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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2008

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

SUBJECT: Substitute Special Item No. 1E

O#08-47

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

√ No committee review

Approved _____ Mayor
Veto _____
Override _____

Substitute
Special Item No. 1E
April 24, 2008

ORDINANCE NO. 08-47

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NOS. 12-17 FILED IN APRIL 2007 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, 13 CDMP amendment applications were filed on or before April 30, 2007 and are contained in the document titled "April 2007 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2007; and

WHEREAS, four (4) additional staff CDMP amendment applications were filed prior to the preparation of the "Initial Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan Volumes 1 and 2," dated August 25, 2007, bringing the total number of applications filed in the April 2007 cycle CDMP amendments to 17; and

WHEREAS, of the 17 amendment applications, 11 Land Use Plan (LUP) map amendments (Application Nos. 1 through 11) were privately filed, five (5) text amendments (Application Nos. 12, 13, 15 16 and 17) were filed by the Department of Planning and Zoning and one (1) text/map amendment (Application No. 14) was filed by the Aviation Department; and

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced Applications in the report titled "Initial

Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan, Volumes 1 and 2" dated August 25, 2007; and

WHEREAS, Application No. 7 was lawfully withdrawn by the applicant by letter dated October 10, 2007; and

WHEREAS, the applicant modified Application No. 14 in a memo dated October 12, 2007; and

WHEREAS, affected Community Councils, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

WHEREAS, on November 27, 2007, 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 November 27, 2007, the Board of County Commissioners voted to adopt small-scale amendment Application Nos. 2 and 10 with acceptance of proffered covenant; to adopt Application No. 11 with change and acceptance of proffered covenant; to deny Application No. 1 as a small-scale amendment and transmit it as a standard application; to deny Application No. 4; and to transmit Application Nos. 3, 5, 6, 8, 9, 12, 13, 14, 15, 16 and 17 to the Florida Department of Community Affairs (DCA) for review and comment; 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, DP&Z has subsequently published its revised recommendations addressing the transmitted amendment applications and issues contained in the ORC report in the report titled "Revised Recommendations April 2007 Applications to Amend the Comprehensive Development Master Plan" report, Volumes 1 and 2; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written ORC report from DCA addressing the application(s); and

WHEREAS, Application No. 9 was lawfully withdrawn by the applicant by letter dated April 23, 2008; and

WHEREAS, the Board must take final action specifically on Application Nos. 12-17, which are the subjects of this Ordinance; 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 pending amendment applications filed for review during the April 2007 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	Final Commission Action
12	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director LAND USE ELEMENT Part A 1. Revise the text in the Land Use Element to accurately describe the Parks and Recreation, Environmentally Protected Parks and Environmental Protection land use designations. Part B 2. Update Figure 5 (Environmental Protection Subareas) in the map series of the Land Use Element to remove the national parks and a portion of Open Land Subarea 1 from Environmental Protection Subarea A. 3. Add a new map titled "Environmentally Protected Parks" as Figure 4 in the map series of the Land Use Element to depict the national parks.	ADOPT As transmitted
13	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director CAPITAL IMPROVEMENTS ELEMENT In the CIE Schedules of Improvements, Tables of Proposed Projects, modify the following currently adopted tables as indicated in the attached tables: 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. 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. Revise the Introduction and Implementation Schedules of Improvements to adopt by reference the TIP and to provide definitions of future growth and existing deficiencies.	ADOPT As transmitted with changes to Capital Improvements Element (CIE) Table 8 (Sewer Facilities) and Table 12 (Water Facilities)

