

Memorandum



(Public Hearing 4-24-08)

Date: November 27, 2007

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

Special Item No. 1

From: George M. Burgess
County Manager

Subject: Ordinance Acting Upon April 2007 Amendments to the Comprehensive Development
Master Plan

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 2007 Cycle applications to amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the CDMP public hearing scheduled for Tuesday, November 27, 2007, 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 2008.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure 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. While the adopted text of the CDMP generally applies countywide, individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. Application No. 1 is located within Commission District 2 (Commissioner Rolle). Application No. 2 is located within Commission District 6 (Commissioner Sosa). Application Nos. 3, 4, 5 and 6 are located within Commission District 12 (Commissioner Diaz). Application Nos. 8 and 9 are located within Commission District 11 (Commissioner Martinez). Application No. 10 is located within Commission District 9 (Commissioner Moss). Application No. 11 is located within Commission District 8 (Commissioner Sorenson). Application Nos. 12 through 17 are Countywide. However, Application No. 14 involves airports that are primarily located within Commission Districts 1 (Commissioner Jordan), 6 (Commissioner Sosa), 9 (Commissioner Moss), 11 (Commissioner Martinez), and 12 (Commissioner Diaz).

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 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 Land Use Plan map application can be found in the "Initial Recommendations" report dated August 25, 2007.

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 Nos. 3 and 9 have the most significant fiscal impact. Projected annual school operating costs for Application No. 3 is \$5,769,669 and for Application No. 9 is \$2,089,131; potential capital costs for Application No. 3 are \$7,846,227 and for Application No. 9 are \$8,024,688.

The Miami-Dade Water and Sewer Department (WASD) 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 that generates the most fiscal impacts for water and sewer service is Application No. 3, which will result in water impact fee of \$417,633, a sewer impact fee of \$1,682,549 and annual operating and maintenance costs of \$278,826. For Application No. 11, however, the estimated construction costs for water and sewer infrastructure in the public right-of-way, including a 12-inch water main, 12-inch sanitary sewer force main and public pump station is \$3,164,979.

TRACK RECORD/MONITOR

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

BACKGROUND

The attached ordinance provides for action on the April 2007 Cycle applications requesting standard amendments to the CDMP (Application Nos. 3, 4, 5, 6, 8, 9, and 12-17), and provides for final action on any of the four small-scale amendments (Application Nos. 1, 2, 10 and 11) on which final action is not taken at the scheduled November 27, 2007 public hearing and which the Board elects to transmit to DCA for further review. Application No. 7 was withdrawn by applicant's letter dated October 12, 2007.

A resolution appearing on the same November 27, 2007 CDMP agenda 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 2008. 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.

HOUSING IMPACT

Of the ten (10) proposed applications to amend the Land Use Plan (LUP) map in unincorporated areas of Miami-Dade County, six applications could impact housing by increasing the supply. These

applications have the potential to add a maximum of 1,754 residential units to the County's housing supply, based upon the requested re-designation of the application sites inclusive of voluntary restrictions on density, as follows: Application No. 1 may add 39 units, Application No. 3 may add 1,050 units, Application No. 6 may add 10 units, Application No. 9 may add 426 units (based on covenant received on November 2, 2007), Application No. 10 may add 192 units, and Application No. 11 may add 37 units. The total increase in potential supply also represents the cumulative net housing impact countywide. Based on the fact that the yearly estimate by the DP&Z of the housing demand is 12,411 units, the cumulative addition of 1,754 units from the proposed amendments will add less than a few months to the supply of housing.



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: April 24, 2008

FROM: 
R. A. Cuevas, Jr.
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

Special Item No. 1
4-24-08

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
APRIL 2007 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, 13 CDMP amendment applications were filed on or before April 30, 2007 and are contained in the document titled "April 2007 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2007; and

WHEREAS, four (4) additional staff CDMP amendment applications were filed prior to the preparation of the "Initial Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan Volumes 1 and 2," dated August 25, 2007, bringing the total number of applications filed in the April 2007 cycle CDMP amendments to 17; and

WHEREAS, of the 17 amendment applications, 11 Land Use Plan (LUP) map amendments (Application Nos. 1 through 11) were privately filed, five (5) text amendments (Application Nos. 12, 13, 15, 16 and 17) were filed by the Department of Planning and Zoning and one (1) text/map amendment (Application No. 14) was filed by the Aviation Department; and

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced Applications in the report titled "Initial

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Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan, Volumes 1 and 2" dated August 25, 2007; and

WHEREAS, Application No. 7 was lawfully withdrawn by the applicant by letter dated October 10, 2007; and

WHEREAS, the applicant modified Application No. 14 in a memo dated October 12, 2007; 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 27, 2007, 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 (ORC) 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 THAT:

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 2007 cycle for amendments, modifications, additions, or changes to the Miami-Dade County CDMP as follows:

Application Number	REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT Applicant/Representative Location (Size)	Final Commission Action
1	Geovanis Medina/Gloria M. Velazquez, Esq. 100 feet east of NW 27 Avenue between NW 87 Terrace and theoretical NW 89 Street (1.57 Gross Acres) 1. Redesignate the subject property From: Business and Office and Low-Medium Density Residential (6-13 DU/Ac) To: Business and Office 2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Small-Scale	
2	Blue Lagoon Development, LLC/Felix M. Lasarte, Esq. Southeast corner of NW 57 Avenue and Blue Lagoon Drive (8.6 Gross Acres) 1. Redesignate the subject property From: Office/Residential To: Business and Office 2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Small-Scale	

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3	<p>Anthony Balzebre Trust/Jeffrey Bercow, Esq. & Michael Larkin, Esq. Northwest corner of NW 107 Avenue and NW 12 Street</p> <p>1. Redesignate the subject property (63.95 Gross Acres based on survey dated June 1, 2007 but originally reported as 59.949 Gross Acres based on Application; ±59.949 Net Acres but originally reported as 54.20 net acres based on survey (the Property Appraisers Office gives the net acreage as 55.19)</p> <p>1. Redesignate the subject property From: Industrial and Office & Business and Office To: Business and Office</p> <p>2. Designate the subject property as a Regional Activity Center (Chapter 380.06, F.S.)</p> <p>3. Revise the subsection entitled "Chapter 380 Regional Activity Centers" in the Land Use Element</p> <p>4. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Standard</p>	
4	<p>Jose M. Alvarez, President, ALVA Property Management, LLC Northeast corner of NW 132 Avenue and NW-13 Street (2.54 Gross Acres; 1.77 Net Acres)</p> <p>1. Redesignate the subject property From: Open Land To: Restricted Industrial and Office</p> <p>2. Expand the UDB to include the subject property Standard</p>	
5	<p>Lowe's Home Center, Inc./Juan J. Mayol, Esq. & Richard A. Perez, Esq. Northwest corner of Theoretical SW 138 Ave and SW 8 Street</p> <p>1. Redesignate the subject property Parcel A (21.6 Gross Acres; 20.5 Net Acres) From: Open Land To: Business and Office Parcel B (30.1 Gross Acres; 30.1 Net Acres) From: Open Land To: Institutions, Utilities and Communications</p> <p>2. Remove subject site from "Open Land Subareas map (Figure 4).</p> <p>3. Expand the UDB to include the subject property.</p> <p>4. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Standard</p>	
6	<p>8440 Property/Ben Fernandez, Esq. & Graham Penn, Esq. 300 Feet west of SW 84 Avenue and south of SW 38 Street (1.59 Gross Acres; ± 1.52 Net Acres)</p> <p>1. Redesignate the subject property From: Low Density Residential (2.5 to 6.0 DU/Ac.) To: Medium-High Density Residential (25 to 60 DU/Ac)</p> <p>2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element Standard</p>	

