

ORDINANCE NO. 2012-4

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 State Land Planning Agency 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 FOLLOWS¹:

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

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 State Land Planning Agency 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 9th day of February, 2010.

PASSED AND ADOPTED on second reading this 13th day of March, 2012.


MAYOR FRANKLIN H. CAPLAN

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


VILLAGE ATTORNEY



EXHIBIT "A"

Village of Key Biscayne Evaluation and Appraisal Report (EAR) Based Amendments to the Comprehensive Development Master Plan Adopted March 13, 2012

This report contains a series of amendments to the Village of Key Biscayne's Comprehensive Development Master Plan (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. Only goals, objectives, policies, and maps for which specific amendments are recommended are included.

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.

In the Objections, Recommendations and Comments (ORC) Report, the Department of Economic Opportunity (then known as the Department of Community Affairs) provided objections, recommendations and comments regarding the Village's proposed amendments (DCA No. 11-1ER). The Village's response and corrective actions are as follows:

Future Land Use Element Objection 1: The Village has not submitted updated Existing and Future Land Use Maps or updated the planning timeframe of 1994-2004.

Response/Actions: The Existing and Future Land Use Map series has been updated to reflect a new planning timeframe of 2025, and revised as appropriate.

Future Land Use Element Objection 2: The Village has not included in the map series in the Future Land Use Element natural resources, historic districts, Transportation Concurrency Management Areas, and multimodal transportation district boundaries.

Response/Actions: There are no Transportation Concurrency Management Areas or multimodal transit districts. The historic district and natural resources maps are included in the Master Plan, but were not transmitted in the amendments because they have not changed. They are included herein for information purposes, and have been recreated for improved readability.

Transportation Element Objection 1: The Village has not provided Existing and Future Transportation Maps showing public transit routes and service areas, number of lanes per roadway, local and regional transportation facilities critical for coastal evacuations, and peak hour/direction for roads and transit.

Response/Actions: The Transportation Map Series has been updated and amended to extend the planning timeframe to 2025.

Conservation and Coastal Management Element Objection 1: This Element does not have a policy adopting the Coastal High Hazard Area (CHHA) definition nor is the CHHA mapped.

Response/Action: Objective 3.1 of the Coastal Management Element has been amended to include the CHHA definition, and a Map of this Area has been included in the Future Land Use Element Map Series.

Conservation and Coastal Management Element Objection 2: Objective 3.2 establishes a 13 hour hurricane evacuation clearance time while the statute calls for 12 hours to shelters or 13 hours for out-of-County evacuations.

Response/Action: Conservation and Coastal Management Element Objective 3.2 has been revised to specify 13 hours for out-of-County evacuations or 12 hours to evacuate to a shelter.

Conservation and Coastal Management Element Objection 3: Policy 1.8.2 of this Element establishes a LOS of 155 gallons per day (gpd) while Policy 1.2.1 of the Capital Improvements Element establishes an LOS of 280 gpd.

Response/Action: Amend Capital Improvements Element Policy 1.2.1 to reflect a LOS of 155 gpd to be consistent with Policy 1.8.2 and the Miami-Dade County 10-Year Water Supply Facilities Work Plan.

Capital Improvements Element Objection 1: The Village has not provided a 5-Year Schedule of Capital Improvements.

Response/Action: An updated Capital Improvements Schedule has been adopted.

Capital Improvements Element Objection 2: Policy 1.5.6 of the CIE and Policy 1.2.6 of the Public School Facilities Element have not been revised to incorporate the 2009/2010 through 2013/2014 Miami-Dade County Public Schools Facilities Work Plan by reference.

Response/Action: Capital Improvements Element Policy 1.5.6 and Public School Facilities Element Policy 1.2.6 were amended to incorporate the current Work Plan dates.

Objection: The Village has not prepared a 10 Year Water Supply Facilities Work Plan.

Response/Action: The Water Supply Facilities Work Plan is adopted and included herein.

FUTURE LAND USE ELEMENT

Amend Goal 1 as follows:

GOAL1 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.

Amend Objective 2.1 as follows:

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~~
Coordinate with the County and appropriate agencies to maintain sanitary sewer service, and ensure effective septic and drain field functioning. See Policies 2.1.1 and 2.1.2 for additional measurability.

Amend Policy 2.1.1 as follows:

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 unsewered 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~~ to maintain sanitary sewer services.

Amend Objective 2.2 as follows:

Objective 2.2 Storm Sewer Infrastructure

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. 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.

Amend Policy 2.2.2 as follows:

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.

Add a new Policy 2.2.3 as follows:

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.

Amend and Renumber Policy 2.2.3 as follows:

Policy 2.2.34

9J-5.006(3) (c) 3

~~By the date required by state statute or sooner, t~~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~~ to 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 Transportation~~, 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 be 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 (1)-(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 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 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 of 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.~~

Amend Objective 2.3 as follows:

Objective 2.3 Natural Resources

9J-5.006 (3) (b) 4

~~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) and State 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.~~

Amend Policy 2.3.1 as follows:

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 Objective 1.1 of the Infrastructure Element.

Amend Policy 2.3.2 as follows:

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

Amend Objective 2.6 as follows:

Objective 2.6 Historic Preservation

No later than 1999, 2015, prepare a list of potentially significant historic structures and a strategy for their preservation including all properties eligible for designation on the National Register of Historic Places.

Amend Policy 2.6.1 as follows:

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 2015, 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.

Amend the Future Land Use Descriptions as follows:

FUTURE LAND USE CATEGORY DESCRIPTIONS

This section is a component of Future Land Use Policy 1.1.1 and is adopted as such by reference. Its purpose is twofold. First, this section explains the types of land uses that are to be permitted by the land development code which implements the Future Land Use Map. The land development code will contain more detail about permitted land uses than does this section. Land development code use regulations which are not specifically addressed in this section and which are not obviously incompatible with this section and other relevant policies may be deemed to be consistent with the overall comprehensive plan.

Low Density Single Family Residential

This category of land use is intended to allow for the use of single family detached homes on lots of at least 15,000 square feet of net area. Other uses allowed on land within this category include public parks, primary and secondary schools, existing houses of worship and public utility facilities necessary to serve the homes within this category. The 15,000 square foot lot size limitation shall not preclude the continued use, development or redevelopment of a home on a smaller lot where such lot or parcel was platted or otherwise of record prior to the adoption of this Plan.

* * *

Office

This category of land use is intended to allow for business and professional office use. Buildings within this category shall be limited to up to 35 feet in height and 40 percent maximum lot coverage. Other uses permitted on land within this category include houses of worship. The application of the height and lot coverage limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof

which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original intensity of the repaired or reconstructed building. This paragraph applies to intensities, not uses.

Commercial

This category of land use is intended to allow for general commercial and business uses and activities serving the daily retailing and service needs of the community. Other uses permitted on land within this category include business and professional office uses, houses of worship, public parks, municipal buildings and facilities and public utilities necessary to serve the uses within this category. Buildings within this category shall be limited to 35 feet in height and 35 percent lot coverage. The application of the height and lot coverage limitations contained in this paragraph shall not preclude the repair or reconstruction of any building or portion thereof which is damaged by any natural disaster or other casualty. Such repair or reconstruction shall not exceed the original intensity of the repaired or reconstructed building. This paragraph applies to intensities, not uses.

Add a new Objective 2.8 as follows:

Objective 2.8 Water Supply

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

Add a new Policy 2.8.1 as follows:

Policy 2.8.1

The Village, through the land development regulations, will coordinate land uses and future land use amendments with the availability of water supplies and water supply facilities.

Add a new Goal 3 as follows:

GOAL 3 IMPLEMENT GREENHOUSE GAS REDUCTION STRATEGIES

Add a new Objective 3.1 as follows:

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.

Add a new Policy 3.1.1 as follows:

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.

Add a new Policy 3.1.2 as follows:

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.

Add a new Policy 3.1.3 as follows:

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.

Add a new Policy 3.1.4 as follows:

Policy 3.1.4

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

Add a new Policy 3.1.5 as follows:

Policy 3.1.5

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

Add a new Policy 3.1.6 as follows:

Policy 3.1.6

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

Add a new Policy 3.1.7 as follows:

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.

Add a new Policy 3.1.8 as follows:

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.

Add a new Objective 3.2 as follows:

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.

Add a new Policy 3.2.1 as follows:

Policy 3.2.1

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

Add a new Policy 3.2.2 as follows:

Policy 3.2.2

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

Add a new Policy 3.2.3 as follows:

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.

Add a new Policy 3.2.4 as follows:

Policy 3.2.4

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

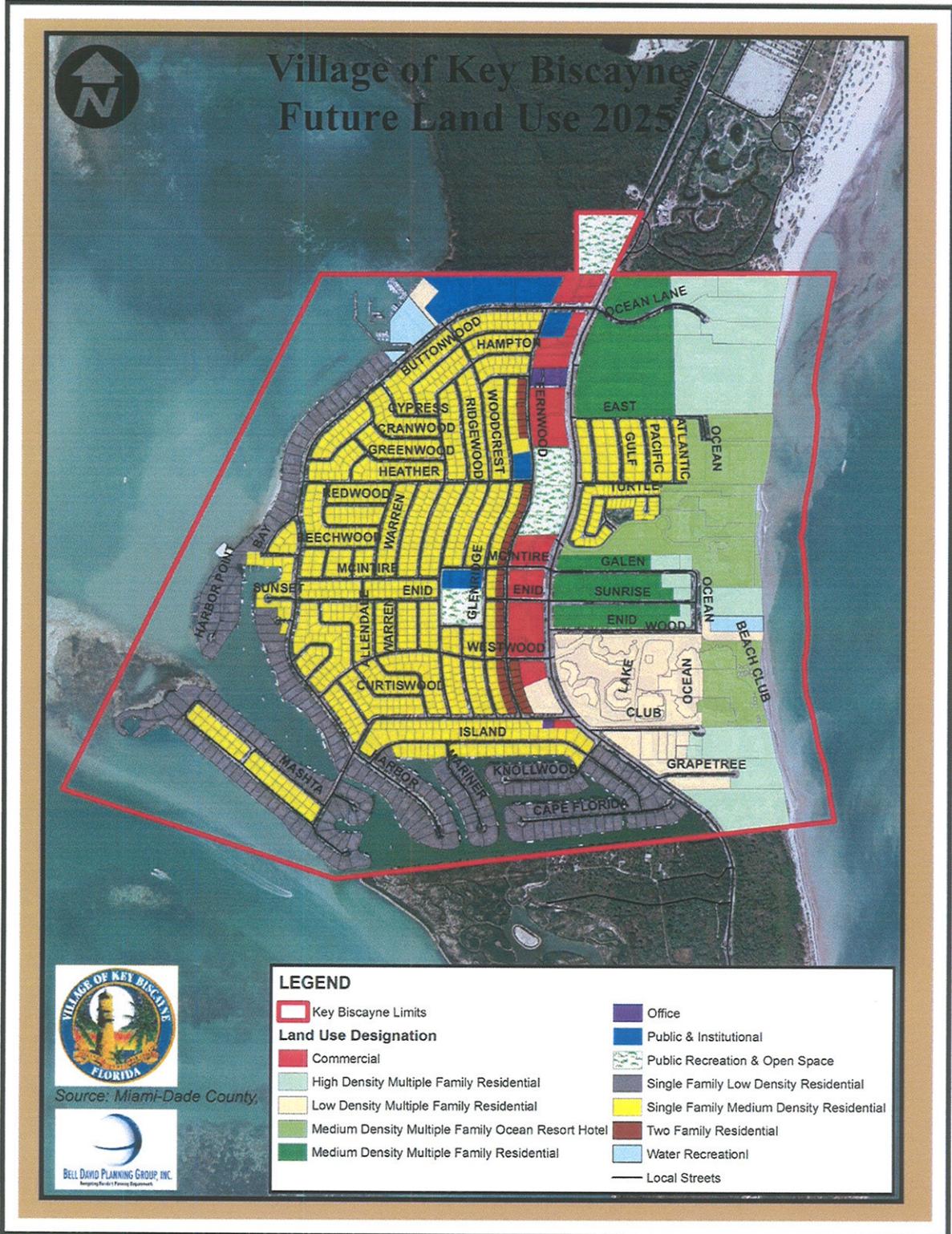
Add a new Policy 3.2.5 as follows:

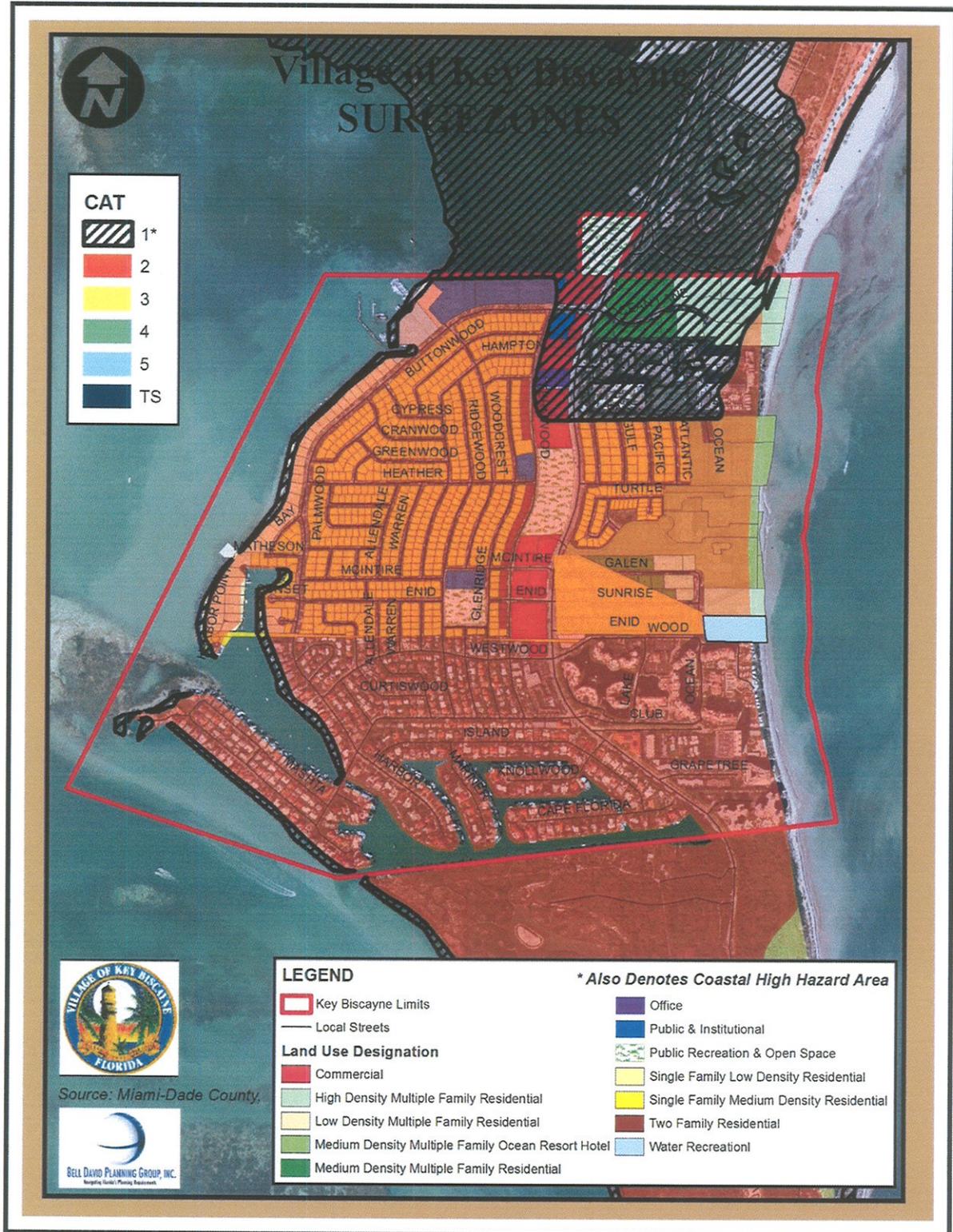
Policy 3.2.5

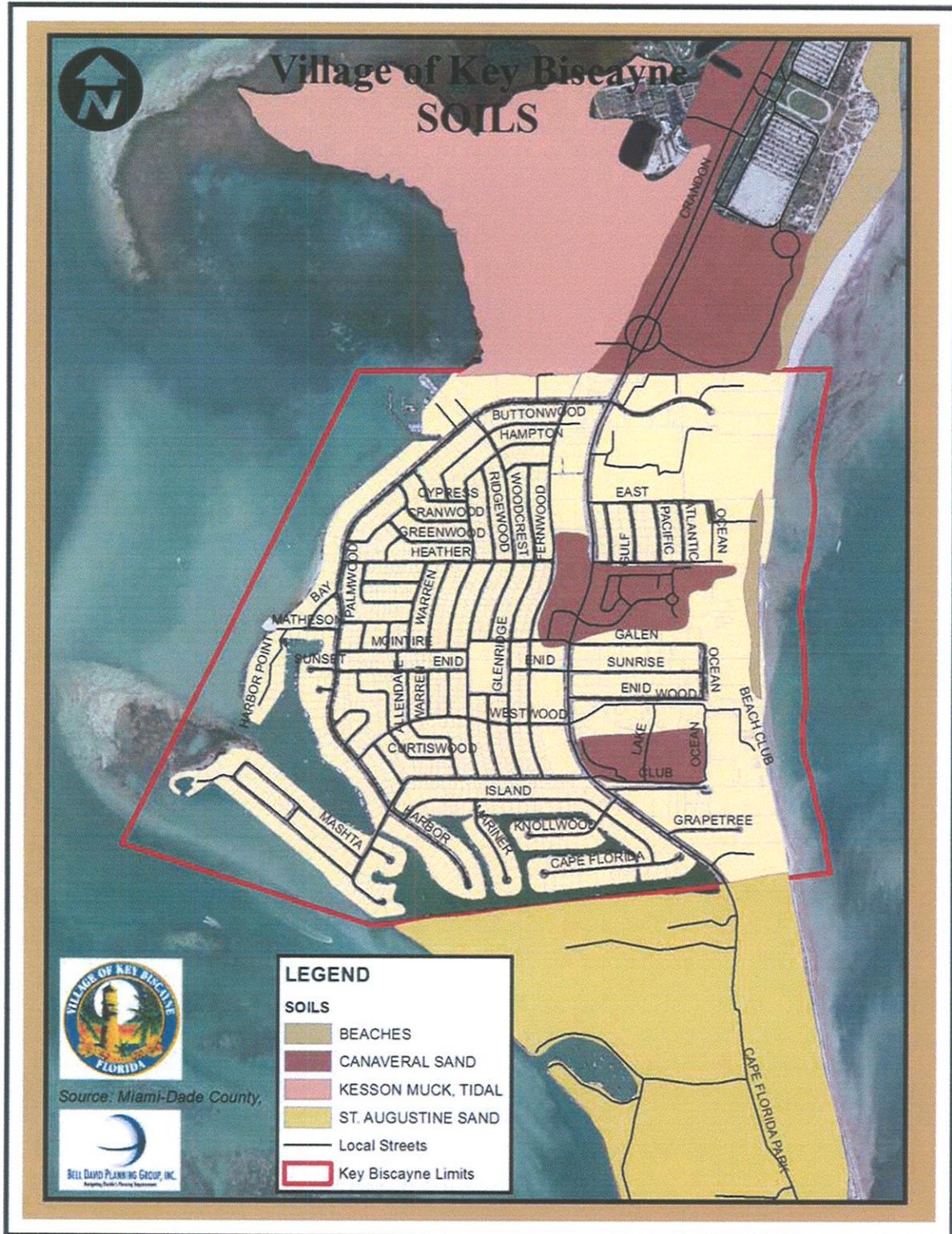
By December 2015, the Village shall consider amending the land development regulations to adopt specific standards and strategies that address greenhouse gas emissions, energy efficient housing, and overall energy conservation as per Objective 3.1 and 3.2.

