

ORDINANCE NO. 1513

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CITY OF NORTH MIAMI, FLORIDA, AMENDING THE CITY'S 2015 COMPREHENSIVE PLAN BY ADOPTING THE 2022 EVALUATION AND APPRAISAL REVIEW (EAR) BASED COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR TRANSMITTAL, REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3191(1), Florida Statutes directs local governments to conduct an Evaluation and Appraisal Review (the "EAR") every seven (7) years to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated; and

WHEREAS, local governments are required to notify the State Land Planning Agency by letter of their determination; and

WHEREAS, the City of North Miami Comprehensive Plan ("the Comprehensive Plan") was last updated through an EAR process in 2015; and

WHEREAS, on December 1, 2021, the City of North Miami ("City") notified the State Land Planning Agency, in a timely manner, that amendments to the City's Comprehensive Plan were necessary to address changes in state requirements since the last Comprehensive Plan update, as well as to deal with changes in local conditions; and

WHEREAS, the State Land Planning Agency advised that the City should submit proposed EAR-based amendments within one (1) year for agency review; and

WHEREAS, the City has prepared proposed comprehensive plan amendments, attached hereto as Exhibit "A," (the "EAR-Based Comprehensive Plan Amendments"); and

WHEREAS, in accordance with Section 161.3191(2), Florida Statutes, the City transmitted its EAR-based proposed Comprehensive Plan amendments to the Florida Department of Economic Opportunity ("DEO") in a timely manner; and

WHEREAS, the DEO and other state reviewing agencies have reviewed the EAR and determined it to be sufficient; and

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WHEREAS, on December 6, 2022 and January 3, 2023, the Planning Commission, sitting in its capacity as the Local Planning Agency, reviewed this Ordinance and the proposed EAR-Based Comprehensive Plan Amendments and recommended approval; and

WHEREAS, this Ordinance was duly noticed and presented to the Mayor and City Council in two (2) readings, with second reading conducted as the required public hearing on November
14th, 2023; and

WHEREAS, the Mayor and City Council find that this Ordinance is in the best interest of the public health, safety, and welfare of the City's residents and visitors.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** That each of the above recitals are true and correct and incorporated herein by this reference.

Section 2. **EAR-Based Comprehensive Plan Amendments Adopted.** That the Mayor and City Council hereby adopts the EAR-Based Comprehensive Plan Amendments attached hereto as Exhibit "A."

Section 3. **Transmittal.** That the Mayor and City Council of the City of North Miami, Florida hereby authorize the appropriate City officials to transmit the EAR-Based Comprehensive Plan Amendments adopted by this Ordinance to the DEO and all other units of local government or governmental agencies required by Florida Statutes, Section 163.3184, and keep available copies of the amended Comprehensive Plan available for public review and examination at the North Miami Community Planning and Development Department.

Section 4. **Severability.** That 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.

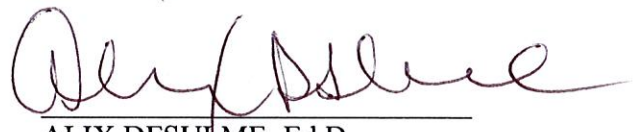
¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions, or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.


Section 6. Effective Date. That pursuant to Florida Law and its interpretation by the Florida Department of Economic Opportunity, this Ordinance shall be effective immediately upon passage by the Mayor and City Council on second reading, except that the effective date of the comprehensive plan amendments approved by this Ordinance shall be the date a final order is issued by the DEO or Administrative Council finding the plan amendments in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. The Florida DEO notice of intent to find the plan amendments in compliance shall be deemed to be the final order if no timely petition challenging the plan amendment is filed.

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 24th day of January, 2023.

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 14th day of November, 2023.


ALIX DESULME, Ed.D.
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: Charles

Seconded by: Galvin

Vote:

Mayor Alix Desulme, Ed.D.

X (Yes) _____ (No)

Vice-Mayor Mary Estimé-Irvin

X (Yes) _____ (No)

Councilman Scott Galvin

X (Yes) _____ (No)

Councilwoman Kassandra Timothe, MPA

X (Yes) _____ (No)

Councilman Pierre Frantz Charles

X (Yes) _____ (No)