

**ORDINANCE NO. 13-1365**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR AN AREA OF APPROXIMATELY 1.33 ACRES IN SIZE, ENCOMPASSING THE PROPERTIES LOCATED AT 1094 NORTHWEST 122<sup>ND</sup> STREET, 1092 NORTHWEST 122<sup>ND</sup> STREET, 1080 NORTHWEST 122<sup>ND</sup> STREET, 1075 NORTHWEST 121<sup>ST</sup> STREET, 1085 NORTHWEST 121<sup>ST</sup> STREET, AND 12105 NORTHWEST 11<sup>TH</sup> AVENUE, FROM LOW DENSITY RESIDENTIAL LAND USE DESIGNATION TO UTILITIES LAND USE DESIGNATION, IN ORDER TO ALLOW FOR THE PROPOSED EXPANSION AND REDEVELOPMENT OF THE WINSON WATER TREATMENT PLANT, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature passed and adopted Chapter 163, Local Government Comprehensive Planning and Development Regulation Act, which requires the City of North Miami ("City") to adopt and enforce a comprehensive plan; and

**WHEREAS**, Section 163.3187(1), Florida Statutes, allows local governments to periodically make small scale land use amendments to their comprehensive plan future land use map, if the proposed amendment: (a) does not exceed 10 acres, (b) the cumulative annual effect of the acreage for all adopted small scale amendments does not exceed 120 acres, (c) the proposed amendment does not involve a text change to the goals, policies, and objectives of the comprehensive plan, and (d) the property that is the subject of the proposed amendment is not located within an area of critical state concern; and

**WHEREAS**, the subject area, consisting of approximately 1.33 acres in size, encompassing the properties located at 1094 Northwest 122<sup>nd</sup> Street, 1092 Northwest 122<sup>nd</sup> Street, 1080 Northwest 122<sup>nd</sup> Street, 1075 Northwest 121<sup>st</sup> Street, 1085 Northwest 121<sup>st</sup> Street, and 12105 Northwest 11<sup>th</sup> Avenue ("Subject Property"), is currently designated by the City

Comprehensive Plan (“Comprehensive Plan”) Future Land Use Map as Low Density Residential; and

**WHEREAS**, the City, as the owner of the Subject Property, filed an application for a Small Scale Land Use Plan amendment to change the designated use of the Subject Property from Low Density Residential to Utilities Use, to allow for the proposed expansion and redevelopment of the Winson Water Treatment Plant (“Water Plant”) with proceeds from the Florida Department of Environmental Protection State Revolving Fund (SRF), upon a single and contiguous project landsite; and

**WHEREAS**, Policy 4D.2.1 of the City Comprehensive Plan (“Comprehensive Plan”), requires that the City maintain the Water Plant and distribution system such that they operate at adequate levels to meet population water demand; and

**WHEREAS**, the proposed Small Scale Land Use Plan amendment is consistent with the Comprehensive Plan in that it facilitates the proposed public use of the subject site and supports current and future demand for water service; and

**WHEREAS**, pursuant to Article 2, Section 2-203 of the City Code of Ordinances, Land Development Regulations (“LDRs”), at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed zoning or Comprehensive Plan change; and

**WHEREAS**, the Planning Commission, after a duly noticed public hearing held on January 7, 2014, unanimously found the application to be consistent with the goals, policy and objectives of the Comprehensive Plan and recommended approval of the Small Scale Land Use Plan amendment to the Mayor and City Council, with the condition that the City reaches out to nearby residents to obtain input for the integration of landscaping and aesthetical improvements to the proposed expansion and redevelopment of the Water Plant; and

**WHEREAS**, Policy 1.1.3 of the Comprehensive Plan, provides that densities and intensities of the Future Land Use Element cannot be changed without the concurrence of a supermajority of the City Council; and

**WHEREAS**, pursuant to Article 3, Section 3-1007C of the LDRs, approval of a zoning map change shall require an affirmative vote of at least four (4) members of the City Council; and

WHEREAS, the Mayor and City Council, find that the adoption of the proposed Small Scale Land Use amendment to the Future Land Use Map is consistent with the Comprehensive Plan and in the best interest of the City, and thereby, authorize the City Manager to do all things necessary to effectuate the amendment, as required by Florida law.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

**Section 1. Subject Property.** The property legally described in the attached "Exhibit 1", according to the Public Records of Miami-Dade County, Florida, is hereby re-designated from Low Density Residential to Utilities land use designation.

**Section 2. Authority of City Manager.** The City Manager is hereby authorized to do all things necessary to effectuate the subject land use amendment as required by Florida law.

**Section 3. Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4. 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 5. Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 6. Effective Date.** This Ordinance shall not become effective until thirty one (31) days after adoption on second reading, if not otherwise challenged.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 28th day of January, 2014.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 11th day of February, 2014.

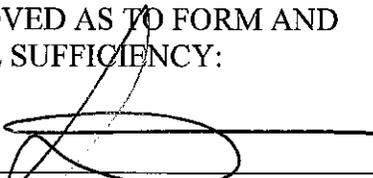
  
LUCIE M. TONDREAU  
MAYOR

ATTEST:



\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:



\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Keys

Seconded by: Bien-Aime

**Vote:**

Mayor Lucie M. Tondreau	<u>x</u>	(Yes)	_____	(No)
Vice Mayor Scott Galvin	<u>x</u>	(Yes)	_____	(No)
Councilperson Carol Keys, Esq.	<u>x</u>	(Yes)	_____	(No)
Councilperson Philippe Bien-Aime	<u>x</u>	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	<u>x</u>	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.