

ORDINANCE NO. 2018-01

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3 **AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF**
4 **HILLSBORO BEACH, FLORIDA, AMENDING THE TOWN'S**
5 **COMPREHENSIVE PLAN AND ADOPTING THE EVALUATION AND**
6 **APPRAISAL REPORT (EAR) BASED AMENDMENTS, A COPY OF**
7 **WHICH IS ATTACHED AS EXHIBIT "A"; AND OTHER PORTIONS OF**
8 **THE COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO**
9 **THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO)**
10 **FOR REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
11 **CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

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13 **WHEREAS**, the Florida Legislature intends that local planning be a continuous and
14 ongoing process; and

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16 **WHEREAS**, Section 163.3191, Florida Statutes, directs local governments to periodically
17 assess the success or failure of the adopted plan to adequately address changing conditions and
18 state policies and rules; and

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20 **WHEREAS**, Section 163.3191, Florida Statutes, directs local governments to adopt
21 needed amendments to ensure that the plan provides appropriate policy guidance for growth and
22 development; and

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24 **WHEREAS**, at a public hearing held on May 1, 2018, the Town Commission sitting as the
25 Local Planning Agency recommended approval of the EAR based amendments; and

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27 **WHEREAS**, at a public hearing that was opened on April 3, 2018 and continued to May
28 1, 2018, the Town Commission, upon first reading of this Ordinance, authorized transmittal of the
29 EAR-Based Amendments to the Florida Department of Economic Opportunity (DEO) and review
30 agencies for the purpose of a review in accordance with Sections 163.3184, 163.3187, 163.3189
31 and 163.3191, Florida Statutes.

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33 **WHEREAS**, at a public hearing held on **October 2nd, 2018**, the Town Commission, upon
34 second and final reading of this Ordinance, recommended approval of the EAR-Based
35 Amendments to the Comprehensive Plan after considering the comments received in the State
36 Coordinated Review in accordance with Sections 163.3184 and 163.3191, Florida Statutes

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38 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
39 **TOWN OF HILLSBORO BEACH, FLORIDA THAT:**

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41 **Section 1.** The foregoing "Whereas" clause are hereby ratified and confirmed as being true
42 and correct and are hereby made a part of this Ordinance.
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**State of Florida
Broward County
Town of Hillsboro Beach**

1 **Section 2.** The Town Commission hereby approves the Town of Hillsboro Beach
2 Comprehensive Plan Evaluation and Appraisal Report (EAR) Based Amendments, a copy of
3 which is attached hereto as Exhibit "A".
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6 **Section 3.** If any section, subsection, sentence, clause or provision of this Ordinance is
7 held invalid, the remainder of this Ordinance shall not be affected by such invalidity.
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9 **Section 4.** That all ordinances or parts of ordinances and all resolutions or parts of
10 resolutions in conflict with this Ordinance are repealed to the extent of such conflict.
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12 **Section 5.** It is the intention of the Town Commission of the Town of Hillsboro Beach,
13 that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances
14 of Town of Hillsboro Beach, Florida, and the Sections of this ordinance may be renumbered,
15 re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word
16 or phrase in order to accomplish such intention.
17

18 **Section 6.** The effective date of this plan amendment, if the amendment is not timely
19 challenged, shall be the date the Department of Economic Opportunity posts a notice of intent
20 determining that this amendment is in compliance. If timely challenged, or if the state land
21 planning agency issues a notice of intent determining that this amendment is not in compliance,
22 this amendment shall become effective on the date the state land planning agency or the
23 Administration Commission enters a final order determining this adopted amendment to be in
24 compliance. No development orders, development permits, or land uses dependent on this
25 amendment may be issued or commence before it has become effective. If a final order of
26 noncompliance is issued by the Administration Commission, this amendment may nevertheless be
27 made effective by adoption of a resolution affirming its effective status, a copy of which resolution
28 shall be sent to the Department of Economic Opportunity.
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31 **PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF**
32 **HILLSBORO BEACH, FLORIDA, ON FIRST READING, THIS 1st DAY OF MAY, 2018.**

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF HILLSBORO
BEACH, FLORIDA, ON SECOND AND FINAL READING, THIS 2nd DAY OF OCT,
2018.

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10-2-2018
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TOWN OF HILLSBORO BEACH, FLORIDA

By: Deborah L. Tarrant
Deborah L. Tarrant, Mayor

Approved as to form:

By: Donald J. Doody
Donald J. Doody, Town Attorney

RECORD OF COMMISSION VOTE:

MAYOR TARRANT	<u>yes</u>
VICE MAYOR KIRDAHY	<u>yes</u>
COMMISSIONER FEAMAN	<u>yes</u>
COMMISSIONER BALDASARRE	<u>yes</u>
COMMISSIONER BROWN	<u>yes</u>

ATTEST:

By: Sherry D. Henderson 10-2-2018
Sherry D. Henderson, CMC
Town Clerk

