VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council
Robert Oldakowski, *Mayor*
Robert L. Vernon, *Vice Mayor*
Enrique Garcia
Steve Liedman
Jorge E. Mendia
Thomas Thornton
Patricia Weinman

Village Manager
Jacqueline R. Menendez

DT: November 15, 2005

TO: Honorable Mayor and Members of the Village Council

FR: Jacqueline R. Menendez, Village Manager

RE: Crandon Boulevard Zoning Ordinance: Second Reading

RECOMMENDATION

It is recommended that the Village Council amend the attached ordinance based on the selection of the alternatives listed in the attached table.

EXPLANATION

On November 8, 2005, the Village Council approved the attached ordinance on first reading. Following the public hearing, the Council discussed several changes to the ordinance. The Council also requested that Staff prepare a table which presents these changes with options for each change.

The attached table provides this information. It is recommended that Council vote on each of the options row by row. Staff will then prepare language for consideration at the next meeting.

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CHANGES TO THE ORDINANCE: DISCUSSED ON FIRST READING (NOVEMBER 8, 2005)

Type of Regulation	Proposed by the Committee	Options
Sec. 30-100(a) Maximum Size-Retail	10,000 sq. ft. excludes grocery stories	a. Maintain the Committee recommendation b. Remove the exclusion for grocery stores
Sec. 30-100(b) Maximum Number of Stories	2 stories not to exceed 35 ft. for all sites under 100,000 sq. ft 3 stories for sites over 100,000 sq. ft.	a. Maintain the Committee recommendation b. Allow 3 stories regardless of the size of the site
Sec. 30-100 (b) Floor Area Ratio (FAR) bonus for subterranean garage	This bonus only applies to subterranean garages on lots that exceed 100,000 sq. ft. The bonus increases the maximum FAR from 0.50 to 0.525	a. Maintain the Committee recommendation b. Permit FAR bonus regardless of the size of the site
Sec. 30-100(b) Setbacks	0 ft. for all floors on one side;the other side shall have a 30 ft. setback for open space or a driveway for access to parking	a. Maintain the Committee recommendation b. Sideyard Facing a Street: 0-5 ft. based on Site Plan Review Interior Sideyard: 0-30 ft. based on Site Plan Review
Sec. 30-100(d)(5) FAR bonus for automotive repair	Automotive repair - .03 FAR bonus per auto bay.	a. Maintain the Committee recommendation b. Provide a bonus for a Service Station: this is a defined term which includes gasoline stations. Bonus: .02 per gasoline dispenser c. This bonus to be added to the maximum FAR of .50
Sec. 30-100(e)(18) 70/30 Limitation	In Shopping Centers, facades which front on the street shall contain retail and/or personal service uses	a. Maintain the Committee recommendation-70/30% in existing and new construction b. 70/30% in existing and new shopping centers. Also, if the cost of renovation exceeds 50% of the assessed value. c. Remove the 70/30% frontage or change the percentages d. In shopping centers that exceed 30% office frontage, then the following would apply: Offices Limited to: Real Estate, Mortgage Broker, Banks, and Savings and Loans 1. Ground Floor Space: Real Estate and Mortgage Broker: Not to exceed 1200 sq. ft. and 17 ft. frontage. All other uses: Not to exceed 1500 sq. ft. and 34 ft. frontage e. Provide for a "Conditional Use" by Council to exceed 30%

GROUND FLOOR RETAIL AND OFFICE STUDY OF SHOPPING CENTERS

Shopping Center	No of Store-fronts	# of Retail Storefronts	% Retail Storefronts	# Office Storefronts	%Office Storefront
180 Crandon Ad Gustom	14	11	79%	3	21%
260 Crandon Square	36	20	56%	16 includes 2 banks and 3 realtors	44%
328 Crandon Galleria	14	11	79%	3 includes 2 realtors and 1 bank	21%
606 Crandon KB Shopping Center	21	17	81%	4 includes 2 realtors and 1 bank	29%
700 Crandon CVS	5	5	100%	0	0%
7-11 Shopping Center	13	13	100%	0	0%

Shopping centers which are:

a. owned by one entity have a very high percentage of retail shops over offices
b. condominium do not control the retail/office mix

April 2005

Jud Kurlancheek

From: Jacqueline R. Menendez [jmenendez@keybiscayne.fl.gov]
Sent: Wednesday, July 27, 2005 4:38 PM
To: Jud Kurlancheek
Subject: FW: Alcoholic beverages / Sale

Please handle.

