Village shall reserve for recreation use all of the Village-owned land  
1538 designated on the Future Land Use Map. The Village shall actively seek to  
1539 acquire through purchase, long term lease and/or donation, sufficient additional  
1540 acreage to meet the standard of 2.5 acres per 1,000 people permanent  
1541 population. The standard of 2.5 acres per 1,000 people permanent population  
1542 shall be used for concurrency purposes.

1543 **Policy 1.3.2** 9J-5.014 (3) (c) 4

1544  
1545 By the date required by state statute, tThe Village shall conduct a thorough  
1546 study of the feasibility of obtaining alternative sites needed to achieve and  
1547 maintain a Level of Service standard of at least 2.5 acres of local public park  
1548 land per 1,000 permanent population.

1549 **Policy 1.3.3** 9J-5.014 (3) (c) 5

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1550

1551 The Village shall continue to pursue the acquisition (purchase or lease) of  
1552 additional park land including an addition to Calusa Park and other sites as  
1553 necessary in order to meet the above Level of Service standard as outlined in  
1554 the Capital Improvement Schedule.

1555 **Policy 1.3.4** 9J-5.014 (3) (c) 5

1556  
1557 As acquisition of the park tracts is assured, the Village shall finalize detailed  
1558 planning for facilities such as ball fields, and playgrounds and a community  
1559 center. A phased implementation plan shall be initiated.

1560 **Policy 1.3.5**

1561  
1562 No later than December 31, 19942015, the Village shall explore a recreation  
1563 impact fee to help finance acquisitions and improvements.

1564 **Policy 1.3.6**

1565  
1566 The following properties shall be included in the inventory of Parks and  
1567 Recreation Space:  
1568  
1569

Parks and Recreation Space	Acreage
Calusa Park	3.00
Village Green	9.50
Key Biscayne K-8 Center	2.02
East Enid Lake Park	2.78
Beach Park	2.00
St. Agnes Field	2.13
Community Center	1.95
Library Park	1.17
Hacienda Canal Pocket Park	0.03
530 Crandon Blvd	0.52
Total	25.10

1570  
1571 This inventory of properties shall be automatically updated to include any  
1572 additional recreational and open space properties acquired or utilized via a long-  
1573 term lease. The public beach shall not be included in any calculation in order to  
1574 meet the Village's Parks and Recreational Open Space Level of Service standard.  
1575  
1576

1577 **Objective 1.4 Open Space** 9J-5.014 (3) (b) 4

1578  
1579 *Achieve some semi-passive public open space in the central part of the Village,*  
1580 *some semi-public open space on the waterfront plus private open space in*  
1581 *conjunction with any new private development.*

1582 **Policy 1.4.1** 9J-5.014 (3) (c) 1

1583  
1584 By the date required by state statute or sooner, the Village shall enact and  
1585 enforce as part of the land development code: 1) minimum front, side and rear  
1586 **residential** setbacks, and 2) minimum pervious open space for all new  
1587 construction. Definitions and standards will be included. The amount of open  
1588 space required by these regulations shall be consistent with the high property



1589 values of the island and the need to ensure reasonably satisfactory levels of  
1590 access to light and air, but pervious area shall not be less than 30 percent of  
1591 total site area for the average single family residential site.

1592 **Policy 1.4.2** 9J-5.014 (3) (c) 2

1593  
1594 By the date required by state statute or sooner, tThe Village shall enact  
1595 maintain and enforce a land development code zoning district to implement the  
1596 **Waterfront Recreation and Open Space** land use category and thereby  
1597 preserve such open space uses as the beach club and yacht club. The amount of  
1598 open space required by these regulations shall be consistent with the high  
1599 property values of the island and the need to ensure reasonably satisfactory  
1600 levels of access to light and air, but in no case shall previous area be less than  
1601 15 percent of the entire site.

1602 **Policy 1.4.3** 9J-5.014 (3) (c) 2

1603  
1604 The Village shall evaluate the desirability of developing maintain a village  
1605 center in order to provide for tandem with central area public open space.  
1606

1607 **Objective 1.5 Public-Private Coordination** 9J-5.014 (3) (c) 2

1608 *By 2004, achieveExplore and implement a fully coordinated system of recreational*  
1609 *resources.*

1610 **Policy 1.5.1**

1611  
1612 By 1996, tThe Village Manager or designee shall complete maintain an  
1613 inventory of all private and semi-public recreational facilities. This survey will  
1614 be used in finalizing the public recreational facilities plan described in Policy  
1615 1.3.3.

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## VII. INTERGOVERNMENTAL COORDINATION ELEMENT

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

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**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 MetroMiami-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.*

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

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

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

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

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**Policy 1.1.3** 9J-5.015 (3) (c) 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.

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**Policy 1.1.4** 9J-5.015 (3) (c) 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.

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**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.*

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

No later than 1999, the Village shall consider and attempt to consummate as appropriate interlocal agreements generally of the type described below:

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**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 Public school Educational fFacilities and any amendments affecting public school concurrency.

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**Policy 1.2.1**

9J-5.015 (3) (c) 1

No later than 19992015, 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

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1717 Calusa Park: The Village shall encourage Miami-Dade County to make  
1718 improvements to Calusa Park consistent with the Crandon Park Master  
1719 Plan. The Village shall maintain an agreement with the Miami-Dade  
1720 County Park and Recreation Department to provide for Village  
1721 management of Calusa Park.  
1722

1723 Bill Baggs State Park: An agreement to cooperate and coordinate with the  
1724 Florida Department of Environmental Protection for the provision of play  
1725 fields at Bill Baggs State Park. This site and/or others identified herein  
1726 and/or St. Agnes field (a private school facility that may be available part  
1727 time on a lease basis) are needed to meet Village recreation  
1728 level-of-service standards. It is understood that pursuit of the desired  
1729 agreement for Bill Baggs State Park will require the Village to petition an  
1730 agency of state government to modify its current plan for Bill Baggs State  
1731 Park.  
1732

1733 Key Biscayne Elementary SchoolK-8 Center: An agreement to cooperate  
1734 and coordinate with the Miami Dade County School Board to make the Key  
1735 Biscayne Elementary School K-8 Center playground available for  
1736 community use.  
1737

1738 Crandon Boulevard: An agreement to cooperate and coordinate with the  
1739 Dade County Public Works Department and the Dade County Transit  
1740 Agency to achieve an improved Crandon Boulevard streetscape.  
1741

1742 Other areas within or proximate to the Village: An agreement or lease with  
1743 other areas within the Village, as necessary.  
1744

1745 **Policy 1.2.2** 9J-5.015 (3) (c) 1

1746  
1747 The Village shall maintain an active dialogue with the MetroMiami-Dade  
1748 Planning Department and other County agencies relative to limiting land use  
1749 intensity between the Village and the maintained.

1750 **Policy 1.2.3** 9J-5.015 (3) (c) 3

1751  
1752 The Village Manager shall assist the County in providing information to the  
1753 residents of the Village relative to services provided by the County, e.g., solid  
1754 waste, potable water, sewers, transit and hurricane response planning. Such  
1755 information may be disseminated through a Village newsletter, Village Hall  
1756 counter handouts, notices posted at the Village Hall, and/or other appropriate  
1757 means.

