

Memorandum



Date: July 12, 2007

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

Special Item No. 2

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

Subject: Public Hearing on Special Application to Amend the Educational, Intergovernmental Coordination and Capital Improvements Elements and Preface of the Comprehensive Development Master Plan

Recommendation

It is recommended that the 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 Special Application to amend the Educational, Intergovernmental Coordination and Capital Improvements Elements and Preface of the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the public hearing currently scheduled for **Thursday, July 12, 2007 beginning at 9:30 AM in the Commission Chamber** to address transmittal of the referenced application to the Florida Department of Community Affairs (DCA) for review and issuance of Objectives, Recommendations and Comments (ORC) report. It is further recommended that final action be taken at the conclusion of the public hearing that will be scheduled for November or December.

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 application has a countywide impact regarding public schools, capital improvements and intergovernmental coordination.

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 changes in the special 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

At a public hearing held May 22, 2007, the Board adopted Resolution No. R-613-07 directing the County Manager to file a special application to amend the CDMP, on a special schedule set forth in R-613-07, to comply with statutory requirements for public school facilities. The attached ordinance provides for action on the special application requesting text and figure amendments to the CDMP. A resolution accompanying this ordinance requests a review and issuance of an ORC report by DCA on the transmitted application. It is estimated that DCA's ORC report on the application will be returned to the County in late September or early October 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

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recommendations, and the Planning Advisory Board may conduct a second public hearing and 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 application after receipt of the ORC report from DCA.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: July 12, 2007

FROM: 
R. A. Cuevas, Jr.
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

7-12-07

ORDINANCE NO. _____

ORDINANCE RELATING TO THE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF SPECIAL APPLICATION FILED TO AMEND, MODIFY, ADD TO OR CHANGE THE 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, pursuant to the direction of the Board under Resolution No. R-613-07 and pursuant to Section 2-116.1 of the Code of Miami-Dade County, Florida, a special application was filed by the Miami-Dade County Department of Planning and Zoning (DP&Z) on July 3, 2007 to amend and update the CDMP text and policies of the Educational, Intergovernmental Coordination and Capital Improvements Elements, and the Preface of the CDMP to implement recommendations from the Growth Management Legislation of 2005; and

WHEREAS, the DP&Z has published its initial recommendation addressing the referenced special application in the report titled "Application and Initial Recommendations Special Application to Amend the Comprehensive Development Master Plan" dated July 3, 2007; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, conducted a public hearing on the Special Application to Amend the CDMP on July 9, 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 as follows:

Application	Applicant/Representative Miami-Dade County Department of Planning and Zoning/ Subrata Basu, Interim Director REQUESTED CHANGE TO THE CDMP ELEMENTS:	Final Commission Action
Special Application	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

Handwritten signatures of JAC and DAK, each with a horizontal line underneath.