

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** May 21, 2007

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

**From:** George M. Burgess  
County Manager



Special Item No. 2

**Subject:** Ordinance Providing Disposition of October 2006 Cycle Application to Amend the Comprehensive Development Master Plan

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance (Special Item No. 2), which provides for the Board to adopt, adopt with change, not adopt, or deny the proposed October 2006 Cycle application to amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the public hearing scheduled for May 21, 2007, to address the transmittal of the referenced application to the Florida Department of Community Affairs (DCA) for review and issuance of Objections, Recommendations and Comments (ORC) report. This meeting must be held in the month of May in accordance with Section 116-2 of the Miami-Dade County Code. It is further recommended that final action be taken on the ordinance at the conclusion of the public hearing that will be scheduled for October 2007.

## **Scope**

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to ensure the adequate provision of facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The October 2006 Cycle application has a countywide impact.

## **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. The proposed text amendments in the October 2006 Cycle application to amend the CDMP currently have no fiscal impact to the County.

## **Track Record/Monitor**

CDMP amendments do not involve contracts; so a Track Record/Monitor is not applicable.

## **Background**

The Board authorized the filing of this October 2006 Cycle amendments to the CDMP by Resolution No. R-871-06 adopted on July 18, 2006. The attached ordinance provides for action on the October 2006 Cycle application requesting text amendments to the CDMP. A resolution accompanying this ordinance requests a review and issuance by DCA of an ORC report on the transmitted application. It is estimated that DCA's ORC report on the application will be returned to the County in August 2007. The County is required to take final action on transmitted application within 60 days after receipt of the ORC report. The Department of Planning and Zoning may issue revised recommendation, and the Planning Advisory Board may conduct a second public hearing and also issue revised recommendation 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 application 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.

  
Assistant County Manager



# MEMORANDUM

(Revised)

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

**DATE:** May 21, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Special Item No. 2

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. 2

05-21-07

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

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF THE APPLICATION FILED IN OCTOBER 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 Miami-Dade County 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, the filing of this October 2006 Cycle amendments to the CDMP was authorized, pursuant to Section 2-116.1 of the Code of Miami-Dade County, Florida, by the Board by Resolution No. R-871-06 adopted on July 18, 2006; and

WHEREAS, one (1) CDMP amendment application was filed by the Department of Planning and Zoning (DP&Z) to amend and update the CDMP text and policies of the Educational Element, Intergovernmental Coordination Element, Capital Improvements Element and the Preface of the CDMP to implement recommendations from the Growth Management Legislation of 2005; and

WHEREAS, no private CDMP amendment applications were filed by private parties in the October 2006 application cycle to amend the CDMP; and

WHEREAS, the DP&Z has published its initial recommendation addressing Application No. 1 in the report titled "Application and Initial Recommendations October 2006 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2007 and revised on April 23, 2007; and

WHEREAS, the Board must take final action to Adopt, Adopt with Change or Not Adopt the amendment application not later than sixty days after receipt of written Objections, Recommendations and Comments report from DCA addressing the application.

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 application filed for review during the October 2006 cycle for amendments, modifications, additions, or changes to the CDMP as follows:

Application Number	Applicant/Representative Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director REQUESTED CHANGE TO THE CDMP ELEMENTS:	Final Commission Action
1	Part A: Revise the text of the Educational Element	
	Part B: Revise the text of the Intergovernmental Coordination Element	
	Part C: Revise the text of the Capital Improvements Element	
	Part D: Revise the text of the Preface	

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 DCA without any admission by Miami-Dade County of the authority of the DCA 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 Community Planning, 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: 

Dennis A. Kerbel