VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council
Robert L. Vernon, *Mayor*
Enrique Garcia, *Vice Mayor*
Michael W. Davey
Robert Gusman
Michael E. Kelly
Jorge E. Mendia
Thomas Thornton

Village Manager
Genaro "Chip" Iglesias

MEMORANDUM

DATE: February 2, 2010

TO: Honorable Mayor and Members of the Village Council

FROM: Genaro "Chip" Iglesias, Village Manager for Genaro Iglesias

RE: EAR Based Master Plan Amendments

RECOMMENDATION

It is recommended that the Local Planning Agency and the Village Council approve the attached ordinance which amends the Master Plan. The changes that were made at the Local Planning Agency meeting on January 26, 2010 are included in the attached ordinance and are summarized below:

1. Maintain the 2.5 acres per 1000 residents (Page 41, Objective 1.3, Policy 1.31);

2. The beach shall not be counted toward the deficit (Page 43, Policy 1.36);

3. The Village should purchase land to meet the deficit (Page 41, Policy 1.3.1)

4. Policy 1.35. Change the date to explore impact fees from December 31, 1994 to December 31, 2012 (Page 42);

5. Policy 1.4.1. Retain the policy relating to the Land Development Code regulations but change the date to "Continue to maintain" (Page 43); and,

6. Policy 1.4.2. Retain the policy relating to the Waterfront Recreation and Open Space zoning district and land use category by changing the date to "Continue to maintain" (Page 43).

BACKGROUND

Review Process: The Local Government Comprehensive Planning Act requires each municipality to complete an Evaluation and Appraisal Report (EAR) of their Master Plan. The Village Council approved the EAR on July 31, 2007. On October 24, 2007, the South Florida Regional Planning Council, who was delegated authority from the Department of Community Affairs (DCA), found the EAR complied with state law. Since that time, the Council engaged the services of IBI Group, Inc. to identify methods to solve the 3.32 acre concurrency shortfall for

recreation and open space, held two workshops on the EAR, and staff drafted the attached amendments to the Master Plan. For informational purposes only, the next EAR is due to DCA on February 1, 2012.

The next step in the process is to amend the Master Plan to comply with the recommendations that were approved in the EAR. These changes affect the following elements in our Master Plan: Traffic Circulation, Housing, Infrastructure, Conservation and Coastal Management, Intergovernmental Coordination, Capital Improvements, Recreation and Open Space, and Future Land Use. The amendment process starts with the Local Planning Agency and Village Council hearing. The decisons of these agencies are then forwarded to DCA who will provide the Council with their comments. Following receipt of the DCA comments, the Council will hold a second hearing. This process is approximately 6-9 months.

Master Plan: Future Land Use Map: The proposed changes are as follows (letters in the legend column refer to the attached map):

LEGEND	NAME/ADDRESS	CURRENT LAND USE	PROPOSED LAND USE
A	Pankey Institute 1 Crandon Blvd.	Medium Density Multiple Family Residential	Public and Institutional
B	Public Library	Medium Density Multiple Family Residential	Public and Institutional
C	Key Biscayne K-8 Center	Public Recreation and Open Space-building portion of site	Public and Institutional
D	701-798 Fernwood Rd.	Two Family Residential	Single Family Residential
E	Village Lake Park	Low Density Multiple Family Residential	Single Family Residential
F	Village Beach Park	Multiple Family Residential and Hotel Resort	Public Recreation and Open Space
G	L'Esplanade 971 Crandon Blvd.	Low Density Multiple Family Residential	Commercial

With the exception of the Pankey Institute Property and the L'Esplanade, the zoning for the other properties is consistent with the proposed land use map changes. The zoning district classification for the Pankey Institute is RM-16 Multiple Family Residential and the L'Esplande is Office. Since the zoning code must be consistent with the Master Plan Future Land Use Map, the zoning district classifications for these properties will have to be changed to match the future land use designation. This will require a public hearing before the Local Planning Agency (LPA) and two readings before the Village Council. These will occur after the Council holds second reading on the land use changes.

Master Plan: Recreation and Open Space Element: Based on the EAR 2004 Recreation and Open Space Inventory and the concurrency standard of 2.5 acres per 1,000 residents, the Village had a deficit of 3.32 acres. The attached amendment to the inventory includes 0.52 acres at 530

Crandon Boulevard. This 0.52 acres can only be counted as recreation and open space after the following occurs:

1. when we receive comments from the DCA and the Regional Planning Council on the attached amendments to the Master Plan (approximately 6 – 9 months);

2. after the Village Council holds second reading and approves the amendment to include the 530 Crandon Boulevard property in the Recreation and Open Space Inventory (late 2010 or early 2011).

3. when all of the land at 530 Crandon Boulevard is used as recreation and open space (requires the Public Works Yard to be relocated and the land actually used as recreation and open space).

When all of the above is accomplished, the deficit will be 2.8 acres. This accounting can occur as the amendments include a note that the inventory of properties shall be automatically updated to include any additional recreation and open space properties acquired or utilized via a long term lease.

Estimated 2010 Population Estimate: As we look forward, the April 2000 census indicated our population was 10,507 persons. The 2007 EAR estimated the population was 11,160 based on a population estimate in 2004. Anecdotal evidence indicates the 2004 estimate is incorrect. Staff estimates there was a 10% increase in population since 2004. This is based on school enrollment, occupancy rates at Ocean Club and Key Colony, observation of the number of children at the Community Center and the Village Green, and that larger families reside in new or expanded homes on properties that contained two adults. Assuming a 10% increase in population since 2004, the 2010 population would be 12,276 (11,160 + 10%) resulting in a 5.59 acre deficit of recreation and open space land for the next EAR which is due in 2012. This information is not part of our present Master Plan amendment process. It is only provided for planning and informational purposes. The 2010 U.S. Census will determine the population estimate for the EAR due in 2012.

IBI Report and Recommendations: In order to identify ways to meet this shortfall, the Village contracted with IBI, Group Inc. Their report was submitted to the Council on May 26, 2009 and workshops were held on June 23 and October 20, 2009. The report recommended several options to meet concurrency which include, but are not limited to:

1. "acquire property as opportunities arise in the future and dedicate it towards green space" (page 23). The report recognized that "...the cost of land and difficulty in assembling parcels severely limit the ability of the Village to purchase more land for parks" (page 10).

2. include all public lands in our Recreation and Open Space Land Inventory. The report stated "these lands should include the beach at a minimum in order to fully account for all recreation in the Village" (page 23). The report stated this is consistent with standards used by the National Recreation and Parks Association and by other island communities

in Florida such as Marco Island and Sanibel Island (page 23). The Village's consultant, Coastal Systems International, Inc., estimated that the public beach contains 15.2 acres.

3. amend the inventory to include waterfront properties, private recreation facilities such as tennis clubs and yacht clubs; the canals, proximity to Crandon Park and Bill Baggs Cape Florida Recreation Area (page 10). The report does not mention the Beach Club although use of this facility is widespread among residents.

Remaining Amendments: Amendments to the Housing, Infrastructure, Conservation and Coastal Management, Intergovernmental Coordination, and Capital Improvements elements represent compliance with applicable rules and regulations and/or progress made in achieving the various goals and objectives as set forth in our Master Plan.

Century Management Services, Inc.
1495 North Park Dr.
Weston, FL 33326
954 349-8777

January 25, 2010

To The Village of Key Biscayne:

As the managing representative of The L'Esplanade on Key Biscayne Condominium Association, Inc. and as managing representative for Mr. Luis Cerna, Jr. whose family owns 51% of the units in the Mall hereby state in writing that the Association and the Cerna families are in favor of the recommended zoning change to a more open commercial classification. Please contact me if you need anything further.

Best regards,

Mark A. Poffenbarger, President
Century Management Services, Inc.
As agent for L'Esplanade Mall and The Cerna's

L'Esplanade Prohibited Uses

1 Amusement center
2 Antique shops
3 Apparel stores selling new and/or used merchandise with restrictions
4 Art good stores, artist studios and photograph shops and galleries
5 Attended, non-motorized donation collection vehicles with restrictions
6 Auditoriums
7 Automobile and light truck, new sales agency or rental with conditions
8 Automobile new parts and equipment or accessory stores
9 Automobile parking garages, not over six (6) stories in height, with restrictions
10 Automobile sales
11 Automobile self-service gas stations with restrictions
12 Automobile storage within a building
13 Automobile tires
14 Automobile washing (steam cleaning not permitted)
15 Bait and tackle shops
16 Bakeries, retail only (baking permitted on premises)
17 Banks
18 Barber shops
19 Bath and massage parlors
20 Beauty parlors
21 Bicycle stores and repairs shop
22 Billiard rooms and poolrooms
23 Boats carrying passengers on excursion, sightseeing, pleasure or fishing trips
24 Bowling alleys and skating rinks
25 Computer, video, videogame and DVD stores with restrictions
26 Confectionary and ice cream stores
27 Conservatories and music and dance schools with restrictions
28 Convention halls
29 Curb service or drive-in use
30 Dairy stores
31 Dancing halls or dancing academies
32 Dog and pet hospitals in air-conditioned buildings
33 Donated goods centers with restrictions
34 Dressed poultry and sea food stores
35 Drugstores containing a fountain or lunch counter
36 Dry cleaning establishments
37 Electrical appliance and fixtures stores including related repair shops
38 Employment agencies
39 Florist shops
40 Fruit stores
41 Furniture stores, retail of new merchandise only
42 Grocery stores and meat markets
43 Handcrafted-products shop
44 Hardware stores
45 Hat cleaning and blocking
46 Health and exercise clubs, including bath and massage parlors
47 Home improvement centers with restrictions

48 Hospital
49 Hotel and motel
50 Information booth, gate house and security station
51 Interior design shops, office and display only
52 Jewelry stores, including incidental sales and purchases of used jewelry
53 Junior department stores
54 Laundries
55 Lawnmower rental, retail, sales and service
56 Leather goods and luggage shops
57 Liquor package store
58 Mail order offices, without storage of products sold
59 Major department stores
60 Marina
61 Medical observation dormitory with restrictions
62 Mortuaries or funeral parlors
63 Motor fuel and oil filling service stations
64 Motorcycles sales and repair
65 Museum
66 Natatoriums
67 Newsstand
68 Night club
69 Office buildings
70 Office park
71 Open-air theaters
72 Optical stores
73 Outdoor dining as an ancillary use with restaurants, snack shops & other food service facilities
74 Package stores in shopping centers with restrictions
75 Paint and wallpaper stores
76 Pet shops, pet care centers and dog beauty parlors in air-conditioned buildings
77 Photograph galleries
78 Post office stations/branches, operated by postal service employees or agents, directly serving the public
79 Pottery shops
80 Printing shops
81 Private clubs
82 Propagating and growing plants for sale, with restrictions
83 Pubs and bars
84 Regional shopping center
85 Religious facilities located inside the Urban Development Boundary
86 Rental of single-axle luggage trailers (or U-Hauls) from open lots
87 Rentals of trucks other than light trucks in conjunction with self-storage facilities, with restrictions
88 Residential uses with restrictions
89 Restaurants & coffee houses or dining room w/ accessory cocktail lounge, with restrictions
90 Schools, with restrictions
91 Self-service post office
92 Self-service storage facility with restrictions.
93 Shoe stores and shoe repair shops
94 Show and salesrooms

95 Skating rinks
96 Soft drink stands
97 Sporting goods stores.
98 Supermarkets
99 Tailor shops
100 Telegraph stations
101 Telephone exchange
102 Theaters for live stage production and motion pictures.
103 Tobacco shops
104 Variety stores
105 Waiting rooms for common carriers

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

September 25, 2007

Ms. Terry Manning
South Florida Regional Planning Council
3440 Hollywood Blvd., Suite 140
Hollywood, Fl 33021

Re: Village of Key Biscayne Adopted Revised EAR- Delegated Review

Dear Ms. Manning:

The Department of Community Affairs has received the Village of Key Biscayne's Adopted Revised Evaluation and Appraisal Report (EAR), prepared by Wallace, Roberts & Todd, LLC and re-adopted under Resolution No. 2007-34 on July 31, 2007. The EAR has been reviewed for sufficiency based on the requirements of Section 163.3191(2), F.S. The Department has not identified any sufficiency issues for your consideration.

