

ORDINANCE NO. 2008-2

AN ORDINANCE OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING AND TRANSMITTING THE 2008 EVALUATION AND APPRAISAL REPORT OF THE CITY'S COMPREHENSIVE PLAN FOR REVIEW AND COMMENT AND REQUESTING THAT THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS DELEGATE THE SUFFICIENCY REVIEW OF THE EVALUATION AND APPRAISAL REPORT (EAR) OF THE VILLAGE'S COMPREHENSIVE PLAN TO THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL (SFRPC) PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATIONS ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Ordinance #248 the Village Commission adopted its Comprehensive Plan according to the requirements of Chapter 163, Part II, Florida Statutes, known as the Local Government Comprehensive Planning and Land Development Regulation Act, and

WHEREAS, the Biscayne Park Planning and Zoning Board has been designated as the Local Planning Agency for the City pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Biscayne Park Planning and Zoning Department has prepared a draft 2008 Comprehensive Plan Evaluation and Appraisal Report; and

WHEREAS, the Local Planning Agency held a public hearing on February 11, 2008 to review and receive comments on the draft 2008 Comprehensive Plan Evaluation and Appraisal Report (EAR); and

WHEREAS, the Local Planning Agency at its February 11, 2008 adopted a motion recommending transmittal to the Village Commission; and

WHEREAS, the Village of Biscayne Park desires to transmit the draft 2008 Comprehensive Plan Evaluation and Appraisal Report for preliminary review and comment, prior to adopting the Report in final form; and

WHEREAS, Florida Statutes § 163.3191(8) allows the Florida Department of Community Affairs ("Department") to delegate its "authority" as the state land planning agency for sufficiency review of EARs to the appropriate regional planning council, while retaining oversight of the process; and

WHEREAS, the Department entered into such an agreement with the South Florida Regional Planning Council (SFRPC) to review EARs in Miami-Dade County for sufficiency in accordance with the prescribed criteria in Florida Statutes § 163.3191 and Florida Administrative

Code R. 9J-5.005, where the local governing body, by vote of a majority if its membership, requests delegation in writing; and

WHEREAS, the Village of Biscayne Park elects to have its 2008 Comprehensive Plan Evaluation and Appraisal Report reviewed for sufficiency by the South Florida Regional Planning Council; and

WHEREAS, the Village Commission conducted a public hearing on the proposed 2008 Comprehensive Plan Evaluation and Appraisal Report at its March 4, 2008 meeting; now, therefore

BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. The Village Commission adopts for purposes of transmittal to the State the draft 2008 Comprehensive Plan Evaluation and Appraisal Report as submitted and amended by the City's Local Planning Agency.

Section 2. The Village Commission hereby requests that the Florida Department of Community Affairs delegate the sufficiency review of its Evaluation and Appraisal Report of the City's Comprehensive Plan to the South Florida Regional Planning Council pursuant to and in accordance with Section 163.3191, Florida Statutes.

Section 3. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 4. 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 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

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

The foregoing resolution upon being

Put to a vote, the vote was as follows:

John R. Hornbuckle
John Hornbuckle, Mayor

Mayor Hornbuckle yes
Vice Mayor Morris yes
Commissioner Anderson yes
Commission Bernard yes
Commissioner Mallette yes

Attest:

Ann Harper
Ann Harper, Village Clerk

Approved as to form:

John J. Hearn
John J. Hearn, Village Attorney

1st Reading – March 4, 2008
2nd Reading – August 5, 2008