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Final Commission Action
14	Aviation Department/ Jose Abreu, P.E., Director LAND USE ELEMENT, AVIATION SUBELEMENT OF THE TRANSPORTATION ELEMENT, THE 2015-2025 LAND USE PLAN MAP <u>Part 1: Opa-Locka West Airport (Map Changes)</u> Northwest area of Miami-Dade County at the southeast corner of intersection of Okeechobee Road and the Miami-Dade/Broward County line. Amend the Land Use Plan map to change the land use designation for Opa-Locka West Airport: (420 gross acres) From: Terminals To: Open Land *(The request for the 420-acre subject property was originally 410-acres for "Open Land" and 10-acres for "Business and Office," and was modified by memo dated October 12, 2007 from the applicant to 420-acres for "Open Land.")* <u>Part 2: All County Airports (Map and Text Changes)</u> <u>Section A</u> 1. Update the Aviation Facilities maps (Figures 1 and 2) and the airport schematic maps (Figures 3-8) of the Aviation Subelement map series. 2. Add for new Airport Land Use Master Plan maps depicting land uses at County airports to the map series of the Aviation Subelement related to: i. Miami International Airport ii. Opa-Locka Executive Airport iii. Kendall-Tamiami Executive Airport iv. Homestead General Aviation Airport <u>Section B</u> Amend Text, Goals, Objectives and Policies in the Aviation Subelement regarding the aforesaid aviation facilities. <u>Part 3</u> Text revisions to the Land Use Element, section title "Transportation" of the CDMP in order for the Plan to be internally consistent.	ADOPT As transmitted with changes to Part 2 including new Policy AV-7E and revisions to Figures 4, 8, 9, 10 and 11 in the Aviation Subelement

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Final Commission Action
15	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director LAND USE, COASTAL MANAGEMENT, AND CAPITAL IMPROVEMENTS ELEMENTS A. Revise and replace the text in the Land Use and Coastal Management Elements to include the new definition of coastal high-hazard areas and other required modifications, pursuant to 163.3178, F.S. B. Revise and replace Figure 10 (Floodplains) and Figure 11 (Areas Subject to Coastal Flooding) in the map series of the Land Use Element. The revisions shall include modifying the legend of Figure 10 and depicting the coastal high-hazard areas, as defined by Section 163.3178, F.S., on Figure 11. C. Revise the legend on Figure 1 (Hurricane Evacuation Zone map) in the Coastal Management Element.	ADOPT As transmitted with changes to Figure 10 of the Land Use Element, the Introduction of the Coastal Management Element and Policy CIE-2C of the Capital Improvements Element
16	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director WATER, SEWER AND SOLID WASTE; CONSERVATION, AQUIFER RECHARGE AND DRAINAGE; CAPITAL IMPROVEMENTS; INTERGOVERNMENTAL COORDINATION ELEMENTS Part A Modifications and additions to the text, figures, and tables to the Water and Sewer Subelement of the Water, Sewer and Solid Waste Element, including the addition of a 20-year Water Supply Facilities Workplan; Part B Modifications to Conservation, Aquifer Recharge and Drainage Element; Part C Modifications to the Intergovernmental Coordination Element; Part D Modifications to the Capital Improvements Element.	ADOPT As transmitted with changes to the Water and Sewer Subelement, Conservation Aquifer Recharge and Drainage Element, and Intergovernmental Coordination Element as recommended by staff

Application Number	Applicant/Representative Location (Size) Requested Change to the CDMP Land Use Plan Map, Policies or Text	Final Commission Action
17	Miami-Dade County Department of Planning & Zoning/ Subrata Basu, Interim Director LAND USE and HOUSING ELEMENTS A. Revise the text in the Housing Element to include a provision that calls for adequate sites for affordable workforce housing to be identified, pursuant to Section 163.3177(6)(f), F.S. B. Revise the text in the Housing Element to require adoption of a plan for affordable workforce housing by July 1, 2008, as per Section 163.3177, F.S. C. Revise the Housing Element to include a definition for affordable housing and affordable workforce housing. This shall include a definition of the income limits within each category. D. Revise the Land Use and Housing Elements to include "affordable workforce housing" and "extremely low-income households" as part of the income limit categories listed in the affordable housing policies. The addition of "extremely low-income households" is intended to create consistency with Miami-Dade County's housing programs.	ADOPT As transmitted with change to new Policy HO-6E in the Housing Element

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: **April 24, 2008**

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Joni Armstrong Coffey