

ORDINANCE NO. 2006-12

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA CREATING AN ADVISORY BOARD TO BE KNOWN AS THE ZONING ORDINANCE REVIEW 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; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida, Comprehensive Plan legislation requires municipalities to adopt land development regulations that are consistent with the Comprehensive Plan; and

WHEREAS, in 1999 the Village established a Zoning Ordinance Review Committee and tasked it with recommending a Village zoning ordinance to be consistent with the Village's Comprehensive Plan and to replace the County's regulations, a task which was successfully accomplished by that Zoning Ordinance Review Committee; and

WHEREAS, the Village Council finds it to be in the Village's best interests to evaluate and update the Village's zoning ordinance and land development regulations, and maintain consistency with the Village's existing Comprehensive Plan, and to reestablish a Zoning Ordinance Review Committee for that purpose.

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 Article XIV AZoning Ordinance Review Committee@of Chapter 2 AAdministration@of the Village Code is hereby created, to read as follows:

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 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 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) 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.

- (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.

Sec. 2-213. Advisory capacity.

- (a) The powers and duties of the Board shall be solely advisory in nature.
- (b) The Board shall act in accordance with Village Code Section 2-10.

Sec. 2-214. 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 members to act as Vice-Chairman and a Secretary.
- (c) A majority of the members shall constitute a quorum for the transaction of the 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. 2-215. Jurisdiction, duties.

The jurisdiction of the Board shall be solely advisory. Final actions of the Board shall be in the appropriate form and written recommendations shall be provided to the Village Council. The following matters shall be within the advisory jurisdiction of the Board:

- (1) Evaluate the Village Land Development Code with the exception of any regulations governing HR districts.
- (2) Based upon the work in item (1) above, prepare and submit a report to the Village Council recommending specific changes to the Land Development Code.
- (3) Any other related matters assigned to the Board by the Village Council.

Sec. 2-216. 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. 2-217. 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 final report from the Board or from the Village Manager indicating that the work of the Board is complete.

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. **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 14th day of November, 2006.

PASSED AND ADOPTED on second reading this 5th day of December, 2006.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY