Village of Key Biscayne

Master Plan Evaluation and Appraisal Report

adopted July 2006
revised July 2007

Prepared with the assistance of
Wallace Roberts & Todd, LLC

Acknowledgements

Village of Key Biscayne Residents, Property Owners, and Business Owners

Vision Plan and Evaluation and Appraisal Report (EAR) Committee

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Robert L. Vernon, *Vice Mayor*

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Stephen Helfman, Weiss, Serota, Helfman et. al., P.A.
Conchita H. Alvarez, CMC, Village Clerk

Consultants
Wallace Roberts & Todd, LLC

Adopted July 2006, *revised July 2007*

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VILLAGE OF KEY BISCAYNE

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

Letters of Transmittal

July 5, 2006

Theresa Manning
Senior Planner
South Florida Regional Planning Council
3440 Hollywood Boulevard, Suite 140
Hollywood, FL 33021

Re: Adopted Key Biscayne Evaluation and Appraisal Report

Dear Ms. Manning:

Enclosed is the adopted Village of Key Biscayne Evaluation and Appraisal Report. This package contains:

> 1 CD-Rom with the adopted EAR, advertisement for the adoption hearing, and minutes from the adoption hearing on CD-Rom

The public hearing for adoption was held on April 25, 2006. A copy of the adopted EAR is also being sent to:

> Department of Community Affairs
> Florida Department Transportation District 6
> South Florida Water Management District
> Florida Department of Environmental Protection
> Florida Department of State, Historical Preservation
> Miami-Dade County
> City of Miami

These packages are being sent simultaneously with this transmittal to your agency. If you have questions regarding the EAR, please contact me, or our consultants Silvia Vargas or Lindsey Withrow:

Jud Kurlanchek
Key Biscayne Dept. of Building, Planning, and Zoning
88 West McIntyre Street
Key Biscayne, FL 33149
Tel: 305.365.8908; Fax: 305.365.5556
VKBBZP@aol.com

Lindsey Withrow and Silvia Vargas
Wallace Roberts Todd
191 Giralda Avenue, Penthouse,
Coral Gables FL, 33134
Tel: 305.448.0788; Fax: 305.443.8431
lwithrow@cg.wrtdesign.com;
svargas@cg.wrtdesign.com

The report has been posted for public review on the internet and at Key Biscayne Village Hall (88 West McIntyre Street, Key Biscayne, FL), Key Biscayne Public Library (299 Crandon Boulevard, Key Biscayne, FL), and the Key Biscayne Community Center (10 Village Way, Key Biscayne, FL) between 8:30 A.M.-12:00 PM and 1:00-4:30 P.M., weekdays.

Please notify us at your earliest convenience regarding the completeness of this package.

Sincerely,

Silvia Vargas for

Jud Kurlanchek, Director of Building, Planning and Zoning

July 5, 2006

Ray Eubanks, AICP
Plan Processing Team, Division of Community Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: Adopted Key Biscayne Evaluation and Appraisal Report

Dear Mr. Eubanks:

Enclosed is the adopted Village of Key Biscayne Evaluation and Appraisal Report. The package contains:

1 hard copy of the adopted EAR, advertisement for the adoption hearing, and minutes of from the adoption hearing
2 CD-Roms with the adopted EAR, advertisement for the adoption hearing, and minutes of from the adoption hearing

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Please notify us at your earliest convenience regarding the completeness of this package.

Sincerely,

Jud Kurlanchek, Director of Building, Planning and Zoning

July 5, 2006

Jim Quinn
Environmental Manager
Department of Environmental Protection
Office of Intergovernmental Programs
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399

Re: Adopted Key Biscayne Evaluation and Appraisal Report

Dear Mr. Quinn:

Enclosed is the adopted Village of Key Biscayne Evaluation and Appraisal Report. This package contains:

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Please notify us at your earliest convenience regarding the completeness of this package.

Sincerely,

Silvia Vargas for

Jud Kurlanchek, Director of Building, Planning and Zoning

July 5, 2006

Susan Harp
Historic Preservation Planner
Department of State
Bureau of Historic Preservation
500 South Bronough Street
Tallahassee, FL 32399-0250

Re: Adopted Key Biscayne Evaluation and Appraisal Report

Dear Ms. Harp:

Enclosed is the adopted Village of Key Biscayne Evaluation and Appraisal Report. This package contains:

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Please notify us at your earliest convenience regarding the completeness of this package.

Sincerely,

Silvia Vargas for

Jud Kurlanchek, Director of Building, Planning and Zoning

July 5, 2006

Karen McGuire
Planning
FDOT, District Six
1000 NW 111th Avenue
Miami, FL 33172

Re: Adopted Key Biscayne Evaluation and Appraisal Report

Dear Ms. McGuire:

Enclosed is the adopted Village of Key Biscayne Evaluation and Appraisal Report. This package contains:

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Please notify us at your earliest convenience regarding the completeness of this package.

Sincerely,

Jud Kurlanchek, Director of Building, Planning and Zoning

July 5, 2006

P.K. Sharma
Lead Planner
South Florida Water Management District
Post Office Box 24680
West Palm Beach, FL 33416-4680

Re: Adopted Key Biscayne Evaluation and Appraisal Report

Dear Mr. Sharma:

Enclosed is the adopted Village of Key Biscayne Evaluation and Appraisal Report. This package contains:

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Please notify us at your earliest convenience regarding the completeness of this package.

Sincerely,

Jud Kurlanchek, Director of Building, Planning and Zoning

July 5, 2006

Mark Woerner
Chief of Metropolitan Planning Section
Miami-Dade County Planning and Zoning
111 N.W. 1st Street, Suite 1210
Miami, FL 33128

Re: Adopted Key Biscayne Evaluation and Appraisal Report

Dear Mr. Woerner:

Enclosed is the adopted Village of Key Biscayne Evaluation and Appraisal Report. This package contains:

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Please notify us at your earliest convenience regarding the completeness of this package.

Sincerely,

Jud Kurlanchek, Director of Building, Planning and Zoning

July 5, 2006

Harold Ruck
Chief of Community Planning
Planning Department, City of Miami
444 SW 2nd Avenue, 3rd Floor
Miami, FL 33130

Re: Adopted Key Biscayne Evaluation and Appraisal Report

Dear Mr. Ruck:

Enclosed is the adopted Village of Key Biscayne Evaluation and Appraisal Report. This package contains:

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Miami-Dade County

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Sincerely,

(Silvia Vargas for

Jud Kurlanchek, Director of Building, Planning and Zoning

Village Council Adoption Resolution

VILLAGE OF KEY BISCAYNE

Office of the Village Clerk

Village Council
Robert Oldakowski, *Mayor*
Robert L. Vernon, *Vice Mayor*
Enrique Garcia
Steve Liedman
Jorge E. Mendia
Thomas Thornton
Patricia Weinman

Village Clerk
Conchita H. Alvarez, CMC

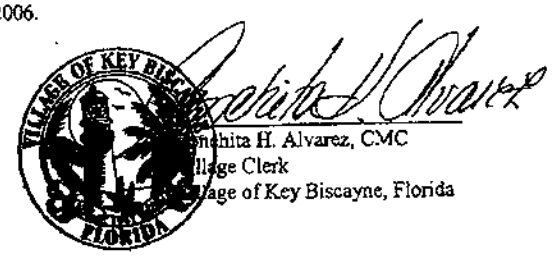
CERTIFICATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, Conchita H. Alvarez, duly appointed Village Clerk of the Village of Key Biscayne, Florida, do hereby certify that the attached is a true and correct copy of:

Resolution No. 2006-23 dopted by the Village Council on June 13, 2006.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Seal of the Village of Key Biscayne, Florida, this 22nd day of June, 2006.



nchita H. Alvarez, CMC
llage Clerk
llage of Key Biscayne, Florida

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MISSION STATEMENT: "TO PROVIDE A SAFE, QUALITY COMMUNITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT"
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RESOLUTION NO. 2006-23

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE VILLAGE OF KEY BISCAYNE MASTER PLAN; STATING THE INTENT OF THE VILLAGE COUNCIL TO AMEND THE MASTER PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THE REPORT; APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes and Chapters 9J-5, 9J-11 and 9J-12, Florida Administrative Code (F.A.C.), the Village of Key Biscayne Master Plan (the "Plan") was adopted via Ordinance No. 95-8 on September 12, 1995; and

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of their adopted comprehensive plans to adequately address changing conditions and state policies and rules; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt an evaluation and appraisal report once every seven (7) years assessing the progress in implementing the local government's comprehensive plan; and

WHEREAS, the Village Council, in its capacity as the Local Planning Agency (the "LPA") has prepared and completed an Evaluation and Appraisal Report (the "EAR") for the Plan as provided for in Exhibit "A"; and

WHEREAS, on April 25, 2006, the LPA held an advertised public hearing on the proposed EAR, provided for participation by the public in the process and rendered its recommendations to the Village Council; and

WHEREAS, the Village Council has reviewed the EAR, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process.

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

Section 1. **Recitals Adopted.** That each of the recitals stated above is hereby adopted and confirmed.

Section 2. **Adoption.** That the Evaluation and Appraisal Report, attached as Exhibit "A", is hereby adopted and approved for transmittal to the Department of Community Affairs for the purpose of a sufficiency review in accordance with Section 163.3191, Florida Statutes.

Section 3. **Intent to Amend Master Plan.** That the Village Council does hereby state its intention to amend the Village of Key Biscayne Master Plan in accordance with the recommendations contained in the Evaluation and Appraisal Report.

Section 4. **Transmittal.** That the Village Clerk or his or her designee is hereby directed to make the appropriate transmittals as required by law.

Section 5. **Effective Date.** That this Resolution shall be effective immediately upon adoption hereof.

PASSED AND ADOPTED this 13th day of June, 2006.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

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Executive Summary

The Village of Key Biscayne Master Plan was adopted on September 12, 1995, and accepted by the Department of Community Affairs on October 20, 1995. Preparation of Key Biscayne's first Evaluation and Appraisal Report (EAR) reveals that the Village has diligently implemented the Master Plan's goals, policies, and objectives with few exceptions.

The EAR Process

Key Biscayne's first EAR was prepared and adopted pursuant to Florida Statutes, Section 163.3191. This EAR was developed by a Council-appointed committee of residents, referred to as the 2020 Vision Plan/Evaluation and Appraisal Report Committee, with the assistance of the Building, Zoning and Planning, Finance; Public Works, and Parks and Recreation Department staffs, as well as the Village Manager, Village Attorneys and other Village departments, all supported by the active and engaged leadership and direction of the Village Council. In addition, consultants engaged by the Village, Wallace, Roberts & Todd, LLC, provided valuable background, structure and advice.

2020 Vision/EAR Committee Members represented a broad array of local constituencies and viewpoints, and also added relevant and valuable experience, expertise and background to the EAR process. The Committee, and a sub-committee selected to address issues related to the EAR in particular, met more than a dozen times over a period of 10 months to complete this task. Each Committee and Sub-Committee meeting was open to public attendance and comment. Further, the Committee reached out actively to the community at large, and implemented a vigorous public participation program in addressing the EAR. The result were vigorous, informed and wide-reaching debates, touching on virtually all aspects of the Master Plan, and on residents' individual and collective sensibilities about Key Biscayne, and future challenges and opportunities.

This EAR was undertaken simultaneously and on a parallel track with a local "visioning" and planning exercise referred to as "2020 Vision". The 2020 Vision exercise and EAR work were mutually interconnected and supportive. The work and focus of each informed the other. The 2020 Vision Statement was adopted by the Village Council as an exercise in self-criticism and self-definition, and as a source of guidance for at least a fifteen year time horizon. The 2020 Vision Statement is printed in full in the EAR, and its tenets and possible planning implications remain under consideration for possible inclusion in future Master Plan amendments.

EAR Findings

The EAR addresses the inquiries and follows the requirements specified in Florida Statutes, Section 163.3191, manifesting particular attention to the list of Major Issues presented to the Florida Department of Community Affairs (DCA) in a Letter of Understanding on March 7, 2005 and incorporating recommendations included in the DCA's response.

Following an introduction, which includes a reprint of the 2020 Vision Statement, the EAR assesses current and projected conditions and changes in the community since adoption of the 1995 Master Plan. Key points include:

- While Key Biscayne is an area of moderate population growth in comparison to other municipalities in Miami-Dade County, its growth rate is dropping and its population is predicted to level by 2010 according to Miami-Dade County projections.
- The percentage of people over the age of 65 has dropped over the past decade as the number of family households with children under the age of 18 has grown. In the report's evaluation of the coordination of land use and public school planning, it found that increased County-wide demand on educational facilities and services emphasizes the need for cooperation and synchronization between jurisdictions.
- No land has been annexed, no land is available for annexation, and no vacant lots remain in Key Biscayne. Future growth will occur in the form of redevelopment. The composition of the Village will continue to evolve as older housing stock is knocked down and replaced by larger dwelling units, a trend that is evident today and likely to continue until around 2047.
- All new construction and redevelopment since 1995 has occurred in accordance with the Future Land Use Map and complies with FEMA and Coastal High Hazard Area regulations.
- Assessments of current and forecasted infrastructure levels of service for transportation, sanitary sewer and potable water, and solid waste management reveal facilities adequately equipped to meet predicted demand and emphasize the need for continued interlocal cooperation.

The EAR then analyzes in detail each element of the 1995 Master Plan, including successes, impediments and status, taking into account past implementation, pending work and changed conditions. Overall, the Village has very successfully implemented the Plan, either already completing projects or on track to do so.

As a prelude to specific Master Plan amendments proposed in the EAR, we then analyze our principal local issues, from today's perspective but also in terms of the 1995 Master Plan objectives, policies and goals. These issues include:

- Definition, Preservation and Enhancement of Key Biscayne's Unique Village Character and Quality of Life.
- The Need for Additional Local Parks, Recreation Space and Open Space.
- Calusa Park, Crandon Park, Bill Baggs Cape Florida State Park and Virginia Key - Interlocal Cooperation Relative to Village Issues.
- Implications of Redevelopment.
- Traffic Volume, Operations and Safety.
- Sustainability of Local Retail and Services.
- Vulnerability to Damage from Tropical Storms and Hurricanes.
- Need to Improve or Replace Infrastructure.
- Implications of Debt Cap.
- Conservation, Coastal Management and Environmental Protection.
- Land Development in the Context of Master Plan Goals, Objectives, and Policies.
- Historic, Cultural and Educational Resources and Needs.

We then consider the extent to which our Master Plan is consistent with other Florida growth management laws, based on changes since 1995. The Master Plan is substantially in compliance with relevant changes; where not, modifications to the Master Plan have been suggested.

Finally, we address our conclusions and various recommendations for Master Plan amendments. In addition to updating dates, removing obsolete policies and objectives, and making modifications to the Future Land Use map, our recommendations include:

- Undertake studies of traffic congestion and levels of service.
- Create a Transportation Element, which requires coordinating the Future Land Use Map and creating numerical indictors to measure achievement of mobility goals.
- Place a greater emphasis on the Village's commitment to exploring innovative solutions for the provision of affordable housing, including exploring housing subsidy programs and housing feed trust fund and coordinating with the City of Miami and Miami-Dade County, and the South Florida Regional Planning Council.
- Explore new ways to integrate green technologies into public facilities.

- Update the Master Plan within 18 months of the South Florida Water Management District updating the regional water supply plan.
- Coordinate with the Miami-Dade Water and Sewer Authority regarding the availability of water to serve all proposed development projects.
- Consider means of revenue-raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks.
- Prepare a strategy for buying land in the Village to be dedicated as recreational space.
- Negotiate use agreements with Miami-Dade County and the City of Miami for access to parkland outside Key Biscayne
- Review and revise current regulations to require that any future development proposed in the Village that contains apartments provide open space to serve the demand created by the population increase.
- Explore instituting an recreational impact fee for new single-family detached and residential duplex construction
- Pursue the renovation of available space at Calusa Park into active playing fields. If it is in accordance with the Calusa Park Master Plan, connect the playing fields to Harbor Drive via a pathway, building a mangrove boardwalk to Biscayne Bay, and construct a boardwalk to the Tennis Stadium at Crandon Park. (See Section 6 Conclusions and Recommendations, Recommendation ROS7)
- Work with the Miami-Dade County Parks and Recreation Department to develop a public tennis program at the Tennis Center at Crandon Park. (See Section 6 Conclusions and Recommendations, Recommendation ROS8)
- Continue to buy land in the Village and/or lease land on a long term basis for recreation and open space purposes.
- Acquire 200 Harbor Drive for a passive park.
- Extend the lease with St. Agnes Catholic Church and provide for the general public's use of this facility.
- Enter into public/private partnerships which result in recreation and open space in locations zoned for institutional and commercial use.
- Accept developer contributions and donations of property should opportunities arise that are advantageous to all parties.
- Include 530 Crandon Boulevard in the inventory of recreation and open space lands when its current use as a staging area is complete.

- Establish criteria for updating and prioritizing projects within the CIP tied to concurrency requirements.

We conclude by highlighting the ongoing nature of this work, as we continue discussion about our 2020 Vision and related ideas to protect and improve the characteristics of and aspirations for Key Biscayne that we have identified as defining and valuable.

1. Introduction

a. Master Plan and Initial EAR

The Village of Key Biscayne was incorporated on June 23, 1991. Previously, the community was part of unincorporated Miami-Dade County. The Village of Key Biscayne Master Plan was adopted by the Village Council, by Ordinance 95-8, on September 12, 1995, and accepted by the Department of Community Affairs on October 20, 1995. In anticipation of incorporation, committees of interested residents actively studied Key Biscayne and growth management principles beginning in approximately the fall of 1990. Active public participation resulted, focusing especially on various qualities that were thought to define Key Biscayne as it was in the past, as it had become, and as it could be in the future. Broad public interest in these questions continues today.

This is Key Biscayne's first Evaluation and Appraisal Report (EAR), developed pursuant to F.S., Section 163.3191. This EAR was developed with the active participation and assistance of a committee of residents appointed by the Village Council, called the 2020 Vision/EAR Committee, and other residents, as well as Wallace Roberts & Todd, consultants to the Village.

b. Profile of the Community.

Bounded by Crandon Park to the north and Bill Baggs Cape Florida State Park to the south, the Village of Key Biscayne occupies approximately 1.5 square miles[1] in the center of Key Biscayne, the southernmost sandy barrier island in a chain of islands extending along the Atlantic coast of the United States. The island's deep sands overlying coral rock differentiate Key Biscayne, positioned just southeast of downtown Miami, from the rocky Florida Keys and support distinctive beach, dune, hammock and mangrove ecosystems. Due to its relatively low elevation and direct exposure to the Atlantic Ocean, Key Biscayne is in a high-risk flood zone; it is classified by FEMA as flood elevation AE and often one of the first areas in Miami-Dade County to be evacuated in a storm emergency. The only vehicular access to and from the mainland is via the four-to-six lane Rickenbacker Causeway. The Village has experienced storm damage in the past, most recently as a result of Hurricane Wilma in October 2005.

[1] Land area covers 1.28 square miles, water area covers 0.12 square miles with a total incorporated area of 1.39 square miles.

The transformation of Key Biscayne from a coconut plantation into a quiet Miami bedroom community bordered by parks began with the dedication of the first Rickenbacker Causeway (a drawbridge) and Crandon Park in November 1947. The southern two-thirds of the island were platted in several subdivisions with different lot sizes and restrictions. The Mackle Construction Company and other developers built hundreds of modestly priced one-story homes in the 1950s and 1960s that were purchased primarily by WWII veterans and young families. The Mackles built an elementary school and Key Biscayne Hotel and Villas, which catered to tourists. The southern third of the island escaped development and became Cape Florida State Park in January 1967. Key Biscayne received international attention in 1969 when then U.S. President Richard Nixon established his "Florida White House" complex on the bay side of the island. The publicity of Presidential visits through 1973 sparked awareness of Key Biscayne as a destination. An increase in development and real estate value was triggered by the 1987 opening of the high-span William Powell Bridge, which replaced an existing drawbridge. By the late 1980s, Key Biscayne had become a mature suburb within unincorporated Miami-Dade County, known for its quiet natural beauty and small-town character.

The Village of Key Biscayne was incorporated on June 23, 1991 after nine years of citizen effort toward self-governance. The vote to incorporate capped a long effort to obtain better services from the County, improved fiscal control, and local control over growth within the Village. A charter with a Council-Manager form of government was adopted to provide for local control over development, improved infrastructure and services, and better governmental process. Many improvements that were desired in 1991 have been achieved through the efforts of local government as well as the determination and commitment of Key Biscayne residents. The effectiveness of self-governance was validated by the creation of new, first-rate Fire Rescue and Police Departments and, by 1996, a Zoning Code tailored to meet the development needs of the Village.

In 1995, after years of public education and participation, the Village of Key Biscayne adopted its first Master Plan, which identified deficiencies and needed or desired improvements. Many of the Plan's goals, objectives, and policies have been realized. In addition to excellent fire-rescue and police services, the Village has an attractive (and debt-free) Village Green; more local parks; a renourished beach with protective dune systems; a vastly improved stormwater drainage system; an expanded K-8 public school; an architecturally distinguished Civic Center complex; a new, highly-used Community Center; reduced Village-wide speed limits; street-by-street tree plantings and landscaping, street lights and pavers,

sidewalks, landscaped traffic calming devices; and the lowest millage rate of any municipality in Miami-Dade County.

The Village of Key Biscayne in 2005 enjoys outstanding natural beauty and the best of both worlds: a sense of separateness as a serene, secure island sanctuary coupled with convenient access to services, activities and amenities on the mainland. Key Biscayne's popularity as a destination for both daily and seasonal tourists will continue. Residential, commercial and hotel properties are largely built out, yet the community is changing again via redevelopment.

c. Purpose of the EAR.

The purpose of the EAR is to evaluate and assess the effectiveness, successes and failures of a local municipality's master plan in accomplishing its adopted objectives, policies, and standards as well as to suggest ensuant changes or amendments. The State of Florida's local government master planning law, Chapter 163, Part 2, Florida Statutes (F.S.) requires that all counties and municipalities throughout Florida maintain master planning programs to guide their long-range growth and development, and that master planning should be a continuous and ongoing process. As a part of this process, local governments are required to monitor numerous community characteristics relating to development, provision of services, environmental protection, and governmental activities, and to periodically prepare Evaluation and Appraisal Reports addressing implementation of the master plan. Moreover, the law provides that the EAR process shall be the principal process for updating local master plans to respond to changes in state, regional, and local policies on planning and growth management, and changing conditions and trends, to ensure effective intergovernmental coordination, and to identify major issues regarding the community's achievement of its goals.

d. Summary of EAR Requirements and Process.

As required by Sec. 163.3191(2), F.S., the EAR must address the following items:

1. Major local issues as identified by the local government with input from state agencies, regional agencies, adjacent local governments and the public, and the potential social, economic, and environmental impacts of these issues.
2. Location of existing development with respect to the location of development as anticipated in the Key Biscayne Master Plan, as

adopted in 1995; population growth and changes in land area, including any annexations, and the extent of vacant and developable land.

3. Effect on the Master Plan of changes to the state comprehensive plan, Chapter 163, Part 2; Chapter 9J-5, Florida Administrative Code (FAC); and the strategic regional policy plan, since the adoption of the Master Plan.
4. Whether Master Plan objectives within each element have been achieved with respect to major local issues.
5. The extent to which unanticipated and unforeseen problems or opportunities have occurred since the 1995 Master Plan adoption, or resulted in problems or opportunities with respect to the major local issues and their social, economic, and environmental impacts.
6. Identification of any corrective actions or measures, including whether plan amendments are recommended, to address the major local issues identified and analyzed in the EAR.
7. Coordination of the Master Plan with existing public schools and those identified in the applicable educational facilities plan adopted pursuant to Chapter 1013.35, F.S.; assessment of the success or failure of the coordination of the future land use map and associated planned residential development with public schools, and joint decision-making processes between the local government and the school board toward establishing appropriate population projections, and the planning and siting of public school facilities.
8. Consideration of the appropriate water management district's regional water supply plan, and revision of the potable water element to include a work plan covering at least a 10-year planning horizon for building any water supply facilities identified as necessary to serve existing and new development, and for which the local government is responsible.
9. Evaluation of whether any reductions in land use density within the coastal high-hazard area impairs the property rights of current residents upon redevelopment, including that following a natural disaster.
10. Process for public involvement.

F.S. Section 163.3191 further specifies the procedures and criteria for the preparation, transmittal, adoption, and sufficiency review of local government's EARs and EAR-based Master Plan amendments, if any. By agreement with the Department of Community Affairs (DCA), Key Biscayne's adopted EAR will be transmitted to the South Florida Regional

Planning Council (SFRPC) for sufficiency review. DCA will retain ultimate review authority.

If the EAR recommends Master Plan amendments, such amendments will be consistent with the findings and recommendations contained in the adopted EAR. F.S. Section 163.3191 requires EAR-based Master Plan amendments to be adopted within eighteen (18) months after the EAR is determined to be sufficient.

An EAR is required to be completed every seven (7) years, subject to scheduling as determined by DCA. This constitutes the first evaluation and appraisal of the Key Biscayne Master Plan. This EAR reflects the Village's best efforts at interpreting the major issues and factors to be addressed and the scope of work contained in the Letter of Understanding between DCA and the Village (included in the Appendices of this document), as well as the Florida Statutes, Administrative Code, and other guidance documents issued by DCA.

e. *Process for Public Involvement*

This EAR was prepared and adopted pursuant to Florida Statutes, Section 163.3191. The EAR was developed by a Council-appointed committee of residents—referred to as the 2020 Vision Plan/Evaluation and Appraisal Report Committee—with the assistance of the Village staff and consultants Wallace Roberts & Todd, LLC, as well as the support and leadership of the Village Council.

2020 Vision/EAR Committee Members represented a broad array of local constituencies and viewpoints, and also added relevant and valuable experience, expertise and background to the EAR process. The Committee, and a sub-committee selected to address issues related to the EAR in particular, met more than two dozen times over a period of 10 months to complete this task. Each Committee and Sub-Committee meeting was open to public attendance and comment. Further, the Committee reached out actively to the community at large, and implemented a vigorous public participation program to address the EAR. The result was informed and wide-reaching debates that touched on virtually all aspects of the Master Plan—on residents' individual and collective sensibilities about Key Biscayne, and on future challenges and opportunities.

This EAR process was undertaken simultaneously and on a parallel track with a local "visioning" and planning exercise referred to as "2020 Vision". The 2020 Vision exercise and EAR work were mutually interconnected

and supportive. The work and focus of each informed the other. The 2020 Vision Statement was adopted by the Village Council as an exercise in self-criticism and self-definition, and as a source of guidance for at least a fifteen year time horizon. The 2020 Vision Statement is printed in full in the following section, and its tenets and possible planning implications remain under consideration for possible inclusion in future Master Plan amendments.

f. Key Biscayne 2020 Vision.

The preparation of this EAR was conducted in close coordination with an ambitious community visioning process, which began in April 2005. To ensure a fully coordinated, consensus-driven outcome, the Village Council appointed a broadly representative residents' steering committee—the 2020 Vision/EAR Committee—to guide both processes. The visioning process is intended to create a framework for strategic decision-making to guide the long term future of the community.

The 2020 Vision process began with a series of public committee and sub-committee meetings culminating in SWOT (Strengths, Weaknesses, Opportunities and Threats) exercises conducted with the 2020 Vision/EAR Committee (April 11, 2005), the Village Council (June 28, 2005), and the community at large (June 9 and June 11, 2005). In all, approximately 150 individuals took part in this step, providing extensive input about the community's concerns, values, aspirations, and priorities. The exercises sought responses from participants on two questions pertaining to present conditions in the Village, and two questions pertaining to perceptions or expectations about future conditions, as follows:

Present Strengths and Weaknesses:

- *What present characteristics of Key Biscayne do we consider strengths (qualities worth retaining) and attributes that define our character and quality of life?*
- *What characteristics can we categorize as weaknesses (problems or deficiencies requiring attention)?*

Future Opportunities and Threats

- *What opportunities should we seize to improve character and quality of life of the Village in the future?*
- *Which conditions or trends can we interpret as threats to our character or quality of life which we should prevent?*

Although hundreds of ideas and comments were recorded, a reasonably clear consensus emerged on the top priority issues in each of the discussion topics, which are summarized below.

KEY AREAS OF COMMUNITY CONSENSUS

Strengths

1. ***Strong Sense of Community:*** the island's history; the neighborliness and friendliness of its residents; an engaged citizenry; and the physical smallness of the community–create a strong sense of community self-awareness and a desirable "small-town" environment.

2. ***Quality of Life:*** the community's self-reliance; a safe, peaceful, and quiet setting; the beauty, environmental value, and quality of government, services and amenities contribute to an exceptional quality of life.

3. ***Location:*** the advantages of convenient proximity to major employment and activity centers in Miami-Dade County, coupled with the separation and distinct island identity.

4. ***Natural setting/Environment:*** the beauty, amenity, and environmental value of a barrier island with a tropical landscape and climate, the scenic open space and dual waterfront, on the bay and ocean.

5. ***Community Services and Facilities:*** the elemiddle (K-8) school, Village Green, civic center, public safety, and myriad recreational opportunities.

Weaknesses

1. **Community Facilities and Services:** recreational opportunities abound, but insufficient parks and playing fields and a lack of land for future public facilities, deficient maintenance of the community's public spaces.

2. **Mobility, Transportation and Parking:** traffic congestion, lack of pedestrian/bike/golf cart provisions and related safety concerns, lack of connectivity between individual commercial uses, as well as between the commercial and residential areas, and issues related to what is perceived as unsatisfactory performance of existing traffic calming treatments/poor execution of traffic calming techniques.

3. **Growth and Development Impacts:** perception of excessive density, the construction of new homes which are out of scale with the size of lots and with the surrounding development, blocked views of the water, and overcrowded facilities.

4. **Changing Community:** a growing non-permanent/transient population; the loss of "island spirit," which is manifest in, among other things, a lack of respect for the community's public areas, apathy/lack of involvement, and seeming elitism and sense of entitlement.

5. **Infrastructure:** deficiencies cited include the incomplete central sewer, the presence of overhead utilities, storm drainage problems, and poor road maintenance.

6. **Planning/Zoning/Regulations:** weak or ineffective planning and regulations; lack of long-term "vision"; lack of or inconsistent enforcement.

7. **High Cost of Living:** higher costs associated with living in a coastal community, from disaster insurance to construction costs, increasing property values, and lack of affordable housing; all have the effect of decreasing the diversity of the community.

8. **Limited Range of Retail and Services:** in particular, the small number and variety of restaurants, the narrow range of retailers and services, and limited cultural/entertainment features and venues.

Opportunities

1. ***Parks and Open Space:*** to acquire land for additional parks, to expand ocean/bay access, to develop trails and protect natural areas.

2. ***Community Services/Facilities/Amenities:*** to expand the recreation center, to build a community theater and other cultural facilities, to improve education and consider a high school.

3. ***Improve Transportation/Circulation:*** to reduce vehicular congestion, provide additional facilities/improve connectivity for pedestrian, cyclists and golf carts, provide commercial area access from Fernwood, and expand public transportation and traffic calming.

4. ***Development/Redevelopment Controls:*** to control density and intensity, preserve needed services and businesses, control building scale, and improve landscape requirements.

5. ***Community Interactions:*** to improve communication/dialogue among diverse community groups as well as between the Village and its residents, to improve civic involvement.

6. ***Seniors and Families:*** to provide for elder care on island, encourage affordable housing.

7. ***Infrastructure:*** to improve road conditions, expand/complete the sewer system, to upgrade lighting, signage, landscaping, and stormwater.

Threats

1. ***Overpopulation/Unfettered Development:*** rezonings to increase density, oversized homes impacting older neighborhoods, loss of "small town" character.

2. ***Impacts of External Development:*** excessive development/traffic generation from Virginia Key and causeway development.

3. ***Degradation of the Environment:*** beach erosion, pollution, and the loss of biological diversity, open space and scenic beauty.

4. ***Traffic/Mobility/Parking:*** congestion and delays related to the single island accessway, increased traffic, safety problems.

5. ***Village Government:*** unresponsive, bureaucratic, over-restrictive, fiscal limitations, lack of intergovernmental coordination.

6. ***Loss of Community Character/Identity:*** degraded aesthetics, loss of community spirit, factionalism, excess tourism/visitation.

7. ***Hurricanes/Natural Threats:*** lack of preparedness, failure to evacuate, power failures, storm surge.

8. ***High Cost of Living:*** ever-escalating property values and taxes are perceived as a potential threat to the quality of life and socioeconomic diversity of the community.

9. ***Schools:*** lack of high school, overcrowded classrooms.

10. Crime/Illegal Activity

The input received through the SWOT exercises, and the resulting areas of community consensus identified in the above summary, provided the "raw material" for the articulation of the Key Biscayne 2020 Vision Statement, which follows:

2020 Vision Statement

Key Biscayne in 2005: What We Value

Surrounded by parks, Biscayne Bay and the Atlantic Ocean, the Village of Key Biscayne enjoys outstanding natural beauty, a compelling sense of place, lush landscaping, and a unique small-town ambiance that leads many residents and visitors to call it "Island Paradise". Our close proximity to metropolitan Miami-Dade County allows us to enjoy the best of both worlds: a sense of separateness as a serene, secure island sanctuary coupled with convenient access to services, activities and amenities on the mainland.

Our relaxed island style is evident in our people, our active lifestyles, and our shared enjoyment of living "across the bridge" in a close-knit, nurturing community. The Village is a vibrant and interactive place made more interesting by our cultural diversity, neighborliness and commitment to fellowship and community spirit.

The Past as Prologue: Aspirations and Accomplishments

The Village of Key Biscayne was incorporated on June 23, 1991 to provide for local control over development, improved infrastructure and services, and better governmental process. We adopted a charter, elected our first Village Council (then called the Board of Trustees), hired a manager, and built our local government from scratch. In turn, we established fire-rescue, police and other departments and adopted zoning and other municipal codes.

In 1995, after years of public education and participation, we adopted our first Master Plan. Our Master Plan identified deficiencies and provided for many needed or desired improvements. Because of our early vision, planning and follow through, we now enjoy excellent fire-rescue and police services, a debt-free Village Green, an architecturally distinguished Civic Center complex including a well-used Community Center, more local

parks, a renourished beach with protective dune system, a vastly improved stormwater drainage system, an expanded K-8 public school, street-by-street tree plantings and landscaping, street lights and pavers, sidewalks, landscaped traffic calming devices, reduced Village-wide speed limits, and the lowest millage rate of any municipality in Miami-Dade County.

2020 Vision Statement: Keeping the "Village" in our Village

Now, a decade after adopting our Master Plan, we are developing our first Master Plan Evaluation and Appraisal Report, as required by law. As an interconnected exercise, we also are developing this Vision Statement as the first part of a Vision Plan for 2020. Recognizing that the 1995 Master Plan benefited from prior years of study, visioning and community participation, we sought extensive public input for our 2020 Vision, engendering lively debates.

We speak about "Keeping The 'Village' in Our Village". This means that we wish the Village to retain the intrinsically positive qualities described herein. Our 2020 Vision is meant to supplement our Master Plan by communicating our values and goals and by suggesting strategies and actions to achieve those goals. By implementing our Vision Plan, in the ensuing years through 2020 we will have:

Community Character and Quality of Life

- Maintained our small-town, island character by managing the scale and density of development on a neighborhood-by-neighborhood basis.

- Enhanced our streetscapes, parks, civic realm and open spaces with a well-maintained subtropical plant palette suited to our island.

- Practiced responsible stewardship of our natural environment by protecting our tree canopy, natural habitats, beaches, dunes, and nearshore water quality.

- Expanded our array of passive parks, open spaces and active recreation facilities through carefully directed property acquisition and redevelopment, to include small-scale neighborhood parks, a restored, protected Calusa Park with improved pedestrian access, additional playing fields and bikeways and trails.

- Enhanced local high-quality education from early childhood programs to lifelong learning for adults, in close coordination with public and private schools.

- Expanded our cultural facilities, activities, special events and historic preservation efforts, and provided a physical setting for a cultural center, theater and local history museum.

- Maintained extremely high levels of quality and responsiveness in our government departments, including police, fire and emergency medical services.

- Worked effectively with the State of Florida, Miami-Dade County and the City of Miami to influence and mitigate the impact of new development on Virginia Key and of visitors to the regional attractions and parks that surround the Village.

- Expanded and improved visual and physical access to Biscayne Bay and the Atlantic Ocean.

- Recognized the positive economic impact of tourism and the role of hotels in providing amenities to residents and as community partners.

Sustainable Community Structure

- Encouraged redevelopment of outdated commercial areas to preserve and expand local-serving retail and professional businesses and services in well-designed, accessible and interconnected centers.

- Attained safe, pleasant and convenient pedestrian and cycling linkages between neighborhoods, schools, parks, civic and recreational sites and commercial properties.

- Established a well-integrated vehicular transportation system that:

  - provides for maximum safety considerations;
  - successfully manages traffic congestion from residents, day visitors, workers, and special events;
  - reduces local use of automobiles by encouraging pedestrian, bicycle and golf cart transport;
  - expands transit use, including off-island bus routes and on-island shuttles;

- incorporates well-designed and constructed traffic calming applications;
- improves local access to Crandon Boulevard commercial areas from Fernwood Road; and
- includes a proactive street maintenance program.

- Upgraded our infrastructure where feasible and affordable by expanding sewer service in areas formerly served by septic systems, by replacing antiquated water pipe systems, and by burying overhead utilities.

People and Relationships

- Encouraged volunteerism and community involvement, and included citizens as active participants in civic affairs and community service.

- Provided our multi-generational community with rich civic, cultural, recreational, and educational opportunities for children, youth, adults and seniors.

- Promoted effective and respectful communication among residents who have different opinions.

