

CITY OF LIGHTHOUSE POINT, FLORIDA

ORDINANCE NO. 2009 - 0882

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN BY ADOPTING BY REFERENCE A WATER SUPPLY FACILITIES WORK PLAN, AND AMENDING THE GOALS, OBJECTIVES, POLICIES AND TEXT OF THE CAPITAL IMPROVEMENT ELEMENT, CONSERVATION ELEMENT, INFRASTRUCTURE ELEMENT, AND INTERGOVERNMENTAL COORDINATION ELEMENT, WHICH ARE BEING PROCESSED CONCURRENTLY WITH THE EAR-BASED AMENDMENTS IN ORDER TO INCORPORATE WATER SUPPLY PLANNING PROVISIONS REQUIRED BY FLORIDA STATUTES; INCLUDING A PROVISION FOR INCLUSION IN THE CITY'S COMPREHENSIVE PLAN; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 2002, 2004, and 2005, the Legislature of the State of Florida expanded the local government comprehensive planning requirements to strengthen coordination between water supply planning and land use development planning; and

WHEREAS, in order to comply with the recent action of the State Legislature, the City of Lighthouse Point (the "City") must adopt a 10-year Water Supply Facilities Work Plan ("WSFWP"), attached hereto and incorporated herein as **Exhibit "A"**, as an amendment to its Comprehensive Plan pursuant to Section 162.3177, Florida Statutes; and

WHEREAS, such an amendment will ensure compatibility with future growth and water supply within the City; and

WHEREAS, this amendment will further provide for more efficient communication between the City and water service providers to ensure consistency that corresponds with projected growth and water availability; and

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WHEREAS, this amendment complies with the South Florida Water Management District's Lower East Water Supply Plan; and

WHEREAS, the City Commission has conducted the duly advertised public hearings on the proposed WSFWP amendment and has considered all comments received concerning the proposed amendment to the Comprehensive Plan as required by state law and local ordinance; and

WHEREAS, City staff has reviewed the proposed WSFWP amendment and finds that it is consistent with the state statutory requirements as well as all applicable codes and ordinances; and

WHEREAS, the proposed amendment to the City's Comprehensive Plan is consistent with the Broward County Comprehensive Plan, the South Florida Regional Policy Plan, and the State of Florida Comprehensive Plan; and

WHEREAS, on December 2, 2008 and January 6, 2009, the City's Local Planning Agency, the Planning and Zoning Board, reviewed the proposed amendments and recommended that the WSFWP amendments to the City's Comprehensive Plan be approved by the City Commission; and,

WHEREAS, pursuant to City Commission direction at its January 13, 2009 meeting, the City transmitted the City's WSFWP and related Comprehensive Plan Amendments provided herein to the State of Florida Department of Community Affairs ("DCA") for its review and consideration; and

WHEREAS, the DCA has reviewed the proposed WSFWP and related Amendments to the Comprehensive Plan, and the City has made the necessary revisions to the proposed amendments

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to the City's Comprehensive Plan in accordance with the DCA's Objections, Recommendations and Comments Report ("ORC"), dated April 3rd, 2009; and

WHEREAS, after public hearing and study, the City Commission finds the adoption of the proposed WSFWP and amendments it to be in the best interests of the health, safety and welfare of the citizens and residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Pursuant to Section 163.3177, F.S., the City Commission of the City of Lighthouse Point hereby amends the Future Land Use, Infrastructure, Conservation, Intergovernmental Coordination and Capital Improvement Elements of the City's Comprehensive Plan by adopting the 10-year Water Supply Facility Work Plan, attached hereto as **Exhibit "A"** and incorporated herein.

Section 3. The appropriate members of the City staff are hereby authorized to take any and all steps necessary to effectuate the intent of this Ordinance.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or

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invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE FIRST READING, THIS 13TH DAY OF JANUARY, 2009.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LIGHTHOUSE POINT, FLORIDA, ON THE SECOND AND FINAL READING, THIS 23RD DAY OF JUNE, 2009.

BY: /s/ Michael S. Long
MICHAEL S. LONG, COMMISSION PRESIDENT

ATTEST:

BY: /s/ Carol Landau
CAROL LANDAU, CITY CLERK

APPROVED AS TO FORM:

BY: /s/ Michael D. Cirullo, Jr.
OFFICE OF THE CITY ATTORNEY

| | Yes | No | Absent |
|----------------------------------|-----|----|--------|
| Commission President Long | x | | |
| Commission Vice President Gordon | x | | |
| Commissioner Hasis | x | | |
| Commissioner Johnson | x | | |
| Commissioner LaMarca | x | | |