If you have any questions, please contact Erin Boyington, Planner, at (850) 921-3762.

Sincerely,

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/jw

cc: Jud Kurlanchek, Key Biscayne Dept. of Buliding, Planning and Zonning
Ms. Silvia Vargas, Wallace, Roberts & Todd, LLC
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

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CHARLIE CRIST
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THOMAS G. PELHAM
Secretary

SFRPC SEP 27 2007

CAO, BO, TM

September 25, 2007

Village of Key Biscayne EAR

Ms. Terry Manning
South Florida Regional Planning Council
3440 Hollywood Blvd., Suite 140
Hollywood, Fl 33021

Re: Village of Key Biscayne Adopted Revised EAR- Delegated Review

Dear Ms. Manning:

The Department of Community Affairs has received the Village of Key Biscayne's Adopted Revised Evaluation and Appraisal Report (EAR), prepared by Wallace, Roberts & Todd, LLC and re-adopted under Resolution No. 2007-34 on July 31, 2007. The EAR has been reviewed for sufficiency based on the requirements of Section 163.3191(2), F.S. The Department has not identified any sufficiency issues for your consideration.

If you have any questions, please contact Erin Boyington, Planner, at (850) 921-3762.

Sincerely,

Mike McDaniel

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/jw

cc: Jud Kurlanchek, Key Biscayne Dept. of Buliding, Planning and Zonning
Ms. Silvia Vargas, Wallace, Roberts & Todd, LLC
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

District Six
Planning & Environmental Management Office
1000 NW 111 Avenue, Miami, FL 33172
Phone: 305-470-5825 Fax: 305-470-6737

STEPHANIE C. KOPELOUSOS
SECRETARY

September 27, 2007

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

Dear Ms. Manning:

Subject: Village of Key Biscayne Revised Adopted Evaluation and Appraisal Report

The Florida Department of Transportation, District 6, has reviewed the proposed Revised Adopted Evaluation and Appraisal Report (EAR) for the Village of Key Biscayne. Based on our review, the Village has satisfactorily incorporated our recommendations from the initial review of the EAR. Furthermore, no additional impacts to the Florida Intrastate Highway System facilities are anticipated to result from this EAR. Therefore, the District has no specific objections or recommendations at this time. Please contact Phil Steinmiller, at the number above, if you have any questions concerning our response.

Sincerely,

Aileen Boucle, AICP
District Planning, Project Development and
Environmental Manager

Cc: Phil Steinmiller
Alice N. Bravo, P.E.

ORDINANCE NO. 2010-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AMENDING THE FUTURE LAND USE ELEMENT; AMENDING THE TRANSPORTATION ELEMENT; AMENDING THE HOUSING ELEMENT; AMENDING THE INFRASTRUCTURE ELEMENT; AMENDING THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT; AMENDING THE RECREATION AND OPEN SPACE ELEMENT; AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT; AMENDING THE CAPITAL IMPROVEMENTS ELEMENT; AMENDING THE FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Section 163.3191(1), Florida Statutes, directs local governments to adopt an Evaluation and Appraisal Report (the "EAR") assessing the progress in implementing the local government's comprehensive plan; and

WHEREAS, the Department of Community of Affairs has reviewed the EAR and has determined it to be sufficient; and

WHEREAS, the Village has prepared the EAR-Based Comprehensive Plan amendments necessary to update the Comprehensive Plan and to address the issues and opportunities identified in the adopted EAR; and

WHEREAS, the Village Council, sitting as the Local Planning Agency, has reviewed the proposed comprehensive plan amendments and recommends approval; and

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

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

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

Section 2. Amendment of the Future Land Use Element. The Village Council hereby adopts amendments to the Future Land Use Element within its Comprehensive Plan, which are attached as Exhibit "A" to this Ordinance.

Section 3. Amendment of the Transportation Element. The Village Council hereby adopts amendments to the Transportation Element within its Comprehensive Plan, which are attached as Exhibit "A" to this Ordinance.

Section 4. Amendment of the Housing Element. The Village Council hereby adopts amendments to the Housing Element within its Comprehensive Plan, which are attached as Exhibit "A" to this Ordinance.

Section 5. Amendment of the Infrastructure Element. The Village Council hereby adopts amendments to the Infrastructure Element within its Comprehensive Plan, which are attached as Exhibit "A" to this Ordinance.

Section 6. Amendment of the Conservation and Coastal Management Element. The Village Council hereby adopts amendments to the Conservation and Coastal Management Element

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[1] [1] Coding: underlined words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

within its Comprehensive Plan, which are attached as Exhibit "A" to this Ordinance.

Section 7. Amendment of the Recreation and Open Space Element. The Village Council hereby adopts amendments to the Recreation and Open Space Element within its Comprehensive Plan, which are attached as Exhibit "A" to this Ordinance.

Section 8. Amendment of the Intergovernmental Coordination Element. The Village Council hereby adopts amendments to the Intergovernmental Coordination Element within its Comprehensive Plan, which are attached as Exhibit "A" to this Ordinance.

Section 9. Amendment of the Capital Improvements Element. The Village Council hereby adopts amendments to the Capital Improvements Element within its Comprehensive Plan, which are attached as Exhibit "A" to this Ordinance.

Section 10. Amendment of Village Future Land Use Map. The Village Council hereby adopts amendments to the Village Future Land Use Map, which are attached as Exhibit "A" to this Ordinance.

Section 11. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 12. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 13. Effective Date. This Ordinance shall be effective immediately upon passage by the Village Council on second reading, except that the effective date of the Comprehensive Plan

Amendments (the "Plan Amendments") approved by this Ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the Plan Amendments in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Community Affairs notice of intent to find the Plan Amendments in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendments is filed.

PASSED AND ADOPTED on first reading this ___ day of February, 2010.

PASSED AND ADOPTED on second reading this ____ day of _____, 2010.

_____
MAYOR ROBERT L. VERNON

ATTEST:

_____
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
VILLAGE ATTORNEY

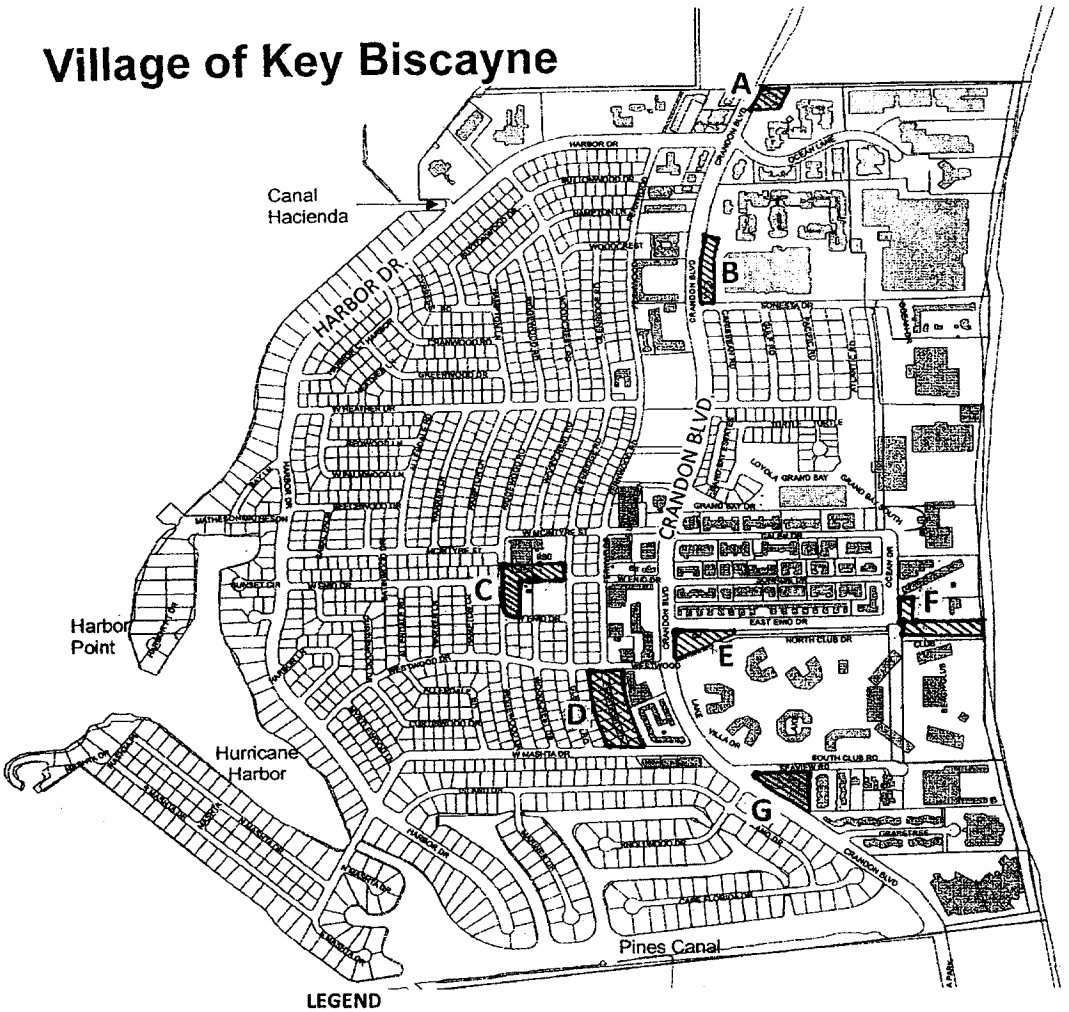
Master Plan: Recreation and Open Space Element (Page 42)

Policy 1.3.6

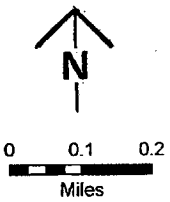
The following properties shall be included in the inventory of Parks and Recreation Space:

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

Village of Key Biscayne



LEGEND



A	1 CRANDON BOULEVARD – PANKEY INSTITUTE (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC & INSTITUTIONAL)
B	299 CRANDON BOULEVARD - LIBRARY (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC & INSTITUTIONAL)
C	150 WEST MC INTYRE STREET & 601 WEST ENID DRIVE – KEY BISCAYNE K-8 CENTER (PUBLIC RECREATION & OPEN SPACE TO PUBLIC & INSTITUTIONAL)
D	701-798 FERNWOOD DRIVE (TWO FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL)
E	VILLAGE LAKE PARK (LOW DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC RECREATION & OPEN SPACE)
F	VILLAGE BEACH PARK (MULTIFAMILY RESIDENTIAL AND HOTEL RESORT TO PUBLIC RECREATION & OPEN SPACE)
G	971 CRANDON BOULEVARD – L'ESPLANADE (LOW DENSITY MULTI-FAMILY RESIDENTIAL TO COMMERCIAL)

Village of Key Biscayne Evaluation and Appraisal Report (EAR) Based Amendments to the Key Biscayne Master Plan

Presented herein are the proposed amendments to the Goals, Objectives and Policies of the Village of Key Biscayne Master Plan based on the recommendations of the Evaluation and Appraisal Report (EAR) adopted by the Village on April 25, 2006 by Resolution No. 2006-23 and as required by Florida law to implement water supply planning.

