



MEMORANDUM

To: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

Date: May 5, 2004

From: George M. Burgess
County Manager

Subject: Ordinance Providing Disposition
Of April 2003 Applications to
Amend the Comprehensive
Development Master Plan

This item differs from the original in that it revises the preamble of the ordinance to reflect the actions taken by the Board at its "transmittal" public hearing on November 5, 2003, and the receipt of comments from the Florida Department of Community Affairs (DCA) dated March 9, 2004 and received on March 11, 2004. In Section 2, the references to Applications No. 1, 2, 6, 8, 9, 11, 12 and 13 are deleted as Nos. 1, 2, 6, 8, 11 and 12 were adopted by the Board as "small-scale" amendments, Application No. 9 was not transmitted and Application No. 13 was denied by the Board at the conclusion of the November 5, 2003 public hearing. The references to Applications No. 3, 10, 15 and 16 are deleted as they were adopted by the Board at the conclusion of the April 14, 2004 public hearing.

The Department of Planning and Zoning requested at the April 14, 2004 public hearing that Application No. 14 be deferred in order to fully respond to the objections of DCA. The Board deferred the hearing on application No. 14 to May 5, 2004. This action has resulted in the bifurcation of the ordinance disposing of the April 2003 Applications to amend the Comprehensive Development Master Plan. This item is limited to the disposition of Application No. 14.

RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which provides for adoption, adoption with change, or denial of pending April 2003 Cycle Application No. 14 to amend the Comprehensive Development Master Plan (CDMP). It is recommended that final action be taken on the ordinance at the conclusion of the public hearing currently scheduled to begin at 9:30 am on Wednesday, May 5, 2004.

BACKGROUND

The attached ordinance provides for final action on one pending April 2003 Cycle application requesting amendment to the Comprehensive Development Master Plan (Application No. 14). This application was one of 13 that were the subject of a "transmittal" public hearing conducted by the Board on November 5, 2003. These applications including two versions of Application No. 15 (Economic Element) were transmitted to the Florida Department of Community Affairs (DCA) for review and comment. At the November 5th public hearing, small-scale Applications

No. 6, 8, 11 and 12 were adopted; small-scale Application No. 1 was adopted with change; small-scale Application No. 2 was adopted with acceptance of the covenant and changes; Application No. 9 and Parcel A of Application No. 10 were not transmitted; and Application No. 13 was denied.

The Board, at its public hearing on April 14, 2004, adopted as recommended by staff, Applications No. 3, 10, 15 and 16. The Department of Planning and Zoning requested at the April 14, 2004 public hearing that Application No. 14 be deferred in order to fully respond to the objections of DCA. The Board deferred the hearing on Application No. 14 to May 5, 2004. **Please bring your agenda materials from the April 14, 2004 hearing with you. The books were green. If you need another copy of any document, please notify the department of your needs at 375-2835.**

The Planning Advisory Board (PAB) acting as the Local Planning Agency conducted its final public hearing on the amendments on March 22, 2004, and issued recommendations that generally concur with the recommendations of the Department of Planning and Zoning (DP&Z) on the pending applications. The PAB recommended that Application No. 14 be Adopted With Change as recommended by staff, which is to revise Table 1, 10-Year Capital Plan Water Projections, in order to conform to an initial planning period of FY 2003-04 through FY 2013-14.

The "Revised Recommendations, April 2003 Applications to Amend the Comprehensive Development Master Plan" report dated March 17, 2004 and the supplements dated March 22, 2004 and April 26, 2004, prepared by DP&Z, summarize the pending applications as transmitted to DCA and present the DP&Z's revised recommendations and principal reasons for the recommendations, and is included in the agenda materials for this hearing. The PAB recommendations and reasons are contained in the PAB resolution and meeting minutes dated March 22, 2004.

The DCA coordinated the State agency review and comment on the transmitted applications at the request of Miami-Dade County and issued an Objectives, Recommendations and Comments (ORC) Report dated March 9, 2004. The DCA did issue objections to Application No. 14. This ORC document is included in the agenda materials for this hearing. The staff report responding to the ORC is also included.

ORDINANCE FORMAT

This ordinance follows the same general format used in previous years. That is, it contains blank space for recording your final action on Application 14. After the Board takes preliminary action on Application 14, the Board will take final action adopting the Ordinance in its entirety, incorporating the foregoing preliminary action. Section 2-116.1 of the County Code requires a minimum of seven affirmative votes to amend the CDMP. The County is required to take final action on transmitted applications within 60 days after the receipt of DCA comments. As the ORC was received on March 11, 2004 final action must be taken no later than May 10, 2004.

HOUSING IMPACT

Application No. 14 will not impact housing.

FISCAL IMPACT

Application No. 14 would amend the Water and Sewer Subelement of the Water, Sewer and Solid Waste Element by revising policies 2F and 6D and by adding new Policy 3G, Table 1, Figure 1 and a new section of text after Policy 6E entitled Water Supply Facilities Workplan. Table 1 as revised in the attached material provides a ten-year capital improvement schedule for fiscal years 2003/2004 to 2013/2014 based on the potable water demand analysis contained in the Water Facilities Master Plan. This list of projects with projected capital costs will be reviewed and updated annually as needed.