1758 **Policy 1.2.4** 9J-5.015 (3) (c) 6

1759  
1760 The Village shall contribute to the improvement of Biscayne Bay water quality  
1761 through a combination of (a) implementation of a master drainage plan, (b)  
1762 replacement of septic tanks with sanitary sewers tied into the County system, (c)  
1763 mandating on-site stormwater detention and (d) marina siting standards.

1764 **Policy 1.2.5** 9J-5.015 (3) (c) 6

1765  
1766 The Village shall contribute to the improvement of Biscayne Bay water quality  
1767 by continuing to: 1) have a Village representative periodically consult with the

1768 Biscayne Bay Shoreline Development Review Committee and 2) have relevant  
1769 bay front projects reviewed by the Committee. The Village shall cooperate with  
1770 the regulatory functions of the Florida Department of Environmental Protection  
1771 and the National Park Service.  
1772

1773 **Objective 1.3 Level of Service Standards Coordination** 9J-5.015 (3) (b) 3  
1774

1775 *Ensure coordination with MetroMiami-Dade County Water and Sewer*  
1776 *Department, the South Florida Water Management District, and the Lower East*  
1777 *Coast Water Supply Plan Update in establishing level-of-service standards for*  
1778 *sewage, and potable water.*

1779 **Policy 1.3.1** 9J-5.015 (3) (c) 7  
1780

1781 Monitor changes to the adopted level-of-service standards of Metro-Miami  
1782 Dade County, and appropriately the South Florida Water Management District,  
1783 and the Lower East Coast Water Supply Plan Update and adjust its own level-  
1784 of-service standards accordingly.  
1785

1786  
1787 **Policy 1.3.2**  
1788

1789 The Village shall implement a tracking system that measures increases in  
1790 population resulting from development and redevelopment and provide results  
1791 to the Miami-Dade County Water and Sewer Department on a regular basis.  
1792

1793 **Policy 1.3.3**  
1794

1795 The Village shall provide for improved or additional coordination between the  
1796 Miami-Dade County Water and Sewer Department and the Village concerning  
1797 the sharing and updating of information to meet ongoing water supply needs.  
1798  
1799

1800 **Policy 1.3.4**  
1801

1802 The Village shall coordinate with the Miami-Dade County Water and Sewer  
1803 Department in the implementation of alternative water supply projects,  
1804 establishment of level-of-service standards, resource allocations, changes in  
1805 service areas and potential for annexation.  
1806

1807  
1808 **Policy 1.3.5**  
1809

1810 The Village shall coordinate with the Miami-Dade County Water and Sewer  
1811 Department by requiring applications to be reviewed by the Department during  
1812 the site plan review process prior to approving a building permit, in order to  
1813 determine whether adequate water supplies will be available to serve the  
1814 development by the anticipated issuance date of the certificate of occupancy for  
1815 properties located within the Village. Additional coordination efforts will occur  
1816 between the Department and the Village through the water allocation system,  
1817 which is a monthly spreadsheet used for tracking development activity within  
1818 the Village. The Village will monitor proposed amendments to the Miami-Dade  
1819 County Comprehensive Development Master Plan as they relate to water supply  
1820 planning in the county and provide input as necessary.  
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**Policy 1.3.6**

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



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## VIII. CAPITAL IMPROVEMENTS ELEMENT

**GOAL 1**      **TO UNDERTAKE CAPITAL IMPROVEMENTS NECESSARY TO PROVIDE ADEQUATE INFRASTRUCTURE AND A HIGH QUALITY OF LIFE, WITHIN SOUND FISCAL PRACTICES.**

1835      **Objective 1.1**      **The Annual Capital Improvement Program Process**      9J-5.016 (3) (6) 1  
1836

1837      *Achieve annual Village Council use of this Element as the framework to monitor*  
1838      *public facility needs as a basis for annual capital budget and five-year program*  
1839      *preparation.*

1840      **Policy 1.1.1**      9J-5.016 (3) (c) 7  
1841

1842      As part of the annual budget process, staff and engineering studies shall form  
1843      the basis for preparation of a five-year capital improvement program, including  
1844      one year capital budget, to further the master plan elements.

1845      **Policy 1.1.2**      9J-5.016 (3) (c) 3  
1846

1847      The capital improvement program shall include a drainage facility  
1848      improvement/replacement program based upon the 1993 drainage master plan.

1849      **Policy 1.1.3**      9J-5.016 (3) (c) 1  
1850

1851      In setting priorities, the following kinds of criteria shall be used by the Village  
1852      Council; in all cases, financial feasibility or budget impact will be assessed:

- 1853      ● Public safety projects: any project to ameliorate a threat to public health  
1854      or safety.
- 1855      ● Quality of life projects: any project that would enhance the quality of  
1856      life, such as a public streetscape improvement project.
- 1857      ● Level of service or capacity projects: any project needed to maintain an  
1858      adopted or otherwise desirable Level of Service.
- 1859      ● Redevelopment projects: any project that would assist in the  
1860      revitalization of deteriorated non-residential properties.
- 1861      ● Biscayne Bay enhancement projects: any project which would enhance  
1862      the environmental quality of Biscayne Bay.

1863      **Policy 1.1.4**      9J-5.016 (3) (c) 9  
1864

1865      The Village shall use designated funding mechanisms such as the drainage  
1866      utility and sewer assessments to the maximum extent feasible thereby freeing  
1867      up general funds (and general obligation bonds) for such Village-wide projects  
1868      as park land acquisition and streetscape work as outlined in the policies of other  
1869      Master Plan elements.

1870      **Policy 1.1.5**      9J-5.016 (3) (c) 2  
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1872      The Village shall pursue a prudent policy in terms of borrowing for capital  
1873  
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1878 improvements or other purposes.

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1880 \*\*\*

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1882 **Objective 1.2 Level of Service and Land Use Decisions** 9J-5.016 (3) (b) 3

1883

1884 *Achieve coordinated Village use of the Future Land Use Plan, financial*  
1885 *analyses in this Element and Level of Service standards in both reviewing*  
1886 *development applications and preparing the annual schedule of capital*  
1887 *improvements.*

1888 **Policy 1.2.1** 9J-5.016 (3) (c) 4

1889 The following peak hour Level of Service (LOS) standards shall be maintained:

1890

1891 *Streets:* The Village shall regulate the timing of development to maintain at  
1892 least the following peak hour level of service standards:

- 1893 ● Arterials -- "ED"
- 1894 ● Collectors - "B"
- 1895 ● Local Service Streets - "A"

1896 within the Village limits, Crandon Boulevard will be at level of service E D  
1897 or better, although the level of service could potentially fail slightly below E D  
1898 near the north Village limits.

1899

1900 *Sanitary Sewers in Sewered Areas:* The County-wide "maximum day flow" of  
1901 the preceding year shall not exceed 98 percent of the County treatment system's  
1902 rated capacity. The sewage generation standard shall be 140 average gallons per  
1903 capita per day.

1904

1905 *Sanitary Sewers in Unsewered Areas:* Septic tanks shall be permitted only in  
1906 compliance with applicable county and state agency standards; compliance  
1907 shall be determined by receipt of required approvals and permits from the a  
1908 MetroMiami-Dade County Department of Environmental Resources  
1909 Management and the Florida Department of Health and Rehabilitative Services.

1910

1911 *Potable Water:* The County-wide "maximum day flow" of the preceding year  
1912 shall not exceed 98 percent of the County treatment and storage system's rated  
1913 capacity. The pressure shall be at least 20 pounds per square inch at the  
1914 property line. The potable water consumption standard shall be 280 average  
1915 gallons per capita per day.