- Encouraged and provided programs and solutions by which young adults and senior citizens can remain residents of the Village.

Governance

- Operated our government in a transparent, respectful, responsive and efficient manner, using innovative communication methods to raise citizen awareness.

- Managed judiciously our tax revenues, public spending, debt and capital projects, and identified clear criteria for spending priorities.

- Provided excellent public safety services for our residents and visitors.

- Maintained Village property and landscaping at high levels of excellence.

- Effectively engaged the City of Miami, Miami-Dade County and the State of Florida on regional issues that influence the quality of life in the Village.

- Partnered with the City of Miami and Miami-Dade County to implement a Virginia Key Master Plan that ensures environmentally sensitive development, a new high school, lighted playing fields, and traffic mitigation along the Causeway.

Conclusion: Changes, Opportunities and Challenges

The 2020 Vision Statement is being drafted at a time of continued change in the Village of Key Biscayne. The commercial properties at our Village entrance, the oceanfront Silver Sands Motel, and various apartment and condominium properties are susceptible to near-term redevelopment. The ultimate use of the Village owned property facing Crandon Boulevard and the Civic Center is undetermined. Starting in 2006, the existing Sonesta Beach Resort will be demolished and rebuilt. Comprehensive new development is planned for Virginia Key and must be closely monitored to assure compatible uses and manageable Causeway impacts.

Without foresight and planning, many improvements we value and even take for granted today may not have come about. We recognize the successes that came from our previous planning efforts and we will continue to plan and act for our best future. The attention we give to the future strengthens our community today and helps instill in our children and neighbors a valued ethic of citizenship. These are worthy goals in themselves.

Change is both inevitable and not entirely predictable, and "Keeping The 'Village' in Our Village" is not necessarily assured. With this in mind, we hope the vision and planning contained in this document will be of lasting value to the Village by informing the decisions, and guiding the actions, of future residents and Village Councils. Above all, we mean to preserve those values, standards and ideals that define our vision of Island Paradise.

2. Community-Wide Assessment

a. Population Growth and Changes in Land Area.

The Miami-Dade County Department of Planning and Zoning (MDCDPZ) identifies Key Biscayne as an area of moderate growth in comparison to other municipalities in the County. According to the U.S. Census, the population of Key Biscayne increased from 8,854 people and 3,831 households in 1990 to 10,507 individuals and 4,529 households in 2000. The additional 1,653 persons equate to a 19 percent growth in population, or about 1.9% per year. By comparison, during the same decade the total population of the County—the eighth largest in the nation by population—increased by 316,268 individuals and 84,419 new households, a growth rate of approximately 16%.

The University of Florida reported the 2004 population of the Village to be 11,160, producing an average yearly growth rate between 2000 and 2004 of 1.6 percent. This drop in the growth rate compared to the preceding decade mirrors an increasingly limited supply of undeveloped land on the island.

The average size of families in the Village increased from 2.85 persons per family in 1990 to 2.99 persons per family in 2000; the average household size grew from 2.31 to 2.47 over the same period. These increases may be correlated to an overall worsening in traffic congestion, perhaps due to an informally observed increase in the number of cars per household in the Village. According the State Department of Motor Vehicles, the number of registered vehicles in January 2006 is 10,582. The Department is currently unable to provide historical data for the purposes of comparison.[2] However, the figure provided may serve as the basis for a future study analyzing the patterns in internally-generated traffic congestion.

Family households with children under the age of 18 grew from 939 in the 1990 U.S. Census, to 1,404 in 2000 (approximately 32% of the total households), an increase of 465 families with children. Overall, the population under the age of 18 years in the Village grew by almost 55% between 1990 and 2000 (from 1,646 to 2,547). Today, children under the

[2] According to the DMV, due to the prior configuration of its database, historic registered vehicle counts derived from addresses or zip codes may be inaccurate. It was possible for a vehicle to mistakenly be counted more than once: the address field was associated with the customer, not to the vehicle record; therefore, if a customer changed his or her address more than once in a calendar year, the vehicle record would have been double-counted.

age of 18 years represent 24.2% of the total population. This trend has burdened the capacity of local schools and is critical to short, medium, and long term educational facility planning. To address this problem, in February 2003, Key Biscayne signed an interlocal agreement with Miami-Dade County Public Schools and 24 municipalities to coordinate region-wide educational facilities planning, site selection and acquisition, and construction.

The percentage of people over the age of 65 has dropped over the past ten years. Whereas in 1990, persons 65 years or old comprised 17.2 percent of the population, in 2000 they were 15.6 percent. Despite its overall decrease in percentage of total population composition, the aging population continues to be particularly affected by the island's limited supply of affordable housing—Key Biscayne's long-term elderly residents are often not able to afford the increase in taxes when they attempt to downsize—and evacuation during tropical storms and hurricanes. To address the latter issue, in early 2006, a committee will convene to explore the vulnerability of residents during and after severe storms. Comprised of residents and led by the fire chief, the Committee will emphasize assisting the elderly and others who may have restricted mobility and health needs.

Census figures support a related trend anecdotally reported by residents: formerly transient apartments and condominiums once occupied by retirees and empty-nesters are now occupied by families who live in Key Biscayne year round. A comparison of the percentage of total households in 1990 and 2000 comprised of a person age 65 or older living alone dropped from 9.1 to 8.9, respectively.

Key Biscayne's population growth has caused no changes in land area, in large part because natural geographic boundaries prevent the opportunity for annexation.

b. Ethnicity and Race Components.

The 2000 U.S. Census describes the racial makeup of the Village as 95.46% White, 0.46% African American, 0.01% Pacific Islander, 0.14% Native American, 0.92% Asian, 1.49% from other races, and 1.52% from two or more races.

In the year 2000, 49.79% of the Village's population was classified as "of Hispanic origin of any race." This represents an increase of 38%, or 1,441 persons of Hispanic or Latino origin, since 1990.

Notably, as recently as 1980, there was no majority group in Miami-Dade County. Rather, there were three large ethnic groups: non-Hispanic Whites, Hispanics and Blacks. This balance began to shift, and became very evident in the 1990s. In 2000, Miami-Dade County was the first and only county in Florida with a Hispanic majority (57%). Although Key Biscayne has not yet crossed that threshold, it is very close.

Table 1: Ethnicity Change in Key Biscayne and Miami-Dade County, 1990-2000

Ethnicity	1990		2000	
	Key Biscayne	Miami-Dade Co.	Key Biscayne	Miami-Dade Co.
White (Non-Hispanic)/%	4,897/55%	585,607/30%	5,059/48%	465,772/21%
Black (Non- Hispanic)/%	36/<1%	369,621/20.5%	28/<1%	427,140/20%
Other (Non-Hispanic)/%	131/1%	28,459/1%	190/2%	68,713/3%
Hispanic%/	3,790/43%	953,407/49%	5,236/50%	1,291,737/57%
Total	8,854	1,937,094	10,513	2,253,362

Sources: U.S. Census Bureau, 1990 and 2000 Census, 2003 Miami-Dade County EAR

Over 54%, or 5,723 persons, of the 2000 Key Biscayne population were born outside the U.S.—although 46% of that number is comprised of naturalized or native citizens. Of those born abroad, 76.6% were natives of Latin America.

Table 2: Nativity and Place of Birth, 2000

	Key Biscayne	% Increase
Native	**5,199**	**49.6**
Born in U.S.	4,754	45.4
Born in Florida	2,054	19.6
Born in different state	2,700	25.8
Born outside U.S.	445	4.2
Naturalized citizen	2,224	21.2
Not a citizen	3,054	29.2
Total	10,477	

Sources: 2000 U.S. Census, ePodunk

Nearly 59% of the total population of Key Biscayne speaks Spanish at home, but only 14.4% of this group described their command of the English language as less than proficient, according to the 2000 U.S. Census.

c. Population Projections.

This EAR will rely primarily on population projections generated by MDCDPZ. The projections were updated in 2003 to reflect Census 2000

data, and were used by Miami-Dade County in the preparation of its own EAR, which was adopted in 2003 as the basis for the County's Comprehensive Development Master Plan amendments.

According to the Miami-Dade County EAR, the 2003 projections were developed in the same manner as previous series with estimates for births, deaths, and net migration made separately, and then combined to arrive at the totals used in this report. As with all projections, assumptions are made about a number of factors—in particular those related to net migration flows. Based on observable trends, countywide immigration, comprised of mostly foreign migrants, is expected to be constant and to remain at fairly high levels.

For Key Biscayne, the projections generated by MDCDPZ indicate that, while the population will continue to increase in the County as a whole, the local rate of growth will trend toward zero after 2010 as the Village approaches build-out capacity (estimated at approximately 5,800 dwelling units at current zoned densities. Using average family size reported by the 2000 Census, the build-out population would be approximately 17,400. Using average household size, the build-out population is projected to be 14,326).

Table 3: Annual Average Change, Population Projections for Key Biscayne and Miami-Dade County, 1990 to 2025

Area	Change 1990-00	Change 2000-03	Change 2000-10	Change 2010-15	Change 2015-20	Change 2020-25	Remaining Capacity	Population at Capacity
Key Biscayne	166	216	109	-35	0	0	0	11,425
Miami-Dade Co.	31,608	29,729	29,792	30,366	31,014	32,320	30,778	3,050,563

Source: Miami-Dade County Department of Planning and Zoning, Research Section, 2003.

Table 4: Population Projection Comparison Between Key Biscayne and Miami-Dade County

	2000	2003	2010	2015	2020	2025
Key Biscayne	10,507	11,160	11,600	11,425	11,425	11,425
Increase	--	647	440	-175	0	0
Percent Increase	--	6.2%	3.9%	-0.98%	0	0
Miami-Dade County	2,253,362	2,342,551	2,551,283	2,703,114	2,858,184	3,019,785
Increase	--	89,189	208,732	151,831	155,070	161,601
Percent Increase	--	3.9%	8.9%	5.9%	5.7%	5.7%

Source: 2000 Census; Miami-Dade County Department of Planning and Zoning, Planning Research, 2003.

Reaching build-out capacity does not imply no further development will take place. Rather, as the Village arrives at this stage, future growth will be in the form of redevelopment. Therefore, the Village should capitalize on opportunities to guide this redevelopment in a manner consistent with

the community's vision, to explore ways to retain and enhance existing development, and to introduce new, activities that expand the self-sufficiency of the Village.

d. Extent of Vacant and Developable Land.

In 1995, there were 86 acres of vacant land according to the 1995 Key Biscayne Master Plan. No land has been annexed since that time—Bill Baggs Cape Florida State Park extends along the entire southern border of the island community; Miami-Dade County's Crandon and Calusa Parks span the entire northern edge; Biscayne Bay fronts the western border; and the eastern border faces the Atlantic Ocean—and today all of those original vacant lots have been developed or have permits for development.[3]

The Village, though almost entirely built out, is slightly below capacity by measure of densities permitted by the Land Development Code. This gap is not large enough to allow any major increases in density, but the composition of the Village will continue to evolve as older housing stock is knocked down and replaced by larger dwelling units, a trend evident today. Examination of residential certificates of occupancy records indicates that since 1997 approximately 26 new residential units per year have been built either on vacant lots or in place of demolished units (See Table 5). Since there are no vacant lots remaining as of March 2006, all future new construction will occur in the form of replacement of older units. If the average rate of replacement remained constant, the stock of original housing would be completely replaced by around 2047.[4]

While the density of units is presumed to remain relatively constant, the population could continue to increase in the single family realm since many existing, modestly sized, residential structures are being redeveloped into substantially larger homes containing additional bedrooms. Although no study has been conducted to evaluate the actual occupancy of these units, if each bedroom were filled, the Village's

[3] A sizeable parcel—9.5 acres—of formerly vacant land along Crandon Boulevard (previously known as the "Tree Farm") has been dedicated as Public Recreation and Open Space in the form of the Village Green. A bandstand and gazebo were added to the Village Green in 2000. Today, this open space serves as the primary location for most of the holiday and other special events celebrated by the community throughout the year.

[4] There are approximately 1300 single and duplex lots in the Village. Since 1997, 232 units on those lots have been replaced, leaving 1068 units of the original housing stock. Dividing 1068 units by the average rate of replacement, 26 units per year, yields a duration of approximately 41 years until the residential character completely shifts from small-scale to large-scale development.

population could increase significantly, with potentially dire consequences on the demand for infrastructure and services.

Table 5: Key Biscayne Residential Certificates of Occupancy, 1995 - 2005

Year	Single Family	Duplex	Total Permits
1997	3	0	3
1998	22	0	22
1999	32	0	32
2000	35	0	35
2001	40	2	42
2002	22	0	22
2003	30	1	31
2004	22	1	23
2005	19	3	22
Total	**225**	**7**	**232**

* As of February 13, 2006; Figures represent new construction on vacant land or following complete demolition.
Source: Village of Key Biscayne Department of Building, Zoning and Planning, February 2006.

Any redevelopment of the two largest and most influential developments of residential composition over the past ten years—the Grand Bay Residences and Ritz-Carlton Hotel (799 units) and Ocean Club (1,032 units)—would be subject to a rigorous approval process by the Village Council, which is required to comply with state-mandated density restrictions for Coastal High Hazard Areas. Because both of the projects' original permits have since expired, redevelopment density could not exceed current density. The Village inherited the two Developments of Regional Impact from Miami-Dade County when it incorporated in 1991. Setting a precedent for density allowance, the Village immediately and successfully pursued the reduction of the projects' permitted capacity on the basis of insufficient parks and recreation space and an undue burden on infrastructure.

Due to natural market forces, there has been little new construction on the Village's 25.8 acres zoned for low-intensity commercial use, and minimal redevelopment of its approximately 400,000 square feet of existing commercial space since the adoption of the Master Plan in 1995 (See Table 6). One noteworthy exception is 200 Crandon Boulevard, known as Key Colony Place. In the process of being completed as of March 2006, the shopping plaza will incorporate pedestrian-oriented design features promoted by the Village.

Table 6: Key Biscayne Commercial Building Permits, April 2000 – April 2005

Year	New Construction	Complete Demolition	Other Permits (renovations, additions, etc.)	Total Permits
2000	3	1	40	44
2001	1	0	48	49
2002	2	1	46	49
2003	1	3	26	30
2004	1	0	31	32
2005	0	0	7	7
Total	**8**	**5**	**198**	**211**

Source: Village of Key Biscayne Department of Building, Zoning and Planning, May 2005.

e. Location of Development in Relation to Master Plan.

All new construction and redevelopment since 1995 has occurred in accordance with the Future Land Use Map and designations adopted in the Key Biscayne Master Plan. There have been three amendments to the Future Land Use section since the Master Plan was adopted:

- Ord. 95-8 amended densities permitted within the "Medium Density Multifamily and Ocean Resort Hotel" land use category in the Master Plan, separating the tabulation of density for multifamily residential uses and hotel uses located on the same lot.
- Ord. 97-17 amended the land use designation on the Future Land Use Map from Medium Density Single Family Residential to Two Family Residential for seventeen parcels of property on Fernwood Road specified in the appendix of that ordinance.
- Ord. 2000-1 amended the Future Land Use Map for the property at 800 Crandon Boulevard, changing it from the "office" to "commercial" category.

Commercial development along Crandon Boulevard since the 1995 Master Plan includes the Pankey Institute along the east side of the entry block and the following developments along the west side: Suntrust Bank at 500 Crandon Boulevard (10,750 square feet), Wachovia Bank at 100 Crandon Boulevard (4,426 square feet), and Ace Hardware commercial/office building at 800 Crandon Boulevard (8,000 square feet). As of March 2006, construction of Key Colony Place (28,000 square feet), a new commercial complex located at 200 Crandon Boulevard, is in progress.

A new fire station, Village Hall (Administration/Police), and Community Center have been constructed during the past five years on the blocks immediately south of the Village Green. This complex is now recognized as the community's "Civic Center". The 1995 Master Plan projected that the "Civic Center," purposefully located at the geographic center of the community, would help establish linkages from the existing commercial district and east-of-Crandon multi-family neighborhoods to the then Key Biscayne Community School (now Key Biscayne K-8 Center) and its surrounding single-family residences. The creation of the Civic Center provided opportunities to implement urban design and architectural practices and techniques that embody the strong sense of place and unique identity and character of the Village of Key Biscayne.

The largest-scale projects in the Village have been the Ocean Club and Grand Bay Residences and Ritz-Carlton Hotel projects[5]. Both are located on the Atlantic Ocean on the east side of the island, and are designated as Developments of Regional Impact. The 38-acre Grand Bay project, consisting of two condominium towers, 49 detached residences, and what is now the Ritz-Carlton Hotel totals 707 units. It was completed in 2001 and issued its final Certificate of Occupancy by the Village in the same year. The Ocean Club, occupying 52 oceanfront acres, consists of 800 condominium residences in six mid-rise buildings with four to seven stories each (known as Lake Villas), plus five high-rise buildings with 14 to 18 stories each. The property also includes a 5-acre private lake, tennis club, beach club, cabanas, restaurant, and other amenities. The Master Plan for The Ocean Club was approved by the Village of Key Biscayne in July 1995. Four of these buildings were permitted by the Village and built between 2001 and 2002.

Although some residential development has occurred as infill on vacant platted lots, permit records indicate that the bulk of the Village's residential construction is taking place on previously developed lots (refer to Table 5). The 1995 Master Plan also recommended setback, height, minimum pervious area requirements and other controls to mitigate the impact of larger new construction (typically 3,500-4,000 sq, ft. 2 to 3 story houses) on smaller adjacent homes (typically 1,200-1,500 sq. ft. 1 story houses).

However, these efforts to control bulk intersected with Federal Emergency Management Agency (FEMA) rules concerning rebuilding of homes in flood hazard areas. Increased enforcement of these regulations occurred after Hurricane Andrew hit South Florida in 1992. For areas such as Key

[5] The projects are identified in South Florida Regional Planning Council records as Key Biscayne Hotel and Villas, and Hemmeter/Continental Resort, respectively.

Biscayne with an AE flood hazard rating, FEMA requires the first finished floor of new construction to be elevated 5 feet above base flood elevation, adding to the building height. Following Hurricane Andrew, while Key Biscayne was still operating under the Dade County Code, there was a frenzy of residential redevelopment in the Village. Much of it was relatively massive in scale and constructed on fill, which resulted in a disparities in elevation and stormwater runoff problems for the older housing stock. When the Village adopted its own zoning code, it tailored regulations to prevent this type of development from occurring.

While many long-time residents lament the loss of original, small-scale Key Biscayne homes, they also realize that change in housing styles is inevitable based on property values, to meet the needs of today's families and to comply with FEMA regulations. The 1995 Master Plan and subsequently enacted zoning code included provisions that afford owners of older housing stock opportunities to expand their homes, recognizing this may be the only feasible option for some. The zoning code also contained incentives intended to reduce the bulk and lot coverage of newly constructed residences.

Key Biscayne does not have a working waterfront that meets the definition in Florida State House Bill 955 and therefore it is not subject to the related requirements of that House Bill.

f. Infrastructure Levels of Service.

(1) Transportation

The Village of Key Biscayne sets forth Level of Service standards for transportation in Objective 1.2 of the Master Plan's Capital Improvements element. The timing of development will be regulated to maintain the following peak hour LOS standards:

Arterial:	LOS "E"; LOS along Crandon Boulevard could potentially fall slightly below "E" near north Village limits
Collectors:	LOS "B"
Local Service Streets:	LOS "A"

The 1995 Comprehensive Plan identified four significant road segments in its level of service capacity analysis: Crandon Boulevard N. of Harbor Drive; Crandon Boulevard from Harbor Drive to Village Limits; Harbor Drive from Crandon Boulevard to Mashta Drive, and

Mashta Drive from Harbor Drive to Crandon Boulevard. All four were operating at a peak-hour weekday LOS of D or better. The data indicated that there were no existing deficiencies with respect to the Key Biscayne quality of traffic flow. Because of this, no roadway improvements were scheduled for Key Biscayne in the Miami-Dade County Transportation Improvement Program.

The Crandon Boulevard Master Plan study, completed in February 2004, examined county-owned Crandon Boulevard, the only major arterial in the Village of Key Biscayne (other local roads belong to the Village). The study analyzed the usage patterns and volumes of vehicular traffic along to determine if any deficiencies existed, assessed the extent and nature of any deficiencies and recommended appropriate geometric and operational improvements. The traffic analysis utilized the concept of level of service as the measure of traffic performance.

Pursuant to classifications determined by the Florida Department of Transportation [6] and the Transportation Research Board, Crandon Boulevard must be maintained at a Level of Service D. According to the Crandon Boulevard Master Plan, the arterial is in compliance at the segment carrying the highest traffic load within the Village— the Crandon Boulevard corridor north of the Crandon/Harbor Drive/Ocean Lane signalized intersection—at three of the six signalized intersections. Ocean Lane Drive itself is LOS B. However, the road's remaining three signalized intersections operate at a Level of Service E or worse during peak times of the day. According to the Crandon Boulevard Master Plan, improvements, which are currently underway, will elevate these deficient areas to meet or exceed state standards. Crandon Boulevard and Harbor Drive will be improved from LOS E to LOS D; Crandon Boulevard and Key Colony Entrance will be improved from LOS E to at least an LOS D; and Crandon Boulevard at West Wood Drive will be improved from an LOS F to at least an LOS D when the Village completes its conversion of all roads earmarked in the Crandon Boulevard Master Plan.

The following policies should be added to the Master Plan:

- Schedule a traffic study to assess the impact of internally generated traffic congestion.
- Schedule a traffic study to assess the LOS of collector and local streets.

[6] Source: FDOT Quality/Level of Service Handbook, November 2002, p 129.

- In Policy 1.1.1, change the designation for arterial roadways from LOS "E" to LOS "D."
- Designate Fernwood Road as a transitional road between residential and commercial. At the rear lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic.
- To better encompass the spectrum of transportation facilities, the Traffic Circulation Element shall be renamed the Transportation Element.
- Coordinate the Future Land Use Map with the transportation system.
- Establish numerical indicators to measure achievement of mobility goals.
- Conduct a public transit feasibility study.

(2) Sanitary Sewer and Potable Water

The Master Plan sets the following standards for the sanitary sewer and potable systems in Objective 1.2 of the Capital Improvements element.

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.
Sanitary Sewers in Unsewered Areas**:	Permit septic tanks only in compliance with county and state standards.
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 280 gallons per capita per day.

**The second standard for sanitary sewers (in unsewered areas) will become obsolete when the Village completes its conversion of all remaining residential parcels on septic to sewer.

At the time the Comprehensive Plan was written, there was no master meter that enabled WASD to calculate average Village sewage

generation or the percent of the total system flow coming from Key Biscayne. Instead, the County estimated that the Village was adding about 1,187,000 gallons per day into the WASD collection system. Although there have been no acute problems with sewage, from time to time there has been evidence of septic tank effluent percolating to the surface. The Comprehensive Plan recommended that the entire Village be served by sanitary sewers, with the first priority being the residential streets adjacent to Biscayne Bay. The Plan estimated that approximately 300,000 per day would be generated by the Village's 2003 permanent plus seasonal population after the sewer was extended. The existing county-wide system treatment capacity at the time was 298,000,000 gallons per day and the WASD indicated sufficient capacity to serve Key Biscayne.

In 1995, the entire Village was served by the WASD water distribution system. A pair of mains (one 12 inch and one 24 inch) follow Crandon Boulevard into the Village. The WASD treatment and distribution system is interconnected and therefore considered a single system, whose capacity is calculated as the sum of the capacity of all three treatment plants. The combined capacity of this system was 403,000,000 gallons per day with a maximum daily flow of 306,000,000 in 1991. As in the case of sewage, there was no master water meter. The County estimated that the Village consumed an average of 2,374,000 gallons per day. There were no problems or projected needs related to potable water demands in Key Biscayne. The projected permanent plus seasonal population increase was expected to increase water consumption by 470,000 gallons per day by 2003 and half that amount by 1998.

Key Biscayne continues to be identified as a Miami-Dade Water and Sewer Authority Collection Areas in Miami-Dade County's 2003 EAR. According to Objective 2 of the MDC Master Plan Water and Sewer Sub-element 2.5.1, the County has guaranteed that it will maintain procedures to ensure that any facility deficiencies are corrected and that adequate facility capacity will be available to meet future needs; Key Biscayne assists the County in achieving this endeavor by cooperating to biannually update estimates of system demand and capacity.

According to the County's EAR, system-wide wastewater treatment facilities have the capacity to process 352.50 million gallons per day, which surpasses the average daily demand of 310.81 million gallons per day. An evaluation of the projected rated system water capacities and the estimated maximum demand shows that capacity is available

in Key Biscayne's service district through 2020 at a level that would satisfy the Village's own service standards. See Table 7. However, to ensure continued provision of adequate sanitary sewer service, the County has allocated $1.3 billion in capital sanitary sewer projects.

Table 7: WASD Water System Capacity and Demand Comparison, 1995-2020

Year	Maximum Day Capacity (MGD)	102 Pct. Of Max. Day Demand (MGD) for the Preceding Year
1995	427.60	396.78
2000	454.77	399.13
2005	495.03	451.55
2010	520.03	487.36
2015	563.03	517.34
2020	563.03	547.74

MGD = Million Gallons per Day
Source: Miami-Dade Water and Sewer Department

WASA operates three regional wastewater treatment plants in the North, Central, and South Districts. Geographically, Key Biscayne falls within Service District 2, "Central." However, according to the Miami-Dade County EAR, the boundaries of the districts are flexible; the system is interconnected, allowing flows from one district to be diverted to other plants in the system. This flexibility, along with a significant reduction in average flow into the regional system due to extensive infiltration and inflow prevention work since 1994, has allowed the County to meet demands[7] and is expected to permit the Village to meet its own Level of Service Standards for sanitary sewer.

The potable water to Key Biscayne is circulated as part of an interconnected County-wide system. Similar to the sewer system, the Village cooperates with the County and other affected agencies to estimate system demand and capacity.

According to Miami-Dade County's 2003 EAR, in 2003 the capacity of the County's water system is 454.77 million gallons per day, surpassing the average daily demand of 346.10 million gallons per day and the Village's aforementioned Level of Service Standard. Miami-Dade County currently has programmed $883 million in water capital

[7] Source: 2003 MDC EAR 2-152. In the mid-1990s, the County agreed to undertake more than $1.169 billion worth of improvements to its wastewater treatment plants, transmission mains and sewage collection system. Major improvements include construction of a new Biscayne Bay sewer line, a force main interceptor in Flagler Street, a South Miami-Dade transmission main and new mains in North Miami-Dade. The County is subject to fines of $10,000 per day if it fails to complete the project on schedule.

improvements projects to ensure its ability to continue to provide capacity to meet system-wide existing and projected demand. The County's programmed capital improvements and the Village's continued prudent provision of land development regulations and the concurrency system should allow for the Potable Water Level of Service to be met.

According to the Miami-Dade County EAR, the County has continued to maintain sufficient capacity in both the regional water and wastewater system to meet demand. Levels of Service standards have generally been met throughout the reporting period, and additional policies under the objective have also exhibited progress.

Water Supply (with respect to the long-range water supply facilities work plan of the South Florida Water Management District (SFWMD))

Chapter 163, Florida Statutes, requires the preparation of a 10-yaer Water Supply Facilities Work Plan by local governments with water supply facility responsibilities. Key Biscayne does not have water supply facility responsibilities. However, it will comply by continuing to participate in intergovernmental coordination efforts and amending the Master Plan as necessary upon the adoption of the Lower East Coast Water Supply Plan. In light of MDWASA's recently publicized projected inability to meet long term demand of services, the Village of Key Biscayne will closely monitor any updates to capacity, support MDWASA in achieving its goals in any way feasible, and, if necessary, explore alternative mechanisms and sources for the provision of water and sewer.

It is recommended that the Village add new policies to the Master Plan regarding intergovernmental coordination:

- Seek and obtain a written statement from the Miami-Dade Water and Sewer Authority regarding the availability of water to serve all proposed development projects, including current and projected demand, remaining permitted water withdrawals, facility capacity, and scheduled capital improvement projects.
- Update the Master Plan within 18 months of the South Florida Water Management District updating its regional water supply plan, highlighting alternative water supply projects.
- Establish a single-point-of-contact at the South Florida Water Management District and Miami-Dade Water and Sewer Authority 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.

- Verify with the Miami-Dade Water and Sewer Authority the availability of water before making changes to the Future Land Use Map.

(3) Solid Waste Management

The Master Plan sets the following standards for solid waste in Objective 1.2 of the Capital Improvements element.

Solid Waste:	County system maintains a minimum of 5 years capacity; Village use generation rate of 5.2 lbs. per person per day.

At the time the Comprehensive Plan was written, the Dade County Solid Waste Management Department was responsible for the collection of solid waste from single-family residential areas. A number of private firms served the multi-family and non-residential uses. The County's resource recovery facility on N.W. 58th Street was the disposal facility for Key Biscayne. The County projected that there would be adequate landfill capacity remaining at the facility until the Year 2009. The capacity of the Central transfer station was 4,000 tons with an average daily demand of 900 tons. No precise data indicating the existing Village solid waste generation was available at the time. However, the County estimated that the Village was generating about 31 tons per day.

Miami-Dade County continues to be responsible for processing solid waste delivered by a private hauler from the Village of Key Biscayne. It measures its Level of Service based on a combination of factors: the annual amount of waste processed at each County disposal facility; the annual amount of waste disposed of at each County transfer facility; and the amount of waste processed at private disposal facilities or exported out of the County.

According to the County's EAR, the County has committed to implement procedures to ensure that adequate solid waste facility capacity will be available to meet future needs. Based on a facility capacity analysis prepared by the Miami-Dade County Department of Solid Waste Management in 1999, the three disposal facilities owned and operated by Miami-Dade County through the year 2039 have the capacity to adequately meet internally generated LOS standards until

2011. According to the complete capacity analysis conducted by DSWM in 1999, Miami-Dade County in 2003 has some but not complete capacity for disposing of projected waste streams until the year 2032.

In April 2005, the Village increased revenues and appropriations for expenditures between October 1st 2004 and September 30, 2005 within the solid waste fund. The new total of $545,162.00 was in accordance with its new contract with its service provider.

g. Coordination of Land Use and Public School Planning.

Interlocal Agreement
In February 2003, Key Biscayne cosigned an interlocal agreement with Miami-Dade County Public Schools and 24 regional municipalities. The agreement mandates semi-annual meetings attended by the County Mayor or designated representative, the Mayor or designated representative for each municipality, the School Board Superintendent to coordinate educational facilities planning, including site selection and acquisition, and construction. Furthermore, the committee discusses issues and formulates recommendations

- Population and student projections;
- Development trends; and
- A work program for five, ten, and twenty year intervals. This includes the school district's relationship to local government master plans, particularly as it relates to the identification of potential school sites in the master plan's future land use map series, schools needs (school capacity and school funding), collocation and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access.

Inventory of Local Schools
There is a total of five public and private schools in the Village of Key Biscayne.

Key Biscayne K-8 Center[8]
- Public
- K-8th grade

Key Biscayne International Christian School

[8] Previously known as Key Biscayne Community School

- Private
- Pre-K through 6th grade

St. Agnes Academy
- Private (Catholic)
- Pre-K through 8th grade

St. Christopher's By-the-Sea Montessori School
- Private
- Pre-School through 6th grade

MAST Academy
- Public magnet school focused on marine science and technology; not physically in Village, but rather in Virginia Key.
- 9-12th grade

All high school students commute to schools outside of the Village boundaries by public school bus, private vehicle, or private van service. Coral Gables Senior High is the feeder pattern (default) public high school for the Village. Students may apply for magnet public high schools where admissions are merit-based and lottery. Applications are made in the 8th grade for 9th grade admission. MAST Academy, located on nearby Virginia Key, is a desirable magnet school whose combined merit-based and lottery admissions process does not give preference to Key Biscayne residents. Many students attend private high schools located in Miami-Dade County.

Changes in School Demand

Key Biscayne's demand on the public school system at large is growing. According to Census figures, the proportion of young children in Key Biscayne is increasing: in 1990, five to thirteen year-olds comprised 9.0 percent of the population, while in 2000 they made up 13.1 percent. Enrollment figures from Key Biscayne K-8 Center reflect this trend. Total school enrollment for the 2005 through 2006 school year is 1,028, up from 981 students during 2004-2005 and 976 during 2003-2004. To address deficient capacity (enrollment was at 155% of capacity during the 2004-2005 school year and at 122% of capacity between 2003-2004), the facility was expanded.

In October 2005, the Miami-Dade County Public Schools Department and the City of Miami jointly announced an initiative to improve public education in South Florida. Plans include the creation of a "commuter high school" as part of the City's five year "Education Compact" to

address County-wide rapidly growing enrollment. Officials identified Virginia Key as a potential site.

The next step is for the Virginia Key Master Plan committee to locate six-acre parcels of land on Virginia Key suitable for a school. Key Biscayne is fully engaged in this process: in addition to Key Biscayne's current mayor's active involvement in high-level interlocal talks to locate a high school on Virginia Key, the Village Manager is a member of the group that selected the consultant of the Master Plan.

h. Coastal High-Hazard Area development mitigation strategies.

The Village of Key Biscayne is located within a Coastal High Hazard Area that also is designated an AE flood zone. Section 163.3191(2)(m), F.S., requires that local governments "evaluate whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs."

Goal 1 of the Master Plan's Future Land Use Section states, in part, "future residential development should be at the lowest densities consistent with protection of reasonable property rights." Objective 1.1 follows that the Village must "maintain existing development and achieve new development and redevelopment which is consistent with the community character statement articulated as Goal 1."

The Village has almost no vacant land and only redevelopment is anticipated to occur in residential areas. The island currently has four single family residential zoning designations. Island Residential includes 100 properties; Parkside Residential includes 51 properties; Village Estate includes 247 properties; and Village Residential includes 932 properties for a total of 1330 single family residences. There are three multi-family residential designations: Low, Medium, and High Density. No density reductions adversely impacting property rights have occurred or are projected to occur. However, the Village will continue to deny any development applications that would serve to increase density beyond what exists or is allowed by current zoning and/or vested rights.

3. Assessment of Master Plan Elements

a. Future Land Use

(1) Purpose of the Future Land Use Plan.

The purpose of the Future Land Use Chapter is to:

> *"...prioritize the protection and enhancement of the Village's residential character, while remaining sensitive to the Key Biscayne's natural and commercial resources."*

(2) Summary Assessment

The Master Plan for Key Biscayne was adopted shortly after the Village's incorporation. The Plan's Future Land Use section reflects its effort to create a formal framework to protect and maintain its residential character while complying with external standards. The Master Plan was written prior to the adoption zoning ordinances; therefore, many of its policies are directives for the Village to include and enforce specific provisions in the future Land Development Code. All such policies have been incorporated into the Land Development Code.

There have been no recent major changes to the Future Land Use Map, but new zoning categories have been added and used as necessary. See Future Land Use and Zoning Maps (Figures 1 and 2) on the following pages. There is no immediate foreseeable need for additional zoning or land use categories as future growth is forecasted to be minimal and consistent with current patterns.

The Village completed policies requiring an improvement of service and the drafting and implementation of a plan with moderate success; all of the projects are, at the very least, in progress. Amendments should be made to adjust the deadlines to coordinate with revised projected timelines.

(3) Recommended Amendments to the Future Land Use Element.

The following ordinances affecting the Future Land Use Element have been passed since the Comprehensive Plan was adopted.

Ord. 95-8 amended densities permitted within the "Medium Density Multifamily and Ocean Resort Hotel" land-use category in the Master Plan, separating the tabulation of density for multifamily residential uses and hotel uses located on the same lot.

Ord. 97-17 amended the land use designation on the Future Land Use Map from Medium Density Single Family Residential to Two Family Residential for seventeen parcels of real property on Fernwood Road specified in an appendix (Ordinance 97-17).

The following amendments to the Future Land Use Element are being suggested as part of the Evaluation and Appraisal Report. (See Section 6 Conclusions and Recommendations)

- The language in Goal 1 of the Future Land Use should be strengthened to read, in part:
  - "Future residential development **shall** be at the lowest densities consistent with protection of reasonable property rights."

  (See Section 6 Conclusions and Recommendations, Recommendation FLU1)

- The following changes should be made to the future land use map to reflect current and anticipated uses.
  - Government and Civic Center parcels at West McIntyre Street and Village Green Way should be reclassified from Commercial to Public and Institutional.
  - The Pankey Building (1 Crandon Boulevard) should be changed from Medium Density Multi-Family to Office.
  - The Esplanade should be changed from Office to Commercial
  - The Library (299 Crandon Boulevard) should be changed from Medium Density Multi-Family to Public and Institutional
  - The Beach Park should be changed from Medium Density Multi-Family to Public Recreational and Open Space
  - A portion of the Key Biscayne K-8 Center designated as Public Recreation and Open Space and should be adjusted. The eastern third should remain as Public Recreation and Open Space, but the remaining two-thirds should be categorized as Public and Institutional.
  - The 700 block of Fernwood Road should be recategorized from Two Family Residential to Single Family Medium Density Residential.
  - Village Lake Park should be recategorized from Low Density Multi-Family to Public Recreation and Open Space.

(See Section 6 Conclusions and Recommendations, Recommendation FLU2)

- Language and dates referenced in the following policy and objective should be updated to read:
  - Policy 2.1.1: Complete (sanitary sewer extension) plan by **2008**.
  - Objective 2.2 and Objective 2.3: *Continue* to upgrade drainage system so outfalls in Biscayne Bay (and adjacent canals) fully meet NPDES standards and Chapters 17-25 and 17-302.500, F.A.C. *Continue* to updgrade 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.
  - Objective 2.6: Historic Preservation: prepare a list and strategy for preservation of potentially significant historic structures by **2010.**
  -

(See Section 6 Conclusions and Recommendations, Recommendation FLU3)

(4) Evaluation of Goals, Objectives, and Policies of the Traffic Circulation Plan.

See matrix on following page.

(5) Future Land Use Plan Land Development Code Ordinances.

Section 10-61(10): Adequate drainage paths shall be provided around structures to guide stormwater runoff away from them.

Section 16-64(c): All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

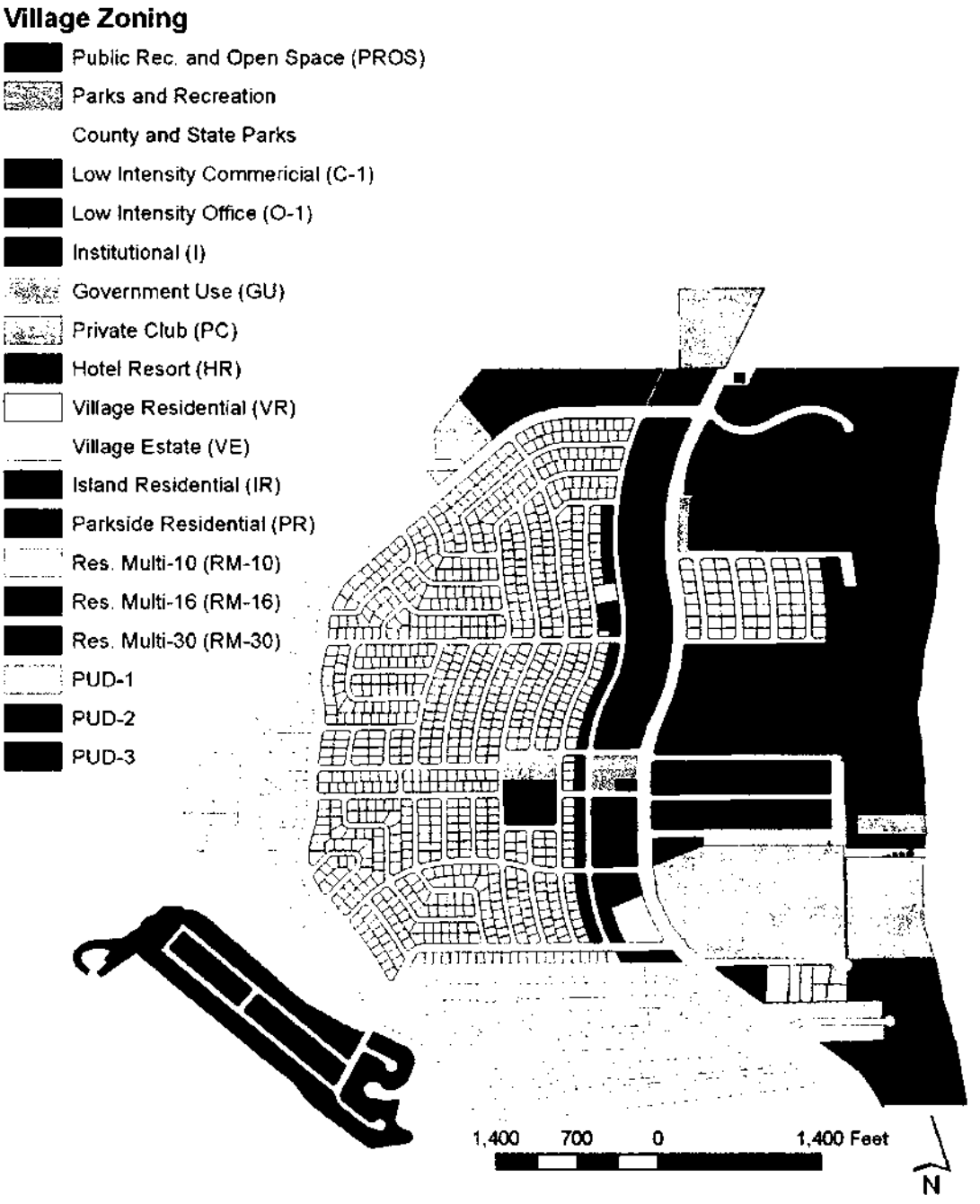
Section 29 Stormwater Utility System: The Village desires to create a stormwater management system to maintain and improve water quality, to control flooding that results from rainfall events, to deter unmanaged rainwater from eroding sandy soils, to deter the disruption of the habitat of aquatic plants and animals and to provide for the collection of stormwater utility fees for those expenses connected with the planning, constructing, operating and maintaining of a stormwater management system.

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

Figure 2: Key Biscayne Zoning Map



Section 30-80(g)(4): *Community services and utilities.* All proposed developments shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities. An adequate sanitary sewer collection system including all necessary extensions and connections, shall be provided in accordance with Village standards for location and design. Where necessitated by the size of the development and/or by the unavailability of Village treatment facilities, sanitary sewage treatment and disposal systems must be provided in accordance with Village and State standards and regulations.

Section 30-80(g)(6): *Level of service standards.* For the purpose of the issuance of development orders and permits, the Village has adopted level of service standards for public facilities and services which include roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All applicants are required to prove concurrency pursuant to the Land Development Regulations.

Section 30-100: Minimum pervious area percentages for Single Family and Two Family Districts; Grand Bay Villas and Estates.

Section 30-100(d): *Lot elevation.*

Section 30-100(f)(3)a.4: Mooring piles and dolphins may not extend more than 20 feet from a dock. Mooring piles and dolphins on Biscayne Bay shall not extend more than 25 feet from the bulkhead.

Section 30-100(f)(3)a.5: No dock shall extend from a bulkhead into any canal, lake, or waterway a distance greater than ten feet, or ten percent of the width of the waterway, whichever is less. Notwithstanding the foregoing, no dock or mooring pile shall extend into Biscayne Bay a distance of more than 25 feet from the bulkhead.

Sec. 30-163. Level of service standards. For the purpose of concurrency determinations, the Village has adopted a master plan that provides the LOS for public facilities and services: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All developments that are subject to a finding of concurrency must be consistent with these standards. (Ord. No. 2000-5, § 2, 5-9-00)

Section 30-230(f): (The purpose and intent of establishing landscape standards is to:) Contribute to the processes of air movement, air purification, oxygenation regeneration, ground water recharge,

stormwater runoff retention, while aiding in the abatement of noise, glare, heat, air pollution and dust generated by impervious areas.

Drainage Plan: Unless the Village Engineer determines that major drainage improvements are not feasible due to existing improvements on the property, site plan submittals shall contain a separate paving and drainage sheet(s) containing the following: Details of the proposed drainage system, including drainfield cross sections and lengths, catch basin types and sizes, designated retention, detention area cross sections, and the like.

Goals, Objectives, and Policies	Element	Implementation Status	Land Development Code reference
Goal 1	FUTURE LAND USE **Achieve desired community character: Key Biscayne should be a residential community. Development policies should protect residential character. Future residential development should 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.**		
[illegible]	[illegible]	[illegible]	[illegible]
Policy 1.1.1	By statutory deadline or sooner, enact and enforce land development code consistent with the Future Land Use Map (FLUM).	**Implemented: *Ongoing*.** At the time of adoption of the Master Plan the Land Development Code was based on County Zoning. However, VKB Single Family-Residential (SF-R) and remaining zoning districts were amended on 10/24/00 and 5/9/00, respectively to be made 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.	**Implemented.**	
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).	**Implemented.** See below.	
	Subdivision regulations.	**Implemented.** VKB uses the County's subdivision regulations.	
	Sign regulations.	**Implemented.** Sign regulations were based on County standards until they were amended to meet the needs of the VKB on 5/9/00 and again on 5/20/02	Ordinances: Section 28: Signs
	Floodplain protection provisions.	**Implemented.** Floodplain regulations are based on FEMA requirements as specified in the Master Plan. Additionally, the LDC was amended on 10/24/00 to establish maximum of elevations for SF-R.	Ordinances: 30-100(d).
Policy 1.1.4	Establish a street tree master plan.	**Implemented.** Hurricanes Katrina and Wilma damaged many of the trees planted as part of the Village's Street Tree Plan.	
[illegible]	[illegible]	[illegible]	[illegible]
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.	**Implemented.** See below.	
	All new development, renovated development and redevelopment consistent with FLUM.	**Implemented.** At the time of adoption of the Master Plan, the LDC was based on County Zoning. However, VKB Single Family-Residential (SF-R) and remaining zoning districts were amended on 10/24/00 and 5/9/00, respectively, to make the LDC consistent with the MP.	
	Sign regulations.	**Implemented.** Sign regulations were based on County standards until they were amended to meet the needs of the VKB on 5/9/00 and again on 5/20/02	
	Landscaping requirements.	**Implemented.** Originally based on County code, Landscape Regulations were amended on 5/9/00 and again on 6/11/02 to meet the needs of the VKB.	
	Parking requirements.	**Implemented.** Originally based on County code, Parking Regulations were amended on 5/9/00 to meet the needs of the VKB.	
Goal 2	**Protect and enhance the residential, commercial, resort, and natural resource areas of the Village.**		
[illegible]	[illegible]	[illegible]	[illegible]
Policy 2.1.1	Cooperate with County to complete financial and engineering plan for sanitary sewer extension.	**In progress.** Re-designed along with replacement for H2O lines. Project completed and goal to be met by 2008.	

	Complete plan by 1998.	**In progress.**	
	Begin implementation as soon as possible to complete implementation by 2008.	**In progress.**	
Policy 2.1.2	Enact and enforce installation requirements to ensure effective functioning of septic and drain fields.	**Implemented.** Based on DERM requirements.	
[illegible]	[illegible]	[illegible]	[illegible]
Policy 2.2.1	Enforce flood damage prevention regulations to ensure that new development occurs at appropriate elevations to minimize flood impact.	**Implemented:** ***ongoing***.	
Policy 2.2.2	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 (LOS) standards.	**Implemented:** ***ongoing***.	Ordinances: 30-230(f); 10-61 (10); 30-80(f).(6).h.2
Policy 2.2.3	Enact concurrency management system for development permits that meets 9J-5.0055 for infrastructure, recreation, and traffic.	**Implemented.**	
[illegible]	[illegible]	[illegible]	[illegible]
Policy 2.3.1	Activate stormwater utility assessment based on Drainage Master Plan (DMP) by 1998 and update DMP as necessary in accordance with Objective 1.1 of the Infrastructure Element.	**Implemented:** ***ongoing***.	
Policy 2.3.2	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.	**Implemented:** ***ongoing***.	Ordinances: 30-230(f); 10-61 (10); 30-80(f).(6).f; 30-80(f).(6) h.2; 16-64(c);30-100; 30-181(g); 30-80(g).(6)
[illegible]	[illegible]	[illegible]	[illegible]
Policy 2.4.1	Regulate development according to the FLUM and consistent with Interagency Hazard Mitigation Team Report, FEMA 955-DR-FL, 1992.	**Implemented:** ***ongoing***.	
Policy 2.4.2	Annually assess population densities and transmit significant changes to MDC OEM.	**Implemented:** ***ongoing***. NSFR reported monthly to Census Bureau.	
[illegible]	[illegible]	[illegible]	[illegible]
Policy 2.5.1	By statutory deadline or sooner, enact and enforce land development code provisions for sewer and stormwater facilities.	**Implemented:** ***ongoing***.	Ordinances: Chapter 29; 30-80(g).(4); 30-163;
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.	**Implemented.**	
[illegible]	[illegible]	[illegible]	[illegible]
Policy 2.6.1	Designate candidates for historic preservation and draft a strategy for preservation of some or all of these structures.	**Not Implemented.**	
[illegible]	[illegible]	[illegible]	[illegible]
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.	**In progress.** Septic tanks are in the process of being replaced with sanitary sewers and new water pipes. The Village is in the grant-raising phase of the project.	Ordinances: 30-100(f).(3).a.4; 30-100(f).(3).a.5

b. Traffic Circulation

(1) Purpose of the Traffic Circulation Plan.

The purpose of the Traffic Circulation chapter is 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."*

(2) Summary Assessment.

The Traffic Circulation section addresses elements of Key Biscayne's vehicular, pedestrian and transit issues on both the local and regional levels. In several cases, the policies are initial steps toward problem solving; e.g. the completion of an exploratory plan, the inclusion of provisions in the LDC or the completion of a project's first phase. To date, the Village has implemented or is in progress with the majority of the policies. The Crandon Boulevard Master Plan was completed in February of 2004 and construction is underway; the most recent Ocean Lane Drive public workshop was conducted on October 17th 2005 and addressed the issues of parking, beach, access and public safety; and a bike, pedestrian and streetscape plan is in progress for Harbor Drive, Fernwood Road, and West Mashta Drive.

However, the Traffic Circulation Element will need to be updated to address a developing issue identified during the 2020 visioning process: an increase in internally generated traffic congestion. According to anecdotal evidence, the number of cars per household on Key Biscayne is trending upward. (According the state Department of Motor Vehicles, the number of registered vehicles in January 2006 is 10,582. The Department is currently unable to provide historical data for the purposes of comparison.[9] However, the figure provided may serve as the basis for a future study analyzing the patterns in internally-generated traffic congestion.)

(3) Recommended Amendments to the Traffic Circulation Element.

The following ordinances affecting the Traffic Circulation Element have been passed since the Comprehensive Plan was adopted.

[9] According to the DMV, due to the prior configuration of its database, historic registered vehicle counts derived from addresses or zip codes may be inaccurate. It was possible for a vehicle to mistakenly be counted more than once: the address field was associated with the customer, not to the vehicle record; therefore, if a customer changed his or her address more than once in a calendar year, the vehicle record would have been double-counted.

Ord. 2004-05 approved the creation of the Crandon Boulevard Master Plan Implementation Committee (created to oversee and ensure the completion of the CBMP throughout its three phases).

The following amendments to the Traffic Circulation Element are being suggested as part of the Evaluation and Appraisal Report. (See Section 6 Conclusions and Recommendations)

- Under Objective 1.1, add a policy scheduling a traffic study to assess the impact of internally generated traffic congestion. (See Section 6 Conclusions and Recommendations, Recommendation TC1)

- Under Objective 1.1, add a policy scheduling a traffic study to assess the LOS of collector and local streets. (See Section 6 Conclusions and Recommendations, Recommendation TC2)

- In Policy 1.1.1, change the designation for arterial roadways from LOS "E" to LOS "D." (See Section 6 Conclusions and Recommendations, Recommendation TC3)

- Designate Fernwood Road as a transitional road between residential and commercial. At the rear lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic. (See Section 6 Conclusions and Recommendations, Recommendation TC4)

- Place and coordinate the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional visitors. (See Section 6 Conclusions and Recommendations, Recommendation TC5)

- To better encompass the spectrum of transportation facilities, the Traffic Circulation Element shall be renamed the Transportation Element. (See Section 6 Conclusions and Recommendations, Recommendation TC6)

- To the new Transportation Element, the Village should add a policy to "[u]pdate the transportation maps every three years." (See Section 6 Conclusions and Recommendations, Recommendation TC7)

- To the new Transportation Element, the Village should add a policy to "[c]oordinate the Future Land Use Map with the transportation system. (See Section 6 Conclusions and Recommendations, Recommendation TC8)

- To the new Transportation Element, the Village should add a policy to "[e]stablish numerical indicators to measure achievement of mobility goals." (See Section 6 Conclusions and Recommendations, Recommendation TC9)

- To the new Transportation Element, the Village should add a policy to "[c]onduct a public transit feasibility study." (See Section 6 Conclusions and Recommendations, Recommendation TC10)

(4) Evaluation of Goals, Objectives, and Policies of the Traffic Circulation Plan.

See matrix on following page.

(5) Traffic Circulation Plan Land Development Code Ordinances.

Section 30-181: Location, Character and Size of Required Parking Spaces

Section 30-100(f)(4): *Driveway and Parking criteria.* Regulates 1) points of access 2) driveway materials 3) setbacks and 4) width

Section 30-100(f)(4).c: *Setbacks.* All driveways shall be set back at least five feet from any side property line. All circular driveways shall be set back at least two feet from any front and/or property side street property line. On corner lots, driveways shall be set back 15 feet from the extended right-of-way Intersection.

Section 30-100(f)(4).d: *Width.* A maximum width of 24 feet is permitted for single family and 36 feet for two-family homes for a lot with 75 feet or less of frontage at the property line. For all other lots the width of a driveway or combination of driveways at the point of intersection with the right-of-way shall not exceed the lesser of 36 feet or 32 percent of the lot's frontage, including side street frontage on corner lots.

Section 30-181(n) Location, Character, and Size of Required Parking Spaces: Curb cuts. All curb cuts shall conform to the design and construction standards required by the Public Works Supervisor.

Goal 1	TRAFFIC CIRCULATION 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.		
[illegible]			
Policy 1.1.1	Regulate timing of development it maintain at least peak hour level of service standards for arterials (LOS "E"), collectors (LOS "B"), and local service streets (LOS "A").	**Implemented:** ***ongoing***. 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.	**Implemented:** ***ongoing***. Originally based on County standards, parking regulations on 5/9/00 to meet the needs of the VKB.	
Policy 1.1.3	Street improvements designed to deter speeding on collector streets.	**Implemented:** ***ongoing***. The Village has implemented a series of traffic calming devices on collector streets and reduced the speed limit to 20 mph on all roads except Crandon Boulevard, which is operated by the County. Ocean Lane Drive is in the design phase of receiving new sidewalks, striping and paving.	
[illegible]			
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.	**Partially implemented.** Only 2 properties do not front Crandon: 21 and 51 Crandon Drive; they front Harbor Drive.	
[illegible]			
Policy 1.3.1	Work with MDC Planning Department and Metropolitan Planning Organization to limit intensity of development on Causeway and Crandon Boulevard in order to maintain an adequate traffic level of service.	**Implemented:** ***ongoing***. Adopted Virginia Key and Calusa Park agreements.	
[illegible]			
Policy 1.4.1	Use LDC to prohibit ROW encroachments through setback requirements.	**Implemented.**	Ordinances: 30-100(f).(4).c; 30-100(f).(4).d
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%.	**Implemented.** See above Objective 1.4.	Ordinances: 30-181(n)
[illegible]			
Policy 1.5.1	Complete bike, pedestrian and streetscape plan for Harbor Drive, Fernwood Road and West Mashta Drive by 1999. Include these streets and West Wood Drive in a speed control planning and implementation plan.	**Implemented.** Complete by 2005.	
Policy 1.5.2	Achieve first phase implementation of this plan on Harbor Drive by 2004.	**Implemented.**	

c. Housing

(1) Purpose of the Housing Plan.

The purpose of the Housing Plan is to:

> *"...Assure the availability of a sound and diversified housing stock in Key Biscayne."*

(2) Summary Assessment.

Objectives and Policies in the Housing Section address either the appearance and quality of the housing stock or the diversification of what is available. Since the time the Plan was written, the Key Biscayne real estate market has experienced a steady increase in demand while maintaining a finite supply of vacant and redevelopable land. Therefore, while the market has naturally addressed most issues regarding appearance and quality, the diversification and affordability of residential property has lessened. Policies addressing these latter issues have either not been implemented or, when implemented, have not successfully produced the intended results. The Village intends to continue working with other jurisdictions on the issue as well as define and promote affordable housing of a type and a price range consistent with Key Biscayne local market and general market conditions.

(3) Recommended Amendments to the Housing Element

No ordinances affecting the Housing Element have been passed since the Comprehensive Plan was adopted.

The EAR recommends that the Master Plan be amended to reflect the following:

- Add a policy that the Village shall "[m]onitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations." (See Section 6 Conclusions and Recommendations, Recommendation H1)

- The following objective should be amended to read:
  - Objective 1.4. The Local Planning Agency (LPA) shall define and seek opportunities to promote affordable housing of a type and at a price range consistent with Key Biscayne local market and general market conditions.

(See Section 6 Conclusions and Recommendations, Recommendation H2)

- The following objective should be amended to read:
  - Objective 1.6 Development of Affordable Housing in Nearby Communities. Develop ongoing interlocal coordination with other jurisdictions and non-governmental agencies for the provision of affordable housing.

  (See Section 6 Conclusions and Recommendations, Recommendation H3)

- Remove Objective 1.1 because it is no longer relevant to existing conditions and needs. There were and are no vacant properties along Crandon Boulevard. There were two sites originally developed as small, low-density hotels and replaced with more than 250 units.
  - Objective 1.1 New Construction: Cooperate with private sector to build at least 250 well designed and diversified units on vacant residentially designated areas along Crandon Boulevard by 2004.

  (See Section 6 Conclusions and Recommendations, Recommendation H4)

- Add a policy that the Village shall "[e]xplore federal, state, and local housing subsidy programs as means to provide housing opportunities for low-income persons and families, where appropriate. (See Section 6 Conclusions and Recommendations, Recommendation H5)

- Add a policy that the Village shall "[c]ollaborate 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. (See Section 6 Conclusions and Recommendations, Recommendation H6)

- Add a policy that the Village shall "[p]articipate in South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing. (See Section 6 Conclusions and Recommendations, Recommendation H7)

- Add a policy that the Village shall "[e]valuate 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 or the City of Miami. (See Section 6 Conclusions and Recommendations, Recommendation H8)

- Add a policy that the Village shall [e]nsure that land use designations and zoning districts that foster diverse housing types to serve the needs of the local population, including single family, duplex, and multi-family units. (See Section 6 Conclusions and Recommendations, Recommendation H9)

(4) Evaluation of Goals, Objectives and Policies of the Housing Plan.

See matrix on following page.

(5) Housing Plan Land Development Code Ordinances

Section 30-100 (e): *Setback Regulations (minimum)*

Goal 1	**HOUSING** **To assure the availability of a sound and diversified housing stock in Key Biscayne.**		
Objective 1.1			
Policy 1.1.1	Group Homes: Accommodate as many small group homes and foster care facilities as possible in residential areas.	**Implemented.** Existing mixed density east of Crandon Boulevard. Grand Bay SF-R and Ocean Club MF-R zoning districts added to LDC.	
Policy 1.1.2	Periodically review permitting and regulatory processes in the LDC to ensure prompt and professional development permitting process.	**Implemented.** The Village originally used Filemaker Pro manual permit system and had no permit time schedule. However, it converted to Permits Plus to upgrade processing and established a timeline for permit processing.	
Objective 1.2			
Policy 1.2.1	By statutory deadline or sooner, permit group homes and foster care facilities with consideration to hurricane evacuation constraints.	**Not implemented.**	
Objective 1.3			
Policy 1.3.1	The Village Manager shall enforce County minimum housing standards code or appropriate modified code enacted by Council.	**Implemented: *ongoing*.** The County's codes are used.	
Policy 1.3.2	Use LDC setback/bulk standards and DMP to assure stable residential neighborhoods	**Implemented.** Original y based on County code, ordinances decreasing FAR and increasing s deyards for SF-R were adopted on 10/24/00.	Ordinances: 30-100(e)
Objective 1.4			
Policy 1.4.1	Communicate with private and non-profit housing agencies to assure that Village policy information flows to housing providers.	**Not implemented.** The Village has not communicated with any non-profit housing agencies.	
Policy 1.4.2	Cooperate with any developer using County or other subsidy mechanisms.	**Implemented: ongoing.** No developer has called to date, but if one did the Village would be willing to cooperate.	
Objective 1.5			
Policy 1.5.1	Designate candidates for historic preservation based on age, architecture and function, and draft a preservation strategy	**Not implemented.** See above Objective 1.5.	
Objective 1.6			
Policy 1.6.1	Village manager or designee will inform Village Council of appropriate actions that encourage the provision of adequate sites for affordable housing in nearby communities with land values that can reasonably accommodate such housing.	**In progress.**	
Objective 1.7			
Policy 1.7.1	Vigorously enforce the existing code to ensure no housing becomes substandard.	**Implemented: *ongoing*.**	
Policy 1.7.2	By statutory deadline or sooner, enact or enforce LDC regulations for building height, setback and other regulations that facilitate aesthetically pleasing upgrades to existing housing stock.	**Implemented.** Originally based on County code, VKB ordinances are enforced at several points of review, required at formwork, stemwall and construction completion.	Ordinances: 30-100(e)

d. Infrastructure

(1) Purpose of the Infrastructure Plan.

The purpose of the Infrastructure Element is to:

> *"...Provide and maintain the public infrastructure in a manner that will ensure bay water quality, and public healthy, safety, and quality of life for Key Biscayne residents."*

(2) Summary Assessment.

The Infrastructure Element of the Master Plan provides policies to address deficiencies in 1995 levels of service as well as anticipated future needs related to drainage; sewage; solid waste; water and sewer; and water conservation. The Village has, at minimum, begun implementation in all areas. However, unforeseen conflicts (e.g. hurricanes) have delayed completion dates for several objectives and policies beyond the scope of the timeline specified in the Master Plan. The Plan will need to be updated to accurately reflect current completion projections.

(3) Recommended Amendments to the Infrastructure Element.

No ordinances affecting the Infrastructure Element have been passed since the Comprehensive Plan was adopted.

The following amendments to the Infrastructure Element are being suggested as part of the Evaluation and Appraisal Report. (See Section 6 Conclusions and Recommendations)

- The language and dates referenced in the following policies should be updated:
  - Objective 1.1: *Continue* to upgrade drainage system so outfalls in 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.
  - Policy 1.2.1 Complete financial and engineering feasibility plan to extend sanitary sewers to unsewered areas by **2008**, and complete implementation by **2010**.
  - Objective 1.3: Future Needs; Solid Waste: Continue to achieve the most cost-effective solid waste collection system.

- Objective 1.5: Water Conservation: Continue working toward reducing the average daily per capita water consumption by 5%.

(See Section 6 Conclusions and Recommendations, Recommendation I1)

- Add a policy that the Village shall "[u]pdate the Master Plan within 18 months of the South Florida Water Management District updating its regional water supply plan, highlighting alternative water supply projects, and completing the required "Work Plan Amendment." (See Section 6 Conclusions and Recommendations, Recommendation I2)

- Add a policy that the Village shall "[s]eek and obtain a written statement from the Miami-Dade Water and Sewer Authority regarding the availability of water to serve all proposed development projects, including current and projected demand, remaining permitted water withdrawals, facility capacity, and scheduled capital improvement projects." (See Section 6 Conclusions and Recommendations, Recommendation I3)

- Add a policy that the Village shall "[e]stablish a single-point-of-contact at the South Florida Water Management District and Miami-Dade Water and Sewer Authority 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." (See Section 6 Conclusions and Recommendations, Recommendation I4)

- Add a policy that the Village shall "[v]erify with the Miami-Dade Water and Sewer Authority the availability of water before making changes to the Future Land Use Map." (See Section 6 Conclusions and Recommendations, Recommendation I5)

(4) Evaluation of Goals, Objectives, and Policies of the Infrastructure Plan.

See matrix on following page.

(5) Infrastructure Plan Land Development Code Ordinances.

Section 8-100:8-108: *Water Shortage Regulations*

Section 30-230(a): Promote xeriscape by encouraging the use of drought-tolerant landscape materials, grouping of plant material by

water requirement and the use of irrigation systems that conserve the use of potable water supplies.

Section 30-232: *Required Landscape Plans*

Section 30-234: *Required Irrigation Plans*

Goal 1	**INFRASTRUCTURE** **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.**		
Objective 1.1	**Current Deficiencies and Future Needs: Eliminate existing deficiencies and meet future needs for drainage facilities.**	**In progress. Backlog of surface water projects included in implementation of existing stormwater plan.**	
Policy 1.1.1	Activate the storm water utility assessment as a basis for bonding for the first phase of drainage plan implementation by 1998. Update DMP as needed to ensure efficacy and upgrade of storm sewer system as outlined in Objective 1.1 above.	**Implemented: *ongoing*.**	
Policy 1.1.2	Mitigate direct stormwater outfalls as technically and economically feasible into Biscayne Bay and canals to meet standards set forth in Objective 1.1 above.	**Implemented: *ongoing*.**	
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.	**Implemented: *ongoing*.** Originally based on County code, ordinances were amended to meet needs of the VKB; specifically, a 30 percent open space requirement was implemented for SF-R on 10/24/90 and general retention of runoff requirements were implemented on 5/9/00.	Ordinances: 30-230(f); 10-61 (10); 30-80(f).(6).f; 30-80(f).(6) h.2; 16-64(c);30-100; 30-181(g); 30-80(g).(6)
Objective 1.2	**Current Deficiencies and Future Needs: Extend public sewer service to [illegible] and drain fields.**	**In progress. Backlog of septic tanks to be [illegible] implementation of existing stormwater plan.**	
Policy 1.2.1	Complete financial and engineering feasibility plan to extend sanitary sewers to unsewered areas by 1998, and complete implementation by 2008.	**In progress.**	
Policy 1.2.2	Cooperate with State of Florida Health and Rehabilitative Services (FHRS) and MDC Department of Environmental Resources Management (DERM) to ensure effective functioning of septic tanks and drain fields.	**Implemented.**	
Objective 1.3	**Future Needs: [illegible] and recycling collection facility by 1998.**	**Implemented: *ongoing*.**	
Policy 1.3.1	Assess cost-effectiveness of replacing County collection system with one or more private systems by 1996.	**Implemented.**	
Policy 1.3.2	Initiate recommended changes in the solid waste collection and recycling system by 1999.	**Implemented.**	
Objective 1.4	**Level of Service: Provide [illegible] to meet the LOS standards; see [illegible].**	**Implemented.**	
Policy 1.4.1	*Sewered Areas:* 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.	**Implemented: *ongoing*.**	
Policy 1.4.2	*Unsewered Areas:* The LOS shall be receipt of a DERM septic tank permit.	**Implemented: *ongoing*.**	
Policy 1.4.3	*Potable Water:* 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 260 avg. gallons/capita/day.	**Implemented: *ongoing*.**	
Policy 1.4.4	*Drainage:* 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.	**Implemented: *ongoing*.**	
Policy 1.4.5	*Solid Waste:* County solid waste disposal system maintains a minimum of five years capacity using a generation rate of 5.2 pounds per person per day.	**In progress: *ongoing*.**	
Objective 1.5	**Water Conservation: Reduce the average daily per capita water consumption by [illegible] by 2000 [illegible] on-site and likely irrigation, village-wide consumption [illegible].**	**In progress.**	
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.	**Implemented: *ongoing*.**	Ordinances: 8-100;8-108 30-230(a); 30-232; 30-234;
Policy 1.5.2	Promote education programs that discourage waste and conserve potable water.	**Implemented: *ongoing*.**	
Policy 1.5.3	Cooperate with MDC Water and Sewer Authority (WASA) to devise a water tracking consumption separate from customer billings or other sources.	**Implemented: *ongoing*.**	
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.	**Implemented: *ongoing*.**	

e. Conservation and Coastal Management

(1) Purpose of Conservation and Coastal Management Plan.

The purpose of the Conservation and Coastal Management Element is to:

> *"...Preserve and enhance the significant natural features in Key Biscayne; to conserve and manage the environmental resources and man-made uses in the coastal area of the Village; and to minimize human and property loss due to hurricanes."*

(2) Summary Assessment.

The scope of the Conservation and Coastal Management section is extensive. The Village has implemented or is in the process of implementing policies and objectives in all sub-categories, with the exception of historic preservation. No historic preservation policy to protect Mackle homes or any other structures within Village limits has been implemented because there are currently no structures that meet the state or national age and significance requirements for national historic designation.

(3) Recommended Amendments to the Conservation and Coastal Management Element.

The following ordinance affecting the Conservation and Coastal Management Element has been passed since the Comprehensive Plan was adopted.

Ord. 2005-5 amended Section 30-102 Governmental Use District of Chapter 30 of the Land Development Code by adding a schedule of permitted uses and regulations for public beaches.

The following amendments to the Conservation and Coastal Management Element are being suggested as part of the Evaluation and Appraisal Report. (See Section 6 Conclusions and Recommendations)

- An addition to should be made to state that the Village will continue to explore new ways to integrate green technologies into public facilities. (See Section 6 Conclusions and Recommendations, Recommendation CCM1)

- Language and dates referenced in the following objective should be updated:

- Policy 2.2.3: Continue to evaluate the need for and efficacy of alternate financing methods for beach renourishment and dune development.
- Objective 2.4 Historic Preservation: Prepare a list of potentially significant historic structures and a preservation strategy by **2010**.
- Objective 3.3: Post Disaster Redevelopment: Adopt a post-disaster redevelopment plan by 2010.
- Policy 3.3.1: Prepare a post-disaster redevelopment plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 2010.

(See Section 6 Conclusions and Recommendations, Recommendation CCM2)

- Update Policy 3.3.1 to read:
  - Policy 3.3.1 Update the disaster response plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 1996. **The Village is in the process of coming up with a more comprehensive plan that covers pre-storm, evacuation, and post storm guidelines**.

(See Section 6 Conclusions and Recommendations, Recommendation CCM3)

- In coordination with recommendation I2, add a policy to the Conservation and Coastal Management Element that the Village will "assess projected water needs and sources for at least a 10-year planning period, considering the South Florida Water Supply Plan." (See Section 6 Conclusions and Recommendations, Recommendation CCM4)

(4) Evaluation of Goals, Objectives, and Policies of the Conservation and Coastal Management Plan.

See matrix on pages 46-49.

(5) Conservation and Coastal Management Plan Land Development Code Ordinances.

Section 10-23(1): Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in Flood heights or velocities

Section 10-42(f): Description of the type, extent and depth of proposed fill and the elevation in relation to Mean Sea Level of the top surface of the fill;

Section 10-42(h): Plot plan, drawn to scale, illustrating the locations of all proposed construction, fill, excavating, and other aspects of the Development;

Section 10-44(d)(5): The necessity of the facility to a waterfront location, in the case of a functionally dependent facility.

Section 10-61(10): Adequate drainage paths shall be provided around Structures to guide stormwater runoff away from them.

Section 10-63: *Standards for Coastal High Hazard Areas (V-zones):* Located within the Areas of Special Flood Hazard are areas designated as Coastal High Hazard Areas, which are denoted with a "V" prefix on the Flood Insurance Rate Map. These areas, called "velocity zones," have special Flood hazards associated with wave action; therefore, the following provisions shall apply…:

Section 10-63(7): *Protection of Sand Dunes and Mangrove Stands.* There shall be no alteration of Sand Dunes or Mangrove Stands which would increase potential Flood damage.

Section 30-80(f)(6)f: Details of the proposed drainage system, including drainfield cross sections and lengths, catch basin types and sizes, designated retention/detention area cross sections, and the like.

Section 30-80(f)(9)e: Demonstration that the proposed Development will not adversely affect any endangered or threatened plant or animal species, and will to the greatest extent possible, protect natural areas, native species, potable water well-fields, and dune systems, and will provide effective erosion control, and will protect against hazardous waste.

Section 30-100: *Island Residential (waterfront) District*

Section 30-100(b): *Development Regulations*

Section 30-100(e): *Setback Regulations (minimum)*

Section 30-100(f)(11): *Pavers and walkways in Side and Rear Yards.* Pavers or other walkway material may be placed within the Side or Rear Yard so long as they do not materially affect the drainage characteristics of the area. The maximum width of the

walkway is five feet but in no instance shall the Setback be less than four feet.

Section 30-100:30-112: Schedule of District Use and Setback Regulations

Section 30-102(e): *Permitted Recreational Activities.* Subject to the approval of a Beach Management Plan pursuant to subsection (f) and the supplementary regulations in subsection (g) the activities as described below shall be considered Main Permitted Uses on lands within the GU District which are seaward of the Erosion Control Line (as identified in Section 1.03 of the Village Charter) where such activities occur as ancillary and supportive of principal uses conducted on the upland contiguous privately owned property.

Section 30-102(g)6: None of the permitted activities including the storage of any equipment shall be maintained or conducted within five feet of the dune as defined pursuant to Section 161.54, Florida Statutes, or within 15 feet of the waterline, unless overnight storage on the public beach is approved pursuant to a Beach Management Plan.

Section 30-103: *Hotel Resort District*

Section 30-107(d)(8): Construction or subsequent operation of any new or expanded marina shall not destroy or degrade hammocks, pinelands, salt marshes, mangrove protection areas, seagrass, hard bottom communities, or habitats used by endangered or threatened species, unless approved by the appropriate regulatory agencies.

Section 30-160: *Purpose of Concurrency Management* The purpose of this article is to ensure that the infrastructure necessary to serve new Development is Available concurrently with the impacts of that new Development. Impact is measured against the adopted minimum acceptable levels of service with respect to: (a) roads, (b) sanitary sewer, (c) solid waste, (d) drainage (e) potable water and (f) parks and open space.

Section 30-230(f): Contribute to the processes of air movement, air purification, oxygenation regeneration, ground water recharge, stormwater runoff retention, while aiding in the abatement of noise, glare, heat, air pollution and dust generated by impervious areas.

Section 30-235(f): *Removal of trees on public lands.* No trees shall be removed from any public land including, but not limited to Rights-of-Way and swale areas, without the approval of the Building, Zoning and Planning Director.

