

# Memorandum



Date: October 7, 2009

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

Amended Spec. Item No. 1B

From: George M. Burgess  
County Manager

Subject: Ordinance 1B Acting Upon The October 2008 Cycle of Applications to Amend the Comprehensive Development Master Plan; (DCA No. 09-2)

**This Amended Item differs from the original item (legistar no. 091537) in that it complies with the new rule change regarding substitutes and alternates as provided in Ordinance #09-13, adopted on March 3, 2009. In addition, it differs from the original as follows:**

- **The preamble of the Ordinance reflects the actions taken by the Board of County Commissioners (Board) at its "transmittal" public hearing on May 28, 2009, the receipt of the Objections, Recommendations and Comments (ORC) from the Florida Department of Community Affairs (DCA), and the withdrawal of Application No. 1 by letter provided by the Florida Power & Light Company dated September 11, 2009.**

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, ~~(Special Item No. 2)~~ (Amended Special Item No. 1B) 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.~~

It is recommended that final actions be taken on the corresponding ordinance for the pending application at the conclusion of the public hearing scheduled to begin at 9:30 AM on Wednesday, October 7, 2009. The ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains blank spaces to record your action on each request contained in the application. After the Board adopts entries indicating its action on the application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries.

### 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)~~ Application No. 2 of the October 2008 Cycle Applications 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. At the transmittal hearing of May 28, 2009, the Board bifurcated the original ordinance for the October 2008 Cycle applications to separate Application No. 1- the proposed text amendment filed by the Florida Power and Light Company (FPL)-as Special Item No. 2A, and Application No. 2- the proposed CDMP text amendment associated with Airport Land Use Master Plan maps Plan 2015-2025 for the Opa-locka Executive, Kendall-Tamiami Executive, Homestead General and Miami International airports which was filed by the Aviation Department- as Special Item No. 2B and adopted both ordinances on first reading. Application No. 1 was withdrawn by Florida Power & Light's letter dated September 18, 2009. Thus, only Special Item No. 2B, now known as Amended Special Item 1B, will be heard at the public hearing on October 7, 2009.

~~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.~~

The attached ordinance provides for final actions on the pending Application No. 2 from the October 2008 Cycle of applications requesting amendments to the CDMP. This application was transmitted to DCA for review and comment. The Board's previous action on this application at the May 28, 2009 public hearing was to "Transmit with Staff Recommended Changes and Adopt." A "Matrix" updated September 21, 2009 summarizing the previous recommendations of the DP&Z, affected Community Councils, PAB and BCC, and the revised recommendations of the DP&Z and PAB are attached to this memo.

DCA coordinated the State agency consistency reviews on the transmitted applications at the request of Miami-Dade County. The Objections, Recommendations and Comments (ORC) report from DCA dated September 11, 2009 to include comments and no objections to Application No. 2. The comment was regarding the adoption of a declaration of restrictions was to ensure that the only allowed use on for the 8.2-acre parcel at Kendall-Tamiami Executive Airport would be for parking and drainage. To address this concern the Department added text to the Aviation Subelement and the Land Use Element.

The Revised Recommendations Report, dated September 18, 2009, recommended that Application No. 2 be Adopted with Change. Since the Board transmitted the application to DCA, the Aviation Department has added changes to the text and to the Miami International Airport Land Use Master Plan 2015-2025 map related to a proposed quarter horse race track that could be located at the southeastern edge of the airport. These changes were included in the recommendation of DP&Z.

Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners  
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The Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA) conducted its final public hearing on the pending amendments on September 21, 2009 and issued the following recommendation for Application No. 2: Adopt With Change as recommended by staff excluding the proposed text references in the Aviation Subelement and the Land Use Element to gaming establishments, including horse race tracks and slot machines, at the Miami International Airport; and further, a change in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee." The PAB recommendations are contained in the attached PAB resolution, the meeting minutes dated September 21, 2009 and the Matrix attached to this memo.

Attachments



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Alex Muñoz  
Assistant County Manager



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Dennis C. Moss **DATE:** October 7, 2009  
and Members, Board of County Commissioners

**FROM:** R. A. Cuevas, Jr. **SUBJECT:** Amended  
County Attorney *[Signature]* Agenda Item No. 1B

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Amended  
Special Item No. 1B  
10-7-09

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS NO. 2 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

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**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**, on May 28, 2009, this Board voted to transmit Applications Nos. 1 and 2 to DCA for review and comment; and

**WHEREAS**, on May 28, 2009, this Board voted to bifurcate the ordinance into separate ordinances for Applications Nos. 1 and 2; 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**, the applicant withdrew Application No. 1 by letter dated September 18, 2009; and

**WHEREAS**, DP&7 has subsequently published its revised recommendations addressing the transmitted amendment applications and issue contained in the ORC report application no. 2 in the report titled “Revised Recommendations October 2008 Applications to Amend the comprehensive Development master Plan” report; 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,

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

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action and/or Transmittal Instruction
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

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY (LPA) ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF OCTOBER 2008 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN.

**WHEREAS**, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in November 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the Florida Statutes and Administrative Code referenced above; 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 2 applications, one (1) text amendment (Application No. 1) was privately filed, and 1 text amendment (Application No. 2) was filed by the Miami-Dade Aviation Department; and

**WHEREAS**, the text amendment (Application No. 2) has associated map changes proposed to the Airport Land Use Master Plan 2015-2025 maps for the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Airport and Miami International Airport; and

**WHEREAS**, the Department of Planning and Zoning (DP&Z) has published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations October 2008 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2009; and

**WHEREAS**, DP&Z has recommended additional changes to the adopted 2015-2025 Land Use Plan (LUP) map for County-owned properties at Miami International and Opa-locka Executive Airports; and

**WHEREAS**, affected Community Councils have conducted optional public hearings pursuant to Section 2-116.1 (3)(e), Code of Miami-Dade County, to address the Airport Land Use Master Plan 2015-2025 components of Application No. 2 and proposed changes to the adopted 2015-2025 LUP map for properties at Miami International and Opa-locka Executive Airports that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board (PAB) and the Board; and

**WHEREAS**, the PAB acting as the Local Planning Agency (LPA) has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing to receive public comments and to address the Applications, the initial recommendations of the DP&Z, to address the transmittal by the Board to the Florida

Department of Community Affairs (DCA) of the standard amendments and to address subsequent action on the applications by the Board;

**WHEREAS**, on May 28, 2009, the Board voted to Transmit Application No. 1 With Staff Recommended Changes And With No Recommendation and to Transmit Application No. 2 with Staff Recommended Changes And A Recommendation to Adopt.

**WHEREAS**, an Objections, Recommendations, and Comments (ORC) report on applications filed during the October 2008-09 Cycle of Amendments was issued by DCA on September 11, 2009; and

**WHEREAS**, standard Application No. 1 was lawfully withdrawn by letter dated September 18, 2009 from the applicant's representative; and

**WHEREAS**, the DP&Z has published its revised recommendations addressing pending Applications; and

**WHEREAS**, on September 21, 2009, the PAB acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing to receive public comments on pending CDMP amendment Application No. 2 as transmitted for review and comment by DCA; on the revised recommendations of the DP&Z; on the ORC report; and to issue final recommendations to the Board regarding final actions on the pending CDMP amendment application; and

**WHEREAS**, final action by the PAB may be to adopt, adopt with changes, or not adopt the pending CDMP amendment application.

**NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY, that:**

The LPA hereby adopts the following as its final recommendations to the Board:

Application Number	Applicant/Representative Location (Size) if applicable	REQUESTED STANDARD AMENDMENTS TO THE CDMP	Final Recommendation
2	Miami-Dade County Department/Jose Abreu, P.E., Director	Aviation Land Use Element and Aviation Subelement Revise text on non-aviation related uses at airports and airport land use master plan 2015-2025 maps. Redesignate certain airport-owned properties at Opa-locka Executive and Miami International Airports to "Terminals" on the Adopted 2015 - 2025 Land Use Plan map. Standard	Adopt With Change as recommended by staff excluding the proposed text references in the Aviation Subelement and the Land Use Element to gaming establishments, including horse race tracks and slot machines, at the Miami International Airport; and further, a change in the Aviation Subelement text, third paragraph, page 11-51, and in the Land Use Element text, Transportation section, pages 1-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee".

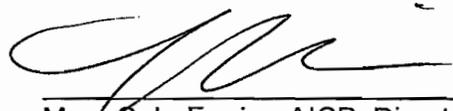
The motion to recommend "Adopt With Change as recommended by staff excluding the proposed text references in the Aviation Subelement and the Land Use Element to gaming establishments, including horse race tracks and slot machines, at the Miami International Airport; and further, a change in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee" was moved by Board Member Reginald J. Clyne. Board Member Georgina Santiago seconded the motion and the motion passed 7 to 2 as follows:

Reginald J. Clyne	Yes	Serafin Leal	Yes
Antonio Fraga	No	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	No
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
Christi Sherouse, Vice Chair		Absent	
Pamela Gray, Chair		Yes	

The adoption of the foregoing resolution was moved by Board Member Jay Sosna. Board Member Horacio Huembes seconded the motion and the motion passed unanimously as follows:

Reginald J. Clyne	Yes	Serafin Leal	Yes
Antonio Fraga	Yes	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
Christi Sherouse, Vice Chair		Absent	
Pamela Gray, Chair		Yes	

The above action was taken by the Planning Advisory Board acting as the Local Planning Agency at the conclusion of its public hearing on September 21, 2009, and is certified correct by Marc C. LaFerrier, Executive Secretary to the Planning Advisory Board.



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Marc C. LaFerrier, AICP, Director  
Department of Planning & Department

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Recommended Action and/or Transmittal Instruction
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.

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Prepared by:

\_\_\_\_\_

Joni Armstrong Coffey

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY (LPA) ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF OCTOBER 2008 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN.

**WHEREAS**, pursuant to Chapter 163, Part 2, Florida Statutes (F.S.) and Chapters 9J-5, 9J-11, and 9J-12, Florida Administrative Code (F.A.C.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade County Board of County Commissioners (Board) in November 1988; and

**WHEREAS**, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the Florida Statutes and Administrative Code referenced above; 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 2 applications, one (1) text amendment (Application No. 1) was privately filed, and 1 text amendment (Application No. 2) was filed by the Miami-Dade Aviation Department; and

**WHEREAS**, the text amendment (Application No. 2) has associated map changes proposed to the Airport Land Use Master Plan 2015-2025 maps for the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Airport and Miami International Airport; and

**WHEREAS**, the Department of Planning and Zoning (DP&Z) has published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations October 2008 Applications to Amend the Comprehensive Development Master Plan" dated February 25, 2009; and

**WHEREAS**, DP&Z has recommended additional changes to the adopted 2015-2025 Land Use Plan (LUP) map for County-owned properties at Miami International and Opa-locka Executive Airports; and

**WHEREAS**, affected Community Councils have conducted optional public hearings pursuant to Section 2-116.1 (3)(e), Code of Miami-Dade County, to address the Airport Land Use Master Plan 2015-2025 components of Application No. 2 and proposed changes to the adopted 2015-2025 LUP map for properties at Miami International and Opa-locka Executive Airports that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board (PAB) and the Board; and

**WHEREAS**, the PAB acting as the Local Planning Agency (LPA) has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing to receive public comments and to address the Applications, the initial recommendations of the DP&Z, to address the transmittal by the Board to the Florida

Department of Community Affairs (DCA) of the standard amendments and to address subsequent action on the applications by the Board;

**WHEREAS**, on May 28, 2009, the Board voted to Transmit Application No. 1 With Staff Recommended Changes And With No Recommendation and to Transmit Application No. 2 with Staff Recommended Changes And A Recommendation to Adopt.

**WHEREAS**, an Objections, Recommendations, and Comments (ORC) report on applications filed during the October 2008-09 Cycle of Amendments was issued by DCA on September 11, 2009; and

**WHEREAS**, standard Application No. 1 was lawfully withdrawn by letter dated September 18, 2009 from the applicant's representative; and

**WHEREAS**, the DP&Z has published its revised recommendations addressing pending Applications; and

**WHEREAS**, on September 21, 2009, the PAB acting as the Local Planning Agency (LPA) conducted a duly noticed public hearing to receive public comments on pending CDMP amendment Application No. 2 as transmitted for review and comment by DCA; on the revised recommendations of the DP&Z; on the ORC report; and to issue final recommendations to the Board regarding final actions on the pending CDMP amendment application; and

**WHEREAS**, final action by the PAB may be to adopt, adopt with changes, or not adopt the pending CDMP amendment application.

**NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY, that:**

The LPA hereby adopts the following as its final recommendations to the Board:

Application Number	Applicant/Representative Location (Size) if applicable REQUESTED STANDARD AMENDMENTS TO THE CDMP	Final Recommendation
2	Miami-Dade County Aviation Department/Jose Abreu, P.E., Director  Land Use Element and Aviation Subelement Revise text on non-aviation related uses at airports and airport land use master plan 2015-2025 maps. Redesignate certain airport-owned properties at Opa-locka Executive and Miami International Airports to "Terminals" on the Adopted 2015 - 2025 Land Use Plan map. Standard	Adopt With Change as recommended by staff excluding the proposed text references in the Aviation Subelement and the Land Use Element to gaming establishments, including horse race tracks and slot machines, at the Miami International Airport; and further, a change in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee".

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The motion to recommend "Adopt With Change as recommended by staff excluding the proposed text references in the Aviation Subelement and the Land Use Element to gaming establishments, including horse race tracks and slot machines, at the Miami International Airport; and further, a change in the Aviation Subelement text, third paragraph, page II-51, and in the Land Use Element text, Transportation section, pages I-54 to 55, to replace the phrase "or his designee" with "or the Aviation Department's designee" was moved by Board Member Reginald J. Clyne. Board Member Georgina Santiago seconded the motion and the motion passed 7 to 2 as follows:

Reginald J. Clyne	Yes	Serafin Leal	Yes
Antonio Fraga	No	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	No
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
		Christi Sherouse, Vice Chair	Absent
		Pamela Gray, Chair	Yes

The adoption of the foregoing resolution was moved by Board Member Jay Sosna. Board Member Horacio Huembes seconded the motion and the motion passed unanimously as follows:

Reginald J. Clyne	Yes	Serafin Leal	Yes
Antonio Fraga	Yes	Ralph Ramirez	Absent
Horacio C. Huembes	Yes	William A. Riley	Yes
Rolando Iglesias	Absent	Wayne Rinehart	Absent
Eddy Joachin	Absent	Georgina Santiago	Yes
Daniel Kaplan	Yes	Jay Sosna	Yes
		Christi Sherouse, Vice Chair	Absent
		Pamela Gray, Chair	Yes

The above action was taken by the Planning Advisory Board acting as the Local Planning Agency at the conclusion of its public hearing on September 21, 2009, and is certified correct by Marc C. LaFerrier, Executive Secretary to the Planning Advisory Board.

  
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 Marc C. LaFerrier, AICP, Director  
 Department of Planning & Department