

ORDINANCE NO. 2010-3

**AN ORDINANCE OF THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA
ADOPTING THE EVALUATION AND APPRAISAL
REPORT BASED AMENDMENTS TO THE
COMPREHENSIVE PLAN; AUTHORIZING
TRANSMITTAL TO REVIEW AGENCIES; PROVIDING
FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE
DATE**

WHEREAS, the Florida legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, on August 5, 2008, the Village adopted its Evaluation and Appraisal Report by approving Ordinance 2008-2; and

WHEREAS, the Florida Department of Community Affairs found the adopted EAR sufficient; and

WHEREAS, the Village has completed its proposed Evaluation and Appraisal Report-based amendments consistent with the requirements of Chapter 163, Part II, F.S., and Rule 9J-5 and 9J-11, F.A.C.; and

WHEREAS, the Village Commission, upon first reading of this Ordinance, authorized transmittal of the EAR-Based Amendments to the Department of Community Affairs and review agencies for the purpose of a review in accordance with Sections 163.3184, 163.3187, 163.3189 and 163.3191, Florida Statutes;

**NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COMMISSION OF
THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

Section 1. Each and all the foregoing Whereas clauses are true and correct and are incorporated herein.

Section 2. The 2010 Evaluation and Appraisal Report-Based Amendments to the Village of Biscayne Park Comprehensive Plan, attached as Exhibit "A" to this Ordinance and as revised to address any objections, recommendations and comments provided by the Department of Community Affairs and review agencies, are hereby adopted and transmitted to the Department of Community Affairs and review agencies.

Section 3. **Severability.** 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.

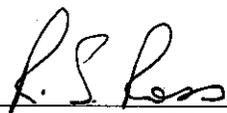
Section 4. **Effective Date.** This Ordinance shall be effective upon adoption on second reading.

The foregoing Ordinance was offered by Commissioner Bernard, who moved its adoption. The motion was seconded by Commissioner Childress and upon being put to a vote, the vote was as follows:

FIRST READING: March 16, 2010

SECOND READING: October 5, 2010

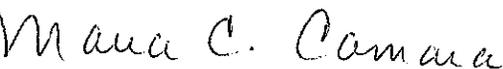
The foregoing ordinance upon being put to a vote, the vote was as follows:



Roxanna Ross, Mayor

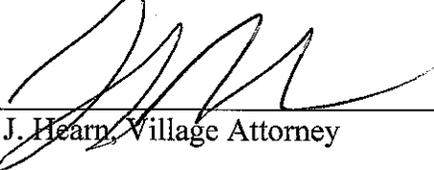
Mayor Ross: Yes
Vice Mayor Childress: Yes
Commissioner Anderson: Yes
Commissioner Bernard: Yes
Commission Cooper: Yes

Attest:



Maria C. Camara, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney