ORDINANCE NO. 2010-04-212

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING AN AMENDMENT TO THE CITY OF MIAMI GARDENS' COMPREHENSIVE DEVELOPMENT MASTER PLAN TO PROVIDE FOR THE NECESSARY ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT AND CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens is now required to amend its Capital Improvements Element and Capital Improvements Schedule, annually to update the goals, objectives and policies as well as the data, inventory and analysis, and

WHEREAS, the Capital Improvement Element is required to include public and privately funded projects for which the City does not have financial responsibility such as water supply, schools, metropolitan planning organizations, and the Transportation Improvement Program (TIP), and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: The City Council of the City of Miami Gardens hereby approves to amend the City of Miami Gardens' Comprehensive Development Master Plan to provide for the necessary annual update to the Capital

Improvements Element and Capital Improvements Schedule, in accordance with Attachment "E" of the Staff Report attached to this Ordinance.

Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. EFFECTIVE DATE: This Ordinance shall become effective sixty (60) days from the date of adoption.

PASSED ON FIRST READING ON THE 6th DAY OF JANUARY, 2010.

PASSED ON SECOND READING ON THE 3RD DAY OF FEBRUARY, 2010.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 3RD DAY OF FEBRUARY, 2010.

SHIRLEY GIBSON, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

Ordinance No. 2010-04-212

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

Moved by: Councilwoman Watson
Second by: Councilman Bratton

VOTE: 7-0

Mayor Shirley Gibson	__X__ (Yes)	____(No)
Vice Mayor Oliver Gilbert III	__X__ (Yes)	____(No)
Councilman Melvin L. Bratton	__X__(Yes)	____(No)
Councilman Aaron Campbell	__X__ (Yes)	____(No)
Councilman Andre' Williams	__X__ (Yes)	____(No)
Councilwoman Sharon Pritchett	__X__ (Yes)	____(No)
Councilwoman Barbara Watson	__X__ (Yes)	____(No)

1515 NW 167 Street, Building 5 Suite 200
Miami Gardens, Florida 33169

City of Miami Gardens
Agenda Cover Memo - Zoning

PH-2009-000046
Comprehensive Development Master Plan Annual Amendment on Capital Improvements Element
Action by City Council Acting as the Legislative Body

Council Meeting Date:	**February 3, 2010**		**Item Type:** *(Enter X in box)*	**Resolution**	**Ordinance**		**Other**	
					X			
Fiscal Impact: *(Enter X in box)*	Yes	No	**Ordinance Reading:** *(Enter X in box)*		**1st Reading**		**2nd Reading**	
							X	
		X	**Public Hearing:** *(Enter X in box)*		**Yes**	**No**	**Yes**	**No**
					X			
Funding Source:	**N/A**		**Advertising Requirement:** *(Enter X in box)*		**Yes**		**No**	
					X			
Contract/P.O. Required: *(Enter X in box)*	Yes	No	**RFP/RFQ/Bid #: N/A/**		**N/A**			
		X						
Sponsor Name	**Danny Crew, City Manager**		**Department:**		**Planning and Zoning**			

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING AN AMENDMENT TO THE CITY OF MIAMI GARDENS' COMPREHENSIVE DEVELOPMENT MASTER PLAN TO PROVIDE FOR THE NECESSARY ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT, CAPITAL IMPROVEMENTS SCHEDULE AND PUBLIC SCHOOL FACILITIES ELEMENT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

This Comprehensive Development Master Plan (CDMP) amendment is specific to updating the Capital Improvements Schedule (CIS) in the Capital Improvements Element. Per State mandate, the CIS now must be amended annually with corresponding updates to the Goals, Objectives and Policies as well as Data, Inventory and Analysis chapters. It should be noted that per State mandate, the CIS is required to include public and privately funded projects for which the local government does not have fiscal responsibility such as Water Supply, Schools, Metropolitan Planning Organization's Transportation Improvement Program (TIP) projects that affect the City and developer funded projects.

Recommendation:

As the City Council and legislative body of the City of Miami Gardens, adopt an ordinance to amend the City's CDMP for an annual amendment to the Capital Improvements and Public School Facilities Elements. The amendment is limited to updating the Capital Improvements Schedule (CIS) and applicable updates.

Attachment:

RESOLUTION
EXHIBIT "A" LEGAL DESCRIPTION
EXHIBIT "B" STAFF RECOMMENDATION

ATTACHMENT A.	Approximate Dates for CDMP Amendment Adoption Process; Miami Gardens
ATTACHMENT B.	Hearing Map - Aerial
ATTACHMENT C.	Miami Gardens' Corporate Boundary Map
ATTACHMENT D.	Copy of Legal Notice to be Advertised in Miami Herald's Neighbor's Section
ATTACHMENT E.	Miami Gardens' Comprehensive Development Master Plan amendment documents: (1) Capital improvements Element- Goals, Objectives & Policies; Data Inventory & Analysis (2) Public School Facilities Element – Goals, Objectives & Policies

ITEM 9-A) ORDINANCE
SECOND READING/PUBLIC HEARING
Amendment to the Comprehensive Development Master Plan

STAFF RECOMMENDATION PH-2009-000046
Comprehensive Development Master Plan Amendment of Capital Improvements Element: Capital Improvements Schedule

Summary

Applicant:	City of Miami Gardens
Location:	The Incorporated Area of the City of Miami Gardens
Total Land Area:	Approximately 20 square miles
Purpose:	Hold adoption Hearing to adopt amendment to the City's Comprehensive Development Master Plan (CDMP) specific to the Capital Improvements Element (CIE).

Recommendation

As the City Council and legislative body of the City of Miami Gardens, adopt an amendment to the City's Comprehensive Development Master Plan for an annual amendment to the Capital Improvements Element. The amendment is limited to updating the Capital Improvements Schedule (CIS) and other applicable updates including a new Policy 1.1.23 in the Public School Facilities Element (PSFE).

Update to Schedule of Capital Improvements List:

This CDMP amendment is specific to updating the Capital Improvements Schedule (CIS) in the Capital Improvements Element. Per State mandate, the CIS now must be amended annually every year with corresponding updates to the Goals, Objectives and Policies as well as Data, Inventory and Analysis chapters. The required updates have been applied through research and coordination with the City Manager's office, Finance Department, Public Works Department, Department of Capital Projects as well as the South Florida Regional Planning Council. It should be noted that per State mandate, the CIS is required to include public and privately funded projects for which the local government does not have fiscal responsibility such as Water supply, Schools, Metropolitan Planning Organization's Transportation Improvement Program (TIP) projects that affect the City and developer funded projects.

Update to Public School Facilities Element (PSFE):

In order to conform to State requirements, a new Policy 1.1.23 has been added to the PSFE. This policy shall henceforth be updated annually in conjunction with the annual CIE update. Policy 1.1.23 in the Public Schools Facilities Element is specific to adopting by reference the annual update to Miami-Dade County Public Schools (MDCPS) 5-Year District Facilities Work Plan. The policy is stated below:

- <u>The City shall adopt by reference the 2009/2010-2013/2014 Miami-Dade County Public Schools 5-year District Facilities Work Plan, developed by Miami-Dade Public Schools and adopted by the Miami-Dade County School Board on September 9, 2009 into its Schedule of Capital Improvements and annual update of the Comprehensive Plan.</u>

Comprehensive Plan Amendment Adoption Process

This is the only required public hearing to adopt the annual CIE amendment to the CDMP. Pursuant to this hearing, the amendment package will be transmitted to agencies including but not limited to:

- Florida Department of Community Affairs (DCA)
- South Florida Regional Planning Council
- Florida Department of Transportation
- South Florida Water Management District
- Miami Dade County
- Department of Education

- Florida Department of Environmental Protection
- Adjacent Cities: North Miami Beach, Opa-Locka, Miami Lakes, West Park and Miramar

An approximate schedule is provided below. An illustrative version is attached.

1. February 3, 2010: Adoption Hearing
2. February 13, 2010: DCA receives plan and determines completeness of package.
3. March 13, 2010: DCA conducts a compliance review.
4. Middle of April: DCA issues Notice of Intent, assume "In Compliance;" 21 day period begins
5. DCA issues Final Order

Requirements of Florida Statutes

Legislation enacted by the Florida Legislature mandates that local governments must annually update their Capital Improvements Element (CIE), including the Five-Year Schedule of Capital Improvements. This mandate is stated in Florida Statutes Section s. 163.3177(3)(b)1, Administrative Rule 9J-5.016(5) and Florida Administrative Code.

As stated above regarding the annual update of CIE, the statutes state that the amendment may be adopted by a local government with only one public hearing. Under this expedited process, the local government does not transmit the annual update as a proposed amendment and the Department of Community Affairs (DCA) does not issue an Objections, Recommendations and Comments (ORC) Report. Instead, the local government simply adopts the CIE annual update amendment at a duly noticed public hearing, sends the adopted amendment to the DCA, and the DCA publishes a Notice of Intent after conducting a compliance review.

Adoption copies of the Goals, Objectives and Policies' Capital Improvements Schedule and related tables for the Capital Improvements Element are attached for the Local Planning Agency's review and comment. Old information is shown as strikethrough and updated information has been underlined for review by DCA. Data, Inventory and Analysis for the Capital Improvements Element is also forwarded for review. The Goals, Objectives and Policies of the Capital improvements element and Public School Facilities Element will be adopted. Data, Inventory and Analysis will not be adopted.

Public Notification/Comments

In accordance with the Florida Statutes, a legal notice will be advertised on January 21, 2010 in the local section of Miami Herald thirteen (13) days before the public hearing day to provide an opportunity for interested parties to comment on the application. All CDMP documents have been made and continue to be available to the general public for viewing and/or commenting at the City Hall, City website and the North-Dade Regional Library.