1916

1917 *Drainage:* All nonresidential development and redevelopment shall  
1918 accommodate runoff to meet all Federal, state and local requirements.

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*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**

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

\*\*\*

**Objective 1.4      Concurrency      9J-5.016 (3) (b) 4**

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



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**Policy 1.4.1**

9J-5.016 (3) (c) 6

By the date required by state statute or sooner, tThe Village shall enact and enforce as part of the land development code a concurrency management system which meets the requirements of 9J-5.0055. The concurrency management system that 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 Comprehensive Plan 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:

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

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

Adding together:

- The total design capacity of existing facilities; plus
- The total design capacity of any new facilities that will become available concurrent with the impact of the development. The capacity of new facilities may be counted only if one or more of the following can be demonstrated:

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

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

2025 to be completed within one year of the time the  
2026 certificate of occupancy is issued, or  
2027  
2028 (3) A development agreement as outlined in (4) above  
2029 but requiring construction to begin within one year  
2030 of certificate of occupancy issuance.

2031 (C) For traffic:

- 2032 (1) Paragraphs (A) (1) through (4) or (B) (2) above  
2033 except that construction can begin up to three years  
2034 after the approval date.  
2035  
2036 (2) No modification of public facility level-of-service  
2037 standards established by this plan shall be made  
2038 except by a duly enacted amendment to this plan.

2039 Subtracting from that number the sum of:

- 2040 ● Existing volumes or flows; plus  
2041 ● "Committed" volumes or flows from approved projects that are not  
2042 yet constructed; plus  
2043  
2044 ● The demand that will be created by the proposed project, i.e., site  
2045 plan, plat or other development order.  
2046

2047 In the case of water, sewers, solid waste and recreation, the formulas  
2048 must reflect the latest population vis a vis flows or park acreage.

2049 Design capacity shall be determined as follows:

2050 Sewage: the capacity of the County sewage treatment system.

2051  
2052 Water: the capacity of the County water treatment and storage  
2053 system.

2054 Solid Waste: the capacity of the County disposal system.

2055  
2056 Drainage: The on-site detention capability and/or storm sewer  
2057 capacity.  
2058

2059 Roadways: The standard for measuring highway capacities shall be  
2060 the Florida DOT Table of Generalized Two-Way Peak Hour  
2061 Volumes for Urbanized Areas or other techniques that are  
2062 compatible to the maximum extent feasible with FDOT standards  
2063 and guidelines. The measurement of capacity may also be  
2064 determined by engineering studies provided that analysis  
2065 techniques are technically sound and acceptable to the Village  
2066 engineer.  
2067

2068 Recreation: Measurement shall be based on recreation data in the  
2069 Comprehensive Plan plus the latest Village population estimate  
2070 with any necessary interpretation provided by the Village manager  
2071 or designee thereof.  
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2073 Transit: The County Transit Agency bus schedules for routes

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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.
- (B) 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.
  - c. The development's impacts are phased to occur when sufficient capacity will be available.

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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

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2128 prepared.

2129 4.3. Capacity Reservation

2130 Any development permit application which includes a specific plan for  
2131 development, including densities and intensities, shall require a  
2132 concurrency review. Compliance will be finally calculated and capacity  
2133 reserved at time of final action of an approved final Design Review  
2134 approval or building permit if no Design Review is required or enforceable  
2135 developers agreement. Phasing of development is authorized in accordance  
2136 with Rule 9J-5.0055. Applications for development permits shall be  
2137 chronologically logged upon approval to determine rights to available  
2138 capacity. A capacity reservation shall be valid for a time to be specified in  
2139 the land development code; if construction is not initiated during this  
2140 period, the reservation shall be terminated.  
2141

2142 4. *Administration*

2143 The Village manager (or designee thereof) shall be responsible for  
2144 concurrency management. The land development code shall specify  
2145 administrative procedures, including an appeals mechanism, exemptions,  
2146 plan modifications, burden of proof, etc.  
2147

2148 5. *Project Impact or Demand Measurement*

2149 The concurrency management user's procedural guide (a supplement to the  
2150 land development code) will contain the formulas for calculating  
2151 compliance plus tables which provide generation rates for water use, sewer  
2152 use, solid waste and traffic, by land use category. Alternative methods  
2153 acceptable to the Village manager or designee thereof may also be used by  
2154 the applicant. For example, traffic generation may be based upon the  
2155 Institute of Transportation Engineer's "Trip Generation" manual.  
2156  
2157

2158 **Policy 1.4.2**

2159 The Village shall adopt and maintain a five-year Capital Improvements Plan.  
2160

2161 **Policy 1.4.3**

2162 The Village shall seek to ensure that the Capital Improvements Element (CIE)  
2163 of the Comprehensive Plan is financially feasible.  
2164

2165 **Policy 1.4.4**

2166 The Village shall establish criteria to prioritize and update projects within the  
2167 five-year Capital Improvements Plan to achieve and maintain adopted level-of-  
2168 service standards.  
2169

2174 **Objective 1.5 Funding Capital Improvements**

9J-5.016 (3) (b) 5

2175 *The land development code concurrency management system shall reflect both*  
2176 *the existing approved Development of Regional Impact development orders; this*  
2177 *system shall operate in concert with the capital improvement program,*  
2178 *recreation impact fee and drainage utility to assure the funding and provision of*  
2179



2180 *needed capital improvements. See policies for measurability.*

2181 **Policy 1.5.1** 9J-5.016 (3) (c) 5

2182  
2183 The concurrency management system formulas shall include the public facility  
2184 demands to be created by the two DRI projects (Continental, and Key Biscayne  
2185 Hotel and Villas) as "committed" and the capital improvement schedule shall  
2186 include the project implications of this committed demand to assure  
2187 concurrency, so long as either of these development orders is in effect.

2188 **Policy 1.5.2** 9J-5.016 (3) (c) 8

2189  
2190 No later than December 31, 1994, the Village shall explore a recreation impact  
2191 fee that would apply to all new development in order to help fund acquisition  
2192 and improvements.

2193 **Policy 1.5.3** 9J-5.017 (3) (b) 4 and (c) 8

2194  
2195 The Village shall not give development approval to any new construction,  
2196 redevelopment or renovation project which creates a need for new or expanded  
2197 public capital improvement unless the project pays a proportional share of the  
2198 costs of these improvements following legally prescribed criteria for such fees.

2199 **Policy 1.5.4**

2200  
2201 The capital improvements associated with the construction of educational  
2202 facilities are the responsibility of the Miami-Dade County Public Schools. To  
2203 address financial feasibility associated with public school concurrency, the  
2204 Miami-Dade County Public School Facilities Work Program for educational  
2205 facilities will be incorporated by reference into the Capital Improvements  
2206 Element.

2207 **Policy 1.5.5**

2208  
2209 The Village shall coordinate with the Miami-Dade County Public Schools, to  
2210 annually update its Facilities Work Program to include existing and anticipated  
2211 facilities for both the 5-year and long-term planning periods, and to ensure that  
2212 the adopted level of service standard, including interim standards, will continue  
2213 to be achieved and maintained. Miami-Dade County, through its annual update  
2214 to the Capital Improvements Schedule, will incorporate by reference the latest  
2215 adopted Miami-Dade County Public Schools Facilities Work Program for  
2216 educational facilities. Miami-Dade County and the Miami-Dade County Public  
2217 Schools will coordinate their planning efforts prior to and during the  
2218 Miami-Dade County Comprehensive Development Master Plan Amendment  
2219 process and during updates to the Miami-Dade County Public Schools Facilities  
2220 Work Program.

2221 **Policy 1.5.6**

2222  
2223 Those capital improvements for educational facilities, as listed in the 2011-  
2224 2012 through 2015-2016 Miami-Dade County Public Schools Facilities Work  
2225 Program dated September 2007 and adopted by the Miami-Dade School Board,  
2226 are incorporated by reference into the Capital Improvements Element.

2227	<b>CAPITAL IMPROVEMENT ELEMENT</b>	
2228	<b>IMPLEMENTATION SYSTEMS</b>	9J-5.016 (4) (a)
2229	<b>A. Five-Year Schedule of Capital Improvements</b>	9J-5.016 (4) (a) 1 and 2
2230	See schedule on page 41.	
2231	<b>B. Other Programs</b>	9J-5.016 (4) (b)
2232	The other principal programs needed to implement this Element are as follows:	
2233		
2234	1. An annual capital programming and budgeting process beginning no later than July	
2235	1995 and including use of the project selection criteria contained in Policy 1.1.3; related	
2236	thereto will be the annual review of this Element.	
2237		
2238	2. Completion of a master drainage plan and final approval of a drainage utility funding	
2239	mechanism.	
2240		
2241	3. Preliminary financial and engineering feasibility exploration of extending sewers to the	
2242	unsewered areas.	
2243		
2244	4. Amendments to the existing land development code to assure conformance to the	
2245	"concurrency" requirements relative to development orders, levels of service and public	
2246	facility timing as outlined in C below.	
2247		
2248	5. Exploration of park impact fees.	
2249		
2250	6. Evaluate the need for and efficacy of financing mechanism to pay for beach	
	renourishment and dune development.	
2251	<b>C. Monitoring and Evaluation</b>	9J-5.016 (5)
2252		
2253	The Village Manager or designee shall annually prepare a status report on this Capital	
2254	Improvement Element for submittal to the Village Council. The primary purpose is to	
2255	update the five-year schedule including the basis for the next year's capital budget. The	
2256	project evaluation criteria shall be used in the project list review and special attention shall	
2257	be devoted to maintenance of the level of service standards. This entire evaluation process	
2258	shall be integrated into the Village's annual budget process.	
2259	<b>D. Concurrency Management</b>	9J-5.016 (4) (b) and 9J-5.0055
2260	Concurrency management shall be implemented as articulated in Land Use Element Policy	
2261	2.14 and Capital Improvement Element Policy 1.4.1.	

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**CAPITAL IMPROVEMENT SCHEDULE**

2265	<b>Project</b>	<b>1994-1995</b>	<b>1995-1996</b>	<b>1996-1997</b>	<b>1997-1998</b>	<b>1998-1999</b>
2266						
2267	Central Park ("tree farm")					
2268	acquisition	\$9,200,000 <sup>(1)</sup>				
2269						
2270						
2271						
2272	Park Improvements					
2273	Central Park			1,500,000 <sup>(1)</sup>		
2274	Calusa Park			150,000 <sup>(2)</sup>		
	Playfield development		450,000 <sup>(2)</sup>			
	Harbor Drive streetscape				500,000 <sup>(3)</sup>	1,000,000 <sup>(3)</sup>
	Drainage improvements	8,000,000 <sup>(4)</sup>				
	Beach access walkway and tot-lot		80,000 <sup>(3)</sup>			
	Fernwood Road streetscape					200,000 <sup>(3)</sup>
	Ocean Lane Drive streetscape	100,000 <sup>(3)</sup>				
	Sewer Extension Plan			125,000 <sup>(3)</sup>		

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Funding Sources:

- 2275           (1)    Bond issue
- 2276           (2)    County grant - \$600,000
- 2277           (3)    Capital outlay reserve
- 2278           (4)    Drainage utility revenue bond

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

9J-5.005 (7)

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**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.

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**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.

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**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.



2302 **IX. PUBLIC SCHOOL FACILITIES ELEMENT**

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2304 **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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2314 **Policy 1.2.6**

2315 Pursuant to Chapter 163, Florida Statutes, the 2011-2012 through 2015-2016  
2316 Miami-Dade County Public Schools 5-Year District Facilities Work Program,  
2317 developed by Miami-Dade Public Schools and adopted by the Miami-Dade  
2318 County School Board on September 5, 2007, is incorporated by reference into  
2319 the Village's Capital Improvement Plan, as applicable. The Village shall  
2320 coordinate with Miami-Dade County Public Schools to annually update its  
2321 Facilities Work Program and/or concurrency service area maps to include  
2322 existing and anticipated facilities for both the 5-year and long-term planning  
2323 periods, and to ensure that the adopted level of service standard will continue to  
2324 be achieved and maintained. The Village, through its annual updates of the 5-  
2325 year Capital Improvements Element and Program, will incorporate by reference  
2326 the latest adopted Miami-Dade County Public Schools Facilities Work Program  
2327 for educational facilities. The Village, Miami-Dade County Public School, and  
2328 other local governments will coordinate their planning efforts prior to and  
2329 during the Village's Comprehensive Land Use Plan amendment process, and  
2330 during updates to the Miami-Dade County Public Schools Facilities Work  
2331 Program. The Miami-Dade County Public Schools Facilities Work Program  
2332 will be evaluated on an annual basis to ensure that the level of service standards  
2333 will continue to be achieved and maintained throughout the planning period.  
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2339 **Objective 1.5**

2340 *The School Board, the Village, and other appropriate jurisdictions shall*  
2341 *establish and implement mechanisms for maintain on-going coordination and*  
2342 *communication to ensure the adequate provision of public educational facilities.*  
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2347 **Objective 1.6**

2348 *Miami-Dade County Public Schools, in conjunction with the Village and other*  
2349 *appropriate agencies, will strive to improve security and safety for students and*  
2350 *staff.*

2351 **Policy 1.6.1**

2352 Continue to cooperate with the Miami-Dade County Public Schools to develop  
2353

2354 and/or implement programs and policies designed to reduce the incidence of  
2355 violence, weapons and vandalism on school campuses. Encourage the design of  
2356 facilities, which do not encourage criminal behavior and provide clear sight  
2357 lines from the street.

2358 **Policy 1.6.2**

2359  
2360 Continue to cooperate with the Miami-Dade County Public Schools to develop  
2361 and/or implement programs and policies designed to reduce the number of  
2362 incidents related to hazardous conditions as reported by the Environmental  
2363 Protection Agency (EPA), the fire marshal, the State Department of Education  
2364 (DOE), and other appropriate sources.

2365 **Policy 1.6.3**

2366  
2367 Continue to cooperate with the Miami-Dade County Public Schools to provide  
2368 for the availability of alternative programs for at-risk students at appropriate  
2369 public educational facilities.

2370 **Policy 1.6.4**

2371  
2372 Coordinate with the Miami-Dade County Public Schools and the County to  
2373 provide for pedestrian and traffic safety in the area of schools, and signalization  
2374 for educational facilities.

2375  
2376 Include a policy to initiate intergovernmental coordination with the Miami-Dade  
2377 County School  
2378 Board to address the possibility of utilizing the "Old Frost Museum" as a future new  
2379 High School to  
2380 accommodate students from Key Biscayne and the Brickell and Roads neighborhoods.  
2381 • Include a policy to continue coordination with the Miami-Dade County School Board  
2382 on the future  
2383 of the Key Biscayne K-8 Education Center, which could include a new performing arts  
2384 center and a  
2385 modern library.

2386 • Consider adding more robust policies in support of school safety, security and  
2387 monitor

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**Education Element Map Series:**

Consistent with Section 163.3177(12)(g), Florida Statutes, a map showing existing and future conditions is included in the element. Figure 1D has been included in this Element which indicates the location of existing and proposed schools and ancillary facilities over the 5 year planning period. The map was prepared by Miami Dade County and is included, along with maps for existing and proposed public schools in four areas of the County that are generally equivalent to the proposed Educational Impact Fee Benefit Districts in the County's Education Element. The entire map series prepared by Miami Dade County as part of its support data, inventory and analysis dated October 30, 2007 is hereby adopted by reference.

2401 **X. PROPERTY RIGHTS ELEMENT**

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**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.**

Allow public participation from the general public which may not have true



2437 legal standing under controlling law.

2438 **Policy 1.2.3.**

2439 Respond to true and accurate information when making any planning and  
2440 development decisions and provide every affected person an opportunity to be  
2441 heard, to present, and rebut evidence and be informed of all information on  
2442 which the Village bases its decision as required under controlling Florida law.

2443 **Policy 1.2.4.**

2444 Provide public notice as required by controlling law and shall adhere to a  
2445 policy of open meetings and freedom to review and copy public records.

2446 **Policy 1.2.5.**

2447 Allow every affected person the opportunity to participate early and throughout  
2448 the decision-making process.

2449 **Policy 1.2.6.**

2450 The Village will not grant any affected person a greater opportunity to be heard  
2451 than another affected party during a public hearing process.

2452 **Objective 1.3.**

2453 *Provide planning processes that are reliable and predictable to supports sound*  
2454 *land development regulations that promotes long-term investments in the*  
2455 *community.*  
2456

2457 **Policy 1.3.1.**

2458 Respect the right of people, including elected and appointed officials, citizens,  
2459 and property owners, to fairly evaluate proposed decisions relating to real  
2460 property.

2461 **Policy 1.3.2.**

2462 Ensure that public meetings and public hearings afford the right to participation  
2463 by the public as a general matter and afford administrative due process about  
2464 matters that are decided during quasi-judicial hearing processes and  
2465 procedures.  
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# VILLAGE OF KEY BISCAIYNE

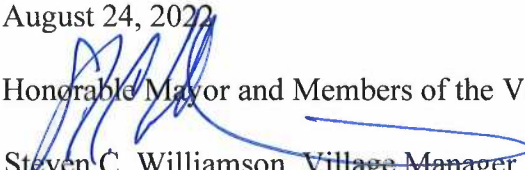
*Village Council*

**Michael W. Davey, Mayor**  
**Brett Moss, Vice Mayor**  
**Frank Caplan**  
**Edward London**  
**Luis Lauredo**  
**Allison McCormick**  
**Ignacio J. Segurola**

*Village Manager*

**Steven C. Williamson**

## MEMORANDUM

**DATE:** August 24, 2022  
**TO:** Honorable Mayor and Members of the Village Council  
**THRU:**  Steven C. Williamson, Village Manager  
**FROM:** Jeremy Calleros Gauger, RA. LEED-AP, Director of Building, Zoning and Planning  
**RE:** Recommended amendments to the Zoning and Land Development Regulations Regarding Signs on Architectural Features

### RECOMMENDATION

I recommend that Village Council approve the attached zoning text amendment. The amendment proposes changes related to the placement of multitenant center signage on architectural features. Staff recommends approval of the proposed changes since they are consistent with the review criteria under Chapter 30-71(b).

### BACKGROUND

Village Council tasked BZP Staff with reviewing the current sign code and providing recommended updates to the Zoning and Land Development Regulations of the Village Code regarding signage on architectural features. The proposed change seeks to provide fair opportunity to all businesses within multitenant centers as it relates to proper sign placement while continuing to discourage visual clutter along the commercial corridor.

**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:

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

**Analysis** 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).

The first goal within the Future Land Use Element of the Comprehensive Plan seeks to achieve desired community character and is further stated under Policy 1.1.3, which states that “signs shall be limited to the minimum amount consistent with reasonable identification of retail and other non-



## VILLAGE OF KEY BISCAIYNE

residential uses” and further emphasizes the “restrictions of the number, size, and type of signs in order to limit visual clutter while still providing for reasonable identification”.

The proposed amendment expands opportunities for multitenant centers to install signage on architectural features to allow reasonable identification. The proposal also includes criteria which discourages excessive signage on features and still limits visual clutter.

<b>Finding</b>	Consistent
<b>Criteria 2</b>	The proposed change will result in Buildings that are consistent in scale and otherwise compatible with those within 300 feet of the site
<b>Analysis</b>	The proposed amendment does not seek to modify Buildings, but rather the signage within multitenant centers.
<b>Finding</b>	Not applicable
<b>Criteria 3</b>	The resulting boundaries of a zoning district are logically drawn.
<b>Analysis</b>	There are no new or modified zoning district boundary changes being proposed.
<b>Finding</b>	Not applicable
<b>Criteria 4</b>	The proposed change will enhance property values in the Village.
<b>Analysis</b>	The proposed change will give all multitenant centers the opportunity to provide signage that is consistent with the code. Consistency in a building’s signage may increase property values as well as the community’s overall satisfaction.
<b>Finding</b>	Consistent
<b>Criteria 5</b>	The proposed change will enhance the quality of life in the Village.





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## VILLAGE OF KEY BISCAIYNE

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<b>Analysis</b>	The proposed amendment seeks to allow all businesses within multitenant centers to communicate messages easily and effectively to the public. Properly placed signage will improve the quality of life for commercial occupants.
<b>Finding</b>	Consistent
<b>Criteria 6</b>	There are substantial and compelling reasons why the proposed change is in the best interests of the Village.
<b>Analysis</b>	The proposed change is in the best interest of the Village because it will allow proper sign placement while still limiting sign clutter. It will also provide a fair and equitable opportunity to all multitenant centers that may be limited by their unique building conditions, which may not provide for standard wall sign placement.
<b>Finding</b>	Consistent

ORDINANCE NO. 2022-\_\_\_\_\_

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING SECTION 30-197 OF ARTICLE VIII, "SIGNS," OF CHAPTER 30 OF THE VILLAGE CODE OF ORDINANCES RELATING TO THE PLACEMENT OF SIGNS ON DECORATIVE ARCHITECTURAL FEATURES; 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; and

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

**WHEREAS**, the Village Council desires to amend existing sign regulations to permit signage to be located on architectural features; 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 BISCAIYNE, FLORIDA, AS FOLLOWS:<sup>1</sup>**

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

**Section 2.** **Amending Section 30-197, "Supplemental Regulations" of the Village Code.** That Section 30-197, "Supplemental Regulations," of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

\*\*\*

ARTICLE VIII. – SIGNS

\*\*\*

Section 30-197 – Supplemental Regulations.

(a) *Multitenant Center Sign graphics criteria.*

(1) The owner of a Multitenant Center shall submit to the Village Manager a Written statement of the uniform Sign graphics criteria of the Multitenant Center. The Village

<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 ~~double-strikethrough~~ and double underline.

