



VILLAGE OF KEY BISCAINE

Office of the Village Manager

MEMORANDUM

Village Council
Franklin H. Caplan, *Mayor*
Michael W. Davey, *Vice Mayor*
Theodore J. Holloway
Michael E. Kelly
Mayra P. Lindsay
Ed London
James S. Taintor

DATE: October 14, 2014
TO: Honorable Mayor and Council Members
FROM: John C. Gilbert, Village Manager
RE: Amendment to the Zoning Ordinance: Boat Trailers

Village Manager
John C. Gilbert

RECOMMENDATION

It is recommended that the Council review the attached Ordinance and set a public hearing date for first reading.

BACKGROUND

The Village Council directed the Village Attorney and the Administration to prepare an Ordinance which removes the requirement that trailers must have boats on them. The attached Ordinance is summarized below:

- The trailer shall be sized to accommodate the boat for which it is intended
- The boat and trailer shall be registered to the primary occupant of the property
- A trailer may be parked on a lot without a boat for a period not to exceed 15 days

Reviewed by Mr. Chad Friedman from Weiss Serota Helfman Pastoriza Cole & Boniske as to form and legal sufficiency.

ORDINANCE NO. 2014 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100 “SINGLE-FAMILY AND TWO-FAMILY DISTRICTS” OF THE VILLAGE CODE OF ORDINANCES, IN ORDER TO AMEND DEVELOPMENT STANDARDS FOR BOAT TRAILERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (the “Village”) has adopted Zoning and Land Development Regulations in order to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village’s Comprehensive Plan; and

WHEREAS, the Village Council desires to amend the Land Development Regulations relating to the storage of boat trailers in the single-family and two-family districts; 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 the adoption of this Ordinance is in the best interest of the residents of the Village.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS¹:

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Section 30-100 of the Village Code Amended. That Section 30-100 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text.

Sec. 30-100. Single Family and Two-Family districts.

* * *

(f) Permitted encroachments in Required Yards.

* * *

(2) Boat storage.

- a. The term "boat" as used herein includes vessels and other watercraft, as defined in F.S. § 327.02(36).
- b. Boats less than 26 feet in length, not more than 96 inches in width and 13 feet six inches in height (bottom of hull to the highest point on the boat including Towers and T tops), may be stored in the VR, VE, IR, and PS zoning districts subject to all the following conditions:
 1. No more than one boat may be stored on any one Lot unless stored in an enclosed garage; and
 2. Boats and place of boat storage shall be kept in a clean, neat and presentable condition; and
 3. No major repairs or overhaul Work on or for a boat shall be made or performed on the Lot; and
 4. The boats shall not be used for living quarters, and shall be placed on and secured to a transporting Trailer. The Trailer shall be sized to accommodate the boat for which it is intended. The boat and Trailer shall be registered to the primary occupant of the property. A Trailer may be parked on a lot without a boat for a period not to exceed 15 days. ~~; however, nothing herein shall authorize the Parking of a Trailer on any Lot without a boat.~~ Personalized watercraft (jet ski, waverunner or similar watercraft) as defined in F.S. § 327.39 are required to be placed on a Trailer pursuant to this section (canoes as defined in F.S. § 327.02(3) are not required to be placed on a Trailer); and
 5. Boats stored in a Yard that faces a Street shall comply with the following: The Trailer wheels shall be placed on a hard paved surface and the boat shall be perpendicular to the front of the house.

* * *

Section 3. Severability. 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. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2014.

PASSED AND ADOPTED on second reading this _____ day of _____, 2014.

MAYOR FRANKLIN H. CAPLAN

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY