



VILLAGE OF KEY BISCAYNE

Village Council

Joe I. Rasco, Mayor
Allison McCormick, Vice Mayor
Franklin H. Caplan
Edward London
Brett G. Moss
Oscar Sardinas
Fernando A. Vazquez

LOCAL PLANNING AGENCY MEETING

TUESDAY, AUGUST 27, 2024
6:15 PM

1. CALL TO ORDER/ROLL CALL OF MEMBERS

2. APPROVAL OF MINUTES:

2.A. JUNE 11, 2024 MINUTES
(LOCAL PLANNING AGENCY MEETING)

[TAB 1](#)

3. PUBLIC COMMENTS:

4. ORDINANCES:

4.A. AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, **AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-242, "ARTIFICIAL TURF" OF THE VILLAGE CODE OF ORDINANCES, TO MODIFY INSTALLATION RESTRICTIONS IN THE INSTITUTIONAL ZONING DISTRICT;** PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

FIRST READING

[TAB 2](#)

4.B.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-73, "SITE PLAN REVIEW PROCEDURES," TO PERMIT CONVERSION OF HOTEL UNITS TO RESIDENTIAL UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND PLANNING DIRECTOR JEREMY CALLEROS GAUGER)

FIRST READING

TAB 3

5. ADJOURNMENT

I. ANY PERSON WISHING TO ADDRESS THE VILLAGE COUNCIL ON AN ITEM ON THIS AGENDA IS ASKED TO REGISTER WITH THE VILLAGE CLERK PRIOR TO THAT ITEM BEING HEARD. PRIOR TO MAKING A STATEMENT, PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

II. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5506, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

III. 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, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

IV. IN ACCORDANCE WITH VILLAGE CODE SECTION 2-161, ADOPTING SECTION 2-11.1(s) OF THE MIAMI-DADE COUNTY CODE, ANY PERSON ENGAGING IN LOBBYING ACTIVITIES, AS DEFINED THEREIN, MUST REGISTER AT THE VILLAGE CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON THE ABOVE MATTERS OR ENGAGING IN LOBBYING ACTIVITIES.

THE ABOVE MEETINGS ARE HELD IN THE COUNCIL CHAMBER, 560 CRANDON BOULEVARD AND ARE SUBJECT TO CHANGE. ZONING MEETINGS AND SPECIAL COUNCIL MEETINGS WILL BE SCHEDULED ON AN AS NEEDED BASIS. PLEASE VISIT www.keybiscayne.fl.gov TO VIEW THE MEETING SCHEDULE.

MINUTES

LOCAL PLANNING AGENCY
KEY BISCAYNE, FLORIDA

TUESDAY, JUNE 11, 2024

COUNCIL CHAMBER
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Chairman at 6:16 p.m. Present were Councilmembers Franklin H. Caplan, Brett G. Moss, Oscar Sardiñas, Fernando A. Vazquez, Vice Mayor Allison McCormick, and Chairman Joe I. Rasco. Councilmember Edward London was absent. Also present were Village Manager Steven C. Williamson, Village Clerk Jocelyn B. Koch, and Village Attorney Chad Friedman.

2. **APPROVAL OF MINUTES:** Councilmember Caplan made a motion to approve the minutes of the March 12, 2024 Local Planning Agency Meeting. The motion was seconded by Councilmember Vazquez and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Caplan, Moss, Sardiñas, Vazquez, Vice Mayor McCormick, and Chairman Rasco voting Yes.

3. **PUBLIC COMMENTS:** There were no residents that addressed the Council.

4. **ORDINANCES:** A public hearing and recommendation of the Village Council sitting as the Local Planning Agency on the following proposed ordinances.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE VILLAGE'S COMPREHENSIVE PLAN REGARDING PUBLIC UTILITY USES WITHIN ALL FUTURE LAND USE MAP CATEGORIES; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND ZONING DIRECTOR JEREMY CALLEROS GAUGER)

Councilmember Caplan made a motion to recommend the adoption of the proposed ordinance to the Council as it is consistent with the Master Plan. The motion was seconded by Councilmember Vazquez.

