

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-50

AN ORDINANCE ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS, VARIOUS UPDATES OF THE GOALS, OBJECTIVES, AND POLICIES, AND PROVIDING FOR NEWLY CREATED ELEMENTS TITLED: ADMINISTRATION, DESIGN, PUBLIC SAFETY, AND GREEN TO THE CITY OF CORAL GABLES COMPREHENSIVE LAND USE PLAN; AUTHORIZING TRANSMITTAL TO FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR REVIEW; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature intends that local planning be a continuous and ongoing process; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules; and

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to adopt needed amendments to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, the City adopted its Evaluation and Appraisal Report on June 26, 2007; and

WHEREAS, on September 7, 2007 the Florida Department of Community Affairs found the adopted EAR sufficient; and

WHEREAS, the City has completed its proposed Evaluation and Appraisal Report-based amendments consistent with the requirements of Chapter 163, Part II, F.S., and Rule 9J-5 and 9J-11, F.A.C.; and

WHEREAS, at a public hearing held on May 13, 2009, the Local Planning Agency (Planning and Zoning Board) afforded all interested persons an opportunity to be heard and this request was continued to the June 3, 2009 Local Planning Agency (Planning and Zoning Board) Meeting; and

WHEREAS, at a public hearing held on June 3, 2009, the Local Planning Agency (Planning and Zoning Board) recommended approval of EAR based amendments (vote: 5-0); and

WHEREAS, at a public hearing held on July 7, 2009, the City Commission, upon first reading of this Ordinance, authorized transmittal (vote: 5-0) of the EAR-Based Amendments to the Department of Community Affairs and review agencies for the purpose of a review in accordance with Sections 163.3184, 163.3187, 163.3189 and 163.3191, Florida Statutes; and

WHEREAS, on July 10, 2009, the EAR-Based Amendments were transmitted to the Department of Community Affairs and review agencies for the purpose of a review in accordance with Sections 163.3184, 163.3187, 163.3189 and 163.3191, Florida Statutes; and

WHEREAS, at a public hearing held on November 4, 2009, the Local Planning Agency (Planning and Zoning Board) recommended approval of EAR based amendments (vote: 7-0); and

WHEREAS, at a public hearing held on November 17, 2009, the City Commission, upon second and final reading of this Ordinance, recommended approval (vote:) of the EAR-Based Amendments to the Comprehensive Plan in accordance with Sections 163.3184, 163.3187, 163.3189 and 163.3191, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption herein.

SECTION 2. That the City Commission does hereby approve the City of Coral Gables Comprehensive Plan Evaluation and Appraisal Report (EAR) Based Amendments at the public hearing held on July 7, 2009.

SECTION 3. That the City Commission does hereby recommend approval and adoption of the Evaluation and Appraisal Report (EAR) based amendments, various updates of the Goals, Objectives, and Policies, and providing for newly created elements titled: Administration, Design, Public Safety, and Green to the City of Coral Gables Comprehensive Land Use Plan in accordance with Florida Statute Chapter 163.

SECTION 4. That all ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

SECTION 5. That if any section, part of session, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of the City of Coral Gables, Florida, as amended, which provisions may be renumbered or relettered and that the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 7. That this Ordinance shall become effective ten days upon the date of its passage and adoption herein.

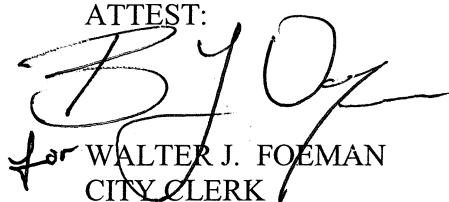
PASSED AND ADOPTED THIS SEVENTEENTH DAY OF NOVEMBER, A.D, 2009.
(Moved: Kerdyk / Seconded: Anderson)
(Yea: Withers, Anderson, Cabrera, Kerdyk, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-5)

APPROVED:



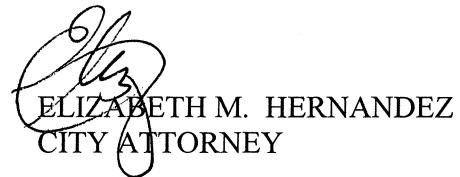
DONALD D. SLESNICK II
MAYOR

ATTEST:



for WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ
CITY ATTORNEY