Memorandum

MIAMI-DADE COUNTY

Date: October 5, 2010

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

Agenda Item No. 4(F)

From: George M. Burgess
County Manager

Subject: Ordinance Acting Upon Capital Improvements Element Amendment Application Filed During The April 2010 Cycle Of Applications To Amend The Comprehensive Development Master Plan (CDMP).

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) adopt the attached Ordinance, which provides for the Board to adopt, adopt with change, not adopt, or deny the proposed April 2010 Cycle Application No. 3 to amend and update the text, policies, and the Six-Year Schedule of Improvements in the Capital Improvements Element (CIE) of the Comprehensive Development Master Plan (CDMP). Actions taken by the Board on the debt service millage will require modifications to the Building Better Communities General Obligation Bond Program project schedules as included in the final adoption FY 2010-11 Capital Budget and Multi-Year Capital Plan. This in turn may require modifications to the CIE list of schedules in Application No. 3 (list of schedules will be provided to the Board in the agenda package for the November 3, 2010 CDMP Hearing). The Board will take final action on the Ordinance at the CDMP transmittal hearing of Wednesday, November 3, 2010 at the Stephen P. Clark Building.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure 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 in Miami-Dade County. The April 2010 Cycle update to the Capital Improvements Element of the CDMP has a countywide impact.

FISCAL IMPACT

Fiscal impact means the cost to Miami-Dade County of implementing the activities or actions that would be incurred after approval of the Ordinance. Changes and updates to the text and policies of the Capital Improvements Element of the CDMP proposed during the April 2010 Cycle of Amendments would have no fiscal impact to the County.

TRACK RECORD/MONITOR

In a joint collaborative effort, the Department of Planning and Zoning (DP&Z), Office of Strategic Business Management (OSBM) and Office of Capital Improvements review and monitor the schedule of improvements in the Capital Improvements Element. This allows for the County's plan to maintain compliance with the state requirements as a financially feasible plan.

BACKGROUND

Chapter 163, Part II, of the Florida Statutes (F.S.), 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 its Six-Year Schedule of Capital Improvements. This section of the Florida Statutes also requires the implementation of this new requirement to be completed no later than December 1st 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 separate actions by the Board specific to Application No. 3 filed by the Department of Planning and Zoning (DP&Z) during the April 2010 Cycle of Applications requesting amendments to the CDMP. In compliance with Chapter 163, Part II, F.S., Application No. 3 is a request to amend the text and policies of the Capital Improvements Element of the CDMP and amend the Miami-Dade County's Six-Year Schedule of Capital Improvements. Additionally, Application No. 3 contains the updated tables with the schedules of Miami-Dade County's programmed capital improvements.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: October 5, 2010

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

SUBJECT: Agenda Item No. 4(F)

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. 4(F)
10-5-10

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; ACTING UPON CAPITAL IMPROVEMENTS ELEMENT AMENDMENT APPLICATION FILED IN APRIL 2010 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 April 30, 2010, 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. 3 in the document titled "April 2010 Applications to Amend the Comprehensive Development Master Plan," dated June 5, 2010; and

WHEREAS, the DP&Z published its initial recommendation addressing Application No. 3 in a report titled "Initial Recommendations April 2010 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2010; and

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, or Deny Application No. 3 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 April 2010 Cycle Application No. 3 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
3	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.	

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. 3 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