

1 **WHEREAS**, the Village proposes to adopt the necessary amendments to its
2 Comprehensive Plan in order to comply with Florida law; and

3
4 **WHEREAS**, the Village has proposed amendments to the objectives and policies of the
5 Future Land Use, Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Ground
6 Water Aquifer Recharge, Conservation, Intergovernmental Coordination and Capital
7 Improvement Elements to support and implement its adopted 2008-2025 Water Supply Facilities
8 Work Plan; and

9
10 **WHEREAS**, the Village Council believes it is in the best interests of the public to adopt
11 the 2008-2025 Water Supply Work Plan and to include these amendments in the Comprehensive
12 Plan; and

13
14 **WHEREAS**, the Village Council, sitting as the Local Planning Agency, held a duly
15 noticed public hearing and reviewed the proposed 2008-2025 Water Supply Plan and related
16 water supply Comprehensive Plan amendments and recommended approval; and

17
18 **WHEREAS**, the Village Council finds this Ordinance to be in the best interests and
19 welfare of the residents of the Village; now, therefore

20
21 BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF
22 BISCAIYNE PARK, FLORIDA, THAT:

23
24 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and incorporated as
25 the legislative intent of this Ordinance.

26 **Section 2.** **Amendment of Future Land Use Element of the Village's**
27 **Comprehensive Plan:** The Future Land Use Element of the Village's Comprehensive Plan is
28 hereby amended as provided in Exhibit "A," which is attached hereto and made a part of this
29 Ordinance.

30 **Section 3.** **Amendment of the Infrastructure Element of the Village's**
31 **Comprehensive Plan:** The Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural
32 Ground Water Aquifer Recharge Element of the Village's Comprehensive Plan is hereby
33 amended as provided in Exhibit "B," which is attached hereto and made a part of this Ordinance.

34 **Section 4.** **Amendment of the Conservation Element of the Village's**
35 **Comprehensive Plan:** The Conservation Element of the Village's Comprehensive Plan is

1 hereby amended as provided in Exhibit "C," which is attached hereto and made a part of this
2 Ordinance.

3 **Section 5. Amendment of the Intergovernmental Coordination Element of the**
4 **Village's Comprehensive Plan:** The Intergovernmental Element of the Village's
5 Comprehensive Plan is hereby amended as provided in Exhibit "D," which is attached hereto and
6 made a part of this Ordinance.

7 **Section 6. Amendment of the Capital Improvements Element of the Village's**
8 **Comprehensive Plan:** The Capital Improvements Element of the Village's Comprehensive Plan
9 is hereby amended as provided in Exhibit "E," which is attached hereto and made a part of this
10 Ordinance.

11 **Section 7. Adoption of the Water Supply Plan:** The Village Commission hereby
12 adopts the Miami-Dade 20-Year Water Supply Facilities Work Plan as its required 2008-2025
13 Water Supply Plan.

14 **Section 8. Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
15 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

16 **Section 9. Severability.** The provisions of this Ordinance are declared to be severable
17 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
18 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
19 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
20 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

21 **Section 10. Effective Date.** This Ordinance shall be effective immediately upon
22 passage by the Village Commission on second reading, except that the effective date of these Plan
23 amendments approved by this Ordinance shall be the date a final order is issued by the

1 Department of Community Affairs or Administration Commission finding the Plan amendments
2 in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier.
3 The Department of Community Affairs notice of intent to find the Plan amendments in
4 compliance shall be deemed to be a final order if no timely petition challenging the Plan
5 amendments is filed.

6 The foregoing Ordinance was offered by Vice Mayor Childress who moved its adoption. The
7 motion was seconded by Commissioner Anderson and upon being put to a vote, the vote was as
8 follows:

9 PASSED AND ADOPTED upon first reading this 3rd day of February, 2009.

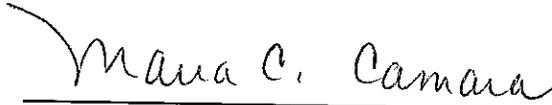
10 PASSED AND ADOPTED upon second reading this 6th day of April, 2010.

11
12
13 The foregoing ordinance upon being put to a
14 vote, the vote was as follows:

15
16 
17 _____
18 **Roxanna Ross, Mayor**

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

19
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21
22
23 **Attest:**

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25 
26 _____
27 **Village Clerk**

28
29
30 **Approved as to form:**

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32 
33 _____
34 **John J. Hearn, Village Attorney**
35
36

EXHIBIT "A"

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Future Land Use Element

Policy 4.2: The Village of Biscayne Park, through the Land Development Regulations will coordinate the land uses and future land use changes with the availability of water supplies and water supply facilities.

EXHIBIT "B"

1
2
3 **Infrastructure Element**
4

5 **Objective 3:** The Village of Biscayne Park shall comply with its 2008-2025 Water Supply
6 Facilities Work Plan (Work Plan) to be adopted April 6, 2010, as required by
7 section 163.3177(6)(c), F.S. within 18 months after the governing board of the
8 South Florida Water Management District approved its Lower East Coast Water
9 Supply Plan Update on February 15, 2007. The Work Plan will be updated, at a
10 minimum, every 5 years. The Village's Work Plan is designed to: assess current
11 and projected potable water demands; evaluate the sources and capacities of
12 available water supplies; and, identify those water supply projects, using all
13 available technologies, necessary to meet the Village's water demands for the
14 planning period.
15

16 **Policy 3.1:** Comply with the Village's Work Plan and incorporate such Work Plan by
17 reference into the Village of Biscayne Park Comprehensive Plan.
18

19 **Policy 3.2:** Coordinate appropriate aspects of its Comprehensive Plan with the South Florida
20 Water Management District's regional Water Supply Plan adopted February 15,
21 2007 and with the Miami-Dade County 20-year Water Supply Facilities Work Plan
22 adopted April 24, 2008 (Notice of Intent published July 18, 2008), and the City of
23 North Miami Water Facilities Supply Work Plan 2008-2025. The Village shall
24 amend its Comprehensive Plan and Work Plan as required to provide consistency
25 with the District and County plans.
26

27 **Monitoring Measure:** The Work Plan shall remain consistent with the City of
28 North Miami Water Facilities Supply Work Plan 2008-2025, Miami-Dade County
29 20-year Water Supply Facilities Work Plan, which is compatible with the Miami-
30 Dade County Water Use Permit renewals and with the projects listed in the South
31 Florida Water Management District's Lower East Coast Regional Water Supply
32 Plan. The Work Plan will be updated, at a minimum, every 5 years and within 18
33 months after the South Florida Water Management District's approval of an
34 updated Lower East Coast Regional Water Supply Plan.

EXHIBIT "C"

Conservation Element

- Policy 1.4: Implementation of the Work Plan shall ensure that adequate water supplies and public facilities are available to serve the water supply demands of any population growth that the Village may experience.
- Policy 1.5: The Village shall coordinate the planning of potable water and sanitary sewer facilities, water supply sources, demands, other services and level-of-service standards with the City of North Miami, South Florida Water Management District, and through the Lower East Coast Water Supply Plan Update, as necessary.
- Policy 1.6: If in the future there are issues associated with water supply, conservation or reuse the Village will immediately contact City of North Miami to address the corresponding issue(s). In addition, the Village will follow adopted communication protocols with City of North Miami to communicate and/or prepare an appropriate action plan to address any relevant issue(s) associated with water supply, conservation or reuse.
- Policy 1.7: The Village will encourage the use of high efficiency toilets, showerheads, faucets, clothes washers and dishwashers that are Energy Star rated and WaterSense certified in all retrofitted residential and commercial projects.
- Policy 1.8: The Village will require the use of high efficiency toilets, showerheads, faucets, clothes washers and dishwashers that are Energy Star rated and WaterSense certified in all new residential and commercial projects, as required by the Miami-Dade County Water Use Efficiency Standards.
- Policy 1.9: The Village shall require the use of sub-metering for all multi-unit residential development which will include: separate meter and monthly records kept of all major water-using functions such as cooling towers and individual buildings in all new and redeveloped multi-family residential projects.
- Policy 1.10: The Village will encourage the use of Florida Friendly Landscape guidelines and principals; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc.) on walkways, driveways and patios.
- Policy 1.11: The Village will participate, when warranted, in the SFWMD's Water Savings Incentive Program (WaterSIP) for large-scale retrofits as recommended by the Lower East Coast Water Supply Plan.

1 Policy 1.12: The Village shall coordinate with the City of North Miami to submit a water
2 conservation plan to the County as required by the Miami-Dade County Code,
3 Section 32-83.1. Said Plan shall be updated for the County's approval every five
4 years following submittal and Conserve Florida Guide generated reports shall be
5 filed annually at the close of the fiscal year.
6

EXHIBIT "D"

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2
3 Intergovernmental Coordination Element
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5 Policy 2.7: The Village shall coordinate the adopted Comprehensive Plan with the plans of the
6 school board, regional water supply authorities, and other units of local
7 government providing services but not having regulatory authority over the use of
8 land, and with the comprehensive plans of adjacent municipalities, with the state
9 comprehensive plan and with the South Florida Water Management District's
10 regional water supply plan.
11

12 Policy 2.8: The Village shall coordinate the planning of potable water and sanitary sewer
13 facilities, water supply sources, demands, other services and level-of-service
14 standards with the City of North Miami Miami-Dade County WASD, Miami-Dade
15 County Department of Environmental Resources Management, South Florida
16 Water Management District, and through the Lower East Coast Water Supply Plan
17 Update, as necessary.
18

19 Policy 2.9: Ensure and identify the consistency of local level of service standards by annually
20 contacting all local governments to which water service is provided and provide
21 current information, including: populations, level of services, service areas, and
22 water supply facilities, and evaluate if future modification to either the service
23 agreement or level of service standards should be include in subsequent
24 Comprehensive Plan Amendments.
25

26 Policy 2.10: Negotiate or renew interlocal agreements with water supply providers ensuring
27 contractual agreement of the adopted level of service standards, service area,
28 populations and time periods for services provided.

EXHIBIT "E"

Capital Improvement Element

Policy 2.6: Appropriate mechanisms will be developed and adopted with the City of North Miami, South Florida Water Management District, and Miami-Dade County in order to assure that adequate water supplies are available to all water users. Prior to approval of a building permit or its functional equivalent, the Village of Biscayne Park shall consult with the North Miami Beach Utility to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy. Furthermore, the Village will be responsible for monitoring the availability of water supplies for all water users and for implementing a system that links water supplies to the permitting of new development.

Policy 2.7 The Village will ensure the financial feasibility of the public water infrastructure system by coordinating its land development practices with the City of North Miami water service production and delivery systems.

Policy 2.8: The Village shall provide monthly data to the City of North Miami, as required by such entity, to track the amount of water to be allocated for new use.

Policy 2.9: The Village shall incorporate capital improvements affecting Village levels of service by referencing the Capital Improvements Schedules of the City of North Miami, state agencies, regional water supply authorities and other units of government providing services but not having regulatory authority over the use of land into its 5-year Schedule of Capital Improvements (Fiscal Years 2008/2009 through 2012/2013). The Village Schedule shall be maintained and updated annually.