

**ORDINANCE NO. 2008-**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AMENDING THE VILLAGE CODE BY AMENDING SECTION 30-103 "HOTEL RESORT DISTRICT"; BY DELETING APARTMENT BUILDING AS A PERMITTED USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, the Village Council desires to amend the Village Code to revise regulations to delete apartment building as a permitted use in the Hotel Resort District; and

**WHEREAS**, the Village Council has reviewed this ordinance in its capacity as the Local Planning Agency, and has found this ordinance to be consistent with the Village of Key Biscayne Comprehensive Master Plan.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended.** That the Village Code of the Village of Key Biscayne, Florida is hereby amended by amending the Zoning and Land Development Regulations, Section 30-103 "Hotel Resort District" to read as follows:

**Sec. 30-103. Hotel Resort District.**

*(a) Purpose and Uses.*

TABLE INSET:

District Purpose	Main Permitted Uses	Conditional Uses	Accessory Uses	Prohibited Uses
This district is designed to promote the development of ocean resort hotels and multiple Family residences.	Hotel <del>Apartment Building</del>	None	Any Use that is customarily associated with the Main Permitted Uses (See Sec. 30-111)	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use (See Sec. 30-113)

(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 <del>Apartment Building 16 Units per acre</del> <del>If a Development contains Hotel and Apartment Units, then Lot area, which is counted towards one Use, cannot be counted towards another Use.</del>	150 ft.	.40	The site shall be subdivided as of the date of this ordinance.

**Section 3. Severability.** That 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. Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of December, 2008.

PASSED AND ADOPTED on second reading this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR ROBERT L. VERNON

ATTEST:

\_\_\_\_\_  
CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY

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