

MEMORANDUM

Agenda Item No. 7(C)

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

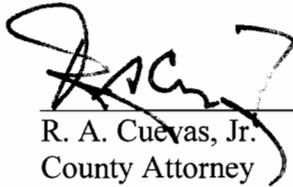
DATE: February 2, 2010

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

SUBJECT: Ordinance relating to
Comprehensive Development
Master Plan (CDMP); amending
Section 2-116.1(3)(c) of the
Code, to require certain
drainage information be
included in analysis of CDMP
amendment applications

This ordinance was amended by the Budget, Planning and Sustainability Committee to provide for the following additional drainage information in the analysis of an application to amend the Comprehensive Development Master Plan: flooding occurrences near the property and within the drainage basin, averages seasonal elevation of the water table within the area of the application, and land elevation of surrounding properties or topographic maps of the application area .

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Natacha Seijas and Co-Sponsor Vice-Chairman Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: February 2, 2010

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

From: George M. Burgess 
County Manager

Subject: Ordinance amending Section 2-116.1(3)(C) of the Code, requiring the inclusion of
drainage information in CDMP amendment analysis

The proposed legislation requiring the inclusion of certain drainage information in analysis of CDMP amendment applications will not result in a fiscal impact to Miami-Dade County.

A handwritten signature in black ink, appearing to be "Aly", written over a horizontal line.

Assistant County Manager

fis02910

A small, handwritten mark or signature at the bottom center of the page, resembling a stylized "C" or a similar character.



MEMORANDUM

(Revised)

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

DATE: February 2, 2010

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

SUBJECT: Agenda Item No. 7(C)

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 _____

Agenda Item No. 7(C)
2-2-10

ORDINANCE NO. _____

ORDINANCE RELATING TO COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); AMENDING SECTION 2-116.1(3)(c) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE CERTAIN DRAINAGE INFORMATION BE INCLUDED IN ANALYSIS OF CDMP AMENDMENT APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, it is anticipated that sea-level rise associated with climate change will present challenges to the existing drainage capacity of the primary and secondary canal systems; and

WHEREAS, the drainage system capacity varies according to property location within Miami-Dade County; and

WHEREAS, it is desirable to have information relating to the drainage capacity of properties which are the subject of applications to amend the CDMP,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-116.1(3)(c) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 2-116.1. Amendment procedure for Comprehensive Development Master Plan.

* * *

(3) *Procedure upon application; Director of Planning and Zoning, Community Councils, Planning Advisory Board (PAB), and Board of County Commissioners; applications pursuant to an emergency or a compliance agreement.*

* * *

(c) For the purposes of preparing the initial recommendations of the Department of Planning and Zoning, the Director shall request an evaluation from all county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP as determined by the Director. Such departments and agencies shall respond with a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure and services to the area as well as the costs of annually operating and maintaining such infrastructure and services. The evaluation shall estimate the extent to which the costs of the required infrastructure and services will be borne by the described property or will require general taxpayer support, and an estimate of the amount of such support. The Director shall also request a similar report from non-County authorities and agencies which may be affected by a proposed land use change including but not limited to the Metropolitan Planning Organization, Miami-Dade County Public School District, and the South Florida Water Management District. The Director shall consider responses received in writing by any person or organization, on or before the tenth (10th) day in July following the filing of April period applications and on or before the tenth (10th) day of January following the filing of October period applications. The Director shall also consider and evaluate the information presented at any public workshops which are held in accordance with this section.

>>The Director shall also, for purposes of preparing the initial recommendations, request from all appropriate county departments and agencies an evaluation regarding drainage information pertaining to each application, including the drainage basin serving the property that is the subject of the

application<< >>; flooding occurrences near the property and within the drainage basin; averages seasonal elevation of the water table within the area of the application; land elevation of surrounding properties or topographic maps of the application area;²<< >>and any primary or secondary canals that provide drainage to the property. Such information shall be included in the Director's analysis of any application.<<

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance 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.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:



Prepared by:



Craig H. Coller

Prime Sponsor: Commissioner Natacha Seijas
Co-Sponsor: Vice-Chairman Jose "Pepe" Diaz

² Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or »double arrowed« constitute the amendment proposed.