

ORDINANCE NO. 1399

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL BASED AMENDMENTS TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 73C-49, FLORIDA ADMINISTRATIVE CODE, AND SECTION 163.3191, FLORIDA STATUTES; AMENDING THE FUTURE LAND USE, TRANSPORTATION, HOUSING, INFRASTRUCTURE, COASTAL MANAGEMENT, CONSERVATION, PARKS & RECREATION, INTERGOVERNMENTAL COORDINATION, ECONOMIC DEVELOPMENT, PUBLIC SCHOOL FACILITIES, AND CAPITAL IMPROVEMENTS ELEMENTS OF THE NORTH MIAMI COMPREHENSIVE PLAN; ADDING A CLIMATE CHANGE ELEMENT TO THE NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT SPECIFIC TO CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR DATA AND ANALYSIS SUPPORTING ADOPTION OF GOALS, OBJECTIVES AND POLICIES OF THE ELEMENTS; PROVIDING FOR TRANSMITTAL AND SUBSEQUENT ADOPTION OF AMENDMENTS, ADDITIONS AND DELETIONS TO THE GOALS, OBJECTIVES AND POLICIES OF THE ELEMENTS; PROVIDING FOR TRANSMITTAL OF SUCH PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY FOR REVIEW IN ACCORDANCE WITH SECTION 163.3184(4), FLORIDA STATUTES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167(2), Florida Statutes, requires that each local government, including the City of North Miami (“City”), prepare a comprehensive plan in compliance with the Community Planning Act, under Chapter 163, Florida Statutes, as amended; and

WHEREAS, the North Miami Comprehensive Plan (“Comprehensive Plan”), along with the future land use map which is part of the Comprehensive Plan is the official statement of policy of the City in regard to the use of land and all use or development of land, undertaken pursuant to City Code of Ordinances, Land Development Regulations (“LDRs”); and

WHEREAS, Section 163.3191, Florida Statutes and Rule 73C-49, Florida Administrative Code, also stipulate that every seven (7) years the City shall prepare and transmit an Evaluation and Appraisal Notification Letter outlining the City's progress in implementing the objectives of the Comprehensive Plan, the City's future intent to amend its Comprehensive Plan to reflect changes in state requirements and to further update the overarching goals, objectives and policies to reflect current priorities; and

WHEREAS, Section 163.3177, Florida Statutes, and Rule 73C-49 Florida Administrative Code require that the Comprehensive Plan shall consist of goals, objectives and policies, procedures for monitoring and evaluating the local plan, with supporting data, analysis and maps; and

WHEREAS, the City transmitted the Evaluation and Appraisal Notification Letter outlining the City's proposed amendments to the previously adopted 2007 Comprehensive Plan; and

WHEREAS, on September 23, 2014, the Florida Department of Economic Opportunity ("DEO") issued a letter of concurrence affirming the City's proposed Comprehensive Plan amendments; and

WHEREAS, pursuant to Section 163.3191(2), Florida Statutes, the City has one (1) year after the completion of its Notification Letter in which it must incorporate the Evaluation and Appraisal based amendments ("Amendments") into its Comprehensive Plan; and

WHEREAS, pursuant to Article 2, Section 2-203, 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, on June 10, 2015, the Planning Commission, after a duly noticed public meeting, unanimously rejected the proposed Amendments in accordance with Section 3-1106A, LDRs, and submitted to the Mayor and City Council the following main reasons for rejection: 1) the proposed amended Comprehensive Plan lacks substantial modifications, i.e., it largely maintains the current 'status quo'; 2) the proposed Amendments are insufficient and incomplete, in that they fail to incorporate recommendations made by the Planning Commission; 3) the proposed amended Comprehensive Plan does not adequately address conditions relating to increased densities and height thresholds; and

WHEREAS, the Planning Commission recommended to the Mayor and City Council to allow further review of the Comprehensive Plan addressing the aforementioned issues, prior to transmittal to the DEO, pursuant to Chapter 163, Florida Statutes; and

WHEREAS, on June 29, 2015, the Mayor and City Council held a duly noticed joint-forum with the Planning Commission, to ascertain a collective vision relating to, among other things, the application of greater densities and heights; and

