

Code Compliance Division

“Our Businesses”

Mission Statement:

**“ TO PROVIDE A SAFE,
QUALITY ENVIROMENT FOR ALL
ISLANDERS THROUGH
RESPONSIBLE GOVERNMENT”**



Code Compliance Division

- **This outreach presentation is geared to educate:**
 - Business Owners



Contents

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- **Parking Lots**
- **Local Business Tax Receipts:**
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- **Noise**
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Code Compliance Division

- **The goal of the Code Compliance Division:**
 - Serve the businesses of the Village by insuring compliance with all codes and ordinances through effective public contact and education.
 - Promote cooperation between Code Compliance and the community.
 - The Code Compliance Division proactively patrols the Village identifying violations, but we also accept complaints from concerned businesses.
 - For general questions and / or to give a complaint, you may contact us by:



- phone at 305-365-8917 or
- by e-mail at codecompliance@keybiscayne.fl.gov



Code Compliance Division

- When a code violation is observed:
 - The Code Compliance Officer has the following actions that can be executed:
 - Verbal warning
 - Warning violation notice
 - Civil violation notice
 - Notice of Hearing
 - The Time to correct any violations depends on the type of violation issued:
 - Working without a permit (MDC 8-1) 30 days
 - Noise (VKB 17) immediately
 - BTR (VKB 25) immediately



Code Compliance Division

Cont...

- Any Violator served with a Notice:
 - Must correct the violation within the time specified;
 - The Violator has the following options:
 - Pay the civil penalty when applicable, within the time indicated on the Notice; and / or
 - Request an administrative hearing before the Board of Special Magistrates within 20 days of service of the notice to appeal the decision of the Code Compliance Officer.
- Notice of Hearing can be requested by:
 - Violator
 - Code Compliance Officer.



Code Compliance Division

Cont...

- A notice of hearing shall be sent to the named Violator at his last known address according to the Miami-Dade County Property Appraiser website.
- Special Magistrates Hearing:
 - Open to the public.
 - Panel of five Special Magistrates members.
 - The Board makes findings of fact and conclusions of law based on evidence of record.
 - If the named Violator is found guilty, he/she may be also held liable for the reasonable cost of the administrative hearing. (\$250).



Property Maintenance

- Every Property shall comply with the following:
 - Every structure, foundation and exterior wall, fence, window, and roof, shall be structurally sound, maintained in good repair, kept clean, sanitary, weathertight, watertight;
 - Free from infestation and solid waste;
 - Roofs shall also be well drained of rainwater;
 - All exterior areas of any structure or surfaces, that show evidence of graffiti or similar markings, damage, rot, rust, or other deterioration shall be cleaned, repaired, removed or replaced and painted over with an exterior grade paint or other protective coating that matches the color of the exterior area, as applicable.
 - Every exterior stairway, porch and appurtenance shall be structurally sound, maintained in good repair and kept clean.
 - All exterior floors, paving and sidewalks, shall be kept reasonably clean and free of solid waste.



Property Maintenance



Parking Lots

- Parking lot re-stripping or resurfacing requires a Building Permit and Inspection from the Village of Key Biscayne Zoning Division and Building Division.
- Attached to a permit application, please provide an updated site plan for approval with the following specifications:
 - Parking calculations, space & dimensions;
 - Bumpers details;
 - Handicap signs, specifications & location;
 - Parking lighting;
 - Landscaping design;



For any question
please contact
the Zoning
Division

@305-365-5502



Local Business Tax Receipts

Local Business Tax Receipts:

- Receipt required when:
 - Sells any good or services;
 - Solicits business or offers goods or services for sale or hire; or
 - Acquires or uses any vehicle or any premise in the Village for business purposes.
- Application process for business tax receipts:
 - Inquire about Zoning appropriateness to assure that the business is allowed in the zoning district where it is located.
 - Fill out application form: application is available on line at: www.keybiscayne.fl.gov
 - Documentation:
 - Copy of by-laws;
 - Copy of lease;
 - Copy of letter sent by the IRS with the Federal Identification #.



Local Business Tax Receipts

Cont...

- You may be asked to submit additional information for example; Alcoholic Beverages & Tobacco license in case of restaurants; DBPR professional license in case of a beauty salon;
- Final approval by DERM (Miami Dade County Regulatory & Economic Resources);
- Processing is handled on a first-come, first served basis.
- No longer than 3 working days;
- Final Inspection by Zoning in conjunction with the delivery of the business tax receipt and certificate of use.

- **Professionals:** A copy of the professional license issued by the State of Florida is required if you are applying as a professional.
 - Fill out an application form for professionals;
 - Documentation: copy of the professional license;
 - Processing will take up to 3 working days.



Local Business Tax Receipts

Cont...

- Submission of an application does not imply consent to operate your business; therefore, you shall not conduct any business until a Local Tax Receipt is issued.
- Proper permits must be obtained for all alterations, remodeling, and repairs affecting the electrical, plumbing, mechanical or building structure.
- The Village shall not be held responsible for improvements you make on the location prior to all approvals given for the issuance of your Local Business Tax Receipt.
- **PENALTY IS IMPOSED FOR FAILURE TO KEEP THE LOCAL BUSINESS TAX RECEIPT DISPLAYED CONSPICUOUSLY.**



For any question please contact de Business Tax Receipt Division

@305-365-7563



Local Business Tax Receipts



VILLAGE OF KEY BISCAIYNE
 BUILDING, ZONING AND PLANNING DEPARTMENT
 LOCAL BUSINESS TAX RECEIPT (LBTR)
 APPLICATION FORM

Primary Business Activity: (Please be specific): _____

Business Type:

- | | | |
|---|---|---|
| Construction <input type="checkbox"/> NAICS 23 | Manufacturing <input type="checkbox"/> NAICS 31-33 | Wholesale Trade <input type="checkbox"/> NAICS 42 |
| Retail Trade <input type="checkbox"/> NAICS 44-45 | Transportation <input type="checkbox"/> NAICS 48-49 | Information <input type="checkbox"/> NAICS 51 |
| Finance <input type="checkbox"/> NAICS 52 | Insurance <input type="checkbox"/> NAICS 52 | Real Estate <input type="checkbox"/> NAICS 53 |
| Rental <input type="checkbox"/> NAICS 53 | Professional <input type="checkbox"/> NAICS 54 | Technical <input type="checkbox"/> NAICS 54 |
| Management <input type="checkbox"/> NAICS 55 | Administrative <input type="checkbox"/> NAICS 56 | Educational <input type="checkbox"/> NAICS 61 |
| Health <input type="checkbox"/> NAICS 62 | Arts <input type="checkbox"/> NAICS 71 | Accommodations <input type="checkbox"/> NAICS 72 |
| Food <input type="checkbox"/> NAICS 72 | Other Services <input type="checkbox"/> NAICS 81 | Non-Profit <input type="checkbox"/> |

Business Information:

Business Name: _____
 Federal ID #: _____ Folio #: 24- _____-_____-_____
 Business Owner: _____
 Business Address: _____ Key Biscayne, FL 33149
 Mailing Address (if different): _____
 City: _____ State: _____ Zip Code: _____
 Business Telephone: () _____ Contact Person: _____
 Business E-mail: _____

Business DBA Name: _____ Ownership checked:
 # Employees (including owners): _____ # Contractors _____
 # Indoor seating: _____ # Of Outdoor Seating: _____ Approved:
 # Rooms: _____ # ATM's Units: _____ # Vending Machines: _____
 # Laundry Machines: _____ Other: _____

I UNDERSTAND THAT I AM RESPONSIBLE FOR ENSURING THAT MY BUSINESS COMPLIES WITH STATE, COUNTY OR CITY REGULATIONS.

I SWEAR THIS APPLICATION FOR A LOCAL BUSINESS TAX RECEIPT IS MADE FOR THE BUSINESS INDICATED HEREON IS TRUE AND CORRECT.

