

To: The Honorable Mayor and City Council

From: Maxine Calloway  Community Planning & Development Director

Date: September 24, 2013

Re: **Comprehensive Plan Map Amendment (Large Scale), For Annexation Area 3**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE CITY OF NORTH MIAMI'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BY UPDATING THE FUTURE LAND USE MAP IN ORDER TO ASSIGN APPROPRIATE LAND USE CATEGORIES TO NEWLY ANNEXED PROPERTIES IN AN AREA BORDERED ON THE WEST-SIDE BY THE BISCAYNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS "AREA 3"); FURTHER AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER REVIEW AGENCIES AS REQUIRED UNDER SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

STAFF RECOMMENDATION

That the Mayor & City Council approve the proposed ordinance to amend the City's Comprehensive Plan, Future Land Use Map in order to assign the appropriate land use categories to the newly annexed properties in the area bordered on the west-side by the Biscayne Canal, on the east-side by Northeast 4th Avenue, on the south-side by Northeast 131st Street, and on the north-side by Northeast 135th Street (otherwise known as "Annexation Area 3"); and transmit said amendment to the Florida Department of Economic Opportunity and all other applicable agencies, as required by Florida Statutes 163.3184.

PLANNING COMMISSION RECOMMENDATION

At its meeting on September 3, 2013 the Planning Commission (attended by Commissioners James, Each, Ernst, Castor and Seifried) reviewed and discussed the proposed ordinance to amend the city's Comprehensive Plan, Future Land Use Map in order to assign the appropriate land use to the newly annexed properties. Staff provided an overview of the proposed map amendment and explained that State law (Chapter 163, F.S.) requires that a Land Use Designation be assigned to each parcel in the newly annexed area. Based on the information provided, the Planning Commission agreed that the proposed amendment

was imperative as it satisfies the aforementioned statutory requirement, allows for the orderly development of the area and the proper assignment of certain development rights for individuals owning land within the subject area. As such, the Planning Commission rendered a unanimous approval of 5-0. The motion to approve was made by Commissioner Ernst and seconded by Commissioner Each.

BACKGROUND

Chapter 163, Florida Statutes, requires that each local government prepares a Comprehensive Plan and Future Land Use Map and Section 163.3184 specifically includes guidelines addressing how said plans must be amended overtime as land use changes occur at the municipal level. On November 22, 2011, the Mayor and City Council passed and adopted Resolution # 2011-150, authorizing City administration to file a formal annexation application with Miami-Dade County for an area **consisting of 38 acres in size** and bordered on the west-side by the Biscayne Canal, on the east-side by Northeast 4th Avenue, on the south-side by Northeast 131st Street, and on the north-side by Northeast 135th Street , otherwise known as "Annexation Area 3" (see attached location map). . Consistent with the City's Code of Ordinances, Land Development Regulations (LDRs), a temporary designation of Residential Estate District (R-1) was assigned to the entire area. The City subsequently transmitted an annexation application and report for Area 3 to Miami Dade County for review and consideration.

On April 2, 2013, Miami-Dade Board of County Commissioners passed and adopted Ordinance Number 13-31, approving the annexation of Area 3 into the City, in accordance with Section 6.04(b) of the Miami-Dade County Charter and Chapter 20 of the Miami-Dade County Code of Ordinances. The adoption of annexation Area 3 necessitated not only the rezoning of the parcels to be consistent with the built environment but also, the need to amend the City's Comprehensive Plan Future Land Use Map in order to assign the appropriate Land Use designation to each parcel within the subject area to conform with the proposed zoning designations. Attached is a copy of the proposed land use designations recommended for each parcel based on the former County land use designation as well as the current built environment.

CONCLUSION

Florida Statues require that the City transmit the proposed amendments to the Department of Economic Opportunity (DEO) and other applicable agencies for review and comment. The DEO has 30 days from receipt of the City's submittal in which to issue comments regarding the proposed amendments. After DEO's comments are sent to the City, staff has 180 days to adopt the final Comprehensive Plan amendments (second public hearing) and transmit within 10 days of the public hearing. Within 5 days of receipt of the City's plan amendment submittal, DEO must notify the City in writing as to whether or not its amendment is complete. If in compliance, the plan amendment becomes effective within 31 days of the DEO's notification letter/final

order of sufficiency. Staff believes the proposed amendment satisfies the requirements of Chapter 163, F.S. and as such, recommends approval of the proposed ordinance.

