

ORDINANCE NO. 2014-11

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE,
FLORIDA, AMENDING SECTION 30-100
“SINGLE-FAMILY AND TWO-FAMILY DISTRICTS” OF
THE VILLAGE CODE OF ORDINANCES, IN ORDER TO
AMEND DEVELOPMENT STANDARDS FOR BOATS AND
BOAT TRAILERS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Village of Key Biscayne (the “Village”) has adopted Zoning and Land Development Regulations in order to promote the health, safety, order, convenience, comfort, and general welfare of the public, and to promote and preserve the character and ecological quality of the Village as articulated in the Village’s Comprehensive Plan; and

WHEREAS, the Village Council desires to amend the Land Development Regulations relating to the storage of boat trailers in the single-family and two-family districts; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

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

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AS FOLLOWS¹:

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. **Section 30-100 of the Village Code Amended.** That Section 30-100 of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text.

Sec. 30-100. Single Family and Two-Family districts.

* * *

(f) Permitted encroachments in Required Yards.

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(2) Boat storage.

- a. The term "boat" as used herein includes vessels and other watercraft, as defined in F.S. § 327.02(36).
- b. Boats less than 32 ~~26~~ feet in length, not more than 120 ~~96~~ inches in width and 13 feet six inches in height (bottom of hull to the highest point on the boat including Towers and T tops), may be stored in the VR, VE, IR, and PS zoning districts subject to all the following conditions:
 1. No more than one boat may be stored on any one Lot unless stored in an enclosed garage; and
 2. Boats and place of boat storage shall be kept in a clean, neat and presentable condition; and
 3. No major repairs or overhaul Work on or for a boat shall be made or performed on the Lot; and
 4. The boats shall not be used for living quarters, and shall be placed on and secured to a transporting Trailer. The Trailer shall be sized to accommodate the boat for which it is intended. The boat and Trailer shall be registered to any occupant of the property. ~~however, nothing herein shall authorize the Parking of a Trailer on any Lot without a boat.~~ Personalized watercraft (jet ski, waverunner or similar watercraft) as defined in F.S. § 327.39 are required to be placed on a Trailer pursuant to this section (canoes as defined in F.S. § 327.02(3) are not required to be placed on a Trailer); and
 5. Boats stored in a Yard that faces a Street shall comply with the following: The Trailer wheels shall be placed on a hard paved surface and the boat shall be perpendicular to the house

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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, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 28th day of October, 2014.

PASSED AND ADOPTED on second reading this 25th day of November, 2014.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:


CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


VILLAGE ATTORNEY

