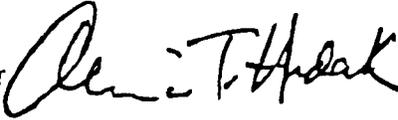


Memorandum



Date: April 27, 2011
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: Alina T. Hudak
County Manager 

Special Item No. 1

Subject: Ordinance Acting Upon April 2010 Amendments to the Comprehensive Development Master Plan (Standard Applications)

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance (Special Item No. 3), which provides for the Board to adopt, adopt with change or deny the April 2010 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, November 18, 2010 at 9:30 AM in the Commission Chamber, to address transmittal of the referenced CDMP amendment applications to the Florida Department of Community Affairs (DCA) for review and issuance of its 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 April 2011.

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. It is important to note that Application No. 1 was legally withdrawn by the applicant by letter dated August 26, 2010 and Application No. 2 was removed prior to publication of the Department of Planning and Zoning's (DP&Z) Initial Recommendations Report, dated August 25, 2010. Therefore, these two CDMP amendment applications do not impose any impact to Miami-Dade County. The pending Application Nos. 3, 4, 5 and 6 are text amendments to the CDMP, and thus, have a countywide impact.

Fiscal Impact

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. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for items that have a fiscal impact. The pending April 2010 Cycle Application Nos. 3, 4, 5, and 6 are text amendments to the CDMP, and therefore, do not impose a fiscal impact to Miami-Dade County.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page No. 2

Housing Impact

Since Application Nos. 3 through 6 are text amendments to the CDMP, none would impact the supply of housing in unincorporated Miami-Dade County.

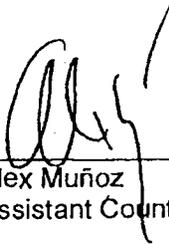
Track Record/Monitor

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

Background

There are four (4) pending CDMP amendment applications that were filed during the April 2010 Cycle of Amendments under the County's jurisdiction. Application No. 3 is the required annual update to the Capital Improvements Element (CIE) of the CDMP and is being addressed in another ordinance (Special Item No. 1); Application No. 4 adds a new *Community Health and Design Element* to the CDMP; Application No. 5 modifies the Open Land Subarea 4 (East Everglades Residential Areas) text in the Land Use Element to include agriculture production, limited raising of livestock, nurseries and tree farms in the list of allowable uses; and Application No. 6 amends the text in the Land Use Element to allow bed and breakfast lodgings in all residential land use categories. The attached ordinance (Special Item No. 3) provides for the Board's final action on the April 2010 Cycle Application Nos. 4, 5 and 6 requesting amendments to the CDMP.

A resolution accompanying this ordinance (Special Item No. 2) 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 transmitted applications will be returned to Miami-Dade County in February 2011. The County is required to take final action on the 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 public 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 the ORC report from DCA.



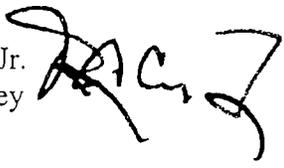
Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez DATE: April 27, 2011
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. SUBJECT: Special Item No. 1
County Attorney 

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 _____

Special Item No. 1
4-27-2011

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
APRIL 2010 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, 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 foregoing State Statutes and Administrative Code; and

WHEREAS, five (5) CDMP amendment applications were filed on or before April 30, 2010 and are contained in the document titled "April 2010 Applications to Amend the Comprehensive Development Master Plan", dated June 5, 2010; and

WHEREAS, one (1) CDMP amendment (Application No. 6) was filed in the Initial Recommendations Report, bringing the total number of CDMP amendment applications filed in the April 2010 Cycle of Amendments to six (6); and

WHEREAS, of the six (6) CDMP amendment applications, two (2) Land Use Plan (LUP) map amendments (Application Nos. 1 and 2) were privately filed, and four (4) CDMP text

amendments (Application Nos. 3, 4, 5 and 6) were filed by the Department of Planning and Zoning (DP&Z); and

WHEREAS, Application No. 2 was removed by DP&Z prior to the publication of the Initial Recommendations Report, dated August 25, 2010; and

WHEREAS, Application No. 1 was legally withdrawn by the applicant by letter dated August 26, 2010; and

WHEREAS, eligible Application No. 3, which updates the Schedule of Improvements in the Capital Improvements Element (CIE) of the CDMP, will be subject to final action by Ordinance (Special Item No. 1) at the November 18, 2010 public hearing; and

WHEREAS, the DP&Z issued its initial recommendations addressing Application Nos. 3 through 6 in a report titled "Initial Recommendations April 2010 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2010, 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, the 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 18, 2010, 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 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 action on the CDMP amendment applications filed for review during the April 2010 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 or Text	Recommended Action and/or Transmittal Instruction
4	Miami-Dade County Department of Planning and Zoning/ Marc C. LaFerrier, AICP, Director <u>Requested Amendment to the CDMP</u> Add a new optional Community Health and Design Element to the CDMP. Standard Amendment	
5	Miami-Dade County Department of Planning and Zoning/ Marc C. LaFerrier, AICP, Director <u>Requested Amendment to the CDMP</u> Revise the Open Land Subarea 4 (East Everglades Residential Areas) text on Page I-63 of the Land Use Element to include agriculture production, limited raising of livestock, nurseries and tree farms in the list of allowable uses. Standard Amendment	
6	Miami-Dade County Department of Planning and Zoning/ Marc C. LaFerrier, AICP, Director <u>Requested Amendment to the CDMP</u> Amend the text of the Land Use Element of the CDMP to allow bed and breakfast lodgings in all residential land use categories. Standard Amendment	

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:
Craig H. Collier