	CONSERVATION AND COASTAL MANAGEMENT		
Goal 1	**To preserve and enhance the significant natural features in Key Biscayne.**		
Policy 1.1.1	Maintain compliance with traffic LOS standard thereby avoiding congestion that would adversely impact air quality.	**Implemented: *ongoing*.** Crandon Boulevard improvements and plans for Harbor Drive at the Village entrance have addressed congestion and air quality issues.	
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.	**Implemented: *ongoing*.** Through intergovernmental coordination, the Village supports Miami-Dade County's efforts to improve air quality	
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	**Implemented.**	
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.	**Implemented: *ongoing*.**	Ordinances: 10-23(1);10-61(10); 10-63(7); 30-80(f).(6).f; 30-80(f).(9).e; 30-100(b); 30-102(e); 30-100(f).(11); 30-102(g).6; 30-160; 30-230(f); 30-235 (f)
Policy 1.2.3	Refer any development permit applications for storage of hazardous waste to MDC.	**Implemented: *ongoing*.**	
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.	**Implemented: *ongoing*.**	Ordinances: 10-44(d).(5);10-63(7);30-107(d).(8)
Policy 1.3.2	Contact DERM if any adverse impact is observed relative to the limited sea grass beds in adjacent Bay waters.	**Implemented: *ongoing*.**	
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.	**Implemented: *ongoing*.**	
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.	**Implemented: *ongoing*.**	
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.	**Implemented: ongoing.**	
Policy 1.6.1	Enact and enforce and emergency water conservation based on South Florida Water Management District (SFWMD) model ordinance and requirements.	**Implemented: *ongoing*.**	

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.	**Implemented: *ongoing*.** Related ordinances were passed as a result of the Long Range Beach Renourishment Plan (1997). Ordinance 2002-6 amended Sec. 30-100(5)(3) Docks and Mooring Piles. It regulated docking facilities within single family districts so as to prevent projects detrimental to the equitable, safe, and adequate navigation of all waterways in the Village.	
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.	**Implemented: *ongoing*.** Addressed in Long Range Beach Renourishment Plan (1997).	
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.	**Implemented: *ongoing*.**	Ordinances: Section 30-100.30-112
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.	**Implemented.** 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.	**In progress.**	
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.	**Implemented.** 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.	**Implemented: *ongoing*.** The Village has received preliminary approval by DERM.	
Policy 1.7.8	Give preference to salt tolerant landscaping over traditional materials in the enactment of the landscape requirements of the LDC.	**In progress.** The Village adopted County regulations to address landscaping, but has amended them to meet its needs. An amendment passed on 5/9/00 required 30 percent native plant materials to be used.	
Policy 1.7.9	Prohibit and require eradication of invasive species on all sites of new and redevelopment projects.	**Implemented.** The Village used County regulations to address invasive species, but has amended its ordinances to meet local needs. On 5/9/00 the Village adopted and has subsequently enforced six regulations to respond to this issue.	
Policy 1.7.10	Coordinate with County and FDEP in monitoring coastal waters and sediments.	**Implemented: ongoing.** 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.	**Implemented: *ongoing*.**	
Policy 1.7.12	Promote beautification with an annual clean-up drive for the beaches and shorelines.	**Implemented: *ongoing*.** 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.	**In progress.**	
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.	**In progress.**	
Goal 2	**To conserve and manage the environmental resources and man-made uses in the coastal area of Key Biscayne.**		
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	**Implemented: *ongoing*.** Using the County as its base model for Zoning Districts, the Village added two new categorizations on 5/9/00: PUD and Hotel Resort (HR), both of which offer incentives. The Public Recreation and Open Space District is also available should the Village own or have a long term lease (5 years or longer) on a parcel and desire to use the land for public recreation or open space purposes.	These districts permitted Beach Park public access.
Policy 2.1.2	New water-dependent uses shall meet specified criteria incorporated in LDC by statutory deadline or sooner.	**Implemented.** After using County code as its model, the Village recently adopted a resolution for beachfront activities in May of 2005.	

Policy 2.2.1	By statutory deadline or sooner, enact and enforce minimum oceanfront setbacks, including protection of the proposed dune system, as part of the LDC.	**Implemented:** ***ongoing***.	Ordinances: 30-100; 30-103
Policy 2.2.2	By statutory deadline or sooner, enact and enforce dune development and vegetation requirements as part of the LDC in conjunction with any new beachfront development and redevelopment.	**Implemented:** ***ongoing***.	Ordinances: 10-63(7); 30-80(f),(9).e ; 30-102(g).6; 30-107(d).(8)
Policy 2.2.3	Evaluate the need for and efficacy of alternate financing methods for beach renourishment and dune development by 1996.	**Implemented:** ***ongoing***. Between 1995 and 2002, the Miami-Dade County Department of Environmental Resource Management included Key Biscayne as one of three areas targeted for beach restoration projects. According to the M-D EAR, Key Biscayne had 63.6 acres of beach restored.	
Policy 2.3.1	Enforce an existing development agreement with a private property owner to provide beach access open to the general public.	**Implemented.** The Village has an agreement on an easement with the Grand Bay Resort.	
Policy 2.4.1	Designate candidates for historic preservation based on age, architecture and function, and draft a preservation strategy.	**Not implemented.** There are no historic structures older than 50 years and therefore none that meet the requirements of the National Register.	
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.	**In progress.** Sanitary sewer project will be completed by 2008.	
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.	**Not implemented.**	
Goal 3	**To minimize human and property loss due to hurricanes.**		
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.	**Implemented:** ***ongoing***. 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.	**Implemented.**	
Policy 3.2.1	Maintain traffic LOS, based on FLUM, to achieve a reasonable hurricane evacuation time.	**Implemented:** ***ongoing***.	
Policy 3.2.2	Prepare a hurricane emergency plan by 1995, based on the Hurricane Andrew experience and in concert with 1991 County Emergency Operations Plan and 1991 US COE hurricane evacuation study.	**Implemented.** In June 2001, the Hurricane Information Manual was adopted in order to assist Village residents to plan and prepare for a hurricane and its aftermath.	

Policy 3.3.1	Prepare a post-disaster redevelopment plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 1996.	**In progress.**	
Policy 3.3.2	The adopted plan will specify that during post-disaster redevelopment, the Building Department will distinguish between actions needed to promote public health and safety with immediate clean-up and long term repair activities and redevelopment areas.	**In progress.**	
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.	**In progress.**	
Policy 3.3.4	Unsafe conditions and inappropriate uses identified in recovery phase will be eliminated as opportunities arise.	**Implemented.**	
[illegible]	[illegible]	[illegible]	
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.	**Implemented: *ongoing*.**	
[illegible]	[illegible]	[illegible]	
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.	**Implemented: *ongoing*.**	Ordinances: 30-100(e)
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.	**Implemented: *ongoing*.**	
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.	**Implemented: *ongoing*.**	Ordinances: 30-230(f); 10-61(10); 10-42(f); 10-42(n)
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.	**Not implemented.** 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).	**Not Implemented.** 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.	**Implemented: *ongoing*.**	
[illegible]	[illegible]	[illegible]	
Policy 3.6.1	By statutory deadline or sooner, enact and enforce LDC standards to conform with flood damage prevention regulations outlined by Conservation and Coastal Management Policy 3.5.2.	**Implemented: *ongoing*.**	Ordinances: 10-63

f. Recreation and Open Space

(1) Purpose of Recreation and Open Space Plan.

The purpose of the Recreation and Open Space Plan is to:

> *"...Provide a desirable level of public recreation and open space facilities together with supplemental private recreation and open space facilities."*

(2) Summary Assessment.

Prior to and at the time of incorporation the Village was not in compliance with the Miami-Dade County LOS standards for public recreation and open space facilities. This deficiency was an important catalyst in the move to incorporate. Since incorporation, the Ocean Club and Grand Bay (approved for development prior to incorporation) heightened the recreation and open space deficiency.

Since the Master Plan was adopted, the Village has attained additional parks and recreation acreage. However, with the increase in population, it has not been enough to raise the level of service to meet its standard of 2.5 acres per 1000 people. The Village is currently actively exploring its options and monitoring near- and medium-term changes to its present state (e.g. its agreement with Miami-Dade County for use of facilities Calusa Park expires in 2008); Upon adopting a new program for acquiring parks and recreation space, the Village will need to incorporate appropriate objectives and policies into the Master Plan.

(3) Recommended Amendments to the Recreation and Open Space Element.

No ordinances affecting the Recreation and Open Space Element have been passed since the Comprehensive Plan was adopted.

The following amendments to the Recreation and Open Space Element are being suggested as part of the Evaluation and Appraisal Report. (See Section 6 Conclusions and Recommendations)

- The following objective should be amended to read:
  - Objective 1.5 Public-Private Coordination: Explore and implement a fully coordinated system of recreation resources.

(See Section 6 Conclusions and Recommendations, Recommendation ROS1)

- The following policy should be amended to read:
  - Policy 1.3.5 Explore means of revenue raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks by **2010**.

(See Section 6 Conclusions and Recommendations, Recommendation ROS2)

- Add a policy that the Village shall "[p]repare a strategy for buying land in the Village to be dedicated as recreational space." (See Section 6 Conclusions and Recommendations, Recommendation ROS3)

- Add a policy that the Village shall "[n]egotiate use agreements with Miami-Dade County and the City of Miami for Village residents to have access to parkland outside Key Biscayne." (See Section 6 Conclusions and Recommendations, Recommendation ROS4)

- Add a policy that the Village shall "[r]eview and revise current regulations to require that any future development proposed in the Village that contains apartments to provide public open space on- or off-site in the amount necessary to serve the demand created by the projected population increase." (See Section 6 Conclusions and Recommendations, Recommendation ROS5)

- Add a policy that the Village shall "[e]xplore instituting an impact fee for new single-family detached and residential duplex construction." (See Section 6 Conclusions and Recommendations, Recommendation ROS6)

- Add a policy to "[p]ursue the renovation of available space at Calusa Park into active playing fields." If it is in accordance with the Calusa Park Master Plan, connect the playing fields to Harbor Drive via a pathway, building a mangrove boardwalk to Biscayne Bay, and construct a boardwalk to the Tennis Stadium at Crandon Park. (See Section 6 Conclusions and Recommendations, Recommendation ROS7)

- Add a policy to "[w]ork with the Miami-Dade County Parks and Recreation Department to develop a public tennis program at

the Tennis Center at Crandon Park." (See Section 6 Conclusions and Recommendations, Recommendation ROS8)

- Add a policy to: "[c]ontinue to buy land in the Village and/or lease land on a long term basis for recreation and open space purposes." (See Section 6 Conclusions and Recommendations, Recommendation ROS9)

- Add a policy to "[a]cquire 200 Harbor Drive for a passive park." (See Section 6 Conclusions and Recommendations, Recommendation ROS10)

- Add a policy to "[e]xtend the lease with St. Agnes Catholic Church and provide for the general public's use of this facility." (See Section 6 Conclusions and Recommendations, Recommendation ROS11)

- Add a policy to "[e]nter into public/private partnerships which result in recreation and open space in locations zoned for institutional and commercial use." (See Section 6 Conclusions and Recommendations, Recommendation ROS12)

- Add a policy to "[a]ccept developer contributions and donations of property should opportunities arise that are advantageous to all parties." (See Section 6 Conclusions and Recommendations, Recommendation ROS13)

- Add a policy to "[i]nclude 530 Crandon Boulevard in the inventory of recreation and open space lands when its current use as a staging area is complete." (See Section 6 Conclusions and Recommendations, Recommendation ROS14)

(4) Evaluation of Goals, Objectives, and Policies of the Recreation and Open Space Element.

See matrix on following page.

(5) Recreation and Open Space Plan Land Development Code Ordinances.

Section 30-100(b): *Development Regulations:* Minimum Pervious Area

Section 30-100(e): *Development Regulations:* Setback Regulations

Section 30-108: *PROS Public Recreation and Open Space District*

Goal 1	**RECREATION AND OPEN SPACE** **Provide a desirable level of public recreation and open space facilities together with supplemental private recreation and open space facilities.**		
Objective 1.1			
Policy 1.1.1	Enforce an existing development agreement with a private property owner to provide beach access open to the general public as a condition for development approval.	**Implemented: *ongoing*.** The Village offers FAR incentives for offering beach access easements.	
Objective 1.2			
Policy 1.2.1	Seek joint use agreement with School Board to assure resident access to the school's playfields.	**Implemented.**	
Objective 1.3			
Policy 1.3.1	Reserve for recreation use all Village-owned land designated on the FLUM and seek additional acreage to meet standard of 2.5 acres per 1,000 people permanent population (concurrency/LOS standard) through purchase, long-term lease and/or donation.	**In progress.** 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 (Village Green, Village Lake and Beachfront Parks, St. Agnes fields) and has some prospects (Key Biscayne Presbyterian Church, Village Civic Center Park)	
Policy 1.3.2	By statutory deadline, conduct a feasibility study of obtaining additional sites needed to achieve and maintain LOS standard.	**Implemented.**	
Policy 1.3.3	Continue to pursue acquisition (purchase or lease) of park land to meet LOS standard outlined in Capital Improvement Schedule	**In progress.** As mentioned above, the Village is pursuing opportunities with the Key Biscayne Presbyterian Church and an undeveloped parcel adjacent to the civic center.	
Policy 1.3.4	As acquisition of park tracts is assured, finalize detailed planning for facilities such as ball fields, playgrounds and community center and initiate a phased implementation plan.	**In progress.** The Village has hired SWA consultants to assemble a potential capital improvements list, including parks and recreation projects. The committee comprised of resident volunteers is in the process of prioritizing the projects based and estimating costs	
Policy 1.3.5	Explore a recreation impact fee to help finance acquisitions and improvements by 1994.	**Not implemented.**	
Objective 1.4			
Policy 1.4.1	By statutory deadline or sooner, enact and enforce as part of LDC minimum front, side and rear residential setbacks and a no less than 30% pervious open space minimum of total site area for the average single family residential site.	**Partially implemented.** After using County code as the standard, the Village passed setback and open space ordinances for SF-R on 10/24/00. However, it has not passed setback and open space requirements for other districts.	Ordinances: 30-100(b); 30-100(e)
Policy 1.4.2	By statutory deadline or sooner, enact and enforce LDC zoning to implement Waterfront Recreation and Open Space category to preserve open space uses such as the beach club and yacht club. Pervious space requirement will be no less that 15% of entire site.	**Implemented: *ongoing*.** After using County code as the standard, the Village added a new district to its LDC on 5/9/00: Public Recreation and Open Space.	Ordinances: 30-108
Policy 1.4.3	Evaluate the desirability of developing a village center in tandem with central area public open space	**Implemented.** Key Biscayne is working toward creating a Village center. The buildings have been completed, but the amenities are still under construction.	
Objective 1.5			
Policy 1.5.1	Complete an inventory of private and semi-public recreational facilities to finalize the plan described in Policy 1.3.3.	**Implemented.**	

g. Intergovernmental Coordination

(1) Purpose of Intergovernmental Coordination Plan.

The purpose of the Intergovernmental Coordination Plan is to:

> *"Maintain or establish processes to assure coordination with other governmental entities where necessary to implement the Master Plan."*

(2) Summary Assessment.

The Village has active relationships with Miami-Dade County and the School Board to implement policies and objectives related to education, parks and recreation, water and sewer provision, and water quality. In certain cases, the Village has yet to meet its LOS standards. However, as with the provision of sanitary sewer service, the Village is jointly involved with the Miami-Dade Water and Sewer Authority in the planning stage of the project; with the provision of adequate parks and recreation space, the Village continues to keep open dialogue with appropriate County agencies while simultaneously seeking alternative means to provide adequate services to its residents.

(3) Recommended Amendments to the Intergovernmental Coordination Element.

No ordinances affecting the Intergovernmental Coordination Element have been passed since the Comprehensive Plan was adopted.

The following amendments to the Intergovernmental Coordination Element are being suggested as part of the Evaluation and Appraisal Report. (See Section 6 Conclusions and Recommendations)

- The following policy should be amended to read:
  - Policy 1.2.1 As is relevant, consider and attempt to consummate the following interlocal agreements on an ongoing basis.

(See Section 6 Conclusions and Recommendations, Recommendation IC1)

- The following policy should be amended to remove references to annexation because it is no longer relevant to existing conditions

and needs. The Village has not attempted to annex any land, nor does it foresee doing so. It should be amended to:

- Policy 1.1.3 Use informal mediation process of SFRPC conflicts with other governmental entities.

(See Section 6 Conclusions and Recommendations, Recommendation IC2)

- The following policy should be amended to read:
  - Policy 1.5.2 Explore means of revenue raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks by **2010**.

  (See Section 6 Conclusions and Recommendations, Recommendation IC3)

- Add a policy that the Village shall "[c]ollaborate 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. (See Section 6 Conclusions and Recommendations, Recommendation IC4)

- Add a policy that the Village shall "[p]articipate in South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing. (See Section 6 Conclusions and Recommendations, Recommendation IC5)

- Add a policy that the Village shall "[e]valuate 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 or the City of Miami. (See Section 6 Conclusions and Recommendations, Recommendation IC6)

- Add a policy that the Village shall [e]nsure that land use designations and zoning districts that foster diverse housing types to serve the needs of the local population, including single family, duplex, and multi-family units. (See Section 6 Conclusions and Recommendations, Recommendation IC7)

(4) Evaluation of Goals, Objectives, and Policies of the Intergovernmental Coordination Plan.

See matrix on following page.

(5) Intergovernmental Coordination Plan Land Development Code Ordinances.

There are no ordinances directly related to Intergovernmental Coordination policies.

Goal 1	**INTERGOVERNMENTAL COORDINATION** **To maintain or establish processes to assure coordination with other governmental entities where necessary to implement this plan.**		
[illegible]	[illegible]	[illegible]	[illegible]
Policy 1.1.1	Monitor the MDC Comprehensive Plan process as County Plan is updated and revised in conjunction with its Evaluation and Appraisal Review (EAR).	**Implemented: *ongoing*.** 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	Maintain active dialogue with School Board staff concerning any Village elementary school plans	**Implemented: *ongoing*.**	
Policy 1.1.3	Use informal mediation process of SFRPC to resolve annexation and other conflicts with other governmental entities.	**Obsolete.** 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.	**Implemented: *ongoing*.**	
[illegible]	[illegible]	[illegible]	[illegible]
Policy 1.2.1	Consider and attempt to consummate the following interlocal agreements by 1999.		
	Extension of Sewers: Coordinate and cooperate with appropriate County agencies.	**In progress.**	
	Solid Waste Disposal: Coordinate and cooperate with County Solid Waste Management Department..	**Implemented: ongoing.**	
	Lease of Calusa Park: Village maintains park to benefit all County residents and meet Village recreation LOS.	**Partially implemented.**	
	Lease of Virginia Key Site(s) for Recreation: Village commits to develop and maintain sites to meet Village recreation LOS.	**Implemented.** The Village is a member of the Virginia Key Master Plan Committee, which is guiding the development of Virginia Key.	
	Expansion of Calusa Park in to Crandon Park: Accommodate play fields to meet Village recreation LOS (requires that Village petition MDC to modify its current plan for Crandon Park).	**Not implemented.** 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 (Village Green, Village Lake and Beachfront Parks, St. Agnes fields) and has some prospects (Key Biscayne Presbyter	
	Bill Baggs State Park: Agreement with FDEP to provide play fields to meet Village recreation LOS (requires that Village petition state government agency to modify its current plan for Bill Baggs State Park).	**Not implemented.** The agreement was rejected by the legislature.	
	Key Biscayne Elementary School: Make playground available for Village use.	**Implemented.** The Village maintains the property in exchange for its use during certain hours.	
	Crandon Boulevard: Improved streetscape	**Implemented. *ongoing.*** The Crandon Boulevard Master Plan is in Phase II of construction.	
Policy 1.2.2	Maintain dialogue with Metro-Dade Planning Dept. and other County agencies relative to limiting land use intensity.	**Implemented: *ongoing*.** 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.	**In progress.**	
Policy 1.2.4	Improve Biscayne Bay water quality by the following:	**In progress.**	
	Implementation of Master Drainage Plan.	**In progress.**	
	Replacement of septic tanks with sanitary sewers tied into County system.	**In progress.**	
	Mandating on-site stormwater detention.	**Implemented.** Ordinances specify the retention of runoff on-site.	
	Marina siting standards.	**Implemented.**	
Policy 1.2.5	Improve Biscayne Bay water quality by coordination with BBSDRC, FDEP and NPS	**Implemented: *ongoing*.**	
[illegible]	[illegible]	[illegible]	[illegible]
Policy 1.3.1	Monitor changes to LOS standards of Metro-Dade County and adjust own LOS standards accordingly.	**In progress.**	

h. Capital Improvements

(1) Purpose of Capital Improvements Plan.

The purpose of the Intergovernmental Coordination Plan is to:

"...To undertake capital improvements necessary to provide adequate infrastructure and a high quality of life, within sound fiscal practices."

(2) Summary Assessment.

The Village has been diligent about implementing objectives and policies in the capital improvements section, annually updating its capital improvements budget, monitoring levels of service, and adhering to Coastal High Hazard Area limitations. The Village is examining the feasibility and implications of adjusting the parameters of the debt cap requirements.

The Annual Plan and Five Year Capital Improvements Plan are the primary tools for implementing the Comprehensive Plan policies and initiatives. In particular, the Capital Improvements Plans should contain line items to solve Key Biscayne's persistent insufficiency of recreation space, including the immediate need for playing fields. To this end, the EAR subcommittee has suggested including a line item in the FY 08 budget to engage the services of Environmental and Recreational Planners to develop a site plan for Calusa Park and beginning in FY 2008 annually allocating $1 million for recreation and open space facilities. They recommend funding these and future projects with an anticipated voluntary contribution of $7 million from a private developer and unused money allocated to recreational projects in FY 07 ($480,000 for playing fields and $300,000 for recreational facilities).

The Capital Improvements Plan/Capital Outlay Allocations Analysis: FY 2006-2007 follows.

		B		D	E
ITEM	**DESCRIPTION**	**PROJECTED AT 9/30/06**	**FISCAL 2007 ALLOCATION**	**RESERVED IN GEN FUND**	**TOTALS**
1	Fire Equipment	38,647	10,000	0	48,647
2	Fire Vehicle Replacement	39,605	45,000	50,000	134,605
3	Beach Renourishment	374,924	250,000	0	624,924
4	Tree Replacement Program	25,000	0	0	25,000
5	School Parking	0	0		0
6	Calusa Park	0	0		0
5	Future Land Acquisition/Playing Fields	0	0	456,403	456,403
6	Art in Public Places	85,301	0	0	85,301
4	Maintenance Reserve- Community Center	37,305	212,695	0	250,000
5	Maintenance Reserve- Police/Admin Building	50,000	175,000	25,000	250,000
6	Maintenance Reserve- Fire Station	50,000	175,000	25,000	250,000
7	Community Center Equipment Replacements	41,633	158,367	50,000	250,000
8	Evaluation & Appraisal Report	0	0		0
9	Harbor Drive Drainage	0	0		0
8	Grapetree Drive Uplighting	10,000	90,000	0	100,000

9	Ocean Lane Drive Improvements	0	0	0	0
17	Playground Equipment	0	0		0
9	Union Labor Contract	250,000	50,000	0	300,000
10	Emergency Hurricane Reserves	0	1,510,507	2,489,493	4,000,000
11	Additional Working Capital Reserves	0	400,000	600,000	1,000,000
12	Drainage- Glenridge/Woodcrest/Buttonwood	0	300,000	0	300,000
13	Contingencies	331,410	0	0	331,410
13	Master Plan Initiatives		1,110,778	500,000	1,610,778
14	Galen Drive Lighting		150,000		
14	Inspector Fees			275,000	275,000
15	Capital Lease			404,471	404,471
16	Prepaid items			204,248	204,248
17	Compensated Absences			334,644	334,644
18	Law Enforcement Seizures			326,827	326,827
19	Special Disaster Relief Reserve			13,192	13,192
15	Sunrise Drive Lighting		150,000		
	TOTAL	**1,333,825**	**4,787,347**	**5,754,278**	**11,575,450**

(3) Recommended Amendments to the Capital Improvements Element.
No ordinances affecting the Capital Improvements Element have been passed since the Comprehensive Plan was adopted.

The following amendments to the Capital Improvements Element are being suggested as part of the Evaluation and Appraisal Report. (See Section 6 Conclusions and Recommendations)

In compliance with Chapter 163, F.S. (5)(d), provisions should be included for granting concurrency exceptions. (See Section 6 Conclusions and Recommendations, Recommendation CI1)

- The date referenced in the following policy should be updated:
  - Policy 1.5.2: Explore a recreational impact fee for all new development to help fund acquisitions and improvements by 1994.

  (See Section 6 Conclusions and Recommendations, Recommendation CI2)
- Add a policy that the Village shall "[i]mplement a tracking system that measures increases in population resulting from development and redevelopment and provide results to Miami-Dade County the Water and Sewer Authority on a regular basis." (See Section 6 Conclusions and Recommendations, Recommendation CI3)
- Add a policy that the Village shall "[e]stablish criteria for updating and prioritizing projects within the CIP tied to concurrency requirements." (See Section 6 Conclusions and Recommendations, Recommendation CI4)
- Add a policy that the Village shall "Shift from an annual to five-year CIP." (See Section 6 Conclusions and Recommendations, Recommendation CI5)

(4) Evaluation of Goals, Objectives, and Policies of the Capital Improvements.

See matrix on following pages.

(5) Capital Improvements Plan Land Development Code Ordinances.

Section 30-160: 30-166: *Concurrency Management*

Section 30-163: *Level of service standards:* For the purpose of concurrency determinations, the Village has adopted a master plan that provides the Level of Service Standards (LOS) for public facilities and services: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All developments that are subject to a finding of must be consistent with these standards.

Goal 1	**CAPITAL IMPROVEMENTS** **To undertake capital improvements necessary to provide adequate infrastructure and a high quality of life, within sound fiscal practices.**		
[illegible]	[illegible]	[illegible]	[illegible]
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.	**Implemented.** The Village does a one year Capital Improvement Budget and a fiscal budget every five years.	
Policy 1.1.2	Capital improvement program to include drainage facility program based on 1993 DMP.	**Implemented.**	
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	**Partially Implemented.** The Village does not enhance Biscayne Bay because it is the County's responsibility.	
Policy 1.1.4	Maximize use of designated funds (such as drainage utility and sewer assessments) in order to free general funds for other Village projects such as park land acquisition and streetscape work.	**Implemented: *ongoing*.** The Village does this as part of its Capital Improvement Budget.	
Policy 1.1.5	Pursue a prudent policy in terms of borrowing for capital improvements or other purposes.	**Implemented: *ongoing*.**	
[illegible]	[illegible]	[illegible]	[illegible]
Policy 1.2.1	Maintain the following peak hour LOS standards.		
	Streets: Regulate the timing of development to maintain peak hour LOS standards (Arterial: LOS "E", Collectors: LOS "B", Local Service Streets: LOS "A"). LOS along Crandon Boulevard could potentially fall slightly below "E" near north Village limits.	**Implemented: *ongoing*.**	
	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.	**Implemented: *ongoing*.**	
	Sanitary Sewers in Unsewered Areas: Permit septic tanks only in compliance with county and state standards	**In progress.** The Village is in the planning stage of the process of converting all non-sewered areas to sewer.	
	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 280 gallons per capita per day.	**Implemented: *ongoing*.**	
	Drainage: Nonresidential development and redevelopment accommodate runoff to meet Federal, state and local requirements.	**Implemented: *ongoing*.**	
	Solid Waste: County system maintains a minimum of 5 years capacity; Village use generation rate of 5.2 lbs. per person per day.	**Implemented: *ongoing*.**	
	Recreation: Maintain a LOS standard of at least 2.5 acres of park land per 1,000 persons permanent population.	**In progress.** 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.	
[illegible]	[illegible]	[illegible]	[illegible]

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.	**Implemented:** ***ongoing***.	
Policy 1.4.1	By statutory deadline or sooner, enact and enforce a concurrency management system that meets 9J-5.0055 as part of LDC.	**Implemented:** ***ongoing***.	Ordinances: 30-160; 30-166
	1. Measure conformance with LOS standards for water, solid waste and drainage, recreation, and traffic.	**Implemented:** ***ongoing***.	
	2. Concurrency Monitoring System	**Implemented:** ***ongoing***. The Land Development Code requires a review of concurrency during every building permit application review.	
	3. Capacity Reservation	**Implemented:** ***ongoing***.	
	4. Administration	**Implemented:** ***ongoing***.	
	5. Project Impact or Demand Measurement	**Implemented:** ***ongoing***.	
Policy 1.5.1	The concurrency management system formulas shall include the public facility demands to be created by the two DRI projects as "committed" and capital improvement schedule shall include the project implications of this demand to assure concurrency.	**Implemented.**	Ordinances: 30-163
Policy 1.5.2	Explore a recreational impact fee for all new development to help fund acquisitions and improvements by 1994.	**Not implemented.**	
Policy 1.5.3	The Village shall not give approval to new projects that create need for expanded capital improvement unless the project pays a proportional share of the costs of these improvements following legally prescribed criteria for such fees.	**Implemented.**	

4. Major Local Issues

In 1998, the State of Florida modified statutory requirements for the EAR, permitting local governments to identify key local issues and use them as the basis upon which to measure the performance of the Master Plan.

A subcommittee of the Village's 2020 Vision/EAR Committee–the EAR Advisory Subcommittee–was delegated the task of identifying key local issues to be addressed in the EAR. To this end, the subcommittee held a series of meetings in May and June 2005, involving lively, exhaustive dialogue among the members—many of whom were similarly involved in the pre-incorporation work and the work preceding the Village's 1995 Master Plan—as well as close coordination with the initial round of visioning activities that led to the formulation of the Vision Statement.

The resulting set of major issues, described in the following pages, was unanimously approved by the EAR Subcommittee and then by the 2020 Vision/EAR Committee at its June 15, 2005 meeting. The list was subsequently ratified by the Village Council via Resolution No. 2005-28 on July 5, 2005. The list of issues was also shared with adjacent local governments and State and regional agencies. The twelve major issues are below:

Issue a: ***Definition, Preservation and Enhancement of Key Biscayne's Unique Village Character and Quality of Life***

Issue b: ***The Need for Additional Local Parks, Recreation Space and Open Space***

Issue c: ***Calusa Park, Crandon Park, Bill Baggs Cape Florida State Park and Virginia Key - Interlocal Cooperation Relative to Village Issues***

Issue d: ***Implications of Redevelopment***

Issue e: ***Traffic Volume, Operations and Safety***

Issue f: ***Sustainability of Local Retail and Services***

Issue g: ***Vulnerability to Damage from Tropical Storms and Hurricanes***

Issue h: ***Need to Improve or Replace Infrastructure***

Issue i:	***Implications of Debt Cap***
Issue j:	***Conservation, Coastal Management and Environmental Protection***
Issue k:	***Land Development in the Context of Master Plan Goals, Objectives, and Policies***
Issue l:	***Historic, Cultural and Educational Resources and Needs***

a. Definition, Preservation and Enhancement of Key Biscayne's Unique Village Character and Quality of Life

What are the defining qualities and conditions that give the Village of Key Biscayne its unique identity and sense of place? What pressures and conditions exist that may threaten the preservation and enhancement of those defining qualities? In the face of redevelopment pressures, escalating land and housing costs, and ongoing demographic shifts, there is growing concern among the community about whether the Village will be able to retain its small town character, casual charm and ambiance, and diverse population.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

Goal 1 of the 1995 Master Plan Future Land Use Element attempted to summarize the community's view of the residential character and quality it sought to preserve based on feedback it received from a survey questionnaire mailed to 5,000 local addresses. Complete results were included in the 1995 Master Plan; excerpts are below.

- 84 percent of those who responded wanted residential development to be at the lowest density possible, consistent with the protection of reasonable property rights;
- 84 percent also said they favored either no more retail development or only "a very limited amount";
- 85 percent of the respondents felt the same way about additional office development;
- 58 percent of the respondents wanted public beach access although most wanted it limited to Village residents. The majority of those stating an opinion wanted a bay-front park;
- 61 percent opposed developments which place apartments above retail uses;
- 74 percent favored some kind of architectural review process.

The Village has closely followed and complied with the interrelated goals, objectives and policies that complement the Master Plan's

definition of the desired community character. Among other things, the Village (1) adopted land development regulations consistent with the Master Plan, (2) retained professional and trained staff and implemented procedures to enforce the adopted codes and provide guidance to those seeking development approvals, (3) acquired and improved the Village Green and other parks, (4) negotiated set-asides for additional parks and open space, (5) developed the Civic Center complex, including the Community Center, (6) promoted communication through an interactive website, community television and other means, (7) solicited community involvement through advisory committees and otherwise, (8) performed numerous streetscape and landscape improvements, and other beautification measures, and (9) has undertaken the 2020 Vision initiative. Experience, reflection, and more active community involvement have enabled citizens to produce a finer grained vision statement--that more accurately reflective of the true Key Biscayne character and quality of life valued by residents.

(2) ***Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.***

The Crandon Boulevard Master Plan Citizen's Advisory Committee held a series of visioning exercises to inform the street's design concept. Results show that sentiment for the Village's character has remained largely unchanged over the past decade: residents want to preserve the human scale of the Village, the shady, often native vegetation; the juxtaposition of elegance and relaxation; and the breezy, ocean-side appearance.

In some respects, however, the Village's goals have evolved. For example, public sentiment about retail needs and traffic circulation appear to have changed, as reflected in the EAR public participation and 2020 Vision SWOT exercises. This is demonstrated through a commitment to traffic interconnection (between Fernwood Road and the commercial centers along Crandon Boulevard, and between the commercial centers) that was not evident in 1995.

(3) ***Recommended Amendments to the Master Plan.***

- Add a policy that the Village shall [p]rovide land use designations and zoning districts that foster diverse housing types to serve the needs of the local population, including

single family, duplex, and multi-family units. (See Section 6 Conclusions and Recommendations, Recommendation H9)

- Language and dates referenced in the following objective should be updated:
  - Objective 2.4 Historic Preservation: Prepare a list of potentially significant historic structures and a preservation strategy by **2010**.

  (See Section 6 Conclusions and Recommendations, Recommendation CCM2)

- Add a policy that the Village shall "[p]repare a strategy for buying land in the Village to be dedicated as recreational space." (See Section 6 Conclusions and Recommendations, Recommendation ROS3)

b. *The Need for Additional Local Parks, Recreation Space and Open Space*

In spite of recent major initiatives to create new parks and recreational facilities, the Village continues to have an unmet need within the Village limits for recreational and open space amenities for the existing residents—particularly the growing population base of families with children. Deficiencies include passive parks, multi-purpose playing fields, ball fields, neighborhood-scale parks, mini-parks, and other recreational facilities. In addition, the Village, though located on an island, has limited public access to Biscayne Bay and the Atlantic Ocean. Given the near-built-out condition of the community and escalating property values, the Village faces a number of challenges in providing additional park sites, playing fields and other recreational opportunities.

(1) *Assessment of success in implementing Master Plan objectives related to issue:*

Prior to and after incorporation, the Village has identified recreation and open space as one of the highest priorities toward sustaining and improving the quality of life in the community. While the Village has been successful in acquiring additional recreational facilities, it still has a projected 2.74 acre shortfall relative to the 2.5 acres per 1,000 residents level of service standard. ~~The Village's Level of Service standard for parks and recreation space as measured by total acreage – continues to go unmet.~~

Table 8: Key Biscayne Parks and Recreation Level of Service

	Total Acreage Parks & Recreation Space	Population	Level of Service Standard (acres/1000 people)	Actual Level of Service (acres/1000 people)	Shortfall (acres)
1995	14.5	8,841	2.5	1.64	7.6
2000	~~21.8~~ **25.16**	11,160	2.5	~~1.96~~ **2.25**	~~6.2~~ **2.74**

Calculation of Level of Service in 1995

When the Master Plan was adopted in 1995, three facilities in Key Biscayne contributed to the calculation of the level of service[10]: the Crandon Boulevard Tree Farm, the Key Biscayne Community School (now known as the Key Biscayne K-8 Center); and Calusa Park. According to the Master Plan, these three facilities together totaled 14.5 usable acres, corresponding, in 1995, to a parks and recreation level of service of 1.64 acres per 1,000 permanent residents.

- The first, the **9.2-acre Crandon Boulevard "Tree Farm,"** was purchased in the early 1990s by the Village to serve as the "Village Green," a passive recreation facility with a playground and a path encircling multi-purpose fields. By developing this facility, the Village partially met Objective 1.4 of the Recreation and Open Space Element, which seeks to "achieve open space."
- The second, **Key Biscayne Community School**, provided the Village with **2.3 acres** of recreational space. Shortly following the adoption of the Master Plan, and consistent with Objective 1.2 of the Recreation and Open Space Element, the Village signed a formal joint use agreement with Miami-Dade County Public Schools regarding use of Key Biscayne K-8 Center's fields. The Village's Parks and Recreation Department maintains all of the school's grounds in exchange for unrestricted,

[10] The Village is not able to include towards its acreage count Miami-Dade County's Crandon Park to the north, the State of Florida's Bill Baggs Cape Florida Park to the south and the privately owned, limited access 2.4-acre Key Biscayne Beach Club and 4.5-acre Key Biscayne Yacht Clubs (both are within Village limits) because the facilities are neither under its jurisdiction, part of an interlocal agreement nor, in the cases of the private clubs, openly accessible to the general public.

public access to the fields at the conclusion of the school day.

- The third facility, **Calusa Park**, is inside the Village's northern boundary yet part of Miami-Dade County's Crandon Park. Among its 7.5 total acres, it provided **3.0 acres** of usable playfields and recreational facilities and 4.5 acres of mangroves and other vegetation. The Village does not own the Park, but has an interlocal agreement for its nonexclusive use with Miami-Dade County[11]. At the time the Master Plan was adopted, the Village anticipated expanding Calusa Park at its own expense in order to provide additional acres of parkland and space suitable for active recreation uses. However, an agreement with the County was not reached; the County was in the process of developing its own Crandon Park Master Plan to determine future uses of park assets.

Parks, Recreation and Open Space Changes between 2000-2005

The composition of the Village's parks, open and recreation space has changed over the past decade. In accordance with recommendations in the Master Plan,[12] the Village has

- Built a new community center on the northwest sector of the Civic Center site;
- Added the 2.8-acre Key Biscayne Lake Park located at the corner of East Enid Drive and Crandon Boulevard;
- Renovated and upgraded beach access at the 2.0 acre Beach Park (The improvements are designed to

[11] Through its interlocal agreement with Miami-Dade County, the Village of Key Biscayne Parks and Recreation Department is responsible for administering the management of both Calusa and parts of Crandon Park, including weekly inspections for maintenance and safety concerns.

[12] The Master Plan also recommended the acquisition of the residential and commercial blocks between West McIntyre Street, West Enid Drive, Glenridge Road, and Crandon Boulevard (totaling 6.7 acres) for open space and recreation facilities and the development of the Enid/Crandon/Seaview Drive parcel (10.2 acres) into a recreation facility. The Village did not acquire these blocks as originally described. Instead, since 1995, property has been acquired between Fernwood and West McIntyre Street south of the Village Green for the construction of the Community Center; on the south side of West McIntyre Street between Fernwood Road and Crandon Boulevard for the development of the Fire Station and Village Hall; and between West McIntyre Street and Crandon Boulevard south of the Sun Trust Bank site for the development of a passive park. This last parcel, however, remains vacant. The Civic Center Master Plan contemplated a theater or cultural center on this parcel, based on feedback from residents. A final decision on the use of this parcel has not yet been made; however, at 0.33 acres in area, the parcel is not large enough to accommodate playfields or other active recreation facilities.

concentrate most of the activity along the beach in order to maximize residents' access to the ocean)[13] and

- Completed a beach renourishment project that added approximately 11 acres of sand to the shoreline bordering the Village's eastern limit. The pre-renourishment beach was 18.48 acres. The post-renourishment beach was approximately 29.53 acres upon project completion in 2001. Floor Area Ratio incentives for providing beach access easements have been added to the Zoning Code.

In addition to recommendations in the Master Plan, the Village:

- Entered into a joint use agreement with St. Agnes Catholic Church in 2004 that formalized Village use of the Church's 2.1-acre playing field. In exchange for use of the Church's fields, the Village Parks and Recreation Department contributed $400,000 in improvements, including lights for the field and refurbished drainage, sod and irrigation systems. In addition, the Village annually pays St. Agnes $36,000 in lease fees.
- Acquired 0.4 acres of pedestrian friendly pocket parks and mini-plazas (reclaimed from pavement) as part of the Crandon Boulevard Master Plan.
- Added bike lands on Crandon Boulevard and Harbor Drive
- Built the Monaco Reflecting Pools, an art in public places project comprised of two reflecting pools surrounded by lighting and a landscaped area. The passive space, which is amid a highly urbanized environment, provides Village residents an opportunity for contemplation and appreciation of the artwork.
- Decided to convert 530 Crandon Boulevard to recreation space upon the completion of the Crandon Boulevard Phase II Streetscape Program and installation of sewers when the property will not longer be used for construction staging.

The Village lost approximately 0.28 acres of playing fields at the renamed Key Biscayne K-8 Center (formerly known as the Key Biscayne Community School) in 2004 to the construction of a new

[13] The land for Lake Park and Beach Park was deeded to the Village by the Ocean Club in 2001 and 2002, respectively.

Middle School facility at the southwest corner of the campus. The building was completed in June 2005.

Calculation of 2007 Level of Service ~~in 2005~~

The following facilities were determined by the EAR subcommittee to contribute to the 2007 ~~2005~~ Parks, Recreation, and Open Space Level of Service.

Table 9: Parks and Recreation Facilities Counted in 2007 ~~2005~~ Level of Service Calculations[1]

Parks and Recreation Space	Acreage
Calusa Park[A,B]	3.00
Village Green	9.50
Key Biscayne K-8 Center[C]	2.02
East Enid Lake Park	2.78
Beach Park	2.00
Crandon Pocket Parks[D]	0.39
Community Center	1.95
Sir Agnes Field	2.13
Mishkin Reflecting Pools	0.19
Library Park	1.17
Hacienda Canal Pocket Park	0.03
TOTAL:	~~21.8~~ 25.16

A Calusa Park is within the Village limits and is used by Key Biscayne residents, but is under the jurisdiction of Miami-Dade County. Its inclusion in the calculation of LOS is assuming and subject to implementation of the Calusa Park Improvement Plan.

B The 3.0 acres includes open space and recreational facilities, but excludes protected mangrove areas.

C The acreage count for the Key Biscayne K-8 Center has changed over the past decade due to renovations and expansions to the original K-5 facility between 1995-1997 and the construction of a new Middle School building to serve grades 6-8 in 2004-2005.

D The pocket parks are part of the Crandon Boulevard Streetscape Master Plan.

Today, the level of service is estimated at ~~1.96~~ 2.25 acres per 1,000 residents, based on the estimated 2003 population of 11,160 persons. To meet its objective of 2.5 acres per 1,000 residents, the Village needs a total of 27.9 acres parks and recreation space. Moreover, to meet the needs of the projected build-out population of 11,425, the Village would need to secure approximately 28.6 total acres of parks, recreation and open space by 2015.

Particular deficiencies lie in active recreation facilities, ball fields, and neighborhood passive parks, particularly with a view of Biscayne Bay and emphasizing a bay-oriented natural resource experience. Ball fields are the greatest challenge due to the large contiguous area required and possible impact on neighbors. Bay oriented open space may be achieved through view corridors, easements, public-private partnerships, long-term leased land and/or land acquisition. The plan for meeting Level of Service—including the provisions for specific types of recreational deficiencies, as well as funding sources—will be part of the Annual and Five-Year Capital Improvement Plans adopted by the Village Council.

Immediate monitoring steps are: 1) file an EAR amendment that highlights specific goals and financing sources 2) coordinate with the State Department of Community Affairs for maximum compliance flexibility in view of projected declining tax revenues and our desire to minimize tax burdens, while still addressing long-term goals and 3) convene a volunteer Implementation Committee to monitor short- and long-term achievement of overarching EAR-Master Plan/2020 Vision Plan concurrency goals.

(2) ***Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.***

Since the completion of the Master Plan, the amount of potential land available for conversion to parks and recreation space has decreased. Vacant or redevelopable lots once for sale and possibly suitable for public pocket parks and bay access points have since been purchased and privately developed. Factoring in values of the land and existing structures, these parcels would be extremely costly to acquire and convert to public use today.

In conjunction with its visioning process, the Village of Key Biscayne is evaluating an extensive list of capital improvement projects, including several projects relevant to the protection and enhancement of the Village's parks and recreation space. In January 2006, a subset of members of the 2020 Vision/EAR Committee's EAR Subcommittee was asked to prioritize and estimate the cost of each project. Upon consideration of input from the community, members of the EAR Subcommittee, and the full citizen's advisory committee, the following projects were labeled as high priority:

- Civic Center Park (use of this now vacant parcel at 560 Crandon Boulevard is to be determined at a later date, in the context of all the Vision Plan projects).
- Bay Access (20 foot wide Matheson Drive View Corridor to Bay)
- Community Parks/Playing Fields (Option 1: Key Biscayne Presbyterian Church (through a joint use agreement)—enhancements include a Bayfront Park, Playing Field, Canal Bay Access Park, Mangrove Interpretive Park, floating fishing pier over water; Option 2: Bayfront Park on Harbor Drive—enhancements include a sandy beach, small shade structure, sitting areas, pier, trees and grass)
- Calusa Park (mangrove nature trail with bay access and new baseball and soccer fields—in addition to existing tennis, courts, bathrooms and a parking lot)
- Neighborhood Parks (overlook in right-of-way on Crandon Boulevard at Pines Canal; short interior street ROW demolition, trees, grass, benches, pedestrian-scale lights)
- Nature Trails (Presbyterian Church bay area to St. Agnes Church; at rear or 7-11 Shopping Center through Calusa Park to Crandon Park Tennis; and St. Agnes Playing Field to 7-11 Shopping Center)

An Annual Plan and a Five-Year Capital Improvement Plan are the vehicles to solve the shortfall in Level of Service. It is recommended that the FY 08 Village Budget include funds to engage the services of environmental and recreation planners to develop a site plan and funding strategies for Calusa Park. Once playing fields are addressed the remaining public recreation and open space goals can be addressed immediately and over time, with greater flexibility.

(3) *Recommended Amendments to the Master Plan.*

- The following objective should be amended to read:
  - Objective 1.5 Public-Private Coordination: Explore and implement a fully coordinated system of recreation resources.

  (See Section 6 Conclusions and Recommendations, Recommendation ROS1)

- The following policy should be amended to read:

  - Policy 1.3.5 Explore means of revenue raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks by **2010**.

(See Section 6 Conclusions and Recommendations, Recommendation ROS2/IC3)

- Add a policy that the Village shall "[p]repare a strategy for buying land in the Village to be dedicated as recreational space." (See Section 6 Conclusions and Recommendations, Recommendation ROS3)

- Add a policy that the Village shall "[n]egotiate use agreements with Miami-Dade County and the City of Miami for Village residents to have access to parkland outside Key Biscayne." (See Section 6 Conclusions and Recommendations, Recommendation ROS4)

- Add a policy that the Village shall "[r]eview and revise current regulations to require that any future development proposed in the Village that contains apartments to provide public open space on- or off-site in the amount necessary to serve the demand created by the projected population increase." (See Section 6 Conclusions and Recommendations, Recommendation ROS5)

- Add a policy that the Village shall "[e]xplore instituting an impact fee for new single-family detached and residential duplex construction." (See Section 6 Conclusions and Recommendations, Recommendation ROS6)

- The date referenced in the following policy should be updated:
  - Policy 1.5.2: Explore a recreational impact fee for all new development to help fund acquisitions and improvements by 1994.

(See Section 6 Conclusions and Recommendations, Recommendation CI2)

- Add a policy to "[p]ursue the renovation of available space at Calusa Park into active playing fields." If it is in accordance with the Calusa Park Master Plan, connect the playing fields to Harbor Drive via a pathway, building a mangrove boardwalk to Biscayne Bay, and construct a boardwalk to the Tennis

Stadium at Crandon Park. (See Section 6 Conclusions and Recommendations, Recommendation ROS7)

- Add a policy to "[w]ork with the Miami-Dade County Parks and Recreation Department to develop a public tennis program at the Tennis Center at Crandon Park." (See Section 6 Conclusions and Recommendations, Recommendation ROS8)
- Add a policy to "[c]ontinue to buy land in the Village and/or lease land on a long term basis for recreation and open space purposes." (See Section 6 Conclusions and Recommendations, Recommendation ROS9)
- Add a policy to "[a]cquire 200 Harbor Drive for a passive park." (See Section 6 Conclusions and Recommendations, Recommendation ROS10)
- Add a policy to "[e]xtend the lease with St. Agnes Catholic Church and provide for the general public's use of this facility." (See Section 6 Conclusions and Recommendations, Recommendation ROS11)
- Add a policy to "[e]nter into public/private partnerships which result in recreation and open space in locations zoned for institutional and commercial use." (See Section 6 Conclusions and Recommendations, Recommendation ROS12)
- Add a policy to "[a]ccept developer contributions and donations of property should opportunities arise that are advantageous to all parties." (See Section 6 Conclusions and Recommendations, Recommendation ROS13)
- Add a policy to "[i]nclude 530 Crandon Boulevard in the inventory of recreation and open space lands when its current use as a staging area is complete. (See Section 6 Conclusions and Recommendations, Recommendation ROS14)

c. Calusa Park, Crandon Park, Bill Baggs Cape Florida State Park and Virginia Key - Interlocal Cooperation Relative to Village Issues

Despite a recent extension of the interlocal agreement for use of Crandon Park as a whole, Calusa Park—a portion of Crandon Park but also an "appurtenance" to the Village—remains an underutilized resource. Considering that Virginia Key, Crandon Park and Bill Baggs Cape Florida State Park abut the Village and affect local conditions, interlocal cooperation with the City of Miami, Miami-Dade County, State of Florida Department of Environmental Protection and other agencies will be critical to forestall problems and find solutions to local and regional problems related to park access, usage, and visitation issues. As one of three governments involved in creating the Virginia Key Master Plan, the Village must continue to work with Miami-Dade County and the City of Miami to ensure that the Master Plan includes facilities necessary to meet the needs of Key Biscayne residents.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

The Key Biscayne Master Plan devotes an entire chapter to intergovernmental coordination to strengthen its relationships with other jurisdictions and protect its interests amidst regional change. Where the State, the County, and the City of Miami make decisions that affect Key Biscayne, the Village Council monitors their actions and maintains ongoing communication with them.

- The Village Council has participated in ongoing dialogue with the State, the County, and the City of Miami to address traffic, safety, and redevelopment concerns generated by Virginia Key, the Causeway, and Crandon and Bill Baggs Cape Florida Parks.
- The Village is a member of the Virginia Key Master Plan Committee. According to the City of Miami Planning Department, the Virginia Key Master Plan's intent is to develop meaningful waterfront and public open space areas; to offer policies for the use, development and management of land; and to protect and enhance natural resources while providing the necessary infrastructure and traffic flow to serve future development.
- The 3-acres of open space usable for recreation at Calusa Park, outside north edge of Key Biscayne's municipal limits, are located within the boundaries of Miami-Dade County's much larger Crandon Park. This publicly accessible part of Calusa Park's 9 acres is largely a clearing surrounded by mangroves on three

sides and consisting of tennis courts, a playground, open space, a pavilion with public restrooms and a parking lot. The Village has attempted to reach agreements with Miami Dade County for improvements to Calusa that would add a soccer/baseball playing field, without result to date. However, the Village plans to upgrade the pavilion/restroom facility and modify the tennis courts into multipurpose sports courts, to meet both Crandon Park Master Plan and Village needs, has been approved.

- The Village negotiated an extension to the Crandon Park agreement providing for use of lighted playing fields on a scheduled basis.
- The Village attempted to negotiate with the State of Florida a possible solution to its open space and playing fields deficiencies by dedicating a portion of the area adjacent to the north entrance of Bill Baggs Cape Florida Park to local recreational needs, subject to appropriate controls and defined uses. However, an agreement, which would have added a nature trail with bay access and soccer and other playing fields, was not met.

(2) *Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.*

See preceding section, C(1).

(3) *Recommended Amendments to the Master Plan.*

- The following policy should be amended to read:
  - Policy 1.2.1 As is relevant, consider and attempt to consummate the following interlocal agreements on an ongoing basis.

(See Section 6 Conclusions and Recommendations, Recommendation IC1)

- The following policy should be amended to read:
  - Policy 1.5.2 Explore means of revenue raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks by **2010**.

(See Section 6 Conclusions and Recommendations, Recommendations ROS2/IC3)

- Add a policy that the Village shall "[n]egotiate use agreements with Miami-Dade County and the City of Miami for Village residents to have access to parkland outside Key Biscayne." (See Section 6 Conclusions and Recommendations, Recommendation ROS4)

d. Traffic Volume, Operations and Safety

The Village has made great strides in improving traffic safety through the use of traffic calming devices in certain areas of the Village. However, in other areas of the Village, excessive traffic speed and cut-through traffic remain a problem, particularly in places lacking sidewalks and crosswalks for pedestrian safety. Changing demographics, growth, and commerce have resulted in local traffic congestion. In addition, expected increases in visitation to the regional attractions located on or near Key Biscayne—particularly during holiday weekends and for special events—raise concerns about ever-increasing traffic congestion on Crandon Boulevard, the Village's main conduit for ingress and egress, as well as about traffic speed, cut-through traffic, and public safety on residential streets.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

As recognized in the Crandon Boulevard Master Plan, the level of congestion has great potential to increase. First, while new development will be limited, older single-family homes within residential areas are being redeveloped into larger homes for larger families with more cars. Second, given that the current build out of some commercial developments is below the allowable 0.50 Floor Area Ratio, an increase in the commercial square footage is possible. Third, the Ocean Club condominium development currently has a very low average occupancy rate, but is likely to see a significant increase. Lastly, because Crandon Boulevard is the sole access to Bill Baggs Cape Florida Park and the only thoroughfare traversing Key Biscayne, the road already experiences heavy through-traffic.

Crandon Boulevard, the Village's only principal urban arterial roadway[14] and the only road within Village limits that remains under Miami-Dade County jurisdiction, is the first street to undergo major improvements since the adoption of the Master Plan. The

[14] This designation was granted by the Federal Highway Administration and the Florida Department of Transportation.

study that resulted in the 2004 Crandon Boulevard Master Plan was approved and funded by the Village of Key Biscayne and Miami-Dade County in an interlocal agreement dated February, 8, 2002. The study sought to address the following goals: improved public safety, easing of traffic congestion, traffic calming, pedestrianization, improved mass transit, and improved streetscape and landscape elements. Based upon the recommendations provided by the Village Council, the Crandon Boulevard Master Plan Committee, an 18-member citizen advisory committee appointed by the Village Council, worked with consultants and members of the public to achieve these goals. The Committee made its recommendations to the Council, who approved the Master Plan in 2004. The Miami-Dade County Commission followed with its approval. In February 2005, the Village began the first phase of construction at the intersection of Crandon Boulevard, West McIntyre Street, and Galen Drive in front of the Civic Center. Phase II of the project began in July 2005 along Harbor Drive from Fernwood Road to the intersection with Crandon Boulevard. Harbor Drive is one of the Village's two collector streets. Phase II also includes improvements from the entry block of Crandon Boulevard to West McIntyre Street to the southern end of Crandon Boulevard at the entrance to Bill Baggs Cape Florida State Park. Public safety and street improvements in Phase II include:

- Redesigned intersections where Crandon Boulevard meets cross streets and condominium entranceways. Features include tightened corner radii and contrasting pavers in pedestrian crosswalks and infields;
- A new eight foot wide sidewalk on each side of Crandon Boulevard;
- Curb and gutters on the commercial frontage along Crandon Boulevard and Harbor Drive;
- Improvements on Crandon Boulevard and Harbor Drive that will increase the flow of traffic;
- A large traffic circle on Harbor Drive and Fernwood Road that will increase the flow of traffic;
- New traffic lights that will maintain the flow of traffic on Crandon Boulevard;
- Marked bicycle path on each side of Crandon Boulevard;

- Shade trees along the swale and additional palm trees in the median on Crandon Boulevard; and
- New bus shelters and benches along the east side of Crandon Boulevard and bus stops with benches along the west side for the entire length of the Boulevard within the Village limits.

Phase I intersection improvements at the Crandon Boulevard intersection with West McIntyre Street and Galen Drive, as well as between Crandon Boulevard and Village Green Way along West McIntyre Street, were paid for by funds appropriated from "the Civic Center Project" budget. Phase II is funded primarily by the proceeds of a half-penny transit tax approved by Miami-Dade County voters in 2002, that was awarded to qualifying municipalities on a yearly basis; the Village leveraged its share of these funds to raise approximately $2.3 million of the $4.0 million estimated costs. The surtax funds are supplemented by contributions from developers currently redeveloping or planning to redevelop commercial properties in the Village of Key Biscayne. The State of Florida contributed $1 million in additional funding in acknowledgement that Bill Baggs Cape Florida State Park, one of the most highly visited parks in the state, generates a lot of traffic on Crandon Boulevard, the Park's only access. Specific funding for the implementation of Phase III had not been identified at the time of adoption of the Crandon Boulevard Master Plan. However, County and State sources are expected to be available.

Four local roads serve important functions in Key Biscayne's circulation network, in addition to Harbor Drive and West Mashta drive, which are designated collector roads by FDOT standards. Fernwood Road, one of three north/south roads in the municipality, separates the commercial district from the residential area. As such, it will need to be explored for improvements. West Wood Drive, West McIntyre Street and West Heather Drive all collect traffic from tangential Village streets and direct it to Harbor Drive and Crandon Boulevard. To date, the Village has made minor improvements to some east/west roads east of Crandon Boulevard (East Enid Drive, Seaview Drive and Grapetree Drive), but none was part of a comprehensive strategic plan to improve the network. A coordinated scope for improvements is necessary.

Multimodal Transportation

In 1999, the Village of Key Biscayne Chamber of Commerce undertook a study to explore the feasibility of a free trolley service in Key Biscayne geared toward seniors. Survey results indicated that the majority of respondents supported a trolley service, but believed it should be paid for by private enterprise rather than the Village. Based on this feedback, the Village proceeded to contact the Miami-Dade Transit Authority (MDTA) to initiate the process of creating an interlocal agreement and applying for a circular route certification of transportation. Prior to formalizing any agreements, the Chamber of Commerce sought to procure a trolley for a trial testing period; trolley vendor quotes were prohibitively expensive and the project was deemed to be unfeasible due to the high costs involved for comparatively low projected ridership.

In February 2004, the trolley concept was revisited by the Crandon Boulevard Master Plan Committee. MDTA, a consultant to the Crandon Boulevard Master Plan Committee, suggested broadening target ridership from seniors to a mix of ages. Upon reviewing the recommendation, the Committee determined that "a trolley service owned and operated by the Village of Key Biscayne would entail extensive costs for equipment, personnel, and maintenance, and not have sufficient riders to make it economically feasible at this time. A more detailed study in the future could be performed to determine if a different trolley/shuttle passenger mix, such as children attending island public and private schools, seniors, and MDTA bus riders, could be feasibly accommodated. The Miami-Dade County Metropolitan Planning Organization Municipal Program has planning fund available for such studies, and interested municipalities can compete for these planning funds."

(2) *Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.*

According to the February 2004 Traffic and Parking Impacts of Commercial Development study commissioned by the Crandon Boulevard Zoning and Redevelopment Committee, during the past 10 years, intra-Village traffic grew by 15 percent while traffic along Crandon Boulevard north of Harbor Drive (beyond northern Village limits) had only a 5 percent increase. The growth of the intra-village traffic is the direct result of new construction and redevelopment including the Ritz-Carlton Hotel (formerly the Grand Bay Resort), the Grand Bay Residences (condominiums and

single family homes), the Ocean Club, and a proportional increase in drivers per household.

Many of the larger commercial properties that front on Crandon Boulevard are bounded along their rear property line by Fernwood Road. The Village has been considering the possibility of allowing driveway connections from Fernwood for these properties. Such connections are expected to produce a redistribution of traffic from Crandon Boulevard to Fernwood Road of 5 to 10 percent and a more limited redistribution along the intersecting side streets.

Since adoption of the Master Plan, the Village has started funding a senior transport service. Administered by the parks and recreation department, the service transports seniors to any location on the Key, including Crandon and Bill Baggs Cape Florida State Parks.

(3) ***Recommended Amendments to the Master Plan.***

- A policy should be written under Objective 1.1 scheduling a traffic study to assess the impact of internally generated traffic congestion. (See Section 6 Conclusions and Recommendations, Recommendation TC1)

- A policy should be written under Objective 1.1 scheduling a traffic study to assess the LOS of collector and local streets. (See Section 6 Conclusions and Recommendations, Recommendation TC2)

- In Policy 1.1.1, change the designation for arterial roadways from LOS "E" to LOS "D." (See Section 6 Conclusions and Recommendations, Recommendation TC3)

- Designate Fernwood Road as a transitional road between residential and commercial. At the rear lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic. (See Section 6 Conclusions and Recommendations, Recommendation TC4)

- Place and coordinate the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional

visitors. (See Section 6 Conclusions and Recommendations, Recommendation TC5)

- To better encompass the spectrum of transportation facilities, the Traffic Circulation Element shall be renamed the Transportation Element. (See Section 6 Conclusions and Recommendations, Recommendation TC6)

- To the new Transportation Element, the Village should add a policy to "[u]pdate the transportation maps every three years." (See Section 6 Conclusions and Recommendations, Recommendation TC7)

- To the new Transportation Element, the Village should add a policy to "[c]oordinate the Future Land Use Map with the transportation system. (See Section 6 Conclusions and Recommendations, Recommendation TC8)

- To the new Transportation Element, the Village should add a policy to "[e]stablish numerical indicators to measure achievement of mobility goals." (See Section 6 Conclusions and Recommendations, Recommendation TC9)

- To the new Transportation Element, the Village should add a policy to "[c]onduct a public transit feasibility study." (See Section 6 Conclusions and Recommendations, Recommendation TC10)

e. *Implications of Redevelopment*

Due to ever-escalating property values and the unavailability of vacant land, pressures for redevelopment continue to grow. Redevelopment issues remain a major concern of the Village. The replacement of homes built in the 1950s and 1960s with new homes has resulted in increases in population and vehicular traffic, as well as in visual impacts related to the scale and massing of new buildings. In addition, existing, older rental apartment buildings will either be substantially renovated or demolished and replaced with new condominium buildings. The conversion of apartment buildings affects the availability of housing at price points that might attract seniors, young adults and others that would enhance the diversity of the community. Similarly, concerns exist about the impacts that redevelopment of the

Sonesta Resort and the Silver Sands Motel sites might have on density, building mass, traffic, and local businesses.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

When the Master Plan was adopted in 1995, the trend of sound, existing, modestly-scaled houses being demolished in order to build excessively proportioned houses with modern amenities was emerging in Key Biscayne. Redevelopment's three pronged effect on the island—the alteration of the affordability and diversity of housing stock, appearance, and levels of traffic—has been addressed over the last decade in varying degrees.

Affordability and Diversity

Appreciating property values and redevelopment continues to reduce the affordability and diversity of housing in Key Biscayne. In recent years several rental properties have been converted to condominiums, thereby diminishing the availability of rental units. As the older housing stock is converted into much larger, more expensive structures, the ability to purchase property on Key Biscayne is increasingly elusive as well. In the Village, these trends most directly affect the elderly and young families with intentions to move within the island to different units, but not necessarily the means to be able to afford the taxes associated with doing so.

Through a variety of mechanisms, the Village has made and is in the process of making efforts to curb this trend. For example, it

- Converted the zoning designation of several properties on Fernwood Road to be Two-Family in order to diversify the housing stock. Several of these properties are rentals.
- Permits group housing in all multi-family districts.
- Monitors the production of housing the larger metro area to ensure regional needs are met.
- Through the 2020 Vision process, continues to discuss the needs of its elderly population and will continue to explore the feasibility of providing incentives for the provision of assisted living facilities in the Key.
- Explores innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area regulations.

However, the Village's ability to provide affordable housing is constrained by several factors:

- As a Coastal High Hazard Area within floodplain designation AE, the Village is not permitted to approve any development applications that would serve to increase density beyond what exists or is allowed by current zoning and/or vested rights
- The Village is almost entirely built out. Purchasing property from the very limited supply of vacant land would be costly and burden the debt cap. This is in conflict with Policy 1.3.1 of the Capital Improvements Element of the Master Plan, which states that the "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." Policy 1.5.3 of the same element follows "the Village shall not give approval to new projects that create need for expanded capital improvement unless the project pays a proportional share of the costs of these improvements following legally prescribed criteria for such fees."
- Because the Village is bordered by Biscayne Bay to the west, county-owned Calusa and Crandon Parks to the north, the Atlantic Ocean to the East, and Bill Baggs Cape Florida State Park to the south, annexation is not an option.

The University of Florida's Shimberg Center for Affordable Housing, under contract with the State of Florida Department of Community Affairs, prepares an Affordable Housing Needs Assessment (AHNA) for each municipality in the State in order to assist in the development and evaluation of comprehensive plan housing elements. The AHNA provides information about household size, income (as measured against the median), ownership status, and other indicators.

While the AHNA is a suitable source of information on affordable housing in many municipalities in Florida, it is not for a small community with finite land resources such as Key Biscayne. It is critical to note the AHNA's caveats. According to the Shimberg

Center's September 2005 *Affordable Housing Needs Assessment: Population and Household Projection Methodology* report, the most important base data for preparing estimates and projections of housing demand is population data. However population information is difficult to project for small jurisdictions such as Key Biscayne. Therefore, the accuracy of housing affordability forecasts in this case is compromised for the following reasons:

- Population projections are based on previous trends in a jurisdiction and do not take into account potentially trend-reversing characteristics such as limited land availability.
- Population estimates and projections for small areas are particularly vulnerable to being skewed by variables such as in- and out- migration of population, land availability, zoning, infrastructure availability, and other factors that have a large impact at the local level.
- In a smaller city like Key Biscayne, the impact of growth is magnified under certain projection techniques.
- Several avenues are closed off to a method that must project an age distribution at the jurisdiction (or other small area) level. Cohort-component and econometric techniques require detail generally lacking at this geographic level.
- In general, the complexity of a calculation and its margin of error is increased by adding levels of detail (total population vs. age, sex, and income detail), decreasing the size of the place (nation vs. county vs. census tract), and increasing the time since the last base point (estimate for 5 years since the last census vs. 20 year projection vs. 50 year projection). Estimating and projecting a population's composition is especially problematic for small geographic areas such as Key Biscayne because it requires the consideration of all three factors: detail, size, and horizon.

According to the AHNA, the Village will have the following (Tables 11 and 12) demand for affordable housing over the next twenty years. To reiterate, due to the caveats stated above, the Village deems these figures to be exaggerated.

Table 11: Affordable Housing Demand in Key Biscayne

	Year 2005	Year 2010	Year 2015	Year 2020	Year 2025
Total Number of Households	4439	4694	5038	5377	5560
Renter Households/% of Total	1243/28%	1280/27%	1354/27%	1416/26%	1468/26%
Owner Households/% of Total	3196/72%	3414/73%	3684/73%	3961/74%	4182/75%
Very Low Income renter Households/% of Total Rentals	445/36%	467/36%	500/37%	528/37%	552/38%
Low Income Owner Households/% of Total Rentals	255/21%	260/20%	277/20%	287/20%	294/20%
Moderate Income Renter Households/% of Total Rentals	238/19%	244/19%	254/19%	265/19%	276/19%
Total Low and Moderate Income Renter Households/% of Total Rentals	938/75%	971/76%	1031/76%	1080/76%	1122/76%
Very Low Income Owner Households/% of Total	527/16%	570/17%	634/17%	708/18%	784/19%
Low Income Owner Households/% of Total Owned	426/13%	463/14%	514/14%	569/14%	609/15%
Moderate Income Owner Households/% of Total Owned	558/17%	594/17%	652/18%	701/18%	738/18%
Total Low and Moderate Income Owner Households/% of Total Owned	1511/47%	162748%	1800/49%	1978/50%	2131/51%

Source: Affordable Housing Needs Assessment, Shimberg Center for Affordable Housing, 2005

In order to accommodate local housing needs based on the Shimberg Assessment's household size, tenure and income projections, Key Biscayne would need to have the following quantities and distributions of units between 2005 and 2025.

Table 12: Projected Demand of Renter- and Owner-Occupied Units by Income based on AHNA Data

		2005	2010	2015	2020	2025
Very Low Income Units	Rental	445	467	500	528	552
	Owner	527	570	634	708	784
Total Very Low Income Units		972	1,037	1,134	1,236	1,336
Low Income Units	Rental	255	260	277	287	294
	Owner	426	463	514	569	609
Total Low Income Units		451	723	791	856	903
Moderate Income Units	Rental	238	244	254	265	276
	Owner	558	594	652	701	738
Total Moderate Income Units		796	838	906	966	1,014
Middle/Upper Income Units	Rental	305	309	323	336	346
	Owner	1,685	1,787	1,884	1,983	2,051
Total Middle/Upper Income Units		1990	2,096	2,207	2,319	2,397

Source: Affordable Housing Needs Assessment, Shimberg Center for Affordable Housing, 2005

Highlighting one of the AHNA's caveats critical to Key Biscayne, estimates are based on historic and current population figures and growth trends that do not necessarily reflect actual local conditions. The AHNA data projects, upon continuous increase, a Village population of 14,068 in 2025. However, the Village of Key Biscayne is currently very close to build-out and more likely to follow the growth trend predicted for the Village by Miami-Dade County, which forecasts a leveling of population in 2010 at approximately 11,425 residents. The Shimberg Center estimates this population sometime between 2005 and 2010; therefore, the Village's demand for housing units between 2015 and 2025 will probably be closer to the estimated demand between 2005 and 2010.

The condition of the existing housing is a complementary facet of providing adequate affordable housing. The Shimberg Center for Affordable Housing defines substandard units as those that have one or more of the following characteristics: no heating fuel; incomplete kitchen and/or plumbing, and/or overcrowded units. In addition, substandard units may have code violations and/or structural issues. The data reflect Key Biscayne's superior quality of residential units. See Table 13

Table 13: Substandard Housing, 2000

Overcrowded Units (Occupied Units)		No Heating Fuel Used (Occupied Units)		Lacking Complete Kitchen Facilities (All Units)		Lacking Complete Plumbing Facilities	
Number	Percentage	Number	%	Number	%	Number	%
282	6.6	194	4.6	7	0.1	27	0.4

Source: Affordable Housing Needs Assessment, Shimberg Center for Affordable Housing, 2005

Appearance

To maintain the appearance of the Village's residential areas and limit structures disproportionate to their lot sizes from being built, the Land Development Code regulates the maximum lot coverage, the maximum floor area ratio, setbacks, and the maximum number of stories in residential zones. The Village's landscape ordinances reinforce the regulation of the exterior appearance of structures: "Landscape design shall enhance architectural features, relate structural design to the site, visually screen dissimilar uses and unsightly views, reduce noise impacts from roadways and incompatible uses, strengthen vistas and reinforce neighborhood site design and architecture." (Article IX. Sec. 30-233.(1)). Compliance with these regulations is tracked during the site plan review process. No historic preservation policy to protect older residential stock such as Mackle homes or any other structures on the island has been implemented; however, there are currently no structures that meet the state or national age and significance requirements for state or national historic designation.

Traffic

Evidence reported in the February 2004 Traffic and Parking Impacts of Commercial Development study indicates that traffic congestion has increased over the past decade. While the Village has continuously met level of service standards for most roads on the island, a few locations—specifically, select intersections along Crandon Boulevard with Harbor Drive, West Wood Drive, and the Key Colony Condominium entrance—have worsened.

The Crandon Boulevard Master Plan Implementation Project, which is currently under construction, will correct these deficiencies. The Master Plan recommends a reduction in curb cuts and a roundabout at the intersection of Fernwood Road and Harbor Drive (the primary collector street for much of the local and commuter traffic from the main single family residential neighborhood on the west side of the Village) to alleviate traffic generated by the three day schools in the area. Additionally,

congested and unsafe turn lanes have been redesigned to better accommodate demands generated by surrounding uses and signal timing has been adjusted.

(2) ***Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.***

The Master Plan was written prior to the complete construction of the Grand Bay Resort and Residences and the Ocean Club, the two very influential Developments of Regional Impact on Key Biscayne. The Plan recognized that the residential intensity for the two DRI tracts would be critically important in determining the "build out" population of the Village and therefore, it would need to be reassessed upon completion of construction to verify its accuracy.

According to the February 2004 Crandon Boulevard Master Plan, while the Village of Key Biscayne is nearly fully developed, the potential exists for redevelopment-induced increases in future traffic volumes on Crandon Boulevard. First, there is a vacant commercial parcel across from Key Colony. Second, an increase in commercial square footage is possible for some of the existing commercial developments given that their current build-out is below the allowable 0.50 Floor Area Ratio. Third, older single-family homes within residential areas are being redeveloped into larger homes for larger families with more cars. Last, the Ocean Club condominium development, which currently has a very low average yearly occupancy rate of approximately 30 percent, could see an increase in occupancy over the next decade (like the Key Colony development experienced in the 1990s).

As demand increases in an area of finite supply, both commercial and residential rental rates and property values are increasing. Key Biscayne has become unaffordable for current segments of the population. Seniors who have lived in the Village for decades, maintained the same tax rate on their property, and would like to downsize, often can't afford to purchase a new property for which they would have to pay today's tax rate. Many smaller, "daily needs" businesses, whose typical revenue could not support the rents commanded by local commercial properties, have also been priced out of the market.

(3) ***Recommended Amendments to the Master Plan.***

- A policy should be written under Objective 1.1 scheduling a traffic study to assess the impact of internally generated traffic congestion. (See Section 6 Conclusions and Recommendations, Recommendation TC1)

- A policy should be written under Objective 1.1 scheduling a traffic study to assess the LOS of collector and local streets. (See Section 6 Conclusions and Recommendations, Recommendation TC2)

- Designate Fernwood Road as a transitional road between residential and commercial. At the rear lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic. (See Section 6 Conclusions and Recommendations, Recommendation TC4)

- Add a policy that the Village shall "[m]onitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations." (See Section 6 Conclusions and Recommendations, Recommendation H1)

- The following objective should be amended to read:

  - Objective 1.4. The Local Planning Agency (LPA) shall define and seek opportunities to promote affordable housing of a type and at a price range consistent with Key Biscayne local market and general market conditions.

  (See Section 6 Conclusions and Recommendations, Recommendation H2)

- The following objective should be amended to read:

  - Objective 1.6 Development of Affordable Housing in Nearby Communities. Develop ongoing interlocal coordination with other jurisdictions and non-governmental agencies for the provision of affordable housing.

  (See Section 6 Conclusions and Recommendations, Recommendation H3)

- Remove Objective 1.1 because it is no longer relevant to existing conditions and needs. There were and are no vacant properties along Crandon Boulevard. There were two sites originally developed as small, low-density hotels and replaced with more than 250 units.
    - Objective 1.1 New Construction: Cooperate with private sector to build at least 250 well designed and diversified units on vacant residentially designated areas along Crandon Boulevard by 2004.

  (See Section 6 Conclusions and Recommendations, Recommendation H4)

- Add a policy that the Village shall "[e]xplore federal, state, and local housing subsidy programs as means to provide housing opportunities for low-income persons and families, where appropriate. (See Section 6 Conclusions and Recommendations, Recommendation H5)

- Add a policy that the Village shall "[c]ollaborate 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. (See Section 6 Conclusions and Recommendations, Recommendation H6)

- Add a policy that the Village shall "[p]articipate in South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing. (See Section 6 Conclusions and Recommendations, Recommendation H7)

- Add a policy that the Village shall "[e]valuate 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 or the City of Miami. (See Section 6 Conclusions and Recommendations, Recommendation H8)

- Add a policy that the Village shall [e]nsure that land use designations and zoning districts that foster diverse housing types to serve the needs of the local population, including single family, duplex, and multi-family units. (See Section 6 Conclusions and Recommendations, Recommendation H9)

f. Sustainability of Local Retail and Services

For the community to remain sustainable in the long-term, it must be able to provide basic services that satisfy basic community needs. Increasing property values and rent levels threaten the economic viability of small merchants, services, and retailers who provide important local services.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

There are two primary components to consider in an assessment of the provision of daily, basic goods and services: the quantity of retail and the type of retail. Research conducted for the 1995 Master Plan and, a decade later, for the Analysis of Retail and Service Space (September 2005) and the Traffic and Parking Impacts of Commercial Development (February 2004) studies indicates a consistency in the quantity: Key Biscayne has more square feet of retail building area than its residents alone are able to support and, despite parking shortages, shopping centers, office space and retail space have high levels of occupancy. Traffic Circulation Objective 1.2 in Part II of the Master Plan seeks to "limit commercial development and redevelopment to arterial road frontage plus Harbor Drive collector street frontage from Fernwood Road to Crandon Boulevard." The Village has implemented this objective by adding a Commercial district to the Land Development Code. All commercial development and redevelopment is contained within that zone. As denoted on the Future Land Use map, the district is primarily located along Crandon Boulevard.

The Master Plan addresses the issue of quality very minimally. Part I indicates a need for additional filling stations and food and drug store space, but develops the topic no further. Part II does provide policies or objectives to encourage and stimulate the provision of basic retail services.

In May 2004, the Village Council created the Crandon Boulevard Zoning and Development Committee in order to address use, design, and development regulations for commercial properties located in the entry block. The Committee's work resulted in changes to the Land Development Code. Ordinance 2005-19, passed in November 2005, amended Section 30-101 "Commercial Districts" of Chapter 30 "Zoning". The Ordinance supports the

inclusion of businesses geared toward the service of local needs. Additionally, it altered permitted uses, setbacks, maximum number of stories, floor area ratios, lot coverage, minimum lot area, and setback requirements in C-1 Commercial Areas. In order to deemphasize the visual prominence of parking, the ordinance added floor area ratio bonuses for the use of subterranean or set-back parking garages. Floor area ratio bonuses were also offered for the use of preferred design elements, site locations, uses, parking configurations, and landscaping.

(2) *Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.*

There continues to be a notable lack of small merchants and retailers providing local services. Rent levels price out of the market all but the most financially profitable businesses—such as banks, financial services, and real estate agents. Over the past decade the problem has been exacerbated by an increase in rent disproportionately higher than the natural increase in the rate of inflation.

(3) *Recommended Amendments to the Master Plan.*

The following policy should be amended to read:

- Policy 1.2.1: As is relevant, consider and attempt to consummate the following interlocal agreements on an ongoing basis.

(See Section 6 Conclusions and Recommendations, Recommendation IC1)

g. Vulnerability to Damage from Tropical Storms and Hurricanes

The Village, located on a low-lying barrier island in an AE flood hazard zone, is vulnerable to wind damage and storm surge damage from tropical weather systems. A protective shoreline dune system partially addresses this vulnerability along the Atlantic Ocean Coast since gaps in the dune system exist to provide beach access. Residential lots with seawalls facing Biscayne Bay can be breached by storm-induced waves traveling across the shallow bay waters. The health, safety and welfare of residents is a major concern. Many, particularly the elderly, are reluctant or unable to evacuate the Village during tropical storm and hurricane events.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

Property

Goal 3 of the Conservation and Coastal Management Element of the Master Plan is devoted to minimizing human and property loss due to hurricanes. Through the Land Development Code and Master Plan, the Village

- Restricts the intensity of development through its Land Development Code, thereby preventing densities inappropriate for a Coastal High Hazard Area (Conservation and Coastal Management Objective 3.1).
- Adopted traffic LOS standards that, based on Future Land Use Management (FLUM) policies, achieve a reasonable hurricane evacuation time.
- Devised a concurrency management system with a phased capital improvement in order to achieve and maintain LOS standards concurrent with impact of development (Conservation and Coastal Management Objective 3.4).
- Enacted and enforces Land Development Code provisions requiring minimum setbacks from the ocean, requires new construction at or above flood elevations specified by FEMA, restricts the amount of fill according to Land Development Code provisions, and limits funding of public infrastructure expansion[15] (Objective 3.5).
- Has maintained permitted population densities to coordinate with local and regional hurricane evacuation plans according the zoning in the Master Plan.
- Adopted regulations based on FEMA requirements to ensure adequate drainage paths around structures to guide storm water runoff; zone-appropriate first floor elevations for all new residential and non-residential buildings; the siting of all buildings in compliance with Florida Coastal Zone Protection Act of 1985; and the prohibition of structural fill.

[15] Funding is limited if the effect of the expansion is a direct subsidy to a specific private development in the Village.

In coordination with the implementation of the Master Plan's policies and objectives, the Village has made substantial efforts to comply with and exceed national and state requirements.

Since 1998, the Village has participated in the Community Rating System (CRS), a part of the National Flood Insurance Program. It has achieved a CRS classification of "6," placing it among the top ten communities in the state of Florida and reducing its flood insurance premiums for residents by 20 percent.

The Village's Floodplain Management Plan, which was prepared with the aid of a State Emergency Management Preparedness and Assistance grant and adopted by the Village Council in April 1998, was showcased as a national model by FEMA in 2003. Its storm drainage capacity system has demonstrated a capacity to cope with torrential rain storms of greater than 60 year intervals in recurring frequency.

People

Policy 1.2.3 of the Intergovernmental Coordination Element of the Master Plan states that the Village shall assist in providing information regarding services such as waste, water, sewers, transit and hurricane response to residents.

In June 2001, a Hurricane Information Manual was adopted in order to assist Village residents in planning and preparation for a hurricane and its aftermath (Conservation and Coastal Management Policy 3.2.2). Based on experiences from Hurricane Andrew in 1992, the 1991 County Emergency Operations Plan and the 1991 US Corps of Engineers Hurricane Evacuation Study, it addresses what to do before and after the storm, including general, outdoor and indoor safety tips. The information was compiled through consultation with the Miami-Dade County Department of Code Compliance, the Miami-Dade County Office of Emergency Management, the Broward County Office of Emergency Management, the Monroe County Office of Emergency Management, and the American Red Cross and has been distributed to the public through several news outlets

In early 2006 a committee will convene to address the vulnerability of residents during and after severe storms. Comprised of residents and the fire chief, it will explore how to best identify

- residents requiring special assistance, including contact information, relevant medical history and needs, next-of-kin and/or care-givers;
- those available to aid residents in need;
- the role the Village will play in ensuring required medication is available for the duration of the disaster and recovery period;
- evacuation procedures;
- a transportation plan with an emphasis on those who are not independently mobile;
- evacuation sites with adequate services and supplies;
- off-island housing, as necessary, during storm recovery periods;
- generators and other alternative sources of power;
- the role the community center and schools may play as shelters for those who are unable to evacuate;
- a means by which to store necessary supplies during a period when services on the Key are absent.

The committee will look into establishing a data center to centrally store information and an entity to maintain it and creating a schedule that prioritizes the severity residents' needs.

(2) *Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.*

See previous section.

(3) *Recommended Amendments to the Master Plan.*

- Language and dates referenced in the following objective should be updated:
  - Policy 2.2.3: Continue to evaluate the need for and efficacy of alternate financing methods for beach renourishment and dune development.
  - Objective 3.3: Post Disaster Redevelopment: Adopt a post-disaster redevelopment plan by 2010.
  - Policy 3.3.1: Prepare a post-disaster redevelopment plan based on the Hurricane Andrew experience and in

consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 2010.

(See Section 6 Conclusions and Recommendations, Recommendation CCM2)

h. Need to Improve or Replace Infrastructure

Sewer System

A portion of the Village remains on individual septic systems. The Master Plan indicates that limited periodic percolation of sewage effluent occurs with ground saturation during periods of heavy rains, and requires that sanitary sewers must be installed by 2008 to replace the individual septic tanks. How will the Village achieve this objective?

Overhead Utilities

Although the present network of overhead utilities is not considered functionally deficient, placing all utilities underground will aid in storm recovery, as well as improve the aesthetics of the Village.

Roadway Network

Parts of the Village road network suffer from a proliferation of potholes and require improved road maintenance.

Village-wide Streetscape and Landscape Improvements

The Village has begun implementing the recently completed master plan for the improvement of Crandon Boulevard. The need for a similar initiative to consistently enhance all local roads and civic spaces has also been identified, to achieve the desired Village character and appearance.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

Water and Sewer Systems

The 1995 Master Plan presented four alternatives the Village's existing mix of sewered and non-serviced areas (houses currently on septic):

- Install sanitary sewers throughout the entire Village, prioritizing service residential streets adjacent to Biscayne Bay (such as southern Harbor Drive) ahead of others.

- Initiate a petition among the property owners demanding service from the County.[16]
- Set up, in compliance with State statute, a special taxing district and sewer collection system with sewage channeled through WASD trunk lines.
- Use the Village's general fund to pay for the entire project.

The Master Plan endorsed the first option and the Village is currently pursuing the installation of a sewer system throughout the entire Village. Key Biscayne is cooperating with the County to produce financial and engineering plans for an extension of the sewer and water systems. As of October 2005, the planning portion of the project was 33 percent complete; the Public Works Department foresees construction to commence in by spring of 2006.

The Sewer Project has been divided into two phases, each of which contains two unserviced areas. The duration of each phase is estimated to last between eight and twelve months.

According to the Miami-Dade Water and Sewer Authority (MDWASA), once the main water line and connections are in place, it will provide the residents with a prudent time frame in which to connect to the lines. Residents will be responsible for expenses incurred from treating and removing their septic tank and making the connection. The Village of Key Biscayne Public Works Department is still waiting to find out from the MDWASA the amount residents will be charged for these procedures.

[16] At the time the Master Plan was written, the Metro-Date Water and Sewer Department (WASD) was responsible for the collection and treatment of the sewage from the lines of the Village.

Table 14: Sanitary Sewer and Water Conversion Project Progress

Zone	Percent Complete	Detailed Status
Zone 1		
Sanitary Sewer	75	The new survey has been brought into all of the drawings and flows to the pump station are currently being verified and that no upgrades to the pump station are required. A site visit was conducted in September 2005 to verify structure types and businesses and to look at project conditions (tree sizes, driveway types, etc.)
Water		Pipe material types must be verified for those portions where the consultant does not have sufficient data, which will require input from the Village. A site visit was conducted in September to confirm that the new water lines should be put in the pavement, as opposed to in the swale where construction would impact decorative driveways and landscaping.
Zone 4		
Sanitary Sewer	75	As of September 2005, the new survey was brought into all of the drawings; the flows to the pump station were being verified, as was the sufficiency of the pump stations as they are now and without upgrades.
Water		As of September 2005, the pipe material types needed to be verified for those portions where the consultant did not have sufficient data, which will require input from the Village. A site visit was conducted in September of 2005 to confirm that the new water lines should be put in the pavement, as opposed to in the swale where construction would impact decorate driveways and landscaping.
Zone 2/3		
Sanitary Sewer	25	As of September of 2005, the new survey had been brought into all of the drawings and flows to the pump station were in the process of being verified. A site visit was conducted in September to verify structure types and businesses and to look at project conditions (tree sizes, driveway types, etc).
Water		As of September of 2005, the pipe material types had to be verified for those portions where the consultant did not have sufficient data, which will require input from the Village. A site visit was conducted in September during which the consultant was determining whether the new water lines should be put in the pavement or in the swale, where construction would impact decorative driveways and landscaping.

In light of recently publicized challenges faced by MDWASA, the Village will work with the Authority to respond to and amend the project's timeline so the County may achieve its goal of delivering adequate water and sanitary sewer service to its residents. However, as of February 2006, the Village anticipates that the project will go out to bid in April or May of 2006 as permitting reaches completion.

Overhead Utilities

As part of its objective to maintain existing development and achieve new development and redevelopment which is consistent with community character (Future Land Use Objective 1.1), the Village made a policy to enact Land Development Code provisions governing subdivisions. The subdivision code was to require that certain utilities be installed underground.

In July 2005, the Village requested a cost estimate from Florida Power and Light to bury all power lines west of Crandon Boulevard and along Galen Drive on the east side. The Village Manager inquired about any state or federal subsidies currently being offered to government entities considering similar projects and the Director of Public Works expressed his support for dividing the project into distinct zones. In January 2006, FPL provided the Village with an estimate of $11 million to complete the project. Communication is ongoing. FLP projects that it will pay for 25 percent of the project; costs incurred may be passed on to customers via surcharges.

Roadway Network

The Village's major arterial, Crandon Boulevard, is being improved according to the Crandon Boulevard Master Plan. Details are in Section 4.D(1) *Traffic Volume, Operations and Safety*. The Village is also in the process of seeking public input regarding parking, beach access, and safety improvements on Ocean Lane Drive; most recently, it held a public workshop on October 17th, 2005.

Streetscape and Landscape Improvements

Major streetscape and landscape improvements are being made to Crandon Boulevard, West McIntyre Street, and Harbor Drive as a result of the Crandon Boulevard Master Plan. The Departments of Public Works and Building, Zoning and Planning as well as the Manager's Office and consultants are working on a comprehensive plan to address landscaping in public areas. Improvements include

a redesign of the Village entrance, pocket parks/mini plazas, street furniture, locations of public art, signalization, street lighting, traffic, street name signage, and utilities.

(2) ***Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.***

A survey to all residents administered by the Key Biscayne Village Council during the Master Planning process yielded results regarding prioritization of infrastructure improvements compared to preferences expressed recently indicates opinion has not shifted much over the past decade.[17] In the original survey, three quarters of participants rated "extending sanitary sewers to all areas of the Village" as desirable or higher; 94.8 percent rated "improving storm drainage throughout the Village" as desirable or higher (with a notably high percentage, 32.23 percent, indicating that it is a "first priority"); and installing street lights, installing special pavements, and installing curbs, rated in descending order of importance from there (57.5 percent; 46.0 percent, and 40.7 percent respectively).

(3) ***Recommended Amendments to the Master Plan.***

- Place and coordinate the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional visitors. (See Section 6 Conclusions and Recommendations, Recommendation TC5)

- The language and dates referenced in the following policies should be updated:

    - Policy 1.2.1 Complete financial and engineering feasibility plan to extend sanitary sewers to unsewered areas by **2008**, and complete implementation by **2010**.

  (See Section 6 Conclusions and Recommendations, Recommendation I1)

- Add a policy that the Village shall "[u]pdate the Master Plan within 18 months of the South Florida Water Management District updating its regional water supply plan, highlighting alternative water supply projects, and completing the required

[17] The survey was sent to all Villages households and returned by approximately 20 percent.

"Work Plan Amendment." (See Section 6 Conclusions and Recommendations, Recommendation I2)

- Add a policy that the Village shall "[s]eek and obtain a written statement from the Miami-Dade Water and Sewer Authority regarding the availability of water to serve all proposed development projects, including current and projected demand, remaining permitted water withdrawals, facility capacity, and scheduled capital improvement projects." (See Section 6 Conclusions and Recommendations, Recommendation I3)

- Add a policy that the Village shall "[e]stablish a single-point-of-contact at the South Florida Water Management District and Miami-Dade Water and Sewer Authority 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." (See Section 6 Conclusions and Recommendations, Recommendation I4)

i. Implications of Debt Cap

Although the Village has a strong and growing tax base, its *debt capacity* is finite and may hinder the Village's ability to implement capital initiatives, including park development, sewer extensions and placement of utilities underground, in a timely manner. Should the Village consider amending the debt cap as currently defined in the Village Charter?

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

The Village of Key Biscayne is subject to a debt cap ordinance and also a provision to allow possible referendum on new debt issuance where any capital project is involved.

The debt cap provision at present limits debt to one percent of current assessed value as provided by the county property appraiser. The debt cap schedule provided shows the current year and projections for future periods as assessed valuation changes and debt is anticipated to be incurred.

The referendum requires a 30 day period between the first reading and second readings of any ordinance that would permit issuance of debt that relates to any capital project.

(2) *Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.*

See the preceding section, i(1).

(3) *Recommended Amendments to the Master Plan.*

- The language and dates referenced in the following policies should be updated:
  - Objective 1.1: *Continue* to upgrade drainage system so outfalls in 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.
  - Policy 1.2.1 Complete financial and engineering feasibility plan to extend sanitary sewers to unsewered areas by **2008**, and complete implementation by **2010**.
  - Objective 1.3: Future Needs; Solid Waste: Continue to achieve the most cost-effective solid waste collection system.
  - Objective 1.5: Water Conservation: Continue working toward reducing the average daily per capita water consumption by 5%.

  (See Section 6 Conclusions and Recommendations, Recommendation I1)
- In compliance with Chapter 163, F.S. (5)(d), provisions should be included for granting concurrency exceptions. (See Section 6 Conclusions and Recommendations, Recommendation CI1)

j. Conservation, Coastal Management and Environmental Protection

The residents of Key Biscayne place a high priority on protecting, enhancing, and, in some cases, restoring important natural resources that are not only intrinsic to the community's barrier island identity, but also contribute to the quality of life of both residents and visitors.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

The first goal of the Master Plan's Conservation and Coastal Management Element is "to preserve and enhance the significant natural features" including

- Vegetative and soil resources (Conservation and Coastal Management Objective1.3): Achieve zero net loss of mangroves);
- Sea turtles, manatees (Conservation and Coastal Management Objective 1.4: Strive to achieve zero human-induced loss of manatees and/or sea turtle eggs; and
- Wildlife and habitat (Conservation and Coastal Management 1.7: Achieve zero degradation of fisheries, wildlife, wildlife habitat, marine habitat and environmentally sensitive land.

According to the 2003 Miami Dade County EAR, the Key Biscayne Special Management Zone artificial reef site off the Atlantic coast is the only designated environmental protection area related to beaches and artificial reefs near the Village. The Special Management Zone was designated in 1991 and contains 2,203.5 acres.

Over the last decade, the Village of Key Biscayne has:

- Enacted and enforced estuarine waterfront protection provisions in the LDC in accordance with state DEP and waterfront policies of Department and Environmental Resource Management (DERM). The Biscayne Bay Shoreline Development Review Committee was established as an interlocal entity to review all development permits (except single family and duplex houses) for tracts fronting the Bay;
- Communicated with DERM on occasions where any adverse impacts are observed relative to the sea grass beds in adjacent Bay waters;
- Reported speeding violations in manatee protection areas to County and State marine police. The entire western shore of Key Biscayne is designated as a Manatee Protection Area, which means that boat speeds above seven miles an hour and water skiing are prohibited;
- Enacted and enforced LDC provisions in order to minimize night-time artificial light on beach areas where sea turtles nest;

- Enacted and enforced LDC provisions regarding detention, runoff, minimum pervious open spaces, and drainage level-of-service standards;
- Researched and implemented beach renourishment projects. In 1997, Coastal Systems International, as a consultant to the Village, produced the "Long Range Beach Nourishment Plan for The Village of Key Biscayne, Dade County" in cooperation with a Council-appointed citizen's Beach Task Force. Its purpose was to present a long-range beach nourishment plan to address the eroded shoreline along the Village. The 2000-2001 project, overseen by the US Army Corps of Engineers, placed a reported 420,000 cubic yards of sand. The nourishment was designed to mitigate the long-term sand into the deeply dredged Government Cut channel north of Key Biscayne that formerly reached the island via longshore drift. The design of the beach fill template was developed based on the historical erosion rate, critical areas of erosion, location of nearshore seagrasses, and projected nourishment interval. Members of the Village's Beach Task force conducted research to identify appropriate sand characteristics required ensure compatibility of the new sand imported from offshore borrow areas with existing beach materials. As of 2006, the Village's Public Works Department and consultants are in the process of researching the next phase of beach renourishment.

(2) *Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.*

Refer to previous section, I(1).

(3) *Recommended Amendments to the Master Plan.*

- Language and dates referenced in the following objective should be updated:
  - Policy 2.2.3: Continue to evaluate the need for and efficacy of alternate financing methods for beach renourishment and dune development.

(See Section 6 Conclusions and Recommendations, Recommendation CCM2)

k. Land Development in the Context of Master Plan Goals, Objectives, and Policies

The Village Master Plan includes future land use descriptions which include maximum lot coverage and building heights, landscaping requirements, and sign regulations. Does the Master Plan, with its present level of detail, articulate standards for development and landscaping that are consistent with and that enhance the desired ambiance and character of the Village?

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

Goal 1 of the Future Land Use Element of the Master Plan states:

> "Achieve desired community character: Key Biscayne should be a residential community. Development policies should protect residential character. Future residential development should 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."

The Village has codified this goal in the Land Development Code.

- Section 30-80 outlines site plan review procedures:

  a) *Purpose.* Site Plan review is designed to achieve the following objectives:

  (1) To insure that infrastructure (water, sewer, and roads) is in place at the time the project is completed, as mandated by Florida's Growth Management law;

  (2) To encourage logic, imagination, and variety in the design process;

  (3) To insure that projects are compatible, both aesthetically and functionally, with the surrounding area;

(4) To promote excellence in urban design; and

(5) To encourage buildings that are consistent with the high quality environment associated with the Village.

- Section 30-233 outlines landscape plan review criteria:

  (1) "Landscape design shall enhance architectural features, relate structural design to the site, visually screen dissimilar uses and unsightly views, reduce noise impacts from roadways and incompatible uses, strengthen vistas and reinforce neighborhood site design and architecture...(5) Street trees shall be used to shade roadways and provide visual order. All street tree planting shall conform to the Village's street tree planting system."

- Section 30-190 outlines sign criteria:

  "Regulations are intended to preserve the unique aesthetic character of the Village and ensure that signs are compatible with their surroundings. It is further intended to protect property values, create a better business climate, enhance the physical appearance of the community, preserve the natural beauty of the Village and improve vehicular and pedestrian safety and reduce visual pollution."

Regulations have not prevented a major shift in scale of residential development. Recommendations from the Crandon Boulevard Commercial Development and Zoning Standards, which include quantifiable design bonuses to encourage buildings that contain architectural interest and reduce visual impact and zoning controls to ensure larger developments on assembled lots are designed within a Village setting, have recently been adopted and will soon be applied.

(2) *Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.*

See previous section.

(3) *Recommended Amendments to the Master Plan.*

When the property tax issue is resolved by the State Legislature, and therefore the Village Council is able identify funding for items

in the Capital Improvement Plan and approve projects generated during the 2020 Vision process, 2020 Vision Plan projects will be added to the Comprehensive Plan as amendments.

I. Historic, Cultural and Educational Resources and Needs

The Village of Key Biscayne has a number of historic and cultural resources and institutions that document the community's history and contribute to its identity by providing important social, educational, and community-building functions. For instance, the historic Silver Sands hotel, located at 301 Ocean Drive and built in the late 1950s, is typical of motel developments in Florida built during that era. It is the sole remaining structure of its type in Key Biscayne and one of the few remaining in southern Florida. It may be worthy of exploration for historic designation in the near future, possibly standing on its own as a historic local, state, or national landmark.

In the past, these resources have been overlooked or undervalued. There is, however, a growing awareness of the need to address issues related to enhancement, utilization, expansion, and/or preservation of these resources and institutions for the benefit of the community as a whole.

(1) *Assessment of success in implementing Master Plan objectives related to issue.*

Historic Structures

Objective 2.6 of the Future Land Use Element, Objective 1.5 of the Housing Element, and Objective 2.4 of the Conservation and Coastal Management Element of the Master Plan all specify that no later than 1999, Key Biscayne was to prepare a list of potentially significant historic structures and a strategy for their preservation. The Village has not done so because, currently, there are no structures eligible for national or state historic designation due to age and significance requirements.

However, the historic Mackle homes, which at one time occupied nearly all of the dry lots west of Crandon Boulevard, were built during the 1950s and 1960s and have reached or are approaching the 50-year age requirement for official historic designation. Particularly as many of them have been demolished or substantially remodeled, preserving one or more in that original state would convey the island's history and culture.

Historic Roads

Crandon Boulevard was designated an Historic Highway by the State of Florida and by Miami-Dade County in the late 1980s. This was the product of a 1987 citizen protest rejecting the County's attempts to install a pedestrian underpass and preemptively abrogate any future efforts to widen the road.

During the Crandon Boulevard master Planning process, the historic designation was amended in order to permit improvements to be made.

(2) *Description of changed circumstances (if any) related to issue since Master Plan was prepared/updated.*

In conjunction with its visioning process, Key Biscayne is evaluating an extensive list of capital improvement projects. In January 2006, a committee was formed to rank the priority and estimate the cost of each project. Upon consideration of input from the community and the 2020 Vision/EAR Committee, the following projects were labeled as high priority and relevant to the protection and enhancement of the Village's history, culture, and educational stature.

- Civic Center Park
- Beach Improvements via renourishment
- Nature Trails connecting Presbyterian Church bay area to St. Agnes Church
- High School on Virginia Key

A library expansion/renovation was placed in a secondary tier of importance. An artwork in public places program, theater, museum, lifelong learning program, and beach walk were placed in a tertiary tier, indicating that Village residents perceive most resource intensive cultural projects to be long-term rather than immediate goals.

(3) *Recommended Amendments to the Master Plan.*

- Language and dates referenced in the following objective should be updated:
  - Objective 2.4 Historic Preservation: Prepare a list of potentially significant historic structures and a preservation strategy by **2010**.

(See Section 6 Conclusions and Recommendations, Recommendation CCM2)

5. Consistency with Florida Growth Management Laws

F.S. 163.3191 (2)(f), requires that the Evaluation and Appraisal Report assess relevant changes in growth management laws since the date of the Master Plan's adoption for consistency with the Key Biscayne's Master Plan. The assessment was based upon the only version, to date, of the Village's Master Plan (1995).

a. State Comprehensive Plan, Chapter 187, F.S.

F.S. 163.3191 requires that the EAR evaluate relevant changes in growth management laws, including the State of Florida Comprehensive Plan, since the date that the Village's Comprehensive Plan was adopted. The following section indicates the manner in which Key Biscayne is complying with the adopted State of Florida Comprehensive Plan (Chapter 187, Florida Statues).

(1) *Manner of Compliance with State Comprehensive Plan Elements*

Children
(a) *Goal.*—Florida shall provide programs sufficient to protect the health, safety , and welfare of all of its children.

Response – Addressed through the Master Plan's ongoing intergovernmental coordination efforts involving public school and parks and recreation planning.

Families
(a) *Goal.* -- Florida shall strengthen the family and promote its economic independence.

Response – Addressed through ongoing intergovernmental coordination efforts, the Master Plan's Land Use Element, and the Vision Plan.

The Elderly
(a) *Goal.* – Florida shall improve the quality of life for its elderly citizens by promoting improved provision of services, with an emphasis on independence and self-sufficiency.

Response – All Multi-Family Districts in the LDC permit adult living facilities. The Parks and Recreation

Department coordinates senior-oriented programs at the Key Biscayne Community Center and the Village coordinates a free senior transportation program. In 2006, a committee comprised of residents and led by the fire chief will convene to coordinate a program to assist the elderly during and after severe storms.

Housing

(a) *Goal. – The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens and rural areas, while at the same time encouraging self-sufficiency of the individual and assuring environmental and structural quality and cost-effective operations.*

Response – This is addressed in the Master Plan's Housing Element, but several additional policies are being recommended in the EAR.

Health

(a)1. *Goal.*—Healthy residents who protect their own health and the health of others and who actively participate in recovering their own health when they become ill.

(b)1. *Goal.*—An environment which supports a healthy population and which does not cause illness.

(c)1. *Goal.*—Health care services which are of high quality, reasonably accessible, and adequate to meet the needs of the public.

(d)1. *Goal.*—Health costs which are contained to a level appropriate to the financial resources of the state and its residents.

Response – Addressed, in part, in the Master Plan's Conservation and Coastal Management and Recreation and Open Space Elements. The Key Biscayne Community Center encourages healthy living by making its facilities and programs available to residents of the Village.

Public Safety
(a) *Goal.* – Florida shall protect the public by preventing, discouraging, and punishing criminal behavior, lowering the highway death rate, and protecting lives and property from natural and manmade disasters.

Response – Addressed, in part, in the Master Plan's Capital Improvements (Objective 1.1) Element. Emergency Management is addressed in the Conservation and Coastal Management Element.

Water Resources
(a) *Goal.* – Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

Response – As noted in the EAR, the Village shall coordinate, as appropriate with Miami-Dade County to implement the Water Supply Facilities Workplan. Water Resources are addressed in the Master Plan's Infrastructure (Objectives 1.4; 1.5), Conservation and Coastal Management (Objectives 1.2, 1.6), Intergovernmental Coordination, and Capital Improvements (Objective 1.2) Elements. The EAR is recommending additional policies that will aid the Village in helping the State to achieve this goal. See Section 6. Conclusions and Recommendations.

Coastal and Marine Resources
(a) *Goal.* – Florida shall ensure that development and marine resource use and beach access improvements in coastal areas do not endanger public safety or important natural resources. Florida shall, through the acquisition and access improvements, make available to the state's population additional beaches and marine environment, consistent with sound environmental planning.

Response – Addressed in the Master Plan's Conservation and Coastal Management Element

Natural Systems and Recreational Lands
(a) *Goal.* – Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forest, and restore degraded natural systems to a function condition.

Response – Addressed in the Master Plan's Conservation and Coastal Management and Recreation and Open Space Elements.

Air Quality
(a) *Goal.* –Florida shall comply with all national air quality standards by 1987, and by 1992 meet standards which are more stringent than 1985 state standards.

Response – Addressed in the Master Plan's Conservation and Coastal Management Element (Objective 1.1).

Energy
(a) *Goal.* –Florida shall reduce its energy requirements through enhanced conservation and efficiency measures in end-use sectors, while at the same time promoting an increased use of renewable energy resources.

Response – Addressed through ongoing intergovernmental coordination efforts. The Village will continue to explore innovate ways to integrate green technologies in public facilities.

Hazardous and Non-hazardous Materials and Waste
(a) *Goal.* –All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall eventually be eliminated.

Response – Addressed in the Master Plan's Conservation and Coastal Management Element (Objective 1.2).

Mining
(a) *Goal.* –Florida shall protect its air, land, and water resources from the adverse effects of resource extraction

and ensure that the disturbed areas are reclaimed or restored to beneficial use and soon as reasonably possible.

Response – There is no mining in the Village.

Property Rights
(a) *Goal.* – Florida shall protect private property rights and recognize the existence of legitimate and often competing public and private interests in land use regulations and other government action.

Response – Addressed in the Master Plan's Future Land Use Element.

Land Use
(a) *Goal.* – In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

Response – Addressed in the Master Plan's Future Land Use, Infrastructure, Conservation and Coastal Management, and Capital Improvements Elements. The EAR is recommending additional policies that will aid the Village in helping the State to achieve this goal. See Section 6. Conclusions and Recommendations.

Urban and Downtown Revitalization
(a) *Goal.* – In recognition of the importance of Florida's vital urban centers and of the need to develop and redevelop downtowns to the state's ability to use existing infrastructure and to accommodate growth in an orderly, efficient, and environmentally acceptable manner, Florida shall encourage the centralization of commercial, government, retail, residential, and cultural activities within downtown areas.

Response – The commercial area of Key Biscayne is well-established and confined. Numerous studies have been undertaken with the goal of enhancing and strengthening the downtown core.

Public Facilities
(a) *Goal.* – Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

Response – Addressed in the Master Plan's Capital Improvements Element (Objective 1.1, 1.5). The EAR is recommending additional policies that will aid the Village in helping the State to achieve this goal. See Section 6. Conclusions and Recommendations.

Cultural and Historical Resources
(a) *Goal.* – By 1995, Florida shall increase access to its historical and cultural resources and programs and encourage the development of cultural programs of national excellence.

Response – Addressed in the Master Plan's Future Land Use, Housing, and Conservation and Coastal Management Elements

Transportation
(a) *Goal.* – Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit, and other transportation modes.

Response – Addressed in the Master Plan's Traffic Circulation Element. The EAR is recommending additional policies that will aid the Village in helping the State to achieve this goal. See Section 6. Conclusions and Recommendations.

Governmental Efficiency
(a) *Goal.* – Florida governments shall economically and efficiently provide the amount and quality of services required by the public.

Response – Addressed in the Master Plan's Capital Improvements Element (Objective 1.1, 1.5)

The Economy
(a) *Goal.* – Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increase per capita income for its residents.

Response – The per capita income of Key Biscayne, $54,213, exceeds the per capita income of Miami-Dade County by $35,716.

Agriculture
(a) *Goal.* –Florida shall maintain and strive to expand its food, agriculture, ornamental horticulture, aquaculture, forestry, and related industries in order to be a healthy and competitive force in the national and international marketplace.

Response – There is no agriculture in the Village.

Tourism
(a) *Goal.* – Florida will attract at least 55 million tourists annually by 1995 and shall support efforts by all areas of the state wishing to develop or expand tourist-related economies.

Response – The Village is located between two major local and regional attractions: Bill Baggs Cape Florida State Park, located to the south, had 565,976 visitors between 2002-2003 and 567,657 visitors between 2003- and 2004; Miami-Dade County-owned Crandon Park to the north had 833,114 visitors in 2003 and 755,297 visitors in 2004.

Employment
(a) *Goal:* – Florida shall promote economic opportunities for its unemployed and economically disadvantaged residents.

Response – Key Biscayne is not an employment center, but rather mostly a bedroom community.

Plan Implementation
(a) *Goal.* – Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

Response – Addressed in Master Plan's Intergovernmental Coordination Element.

(2) *Recommended Amendments to Achieve Compliance with the State Comprehensive Plan Elements*

While the Master Plan addresses several of the applicable goals of the State Comprehensive Plan, several additional policies are being recommended that would augment the Village's ability to further the State's goals. These suggested policies pertain to Housing Goal (a); Water Resources Goal (a); Land Use Goal (a); Public Facilities Goal (a); and Transportation Goal (a) and are listed in section 6 of this document, Conclusions and Recommendations.

b. Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163 (Part II), F.S.

In July 2005 the State of Florida adopted additional amendments to Chapter 163 and its growth management requirements. A table indicating the manner in which the Village of Key Biscayne is addressing the requirements of Chapter 163, Florida Statues, is below.

(1) *Manner of Compliance with Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163 (Part II), F.S.*

See table on followings pages.

