

ORDINANCE NO. 2004 -6

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CREATING AN ADVISORY BOARD TO BE KNOWN AS THE CRANDON BOULEVARD ZONING AND DEVELOPMENT COMMITTEE; PROVIDING, AMONG OTHER THINGS, THE NUMBER AND QUALIFICATIONS OF BOARD MEMBERS, RULES OF PROCEDURE AND THE DUTIES AND RESPONSIBILITIES OF THE BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council desires to create a Crandon Boulevard Zoning and Development Committee (the “Board”) to provide recommendations to the Village Manager and Village Council, as described herein; and

WHEREAS, the Village Council finds that the creation of the Board, as an Advisory Board of the Village, is in the best interest of the Village and its residents.

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

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

Section 2. **Creation of Board.** That Article X “Crandon Boulevard Zoning and Development Committee” of Chapter 2 “Administration” of the Village Code is hereby created, to read as follows:

Article X. Crandon Boulevard Zoning and Development Committee.

Sec. 2-170. 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 Crandon Boulevard Zoning and Development Committee (the "Board"). The Board shall be composed of five (5) members appointed by the Mayor, with the approval

of the Council, as provided by Village Charter Section 2.02. Board members shall serve at the pleasure of the 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 Board shall serve without compensation and shall not be reimbursed for travel, mileage, or per diem expenses.

(b) The 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) At least one member of the Board shall be a person who is an owner or has an ownership interest in the property situated in the entry block (as such entry block is described in Section 2-173 (1) of this Article.

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

- (c) 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.

Sec. 2-171. Advisory Capacity.

- (a) The powers and duties of the Board shall be solely of an advisory nature to the Village Local Planning Agency, the Village Council and the Village Manager.
- (b) The Board shall act in accordance with Village Code Section 2-10.

Sec. 2-172. Rules of procedure.

- (a) The Board may adopt rules of procedure as authorized by Village Code Section 2-10(k). In the absence of adoption of such rules of procedure, the fundamental parliamentary procedures of Roberts Rules of Order shall apply subject to the provisions of Village Code Section 2-10.
- (b) During the first meeting of the Board, the members shall elect one of

their number to act as Chairman and may elect a Vice-Chairman and a Secretary.

- (c) Three members shall constitute a quorum for the transaction of business of the Board. Official action shall be taken by the Board only upon the concurring vote of a majority of the members present at an official meeting of the Board.

Sec. 2-173 Jurisdiction, Duties.

The jurisdiction of the Board shall be solely advisory. Action of the Board shall be in the form of a written recommendation to the Village Local Planning Agency, the Village Manager and the Village Council. The following matters shall be within the advisory jurisdiction of the Board:

- (1) Review and comment upon the zoning recommendations that were prepared for all of the commercial properties and the potential building configurations for the entry block (the commercial area situated at the northwest corner of Crandon Boulevard and Harbor Drive) which were presented to the Village Council on April 27, 2004 in the Crandon Boulevard Traffic and Parking Study.
- (2) Provide recommendations to the Village Manager and Village Council for use, design and development regulations for the Crandon Boulevard corridor.
- (3) Any other related matters assigned to the Board by the Village Local Planning Agency, the Village Council or the Village Manager.

Sec. 2-174. Standards of conduct for members.

All members of the Board shall be subject to the standards of conduct for public officers and employees as set by federal, state, county, Village or other applicable law.

Sec. 2-175. Dissolution of Board.

The Board shall be dissolved upon completion of the work of the Board as reflected by the presentation to the Council of a report from the Board or from the Village Manager indicating that the work of the Board is complete.

Section 3. **Severability.** That should any section or provision of this ordinance, or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder as a whole or part thereof, other than the part declared invalid.

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 11th day of May, 2004.

PASSED AND ADOPTED on second reading this 25th day of May, 2004.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

WEISS SEROTA HELFMAN PASTORIZA
GUEDES COLE & BONISKE, P.A.
VILLAGE ATTORNEYS