From: R. Rojas [mailto:rerojas@yahoo.com]
Sent: Wednesday, July 27, 2005 2:54 PM
To: jmenendez@keybiscayne.fl.gov
Subject: Alcoholic beverages / Sale

Dear Ms. Village Manager:

We spoke briefly yesterday regarding alcoholic beverages and the possibility of new permits for the sale of the same in the future. I had to leave and would like to know if anything new was decided or passed during last night's council meeting.

I am a key resident who is interested in opening a liquor store in the future to promote equal business opportunities and restrict business monopoly.

Any comments or suggestions are appreciated.

Sincerely,

Raul E. Rojas, Econ.

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SHUTTS & BOWEN LLP

ATTORNEYS AND COUNSELLORS AT LAW

MARIA A. GRALIA
(305) 347-7328 Direct Telephone

E-MAIL ADDRESS:
mgralia@shutts-law.com

November 4, 2005

VIA FEDERAL EXPRESS

Honorable Mayor Robert Oldakowski
Robert L. Vernon, Vice Mayor
Enrique Garcia, Councilmember
Thomas Thornton, Councilmember
Stephen Liedman, Councilmember
Jorge E. Mendia, Councilmember
Patricia Weinman, Councilmember
Village of Key Biscayne
88 McIntyre Street
Key Biscayne, Florida 33149

Re: Proposed ordinance amending Chapter 30 of the Code of Key Biscayne, the Village Zoning and Land Development Regulations (the "Ordinance")

Honorable Mayor and Council Members:

This firm represents the owners of property located at 180 Crandon Boulevard and 580 Crandon Boulevard in the Village of Key Biscayne (the "Village"). On October 20, 2005, I attended the Proposed Land Regulations for the C-1 Commercial District ("Proposed Regulations") along Crandon Boulevard and Harbor Drive Workshop ("Workshop"). At the Workshop I raised two issues concerning the Proposed Regulations as follows:

(1) Parcels over 100,000 square feet qualify for an additional bonus of .05 if subterranean parking is proposed. However, parcels below 100,000 square feet are excluded from applying for this bonus.

(2) Parcels greater than 100,000 square feet are allowed a maximum height of three stories, while parcels below 100,000 square feet are limited to two stories.

As I stated at the Workshop, this type of distinction runs contrary to uniform and consistent zoning regulation within the zoning district, but is also unfair to property owners of lots smaller than 100,000 square feet where such lots are not afforded the opportunity for greater FAR and heights. Additionally, a building's size is already limited by setbacks, FAR, and lot

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coverage provisions under the Ordinance. Usually, the zoning district determines a building's height in order to ensure that a building is within a scale and intensity consistent within its zoning district. Providing for different heights within the same zoning district is contrary to well established zoning principals.

A review of the latest Proposed Regulations provides for an alternative to the Lot Assemblage Bonus allowing for an increase in FAR regardless of the lot size. However, the Proposed Regulations continue to differentiate between lots over 100,000 square feet for maximum building height. I was under the understanding that this difference in maximum height would be eliminated from the Proposed Regulations.

Again, I would hope that you reconsider eliminating any reference to lot size and maximum building height in the Proposed Regulations and allow parcels in the C-1 zoning district, regardless of size, build to a maximum height of three (3) stories.

Sincerely,

Maria A. Gralia

Maria A. Gralia

MAG/djc

cc: Jud Kurlancheek, Director (via e-mail)
Jacqueline R. Menendez, City Manager (via e-mail)
Stephen J. Helfman, Esq. (via e-mail)
Willy Borroto, Chairman of the Crandon Zoning Committee (via e-mail)
Dr. Roger Khouri (via e-mail)
David J. Coviello, Esq.

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30 "ZONING" OF THE CODE OF KEY BISCAYNE, FLORIDA BY AMENDING DEFINITIONS; AMENDING PERMITTED AND CONDITIONAL USES; AMENDING DEVELOPMENT REGULATIONS INCLUDING, BUT NOT LIMITED TO, HEIGHT, SETBACK AND FLOOR AREA RATIO REQUIREMENTS; AMENDING PERFORMANCE STANDARDS; AMENDING SUPPLEMENTAL REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES; AMENDING OFF-STREET PARKING REQUIREMENTS; AMENDING NON-RESIDENTIAL DISTRICT SIGN REQUIREMENTS; 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 Commercial and Office Districts of the Village Zoning and Land Development Regulations contained in Chapter 30 of the Code of Key Biscayne, Florida, in relation to development along Crandon Boulevard 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. Amendment to Section 30-11. That Section 30-11 "Definitions" of Chapter 30 "Zoning" of the Code of Key Biscayne, Florida is hereby amended as follows:

Sec. 30-11. Definitions.

