

**ORDINANCE NO. 2014-1**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-11 “DEFINITIONS” TO PROVIDE A DEFINITION OF “MANUFACTURED HOME;” CREATING SECTION 30-41 “RECREATIONAL VEHICLES AND MANUFACTURED HOMES” OF THE VILLAGE CODE OF ORDINANCES, TO PROHIBIT MANUFACTURED HOMES WITHIN THE VILLAGE, AND TO PROVIDE FOR REGULATIONS OF RECREATIONAL VEHICLES; DELETING SECTION 30-100(F)(14) “MOTOR HOMES AND TRAILERS;” PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the Village Council has previously adopted amendments to the Village’s floodplain management regulations within Chapter 10 “Floods” of the Code of Ordinances; and

**WHEREAS**, in order to demonstrate compliance with the flood plain management regulations promulgated by the Federal Emergency Management Agency (FEMA), the Village Council desires to adopt regulations prohibiting manufactured homes and providing for regulations of recreational vehicles; and

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

**WHEREAS**, the Village Council finds that the changes within this Ordinance meet the applicable review criteria set forth in Section 30-71(b) of the Code; and

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

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAAYNE, FLORIDA, AS FOLLOWS<sup>1</sup>:**

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

**Section 2.** **Section 30-11 of the Village Code Amended.** That Section 30-11 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

**Section 30-11. Definitions.**

[As used in this chapter, the following words and terms shall have the meanings respectively ascribed:]

\* \* \*

*Manufactured Home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle”

\* \* \*

**Section 3.** **Section 30-41 of the Village Code Created.** That Section 30-41 of the Code of Key Biscayne, Florida, is hereby created to read as follows:

**Sec. 30-41. Recreational Vehicles and Manufactured Homes.**

**(1) Manufactured Homes shall be prohibited within the Village.**

---

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

(2) A Recreational Vehicle shall be stored in a garage or Carport and shall not be permitted to remain on a property for more than 180 days in one (1) calendar year, regardless of whether the days are consecutive.

**Section 4.** **Section 30-100(f)(14) of the Village Code Created.** That Section 30-100(f)(14) of the Code of Key Biscayne, Florida, is hereby deleted to read as follows:

~~(14) *Motor Homes and Trailers.* No vehicle that has accommodations that permits it to be inhabited overnight shall be permitted unless it is stored in a garage or Carport. [Reserved]~~

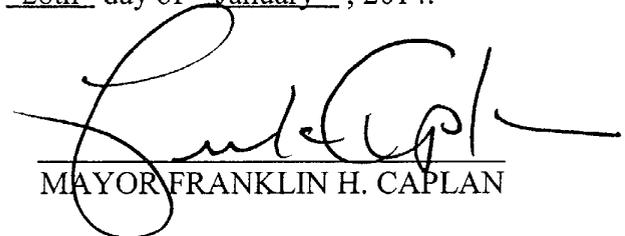
**Section 5.** **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, 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 6.** **Conflicts.** All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 7.** **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 14th day of January, 2014.

PASSED AND ADOPTED on second reading this 28th day of January, 2014.

  
MAYOR FRANKLIN H. CAPLAN

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



VILLAGE ATTORNEY



# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared M. ZALDIVAR, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida, that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

VILLAGE OF KEY BISCAYNE - LOCAL PLANNING AGENCY  
PUBLIC MEETING - JANUARY 28, 2014

in the XXXX Court,  
was published in said newspaper in the issues of

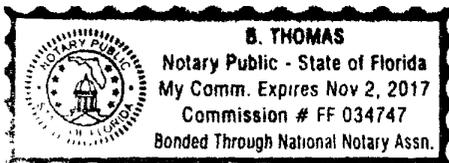
01/16/2014

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this  
16 day of JANUARY, A.D. 2014

(SEAL)

M. ZALDIVAR personally known to me



## VILLAGE OF KEY BISCAYNE

### OFFICE OF THE VILLAGE CLERK

#### PUBLIC NOTICE

Notice is hereby given that the Village Council of the Village of Key Biscayne, sitting as the Local Planning Agency (LPA), will hold a public meeting on Tuesday, January 28, 2014, at 7:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, (behind Fire Station) Key Biscayne, Florida, to consider making a recommendation to the Village Council on the following ordinance. The Village Council shall then consider adoption of the ordinance on second reading, at a public hearing, following the completion of the LPA hearing:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-11 "DEFINITIONS" TO PROVIDE A DEFINITION OF "MANUFACTURED HOME;" CREATING SECTION 30-41 "RECREATIONAL VEHICLES AND MANUFACTURED HOMES" OF THE VILLAGE CODE OF ORDINANCES, TO PROHIBIT MANUFACTURED HOMES WITHIN THE VILLAGE, AND TO PROVIDE FOR REGULATIONS OF RECREATIONAL VEHICLES; DELETING SECTION 30-100(F)(14) "MOTOR HOMES AND TRAILERS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

A copy of the proposed ordinance is available for public inspection and may be obtained at Village Hall, Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149. Interested parties may appear at the Public Hearing and be heard with respect to the proposed ordinance.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing or presented in person at the public hearing.

Conchita H. Alvarez, MMC  
Village Clerk

1/16

14-4-312/2217039M