

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE AMENDING CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE MUNICIPAL CODE OF KEY BISCAYNE, FLORIDA, BY AMENDING ARTICLE II, 30-11, "DEFINITIONS" REGARDING THE DEFINITION OF HOTEL ROOM; AMENDING ARTICLE III, SECTION 30-23(b)(2), REGARDING THE RESUBDIVISION OF HOTELS OR MOTELS; AMENDING ARTICLE IV, SECTION 30-80, REGARDING SITE PLAN REVIEW PROCEDURES; AMENDING ARTICLE V, 30-103(b), REGARDING HEIGHT, SETBACKS AND DENSITY PERMITTED IN THE HOTEL RESORT ZONING DISTRICT, CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 30 of the Village of Key Biscayne establishes its zoning and land development regulations; and

WHEREAS, the Village Council of the Village of Key Biscayne recognizes the need to protect and preserve single family neighborhoods from the impacts of intense development on adjacent multi-family and hotel resort zoning districts; and

WHEREAS, the Village Council of the Village of Key Biscayne desires to protect and preserve single family neighborhoods from the impacts of intense development on adjacent multi-family and hotel resort zoning districts; and

WHEREAS, the Village Council of the Village of Key Biscayne recognizes the need to protect and preserve single family neighborhoods from the impacts of intense development on adjacent multi-family and hotel resort zoning districts; and

WHEREAS, the Local Planning Agency has reviewed this ordinance and, after hearing and considering the staff report and recommendation as well as public testimony has determined that this ordinance is in the best interest of the citizens of the Village of Key Biscayne and therefore recommended that this ordinance be approved by the Village Council of the Village of Key Biscayne; and

WHEREAS, the Village Council at a duly noticed public hearing has reviewed this ordinance and, after considering the staff recommendation as well as the public's testimony, has determined that this ordinance is in the best interest of the citizens of the Village Council;

THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA:

Section 1. The recitals and findings contained in the Recitals to this Ordinance are hereby adopted and incorporated herein as if fully set forth in this Section.

Section 2. Article II of the Zoning and Land Development Regulations of the Village of Key Biscayne, Florida, as amended, is hereby amended as follows:^{1/}

^{1/} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

ARTICLE II. DEFINITIONS

SECTION 30-11

* * *

Hotel Room or Unit. A room, or group of rooms with ingress or egress, intended for rental to transients on day-to-day, week-to-week, or month-to-month basis; but, not intended for Use or used as a permanent Dwelling, (meaning used for a period of more than three months). The definition includes:

- (1) A sleeping room or group of rooms including living and sleeping areas, not exceeding 1,000 square feet without special exception approval within a Hotel;
- (2) A living or sleeping room within a Dwelling, having a separate entrance from outside the Dwelling other than the principal entrance of Dwelling and not exceeding 1,000 square feet without special exception approval;
and
- (3) A living or sleeping room within a Dwelling Unit of a Multiple Family Dwelling, having a separate entrance from outside the Dwelling Unit and not exceeding 1,000 square feet without special exception approval.
- (4) Any request for the special exception approval set out within this definition may only be used for one unit expansion at a time and not for multiple unit expansions.

* * *

Section 3. Article II of the Zoning Ordinance of the Village of Key Biscayne, Florida, as amended, is hereby amended as follows: ^{2/}

ARTICLE III. GENERAL PROVISIONS

SECTION 30-23(b)(2). REPLATTED LOTS AND RESUBDIVISION OF HOTELS AND MOTELS.

^{2/} Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

* * *

(b) *Resubdivision of Hotels or Motels.*

- (1) No resubdivision of Hotels or Motels into Multifamily Dwellings shall be permitted without special exception approval and unless the Building Official issues a new certificate of occupancy illustrating that the resubdivision is in compliance with all codes, including the South Florida Building Code and the Life Safety Code, as may be amended from time to time.
- (2) The installation of Cooking Facilities into a Hotel or Motel Unit will convert the prior Use into a Multifamily Dwelling, thus requiring a special exception approval and compliance with multifamily Building, life safety, and Zoning Code requirements
- (3) Prior to the issuance of a certificate of occupancy, upon a request for resubdivision, the new Use of the Multifamily Dwelling must meet all of the requirements for Multifamily Dwellings, be consistent with Density, Parking, Lot Coverage, and Floor Area Ratio Regulations as set forth in the district where the property is located and such resubdivision must be approved through the grant of a special exception.

