

COMMENTS IN THE MARGIN ARE FROM THE ZORC CHAIR FRANK CAPLAN

ZORC RECOMMENDED CHANGES

**ARTICLE I:
TITLE, INTENT, PURPOSE, METHOD AND FEES**

Sec. 30-1. Title.

~~(a) These Regulations shall be known and cited as~~ This Chapter 30 is entitled the "Zoning and Land Development Regulations of the Village of Key Biscayne, Florida." The Regulations in this Chapter may be referred to as the "Regulations", the "Zoning Code", the "Code", or this "Chapter".
~~(b) The provisions, requirements and limitations set forth herein may be known and cited as the "Regulatory Controls."~~

Comment [FHC1]: consistent use of defined terms - avoid multiple references to same term - simplify text

Sec. 30-2. Intent and ~~purpose.~~ Purposes.

~~The purpose of these~~ These Regulations ~~is are adopted and will be enforced~~ to promote the health, safety, order, convenience, comfort, and general welfare of the public ~~by regulating the Density of Development; the Use of Land; and to promote and preserve the character and ecological quality of the Village as articulated in the Comprehensive Plan, and a healthy and sustainable interrelationship between the built and natural environments by regulating in accordance with this Chapter, among other things, the Use and development of Land, Density, the size and configuration of Buildings for Dwellings, trade, industry and other purposes; the Density of population; and Structures, landscaping, the size of Yards and other open spaces, the relationship of developments and the natural environment and of proximate developments within and among zoning districts.~~

Comment [FHC2]: More personalized to Key Biscayne. Stronger statement of purpose helps where interpretation is needed. Added: character / ecological quality; refer specifically to Comp Plan "values"; interrelationship between natural and built environment; landscaping. Road Not Taken: Architectural Standards. Ongoing ZORC topic.

Sec. 30-3. Method; Zoning Districts.

(a) *Listing of zoning districts.* The Village shall be divided into zoning districts of such number, shape and area as ~~may be deemed~~ the Village Council deems best suited to ~~carry out~~ fulfill the ~~purpose~~ purposes of these Regulations. Such districts shall be represented on the Official Zoning Map ~~adopted, and from time to time amended, by the Village Council.~~ The table below explains the symbols used for each ~~designation:~~ district:

Comment [FHC3]: Re-title to reflect establishment of districts

TABLE INSET:

<i>Single Family Districts</i>	<i>Specialized Use Districts</i>
IR - <u>I</u> Island Residential	PC - <u>P</u> Private Club
VE - <u>V</u> Village Estate	GU - <u>G</u> Government Use

	VR - Village Residential	PROS - Public Recreation and Open Space PUD-1 - Ocean Club PUD-2 - Grand Bay PUD-3 - Key Colony
Single Family and Two-Family District(s)		Office District
PS - Parkside Residential		0-1 - Low Intensity Office
Multiple Family Districts		Commercial Districts
RM-10 - Low Density Multiple Family		C-1 - Low Intensity Commercial
RM-16 - Medium Density Multiple Family		
RM-30 - High Density Multiple Family		
Hotel Districts		Other Districts
HR - Hotel Resort		I - Institutional

Comment [FHC4]: HR designation is meaningless if a hotel doesn't result in the district

Note:

~~(b)~~ District Regulations may be found. Regulations particular to the respective zoning districts are set forth in Article V.(b) Zoning-district designation of this Chapter.

Comment [FHC5]: New subsection for ordering consistency and readability

~~(c)~~ Zoning district designation of government-owned property. All government owned or ground leased properties shall be deemed zoned GU; (Governmental Use; ~~although they may not be so~~), regardless of whether such properties are designated as GU on the Official Zoning Map.

~~(e)~~ ~~(d)~~ Repository of the Official Zoning Map. The Official Zoning Map shall be on file and available to the public in the Building, Zoning, and Planning Department.

~~(d)~~ Interpretation of district boundaries.

~~(1)~~ (1) The respective zoning districts are indicated by colored areas demarked by boundary lines on the Official Zoning Map, and identified by the district name or letter-number symbols used in Section 30-3. A district name or symbol shown on the Official Zoning Map indicates that the Regulations pertaining to the district designated by that name or letter-number combination that district extend throughout the whole area in the municipality bounded by the district boundary lines within which such name or symbol is shown or indicated entire district, except as otherwise provided by this section.

(2) In cases where a boundary line is given a position within a Street or alley,

~~Easement, canal, navigable or non-navigable Waterway, it~~ other Right-of-Way, the boundary line shall be deemed to be in the center of the ~~Right-of-Way of the affected Street, alley, Easement, or Waterway~~ Right-of-Way.

Comment [FHC6]: street, alley, easement, canal etc. all defined under rubric "Right of Way".
Reduce wordiness

- (3) If a site is crossed by a zoning district boundary and thus lies in more than one district, the district boundary shall be treated as if it were a Lot line separating the two separately zoned parcels.
- (4) The boundary line for properties having a Lot line adjacent to the bay or a canal is the bulkhead. If a bulkhead does not exist, the property line shall be as shown on a survey that is signed and sealed by a registered surveyor in the State of Florida.
- (5) The boundary line adjacent to the Atlantic Ocean is the erosion control line as determined in accordance with Florida Statutes.

Comment [FHC7]: Suggest add: "If a bulkhead does not exist, the property line adjacent to the water shall be the mean high water mark as confirmed by DERM standards and as depicted on a survey ..."

Sec. 30-4. Zoning and planning application fees.

The Village Council is hereby authorized to impose fees for the filing and processing of zoning and planning applications, including applications for Development Permits, Variances, rezonings, comprehensive plan amendments, appeals of administrative interpretations and other zoning or planning related services provided by the ~~Village Building, Zoning and Planning~~ Department. Such fees shall be set and may be amended from time to time by resolution of the Village Council following a public hearing.

Comment [FHC8]: Added "Development Permits". Most encompassing defined term