

ORDINANCE NO. 15 - 11041

AN ORDINANCE OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE TOWN'S WATER SUPPLY FACILITIES WORK PLAN AND APPLICABLE ELEMENTS WITHIN THE TOWN'S COMPREHENSIVE PLAN RELATING TO WATER SUPPLY PLANNING; PROVIDING FOR INCLUSION IN THE TOWN OF SURFSIDE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires each local government to address in its Comprehensive Plan, the water supply sources necessary to meet and achieve the existing and projected water use demand for an established planning period; and

WHEREAS, the Town of Surfside recognizes the need for integration between land use planning and water supply planning; and

WHEREAS, Section 163.3177, Florida Statutes, requires that local governments prepare and adopt at least a 10-Year Water Supply Facilities Work Plan and to update the Work Plan, at a minimum, every five years; and

WHEREAS, in order to reflect recent updates to state and regional Water Supply Facilities Work Plans, the Town desires to amend its Water Supply Facilities Work Plan and related elements within the Town's Comprehensive Plan; and

WHEREAS, pursuant to Section 90.17 of the Town Code, the Planning and Zoning Board is designated as the Local Planning Agency for the Town; and

WHEREAS, the Planning & Zoning Board in its capacity as the Local Planning Agency, has reviewed proposed amendments to the Future Land Use Element of the Comprehensive Plan as substantially contained herein and recommended approval to the Town Commission on March 26, 2015; and

WHEREAS, on May 12, 2015, the Town Commission reviewed the recommendation of the Planning and Zoning Board and, after duly noticed public hearings in accordance with the Florida Statutes and the Town Code, found that this Ordinance is in the best interest and welfare of the residents of the Town; and

WHEREAS, on December 8, 2015, the Town Commission conducted a second duly noticed public hearing on these regulations as required by law and has further found that the Town's Water Supply Facilities Work Plan and amendments to the Town's Comprehensive Plan correspond to the

potable water supply required by Chapter 163 and Chapter 373, Florida Statutes.

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 and 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. Amendment of Water Supply Facilities Work Plan. The Town Commission hereby adopts an amendment to its Water Supply Facilities Work Plan and also incorporates by reference its Water Supply Facilities Work Plan into its Comprehensive Plan as supporting data and analysis for the amendments adopted in this Ordinance. A copy of the Water Supply Facilities Work Plan is provided in “Exhibit A.”

Section 4. Amendment of the Town’s Comprehensive Plan. The Town Comprehensive Plan is hereby amended as provided in Exhibit “B,” which is attached hereto and made a part of this Ordinance.

Section 5. 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 6. 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 7. Effective Date. This Ordinance shall be effective thirty one days after the state Department of Economic Opportunity notifies the Town that the plan amendment package is complete, or if timely challenged, on the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the Plan Amendment in compliance in accordance with Section 163.3184, Florida Statutes.

PASSED and ADOPTED on First Reading the 12th day of May, 2015.

PASSED and ADOPTED on Second Reading this 8th day of December, 2015.


Daniel Dietch, Mayor

ATTEST: 
Sandra Novoa, Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**


Linda Miller, Town Attorney

On Final Reading Moved by: Commissioner Karukin

On Final Reading Seconded by: Commissioner Olchyk

VOTE ON ADOPTION:

Commissioner Barry Cohen	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Michael Karukin	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Marta Olchyk	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Eli Tourgeman	yes	<input type="checkbox"/>	<u>Absent</u>	<input type="checkbox"/>
Mayor Daniel Dietch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>