

**ORDINANCE NO. 2011-**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CREATING SECTION 7-1 “VACATION RENTALS” OF THE CODE OF ORDINANCES; PROHIBITING VACATION RENTAL BUSINESSES; PROVIDING FOR AN AMORTIZATION PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council desires to protect residents from the adverse impacts of vacation rental businesses within the Village; and

**WHEREAS**, such businesses are not compatible with the character of the neighborhoods within the Village and the quiet enjoyment of residential properties therein; and

**WHEREAS**, the Village Council finds that adopting a reasonable amortization period for vacation rental businesses is appropriate; and

**WHEREAS**, the Village Council further finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the Village.

**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.** **Creating Section 7-1 of the Village Code.** The Village Council hereby creates Section 7-1 “Vacation Rentals” of the Village Code as follows:

**Sec. 7-1. -Vacation Rentals.**

**(a) Vacation Rental Business.** **A Vacation Rental Business means a person or business that rents a unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, or four-family house or dwelling unit for less than 30 days or one calendar month, whichever is less.**

(b) Vacation Rental Businesses Prohibited. Vacation Rental Businesses shall be prohibited within the Village.

(c) Amortization. A Vacation Rental Business may operate for a period of one year from the adoption of this section.

**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. Conflicts.** 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.

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MAYOR FRANKLIN H. CAPLAN

ATTEST:

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CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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VILLAGE ATTORNEY