

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2009-48

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT (CIE) WITHIN THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR A REPEALER PROVISION, A SAVINGS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2005, the Florida Legislature passed Senate Bill 360, which required, in part, that local governments annually update the capital improvements element contained in their comprehensive plans in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida Statutes is achieved and maintained over the planning period; and

WHEREAS, Section 163.3177, Florida Statutes, directs local governments to adopt this update by December 1, 2009; 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 the update to the Capital Improvements Element (vote: 5-0); and

WHEREAS, the City Commission finds that this update to the Capital Improvements Element is consistent with the Comprehensive Plan; and

WHEREAS, the City Commission hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City; and

WHEREAS, pursuant to the provisions of Chapter 163.3187 Florida Statutes, the City Commission held a public hearing on July 7, 2009 at which hearing all interested persons were afforded an opportunity to be heard and the update to the Capital Improvements Element was approved on first reading (vote: 5-0); and

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

WHEREAS, after notice of a public hearing being duly published, the City Commission held a public hearing on November 17, 2009 at which hearing the update to the Capital Improvements Element was approved on second and final reading (vote: 5-0);

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 hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That the City Commission does hereby recommend approval and adoption of the Annual update to the City of Coral Gables Capital Improvement Element (CIE) within the Comprehensive Plan.

SECTION 3. That all rights, actions, proceedings and Contracts of the City, including the City Commissioners, the City Manager, or any of its departments, boards or officers undertaken pursuant to the existing code provisions, shall be enforced, continued, or completed, in all respects, as though begun or executed hereunder.

SECTION 4. That all ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are hereby 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: Withers / Seconded: Kerdyk)

(Yea: Cabrera, Kerdyk, Withers, Anderson, Slesnick)

(Unanimous: 5-0 Vote)

(Agenda Item: E-3)

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