ORDINANCE NO. 2012 -

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-103 "HOTEL RESORT DISTRICT;" PROVIDING FOR AMENDMENTS TO SECTION 30-103(A) RELATING TO THE PURPOSE AND USES; PROVIDING FOR AMENDMENTS TO SECTION 30-103(B) RELATING TO THE DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" RELATING TO THE REQUIRED OFF-STREET PARKING FOR HOTELS AND MOTELS; 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 as well as related off street parking 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 finds that this Ordinance is consistent with the Comprehensive Plan; 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[1]:

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~~.	Hotel ~~Apartment Building~~	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 ~~Apartment Building 16 Units per acre~~	150 ft. ,except: (1) within 300 feet of the	.40	The minimum lot area shall be the existing Lot size

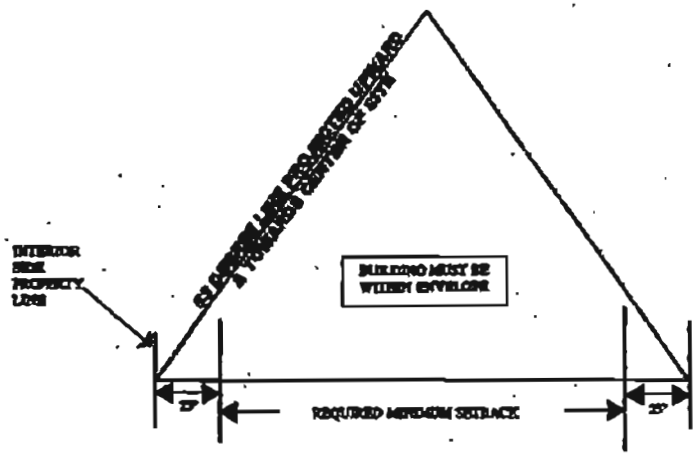
[1] Coding: underlined words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

~~If a Development contains Hotel and Apartment Units, then Lot area, which is counted towards one Use, cannot be counted towards another Use~~.	Village Residential Zoning District the maximum height shall be 35 feet; and (2) east of the Coastal Construction Line the maximum height shall be 20 feet.		(or where applicable the established combination of Lots) as of the adoption of this regulation. ~~site shall be subdivided as of the date of this ordinance.~~

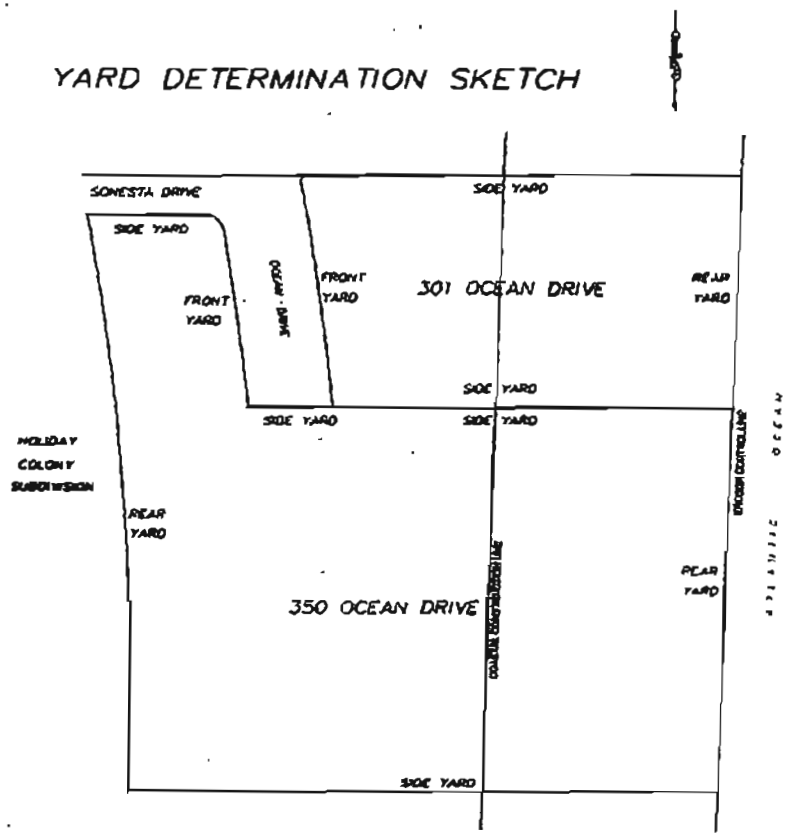
TABLE INSET:

	Setback	Floor Area Ratio
Front:	25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft. The location of the Front Yard shall be as shown on the Yard Determination Sketch.	1.72 ~~.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:~~ ~~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~~ ~~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.~~
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). The location of the Side Yard shall be as shown on the Yard Determination Sketch. ~~Side Setbacks shall be measured from the dedicated Easement as required in the Floor Area Ratio calculation.~~	
Rear:	25 ft. + 5 ft. per floor above the first floor but not to exceed 50 ft. The location of the Rear Yard shall be as shown on the Yard Determination Sketch.	

BUILDING ENVELOPE SKETCH



YARD DETERMINATION SKETCH



Section 3. Amendment to Section 30-184 of the Village Code. Section 30-184 "Amount of required off-street Parking" of the Village Code of Ordinances is hereby amended to read as follows:

Sec. 30-184. Amount of required off-street Parking.

(a) The required off-street Parking spaces shall be provided and maintained on the basis of the minimum requirements listed in this article.

Use	Required Number of Spaces	Special Conditions Additional Required Spaces
***	***	***
(6) Hotel or Motel	~~1~~ .75 per Unit. However, if the vehicles in the Parking Garage are located in a Structure that is below Base Flood Elevation and the Parking Garage is operated as a valet service, then the parking spaces may be shown on the site plan in an any arrangement, subject to the provisions in Section 30-73 of the Village Code. The site plan application shall include a valet parking plan that presents the arrangement of vehicles and how the service is to be operated and managed.	Accessory Uses 65% of requirement if calculated as a Main Permitted Use
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Section 4. Resolution 2011-25. Any use established or building(s) constructed in accordance with Resolution 2011-25 may be re-established or re-constructed consistent with said Resolution in the event of damage or destruction caused by a ~~windstorm/hurricane event~~ any natural disaster or other casualty.

Section 5. 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 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading

PASSED AND ADOPTED on first reading this 22nd day of November, 2011.

PASSED AND ADOPTED on second reading this ___ day of ____, 2012.

_____
MAYOR FRANKLIN CAPLAN

ATTEST:

_____
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY