

# Memorandum

MIAMI-DADE  
COUNTY

(Public Hearing 3-28-07)  
**Date:** November 20, 2006

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George J. Burgos  
County Manager

**Subject:** Ordinance Acting Upon April 2006 Amendments to the  
Comprehensive Development Master Plan

Special Item No. 1

## RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, (Special Item No. 3) which provides for the Commission to adopt, adopt with change, not adopt, or deny the pending April 2006 cycle applications to amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the public hearing scheduled for Monday, November 20, 2006, to address transmittal of the referenced applications to the Florida Department of Community Affairs (DCA) for review and issuance of Objections, Recommendations and Comments (ORC) report. It is further recommended that final action be taken on the ordinance at the conclusion of the public hearing that will be scheduled for April 2007.

## BACKGROUND

The attached ordinance provides for action on the April 2006-cycle applications requesting standard amendments to the CDMP (Application Nos. 8, 13, 14, 15, and 16) and provides for final action on any of the ten small-scale amendments (Application Nos. 1, 2, 3, 5, 6, 7, 9, 10, 11 and 12) on which final action is not taken at the scheduled November 20, 2006 public hearing and which the Board elects to transmit to DCA for further review.

A resolution accompanying this ordinance requests a review and issuance of an ORC report by DCA on all transmitted applications. It is estimated that DCA's ORC report on the applications will be returned to the County in February 2007. The County is required to take final action on transmitted applications within 60 days after receipt of the ORC report. The Department of Planning and Zoning (DP&Z) may issue revised recommendations, and the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) may conduct a second public hearing and may issue revised recommendations between the time DCA issues its ORC report and the Board conducts its final hearing. By approving this ordinance on first reading, the Board is in a position to conduct a public hearing and take final action on the applications after receipt of ORC report from DCA.

## ORDINANCE FORMAT

The ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains blank spaces to record your action on each request contained in each application. After the Board adopts individual entries indicating its action on each application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. A minimum of seven affirmative votes is required by County Code to amend the CDMP.

## HOUSING IMPACT

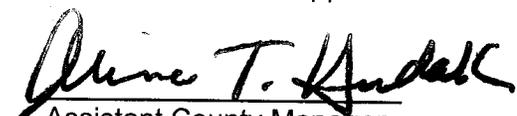
Of the 14 proposed applications to amend the Land Use Plan (LUP) Map in unincorporated areas of Miami-Dade County, 11 applications will impact housing by increasing the potential supply. Application Nos. 1 will increase the supply by 11 units, Application No. 2 by 18 units, Application No. 3 by 500 units (due to covenant), Application No. 6 by 21 units (due to covenant), Application No. 7 by 62 units, Application No. 8 by 187 units (due to covenant), and Application No. 11 by 158 units. Also, Application No. 13 will increase the housing supply by 124 units, Application No. 14 significantly by 1,257 units and Application No. 15 by 114 units. On the other hand, Application Nos. 5 and 12 will decrease the housing supply by 24 units and 10 units respectively. Application Nos. 9 and 10 will neither increase nor decrease the housing supply. The total increase in potential supply, which also represents the cumulative net housing impact, will be 2,463 units countywide. Based on the fact that the yearly estimate by the DP&Z of the housing demand is 12,372 units, the cumulative addition of 2,463 units from the proposed amendments will add a few months to the supply of housing.

## FISCAL IMPACT

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance 01-163 requires the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include for any proposed land use change a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure to the area as well as the costs of operating it annually. Details on the fiscal impacts of each application can be found in the "Initial Recommendations" report dated August 25, 2006.

Based on the information provided by service agencies, the fiscal impacts of the proposed land use changes vary based on the type of request and location. The proposals involving non-residential development impact fewer services than the proposals for residential development. For example, the Miami-Dade County Public Schools Board limits its impact reviews to the proposals for residential development or those that may allow residential development. For public schools, Application No. 14 has the most significant fiscal impact to both annual operating cost (\$3,392,382) and total potential capital cost (\$6,729,108).

The Miami-Dade Water and Sewer Department (WASD) has estimated the fiscal impacts for providing public water and sewer. WASD has determined for each application site the impact and connection fees as well as annual operations and maintenance costs. The application, which generates the most fiscal impacts for water and sewer service is Application No. 14, which will result in water impact fees of \$570,710, sewer impact fees of \$2,178,000 and annual operating and maintenance costs of \$312,424. The estimated cost for constructing water and sewer infrastructure in the public right-of-way including a 16-inch water mains, 12-inch water mains, 8-inch sanitary sewer force mains and public pump station is \$3,945,712 for this application.

