

ORDINANCE NO. 1475

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING WITH CHANGES, AMENDMENTS TO THE CITY OF NORTH MIAMI'S COMPREHENSIVE PLAN TO INCORPORATE THE ADOPTED SIXTEEN (16) YEAR WATER SUPPLY PLAN AND TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY PLANNING AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER REVIEW AGENCIES AS REQUIRED UNDER CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3177(6), Florida Statutes, requires local governments to assess their current as well as projected water needs and sources for at least a ten (10) year period, considering the approved regional water supply plan for the respective local government; and

WHEREAS, Section 163.3177(4)(a), Florida Statutes, requires coordination of the local comprehensive plan with the water management district's regional water supply plan; and

WHEREAS, the City of North Miami ("City") recognizes the need for better coordination between land use planning and water supply planning; and

WHEREAS, Section 163.3177(6)(c), Florida Statutes, requires that local governments prepare and adopt a minimum Ten (10) Year Water Supply Plan and amend their comprehensive plans within eighteen (18) months after the water management district approves a regional water supply plan or its update; and

WHEREAS, on September 22, 2020, the Mayor and City Council passed and adopted the City's Sixteen (16) Year Water Supply Plan by Resolution 2020-R-104, consistent with the requirements of Section 163.3177(6)(c), Florida Statutes; and

WHEREAS, for this reason, the City proposes to amend the Comprehensive Plan in order to incorporate the recommendations of the Water Supply Plan and adopt the necessary amendments in compliance with Florida law; and

WHEREAS, the City has proposed amendments to the objectives and policies of the Future Land Use Element, Infrastructure Element, Conservation Element, Intergovernmental Coordination Element and the Capital Improvement Element of its Comprehensive Plan, which are supported by the data and analysis contained in its adopted Sixteen (16) Year Water Supply Facilities Work Plan; and

WHEREAS, pursuant to Article 2, Division 2, Section 2-203 of the City LDRs, at least four (4) affirmative votes of the Planning Commission shall be required for a positive recommendation of any proposed amendment to the text of the City Comprehensive Plan; and

WHEREAS, pursuant to the requirements of Article 3, Division 11, Section 3-1106 of the City Land Development Regulations (“LDRs”), at a duly noticed public meeting held on March 2, 2021, the Planning Commission reviewed the proposed amendments to the City Comprehensive Plan text, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed amendments by passage of this ordinance; and

WHEREAS, Section 163.3184, Florida Statutes, requires that the amendments to the Comprehensive Plan shall be adopted by Mayor and City Council by Ordinance; and

WHEREAS, Mayor and City Council, after a duly noticed public hearing held on April 13, 2021, approved the proposed ordinance on first reading to amend the City’s Comprehensive Plan and directed the City Manager to transmit said amendments to the Florida Department of Economic Opportunity (“DEO”) and other reviewing agencies, pursuant to state law; and

WHEREAS, in accordance with the requirements of Section 163.3184 (3)(c), Florida Statutes, the City has one hundred eighty (180) days from the receipt of agency

comments, if any, to hold the second public hearing on whether to adopt the proposed amendments to the Comprehensive Plan by Ordinance; and

WHEREAS, on November 9, 2021, Mayor and City Council, after a duly noticed public hearing, find that it is in the City's best interests to approve the proposed ordinance to amend the City's Comprehensive Plan, and authorize the City Manager to transmit said amendments to DEO for a determination of completeness, in accordance with state law.

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 amendments to the City of North Miami Comprehensive Plan identified in Section 2.

Section 2. Amendments. Amendments to Volume 1: Goals, Objectives and Policies of the City of North Miami 2036 Comprehensive Plan, specifically the Future Land Use Element, the Infrastructure Element, the Conservation Element, the Intergovernmental Coordination Element and the Capital Improvements Element as follows:

CITY OF NORTH MIAMI

VOLUME 1: GOALS, OBJECTIVES AND POLICIES OF THE CITY OF NORTH MIAMI

2036 COMPREHENSIVE PLAN

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FUTURE LAND USE ELEMENT

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Environmental Sustainability

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Policy 1.12.5

Proposed future land use map amendments shall be supported with data analysis from the adopted 16-Year Water Supply Facilities Work Plan Update (Resolution No. 2015-R-42020-R-104, adopted 20152020, and provided in Appendix D) demonstrating that adequate water supplies and associated public facilities will be available to meet the projected growth demands. The impact on potable water shall be determined by applying the standard generation rates outlined in Policy 4D.2.6 of the Infrastructure Element.