Signature: _____ Date: ____/____/20____

FOR DERM USE ONLY:

FOR OFFICE USE ONLY:

ZONING REVIEW / APPROVAL: _____ DATE: ____/____/____

Property Zoning:

COMMERCIAL C1 OFFICE O-1 HOME OFFICE HOTEL HR
 PRIVATE CLUB PC PUD-1 OC PUD-2 GB PUD-3 KC
 OTHER COMMENTS: _____

PREVIOUS DERM APPROVAL: ID: _____ OL _____ FOR: _____

ISSUED TO: _____ DATE: ____/____/20____

COMMENTS / LIMITATIONS: _____

CERTIFICATE OF USE #: _____ **SERIAL NUMBER:** _____

Application Date: ____/____/20____ **LBTR:** _____

CU: \$ 120.00 CHECK #: _____

LBTR: \$ _____ CVN: \$ 250

TOTAL: \$ _____

Documentation received:

Articles of Incorporation: <input type="checkbox"/>	FEIN: <input type="checkbox"/>
Lease: <input type="checkbox"/>	Warranty Deed Recorded: <input type="checkbox"/>
Letter of Authorization: <input type="checkbox"/>	
DBPR Professional License: <input type="checkbox"/>	DBPR A & B License: <input type="checkbox"/>
Type: _____	
DBPR H & R License: <input type="checkbox"/>	DBPR VR License: <input type="checkbox"/>
Department of Health: <input type="checkbox"/>	
Rental Contract: <input type="checkbox"/>	Miami Dade County BT <input type="checkbox"/>
Other certification: <input type="checkbox"/>	

Local Business Tax Receipts



VILLAGE OF KEY BISCAIYNE

Department of Building, Zoning and Planning

LOCAL TAX RECEIPT / LICENSED PROFESSIONALS

APPLICANT INFORMATION:

Name (Please Print): _____ Professional License #: _____

Mailing Address: _____ City: _____ State: ____ Zip Code: _____

Phone: _____ Cellular : _____ Email Address: _____

LICENSE LOCATION:

Name of Company: _____

Address: _____ City _____ State: ____ Zip Code: _____

Phone: _____ Contact Person: _____

I SWEAR THIS APPLICATION FOR A PROFESSIONAL TAX RECEIPT IS MADE FOR THE BUSINESS INDICATED HEREON AND IS TRUE AND CORRECT.

Signature: _____

Date: _____

FOR OFFICE USE ONLY

Application Date: _____

Fee Charge: _____

LBTR # _____

Check #: _____

Local Business Tax Receipts

MICRO PRINT SIGNATURE LINE SHOWS UP UNDER MAGNIFICATION

2017-2018
LOCAL BUSINESS TAX RECEIPT
VILLAGE OF KEY BISCAYNE, FLORIDA
88 West McIntyre Street, Suite 250
Key Biscayne, Florida 33149
(305) 365-7563

Number: L180093

FOR THE PERIOD COMMENCING OCTOBER 1, 2017 AND
ENDING SEPTEMBER 30, 2018, THE FOLLOWING IS
AUTHORIZED TO ENGAGE IN THE FOLLOWING BUSINESS.

Business Name: VILLAGE OF KEY BISCAYNE

Location: 88 W MCINTYRE STREET

Business: MUNICIPAL BUILDING -GU-
Certificate of Use Number: CU-9060043

Total Amount: \$0.00




BUILDING, ZONING
AND PLANNING
Authorized Signature

2017-2018
LOCAL BUSINESS TAX RECEIPT
VILLAGE OF KEY BISCAYNE, FLORIDA

PENALTY IS IMPOSED FOR FAILURE TO KEEP THE ATTACHED LOCAL BUSINESS TAX RECEIPT DISPLAYED CONSPICUOUSLY

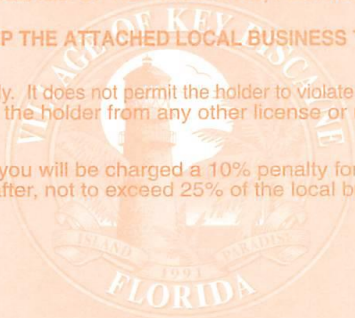
This receipt is for payment of a local business tax only. It does not permit the holder to violate any existing regulatory or zoning laws of the State, County or Village, nor does it exempt the holder from any other license or receipts that may be required by law.

This fee must be paid by October 1, 2017 or you will be charged a 10% penalty for the month of October and an additional 5% penalty for each month of delinquency thereafter, not to exceed 25% of the local business tax fee in addition to a \$250 penalty.

Mailing Address:

VILLAGE OF KEY BISCAYNE
88 W MCINTYRE STREET

KEY BISCAYNE, FL33149



Certificate of Use

Certificate of Use:

Purpose:

- Assures that a business is allowed in the zoning district where it is located.
- Verifies that the structure was built for the proposed type of business.
- It is required in addition to a Local Business Tax Receipt.
- Zoning will review if it is valid for:
 - Specific address;
 - Business name;
 - Corporate name; and
 - Type of business.
- New Certificate of Use required if any changes in:
 - Use;
 - Name;
 - Ownership;
 - Expansion of square footage occupied;
 - The inclusion of additional uses; or
 - When changes to the structure have been approved by final building inspection.



Certificate of Use



VILLAGE OF KEY BISCAIYNE
BUILDING, ZONING AND PLANNING DEPARTMENT

Certificate of Business Use

2018L180000

Certificate Number: **CU18- 00000**

Business Name:

Business Type:

Business Owner:

NAICS Classification:

Business Address:

Occupancy Classification:

Folio Number: 24-XXXX-XXX-XXXX

Maximum Seating Capacity:

Property Zoning:

Outdoor Seating:

Limitations:

Issue Date:



Certificate of Business Use is issued to the business indicated hereon and it is Non-Transferable.

88 West McIntyre Street • Suite 250 • Key Biscayne, Florida 33149 • (305) 365-7563 • www.keybiscayne.fl.gov

Prohibited Zoning Uses

- Any type of Adult Entertainment Establishment;
- Any Use that involves the sale of secondhand merchandise, except the resale of antique furniture that is at least 50 yrs. old and the resale of jewelry, art, or furs is permitted;
- Outdoor sale or storage of any merchandise except outdoor and sidewalk cafes;
- Psychic help uses;
- Video arcade, pinball and similar mechanical and/or electrical game machines as a main permitted use;
- The overnight outdoor parking or storage of any vehicle with signage indicating a commercial business within 125 feet of any street;
- Overnight outdoor parking or storage of commercial vehicles for businesses not located on the property, is prohibited in any outdoor lot;
- Drive through facilities, except when associated with a bank.



Permits

- **Permits:**

- **A permit is required to:**

- Construct, enlarge, alter, repair, move, or change the occupancy of a building or structure;
- To erect, install, enlarge, alter, repair, convert, or replace any electrical, gas, mechanical, or plumbing system.

- **Noise from Construction is permitted:**

- Monday through Friday 7 a.m. to 6: 30 p.m.
- The use of heavy equipment for earth moving and compacting, concrete demolition, or pile driving is not permitted on Saturday, Sundays, or Holidays.



Permits

- **Cont...**
- Generally, you will need the following for permit submittal:
 - Permit application signed by property owner and contractor.
 - 2 sets of plans, showing the alterations being done.
 - A check to pay for upfront fees.
 - Permits are issued to licensed contractors.
- **Expired Applications:**
 - Application for permit expires if permit is not issued within 6 months of the last action.
- **Expired Permits:**
 - After 6 months of permit issuance if no approved inspections are obtained.
 - After 6 months of the last approved inspection.



Permits

- **Renewing Permits:**

- Once a permit expires, an application for permit renewal must be submitted.
- If the original contractor is still available, they have to apply for a permit renewal.
- If the original contractor is no longer available, a change of contractor must be processed.
- Must bring job copy, application for renewal, pay renewal fee and have work finalized by requesting pending inspections.



For any question please contact the Building Division at
305-365-5511 or esantiago@keybiscayne.fl.gov



Outdoor Seating

Outdoor Dining Application:

- A Permit is required for outdoor dining;
- Outdoor dining application form;
- Site Plans shall describe the location of all furniture, lighting and other related services and functions associated with the request for approval.
- Site plan must be approved by the Village's Building, Zoning and Planning Department, Fire Department and Police Department; Sec.30-112 (j)(16).
- Should be submitted for permit with a Food Service Business Tax Receipt being applied;
- Criteria for tables and chairs:
 - Shall not be placed in a manner that restricts direct pedestrian Access along a 44-inch wide pathway from the entrance of a Shopping Center to a elevator or steps;
 - Shall have a consistent design and color;



Outdoor Seating

Cont...