There was discussion from Chairman Rasco and the Attorney regarding hearing the three proposed ordinances at one time with one public hearing for all three or the public can speak later in the evening at the Regular Council Meeting.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-101, "COMMERCIAL DISTRICTS" AND SECTION 30-106 "OFFICE DISTRICT" OF THE VILLAGE CODE OF ORDINANCES, TO CREATE MINIMUM SQUARE FOOTAGE STANDARDS FOR MIXED-USE DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND ZONING DIRECTOR JEREMY CALLEROS GAUGER)

Councilmember Caplan made a motion to recommend the adoption of the proposed ordinance to the Council as it is consistent with the Master Plan. The motion was seconded by Councilmember Sardiñas.

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS," OF THE VILLAGE CODE OF ORDINANCES, BY CREATING SECTION 30-44, "HOUSING STANDARDS," TO ESTABLISH MINIMUM HOUSING STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (BUILDING, ZONING AND ZONING DIRECTOR JEREMY CALLEROS GAUGER)

Councilmember Caplan made a motion to recommend the adoption of the proposed ordinance to the Council as it is consistent with the Master Plan. The motion was seconded by Councilmember Sardiñas.

The Chairman opened the public hearing for the above three ordinances. There were no speakers present. The Chairman closed the public hearing for the above three ordinances.

The motion to recommend the proposed three ordinances to the Village Council as it is consistent with the Master Plan was approved by a 5-0 roll call vote. The vote was as follows: Councilmembers Caplan, Moss, Sardiñas, Vazquez, and Chairman Rasco voting Yes. Vice Mayor McCormick was not virtually attending at the time the vote was taken.

5. **ADJOURNMENT:** The meeting was adjourned at 6:20 p.m.

Respectfully submitted:

Jocelyn B. Koch

Village Clerk

Approved this _____ day of _____ 2024:

Joe I. Rasco

Mayor

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, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



VILLAGE OF KEY BISCAIYNE

MEMORANDUM

Village Council
Joe I. Rasco, Mayor
Allison McCormick, Vice Mayor
Franklin H. Caplan
Brett G. Moss
Edward London
Oscar Sardiñas
Fernando A. Vazquez

Village Manager
Steven C. Williamson

DATE: August 15, 2024
TO: Honorable Mayor and Councilmembers
THRU: Steven C. Williamson, Village Manager
FROM: Jeremy Calleros Gauger, Village Building Zoning and Planning Director
RE: Zoning and Land Development Code Modification of Section 30-242 Related to Artificial Turf (1st Reading)

RECOMMENDATION

I recommend that the Village Council approve modifying sections 30-242 “Artificial Turf,” to allow artificial turf to be utilized in and around playgrounds and playing fields within the Institutional zoning district if it is screened from the public right-of-way.

BACKGROUND

The Village of Key Biscayne adopted an ordinance in 2013 which regulated and largely limited the use of artificial turf. However, both PROS Public Recreation and Open Spaces Use District and GU Government Use District zones were excluded from the regulation largely due to existence of and the utility and durability of artificial turf for playing fields. The PROS exclusion is applicable as Artificial turf is used in playing fields and the dog park in Village Green. The K-8 School is zoned GU and has artificial turf portions of playing fields.

Within the Institution zoning district, a number of churches also have schools and associated playgrounds and fields. Artificial turf has several advantages as a material in active locations since it is durable and can be used in shade. Artificial turf may also incorporate padding which is required under certain types of playground equipment.

REVIEW CRITERIA

The Village’s procedures for a text change provides for the amendment of the Zoning and Land Development Regulations provided that such amendments are consistent with the following criteria per Sec. 30-71(b) of the Village Ordinances:

Criteria 1 The proposed amendment is consistent with the Comprehensive Plan.



VILLAGE OF KEY BISCAINE

Analysis 1

The Comprehensive Plan groups Public and Institutional land use categories together, though they are separated in our zoning categories. The Comprehensive Plan recognizes that Public and Institutional land uses have overlapping uses and should have similar regulations. Per the Public and Institutional land use categories, public parks are explicitly allowed.