Policy 1.12.6

The City shall coordinate land uses and future land use amendments with available and projected fiscal resources and a financially feasible schedule of capital improvements for water supply and facility projects. The City shall provide for the protection of water quality with both traditional and alternative water supply sources as recommended in the 16-Year Water Supply Facilities Work Plan Update (Resolution No. 2015-R-42020-R-104, adopted 20152020).

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INFRASTRUCTURE ELEMENT

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Water Provision

Objective 4D.2

Continue to provide an adequate supply of potable water to meet the demands of the service area population through the year 20305 by purchasing water from Miami-Dade WASD. Additionally, the City shall comply with its adopted 16-year Water Supply Facilities Work Plan Update (Resolution No. 2015-R-42020-R-104, adopted 20152020), as required by section 163.3177(6)(c), F.S. to be within 18-months after the governing board of the South Florida Water Management District approved its Lower East Coast Water Supply Plan Update on September 12, 2013 November 8, 2018.

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Policy 4D.2.7

The City shall comply with the City's 16-Year Work Plan Update (Resolution No. 2015-R-42020-R-104, adopted January 13, 2015September 22, 2020), and incorporate such work plan by reference into the City of North Miami Comprehensive Plan.

Policy 4D.2.8

The City shall coordinate appropriate aspects of its Comprehensive Plan with the South Florida Water Management District's regional Water Supply Plan adopted September 12, 2013 November 8, 2018 and with the Miami-Dade County 20-Year Water Supply Facilities Work Plan adopted February 4, 2015, and any amendments thereto. The City shall amend its Comprehensive Plan and Work Plan as required to provide consistency with the District and County plans.

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Policy 4D.2.10

The City's 16-Year Water Supply Facilities Work Plan Update (Resolution No. 2015-R-42020-R-104, adopted 20152020, and provided in Appendix D) is incorporated by reference into the Comprehensive Plan. The Work Plan will be updated, at a minimum every five years, concurrent with the update of the Miami-Dade County 20-Year Water Supply Facilities Work Plan, which shall also be incorporated in the City's Work Plan by reference.

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CONSERVATION ELEMENT

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Water Conservation

Objective 6B.4

Continue to implement programs and activities which result in the conservation of potable water resources in North Miami and its service area.

Monitoring and Evaluation:

- Continue to implement water conservation public education programs, such as participation in the "Drop Savers" contest where the City of North Miami students K-12 are encouraged to create a poster depicting a water conservation idea, in slogan or drawing form.
- Reevaluate potable water consumption goals and create time horizon to meet objective. Monitor compliance with the Water Use Efficiency Ordinance Conservation Plan (Adopted August 28, 2012), incorporated into the City of North Miami Code, Xeriscape Irrigation.
- Monitor compliance with the permanent landscape irrigation restrictions.
- Evaluate the need to expand the City's successful water leak detection and repair program.
- The City shall continue to monitor its per capita consumption on a bi-annual basis to ensure that it is continuing to achieve its water conservation goals at or below 165 gpcd.

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Policy 6B.4.3

The City will continue to encourage the use of high efficiency toilets, showerheads, faucets, clothes washers and dishwashers that are Energy Star rated and Water Sense certified in all retrofitted residential and commercial projects and continue its showerhead exchange program.

Policy 6B.4.4

The City will continue to require the use of high efficiency toilets, showerheads, faucets, clothes washers and dishwashers that are Energy Star rated and Water Sense certified in all new residential and commercial projects, as required by the Miami-Dade County

Water Use Efficiency Standards Ordinance 08-100 (Effective Date January 1, 2009) and Manual and adopted by City Ordinance by January 2010.

Policy 6B.4.5

The City will continue to require the use of Florida Friendly Landscape guidelines and principals; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (bricks, gravel, turf block, mulch, pervious concrete, etc.) on walkways, driveways and patios.

Policy 6B.4.6

The City will continue to participate, when warranted, in the SFWMD's Water Savings Incentive Program (Water SIP) for large-scale retrofits as recommended by the Lower East Coast Water Supply Plan.

Policy 6B.4.7

The City shall continue to submit a water conservation plan to the County as required by the Miami-Dade County Code, Section 32-83.1. Said Plan shall be updated for the County's approval every five years following submittal and Conserve Florida Guide generated reports shall be filed annually at the close of the fiscal year.

Policy 6B.4.8

The City shall continue to assist Miami-Dade County in the enforcement of Section 32-8.2 of the Code of Miami-Dade County relating to permanent landscape irrigation restrictions.

Policy 6B.4.9

The City shall continue education programs related to water conservation. These programs include brochures and mailings, presentations to homeowners associations and presentations at public schools located within the City's water service area.

Policy 6B.4.10

The City shall continue to explore water reuse opportunities with the SFWMD, MDWASD and North Miami Beach.

Policy 6B.4.11

The City shall continue to expand as necessary the City's water leak detection and repair program. The City of North Miami is implementing a New Restaurant Spray Valve Exchange program to conserve more water in the City of North Miami. We are providing low-flow restaurant pre-rinse valves to local restaurants, and cafeterias in exchange for their old water wasting spray valves to reduce their water consumption. Valves are provided on a first-come, first-served basis.

Policy 6B.4.12

The City of North Miami is committed to enhancing the quality of life for all of our residents, businesses, customers, visitors and employees by providing efficient public

service through the sustainable use of resources to preserve an atmosphere of courtesy, integrity, quality, fiscal and environmental responsibility for the benefit of current and future generations.

Policy 6B.4.13

The City shall adopt conservation measures by ordinance in conformance with the SFWMD's Mandatory Year Round Landscape Irrigation Measures Conservation Measures (as detailed in 40E-24, Florida Administrative Code). Specifically, the City ordinance shall prohibit landscape irrigation during those periods of the day when irrigation efficiency significantly decreases, and limit landscape irrigation water use to two days per week. The City Ordinance shall further encourage users to apply no more than 3/4-inch to 1-inch of water per week on their lawns and landscapes and only as needed to supplement rainfall.

INTERGOVERNMENTAL COORDINATION ELEMENT

Maintain Level of Service Standards

Policy 8.4.2

The City shall participate in any update to the 2018 Lower East Coast Regional Water Supply Plan approved on November 8, 2018 in conjunction with the SFWMD. The City shall also incorporate the 16-Year Water Supply Facilities Work Plan Update into the Comprehensive Plan within 18 months of the effective date of the Lower East Coast Regional Water Supply Plan. The City hereby adopts and incorporates by reference its 20152019 Water Supply Facilities Work Plan Update into the Comprehensive Plan.

Communicate North Miami's Plans

Policy 8.6.9

The City of North Miami Public Works Department Water and Sewer Utilities shall continue to hold quarterly roundtables and annual workshops with other governmental jurisdictions located within the North Miami water service area, Miami-Dade County Water and Sewer Department, Miami-Dade County Environmental Resources Management, and South Florida Water Management District. The workshop will focus on water supply needs, implementation of alternative water supply projects (including reuse and other conservation measures), and the establishment of level of service standards. Additionally, the City will adopt communication protocols to communicate and/or prepare an appropriate action plan to address any relevant issue(s) associated with water supply, conservation or reuse or LOS.

Policy 8.6.10

Appropriate mechanisms will be developed and adopted with the Villages of Miami Shores Village and Biscayne Park, the South Florida Water Management District, and Miami-Dade County to assure that adequate water supplies are available to all water users. Prior to approval of a building permit or its functional equivalent, the City, County and Villages shall consult with City of North Miami Public Works Department – Water and Sewer Utilities to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance of a certificate of occupancy. Furthermore, the City will be responsible for monitoring the availability of water supplies for all water users and for implementing a system that links water supplies to the permitting of new development.

Policy 8.6.11

The City shall coordinate with Miami-Dade County Water and Sewer Department in the implementation of alternative water supply projects, establishment of level-of-service-standards and resource allocations/water allocation system and changes in service areas.

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CAPITAL IMPROVEMENT ELEMENT

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Level of Service Standards and Concurrency Management

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Policy 11.4.6

The City shall incorporate capital improvements affecting City levels of service by referencing the Capital Improvements Schedules of Miami-Dade County, state agencies, regional water supply authorities and other units of government providing services but not having regulatory authority over the use of land into its 5-year Schedule of Capital Improvements. The City Capital Improvement Element Schedule shall be maintained and updated annually and shall demonstrate that level of service standards will be maintained during the next five years (2013/2014 through 2018/20192020/2021 through 2024/2025) planning period. Exhibit 2, below, describes the City's planned capital improvements for this planning period.

Policy 11.4.7

Every effort shall be made to use funds for the expansion, enhancement, and upgrade of the water supply facilities in accordance with the City's Adopted 16-Year Water Supply Facilities Work Plan Update (Resolution No. 2015-R-12020-R-104, adopted 2015/2020, and provided in Appendix D).

