

ORDINANCE No. 2005-06-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING AN ORDINANCE AMENDING THE CAPITAL IMPROVEMENTS SCHEDULE OF THE CAPITAL IMPROVEMENT ELEMENT OF THE MIAMI-DADE COMPREHENSIVE PLAN, AS APPLICABLE TO THE CITY OF MIAMI GARDENS, AS SHOWN ON EXHIBIT "A" ATTACHED HERETO; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Florida Statutes, the Comprehensive Master Plan ("CMDP") for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners in November 1988, and

WHEREAS, Section 2-116.1 of the Miami-Dade County Code ("County Code") provides certain procedures for amending the Comprehensive Master Plan, and

WHEREAS, pursuant to Section 8.3 of the City of Miami Gardens' Charter, all Dade County Code provisions are applicable to the City as municipal code provisions, unless and until the City Council determines otherwise, and,

WHEREAS, it is a requirement for various grants and other funding sources, that that certain projects be incorporated into the City's official plans, and

WHEREAS, City Manager and the Director of Development Services recommend that the City amend the Capital Improvements Schedule of the Capital Improvements Element of the Miami-Dade County's Comprehensive Development Master Plan, as applicable to the City of Miami Gardens, to specifically delineate certain projects, and

WHEREAS, pursuant to Chapter 163, Florida Statutes, all comprehensive master plan amendments are to be approved by the designated Local Planning Agency, and

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WHEREAS, pursuant to Ordinance No. 2003-12, the City Council of the City of Miami Gardens has designated itself as the City's Local Planning Agency, and

WHEREAS, the Local Planning Agency approved the amendment on January 5, 2005, 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 Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: The Capital Improvements Schedule of the Capital Improvements Element of the Miami-Dade Comprehensive Development Master Plan, is hereby amended, as shown on Exhibit "A" attached hereto.

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. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a

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part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 5<sup>th</sup> DAY OF JANUARY 2005.

PASSED ON SECOND READING ON THE 12<sup>th</sup> DAY OF JANUARY 2005.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilman Braynon  
SECONDED BY: Councilwoman Watson

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**VOTE:**      5-0

Mayor Gibson	<u>  x  </u> (Yes)	<u>    </u> (No)	
Vice Mayor Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilman Melvin L. Bratton	<u>    </u> (Yes)	<u>    </u> (No)	Not present
Councilman Oscar Braynon, II	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilwoman Audrey J. King	<u>    </u> (Yes)	<u>    </u> (No)	Not present
Councilwoman Sharon Pritchett	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>    </u> (No)	

S:\MIAMI\ORDS\Capital Improvement (January 5, 2005)