

ORDINANCE NO. 2008-11

AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AMENDING THE VILLAGE COMPREHENSIVE PLAN BY CREATING THE PUBLIC SCHOOL FACILITIES ELEMENT, AND AMENDING THE INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS IN ORDER TO MEET THE STATE MANDATED REQUIREMENTS OF PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2005 the Florida Legislature adopted Senate Bill 360, which, in relevant part, required all non-exempt local governments to adopt the necessary comprehensive plan amendments to establish public school concurrency by 2008; and

WHEREAS, given that the Village is not exempt from public school concurrency, Village staff recommends the creation of the Public School Facilities Element and amendments to Intergovernmental Coordination, and Capital Improvements Elements, attached hereto as Exhibits "A," "B," and "C," within the Comprehensive Plan in order to meet the state mandated requirements of public school concurrency; and

WHEREAS, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance at a duly noticed hearing on July 8, 2008, and recommended transmittal to DCA; and

WHEREAS, the Village Council has reviewed this Ordinance at duly noticed hearings and determined that it is consistent with the City's comprehensive plan; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, AS FOLLOWS:

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

Section 2. Creation of the Public School Facilities Element. The Village Council hereby creates the Public School Facilities Element within the Comprehensive Plan, as provided in Exhibit “A,” in order to meet the state mandated requirements of public school concurrency.

Section 3. Amendment to the Intergovernmental Coordination Element. The Village Council hereby amends the Intergovernmental Coordination Element within the Comprehensive Plan, as provided in Exhibit “B,” in order to meet the state mandated requirements of public school concurrency.

Section 4. Amendment to the Capital Improvements Element. The Village Council hereby amends the Capital Improvements Element within the Comprehensive Plan, as provided in Exhibit “C,” in order to meet the state mandated requirements of public school concurrency. **Section 5. 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 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be effective immediately upon passage by the Village Council on second reading, except that the effective date of these plan amendments 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 amendments

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 amendments in compliance shall be deemed to be a final order if no timely petition challenging the plan amendments is filed.

PASSED AND ADOPTED on first reading this 8th day of July, 2008.

PASSED AND ADOPTED on second reading this 9th day of December, 2008.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY