



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 6, 2009

FROM: 
R. A. Cuevas, Jr.
County Attorney

Substitute
SUBJECT: Special Item No. 1B

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 Mayor'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 _____

Substitute
Special Item No. 1B
5-6-09

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATION NOS. 11 AND 15
FILED IN APRIL 2008 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, 18 CDMP amendment applications were filed on or before April 30, 2008 and are contained in the document titled "April 2008 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2008; and

WHEREAS, two (2) additional staff CDMP amendment applications were filed prior to the production of the "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan", dated August 25, 2008, bringing the total number of applications filed in the April 2008 cycle CDMP amendments to 20; and

WHEREAS, of the 20 amendment applications, six (6) Land Use Plan (LUP) map (Application Nos. 2 to 4 and 8 to 10) and one (1) text (Application No. 11) amendments were privately filed, three (3) LUP map amendments (Application Nos. 5 to 7) were filed by the Aviation Department, and one LUP map (Application No. 1) and 9 (nine) text (~~Application No. 11~~ amendments (Application Nos. 12 to 20) amendments were filed by the Department of Planning and Zoning (DP&Z); and

WHEREAS, the DP&Z published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations April 2008 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2008; and

WHEREAS, Application Nos. 14 and 16 were lawfully withdrawn by DP&Z; and

WHEREAS, the 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, held public hearings and transmitted recommendations for the disposition of such applications to this Board; and

WHEREAS, on November 6, 2008, 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, Application No. 1 was withdrawn by the applicant at the Board's public hearing on November 6, 2008; and

WHEREAS, Application No. 17 was withdrawn by DP&Z at the PAB's final public hearing on April 6, 2009; and

WHEREAS, on November 6, 2008, the Board voted to adopt small-scale amendment Application Nos. 2, 3, 4 and 5 with acceptance of proffered covenant, to transmit with intent to adopt Application Nos. 6, 7, 9 and 10 with acceptance of proffered covenant; to transmit with intent to adopt Application No. 8 with changes as provided by the applicant and with acceptance of two proffered covenants; to transmit with intent to adopt Application No. 11 with changes as provided by the applicant; to transmit with intent to adopt Application Nos. 13 and 19 with staff changes; to transmit with intent to adopt Application Nos. 15, 17, and 20; and to transmit with intent to adopt Application No. 18 with further staff changes to the Florida Department of Community Affairs (DCA) for review and comment; and

WHEREAS, on November 20, 2008, the Board voted to adopt Application No. 12 that updated the Capital Improvements Element; and

WHEREAS, DCA reviewed the proposed applications at the request of this Board and has issued its Objections, Recommendations and Comments (ORC) report pursuant to Section 163.3184 (6)(c), F.S.; and

WHEREAS, DP&Z has subsequently published its revised recommendations addressing the transmitted amendment applications in a memorandum dated March 27, 2009; and

WHEREAS, DP&Z has subsequently published a response to the ORC report dated March 27, 2009; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Deny 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, the Board must take final action specifically on Application Nos. 11 and 15, which are the subjects of this Ordinance; 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,

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 applications filed for review during the April 2008 cycle for amendments, modifications, additions, or changes to the Miami-Dade County CDMP as follows:

Application Number	Applicant/Representative Location (Size) Requested Amendments To The CDMP Land Use Plan Map	Final Commission Action
4	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, AIA, AICP, Interim Director NW 47 Avenue to NW 55 Court and between NW 100 Street and Snake Creek Canal (165.8 gross acres) FROM: INSTITUTIONS, UTILITIES AND COMMUNICATIONS TO: PARCEL A: INDUSTRIAL AND OFFICE (25 Acres) PARCEL B: BUSINESS AND OFFICE (60 Acres) PARCEL C: LOW-MEDIUM DENSITY RESIDENTIAL (6-13 DU/Ac) (80 Acres)	WITHDRAW
2	Tiber Hollo/Jeffrey Bercow, Esq. & Michael J. Marrero, Esq. West side of NW 7 Avenue Between NW 155 Lane and Biscayne Canal (0.84 gross acres) FROM: MEDIUM-HIGH DENSITY RESIDENTIAL (25-60 DU/Ac) TO: BUSINESS AND OFFICE Small Scale Amendment	
3	Lunar Real Estate Services, Inc./Mario J. Garcia-Serra, Esq. & Patrick Range II, Esq. Southwest corner of NE 135 Street and NE 3 Court (2.5 gross acres) FROM: LOW-MEDIUM DENSITY RESIDENTIAL (6-13 DU/Ac) TO: BUSINESS AND OFFICE Small Scale Amendment	
4	Sunshine Lakes LLC/Jeffrey Bercow, Esq. & Mathew Amster, Esq. 10940 NW 14 Avenue (an area SW of intersection of NW 111 Street) (4.84 gross acres) FROM: LOW-MEDIUM DENSITY RESIDENTIAL (6-13 DU/Ac) TO: MEDIUM DENSITY RESIDENTIAL WITH ONE DENSITY INCREASE WITH URBAN DESIGN (DI 1; 13-60 DU/Ac) Small Scale Amendment	
5	Miami-Dade County Aviation Department/Jose Abreu, P.E., Director East side of NW 72 Avenue between NW 36 and NW 41 Streets (3.4 Gross Acres) FROM: INSTITUTIONS, UTILITIES AND COMMUNICATIONS TO: BUSINESS AND OFFICE Small Scale Amendment	
6	Miami-Dade County Aviation Department/Jose Abreu, P.E., Director Between the Palmetto Expressway (SR 826) and Milam Dairy Road and between NW 14 and NW 19 Streets, west of the Miami International Airport (31.04 gross acres) FROM: INDUSTRIAL AND OFFICE AND TRANSPORTATION TERMINALS TO: BUSINESS AND OFFICE	