* * *

Floor Area. The sum of the areas of the floors of a Building or Buildings, measured from the exterior faces of exterior Walls or from the exterior face of an architectural projection, from the centerline of Walls separating two attached Buildings. The calculation of Floor Area for Unit sizes is measured from the centerline of a party Wall to the interior face of an exterior Wall.
The Floor Area of a Building shall include all areas except for those areas listed below, unless otherwise provided for in this chapter:

(1) Accessory water tanks or cooling Towers.
(2) Unenclosed exterior staircases or steps, exterior open fire escapes and open stairwells.
(3) Attic space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches.
(4) Unenclosed exterior Terraces, Balconies, breezeways, Porches, Carports, Gazebos, sheds or hallways or areas that provide Access to a Unit or Units.
(5) Any floor space utilized for parking within an accessory off-street Parking garage. For single Family and Two-Family Structures, the Parking garage is included in the FAR calculation if the finished floor is more than two feet above the crown of the road except as set forth in subparagraph (8). If the Parking garage is the main Permitted Use, then the Floor Area of the Parking levels shall be included in the calculation for Floor Area Ratio.
(6) Mechanical equipment rooms located above the main roof deck.
(7) Exterior unenclosed private or public Balconies.
(8) Floor Area located below BFE is excluded; however, if the ceiling is above BFE and the space is enclosed on more than two sides, 10 percent of the horizontal Floor Area of the space below BFE is included in the Floor Area.
(9) Exterior elevators and landings.
(10) Chaises.
(11) Service station or automotive repair when located in a parking garage.

In volumetric Buildings where there are no interior floors above the finished floor, the Floor Area shall be calculated as if there were a floor for every ten feet. Volumetric space between ten and 13 feet is not counted. Volumetric space above 13 feet shall be calculated as follows: Floor area = 10 percent for each one foot or fraction thereof in height × square feet of the space.

Volumetric space is not counted in the following:

(1) In entranceways that contain 225 square feet or less.
(2) Space between ten and 13 feet above the finished floor.
(3) Space above stairs.

* * *

Lot Coverage. The area of the Lot Occupied by all Buildings, covered Structures and Terraces above Maximum Lot Elevation, excluding the following: In Commercial, Office, or Multiple Family Districts, uncovered, open plazas located on the upper deck of a parking garage, so long as the upper deck is no higher than two 2.0 feet above the Base Floor Elevation constructed with an elevation at or below 3.0 ft. below grade; exterior steps and landings attached to and providing a means of ingress and egress from a Building; Carport Canopies which occupy less than 300 square feet in area; Gazebos occupying a total area of up to two percent of the lot size; utility sheds; carports and porches that provide a ten foot setback pursuant to section 30-100(f)(12); planters with a maximum height of four feet above grade and patios, Decks and swimming pools that are located below the Maximum Lot Elevation. Lot Coverage shall specifically include any non-roofed areas by Walls (other than Building Walls) that exceed six feet in height and are attached to or otherwise form an integral part of Building.

* * *

Section 3. Amendments to Section 30-101. That Section 30-101 "Commercial Districts" of Chapter 30 "Zoning" of the Code of Key Biscayne, Florida is hereby amended as follows:

Sec. 30-101. Commercial Districts.

C-1 Low Intensity Commercial District.

(a) Purpose and Uses.

District Purpose	Main Permitted Uses*	Conditional Uses	Accessory Uses	Prohibited Uses
This district permits the Development of land in a low intensity manner and Uses that	Bar Commercial Uses 1. Offices: No individual	Service Station where the primary use on the site;	Any Use that is customarily associated with the Main	Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory

provide for the sale of goods and products that are needed throughout the entire Village. The permitted uses provide goods and services that primarily serve the residents of the Village.	or multiple business entity(ies) that are affiliated can occupy more than 10,000 sq. ft. Medical offices shall not exceed 10,000 sq. ft.* 2. Retail uses: No individual or multiple business entity(s) shall occupy more than 10,000 sq. ft.*. except for stores whose principal product is food for consumption off the premises.~~Retail sales including the resale of~~ Antique furniture that is at least 50 years old and the resale of jewelry, art, and furs.* Personal Service Uses Restaurant (except on parcels that immediately abut a single Family district) *In shopping centers, retail uses and personal service uses shall occupy a total of 70% of the floor area of the ground floor.		Permitted Uses (See Sec. 30-111)	Use. (See Sec. 30-113)

* If a Use is located immediately adjacent to a single Family district, then such Use shall be closed after 6:00 p.m. Monday through Saturday. On Sunday, the hours of business are limited to 9:00 a.m. through 1:00 p.m. These restrictions do not apply from Thanksgiving through December 31 where the hours of operation shall be the same as the majority of businesses in the Village.

