VILLAGE OF KEY BISCAYNE

Office of the Village Manager

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Village Manager
Jacqueline R. Menendez

DT: October 18, 2006

TO: Honorable Mayor and Members of the Village Council

FR: Jacqueline R. Menendez, Village Manager

RE: Two Lot Floor Area Ratio Ordinance

RECOMMENDATION

It is recommended that the attached ordinance be approved. The ordinance maintains the maximum Floor Area Ratio (FAR) for homes on more than one lot at .35.

EXPLANATION

One of the principle means of regulating the size of a building is by establishing a maximum FAR. This is determined by assigning a number to the FAR and multiplying that number by the square footage of a lot. For example, the Village established the maximum FAR of a home on two (2) lots at .35. If the lots measure 20,000 square feet, the maximum floor area of the home is 7,000 square feet. Homes on one (1) lot have a maximum Floor Area Ratio of .47. The two lot .35 FAR was recommended by the Zoning Ordinance Review Committee as the primary method of controlling the size of homes on sites that contained two or more lots.

Approximately three (3) years ago, the Village received an application for a Waiver of Plat. This type of application has the affect of convereting two or more lots into one lot which circumvents the .35 FAR regulation. In the past two months, the Village received two more applications and two weeks ago a third application was submitted. On October 10, 2006, staff presented the Council with the attached table which shows 15 locations where lots have been assembled. Since the search is limited to individual names, it is possible that other lots have been assembled under different names or corporations but still owned by the same entity.

On October 10, 2006, this situation was discussed by the Village Council. At that time, the Council directed staff to prepare an ordinance which maintained the FAR on sites that exceeded one lot at .35, consistent with the regulation that was recommended by the Zoning Ordinance Review Committee. The attached ordinance accomplishes this purpose.

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MISSION STATEMENT: "TO PROVIDE A SAFE, QUALITY COMMUNITY ENVIRONMENT FOR ALL ISLANDERS THROUGH RESPONSIBLE GOVERNMENT."
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SINGLE FAMILY LOT ASSEMBLAGE

Ref .#	Address	Date Purchased	Lot Status	Date Built	Number of Lots
1.	169 Harbor Dr. 205 Buttonwood Dr.	3/2000	1 Home Guest Bldg.	2006 2006	2 Front to Back
2.	270 Glenridge Rd. 265 Woodcrest Rd.	11/1982	1 Home 1 Home	19? 19?	
3.	325 Greenwood Rd.	7/2004	1 Home	19?	2 Side by Side
4.	490-500 Bay Ln.	10/2004 6/2002	1 Home	Under Const-ruction	1.5 Side by Side
5.	485 W. Matheson Dr.	3/2004	1 Home 1/2 Lot Vacant to 1 Lot Vacant	19? Home	1.5+ a 10,000 Sq. Ft. Side by Side
6.	625-635 Sunset Cr. 570 Harbor Dr.	1/2001 12/2003	1 Home 1 Vacant 1 Home	19? 20? Vacant	3 Side by Side
7.	630 Sunset Cr 640 Sunset Cr.	No record 8/2003	Vacant 1 Home	Vacant 19? Home	2 Side by Side
8.	650 Warren Ln. 655 Allendale Rd.	No record 3/1993	Vacant 1 Home	Vacant 200? Home	2 front to back
9.	220 Island Drive	10/1976 10/1976	1 Home on 2 Lots	1961	1.5 Side by Side
10.	920 Mariner Rd. 940 Mariner Rd.	No record 6/1994	Vacant Home	Vacant 199?	2 Side by Side
11.	30 Cape Florida Dr. 40 Cape Florida Dr.	5/2002 5/2002	Home and Tennis Ct.	1982	2 Side by Side
12.	130 Cape Florida Dr. 140 Cape Florida Dr.	7/2004 5/1989	1 Home Vacant	19?	2 Side by Side
13.	220 Cape Florida Dr. 240 Cape Florida Dr.	No record 3/2004	1 Home	19?	2 Side by Side
14.	960 Harbor Dr.	12/1998	1 Home	1983	2 Side by Side
15.	350-360 Pacific Rd.	12/1991	1 Home	1955 Home	2 Side by Side

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING" OF THE CODE OF KEY BISCAYNE, FLORIDA BY AMENDING DEVELOPMENT REGULATIONS FOR SINGLE FAMILY AND TWO-FAMILY DISTRICTS, LIMITING MAXIMUM FLOOR AREA RATIO REQUIREMENTS FOR DEVELOPMENT ON TWO OR MORE LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village has reevaluated the land development regulations applicable to the Single Family and Two-Family Districts of the Village Zoning and Land Development Regulations contained in Chapter 30 of the Code of Key Biscayne, Florida, in relation to maximum floor area ratio for development on two or more lots and has determined that certain changes should be made to those regulations; and

WHEREAS, the Local Planning Agency at a duly called public meeting has heard and recommended the adoption of this Ordinance as consistent with the Village Comprehensive Plan; and

WHEREAS, this proposed Ordinance has been properly noticed and heard in conformance with Section 166.041, Florida Statutes, and in conformance with the Village Zoning and Land Development Regulations; and

WHEREAS, the Village Council finds that this Ordinance will promote the health, safety and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Amendments to Section 30-100. That Section 30-100 "Single Family and Two-Family districts" of Chapter 30 "Zoning and Land Development Regulations" of the Code of Key Biscayne, Florida is hereby amended as follows:

Sec. 30-100. Single Family and Two-Family districts.

* * *

(b) Development Regulations.

TABLE INSET:

Regulation	VR Village Residential	VE Village Estate	IR Island Residential	PS Parkside Residential
Lot Frontage	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *	Minimum as platted * Maximum two platted Lots *
Lot Area	Minimum 7,500 sq. ft. or as platted * Maximum two platted Lots *	Minimum 10,000 sq. ft. or as platted * Maximum two platted Lots *	Minimum 10,000 sq. ft. or as platted * Maximum two platted Lots *	Minimum 7,500 sq. ft. or as platted * Maximum two platted Lots *
Minimum Pervious Area (% of Lot)	30%	30%	30%	30%
Maximum Lot Coverage	One Story residences, 45% Multistory residences, 35% Porches and landings that are completely open on at least two sides, with the exception of railings and balustrades, shall not be included in the Lot Coverage calculation. (See Lot Coverage definition.)			
Maximum Floor Area Ratio (FAR)	.47 For new construction on vacant Lots and Development that exceeds 50 percent of the assessed value of the Building the following shall apply:			

	Base FAR .30 for Developments on one platted Lot in the VR and PS districts. .36 for Developments in the VE and IR districts. .13 for Developments on more than one platted Lot.
	Notwithstanding the above, the base FAR for a One Story Home is .36.
	Maximum FAR .47 for Developments on one platted Lot. ** .35 for Developments on two or more platted Lots.

* Platted as of the effective date of this ordinance (October 24, 2000).

** Except where said platted Lot was created by the resubdivision (through platting or otherwise) of two or more platted Lots, from and after October 10, 2006. Said newly created Lot shall be deemed to be two platted Lots and limited to a maximum FAR of .35.

A development may exceed the base FAR but contain no more than the maximum FAR as set forth above subject to an administrative determination by the Building, Zoning, and Planning Director that the design meets one or more of the below criteria.

The FAR bonus must be listed on the Site Plan page and approved by the plans reviewer and the Building, Zoning and Planning Director. No certificate of occupancy or completion shall be issued unless the completed development includes each of the bonuses listed on the approved Site Plan.

VR and PS Districts: Designs that do not receive both bonuses 3 and 11 shall be assigned a minus .10.

VE and IR Districts: Designs that do not receive bonus 11 shall be assigned a minus .10.

TABLE INSET:

	Criteria	FAR Increase
1.	Porch facing a Street.	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
2.	Open and unenclosed balconies located above the first finished floor	.00005 per sq. ft. of Floor Area to a maximum of .03 FAR increase
3.	Building located 15--20 ft. from a front of property line	.001 per Linear Foot of Frontage of a Wall that is located 15--20 ft. from a front property line (maximum .03)
4.	Garage or Carport containing two or more vehicles parked parallel with an exterior column separating each of the spaces	.03
5.	Single Story Home	.03

6.	Combination One and Two Story Home with the second floor occupying less than 50 percent of the Floor Area of the first floor under roof	.10
7.	Entrances to Parking garages:	
	Interior Lot: placed in a location that does not face the Street.	.02
	Corner Lot: entrance in a Side Yard	.02
8.	All windows above the first floor facing an adjacent Building which are –five ft. above the finished floor	.01 per side
	or if all Building Walls along the interior side of a property do not have windows	.03 per home side
9.	Side Yard Setback which:	
	a. Exceeds the required Yard	.00005 per each sq. ft. to a maximum of .03
	b. Has a minimum 15 ft. Side Yard Setback	.03
10.	Building located within 15--20 ft. of the rear Lot line	.001 per linear foot of a Wall located 15--20 ft. from the rear property line with a maximum of .03
11.	VR and PS Districts: Structures that provide a frontSetback of less than 25 ft. which have a roof at least three ft. lower than the roof of the main Structure	.03
	IR and VE Districts: A portion of the Building havinga length of at least ten ft. with a Front Yard Setbackthat exceeds the required 25 ft. Setback	.0002 per sq. ft., maximum .03
12.	Reduction in Building Height.	.006 per foot or fraction thereof with a maximum of .03

~~* Platted as of the effective date of this ordinance (October 24, 2000).~~

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Section 3. 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 4. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this _____ day of _____, 2006.

PASSED AND ADOPTED on second reading this _____ day of _____, 2006.

_____
ROBERT OLDAKOWSKI, MAYOR

ATTEST:

_____
CONCHITA ALVAREZ, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
STEPHEN J. HELFMAN, VILLAGE ATTORNEY