Application Number	Applicant/Representative Location (Size) Requested Amendments To The CDMP Land Use Plan Map	Final Commission Action
7	Miami Dade County Aviation Department/Jose Abreu, P.E., Director Northeast corner of Milam Dairy Road and NW 12 Street, at the SW corner of the Miami International Airport (16.9 gross acres) FROM: INDUSTRIAL AND OFFICE TO: BUSINESS AND OFFICE	
8	Fontainebleau Lakes, LLC/Felix M. Lasarte, Esq. North side of Flaglor Street between theoretical NW 90 and NW 94 Avenues (41.0 gross acres) (originally 41.0 gross acres but modified by applicant by deleting a northeastern 1.6 acre portion of the property from the application site and redesignating Parcel B (4.3 acres) to Parks and Recreation as stated below, all for a net balance of 39.4 gross acres) FROM: PARCEL A: MEDIUM DENSITY RESIDENTIAL (13.25 DU/Ac) (23 Acres) PARCEL B: PARKS AND RECREATION (18 Acres) TO: BUSINESS AND OFFICE PARCEL A FROM: MEDIUM DENSITY RESIDENTIAL (13.25 DU/Ac) & PARKS AND RECREATION TO: BUSINESS AND OFFICE (35.06 GROSS ACRES); AND PARCEL B: FROM: MEDIUM DENSITY RESIDENTIAL (13.25 DU/Ac) TO: PARKS AND RECREATION (4.36 GROSS ACRES)	
9	Blue Lake Partners, LLC (Originally filed by Gold River Corporation) Juan J. Mayol, Jr., Esq. Northeast corner of West Flaglor Street and NW 102 Avenue (41.04 gross acres) FROM: LOW-MEDIUM DENSITY RESIDENTIAL (6-13 DU/Ac) TO: BUSINESS AND OFFICE	
10	Manuel C. Diaz and Live Oak Partners, LLC/Joseph G. Goldstein, Esq., Alan S. Krischor, Esq. & Tracy R. Slavens, Esq. Southwest corner of SW 112 Avenue and SW 248 Street (35.0 gross acres) 1. Requested Amondment to the Land Use Plan map. FROM: OFFICE/RESIDENTIAL TO: BUSINESS AND OFFICE 2. Requested Amondment to the Land Use Element. Delete existing CDMP Covenant from Official Records Book and add the new CDMP Covenant to the Restrictions Table.	

Application Number	Applicant/Representative Requested Change to the CDMP Policies or Text	Final Commission Action
11	Builders Association of South Florida/Jeffrey Bercow, Esq. & Graham Penn, Esq. EDUCATION ELEMENT Revise Policy EDU-2C as presented in the replacement pages for the 2007 Special Amendment.	
43	Miami Dade County Department of Planning & Zoning/ Subrata Basu, AIA, AICP, Interim Director LAND USE ELEMENT Revise text relating to the "Agriculture" Land Use Plan Map category.	
44	Miami Dade County Department of Planning & Zoning/ Subrata Basu, AIA, AICP, Interim Director LAND USE ELEMENT Revise text in the Gross Residential Density Section.	WITHDRAWN
15	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, AIA, AICP, Interim Director LAND USE ELEMENT Revise the text of the "Gross Residential Density" section and add a new section titled "Density Bonus Programs for Affordable Housing" after the section titled "Density Increase with Urban Design."	
46	Miami Dade County Department of Planning & Zoning/ Subrata Basu, AIA, AICP, Interim Director LAND USE ELEMENT Revise text in the Urban Centers Section.	WITHDRAWN
47	Miami Dade County Department of Planning & Zoning/ Subrata Basu, AIA, AICP, Interim Director LAND USE ELEMENT Revise the text relating to the "Industrial and Office" Land Use Plan Map category.	WITHDRAWN
48	Miami Dade County Department of Planning & Zoning/ Subrata Basu, AIA, AICP, Interim Director HOUSING ELEMENT Revise Policy HO-6D.	
49	Miami Dade County Department of Planning & Zoning/ Marc C. LaFerrier, AICP, Director CONSERVATION, AQUIFER RECHARGE AND DRAINAGE ELEMENT Revise Policy CON-8I.	
20	Miami Dade County Department of Planning & Zoning/ Marc C. LaFerrier, AICP, Director LAND USE ELEMENT Revise the text relating to Transportation Land Use Plan Map category. TRANSPORTATION ELEMENT, Aviation Subelement, Revise the text in Aviation Facilities Improvements Section.	

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

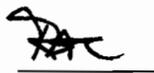
portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

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:



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Prepared by:



A handwritten signature in black ink, appearing to be 'JAC', written above a horizontal line.

Joni Armstrong Coffey