

ORDINANCE NO. 2017-8

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING SECTION 10-63, “DEFINITIONS” AND SECTION 10-73, “SPECIFIC METHODS OF CONSTRUCTION AND REQUIREMENTS” OF CHAPTER 10, “FLOODS” RELATING TO THE VILLAGE’S FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on June 19, 2017, the Village of Key Biscayne (“Village”) Council adopted Ordinance 2017-03, repealing and replacing Chapter 10 “Floods” relating to the Village’s floodplain management regulations; and

WHEREAS, Village Staff recommends additional revisions to the Village’s floodplain management regulations to expand the definition of Coastal A Zone and clarify specific methods of construction and requirements for additional elevation; and

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

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AS FOLLOWS¹:

Section 1. Recitals. That the above recitals are true and correct and incorporated herein by this reference.

Section 2. Amending Sections 10-63 and 10-73 of Chapter 10 of the Village Code. That Sections 10-63 and 10-73 of Chapter 10 of the Code of Key Biscayne, Florida, are hereby amended as set forth in Exhibit “A” attached hereto and incorporated herein.

Section 3. Codification. That it is the intent of the Village Council that the provisions of this ordinance shall become and be made a part of the Village’s Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. That the provisions of this Ordinance are declared to be

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlighted ~~double strikethrough~~ and double underline.

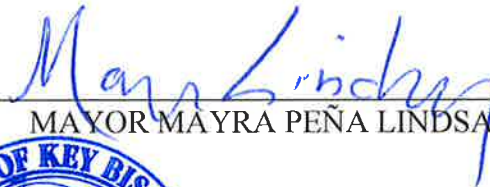
severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being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

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 29th day of August, 2017.

PASSED AND ADOPTED on second reading this 12th day of December, 2017.



MAYOR MAYRA PEÑA LINDSAY

ATTEST:



JENNIFER DUQUE, CMC
VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



VILLAGE ATTORNEY

EXHIBIT A

* * *

ARTICLE II. - DEFINITIONS

* * *

DIVISION 2. - DEFINITIONS

Section 10-63. - Definitions.

* * *

Coastal A Zone. Flood hazard areas that have been delineated as subject to wave heights between 1 ½ feet (457 mm) and 3 feet (914 mm). Such areas are seaward of the Limit of Moderate Wave Action shown on the Flood Insurance Rate Map or ~~within six hundred (600) feet of the inland boundary of the Coastal High Hazard Area (Zone V) boundary~~ as identified on Figure 1 incorporated herein, whichever is most landward.

* * *

ARTICLE III FLOOD RESISTANT DEVELOPMENT

DIVISION 1. - BUILDINGS AND STRUCTURES

* * *

Section 10-73. Specific methods of construction and requirements. The following specific methods of construction and requirements apply in the Village:

- (1) Lower Substantial Improvement. In the *Florida Building Code, Building*, and *Florida Building Code, Existing Building*, definitions for the terms “Substantial Damage” and “Substantial Improvement” shall be as provided in Section 10-63.
- (2) Limits on Enclosures. For one- and two-family dwellings in flood hazard areas, the following limitations apply to enclosed areas below elevated buildings:
 - a. Access shall be the minimum necessary to allow for only parking of vehicles (garage door), limited storage of maintenance equipment in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator).
 - b. The interior portion shall not be finished or partitioned into separate rooms.
- (3) Additional Elevation (Freeboard).
 - a. One- and Two-Family Dwellings, New Construction. For new construction of one- and two-family dwellings, the minimum elevation of the lowest floor or the bottom of the lowest horizontal structural member, as applicable to the flood zone, shall be to or above the base flood elevation ~~as provided in the *Florida Building Code, Residential*~~, plus one (1) foot, or as provided in the *Florida Building Code, Residential*, whichever is higher.
 - b. One- and Two-Family Dwellings, Substantial Improvement/Damage. For substantial improvement/substantial damage of one- and two-family dwellings, the minimum elevation of the lowest floor or the bottom of the lowest horizontal structural member, as applicable to the flood zone, shall be to or above the base flood elevation as provided in the *Florida Building Code, Residential*.
 - c. Critical Facilities. All Critical Facilities shall be elevated or protected to or above the minimum elevation requirements of the Florida Building Code or the 500-year flood elevation plus one foot, whichever is higher.
- (4) Site Plans. Site plans shall have sufficient evidence to demonstrate:
 - a. Street flooding and local drainage from and onto adjoining properties is accounted for and will not affect the proposed building; and
 - b. Positive drainage away from the building is directed to an approved point of collection that does not create a hazard or problem on adjoining properties.
- (5) Foundation Design Requirements, One- and Two-Family Dwellings. Construction documents shall include documentation, prepared and sealed by a registered design professional, that the foundation design accounts for site-specific flood loads.

* * *

FIGURE 1

Coastal A Zone Map



MIAMI DAILY BUSINESS REVIEW

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

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

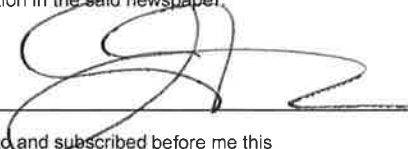
Before the undersigned authority personally appeared MARIA MESA, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that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

**PUBLIC NOTICE
VILLAGE OF KEY BISCAYNE - ORDINANCE - NOV. 14, 2017**

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

11/03/2017

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
3 day of NOVEMBER, A.D. 2017

Diana Herrera

(SEAL)
MARIA MESA personally known to me



**VILLAGE OF KEY BISCAYNE
OFFICE OF THE VILLAGE CLERK
PUBLIC NOTICE**

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, November 14, 2017 at 7:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 10-63, "DEFINITIONS" AND SECTION 10-73, "SPECIFIC METHODS OF CONSTRUCTION AND REQUIREMENTS" OF CHAPTER 10, "FLOODS" RELATING TO THE VILLAGE'S FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

The proposed Ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinances. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard.

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 and or presented in person at the public hearing.

Jennifer Duque, CMC
Village Clerk
17-33/0000271984M