

**ORDINANCE NO. 2011 -**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING SECTION 30-103 "HOTEL RESORT DISTRICT;" PROVIDING FOR AMENDMENTS TO THE MAIN PERMITTED USES AND THE DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" RELATING TO THE REQUIRED OFF-STREET PARKING FOR APARTMENT BUILDINGS, 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 the 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 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 BISCAIYNE, 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  (2) Apartment Building, <u>if a Hotel consisting of a minimum of 100 Hotel Units is constructed on the site.</u>	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. If a Development contains Hotel and Apartment Units, then Lot area, which is counted towards one Use, cannot be counted towards another Use.	150 ft. <u>except: (1) within 200 feet of the 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.</u>	.40	The <u>minimum Lot area shall be the existing Lot size (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.</u>

TABLE INSET:

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

**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
(1) Apartment Building	<u>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. 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.</u>	Developments with more than 10 Units, then 1 additional per 5 Units, marked as guest Parking
***	***	***
(6) Hotel or Motel	<u>± .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. 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.</u>	Accessory Uses 65% of requirement if calculated as a Main Permitted Use
***	***	***

**Section 4. 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 5. Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 6. 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 H. CAPLAN

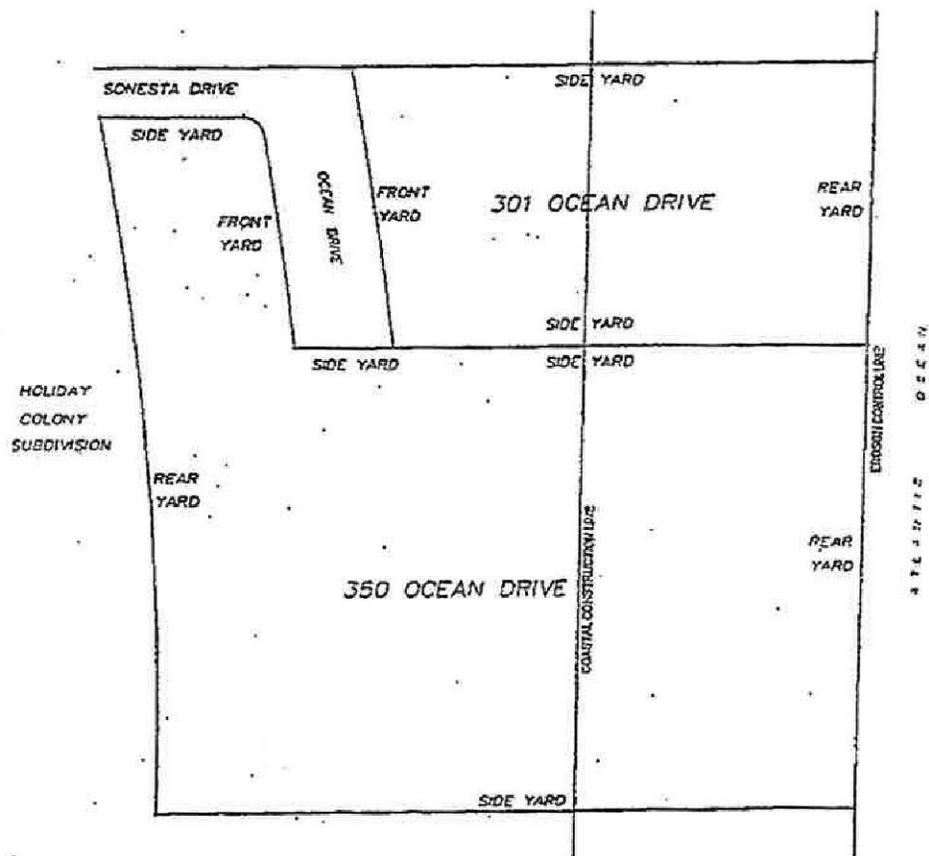
ATTEST:

\_\_\_\_\_  
CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

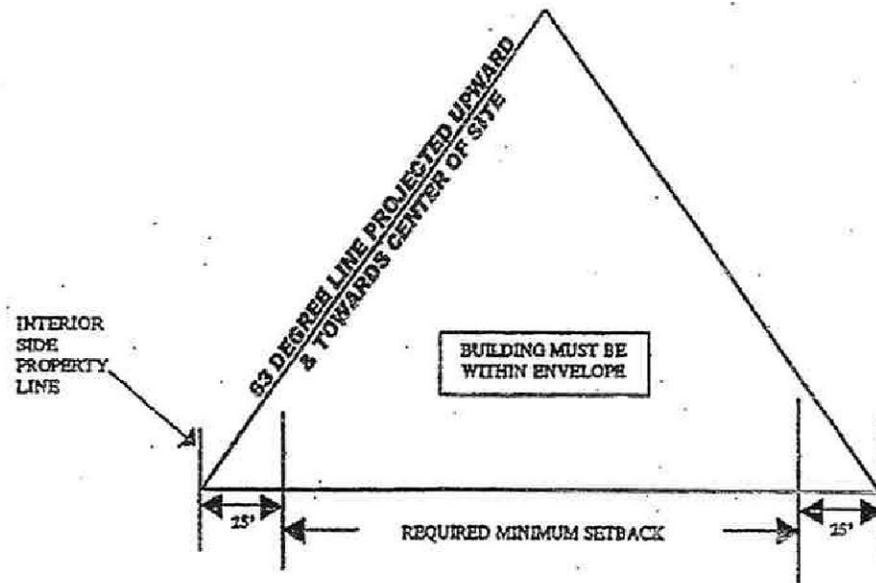
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
VILLAGE ATTORNEY

# YARD DETERMINATION SKETCH

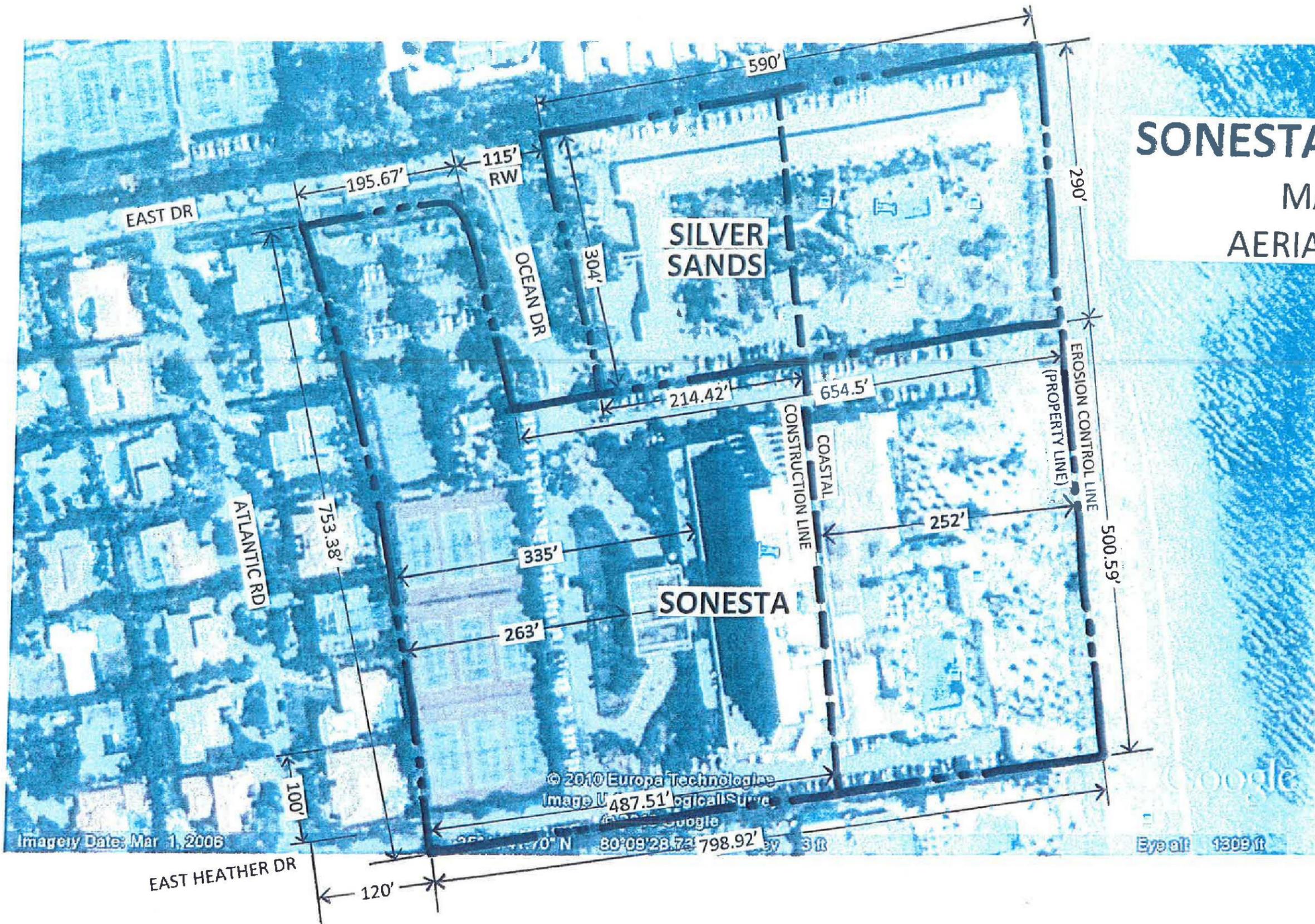


# BUILDING ENVELOPE SKETCH

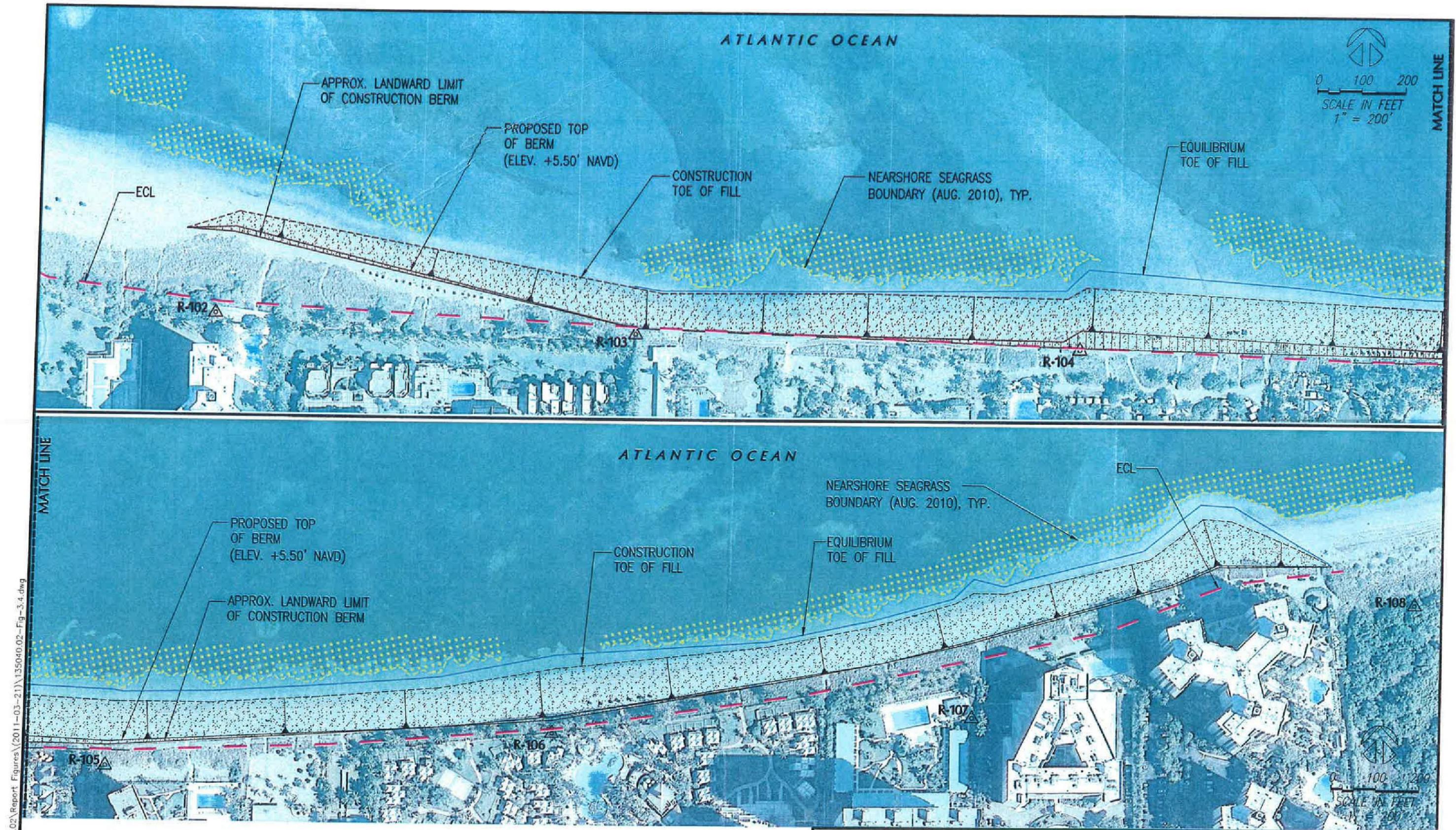


# SONESTA – SILVER SANDS

MARCH 1, 2006  
AERIAL PHOTOGRAPH



Eye alt 1309 ft



F:\Project\135040.02\Report\_Figures\2011-03-21\135040.02-Fig-3.4.dwg

**FIGURE 3.4**  
 ESTIMATED ETOF – PLAN VIEW  
 VILLAGE OF KEY BISCAIYNE RENOURISHMENT PROJECT

**The Miami Herald**

**el Nuevo Herald**

**PUBLISHED DAILY**

**MIAMI, FLORIDA**

**STATE OF FLORIDA  
COUNTY OF DADE**

Before the undersigned authority personally appeared:

**Starla Garraway**

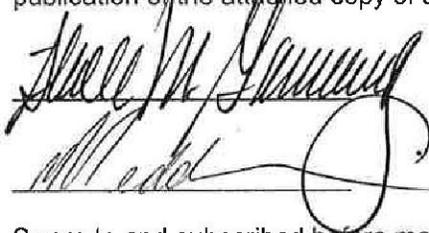
Who on oath says that he is an

Account Executive

of The Miami Herald, a daily newspaper published at Miami in Dade County, Florida; that the advertisements for **Village of Key Biscayne** appeared in said newspaper in the issues of:

Miami Herald Local Section, Monday, May 2nd 2011

Affidavit further says that the said Miami Herald is a newspaper published at Miami, in the said Dade County, Florida and that the said newspaper has heretofore been continuously published in said Dade County, Florida, each day and has been entered as second class mail matter at the post office in Miami, in said Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement.



Sworn to and subscribed before me

This 3rd day of May, 2011

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Majella Shedden  
Commission # DD739144  
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OSAMA BIN LADEN IS DEAD

# U.S. troops kill bin Laden in Pakistan

• BIN LADEN, FROM 1A

eralism went down without harm to Americans and without civilian casualties, he said.

Celebratory crowds flocked outside the gates of the White House, waving American flags and singing the national anthem.

"The United States is not and never will be at war with Islam," Obama said. "Bin Laden was not a Muslim leader. He was a mass murderer of Muslims. His demise should be welcomed by all who believe in peace and human dignity."

Obama said the Pakistani government had cooperated with the United States to make the operation possible.

Bin Laden has been the target of history's most intense international manhunt, an operation that focused on the remote tribal areas of Pakistan and neighboring Afghanistan.

While Bin Laden's death will represent a major blow to the international terrorist network that he led, U.S. officials have long said that it will not end the threat of Islamic extremism because al Qaeda has merged into local branches based in Yemen and North Africa, and has inspired militants around the world.

Bin Laden's death also represents a major boost for Obama, coming as he struggles



OUR SCHOOLS/ALLEY IMAGES

IN WASHINGTON, D.C. Students gather Sunday at the fence on the north side of the White House, chant 'U.S.A! U.S.A!' and sing 'The Star Spangled Banner' after President Barack Obama announces Osama bin Laden's death.

gles with an uncertain economic recovery and mixed public sentiment about the U.S. approach to civilian uprisings in Libya through the Mideast and North Africa. He also faces re-election next year.

But Bin Laden's death is unlikely to alter the course of the insurgency in neighboring Afghanistan, where al Qaeda has been playing a secondary role to the Taliban and allied militant groups.

Former President George

W. Bush said he has congratulated President Obama after hearing about the death of bin Laden.

In a statement Sunday night, Bush said Obama called to tell him that U.S. forces had killed bin Laden.

Bush said, "This momentous achievement marks a victory for America, for

people who seek peace around the world, and for all those who lost loved ones on September 11, 2001."

He also said the U.S. "has sent an unmistakable message: No matter how long it takes, justice will be done." This report was supplemented with material from The Associated Press.



PAUL MARSH/REUTERS

IN THE WHITE HOUSE: President Barack Obama on Sunday announces the death of Osama bin Laden.

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**Public Notice**

NOTICE IS GIVEN that a meeting of the Recreation and Cultural Affairs Committee (RCAC) is scheduled for **Monday, May 9, 2011, at 2:00 PM**, in the Commission Chambers, located on the Second Floor of the Stephen P. Clark Center, 111 N.W. First Street, Miami, Florida 33128.

All interested parties may appear at the time and place specified.

A person who decides to appeal any decision made by any board, agency, or commission with respect to any matter considered at its meeting or hearing, will need a record of proceedings. Such persons may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

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**VILLAGE OF KEY BISCAYNE**

**NOTICE OF A PUBLIC HEARING OF AN ORDINANCE AMENDING THE HOTEL RESORT (HR) DISTRICT & APARTMENT BUILDING, HOTEL, AND MOTEL REGULATIONS**

NOTICE IS HEREBY GIVEN to all parties that the Village Council of Key Biscayne, Florida, will hold a public hearing and first reading on the proposed Ordinance described below on Tuesday, May 10, 2011, at the Council Chamber, 560 Grandon Boulevard, Key Biscayne, Florida.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-103 "HOTEL RESORT DISTRICT," PROVIDING FOR AMENDMENTS TO THE MAIN PERMITTED USES AND THE DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO SECTION 30-184 "AMOUNT OF REQUIRED OFF-STREET PARKING" RELATING TO THE REQUIRED OFF-STREET PARKING FOR APARTMENT BUILDINGS, HOTELS, AND MOTELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance may be inspected by the public at the Village Clerk's Office, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149. Interested parties are invited to attend the public hearing or provide written comments to the Village Council.

All persons who are disabled and who need special accommodations to participate in this proceeding should contact the Village Clerk's Office (305-365-6506) not later than four (4) business days prior to such proceeding (Americans with Disabilities Act of 1990).

If a person decides to appeal any decision made by the Village Council, with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Conchita Alvarez, MMC  
Village Clerk