(Ord. No. 2000-5, § 2, 5-9-00)

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Section 4. Article II of the Zoning Ordinance of the Village of Key Biscayne, Florida,, as amended, is hereby amended as follows: ^{3/}

ARTICLE IV, ADMINISTRATION OF THE ZONING ORDINANCE

SECTION 30-80, SITE PLAN REVIEW PROCEDURES

(a) *Purpose.* Site Plan review is designed to achieve the following objectives:

- (1) To insure that infrastructure (water, sewer, and roads) is in place at the time the project is completed, as mandated by Florida's Growth Management law;

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- (2) To encourage logic, imagination, and variety in the design process;
- (3) To insure that projects are compatible, both aesthetically and functionally, with the surrounding area and in particular, to insure that adjacent lower density residential parcels are protected from the impacts of higher density or commercial development;
- (4) To promote excellence in urban design; and
- (5) To encourage Buildings that are consistent with the high quality environment associated with the Village.

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(f) *Application forms.* The Building, Zoning, and Planning Department shall provide the applicant with all necessary application forms. A complete application shall include the following:

* * *

- (2) Site Development plan.
 - a. A scale drawing clearly illustrating proposed Buildings and other Structures, and any existing Buildings and Structures which are to be retained, including Use, height, dimensions and Setbacks.
 - b. Proposed off-street Parking spaces, driveways and sidewalks, including location, construction material, dimensions and Setbacks. This shall demonstrate compliance with Handicapped Accessibility Requirements and Chapter 52.11 of the South Florida Building Code.
 - c. Proposed fences and Walls, including location, construction material, dimensions, Setbacks and height.
 - d. Proposed utility lines and Easements.
 - e. Alignment of Miami-Dade County trafficways on property (if applicable).
 - f. Distance of existing Buildings on Adjacent Properties from property line.
 - g. Location of all existing and proposed fire hydrants and Siamese connections.
 - h. Scale drawings clearly illustrating existing Buildings and other Structures within five hundred feet of the site, including Use, height, dimensions and setbacks. These drawings shall include elevations showing the development's contextual relationship with the adjacent properties within

five hundred feet of the site. These drawings also shall include existing landscape to remain, existing landscape to be removed and proposed landscaping that will remain as part of the approval.

* * *

(g) *Review criteria.* In order to approve a project, the Village Council must find that it is consistent with each of the below review criteria. The Council may require conditions that are necessary to minimize any adverse impacts on Adjacent Properties.

* * *

- (3) *Circulation and Parking.* All circulation systems and Parking facilities within a proposed Development shall be designed and located in such a manner as to comply with the following:
- a. A clearly defined vehicular circulation system shall be provided which allows free movement within the proposed Development while discouraging excessive speeds. Said systems shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and Access points to peripheral Streets shall be provided which adequately serve the proposed Development and which are compatible and functional with circulation systems outside the Development.
 - b. Whenever possible in proposed residential Developments, living Units should be located on residential Streets or courts that are designed to discourage nonlocal through traffic.
 - c. Off-Street Parking areas shall be provided which adequately accommodate maximum vehicle storage demands for the proposed project and are located and designed in such a manner so as to conveniently serve the Uses to which they are accessory and not create incompatible visual relationships.
 - d. Safe and efficient Access to all areas of the proposed Development shall be provided for emergency and service vehicles, as required by Chapter 52.11 of the South Florida Building Code.
 - e. Sidewalks shall be provided as required by the Village Regulations.
 - f. Handicapped accessibility shall be provided as required by all applicable Regulations.

g. Internal drives and parking areas shall be located no closer than 100 feet from any adjacent residentially zoned property. All internal drives and parking areas shall be buffered from view and noise from adjacent residences. Buffering must be effective at ground level and must extend in height to the highest level of the adjacent residences.