Finding

Consistent

Criteria 2

The proposed change will result in Buildings that are consistent in scale and otherwise compatible with those within 300 feet of the site.

Analysis

The proposed changes do not impact the scale of buildings.

Finding

Consistent

Criteria 3

The resulting boundaries of a zoning district are logically drawn.

Analysis

The proposed changes do not alter the zoning districts.

Finding

Not applicable

Criteria 4

The proposed changes will enhance property values in the Village.

Analysis

The proposed changes will have minimal impact on property values in the Village.

Finding

Consistent.

Criteria 5

The proposed change will enhance the quality of life in the Village.

Analysis

The proposed changes will allow churches and their schools to make effective use of the playground spaces and will enhance the quality of life in the Village.

Finding

Consistent

Criteria 6

There are substantial and compelling reasons why the proposed change is in the best interests of the Village.

Analysis

Multiple churches with schools in the Village will benefit from allowing turf on their playing fields and have a compelling interest in this ordinance. Improving the churches is in the best interest of the Village.



VILLAGE OF KEY BISCAYNE

Finding

Consistent

CONCLUSION

Based on the findings and relevant background information, I recommend that the Village Council approve the zoning text amendment.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, “ZONING AND LAND DEVELOPMENT REGULATIONS,” OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-242, "ARTIFICIAL TURF" OF THE VILLAGE CODE OF ORDINANCES, TO MODIFY INSTALLATION RESTRICTIONS IN THE INSTITUTIONAL ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne (the “Village”) has adopted regulations relating to the use of artificial turf within the Village under Section 30-242 of the Village Code of Ordinances (the “Code”); and

WHEREAS, the Village Council finds it periodically necessary to amend its Code of Ordinances in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the Village Council desires to amend Section 30-242, "Artificial Turf," of the Village Code to allow the installation of artificial turf in the Institutional District under certain conditions; and

WHEREAS, the proposed standards are consistent with the Goals, Policies, and Objectives of the Village Master Plan; 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 this Ordinance is in the best interest of the Village’s residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Amending Sections 30-242 of the Village Code.** That Section 30-242, “Artificial Turf,” of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE IX. – LANDSCAPE REGULATIONS

* * *

Section 30-242. - Artificial turf.

* * *

(b) *Installation.*

* * *

(2) *Other Districts.* Within all other zoning districts with the exception of the PROS Public Recreation and Open Space Use District and the GU Government Use District, Artificial Turf shall not be permitted to be installed within a Front Yard, or within a Side Yard facing a Street. Notwithstanding the foregoing, Artificial Turf shall be permitted to be installed in the Institutional District for use in playgrounds and playing fields when screened from the public right-of-way.

* * *

Section 3. **Severability.** That 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. **Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

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

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2024.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2024.

JOE I. RASCO
MAYOR

ATTEST:

JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY



VILLAGE OF KEY BISCAINE

Village Council
Joe I. Rasco, Mayor
Allison McCormick, Vice Mayor
Franklin H. Caplan
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Oscar Sardiñas
Fernando A. Vazquez

Village Manager
Steven C. Williamson

MEMORANDUM

DATE: June 11th, 2024
TO: Honorable Mayor and Councilmembers
THRU: Steven C. Williamson, Village Manager
FROM: Jeremy Calleros Gauger, Village Building Zoning and Planning Director
RE: Zoning and Land Development Code Revision to Section 30-73 related to Site Plan Review Procedures.

RECOMMENDATION

I recommend the Village Council approve the modification of section 30-73 "Site Plan Review Procedures" to allow residential density to replace existing hotel unit density when that density will not exceed that which is previously located or approved on the site.

BACKGROUND

This zoning text amendment is being proposed by the land-owner representative at 301 Ocean Drive per Sec. 30-71. - Procedures for a text change or zoning district change. Procedures in the code allow a zoning text change to be submitted by a landowner to the Building, Zoning, and Planning Director.

