

ORDINANCE NO. 10-1546

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, Section 163.3191(1), Florida Statutes, directs local governments to adopt an Evaluation and Appraisal Report (the "EAR") assessing the progress in implementing the local government's comprehensive plan; and

WHEREAS, the Department of Community of Affairs has reviewed the EAR and has determined it to be sufficient; and

WHEREAS, the Town of Surfside, Florida ("Town") has prepared the EAR-Based Comprehensive Plan amendments necessary to update the Comprehensive Plan and to address the issues and opportunities identified in the adopted EAR; and

WHEREAS, pursuant to Section 90.17 of the Town Code, the Planning & Zoning Board also sits as the Local Planning Agency for the Town; and

WHEREAS, the Planning & Zoning Board its capacity as the Local Planning Agency, has reviewed the proposed ordinance and recommended approval to the Town Commission on August 27, 2009 ; and

WHEREAS, after review the Town Commission finds that this Ordinance is in the best interest and welfare of the residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF SURFSIDE, FLORIDA:**

Section 1. Recitals. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Recommendation of Approval by the Local Planning Agency.

The Planning & Zoning Board, in its capacity as the Local Planning Agency, has reviewed the proposed amendments to the Town’s Comprehensive Plan and recommends approval by the Town Commission.

Section 3. Adoption of the EAR-Based Comprehensive Plan Amendments.

The Town Commission, upon review of the recommendations of the Local Planning Agency and independent review, hereby adopts the EAR-Based Amendments into its Comprehensive Plan, which are attached as Exhibit “A” to this Ordinance.

Section 4. Severability.

Should any section, paragraph, sentence, clause, phrase or other part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion thereof, other than the part so declared to be invalid.

Section 5. Conflict.

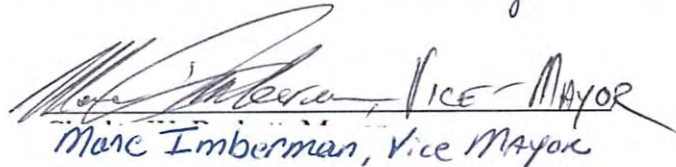
That all Sections or parts of Sections of the Code of Ordinances, all Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date.

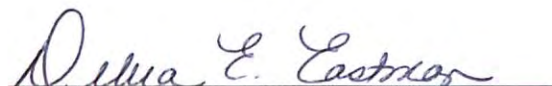
This Ordinance shall be effective immediately upon passage by the Town Commission on second reading, except that the effective date of the Plan Amendment approved by this Ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Department of Community Affairs notice of intent to find the Plan Amendment in compliance shall be deemed to be a final order if no timely petition challenging the Plan Amendment is filed.

PASSED and ADOPTED on first reading this 8th day of September, 2009.


PASSED and ADOPTED on second reading this 12 day of January, 2010.


Marc Imberman, Vice Mayor

ATTEST:


Debra Eastman, Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


Lynn M. Dannheisser, Town Attorney