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
1998: [Ch. 98-75, s. 14; Ch. 146, ss. 2-5; Ch. 98-176, ss. 2-6 and 12-15; Ch. 98-258, ss. 4-5, Laws of Florida]					
78	**Exempted brownfield area** amendments from the **twice-a-year limitation**.	163.3187(1)(g)			
79	Required that the **capital improvements element** set forth standards for **the management of debt**.	163.3177(3)(a)4.		Capital Improvements Element, Procedural	
80	Required inclusion of at least **two planning periods** – at least 5 years and at least 10 years.	163.3177(5)(a)		Procedural	
81	Allowed **multiple individual plan amendments** to be considered together as one amendment cycle.	163.3184(3)(d)		Procedural	
82	**Defined "optional sector plan"** and created Section 163.3245 allowing local governments to address DRI issues within certain identified geographic areas.	163.3164(31) and 163.3245		Procedural	
83	Established the requirements for a **public school facilities element**.	163.3177(12)		Intergovernmental Coordination Element, Procedural	
84	Established the minimum requirements for imposing **school concurrency**.	163.3180(12) **[Now: Section (13)]**	**X**		
85	Required DCA adopt **minimum criteria** for the compliance determination of a **public school facilities element** imposing school concurrency.	163.3180(13) **[Now: Section14)]**	**X**		
86	Required that **evaluation and appraisal reports** address coordination of the comp plan with existing public schools and the school district's 5-year work program.	163.3191(2)(i) **[Now: 163.3191(2)(k)]**		Evaluation and Appraisal Report and Intergovernmental	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
				Coordination Element	
87	**Amended the definition of "in compliance"** to include consistency with Sections 163.3180 and 163.3245.	163.3184(1)(b)		Intergovernmental Coordination Element, Procedural	
88	Required DCA to **maintain a file with all documents received or generated** by DCA relating to plan amendments and identify; limited DCA's review of proposed plan amendments to written comments, and required DCA to identify and list all written communications received within 30 days after transmittal of a proposed plan amendment.	163.3184(2), (4), and (6)	X		
89	Allowed a **local government to amend its plan** for a period of up to one year after the initial determination of sufficiency of an adopted EAR even if the EAR is insufficient.	163.3187(6)(b)		Procedural	
90	Substantially reworded Section 163.3191, F.S., related to **evaluation and appraisal reports**.	163.3191		Evaluation and Appraisal Report	
91	Changed the **population requirements** for municipalities and counties which are required to submit otherwise optional elements.	163.3177(6)(i)	X		
1999: [Ch. 99-251, ss. 65-6, and 90; Ch. 99-378, ss. 1, 3-5, and 8-9, Laws of Florida]					
92	Required that **ports** and local governments in the coastal area, which has **spoil disposal responsibilities**, identify dredge disposal sites in the comp plan.	163.3178(7)	X		
9	Exempted from the **twice-per-year limitation** certain port related amendments for **port transportation facilities** and projects eligible for funding by the Florida Seaport	163.3187(1)(h)	X		

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	Transportation and Economic Development Council.				
94	Required **rural counties** to base their future land use plans and the amount of land designated **industrial** on data regarding the need for job creation, capital investment, and economic development and the need to strengthen and diversity local economies.	163.3177(6)(a)	X		
95	**Added the Growth Policy Act to Ch. 163**, Part II to promote **urban infill and redevelopment**.	163.2511,163.25,14,163 .2517,163.2520,163.252 3, and 163.2526	X		
96	Required that all comp plans comply with the **school siting requirements** by October 1, 1999.	163.3177(6)(a)		Intergovernmental Coordination Element	
97	Made **transportation facilities** subject to concurrency.	163.3180(1)(a)		Transportation Circulation and Capital Improvements Elements	
98	Required use of **professionally accepted techniques** for measuring level of service for cars, trucks, transit, bikes and pedestrians.	163.3180(1)(b)		Transportation Circulation and Capital Improvements Elements	
99	Excludes **public transit facilities** from **concurrency** requirements.	163.3180(4)(b)		Capital Improvements Element	
100	Allowed **multiuse DRIs** to satisfy the **transportation concurrency** requirements when authorized by a local comprehensive plan under limited circumstances.	163.3180(12)		Procedural	
101	Allowed **multimodal transportation districts** in areas where priorities for the pedestrian environment are assigned by the plan.	163.3180(15)		Procedural	
102	Exempted amendments for **urban infill and redevelopment areas, public school concurrency** from	163.31879(1)(h) and (i) **[Now: (i) and (j)]**	**X**		

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	the **twice-per-year limitation**.				
103	**Defined brownfield designation** and added the assurance that a developer may proceed with development upon receipt of a brownfield designation. [Also see Section 163.3221(1) for "brownfield" definition.]	163.3220(2)	X		
2000: [Ch. 2000-158, ss. 15-17, Ch. 2000-284, s. 1, Ch. 2000-317, s. 18, Laws of Florida]					
104	**Repealed Section 163.3184(11)(c), F.S.**, that required funds from sanction for non-compliant plans go into the Growth Management Trust Fund.	163.3184(11)(c) **[Now: Repealed]**	X		
105	**Repealed Section 163.3187(7)**, F.S. that required consideration of an increase in the annual total acreage threshold for small scale plan amendments and a report by DCA.	163.3187(7) **[Now: Repealed]**	X		
106	**Repealed Sections 163.3191(13) and (15)**, F.S.	163.3191(13) and (15) **[Now: Repealed]**	X		
107	Allowed **small scale amendments** in **areas of critical state concern** to be exempt from the twice-per-year limitation only if they are for affordable housing.	163.3187(1)(c)1.e	X		
108	Added exemption of sales from local option surtax imposed under Section 212.054, F.S., as examples of **incentives** for new development within **urban infill and redevelopment areas.**	163.2517(3)(j)2.	X		
2001: [Ch. 2001-279, s. 64, Laws of Florida]					
109	Created the **rural land stewardship area** program.	163.3177(11)(d)	X		
2002: [Ch. 2002-296, ss. 1 - 11, Laws of Florida]					
110	Required that all agencies that review comprehensive plan	163.3174		Intergovernmental	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	amendments and rezoning include a **nonvoting representative of the district school board**.			Coordination Element	
111	Required **coordination of local comprehensive plan** with the regional water supply plan.	163.3177(4)(a)		Intergovernmental Coordination	
112	**Plan amendments for school-siting** maps are exempt from s. 163.3187(1)'s limitation on frequency.	163.3177(6)(a)	X		
113	Required that by **adoption of the EAR**, the sanitary sewer, solid waste, drainage, potable water and natural groundwater aquifer recharge element consider the regional water supply plan and **include a 10-year work plan** to build the identified water supply facilities.	163.3177(6)(c)		Intergovernmental Coordination Element	
114	Required **consideration of the regional water supply plan** in the preparation of the conservation element.	163.3177(6)(d)		Intergovernmental Coordination Element	
115	Required that the **intergovernmental coordination element (ICE)** include relationships, principles and guidelines to be used in coordinating comp plan with regional water supply plans.	163.3177(6)(h)		Intergovernmental Coordination Element	
116	Required the local governments adopting a public educational facilities element execute an **inter-local agreement** with the district school board, the county, and non-exempting municipalities.	163.3177(6)(h)4.		Intergovernmental Coordination Element	
117	Required that counties larger than 100,000 population and their municipalities submit a **inter-local service delivery agreements** (existing and proposed, deficits or duplication in the provisions of service) report to DCA by January 1, 2004. Each local government is required to update its ICE based on the findings of the report. DCA will meet with	163.3177(6)(h)6., 7., & 8.	X		

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	affected parties to discuss and id strategies to remedy any deficiencies or duplications.				
118	Required local governments and special districts to provide **recommendations for statutory changes for annexation** to the Legislature by February 1, 2003.	163.3177(6)(h)9.	X		
119	Added a **new Section 163.31776** that allows a county, to adopt an optional public educational facilities element in cooperation with the applicable school board.	163.31776	X		
120	Added a **new Section 163.31777** that requires local governments and school boards to enter into an inter-local agreement that addresses school siting, enrollment forecasting, school capacity, infrastructure and safety needs of schools, schools as emergency shelters, and sharing of facilities.	163.31777		Intergovernmental Coordination Element	
121	**Added a provision** that the concurrency requirement for transportation facilities may be waived by plan amendment for urban infill and redevelopment areas.	163.3180(4)(c)	X		
122	**Expanded the definition of "affected persons"** to include property owners who own land abutting a change to a future land use map.	163.3184(1)(a)		Procedural	
123	**Expanded the definition of "in compliance"** to include consistency with Section 163.31776 (public educational facilities element).	163.3184(1)(b)		Procedural Intergovernmental Coordination Element	
124	**Streamlined the timing** of comprehensive plan amendment review.	163.3184(3), (4), (6), (7), and (8)		Procedural	
125	Required that local governments provide a **sign-in form** at the transmittal hearing and at the adoption hearing for	163.3184(15)(c)		Procedural	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	persons to provide their names and addresses.				
126	**Exempted amendments** related to providing transportation improvements to enhance life safety on "controlled access major arterial highways" from the limitation on the frequency of plan amendments contained in s.163.3187(1).	163.3187(1)(k)	X		
127	**Required EARs to include** (1) consideration of the appropriate regional water supply plan, and (2) an evaluation of whether past reductions in land use densities in coastal high hazard areas have impaired property rights of current residents where redevelopment occurs.	163-3191(2)(1)		Future Land Use and Intergovernmental Coordination Elements	
128	Allowed local governments to **establish a special master process** to assist the local governments with challenges to local development orders for consistency with the comprehensive plan.	163.3215		Procedural	
129	Created the **Local Government Comprehensive Planning Certification Program** to allow less state and regional oversight of comprehensive plan process if the local government meets certain criteria.	163.3246	X		
130	Added a provision to Section 380.06(24), **Statutory Exemptions**, that exempts from the requirements for developments of regional impact, any water port or marina development if the relevant local government has adopted a "boating facility siting plan or policy" (which includes certain specified criteria) as part of the coastal management element or future land use element of its comprehensive plan. The adoption of the boating facility siting plan or policy is exempt from the limitation on the frequency of	163.3187(1)	X	Conservation and Coastal Management	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	plan amendments contained in s.163.3187(1).				
131	Prohibited a local government, under certain conditions, from denying an **application for development approval** for a requested land use for certain proposed solid waste management facilities.	163.3194(6)		Procedural	
2003: [Ch. 03-1, ss. 14-15; ch. 03-162, s. 1; ch. 03-261, s. 158; ch. 03-286, s. 61, Laws of Florida.]					
132	Creates the **Agricultural Lands and Practices Act**.	163.3162			
	(2): Provides **legislative findings and purpose** with respect to agricultural activities and duplicative regulation.		X		
	(3): **Defines the terms "farm," "farm operation," and "farm product"** for purposes of the act.		X		
	(4): Prohibits a county from adopting any ordinance, resolution, regulation, rule, or policy to prohibit or otherwise limit a **bona fide farm operation** on land that is classified as agricultural land.		X		
	(4)(a): Provides that the act does **not limit the powers of a county** under certain circumstances.		X		
	(4)(b): Clarifies that a **farm operation** may not expand its operations under certain circumstances.		X		
	(4)(c): Provides that the act does not limit the **powers of certain counties**.		X		

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	(4)(d): Provides that certain county ordinances are not deemed to be a **duplication of regulation**.		X		
133	Changes "State Comptroller" **references** to "Chief Financial Officer."	163.3167(6)	X		
134	Provides for certain **airports** to abandon DRI orders.	163.3177(6)(k)	X		
135	Amended to **conform to the repeal** of s. 235.185 and the enactment of similar material in s. 1013.35.	163.31776(1)(b)(2)-(3)	X		
136	Amended to **conform to the repeal** of ch. 235 and the enactment of similar material in ch. 1013.	163.37111(1)(c), (2)(e)-(f), (3)(c), (4), (6)(b)	X		
2004: [Ch. 04-5, s. 11; ch. 04-37, s. 1; ch. 04-230, ss. 1-4; ch. 04-372, ss. 2-5; ch. 04-381, ss. 1-2; ch. 04-384, s. 2, Laws of Florida.]					
137	(10): Amended to **conform to the repeal** of the Florida **High-Speed Rail** Transportation Act, and the creation of the Florida High-Speed Rail Authority Act. (13): Created to require local governments to identify adequate **water supply sources** to meet future demand. (14): Created to limit the effect of **judicial determinations** issued subsequent to certain development orders pursuant to adopted land development regulations.	163.3167	X	Intergovernmental Coordination Element Procedural	
138	(1): Provides **legislative findings** on the compatibility of development with **military installations**. (2): Provides for the **exchange of information** relating to **proposed land use decisions** between counties and local	Creates 163.3175.	X X		

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	governments and military installations. (3): Provides for **responsive comments** by the commanding officer or his/her designee. (4): Provides for the county or affected local government to **take such comments into consideration.** (5): Requires the representative of the military installation to be an **ex-officio, nonvoting member** of the county's or local government's land planning or zoning board. (6): Encourages the commanding officer to provide **information on community planning assistance grants.**		X X X X		
139	(6)(a): • Changed to require local governments to amend the future land use element by June 30, 2006 to include criteria to achieve compatibility with **military installations**. • Changed to specifically encourage **rural land stewardship area** designation as an overlay on the future land use map. (6)(c): Extended the deadline adoption of the **water supply facilities work plan** amendment until December 1, 2006; provided for updating the work plan every five years; and exempts such amendment from the limitation on frequency of adoption of amendments. (10)(l): Provides for the coordination by the state land	163.3177	X	Intergovernmental Coordination Element	

Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
planning agency and the Department of Defense on compatibility issues for **military installations**.		X		
(11)(d)1.: Requires DCA, in cooperation with other specified state agencies, to provide assistance to local governments in implementing provisions relating to **rural land stewardship areas**.		X		
(11)(d)2.: Provides for **multicounty rural land stewardship areas**.		X		
(11)(d)3.-4: Revises requirements, including the acreage threshold for designating **a rural land stewardship area**.		X		
(11)(d)6.j.: Provides that **transferable rural land use credits** may be assigned at different ratios according to the natural resource or other beneficial use characteristics of the land.		X		
(11)(e): Provides legislative findings regarding mixed-use, high-density **urban infill and redevelopment** projects; requires DCA to provide technical assistance to local governments.		X		
(11)(f): Provides legislative findings regarding a program for the transfer of development rights and **urban infill and redevelopment**; requires DCA to provide technical		X		

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	assistance to local governments.				
140	(1): Provides legislative findings with respect to the shortage of **affordable rentals** in the state. (2): Provides **definitions**. (3): Authorizes local governments to permit **accessory dwelling units** in areas zoned for single family residential use based upon certain findings. (4) An application for a building permit to construct an accessory dwelling unit must include an **affidavit from the applicant** which attests that the unit will be rented at an affordable rate to a very-low-income, low-income, or moderate-income person or persons. (5): Provides for certain **accessory dwelling units** to apply towards satisfying the affordable housing component of the housing element in a local government's comprehensive plan. (6): Requires the **DCA to report** to the Legislature.	Creates 163.31771	X	Procedural Housing Element Procedural Housing Element	
141	**Amends the definition of "in compliance"** to add language referring to the **Wekiva Parkway and Protection Act**.	163.3184(1)(b)	X		
142	(1)(m): Created to provide that amendments to address criteria or compatibility of land uses adjacent to or in close	163.3187	X		

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	proximity to **military installations** do not count toward the limitation on frequency of amending comprehensive plans. (1)(n): Created to provide that amendments to establish or implement a **rural land stewardship area** do not count toward the limitation on frequency of amending comprehensive plans.		X		
143	Created to provide that **evaluation and appraisal reports** evaluate whether criteria in the land use element were successful in achieving land use compatibility with **military installations**.	163.3191(2)(n)	X		
2005 [Ch. 2005-157, ss 1, 2 and 15; Ch. 2005-290; and Ch. 2005-291, ss. 10-12, Laws of Florida]					
144	Added the **definition** of **"financial feasibility**."	Creates ss. 163.3164(32)			
145	(2): Required comprehensive plans to be **"financially"** rather than "economically" **feasible**. (3)(a)5.: Required the comprehensive plan to include a **5-year schedule of capital improvements**. Outside funding (i.e., from developer, other government or funding pursuant to referendum) of these capital improvements must be **guaranteed** in the form of a **development agreement or interlocal agreement.** (3)(a)6.b.1.: Required plan amendment for the **annual update** of the schedule of capital improvements. **Deleted** provision allowing updates and change in the date of construction to be accomplished by ordinance.	163.3177		Procedural; Capital Improvements and Future Land Use Elements	

Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
(3)(a)6.c.: Added **oversight and penalty** provision for failure to adhere to this section's capital improvements requirements.				
(3)(a)6.d.: Required a **long-term capital improvement schedule** if the local government has adopted a long-term concurrency management system.			Capital Improvements Element	
(6)(a): **Deleted** date (October 1, 1999) by which school sitting requirements must be adopted.			Procedural	
(6)(a): Add requirement that future land use element of **coastal counties** must encourage the preservation of working waterfronts, as defined in s.342.07, F.S.		X		
(6)(c): Required the potable water element to be updated within 18 months of an updated regional water supply plan to incorporate the **alternative water supply projects** selected by the local government to meet its water supply needs.			Infrastructure and Intergovernmental Coordination Elements	
(6)(e): Added waterways to the system of sites addressed by the **recreation and open space element**.			Recreation and Open Space Element	
(11)(d)4.c.: Required **rural land stewardship areas** to address **affordable housing**.		X		

Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
(11)(d)5.: Required a **listed species survey** be performed on **rural land stewardship receiving area**. If any listed species present, must ensure adequate provisions to protect them.		X		
(11)(d)6.: Must enact an ordinance establishing a **methodology** for creation, conveyance, and use of **stewardship credits** within a **rural land stewardship area**.		X X		
(11)(d)6.j.: Revised to allow **open space and agricultural land** to be just as important as environmentally sensitive land when assigning stewardship credits.			Interlocal agreement with County School Board	
(12): Must adopt **public school facilities element**.				
(12)(a) and (b): A **waiver** from providing this element will be allowed under certain circumstances.			Interlocal agreement with County School Board	
(12)(g): Expanded list of items to be to include **colocation, location of schools proximate to residential areas**, and use of schools as **emergency shelters**.			Interlocal agreement with County School Board	
(12)(h): Required local governments to provide maps depicting the general **location** of new schools and school improvements within future conditions maps.			Interlocal agreement with County School Board	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	(12)(i): Required DCA to establish a **schedule for adoption** of the public school facilities element. (12)(j): Established **penalty** for failure to adopt a public school facility element. (13): (**New section**) Encourages local governments to develop a "**community vision**," which provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. (14): (**New section**) Encourages local governments to develop a "**urban service boundary**," which ensures the area is served (or will be served) with adequate public facilities and services over the next 10 years. See s. 163.3184(17).		X	Interlocal agreement with County School Board Addressed in 2020 Community Vision Process	
146	163.31776 is **repealed**	163.31776 **[Now: Repealed]**			
147	(2): Required the **public schools interlocal agreement** (if applicable) to address requirements for **school concurrency**. The **opt-out provision** at the end of Subsection (2) is deleted. (5): Required **Palm Beach County** to identify, as part of its EAR, changes needed in its public school element necessary to conform to the new 2005 public school	163.31777	**X**	Addressed in Intergovernmental Coordination Element	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	facilities element requirements. (7): Provided that counties exempted from **public school facilities element** shall undergo **re-evaluation** as part of its **EAR** to determine if they continue to meet exemption criteria.		**X**		
148	(2)(g): Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in s.342.07, F.S.	163.3178		Addressed in Recreational and Open Space Element	
149	(1)(a): Added "**schools**" as a required concurrency item. (2)(a): Required consultation with water supplier prior to issuing building permit to ensure "**adequate water supplies**" to serve new development is available by the date of issuance of a certificate of occupancy. (2)(c): Required **all transportation facilities** to be in place or under construction within **3 years** (rather than 5 years) after approval of building permit. (4)(c): Allowed concurrency requirement for public schools to be waived within urban infill and redevelopment areas (163.2517). (5)(d): Required **guidelines for granting concurrency**	163.3180	**X**	Interlocal Agreement w/ County School Board Intergovernmental Coordination Element Procedural	Capital Improvements Element

Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
exceptions to be included in the comprehensive plan. (5)(e) – (g): If local government has established **transportation exceptions**, the guidelines for implementing the exceptions must be "**consistent with and support a comprehensive strategy, and promote the purpose of the exceptions.**" Exception areas must include mobility strategies, such as alternate modes of transportation, supported by data and analysis. FDOT must be consulted prior to designating a transportation concurrency exception area. Transportation concurrency exception areas existing prior to July 1, 2005 must meet these requirements by July 1, 2006, or when the EAR-based amendment is adopted, whichever occurs last. (6): Required local government to **maintain records** to determine whether 110% **de minimis transportation impact** threshold is reached. A summary of these records must be submitted with the annual capital improvements element update. Exceeding the 110% threshold dissolves the de minimis exceptions. (7): Required consultation with the Department of Transportation prior to designating a **transportation concurrency management area** (to promote infill development) to ensure adequate level-of-service standards are in place. The local government and the DOT should		X X	Procedural	

Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
work together to mitigate any impacts to the Strategic Intermodal System.			Intergovernmental Coordination Element; Interlocal Agreement with County School Board	
(9)(a): Allowed adoption of a **long-term concurrency management system for schools.**				
(9)(c): **(New section)** Allowed local governments to issue approvals to commence construction notwithstanding s. 163.3180 in areas subject to a **long-term concurrency management system.**			Procedural	
(9)(d): **(New section)** Required evaluation in EAR of progress in improving levels of service..			Evaluation and Appraisal Report	
(10): Added requirement that level of service standard for roadway facilities on **the Strategic Intermodal System** must be consistent with FDOT standards. Standards must consider **compatibility with adjacent jurisdictions.**		X		
(13): Required **school concurrency** (not optional).			Interlocal Agreement w/ County School Board	
(13)(c)1.: Requires school concurrency after five years to be applied on a "**less than districtwide basis**" (i.e., by using school attendance zones, etc).			Interlocal Agreement w/ County School Board	
(13)(c)2.: Eliminated exemption from plan amendment			Procedural	

Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
adoption limitation for changes to service area boundaries. (13)(c)3.: No application for development approval may be denied if a **less-than-districtwide measurement of school concurrency** is used; however the development impacts must to shifted to contiguous service areas with school capacity. (13)(e): Allowed school concurrency to be satisfied if a developer executes a **legally binding commitment** to provide mitigation proportionate to the demand. (13)(e)1.: Enumerated mitigation options for achieving **proportionate-share mitigation.** (13)(e)2.: If educational facilities funded in one of the two following ways, the local government must **credit** this amount toward any **impact fee or exaction** imposed on the community: • contribution of land • construction, expansion, or payment for land acquisition (13)(g)2.: **(Section deleted)** – It is no longer required that a local government and school board base their plans on consistent population projection and share information regarding planned public school facilities, development and redevelopment and infrastructure needs of public school		X	Interlocal Agreement w/ County School Board	

Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
facilities. However, see (13)(g)6.a. for similar requirement.				
(13)(g)6.a.: **[Formerly (13)(g)7.a.]** Local governments must establish a **uniform procedure for determining if development applications are in compliance with school concurrency**.			Interlocal Agreement w/ County School Board	
(13)(g)7. **[Formerly (13)(g)8.] Deleted** language that allowed local government to terminate or suspend an interlocal agreement with the school board.		X		
(13)(h): **(New 2005 provision)** The fact that **school concurrency** has not yet been implemented by a local government should not be the basis for either an approval or denial of a development permit.			Procedural	
(15): Prior to adopting **Multimodal Transportation Districts**, FDOT must be consulted to assess the impact on level of service standards. If impacts are found, the local government and the FDOT must work together to mitigate those impacts. Multimodal districts established prior to July 1, 2005 must meet this requirement by July 1, 2006 or at the time of the EAR-base amendment, whichever occurs last.		X		
(16): **(New 2005 section)** Required local governments to adopt by **December 1, 2006** a method for assessing			Capital Improvements Element: Concurrency	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	proportionate fair-share mitigation options. FDOT will develop a model ordinance by December 1, 2005.				
150	(17): **(New 2005 section)** If local government has adopted a **community vision** and **urban service boundary**, state and regional agency review is eliminated for plan amendments affecting property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments. (18): **(New 2005 section)** If a municipality has adopted an urban infill and redevelopment area, state and regional agency review is eliminated for plan amendments affecting	163.3184	 **X**	Procedural	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	property within the urban service boundary. Such amendments are exempt from the limitation on the frequency of plan amendments.				
151	(1)(c)1.f.: Allowed approval of residential land use as a **small-scale development amendment** when the proposed density is equal to or less than the existing future land use category. Under certain circumstances **affordable housing units** are exempt from this limitation. (1)(c)4.: (**New 2005 provision**) If the small-scale development amendment involves a **rural area of critical economic concern**, a 20-acre limit applies. (1)(o): (**New 2005 provision**) An amendment to a **rural area of critical economic concern** may be approved without regard to the statutory limit on comprehensive plan amendments.	163.3187	 **X** **X**	Procedural Housing Element	
152	(2)(k): Required local governments that do not have either a school interlocal agreement or a public school facilities element, to determine in the **EAR** whether the local government continues to meet the exemption criteria in s.163.3177(12).	163.3191		Evaluation and Appraisal Report; Interlocal agreement with County School Board	

	Changes to Chapter 163, F.S. 1998-2005	163, F.S. Citations	N/A *	Addressed (where/how)	Amendment Needed By Element
	(2)(l): The **EAR** must determine whether the local government has met its various water supply requirements, **including development of alternative water supply projects.**			Evaluation and Appraisal Report	
	(2)(o): (**New 2005 provision**) The **EAR** must evaluate whether its **Multimodal Transportation District** has achieved the purpose for which it was created.		**X**		
	(2)(p): (**New 2005 provision**) The **EAR** must assess **methodology for impacts on transportation facilities.**			Evaluation and Appraisal Report	
	(10): The **EAR-based amendment** must be **adopted within a single amendment cycle**. Failure to adopt within this cycle results in **penalties**. Once updated, the comprehensive plan must be submitted to the DCA.			Procedural	
153	(10) New section designating Freeport as a **certified community**. (11) New section exempting proposed DRIs within Freeport from review under s.380.06, F.S., unless review is requested by the local government.	163.3246	**X**		

(2) *Recommended Amendments to Achieve Compliance with the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163 (Part II), F.S.*

To address the deficiency in the Comprehensive Plan regarding 149.5(d), the following amendment is being recommended:

- In compliance with Chapter 163, F.S. (5)(d), provisions should be included for granting concurrency exceptions. (See Section 6 Conclusions and Recommendations, Recommendation CI1)

c. *Rule Chapter 9J-5, F.A.C*

A table demonstrating the manner in which the Village of Key Biscayne complies the requirements of Rule Chapter 9J-5, Florida Administrative Code follows.

(1) *Manner of Compliance with Chapter 9J-5, F.A.C.*

See table on followings pages.

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
November 22, 1989					
1	Defined **availability** or **available, concurrency, concurrency management system, currently available revenue sources,** and **public facilities and services**. *Note: the definition of availability or available was repealed March 23, 1994 and the definition of public facilities and services was repealed February 25, 2001.*	9J-5.003		Procedural	
2	Required comprehensive plan amendments applicable to the **Wekiva River Protection Area** to meet requirements of section 369.301, F.S., in addition to meeting compliance requirements of section 163.3184, F.S.	9J-5.005(8)	**X**		
3	Required local governments to adopt a **concurrency management system** in their comprehensive plans and established requirements for such systems.	9J-5.0055		Conservation Coastal Management and Capital Improvements Elements	
4	Required the capital improvement element to include requirements to ensure an adequate **concurrency management system** is implemented.	9J-5.016		Capital Improvements Element (Obj 1.4)	
5	Clarified requirements relating to **projected revenue sources** that are contingent upon ratification by public referendum.	9J-5.016(4)(a)2.		Procedural	
April 2, 1992					

Changes to Rule 9J-5, F.A.C. 1989-2003		9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
6	Defined **transportation concurrency management area, transportation demand management**, **transportation system management**, and **transportation mobility element**. *Note: the definitions of transportation concurrency management area and transportation mobility element were repealed March 23, 1994.*	9J-5.003	**X**		
7	Authorized local governments to establish optional **transportation concurrency management areas** and provided requirements for such areas. *Note: this rule was repealed March 23. 1994.*	9J-5.0057	**X**		
8	Required **transportation concurrency management areas** to be shown on the future land use map.	9J-5.006(4)(a)	**X**		
9	Required the capital improvement element to include requirements to ensure **concurrency management areas** are implemented, if designated.	9J-5.016		Capital Improvements Element (Obj 1.4)	
March 23, 1994					

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
10	Defined **central business district, coastal area, evaluation and appraisal report, partial evaluation and appraisal report, proposed evaluation and appraisal report, sufficiency review**, and **very low income family**. *Note: the definition of very low income family was repealed March 21, 1999.*	9J-5.003		Procedural; Evaluation and Appraisal Report; Conservation and Coastal Management and Housing Elements	
11	Revised the definition of **coastal high hazard areas** and modified the definition of **coastal area** to provide a definition of the term **coastal planning area**. *Note: the definition of coastal planning area was revised March 21. 1999.*	9J-5.003		Capital Improvements Element (Obj. 1.3)	
12	Repealed definitions of **availability** or **available, transportation concurrency management area**, and **transportation mobility element**.	9J-5.003	X		
13	Required local comprehensive plans to include a countywide **marina siting plan** for participating local governments in the coastal area and **intergovernmental coordination** processes.	9-5.005(1)(c)	X		
14	Revised **monitoring and evaluation** requirements to include a description of the public participation process and components of the evaluation and appraisal process. *Note: Revised February 25, 2001.*	9-5.005(7)		Evaluation and Appraisal Report	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
15	Added procedures for transmittal and review of **evaluation and appraisal reports** and **evaluation and appraisal amendments**. *Note: Repealed March 21, 1999 and February 25, 2001.*	9J-5.0053	X		
16	Revised requirements for the concurrency management system to include provisions regarding **level of service standards**, and **minimum requirements for concurrency**, and authorized local governments to incorporate within their concurrency management system optional **long term concurrency management systems, transportation concurrency management areas, transportation concurrency exception areas; concurrency exceptions for projects that promote public transportation**, and provisions for **private contributions to local government capital improvement planning**.	9J-5.0055		Transportation Circulation (Obj. 1.1), Infrastructure (Obj. 1.4), Capital Improvements (Obj 1.2), Coastal Management (Obj. 3.4) and Intergovernmental Coordination (Obj. 1.2) Elements	
17	Repealed provisions authorizing establishment of optional **transportation concurrency management areas** and providing requirements for such areas.	9J-5.0057	X		

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
18	Required the Future Land Use Element for coastal counties and municipalities that have dredge spoil disposal responsibilities to identify any existing **dredge spoil disposal sites** and include an analysis of the need for additional dredge spoil disposal sites.	9J-5.006(1)(f)3 and 9J-5.006(2)(f)	X		
19	Required the Future Land Use Element to include an analysis of **proposed development and redevelopment** based upon hazard mitigation reports.	9J-5.006(2)(g)		Future Land Use (Objs. 1.1; 2.4)	
20	Required the Future Land Use Element to include objectives to encourage elimination or reduction of uses that are inconsistent with an **interagency hazard mitigation report** and ensure the availability of **dredge spoil disposal sites** for affected coastal counties and municipalities.	9J-5.006(3)(b)	X		
21	Required policies of the future land use element to designate **dredge spoil disposal sites** for affected coastal counties and municipalities and establish **site selection criteria** for designation of future dredge spoil disposal sites.	9J-5.006(3)(c)	X		

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
22	Required local governments to adopt the **level of service standards** established by the Department of Transportation for facilities on the Florida Intrastate Highway System and adopt adequate level of service standards for all other transportation facilities. *Note: 9J-5.007 was repealed February 20, 1996, and has been replaced by 9J-5.019.*	9J-5.007(3)(c)		Traffic Circulation (Obj. 1.1), Intergovernmental Coordination, Capital Improvements Elements	
23	Required the Ports, Aviation and Related Facilities Element to include an analysis of the need for additional **dredge spoil disposal sites** for existing and proposed ports. *Note: 9J-5.009 was repealed February 20, 1996, and has been replaced by 9J-5.019*	9J-5.009(2)(c)	X		
24	Required the Housing Element inventory and analysis to: Use data from the **affordable housing needs assessment;** Address housing needs of existing and future residents; Avoid the concentration of affordable housing; and Address the needs of **very-low income families** as well as low and moderate income families.	9J-5.010(1) and (2)		Housing Element	Recommendation to add amendment to Housing Element.

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
25	Required Housing Element objectives to address: Housing needs of current and future residents; Sites and distribution of housing for very-low income and low-income families; and Use of job training, job creation and economic solutions to address affordable housing concerns.	9J-5.010(3)			Recommendation to add amendment to Housing Element.
26	Required Coastal Management Element inventories and analyses to be coordinated with the countywide **marina siting plan**.	9J-5.012(2)		Conservation and Coastal Management Element (Obj. 2.1)	
27	Required Coastal Management Element policies to: Incorporate recommendations from **interagency hazard mitigation reports**; Address the relocation, mitigation or replacement of **infrastructure** within the coastal high-hazard area; Include criteria consistent with the countywide **marina siting plan**; and Include a procedure to resolve inconsistencies between the local comprehensive plan and the **deepwater port master plan**.	9J-5.012(3)		Conservation and Coastal Management Element Obj. 3.3 Obj. 3.1 Obj. 2.1 N/A	
28	Required affected local governments to incorporate the **marina siting plan** in the Coastal Management Element.	9J-5.012(4)		Conservation and Coastal Management Element (Obj. 2.1)	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
29	Required objectives of the Intergovernmental Coordination Element to: ▪ Ensure coordination in the designation of new **dredge spoil disposal sites**; ▪ Involve the navigation and inlet districts, state and federal agencies and the public in identifying dredge spoil disposal sites; and ▪ Resolve conflicts between a coastal local government and a public agency seeking a dredge spoil disposal site through the Coastal Resources Interagency Management Committees dispute resolution process.	9J-5.015(3)	X X X		

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
30	Required local governments having all or part of their jurisdiction within the urbanized area of a Metropolitan Planning Organization to prepare and adopt a **transportation element** which replaces the traffic circulation element, the mass transit element, and the ports, aviation and related facilities element and established requirements for the transportation element.	9J-5.019		Background Transportation Section includes maps depicting -existing circulation -traffic control devices -transit service -traffic volumes -speed control -bicycle and pedestrian plan	Traffic Circulation Element amendment needed.
May 18, 1994					
31	Added provisions for settlement of conflicts through **compliance agreements**.			Procedural	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
32	Defined **adjusted for family size, adjusted gross income, affordable housing, agency, amendment, clustering, compatibility, composition, density, development, development controls, distribution, environmentally sensitive lands, extent, facility availability, floodprone areas, functional relationship, high recharge area, hurricane vulnerability zone, intensity, manufactured home, moderate income household, natural drainage flow, natural groundwater aquifer recharge areas** or **natural groundwater recharge areas, new town,** Apattern, **potable water wellfield, purchase of development rights, rural areas, rural village** or **rural activity center, stormwater basin, stormwater facilities, stormwater management system, suitability, transfer of development rights, urban area, urban sprawl, very low income household, wellhead protection area,** and **wetlands.** *Note: the definitions of adjusted for family size, adjusted gross income, development, and high recharge area were repealed and the definitions of affordable housing and wetlands were revised March 21, 1999.*	9J-5.003		Procedural	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
33	Revised definitions of **areas subject to coastal flooding, conservation uses, deepwater ports, estuary, low income household, mobile home, natural reservations**, and **oceanic waters**.	9J-5.003		Procedural	
34	Revised comprehensive plan content requirements to clarify that the **future land use map** or map series must be included in the adopted comprehensive plan.	9J-5.005(1)		Future Land Use Map	
35	Required all goals, objectives, policies, standards, findings and conclusions of the comprehensive plan and plan amendments to be based upon **analysis** as well as data, explained the meaning of being **based upon data**, referenced the Department's guide to **data sources** and National Wetland Inventory Maps, and authorized local governments to submit textual portions of their plan or amendment on **electronic processing storage media**.	9J-5.005(2)		Procedural	
36	Required **goals, objectives and policies** to establish standards for the use of land and guidelines for land development regulations.	9J-5.005(6)		Future Land Use Element (Obj. 1.1)	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
37	Required plan amendments exempt from the twice-a-year restriction under the development of regional impact provision to be transmitted as required by law and revised **adoption by reference** requirements. *Note: adoption by reference requirements were further revised March 21, 1999.*	9J-5.005(2)(g)		Procedural	
38	Authorized local governments to recognize in their comprehensive plans, statutory and common law **vested rights**.	9J-5.005(8)		Conservation and Coastal Management (Obj. 3.1)	
39	Required public **potable water wells** and **wellhead protection areas** to be shown on existing land use map or map series and provided that **educational uses, public buildings and grounds and other public facilities** may be shown as one land use category.	9J-5.006(1)]	X		
40	Required policies of the Future Land Use Element to address protection of potable water wellfields by designating appropriate activities and land uses within **wellhead protection areas**.	9J-5.006(3)		Future Land Use Element	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
41	Required public **potable waterwells**, **wellhead protection areas**, and **coastal high hazard areas** to be shown on the future land use map and provided that **educational uses, public buildings and grounds and other public facilities** may be shown as one land use category. Provided that if **mixed use categories** are used, policies must specify types of land uses allowed, the percentage distribution among the mix of uses or other objective measurement, and the density and intensity of each use.	9J-5.006(4)	X		
42	Provided criteria for reviewing local comprehensive plans and plan amendments for adequacy in discouraging the proliferation of **urban sprawl**, including indicators of sprawl and measures for evaluating land uses, local conditions, and development controls.	9J-5.006(5)		Future Land Use Element (Obj. 1.1)	
43	Required the Housing Element to address housing for moderate income, low income, and very low income households, group homes, foster care facilities, and households with special housing needs, including rural and farmworker housing.	9J-5.010		Housing Element (Objs. 1.1, 1.2)	
44	Required the Housing Element analysis to address the existing housing delivery system. [	9J-5.010(2)			

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
45	Required objectives of the Housing Element to address adequate sites for mobile and manufactured homes.	9J-5.010(3)(b)			Recommendation to add amendment to Housing Element.
46	Required policies of the Housing Element to: Include specific programs and actions to streamline the **permitting process** and minimize costs and delays for housing; Establish principles and criteria guiding the location of **manufactured homes**; Identify interlocal agreements with nearby local governments to provide **affordable housing**; and Designate sufficient sites at sufficient densities to accommodate affordable housing.	9J-5.010(3)(c)		Housing Element Obj 1.4 Obj. 1.4 Obj. 1.6	
47	Required the data and analysis of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to identify major **natural drainage features** and **natural groundwater aquifer recharge areas**, including areas identified by the water management district as **prime or high groundwater recharge areas**.	9J-5.011(1)		Conservation and Coastal Management (Objs. 1.2, 3.1) and Future Land Use (Obj. 2.5) Element	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
48	Required the policies of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to establish **water quality standards for stormwater recharge**.	9J-5.011(2)		Infrastructure (Goal 1), Intergovernmental Coordination (Obj. 1.2), and Conservation and Coastal Management (Obj. 1.2) Elements	
49	Required the Conservation Element to identify and analyze **groundwater** and important **fish or shellfish areas**.	9J-5.013(1)		Conservation and Coastal Management Element (Obj. 1.2, 1.7)	
50	Required policies of the conservation element to address land uses known to affect adversely the quality and quantity of **water sources**, including natural groundwater recharge areas, well head protection areas and surface waters used as a source of public water supply, and the protection and conservation of **wetlands**.	9J-5.013(2) and (3)		Conservation and Coastal Management Element	
February 20, 1996					
51	Repealed rule requirements for the **Traffic Circulation Element; Mass Transit Element; Ports, Aviation and Related Facilities Element**. *Note: Certain local governments must continue to prepare these elements pursuant to 163.3177, F.S., and 9J-5.019, F.A.C.*	9J-5.007, 9J-5.008, and 9J-5.009	**X**		
52	Repealed rule requirements for the **Recreation and Open Space Element**. *Note: Section*	9J-5.014		Recreation and Open Space Element	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	163.3177, F.S., requires local governments to prepare this element.				
53	Repealed rule requirements for consistency of local government comprehensive plans with **Comprehensive Regional Policy Plans** and with the **State Comprehensive Plan**. *Note: Local government comprehensive plans are required by section 163.3184(1)(b), F.S., to be consistent with the applicable Strategic Regional Policy Plan and the State Comprehensive Plan.*	9J-5.021	X	Evaluation and Appraisal Report	
October 20, 1998					
54	Established requirements for the **Public School Facilities Element** for Public School Concurrency for local governments that adopt school concurrency.	9J-5.025		Intergovernmental Coordination	
March 21, 1999					
55	Defined **public transit** and **stormwater management facilities**	9J-5.003		Procedural	
56	Revised the definitions of **affordable housing, coastal planning area, port facility**, and **wetlands.**	9J-5.003		Procedural; Housing and Conservation and Coastal Management Elements	
57	Repeal the definitions of **adjusted for family size, adjusted gross income, development, high recharge area or prime recharge area,**	9J-5.003		Housing Element	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	mass transit, paratransit, public facilities, very low-income family.				
58	Revised provisions relating to **adoption by reference** into the local comprehensive plan.	9J-5.005(2)(g) and (8)(j)		Procedural	
59	Repealed transmittal requirements for proposed **evaluation and appraisal reports**, submittal requirements for adopted evaluation and appraisal reports, criteria for determining the sufficiency of adopted evaluation and appraisal reports, procedures for adoption of evaluation and appraisal reports. *Note: transmittal requirements for proposed evaluation and appraisal reports and submittal requirements for adopted evaluation and appraisal reports were incorporated Rule Chapter 9J-11, F.A.C.*	9J-5.0053(2) through (5)		Procedural Evaluation and Appraisal Report	
60	Repealed conditions for **de minimis impact** and referenced conditions in subsection 163.3180(6), F.S.	9J-5.0055(3)6		Procedural	
61	Required the future land use map to show the **transportation concurrency exception area** boundaries of such areas have been designated and areas for possible future municipal incorporation.	9J-5.006(4)	X		
62	Required objectives of the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of **high**	9J-5.011(2)		Infrastructure (Obj. 1.1), Conservation and Coastal Management (Obj. 1.2) Elements	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	recharge and **prime recharge** areas.				
63	Repealed the **Intergovernmental Coordination** Element process to determine if development proposals would have significant impacts on other local governments or state or regional resources or facilities, and provisions relating to resolution of disputes, modification of development orders, and the rendering of development orders to the Department of Community Affairs (DCA)	9J-5.015(4)	X		
64	Clarified that local governments not located within the urban area of a Metropolitan Planning Organization are required to adopt a **Traffic Circulation Element** and that local governments with a population of 50,000 or less are not required to prepare **Mass Transit and Ports, Aviation and Related Facilities Elements**.	9J-5.019(1)	X		

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
65	Required objectives of the Transportation Element to:	9J-5.019(4)(b)			
	• Coordination the siting of new, or expansion of existing **ports, airports, or related facilities** with the Future Land Use, Coastal Management, and Conservation Elements;		X		
	• Coordination surface transportation access to ports, airports, and related facilities with the traffic circulation system;		X		
	• Coordination ports, airports, and related facilities plans with plans of other transportation providers; and		X		
	• Ensure that access routes to ports, airports and related facilities are properly integrated with other modes of transportation.		X		
66	Required policies of the Transportation Element to:	9J-5.019(4)(c)			
	Provide for safe and convenient **on-site traffic flow**;			Transportation Circulation Element (Obj. 1.1)	
	Establish measures for the acquisition and preservation of public **transit** rights-of-way and corridors;			Transportation Circulation Element (Obj. 1.4)	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	Promote **ports, airports and related facilities** development and expansion;		X		
	Mitigate adverse structural and non-structural impacts from ports, airports and related facilities;		X		
	Protect and conserve natural resources within ports, airports and related facilities;		X		
	Coordinate intermodal management of surface and water transportation within ports, airports and related facilities; and		X		
	Protect ports, airports and related facilities from encroachment of incompatible land uses.		X		
67	Added standards for the review of **land development regulations** by the Department.	9J-5.022		Procedural	
68	Added criteria for determining consistency of **land development regulations** with the comprehensive plan.	9J-5.023		Procedural Future Land Use Element (Obj. 1.1)	
February 25, 2001					
69	Defined **general lanes**	9J-5.003		Procedural Transportation Circulation Element	
70	Revised the definition of "**marine wetlands.**"	9J-5.003		Procedural Conservation and Coastal Management Element	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
71	Repeal the definition of "**public facilities and services**."	9J-5.003	X		
72	Revised procedures for **monitoring**, evaluating and appraising implementation of local comprehensive plans.	9J-5.005(7)		Evaluation and Appraisal Report	
73	Repealed requirements for **evaluation and appraisal reports** and evaluation and appraisal amendments.	9J-5.0053	X		
74	Revised concurrency management system requirements to include provisions for establishment of **public school concurrency**.	9J-5.005(1) and (2)		Intergovernmental Coordination (Obj. 1.1)	
75	Authorized local governments to establish multimodal transportation **level of service standards** and established requirements for **multimodal transportation districts**.	9J-5.0055(2)(b) and (3)(c)	X		
76	Authorized local governments to establish **level of service standards** for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.0055(2)(c)		Transportation Circulation (Obj. 1.1)	
77	Provide that **public transit** facilities are not subject to concurrency requirements.	9J-5.0055(8)		Procedural	
78	Authorized local comprehensive plans to permit multi-use developments of regional impact to satisfy the transportation concurrency requirements by payment of a **proportionate share contribution**.	9J-5.0055(9)		Capital Improvements Element	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
79	Required the future land use map to show **multimodal transportation district** boundaries, if established.	9J-5.006(4)	X		
80	Authorized local governments to establish **multimodal transportation districts** and, if established, required local governments to establish design standards for such districts.	9J-5.006(6)	X		
81	Required data for the Housing Element include a description of **substandard dwelling units** and repealed the requirement that the housing inventory include a locally determined definition of standard and substandard housing conditions.	9J-5.010(1)(c)		Housing Element (Obj. 17)	
82	Authorized local governments to supplement the **affordable housing needs assessment** with locally generated data and repealed the authorization for local governments to conduct their own assessment.	9J-5.010(2)(b)		Housing Element (Obj. 1.4)	
83	Required the Intergovernmental Coordination Element to include objectives that ensure adoption of **interlocal agreements** within one year of adoption of the amended Intergovernmental Coordination Element and ensure intergovernmental coordination between all affected local governments and the school board for the purpose of establishing requirements for **public school concurrency**.	9J-5.015(3)(b)		Housing Element (Objs.1.1, 1.2,1.3)	

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
84	Required the Intergovernmental Coordination Element to include:	9J-5.015(3)(c)			
	Policies that provide procedures to identify and implement **joint planning areas** for purposes of annexation, municipal incorporation and joint infrastructure service areas;			Housing Element (Obj. 1.2)	
	Recognize **campus master plan** and provide procedures for coordination of the campus master development agreement;		X		
	Establish joint processes for **collaborative planning** and decision-making with other units of local government;			Housing Element (Obj. 1.1, 1.2, 1.3)	
	Establish joint processes for collaborative planning and decision making with the school board on **population projections** and siting **of public school facilities**;			Housing Element (Obj. 1.1)	
	Establish joint processes for the siting of facilities with **county-wide significance**; and			Housing Element (Obj. 1.1, 1.2, 1.3)	
	Adoption of an interlocal agreement for **school concurrency**.			Housing Element (Obj. 1.1)	
85	Required the Capital Improvements Element to include implementation measures that provide a five-year financially feasible **public school**	9J-5.016(4)(a)	X		

	Changes to Rule 9J-5, F.A.C. 1989-2003	9J-5, F.A.C. Citations	NA	Addressed (where/how)	Amendment Needed By Element
	facilities program that demonstrates the adopted level of service standards will be achieved and maintained and a schedule of capital improvements for **multimodal transportation districts**, if locally established.				
86	Required the Transportation Element analysis for **multimodal transportation districts** to demonstrate that community design elements will reduce vehicle miles of travel and support an integrated, multi-modal transportation system.	9J-5.019(3)	X		
87	Required Transportation Element objectives for **multimodal transportation districts** to address provision of a safe, comfortable and attractive pedestrian environment with convenient access to public transportation.	9J-5.019(4)	X		
88	Authorized local governments to establish **level of service standards** for general lanes of the Florida Intrastate Highway System within urbanized areas, with the concurrence of the Department of Transportation.	9J-5.019(4)(c)		Transportation Circulation (Obj. 1.1)	

(2) *Recommended Amendments to Achieve Compliance with 9J-5 F.A.C.*

To address the deficiency in the Comprehensive Plan regarding 9J-5.010(1),(2), and (3), the following amendments and new policies are being recommended:

- Add a policy that the Village shall "[m]onitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations." (See Section 6 Conclusions and Recommendations, Recommendation H1)

- The following objective should be amended to read:
  - Objective 1.4. The Local Planning Agency (LPA) shall define and seek opportunities to promote affordable housing of a type and at a price range consistent with Key Biscayne local market and general market conditions.

  (See Section 6 Conclusions and Recommendations, Recommendation H1)

- The following objective should be amended to read:
  - Objective 1.6 Development of Affordable Housing in Nearby Communities. Develop ongoing interlocal coordination with other jurisdictions and non-governmental agencies for the provision of affordable housing.

  (See Section 6 Conclusions and Recommendations, Recommendation H3)

- Remove Objective 1.1 because it is no longer relevant to existing conditions and needs. There were and are no vacant properties along Crandon Boulevard. There were two sites originally developed as small, low-density hotels and replaced with more than 250 units.
  - Objective 1.1 New Construction: Cooperate with private sector to build at least 250 well designed and diversified units on vacant residentially designated areas along Crandon Boulevard by 2004.

  (See Section 6 Conclusions and Recommendations, Recommendation H4)

- Add a policy that the Village shall "[e]xplore federal, state, and local housing subsidy programs as means to provide housing opportunities for low-income persons and families, where appropriate. (See Section 6 Conclusions and Recommendations, Recommendation H5)

- Add a policy that the Village shall "[c]ollaborate 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. (See Section 6 Conclusions and Recommendations, Recommendation H6)

- Add a policy that the Village shall "[p]articipate in South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing. (See Section 6 Conclusions and Recommendations, Recommendation H7)

- Add a policy that the Village shall "[e]valuate 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 or the City of Miami. (See Section 6 Conclusions and Recommendations, Recommendation H8)

- Add a policy that the Village shall [e]nsure that land use designations and zoning districts that foster diverse housing types to serve the needs of the local population, including single family, duplex, and multi-family units. (See Section 6 Conclusions and Recommendations, Recommendation H9)

- To address the deficiency in the Comprehensive Plan regarding 9J-5.015, the following amendment is being recommended:
  - To better encompass the spectrum of transportation facilities, the Traffic Circulation Element shall be renamed the Transportation Element. (See Section 6 Conclusions and Recommendations, Recommendation TC6)

d. Strategic Regional Policy Plan for South Florida.

In accordance with Section 163.3191, the following evaluates relevant changes in growth management laws in the South Florida Regional Planning Council's Strategic Regional Policy Plan of South Florida, which was adopted on June 7, 2004 and become effective on July 7, 2004.

(1) ***Manner of Compliance with Strategic Regional Policy Plan for South Florida***

Goal 1) Invest in youth and workforce of the region by providing quality education, workforce training, and targeted job creation.

Response — Addressed through ongoing intergovernmental coordination efforts.

Goal 2) Increase employment opportunities and support the creation of jobs with better pay and benefits for the Region's workforce.

Response — See response to Goal 1 above.

Goal 3) Protect the health, safety and welfare of South Florida's residents.

Response — Addressed through ongoing intergovernmental coordination efforts. The EAR is recommending that the Comprehensive Plan Conservation and Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities.

Goal 4) Enhance the economic and environmental sustainability of the Region by ensuring the adequacy of its public facilities and services.

Response — Addressed in Comprehensive Plan's Conservation and Coastal Management and Capital Improvements Elements. The EAR is recommending that the Comprehensive Plan Conservation and

Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities.

Goal 5) Overcome school overcrowding in the region.

Response — Addressed in Comprehensive Plan's Intergovernmental Coordination Element.

Goal 6) Ensure the availability of equitable distribution of adequate, affordable housing for very low, low and moderate income households within the Region.

Response — Addressed in Comprehensive Plan's Housing Element. The EAR recommends an amendment be added to the Comprehensive Plan stating "The Village shall monitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations."

Goal 7) Protect, conserve, and enhance the Region's water resources.

Response — Addressed in Comprehensive Plan's Future Land Use (Objectives 2.3, 2.7), Infrastructure (Objective 1.5), and Conservation and Coastal Management (Objectives 1.2, 2.5) Elements.

Goal 8) Enhance the Region's mobility, safety, quality of life, and economic healthy through improvements to road, port, and public transportation infrastructure.

Response — Addressed in Comprehensive Plan's Traffic Circulation and Infrastructure Elements. The EAR is recommending that policies be added under Objective 1.1 of the Traffic Circulation Element scheduling traffic studies to assess the impact of internally generated traffic congestion and the LOS of collector and local streets. The EAR is also recommending that the Comprehensive Plan designate Fernwood Road as a transitional road between residential and commercial; and at the rear

lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic. Lastly, the EAR recommends the Plan include a policy that places and coordinates the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional visitors.

Goal 9) Develop clean, sustainable, and energy efficient power generation and transportation systems.

Response — Addressed in Master Plan's Traffic Circulation and Infrastructure Elements. The EAR is recommending that the Comprehensive Plan Conservation and Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities.

Goal 10) Increase awareness of the Region's green infrastructure, its significance to the Region's economy, and the public's role in access and use that is compatible with long-term sustainability.

Response — Addressed in the Comprehensive Plan's Parks and Recreation and Conservation and Coastal Management Elements. The EAR is recommending that the Comprehensive Plan Conservation and Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities.

Goal 11) Encourage and promote the implementation of development proposals that conserve the region's natural resources, rural and agricultural lands, green infrastructure; and:

- ◊ Utilize existing and planned infrastructure where most appropriate in urban areas;
- ◊ Enhance the utilization of regional transportation systems;

- ◊ Incorporate mixed land use development;
- ◊ Recycle existing developed sites, and;
- ◊ Provide for the preservation of historic sites.

Response — No Agriculture or agriculturally designated lands in the city.

Goal 13) Preserve, restore, and rehabilitate South Florida's historic structures, landmarks, districts, neighborhoods, and archeological sites.

Response — Addressed in the Master Plan's Future Land Use (Objective 2.6), Housing (Objective 1.5), and Conservation and Coastal Management (Objective 2.4) Elements

Goal 14) Preserve, protect, and restore Natural Resources of Regional Significance.

Response — Addressed in Master Plan's Conservation and Coastal Management Element.

Goal 15) Restore and protect the ecological values and functions of the Everglades Ecosystem by increasing habitat areas, increasing regional water storage, and restoring water quality.

Response — Addressed in Comprehensive Plan's Conservation and Coastal Management Element.

Goal 16) Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including but not limited to, Florida Bay, Biscayne Bay, tropical hardwood hammocks, and the coral reef tract.

Response — Addressed in Comprehensive Plan's Conservation and Coastal Management Element.

Goal 17) Maintain a competitive, diversified, and sustainable regional economy.

Response — Addressed in Comprehensive Plan's Future Land Use Element.

Goal 18) Ensure regional coordination, preparation, and response to emergencies.

Response — Addressed in Comprehensive Plan's Conservation and Coastal Management Element. The EAR is recommending that Policy 3.3.1 of the Conservation and Coastal Management Element be amended to read "Update the disaster response plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 1996. The Village is in the process of coming up with a more comprehensive plan that covers pre-storm, evacuation, and post storm guidelines."

Goal 19) Direct future development away from areas most vulnerable to storm surges.

Response — Addressed in Master Plan's Future Land Use and Conservation and Coastal Management Elements.

Goal 20) Achieve long-term efficient and sustainable development patterns that protect natural resources and connect diverse housing, transportation, education, and employment.

Response — Addressed in Comprehensive Plan's Future Land Use, Conservation and Coastal Management, Housing, and Intergovernmental Coordination Elements.

Goal 21) Enhance regional cooperation, multi-jurisdictional coordination, and multi-issue regional planning to ensure the balancing of competing needs and long-term sustainability of our natural, developed, and human resources.

Response — Addressed in Comprehensive Plan's Intergovernmental Coordination Element.

Goal 22) Create a regional environment that is aware of and sensitive to cultural diversity, and that provides opportunities for all to become successful regional citizens.

Response — Addressed in Comprehensive Plan's Intergovernmental Coordination Element.

(2) ***Recommended Amendments to Achieve Compliance with the Strategic Regional Policy Plan for South Florida***

The EAR is recommending that the Comprehensive Plan Conservation and Coastal Management Element add a policy stating that the Village will continue to explore new ways to integrate green technologies into public facilities. This will assist in achieving Goals 3, 4, 9, and 10 of the Strategic Regional Policy Plan.

The EAR recommends an amendment be added to the Comprehensive Plan stating "The Village shall monitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations." This will assist in achieving Goal 6 of the Strategic Regional Policy Plan.

The EAR is recommending that policies be added under Objective 1.1 of the Traffic Circulation Element scheduling traffic studies to assess the impact of internally generated traffic congestion and the LOS of collector and local streets. The EAR is also recommending that the Comprehensive Plan designate Fernwood Road as a transitional road between residential and commercial; and at the rear lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic. Lastly, the EAR recommends the Plan include a policy that places and coordinates the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional visitors. This will assist in achieving Goal 8 of the Strategic Regional Policy Plan.

The EAR is recommending that Policy 3.3.1 of the Conservation and Coastal Management Element be amended to read "Update the disaster response plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 1996. The Village is in the process of coming up with a more comprehensive plan that covers pre-storm, evacuation, and post storm guidelines." This will assist in achieving Goal 18 of the Strategic Regional Policy Plan.

6. Conclusions and Recommendations

The following recommendations for amendments and additions to the Master Plan were borne from gaps in policy identified during the community-wide assessment and analysis of the Master Plan elements and local community issues.

In addition to the recommendations below, the Village plans to add projects generated during the 2020 Vision Plan process to the Capital Improvements Plan and as policy to the Master Plan. These projects were reviewed by the Village Council at a November 2006 workshop. Although the Village intends to add them to Capital Improvement Projects Plan, it is awaiting a decision from the State Legislature regarding property taxes before taking further action. The Village plans to update its CIP and will include any approved projects generated during the 2020 Vision Plan process—subject to available funding, which will be identified when the State supplies definitive direction regarding available sources.

a. Recommended Amendments to the Future Land Use Element.

Recommendation FLU1: The language in Goal 1 of the Future Land Use should be strengthened to read, in part:

- "Future residential development **shall** be at the lowest densities consistent with protection of reasonable property rights."

Recommendation FLU2: The following changes should be made to the future land use map to reflect current and anticipated uses.

- Government and Civic Center parcels at West McIntyre Street and Village Green Way should be reclassified from Commercial to Public and Institutional.
- The Pankey Building (1 Crandon Boulevard) should be changed from Medium Density Multi-Family to Office.
- The Esplanade should be changed from Office to Commercial
- The Library (299 Crandon Boulevard) should be changed from Medium Density Multi-Family to Public and Institutional
- The Beach Park should be changed from Medium Density Multi-Family to Public Recreational and Open Space
- A portion of the Key Biscayne K-8 Center designated as Public Recreation and Open Space and should be adjusted. The eastern

third should remain as Public Recreation and Open Space, but the remaining two-thirds should be categorized as Public and Institutional.

- The 700 block of Fernwood Road should be recategorized from Two Family Residential to Single Family Medium Density Residential.
- Village Lake Park should be recategorized from Low Density Multi-Family to Public Recreation and Open Space.

Recommendation FLU3: Language and dates referenced in the following policy and objective should be updated to read:

- Policy 2.1.1: Complete (sanitary sewer extension) plan by **2008**.
- Objective 2.2 and Objective 2.3: *Continue* to upgrade drainage system so outfalls in 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.
- Objective 2.6: Historic Preservation: prepare a list and strategy for preservation of potentially significant historic structures by **2010.**

b. Recommended Amendments to the Traffic Circulation Element.

Recommendation TC1: Under Objective 1.1, add a policy scheduling a traffic study to assess the impact of internally generated traffic congestion.

Recommendation TC2: Under Objective 1.1, add a policy scheduling a traffic study to assess the LOS of collector and local streets.

Recommendation TC3: In Policy 1.1.1, change the designation for arterial roadways from LOS "E" to LOS "D."

Recommendation TC4: Designate Fernwood Road as a transitional road between residential and commercial. At the rear lot line of specific commercial centers on Crandon Boulevard, require that access points be opened where appropriate to pedestrians, golf carts and, on a limited basis, to vehicular traffic.

Recommendation TC5: Place and coordinate the update of electric signs at the intersection of Highway 95 and US Route 1 South that inform visitors if Bill Baggs Park is at capacity or accepting additional visitors.

Recommendation TC6: To better encompass the spectrum of transportation facilities, the Traffic Circulation Element shall be renamed the Transportation Element.

Recommendation TC7: To the new Transportation Element, the Village should add a policy to "[u]pdate the transportation maps every three years."

Recommendation TC8: To the new Transportation Element, the Village should add a policy to "[c]oordinate the Future Land Use Map with the transportation system.

Recommendation TC9: To the new Transportation Element, the Village should add a policy to "[e]stablish numerical indicators to measure achievement of mobility goals."

Recommendation TC10: To the new Transportation Element, the Village should add a policy to "[c]onduct a public transit feasibility study."

c. Recommended Amendments to the Housing Element.

Recommendation H1: Add a policy that the Village shall "[m]onitor current and future housing needs and explore innovative solutions to increase the affordability and diversity of the stock while maintaining compliance with Coastal High Hazard Area and Floodplain regulations."

Recommendation H2: The following objective should be amended to read:

- Objective 1.4. The Local Planning Agency (LPA) shall define and seek opportunities to promote affordable housing of a type and at a price range consistent with Key Biscayne local market and general market conditions.

Recommendation H3: The following objective should be amended to read:

- Objective 1.6 Development of Affordable Housing in Nearby Communities. Develop ongoing interlocal coordination with other jurisdictions and non-governmental agencies for the provision of affordable housing.

Recommendation H4: Remove Objective 1.1 because it is no longer relevant to existing conditions and needs. There were and are no vacant properties along Crandon Boulevard. There were two sites originally developed as small, low-density hotels and replaced with more than 250 units.

- Objective 1.1 New Construction: Cooperate with private sector to build at least 250 well designed and diversified units on vacant residentially designated areas along Crandon Boulevard by 2004.

Recommendation H5: Add a policy that the Village shall "[e]xplore federal, state, and local housing subsidy programs as means to provide housing opportunities for low-income persons and families, where appropriate.

Recommendation H6: Add a policy that the Village shall "[c]ollaborate 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.

Recommendation H7: Add a policy that the Village shall "[p]articipate in South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing.

Recommendation H8: Add a policy that the Village shall "[e]valuate 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 or the City of Miami.

Recommendation H9: Add a policy that the Village shall [e]nsure that land use designations and zoning districts that foster diverse housing types to serve the needs of the local population, including single family, duplex, and multi-family units.

d. Recommended Amendments to the Infrastructure Element.

Recommendation I1: The language and dates referenced in the following policies should be updated:

- Objective 1.1: *Continue* to upgrade drainage system so outfalls in 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.
- Policy 1.2.1 Complete financial and engineering feasibility plan to extend sanitary sewers to unsewered areas by **2008**, and complete implementation by **2010.**

- Objective 1.3: Future Needs; Solid Waste: Continue to achieve the most cost-effective solid waste collection system.
- Objective 1.5: Water Conservation: Continue working toward reducing the average daily per capita water consumption by 5%.

Recommendation I2: Add a policy that the Village shall "[u]pdate the Master Plan within 18 months of the South Florida Water Management District updating its regional water supply plan, highlighting alternative water supply projects, and completing the required "Work Plan Amendment."

Recommendation I3: Add a policy that the Village shall "[s]eek and obtain a written statement from the Miami-Dade Water and Sewer Authority regarding the availability of water to serve all proposed development projects, including current and projected demand, remaining permitted water withdrawals, facility capacity, and scheduled capital improvement projects."

Recommendation I4: Add a policy that the Village shall "[e]stablish a single-point-of-contact at the South Florida Water Management District and Miami-Dade Water and Sewer Authority 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."

Recommendation I5: Add a policy that the Village shall "[v]erify with the Miami-Dade Water and Sewer Authority the availability of water before making changes to the Future Land Use Map."

e. *Recommended Amendments to the Conservation and Coastal Management Element.*

Recommendation CCM1: Add a policy that the Village shall "[c]ontinue to explore new ways to integrate green technologies into public facilities."

Recommendation CCM2: Language and dates referenced in the following objective should be updated:

- Policy 2.2.3: Continue to evaluate the need for and efficacy of alternate financing methods for beach renourishment and dune development.
- Objective 2.4 Historic Preservation: Prepare a list of potentially significant historic structures and a preservation strategy by **2010**.
- Objective 3.3: Post Disaster Redevelopment: Adopt a post-disaster redevelopment plan by 2010.

- Policy 3.3.1: Prepare a post-disaster redevelopment plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 2010.

Recommendation CCM3: Update Policy 3.3.1 to read:

- Policy 3.3.1 Update the disaster response plan based on the Hurricane Andrew experience and in consultation with the South Florida Regional Planning Council (SFRPC) and MDC OEM by 1996. **The Village is in the process of coming up with a more comprehensive plan that covers pre-storm, evacuation, and post storm guidelines**.

Recommendation CCM4: In coordination with recommendation I2, add a policy to the Conservation and Coastal Management Element that the Village will "assess projected water needs and sources for at least a 10-year planning period, considering the South Florida Water Supply Plan."

f. Recommended Amendments to the Recreation and Open Space Element.

Recommendation ROS1: The following objective should be amended to read:

- Objective 1.5 Public-Private Coordination: Explore and implement a fully coordinated system of recreation resources.

Recommendation ROS2: The following policy should be amended to read:

- Policy 1.3.5 Explore means of revenue raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks by **2010**.

Recommendation ROS3: Add a policy that the Village shall "[p]repare a strategy for buying land in the Village to be dedicated as recreational space."

Recommendation ROS4: Add a policy that the Village shall "[n]egotiate use agreements with Miami-Dade County and the City of Miami for Village residents to have access to parkland outside Key Biscayne."

Recommendation ROS5: Add a policy that the Village shall "[r]eview and revise current regulations to require that any future development proposed in the Village that contains apartments to provide public open space on- or off-site in the amount necessary to serve the demand created by the projected population increase."

Recommendation ROS6: Add a policy that the Village shall "[e]xplore instituting an impact fee for new single-family detached and residential duplex construction."

Recommendation ROS 7: Add a policy to "[p]ursue the renovation of available space at Calusa Park into active playing fields." If it is in accordance with the Calusa Park Master Plan, connect the playing fields to Harbor Drive via a pathway, building a mangrove boardwalk to Biscayne Bay, and construct a boardwalk to the Tennis Stadium at Crandon Park.

Recommendation ROS 8: Add a policy to "[w]ork with the Miami-Dade County Parks and Recreation Department to develop a public tennis program at the Tennis Center at Crandon Park."

Recommendation ROS 9: Add a policy to "[c]ontinue to buy land in the Village and/or lease land on a long term basis for recreation and open space purposes."

Recommendation ROS 10: Add a policy to "[a]cquire 200 Harbor Drive for a passive park."

Recommendation ROS 11: Add a policy to "[e]xtend the lease with St. Agnes Catholic Church and provide for the general public's use of this facility."

Recommendation ROS 12: Add a policy to "[e]nter into public/private partnerships which result in recreation and open space in locations zoned for institutional and commercial use."

Recommendation ROS 13: Add a policy to "[a]ccept developer contributions and donations of property should opportunities arise that are advantageous to all parties."

Recommendation ROS 14: Add a policy to "[i]nclude 530 Crandon Boulevard in the inventory of recreation and open space lands when its current use as a staging area is complete.

g. Recommended Amendments to the Intergovernmental Coordination Element.

Recommendation IC1: The following policy should be amended to read:

- Policy 1.2.1 As is relevant, consider and attempt to consummate the following interlocal agreements on an ongoing basis.

Recommendation IC2: The following policy should be amended to remove references to annexation because it is no longer relevant to existing conditions and needs. The Village has not attempted to annex any land, nor does it foresee doing so. It should be amended to:

- Policy 1.1.3 Use informal mediation process of SFRPC conflicts with other governmental entities.

Recommendation IC3: The following policy should be amended to read:

- Policy 1.5.2 Explore means of revenue raising to support public trust acquisition of recreation lands and open space and preservation of historic landmarks by **2010**.

Recommendation IC4: Add a policy that the Village shall "[c]ollaborate 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.

Recommendation IC5: Add a policy that the Village shall "[p]articipate in South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and/or the county, for promoting affordable housing.

Recommendation IC6: Add a policy that the Village shall "[e]valuate 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 or the City of Miami.

Recommendation IC7: Add a policy that the Village shall "[i]mplement a tracking system that measures increases in population resulting from development and redevelopment and provide results to Miami-Dade County the Water and Sewer Authority on a regular basis."

h. Recommended Amendments to the Capital Improvements Element.

Recommendation CI1: In compliance with Chapter 163, F.S. (5)(d), provisions should be included for granting concurrency exceptions.

Recommendation CI2: The date referenced in the following policy should be updated:

- Policy 1.5.2: Explore a recreational impact fee for all new development to help fund acquisitions and improvements by 1994.

Recommendation CI3: Add a policy that the Village shall "[i]mplement a tracking system that measures increases in population resulting from development and redevelopment and provide results to Miami-Dade County the Water and Sewer Authority on a regular basis."

Recommendation CI4: Add a policy that the Village shall "[e]stablish criteria for updating and prioritizing projects within the CIP tied to concurrency requirements."

Recommendation CI5: Add a policy that the Village shall "Shift from an annual to five-year CIP."

7. Appendices

a. EAR Subcommittee Recommendations for Recreation and Open Space Concurrency Compliance

EAR SUBCOMMITTEE RECOMMENDATIONS FOR RECREATION AND OPEN SPACE CONCURRENCY COMPLIANCE

May 29, 2007

GUIDING PRINCIPLES

1. Our particular deficiencies lie in active recreation facilities, ball fields and neighborhood passive parks, particularly with a view of Biscayne Bay and emphasizing a bay-oriented natural resource experience. The Village Council will adopt a financially feasible Annual Plan and a 5-Year Capital Improvement Plan to solve the Level of Service (LOS) shortfall of 2.74 acres for recreation and open space as part of the State Growth Management Act-required EAR Amendment.

2. Just as our needs are specific, our concurrency management plan is correspondingly specific. As a first priority, we require facilities that address ball fields and bay-oriented open space either through view corridors, easements, public-private partnerships, long-term leased land and/or land acquisition.

3. We do not achieve our goals merely by counting generic acreage that does not address ball fields and passive parks. Every Council since incorporation has reaffirmed these identical goals. Prior to incorporation, a "find acres" approach enabled a DRI approval that worsened an already existing deficiency and that substantially limited later solutions. We will not adopt that approach for mere technical compliance. Rather, we will address the LOS standard as we have defined it. Our proper stewardship requires that we not dodge our self-defined standards by contriving a "find acreage" lip-service solution to the LOS shortfall. For this reason, lands comprised of beach frontage and bike paths within the road right-of-way are not included.

4. Ball fields are the greatest challenge due to the large contiguous area required and possible impacts on neighbors. To the extent we successfully address that particular deficiency in the short term, we have greater flexibility in addressing other needs, immediately and over time.

5. Assuming and subject to implementation of the Calusa Park Improvement Plan, described below, it is appropriate to count for LOS compliance certain additional lands within the Village, as identified in the next section. This is because we will have addressed our most difficult goal in a best-outcome manner, which will impart more flexibility and better prospects for implementing the balance of the Concurrency Compliance Plan for Recreation and Open Space.

SPECIFIC ACTIONS TO MEET RECREATION AND OPEN SPACE CONCURRENCY

1. Our goal is to renovate the available space at Calusa Park pursuant to inter-local agreement into active playing fields connected via a pathway to Harbor Drive in the

Village. This Calusa Park Improvement Plan also includes a mangrove boardwalk to Biscayne Bay and, if and when feasible, a connector boardwalk to the Tennis Stadium at Crandon Park. If this plan is accomplished, the immediate pressure to assemble large parcels of land for playing fields within the Village is reduced.

a. Make improvements to the existing pathway from the Village (Harbor Drive) to Calusa Park and establish a boardwalk with limited mangrove displacement, and mitigation if needed, to provide for passive bay-oriented exposure. If possible, continue the mangrove/bay boardwalk experience toward or into the Tennis Center.

b. Establish landscape-shielded ball fields in place of existing tennis courts. Utilize dry and already disturbed lands, with minimal impacts and mitigation as needed. It is recognized that this effort will require close cooperation with Miami-Dade County Departments of Parks & Recreation and Environmental Resources Management as well as the Crandon Park Master Plan Committee.

c. If (b) is accomplished, our most difficult problem is alleviated by the best, most proximate and most desirable alternative. The underutilized Calusa Park will achieve long-standing plans for natural resources facilities that already have the support of the Crandon Park Master Plan Committee. Safe access to the ball fields from the Village will be realized and a landscape buffer will shield the fields from the boardwalks and Crandon Boulevard.

d. Coordinate with Miami-Dade County Parks & Recreation Department and the Crandon Master Plan Committee to mitigate the loss of the Calusa tennis courts by relocating the Calusa-based tennis program to the Tennis Center at Crandon Park, an extensive tennis facility that is under-utilized by the public.

2. The Village, through its Parks & Recreation Department and other channels, will work with the Miami-Dade County Parks & Recreation Department to develop a tennis program at the Tennis Center at Crandon Park for public use.

3. The Village will continue to pursue active playing fields at Virginia Key. Anticipate financing reserves as needed for fast response if Virginia Key-based local parks and playing fields become viable.

4. The Village will continue to buy land in the Village, and/or lease land on a long-term basis for recreation and open space purposes.

a. Purchase land within the Village limits as consensual purchase and sale opportunities arise, to the extent the means to do so exist and the acquisition possibilities would further our Parks, Recreation and Open

Space goals as articulated in our Master Plan and 2020 Vision Plan.

b. Acquire 200 Harbor Drive for a passive park, immediately, to take advantage of an original bay-front home on the market during a relative slowdown. Compelling long-term advantages of this unique, possibly non-replicable, opportunity displace any objections. The location is easily accessible via foot and non-vehicular transport and connects the Village via view corridor to the mangrove wetlands adjacent to and within Calusa Park. Leadership and vision require that we not forsake this opportunity to meet a key deficiency - active/working waterfront as identified by the State in its review of the Village EAR.

5. The Village should extend the lease with St. Agnes Catholic Church and provide for the general public's use of this facility.

6. The Village should enter into public/private partnerships which result in recreation and open space in locations zoned for institutional and commercial use. This effort will include zoning incentives.

7. The Village will accept developer contributions and donations of property should opportunities arise that are advantageous to all parties. We urge constructive, continued engagement with SBR/Fortune in exploring reasonable ways by which SBR/Fortune might assist in meeting the Village's goals and satisfying the condition to its site plan approval.

8. The inventory of recreation and open space should include:

Location	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
Crandon Pocket Parks	0.39
Community Center	1.95
St. Agnes Field	2.13
Monaco Pools	0.19
Library Park	1.17
Hacienda Canal Pocket Park	0.03
TOTAL	25.16
REQUIRED ACREAGE	27.90 (2.5 acres per 1,000 residents; population estimate is 11,160)
DEFICIT	**- 2.74**

The deficit will be met through one or a combination of the following:

1. An Inter-local Agreement with the City of Miami and/or Miami-Dade County for recreation and open space land in Virginia Key,
2. Long term lease or purchase of land in the Village,
3. Developer contributions as either land or money or both,
4. Land made available to the Village through public/private partnerships, and/or
5. Land that is made available through donations.

The Village-owned property at 530 Crandon Boulevard (0.52 acre) will be included in the inventory of recreation and open space lands when its current use as a construction staging area is complete. The proposed mangrove boardwalk in Calusa Park also will be included once it is constructed (note that the Mangrove boardwalk acreage will be in addition to the 3.00 acres already counted in Calusa Park).

FINANCING STRATEGY

1. An Annual Plan and a Five-Year Capital Improvement Plan are the first priority, requiring immediate response. These efforts should not displace long-term planning for fullest compliance with our specified deficiencies. The FY 08 Village Budget should include funds to engage the services of environmental and recreation planners to develop a site plan and funding strategies for Calusa Park. Once playing fields are addressed, the remaining public recreation and open space goals can be addressed immediately and over time, with greater flexibility.

    a. The FY 08 budget should include a $150,000 line item to engage the services of Environmental and Recreational Planners to develop a site plan for Calusa Park that incorporates active playing fields and the pathway and boardwalk elements. If this item receives favorable consideration at the June 12, 2007 Budget Workshop, the Village Manager should prepare an RFP and solicit proposals in July and August 2007. In this manner, the Council can award a contract at its first meeting in October. The EAR Subcommittee will assist in this effort.

    b. Funding includes a $7.0M voluntary contribution from the SBR/Fortune project and FY 07 funded line items of $480,000 for playing fields and $300,000 for recreational facilities.

    c. Starting in FY 08, the annual budget should include $1 million for recreation and open space facilities.

    d. In order to achieve the Virginia Key playing fields objective, the Village must have in place substantial funds to influence the decision-making process.

2. Absent debt cap relief through long-term borrowing, the projected financing restraints due to pending property tax relief, and the rejection of condemnation as an option to acquire land, land assemblage within the Village is extremely difficult.

    a. Consider limited and targeted debt cap alteration to enable long-term financing for priority projects.

    b. Consider grants.

IMPLEMENTATION MONITORING

Prior to and after incorporation, the Village has identified recreation and open space as one of the highest priorities toward sustaining and improving the quality of life in our community. While the Village has been successful in acquiring additional recreation facilities, we still have a projected 2.74 acre shortfall relative to the 2.5 acres per 1000 residents level of service standard. Immediate monitoring steps are:

1. File an EAR amendment consistent with the Compliance Plan, highlighting

    a. Our specific goals and underlying LOS and compliance rationale,
    b. The financing sources summarized below, and
    c. Coordinate with the State Department of Community Affairs for maximum compliance flexibility in view of projected declining tax revenues and our desire to minimize tax burdens while still addressing long-term goals.

2. Village Council should convene a volunteer Implementation Committee to monitor short- and long-term achievement of overarching EAR-Master Plan/2020 Vision Plan concurrency goals.