VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council
Mayra P. Lindsay, *Mayor*
Franklin H. Caplan
Luis F. de la Cruz
Theodore Holloway
Michael E. Kelly
Edward London
James Taintor

DATE: November 25, 2014

TO: Honorable Mayor and Members of the Village Council

FROM: John C. Gilbert, Village Manager

RE: Amendment to the Zoning Ordinance: Boat Trailers

RECOMMENDATION

It is recommended that the Council approve the attached Ordinance.

BACKGROUND

On October 14, 2014, Village Council reviewed a draft of an Ordinance which included changes to the regulations that address the storage of boat trailers. The Council directed the draft Ordinance be amended to include the following:

- The boat and trailer shall be registered to any occupant of the property
- The maximum length of the boat is 32 ft.
- No restriction on the amount of time a trailer can remain on the property without a boat

The attached Ordinance includes those changes.

Mr. Chad Friedman from Weiss Serota Helfman Pastoriza Cole & Boniske provided Resolution and attests to form and legal sufficiency.

VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

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

DT: October 28, 2014

TO: John C. Gilbert, Village Manager

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

Director
Jud Kurlancheek, AICP

Chief Building Official
Eugenio M. Santiago, P.E., CFM

RE: Boat Trailers: Comparison of an Ordinance amending the Zoning and Land Development Regulations with the Review Criteria

Summary of the Ordinance

The major components of the Ordinance are as follows:

1. The maximum size of a boat shall not exceed 32 ft.;
2. There is no limit on the amount of time a trailer can be on the property without a boat; and,
3. The boat must be registered to any occupant of the property.

Amendment to the Zoning and Land Development Review Criteria: In order to consider an ordinance which amends the Village's Zoning and Land Development Regulations, the Village Council must find that said ordinance is consistent with the review criteria. Below is our analysis of the ordinance with the review criteria that are set forth in Section 30-71 of the Zoning and Land Development Regulations:

Criteria 1 The Proposed amendment is consistent with the Comprehensive Plan.

Analysis: The Comprehensive Plan was adopted in 1994 and provides goals and objectives that are very broad. It does not address specific regulations that are included in the proposed ordinance. The Comprehensive Plan recognizes that the Village is an island community and boating activities are encouraged.

Finding: Consistent

Criteria 2 The proposed change will result in buildings that are consistent in scale and otherwise be compatible with those within 300 ft. of the site.

Analysis: The proposed Ordinance does not involve buildings.

Finding: Consistent

Criteria 3 The resulting boundaries of a zoning district are logically drawn.

Analysis: The proposed Ordinance does not impact the boundary lines of zoning districts.

Finding: Consistent

Criteria 4 The proposed change will enhance property values in the Village.

Analysis: The proposed Ordinance will encourage property owners to own boats as trailers would not have to be removed from the lot when a boat is not placed on them. The use of the property will be broadened which will have a positive impact on property values.

Finding: Consistent

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

Analysis: The proposed Ordinance will encourage property owners to own boats as trailers would not have to be removed from the lot when a boat is not placed on them. This will enhance the quality of life for residents of the property.

Finding: Consistent

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

Analysis: Key Biscayne is an island community; however, there are no public boat launches in the Village. The nearest boat launch is in the County marina which is often at capacity on the weekends. As such, requiring the boats be placed on trailers is a hardship; particularly on weekend.

Finding: Consistent

RECOMMENDATION

As Staff has found the proposed Ordinance is consistent with the review criteria, it is recommended that it be approved.

ORDINANCE NO. 2014 -

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

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

WHEREAS, the Village Council desires to amend the Land Development Regulations relating to the storage of boat trailers in the single-family and two-family districts; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

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

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

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

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

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

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

* * *

(f) *Permitted encroachments in Required Yards.*

* * *

(2) Boat storage.

a. The term "boat" as used herein includes vessels and other watercraft, as defined in F.S. § 327.02(36).

b. Boats less than 32 ~~26~~ feet in length, not more than 96 inches in width and 13 feet six inches in height (bottom of hull to the highest point on the boat including Towers and T tops), may be stored in the VR, VE, IR, and PS zoning districts subject to all the following conditions:

1. No more than one boat may be stored on any one Lot unless stored in an enclosed garage; and

2. Boats and place of boat storage shall be kept in a clean, neat and presentable condition; and

3. No major repairs or overhaul Work on or for a boat shall be made or performed on the Lot; and

4. The boats shall not be used for living quarters, and shall be placed on and secured to a transporting Trailer. The Trailer shall be sized to accommodate the boat for which it is intended. The boat and Trailer shall be registered to any occupant of the property. ~~, however, nothing herein shall authorize the Parking of a Trailer on any Lot without a boat~~. Personalized watercraft (jet ski, waverunner or similar watercraft) as defined in F.S. § 327.39 are required to be placed on a Trailer pursuant to this section (canoes as defined in F.S. § 327.02(3) are not required to be placed on a Trailer); and

5. Boats stored in a Yard that faces a Street shall comply with the following: The Trailer wheels shall be placed on a hard paved surface and the boat shall be perpendicular to the house

* * *

Section 3. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

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

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

_____
MAYOR FRANKLIN H. CAPLAN

ATTEST:

_____
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
VILLAGE ATTORNEY