

# Memorandum



**Date:** March 23, 2011

Special Item No. 1

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**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:** Resolution Acting Upon Draft 2010 Evaluation and Appraisal Report Addressing  
the Comprehensive Development Master Plan for Miami-Dade County

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board), through the attached resolution (Special Item No. 1), adopt the finalized Draft 2010 Evaluation and Appraisal Report (EAR) addressing the Miami-Dade County Comprehensive Development Master Plan (CDMP) and the Department of Planning and Zoning's proposed revisions to the Draft 2010 EAR. The public hearing for the Board to take action on the Draft 2010 EAR is scheduled for Wednesday, March 23, 2011 at 9:30 AM in the Commission Chamber.

## **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 or improve the quality of the natural and man-made environment. The Draft 2010 EAR recommends amendments to the CDMP, which would be implemented through EAR-based amendments that will be filed by the Department of Planning and Zoning and ultimately adopted by the Board subsequent to adoption of the Draft 2010 EAR. Therefore, the Draft 2010 EAR, in itself, will not have an impact on the County.

## **Fiscal Impact/Funding Source**

Adoption of the Draft 2010 EAR will not generate a fiscal impact to the County.

## **Track Record/Monitor**

CDMP amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

## **BACKGROUND**

Pursuant to Chapter 163, Part II, Florida Statutes (F.S.), all counties and municipalities throughout the State of Florida are required to maintain long-range comprehensive planning programs, and for comprehensive planning to be a continuous and ongoing process. State law also requires that periodic evaluation and appraisal reports (EARs) be prepared every seven years for each comprehensive plan.

The purpose of the EAR is to evaluate and assess the effectiveness of local comprehensive plans in accomplishing the adopted objectives, and to suggest changes or amendments needed to update the plan or its elements including reformulated objectives, policies and standards. State law also provides that local governments shall prepare and adopt evaluation and appraisal reports as the principal process for updating local comprehensive plans to reflect changes in State policy on planning and growth management. Adoption of the County's Draft 2010 EAR would fulfill this mandate, and the Adopted 2010 EAR must be submitted to the Florida Department of Community Affairs (DCA) for sufficiency review, pursuant to state law.

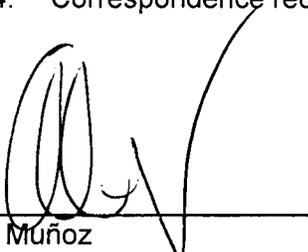
The Draft 2010 EAR consists of a bound report (dated July 2010) prepared by the Department of Planning and Zoning (DP&Z) that was modified and finalized by the Planning Advisory Board (PAB), acting as the Local Planning Agency (LPA), through Resolution dated August 10, 2010, and an Errata dated August 16, 2010. Particular attention should be given to the Chapter 4 of the Draft 2010 EAR, which presents all proposed revisions to the CDMP.

On August 18, 2010, the DP&Z transmitted to DCA the Draft 2010 EAR with Errata and PAB Resolution finalizing the Draft 2010 EAR. The DCA prepared and transmitted to DP&Z preliminary written comments on the Draft 2010 EAR, by letter dated September 24, 2010. Additionally, the DP&Z received comments on the Draft 2010 EAR from the Builders Association of South Florida, the City of Miami, and the public. The DP&Z prepared a response to DCA's and other relevant comments in a document titled "Proposed Revisions to the Draft 2010 Evaluation and Appraisal Report recommended by the Department of Planning and Zoning," dated January 10, 2011. It is recommended that the Board adopt the finalized Draft 2010 EAR and the proposed revisions prepared by the DP&Z addressing DCA's preliminary comments, and other relevant comments received.

You previously received a copy of the Draft 2010 EAR and Errata, the PAB's resolution finalizing the Draft 2010 EAR, the DCA's preliminary comments, and the DP&Z's proposed revisions to the Draft 2010 EAR. These documents were transmitted to you under a separate memorandum dated January 5, 2011 and are part of your agenda kit for the Board's March 23, 2011 public hearing on the Draft 2010 EAR. The attached documents complete your agenda kit, which agenda kit should be brought to the above mentioned hearing for your reference:

#### Attachments

1. Agenda;
2. Resolution to Adopt the 2010 Evaluation and Appraisal Report;
3. PAB Minutes of the August 2, 2010 public hearing, which was continued on August 10, 2010;
4. Correspondence received by the DP&Z addressing the PAB finalized Draft 2010 EAR.