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7	<p>Armando Amador/Augusto E. Maxwell, Esq. Northwest corner of SW 101 Avenue and SW 88 Street (N. Kendall Drive)</p> <p>1. Redesignate the subject property From: Low Density Residential (2.5 to 6.0 DU/Ac.) To: Office/Residential (Originally was to Business and Office but revised to Office/Residential by applicant's letter dated September 12, 2007.)</p> <p>Small-Scale</p>	WITHDRAWN
8	<p>David Brown, Steven Brown & Victor Brown/Chad Williard, Esq. Southside of SW 88 Street west of SW 167 Avenue (42.0 Gross Acres; ± 38.5 Net Acres)</p> <p>1. Redesignate the subject property From: Agriculture To: Business and Office</p> <p>2. Expand the UDB to include subject property.</p> <p>3. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element.</p> <p>Standard</p>	
9	<p>Ferro Investments Group II, LLC/Miguel Diaz De la Portilla, Esq., Crystal Conner-Lane, Esq. Area between SW 104 and SW 112 Streets and between SW 167 Avenue and theoretical SW 164 Avenue</p> <p>1. Requested Amendment to the Land Use Plan map Part A (84.84 acres) From: Agriculture To: Low Density Residential (2.5 to 6.0 DU/Ac.) Part B (10.0 acres) From: Agriculture To: Business and Office</p> <p>2. Expand the UDB to include the subject property</p> <p>3. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element</p> <p>Standard</p>	
10	<p>West Perrine Land Trust, Inc., a Florida Corp. & Wilbur B. Bell, Trustee/Gilberto Pastoriza, Esq. Southwest corner of Homestead Avenue and SW 184 Street (Eureka Drive) (3.2 Gross Acres; ± 2.63 Net Acres)</p> <p>1. Requested Amendment to the Land Use Plan map From: Industrial and Office To: Medium Density Residential w/ Density Increase 1(DI-1) (13 to 60 DU/Ac)</p> <p>2. Add the Declaration of Restrictions to the Restrictions Table in the Land Use Element</p> <p>Small-Scale</p>	

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11	<p>BDG Florida City, LLC/Jeff Bercow, Esq. Melissa Tapanes Llahues, Esq. Immediately west of SW 192 Avenue between SW 340 and SW 344 Streets (34250 SW 192 Avenue) (5.04 Gross Acres; ± 4.75 Net Acres)</p> <p>1. Requested Amendment to the Land Use Plan map From: Estate Density Residential (1 to 2.5 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)</p> <p>2. Add the Declaration of Restrictions to the Restriction Table in the Land Use Element. Small-Scale</p>	
12	<p>Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director LAND USE ELEMENT Part A</p> <p>1. Revise the text in the Land Use Element to accurately describe the Parks and Recreation, Environmentally Protected Parks and Environmental Protection land use designations.</p> <p>Part B</p> <p>2. Update Figure 5 (Environmental Protection Subareas) in the map series of the Land Use Element to remove the national parks and a portion of Open Land Subarea 1 from Environmental Protection Subarea A.</p> <p>3. Add a new map titled "Environmentally Protected Parks" as Figure 4 in the map series of the Land Use Element to depict the national parks. Standard</p>	
13	<p>Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director CAPITAL IMPROVEMENTS ELEMENT In the CIE Schedules of Improvements, Tables of Proposed Projects, modify the following currently adopted tables as indicated in the attached tables: 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. Revise any other summary table or related text in the Capital Improvements Element as necessary to be consistent with the additions, deletions, or changes made by Part A of this application. Revise the Introduction and Implementation Schedules of Improvements to adopt by reference the TIP and to provide definitions of future growth and existing deficiencies. Standard</p>	

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14	<p>Aviation Department/ Jose Abreu, P.E., Director</p> <p>LAND USE ELEMENT, AVIATION SUBELEMENT OF THE TRANSPORTATION ELEMENT, THE 2015-2025 LAND USE PLAN MAP</p> <p><u>Part 1: Opa-Locka West Airport (Map Changes)</u></p> <p>Northwest area of Miami-Dade County at the southeast corner of intersection of Okeechobee Road and the Miami-Dade/Broward County line. Amend the Land Use Plan map to change the land use designation for Opa-Locka West Airport: (420 gross acres)</p> <p>From: Terminals To: Open Land</p> <p><i>(The request for the 420-acre subject property was originally 410-acres for "Open Land" and 10-acres for "Business and Office," and was modified by memo dated October 12, 2007 from the applicant to 420-acres for "Open Land.")</i></p> <p><u>Part 2: All County Airports (Map and Text Changes)</u></p> <p><u>Section A</u></p> <ol style="list-style-type: none"> 1. Update the Aviation Facilities maps (Figures 1 and 2) and the airport schematic maps (Figures 3-8) of the Aviation Subelement map series. 2. Add for new Airport Land Use Master Plan maps depicting land uses at County airports to the map series of the Aviation Subelement related to: <ol style="list-style-type: none"> i. Miami International Airport ii. Opa-Locka Executive Airport iii. Kendall-Tamiami Executive Airport iv. Homestead General Aviation Airport <p><u>Section B</u></p> <p>Amend Text, Goals, Objectives and Policies in the Aviation Subelement regarding the aforesaid aviation facilities.</p> <p><u>Part 3</u></p> <p>Text revisions to the Land Use Element, section title "Transportation" of the CDMP in order for the Plan to be internally consistent.</p> <p>Standard</p>	

Application Number	REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT Applicant/Representative Location (Size)	Final Commission Action
15	<p>Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director LAND USE, COASTAL MANAGEMENT, AND CAPITAL IMPROVEMENTS ELEMENTS</p> <ul style="list-style-type: none"> A. Revise and replace the text in the Land Use and Coastal Management Elements to include the new definition of coastal high-hazard areas and other required modifications, pursuant to 163.3178, F.S. B. Revise and replace Figure 10 (Floodplains) and Figure 11 (Areas Subject to Coastal Flooding) in the map series of the Land Use Element. The revisions shall include modifying the legend of Figure 10 and depicting the coastal high-hazard areas, as defined by Section 163.3178, F.S., on Figure 11. C. Revise the legend on Figure 1 (Hurricane Evacuation Zone map) in the Coastal Management Element. <p>Standard</p>	
16	<p>Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director WATER, SEWER AND SOLID WASTE; CONSERVATION, AQUIFER RECHARGE AND DRAINAGE; CAPITAL IMPROVEMENTS; INTERGOVERNMENTAL COORDINATION ELEMENTS</p> <p><u>Part A</u> Modifications and additions to the text, figures, and tables to the Water and Sewer Subelement of the Water, Sewer and Solid Waste Element, including the addition of a 20-year Water Supply Facilities Workplan;</p> <p><u>Part B</u> Modifications to Conservation, Aquifer Recharge and Drainage Element;</p> <p><u>Part C</u> Modifications to the Intergovernmental Coordination Element;</p> <p><u>Part D</u> Modifications to the Capital Improvements Element.</p> <p>Standard</p>	

Application Number	REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT Applicant/Representative Location (Size)	Final Commission Action
17	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director LAND USE, HOUSING ELEMENTS A. Revise the text in the Housing Element to include a provision that calls for adequate sites for affordable workforce housing to be identified, pursuant to Section 163.3177(6)(f), F.S. B. Revise the text in the Housing Element to require adoption of a plan for affordable workforce housing by July 1, 2008, as per Section 163.3177, F.S. C. Revise the Housing Element to include a definition for affordable housing and affordable workforce housing. This shall include a definition of the income limits within each category. D. Revise the Land Use and Housing Elements to include "affordable workforce housing" and "extremely low-income households" as part of the income limit categories listed in the affordable housing policies. The addition of "extremely low-income households" is intended to create consistency with Miami-Dade County's housing programs. Standard	

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