- Shall be located directly in front of the restaurant unit served;
- Tables & chairs that are not permanently attached to the floor shall be store inside the restaurant when it is closed;
- The restaurant providing such outdoor dining facility shall provide bathroom facilities;
- Additional seating may increase the number of restrooms facilities provided;
- All food preparation shall be from within the enclosed restaurant;
- Pass-through windows, take-out windows, or similar types of windows are not permitted.



Outdoor Seating

Cont...

- **Documentation:**

- Copy of the Village of Key Biscayne Local Business Tax Receipt for the restaurant;
- Copy of the State restaurant license
- Photographs, drawings and/or manufacturer's brochures describing the appearance of the proposed tables, chairs and umbrellas;
- If you are not the owner of the property, a letter from the property owner, landlord or management company for the property stating that they agree to the establishment of your outdoor dining facility.



For any question please contact
the Business Tax Receipt Division
@ 305-365-7563



Special Events Authorization

A Special Event Authorization is required to hold an event in the Village of Key Biscayne per the following criteria:

- Event is open to the general public (with or without charge).
- Event takes place at a the Village of Key Biscayne facility, at a private facility maintained by the Village, on public property or in the right of way.
- Event requires Village's services.
- Event that may involve the closure or modification of traffic flow or streets.
- Event that takes place in private property in a manner that varies from it's current land use.
- Not allowed in single family homes or duplex dwellings.
- Submit the Special Event Authorization application with a minimum of 20 days prior to the proposed activity or event.



Special Events Authorization

Cont...

- Shall not be issued for more than one calendar day, or a span of hours in excess of eight hours.
- All other permit applications shall be reviewed by the Chief Building Official, Fire Marshall, Village Manager and/or other applicable Departments or Divisions.
- A separate Building Permit and any applicable trades are required for temporary structures such as, but not limited to tents larger than 120 sq. ft., stages, generators, portables toilets.



For any question please call 305-365-5511
or email mdominguez@keybiscayne.fl.gov



Signs

- **Authorized and requires permit:**

- Wall Sign –reverse channel wall only-
- Canopy Sign
- Awning Sign
- Directory Sign
- Window Sign
- Instructional Sign

- In the case of a multitenant center, wall signs are permitted on walls that face an access drive or internal courtyard.

- **Political Sign:**

- No more than 1 sign per candidate issue per establishment.



Signs

- **Prohibited Signs:**

- Abandoned signs;
- Balloon signs;
- Buntings;
- Flags other than one United States flag
- Off premise signs –billboards-;
- Movable signs;
- Swinging signs;
- V-signs;
- Roof signs;
- Logo as secondary signage shall have a sign area not exceeding 144 square inches.
- Windows signs in businesses shall not exceed four per establishment and not be over eight square feet in area.
- Animated signs;
- Box wall signs;
- Bus bench signs;
- Neon signs;
- Pole signs;
- Projecting signs, except canopy signs;
- Monument signs;
- Logos as the main permitted sign.



Signs

Cont...

- Any graphic of attention getting device that is located three or more feet above the finish floor, that exceeds 16 square inches in area and is less than three feet from a window shall be considered a window sign.

- **Sign Maintenance:**

- Shall be maintained in a safe, presentable and good structural condition;
- Shall be kept free of weeds and debris.
- An abandoned sign is prohibited and shall be removed by the owner.
- Any sign shall be removed or repaired if it becomes dangerous or defective.



For any question please contact the Zoning Division @ 305-365-5502



Signs



Come in
WE'RE
OPEN



Banners

- **Seasonal Banner Sign:**

- Number (max): 1 per establishment
- Area (max): 20 sq. ft.
- Sign height (max) : 4 ft.
- Length of display : 14 days
- Frequency: 1 per year
- Location: Not permitted within public rights-of-way.



PERMIT FROM ZONING PLAN REVIEW MANAGER REQUIRED



For any question please call 305-365-5502 or 305-365-365-5504



Noise

Noise Violations shall be enforced by the Village Police Department or any other official of the Village authorized to enforce it.

