

ORDINANCE NO. 2023-07

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING THE BISCAYNE PARK COMPREHENSIVE PLAN TO INCORPORATE THE ADOPTED 16-YEAR WATER SUPPLY PLAN UPDATE AND TO STRENGTHEN THE COORDINATION BETWEEN WATER SUPPLY PLANNING AND LOCAL LAND USE PLANNING BY AMENDING CERTAIN OBJECTIVES AND POLICIES IN THE PUBLIC FACILITIES, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS; PROVIDING FOR CONFORMITY WITH FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall address water supply planning by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments; and

WHEREAS, Florida Statutes also require improving coordination between the local land use planning and water supply planning; and

WHEREAS, Section 163.3177(6), Florida Statutes, requires local governments to assess their current as well as projected water needs and sources for at least a ten-year planning period, considering the approved regional and county water supply plan for the respective local government; and

WHEREAS, Section 163.3177(4)(a), Florida Statutes, requires coordination of the local comprehensive plan with the water management district's regional water supply plan; and

WHEREAS, Village residents receive potable water from the North Miami Utility which is the water supplier; and

WHEREAS, the City of North Miami adopted its 16-Year Water Supply Facilities Work Plan Update 2019-2035 on November 9, 2021; and

WHEREAS, Section 4.03 of the Village Charter of the Village of Biscayne Park ("Village") empowers the Village Commission to adopt, amend, or repeal such ordinances as may be required for the proper governing of the Village; and

WHEREAS, the Village Commission desires to comply with state law and adopt the Water Supply Facilities Work Plan Update 2019-2035 and associated text amendments to the Village comprehensive Plan in the form prescribed by the new Law; and

WHEREAS, notice was publicly advertised as required by Village and State regulations regarding text amendments to the Comprehensive Plan; and,

WHEREAS, on March 15, 2023, the Village Planning and Design Review Board, as the local planning agency for the Village, held its hearing on this proposed Ordinance with due public notice and input, and recommended its adoption with a change; and

WHEREAS, on _____, 2023, the Village Commission held a first reading and public hearing of this proposed Ordinance; and

WHEREAS, the Village Commission voted to transmit the proposed Water Supply Facilities Work Plan Update 2019-2035 and associated text amendments to the Village Comprehensive Plan to state, regional and local agencies, after first reading, for review pursuant to Section 163.3184(3)(b), Florida Statutes; and

WHEREAS, on _____, 2023, the Village Commission held a second reading and public reading of this proposed Ordinance with due public notice and input.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE OF BISCAYNE PARK, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted by legislative and administrative findings of the Village Commission.

Section 2. Amending the Village of Biscayne Park Comprehensive Plan. The Village of Biscayne Park, Florida, Comprehensive Plan is hereby amended to incorporate by reference the Water Supply Facilities Work Plan Update 2019-2035 and associated text amendments, pursuant to Section 163.3177(6)(i), Florida Statutes (2021), as follows:

~~Infrastructure~~ Public Facilities Element – Potable Water Sub-Element

Objective 1: To provide Biscayne Park residents, through City of North Miami Water Utility, with ~~up to 165~~ a level of service standard of 138.9 gallons of potable water per day.

Policy 1.1: The Village will continue to obtain potable water at a level of service standard of up to ~~105~~ 138.9 gallons per person per day.

Policy 1.2: The Village will coordinate with the City of North Miami and/or other agencies as appropriate to ensure that they consider the Village's potable water needs in developing the ~~176~~-Year Water Supply Plan.

Policy 1.3: The Village will maintain and update its ~~176~~-Year Water Supply Plan that includes an assessment of current and future potable water source and supply alternatives in accordance with State requirements.

Policy 1.4: The Village will incorporate any projects included in the Lower East Coast Water Supply Plan Update and/or the North Miami ~~Ten~~ 16-Year Water Supply Plan that will impact its ability to achieve its potable water Level of Service Standard into the Capital Improvements Schedule.

Objective 2: To monitor that consumption does not exceed the current level of service standard of ~~105~~ 138.9 gallons per person per day in order to conserve potable water.

Objective 3: The Village of Biscayne Park shall comply with its Water Supply Facilities Work Plan Update 2008-2025-2019-2035 (Work Plan Update) adopted ~~April 6, 2010~~ XXXX XX, 2022, as required by section 163.3177(6)(c), F.S. within 18 months after the governing board of the South Florida Water Management District approved its Lower East Coast Water Supply Plan Update on ~~February 15, 2007~~ November 8, 2018. The Work Plan will be updated, at a minimum, every 5 years. The Village's Work Plan is designed to: assess current and projected potable water demands; evaluate the sources and capacities of available water supplies; and identify those water supply projects, using all available technologies, necessary to meet the Village's water demands for the planning period.

Policy 3.1: The Village's Water Supply Facilities Work Plan Update (2008-2025-2019-2035) is incorporated by reference into the Comprehensive Plan. The Work Plan will be updated, at a minimum every five years, concurrent with the update of the Miami-Dade County 20-Year Water Supply Facilities Work Plan adopted February 4, 2015, and the City of North Miami 176-Year Water Supply Work Plan Update (2008-2025-2019-2035) adopted November 9, 2021, both of which shall also be incorporated in the Village's Work Plan by reference.

Policy 3.2: Coordinate appropriate aspects of its Comprehensive Plan with the South Florida Water Management District's regional Water Supply Plan Update adopted February 15, 2007 ~~November 8, 2018~~, and with the Miami-Dade County 20-year Water Supply Facilities Work Plan adopted ~~April 24, 2008~~ (~~Notice of Intent published July 18, 2008~~) February 4, 2015, and the City of North Miami 176-Year Water Supply Work Plan (2008-2025-2019-2035) adopted August 25, 2009 November 9, 2021. The Village shall amend its Comprehensive Plan and Work Plan as required to provide consistency with the District, County and North Miami plans.

Monitoring Measure: The Work Plan shall remain consistent with the City of North Miami 176-Year Water Supply Work Plan (2008-2025-2019-2035), Miami-Dade County 20-year Water Supply Facilities Work Plan, which is compatible with the Miami-Dade County Water Use Permit renewals and with the projects listed in the South Florida Water Management District's Lower East Coast Regional Water Supply Plan. The Work Plan will be updated, at a minimum, every 5 years and within 18 months after the South Florida Water Management District's approval of an updated Lower East Coast Regional Water Supply Plan.

Conservation Element

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, Miami-Dade County, South Florida Water Management District, and through the Lower East Coast Water Supply Plan Update, as necessary.

Policy 1.12: The Village shall coordinate with and provide the City of North Miami any data necessary, including new development which would create additional water needs, in order to complete and submit a water conservation plan to the County as required by the Miami-Dade County Code, Section 32-83.1. Said Plan shall be updated for the County's approval every five years following submittal and Conserve Florida Guide generated reports shall be filed annually at the close of the fiscal year.

Policy 1.13: The Village shall require all future developments to comply with the landscape standards in Sections 18-A and 18-B, Code of Miami-Dade County.

Policy 1.14: By May 1, 2023, the Village shall adopt conservation measures by ordinance in conformance with the SFWMD's Mandatory Year-Round Landscape Irrigation Conservation Measures (as detailed in 40E-24, Florida Administrative code). Specifically, the Village ordinance shall prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to two days per week. The Village ordinance shall further encourage users to apply no more than 3/4 -inch to 1-inch of water per week on their lawns and landscape areas and only as needed to supplement rainfall.

Intergovernmental Coordination Element

Policy 2.8: 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, Miami-Dade County WASD, Miami-Dade County ~~Department of Environmental Resources Management~~, South Florida Water Management District, and through the Lower East Coast Water Supply Plan Update, by providing information on new development which would create additional water needs, as necessary.

Capital Improvements Element

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 (~~2008/2009 2018/2019~~ through ~~2012/2013-2022/2023~~), 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 ~~2008/2009-2018/2019~~ through ~~2012/2013-2022/2023~~). The Village Schedule shall be maintained and updated annually.

Section 3. Inclusion in the Comprehensive Plan & Scrivener's Errors. The Village Commission intends that the provisions of this Ordinance be made a part of the Village of Biscayne

Park Comprehensive Plan, and that sections herein may be renumbered; regardless, typographical errors that do not affect intent may be corrected with notice to and authorization of the Village Manager without further process.

Section 4. Conflicts. Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any lawfully adopted ordinance or statute, the most restrictive shall apply.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared.

Section 6. Effective Date. That pursuant to Florida Law, the Comprehensive Plan amendment(s) adopted by this Ordinance shall not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to comply.

PASSED AND ADOPTED upon first reading this _____ day of _____, 2023.

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

Jonathon E. Groth, Mayor _____
Veronica Amsler, Commissioner _____
Arturo Jose Gonzalez, Commissioner _____
MacDonald Kennedy, Commissioner _____
Veronica L. Olivera, Commissioner _____

PASSED AND ADOPTED upon second reading this _____ day of _____, 2023.

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

Jonathon E. Groth, Mayor _____
Veronica Amsler, Commissioner _____
Arturo Jose Gonzalez, Commissioner _____
MacDonald Kennedy, Commissioner _____
Veronica L. Olivera, Commissioner _____

VILLAGE OF BISCA YNE PARK

Jonathan E. Groth, Mayor

ATTEST:

Shantay J. Bingham, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE
OF THE VILLAGE OF BISCA YNE PARK ONLY:

Valerie Vicente, Village Attorney