WHEREAS, on August 4, 2015, the Planning Commission, after a duly noticed public meeting, approved the proposed Amendments with enumerated conditions, in accordance with Section 3-1106A, LDRs; and

WHEREAS, Section 163.3184(11), Florida Statutes, requires that the Amendments shall be adopted by the Mayor and City Council by Ordinance; and

WHEREAS, on October 13, 2015, the Mayor and City Council, after a duly noticed public meeting, unanimously adopted the Amendments with certain revisions and authorized transmittal to the DEO, as well as to other applicable reviewing agencies, pursuant to state law; and

WHEREAS, on December 21, 2015, the DEO issued to the City its Objections, Recommendations, and Comments (“ORC”) Report, pertaining essentially to the Future Land Use Element amendments not being clearly identified, the need to map the coastal high hazard area, the need for meaningful and predictable standards within the Future Land Use Element, and the need to address the required ‘Peril of Flood’ legislation; and

WHEREAS, the Amendments to the City Comprehensive Plan, which were presented to and approved for transmittal by the City Council at the October 13, 2015, have since been revised to resolve the objections raised in the ORC Report, address the comments therein, and incorporate wherever applicable, the recommended policy changes, in compliance with Chapter 163, Florida Statutes; and

WHEREAS, in accordance with the requirements of Section 163.3184(4)(e), Florida Statutes, the City has one hundred eighty (180) days from the receipt of the ORC Report to hold the second public hearing to incorporate and adopt the Amendments to the Comprehensive Plan (i.e., by June 21, 2016) by Ordinance; and

WHEREAS, if the Comprehensive Plan is not adopted within the statutory requirements, the City may be subject to remedial actions or sanctions, as set forth in Section 163.3184(8), Florida Statutes; and

WHEREAS, pursuant to Article 3, Section 3-1109, LDRs, the Mayor and City Council shall adopt the proposed Amendments to the Comprehensive Plan with the affirmative vote of a super-majority; and

WHEREAS, the Mayor and City Council find the adoption of Amendments to the Comprehensive Plan and its transmittal to the DEO in accordance with state law, is in the best interest of the City and furthers the public health, safety and welfare.

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

Section 1. Adoption. The Mayor and City Council of the City of North Miami, Florida, hereby approve and adopt the proposed Evaluation and Appraisal based amendments to the City of North Miami Comprehensive Plan, attached hereto as composite "Exhibit I".

Section 2. Transmittal. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the appropriate City officials to submit the appropriate number of copies of this Ordinance and the City's Comprehensive Plan, as amended herein, to the State of Florida Department of Economic Opportunity and to any other governmental agency having jurisdiction with regard to the approval of same in accordance with, and pursuant to Chapter 163, Florida Statutes, and to keep available copies of the amended Comprehensive Plan available for public review and examination at the North Miami Community Planning & Development Department.

Section 3. Repeal. All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 4. Conflict. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed.

Section 5. Severability. If any word, clause, phrase, sentence, paragraph or section of this Ordinance is held to be invalid by a court of competent jurisdiction, such

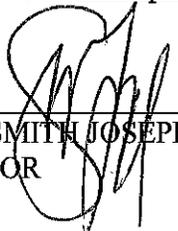
declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or section of this ordinance.

Section 6. 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 this 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 7. Effective Date. This Ordinance shall not become effective until forty-five (45) days after the Florida Department of Economic Opportunity notifies the City that the plan amendment packet transmitted is complete and in compliance with Florida law.

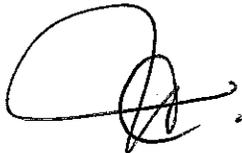
PASSED AND ADOPTED by 5-0 vote of the Mayor and City Council on first reading this 13th day of October, 2015.

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 26th day of April, 2016.



DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Joseph

Sponsored by: Desulme

Vote:

Mayor Smith Joseph, D.O., Pharm. D.	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Alix Desulme	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Carol Keys, Esq.	<u>X</u>	(Yes)	_____	(No)
Councilman Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)

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