

**RESOLUTION NO. 05-12**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY, PROVIDING FOR THE APPROVAL OF THE DRAFT COMPREHENSIVE PLAN FOR THE VILLAGE OF PALMETTO BAY; RECOMMENDING ITS ADOPTION TO THE VILLAGE COUNCIL AND PROVIDING FOR TRANSMITTAL OF THE COMPREHENSIVE PLAN TO THE DEPARTMENT OF COMMUNITY AFFAIRS, AND TO ALL OTHER REQUIRED GOVERNMENTAL AGENCIES OR ENTITIES, FOR THEIR REVIEW PRIOR TO PLAN ADOPTION BY THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village of Palmetto Bay incorporated on September 11, 2002;  
and,

**WHEREAS**, as part of the Village's incorporation, the existing Miami-Dade County Comprehensive Plan was designated as the Village's Comprehensive Plan; and,

**WHEREAS**, on September 11<sup>th</sup>, 2002, the Village adopted the Miami-Dade County Comprehensive Development Master Plan (CDMP) as an interim comprehensive plan to serve until a new plan for Palmetto Bay, tailored to the unique growth and development needs of the community, could be prepared and adopted; and

**WHEREAS**, the Comprehensive Plan, together with the implementing tools, will ensure that the development patterns for future land uses within the Village match the community vision and quality-of-life expectations of its residents; and

**WHEREAS**, the specific authority and requirements for municipalities to do comprehensive planning in Florida emanates from Chapter 163, Florida Statutes, as amended in 1985 through the adoption of the Local Governmental Comprehensive Planning and Land Development Regulation Act implemented primarily via Rules 9J-5 and 9J-11 of the Florida Administrative Code, as amended; and

**WHEREAS**, the Village Council has been designated as the local planning agency for the Village pursuant to section 163.3174, Florida Statutes; and

**WHEREAS**, the Village Council retained planning consultants to assist it in preparing the Village's first Comprehensive Plan for the Village; and

**WHEREAS**, a new Comprehensive Plan for the Village of Palmetto Bay has been prepared to be fully consistent with Chapter 163, F.S., and Rules 9J-5 and 9J-11, as required by State law; and

**WHEREAS**, consistent with State requirements, the Village's new Comprehensive Plan is divided into two components: "Part I. Goals, Objectives and Policies" which provides the overall policy framework from which zoning and other land development regulations can be developed to guide development decisions and zoning regulations; and, "Part II. Data, Inventory & Analysis Report" which provides supporting data and conclusions as the foundation for the goals, objectives, and policies; and

**WHEREAS**, the Village Council acting in its capacity as the local planning agency has acted in accordance with state law, and in specific compliance with section 163.3174, Florida Statutes and has reviewed and recommends approval of its Comprehensive Plan to the Village Council and transmittal to the State of Florida Department of Community Affairs; and

**WHEREAS**, the Village Council after holding a duly noticed public hearing on transmittal is required to transmit the Comprehensive Plan to the State of Florida Department of Community Affairs, the South Florida Regional Planning Council, and upon request, to other governmental agencies, entities or private individuals; and

**WHEREAS**, the Village Council has conducted a duly noticed hearing on the transmittal of the Comprehensive Plan on March 7, 2005;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ACTING IN ITS CAPACITY AS THE LOCAL PLANNING AGENCY OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

**Section 1.** Recitals. The above referenced whereas clauses are true and correct and are incorporated into this resolution by reference.

**Section 2.** Transmittal. The Village Council, acting in its capacity as the local planning agency, approves and adopts the draft Comprehensive Plan, which plan is attached as exhibit A to this resolution, as revised during the public hearing. The Village Council, acting in its capacity as the local planning agency, further recommends to the Village Council that it authorizes the Village Clerk to transmit the attached draft comprehensive plan to the State of Florida Department of Community Affairs, the South Florida Regional Planning Council, and all other governmental bodies, agencies, or private individuals as required by State law.

**Section 3.** Severability. The provisions of this resolution are declared to be severable, and if any section, sentence, clause or phrase of this resolution 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 resolution but they shall remain in effect, it being the legislative intent that this resolution shall stand notwithstanding the invalidity of any part.

**Section 4.** Conflicts. All provisions of the Village Code in conflict with this resolution and the attached comprehensive plan are repealed.

**Section 5.** Effective date. This resolution shall take effect immediately upon adoption.

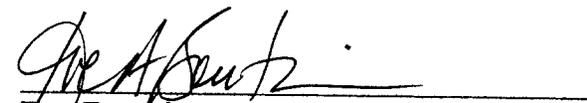
**PASSED and ADOPTED this 15th day of February, 2005.**

Attest:

  
Melghan Pier  
Village Clerk

  
Eugene P. Flinn, Jr.  
Mayor

APPROVED AS TO FORM:

  
Eve Boutsis,  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Paul Neidhart	<u>YES</u>
Council Member John Breder	<u>YES</u>
Vice-Mayor Linda Robinson	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

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