VILLAGE OF KEY BISCAYNE

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

LOCAL PLANNING AGENCY MEETING

TUESDAY, JANUARY 14, 2025
6:15 PM

1. CALL TO ORDER/ROLL CALL OF MEMBERS

2. APPROVAL OF MINUTES:

2.A. DECEMBER 17, 2024 MINUTES
(LOCAL PLANNING AGENCY MEETING)

TAB 1

3. PUBLIC COMMENTS:

4. ORDINANCE:

4.A.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING SECTION 1-2, "RULES OF CONSTRUCTION AND DEFINITIONS", TO CREATE A DEFINITION FOR THE TERM "PUBLICATION" AND COMPREHENSIVELY AMENDING AND REVISING THE VILLAGE CODE OF ORDINANCES TO ALLOW VILLAGE ADVERTISEMENTS AND LEGAL NOTICES TO BE PUBLISHED IN ANY MANNER PERMITTED UNDER FLORIDA LAW;** PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

TAB 2

5. ADJOURNMENT

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

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

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

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

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

MINUTES

LOCAL PLANNING AGENCY
KEY BISCAYNE, FLORIDA

TUESDAY, DECEMBER 17, 2024

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Chairman at 6:22 p.m. Present were Councilmembers Michael F. Bracken, Franklin H. Caplan, Edward London (arrived at 6:24 p.m.), Oscar Sardiñas, Nancy Stoner, Fernando A. Vazquez, and Chairman Joe I. Rasco. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch, and Village Attorney Chad Friedman.

2. **APPROVAL OF MINUTES:** Councilmember Caplan made a motion to approve the minutes of the August 27, 2024 Local Planning Agency Meeting. The motion was seconded by Councilmember Sardiñas and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bracken, Caplan, Sardiñas, Stoner, Vazquez, and Chairman Rasco voting Yes.

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

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

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DELETING SECTION 30-39, "APPEARANCE OF STRUCTURES AND SITES UNDER CONSTRUCTION," OF THE VILLAGE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Building, Zoning and Planning Director Jeremy Calleros Gauger addressed the Council regarding the above item and a future modification for Section 5.

There was discussion from Council and Director Calleros Gauger regarding the above item.

The motion to recommend the proposed ordinance to the Village Council as it is consistent with the Master Plan was approved by a 7-0 roll call vote. The vote was as follows: Councilmembers Bracken, Caplan, London, Sardiñas, Stoner, Vazquez, and Chairman Rasco voting Yes.

5. **ADJOURNMENT:** The meeting was adjourned at 6:26 p.m.

Respectfully submitted:

_____

Jocelyn B. Koch
Village Clerk

Approved this _____ day of _____2025:

_____

Joe I. Rasco
Mayor

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

ORDINANCE NO. 2025-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 1-2, "RULES OF CONSTRUCTION AND DEFINITIONS", TO CREATE A DEFINITION FOR THE TERM "PUBLICATION" AND COMPREHENSIVELY AMENDING AND REVISING THE VILLAGE CODE OF ORDINANCES TO ALLOW VILLAGE ADVERTISEMENTS AND LEGAL NOTICES TO BE PUBLISHED IN ANY MANNER PERMITTED UNDER FLORIDA LAW; 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") finds it periodically necessary to amend its Code of Ordinances (the "Code") in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the Florida Constitution requires all meetings of a county, municipality, school board, or special district at which official acts are to be taken or at which public business is to be discussed or transacted to be open to the public and properly noticed; and

WHEREAS, Chapter 50, Florida Statutes, was amended to allow legal advertisements and public notices to be published on publicly accessible websites as an alternative to newspapers of general circulation under certain conditions; and

WHEREAS, the use of publicly accessible websites for legal advertisements and public notices can provide a cost-effective and efficient means of informing the public, consistent with the requirements of Chapter 50, Florida Statutes; and

WHEREAS, the Village Council recognizes the need to ensure that all legal advertisements and public notices meet the statutory standards for accessibility, transparency, and timeliness; and

WHEREAS, Section 50.0311, Florida Statutes, allows governmental agencies to use the designated publicly accessible website of the county in which it lies to publish legally required advertisements and public notices if the cost of publishing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper; and

WHEREAS, on April 2, 2024, the Miami-Dade County (the "County") Board of County Commissioners ("BCC") adopted Resolution No. R-281-24, which, among other things, directed the County Mayor's administration to take all necessary steps to provide for publication of municipal legal advertisements and public notices on a publicly accessible website of the County in accordance with Section 50.0311, Florida Statutes; and

WHEREAS, on July 16, 2024, the County BCC adopted Resolution No. R-693-24, which, among other things, designated "legalads.miamidade.gov" (the "Site") as the County's publicly accessible website; and

WHEREAS, on August 27, 2024, the Village Council adopted Resolution No. 2024-39 approving an agreement with the County for use of the Site for publication of the Village's legal advertisements and public notices; and

WHEREAS, the Village Council desires to comprehensively amend the Code to allow legal notices to be published in any manner authorized by Florida Law, including publication on the County's Site, to enhance flexibility and efficiency in meeting statutory requirements; and

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

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

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

Section 2. Amending the Code of Ordinance. That the Village Code of Ordinances is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein.

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. This Ordinance shall become effective immediately upon adoption on second reading.

---

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

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

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

_____
JOE I. RASCO
MAYOR

ATTEST:

_____
JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

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

EXHIBIT A

CHAPTER 1 – GENERAL PROVISIONS

* * *

Section 1-2. Rules of construction and definitions.

The following words, terms and phrases, when used in this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Officers, boards, commissions, committees, departments, etc. Whenever any officer, board, commission, committee, department or other agency is referred to by title, such reference shall be construed as if followed by the words "of Key Biscayne," unless indicated to the contrary.

Publication or Publish. Whenever the term "*Publication*" or "*Publish*" is used in this Code to require an official or legal advertisement or public notice, it shall be construed to mean to publish a legal notice in a newspaper of general circulation, on a publicly accessible website in accordance with Chapter 50, Florida Statutes, or any other method of publication expressly authorized by Florida law and consistent with the Village Charter, the Miami-Dade County Charter, or any other applicable legal authority.

* * *

CHAPTER 2 – ADMINISTRATION

* * *

ARTICLE V. - ELECTIONS

* * *

Section 2-101. Qualifying period.

(a) Regular Election. Candidates for the office of Mayor shall qualify with the Village Clerk no earlier than noon on the 77th day and no later than noon on the 67th day prior to the date of the Mayoral primary election, and candidates for the office of Village Council shall qualify with the Village Clerk no earlier than noon on the 85th day and no later than noon on the 75th day prior to the date of the regular Council election of the Village, in the method provided for in the Village Charter or Code, and under the rules of elections prescribed in the Florida Statutes. The qualifying periods provided for in this section may be modified for a specific election by resolution of the Village Council in order to accommodate a request by the Miami-Dade County Supervisor of Elections office or a successor entity or to comply with state or Federal law. In the event of such modification, the Village Clerk shall Ppublish the modified qualifying dates ~~in a newspaper of general circulation within the Village~~ at least ten days prior to the commencement of the modified qualifying periods.

* * *

CHAPTER 20 – PLANNING AND DEVELOPMENT

* * *

ARTICLE II. – NAMING OF STREETS, ROADS, OR OTHER PUBLIC WAYS

* * *

Section 20-33. Publication of notice.

Upon notation and verification of the name change in postal records by the United States Postal Service, notice of the street name change or designation shall be Ppublished ~~in a newspaper of general circulation within the Village~~ and shall be in substantially the following form:

* * *

CHAPTER 21 – PUBLIC RIGHTS-OF-WAY

* * *

ARTICLE II. – LANDSCAPING IN PUBLIC RIGHTS-OF-WAY

* * *

Section 21-12. Village projects within the Public Rights-of-Way.

The following procedures shall be followed in circumstances where Village projects or improvements in the Public Right-of-Way require removal of Landscape Materials ("Village Projects"):

* * *

(c) At least 60 days prior to an Approval Hearing, the Village shall also Publish ~~place~~ an ad ~~in a newspaper of wide readership in the Village~~ containing information regarding the Village Project and the time and date of the Approval Hearing;

* * *

CHAPTER 29.1 – SPECIAL ASSESSMENTS FOR ROADS, WATER, STREET LIGHTING, SANITARY SEWER AND OTHER PUBLIC IMPROVEMENTS

* * *

Section 29.1-5. Publication of resolution.

Upon the adoption of the resolution provided for in s. 29.1-3, the Village Clerk shall cause said resolution to be Ppublished ~~one time in a newspaper of general circulation published in the Village, and if there be no newspaper published in said Village, the Village Clerk shall cause said resolution to be published~~ once a week for a period of two weeks ~~in a newspaper of general circulation published in Miami-Dade County~~. Additionally, the Ppublication shall be made twice in a local newspaper.

* * *

Section 29.1-7. Publication of preliminary assessment roll.

Upon the completion of said preliminary assessment roll, the Council shall by resolution fix a time and place at which the owners of the property to be assessed or any other persons interested therein may appear before said Council and be heard as to the propriety and advisability of making such improvements, as to the cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed against each property so improved. Twenty days notice in writing of such time and place shall be given to such property owners. The notice shall include the amount of the assessment and shall be served by mailing a copy to each of such property owners at his or her last known address, the names and addresses of such property owners to be obtained from the records of the property appraiser of Miami-Dade County or from such other sources as the Village Clerk or Village Manager deems reliable, proof of such mailing to be made by the affidavit of the Clerk or deputy clerk of the Village, said proof to be filed with the Clerk, provided, that failure to mail said notice or notices shall not invalidate any of the proceedings hereunder. Notice of the time and place of such hearing shall also be given by two Ppublications made a week apart ~~in a newspaper of general circulation in the Village, and if there be no newspaper published in the Village the Village Clerk shall cause said notice to be published in like manner in a newspaper of general circulation published in Miami-Dade County~~; provided that the last Ppublication shall be at least one week prior to the date of the hearing. Said notice shall describe the streets or other areas to be improved and advise all persons interested that the description of each property to be assessed and the amount to be assessed to each piece or parcel of property may be ascertained at the office of the Village Clerk. Such service by Ppublication shall be verified by the affidavit of the publisher and filed with the Village Clerk.

* * *

Section 29.1-10. - Legal proceedings may be instituted.

Each annual installment provided for in section 29.1-9 shall be paid upon the dates specified in said resolution, with interest upon all deferred payments, until the entire amount of said assessment has been paid, and upon the failure of any property owner to pay any annual installment due, or any part thereof, or any annual interest upon deferred payments, the Council shall cause to be brought the necessary legal proceedings by the Village Attorney to enforce payment thereof with all accrued interest and penalties, together with all legal costs incurred, including a reasonable attorneys' fee, to be assessed as part of the costs and in the event of default in the payment of any installment of an assessment, or any accrued interest on said assessment, the whole assessment, with the interest and penalties thereon, shall immediately become due and payable and subject to foreclosure. In the foreclosure of any special assessment, service of process against unknown or

nonresident defendants may be had by Ppublication as now provided by law in other like suits. The foreclosure proceedings may be prosecuted to a sale and conveyance of the property involved in said proceedings as now provided by law in suits to foreclose mortgages; or, in the alternative, said proceeding may be instituted and prosecuted under chapter 173.

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE IV. – ADMINISTRATION OF THE ZONING ORDINANCE

* * *

Section 30-65. Administrative Variances.

* * *

(d) Upon receipt of all necessary information including a staff report, the Director of the Building, Zoning and Planning Department shall review the information and render his or her decision either approving, approving with modifications, or denying the request. A copy of said decision shall be Ppublished ~~in a newspaper of general circulation in the Village. A~~ and a courtesy notice containing the decision of the Director of the Building, Zoning and Planning Department shall be mailed to adjacent Property owners of record, their tenants or their agents, as noted on the application. The failure to mail or receive such courtesy notice shall not affect any action or proceedings taken hereunder. In granting any administrative Variance, the Director of the Building, Zoning and Planning Department may prescribe any appropriate conditions and safeguards he may feel necessary to protect and further the interest of the area and adjacent Properties.

* * *

Section 30-67. Summary of Variance Regulations.

Regulation	Supervisory Variance*	Administrative Variance*	Regulatory Variance
* * *			
Notice by Publication** ~~in newspaper~~	No	Yes	Yes
* * *			

Section 30-68. Public hearing and notice requirements.

(a) When an application is filed which requires a public hearing before the Village Council, the Village Clerk shall schedule same and ~~provide~~ Publish the public notice as set forth below.

* * *

(c) Notice of the time and place of the public hearing describing the nature of the application and Street address of the property shall be Ppublished ~~in a newspaper of general circulation in the Village~~ not less than ten days prior to the public hearing.

* * *

Section 30-70. - Appeal of an administrative decision.

* * *

(c) Notice of the time and place of the public hearing describing the nature of the application and Street address of the property shall be Ppublished ~~in a newspaper of general circulation in the Village~~ not less than ten days prior to the public hearing.

* * *

(c) Public notice shall be Published as provided ~~as set forth~~ in section 30-68, or in any other manner so authorized by law.

* * *

Section 30-71. - Procedures for a text change or zoning district change.

(a) Text amendment procedures. The text of these Zoning and Land Development Regulations may be amended in accordance with the following procedures:

* * *

(5) Public notice shall be Published as provided ~~as set forth~~ in section 30-68, or in any other manner so authorized by law.

* * *

Section 30-72. - Conditional Use procedures.

* * *

(b) Notice. Public notice requirements shall be Published as provided ~~as set forth~~ in section 30-68, or in any other manner so authorized by law.

* * *

Section 30-73. - Site Plan review procedures.

* * *

(m) Notification. Notification shall be by Publication pursuant to section 30-68 "Public Hearing and Notice Requirements". Whenever notification to property owners is required, the applicant making the request shall submit the following to the Building, Zoning, and Planning Department:

* * *

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

* * *

Section 30-102. GU Government Use District.

* * *

(d) *Approval Process.* Prior to establishing any new use of lands designated GU, the Village shall conduct the following public hearing(s):

(1) The Village Council shall conduct a public hearing to determine the Use(s) to which particular land purchased for Governmental Use may be put. The public hearing before the Village Council shall be held upon at least 15 days' notice of the time and place of such hearing Ppublished ~~in a newspaper of general circulation in the Village~~. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general nature of the proposed Use may be mailed to the property owners of record within a radius of 300 feet of the property on which the facility will be located, or such greater distance as the Village Manager may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a Sign or Signs indicating the action desired and the time and place of the public hearing thereon.

* * *

ARTICLE VIII. – SIGNS

* * *

Sec. 30-201. Removal of improper Signs.

* * *

(c) *Removal costs.* Costs incurred by the Village's removal of a Sign shall be charged to the real property owner on whose property the Sign is located. The Village shall assess the entire cost of such demolition, removal or repair, which assessment shall include, but not be limited to, all administrative costs, postal expenses and ~~newspaper p~~Publication costs. Such charge shall constitute a lien upon such property. The Village Clerk shall file such lien in the County's official record book showing the nature of such lien, the amount thereof and an accurate legal description of the property. No certificate of use and occupancy shall be

approved for such a property until the full amount associated with the lien, or the full amount in the event no lien has yet been filed, has been paid to the Village by the property owner.