  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** March 28, 2007

**FROM:** Murray A. Greenberg  
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

3-28-07

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

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN APRIL 2006 CYCLE TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners (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 May 1, 2006 and are contained in the document titled "April 2006 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2006; and

WHEREAS, standard Application No. 4 was lawfully withdrawn by letter from the applicant's representative dated June 23, 2006; and

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations April 2006 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2006; and

WHEREAS, affected Community Councils, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

WHEREAS, on November 20, 2006, this Board, by Resolution, instructed the County Manager to transmit certain applications to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184(3), F.S.; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written Objections, Recommendations and Comments report 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, in conjunction with a particular zoning action, finds such pre-existing 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.

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Section 2. This Board hereby desires to take further action on the pending amendment applications filed for review during the April 2006 cycle for amendments, modifications, additions, or changes to the Miami-Dade County CDMP as follows:

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
1	Approximately 165 feet west of NE 6 Avenue between NE 147 Street and NE 149 Street (1.41 Gross Acres) From: Low Density Residential (2.5 to 6 DU/Ac) To: Medium Density Residential (13 to 25 DU/Ac)	
2	Southeast and southwest corners of NW 103 Street and NW 32 Avenue (1.51 Gross Acres; 0.67 Net Acres) <i>Parcel A (0.36 Net Acres)</i> From: Low-Medium Density Residential (6 to 13 DU/Ac) To: Business and Office <i>Parcel B (0.31 Net Acres)</i> From: Low-Medium Density Residential (6 to 13 DU/Ac) To: Business and Office	
3	West side of NW 27 Avenue between NW 22 and NW 23 Streets (6.64 Gross Acres) From: Industrial and Office, and Business and Office To: High Density Residential (60 to 125 or more DU/Ac)	
4	Southeast corner of NW 72 Avenue and the Dolphin Expressway (SR 836) (17.79 Gross Acres) <i>Parcel 1 (14.51 Net Acres)</i> From: Industrial To: Business and Office <i>Parcel 2 (1.84 Net Acres)</i> From: Medium Density Residential (13 to 25 DU/Ac) To: Business and Office	Withdrawn
5	East and west side of SW 65 Avenue between SW 40 Street (Bird Road) and SW 39 Terrace (2.48 Gross Acres; ± 1.60 net acres) <i>Parcel A (0.99 Gross Acres; 0.54 Net Acres)</i> From: Business and Office To: Business and Office <i>Parcel B (0.63 Gross Acres; 0.53 Net Acres)</i> From: Low Density Residential (2.5 to 6 DU/Ac) To: Business and Office <i>Parcel C (0.86 Gross Acres; 0.53 Net Acres)</i> From: Low Density Residential (2.5 to 6 DU/Ac) and Office/Residential To: Business and Office	

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
6	The area bounded by SW 57 Avenue on the east; SW 60 Street on the south; SW 58 Avenue on the west and SW 58 Terrace on the north (7.8 Gross Acres) From: Low-Medium Density Residential (6 to 13 DU/Ac) To: Office/Residential	
7	North side of SW 152 Street along the east and west sides of theoretical SW 97 Avenue (8.9 Gross Acres) From: Low Density Residential (2.5 to 6 DU/Ac) To: Business and Office	
8	Northeast corner of SW 127 Avenue and SW 104 Street (5.37 Gross Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Medium-High Density Residential (25 to 60 DU/Ac)	
9	East side of Hammocks Boulevard approximately 360 feet north of SW 88 Street (Kendall Drive) (1.02 Gross Acres) From: Parks and Recreation To: Office/Residential	
10	Southeast corner of SW 137 Avenue and theoretical SW 91 Terrace; Parking lot for Costco store located at 9191 SW 137 Avenue (5.45 Gross Acres) From: Office/Residential To: Business and Office	
11	South side of SW 186 Street (Quail Roost Drive) between the South Dade Busway and SW 103 Court (6.35 Gross Acres) From: Industrial and Office To: Business and Office	
12	Northwest corner of SW 200 Street (Quail Roost Drive) and SW 127 Avenue (Burr Road) ( $\pm$ 4.0 Gross Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Business and Office	
13	North side of theoretical SW 338 Street between theoretical SW 194 and SW 192 Avenues ( $\pm$ 9.89 Gross Acres; $\pm$ 9.83 Net Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)	
14	Between SW 336 and SW 344 Streets and between SW 192 and SW 197 Avenues ( $\pm$ 119.7 Gross Acres; $\pm$ 114 Net Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)	

Application Number	Applicant/Representative Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
15	Southeast corner of SW 344 Street and SW 192 Avenue (± 20.76 Gross Acres; ± 20 Net Acres) From: Low Density Residential (2.5 to 6 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)	
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. Standard Amendment	

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, 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."

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Joni Armstrong Coffey