

Memorandum



Date: May 28, 2009

To: Honorable Chairman Dennis C. Moss
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 "Burgess", written over the printed name of George M. Burgess.

Subject: Ordinance Acting Upon The October 2008 Cycle of Applications 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 Commission to adopt, adopt with change or deny the October 2008 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 **Thursday, May 28, 2009**, 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 October 2009.

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 in Miami-Dade County, 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 (LUP) map amendment applications may have localized impact on one or more Commission Districts. Application No. 2 involves Land Use Plan (LUP) map changes for parcels located in Commission District 6 and 12 for Miami International Airport and in Commission Districts 1 and 13 for Opa-locka Executive Airport.

Fiscal Impact/Funding Source

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 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 to Miami-Dade County for bringing such infrastructure to the area as well as annual operating costs.

Miami-Dade Aviation Department (MDAD) and the Department of Planning and Zoning (DP&Z) identified parcels at both Miami International and Opa-locka Executive Airports that are proposed for redesignation on the Adopted 2015-2025 Land Use Plan map. Six parcels would be redesignated from "Industrial and Office" to "Terminals" at the Opa-locka Executive Airport and three parcels would be redesignated from "Restricted Industrial and Office," "Industrial and Office," and "Business and Office" to "Terminals" at Miami International Airport. The proposed land use redesignations would not increase development intensity in any of the aforementioned

parcels. Therefore, the proposed CDMP amendments would not generate additional fiscal impacts to Miami-Dade County.

Housing Impact

No residential development is involved with the proposed CDMP amendments. Therefore, the October 2008 Cycle Applications (Application Nos. 1 and 2) would not have an impact on the supply of housing in Miami-Dade County.

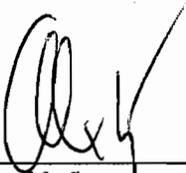
Track Record/Monitor

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

Background

The attached ordinance provides for action on the October 2008 Cycle applications requesting amendments to the CDMP. Two (2) applications to amend the CDMP were filed during the October 2008 Cycle of amendments under the County's jurisdiction. Application No. 1 involves changes to the text of the CDMP. Application No. 2 involves changes to the text of the CDMP, changes to the Adopted 2015-2025 LUP map of the CDMP for parcels at Miami International and Opa-locka Executive Airports, and changes to the Adopted Airport Land Use Master Plans 2015-2025.

A resolution accompanying this ordinance 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 August 2009. The County is required to take final action on transmitted applications within 60 days after receipt of the ORC report. The 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.



Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: May 28, 2009

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 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 _____

Special Item No. 2
5-28-09

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN OCTOBER 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, two (2) CDMP amendment applications were filed on or before October 31, 2008 and are contained in the document titled "October 2008 Applications to Amend the Comprehensive Development Master Plan," dated December 5, 2008; and

WHEREAS, of the two (2) amendment applications, one (1) CDMP text amendment (Application No. 1) was privately filed, and 1 (one) CDMP text amendment with associated Airport Land Use Master Plan 2015-2025 maps for the Opa-locka Executive, Kendall Executive, Homestead General, and Miami International Airports (Application No. 2) was filed by the Aviation Department; and

WHEREAS, the Department of Planning and Zoning (DP&Z) issued its initial recommendations addressing Application Nos. 1 and 2 in a report titled "Initial Recommendations October 2008 Applications to Amend the Comprehensive Development Master Plan," dated February 25, 2009, as required by Section 2-116.1, Code of Miami-Dade County, and may issue revised recommendations on transmitted applications prior to final action by the Board; and

WHEREAS, affected Community Councils have acted in accordance with Miami-Dade County procedures, conducted duly noticed public hearings during the month of March 2009 to receive public comments on the applicable Airport Land Use Master Plan 2015-2025 map and Land Use Plan (LUP) map changes associated with Application No. 2 and on the recommendations of the DP&Z, and issued recommendations regarding the proposed amendment directly affecting their areas; and

WHEREAS, on May 28, 2009, 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 Deny the CDMP 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,

**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 amendment applications filed for review during the October 2008 Cycle for amendments, modifications, additions or changes to the Miami-Dade County CDMP as follows:

5

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action and/or Transmittal Instruction
1	<p>Florida Power and Light Company/Jeff Bercow, Esq. and Mike Radell, Esq.</p> <p>LAND USE ELEMENT</p> <p>Revise text to allow excavation for water management projects in the area east of Homestead Air Reserve Base and SW 122 Avenue between Military Canal and C-103 Canal and designated "Agriculture" on the adopted 2015-2025 Land Use Plan map</p> <p>Standard Amendment</p>	
2	<p>Miami-Dade County Aviation Department/Jose Abreu, P.E., Director</p> <p>LAND USE AND TRANSPORTATION ELEMENTS</p> <p>A. Revise the text in the Aviation Subelement of the Transportation Element on pages II-51 and II-52 to eliminate references to Opa-Locka Executive, Kendall-Tamiami Executive, Homestead General Aviation, and Miami International Airports' "landside and airside areas" in order to properly distinguish aviation and non-aviation uses on Miami-Dade Aviation Department owned property as depicted on the revised and attached Airport Land Use Master Plan maps.</p> <p>B. Revise the text in the Land Use Element, section titled, "Transportation" on pages I-54 and I-55 of the Adopted Components of the CDMP in order for the CDMP to be internally consistent.</p> <p>C. Replace the Airport Land Use Master Plan maps in the Aviation Subelement of the Transportation Element for Opa-Locka Executive, Kendall-Tamiami Executive, Homestead General Aviation and Miami International Airports with the revised maps.</p> <p>D. Redesignate certain airport-owned properties at Opa-Locka Executive and Miami International Airports to "Terminals" on the Adopted 2015-2025 Land Use Plan map.</p> <p>Standard Amendment</p>	

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