

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CITY OF MIAMI BEACH YEAR 2025 COMPREHENSIVE PLAN, PURSUANT TO THE STATE COORDINATED REVIEW PROCESS OF SECTION 163.3184(4) AND (11), FLORIDA STATUTES, BY AMENDING GOALS, OBJECTIVES, POLICIES, AND DOCUMENT TITLES OF THE COMPREHENSIVE PLAN, INCLUDING THE FOLLOWING ELEMENTS: FUTURE LAND USE, TRANSPORTATION, HOUSING, PUBLIC SCHOOLS FACILITIES, INFRASTRUCTURE, RECREATION AND OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS PROGRAM, AND HISTORIC PRESERVATION; ESTABLISHING A NEW RESILIENCY AND SUSTAINABILITY ELEMENT THAT INCORPORATES THE CONSERVATION AND COASTAL ZONE MANAGEMENT GOALS, OBJECTIVES, AND POLICIES REQUIRED BY SECTION 163.3177, FLORIDA STATUTES; DELETING THE CONSERVATION/COASTAL ZONE MANAGEMENT ELEMENT; AND, PURSUANT TO FLORIDA ADMINISTRATIVE CODE RULE 73C-49 AND SECTION 163.3191, FLORIDA STATUTES, ENTITLED "EVALUATION AND APPRAISAL OF COMPREHENSIVE PLAN," INCORPORATING NECESSARY AMENDMENTS REFLECTING CHANGES IN STATE REQUIREMENTS, AND UPDATING THE COMPREHENSIVE PLAN BASED ON CHANGES IN LOCAL CONDITIONS SINCE THE LAST UPDATE BASED ON THE EVALUATION AND APPRAISAL REPORT UPDATE ADOPTED ON APRIL 13, 2011; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN, TRANSMITTAL, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Section 163.3191(1), Florida Statutes, local governments are required to evaluate their comprehensive plans to determine if plan amendments are necessary to reflect changes in state requirements in this part since the last update of the comprehensive plan, and notify the state land planning agency as to its determination; and,

**WHEREAS**, at its April 13, 2011 meeting the City Commission adopted the Evaluation and Appraisal Report (EAR) based amendments, which were determined to be sufficient to meet the requirements of Section 163.3191, Florida Statutes; and

**WHEREAS**, on April 1, 2018, in accordance with the requirements of section 163.3191, Florida Statutes and the timeframes in Rule 73C-49, Florida Administrative Code, the City of Miami Beach notified the State Land Planning Agency that it would be preparing amendments to update the Comprehensive Plan reflecting changes in state requirements and changes in local conditions; and

**WHEREAS**, the City of Miami Beach has proposed amendments to the policies of 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**, the City Commission, upon first reading of this Ordinance, authorized transmittal of the evaluation and appraisal review based amendments to the Comprehensive Plan to the Department of Economic Opportunity and review agencies for the purpose of a

review in accordance with the State Coordinated Review process in 163.3184(4), Florida Statutes.

**NOW THEREFORE, BE IT ORDAINED BY MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, THAT:**

**SECTION 1.**

The City Commission hereby adopts the proposed amendments to the City's Comprehensive Plan attached herein as "Exhibit A," consistent with the requirements of section 163.3191, Florida Statutes.

**SECTION 2. REPEALER.**

All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 4. CODIFICATION.**

It is the intention of the City Commission that this Ordinance be entered into the Comprehensive Plan, and it is hereby ordained that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibits to this Ordinance that are not codified shall be kept on file with this Ordinance in the City Clerk's Office.

**SECTION 5. TRANSMITTAL.**

The Planning Director is hereby directed to transmit this ordinance to the appropriate state, regional and county agencies pursuant to the "State Coordinated Review Process," outlined in section 163.3184(4), Florida Statutes.

**SECTION 6. EFFECTIVE DATE.**

This ordinance shall take effect pursuant to the state land planning agency's notice of intent, pursuant to section 163.3184(4)(e).

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado City Clerk

\_\_\_\_\_  
Dan Gelber, Mayor

First Reading: July 31, 2019  
Second Reading: October \_\_\_\_\_, 2019

(Sponsor: Commissioner John Elizabeth Alemán)

Verified By: \_\_\_\_\_  
Thomas R. Mooney, AICP, Planning Director

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

2/24/19

NK