

ORDINANCE NO. 2007-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA INCREASING THE NUMBER OF MEMBERS ON THE ADVISORY BOARD KNOWN AS THE ZONING ORDINANCE REVIEW COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Council wishes to increase the number of members on the Zoning Ordinance Review Committee.

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

Section 1. Recitals Adopted. That each of the recitals stated above is hereby adopted and confirmed.

Section 2. Creation of Board. That Section 2-212 "Creation, composition, qualifications and term" of Article XIV "Zoning Ordinance Review Committee" of Chapter 2 "Administration" of the Village Code is hereby amended, to read as follows: ¹

Article XIV. Zoning Ordinance Review Committee.

Sec. 2-212. Creation, composition, qualifications and term.

- (a) In accordance with Village Code Section 2-10, there is hereby created and established the Village of Key Biscayne Zoning Ordinance Review Committee (the "Board"). The Board shall be composed of 7 11 members appointed by the Mayor, with the approval of the Village Council, as provided by Village Charter Section 2.02 and a liaison from the Council acting in an ex-officio capacity as a non-voting member. Board members shall serve at the pleasure of the Village Council. Each member shall be appointed for an indefinite term of up to two (2) years. The term of office shall sooner expire on completion of the work of the Board. Members of the

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Proposed additions to text of Village Code are indicated by underline; proposed deletions from text of Village Code are indicated by strikethrough.

Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

- (b) The backgrounds and qualifications for the members of the Board shall be as follows:
 - (i) All members of the Board shall be residents of the Village; and
 - (ii) If possible, the committee should be composed of members with qualifications as follows:
 - a. Three (3) registered architects or owners of an architectural company;
 - b. One (1) real estate developer;
 - c. Four (4) Six (6) citizens recognized as having a high degree of knowledge and expertise in land use;
 - d. One (1) real estate agent or broker who specializes in the sale of property in the Village; and
 - e. A liaison from the Council acting in an ex officio capacity as a non voting member.

A Board member who ceases to reside within the Village limits during his or her term of service shall be deemed to have resigned as of the date of his or her change of residence from the Village.

- (c) The Board shall designate one of its members as Chairman.
- (d) In the event of the resignation or removal of any member of the Board, the Mayor shall appoint a person to fill the vacancy on the Board for the unexpired portion of the term of the member vacating such office, subject to approval of the Village Council.

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.

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Section 4. Inclusion in the Code. That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Key Biscayne; 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. Effective Date. That this ordinance shall become effective immediately upon adoption at second reading.

PASSED AND ADOPTED on first reading this 23rd day of January, 2007.

PASSED AND ADOPTED on second reading this _____ day of _____, 2007.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY