

**CITY OF CORAL GABLES, FLORIDA**

**EMERGENCY ORDINANCE NO. 2010-09**

AN EMERGENCY 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**, Florida Legislation requires 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, 2010; and

**WHEREAS**, at a public hearing held on May 12, 2010, the Local Planning Agency (Planning and Zoning Board) afforded all interested persons an opportunity to be heard; and

**WHEREAS**, at a public hearing held on May 12, 2010, the Local Planning Agency (Planning and Zoning Board) recommended approval of the annual update to the Capital Improvements Element (vote: 7-0); 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 provisions of Section 163.3187(1)(f) Florida Statutes, the Capital Improvements Element annual update is exempt from the twice-per-year Comprehensive Plan amendment cycle; and

**WHEREAS**, pursuant to provisions of Section 163.3177(3)(b)2. Florida Statutes, the Capital Improvements Element annual update ordinance may be adopted by the City according to an expedited process at only one public hearing; and

**WHEREAS**, the City has provided advertised notice of the Capital Improvements Element annual update prior to consideration of the ordinance; and

**WHEREAS**, the adopted ordinance shall be transmitted to the Department of Community Affairs (DCA) and the South Florida Regional Planning Council (SFRPC); and

**WHEREAS**, pursuant to provisions of Chapter 163.3187 Florida Statutes, the City Commission held a public hearing on May 25, 2010 at which hearing all interested persons were afforded an opportunity to be heard and the update to the Capital Improvements Element was approved on the first and final reading (Vote: Majority – 4-0);

**NOW, THEREFORE, BE IT ORDAINED 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 adopt the City of Coral Gables Capital Improvement Element annual update in accordance with the exhibit attached hereto and incorporated herein.

**SECTION 3.** 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.** All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

**SECTION 5.** 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.** 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.** In accordance with Section 13 of the City of Coral Gables Code, the requirements of reading this Ordinance on two separate days is dispensed with an affirmative vote of not less than four-fifths (4/5<sup>th</sup>) of the members of the Commission.

**SECTION 8.** This ordinance shall become effective immediately upon its passage and adoption herein.

**FIRST REASING:**

(Moved: Withers / Seconded: Anderson)

(Yea: Withers, Anderson, Cabrera, Kerdyk)

(Majority: 4-0) Vote

(Absent: Slesnick)

(Agenda Item: E-4)

PASSED AND ADOPTED THIS TWENTY-FIFTH DAY OF MAY, A.D., 2010.  
(Moved: Anderson / Seconded: Cabrera)  
(Yea: Anderson, Cabrera, Withers, Kerdyk)  
(Majority: (4-0) Vote)  
Absent: Slesnick  
(Agenda Item: E-4)

APPROVED:



DONALD D. SLESNICK II  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



ELIZABETH M. HERNANDEZ  
CITY ATTORNEY