(b) Development Regulations.

Lots Area	**~~Setbacks~~**	**Maximum Number of**	**Floor Area Ratio (See FAR Design**	**Lot**	**~~Minimum Lot Area~~**

		Stories	Bonus Schedule)**	Coverage	
Less than or = to 21,000 sq. ft.	~~Front First Floor 10 ft.~~ ~~Above 1st floor 20 ft.~~ ~~Side, Interior 20 ft.~~ ~~Side, Facing street 10 ft.~~ ~~Rear 25 ft.~~	2 stories not to exceed 35 ft.	.20-.50	~~40%~~ 35%	~~40,000 sq.ft.~~
More than 21,000 less than or = to 60,000 sq. ft.		2 stories not to exceed 35 ft.	.20-.50	35%	
More than 60,000 but less than 100,000 sq. ft.		2 stories not to exceed 35 ft.	.20-.50	35%	
100,000 sq. ft. or more		3 stories not to exceed 35 ft.	.20-.50 FAR may be increased to .55 by: a. .025 if subterranean parking garage receives the bonus and/or b. .025 if a parking garage is sited at least 50 ft. from a public street	35%	

*Lots must be adjacent to one another and have at least one lot line in common
**The FAR Design Bonus Schedule is a range based on a minimum and a maximum.

(c) Setback Requirements.

Street Frontage	Side, Interior	Rear

First and second floor shall be 10 ft. Third floor shall be greater than 20 ft.	0 ft. for all floors on one side; the other side shall have a 30 ft. setback for open space or a driveway for access to parking If adjacent to land zoned Institutional or adjacent to a park, the sideyard setback is 35 ft.	25 ft. facing Fernwood Rd., Village Green Way or adjacent to single family district; 35 ft. if adjacent to land zoned Institutional or adjacent to a park 0 ft. in all other situations

(d) Floor Area Ratio Design Bonus Schedule.

Design Criteria	How to Calculate Floor Area Ratio Bonus	Maximum FAR Bonus
1.Elevation facing a street a. First floor: zoning Code requires 50% of elevation to be in windows. Bonus for additional windows. b. Steps in front of the storefront leading to the street c. Variation in vertical roof lines d. Variation in building wall plane e. Mansard or pitched roof facing a street f. Ornamental reveals, designs, or trellis g. Open balconies with 75% of each side having railings h. Porch or covered terrace (not a balcony)	a.0.0005 per sq. ft. of window b.0.0005 per linear ft. of stair width c.0.0003 per linear ft. of roof line providing the length of the roof element is not less that 25% of the length for the largest roof d.0.0003 per linear ft. of wall recess or projection measured from the corner of the wall joint to corner wall joint of each recess or projected element e.0.0003 per linear ft. f. 0.002 per sq. ft. of decorative element or trellis area g.0.0001 per sq. ft. of balcony floor area h.0.00003 per sq. ft. of porch or terrace floor area	a.0.05 b.0.05 c.0.08 d.0.08 e.0.08 f.0.02 g.0.02 h.0.08
2.Courtyards and passageways to interior public spaces a. Interior courtyards b. Pedestrian Passageways to interior courtyards. No pedestrian passageway can be an interior courtyard.	.000007 per sq. ft. of courtyard floor area .000007 per sq. ft. of passageway floor area	a.0.07 b.0.07
3.Clustering of Building(s): this bonus is limited to projects that occur on 60,000 sq. ft. or more of land.	.05 per building, provided no individual building floor area is less than 35% of the largest building floor area. Buildings may be connected by roofed passageways.	.15

4.Sites adjacent to a park that provide an alternate route to Crandon Boulevard.	Route must provide two way traffic, commercial uses fronting on > 50% of frontage, and if it connects to two streets then easement to the Village.	.10
5.Use a. Automobile repair* *All new auto repair uses shall agree to a recorded development restriction limiting the use of the property for auto repair for a minimum period of 10 years.	0.03 per auto repair bay	0.09
6.Parking Garages a. finished floor located below grade in a garage that contains > 50% of the required parking spaces.	0.06 per foot or fraction thereof below grade	0.20
7.At Grade Parking Lots	0.025 when access is provided to an adjacent parking lot	0.025
8.Landscaping: Providing more landscaping than is required a. Shade trees b. Native shrub c. Ground cover d. Planter boxes	a.0.005 per shade tree b.0.00005 per native shrub c.0.00005 per sq. ft. of ground cover d.0.00005	a.0.05 b.0.01 c.0.01 d.0.01

~~(e)~~ (e) Performance Standards (all items apply to uses in the C-1 District).

(1) Service Stations, automotive repair, detailing and washing.

a. All vehicle repair shall take place within a fully enclosed Building.
b. No windows or garage doors shall be placed within 100 feet of residentially zoned property.
c. The overnight outdoor storage of vehicles is prohibited.
d. Detailing/car washing shall only be permitted in a Structure or under a permitted Canopy. Canopies shall not be placed where they will interfere with on-site Parking or traffic circulation nor visible from a street.

e. Air compressors shall be within a wholly enclosed building that prevents the transmission of noise.

(2) Burglar alarm. The alarm bell or device shall not face residentially zoned property.

(3) Buffering and Screening: A decorative, opaque six-foot CBS Wall shall be placed 5 ft. from ~~along the rear property lines~~ any property line adjacent to a street. The area between the property line and the ~~Building~~ Wall shall have dense landscaping. The design of the Wall and the landscaping shall be approved by the Building, Zoning, and Planning Director. The Director shall determine if the Wall and landscaping provides~~-~~an adequate buffer and screen between the Commercial Uses and the Adjacent Properties. The Director may require that additional trees be placed in the swale ~~if required to achieve adequate screening. See section 30-112 for additional Regulations~~.

(4) Restaurants may offer alcoholic beverages for consumption on the Premises if the ~~primarily~~ primary Use of the property is for the sale of meals. There shall be a printed menu and food shall be available for the entire time the restaurant is open. Alcohol sales may occur as long as the restaurant is open and food is available for consumption on the Premises.

(5) The Wall~~,~~ which contains the main entrance into a business~~,~~ shall have a minimum of 50 percent of the surface in windows and doors.

(6) Perimeter Walls or fences that face a Street shall be set back two feet from the Lot line.

(7) Commercial properties may provide two way access from Fernwood Rd. for automobiles, pedestrians, bicycles, and golf carts; however, the access shall be sited in a manner which does not result in a direct route to Crandon Boulevard.

(8) If a roof deck contains parking spaces, it shall include an opaque 42 inch high parapet.

(9) Stores and offices shall provide a kneewall or bulkhead between 18-24 inches in height.

(10) Buildings which are on sites that include more than one lot shall provide a covered or uncovered passageway for every 200 linear feet of building facade.

(11) When stairs are provided from a building to a sidewalk, then the width of the stairs shall not be less than 10 ft.

(12) Parking Garages

a. The exterior elevations of accessory parking structures shall be designed the architecturally integrated with the exterior elevation.

b. Primary entrances to a parking structure shall not be located on the main facade of the principal use which the parking structure serves.

c. Openings in parking structures shall be screened so that no cars, headlights, or light fixtures are visible from surrounding uses. The size and proportions of openings shall be compatible with neighboring buildings. Glazing, perforated metal panels, applied surface elements, landscaping or combinations of these that are compatible with other materials of the facade shall be used to screen openings.

d. Driveway and pedestrian entries to parking structures shall be integrated with the ground level facade and shall include doors compatible with the design of the building.

(13) Buildings sited at the corner of two public streets shall provide a prominent corner entrance to street level shops or lobby space.

(14) Flat roofs shall not be visible from the street or from any floor that contains commercial or office uses. Pitched or mansard roofs shall not use tar, gravel, or asphalt shingles or other similar products as determined by the Building, Zoning, and Planning Director. Flat roofs of garages shall have a parapet or other opaque screening at least 36 inches high measured from the finished deck floor, to shield automobiles from public view at the street level.

(15) Asphalt or other similar products as determined by the Building, Zoning, and Planning Director shall not be on the surface of any floor that is considered as common space which contains commercial or office uses.

(16) Common space such as, but not limited to, courtyards, plazas, and pedestrian spaces shall be landscaped in accordance with the landscape standards for vehicular use areas (See Section 30-238), or hardscaped for use as plazas, courtyards, and pedestrian passages integrated into the overall site layout and pedestrian circulation system. These spaces may include architectural trellis work over at least 30% of the top deck area, or treated with a combination of architectural and landscape elements to achieve a screening effect.

(17) In Shopping Centers, facades which front on a street shall contain storefronts that provide the main entrance into the place of business.

(18) In Shopping Centers, a minimum of 70% of the storefronts shall contain retail and/or personal service uses.

(19) All properties which have retail and/or office uses shall provide a bicycle rack or racks which contain one bicycle space per 5 retail and/or office spaces. This shall apply to all shopping centers which currently do not have bicycle racks as well as all existing new shopping centers.

Section 4. Amendments to Section 30-106. That Section 30-106 "Office District" of Chapter 30 "Zoning" of the Code of Key Biscayne, Florida is hereby amended to add paragraph (c) (3) as follows:

Sec. 30-116. Office District.

O-1 Low Intensity Office District.

* * *

(c) Performance standards.

(1) Walls facing a Street shall include a minimum of 50 percent of the surface in windows and doors.

(2) Walls facing residentially zoned property shall not have windows; however, the design of the Wall shall include architectural treatments that add visual interest such as scoring, caps, columns, reveals, and similar architectural treatments. The design shall be approved by the Building, Zoning, and Planning Director.

(3) For properties that front on Crandon Boulevard, the performance standards of the C-1 Low Intensity Commercial District, Section 30-101(e) shall apply.

Section 5. Amendments to Section 30-112. That Section 30-112 "Supplemental Regulations" of Chapter 30 "Zoning" of the Code of Key Biscayne, Florida is hereby amended to read as follows:

Sec. 30-112. Supplemental Regulations.

(a) *Alcoholic beverages.* The Village shall use the Miami-Dade County Ordinance for purposes of regulating the sale of alcoholic beverages; however, in no instance shall alcoholic beverages be offered for sale for consumption on or off the Premises, except in bars, as incidental to ~~for~~ restaurants and grocery stores (limited to the sale of beer and wine only for consumption off the premises) within 500 feet of a place of worship, a school or from a parcel immediately adjacent to a single Family district. The distance measurement shall be a straight line measured from the property line where the establishment is located to the nearest point of the property line of the school or place of worship. No establishment, except for Hotel room service, shall offer alcoholic beverages for consumption on or off the Premises between 2:00 a.m. and 7:00 a.m. on any day of the week. However, beer and wine may be sold, for off premises consumption only, 24 hours. The Village Council may grant an extended hours license, pursuant to the Conditional

Use procedures set forth in section 30-72, to allow an establishment to offer alcoholic beverages for consumption on or off the Premises as late as 4:50 a.m. In evaluating such requests, the Village Council shall use the following criteria:

(1) The number of off-street Parking spaces;
(2) The amount and degree of law enforcement activities; and
(3) The impact on Adjacent Properties in terms of noise and traffic.

The Village Council may require, as a condition of granting an extended hours license, conditions to mitigate the adverse impacts that such establishments have on Adjacent Properties. The extended hours license is personal to the applicant and shall not be transferred or assumed without the approval of the Village Council pursuant to the Conditional Use procedures set forth in section 30-72. An extended hours license is automatically renewed unless it is suspended by the Village Manager. Following the suspension, the Village Council shall hold a public hearing to determine it should be reinstated or revoked. The Village Manager's decision to suspend the extended hours license must be based on a determination that the Use is harmful to the health, safety, and welfare of the Village. The Council shall determine whether there is competent and substantial evidence to support the decision of the Village Manager using the process for an appeal of an administrative decision (See section 30-70). Prior to a decision to suspend an extended hours license, the Police Chief shall submit a report and recommendation to the Village Manager. The report shall ~~provide which~~ address the criteria listed in subparagraphs (1)--(3) above.

The granting of an extended hours license is a privilege subject to revocation by the Village Council at any time. As such, no Person may reasonably rely on a continuation of the privilege. ~~Any holder of a current Miami-Dade County extended hours license may exchange that license for a Key Biscayne license until June 30, 2000. Thereafter, a full application must be processed.~~

* * *

Section 6. Amendment to Section 30-184. That Section 30-184 "Amount of required Off-Street Parking" of Chapter 30 "Zoning" of the Code of Key Biscayne, Florida is hereby amended to add paragraph (d) as follows:

Sec. 30-184. Amount of required Off-Street Parking.

* * *

(d) Uses in the C-1 District shall provide one golf cart space per fifty (50) vehicular spaces.

Section 7. Amendments to Section 30-195. That Section 30-195 "Non-residential

district signs" of Chapter 30 "Zoning" of the Code of Key Biscayne, Florida is hereby amended to add paragraph (8) as follows:

Sec. 30-195. Non-Residential District Signs.

* * *

(8) Permitted Signage in Office District.

Number	One per building mounted on a wall facing the street
Area (maximum)	20 sq. ft.
Letter Height (maximum)	12 inches except for lots facing Crandon Boulevard. Signs shall have a maximum letter height of 18 inches.
Illumination	Permitted only for reverse channel letters with back lighted letters
Monument Signs	Not permitted
Directory Sign	One per building located at the entrance to the building with a maximum area of 15 sq. ft. It may be externally or internally illuminated with the maximum watts to permit the letters to be read at a distance not to exceed 3 ft. from the Directory Sign. This regulation only affects Directory Signs which can be viewed from a street.