Manager shall review the criteria and make a recommendation to the Village Council, which shall have final approval. Once the criteria have been approved, it shall apply to the entire center, as well as to each individual occupant, and shall remain in effect for so long as the center exists, regardless of a change in ownership or management, unless and until the owner obtains a new uniform Sign graphics criteria approval from the Village Council. Uniform Sign graphics criteria shall include, but not be limited to, color(s), type of Sign, style of letters, size of letters (maximum or minimum) and size of Sign.

(2) A Sign application for any portion of a Multitenant Center shall contain a Written description of the uniform Sign graphics criteria established at the Multitenant Center and a sketch thereof. This shall apply to application for all types of Signs to be displayed at the location. Written consent of the owner of the Multitenant Center shall accompany all such applications.

(b) *Design review ~~guidelines~~ criteria.* In reviewing Multitenant Signs, the Village Manager shall use the following design review criteria:

(1) *Number of items.* No more than five items shall be contained in any one Sign.

(2) *Entrance feature.* An entrance feature shall not be designed so as to effectively increase the size of a Sign.

(3) *Legibility.* All Signs shall be designed to be clearly legible.

(4) *Architectural features.* Signs ~~shall not~~ may be placed on a building's decorative architectural features subject to the following additional criteria:

(a) Signage must be limited to on-premise tenants in the Multitenant Center.

(b) The decorative architectural feature where the Sign is to be located must be adjacent to the Multitenant Center tenant identified.

(c) Signs located on a decorative architectural feature shall not be placed at a height above the story where the tenant is located or above the height of the Multitenant Center building.

(d) Signage shall not exceed 10% of the area of the façade of the decorative architectural feature on which the sign is placed.

(5) *Building compatibility.* The material and colors of all Signs shall be compatible with the materials and colors of the Building.

(6) *Illumination of Buildings by externally Illuminated Signs.* There shall be no such illumination of Buildings facing residential properties. The illumination of other Buildings by externally Illuminated Signs shall not be brighter than the standard for Parking Lot and grounds lighting.

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**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.

**PASSED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**PASSED AND ADOPTED** on second reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MICHAEL W. DAVEY  
MAYOR

ATTEST:

\_\_\_\_\_  
JOCELYN B. KOCH  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

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





# VILLAGE OF KEY BISCAIYNE

*Village Council*

**Michael W. Davey, Mayor**  
**Brett Moss, Vice Mayor**  
**Frank Caplan**  
**Edward London**  
**Luis Lauredo**  
**Allison McCormick**  
**Ignacio J. Segurola**

*Village Manager*

**Steven C. Williamson**

## MEMORANDUM

DATE: August 24, 2022  
TO: Honorable Mayor and Members of the Village Council  
FROM: Steven C. Williamson, Village Manager  
THRU: Jeremy Calleros Gauger, RA. LEED-AP, Director of Building, Zoning and Planning  
RE: Recommended amendments to the Zoning and Land Development Regulations Regarding Outdoor Dining

### RECOMMENDATION

I recommend that Village Council approve the attached zoning text amendment. The amendment proposes changes related to outdoor dining. Staff recommends approval of the proposed changes since they are consistent with the review criteria under Chapter 30-71(b).

### BACKGROUND

Existing land-use regulations permit outdoor dining with several conditions via a special application process reviewed and approved by Village staff. Several dining establishments already have outdoor dining permits reviewed by the Village.

During the COVID-19 pandemic and the declared state-of-emergency, the Village allowed expanded outdoor dining and a loosening of the conditions applicable to expedited permits. Eight restaurants within the Village expanded capacity in ways that would not be allowed under the existing Village ordinance. The eight restaurants' permitted seating may only continue as long as the Miami-Dade County state of emergency continues, which is currently being renewed on a weekly basis.

The proposed change seeks to update and revise conditions in the Village land-use regulations regarding outdoor dining permits. Changes are based on the successful implementation of the more relaxed standards which were applied during the state of emergency. The updated language will allow more flexible outdoor seating while retaining restrictions which will maintain health and safety and limit neighborhood impact.

**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:



# VILLAGE OF KEY BISCAIYNE

<b>Criteria 1</b>	The proposed amendment is consistent with the Comprehensive Plan.
<b>Analysis</b>	<p>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).</p> <p>This is consistent with the Future Land Use Element of the Comprehensive Plan Objective 1.2 “By the date required by state statute or sooner, the Village shall 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. ....”</p> <p>The proposed amendment encourages better use of outdoor space and redevelopment of existing commercial properties by allowing additional outdoor dining..</p>
<b>Finding</b>	Consistent
<b>Criteria 2</b>	The proposed change will result in Buildings that are consistent in scale and otherwise compatible with those within 300 feet of the site
<b>Analysis</b>	The proposed amendment does not seek to modify Buildings, but rather the signage within multitenant centers.
<b>Finding</b>	Not applicable
<b>Criteria 3</b>	The resulting boundaries of a zoning district are logically drawn.
<b>Analysis</b>	There are no new or modified zoning district boundary changes being proposed.
<b>Finding</b>	Not applicable
<b>Criteria 4</b>	The proposed change will enhance property values in the Village.
<b>Analysis</b>	The proposed change will add value to commercial properties by allowing



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## VILLAGE OF KEY BISCAIYNE

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higher and better use of the outdoor areas. Criteria and standards for outdoor areas will limit negative impacts and preserve value of adjacent properties.

**Finding** Consistent

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

**Analysis** The proposed amendment seeks to allow all businesses to continue existing outdoor dining which residents have enjoyed during and since the COVID-19 pandemic.

**Finding** Consistent

**Criteria 6** There are substantial and compelling reasons why the proposed change is in the best interests of the Village.

**Analysis** The proposed change is in the best interest of the Village because it will continue as successful program implemented during COVID-19 which may be disallowed when the state of emergency status changes.

**Finding** Consistent

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-112 "SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS," RELATING TO OUTDOOR DINING REGULATIONS; 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 outdoor dining and off-street parking within the Village; 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 existing outdoor dining regulations; 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:<sup>1</sup>

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

**Section 2. Amending Section 30-112, "Supplemental Use Regulations," of the Village Code.** That Section 30-112, "Supplemental Use Regulations," of the Code of Key Biscayne, Florida is hereby amended to read as follows:

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

\*\*\*

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

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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 ~~double strikethrough~~ and double underline.



Sec. 30-112. - Supplemental Use Regulations.

\* \* \*

(k) ~~Outdoor dining~~ Dining Facility Regulations. Tables and chairs may be placed outside of a restaurant on private property that is located on individual sites or within Shopping Centers. The tables and chairs may be used for dining purposes as an accessory to an indoor restaurant facility, subject to compliance with the following criteria:

(1) Outdoor dining will be subject to all federal, state, and county regulations.

~~(2)~~(2) Tables and chairs shall not be placed in a manner that restricts direct pedestrian Access along a 44-inch wide pathway from the entrance of a Shopping Center to a elevator or steps. ~~Tables and chairs shall not be placed in a manner that violates The Americans with Disabilities Act ("ADA")~~ Shared-access paths in Shopping Centers must be a minimum of 44 inches wide. Access and ADA clearance requirements will consider space required for occupants as well as furniture;

~~(2)~~(3) Furniture is limited to planters, safety barriers, tables, chairs, and umbrellas;

~~(4)~~ Safety barriers shall be required between vehicular and outdoor dining areas. Barriers must be visually screened to create a consistent design with other furnishings.

