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

MEMORANDUM

Amended
Substitute
Special Item No. 2e

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	October 2, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance relating to Miami-Dade County Comprehensive Development Master Plan Ordinance No. 13-98

This item differs from the original version as stated in the Mayor's memorandum.

The accompanying ordinance related to the Miami-Dade Comprehensive Development Mater Plan (CDMP) was prepared by the Regulatory and Economic Resources Department. Pursuant to Rule 5.05(b)(1) of the County Commission's Rules of Procedure, private Master Plan applications are exempt from the requirement of Commissioner sponsorship. This item contains only Department applications. Accordingly, the Department applications are sponsored by Chairwoman Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2013

To: Honorable Chairwoman Rebeca Sosa
And Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Acting upon the October 2012 Cycle Evaluation and Appraisal Report-based Applications to Amend the Comprehensive Development Master Plan

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At the October 2, 2013 final hearing, the Board of County Commissioners separated Substitute Special Item No. 2 into amended Substitute Special Item No. 2 addressing Application Nos. 1 through 11 (except Parcel Nos. 292 through 296 of Application No. 1, Part C) and Substitute Special Item Nos. 2a through 2e addressing Parcel Nos. 292 through 296 of Application No. 1, Part C, respectively.

This amended substitute ordinance differs from the original in that it revises the preamble of the original ordinance to reflect the actions taken by the Board of County Commissioners (Board) at and subsequent to its "transmittal" public hearing held on May 22, 2013, and acknowledges correspondence received from the State Land Planning Agency and other reviewing agencies issued between July 10, 2013, and August 23, 2013. This amended substitute ordinance addresses the disposition of pending Parcel 296 of Application No. 1, Part C.

Recommendation

It is recommended that the Board of County Commissioners (Board) take action on the attached ordinance (Substitute Special Item No. 2), which provides for the Board to adopt, adopt with change or deny the pending October 2012 Cycle EAR-based Applications to Amend the CDMP.

It is recommended that final action be taken on this substitute ordinance for the referenced CDMP EAR-based Applications at the conclusion of the public hearing scheduled for October 2013. This ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains blank spaces to record Board actions on the requests contained in the referenced CDMP EAR-based Applications.

Scope

The CDMP is a broad-based countywide policy-planning document created to guide future growth and development, to ensure the adequate provision of public 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 in the County. While the adopted text of the CDMP generally applies countywide, individual, site-specific Land Use Plan map amendments may have localized impact on one or more Commission Districts such as the Land Use Plan map amendments proposed for Parcel Nos. 292 through 296 in Part C of Application No. 1. Parcel Nos. 1 through 291 are located within various municipalities; Parcel Nos. 292 and 293 are located within Commissioner Moss's District 9 and in Commissioner Bell's District 8; Parcel No. 294 is located within Commissioner Zapata's District 11; and Parcel Nos. 295 and 296 are located within Commissioner Diaz's District 12. Application No. 1, Parts A and B, and Application Nos. 2 through 11 are CDMP text amendments that apply countywide.

The changes proposed for Parcel Nos. 292, 293, 294 and 295 are to remove these parcels from within the applicable Urban Expansion Areas depicted on the CDMP Adopted 2015-2025 Land Use Plan map and do not involve any change to the land use designations of these parcels.

Fiscal Impact

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, 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 public 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 to the County. Information on the fiscal impacts from the referenced EAR-based CDMP amendment applications is contained in Appendix D of the document titled, "Initial Recommendations October 2012 EAR-Based Applications To Amend The Comprehensive Development Master Plan," dated April 2013.

Fiscal impacts from approved CDMP Land Use Plan map amendments vary depending on the type of request and location. For example, proposals involving non-residential developments have less impact on public infrastructure and services than proposals involving residential developments. Application No. 1 of the EAR-based amendments addresses the CDMP Land Use Element and proposes a single land use change to property in unincorporated Miami-Dade County (identified as Parcel No. 296 in Part C of Application No. 1). The land use change for Parcel 296, which proposes to include a ±521-acre site within the Urban Development Boundary and redesignate the site to "Restricted Industrial and Office," is the only proposed Land Use Plan map amendment that would generate a fiscal impact to the County. According to Miami-Dade Water and Sewer Department, if the proposed land use change for Parcel 296 were approved and the entire site developed with 11,347,380 square feet of warehouse uses (this development scenario includes filling all ±231 acres of lakes within the site), the annual operating and maintenance costs for water and sewer service are estimated at $134,728. However, it is unlikely that the entire lake acreage would be filled as the lakes provide required drainage for approved development in the area. Accordingly, if the site were developed with 6,708,240 square feet of warehouse uses (this development scenario includes filling ±35 acres of lakes as previously approved for filling), the annual operating and maintenance costs for water and sewer service are estimated at $76,922.