Included are the proposed amendments to the Future Land Use Element, Traffic Circulation Element, Housing Element, Infrastructure Element, Conservation and Coastal Management Element, Recreation and Open Space Element, Intergovernmental Coordination Element, and Capital Improvements Element. In December 2008, the Master Plan was amended to adopt a Public School Facilities Element in accordance with state-mandated requirements for public school concurrency. Changes to this element are not proposed in conjunction with the EAR update.

The proposed amendments represent a major update of the Master Plan, and are designed to ensure the Master Plan meets all requirements of the State of Florida for comprehensive plans, and to serve as a guide to creating and maintaining the community envisioned by the residents, businesses and community leaders of the Village.

FUTURE LAND USE

GOAL 1 ACHIEVE THE FOLLOWING COMMUNITY CHARACTER:

Key Biscayne should be a residential community. Development policies should protect residential character. Future residential density ~~should~~ shall be at the lowest densities consistent with the 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 not to 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.

* * *

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

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

Extend public sanitary sewer service to additional developed areas no later than ~~2008~~ 2010 and ensure effective septic and drain field functioning. See Policies 2.1.1 and 2.1.2 for additional measurability.

Policy 2.1.1

The Village shall ~~cooperate~~ coordinate with ~~the~~ Miami-Dade County ~~in an attempt~~ to complete a financial and engineering plan to extend sanitary sewers to ~~as much of~~ the remaining un-sewered areas ~~as is financially feasible and otherwise desirable~~. The Village shall complete construction ~~intent is to complete that plan as soon as technically and financially feasible but no later than 2004~~ ~~1998 and to~~ for the extension of sewer service to remaining un-sewered areas and ~~begin implementation as soon as technically and financially feasible and~~ complete implementation no later than ~~2008~~ 2010.

Policy 2.1.2

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

Objective 2.2 Storm Sewer Infrastructure

~~U~~ Continue to upgrade the drainage system so that stormwater outfalls into Biscayne Bay (and adjacent canals) fully meet National Pollution Discharge Elimination System (NPDES) standards ~~no later than December 31, 1998~~ and the standards of Chapter 17-25, F.A.C. and of Chapter 17-302.500, F.A.C. ~~U~~ Continue to upgrade on site drainage standards to ensure that private properties retain at least the first one inch of stormwater on site and permit no more runoff after development than before development.

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

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

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

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

Policy 2.2.3 The Village shall continue to upgrade the drainage system so that outfalls into Biscayne Bay and adjoining canals fully meet the NPDES standards and Chapters 17-25 and 17-302.500, F.A.C.

Policy ~~2.2.3~~2.2.4 **9J-5.006(3) (c) 3**

By the date required by state statute or sooner, the Village shall enact and enforce as part of the land development code a concurrency management system which meets the requirements of 9J-5.0055. The concurrency management system shall specify that no development permit shall be issued unless the public facilities necessitated by a development (in order to meet level of service standards specified in the Traffic Circulation, Recreation and Open Space, and Infrastructure Policies) will be in place concurrent with the impacts of the development or the permit is conditional to assure that they will be in place. The requirement that no development permit shall be issued unless public facilities necessitated by the project are in place concurrent with the impacts of development shall be effective immediately and shall be interpreted pursuant to the following:

1. *Measuring Conformance with the Level-of-Service*

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

Adding together:

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

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

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

(2) Such approval is issued subject to the condition that the necessary facilities will be in place and available when the impacts of' development occur, or

(3) The new facilities are guaranteed in an enforceable development agreement to be in place when the impacts of development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes (the Development of Regional Impact authorization).

(B) For recreation:

(1) Paragraphs (l)-(3) under (A) above except that construction may begin up to one year after issuance of a certificate of occupancy.

(2) The new facilities are the subject of a binding executed contract for the construction of facilities to be completed within one year of the time the certificate of occupancy is issued, or

(3) A development agreement as outlined in ~~(4)~~ (3) above but requiring construction to begin within one year of certificate of occupancy issuance.

(C) For traffic:

(1) Paragraphs (A) (1) through (4) or (B) (2) above except that construction can begin up to three years after the approval date.

(2) No modification of public facility level-of-service standards established by this plan shall be made except by a duly enacted amendment to this plan.

Subtracting from that number the sum of:

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

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

Design capacity shall be determined as follows:

Sewage: the capacity of the County sewage treatment system -
Water: the capacity of the County water treatment and storage system.

Solid Waste: the capacity of the County disposal system.
Drainage: The on-site detention capability and/or storm sewer capacity.

Roadways: The standard for measuring highway capacities shall be the Florida DOT Table of Generalized Two-Way Peak Hour Volumes for Urbanized Areas or other techniques that are compatible to the maximum extent feasible with FDOT standards and guidelines. The measurement of capacity may also be determined by engineering studies provided that analysis

techniques are technically sound and acceptable to the Village engineer.

Recreation: Measurement shall be based on recreation data in the Comprehensive Plan plus the latest Village population estimate with any necessary interpretation provided by the Village manager or designee thereof.

Transit: The County Transit Agency bus schedules for routes within the Village.

2. *Concurrency Monitoring System*

The manager or designee thereof shall be responsible for monitoring facility capacities and development activity to ensure that the concurrency management system data base is kept current, i.e., includes all existing and committed development. This data base shall be used to systematically update the formulas used to assess projects. An annual report shall be prepared.

3. *Capacity Reservation*

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

4. *Administration*

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

~~5. *Project Impact or Demand Measurement*~~

~~The concurrency management user's procedural guide (a supplement to the land development code) will contain the~~

~~formulas for calculating compliance plus tables which provide generation rates for water use, sewer use, solid waste and traffic, by land use category. Alternative methods acceptable to the Village manager or designee thereof may also be used by the applicant. For example, traffic generation may be based upon the Institute of Transportation Engineer's "Trip Generation" manual.~~

Objective 2.3 **Natural Resources** **9J-5.006 (3) (b) 4**

~~U~~The Village shall continue to upgrade the drainage system so that stormwater outfalls into Biscayne Bay (and ~~adjacent~~ adjoining canals) fully meet National Pollution Discharge Elimination System (NPDES) standards ~~no later than December 31, 1998~~ and the standards of Chapter 17-25, F.A.C. and of Chapter 17-302.500, F.A.C. Upgrade onsite drainage standards to ensure that private properties retain at least the first one inch of storm water on site and permit no more runoff after development that before development.

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

Based upon the capital cost implications of the Village of Key Biscayne Drainage Master Plan, the Village shall ~~activate~~ apply the stormwater utility assessment as a basis for bonding ~~for the first phase of implementation no later than December 31, 1998~~. The Village shall update its Drainage Master Plan as necessary to ensure the continued efficacy of its provisions to upgrade the storm sewer system in accordance with the specific standards of Objectives 1.1 of the Infrastructure Element.

Policy 2.3.2

By the date required by state statute or sooner, the Village shall enact and enforce land development code provisions that require one inch of on-site drainage detention, post development runoff equal to or less than pre development runoff, erosion control, a minimum percentage of pervious open space, maintenance of swales, drainage level-of-service standards, ocean beach dune protection and vegetation, and other environmentally sensitive land protection measures. These requirements shall be designed to help ensure full compliance with the specific standards set forth in Objective 2.3 above. Such provisions shall be consistent with this plan and with the applicable Florida statutory and administrative code requirements. They shall also be consistent with applicable standards promulgated by the South Florida Water Management District, the South Florida Regional Planning Council, the Dade

County Department of Environmental Resource Management, the Florida Department of Environmental Protection, and/or other agencies with relevant jurisdiction and/or information.

* * *

Objective 2.6 **Historic Preservation**

No later than ~~1999~~ 2011, prepare a list of ~~potentially significant historic structures and a strategy for their preservation~~ all properties eligible for designation on the National Register of Historic Places.

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

Based upon historical records and accounts of early development in the Village, the ~~Council~~ Village shall, no later than 2011, identify all properties that are at least 50 years old. Based upon the inventory of properties, the Village may consider the designation of a local historic district. In addition, the Village will also consider which buildings, if any, may be eligible for designation on the National Register of Historic Places ~~designate those structures that due to age, architecture and function are candidates for historic designation and protection. A strategy for the preservation of some or all of these structures shall be drafted.~~

* * *

Objective 2.8 **Water Supply**

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

Policy 2.8.1

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

GOAL 3 IMPLEMENT GREENHOUSE GAS REDUCTION STRATEGIES

Objective 3.1 **Reduce energy use and greenhouse gas production.**

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

Policy 3.1.1

The Village shall ensure that its master plan and land development regulations do not prevent the construction of electric substations within the Village.

Policy 3.1.2

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

Policy 3.1.3

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

Policy 3.1.4

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

Policy 3.1.5

The Village shall continue to allow home based businesses to the extent that impacts are compatible with the residential community.

Policy 3.1.6

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

Policy 3.1.7

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

Policy 3.1.8

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

Objective 3.2 **Implement greenhouse gas reduction strategies.**

The Village shall provide for policies within the land development regulations and master plan which are designed to reduce energy use and the creation of greenhouse gases.

Policy 3.2.1

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

Policy 3.2.2

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

Policy 3.2.3

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

Policy 3.2.4

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

Policy 3.2.5

By December 2011, the Village shall amend the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation as per Objective 3.1 and 3.2.

TRANSPORTATION ELEMENT

~~TRAFFIC CIRCULATION~~ TRANSPORTATION ELEMENT

GOAL 1 **TO PROVIDE A TRANSPORTATION SYSTEM THAT MEETS THE CIRCULATION NEEDS OF KEY BISCAYNE IN A SAFE AND EFFICIENT MANNER BUT DOES NOT ADVERSELY IMPACT THE QUALITY OF LIFE OF TEE RESIDENTS.**

Objective 1.1 **~~Motorized~~ Transportation System** ~~**9J-5.007 (3) (b) 1-9**~~ **9J-5.019 (3)(f)**

Maintain the designated level of service but with enhanced pedestrian safety and amenities.

Policy 1.1.1 ~~**9J-5M07 (3) (c) 1**~~ **9J-5.019 (3)(h)**

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

- Arterials – "~~E~~ D". Crandon Boulevard is the only arterial in the Village.
- Collectors – "B". Harbor Drive and West Mashta Drive are collectors.
- Local Service Streets – "A". All other streets are local service streets.

~~Crandon Boulevard is projected to be at Level of Service E or better south of Harbor Drive (Table 11-4. Traffic Circulation Element Data and Analysis), although the Level of Service could potentially fall slightly below E north of Harbor Drive near the north Village limits. The amount by which traffic on Crandon north of Harbor is projected to exceed Level of Service E is six tenths of one percent (0.006). Barton-Aschman Associates Inc., traffic engineering consultants for this plan, believe that this amount of traffic (18 trips more than the 3.110 trip capacity) is not significant because it is far less than the margin of projection error. The Village prefers to utilize the E Level of Service standard based on the expectation that future volumes could be lower than projected volumes. If future volumes are equal to projected volumes, then the Village would have to lower the Level of Service standard on Crandon Boulevard north of Harbor Drive to 1006 percent of E capacity.~~

Policy 1.1.2 **9J-5.007 (3) (c) 3**

By the date required by state statute or sooner, the Village shall enact and enforce land development code standards and a review process to control roadway access points, on-site traffic flow and on-site parking. The land development code will require the use of joint access drives for adjacent uses. It will also set minimum design standards for:

- the spacing and design of driveway curb cuts;
- the size of ingress and egress lanes for major land uses:
- the spacing and design of median openings: and
- the provision of service roads.

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

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

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

Policy 1.1.3

The Village shall update its Future Traffic Circulation Plan, when necessary.

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

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

Policy 1.2.1

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

Policy 1.2.2

The Village shall consider access points at the rear property lines of commercial properties which are bounded on the rear property line by Fernwood Road.

Policy 1.2.3

The Village shall coordinate its Future Land Use Map with its Future Traffic Circulation Plan

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

Work with the County to limit traffic volume increases on the Rickenbacker Causeway.

Policy 1.3.1

The Village shall work closely with the Metro-Dade County Planning Department and the Metropolitan Planning Organization to limit the intensity of development along the Causeway and Crandon Boulevard in order to maintain an adequate traffic level of service.

Policy 1.3.2

In order to provide for control of traffic flow associated with Bill Baggs Park, the Village shall encourage the appropriate governmental entities to place and operate electric message signs at the intersection of Interstate 95 and U.S. 1 as well as the

Rickenbacker Causeway toll plaza to inform motorists if Bill Baggs Park is at capacity or currently accepting additional visitors.

Objective 1.4 **Right-of-Way Protection** **9J-5.007 (3) (b) 4**

Protect existing and future rights-of-way from the encroachment of buildings and other impediments through enactment and enforcement of a land development code which implements the Future Land Use Map and the Future Traffic Circulation Plan, and achieve a 10 percent net reduction in the lineal footage of Crandon Boulevard (plus one block of Harbor Drive) curb cuts ~~no later than 2004~~ and otherwise protect the integrity of existing and proposed rights of way.

Policy 1.4.1 **9J-5.007 (3) (c) 4**

The Village shall use the land development code to protect existing rights-of-way through setback requirements which prohibit right-of-way encroachments of any kind.

Policy 1.4.2 **9J-5.007 (3) (c) 2**

As site plans are submitted, the Village shall use the standards in the land development code and the land development code development review process to reduce the number and width of existing non-residential curb cuts onto Crandon Boulevard and Harbor Drive by the amount stated in Objective 1.4; this policy is not to be implemented in a way which would preclude adequate access ways for the development of vacant land.

Objective 1.5 **Bikeways and Pedestrian Ways**

~~Achieve the first phase of a~~ Maintain the ~~Harbor Drive~~ pedestrian and bikeway system ~~no later than 2004 based upon a streetscape and multi-modal circulation plan~~ for Crandon Boulevard, Harbor Drive, Fernwood Road, West Wood Drive and West Mashta Drive.

Policy 1.5.1 **9J-5.007 (3) (c) 5**

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

- Harbor Drive
- Fernwood Road

- West Mashta Drive
- Crandon Boulevard

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

~~**Policy 1.5.2** **9J-5.007 (3) 5**~~

~~No later than 2004, achieve the first phase implementation of this plan on Harbor Drive~~

Objective 1.6 **Reduction of Greenhouse Gases**

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

Policy 1.6.1

The Village shall, to the extent financially feasible, explore and develop programs to encourage non-motorized transportation by continued improvements and enhancements to its pedestrian and bikeway system.

Policy 1.6.2

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

Policy 1.6.3

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

HOUSING ELEMENT

HOUSING

GOAL 1 **TO ASSURE THE AVAILABILITY OF A SOUND AND DIVERSIFIED HOUSING STOCK IN KEY BISCAYNE.**

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

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

Policy 1.1.1

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

Policy 1.1.2 **9J-5.010 (3) (c) 2**

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

Objective ~~1.2~~ 1.1 **Group Homes** **9J-5.010 (3) (b) 4**

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

Policy ~~1.2.1~~ 1.1.1 **9J-5.010 (3) (c) 6**

~~By the date required by state statute or sooner, the~~ The Village shall ~~enact and~~ continue to enforce land development code regulations which permit HRS-licensed group homes, including foster care facilities. Such regulations shall permit small scale group homes and foster care facilities in residential areas and areas with residential character and shall otherwise be designed to meet State law. Prior to enactment of such regulations, the Village shall interpret and enforce applicable existing regulations in a manner which is fully consistent with State law and administrative code requirements pertaining to group homes. The Village shall

encourage HRS to consider the hurricane evacuation constraints in their licensing of facilities on the Key.

Objective ~~1.3~~ 1.2 Conservation, Rehabilitation, Demolition, Substandard Housing Structural and Aesthetic Improvement of Housing 9J-5.010 (3) (b) 5

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

Policy ~~1.3.1~~ 1.2.1 93-5.010 (3) (c) 3 and 4

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

Policy ~~1.3.2~~ 1.2.2 93-5.010 (3) (c) 3

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

Objective ~~1.4~~ 1.3 Housing Coordination and Implementation 9.1-5.010 (3) (b) 7

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

Policy ~~1.4.1~~ 1.3.1 9J-5.010 (3) (c) I

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

Policy ~~1.4.2~~ 1.3.2 93-5.010 (3) (c) 7

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

Policy 1.3.3

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

Policy 1.3.4

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

Policy 1.3.5

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

Objective ~~1.5~~ 1.4 Historically Significant Housing

Identify ~~and preserve at least one~~ historically significant residential ~~structure~~ properties within the Village.

~~Policy 1.5.1~~ 1.4.1 **9.1-5.010 (3) (c) 3**

Based upon historical records and accounts of early development in the Village, the ~~Council~~ Village shall, no later than 2011, identify all properties that are at least 50 years old. Based upon the inventory of properties, the Village may consider the designation of a local historic district. In addition, the Village will also consider which buildings, if any, may be eligible for designation on the National Register of Historic Places. ~~designate those structures that due to age, architecture and function are candidates for historic designation and protection. A strategy for the preservation of some or all of these structures shall be drafted.~~

Objective ~~1.6~~ 1.5 Development of Affordable Housing in Nearby Communities

~~Provide~~ List adequate sites for the distribution of very low income, low income and moderate income families.

Policy ~~1.6.1~~ 1.5.1 **9.3-5,010 (3) (b) 3**

The Village manager or designee shall monitor the housing and related activities of the South Florida Regional Planning Council and nearby local jurisdictions. The Village manager or designee shall inform the Village Council of these activities and shall recommend, as appropriate, Village actions that could help encourage the provision of adequate sites for the distribution of very low income, low income and moderate income families in nearby communities with land values that can reasonably accommodate such housing. The Village shall encourage ongoing interlocal coordination with other jurisdictions and non-governmental agencies to facilitate the provision of affordable housing.

Policy 1.5.2

The Village shall coordinate with Miami-Dade County and the City of Miami to create a program for annual evaluation of affordable housing needs within incorporated and unincorporated areas.

Policy 1.5.3

The Village shall participate in the South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and county, for promoting affordable housing.

Policy 1.5.4

The Village shall evaluate the feasibility of establishing an affordable housing fee trust fund in partnership with Miami-Dade County or the City of Miami through interlocal agreements, to fund affordable housing programs and projects in Miami-Dade County and/or the City of Miami.

Policy 1.5.5

Through the Village's affordable housing initiatives, and through intergovernmental coordination with Miami-Dade County and/or the City of Miami through interlocal agreements, the Village shall establish standards to improve energy efficiency of housing provided through affordable housing programs.

Objective ~~1.7~~ 1.6 Structural and Aesthetic Improvement of Existing Housing

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

Policy ~~1.7.1~~ 1.6.1

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

Policy ~~1.7.2~~ 1.6.2

~~By the date required by State statute, or sooner, the~~ The Village shall ~~enact or~~ enforce land development code regulations which set appropriate building height, set back and other regulations which facilitate aesthetically pleasing upgrades to the existing housing stock.

Objective 1.7 **Coordination with Future Land Use Element**

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

Policy 1.7.1

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

Objective 1.8 **Support energy use and greenhouse gas reduction in conjunction with existing and new housing stock**

The Village shall support energy efficiency and the use of renewable resources in existing housing and in the design and construction of new housing stock.

Policy 1.8.1

The Village's land development regulations shall allow for use of alternate, renewable sources of energy including the use of solar panels. The Village shall not prohibit the appropriate placement of

photovoltaic panels. The Village shall develop and adopt review criteria to establish the standards for the appropriate placement of photovoltaic panels.

Policy 1.8.2

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

Policy 1.8.3

The Village shall encourage the placement of landscape materials to reduce energy consumption.

Note: The following 9J-5.0l0 FAC objectives and related policies are not applicable to Key Biscayne as explained in the Data and Analysis:

- Objective 9J-5.010 (3) (b) 6 — relocation housing including Policy 9J-5.010(3) (c) 8
- Objective 9J-5.0l0 (3) (b) 1 — references to rural/farm workers including Policy 9J-5.01G (3) (c) 5

INFRASTRUCTURE ELEMENT

INFRASTRUCTURE

GOAL 1 **TO PROVIDE AND MAINTAIN THE PUBLIC INFRASTRUCTURE IN A MANNER AND IN COORDINATION WITH OTHER GOVERNMENTAL ENTITIES 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; Drainage** **9J-5.011 (2) (b) 1**

The Village shall continue to upgrade the drainage system so that stormwater outfalls into Biscayne Bay (and adjacent canals) fully meet National Pollution Discharge Elimination System (NPDES) standards and the standards of Chapter 17-25. F.A.C. and of Chapter 17-302.500, F.A.C. The Village shall continue to upgrade onsite drainage standards to ensure that private properties retain at least the first one inch of storm water on site and permit no more runoff after development than before development.

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

Based upon the capital cost implications of the Village of Key Biscayne Drainage Master Plan, the Village shall activate the stormwater utility assessment as a basis for bonding for the first phase of drainage plan implementation no later than December 31, ~~1998~~ 2011. The Village shall continue to update its Drainage Master Plan as necessary to ensure the continued efficacy of its provisions to upgrade the storm sewer system in accordance with the specific standards of Objective 1.1 above.

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

During the first phase of drainage master plan implementation ~~(to be initiated in 1994)~~, the Village shall begin to mitigate to the extent technically and economically feasible direct stormwater outfalls into the canals and Biscayne Bay. Anticipated improvements include a series of catch basins, manholes and pipes for the collection of the stormwater and routing to pollution control structures and drainage wells with emergency overflows. The pollution control devices (grease and oil separator) are to be provided before each drainage well to prevent contamination from entering. Emergency overflow structures are to be constructed at the existing outfalls and would discharge only when the storm

events generates more than one inch of runoff. These improvements shall be designed to fully meet the specific standards set forth in Objective 1.1 above.

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

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

Objective 1.2 **Current Deficiencies and Future Needs; Sewage 9J-5011 (2) (b) 2**

Extend public sewer service to additional developed areas no later than ~~2008~~ 2010 and ensure effective septic and drain field functioning. See Policies 1.2.1 and 1.2.2 for additional measurability.

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

~~The Village shall cooperate with the County in an attempt to complete a financial and engineering plan to extend sanitary sewers to as much of the remaining un-sewered areas as is financially feasible and otherwise desirable. The intent is to complete that plan as soon as technically and financially feasible but no later than 2004 and to begin implementation as soon as technically and financially feasible and complete implementation no later than 2008.~~

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

The Village shall help ensure effective functioning of septic tanks and drain fields by cooperating with HRS and DERM in the exercise of the jurisdiction of those agencies over septic tank and drain field permitting and requirements.

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

Continue to achieve the most cost-effective solid waste collection system ~~by 1999~~.

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

~~No later than 1996, the~~ The Village shall assess the cost effectiveness of replacing the County collection system with a system operated by one or more private contractors subject to Village-established operating specifications. ~~Village control could be maintained through~~ The Village shall explore the use of franchise agreements or other regulatory approaches.

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

~~No later than 1999, the~~ The Village shall monitor the cost efficiency of solid waste collection systems and ~~Village will~~ initiate any resulting recommended changes in the solid waste collection system, including the recycling component.

* * *

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

~~Reduce~~ Establish policies to provide for reduction of the average daily per capita water consumption by five percent ~~no later than 2004 (dependent upon the near-term ability to measure Village wide consumption)~~.

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

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

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

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

Policy 1.5.3

The Village will cooperate with WASA in an effort to devise a means of tracking water consumption in the Village from customer billings or other sources.

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

The Village shall cooperate with ~~WASA~~ Miami-Dade Water and Sewer Authority efforts to ensure that the potable water distribution system shall reduce water loss to less than 16 percent of the water entering the system.

Policy 1.5.5

The Village shall update the Master Plan within eighteen (18) months of the South Florida Water Management District update to its regional water supply plan, highlighting alternative water supply projects, and completing the required "Work Plan Amendment."

Policy 1.5.6

The Village shall seek and obtain a written statement from the Miami-Dade Water and Sewer Authority concerning 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 .

Policy 1.5.7

The Village shall establish a single-point-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 Village.

Policy 1.5.8

The Village will consider the availability of water supply prior to making changes to the Future Land Use Map.

Policy 1.5.9

The Village will assist the County in protecting water quality in traditional and new alternative water supply sources.

Policy 1.5.10

The Village will assist the Miami-Dade Water and Sewer Authority in determining whether the level-of-service standard for water supply is satisfied at the building permit stage.

Note: 1. The following 9J-5.011, F.A.C. objectives and related policies are not applicable to Key Biscayne;

- Objective 9J-5.011 (2) (b) 3 urban sprawl
- Objective 9J-5.011 (2) (b) 5 groundwater recharge/natural drainage features; includes Policy 9J-5.011 (2) (c) 4

~~2. There are no potable water system deficiencies or future need issues within the Village.~~

CONSERVATION AND COASTAL MANAGEMENT ELEMENT

CONSERVATION AND COASTAL MANAGEMENT ELEMENT

Conservation Element and Coastal Management Element Goals, Objectives, and Policies Are Combined Because they are Complimentary

* * *

Objective 1.8 **Water Supply**

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

Policy 1.8.1 The Village shall coordinate land uses and future land use changes with the availability of water supplies and water supply facilities.

Policy 1.8.2 The Village shall adopt 155 gallons of water per person per day as its level-of-service standard for residential and nonresidential users.

Policy 1.8.3 The Village shall continue to implement the same or more stringent water conservation measures through its land development regulations.

Policy 1.8.4 The Village shall conserve potable water resources, including the support of reuse programs and potable water conservation strategies and techniques.

Policy 1.8.5 The Village shall implement the Work Plan to ensure that adequate water supplies and public facilities are available to serve the water supply demands of the Village's population.

Policy 1.8.6 Since the potable water network is an interconnected, countywide system, the Village's Building, Planning, and Zoning Department shall cooperate with Miami-Dade County Water and Sewer Department to jointly develop methodologies and procedures for biannually updating estimates of system demand and capacity, and ensure that sufficient capacity to serve development exists.

Policy 1.8.7 If in the future there are issues associated with water supply, conservation or reuse, the Village shall immediately contact the Miami-Dade Water and Sewer Department to address the corresponding issues. In addition, the Village will follow adopted communication protocols with WASD to communicate and/or

prepare an appropriate action plan to address any relevant issue associated with water supply, conservation or reuse.

Policy 1.8.8 The Village shall enforce Miami-Dade County's Water Use Efficiency Standards Ordinance, adopted on February 5, 2008.

Policy 1.8.9 The Village may consider requiring the use of high-efficiency toilets, showerheads, faucets, clothes washers, and dishwashers in all new and redeveloped residential projects.

Policy 1.8.10 The Village shall encourage the use of sub-metering for all multi-unit residential developments, including separate meters and monthly records kept of all major water-using functions such as cooling towers and individual buildings, in all new and redeveloped multi-family residential projects.

Policy 1.8.11 The Village may encourage the use of Florida Friendly Landscapes guidelines and principles; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc) on walkways, driveways, and patios.

* * *

Objective 2.2 **Beaches and Dunes** **9J-5.012 (3) (b) 4**

Achieve no new major development or redevelopment seaward of the Coastal Construction Control Line, and shall restore and preserve a naturally vegetated dune along the entire Atlantic Ocean frontage of the Village.

Policy 2.2.1 **9J-5.012 (3) (c) 1 and 3, and 9J-5.013 (2) (c) 6**

~~By the date required by state statute or sooner, t~~The Village shall ~~enact and~~ enforce as part of the land development code minimum oceanfront setback requirements including protection of the proposed dune system. The requirements shall specify that no building may be built seaward of the coastal construction control line and that only limited boardwalks, gazebos and similar structures may be built seaward of the coastal construction control line. The requirements shall apply to both development and redevelopment.

Policy 2.2.2 **9J-5.012 (3) (c) 2**

~~By the date required by state statute or sooner, t~~The Village shall ~~enact and~~ enforce as part of the land development code dune development and vegetation planting requirements in conjunction with any new beachfront development and redevelopment. Dune grading and planting requirements shall be drafted to ensure the highest level of restoration of natural conditions which is economically and technically feasible. The requirements shall apply to both development and redevelopment.

Policy 2.2.3 **9J-5.012 (3) (c) 2**

~~By 1996, t~~The Village shall evaluate the need for and efficacy of alternate financing mechanisms to pay for beach renourishment and dune development as a supplement to achieving beach renourishment and dune development via regulations of development and redevelopment.

Objective 2.2 **Beaches and Dunes** **9J-5.012 (3) (b) 4**

Achieve no new major development or redevelopment seaward of the Coastal Construction Control Line, and shall restore and preserve a naturally vegetated dune along the entire Atlantic Ocean frontage of the Village.

Policy 2.2.1 **9J-5.012 (3) (c) 1 and 3, and 9J-5.013 (2) (c) 6**

~~By the date required by state statute or sooner, t~~The Village shall ~~enact and~~ enforce as part of the land development code minimum oceanfront setback requirements including protection of the proposed dune system. The requirements shall specify that no building may be built seaward of the coastal construction control line and that only limited boardwalks, gazebos and similar structures may be built seaward of the coastal construction control line. The requirements shall apply to both development and redevelopment.

Policy 2.2.2 **9J-5.012 (3) (c) 2**

~~By the date required by state statute or sooner, t~~The Village shall ~~enact and~~ enforce as part of the land development code dune development and vegetation planting requirements in conjunction with any new beachfront development and redevelopment. Dune grading and planting requirements shall be drafted to ensure the highest level of restoration of natural conditions which is

economically and technically feasible. The requirements shall apply to both development and redevelopment.

Policy 2.2.3 **9J-5.012 (3) (c) 2**

~~By 1996, t~~The Village shall evaluate the need for and efficacy of alternate financing mechanisms to pay for beach renourishment and dune development as a supplement to achieving beach renourishment and dune development via regulations of

Objective 2.3 **Beach Public Access** **9J-5.012 (3) (b) 9**

~~Achieve one~~ Maintain a municipal ocean beach access point open to ~~the general public within~~ the Village residents and their guests ~~no later than 2004~~.

Policy 2.3.1 **9J-5.012 (3) (c) 9**

The Village shall ~~enforce~~ maintain an existing agreement with a private property owner calling for provision of beach access as a condition for development approval. The accessway so provided shall be open to the general public.

Objective 2A **Historic Preservation** **9J-5.012 (3) (b) 10**

No later than ~~1999~~ 2011, prepare a list of potentially significant historic structures ~~and a strategy for their preservation~~.

Policy 2.4.1 **9J-5.012 (3) (c) 11~~0~~**

Based upon historical accounts of early development in the Village, the Council shall, no later than 2011, ~~designate those structures that due to age, architecture and function are candidates for historic designation and protection~~ identify all properties eligible for designation on the National Register of Historic Places. ~~A strategy for the preservation of some or all of these structures shall be drafted.~~

* * *

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

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

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

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

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

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

Objective 3.1 and Policy 3.1.1 above shall not be implemented in such a way as to preclude the Village's plans to extend sewer lines, improve drainage facilities or reconfigure streets in order to provide adequate infrastructure to serve the Future Land Use Plan development pattern or development for which rights were vested prior to enactment of this Plan.

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

Maintain the current estimated 13 hour hurricane evacuation clearance time which is based on both pre Hurricane Andrew planning and post Hurricane Andrew experience.

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

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

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

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

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

By ~~1996~~ 2011, adopt a post-disaster redevelopment plan.

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

By ~~1999~~ 2011 , based upon ~~the 1992-1993 Hurricane Andrew~~ staff review of post-disaster assessment, clean-up and housing repair experiences, the Village shall prepare a post-disaster redevelopment plan in consultation with the South Florida Regional Planning Council and the ~~Metro~~Miami-Dade County Office of Emergency Management and Homeland Security. Special attention shall be devoted to the Building Official's permitting process to distinguish between minor and major repairs, require demolition or nuisance removal, and similar regulatory approaches.

Policy 3.3.2

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

Policy 3.3.3

During post-disaster recovery periods, after damaged areas and infrastructure requiring rehabilitation or redevelopment have been identified, appropriate Village departments shall use the post-disaster redevelopment plan to reduce or eliminate the future exposure of life and property to hurricanes; incorporate recommendations of interagency hazard mitigation reports; analyze and recommend to the Village Council hazard mitigation options for damaged public facilities; and recommend amendments, if required, to the Village Master Plan.

* * *

Objective 3.4 **Level of Service and Public Facility Timing**

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

Policy 3.4.1 **9J-5.012(3)(b)11**

The Village shall implement the concurrency management schedule contained in this plan and the Village shall supplement the concurrency management system with which will be further detailed in land development code capital improvements when appropriate and necessary to meet Level-of-Service standards concurrent with the impact of development.

* * *

~~**Objective 3.6 Commercial Redevelopment**~~

~~*No later than 2004, achieve private revitalization of at least one Crandon Boulevard property that has a blighting impact on the Village and is likely to sustain significant hurricane damage.*~~

~~**Policy 3.6.1 9J-5.012 (3) (c) 6**~~

~~By the date required by state statute or sooner, the Village shall enact and enforce land development code standards and incentives to achieve development, renovated development and/or redevelopment that meets high signage, landscaping, circulation/parking and other development standards, all in conformance with the flood damage prevention regulations required by Conservation and Coastal Management Policy 3.5.2.~~

Objective 3.6 **Energy Conservation and Greenhouse Gas Reduction**

The Village shall encourage methods for integration of energy conservation technologies in new construction and redevelopment, and in Village municipal programs and services.

Policy 3.6.1

The Village shall encourage energy-efficient construction methods and develop initiatives to encourage energy conservation techniques in municipal and private-sector development.

Policy 3.6.2

The Village shall develop standards and principles to provide for the improvement of energy efficiency in municipal services and programs.

Policy 3.6.3

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

Policy 3.6.4

The Village shall amend the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation within one year of publication of approved Department of Community Affairs guidelines for implementing 2008 statutory requirements for energy reduction.

Policy 3.6.5

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

Policy 3.6.6

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

~~Note: The following 9J-5 FAC policies are not applicable to Key Biscayne:~~

- ~~Policy 9J-5.012 (3) (c) 11 deepwater ports~~
- ~~Policy 9J-5.013 (c) 1 water wells~~
- ~~Policy 9J-5.013 (c) 2 extraction of minerals~~
- ~~Inform the Florida Department of State, Division of Historical Resources that, to the best knowledge of Village officials based on documentation supplied by the Florida Department of State and Dade County, all archaeological and standing structure sites~~

~~identified in the Florida site file as being located on Key Biscayne are NOT in the Village of Key Biscayne, but rather in the unincorporated portions of Dade County located on the Island of Key Biscayne. The structures are: 1) the North Base Marker at the Key Biscayne Golf Course and 2) the Cape Florida Lighthouse in Bill Baggs Park at the tip of the Island of Key Biscayne. The sites are: 1) the Bear Cut Preserve, 2) Cape Florida, 3) Fort Bankhead and 4) the Light keeper's house foundation.~~

RECREATION AND OPEN SPACE ELEMENT

RECREATION AND OPEN SPACE

GOAL I **PROVIDE A DESIRABLE LEVEL OF PUBLIC RECREATION AND OPEN SPACE FACILITIES TOGETHER WITH SUPPLEMENTAL PRIVATE RECREATION AND OPEN SPACE FACILITIES.**

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

~~Achieve one~~ Continue to provide for a municipal ocean beach access point within the Village ~~no later than 2004~~.

Policy l.1.1 **9J-5.014 (3) (c) 3**

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

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

Assure resident access to the elementary school playfield ~~by 1995~~.

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

The Village shall ~~seek~~ maintain joint use agreements with the School Board to assure resident access to the school's playfields.

Objective 1.3 **Public Recreation Facilities**

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

Policy 1.3.1

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

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

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

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

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

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

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

Policy 1.3.5

No later than December 31, 2012~~1994~~, the Village shall explore a recreation impact fee to help finance acquisitions and improvements.

Policy 1.3.6

The following properties shall be included in the inventory of Parks and Recreation Space:

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

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

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

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

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

~~By the date required by state statute or sooner,~~ ~~t~~The Village shall ~~enact and enforce~~ maintain as part of the land development code: 1) minimum front, side and rear ***residential*** setbacks, and 2) minimum pervious open space for all new construction. Definitions and standards will be included. The amount of open space required by these regulations shall be consistent with the high property values of the island and the need to ensure reasonably satisfactory levels of access to light and air, but pervious area shall not be less than 30 percent of total site area for the average single family residential site.

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

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

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

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

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

~~By 2004,~~ ~~achieve~~ Explore and implement a fully coordinated system of recreational resources.

~~**Policy 1.5.1**~~

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

INTERGOVERNMENTAL COORDINATION ELEMENT

INTERGOVERNMENTAL COORDINATION

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

Objective 1.1 Coordination with the County Plan and School Board **9J-5.015(3)(b) 1**

Achieve consistency between the Village plan and both the ~~Metro-Dade County~~ Miami-Dade County Comprehensive Development Master Plan and the City of Miami Comprehensive Plan ~~(and amendments thereto)~~; achieve coordination with the plans of the Miami-Dade County School Board. See policies throughout this element for measurability.

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

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

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

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

Policy 1.1.3 **9J-5.015(3)(c)2 and 4**

The Village will utilize the informal mediation process of the South Florida Regional Planning Council in order to try to resolve annexation and other conflicts with other governmental entities; the Village will enter into mediations on a nonbinding basis.

Policy 1.1.4 **9J-5.015(3)(c)7**

The Village will thoroughly review and compare proposed development in the City of Miami and Dade County with proposed development in the Village Comprehensive Plan for consistencies and conflicts between identical elements and between plans as a whole. Where appropriate, the Village will respond at public hearings, through memoranda, or through the regional planning council's mediation process.

* * *

Objective 1.2 Master Plan Impact and Implementation Coordination **9J-5.015 (3) (b) 2**

Establish mechanisms to coordinate the impact of development proposed in the Village Master Plan with other jurisdictions.

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

No later than ~~1999~~ 2011, the Village shall continue to consider ~~and attempt to consummate as appropriate~~ or implement the following types of interlocal agreements or leases ~~generally of the type described below~~:

~~Sewers: An agreement to cooperate and coordinate with appropriate County agencies for the extension of sewers.~~

Solid Waste: An agreement to cooperate and coordinate with the County Solid Waste Management Department for the disposal of solid waste generated in the Village.

~~Lease of Calusa Park: A lease agreement by which the Village would commit to maintain the recreation facilities at the Calusa Park for the benefit of all Dade County residents. This site and/or others identified herein and/or St. Agnes field (a private school facility that may be available part time on a lease basis) are needed to meet Village recreation level-of-service standards.~~

St Agnes: A lease agreement by which the Village is allowed to utilized St. Agnes' athletic fields.

Lease of Virginia Key Site(s) for Recreation: A lease agreement by which the Village would commit to develop and maintain recreation facilities at one or more sites on Virginia Key. ~~These sites and/or others identified herein and/or St. Agnes field (a private school facility that may be available part time on a lease basis) are needed to meet Village recreation level-of-service standards.~~

~~Expansion of~~ Management Agreement for Calusa Park ~~into Crandon Park~~: ~~An agreement to cooperate and coordinate with the County Parks Department for the expansion of Calusa Park to accommodate play fields. This site and/or others identified herein and/or St. Agnes field (a private school facility that may be available part time on a lease basis) are needed to meet Village recreation level-of-service standards. It is understood that pursuit of the desired agreement for Calusa Park will require the Village to petition Dade County government to modify its current plan for Crandon Park.~~ The Village shall encourage the Miami-Dade County Park and Recreation Department to make improvements to Calusa Park consistent with the Crandon Park Master Plan. The Village shall pursue an agreement with the Miami-Dade County Park and Recreation Department to provide for Village management of Calusa Park.

~~Bill Baggs State Park: An agreement to cooperate and coordinate with the Florida Department of Environmental Protection for the provision of play fields at Bill Baggs State Park. This site and/or others identified herein and/or St. Agnes field~~

~~(a private school facility that may be available part time on a lease basis) are needed to meet Village recreation level-of-service standards. It is understood that pursuit of the desired agreement for Bill Baggs State Park will require the Village to petition an agency of state government to modify its current plan for Bill Baggs State Park.~~

Key Biscayne ~~Elementary School~~ K-8 Center: An agreement to cooperate and coordinate with the Dade County School Board to make the Key Biscayne ~~Elementary School~~ K-8 Center playground available for community use.

Other areas within the Village: An agreement or lease with other areas within the Village, as necessary.

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

* * *

Policy 1.2.6

The Village shall coordinate with Miami-Dade County and the City of Miami to create a program for annual evaluation of affordable housing needs within incorporated and unincorporated areas of the County.

Policy 1.2.7

The Village shall participate in the South Florida Regional Planning Council's initiatives directed toward educating local governments of new techniques, especially programs applicable to the region and county, for promoting affordable housing.

Policy 1.2.8

The Village shall evaluate the feasibility of establishing an affordable housing fee trust fund in partnership with Miami-Dade County or the City of Miami via interlocal agreements, to fund affordable housing programs and projects in Miami-Dade County and/or the City of Miami.

* * *

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

Ensure coordination with Metro-Dade County, the Miami-Dade Water and Sewer Department, the Miami-Dade County Department of Environmental Resources Management, the South Florida Water Management District, and the Lower East Coast Water Supply Plan Update in establishing level-of-service standards *for sewage, and potable water.*

Policy 1.3.1 9J-5.015 (3) (c) 7

Monitor changes to the adopted level-of-service standards of Metro-Dade County, the Miami-Dade Water and Sewer Department, the Miami-Dade County Department of Environmental Resources Management, the South Florida Water Management District, and the Lower East Coast Water Supply Plan Update and appropriately adjust its own level-of-service standards accordingly.

Policy 1.3.2

Upon the request of the Miami Dade Water and Sewer Authority, the Village shall provide them with increases in population resulting from development and redevelopment.

Policy 1.3.3

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

Policy 1.3.4

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

Policy 1.3.5

The Village shall coordinate with the Miami-Dade Water and Sewer Department by requiring applications to be reviewed by the Department during the site plan review process prior to approving a building permit, in order to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy for properties located within the Village. Additional coordination efforts will occur between the Department and the Village through the water allocation system, which is a monthly spreadsheet used

for tracking development activity within the Village. The Village will monitor proposed amendments to the Miami-Dade County Comprehensive Development Master Plan as they relate to water supply planning in the county and provide input as necessary.

Policy 1.3.6

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

Policy 1.3.7

To the extent possible, the Village Building, Zoning, and Planning Director or a representative will attend the Miami-Dade Planners Technical Committee meeting to share information regarding water supply needs and coordinate water use issue as needed. This committee is a council of professional planners representing local governments and public regulatory review agencies in Miami-Dade County that addresses common concerns and shares resources toward solving planning problems.

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

CAPITAL IMPROVEMENTS ELEMENT

CAPITAL IMPROVEMENTS

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

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

~~Achieve annual~~ The Village Council ~~use of~~ shall utilize this Element as the framework to monitor public facility needs and as a basis for the annual capital budget and preparation of a five- year capital improvements program ~~preparation~~.

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

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

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

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

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

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

- Public safety projects: any project to ameliorate a threat to public health or safety.

- Quality of life projects: any project that would enhance the quality of life, such as a public streetscape improvement project.

- Level of service or capacity projects: any project needed to maintain an adopted or otherwise desirable Level of Service.

- Redevelopment projects: any project that would assist in the revitalization of deteriorated non-residential properties.

- Biscayne Bay enhancement projects: any project which would enhance the environmental quality of Biscayne Bay.

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

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

Policy 1.1.5 **9J-5.016 (3) (c) 2**

The Village shall pursue a prudent policy in terms of borrowing for capital improvements or other purposes.

* * *

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

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

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

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

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

- Arterials – "~~E~~ D"
- Collectors - "B"
- Local Service Streets - "A"

Within the Village limits, Crandon Boulevard ~~will be~~ shall operate at level of service ~~E~~ D or better, ~~although the level of service could potentially fail slightly below E~~ and maintain operations at no less than level of service D near the north Village limits.

* * *

Potable water: ~~The County-wide "maximum day flow" of the preceding year shall not exceed 98 percent of the County treatment and storage system's rated capacity. The pressure shall be at least 20 pounds per square inch at the property line. The potable water consumption standard shall be 280 average gallons per capita per day.~~ Not to exceed 98% of County treatment and storage system's rated capacity, with at least 20lbs per sq. inch at property line and average 280 gallons per capita per day.

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

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

Recreation: The Village shall achieve and maintain a Level of Service standard of at least 2.5 acres of local public park land per 1,000 permanent population.

* * *

Policy 1.2.2

Upon the request of the Miami Dade Water and Sewer Authority, the Village shall provide them with increases in population resulting from development and redevelopment.

Policy 1.2.3

The Village shall develop mechanisms to ensure that adequate water supplies are available to all water users prior to the approval of a building permit. Furthermore, the Village shall work with the Miami-Dade Water and Sewer Department to be sure that it is responsibly monitoring the availability of water supplies for all water users of its department, which includes the Village, and to be sure that it is implementing a system that links water supplies to the permitting of new development.

Policy 1.3.1

The Village's capital improvement program schedule shall not include any infrastructure projects that would have the effect of directly causing developer applications for Land Use Plan or zoning map amendments to achieve significantly more intensive development than authorized by this plan.

Objective 1.3 **Infrastructure in Coastal High Hazard Area 9J-5M16 (3) (b) 2**

~~Spend no Village~~ The Village shall not expend funds on infrastructure within the Village (all of which is within the coastal high-hazard area) that would have the effect of directly subsidizing development which is significantly more intensive than authorized by this Plan.

Policy 1.3.1

The Village's capital improvement program schedule shall not include any infrastructure projects that would have the effect of directly causing developer applications for Land Use Plan or zoning map amendments to achieve significantly more intensive development than authorized by this plan.

Objective 1.4 **Concurrency** **93-5.016 (31 (b) 4**

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

Policy 1.4.1 **9J-5.0l6 (3) (c) 6**

~~By the date required by state statute or sooner, t~~The Village shall ~~enact and enforce as part of the land development code a~~ enforce the concurrency management system ~~which meets the requirements of 93-5.0055~~ provided within Article VI of Chapter 30 of the Code of Ordinances. The concurrency management system shall specify that no development permit shall be issued unless the public facilities necessitated by a development (in order to meet level of service standards specified in the Traffic Circulation, Recreation and Open Space, and Infrastructure Policies) will be in place concurrent with the impacts of the development or the permit is conditional to assure that they will be in place. The requirement that no development permit shall be

issued unless public facilities necessitated by the project are in place concurrent with the impacts of development shall be effective immediately and shall be interpreted pursuant to the following:

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

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

* * *

Policy 1.4.2

The Village shall shift from an annual to a five-year Capital Improvements Plan.

Policy 1.4.3

To the extent required by law, the Village shall ensure that the Capital Improvements Element (CIE) of the Comprehensive Plan is financially feasible, as defined by Section 163.3164(32), Florida Statutes (F.S.), as amended.

Policy 1.4.4

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

Objective 1.5 **Funding Capital Improvements** **9J.5.016 (3) (b) 5**

The land development code concurrency management system shall reflect both the existing and approved Development of Regional Impact development orders; this system shall operate in concert with the capital improvement program, recreation impact fee and drainage utility to assure the funding and provision of needed capital improvements. See policies for measurability.

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

The concurrency management system formulas shall include the public facility demands ~~to be~~ created by the two DRI projects (Continental, and Key Biscayne Hotel and Villas) as "committed" and the capital improvement schedule shall include the project

implications of this committed demand to assure concurrency, so long as either of these development orders is in effect.

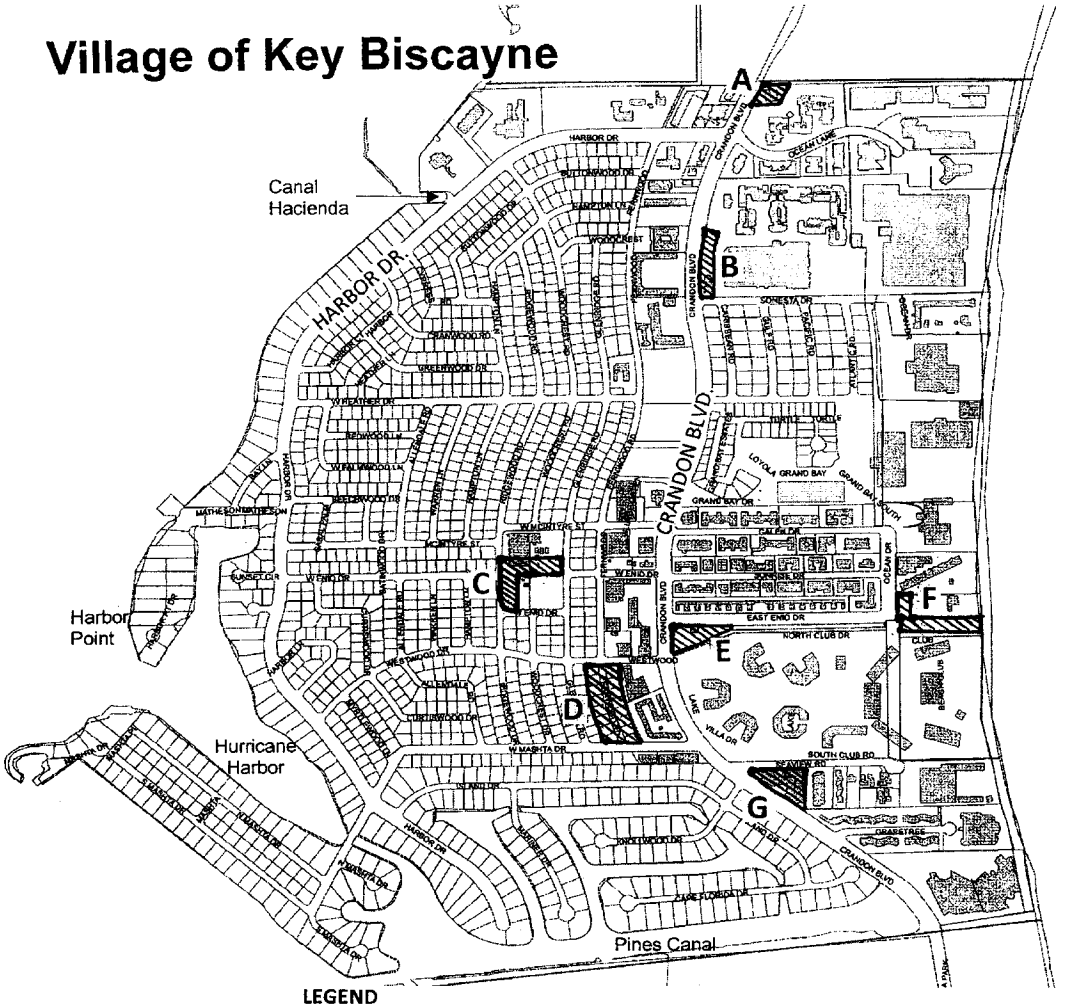
Policy 1.5.2 **9J-5.016 (3) (c) 8**

No later than ~~December 31, 1994~~2011, the Village shall explore a recreation impact fee that would apply to all new development in order to help fund acquisition and improvements.

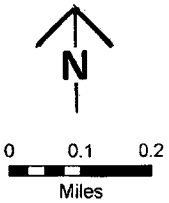
Policy 1.5.3 **9J-5.017 (3) (b) 4 and (c) 8**

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

* * *



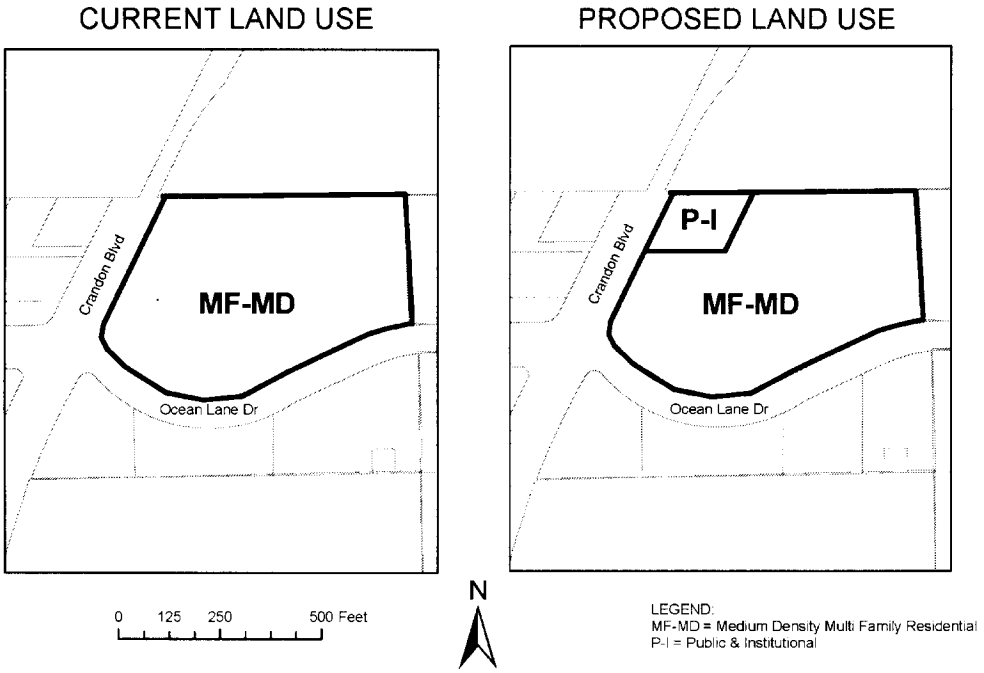
LEGEND



A	1 CRANDON BOULEVARD – PANKEY INSTITUTE (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC & INSTITUTIONAL)
B	299 CRANDON BOULEVARD - LIBRARY (MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC & INSTITUTIONAL)
C	150 WEST MC INTYRE STREET & 601 WEST ENID DRIVE – KEY BISCAYNE K-8 CENTER (PUBLIC RECREATION & OPEN SPACE TO PUBLIC & INSTITUTIONAL)
D	701-798 FERNWOOD DRIVE (TWO FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL)
E	VILLAGE LAKE PARK (LOW DENSITY MULTI-FAMILY RESIDENTIAL TO PUBLIC RECREATION & OPEN SPACE)
F	VILLAGE BEACH PARK (MULTIFAMILY RESIDENTIAL AND HOTEL RESORT TO PUBLIC RECREATION & OPEN SPACE)
G	971 CRANDON BOULEVARD – L'ESPLANADE (LOW DENSITY MULTI-FAMILY RESIDENTIAL TO COMMERCIAL)

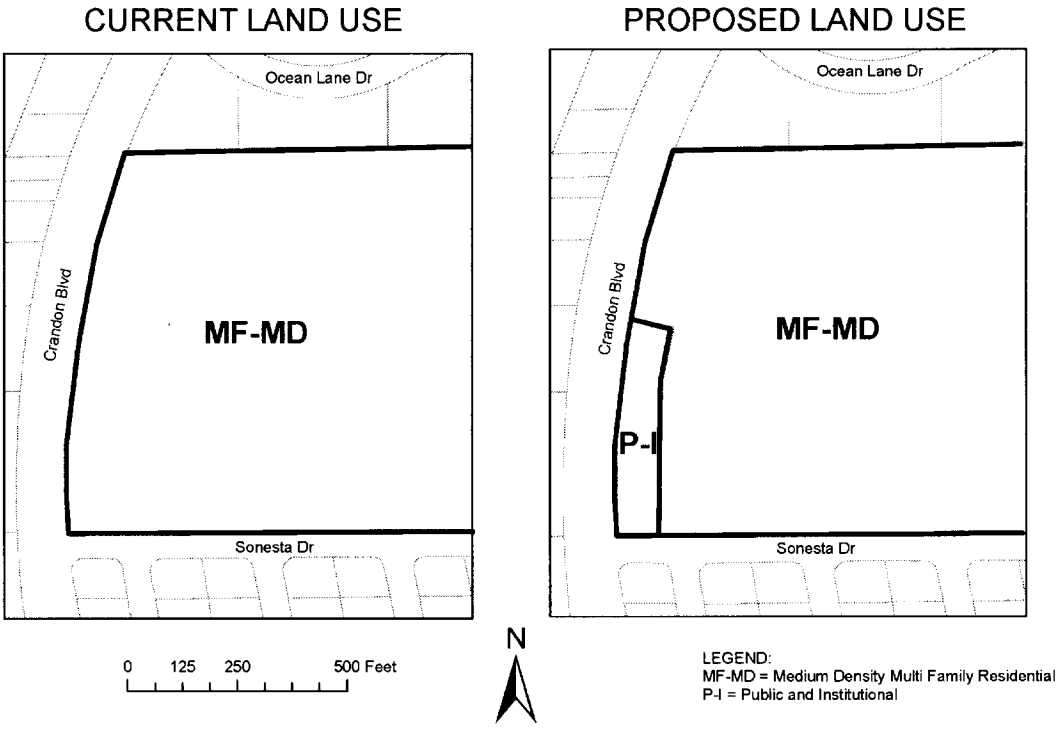
A

Future Land Use Designation
Pankey Building
1 Crandon Blvd



B

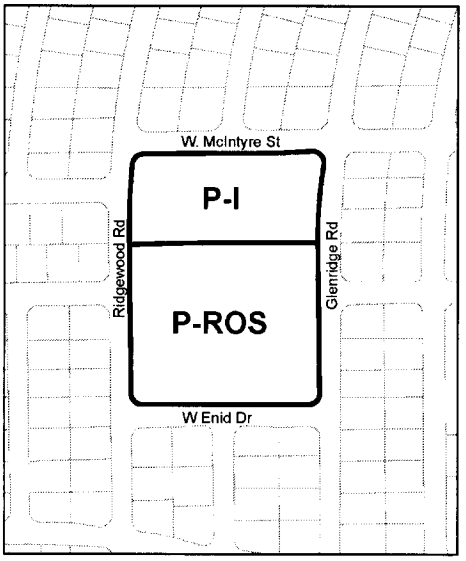
Future Land Use Designation
Public Library
299 Crandon Blvd



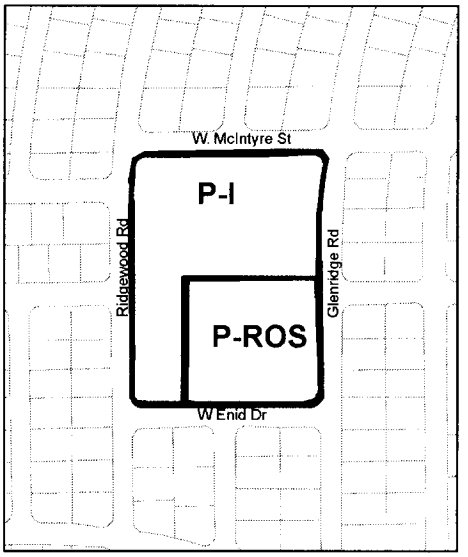
C

Future Land Use Designation
Key Biscayne K-8 Center
150 W McIntyre St & 601 W Enid Dr

CURRENT LAND USE



PROPOSED LAND USE



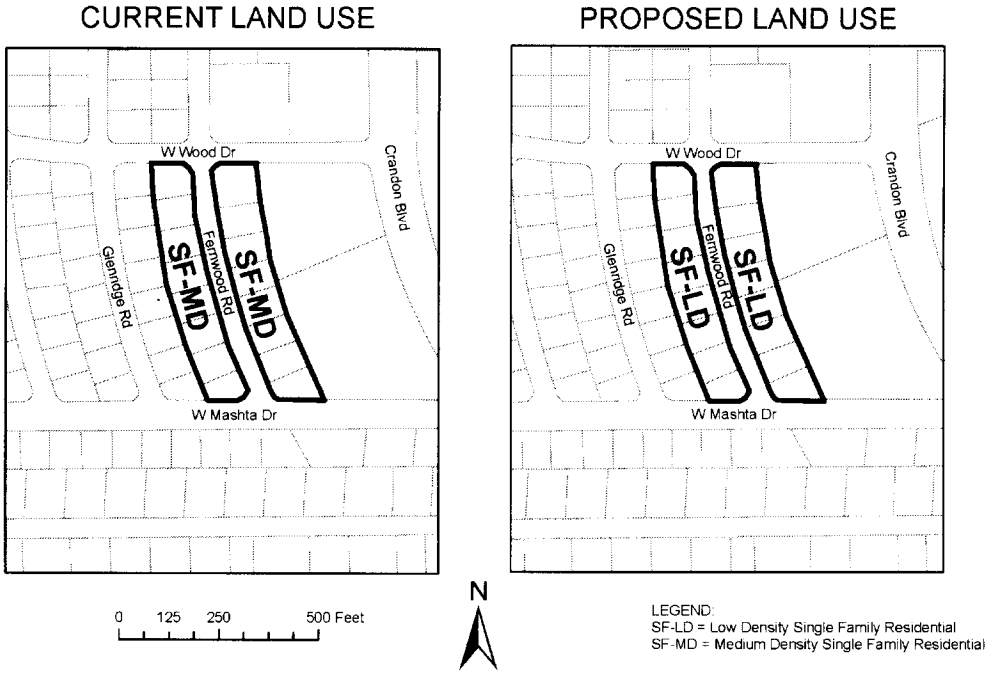
0 125 250 500 Feet

N

LEGEND:
PI = Public & Institutional
P-ROS = Public Recreation & Open Space

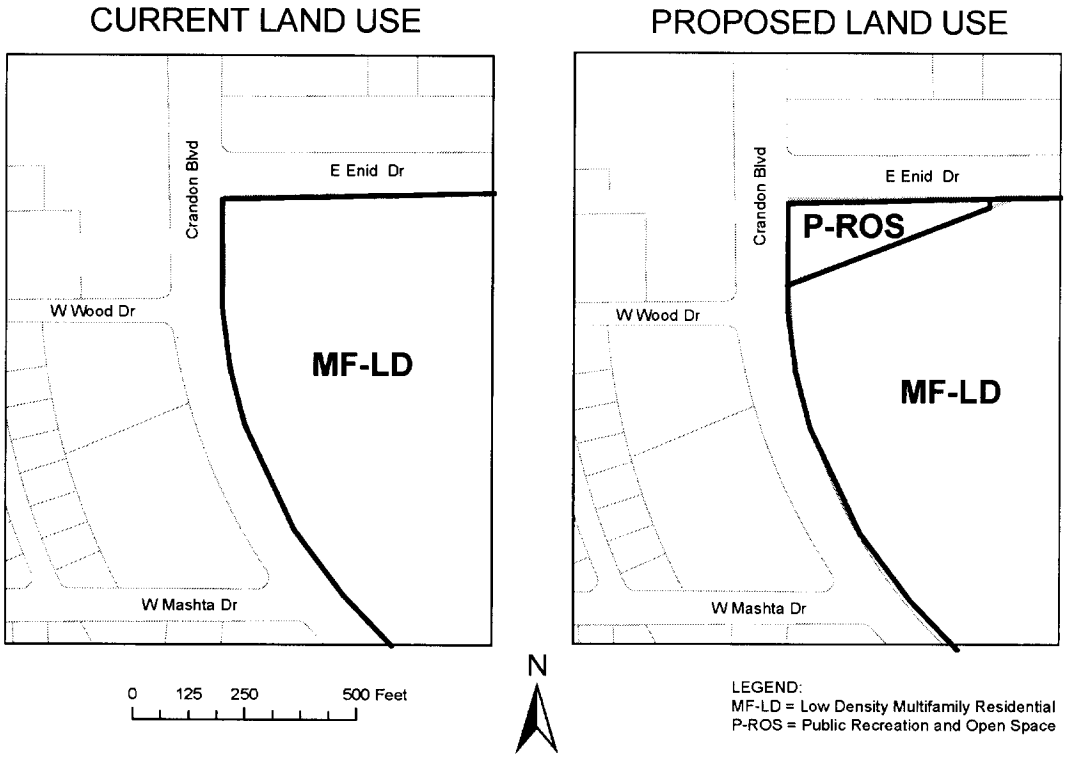
D

Future Land Use Designation
700 Block of Fernwood Drive
701-798 Fernwood Dr



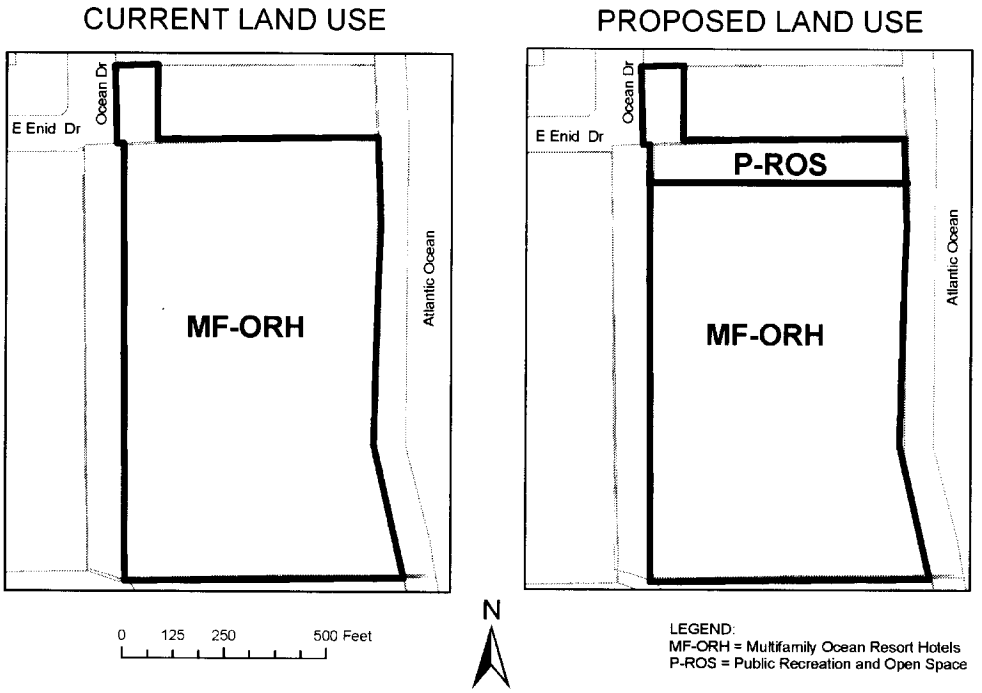
E

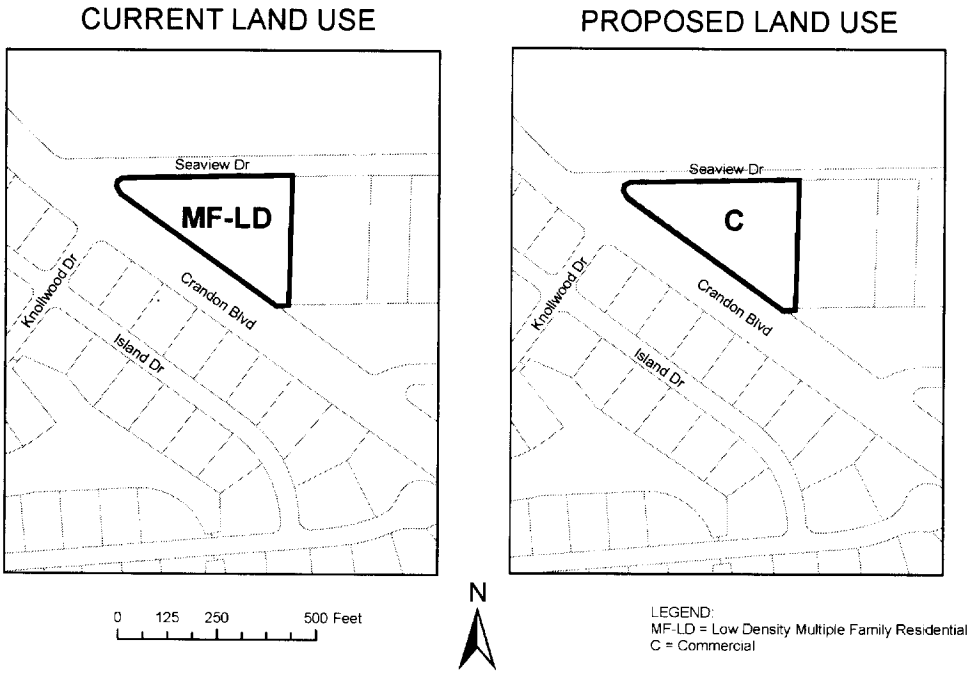
Future Land Use Designation
Village Lake Park



F

Future Land Use Designation
Village Beach Park



G

Future Land Use Designation
L'Esplanade
971 Crandon Blvd