~~(3)~~(5) Signage is prohibited on outdoor furniture; except for logos on umbrellas for goods sold on premises;

~~(4)~~(6) The applicant shall submit evidence that the owner of the Shopping Center permits Outdoor Dining Facilities on the Premises;

~~(5)~~(7) Furniture which is composed of PVC, plastic, ~~fiberglass~~, Formica, or similar materials is prohibited;

~~(6)~~(8) An Outdoor Dining Facility shall not require additional Parking;

~~(7)~~(9) The Building, Zoning, and Planning Director, or designee, may establish conditions as part of the approved Site Plan. An appeal of the Director's decision shall be decided by the Village Council;

~~(8)~~(10) There shall be no outdoor music or amplification associated with the Outdoor Dining Facilities;

~~(9)~~(11) Tables and chairs that are not permanently attached to the floor shall be stored inside the restaurant providing such service, when the restaurant is closed;

~~(10)~~(12) Tables and chairs at each restaurant shall have a consistent design and color;

(13) No storage is permitted. Only actively used furnishings may be located in outdoor dining areas.

~~(11) Tables and chairs shall be located directly in front of the restaurant Unit served;~~

~~(12) The restaurant providing such Outdoor Dining Facility shall provide bathroom facilities in accordance with the Florida Building Code;~~

~~(13)~~(14) Restaurants shall have any disposable tableware and accessories marked with its trademark or indicia of ownership and shall be responsible for all litter within a 300-foot radius;

~~(14)~~(15) All food preparation shall be from within the enclosed restaurant;

~~(15) Pass-through windows, take-out windows, or similar types of windows are not permitted; and~~

(16) A Site Plan, accompanied by all pertinent data, shall be submitted to and approved by the Village's Building, Zoning and Planning Department, Fire Department, and Police Department. Such Site Plan shall be revocable at the will of the Village if any of the criteria or conditions of approval are violated or if new Regulations are adopted by the Village and not satisfied by the restaurant facility. Site Plans shall describe the location of all furniture, lighting, and other related services and functions associated with the request for approval. Site Plans must show safe and secure storage locations where furnishings will be located in the event of a storm or emergency.

(17) Upon declaration of a Tropical Storm Watch or a Hurricane Watch by the National Hurricane Center, all furnishings must be removed or stored in a safe and secure manner.

\* \* \*

**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.

**PASSED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**PASSED AND ADOPTED** on second reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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MICHAEL W. DAVEY  
MAYOR

ATTEST:

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JOCELYN B. KOCH  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

---

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



# VILLAGE OF KEY BISCAIYNE

*Village Council*

**Michael W. Davey**, *Mayor*  
**Brett Moss** *Vice Mayor*  
**Frank Caplan**  
**Edward London**  
**Luis Lauredo**  
**Allison McCormick**  
**Ignacio J. Segurola**

*Village Manager*

**Steven C. Williamson**

## MEMORANDUM

DATE: August 24, 2022  
TO: Honorable Mayor and Members of the Village Council  
FROM: Steven C. Williamson, Village Manager  
THRU: Jeremy Calleros Gauger, RA. LEED-AP, Director of Building, Zoning and Planning  
RE: Recommended amendments to the Zoning and Land Development Regulations Regarding Parking

### RECOMMENDATION

I recommend that Village Council approve the attached zoning text amendment. The amendment proposes changes related to vehicle, golf-cart, and bicycle parking. Staff recommends approval of the proposed changes since they are consistent with the review criteria under Chapter 30-71(b).

### BACKGROUND

Residents regularly make use of bicycles and/or golf-carts for trips within Key Biscayne. The Village has made special provisions in the code regarding golf-cart regulations and has allowed access points from commercial properties to Fernwood drive to encourage bicycle and golf-cart use.

This proposed text amendment will further encourage a shift from vehicle to bicycle and golf-cart usage by improving parking opportunities. Both new and existing commercial properties will be allowed, (but not required) to exchange a portion of vehicular parking for bicycle and golf-cart parking. Additionally, new construction will be required to provide bicycle parking.

Since bicycle and golf-cart parking use considerably less space than vehicular parking, converting space will allow additional golf-cart parking, conversion of space to outdoor dining, or other uses.

**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:

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





# VILLAGE OF KEY BISCAYNE

## **Analysis**

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).

This proposal is consistent with Future Land Use Element Policy 1.2.1, which states, "Parking requirements shall be designed to encourage high levels of pedestrian and bicycle use. Pedestrian access ways will be required through large parking lots to connect building areas to public sidewalks. Bicycle parking racks shall be required for large scale uses. Parking regulations will establish the minimum number of parking spaces which will be required to serve uses; minimums will be based on intensity measures such as building square feet. Parking regulations will establish appropriate minimum sizes for circulation isles, parking stalls and parking stall angles. General standards will provide for review of parking lot layout in order to ensure that the layout will be safe."

Additionally, the proposal is consistent with the Traffic Circulation element Policy 1.1.2 which states, "... 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."

## **Finding**

Consistent

## **Criteria 2**

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

## **Analysis**

The proposed amendment does not seek to modify Buildings, but rather the signage within multitenant centers.

## **Finding**

Not applicable

## **Criteria 3**

The resulting boundaries of a zoning district are logically drawn.

## **Analysis**

There are no new or modified zoning district boundary changes being proposed.

## **Finding**

Not applicable



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## VILLAGE OF KEY BISCAIYNE

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- Criteria 4**                    The proposed change will enhance property values in the Village.
- Analysis**                    The proposed change will add value to commercial properties by allowing higher and better use of the outdoor areas.
- Finding**                      Consistent
- 
- Criteria 5**                    The proposed change will enhance the quality of life in the Village.
- Analysis**                    The proposed amendment will improve quality of life by improving conditions which will allow additional trips to be more safely made by bicycle or golf-cart rather than being reliant solely on vehicles.
- Finding**                      Consistent
- 
- Criteria 6**                    There are substantial and compelling reasons why the proposed change is in the best interests of the Village.
- Analysis**                    The proposed change is in the best interest of the Village since it is consistent with stated goals expressed by the community and adopted in the first Vision plan and Master Plan as well as in the current draft Vision Plan document.
- Finding**                      Consistent

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES, BY COMPREHENSIVELY AMENDING, CREATING, AND UPDATING REGULATIONS RELATING TO BICYCLE AND GOLF CART REQUIREMENTS; 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 ("Village") has adopted regulations regulating off-street parking within the Village; and

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

WHEREAS, the Village Council desires to amend existing off-street parking regulations for bicycles and golf carts; 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 BISCAYNE, FLORIDA, AS FOLLOWS:<sup>1</sup>

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

**Section 2. Amending Section 30-101, "Commercial Districts," of the Village Code.** That Section 30-101 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

\* \* \*

Section 30-101 – Commercial Districts.

\* \* \*

(e) Performance Standards (all items apply to uses in the C-1 District).

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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 ~~double strikethrough~~ and double underline.

(18) All properties which have retail and/or office uses shall provide a bicycle rack or racks ~~which contain one bicycle space per five retail and/or office spaces~~ in accordance with the requirements in Section 30-185. This shall apply to all existing shopping centers which currently do not have bicycle racks meeting the standards in Section 30-185 as well as all existing new shopping centers.

**Section 3. Amending Section 30-180, “Off-Street Parking Required,” of the Village Code.** That Section 30-180 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

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Section 30-180 – Off-Street Parking required.

(a) Every Building, Use or Structure instituted or Erected after January 1, 2000, shall be provided with off-street Parking facilities in accordance with the provisions of this article for the use of occupants, employees, visitors and/or patrons.

(b) Off-Street Parking facilities required by this article shall be maintained and continued as long as the Use giving rise to the requirement is continued.

(c) The sale or transfer of the required Parking spaces without establishing alternative vehicle Parking facilities in accordance with this article is prohibited.

(d) Those single Family homes that do not have driveways on the date of adoption of this ordinance must come into compliance at such time as they make modifications to the property having a value greater than or equal to ten percent of the assessed value of the Building.

(e) Off-Street Bicycle parking shall be provided in accordance with the provisions of Section 30-185.

**Section 4. Amending Section 30-181, “Location, Character, and Size of Required Parking Spaces,” of the Village Code.** That Section 30-181 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

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Section 30-181 – Location, character, and size of required Parking spaces.

(a) The off-street Parking facilities required by this article shall be located on the same Lot or parcel of land that the Use they are intended to serve is on.

(b) Parking stall and aisle dimensions.

(1) *Automobile Parking Stall and Aisle Dimensions.*



Orientation to aisle	45 Degrees	60 Degrees	75 Degrees	90 Degrees
Stall width	12'	10'	9'	9'
Stall length	26.5'	23'	20'	18'
Aisle width	12'	17'	21'	22'
Bumper overhang	1.8'	2.2'	2.4'	2.5'

(2) Golf Cart Parking Stall and Aisle Dimensions. The minimum dimensions for a Golf Cart parking space shall be six feet wide by 11 feet in length. Golf cart only aisle dimension shall be a minimum of 12 feet wide.

(c) Access to a Street. Each individual Parking space shall be directly accessible from a Street or from an aisle or driveway leading to a Street according to the minimum dimensions specified in subparagraph (b) above; however, single Family homes, Duplexes and Townhomes may have tandem spaces.

(d) Striping. The required off-street Parking facilities for all Development, excluding single Family and Duplex, shall be painted with paint strips in accordance with the Building, Zoning, and Planning Director's requirements.

(e) [Reserved].

(f) Surface material. All off-street Parking facilities including Access aisles, driveways, aprons on the Right-of-Way (from the driveway to the Street) shall be surfaced with a hard dust free material (such as asphalt, brick paver, poured or stamped concrete or other similar material) and maintained in a smooth well-graded condition. There shall be an exception to this requirement allowed for up to 50 percent of the required Parking for churches and other places of worship.

(g) Drainage for all off-street Parking facilities shall meet the requirements of the ~~Metropolitan~~ Miami-Dade County Planning, Development, and Regulation Landscape Manual.

(h) Lighting shall be arranged and designed to prevent glare or excessive light on Adjacent Property and in accordance with Section 8C-3 "Illumination for open parking lots, alleys and access thereto and parking and nonenclosed areas under or within buildings" of the Miami-Dade County Code, as amended.

(i) A Site Plan shall be submitted with every application for a building permit for any Use or Structure which is required to provide off-street Parking facilities. The Site Plan shall designate the required Parking spaces, Access aisles, driveways and the relation to Uses or Structures which the off-street Parking facilities are intended to serve.

(j) The minimum required width of Parking spaces which are adjacent to a Wall or other solid obstruction shall be 10.5 feet.

(k) Maximum ramp angles for driveway Access to above grade and/or below grade Parking Structures shall be subject to approval by the Chief Building Official.

(l) All Parking spaces shall have concrete car stops (six feet long) or curbing, except for tandem spaces and Parking spaces in single Family and Duplex.

(m) Head-in/back-out Parking. Parking stalls shall not have direct Access from or to a Public Street or public alley; provided, however, vehicular Parking stalls may have direct Access from and to a Public Street when serving a one-Family residence, Duplex, or Townhome.

(n) Curb cuts. All curb cuts shall conform to the design and construction standards required by the Public Works Supervisor.

(o) Handicap Parking spaces. These spaces may be counted towards the required Parking calculation and designed in accordance with the Americans with Disabilities Act, as amended.

(p) Tandem Parking spaces. Single Family homes, Duplexes, and Townhomes may have required Parking spaces where vehicles are parked in front or in back of each other as long as one vehicle has direct Access to a Street.

(q) [Reserved].

~~(r) In shopping centers with non-elevated walkways, Golf cart parking stalls shall be located in front of sidewalk cafes. A safety barrier a minimum of 42 inches high, shall be located between the parking lot and the sidewalk cafe. Shopping centers with elevated walkways are not required to meet the regulation contained in this subsection. [Reserved].~~

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**Section 5. Creating Section 30-185, "Bicycle Parking Requirements," of the Village Code.** That the Code of Key Biscayne, Florida, is hereby amended by adding a section to be numbered 30-185 which section reads as follows:

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Section 30-185 – Bicycle Parking Requirements.

Each parking area associated with any land use listed under Section 30-184 of the Village Code, except for single-family and duplex homes, shall provide a number of bicycle parking spaces in accordance with the following:

(a) A bicycle rack or racks shall be permanently affixed to a floor, wall, or ceiling configured so that a bicycle of 6 feet in length may be locked to the rack with a high-security U-shaped shackle lock by the frame and one wheel so that the bicycle is supported and cannot be

pushed or fall in a manner that will damage the wheels or components.

- (b) A Bicycle rack or racks shall be required for guests or visitors to the property. Bicycle racks shall be within 100 feet of the visitor's entrance and be readily available to the public. Guest or visitor bicycle rack capacity shall equal or exceed 10 percent of all required off-street vehicle parking. There shall be a minimum of one rack with capacity for two bicycles.
  
- (c) Buildings with over 10 Units or tenant occupants shall provide bicycle parking for 20 percent of all required off-street vehicle parking for tenants, owners, or employees. Bicycle parking spaces shall be readily accessible from the adjacent right-of-way and include one or a combination of the following:
  - (1) Covered, lockable enclosures with bicycle racks;
  - (2) Lockable bicycle rooms with bicycle racks;
  - (3) Lockable bicycle lockers;
  - (4) In the case of residential development, a standard garage is sufficient when providing bicycle racks, if available.
  
- (d) Each required bicycle parking space must be accessible without moving another bicycle. There must be an aisle at least 5 feet wide adjacent to all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way. The area devoted to bicycle parking must be hard surfaced.

**Section 6. Creating Section 30-186, "Golf Cart Parking," of the Village Code.** That the Code of Key Biscayne, Florida, is hereby amended by adding a section to be numbered 30-185 which section reads as follows:

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Section 30-186 – Golf Cart Parking.

Each parking area associated with any land use listed under Section 30-184, except for single-family and duplex homes, may substitute existing off-street parking with up to 30 percent Golf Cart parking per the following criteria:

- (1) Provide one bicycle parking space for each newly created Golf Cart parking space.
- (2) The Golf Cart parking utilizes less square footage than existing vehicular parking.
- (3) Applicants may use square footage for:
  - a. additional cart parking;

- b. outdoor dining;
- c. recreation; or
- d. other uses subject to administrative compatibility with applicable codes and adjacent uses.

(4) Submission of an Amended Site Plan in accordance with Section 30-73.

\* \* \*

**Section 7. 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 8. 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 9. 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 10. Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

**PASSED** on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**PASSED AND ADOPTED** on second reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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MICHAEL W. DAVEY  
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