Section 8. 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 9. Effective Date. This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this _____ day of _____, 2005.

PASSED AND ADOPTED on second reading this _____ day of _____, 2005.

_____
ROBERT OLDAKOWSKI, MAYOR

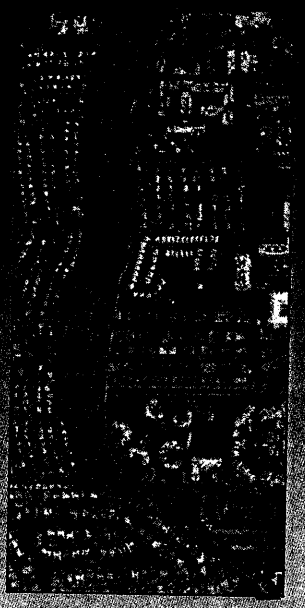
ATTEST:

_____
CONCHITA ALVAREZ, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
STEPHEN J. HELFMAN, VILLAGE ATTORNEY

The following presentation was prepared by Wallace, Roberts and Todd.



Crandon Boulevard

C-1 Zoning District Development and Design Regulations

Commercial Sustainability

September 20, 2005

Crandon Boulevard Zoning and Development Committee Overarching Mission

- To "put the Village back in the Village"
- To promote and create a "Sense of Place"

Committee Goals

1. Maintain the small [illegible]
2. Encourage small [illegible]
3. Provide sufficient [illegible] needs of the Village [illegible] goods and services.
4. Establish the ground floors of shopping centers primarily for retail uses with the second floor with a maximum of retail or office [illegible]
5. Provide architectural designs that encourage a more pedestrian oriented Village, interesting buildings and which are consistent with the small scale character of the Village.
6. Discourage large, single use corporate office buildings or large single retail stores.
7. Recognize that for a shopping center to succeed, it must have a critical mass of retailing. When the amount of retail space goes below a certain amount, the remaining retail space suffers.
8. Retain automotive repair.

Issue: Ground Floor Retail

1. Maintain the small [illegible] Village.
2. Encourage small [illegible]
3. Provide sufficient [illegible] the Village without [illegible] for [illegible] goods and services.
4. Establish the ground floors of shopping centers primarily for retail uses with the second floor with a maximum of retail or office [illegible]
5. Provide architectural designs that encourage a more pedestrian oriented Village, interesting buildings and which are consistent with the small scale character of the Village.
6. Discourage large, single use corporate office buildings or large single retail stores.
7. Recognize that for a shopping center to succeed, it must have a critical mass of retailing. When the amount of retail space goes below a certain amount, the remaining retail space suffers.
8. Retain automotive repair.

Goal #4

Rationale

The most intense use in a mixed-use development (e.g., retail, service, entertainment) should be located closest to the ground floor.

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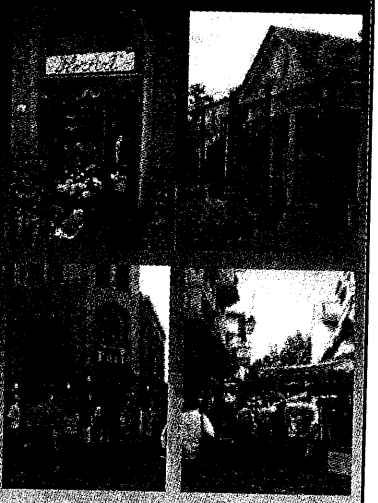
Benefits of Retail and Service on the Ground Floor

- Activate [illegible] with pedestrian movement
- Improve the walking environment
- Enhance orientation and wayfinding
- Create/enhance retail vitality
- Can give even large buildings a more human/pedestrian friendly scale



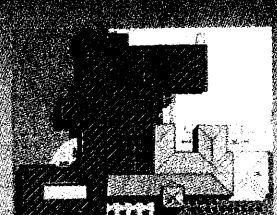
Office Uses, By Contrast...

Goal #4

[illegible] the ground floor of shopping [illegible] the retail uses with the second floor with any [illegible] service

Implementation: In shopping centers, retail uses and personal services shall occupy at least [illegible] of the ground floor area.

- From the Key Biscayne Code:
  - **Retail:** The sale of commodities or goods which are sold to the ultimate consumer.
  - **Personal Service Uses:** Establishments that are primarily engaged in providing non-medical services involving the care of a person, his or her apparel, or pets...



* NOTE that the ordinance does NOT preclude ground-floor office use...

How Other Communities Are Doing It

(NOTE: San Jose has a Redevelopment Area)

How Other Communities Are Doing It

How Other Communities Are Doing It

Village of Key Biscayne - Crandon Blvd. Development and Design Regulations

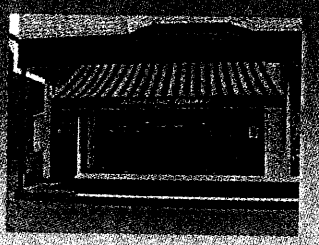
How Other Communities Are Doing It

Village of [illegible] in the [illegible] buildings [illegible] January [illegible] restrictions on the amount of ground level [illegible] government and non-sale tax generating [illegible]
(a) No more than 25% of the gross sq. ft. of ground [illegible] may be utilized for the uses listed above, and
(b) The percentage of these uses to total uses on the ground floor in a building shall not exceed 25%.

Village of Key Biscayne - Crandon Blvd. Development and Design Regulations

How Other Communities Are Doing It

How Other Communities Are Doing It



Issue: Commercial District Sustainability

[illegible]

6. Discourage large, single use corporate office buildings or large single retail stores.
7. ***Recognize that for a shopping center to succeed, it must have a critical mass of retailing. When the amount of retail space goes below a certain amount, the remaining retail space suffers.***
8. Retain automotive repair.

Goals #3 and #7

Provide sufficient number of shops to meet the commercial needs of the Village without having to drive into town for basic goods and services.

Recognize that for a shopping center to succeed, it must have a critical mass of retailing. When the amount of retail space goes below a certain amount, the remaining retail space suffers.

Implementation: Analysis of market conditions (by others) is ongoing, to determine **desirable/feasible** mix of uses in the commercial area and recommend approaches to attracting/retaining those uses.

How Other Communities Are Doing It

How Other Communities Are Doing It

Adoption through the implementation of Vision Plan strategies, including creation of a "Development Fund" and a "small business assistance network", designation of a Tax Increment Financing District (TIF)*, and adoption of a Form-Based Code and a Street Space Plan.

NOTE: TIF is a unique tool available to cities for redevelopment in urban areas.

Successful Main Streets include:

- Mixed-use development districts (retail, office, residential, cultural)
- Public spaces
- Street frontage at a pedestrian scale with articulated ground-floor retail
- Buildings oriented to Columbia Pike
- Placement of buildings at the back of sidewalks
- Buildings built close together forming a continuous "street wall" characteristic of an urban environment
- Parking located underground or to the rear of buildings
- Appropriate transitions to residential neighborhoods
- Enhanced public and pedestrian transportation
- Enhanced streetscape

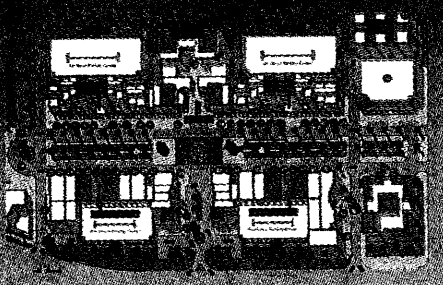
SV2

Such elements are critical to the realization of the community's overarching vision for the Pike, which is:

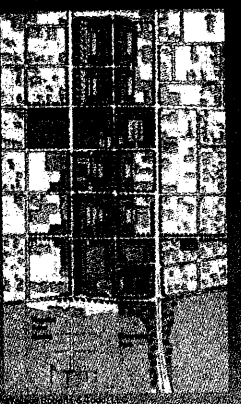
- A vibrant community with safe neighborhoods and active retail and office uses, as well as a variety of housing options and types, all involving a mix of renovation, revitalization and/or redevelopment
- An ethnically diverse and culturally rich community
- A community that can be easily accessed by public transportation and on foot
- A community with well-designed and attractive buildings, streetscapes, public art and open spaces that link the commercial corridor with the neighborhoods
- A corridor with distinct commercial mixed-use districts

Columbia Pike Initiative (Graphic by Dover Kohl)

How Other Communities Are Doing It



How Other Communities Are Doing It



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How Other Communities Are Doing It

Reduce Non-Retail Ground Floor

- Define core area "retail only" zone.
- Grandfather existing leases, options, owner-occupied spaces.
- Implement restrictions only with other "vitality" infrastructure, enhancements, programs.
- Include review and sunset provisions; perhaps waiver for fee.

BBC Research & Consulting

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WRT

How Other Communities Are Doing It

Village of Key Biscayne - Crandon Blvd. Development and Design Regulations

WRT

How Other Communities Are Doing It

- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible] (shoe repair, tailor, etc.) would require the City to provide incentives.

Breakout Discussion