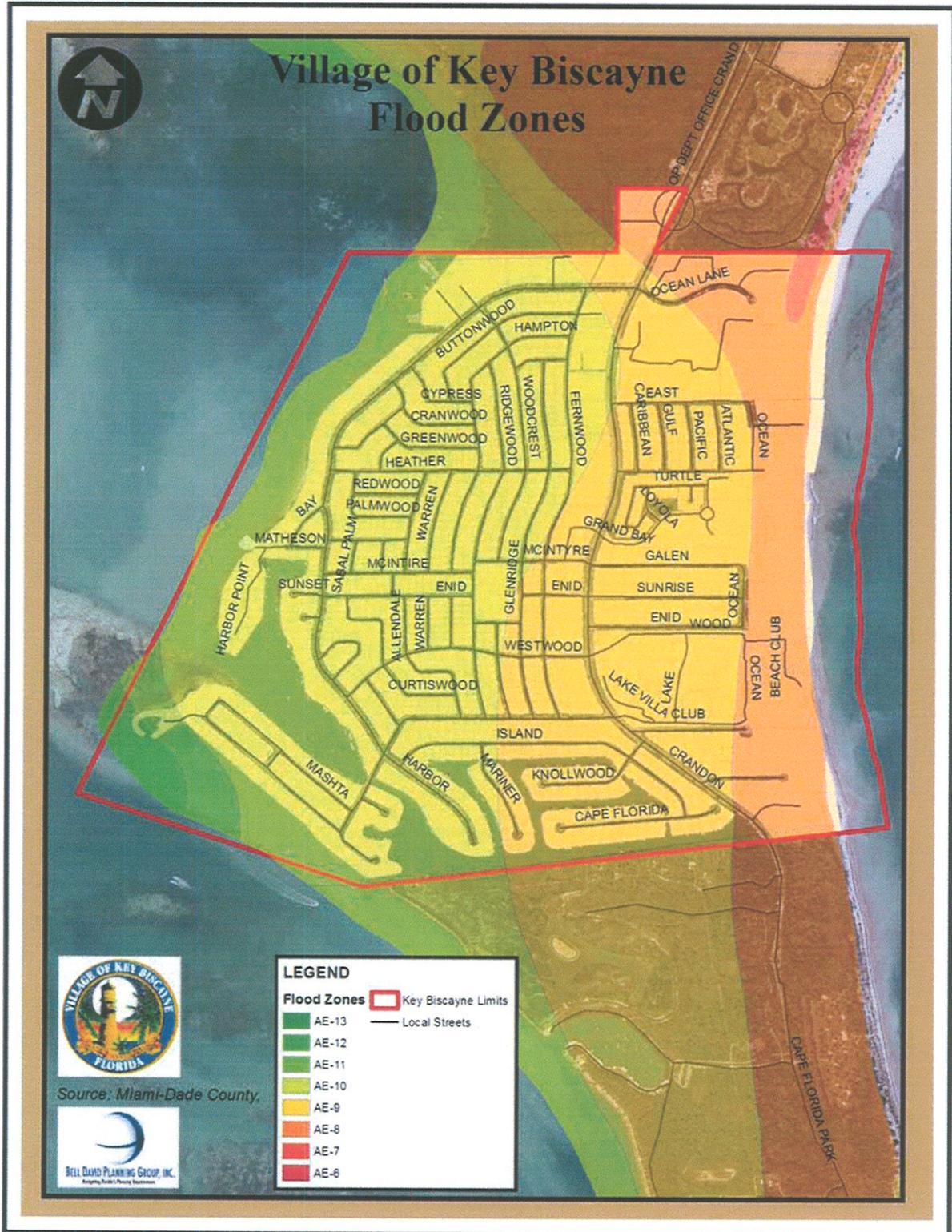
Amend the Future Land Use Map to: update the date to 2025; include the Coastal High Hazard Area as per the definition included in Coastal Management Element Objective 3.1, and; change the Future Land Use designations of application areas A, B, C, D, E, F and G as specified herein.





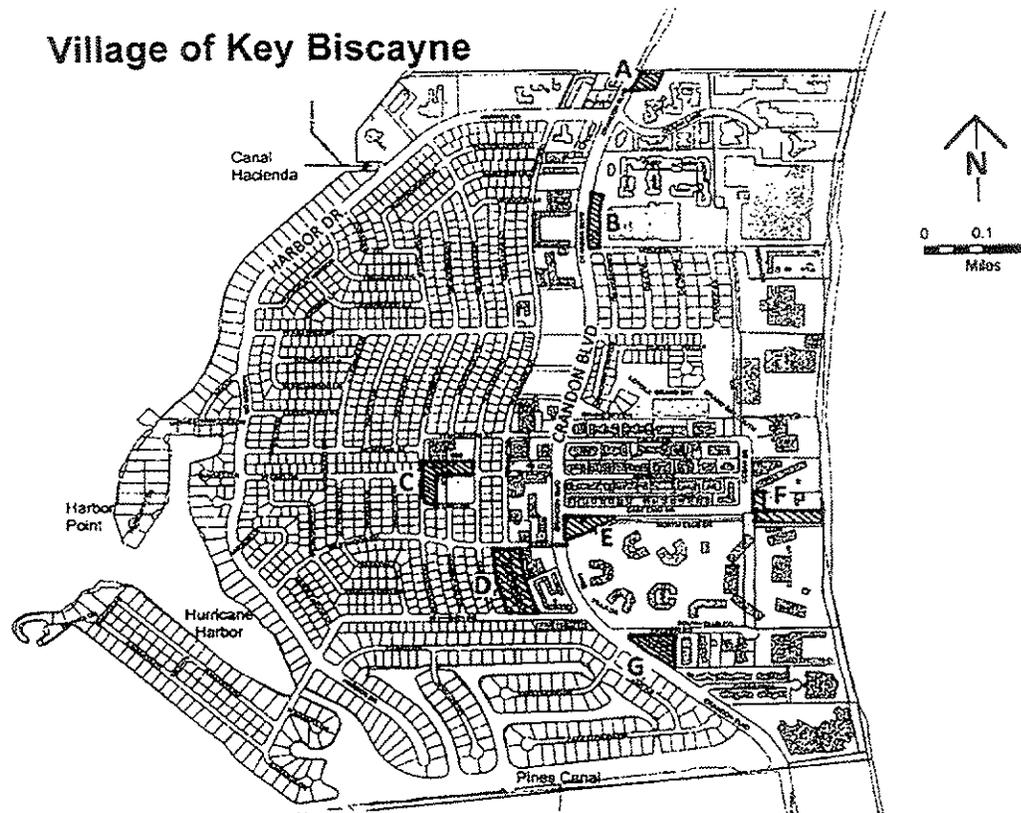






**THE FOLLOWING MAPS ARE EXCERPTS FROM THE VILLAGE'S
EAR-BASED AMENDMENTS (First Reading February 9, 2010)**

PROPOSED AMENDMENTS TO THE FUTURE LAND USE 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

A

Future Land Use Designation Pankey Building 1 Crandon Blvd

CURRENT LAND USE

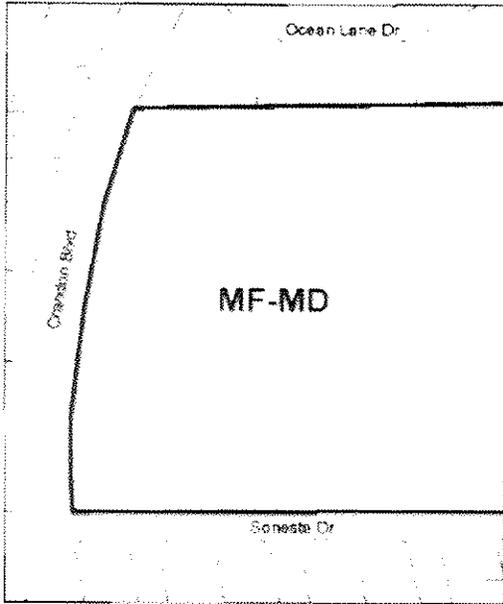
PROPOSED LAND USE



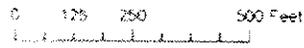
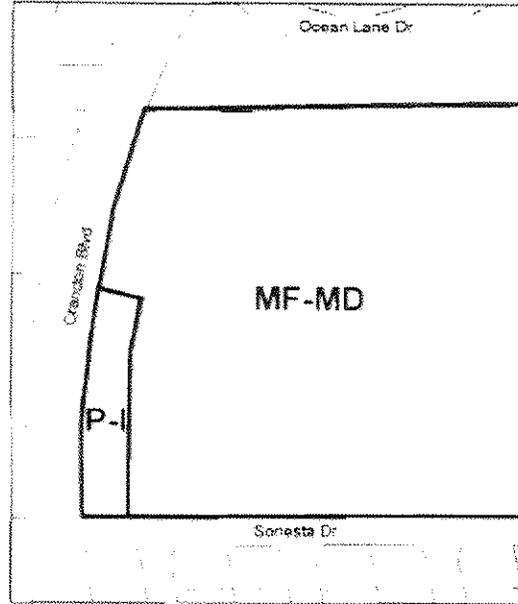
B

Future Land Use Designation Public Library 299 Crandon Blvd

CURRENT LAND USE



PROPOSED LAND USE

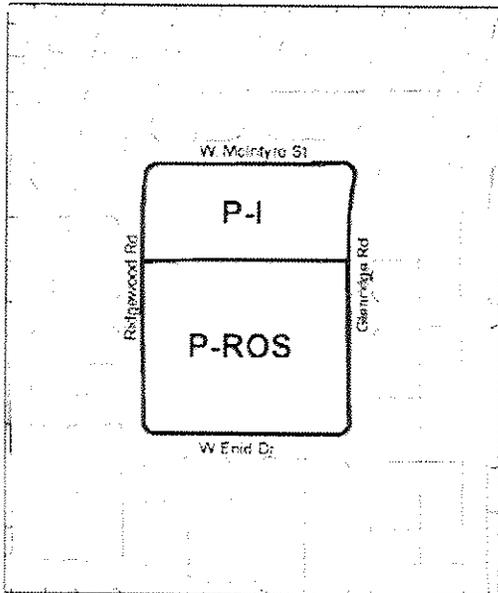


LEGEND
MF-MD = Medium Density Multi-Family Residential
P-I = Public and Institutional

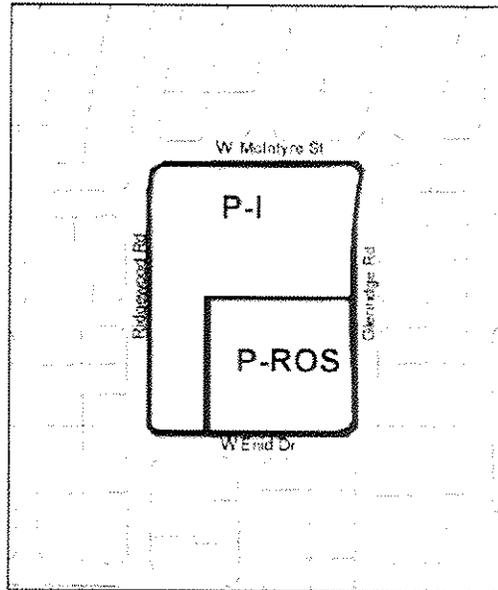
C

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



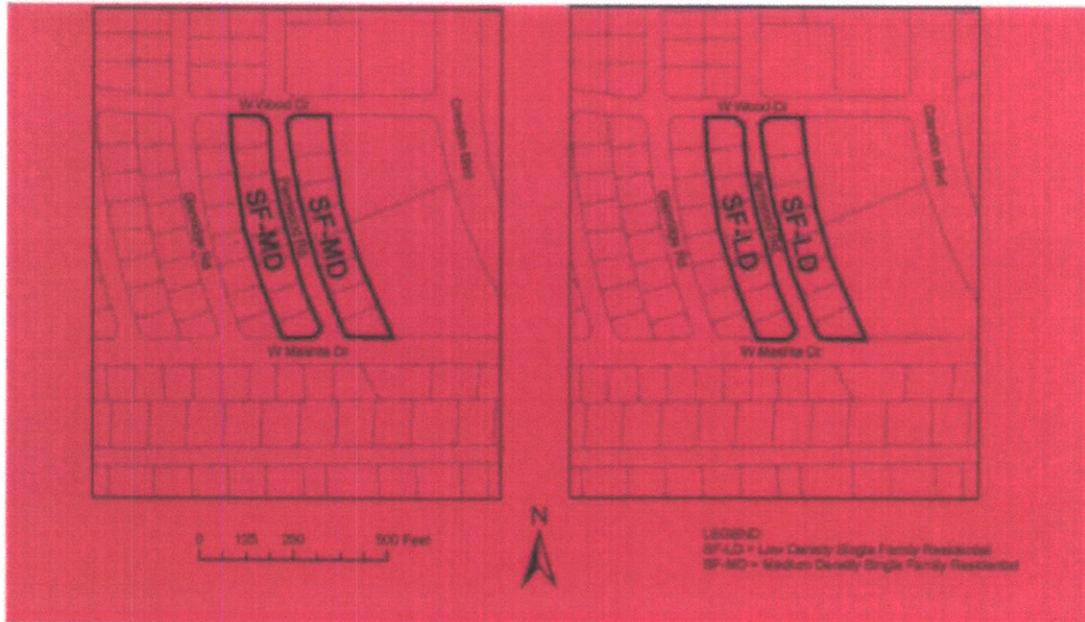
LEGEND:
P-I = Public & Institutional
P-ROS = Public Recreation & Open Space

D

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

CURRENT LAND USE

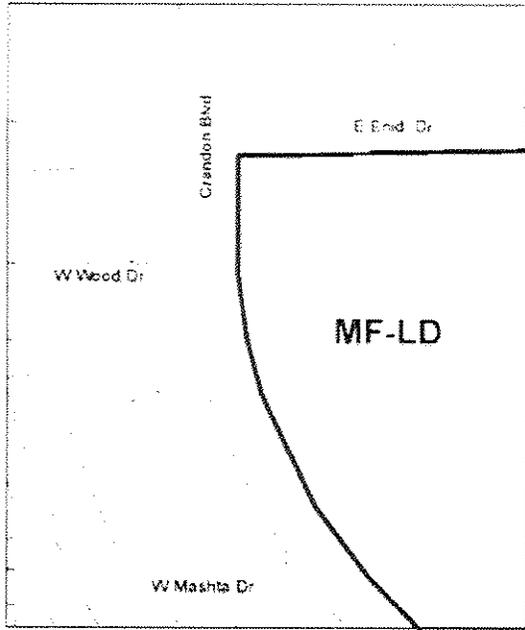
PROPOSED LAND USE



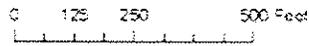
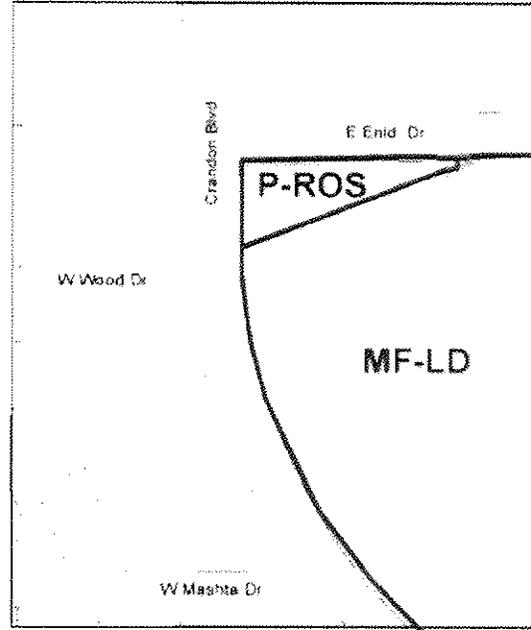
E

Future Land Use Designation Village Lake Park

CURRENT LAND USE



PROPOSED LAND USE

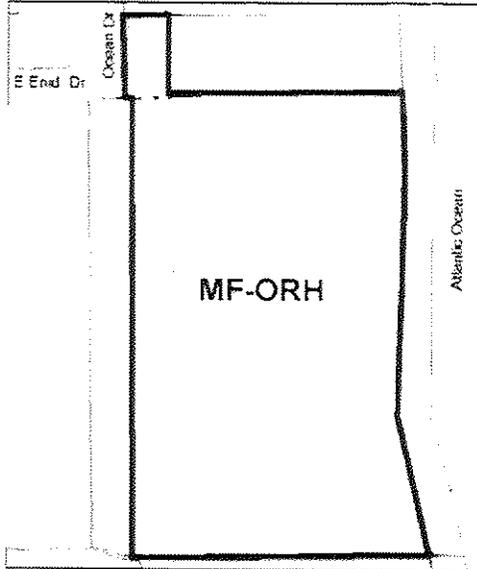


LEGEND
MF-LD = Low Density Multifamily Residential
P-ROS = Public Recreation and Open Space

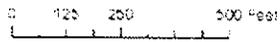
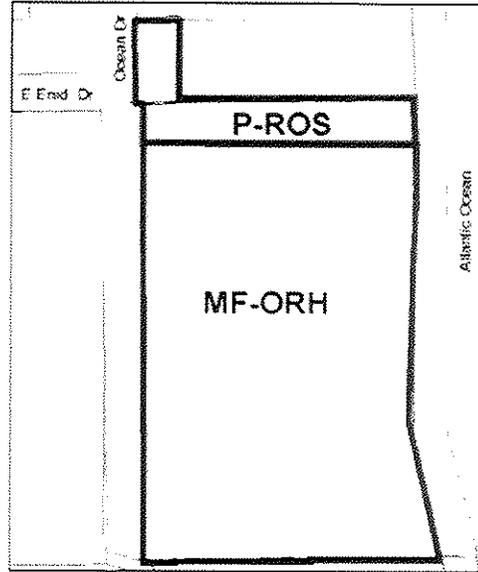
F

Future Land Use Designation Village Beach Park

CURRENT LAND USE



PROPOSED LAND USE



LEGEND
MF-ORH = Multifamily Ocean Resort Hotels
P-ROS = Public Recreation and Open Space

G
Future Land Use Designation
L'Esplanade
971 Crandon Blvd

CURRENT LAND USE

PROPOSED LAND USE



TRANSPORTATION ELEMENT

Change the name of the Traffic Circulation Element to Transportation Element as follows:

~~TRAFFIC CIRCULATION~~ TRANSPORTATION ELEMENT

Amend Objective 1.1 as follows:

Objective 1.1 ~~Motorized~~ Transportation System 9J-5.019 (3)(f)

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

Amend Policy 1.1.1 as follows:

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

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 Asehman Associates Inc., traffic engineering consultants for this plan, believe that this amount of traffic (19 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 100% percent of E capacity.~~

Amend Policy 1.1.3 as follows:

Policy 1.1.3 9.J 5007(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.~~
The Village shall update its Future Transportation Map, when necessary.

Add a new Policy 1.2.2 as follows:

Policy 1.2.2

The Village shall maintain pedestrian, bikeway, and golf cart access points at the rear property lines of commercial properties which are bounded on the rear property line by Fernwood Road.

Amend Policy 1.2.3 as follows:

Policy 1.2.3

The Village shall coordinate its Future Land Use Map with its Future Transportation Map.

Amend Policy 1.3.1 as follows:

Policy 1.3.1

The Village shall work closely with ~~the Miami-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.

Add a new Policy 1.3.2 as follows:

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.

Amend Objective 1.4 as follows:

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~~ Transportation Map, 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.

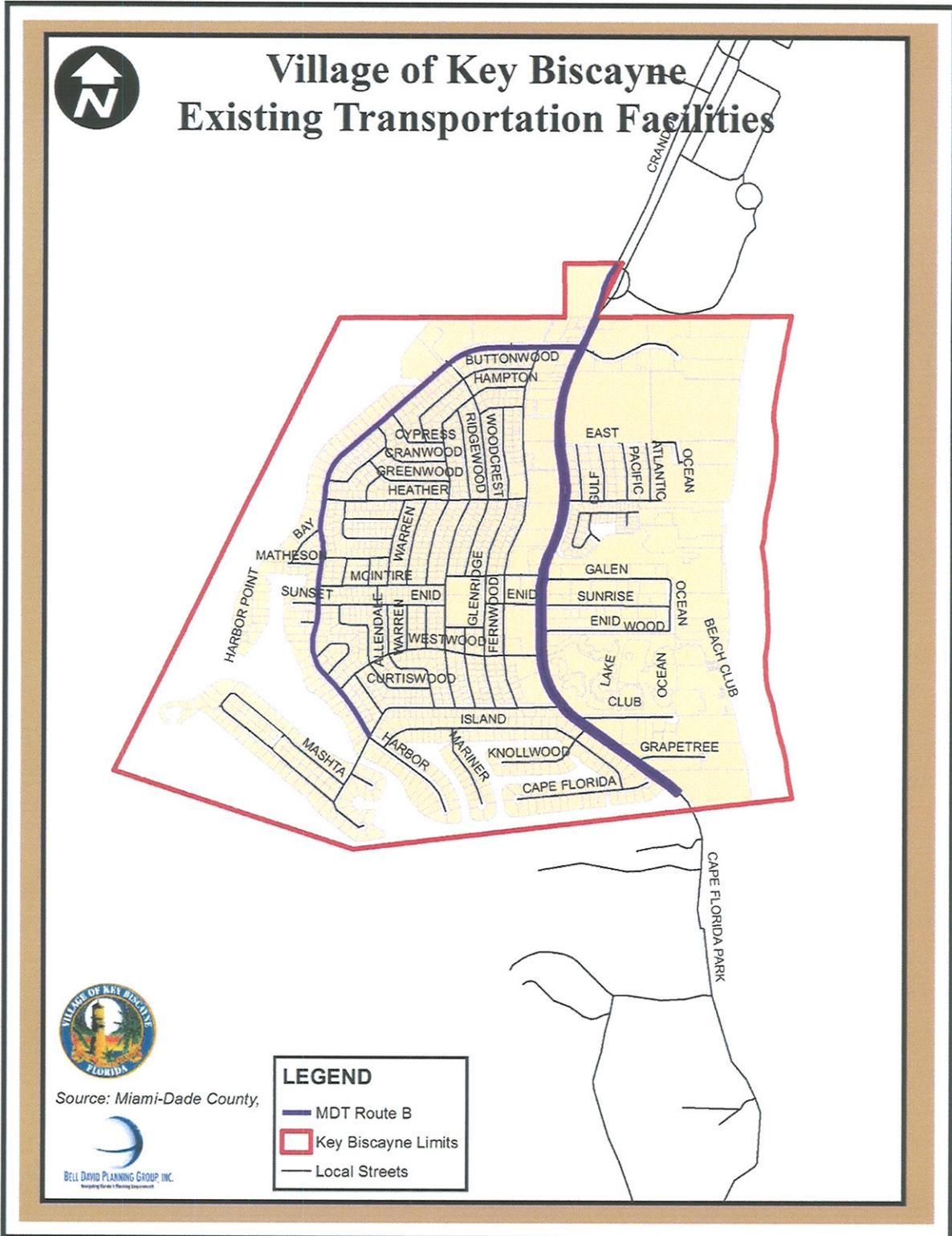
Amend Objective 1.5 as follows:

Add a new Policy 1.6.3 as follows:

Policy 1.6.3

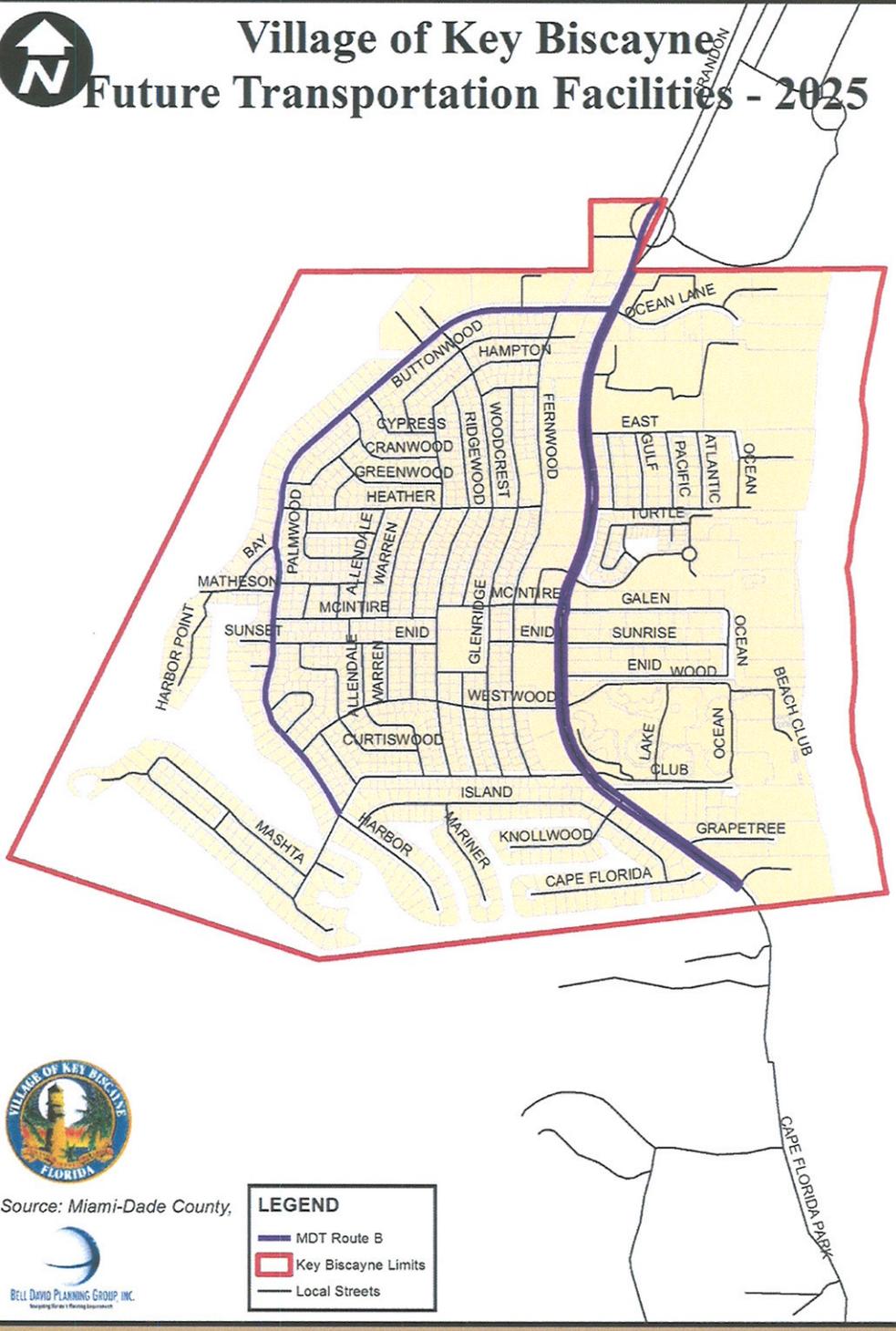
The Village shall continue to maintain a policy of permitting golf carts on designated local roadways to provide an energy efficient alternative means of transportation for Village residents.

Amend the Transportation Map Series to update the date to 2025 as follows:





Village of Key Biscayne Future Transportation Facilities - 2025



Source: Miami-Dade County,



LEGEND

-  MDT Route B
-  Key Biscayne Limits
-  Local Streets



HOUSING ELEMENT

Amend Objective 1.1 as follows:

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 that are well designed and that but~~ provide diversified housing types.

Amend Policy 1.2.1 as follows:

Policy 1.2.1 9J-5.010 (3) (c) 6

~~By the date required b; state statute or sooner, t~~The Village shall enact and continue to enforce land development code regulations which permit HRS State-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 the State to consider the hurricane evacuation constraints in their licensing of facilities on the Key.

Amend Policy 1.3.2 as follows:

Policy 1.3.2 9J-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.

Amend Objective 1.4 as follows:

Objective 1.4 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~~ 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.

Amend Policy 1.4.3 as follows:

Policy 1.4.3

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.

Amend Policy 1.4.4 as follows:

Policy 1.4.4

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.

Add a new Policy 1.4.5 as follows:

Policy 1.4.5

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

Amend Objective 1.5 as follows:

Objective 1.5 Historically Significant Housing

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

Amend Policy 1.5.1 as follows:

Policy 1.5.1

9J-5.010 (3) (c) 3

Based upon historical records and accounts of early development in the Village, by 2015 the ~~Council~~ Village shall ~~shall~~ should 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. The Village should 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.

Amend Objective 1.6 as follows:

Objective 1.6 Development of Affordable Housing in Nearby Communities

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

Amend Policy 1.6.1 as follows:

Policy 1.6.1

9J-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.

Add a new Policy 1.6.2 as follows:

Policy 1.6.2

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.

Add a new Policy 1.6.3 as follows:

Policy 1.6.3

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.

Add a new Policy 1.6.4 as follows:

Policy 1.6.4

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.

Add a new Policy 1.6.5 as follows:

Policy 1.6.5

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.

Amend Policy 1.7.2 as follows:

Policy 1.7.2

~~By the date required by State statute, or sooner, 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.~~

Add a new Objective 1.8 as follows:

Objective 1.8 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.

Add a new Policy 1.8.1 as follows:

Policy 1.8.1

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 areas for a variety of residential housing types including single-family, duplex, and multi-family units.

Add a new Objective 1.9 as follows:

Objective 1.9 Support energy use and greenhouse gas reduction in conjunction with the 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 the new housing stock.

Add a new Policy 1.9.1 as follows:

Policy 1.9.1

The Village's land development regulations shall allow for the 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.

Add a new Policy 1.9.2 as follows:

Policy 1.9.2

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

Add a new Policy 1.9.3 as follows:

Policy 1.9.3

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

INFRASTRUCTURE ELEMENT

Amend Objective 1.1 as follows:

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.

Amend Policy 1.1.1 as follows:

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~~ maintain the stormwater utility assessment as a basis for bonding for the first phase of drainage plan implementation no later than December 31, 1998. 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.

Amend Policy 1.1.2 as follows:

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.

Amend Objective 1.2 as follows:

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 Coordinate with the County and appropriate agencies to maintain sanitary sewer service, and ensure effective septic and drain field functioning. See Policies 1.2.1 and 1.2.2 for additional measurability.~~

Delete Policy 1.2.1 as follows:

Policy 1.2.1 9J-5.011 (2)(e)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 unsewered 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.~~

Amend and renumber Policy 1.2.2 as follows:

Policy 1.2.2~~1~~ 9J-5.011 (2) (c) 1

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

Amend Objective 1.3 as follows:

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.*~~

Delete Policy 1.3.1 as follows:

Policy 1.3.1 9J-5.011 (2)(e) 1

~~No later than 1996, 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 franchise agreements or other regulatory approaches.~~

Amend and renumber Policy 1.3.2 as follows:

Policy 1.3.1~~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.

Amend Objective 1.5 as follows:

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

Continue to strive to ~~R~~reduce the average daily per capita water consumption ~~by 5%~~ by 2004 (dependent upon the near term ability to measure Village wide consumption).

Amend Policy 1.5.3 as follows:

Policy 1.5.3

The Village will cooperate with Miami-Dade County Water and Sewer Authority (WASA) in an effort to devise a means of tracking water consumption in the Village from customer billings or other sources.

Add a new Policy 1.5.5 as follows:

Policy 1.5.5

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

Add a new Policy 1.5.6 as follows:

Policy 1.5.6

The Village shall seek and obtain a written statement from the Miami-Dade County Water and Sewer Department regarding the availability of water to serve all proposed development projects, including the current and projected demand, remaining permitted water withdrawals, facility capacity, and scheduled capital improvement projects.

Add a new Policy 1.5.7 as follows:

Policy 1.5.7

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

Add a new Policy 1.5.8 as follows:

Policy 1.5.8

The Village shall verify with the Miami-Dade County Water and Sewer Department the availability of water before making changes to the Future Land Use Map.

Add a new Policy 1.5.9 as follows:

Policy 1.5.9

The Village shall protect water quality in traditional and new alternative water supply sources.

Add a new Policy 1.5.10 as follows:

Policy 1.5.10

The Village shall establish a concurrency monitoring system for water supply to ensure that the level-of-service is satisfied at the building permit stage.

CONSERVATION AND COASTAL ELEMENT

Add a new Objective 1.8 as follows:

Objective 1.8 Water Supply

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

Add a new Policy 1.8.1 as follows:

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.

Add a new Policy 1.8.2 as follows:

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.

Add a new Policy 1.8.3 as follows:

Policy 1.8.3

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

Add a new Policy 1.8.4 as follows:

Policy 1.8.4

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

Add a new Policy 1.8.5 as follows:

Policy 1.8.5

The Village shall implement the 10-Year Water Facilities Work Plan to ensure that adequate water supplies and public facilities are available to serve the water supply demands of the Village's population.

Add a new Policy 1.8.6 as follows:

Policy 1.8.6

Since the potable water network is an interconnected, countywide system, the Village's Planning Department shall cooperate with the 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.

Add a new Policy 1.8.7 as follows:

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 County Water and Sewer Department to address the corresponding issues. In addition, the Village will follow adopted communication protocols with the Miami-Dade County Water and Sewer Department to communicate and/or prepare an appropriate action plan to address any relevant issue associated with water supply, conservation or reuse.

Add a new Policy 1.8.8 as follows:

Policy 1.8.8

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

Add a new Policy 1.8.9 as follows:

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.

Add a new Policy 1.8.10 as follows:

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.

Add a new Policy 1.8.11 as follows:

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.

Amend Objective 2.2 as follows:

Objective 2.2 *Achieve no new major development or redevelopment seaward of the Coastal Construction Control Line, and restore and preserve a naturally vegetated dune along the entire Atlantic Ocean frontage of the Village.*

Amend Policy 2.2.1 as follows:

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 additional buildings 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.

Amend Policy 2.2.2 as follows:

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.

Amend Policy 2.2.3 as follows:

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.

Amend Objective 2.3 as follows:

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.

Amend Policy 2.3.1 as follows:

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.

Amend Objective 2.4 as follows:

Objective 2.4 Historic Preservation 9J-5.012 (3) (b) 10

~~No later than 1999~~ 2015. prepare a list of potentially significant historic structures and a strategy for their presentation.

Amend Policy 2.4.1 as follows:

Policy 2.4.1 9J-5.012 (3) (c) 11

Based upon historical accounts of early development in the Village, ~~the Council~~ by 2015 the Village shall 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.

Amend Objective 3.1 as follows:

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. The Coastal High Hazard Area is defined as the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The Coastal High Hazard Area is identified on the Future Land Use Map series.

Amend Objective 3.2 as follows:

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

Maintain the current estimated an out-of County 13 hour hurricane evacuation clearance time which is based on both pre Hurricane Andrew planning and post Hurricane Andrew experience or an evacuation time of 12-hours to a shelter.

Amend Policy 3.2.2 as follows:

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.~~

Amend Objective 3.3 as follows:

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

~~By 1996~~ 2015, adopt a post-disaster redevelopment plan.

Amend Policy 3.3.1 as follows:

Policy 3.3.1

9J-5.012 (3) (c) 5

~~By 1999~~ 2015, 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 the appropriate federal agencies.~~ 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.

Add a new Policy 3.3.2 as follows:

Policy 3.3.2

The adopted plan shall specify that during post-disaster redevelopment, the Building, Zoning and Planning 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.

Delete Objective 3.6 as follows:

~~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.~~

Delete Policy 3.6.1 as follows:

Policy 3.6.1

9J-5.012(3)(e)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.~~

Add a new Objective 3.6 as follows:

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.

Add a new Policy 3.6.1 as follows:

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.

Add a new Policy 3.6.2 as follows:

Policy 3.6.2

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

Add a new Policy 3.6.3 as follows:

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, reduce the materials being sent to landfills, and ultimately reduce methane production.

Add a new Policy 3.6.4 as follows:

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 by 2015.

Add a new Policy 3.6.5 as follows:

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.

Add a new Policy 3.6.6 as follows:

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.

~~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.

Amend Policy 1.3.4 as follows:

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 and playgrounds ~~and a community center~~. A phased implementation plan shall be initiated.

Amend Policy 1.3.5 as follows:

Policy 1.3.5

No later than December 31, ~~2015~~ 1994, the Village shall explore a recreation impact fee to help finance acquisitions and improvements.

Amend Policy 1.3.6 as follows:

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.

Amend Objective 1.4 as follows:

Objective 1.4 Open Space

9J-5.014 (3) (b) 4

Achieve semi-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.~~

Amend Policy 1.4.1 as follows:

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.

Amend Policy 1.4.2 as follows:

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.

Amend Policy 1.4.3 as follows:

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.

Amend Objective 1.5 as follows:

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.

Amend Policy 1.5.1 as follows:

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

Amend Goal 1 as follows:

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

Amend Objective 1.1 as follows:

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~~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.

Amend Policy 1.1.1 as follows:

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

The Village shall continue to monitor the ~~Metro~~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.~~

Amend Policy 1.1.2 as follows:

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.

Amend Policy 1.2.1 as follows:

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

No later than ~~1999-2015~~, 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: 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.~~

~~Lease of Virginia Key Site(s) for Recreation and the Causeway: A lease agreement by which the Village would commit to develop and maintain recreation facilities at one or more sites on Virginia Key and/or the Causeway. 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.~~

Lease of MAST Academy Site for Recreation: A lease agreement by which the Village would commit to develop and maintain recreation facilities on a portion of the MAST Academy site.

Lease of the Key Biscayne Presbyterian Church for Recreation: A lease agreement by which the Village would commit to develop and maintain recreation facilities on a portion of the Key Biscayne Presbyterian Church site.

~~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 playfields. 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 Miami-Dade County 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 Miami-Dade County School Board to make the Key Biscayne Elementary School K-8 Center playground available for community use.~~

Other areas within or proximate to 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.~~

Add a new Policy 1.2.6 as follows:

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.

Add a new Policy 1.2.7 as follows:

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.

Add a new Policy 1.2.8 as follows:

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.

Amend Objective 1.3 as follows:

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

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

Amend a new Policy 1.3.1 as follows:

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

Monitor changes to LOS standards of ~~Metro Dade County~~, Miami-Dade County, the South Florida Water Management District, and the Lower East Coast Water Supply Plan Update and adjust own LOS standards accordingly.

Add a new Policy 1.3.2 as follows:

Policy 1.3.2

The Village shall implement a tracking system that measures increases in population resulting from development and redevelopment, and provide results to the Miami-Dade County Water and Sewer Department on a regular basis.

Add a new Policy 1.3.3 as follows:

Policy 1.3.3

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

Add a new Policy 1.3.4 as follows:

Policy 1.3.4

The Village shall coordinate with the Miami-Dade County 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.

Add a new Policy 1.3.5 as follows:

Policy 1.3.5

The Village shall coordinate with the Miami-Dade County 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.

Add a new Policy 1.3.6 as follows:

Policy 1.3.6

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

Policy 1.2.2

The Village shall implement a tracking system that measures increases in population resulting from development and redevelopment and provide results to the Miami-Dade County Water and Sewer Department on a regular basis.

Add a new Policy 1.2.3 as follows:

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 monitor the Miami-Dade County 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 of Key Biscayne, and to be sure that it is implementing a system that links water supplies to the permitting of new development.

Amend Objective 1.3 as follows:

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.*

Amend Objective 1.4 as follows:

Objective 1.4 Concurrency 9J-5.016 (31) (b) 4

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

Amend Policy 1.4.1 as follows:

Policy 1.4.1 9J-5.016 (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-Transportation, Recreation and Open Space, and Infrastructure P~~olicies) 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:

* * *

Add a new Policy 1.4.2 as follows:

Policy 1.4.2

The Village shall adopt and maintain a five-year Capital Improvements Plan.

Add a new Policy 1.4.3 as follows:

Policy 1.4.3

The Village shall seek to ensure that the Capital Improvements Element (CIE) of the Comprehensive Plan is financially feasible.

Add a new Policy 1.4.4 as follows:

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.

Amend Objective 1.5 as follows:

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.

Amend Policy 1.5.1 as follows:

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.

Amend Policy 1.5.2 as follows:

Policy 1.5.2

9J-5.016 (3) (c) 8

No later than December 31, ~~1994~~ 2015, the Village shall explore a recreation impact fee that would apply to all new development in order to help fund acquisition and improvements.

Amend Policy 1.5.3 as follows:

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.

Amend Policy 1.5.6 as follows:

Policy 1.5.6

Those capital improvements for educational facilities, as listed in the 2011/2012 through 2015/2016 Miami-Dade County Public Schools Facilities Work Program ~~dated September 2007~~ and adopted by the Miami-Dade School Board, are incorporated by reference into the Capital Improvements Element.

Amend the Capital Improvements Schedule as follows:

CAPITAL IMPROVEMENT SCHEDULE

Project **1994-1995** **1995-1996** **1996-1997** **1997-1998** **1998-1999**

Central Park ("tree farm")

acquisition \$9,200,000⁽¹⁾)

Park Improvements

Central Park 1,500,000⁽¹⁾

Calusa Park 150,000⁽²⁾

Playfield development 450,000⁽²⁾

Harbor Drive streetscape 500,000⁽³⁾ 1,000,000⁽³⁾

Drainage improvements 8,000,000⁽⁴⁾

Beach access walkway and tot lot 80,000⁽³⁾

Fernwood Road streetscape 200,000⁽³⁾

Ocean Lane Drive streetscape 100,000⁽³⁾

Sewer Extension Plan 125,000⁽³⁾

Funding Sources:

(1) Bond issue

(2) County grant - \$600,000

(3) Capital outlay reserve

(4) Drainage utility revenue bond

**CAPITAL IMPROVEMENTS ELEMENT
RECREATION AND OPEN SPACE
FY 2012-2016**

PROJECT NAME	PROJECT DESCRIPTION	PLANNING SOURCE	START DATE	END DATE	PROJECT COST	PROJECT COST-LOANS	FUNDING SOURCE AMOUNT		FUNDS NEEDED 5 YR	FY12	FY13	FY14	FY15	FY16
Community Center Expansion	Design - Second Floor	2020	FY12	FY13	\$115,193	\$0	Capital Outlay	\$115,193	\$0	\$0	\$0	\$0	\$0	\$0
Calusa Park Construction	Construct improvements	Council	FY11	FY12	\$250,000	\$0	CIP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
							Capital Outlay	\$251,383						
Calusa Park Improvements/Linkage to Harbor Drive-Construction	Pathway improvements from Calusa Park to Harbor Drive along church/shopping center easement	2020	FY13	FY13	\$28,000	\$0	CIP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
							CIP FY10	\$28,000						
Calusa Park Pathway	Pathway from easement to parking lot	Council	FY15	FY15	\$33,000	\$0	Capital Outlay- CIP (Completed Projects Excess)	\$33,000	\$0	\$0	\$0	\$0	\$0	\$0
530 Crandon Blvd Phase III Construction	Phase III Construct improvements	Council	FY13	FY13	\$2,100,000	\$0	GF Designations- Master Plan Initiatives	\$1,000,000	\$1,100,000	\$0	\$1,100,000	\$0	\$0	\$0
Presbyterian Church- Field Improvements	Design and construct fields (on the East parking lot) and improvement to the church parking (West Parking Lot)	Council	FY14	FY15	\$770,000	\$0	CIP FY11	\$443,705	\$178,295	\$178,295	\$0	\$0	\$0	\$0
							CIP FY10 Calusa	\$148,000						
MAST Academy- Field Improvements	Design construction and maintenance of fields in the lot adjacent to the parking lot. May require redesign of parking lot	Council	FY14	FY15	\$500,000	\$0	CIP	\$0	\$500,000	\$500,000	\$0	\$0	\$0	\$0
Village Green Field Improvements	Field irrigation on the Village Green	Village Manager	FY12	FY12	\$25,000	\$0	CIP	\$0	\$25,000	\$25,000	\$0	\$0	\$0	\$0
Tot Lot Landscape Barrier	Plant landscape surrounding the lot lot area on the Village Green	Landscape Master Plan	FY11	FY12	\$125,000	\$0	CIP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
							CIP FY10	\$1,500						
Village Green Improvements	Playground equipment replacement. Annual (FY11 to FY16) allocation for ongoing project.	Village Manager	FY11	FY16	\$45,000	\$0	GF Designations- Recreation Facilities	\$115,000	\$35,000	\$10,000	\$10,000	\$10,000	\$5,000	\$5,000
							CIP	\$0						
Village Recreation Bus	Lease Bus for Transport for Youth/Adult/Senior Programs	Village Manager	FY12	FY12	\$92,894	\$0	CIP	\$0	\$82,644	\$82,644	\$0	\$0	\$0	\$0
							Trade In Value	\$10,250						
TOTALS					\$4,084,087	\$0	\$2,036,417		\$1,920,939	\$795,939	\$1,110,000	\$10,000	\$5,000	\$5,000

PUBLIC SCHOOL FACILITIES ELEMENT

Amend Policy 1.5.6 as follows:

Policy 1.5.6

Pursuant to Chapter 163, Florida Statutes, the 2011/2012 – 2015/2016 Miami-Dade County Public Schools 5-Year District Facilities Work Program, developed by Miami-Dade Public Schools and adopted by the Miami-Dade County School Board ~~on September 5, 2007~~, is incorporated by reference into the Village's Capital Improvement Plan, as applicable. The Village shall coordinate with Miami-Dade County Public Schools to annually update its Facilities Work Program and/or concurrency service area maps to include existing and anticipated facilities for both the 5-year and long-term planning periods, and to ensure that the adopted level of service standard will continue to be achieved and maintained. The Village, through its annual updates of the 5-year Capital Improvements Element and Program, will incorporate by reference the latest adopted Miami-Dade County Public Schools Facilities Work Program for educational facilities. The Village, Miami-Dade County Public School, and other local governments will coordinate their planning efforts prior to and during the Village's Comprehensive Land Use Plan amendment process, and during updates to the Miami-Dade County Public Schools Facilities Work Program. The Miami-Dade County Public Schools Facilities Work Program will be evaluated on an annual basis to ensure that the level of service standards will continue to be achieved and maintained throughout the planning period.

**PUBLISHED DAILY
MIAMI-DADE-FLORIDA**

**STATE OF FLORIDA
COUNTY OF MIAMI-DADE**

Before the undersigned authority personally
appeared:

AMELIA CARTER

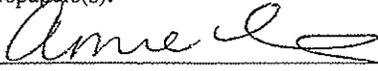
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Miami in Miami-Dade County, Florida; that the
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Affiant further says that the said The Miami Herald
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in said Miami-Dade County, Florida each day and has
been entered as second class mail matter at the post
office in Miami, in said Miami-Dade County, Florida,
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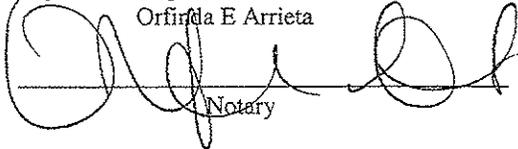


Sworn to and subscribed before me this
5th day of March 2012

My Commission

Expires: April 20, 2013

Orfinda E Arrieta


Notary

VENEZUELA

Chávez says new tumor was cancerous

Venezuelan President Hugo Chávez revealed on television that the recently removed tumor was the same type of cancer he had last year.

CARACAS — (AP) — Venezuelan President Hugo Chávez revealed Sunday that a tumor recently removed from his pelvic region was of the same type of cancer as a baseball-sized growth extracted from that part of his body about seven months ago.

In his first TV appearance in nine days, Chávez said the surgery and follow-up tests showed the tumor was "a recurrence of the initially diagnosed cancer."

He said "the tumor was totally extracted" and noted "the absence of lesions suggestive of cancer neither locally, neither in nearby organs, neither far away ... neither metastasis, none of this thanks to God, to the diagnosis and rapid intervention."

The 57-year-old president said he would spend several weeks recovering and then "we are going to do radiation treatment in the area ... without discarding other treatment options."

"There isn't fever nor any other sign neither infection, hemorrhage," he said. He called the post-surgery healing "perfect in relation to the time that's passed, and we are already doing physical therapy."

Chávez spoke firmly in footage recorded Saturday in Havana while accompanied by various government



MARCELO GARCIA/AP
IN CUBA: Venezuelan President Hugo Chávez talks about his cancer on television Sunday.

ministers and older brother Adan Chávez. The president said his recuperation has been "open, progressive and rapid" in the footage aired Sunday in Venezuela.

Chávez said "still it hasn't been six days because the operation ended on the night of last Sunday." He verified the date of the recording by displaying a Saturday copy of the Cuban government newspaper Granma and a similar copy of the Venezuelan government paper Correo del Orinoco.

"We are very optimistic," he said while seated at an oval table. "There is a very favorable medical evolution, the vital signs very

favorable."

He has said doctors found the growth in the same pelvic area where a malignant, baseball-sized tumor was extracted in June 2011. He underwent several weeks of radiation treatment in 2011.

Chávez flew to Cuba for his most recent surgery on Feb. 24, and his absence from the public spotlight since then has sparked speculation about his health.

With no one taking over his duties in Venezuela, Chávez issued instructions to government ministers in the footage and approved the budgets of various state-owned companies.

As he has done in recent weeks, Chávez defended Syrian President Bashar Assad, who has tried to violently crush a popular revolt in much of the Middle Eastern country.

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VILLAGE OF KEY BISCAYNE NOTICE OF PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENTS

NOTICE IS HEREBY GIVEN to all parties that the Village Council of Key Biscayne, FL, sitting in its capacity as the Local Planning Agency, will hold a public hearing on the proposed Ordinance described below on Tuesday, March 13, 2012, at 7:00 p.m. in the Council Chamber, 560 Crandon Boulevard, Key Biscayne, FL.

PLEASE NOTE that the Village Council will hold a public hearing and second reading of the Ordinance immediately following the meeting of the Village Local Planning Agency. The purpose of the public hearing is to consider the adoption of the following Ordinance:

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.

Village of Key Biscayne



The Future Land Use Map designations on the properties shaded in the map above are proposed to be changed. The proposed Ordinance may be inspected by the public at the Village Clerk's Office, 88 West McNlyre Street, Suite 220, Key Biscayne, FL 33149. Interested parties are invited to attend the public hearing or provide written comments to the Village Council.

All persons who are disabled and who need special accommodations to participate in this proceeding should contact the Village Clerk's Office (305-365-5508) not later than four (4) business days prior to such proceeding (Americans with Disabilities Act of 1990).

If a person decides to appeal any decision made by the Village Council, with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

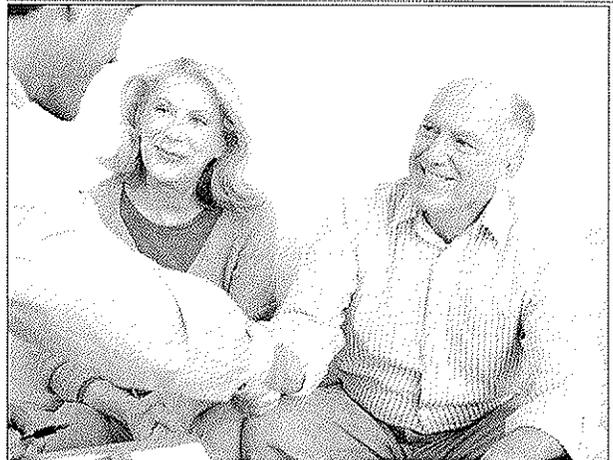
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IMMIGRATION

Students protest deportation order for school valedictorian

• DEPORT, FROM 1B

Colombia. But the climate has since changed. A new policy started under the Obama administration last summer gives more leniency when it comes to undocumented immigrants like Gomez and Pelaez.

The policy lessened the focus on undocumented immigrants with no criminal record or who are caring for a sick child, who have been victims of domestic violence or crime or who arrived in the country as children.

Instead it turned the focus on the detention and deportation of dangerous foreign criminals and foreigners deemed threats to national security.

Those undocumented immigrants, like Pelaez, however, still must go through legal proceedings.

The ruling for voluntary departure only becomes fi-

I consider myself an American, no matter what. I don't agree with the judge.

— Daniela Pelaez, North Miami High School student

nal after 30 days if an appeal is not filed, said Pelaez's attorney, Jack Wallace. "If it's filed within 30 days, she can't be deported anywhere." He plans to file the appeal next week, though he didn't disclose on what grounds.

Wallace said he did not seek leniency under the new policy — called prosecutorial discretion — because he believes it's best for those with no chance of winning approval to stay in the country. "Daniela has a good chance, if we win in court in Washington, to stay legally in the United States," he said.

The deportation process can drag on for years, with all appeals from 59 immigration courts around the country going to Washington,

D.C. Pelaez's family, originally from Barranquilla, Colombia, finds themselves on both sides of the immigration line.

Her mother, Ana Gonzalez, returned to Colombia in 2006 to get successful treatment for colon cancer and now can't return to the United States. Her older brother, Johan, is a U.S. citizen and serves in the U.S. Army, returning from a tour in Afghanistan last year. Her father, Antonio Pelaez, was able to receive residency through her brother. But Pelaez and her sister, Dayana, are struggling to find a way to stay in the country legally.

Meanwhile, Pelaez's classmates and teachers have launched an aggressive online effort to gain support

for her case — and keep her in the United States.

They have created a Facebook page and started an online petition, with more than 3,000 signatures as of Thursday afternoon, that they aim to send to the U.S. House of Representatives. They have made posters and banners and handed out fliers encouraging students to join Friday's protest.

"We really are a family," said Emily Sell, a 17-year-old senior. She and Pelaez attend the rigorous, college-prep International Baccalaureate program at North Miami Senior.

"I won't allow that [deportation] to happen to her. For her to be deported means I'm losing one of my closest friends; our school is losing one of its brightest minds ... That means a lot of loss that's felt not only by me but all of her friends and family," Emily said.

The news of the judge's order was "devastating," said Larry Jurrist, who leads the school's IB program and teaches Pelaez in advanced Spanish. "It's shocking to think that someone you've known for four years is suddenly going to be shipped off somewhere."

When students started the online petition, Jurrist signed it and posted it on his Facebook page. "Not only did a tremendous amount of my friends and families sign it, they shared it, and it's spread around tremendously, not just through me, but everyone else who's doing the same thing," Jurrist said.

For a decade, immigrants' rights groups have pushed the DREAM Act, a federal proposal that would allow undocumented children to obtain permanent residen-

cy, either by enrolling in college or serving in the military. The bill has been criticized for promoting illegal immigration — and has never been signed into law.

According to estimates by the Urban Institute, 192,000 students in Florida would benefit from the DREAM Act. That means they came to the United States when they were younger than 16, have lived in the country for more than five years and have graduated from a Florida high school.

Last month in the Florida Legislature, efforts to let undocumented students pay in-state tuition were shot down.

Under current state law, undocumented students must pay out-of-state tuition, which is nearly three times higher than the rates for Florida residents.

Juan Rodriguez, the youth coordinator with the Florida Immigrant Coalition, said it's important for students to reach out to their community.

"They need to create their network of trusted friends that they can share their story with or teachers they can trust," he said.

"We understand there's a lot of fear. There's more fear on the part of the parents ... The majority of cases of students that have been stopped, it's been people whose community has been aware of their story and do advocacy for them."

Pelaez said she's grateful for the rally at her school.

"I am annoyed and humiliated by all of this; I don't feel I deserve this," she said. "Criminals have more rights right now than I do — that's humiliating. I'm a good person, I know I am."

El NuevoHerald staff writer Alfonso Charay contributed to this report. For more education news, follow @lauraisensee on Twitter.

LEGISLATURE 2012

Senate may kill abortion proposal

☞ The House passed a sweeping anti-abortion bill, but its prospects in the Senate were uncertain

BY KATIE SANDERS
Herald/Times Tallahassee Bureau

TALLAHASSEE — Women seeking an abortion would first have to wait 24 hours and new clinics would be physician-owned as part of a sweeping anti-abortion measure passed by the House on Thursday.

Passage of HB 277 was unsurprising in the conservative-dominated House, though a handful of lawmakers from both sides broke party lines in the 78-33 vote. "This isn't an insidious war against women," said Rep. James Grant, R-Tampa. "It's a righteous war for children."

The proposal faces a steep hurdle in the Senate, where its companion (SB 290) is stuck in committees and is not scheduled to be considered again. Senate leaders can still revive the bill, but Senate President Mike Haridopolos sided lukewarm to the idea when asked by reporters.

"If I believe we have the time to dedicate to that issue, I'm willing to take a look at it," he said. "But at this point, it's still at the second committee of reference."

Debate on Thursday picked up where it left off at 11 p.m. Wednesday with House Democrats criticizing the proposal of Rep. Rachel Burgin, R-Riverview.

Rep. Elaine Schwartz, D-Hollywood, told Burgin on Thursday, "You have done a masterful job defending something that I truly think is indefensible."

Aside from the waiting period and ownership requirements for new clinics — which targets Planned Parenthood — the bill would require physicians to describe the steps that could be painful to a fetus 20 weeks or older, though the idea of fetal pain is of continuing debate among scientists.

A physician also would have to offer to administer anesthesia to the fetus.

Physicians also would take three hours of ethics training each year, a requirement Democrats considered unfair along with the physician-ownership provision.

This is not standard practice, said Rep. Mark Pafford, D-West Palm Beach. "One example of this is our governor, who has owned numerous hospitals and isn't a physician," he said.

Rep. Ronald 'Doc' Renauart, R-Ponte Vedra Beach, countered by saying the bill provides "reasonable restrictions on

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Deadline

Movie Premiere

The Miami Premiere of *Deadline*, the new movie starring Steve Talley and Academy Award nominee Eric Roberts, is Wednesday, March 7th at the Regal South Beach 18. Hosted by The Miami Herald, the premiere will benefit the United Way. *Deadline* opens in theaters Friday, March 9th.

Watch the trailer and buy tickets at
www.DeadlineFilm.com/Miami



VILLAGE OF KEY BISCAYNE NOTICE OF PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENTS

NOTICE IS HEREBY GIVEN to all parties that the Village Council of Key Biscayne, FL, sitting in its capacity as the Local Planning Agency, will hold a public hearing on the proposed Ordinance described below on Tuesday, March 13, 2012, at 7:00 p.m. in the Council Chamber, 560 Crandon Boulevard, Key Biscayne, FL.

PLEASE NOTE that the Village Council will hold a public hearing and second reading of the Ordinance immediately following the meeting of the Village Local Planning Agency. The purpose of the public hearing is to consider the adoption of the following Ordinance:

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.

Village of Key Biscayne