TWS: mc

Attachments:

1. Proposed Ordinance
2. Location Map of Annexation Area
3. Proposed Land Use Map of Area

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE CITY OF NORTH MIAMI'S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BY UPDATING THE FUTURE LAND USE MAP IN ORDER TO ASSIGN APPROPRIATE LAND USE CATEGORIES TO NEWLY ANNEXED PROPERTIES IN AN AREA BORDERED ON THE WEST-SIDE BY THE BISCAYNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS "AREA 3"); FURTHER AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER REVIEW AGENCIES AS REQUIRED UNDER SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, requires that each local government prepare a Comprehensive Plan and Future Land Use Map in compliance with the Local Government Comprehensive Planning and Land Development Act, as amended; and

WHEREAS, Policy 8.1.7 of the City of North Miami ("City") Comprehensive Plan, encourages the City to actively pursue development and growth-management opportunities through several mechanisms including, but not limited, to the potential of annexations where necessary; and

WHEREAS, on November 22, 2011, the Mayor and City Council passed and adopted Resolution Number 2011-150, authorizing the City administration to file a formal annexation application with Miami-Dade County for the area bordered on the west-side by the Biscayne Canal, on the east-side by Northeast 4th Avenue, on the south-side by Northeast 131st Street, and on the north-side by Northeast 135th Street (otherwise known as "Area 3"), and temporarily designating Area 3 as R-1, in accordance with Section 1-106B.3 of the City Code of Ordinances, Land Development Regulations ("LDRs"); and

WHEREAS, on April 2, 2013, the Miami-Dade Board of County Commissioners passed and adopted Ordinance Number 13-31, approving the annexation of Area 3 into the City, in

accordance with Section 6.04(b) of the Miami-Dade County Charter and Chapter 20 of the Miami-Dade County Code of Ordinances; and

WHEREAS, City administration analyzed the subject area and recommends that the City's Future Land Use Map be amended to reflect the appropriate land use categories for all lands within Area 3, as depicted in the partial Future Land Use Map (attached hereto as "Exhibit 1"); and

WHEREAS, the City Administration has taken the necessary steps to comply with the requirements specified in Section 163.3184, Florida Statutes, which outline procedures for the adoption of Comprehensive Plan amendments; and

WHEREAS, on September 3, 2013, after a duly noticed public hearing, the Planning Commission found the proposed ordinance consistent with the goals, policy and objectives of the Comprehensive Plan and recommended approval to the Mayor and City Council; and

WHEREAS, on _____ the Mayor and City Council, after a duly noticed public hearing, determined that the proposed ordinance amending the City's Comprehensive Plan, Future Land Use Map, is in the best interest of the City.

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

Section 1. **Amendment to the Comprehensive Plan.** The Mayor and City Council or the City of North Miami, Florida, hereby amend the City of North Miami's Comprehensive Plan pursuant to Chapter 163, Florida Statutes, by updating the Future Land Use Map in order to assign appropriate land use categories to newly annexed properties bordered on the west-side by the Biscayne Canal, on the east-side by Northeast 4th Avenue, on the south-side by Northeast 131st Street, and on the north-side by Northeast 135th Street (otherwise known as "Area 3"), as provided in the attached "Exhibit 1".

Section 2. **Transmittal.** The Mayor and City Council or the City of North Miami, Florida, hereby authorize the transmittal of the Comprehensive Plan Amendment to the Florida Department of Economic Opportunity and all other review agencies as required under Section 163.3184, Florida Statutes.

Section 3. **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are 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. It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall 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 intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall not become effective until thirty one (31) days after the state land planning agency notifies the city that the plan amendment packet transmitted is complete if not otherwise challenged.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2013.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2013.

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: _____

Seconded by: _____

Vote:

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

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

MIAMI DADE COUNTY – PARTIAL FUTURE LAND USE MAP

