

ORDINANCE NO. 2024-14

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," TO CREATE MINIMUM SQUARE FOOTAGE STANDARDS FOR MIXED-USE DEVELOPMENTS; 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 regulating commercial uses within the Village under Article VIII of Chapter 30 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 30-101, "Commercial Districts," to create minimum percentages for mixed-use developments proposed in accordance with Section 166.04151, Florida Statutes; 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 30-101 of the Village Code. That Section 30-101, "Commercial Districts," of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

Sec. 30-101. - Commercial Districts.

C-1 Low Intensity Commercial District.

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.

(a) *Purpose and Uses.*

* * *

District Purpose	Main Permitted Uses*	Conditional Uses	Accessory Uses	Prohibited Uses
<p>This district permits the Development of land in a low intensity manner and Uses that provide for the sale of goods and products that are needed throughout the entire Village.</p> <p>The permitted uses provide goods and services that primarily serve the residents of the Village.</p> <p><u>If developed as mixed-use a mixed-use project is proposed in accordance with Section 166.04151, Florida Statutes, 35% of the Floor Area total square footage must be dedicated to Uses listed in this section.</u></p>	<p>Bar</p> <p>Commercial Uses</p> <p>1. Offices: No individual 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.</p> <p>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.</p>	<p>Service Station where the primary use on the site; Package Store</p>	<p>Any Use that is customarily associated with the Main Permitted Uses (See Sec. 30-111)</p>	<p>Any Use not listed as a Main Permitted Use, Conditional Use, or Accessory Use. (See Sec. 30-113)</p> <p>Medical marijuana dispensary. In accordance with F.S. § 381.986 the dispensing of marijuana in any form, by any person or business, is prohibited.</p>

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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 11th day of June 2024.

PASSED AND ADOPTED on second reading on the 27th day of August 2024.



JOE I. RASCO
MAYOR

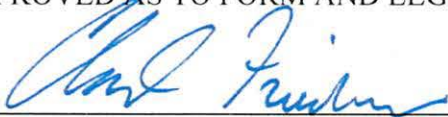
ATTEST:



JOCELYN B. KOCH
VILLAGE CLERK



APPROVED AS TO FORM AND LEGALITY:



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