Exhibit 2: Five-Year Proposed Capital Improvement Program (2015/2016-
2019/2020 2020/21 – 2024/2025) ****

City of North Miami CAPITAL IMPROVEMENT PROGRAM SCHEDULE (FY 20/21 - 24/25)								TOTAL PROJECT ESTIMATE
Project	Dept.	Category	FY 2021	FY 21/22	FY 22/23	FY 23/24	FY 24/25	
City Hall Repairs and Improvements	Public Works	Facilities	\$ 76,500	\$ 160,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 386,500
Breezeswapt Trail-lot Replacement & Sprayground	Parks and Recreation	Parks	\$ 500,000	\$ —	\$ —	\$ —	\$ —	\$ 500,000
Pedestrian and Bicycle Bridge	1/2 Cent	Transportation	\$ —	\$ 70,000	\$ 900,000	\$ —	\$ —	\$ 970,000
Sidewalks and ROW Improvements	1/2 Cent	Transportation	\$ 431,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 1,231,000
Roadway Sweeper	1/2 Cent	Transportation	\$ —	\$ 325,000	\$ —	\$ —	\$ —	\$ 325,000
Street Resurfacing	Gas Tax	Transportation	\$ 440,000	\$ 352,305	\$ 290,000	\$ 290,000	\$ 290,000	\$ 1,662,305
Lift Station Rehab	W&S	Water	\$ 325,000	\$ 520,000	\$ 1,320,000	\$ 520,000	\$ 1,320,000	\$ 4,005,000
Sanitary Sewer Rehabilitation	W&S	Water	\$ 300,000	\$ 1,400,000	\$ 1,300,000	\$ 2,400,000	\$ 1,300,000	\$ 6,700,000
Emergency Generator at OPS Center	W&S	Water	\$ 90,000	\$ —	\$ —	\$ —	\$ —	\$ 90,000
Guaranteed Availability of Potable Water	W&S	Water	\$ 325,000	\$ —	\$ —	\$ —	\$ —	\$ 325,000
Emergency Generators at 4-Lift Stations	W&S	Water	\$ 700,000	\$ —	\$ —	\$ —	\$ —	\$ 700,000
Water Main Improvements	W&S	Water	\$ 2,200,000	\$ 200,000	\$ 1,200,000	\$ 200,000	\$ 1,200,000	\$ 5,000,000
Water Meter Replacements	W&S	Water	\$ —	\$ 8,000,000	\$ —	\$ —	\$ —	\$ 8,000,000
Water Line Replacements	W&S	Water	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 1,500,000
Upgrade of Existing Lime Softening Water Plant	W&S	Water	\$ —	\$ 26,000,000	\$ —	\$ —	\$ —	\$ 26,000,000
Stormwater Improvement - Basin Construction	Stormwater	Water	\$ 300,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 4,300,000
Canal Cleaning Improvements	Stormwater	Water	\$ 150,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 170,000
Surge Resistance & Flood Mitigation	Stormwater	Water	\$ —	\$ 500,000	\$ —	\$ —	\$ —	\$ 500,000
Fuel Pump Replacement	Fleet	Vehicle Repl.	\$ —	\$ 4,000	\$ 400,000	\$ 3,500	\$ 3,500	\$ 411,000
Equipment and Vehicle Replacement (Various Depts.)	Fleet	Vehicle Repl.	\$ 1,124,000	\$ 907,000	\$ 777,000	\$ 870,000	\$ 790,000	\$ 4,468,000
TOTAL PROJECT COSTS			\$ 7,261,500	\$ 39,943,305	\$ 7,742,000	\$ 5,838,500	\$ 6,458,500	\$ 67,243,805

Section 3. Authority of City Manager. The City Manager is hereby authorized to transmit said amendments to the Florida Department of Economic Opportunity and applicable agencies for review.

Section 4. Repeal. All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Conflicts. All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

Section 6. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part

Section 7. Scrivener's Errors. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 8. Codification. 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 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or any other appropriate word.

Section 9. Effective Date. This Ordinance shall not become effective until thirty-one (31) days after the State Land Planning Agency notifies the City that the transmitted plan amendment package is complete.

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 13th day of April, 2021.

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 9th day of November, 2021.



PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin
Seconded by: Bien-Aime

Vote:

Mayor Philippe Bien-Aime	<u>X</u> (Yes) _____ (No)
Vice Mayor Scott Galvin	<u>X</u> (Yes) _____ (No)
Councilwoman Kassandra Timothe, MPA	<u>X</u> (Yes) _____ (No)
Councilwoman Mary Estimé-Irvin	<u>X</u> (Yes) _____ (No)
Councilman Alix Desulme, Ed.D.	<u>X</u> (Yes) _____ (No)