In summary, the proposed Zoning Text Amendment effectively modifies a portion of Ordinance 2012-10 from October of 2012 prohibiting residential density while voluntarily restricting the number of residential units which would be allowed on a Hotel-Resort property.

The proposed change is specific to the Hotel Resort Zoning District (HR District), even though this modifies the general Site Plan Review Procedures. Both the Zoning Ordinance and the Village of Key Biscayne Masterplan, (the Masterplan) support residential density in the HR District. The purpose of the HR District is, "...to promote the Development of ocean resort Hotels and multiple Family residences." The Main Permitted Uses in the district are Hotels and Apartment Buildings.

While supporting zoning ordinances and the masterplan allow the residential use, the use was disallowed through a zoning text amendment passed by Village Council in 2012. The 2012 amendment effectively limits density through the site plan review process without altering the underlying residential



VILLAGE OF KEY BISCAINE

use allowed in the Masterplan or amending the HR district language. Thus, staff must also consider the intent of the 2012 ordinance and subsequent documents when making a recommendation.

The 2012 ordinance cited several reasons for limiting density. A primary reason was that residents had expressed support for limiting density. Additionally, lack of infrastructure for park land, classroom space, and hurricane evacuation were also cited as reasons for limiting density. However, the decrease in residential density does not limit an expansion in commercial intensity which the HR district allows. Moreover, buildings with residential density require concurrency payments which offset the impacts to parks and schools while increased commercial intensity would not require concurrency payments.

Both the 2012 ordinance and the 2022 Vision Plan include language regarding residential density. Particularly the following from the Vision Plan:

“That principle is that while communities inevitably evolve, Key Biscayne cannot accommodate more residential density or commercial intensity. ...The sections of the Vision Plan that address private property should be understood as an effort to protect and enhance vibrancy, resiliency, and aesthetic cohesion while discouraging greater residential or commercial density and intensity.”

The existing HR zoning either allows increased commercial intensity than that which is currently in place, or per this text amendment, allows reduced residential density while decreasing commercial intensity. There is not a condition under the current HR zoning which prohibits some increase in commercial intensity. Thus, staff must analyze the relative impacts of potential commercial development versus potential residential development at the reduced number of units allowed per the text amendment.

In effect, the proposed text amendment will result in significantly reduced negative impacts from development compared to what is allowed by right in the HR District. Please see “Analysis 1” below for detailed review of how the relative impacts of hotel versus residential uses in the Village.

REVIEW CRITERIA

The Village code allows for amending Zoning and Land Development Regulations provided that such amendments are consistent with the following criteria per Sec. 30-71(b) of the Village Ordinances:

Criteria 1 The proposed amendment is consistent with the Comprehensive Plan.

Analysis 1

The Comprehensive Plan supports residential use in the Future Land Use Category Medium Density Multifamily and Ocean Resort Hotel (MF-ORH). The Comprehensive Plan was never amended when the Site Plan Review procedures were changed to disallow residential density in the MF-ORH category, so many of the Policies, Goals, and Objectives in the Comprehensive Plan support both residential and hotel uses.



VILLAGE OF KEY BISCAINE

Generally, the Village of Key Biscayne's Comprehensive Plan and other municipalities such as Miami make a rough equivalent of a 2:1 ratio of hotel to residential units when calculating development impact. The Village ratio per the Future Land Use category ratio is 15:8. In other words, planning documents consider hotel units to have half the impact of a residential unit.

Key Biscayne is not a typical community in either the expected impact of potential hotel units or the expected impact of a residential condominium building. In both use cases, the extremely high value of the oceanfront property and thus the luxurious nature of what will subsequently be built are factors in contemplating the expected development impact of each use. In short, luxury hotels have increased impact compared to other hotels and luxury condominiums have a decreased impact compared to other condominiums or apartments.

In the case of hotel use, the expected impact from a luxury hotel with more amenities is higher compared to another type of hotel. Five-star hotels typically include high staff-to-room ratios of 2.5 staff per room or more, 24-hour reception, room service, valet parking, butler service, daily housekeeping, spa services, and multiple dining options. The increase in staff and amenities produces increased traffic for commuting workers and deliveries and an increased demand for municipal services compared to less luxurious hotels.