Prohibited noise disturbances:

- Horns, signaling devices, etc.
- Sound amplifying equipment and musical instruments.

Permitted hours:

- 7:00 a.m. to 11:00 p.m. on Monday, Tuesday, Wednesday, and Thursday;
- 7:00 a.m. to 12:00 a.m. on Friday;
- 8:00 a.m. to 12:00 a.m. on Saturday and Holidays;
- 8:00 a.m. to 11:00 p.m. on Sunday.
- Set up and breakdown of certain events. (outside the permitted hours above mentioned)
- Animals, pets, birds, etc. that causes frequent and continued noise audible from any property;



Noise

Cont...

- Power Tools and landscaping equipment prohibited outside the following hours:
 - 8:00 a.m. to 6:30 p.m. Monday through Friday;
 - 10:00 a.m. to 6:30 p.m. Saturday, Sunday & Holidays only for non-commercial operation of noise producing tools.
- Gas powered leaf blowers are not allowed since February 25, 2018.
- Loading or unloading, opening, closing or other handling of boxes, crates, containers, refuse or other objects outside the following permitted hours:
 - 7:00 a.m. to 6:30 p.m. Monday through Friday;
 - 8:00 a.m. to 6:30 p.m. on Saturday, Sunday & Holidays.
- Construction is prohibited outside the following hours:
 - 7:00 a.m. to 6:30 p.m. Monday through Friday.
- Fixed mechanical equipment that creates plainly audible sound from the use, operation or maintenance of fixed mechanical Equipment (swimming pool system pumps).



Noise -Leaf Blowers-

- Gas powered leaf blowers are not allowed since February 25, 2018.
- Alternatives to gas-powered leaf blowers:
 - Corded electric leaf Blowers
 - Battery powered leaf blowers
- Noise from power tools and landscaping equipment is NOT permitted outside the following hours :
 - 8:00 a.m. to 6:30 p.m. Monday through Friday.
 - 10:00 a.m. to 6:30 p.m. on Saturday, Sunday and, Holidays only for non-commercial operation of noise producing tools.
- Make sure to observe all basic personal safety (operator, pedestrians and vehicles) while using leaf blowers.
- Noise from equipment at all times should not exceed 65 decibels.



You may report gas-powered leaf blowers usage to 305-365-7572



Tree Removal – Hatracking-

- The removal of trees may require a tree removal permit from the Miami-Dade County Regulatory Economic Resources Environment section and the Village.
- You will need a tree removal permit when any of the following applies:
 - Tree being cut down;
 - Tree being removed; or
 - Tree being relocated.
- Excessive pruning (i.e. hatracking, topping, etc.) which results in the effective destruction of a tree is prohibited.
- All tree pruning shall conform to current standards of the National Arborist Association.
- Hatracking or topping shall not be permitted;



Tree Removal – Hatracking-

Cont...

- Crown reduction of a tree in excess of one-third may be permitted under the following conditions :
 - If a tree interferes with utility lines or utility Structures.
 - If a tree has storm damage and in the opinion of the Development Services Director should be hatracked or topped in order to preserve the tree.



Trash Containers

- Must be fully enclosed with closed lids;
- Trash pick-up requirements:
 - Disposal of foodstuffs from any source shall be emptied on a daily basis.
 - For all other types of trash, the required number of pickups per week shall depend on the intensity of the use;
- Must submit a management plan for review and approval by the Development Services Department or designee.
 - Management plan shall contain the following information:
 - Detail & dimensioned site plan depicting the location of the trash container;
 - Detailed elevation drawing demonstrating that:
 - Container is completely screened from the view from outside;
 - Enclosure is at least as high as the container; and
 - Materials or landscaping that will be used to screen the the container.



Trash Containers

Cont...

- If fencing is used for screening purposes, such fences shall be covered with green or black colored material; and
- If block walls are used such wall shall be painted to match the principal building on the site.
- Type of trash to be disposed in trash container;
- Proposed hours and days of the week for trash pick-up;
- If there is a change in use a new management plan shall be submitted.



You are the last piece ...

...for the preservation of our Paradise Island...

Thanks

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