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Alex Muñoz  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** March 23, 2011

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

**SUBJECT:** Special Item No.1

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  
3-23-11

RESOLUTION NO. \_\_\_\_\_

RESOLUTION PERTAINING TO ADOPTION OF THE 2010  
EVALUATION AND APPRAISAL REPORT ADDRESSING  
THE MIAMI-DADE COUNTY COMPREHENSIVE  
DEVELOPMENT MASTER PLAN

**WHEREAS**, pursuant to Chapter 163, Part II, 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 Board of County Commissioners (Board), in November 1988 (Ordinance No. 88-110) with technical adjustments made in December 1988 (Ordinance 88-119); and

**WHEREAS**, Chapter 163, Part II, Florida Statutes, F.S., requires that each local government periodically update its comprehensive plan through the preparation and adoption of an evaluation and appraisal report (EAR) addressing matters enumerated in these laws; and

**WHEREAS**, the last evaluation and appraisal report updating the Comprehensive Development Master Plan was adopted by the Board on October 23, 2003 with transmittal to the Department of Community Affairs (DCA) on November 1, pursuant to Chapter 163, Part II, F.S.; and

**WHEREAS**, Chapter 163.3191(9), F.S., requires the DCA to establish a phased schedule for the adoption of evaluation and appraisal reports and such schedule, whose revised version became effective February 3, 2010, establishes November 1, 2010 as the date on which Miami-Dade County shall submit to DCA its Adopted 2010 Evaluation and Appraisal Report; and

**WHEREAS**, Section 163.3191(10), F.S., provides for the local government comprehensive plan to be amended, based on the recommendations contained in the adopted EAR, within 18 months after the report is determined to be sufficient by the state land planning agency; and

**WHEREAS**, Sections 2-116 and 2-116.1 of the Code of Miami-Dade County, Florida, provide procedures for the preparation of EARs and for amendment of the CDMP consistent with the referenced State Statutes and Administrative Code; and

**WHEREAS**, the Department of Planning and Zoning, on behalf of the Planning Advisory Board (PAB) acting as the Local Planning Agency (LPA), initiated the preparation of the proposed EAR which is comprised of a report titled "Draft 2010 Evaluation and Appraisal Report" and Errata; and

**WHEREAS**, the Planning Advisory Board, acting as the LPA, finalized preparation of the Draft 2010 Evaluation and Appraisal Report in accordance with Section 2-116 and 2-116-1 of the Code of Miami-Dade County, Florida, on August 10, 2010; and

**WHEREAS**, the Department of Planning and Zoning has issued proposed revisions to the finalized Draft 2010 Evaluation and Appraisal Report on January 10, 2011,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**

**COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. The Draft 2010 Evaluation and Appraisal Report (as amended by the changes contained in the list attached and made a part of this resolution), dated July 2010, addressing the Miami-Dade County Comprehensive Development Master Plan is hereby adopted.

Section 2. The County Manager is hereby instructed to transmit the Adopted 2010 Evaluation and Appraisal Report to the DCA, pursuant to Chapter 163.3191(9), F.S., and the

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revised Evaluation and Appraisal Report Schedule 2010-2018, which became effective February 3, 2010.

Section 3. The Department of Planning and Zoning his hereby authorized and instructed to prepare CDMP amendment applications based on the recommendations contained in the Evaluation and Appraisal Report as adopted by this Resolution. The Director of Planning and Zoning is further authorized to file related applications to generally update the CDMP, remove obsolete provisions, and to maintain the integrity and internal consistency of the CDMP. The Board declares its intention that the Adopted 2010 Evaluation and Appraisal Report shall serve as CDMP support documents, and as bases for the formulation and analysis of CDMP amendment applications related to the Adopted 2010 Evaluation and Appraisal Report recommendations.

Section 4. The Board hereby declares that all recommended changes to the CDMP, that can only be approved or implemented after public hearings, are merely recommendations of matters to be considered for adoption by the Board of County Commissioners. Adoption of the 2010 Evaluation and Appraisal Report shall not pre-judge the outcome of any future public hearings, and the authority and duty of the Board of County Commissioners and other County agencies to act only after considering all matters presented at such public hearings is expressly recognized and preserved.

The foregoing resolution was offered by Commissioner \_\_\_\_\_,  
who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_  
and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

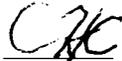
The Chairperson thereupon declared the resolution duly passed and adopted this 23<sup>rd</sup> day of March, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
 BY ITS BOARD OF  
 COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
 Deputy Clerk

Approved by County Attorney as  
 to form and legal sufficiency.



Craig H. Collier