Memorandum

MIAMI-DADE COUNTY

(Public Hearing 11-6-08)

Date: October 21, 2008

Special Item No. 2

November 20,2008

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

From: George M. Burgess
County Manager

Subject: Ordinance Acting Upon Capital Improvements Element Amendment Application Filed During The April 2008 Cycle Of Applications To Amend The CDMP.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, (Agenda Item No. 2), which provides for the Board to adopt, adopt with change, or deny the proposed April 2008 Cycle Application No.12 to amend and update the text and policies of the Capital Improvements Element (CIE) of the Comprehensive Development Master Plan (CDMP). Final action is recommended to be taken on the ordinance at the conclusion of the CDMP public hearing scheduled to begin at 9:30 AM on Thursday, November 6, 2008 at the Stephen P. Clark Building.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development in the County to ensure the adequate provision of public facilities and services for existing and future populations, and to maintain and/or improve the quality of the natural and man-made environment. The April 2008 Cycle update of the CIE 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 changes and updates to the text and policies of the Capital Improvements Element of the CDMP would have no fiscal impact to the County.

TRACK RECORD/MONITOR

CDMP text amendments do not involve contracts; therefore, a Track Record/Monitor is not applicable.

BACKGROUND

Chapter 163, Part II, of the Florida Statutes, requires that additions or deletions of capital projects to/from Miami-Dade County's Six-year Schedule of Improvements in the CIE, including the identification of a change at the start or completion date of a capital project, be accomplished by a plan amendment. Furthermore, under Section 163.3177(3)(b)1, F. S., Miami-Dade County is required to review and update, on an annual basis, the Capital Improvements Element of the CDMP and the County's Six-Year Schedule of Capital Improvements. This section also requires the implementation of this new requirement to be completed no later than December 1, of each year. In addition, Sections 163.3187(1)(f) and 163.3177(3)(b)2, F.S., allow Miami-Dade County to adopt annual updates to the CIE up to three

times per year, each through an expedited process that requires only one public hearing before the Board.

The attached Ordinance provides for actions by the Board on Application No. 12 filed by the Department of Planning and Zoning (DP&Z) during the April 2008 Cycle of applications requesting amendments to the CDMP. In compliance with Chapter 163, Part II, F.S., Application No. 12 is a request to amend the text of the Capital Improvements Element of the CDMP and the annual update to Miami-Dade County's Six-Year Schedule of Capital Improvements. Application No. 12 contains the updated tables with the schedules of the programmed capital improvements.

ORDINANCE FORMAT

The Ordinance follows the same format for previous CDMP amendment cycles. That is, it contains a blank space to record your action on the request contained in the amendment Application. After the Board adopts the entry indicating its action on the amendment Application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entry. A minimum of seven affirmative votes is required by County Code to amend the CDMP.

Attachments

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: November 6, 2008

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
11-6-08

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; ACTING UPON CAPITAL IMPROVEMENTS ELEMENT AMENDMENT APPLICATION FILED IN APRIL 2008 CYCLE 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 (the Code) 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, F. S.; and

WHEREAS, Miami-Dade County is required to review and/or update the Capital Improvements Element (CIE) of the CDMP, including the Six-Year Schedule of Capital Improvements on an annual basis as set forth in Section 163.3177(3)(b)1, F. S.; and

WHEREAS, Section 163.3177(3)(b)2, F. S. provides for an expedited process for adopting the updates to the Capital Improvements Element of the CDMP by requiring only a single public hearing before the Board which shall be an adoption hearing; and

WHEREAS, the annual update to the CIE is exempt from the twice-per-year limitation on plan amendment adoptions, as per s.163.3187(1)(f), F.S., and from the procedures set forth in s. 2-116.1(1)-(7) of the Code; and

WHEREAS, the Department of Planning and Zoning (DP&Z) filed an application on June 2, 2008, to amend the text of the Capital Improvements Element of the CDMP and to update the Six-Year Schedule of Capital Improvements; and

WHEREAS, Staff application is identified as Application No. 12 in the document titled "April 2008 Applications to Amend the Comprehensive Development Master Plan," dated June 5, 2008; and

WHEREAS, the DP&Z published its initial recommendation addressing Application No. 12 in a report titled "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2008; and

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, or Deny Application No. 12 at the public hearing conducted; 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 April 2008 Cycle Application No. 12 for amendments, modifications, additions, or changes to the Capital Improvements Element of the Miami-Dade County Comprehensive Development Master Plan as follows:

Application No.	Applicant/Representative REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
12	Miami-Dade County Department of Planning and Zoning / Marc C. LaFerrier, AICP, Director CAPITAL IMPROVEMENTS ELEMENT A. In the CIE Schedules of Improvements--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. B. 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. C. Revise the Introduction and Implementation Schedules of Improvements to adopt by reference the 2009 Transportation Improvement Plan (TIP) and the adopted Miami-Dade County Public Schools Facilities Work Program, dated September 2008.	

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 portion of Application No. 12 is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the Application 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