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Section 4. Article II of the Zoning Ordinance of the Village of Key Biscayne, Florida,, as amended, is hereby amended as follows: ^{4/}

ARTICLE IV, ADMINISTRATION OF THE ZONING ORDINANCE

SECTION 30-103(b). HOTEL RESORT DISTRICT

(b) *Development Regulations.*

TABLE INSET:

Density	Maximum Height	Lot Coverage	Minimum Lot Area
Hotel 30 Units per acre No Development shall exceed 350 Hotel Units Apartment Building 16 Units per acre If a Development contains Hotel and Apartment Units, then Lot area, which is counted towards one Use, cannot be counted	150 <u>80</u> ft. However <u>additional height to a maximum of 120 ft. may be allowed at a rate of 1 foot in height for each additional foot of baseline setback adjacent to the lower density residentially zoned land.</u>	.40	The site shall be subdivided as of the date of this ordinance.

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towards another Use.			
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TABLE INSET:

	Setback	Floor Area Ratio												
Front:	25 ft. + 5 <u>10 ft. step backs</u> per floor above the first floor but not to exceed <u>50 80 ft. Except that where adjacent to lower density residentially zoned property, the minimum setback is 100 ft. + 5 ft. step backs per floor but not to exceed 150 ft.</u>	.40, however oceanfront and bayfront Buildings that provide a 7.5 ft. dedicated Easement on each side of the property from the Street to the beach shall use the following:												
Side:	25 ft. minimum <u>-but 100 feet where adjacent to lower density residentially zoned property</u> (however no portion of Building may extend beyond a "building envelope" formed by a prism the base of which is formed by the Lot boundaries and whose height is defined by two base angles of 63 degrees each, * see sketch below). Side Setbacks shall be measured from the dedicated Easement as required in the Floor Area Ratio calculation.	<table border="0"> <tr> <td>1 Story .40</td> <td>4 Story 1.00</td> </tr> <tr> <td>7 Story 1.60</td> <td></td> </tr> <tr> <td>2 Story .60</td> <td>5 Story 1.20</td> </tr> <tr> <td>8 Story 1.80</td> <td></td> </tr> <tr> <td>3 Story .80</td> <td>6 Story 1.40</td> </tr> <tr> <td>9 Story+ 2.00</td> <td></td> </tr> </table> <p>The dedicated Easement shall be counted in the Floor Area Ratio calculation. The Easement shall be improved with landscaping and a hard paved surface. The improvements shall require approval by the Building, Zoning, and Planning Director prior to the issuance of a building permit and must be installed prior to the issuance of a certificate of occupancy.</p>	1 Story .40	4 Story 1.00	7 Story 1.60		2 Story .60	5 Story 1.20	8 Story 1.80		3 Story .80	6 Story 1.40	9 Story+ 2.00	
1 Story .40	4 Story 1.00													
7 Story 1.60														
2 Story .60	5 Story 1.20													
8 Story 1.80														
3 Story .80	6 Story 1.40													
9 Story+ 2.00														
Rear:	25 ft. + 5 <u>10 ft. step backs</u> per floor above the first floor but not to exceed <u>50 80 ft. Except that where adjacent to lower density residentially zoned</u>													

	<u>property, the minimum setback is 100 ft. + 5 ft. step backs per floor but not to exceed 150 ft</u>		
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(Ord. No. 2000-5, § 2, 5-9-00; Ord. No. 2000-13, § 5, 10-24-00)

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Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective immediately upon adoption.

PASSED ON FIRST READING BY TITLE ONLY this _____ day of _____, 2006.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY TITLE ONLY this _____ day of _____, 2006.

MAYOR

ATTEST:

VILLAGE CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY