

ORDINANCE NO. 2011 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-103 “HOTEL RESORT DISTRICT;” PROVIDING FOR AMENDMENTS TO USES AND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council requested that the Zoning Ordinance Review Committee (the “ZORC”) review and analyze the existing Hotel Resort District regulations within the Village; and

WHEREAS, the Village Council reviewed the ZORC recommendations at several public meetings and workshops; and

WHEREAS, after review of the ZORC recommendations as well as receiving public input and comments, the Village Council desires to amend the Hotel Resort District regulations; and

WHEREAS the Village Council, sitting as the Local Planning Agency, has reviewed the proposed amendments and recommends approval; and

WHEREAS the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

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

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment to Section 30-103 of the Village Code. Section 30-103 “Hotel Resort District” of the Village Code of Ordinances is hereby amended 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.	(1) Hotel; and (2) Apartment Building, <u>subject to the ratio of one dwelling Unit to every three Hotel Units.</u>	None	Any Use that is customarily associated with the Main Permitted Uses (See sec. 30-113)	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 35 Hotel Units per acre Apartment Building 10 Units per acre If a Development contains Hotel and Apartment Units, then the area, which is counted towards one Use, cannot be counted towards another Use.	150 ft.	.40. <u>If a Development contains Hotel and Apartment Units, then Lot area, which is counted towards one Use, cannot be counted towards another Use.</u>	The site shall be subdivided as of the date of this ordinance.

TABLE INSET:

	Setback	Floor Area Ratio
Front:	<u>100 ft. - 25 ft. + 5 ft. per floor above</u>	.40, however oceanfront and bayfront Buildings that

	the first floor but not to exceed 50 ft.	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 (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> <tr> <td>1 Story</td> <td>.40</td> <td>4 Story</td> <td>1.00</td> <td>7 Story</td> <td>1.60</td> </tr> <tr> <td>2 Story</td> <td>.60</td> <td>5 Story</td> <td>1.20</td> <td>8 Story±</td> <td>1.722580</td> </tr> <tr> <td>3 Story</td> <td>.80</td> <td>6 Story</td> <td>1.40</td> <td>9 Story±</td> <td>2.00</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±	1.722580	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±	1.722580															
3 Story	.80	6 Story	1.40	9 Story±	2.00															
Rear:	<u>Coastal Construction Control Line.</u> 25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft.																			

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. Conflict. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading

PASSED AND ADOPTED on first reading this ____ day of ____, 2011.

PASSED AND ADOPTED on second reading this ____ day of ____, 2011.

MAYOR FRANKLIN CAPLAN

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

DRAFT