ECONOMIC ANALYSIS

1. Economic impact of the ordinance on the County's budget:

There will be no impact on the County's budget in terms of Department of Planning and Zoning budgeting, staffing or operating expenses. This ordinance, however, does amend the Comprehensive Development Master Plan (CDMP), which is the County's official guide for managing countywide growth and development. In this regard, the ordinance may indirectly impact the County's budget through amendments that affect the County's land use patterns and associated requirements for the County to provide services and facilities. Capital and operating unit costs for public facilities and services can be lessened through promotion of efficient land use patterns. Higher density contiguous development is relatively more efficiently served than low-density or scattered development. In general, the CDMP strives to achieve this result.

2. Economic impact of the ordinance on the private sector:

Approval of the ordinance will have an insignificant impact on the private sector. The economic outlook will remain essentially unchanged by the enactment of this ordinance.

3. Effect of the ordinance on public or private employment:

Adoption of this ordinance will have no significant impact on projected employment for the County as a whole.

4. Costs and benefits, both direct and indirect, of establishing and maintaining the program set forth in the ordinance:

See response to item 1, above.

5. Whether the ordinance is necessary to enable the County to obtain State or federal grants or other financing:

No.

6. Whether another ordinance which is already in existence should be repealed or amended:

No.

7. Whether the creation of a new ordinance is the best method of achieving the benefit derived:

Section 2.116.1, Code of Miami-Dade County, and Section 163.3184(15), Florida Statutes, provide that the CDMP may be amended only by ordinance.



Assistant County Manager

Previous Recommendations and Actions on the April 2003 Cycle

Appl. No.	Department of Planning and Zoning (DPZ) (8-03)	Local Planning Agency (10-20-03)	Board of County Commissioners (11-5-03)	DPZ Revised Recommendations (3-22-04)	Local Planning Agency (3-22-04)
14	Adopt; Transmit	Adopt; Transmit	Transmit	Adopt With Change	Adopt with Changes as recommended by staff



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: May 5, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Special Item No. 1

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Veto _____

Override _____

Special Item No. 1
5-5-04

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
APRIL 2003 CYCLE TO AMEND, MODIFY, ADD TO OR
CHANGE COMPREHENSIVE DEVELOPMENT MASTER
PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM
THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, sixteen CDMP amendment applications were filed on or before April 30, 2003 and are contained in the document titled "April 2003 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2003; and

WHEREAS, Application Nos. 4, 5 and 7 lie within areas of the County which have incorporated since the application filing date and will be addressed by the new municipalities; and

WHEREAS, affected Community Councils, the Planning Advisory Board, and the Department of Planning and Zoning have acted in accordance with the referenced State and County procedures and have accepted applications, held public hearings and issued recommendations for disposition of the small-scale amendment requests; and

WHEREAS, on November 5, 2003, this Board, by Resolution, instructed the County Manager to transmit Applications No. 3, 10, 14, 15 and 16 to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184(3), F.S.; and

WHEREAS, the DCA reviewed Applications No. 3, 10, 14, 15 and 16 at the request of this Board and has transmitted written comments pursuant to Section 163.3184 (6)(c), F.S.; and

WHEREAS, on April 14, 2004, this Board adopted Applications No. 3, 10, 15 and 16;
and

WHEREAS, on April 14, 2004, this Board, deferred action on Application No. 14 until May 5, 2004; and

WHEREAS, the Board of County Commissioners must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written comments from DCA addressing the application(s); and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board of County Commissioners, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration;
and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending amendment applications filed for review during the April 2003 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
3	Williams Island Country Club, Ltd. / Clifford A. Schulman, Esq., and Mario J. Garcia-Serra, Esq. Between NE 2 and NE 10 Avenues, south of NE 199 Street, northeast of Snake Creek Canal and northwest of I-95 (142 acres) From: Parks and Recreation To: Low Density Residential (2.5 to 6.0 DU/Ac.)	Adopted on April 14, 2004
10	Lowe's Home Centers, Inc. / Juan J. Mayol, Jr., Esq. and Stephen M. James, Esq. 16 acres bounded on the north by Theoretical SW 2 Terrace, on the south by the Tamiami Canal, on the east by SW 137 Avenue and on the west by Theoretical SW 138 Avenue Parcel B (16.0 Acres) From: Industrial and Office To: Business and Office	Adopted on April 14, 2004

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
14	Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director WATER, SEWER AND SOLID WASTE ELEMENT, Water and Sewer Subelement. Revise Policies 2F and 6D and add new Policy 3G, Table 1, Figure 1, and a new section of text after Policy 6E entitled Water Supply Facilities Workplan	
15	Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director Add a new Economic Element to the CDMP	Adopted on April 14, 2004
16	Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director Capital Improvements Element, Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities.	Adopted on April 14, 2004

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, however, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any

admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such [individual] amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this [individual] amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. RA6

Prepared by: 

Robert L. Krawcheck