In the case of luxury condominiums, the impact on the community is less than a similar less luxurious residential building. While the demand for services per occupied unit is likely higher, units are frequently only occupied seasonally and have an exceptionally low proportion of full-time residents. The most comparable building developed in the HR district is the Oceana Condominium completed in 2014. Of the 154 units on the property, 16 (10.4%) take advantage of the Homestead property tax exemption which is a good indicator of full-time residential status. Thus, even though additional staff and services may support residents compared to a non-luxury building, the low proportion of full-time residents minimizes overall development impact, particularly for issues related to concurrency such as traffic and demand on Village schools, parks, and recreation facilities.

Finding	Consistent
Criteria 2	The proposed change will result in Buildings that are consistent in scale and otherwise compatible with those within 300 feet of the site.
Analysis	The proposed changes do not impact the scale of buildings. Residential use is more compatible with neighboring buildings, which are also residential.
Finding	Consistent
Criteria 3	The resulting boundaries of a zoning district are logically drawn.
Analysis	The proposed changes do not alter the zoning districts.



VILLAGE OF KEY BISCAINE

Finding Not applicable

Criteria 4 The proposed changes will enhance property values in the Village.

Analysis The proposed change will potentially enhance property values for those properties in the HR zoning district.

Finding Consistent.

Criteria 5 The proposed change will enhance the quality of life in the Village.

Analysis The proposed changes will allow residential units in the place of existing hotel units. Either use creates demand on Village services and applicant may need to offset traffic impacts. However, only residential uses will require payments to offset impacts to schools and parks to maintain levels of service. Improvements to school and park facilities will enhance the quality of life in the Village.

Finding Consistent

Criteria 6 There are substantial and compelling reasons why the proposed change is in the best interests of the Village.

Analysis The proposed changes are consistent with both existing zoning regulations for the Hotel Resort District and the Village of Key Biscayne Masterplan. There are significant benefits to allowing reduced residential use in place of more extensive commercial hotel use.

Finding Consistent

CONCLUSION

Staff recommends that Council approve the zoning text amendment based on the findings and relevant background information.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING CHAPTER 30, "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES, BY AMENDING SECTION 30-73 "SITE PLAN REVIEW PROCEDURES," TO PERMIT CONVERSION OF HOTEL UNITS TO RESIDENTIAL UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Terra Acquisitions Florida, LLC ("Applicant"), the contract purchaser of the property located at 301 Ocean Drive and consisting of approximately 3.88 acres (the "Property"), submitted a text amendment application amending Section 30-73(g)(7) of the Village Code of Ordinances; and

WHEREAS, the Applicant's text amendment modifies Section 30-73(g)(7) of the Village Code to permit previously approved Hotel Units in the Hotel Resort District to be converted to and approved as Apartment Units provided that the Density does not exceed the previously approved Hotel Units on the property; 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 this Ordinance is in the best interest of the Village's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Amending Section 30-73, "Site Plan Review Procedures," of the Village Code.** That Section 30-73, "Site Plan review procedures," of the Code of Key Biscayne, Florida is hereby amended to read as follows:

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

ARTICLE IV. – ADMINISTRATION OF THE ZONING ORDINANCE

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

Sec. 30-73. - Site Plan review procedures.

* * *

(g) *Review criteria.* In order to approve a project, the Village Council must find that it is consistent with each of the below review criteria. The Council may require conditions that are necessary to minimize any adverse impacts on Adjacent Properties.

* * *

(7) *Density standards.* No Site Plan shall be approved which would permit any Development which would result in an increase in residential Density in excess of the Density previously approved for the subject property by a valid Development Order. For purposes of this section, previously approved Hotel Units in the Hotel Resort District may be approved as Apartment Units provided that the Density does not exceed the previously approved Hotel Units on the property.

* * *

Section 3. **Severability.** That 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. **Codification.** That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

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

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2024.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2024.

JOE I. RASCO
MAYOR

ATTEST:

JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY