

ORDINANCE NO. 2003-2

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, REZONING THE PROPERTIES LOCATED AT 701, 714, 725, 726, 735, 738, 745, 750, 759, 762, 775, 774, 785, 786, 795 AND 798 FERNWOOD ROAD, FURTHER DESCRIBED IN EXHIBIT "A", FROM PS (PARKSIDE RESIDENTIAL) TO VR (VILLAGE RESIDENTIAL); PROVIDING FOR DESIGNATION ON THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the properties with the Post Office addresses of 701, 714, 725, 726, 735, 738, 745, 750, 759, 762, 775, 774, 785, 786, 795 and 798 Fernwood Road, further described on Exhibit "A" attached hereto, are currently zoned as PS (Parkside Residential); and

WHEREAS, the Village Council has determined that the aforesaid properties should be zoned instead as VR (Village Residential); and

WHEREAS, the Village Local Planning Agency has reviewed the proposed rezoning of the aforesaid Fernwood Road properties at a duly noticed and conducted public hearing and recommended that the rezoning is consistent with the Village of Key Biscayne Master Plan; and

WHEREAS, the Village Council has held the required public hearings, duly noticed in accordance with law, and proper notice was given to affected property owners, who were afforded an opportunity to be heard; and

WHEREAS, the Village Council has determined that the rezoning is consistent with the criteria in Section 30-71 of the Village Land Development Regulations and is consistent with the Village Master Plan; and

WHEREAS, the Village Council 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 30-252 of the Village Land Development Regulations.

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. Properties Rezoned from PS (Parkside Residential) to VR (Village Residential). That the properties described on Exhibit A, attached hereto, with Post Office addresses of 701, 714, 725, 726, 735, 738, 745, 750, 759, 762, 775, 774, 785, 786, 795 and 798 Fernwood Road, Village of Key Biscayne, Florida, are hereby rezoned from PS (Parkside Residential) to VR (Village Residential).

Section 3. Official Zoning Map Designation. That the Official Zoning Map of the Village of Key Biscayne shall be amended to reflect that the properties as described on Exhibit A, attached hereto, with Post Office addresses of 701, 714, 725, 726, 735,

738, 745, 750, 759, 762, 775, 774, 785, 786, 795 and 798 Fernwood Road, Village of Key Biscayne, Florida are zoned as VR (Village Residential). 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 28th day of January , 2003.

PASSED AND ADOPTED on second reading this 25th day of February , 2003.

MAYOR ROBERT OLDAKOWSKI
ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

RICHARD JAY WEISS, VILLAGE ATTORNEY
103001/ordinances/rezoning Fernwood