

ORDINANCE NO. 2002-4

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 88 W. MCINTYRE STREET AND 560 CRANDON BOULEVARD TO REFLECT ITS DESIGNATION AS GU GOVERNMENT USE DISTRICT; AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE FOR THE PROPERTY LOCATED AT 85 W. MCINTYRE STREET TO REFLECT ITS DESIGNATION AS GU GOVERNMENT USE DISTRICT AND PROS PUBLIC RECREATION AND OPEN SPACE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property as described on Exhibit A, attached hereto, with the Post Office address of 560 Crandon Boulevard and 88 W. McIntyre Street, Village of Key Biscayne, Florida was purchased by the Village on September 21, 2000, for use as the Village Administration/Police Building and Fire Station; and

WHEREAS, the property as described on Exhibit B, attached hereto, with the Post Office address of 85 W. McIntyre Street, Village of Key Biscayne, Florida was purchased by the Village on October 29, 2001, for use as the Village Recreation Center; and

WHEREAS, the Village Land Development Regulations provide at Section 30-102 that upon the ownership of land by a governmental entity, the zoning district designation shall automatically be changed to GU Governmental Use or PROS Public Recreation Open Space District in a manner consistent with the master plan; and

WHEREAS, the Village desires that the Official Zoning Map of the Village reflect the zoning designation that is effective for the properties above described pursuant to the provisions of Section 30-102 of the Land Development Regulations; and

WHEREAS, on March 19, 2002, the Village Council, sitting as the Land Planning Agency, reviewed the proposed changes to the Official Zoning Map and recommended approval to the Village Council; and

WHEREAS, the Village County has held the required public hearings, duly noticed in accordance with law, including Chapter 166, Fla. Stat., and the Village Code, notwithstanding whether the Village is obligated to comply with the notice requirements set forth for the adoption of ordinances changing the zoning of non-government owned property; and

WHEREAS, proper notice was given to affected property owners, who were afforded an opportunity to be heard; and

WHEREAS, the designation of the aforesaid properties as GU and PROS is consistent with the master plan.

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

Section 1. Recitals Adopted. That the recitals made above are hereby confirmed and adopted.

Section 2. Official Zoning Map Designation for Exhibit A Property. That the Official Zoning Map of the Village of Key Biscayne shall be amended to reflect that the property as described on Exhibit A, attached hereto, with a Post Office address of 560 Crandon Boulevard and 88 W. McIntyre Street, Village of Key Biscayne, Florida is designated as GU Governmental Use District. The Village Manager shall cause the Official Zoning Map to be so marked.

Section 3. Official Zoning Map Designation for Exhibit B Property. That the Official Zoning Map of the Village of Key Biscayne shall be amended to reflect that the property as described on Exhibit B, attached hereto, with a Post Office address of 85 W. McIntyre Street, Village of Key Biscayne, Florida is designated as GU Governmental Use District, less the North 25 ft. of the South 247.33 ft. of Tract 7, of "Matheson Estate", according to the Plat thereof as recorded in Plat Book 46, at page 86 of the Public Records of Miami-Dade County, Florida, which property shall be designated on The Official Zoning Map as PROS Public Recreation and Open Space District. The Village Manager shall cause the Official Zoning Map to be so marked.

Section 4. 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 5. Effective Date of Ordinance. That this Ordinance shall become effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 19th day of March, 2002.

PASSED AND ADOPTED on second reading this 9th day of April, 2002.

MAYOR JOE I. RASCO

ATTEST:
CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
RICHARD JAY WEISS, VILLAGE ATTORNEY