EAR-based Application No. 1, Part C, proposes numerous changes (totaling 284 land use changes) to the CDMP Adopted 2015-2025 Land Use Plan map, of which only one proposed land use change affects property within unincorporated Miami-Dade County and would generate a fiscal impact to the County. This proposed land use change is identified as Parcel 296 in Part C of the Application. The remaining 283 proposed land use changes are to properties within municipalities and thereby would not generate a fiscal impact to the County. The land use changes for properties within municipalities are proposed only to reflect the most current adopted municipal comprehensive plan designations of the properties on the County's Land Use Plan map. Therefore, with the exception of the land use change proposed for Parcel 296 in Part C of Application No. 1, as discussed above, the EAR-based Application Nos. 1 through 11 are generally text amendment requests and do not impose a fiscal impact to the County.

Housing Impact

The EAR-based applications would not impact the supply of housing in unincorporated Miami-Dade County. Since the EAR-based applications generally propose amendments to update the text and map series within eleven of the twelve adopted CDMP elements (except for Part C of Application No. 1 discussed above), none would impact the supply of housing in unincorporated Miami-Dade County. Furthermore, the single land use change proposed in Part C of Application No. 1 for property within unincorporated Miami-Dade County is to redesignate a ±521-acre site (Parcel 296 addressed above) from "Open Land" to "Restricted Industrial and Office". This proposed land use change would not impact the supply of housing in unincorporated Miami-Dade County.

Track Record/Monitor

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

Background

The attached ordinance (Substitute Special Item No. 2) provides for final action on the pending October 2012 Cycle EAR-based Application Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11. The County transmitted the referenced CDMP EAR-based applications to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comment by letter dated June 19, 2013. The Board's previous actions at the May 22, 2013, public hearing were for Application Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10 and 11 to "Transmit as Recommended by Staff" and for Application No. 4 to "Transmit with Change and Adopt" (change includes retaining the word "premature" in existing Policy CON-6D and delete new Policy CON-6E).

Final Recommendations

The final recommendations of the Department of Regulatory and Economic Resources on the pending October 2012 Cycle EAR-based Application Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 are contained in the attached "Executive Summary" of the referenced EAR-based applications to amend the CDMP.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 2, 2013

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

SUBJECT: Amended Substitute Special Item No. 2e

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 Mayor'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 _____

Amended
Substitute
Special Item No. 2e
10-02-13

ORDINANCE NO. 13-98

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATIONS FILED IN OCTOBER 2012 CYCLE BASED ON THE ADOPTED 2010 EVALUATION AND APPRAISAL REPORT TO AMEND, MODIFY, ADD TO OR CHANGE COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade 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

WHEREAS, pursuant to Section 163.3191, Florida Statutes, Miami-Dade County is required to evaluate its CDMP at least once every seven years to determine if plan amendments are needed to reflect changes in state requirements, to notify the State Land Planning Agency of its determination and within one year of such notification to transmit the needed plan amendments for review; and

WHEREAS, the State Land Planning Agency established December 1, 2012 as the date by which Miami-Dade County was required to notify the State Land Planning Agency of its determination of whether plan amendments are needed, pursuant to Section 163.3191 Florida Statutes; and

WHEREAS, Miami-Dade County evaluated the CDMP and determined that amendments are needed to substantially update elements of the CDMP as recommended in the Adopted 2010 Evaluation and Appraisal Report, and notified the State Land Planning Agency of such determination by letter dated November 21, 2012; and

WHEREAS, eleven applications (Application Nos. 1 through 11) were filed in the October 2012 CDMP Amendment Cycle by the Department of Regulatory and Economic Resources (Department) principally to implement the recommendations of the Adopted 2010 Evaluation and Appraisal Report; and

WHEREAS, the eleven Evaluation and Appraisal Report (EAR) based applications are serially numbered after eleven of the twelve adopted CDMP elements, from Application No. 1 addressing the Land Use Element through to Application No. 11 addressing the Economic Element, and are contained in a report titled "Staff Applications, October 2012 Cycle EAR-Based Applications To Amend the Comprehensive Development Master Plan", dated March 27, 2013, with a supplemental "Errata" dated April 11, 2013 and revised April 29, 2013; and

WHEREAS, Application Nos. 1 through 11 proposes revisions to the text and maps series contained within the applicable CDMP Elements, and Part C of Application No. 1 proposes numerous changes to the CDMP adopted 2015 and 2025 Land Use Plan map; and

WHEREAS, the Department published its initial recommendations addressing the referenced Applications in a report titled "Initial Recommendations, October 2012 Cycle EAR-

Based Applications to Amend the Comprehensive Development Master Plan" dated April 2013; and

WHEREAS, affected Country Club of Miami Community Council (5) has conducted an optional public hearing pursuant to Section 2-116.1(3)(e), Code of Miami-Dade County, to address the Land Use Plan map change proposed for Parcel 296 in Part C of Application No. 1 that would directly impact its council area and issued a recommendation to the Planning Advisory Board and the Board; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on April 15, 2013, to address the October 2012 Cycle EAR-Based Applications, the recommendations of the Department and the affected Community Council, to formulate recommendations regarding the transmittal of the October 2012 Cycle EAR-Based Amendment Applications to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comment pursuant to Section 163.3184, Florida Statutes; and

WHEREAS, at its April 15, 2013 public hearing, the Planning Advisory Board, acting as the Local Planning Agency, made recommendations to the Board regarding transmittal to the reviewing agencies of EAR-Based Amendment Application Nos. 2, 3, 4, 5, 6, 7, 9, 10 and 11, and subsequent final action to be taken on the transmitted applications; and

WHEREAS, the April 15, 2013 public hearing was continued to May 6, 2013 at which time the Planning Advisory Board, acting as the Local Planning Agency, made recommendations to the Board regarding transmittal to the reviewing agencies of EAR-Based Amendment Application Nos. 1 and 8, and subsequent final action to be taken on the transmitted applications; and

>>**WHEREAS**, on May 22, 2013, this Board, by Resolution, instructed the Mayor to transmit standard EAR-Based Amendment Application Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 to the reviewing agencies for review and comment pursuant to Section 163.3184(4)(b), Florida Statutes; and<<[1]

>>**WHEREAS**, the Florida Department of Agriculture and Consumer Services by letter dated July 23, 2013, the Florida Department of Education by letter dated July 25, 2013, the South Florida Water Management District by letter dated July 22, 2013, and the Florida Department of Environmental Protection by electronic correspondence dated July 10, 2013, each identified no adverse impacts to state facilities and resources and thereby made no comments on the transmitted October 2012 Cycle EAR-Based Applications; and<<

>>**WHEREAS**, the South Florida Regional Planning Council by letter dated August 5, 2013, the Florida Fish and Wildlife Conservation Commission by letter dated July 23, 2013, and the Florida Department of Transportation by letter dated July 19, 2013, presented comments on the transmitted October 2012 Cycle EAR-Based Applications; and<<

>>**WHEREAS**, in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes, the State Land Planning Agency reviewed the transmitted EAR-based applications and issued an Objections, Recommendations and Comments report by letter dated August 23, 2013, which incorporates the comments of the South Florida Regional Planning Council, the Florida Fish and Wildlife Conservation Commission and the Florida Department of Transportation; and<<

>>**WHEREAS**, in September 2013, the Department published its Final Recommendations report on the transmitted October 2012 Cycle EAR-Based Amendments and issued a response to the issues contained in the Objections, Recommendations and Comments report; and<<

[1] The differences between the substitute and the original item 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

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Deny applications to amend the CDMP no later than forty-five (45) days after receipt of written comments from the reviewing agencies addressing the transmitted applications, unless a greater time period is deemed necessary by the Director of the Department of Regulatory and Economic Resources; and

WHEREAS, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan 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 activity or study addressing the criteria set forth in this Plan; 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 hearing 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:

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 applications filed for review during the October 2012 EAR-Based Cycle for amendments, modifications, additions or changes to the CDMP as follows:

Application Number	Applicant/Representative Miami-Dade County Department of Regulatory and Economic Resources/Jack Osterholt, Deputy Mayor/Director REQUESTED CHANGES TO THE CDMP ELEMENTS	Final Action
1	**Land Use Element**	Adopt as Transmitted with Change As per "Staff Further Recommended Changes" report dated October 1, 2013.
	Part C: Revise the CDMP Adopted Land Use Plan Map as presented on Figure H and the accompanying Table 1, List of Proposed Land Use Plan Map Changes for Parcel No. 296.	

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, Florida Statues, 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, pursuant to Section 163.3184(3)(c)4, Florida Statues, the effective date of any individual plan amendment included within the overall amendment shall

be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. 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, the individual amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statues, 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 State Land Planning Agency.

PASSED AND ADOPTED:October 2, 2013

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:
Craig Coller