

CHAPTER 3 ASSESSMENT OF SPECIAL TOPICS

The Evaluation and Appraisal Report (EAR) is required, through Sections 163.3191(2), F.S., to contain appropriate statements to update the comprehensive plan. Statements required through Sections 163.3191(2)(a), (b), (c), (d), (e), (g), (h), (i) and (l), F.S. have been included in Chapter 1 -CDMP Major Issues and Chapter 2 - Assessment of CDMP Elements of the EAR. Chapter 3 - Assessment of Special Topics addresses the remaining requirements as outlined in Sections 163.3191(f), (j), (k) and (m), F.S. Chapter 3 is organized into four sections as follows:

- 3.1 Coordination of Land Use and Schools,
- 3.2 Evaluation of Redevelopment in Coastal High Hazard Areas and Hazard Mitigation Strategies
- 3.3 Effect of Statutes and Rule Changes Since 1995, and,
- 3.4 Public Participation Summary.

Section 3.1 evaluates the success or failure of coordination efforts between the CDMP and public school siting, assessing if school placement considered future growth. Section 3.2 evaluates whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs. Section 3.3 addresses the consistency of the CDMP with regard to changes that have occurred to Chapter 163, F.S. and Rule 9J-5, F.A.C, since 1995. Finally, Section 3.4.presents the public participation efforts, which have occurred to incorporate community ideas into the EAR.

3.1 COORDINATION OF LAND USE AND PUBLIC SCHOOLS

Status of Coordination of the Future Land Use Plan Map for Existing and Planned Residential Development with Public Schools

Adopted Policy 1.6 in the Educational Element of the CDMP calls for comments from the School Board on County comprehensive plan amendment applications and other land use decisions, which could impact the School District. Since the mid to late 1970's, well before this policy was established, Miami-Dade County has considered and evaluated the estimated impacts of proposed CDMP land use plan map amendments on existing and proposed public school facilities as part of the CDMP amendment analysis process. The County typically forwards to the School District those amendment applications filed during CDMP amendment cycles that have a potential impact on residential designated properties. At the request of the County, the School District provides the following information:

1. the public elementary, middle, and high schools serving the application site;
2. current school enrollment and school capacities of the impacted facilities;
3. estimates of the potential number of elementary, middle, and high school students generated by the proposed land use plan amendment;
4. based on the estimated student generation, determines impact on schools serving the site; and
5. provides a status of planned or programmed improvements and/or construction of new educational facilities in the adopted School District Educational Facilities plan.

From 1995 through 2002, the county has requested review and comment from the School District on 116 CDMP Land Use Plan map amendment applications. Of the 116 comprehensive plan amendment applications, thirty-nine of these applications proposed an increase in student population, fifty of the applications proposed a decrease in student population, and twenty-seven of the applications had no impact on student population.

Residential zoning public hearing applications are also forwarded to the School District for review and comment. From 1995 through 2002, the county has forwarded to the School District approximately 1,152 zoning public hearing applications. The review and impact analysis conducted by the School District is similar to that for CDMP amendment applications, as describe above. The School District estimates the number of students generated by an application and determines the schools impacted by the application, if the proposed development would create a deficiency in school capacity and whether or not if the schools in the area are deficient or not. In some cases, if it is determined the proposed development would create a deficiency the school district will entertain a voluntary contribution by the applicant. These contributions may include the developer site donation or facility construction in lieu of impact fees, or submitting a monetary donation over and above the required impact fee. These contributions are usually offered through a covenant executed by the applicant and school district and enforceable at time of final platting.

Since October of 1995, the School District opened approximately fifteen Primary Learning Centers (PLCs). The PLCs are located in neighborhoods and provide relief to existing nearby elementary schools. They usually accommodate kindergarten through first grade and have an enrollment of approximately 250 students. Some of the PLCs have been built on donated sites and through monetary donations by developers.

Status of Joint Decision-Making Processes Regarding Population Projections

The Educational Element of the CDMP contains Policy 1.7 which states that capital improvement programming by the school district be based on future enrollment projections and demographic shifts and targeted to enhance the effectiveness of the learning environment. It also notes that future enrollment projections should utilize the adopted CDMP population projections as a basis in addition to the enrollment projections provided by the Department of Education. Where the figures differ, the School District should plan for the higher of the two projections. Florida Statutes requires the School Board to use countywide total enrollment projections, provided by the Florida Department of Education for their planning purposes.

Miami-Dade County Department of Planning and Zoning develops countywide and subarea population projections every two years due to the changing pace and patterns of urban development in Miami-Dade County. The population projections are for permanent residents; tourists and part-time seasonal residents are excluded. The projections are based on a mathematical extrapolation method and assume that trends are a good indicator for future change. Over the years the Department has also prepared students per housing unit factors, useful for estimating student enrollment. The School District has contracted with the County twice in the last seven years to prepare student enrollment projections. Effective March 1, 2003 the County, the Miami-Dade municipalities and the School District entered into an Interlocal Agreement regarding public school facility planning as required by s.163.31777 and 1013.33, F. S. Provisions of this agreement require coordination of plans by all parties utilizing consistent projections of population and student enrollment. There has been, and will continue to be, coordination between the County and the School District regarding population projections.

Status of Joint Decision-Making Processes Regarding the Planning and Siting of Public School Facilities

The Miami-Dade County Board of County Commissioners adopted a School Site Plan Review Resolution R-535-92 in 1992. The resolution authorizes and directs the County Manager to review and make recommendations regarding the consistency of proposed public educational facilities and site plans with Miami-Dade County's CDMP and applicable land development regulations. The procedures for such review, construction, and opening of public educational facilities are coordinated in time and place with plans for residential development, and concurrently with other necessary services. The Miami-Dade County Developmental Impact Committee (DIC), consisting of representatives from various county agencies, review proposed school locations, off-site impacts, and sites plans, and make recommendations to the Miami-

Dade County School Board. In the past eleven years, the School Board has submitted 130 school site application plans to the county for review.

Pursuant to Section 235.193(4), F. S., the School District is required to provide written notice to Miami-Dade County on its intent to acquire or lease property for a new public school facility. Miami-Dade County reviews the site for consistency with the land use plan map categories and policies of the CDMP, and provides a written response to the School District. To date, the County has issued 111 school CDMP consistency letters to the School District. To further improve coordination in the siting of public educational facilities between the County and the School District, the Interlocal Agreement provides for County representation as a voting member of the School District's School Site Selection Planning and Construction Committee (SSPCC). The SSPCC reviews potential sites for new schools and proposals for significant renovation, the location of relocatables or additions to existing buildings, and potential closure of existing schools, and to make recommendations on these issues for consideration by School Board staff. When the need for a new school is identified and funded in the district educational facilities plan, the SSPCC will develop a list of potential sites in the area of need. The list of potential sites will be submitted to the local government with jurisdiction over the use of the land for an informal assessment regarding consistency with the local government comprehensive plan. The agreement requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations. This agreement formalizes and puts into one agreement all the formal and informal coordination that has been occurring between the county and the school district.

The County's review of proposed public educational facility sites is guided by numerous policies in the CDMP. The Land Use Element establishes and articulates broad policy in keeping with the traditional role of the metropolitan area comprehensive plan as a framework for, or schematic plan of, area-wide future development. Generally neighborhood- or community-serving institutional uses and utilities including schools and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable land use category, and where provided in certain Open Land sub-areas. Objective 1 of the Land Use Element of the CDMP provides for locating urban growth in Miami-Dade County through the year 2015 emphasizing the concentration and intensification of development around centers of activities, developing well designed communities containing a variety of uses, housing types and public services, including schools. Land Use Policy 1.E further discusses Miami-Dade County conducting planning, regulatory, capital improvements and intergovernmental coordination activities, seeking to facilitate the planning of residential areas as neighborhoods which should include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic. Land Use Policy 1R further recommends that the siting of both public and private schools throughout the county conform with the school siting policies adopted in Objective 2 of the Educational Element.

The Intergovernmental Coordination Element of the CDMP discusses improving coordination between Miami-Dade County's comprehensive planning and growth management processes of other governmental entities, including schools. Policy IH Discusses the continued coordination of the county with the Miami-Dade County School Board through the implementation of the

Educational Element of the CDMP, the Joint School Overcrowding Working Group, the Public School Impact Fee, school site acquisitions reviews and other appropriate means. Policy 1T requires the coordination between the County and School District to consider all reasonable opportunities to collocate parks, libraries, and other public school facilities. Educational Policy 2.3 reiterates collocation and joint use facilities.

Further, the two County Commission and the School Board have adopted the CDMP Educational Element. This Element lays the groundwork for increased intergovernmental coordination between the County and the School Board. Policy 2.1 of the Educational Elements outlines the county's policy regarding the consistency of School District's purchase of sites and construction of new schools outside of the Urban Development Boundary (UDB). The county directs the School District to not purchase sites nor build new schools outside the UDB, and to locate new elementary schools at least $\frac{1}{4}$ mile inside the UDB, to locate new middle schools at least $\frac{1}{2}$ mile inside the UDB, and, to locate new senior high schools at least one mile inside the UDB.

Ensuring that public school facilities are sited in a manner that conforms to other planning objectives is an issue of countywide concern. The CDMP includes policies that encourage the location of new public schools in a manner that conforms to other CDMP goals and objectives. The scarcity of adequate sites in some developed or developing areas, the need to ensure that adequate sites are available, and the adequacy of public facilities and infrastructure to serve new school facilities often limits the School Board's ability to site new schools in optimum locations. In addition, the impacts of new schools on other public facilities and infrastructure must be considered as well.

3.2 EVALUATION OF REDEVELOPMENT IN COASTAL HIGH HAZARD AREAS AND HAZARD MITIGATION STRATEGIES

Introduction

Based upon meetings held between Miami-Dade County and the Florida Department of Community Affairs (DCA) two issues were identified for inclusion into the Evaluation and Appraisal Report (EAR). The first issue included an assessment of whether reductions in land use density in coastal high hazard areas of unincorporated Miami-Dade County impaired the property rights of current residents when redevelopment occurred. The second issue required an evaluation on the Hazard Mitigation Plan strategies for consistency with regional, state and federal policies. These two issues are evaluated and presented below.

Evaluation of Redevelopment in Coastal High Hazard Areas

In May 2002, the Florida Legislature amended Section 163.3191 (2)(m) Florida Statutes (F.S.) to require the following:

“If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.”

The Coastal High Hazard Area (CHHA) is defined by 9J-5 of the Florida Administrative Code (FAC) as “the evacuation zone for a Category 1 hurricane as established in the regional hurricane evacuation study applicable to the local government.” This area, defined as Zone A by the Miami-Dade County Office of Emergency Management, includes the barrier islands of the County and an portion of land in western Miami-Dade County known as the 8 ½ Square Mile area. These areas are shown in Figure 2.7-1 in the Coastal Management Element. For purposes of this discussion, only the unincorporated area of the County lying on the barrier islands will be analyzed since until January 2003, the 8 ½ Square Mile was not considered a portion of the CHHA, and was not included in the County’s definition of the CHHA. This area was recently included in the highest evacuation zone (Zone A) due to the inaccessibility of the area to emergency vehicles during heavy rainfall. However, the strict definition of the CHHA involves coastal communities affected by storm surge.

Currently there are four areas of unincorporated Miami-Dade County lying within the CHHA. These include Haulover Beach, a portion of Virginia Key, a portion of Key Biscayne, and Fisher Island. The remaining areas in the CHHA are located within 11 municipal boundaries and will

not be addressed. Three of the four areas, Haulover Beach and unincorporated portions of Virginia Key and Key Biscayne, contain public beaches, environmentally protected parks and institutional uses and therefore redevelopment and density issues do not apply.

The third area, Fisher Island, is a private island accessible only by ferry and lies south of Miami Beach and east of the Port of Miami. This area was largely developed between 1982 and 1993 as a high density residential area with approximately 463 units. No redevelopment has occurred on Fisher Island and the County has not reduced the density since it was originally zoned.

Although it has been the policy of Miami-Dade County to directed development away from high risk areas, the County has made efforts to address property rights. Objective 2 of the Capital Improvement Element in the CDMP states:

Development in high hazard coastal areas will be retained at permitted levels, as of 1 July, 1989.

Therefore, should any redevelopment in the County's portion of the CHHA occur, the property rights of the owners will be preserved without encouraging added density.

Based on the above assessment of the four unincorporated Miami-Dade County areas, which lie in the CHHA, no land use densities have been reduced and therefore no property rights have been impaired. Additionally, the definition of the CHHA as found in Policy 2C of the Capital Improvement Element should be updated to clarify that the CHHA refers to only the barrier islands of the County. Recent modifications to the Evacuation Zones within the County indicate that the Category 1 Hurricane boundary (now referred to as Zone A) includes a western area, which is considered inaccessible due to heavy rainfall. This area is not a portion of the CHHA and should be excluded from the CHHA definition except as it applies to evacuations.

Hazard Mitigation Strategies

The second issue, an evaluation of the Miami-Dade County Hazard Mitigation Plan for consistency with regional, state and federal policy, was requested for inclusion into the EAR by DCA. Currently, the Division of Emergency Management within the Department of Community Affairs is in the process of developing the State Hazard Mitigation Plan (SHMP). An assessment of each community's hazard mitigation policies will lay the foundation for the state's efforts to provide hazard mitigation assistance to local communities and obtain federal funding for various hazard mitigation projects. The SHMP is being developed through the collaboration between the staff and an advisory team. Miami-Dade County is currently represented on this team with staff from the Office of Emergency Management.

Background

In 1993, after Hurricane Andrew, Miami-Dade County adopted a Hazard Mitigation Plan to address Post-Disaster planning and recovery. In 1996, the Board of County Commissioners directed OEM to prepare a comprehensive official emergency management document for all County agencies and municipalities. The Comprehensive Emergency Management Plan

(CEMP) provides direction for all emergency situations, natural and man-made, identifying emergencies by type of hazard and area, and outlines strategies for preparedness, response and organization. Pre-disaster functions such as evacuation planning, debris removal, shelters management, and public awareness and notification are just a few topics in this extensive manual. Part 3 of the CEMP addresses recovery and mitigation actions with section 1.94 outlining Hazard Mitigation.

As stated in Section 1.94 of the CEMP, hazard mitigation, according to Section 406 of the Stafford Act is defined as “any action taken to reduce or eliminate the long-term risk to human life and property from natural disasters.” The CEMP states that hazard mitigation should be accomplished on a project- by-project basis and should be subject to a positive cost-benefit ratio. Furthermore, mitigation projects should be defined as projects which go “beyond current code requirements to reduce the vulnerability to future disaster related damages.” The CEMP identifies the Local Mitigation Strategy (LMS) as the County’s Hazard Mitigation Plan, which is carried out by the LMS Working Group.

Evaluation with Federal and State Policy

Before developing the goals and objectives for the LMS, the Working Group identified the federal, state and county laws and policies affecting hazard mitigation, which governed all its members (including municipalities, county agencies and private partnerships). A list of these laws and policies is attached as Appendix 3.2-A. Each of the goals and objectives were initially evaluated against these laws and policies for consistency. There are eight goals listed in the LMS. The primary goal addresses the reduction of vulnerability to natural, technological or societal hazards. The primary goal is then segmented into the remaining seven goals.

Federal Policy Consistency

As summarized in Appendix 3.2-A, several federal policies were identified and reviewed prior to the formulation of the LMS goals and objectives. The Stafford Act as interpreted by Title 44 of the Code of Federal Regulation (44 CFR) governs FEMA and emergency management and sets forth the federal concepts for hazard mitigation. It also defines the Coastal Barriers Resources Act (44 CFR 206 subpart J) and describes floodplain and environmental management (Parts 9 and 10). The Stafford Act forms the basis for the LMS, therefore the LMS goals and objectives, derived mainly from the concepts contained in the Act, are considered consistent. It should be noted that the Disaster Mitigation Act of 2000 (DMA2K) will redefine many of the mitigation policies as soon as rule-making is complete. Based on consistency of the LMS with the Stafford Act, the LMS is considered consistent with the prevalent Federal law.

State Policy Consistency

As reported by the Department of Community Affairs (DCA), Division of Emergency Management (DEM), the State Hazard Mitigation Plan has 5 main goals. These are listed as follows:

1. Minimize loss of life and injuries,

2. Reduce loss of property, capital and financial resources,
3. Reduce social and personal dislocation and stress associated with being a victim,
4. Maintain and safeguard critical facilities,
5. Provide for continuity of government operations and functions.

A comparison of the LMS goals and objectives with the goals of the State Hazard Mitigation Plan (SHMP) was prepared and is listed in Table 3.2-1. Based on the comparison of the goals of the two plans, most all of the LMS goals and objectives were directly linked to a goal of the SHMP. Several of the LMS goals and objectives deal with data collection and involvement in programs which will aid in attaining funds for various assistance programs. While there was no direct link to a SHMP goal, the intent of the SHMP is to assist in funding of programs which reduce the loss of property, capital and financial resources and therefore these objectives are indirectly linked. The SHMP also states that procedural mitigation should include education of the public with regards to natural and other hazards. Therefore LMS goals and objectives, which reference public education and information dissemination, are consistent with the SHMP.

Local Policy Consistency

As stated in the Local Mitigation Strategy, “mitigation goals and objectives must be consistent with the goals and objectives of the county and the individual municipalities’ master plans, their codes and ordinances, as well as other official municipal documents and endeavors reflecting aspirations for the welfare, safety and quality of life of their citizens.” All municipalities are requested to participate in the LMS group. Additionally, the LMS requires that a review and revision of the local government ordinances, policies and programs for consistency be performed at least yearly. In case of a conflict, the Miami-Dade County LMS Working Group has established conflict resolution procedures to resolve conflict between government entities that may arise from the development of the LMS as required by the Florida Department of Community Affairs. This procedure is based on the Regional Dispute Resolution Process of the South Florida Regional Planning Council.

The LMS for Miami-Dade County is consistent with the intent of the federal, state and local policies reviewed. Based upon this evaluation, no new policies are necessary to the LMS or CEMP at this time. It has been recommended that the CDMP policies in the Coastal Management Element be revised to better reflect the policies of these documents. Please see the Policy Revisions under section 2.7 Coastal Management Element for suggested policy revisions.

Conclusions and Proposed Revisions

Conclusions

During an assessment of redevelopment in the CHHA and the potential impairment of property rights from lowed densities, it was determined that only four of the areas of unincorporated Miami-Dade County were within this area. Of these, three areas were public beaches, environmentally protected parks or institutional uses and the fourth area was a high density residential community in which redevelopment has not occurred. This evaluation further determined that current CDMP policies adequately address redevelopment in the CHHA. A

revision to the definition of the CHHA is believed to be necessary to accommodate new evacuation zones associated with Evacuation Zone A (Category 1 Hurricane).

The hazard mitigation plan for Miami-Dade County is incorporated into the LMS. A review of the goals and objectives of this plan indicate that it is consistent with the federal, state and local policies, which deal with hazard mitigation. No additional policies are recommended for the LMS at this time, however, several policy revisions are referenced in section 2.7 Coastal Management Element of the EAR, which should provide a linkage between the CEMP, LMS and CDMP.

Proposed Revisions

The following revision is proposed for the Capital Improvement Element as follows.

Policy 2C. This policy should be updated to clarify that the CHHA refers to only the barrier islands of the County. Recent modifications to the Evacuation Zones within the County indicate that the Category 1 Hurricane boundary (now referred to as Zone A) includes a western area which is considered inaccessible due to heavy rainfall. This area is not a portion of the CHHA and should be excluded from the CHHA definition except as it applies to evacuations.

Table 3.2-1

Comparison of LMS Goals and Objectives to the State Hazard Mitigation Plan

LMS Goals and Objectives	SHMP Corresponding Goal	Consistency
Goal 1 -Reduce vulnerability to natural, technological and societal hazards from all sources but especially, in South Florida, from hurricanes, tornadoes, major rainfall and other severe weather events.	Goal 1. - Minimize loss of life and injuries. Goal 2. - Reduce loss of property, capital and financial resources. Goal 3. - Reduce social and personal dislocation and stress associated with being a victim.,	Yes
Goal 2 - Mitigate the extent and severity of the problems created by these hazards and to, collaterally, secure the necessary commitments and, to the maximum extent feasible, the necessary resources to implement mitigation activities in annual action plans to achieve these goals.	Goal 1. - Minimize loss of life and injuries. Goal 2. - Reduce loss of property, capital and financial resources. Goal 3. - Reduce social and personal dislocation and stress associated with being a victim.	Yes
Goal 3 - To prevent any additions to the list of “Repetitive Loss Properties” published annually by FEMA and to reduce the number of repetitive loss properties to a point where the municipalities and the county can qualify as a category A or B Community i.e. a community containing no more than nine repetitive loss properties. A repetitive loss is when a single property has two or more claims of \$1,000 or more.	Goal 2. - Reduce loss of property, capital and financial resources.	Yes
Goal 4 - To assure incremental improvements in municipalities’ standing and classification in the Community Rating System (CRS), with the related consequences of making flood insurance under the NFIP more affordable and reachable, while improving cities’ effectiveness in coping with flood hazards, problems and emergencies. It is also a goal of the Local Mitigation Strategy to ensure that all the municipalities in Miami-Dade County are or will become members of the CRS program.	No Direct Goal. However, is indirectly related to Goal 2. - Reduce loss of property, capital and financial resources.	Indirectly Consistent
Goal 5 - Increase the continual dissemination of information on a repetitive basis with respect to the existence of flood hazards and the availability of measures to mitigate the problems presented by such hazards.	No Direct Goal, but the SHMP states that “procedural mitigation efforts should involve the Education of the populous on methods to reduce risk to the local hazards. This is necessary to achieve Goal 2. - Reduce loss of property, capital and financial resources.	Yes
Goal 6 - Continually improve and maintain cutting-edge, state-of-the-art, effectiveness of the cities’ emergency preparedness and disaster response capacity.	Goal 3. - Reduce social and personal dislocation and stress associated with being a victim. Goal 5. - Provide for continuity of government operations and functions	Yes
Goal 7 - To increase the level of coordination of mitigation management concerns, plans and activities at the municipal, county, state and federal levels of government.	Goal 5 - Provide for continuity of government operations and functions.	Yes
Goal 8 - To secure an enforceable commitment for the implementation of the local hazard mitigation strategy.	No Direct Goal but associated with achievement of all goals.	Yes

Table 3.2-1 (Continued)
Comparison of LMS Goals and Objectives to the State Hazard Mitigation Plan

LMS Goals and Objectives	SHMP Corresponding Goal or Objective	Consistency
Objective 1 - To follow the mitigation recommendations espoused in the FEMA publication <i>Building Performance: Hurricane Andrew in Florida</i> , a document which dramatically sets forth many deficiencies brought to light by Hurricane Andrew.	All goals represented	Yes
Objective 2 - Protection of expressways, major highways and other thoroughfares and, more importantly, our bridges and causeways to provide for continuous, free flowing traffic and circulation as needed for the effective and unencumbered provision of emergency services and evacuation operations.	Goal 4. - Maintain and safeguard critical facilities. Goal 5. - Provide for continuity of government operations and functions.	Yes
Objective 3 - Protection of “critical facilities” vital to the safe and continuous operation of countywide infrastructure including hospitals and health facilities; water and sewer facilities; major airports; the seaport; electrical, natural gas and telephone systems; bus and rail lines; schools and waterways.	Goal 4. - Maintain and safeguard critical facilities. Goal 5. - Provide for continuity of government operations and functions	Yes
Objective 4 - Protection of critical facilities vital to disaster response, including the structures occupied by the fire and police departments and all other emergency-related personnel, equipment and facilities involved with the transportation, communication, and energy requirements for an effective response to a major rainstorm, hurricane, tornado, terrorist act or other similar disaster event.	Goal 4. - Maintain and safeguard critical facilities. Goal 5. - Provide for continuity of government operations and functions	Yes
Objective 5 - Reduction or mitigation of low points in the county’s or cities’ topography; specifically to encourage the flow of storm water away from structures and toward streets where storm drainage systems are concentrated and to eliminate or modify surfaces that would otherwise drain toward these low points.	Goal 2. - Reduce loss of property, capital and financial resources. Goal 3. - Reduce social and personal dislocation and stress associated with being a victim.	Yes
Objective 6 - Reduction and mitigation of rainstorm hazards and problems.	Goal 2. - Reduce loss of property, capital and financial resources. Goal 3. - Reduce social and personal dislocation and stress associated with being a victim.	Yes
Objective 7 - Reduction and mitigation of storm surge hazards and effects by encouraging greater setbacks from shorelines for new developments of waterfront properties, encouraging retrofitting and elevation of structures with high priority consideration for those built on waterfront properties, seeking opportunities to acquire, exchange or otherwise secure limited control of waterfront estate.	Goal 2. - Reduce loss of property, capital and financial resources. Goal 3. - Reduce social and personal dislocation and stress associated with being a victim.	Yes

Table 3.2-1 (Continued)
Comparison of LMS Goals and Objectives to the State Hazard Mitigation Plan

LMS Goals and Objectives	SHMP Corresponding Goal or Objective	Consistency
Objective 8 - Goals related to existing soil conditions.	Goal 2. - Reduce loss of property, capital and financial resources.	Yes
Objective 9 - Reduction and mitigation of problems from structures built below base flood elevation (BFE). These “old law” buildings were constructed under the older Dade County Building Code, which only required the finished floor elevation of a structure to be 13” above the crown of the road. The goal is to reduce the number of structures built with finished floor elevations below the BFE.	Goal 2. - Reduce loss of property, capital and financial resources. Goal 3. - Reduce social and personal dislocation and stress associated with being a victim.	Yes
Objective 10 - Collection of flood data information and analysis and completion of a countywide database which incorporates a wider range of property data, topographical data, storm drainage data, rainfalls data, building permit data, data on insurance, history of flooding, etc.	No Direct Goal. However, is indirectly related to Goal 2. - Reduce loss of property, capital and financial resources.	Indirectly Consistent
Objective 11 - Enhancement of the land component of real estate values throughout the county, thereby creating a market driven, rather than regulatory environment for the “substantial improvement” (i.e. more than 50% of value) of structures with current finished floor elevations below BFE.	No Direct Goal. However, is indirectly related to Goal 2. - Reduce loss of property, capital and financial resources.	Indirectly Consistent
Objective 12 - Enhance public information and involvement and increase the public awareness of hazards and problems and educate the public through a widespread program of general information, media coverage and participatory involvement.	No Direct Goal, but the SHMP states that “procedural mitigation efforts should involve the Education of the populous on methods to reduce risk to the local hazards.	Indirectly Consistent
Objective 13 - Initiate organizational, managerial and administrative goals to make mitigation a mainstream function of government affairs; spread the responsibilities throughout many departments and agencies to ensure continuity and a full integration of mitigation management functions in the operations of government.	Goal 5. - Provide for continuity of government operations and functions.	Yes

Source: Miami-Dade County Department of Planning and Zoning, 2003

APPENDIX 3.2-A

FEDERAL, STATE AND COUNTY LAWS AND POLICIES AFFECTING HAZARD MITIGATION

Federal, state and county laws and policies affecting hazard mitigation for all members of the Working Group are:

1. The Stafford Act as interpreted by Title 44 of the Code of Federal Regulation (44 CFR) governs FEMA and emergency management and sets forth the federal concepts for hazard mitigation. It also defines the Coastal Barriers Resources Act (44 CFR 206 subpart J) and describes floodplain and environmental management (Parts 9 and 10). The Disaster Mitigation Act of 2000 (DMA2K) will redefine much of this as soon as rule-making is complete.
2. The National Flood Insurance Program (NFIP) and the Community Rating System (CRS) FLA-15, July 1996, sets up a community rating system for flood insurance offering incentives for communities and credits for 18 floodplain management activities.
 - a. Pp. 110-1 explains objectives and background of the program;
 - b. Pp. 120-2 Table 120-1 sets up 18 floodplain activities and credits given for each activity.
3. National Fire Code, 1993 and NFPA 101 Life Safety Code define uniform fire safety standards adopted by rule by the State Fire Marshal.
4. Title 15 of the Code of Federal Regulations, which defines the Coastal Zone Management Act (15 CFR Parts 923, 930).
5. Title 40 of the Code of Federal Regulation which defines the Environmental Policy Act including such mitigation measures as included in the National Emission Standards for Hazardous Air Pollutants (Part 61), Toxic Substances Control Act (Part 763), the Resource Conservation and Recovery Act and CERCLA (the Superfund).
6. Title 29 of the Code of Federal Regulations that defines the Occupational Safety and Health Act containing many hazard mitigation measures.
7. Presidential Decision Directives 39 and 62 are the authorities directing the development of terrorism response.
8. State of Florida laws which are pertinent to hazard mitigation include:
 - a. Chapter 161 – beach and shore preservation

- b. Chapter 255 – Public Property and Public Buildings
 - c. Chapter 373 – Water Resources
 - d. Chapter 403 – Environment Controls
9. The South Florida Water Management District provides guidelines that control the canal network within Miami-Dade County and its municipalities.
 10. South Florida Fire Prevention Code, 1992-93 (adopted by the County Commission) defines standards for fire prevention and allows controlled burns as mitigation.
 11. Pertinent Miami-Dade County laws include codes and ordinances that govern municipal activities, as follows:
 - a. Chapter 8B of the county code which deals with emergency management;
 - b. Chapter 28 of the county code which deals with subdivision regulations;
 - c. Chapter 17, i.e. the Housing Code, focused on maintaining the housing stock in decent safe and sanitary conditions;
 - d. Chapter 24 covering the activities of the Department of Environmental Resources Management (DERM), e.g. for permitting hazardous materials;
 - e. Floodplain Management Program sets the criteria for elevations and assesses the risks for flooding for different areas of the County;
 - f. Miami-Dade County Comprehensive Emergency Management Plan mandates that municipalities have emergency management plans, as well as recommend the performance of hazard mitigation activities;
 - g. The Public Works Manual, especially Section D5, coastal construction;
 - h. Dade County Environmental Protection Ordinance, Coastal and Freshwater Wetlands Regulations, Sections 24-58 and 24-59.
 12. Miami-Dade County Landscape Maintenance Special Taxing Districts provide tree-trimming programs that prevent more severe damage during windstorms.
 13. Miami-Dade County and all of the municipalities use the Florida Building Code (FBC), adopted in March 2002, as a standard. In deference to the South Florida Building Code that it replaced, the High Velocity Hurricane Zone portion FBC applies to Miami-Dade and Broward Counties and allows for stricter design and construction measures in addition to ASCE 7-98, especially the requirements to protect windows, walls and roofs from wind-born debris.

14. The Local Law Enforcement Mutual Aid Agreement with Miami-Dade County designed to coordinate and supplement local resources.
15. The Statewide Mutual Aid Agreement for Catastrophic Disaster Response and Recovery establishes a local resource for all Working Group members that are presently signatories, which, in Miami-Dade County, is all except the City of Islandia that lies entirely within Biscayne National Park and has no infrastructure.
16. Each of the municipalities has enacted similar ordinances that to a greater or lesser extent support hazard mitigation measures. They are:
 - a. The Basic Emergency Management Plan sets forth the procedure for all activities of the municipality before, during and after emergencies.
 - b. A Stormwater Management Plan, which is focused on flood-related hazards and defines the relevant mitigation goals, evaluates appropriate and feasible mitigation measures and prioritizes such measures into an Action Plan for systematic implementation.
 - c. A Floodplain Management Plan governing development in the floodplain. All cities within the county are striving to establish a floodplain management plan and participate in the Community Rating System. NFIP has stated that this document, the Local Mitigation Strategy, may serve as a floodplain management plan for its participants.
 - d. A Comprehensive Land Use Plan controlling growth and development within the municipality.

3.3 EFFECT OF STATUTORY AND RULE CHANGES SINCE 1995

Subsection 163.3191(2)(f), Florida Statutes (F.S.), requires the EAR to assess the consistency of the adopted comprehensive plan with relevant changes to the state growth management policies expressed in 1) Section 187.02, F.S., the State Comprehensive Plan, 2) the applicable strategic regional policy plan, 3) Chapter 163, Part II, F.S., the Local Government Comprehensive Planning and 4) Chapter 9J-5, the Minimum Criteria for review of Local Government Plans. Only growth management policy changes that have occurred between 1995 and 2002 are evaluated. Changes made prior to 1995 were addressed during the 1995 EAR.

Should the assessment of growth management policy changes indicate inconsistencies between the Miami-Dade County Comprehensive Development Master Plan (CDMP) and applicable statutes and/or rules, revisions to the CDMP, if necessary, will be recommended.

Consistency with State Comprehensive Plan

No revisions or modifications have been made to the state Comprehensive Plan, therefore the CDMP remains consistent. The CDMP will be revised as revisions to this plan are adopted.

Consistency with the Strategic Regional Plan for South Florida

Section 32, Chapter 93-206, F.S. requires regional planning councils to adopt “strategic regional policy plans” (SRPP). The South Florida Regional Planning Council (SFRPC) has not updated its SRPP from August, 1995, a plan that was evaluated in the 1995 EAR. Based on the 1995 EAR evaluation, the CDMP remains consistent with the SRPP.

Currently, the SFRPC is in the process of updating the existing South Florida SRPP. This updated plan is in preliminary draft form and is not scheduled to be submitted to the Florida Department of Community Affairs until June 2003 for review. Therefore no evaluation was conducted on this draft plan. Upon completion and adoption of the updated SRPP, Miami-Dade County will evaluate the updated SRPP for consistency with the CDMP. Any inconsistencies will be remedied through CDMP plan amendments.

Consistency with Chapter 163, Part II, Florida Statutes (F.S.)

Chapter 163, Part II covers Growth Policy, County and Municipal Planning, and Land Development Regulation. Table 3.3-1 summarizes legislative changes made to Chapter 163 between 1995 and 2002, and identifies whether 1) these changes require modification to any particular CDMP element, 2) the changes have already been addressed through prior plan amendments, and 3) the changes are optional or are simply procedural in nature.

Listed below are additional objective and policy requirements associated with the Water, Sewer and Solid Waste Element, the Conservation, Aquifer Recharge and Drainage Element, and the Intergovernmental Coordination Element which are not currently addressed in the CDMP:

An amendment to CDMP Water, Sewer and Solid Waste Element has been filed during the County's April 2003 CDMP Amendment Cycle to comply with Subsection 163.3177(6)(c) which requires:

“By January 1, 2005, or the Evaluation and Appraisal Report adoption deadline established for the local government pursuant to s. 163.3191(a) F.S., whichever date occurs first, the element must consider the appropriate water management district's regional water supply plan approved pursuant to s. 373.0361, F.S. The element must include a work plan, covering at least a 10-year planning period, for building water supply facilities that are identified in the element as necessary to serve existing and new development and for which the local government is responsible.”

An amendment to the CDMP Conservation, Aquifer Recharge and Drainage Element should be proposed to address the requirements of Subsection 163.3177(6)(d), F.S. which states:

“...Local governments shall assess their current, as well as projected, water needs and sources for at least a 10-year period, considering the appropriate regional water supply plan approved pursuant to s.373.0361, F.S. or, in the absence of an approved regional water supply plan, the district water management plan approved pursuant to s. 373.0236(2)F.S. This information shall be submitted to the appropriate agencies. The land use map or map series contained in the future land use element shall generally identify and depict the following: ...”

An amendment to the CDMP Intergovernmental Coordination Element should be proposed to address the requirements of Subsection 163.3177(6)(h)1. which states:

“An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of ... the applicable regional water supply plan approved pursuant to s.373.0361, F.S. as the case may require and as such adopted plans or plans in preparation may exist...”

An amendment to the CDMP Educational Element should be proposed to address the requirements of Subsection 163.31776, F.S.

Table 3.3-1
CDMP Consistency With Changes To Chapter 163, F.S. (1995 Through 2002)

	Amended Section Reference	Changes to Chapter 163 F.S. From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
1	163.3181(4), 163.3184 (10)(c)	Opportunities for mediation or alternative dispute resolution where a property owner's request for a comprehensive plan amendment is denied. (1995)				X
2	163.3164 (30), 163.3177 (6)	Defined transportation corridor management. Allowed the designation of transportation corridors. Allowed adoption of transportation-corridors- management ordinances.(1995)			X	
3	125.66, 166.041, 163.3164(18), 163.3171(3), 163.3174(1) & (4)	Amended the public notice and public hearing requirements. (1995)				X
4	163.3167(12)	Prohibited initiative or referendum process for development order or CDMP map amendment affecting five or fewer parcels of land. (1995)				X
5	163.384 (8)(a)	30-day timeline for review of Comp plan amendments resulting from a compliance agreement. (1995)				X
6	163.3184(8)(b)	Amended advertising requirements of DCA's notice of intent. (1995)				X
7	163.3184(16)(f)	Required the administrative law judge to realign the parties. (1995)				X
8	163.3187(1)(c) 163.3187(3)(a)-(c)	Added clarifying language for small scale plan amendments that are exempt from the twice per year limitation and prohibited DCA review. (1995)				X
9	163.3177(7) repealed by Ch. 2000-158	Consideration to increase annual total acreage threshold for small-scale amendments. (1995)				X
10	163.31749 (9)(1)	Required opportunities for involvement by district school boards and community college boards. (1995)				
11	163.3177(6)(a)	Future land use element identify land use categories where public schools are allowed. (1995)				X
12	163.3180(1)(b) amend. by Ch. 98-176	Established criteria for voluntary concurrency to public schools. (1995)			X	
13	163.3187(1) (c)	Amended the criteria for small-scale amendments that are exempt from the twice-per-year limitation. (1996)				X
14	163.3177(6)(g)9	Revised the Coastal Management element to include the maintenance of ports. (1996)				

Amended Section Reference		Changes to Chapter 163 F.S. From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
15	163.3178(2), (3) & (5)	Provided that certain port related expansion projects are not development of regional impact under certain conditions.				X
16	163.3177(6)(a)	Allowed designation of future municipal incorporation areas on the future land use plan			X	
17	163.3177(6)(h)	Required ICE to include consideration of school board plans. (1996)		X		
18	163.3177 (6)(h)	Revised the processes and procedure to be included in the ICE. (1996)		X		
19	163.3177 (6)(h)	Establishment of joint processes within 1 year of ICE adoption. (1996)		X		
20	163.3177 (6)(h)1 & 2 163.3180 (1)(b) 2	Required governments electing to extend concurrency to public schools to satisfy intergovernmental coordination requirements. (1996)			X	
21	163.3217 (created)	Permitted a municipal overlay as an amendment. (1996)			X	
22	163.3244 (created)	Authorized DCA to undertake a sustainable communities demonstration project. (1996)				X
23	163.3180(6)	Amended definition of de minimis Impact as it pertains to concurrency requirements (1997)			X	
24	163.3184(14)	Established that no plan or amendment in an area of critical state concern is effective until found in compliance by a final order (1997)				X
25	163.3187(1)(c) 1 all	Amended the criteria for the annual effect of Duval county Small Scale Amendments to become less than 120 acres (1997) (N/A)				X
26	163.3189(2)(b),	Prohibited adopted plan amendments in areas of critical state concern from becoming effective if not in compliance (1997)				X
27	168.3187(1)(g)	Exempted plan amendments related to brownfield redevelopment from the twice-a-year limitation.(1998)				X
28	163.3177(3)(a)4	Required the plan's capital improvements element to set forth standards for the management of debt.(1998)				X
29	163.3177(5)(a)	Required inclusion of 5 and 10 year planning periods in each plan (1998)		X		
30	163.3184(3)(d)	Allowed multiple comp plan amendments to be considered as one amendment cycle (1998)				X

Amended Section Reference		Changes to Chapter 163 F.S. From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
31	163.3164(31); 163.324(created)	Defined optional sector plan; and created section to allow local governments to address DRI issues in certain geographic areas identified in comprehensive plans. (1998)			X	
32	163.3177(12)	Set forth the requirements to be met by a public school facilities element adopted to implement a school concurrency program.			X	
33	163.3180(12), (now Section 163.3180 (13),)	Established minimum requirements for imposing school concurrency.(1998)			X	
34	163.3180(13), (now Section 163.3180(14))	Required that DCA adopt minimum criteria in determining compliance of a public school facilities element that imposes school concurrency. (1998)				X
35	163.3191(2)(i)	Required the evaluation and appraisal report to include coordination of the comprehensive plan, public school districts' 5 year programs and existing public schools (1998)				X
36	163.3184(1)(b)	In Compliance now includes consistency with Sec. 163.3180 &163.3245 (1998)				X
37	163.3184(2),(4), and (6)	DCA must maintain documents relating to plan amendments; DCA's review of proposed amendments is limited to written comments; DCA must list written communication that it receives within 30 days of a proposed amendment's transmittal. (1998)				X
38	163.3187(6)(b)	A local government has a year, after its adopted EAR is determined sufficient or insufficient, to amend its plan (1998)				X
39	163.3191	Substantially reworded Section 163.3191, which addresses evaluation and appraisal of comp plans (1998)				X
40	163.3177(6)(i)	Changed the population requirements for municipalities and counties which are required to submit otherwise optional elements . (1998)		X		X
41	163.3178(7)	Required that ports and local governments identify sites for dredge disposal in the comp plan (1999)		X		
42	163.3187(1)(h)	Exempted certain port-related plan amendments from the twice-per-year limitation(1999)				X
43	163.3177(6)(a)	Required rural counties to base their future land use plans and their planned industrial use on certain economic data (1999) (N/A)			X	

Amended Section Reference		Changes to Chapter 163 F.S. From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
44	163.2511, -14, -17, -20, -23 & -26 (created)	These sections created The Growth Management Policy Act to promote urban infill & redevelopment (1999)			X	
45	163.3177(6)(a)	Required that comp plans comply with school siting requirements.(1999)		X		
46	163.3180(1)(a)	Made transportation facilities subject to concurrency (1999)				X
47	163.3180(1)	Required the use of 'professionally accepted techniques' for measuring levels of service related to transportation.(1999)				X
48	163.3180(4)(b)	Excluded public transit facilities from concurrency(1999)				X
49	163.3180(12)	When authorized by a comprehensive plan, a multi-use DRI may satisfy transportation concurrency requirements by payment of a proportionate-share contribution .(1999)			X	
50	163.3180(15)	Where certain priorities are assigned to pedestrian environments, allowed multi-modal transportation districts.(1999)			X	
51	163.31879(1)(h) and (i)	Exempted amendments designating urban infill and redevelopment areas and public school concurrency from the twice-per-year limitation.(1999)				X
52	163.3220(2)	Defined brownfield designation; added to the Florida Local Government Development Agreement Act comments on brownfield development.(1999)				X
53	163.3184(11)(c), (repealed)	Repealed the requirement that funds from sanctions for non-compliant plans go into the Growth Management Trust Fund (2000) N/A				X
54	163.3187(7), (repealed)	Repealed the requirement that consideration of an increase in annual total acreage for small scale amendments and a report by DCA (2000)				X
55	163.3191(13), (15) and 163.3191(13), (repealed)	Required a report regarding agency coordination and improving amendment and EAR technical assistance (2000)				X
56	163.3191(15)	Addressed evaluation and methods of evaluation for EARs with certain adoption dates in 1998 and 1999(2000) (N/A)				X
57	163.3187(1)(c)1.e	Small scale development activities in areas of critical state concern became exempt from the twice-per-year limitation if there is new affordable housing (2000)				X
58	212.2517(3)(j)2	Added to a list regarding incentives to develop in urban infill areas(2000)			X	

Amended Section Reference		Changes to Chapter 163 F.S. From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
59	163.3177(11) (d)	Required DCA to assist local governments to discourage urban sprawl.(2001)				X
60	Sec.163.3174	Required all agencies that review plan amendments and rezonings to include a nonvoting representative of the district school board.(2002)				X
61	163.3177(4)(a)	Required the coordination of local comp plans with the regional water supply plan (2002)				X
62	163.3177(6)(a)	Plan amendments regarding school siting maps are exempt from s. 163.3187(1)'s limitations on frequency (2002)				X
63	163.3177(6)(c)	Required the Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Aquifer Recharge elements to consider the regional water supply plan and include a 10 year plan to build the water supply facilities (2002)	Water, Sewer, and Solid Waste Element			
64	163.3177(6)(d)	Required the conservation element to consider the regional water supply or district water management plan (2002)	Conservation, Aquifer Recharge and Drainage Element			
65	163.3177(6)(h)	Required the intergovernmental coordination element to state principles used in coordinating the comp plan with the regional water supply plan(2002)	Intergovernmental Coordination Element			
66	163.3177(6)(h)4	Governments adopting a public educational facilities element must execute an interlocal agreement with the district school board, the county, and nonexempt municipalities. (2002)			X	
67	163.3177(6)(h)6, 7 and 8	Counties larger than 100,000(population) must submit a report to DCA identifying certain interlocal service agreements and any gaps or overlaps in service; local governments must update their ICE's accordingly ;Both parties should meet to remedy problems (2002)				X
68	163.3177(6)(h)9	Required local governments and special taxing districts to provide recommendations for statutory changes for annexation by Feb. 2003. (2002)				X
69	163.31776 (new section)	Allowed a county to adopt an optional public educational facilities element (2002)	X			

Amended Section Reference		Changes to Chapter 163 F.S. From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
70	163.31777 (new section)	Required local governments and school boards to form an interlocal agreement regarding school siting, enrollment forecasting, school capacity, infrastructure and safety, schools as emergency shelters, and sharing of facilities (2002)				X
71	163.3180(4)(c)	Added a provision for waiving a concurrency requirement for transportation facilities for urban infill and redevelopment areas.(2002)			X	
72	163.3184(1)(a)	The definition of affected persons now includes property owners with land abutting future land use plan amendment areas.(2002)				X
73	163.3184(1)(b)	The term in compliance now includes consistency with Sec. 163.31776 (public educational element).(2002)				X
74	163.3184(3),(4),(6),(7),&(8)	Streamlined the timing of comprehensive plan amendment review.(2002)				X
75	163.3184(15)(c)	Required the local government to provide sign-in-forms at transmittal and adoption hearings. (2002)				X
76	163.3187(1)(k)	Exempted amendments related to transportation improvements to enhance life safety on controlled major access roads from limitations on frequency (2002)				X
77	163.3191(2)(l) and (m)	Required EARs to consider 1) the regional water supply plan and, 2) evaluate whether reductions of land use densities in coastal high hazard areas have impaired property rights (2002)				X
78	163.3215	Allowed local governments to establish a special master process to deal with challenges to local development orders for consistency with the comp plan and set forth guidelines. (2002)				X
79	163.3246 (created)	Created the Local Government Comprehensive Planning Certification Program to reduce oversight of local government comp plan processes if certain criteria are met.				X
80	163.3194(6)	Gave prohibitions against denying development approval for certain proposed solid waste management facilities				X

Consistency with Rule 9J-5, Florida Administrative Code (F.A.C.)

Rule 9J-5 F.A.C. establishes minimum criteria for the preparation, review, and determination of comprehensive plans and plan amendments pursuant to Chapter 163, F.S. Table 3.3-2 summarizes legislative changes from made to Rule 9J-5 between 1995 and 2002 and identifies whether 1) these changes require modification to any particular CDMP element, 2) the changes have already been addressed through prior plan amendments, or 3) if the changes are optional or are simply procedural in nature.

Listed below are legislative requirements associated with the Mass Transit, Port of Miami River, Port of Miami, and Aviation Subelements of the Transportation Element, which are not currently addressed in the CDMP.

Subsection 9J-5.019(4)(b) 6, 7, 8, 9, and 10 requires the following:

- Coordinate the siting of new, or expansion of existing, ports, airports, or related facilities with the future land use, coastal management, and conservation elements
- Coordinate the surface transportation access to ports, airports, or related facilities with the traffic circulation system show on the traffic circulation maps or map series;
- Coordinate with any ports, airports, or related facilities plans of the appropriate ports, airports or related facilities provider, United States Army Corps of Engineers, Federal Aviation Administration, metropolitan planning organization, military services, or resource planning and management plan prepared pursuant to Chapter 380, F.S., and approved by the Governor and Cabinet, the Florida Department of Transportation 5-Year transportation Plan, and Continuing Florida Aviation System Planning Process as adopted; and
- Ensure that access routes to ports, airports, or related facilities are properly integrated with other modes of surface or water transportation.
- For multimodal transportation districts established pursuant to Section 163.3180(15)(a) and (b), F.S., provide for a safe, comfortable and attractive pedestrian environment with convenient interconnection to public transportation.

Subsection 9J-5.019(4)(c) 15, 16, 17, 18, 19, 20, 21 requires the following:

- Provision of safe and convenient on-site traffic flow, considering needed motorized and non-motorized vehicle parking
- Promotion of ports, airports, and related facilities development and expansion consistent with the future land use, coastal management, and conservation elements;

- Mitigation of adverse structural and non-structural impacts from ports, airports, or related facilities upon adjacent natural resources and land uses;
- Protection and conservation of natural resources within ports, airports and related facilities;
- Coordinated intermodal management of surface and water transportation within ports, airports and related facilities; and
- Protection of ports, airports, or related facilities from the encroachment of incompatible land uses.

Table 3.3-2
CDMP Consistency With Changes To Rule 9J-5, F.A.C. (1995 Through 2002)

Amended Section Reference		Changes to Rule 9J-5 From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
1	9J-5.007, 8, & 9 (reference: 163.3177 FS & 9J-5.019)	Repealed rule requirements for local governments' Traffic Circulation, Mass Transit, and Ports, Aviation and Related Facilities Elements (Feb. 1996)				X
2	9J-5.014 reference: 163.3177, FS	Repealed rule requirements for the Recreation and Open Space Element (Feb. 1996)				X
3	9J-5.021 reference: 163.3184FS	Repealed requirements for comp plans' consistency with Comprehensive Regional Policy Plans and the State Comprehensive Plan. (Feb. 1996)				X
4	9J-5.025	Established requirements for concurrency for the Public School Facilities Element (Oct. 1998)			X	
5	9J-5.003	Defined public transit: & stormwater management facilities. (March 1999)				X
6	9J-5.003	Revised definitions of affordable housing, coastal planning area, port facility, and wetlands (March 1999)				X
7	9J-5.003	Revised definitions of “adjusted for family size, adjusted gross income, development, high or prime recharge area, mass transit, paratransit, public facilities, and very low-income family” (March 1999)				X
8	9J-5.005(2)(g) & 8(j)	Revised provisions relating to adoption by reference into the local comprehensive plan (March 1999)				X
9	9-5.0053(2) to (5)	Repealed adoption procedures, transmittal and submittal requirements and criteria for evaluating evaluation and appraisal reports (March 1999)				X
10	9J-5.0055 (3)6	Repealed conditions for de minimis impact (March 1999)				X
11	9J-5.006(4)	Re: future land use map: required designated transportation concurrency exception area boundaries and possible future municipal incorporation areas shown (March 1999)		X		
12	9J-5.011(2)b(5)	Required Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element to address protection of high and prime recharge areas (March 1999)		X		

Amended Section Reference		Changes to Rule 9J-5 From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
13	9J-5.015(4)	Repealed the ICE process to determine significant impacts of development proposals and other provisions for development orders (March 1999)				X
14	9J-5.019(1)	Clarified which governments must adopt a Traffic Circulation Element and which must prepare Mass Transit and Ports, Aviation and Related Facilities Elements (March 1999)				X
15	9J-5.019(4)(b)	Required the Transportation Element to coordinate siting and expansion with other Elements, access to port facilities, and port-related plans with transportation providers; required integration of port facilities and other transportation	Mass Transit, Aviation, Port of Miami and Port of Miami River Subelements			
16	9J-5.019(4)(c)15-21	Required policies for the Transportation element regarding traffic flow, rights-of way and corridors, expanding facilities, mitigating impacts of facilities, conserving resources, intermodal transportation, and incompatible uses (March 1999)	Mass Transit, Aviation, Port of Miami and Port of Miami River Subelements			
17	9J-5.022	Added standards for the Department in reviewing land development regulations (March 1999)				X
18	9J-5.023	Added criteria for determining consistency of land development regulations with the comp plan (March 1999)				X
19	9J-5.003	Defined general lanes (Feb. 2001)				X
20	9J-5.003	Revised the definition of marine wetlands (Feb. 2001)				X
21	9J-5.003	Repealed the definition of public facilities and services (Feb. 2001)				X
22	9J-5.005(7)	Revised procedures for monitoring, evaluating and appraising implementation of local comprehensive plans (Feb. 2001)				X
23	9J-5.0053	Repealed requirements for evaluation appraisal reports and related amendments. (Feb. 2001)				X
24	9J- 5.0055(1) &(2)	Revised concurrency management system requirements to include provisions for establishing public school concurrency (Feb. 2001)			X	
25	9J-5.0055(2)(b) & 3(c)	Authorized the establishment of multimodal transportation level of service standards and established requirements for multimodal transportation			X	

Amended Section Reference	Changes to Rule 9J-5 From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
			Already Addressed	Optional Plan Provision	Procedural
		districts (Feb. 2001)			
26	9J-5.0055(2)(c)	Authorized local governments to establish level of service standards for general use lanes on the Florida Intrastate Highway System (Feb. 2001)		X	
27	9J-5.0055(8)	Provided that public transit facilities are not subject to concurrency requirements			X
28	9J-5.0055(9)	Authorized comp plans to permit payment of a proportionate share contribution for multi-use developments of regional impact (Feb. 2001)		X	
29	9J-5.006(4)	Required the future land use map to show established multimodal transportation district boundaries.		X	
30	9J-5.006(6)	Required design standards for established multi-modal transportation districts.		X	
31	9J-5.010(1)(c)	Required the Housing Element to describe substandard dwelling units and repealed a requirement for local entities to define standards for housing conditions (Feb. 2001)	X		
32	9J-5.010(2)(b)	Authorized supplementing the affordable housing assessment with locally generated data and repealed authorization for local governments to conduct their needs assessment (Feb. 2001)			X
33	9J-5.015(3)(b)	Required objectives in the Intergovernmental Coordination Element that ensure adoption of interlocal agreements and ensure intergovernmental coordination for public school concurrency requirements (Feb. 2001)	X	X	
34	9J-5.015(3) (c)	Specified requirements for the Intergovernmental Coordination Element concerning joint planning areas, campus master plans and development agreements, collaborative planning among local governments and school boards, joint siting of facilities, and interlocal agreements for school concurrency (Feb. 2001)	X		
35	9J-5.016(4)(a)	Required that the Capital Improvements Element include a public school facilities program and a schedule of improvements for established multi-modal transportation districts. (Feb. 2001)		X	

Amended Section Reference		Changes to Rule 9J-5 From 1995 Through 2002	CDMP Amendment Necessary – Applicable Element	No CDMP Amendments Required		
				Already Addressed	Optional Plan Provision	Procedural
36	9J-5.019(3)	Required the Transportation Element to show how design elements will support a multi-modal transportation system (Feb. 2001).			X	
37	9J-5.019(4)22	Required the Transportation Element to address a benign pedestrian environment with convenient access to public transportation (Feb. 2001)			X	
38	9J-5.019(4)(c)	Authorized local governments to establish level of service standards for general lanes of the Florida Intrastate Highway System, with the concurrence of the Department of Transportation (Feb. 2001)			X	

3.4 PUBLIC PARTICIPATION SUMMARY

In accordance with Section 163.3191 (2)(j) Florida Statutes (F.S.), Miami-Dade County is required to submit a summary of the public participation program and activities undertaken during the preparation of the EAR. The following narrative outlines the significant events that have occurred in conjunction with the development of major issues and preparation of this report.

In 2001, the County began a Strategic Planning Initiative (SPI) aimed at accommodating substantial future population increases in an increasingly complex and diverse community while providing continued County services to all residents and visitors. A portion of the SPI was to identify community issues related to services, including planning. Eventually six strategic areas - Transportation, Health and Human Services, Neighborhood Environment and Unincorporated Municipal Services Area (UMSA), Recreation and Culture, Public Safety, and Economic Development - were formulated and aligned with the County's service delivery functions. County departments provided informational support and guidance as Community Planning Teams made up of municipal representatives, community leaders, and experts in areas of strategic importance, such as human services, transportation, and neighborhood services, were encouraged to obtain feedback from community groups and organizations that they represented. In the first quarter of 2002, additional community outreach meetings were held to discuss the priorities for each strategic area.

Transportation:

February 25, 2002	West Dade Regional Library
February 26, 2002	South Dade Government Center
March 4, 2002	North Dade Regional Library

Health and Human Services:

February 20, 2002	North Dade Regional Library
February 25, 2002	South Dade Government Center
February 27, 2002	West Dade Regional Library
March 5, 2002	Joseph Caleb Center

Neighborhood Environment and UMSA:

February 11, 2002	North Dade Regional Library
February 13, 2002	South Dade Government Center
February 20, 2002	West Dade Regional Library
February 25, 2002	Joseph Caleb Center
N/A	Barbara Goleman High School
N/A	Miami High School
N/A	W.R. Thomas Middle School

Recreation and Culture:

March 4, 2002 South Dade Regional Library
March 5, 2002 West Dade Regional Library
March 6, 2002 Miami Beach Library
March 7, 2002 North Dade Regional Library

Public Safety:

February 4, 2002 Intracoastal Police Station
February 13, 2002 Carol City Station
February 20, 2002 Miami Lakes Station
February 27, 2002 Kendall Station
February 27, 2002 Hammocks Station
March 6, 2002 Doral Station
March 11, 2002 Cutler Ridge Station
March 14, 2002 Northside Station

Economic Development:

February 19, 2002 South Dade Government Center

After the above community meetings, the Board of County Commissioners approved a Mission Statement for the County, established Guiding Principles, and decided upon several Strategic Themes. Those Strategic Themes applicable to the Comprehensive Development Master Plan included:

- Promote responsible and comprehensive policy development through effective planning for land use, transportation, and growth management.
- Promote a healthy economy through business development, further economic diversification based on key industries, and by addressing economic disparities in our community.
- Develop and maintain an effective transportation system.
- Protect and preserve our unique environment.
- Promote cooperation and coordination among all government services.

The above input developed was utilized for a countywide “Strategic Planning Event” that was held on June 19, 2002, in downtown Miami and designed to solicit additional input for development of preliminary goals and supporting action items. Several major planning issues were identified as preliminary goals or action items through this extensive community-oriented process. Among the preliminary goals were:

- Provide adequate, quality, and affordable housing equitably throughout the County (Health and Human Services)
- Provide efficient, consistent, and appropriate growth management, urban planning, and transportation development services (Neighborhood and Urban Area Municipal Services)

- Provide timely and reliable public infrastructure services including road maintenance, storm water, solid waste and wastewater management, and a safe and clean water delivery system consistent with the Comprehensive Development Master Plan (Neighborhood and Urban Area Municipal Services)

Just prior to the beginning of the Strategic Planning process, the Department of Planning and Zoning (DP&Z) had embarked on a Residential Density Feasibility Study, pursuant to County Resolution R-1063-00, for examination of the “feasibility of establishing high density development zones throughout the County....” The Study reviewed central factors affecting the ability of property throughout the County to be developed at a range of densities. DP&Z worked with the County’s Planning Advisory Board (PAB), which acts under Florida law as the County’s “Local Planning Agency” on matters relating to countywide comprehensive planning. Several workshops were held with the PAB during the spring and summer of 2001:

March 28, 2001	Introduction Workshop with PAB
April 25, 2001	Physical Issues Workshop with PAB
May 23, 2001	Economic Issues Workshop with PAB
June 27, 2001	Social Issues Workshop with PAB
July 25, 2001	Wrap Up Presentation to PAB
October 3, 2001	Final Review by PAB

Several well-advertised workshops with the public were also held in late spring 2001 at several venues throughout the County. At the public workshops, residents were asked to share their thoughts, concerns, values, and suggestions about density and growth with staff and County officials through a series of hands-on activities including surveys and mapping exercises. Dates and locations of the public workshops were:

May 30, 2001	Barbara Goleman High School Public Workshop (Northwest)
May 31, 2001	Joseph Caleb Center Public Workshop (North)
June 6, 2001	Ponce de Leon Junior High School Public Workshop (Central)
June 7, 2001	South Dade Government Center Public Workshop (South)
June 12, 2001	Felix Varela High School Cafeteria Public Workshop (West)

Findings from the PAB and public workshops and additional research included:

- An increased County population creates a need for more housing;
- Residential density affects the location of the UDB; and
- Availability of land and infrastructure are two significant determinants for locating higher-density development.

In September 2002, the Florida Department of Community Affairs (DCA) in conjunction with the South Florida Regional Planning Council (SFRPC) held a Technical Assistance Workshop to discuss content and structure for the EAR. It was noted that scoping meeting(s) may be conducted to determine the breadth of issues to be included in an EAR. Furthermore, if scoping meetings were to be held, they take place no later than one year prior to the local government’s EAR due date. Nevertheless, Section 163.3191, F.S., requires that “local governments identify

the major issues, if any, with input from state agencies, regional agencies, adjacent local governments, and the public.” The Miami-Dade Department of Planning and Zoning elected to utilize the scoping process, and selected three of the planning issues arising from the SPI and Residential Density Feasibility Study as preliminary issues to be addressed in the EAR. These were as follows:

- Urban Development Boundary (UDB) Capacity and Expansion - The Neighborhood and Unincorporated Area Municipal Services work group identified several action items related to the UDB including decreasing urban sprawl and retention of agricultural and environmentally sensitive lands both identified as priority outcomes. Additionally, this issue was raised during the Residential Density Feasibility Study.
- The Need and Potential for Redevelopment – this issue was identified by the Neighborhood and Unincorporated Area Municipal Services work group as a priority outcome along with increased urban infill development and decreased urban sprawl. Additionally, this issue was raised during the Residential Density Feasibility Study.
- Growth Impacts and Affordable Housing – a goal from the Health and Human Services Group was to provide adequate quality and affordable housing equitably throughout Miami-Dade County.

A fourth major issue, Annexation and Incorporation, was chosen since it was identified as a major anticipated problem in the last EAR. Additionally, a number of annexations and incorporations, which have occurred since 1995, were in part responsible for drawing the County’s focus towards improving services to the unincorporated areas and initiating the SPI. With the preliminary list of major issues having been identified, Miami-Dade County held the first of three voluntary scoping meetings with representatives of DCA and other state, regional and local governmental agencies on October 23, 2002. This meeting focused on discussion of major issues and concerns from other governmental agencies. The meeting was well attended with over 16 governmental and private agencies represented. Concerns of all parties present were recorded. On November 7, 2002, a second scoping meeting was held with representatives from the County municipalities. The same procedure was used with the concerns of each of the 17 represented municipalities recorded.

A master list of concerns was compiled from those expressed at the two scoping meetings. Each concern was evaluated as to whether it represented a new issue or was a component of a previously stated issue. This master list was then narrowed to five major issues, each with a number of concerns to be addressed within the issue. The four preliminary major issues were retained and a fifth major issue, Water Supply Planning, was added at the request of the DCA and the South Florida Water Management District. On November 25, 2003, the final draft of issues was presented to DCA and 21 other represented agencies for final discussion, with members of the public present. Upon conclusion of the meeting, this list of five issues was finalized and incorporated into a Letter of Understanding, executed between Miami-Dade County and DCA in December 2002, essentially concluding the scoping process.

Appendix 3.4-A contains a copy of the published schedule of activities for the 2003 EAR as required by Section 2-116 of the Code of Miami-Dade County. The schedule outlines the EAR public hearing dates for the Planning Advisory Board, acting as the Local Planning Agency (LPA), and the Board of County Commissioners. Copies of the Proposed 2003 EAR have been made available to public. Additionally, the public will be afforded the opportunity to review and comment on the Proposed 2003 EAR through the scheduled public hearings.

Appendix 3.4-B contains the public involvement procedures from Sections 2-116 and 2-116.1 of the Code of Miami-Dade County.

APPENDIX 3.4-A

MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN UPDATE 2003 EVALUATION AND APPRAISAL REPORT

NOTICE OF SCHEDULE OF ACTIVITIES

The Miami-Dade County Department of Planning & Zoning (DP&Z) is currently updating the County's Comprehensive Development Master Plan (CDMP) through a State-mandated Evaluation and Appraisal Report (EAR) process. The EAR is intended to serve as a summary audit of the actions that a local government has undertaken and identify changes that it may need to make. The report should be based on the local government's analysis of major issues to further the community's goals consistent with statewide minimum standards.

Additionally, the EAR will evaluate and assess the effectiveness of the CDMP in accomplishing its adopted objectives and will suggest changes or amendments needed to update the plan or its elements including reformulated objectives, policies and standards.

Section 2-116(c) of the Code of Miami-Dade County requires publication of this notice of the schedule of activities that are required to be conducted by the County before adoption of the EAR by the Board of County Commissioners and its transmittal to the Florida Department of Community Affairs (DCA) on November 1, 2003. The proposed EAR will be prepared by DP&Z and submitted to the Planning Advisory Board (PAB), acting as the Local Planning Agency by June 1, 2003.

The schedule of activities related to the review and adoption of the 2003 EAR are as follows:

July 21, 2003

2:00 PM	Planning Advisory Board Public Hearing on Proposed EAR; Formulate and Adopt Recommendations	County Commission Chamber 111 NW 1 st Street Miami, Florida 33128
----------------	--	--

With continuance, if necessary to:

July 28, 2003

2:00 PM	Planning Advisory Board Hearing and Recommendations continued, if necessary	County Commission Chamber 111 NW 1 st Street Miami, Florida 33128
----------------	--	--

October 22, 2003

9:30 AM	Board of County Commissioners Public Hearing and Adoption of EAR	County Commission Chamber 111 NW 1 st Street Miami, Florida 33128
----------------	---	--

The foregoing hearings will be advertised in this newspaper one or more times approximately ten to fourteen days in advance of the hearing.

The Board of County Commissioners, Planning Advisory Board or the Department of Planning and Zoning may conduct optional public meetings or workshops in addition to the public hearings or meetings specified above. Any such additional public workshop shall be advertised in a newspaper of general circulation in Miami-Dade County, at least once ten to fourteen days prior to the date of the workshop.

For information about the EAR, the schedule of activities, or to arrange an EAR presentation, please contact the Miami-Dade County Department of Planning and Zoning, Metropolitan Planning Section at 111 NW 1st Street, Suite 1220, Miami, Florida 33128-1972; or call (305) 375-2835.

Sign language interpreters are available upon request. Please call (305) 375-3566 at least four days in advance.

A person who decides to appeal any decisions made by any board, agency or commission with respect to any matter considered at its meeting or hearing, will need a record of all the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

APPENDIX 3.4-B

CODE of MIAMI-DADE COUNTY, FLORIDA Codified through Ord. No. 02-138, enacted July 23, 2002. (Supplement No. 36)

Chapter 2 ADMINISTRATION*

ARTICLE XV. DEPARTMENT OF PLANNING, DEVELOPMENT AND REGULATION*

Sec. 2-116. Evaluation and appraisal report on Comprehensive Development Master Plan.

Sec. 2-116. Evaluation and appraisal report on Comprehensive Development Master Plan.

(a) On or before the date required by Sections 163.3191(5) and (8), Florida Statutes (F.S.), and any administrative rules adopted pursuant thereto, and periodically thereafter as required pursuant to Section 163.3191(1) and (5), F.S., the Board of County Commissioners shall adopt a comprehensive plan evaluation and appraisal report (EAR). Adoption shall be by resolution unless otherwise required by state law. All references in Section 2-116 of this Code to Florida Statutes or the Florida Administrative Code (F.A.C.) shall also refer to any amendments thereto and successor legislation or rules.

(b) The evaluation and appraisal report process shall be the principal process for updating the Comprehensive Development Master Plan (CDMP) to reflect changes in state policy on planning and growth management. The evaluation and appraisal report shall present an assessment and evaluation of the success or failure of the comprehensive plan or element or portion thereof, and shall contain appropriate statements (using words, maps, illustrations, or other forms) related to the matters required pursuant to Section 163.3191, F.S. and any administrative rules adopted pursuant thereto. The report shall also recommend changes needed to update the comprehensive plan, or elements or portions thereof, including reformulated objectives, policies, and standards and shall contain a schedule for reviewing and taking final action on the proposed amendments within the time frame required by Section 163.3191(4), F.S.

(c) The Director of Planning and Zoning shall prepare the EAR pursuant to Section 2-105.1, Code of Miami-Dade County, for finalization by the Planning Advisory Board acting in its capacity as the Miami-Dade County local planning agency (LPA) pursuant to Section 2-108.1, Code of Miami-Dade County, and for adoption by the Board of County Commissioners as provided in this section. Not less than three (3) months prior to the deadline established by Sections 163.3191(1) and (5), F.S., or any administrative rules adopted pursuant thereto, for adoption of an EAR by the county, the Director of Planning and Zoning shall deliver the proposed EAR to the Planning Advisory Board acting in its capacity as the LPA.

Upon receipt of the proposed plan evaluation and appraisal report, the Planning Advisory Board acting as the LPA shall conduct one (1) or more public hearings duly noticed in accordance with Section 163.3164(17), F.S.

Following the public hearing(s), the Planning Advisory Board acting as the LPA, shall complete preparation of the report, including their recommendations, and submit it to the Board of County Commissioners not less than two (2) months prior to the deadline established by sections 163.3191(1) and (5), F.S., or administrative rules adopted pursuant thereto. The Department of Planning and Zoning may issue recommendations regarding the report as finalized by the LPA.

The Board of County Commissioners shall adopt, or adopt with changes, the report or portions thereof on or before the date established by Chapters 163.3191(1) and (5), F.S., or any administrative rules adopted pursuant thereto, for adoption of an EAR by Miami-Dade County.

Not less than six (6) months prior to the deadlines established by Section 163.3191(1) and (5), F.S. the Department of Planning and Zoning shall publish in a newspaper of general circulation in Miami-Dade County a schedule of all activities required by law for the adoption of the EAR. Any changes in the schedule shall be published in the same manner. The published schedule and changes thereto shall be delivered to the Board of County Commissioners and the Planning Advisory Board.

The adopted EAR shall be transmitted to the state land planning agency or its designee, and any other required parties on the dates required by Sections 163.3191(5) and (8), F.S. The EAR shall also be transmitted, pursuant to Section 163.3184(3)(b), F.S., when the amendments proposed in the report are transmitted to the state land planning agency or its designee.

(d) At any time prior to or during preparation or review of the proposed or recommended EAR, the Board of County Commissioners, Planning Advisory Board or Department of Planning and Zoning may conduct public meetings or public workshops in addition to the public hearing specified herein to address the matters set forth in Section 163.3191(4), F.S. Any such public workshop shall be advertised in a newspaper of general circulation in Miami-Dade County, at least once seven (7) to fourteen (14) days prior to the date of said workshop.

(Ord. No. 75-22, § 7, 3-31-75; Ord. No. 76-4, § 1, 1-20-76; Ord. No. 76-95, § 1, 10-19-76; Ord. No. 78-48, § 1, 7-18-78; Ord. No. 79-80, § 1, 10-2-79; Ord. No. 88-18, § 1, 4-5-88; Ord. No. 90-2, § 1, 1-16-90; Ord. No. 92-17, § 3, 3-17-92; Ord. No. 92-120, § 1, 10-13-92; Ord. No. 93-23, § 1, 3-30-93; Ord. No. 93-131, § 1, 11-16-93; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 1, 9-3-98)

Annotations--AO's 4-49, 4-81.

Sec. 2-116.1. Amendment procedure for Comprehensive Development Master Plan.

(1) *Scope of eligibility.*

(a) Any person or organization, including the federal government, the State of Florida, Miami-Dade County, any municipality in Miami-Dade County and any of their agencies, authorities and departments may request the initiation of the amendatory process provided below.

(b) If the applicant has an ownership interest in any real property covered by an application to amend the land use element of the Comprehensive Development Master Plan, such interest shall be disclosed in the same manner as required of zoning applicants in Section 33-304 of the Miami-Dade County Code. If the applicant is acting as agent or attorney for a principal, the principal's interest shall be disclosed in the same manner as

required of zoning applicants in Section 33-304 of the Miami-Dade County Code. This subsection (b) shall not apply to governmental applicants.

(2) *Application.* Except as specifically provided below for applications pursuant to an emergency, pursuant to a compliance agreement, pursuant to a State statutory requirement, or pursuant to a concurrently requested development of regional impact (DRI) development order or change to an existing DRI development order, or for applications relating to reuse of military bases pursuant to Chapter 288, F.S., any request for amendments, modifications, additions or changes to the Comprehensive Development Master Plan shall be submitted to the Miami-Dade County Department of Planning and Zoning during the period between April 1 and April 30 inclusive (hereinafter April period), and during the period between October 1 and October 31 inclusive (hereinafter October period), in each year only in accordance with the following provisions:

(a) Applications requesting amendment to the Urban Development Boundary (UDB) or to the Urban Expansion Area (UEA) boundary depicted on the Land Use Plan map, or to the land use classification of land located outside of said Urban Development Boundary may be filed only during the April period in odd numbered years. The Director of Planning and Zoning may also file applications requesting amendments to the UDB, UEA or to the land use classification of land located outside of said UDB for processing during either or both the April or October period during those years that an evaluation and appraisal report is adopted pursuant to Section 2-116, Code of Miami-Dade County, provided that the amendments proposed in said applications are suggested in the adopted evaluation and appraisal report. If a filing period is in effect on the date of adoption of an EAR, it shall be extended as necessary to provide a fifteen-business day filing opportunity. The Planning Director may also file applications requesting amendments to the UDB, UEA or to the land use classification of land located outside of said UDB during the April or October filing period immediately preceding and immediately following adoption of an Evaluation and Appraisal Report.

(b) During even numbered years, applications may be filed during an October period only in years when, a) an evaluation and appraisal report is scheduled for adoption pursuant to Section 2-116, Code of Miami-Dade County, or b) such an October period amendment process is authorized by affirmative recommendation of the County Manager and approved by resolution of the Board of County Commissioners on or before the sixteenth (16th) day of September in that year. No applications will be accepted for consideration during the October period in even numbered years unless an evaluation and appraisal report is scheduled for adoption pursuant to Section 2-116, Code of Miami-Dade County, or said October period amendment filing opportunity is expressly approved in accordance with this paragraph.

(c) All requests shall be made by filing an application in a form and containing the information prescribed by the Director of Planning and Zoning. Applicants seeking to have their requests considered to be small-scale amendment applications, as provided in Section 163.3187(1)(c), F.S., and eligible for processing in accordance with the procedures provided herein for expediting final action, shall clearly state such request in

the application. All proposed plan amendment applications not requested for expedited adoption as small-scale amendment applications, and all requested small-scale amendment applications which are not expedited but which are transmitted to the State land planning agency for review and comment, are hereby defined as standard amendment applications. Applications which are deemed by the Department to be unclear or incomplete may be supplemented no later than the seventh (7th) business day following notice from the Department that the application filed is deficient.

(d) The Miami-Dade County Board of County Commissioners may, by resolution or ordinance, at any time initiate a request to amend, modify, add to or change the Comprehensive Development Master Plan, or may, by resolution or motion, authorize or direct the County Manager to utilize the optional procedure provided in Section 288.975, F.S., and Section 2-116.1(5)(b), herein, to amend the CDMP to enable military base reuse. Except for requests by the Board of County Commissioners to amend the Comprehensive Development Master Plan in the case of an emergency as provided in section 163.3187(1)(a), F.S., in the case of a compliance agreement as provided in Section 163.3187(1)(e), F.S., in the case of a State statutory requirement, in the case of an application necessary to authorize a Development of Regional Impact initiated by the County, in the case of an application for a small-scale amendment pursuant to Section 163.3187(1)(c), F.S., in the case of an application relating to military base reuse, prepared pursuant to Section 288.975, F.S., or unless otherwise provided by said resolution or ordinance, the content, activities, and time periods herein provided, as quantified by number of days, shall be substantially applicable to such a request from the date of the adoption of the resolution or ordinance. Said resolution or ordinance shall direct the County Manager to include the special application for review and action along with April period or October period applications as provided herein or instruction may be given that the special application shall take the place of the October period process during an even-numbered year, or that the special application shall be reviewed and action shall be taken on a special schedule prescribed in the resolution or ordinance. In no instance shall the filing or authorization of applications by the Board of County Commissioners for processing on a special schedule result in adoption of more than two (2) Comprehensive Development Master Plan amendments in any calendar year except in the case of an emergency as provided in section 163.3187(1)(a), F.S., concurrent approval of a Development of Regional Impact as provided in Section 163.3187(b), F.S., approval of a small-scale amendment as provided in Section 163.3187(1)(c), F.S., a compliance agreement as provided in section 163.3187(1)(e), F.S., utilization of the optional CDMP amendment procedure for military base reuse as provided in Section 288.975, F.S., or in the case of a State statutory requirement for which an exception to the twice-per-year limitation on the adoption of comprehensive plan amendments is provided in Chapter 163, Part 2, F.S.

(e) In the event that the Board of County Commissioners has entered into a compliance agreement pursuant to Section 163.3184(16), F.S., requiring the filing of an application to amend, modify, add to or change the Comprehensive Development Master Plan, the County Manager shall file an application pursuant to the terms of the approved settlement agreement in accordance with the content, activities and time periods provided

by the terms of the compliance agreement and by the resolution approving such agreement and in accordance with the procedures provided in Section 163.3184(16), F.S.

(3) Procedure upon application; Director of Planning and Zoning, Community Councils, Planning Advisory Board (PAB), and Board of County Commissioners; applications pursuant to an emergency or a compliance agreement.

(a) Upon receipt of an application for amendment, modification, addition or change to the Comprehensive Development Master Plan, the Director of Planning and Zoning shall consult with other County personnel, departments or agencies, a municipality or County having jurisdiction over or adjacent to the area in question as he deems necessary to evaluate the proposed application. Each application may be deemed by the Board of County Commissioners to include similarly situated or adjoining property which could be affected by the adoption of the request in whole or in part, except that no such determination by the Board of County Commissioners shall cause a requested small-scale amendment to exceed the conditions for such amendments enumerated in Section 163.3187(1)(c), F.

(b) The Director of Planning and Zoning shall prepare an applications report listing all applications received, including small-scale amendment applications and staff applications, including the nature of the application and the reasons stated for requesting the proposed amendment, modification, addition or change. The report shall also itemize proposals suggested and under evaluation by the Department of Planning and Zoning staff; however, this initial identification of staff proposals shall not preclude further staff proposals. Such staff proposals, except those initiated in direct response to the written comments submitted by the State land planning agency pursuant to Section 163.3184(6), F.S., and Chapter 9J-11, Florida Administrative Code, shall be finalized no later than the advertised notice of the public hearing to be conducted by the Community Councils pursuant to Section 2-116.1(3)(e), Code of Miami-Dade County. Further staff proposals initiated in direct response to the written comments submitted by the State land planning agency shall be finalized no later than the day the local planning agency adopts its final recommendations pursuant to Section 2-116.1(4)(a), Code of Miami-Dade County. The Department of Planning and Zoning and the local planning agency are authorized to recommend, and the Board of County Commissioners is authorized to adopt, CDMP amendments with changes to include, (a) similarly situated or adjoining property which could be affected by the adoption of a request, (b) staff proposals in whole or in part as provided in this section, (c) changes within the scope of the applications and staff proposals, or (d) changes to ensure internal consistency among plan elements, applications or staff proposals.

On or before June 5th following the filing of April period applications and December 5th following the filing of October period applications, the applications report shall be submitted to the Planning Advisory Board and directly impacted Community Councils as determined by the Director of the Department of Planning and Zoning and shall be available to the public at the same time. Any

small-scale application may be withdrawn by written notice by the applicant filed with the Director on or before the deadline established in paragraph (3)(f) for formulation of recommendations by the Planning Advisory Board acting as the local planning agency, and any standard or transmitted application may be withdrawn by written notice by the applicant filed with the Director on or before the deadline for formulation of final recommendations by the Planning Advisory Board acting as the local planning agency established in paragraph (4)(a), herein. After these dates a withdrawal may be authorized only by affirmative vote of the Board of County Commissioners. However, in no instance shall a filing fee be refunded unless timely request for withdrawal and refund is filed in accordance with paragraph (8), herein.

(c) For the purposes of preparing the initial recommendations of the Department of Planning and Zoning, the Director shall request an evaluation from all county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP as determined by the Director. Such departments and agencies shall respond with a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure and services to the area as well as the costs of annually operating and maintaining such infrastructure and services. The evaluation shall estimate the extent to which the costs of the required infrastructure and services will be borne by the described property or will require general taxpayer support, and an estimate of the amount of such support. The Director shall also request a similar report from non-County authorities and agencies which may be affected by a proposed land use change including but not limited to the Metropolitan Planning Organization, Miami-Dade County Public School District, and the South Florida Water Management District. The Director shall consider responses received in writing by any person or organization, on or before the tenth (10th) day in July following the filing of April period applications and on or before the tenth (10th) day of January following the filing of October period applications. The Director shall also consider and evaluate the information presented at any public workshops which are held in accordance with this section.

(d) On or before the twenty-fifth (25th) day in August following the filing of April period applications and the twenty-fifth (25th) day of February following the filing of October period applications, the Department of Planning and Zoning shall issue its initial recommendations on the applications. The initial recommendations of the Department shall refer to each application specifically or as combined with other similar applications and shall consider all comments, information and recommendations received in accordance with paragraph (c) above. The initial recommendations of the Department are not necessarily limited to specific applications but may deal with any aspect of the Comprehensive Development Master Plan.

(1) The proposed future land use plan map designation of the subject property; the boundary of the subject property and its location in relation to the surrounding street and thoroughfare network shall be shown on (a) map(s);

(2) The land use designations of the subject property and abutting properties currently designated on the future land use plan map shall be shown on (a) map(s);

(3) The size of the subject property in acres or fractions thereof shall be indicated;

(4) A description of the availability of, and the demand on, the following public facilities shall be included: sanitary sewer, solid waste, drainage, potable water, traffic circulation and recreation, as appropriate, and any others deemed appropriate by the Director; and

(5) Information regarding the compatibility of the proposed land use amendments with the objectives and policies of the land use element and those of other affected elements.

(e) Each Community Council may at its option conduct one (1) public hearing per amendment cycle to address proposed CDMP amendment applications, or portions thereof, that would directly impact the Council's area as determined by the Director of the Department of Planning and Zoning. There shall be no Community Council hearings on proposed amendments to the Capital Improvement Element; provided, however, that input from the Community Council shall be solicited in capital projects as part of the budgetary process. All Community Council hearings on CDMP amendment applications shall occur either during September following the filing of April period applications or during March following the filing of October period applications. Upon conclusion of a public hearing addressing CDMP amendment applications, the Community Council may, at its option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on the applications. Recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the applicable applications to the State land planning agency for review and comment, and regarding ultimate adoption, adoption with change, or denial of the applicable applications. Public hearings of Community Councils shall be advertised in the manner provided in the "Requirements for the Conduct of Community Council's Non-Zoning Business" adopted by resolution of the Board of County Commissioners. A decision by any Community Council not to conduct a public hearing or not to adopt recommendations within the time frame established in this paragraph shall not preclude the Planning Advisory Board acting as the Local Planning Agency, or the Board of County Commissioners, from conducting public hearings or taking actions required by this section. In the event that the Board of County Commissioners by ordinance or resolution authorizes or requests a committee, board, council or similar entity to review proposed CDMP amendment applications, such reviews shall also occur during September following the filing of April period applications and during a March following the filing of October period applications.

(f) The Planning Advisory Board acting as the local planning agency shall hold one (1) public hearing in October following the filing of April period applications and in April following the filing of October period applications. Such public hearings shall be preceded by a notice of the time, place and purpose of such hearing published in a newspaper of general circulation in Miami-Dade County not less than ten (10) days prior to the date of the hearing. In the event that the Planning Advisory Board acting as the local planning agency determines it to be necessary or desirable, it may continue the hearing to one (1) or more additional dates during the same month in which the hearing commenced. No additional public notice shall be required for the continued hearing, provided that the date and time are announced at the hearing being continued. The purpose of the public hearing shall be to receive public comments and to address the amendment applications, the initial recommendations of the Department of Planning and Zoning, and the questions of, (1) the adoption of requested small-scale amendments, (2) transmittal of the standard applications and any small-scale amendment applications not recommended for expedited adoption to the State land planning agency for review pursuant to Section 163.3184(6), F.S., and (3) subsequent approval of transmitted applications, by the Board of County Commissioners. At the conclusion of each public hearing conducted pursuant to this paragraph, the Planning Advisory Board acting as the local planning agency shall issue recommendations regarding expedited adoption of any small-scale amendment requests, recommendations regarding transmittal by the Board of County Commissioners, to State agencies for review pursuant to Section 163.3184(3) through (6), F.S., of the standard amendment applications and any small-scale amendment applications not recommended for expedited adoption, and recommendations regarding subsequent final action by the Board of County Commissioners on the transmitted plan amendment(s).

(g) The Board of County Commissioners shall hold one public hearing during November following the filing of April period applications and during May following the filing of October period applications. Hearing(s) held pursuant to this paragraph shall be advertised in accordance with Section 163.3184(15)(b) and (c), F.S., and shall be held on a weekday not less than ten (10) days after the day that the advertisement is published. At these hearings the Department of Planning and Zoning shall present to the Board the listing of applications filed pursuant to Section 2-116.1(3)(b), Code of Miami-Dade County, and the Board shall consider the expedited adoption or adoption with change of any requested small-scale amendments and the transmittal of the standard amendment applications to the State land planning agency and any requested small-scale amendments not adopted. If any requested small-scale amendments will be considered for adoption at a public hearing conducted pursuant to this paragraph, the Department shall, prior to said hearing, submit to the Board of County Commissioners an ordinance for first reading providing for Commission action on said small-scale amendments. The action to adopt any small-scale amendment to the CDMP shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the UDB, or to redesignate to an urban use any land located outside the UDB, shall require a vote of two-thirds (2/3) of the total membership of the County Commission then in office. The transmittal action shall be taken by resolution of the Board of County Commissioners. The resolution

pertaining to transmittal shall also specify that the County requests the State land planning agency to review the transmitted proposed amendments pursuant to section 163.3184(6), F.S. The decision to transmit shall be by affirmative vote of not less than a majority of the total membership of the County Commission then in office. Following the adoption of the resolution pertaining to transmittal, the Board may consider the approval on first reading of one (1) or more ordinances to subsequently take final action on the transmitted applications. The Board of County Commissioners hereby authorizes and directs the County Manager or his designee to transmit all documents and information required by Sections 163.3184(3) and (7), F.S., and Chapter 9J-11, Florida Administrative Code, following the hearing, on behalf of the Board.

(h) The Department of Planning and Zoning shall evaluate all of the information received at the transmittal hearing or within forty-five (45) days after action by Board of County Commissioners addressing transmittal of the applications and may present revised recommendations to the Planning Advisory Board prior to any subsequent public hearing conducted by the Planning Advisory Board.

(4) *Procedures for final actions after transmittal to state review agencies.* After the County Manager or his designee transmits the applications instructed by the Board of County Commissioners pursuant to foregoing paragraph 3(g), subsequent County actions shall be as follows:

(a) The Planning Advisory Board acting as the local planning agency shall conduct a noticed public hearing not more than thirty (30) days after receipt of comments from the State land planning agency pursuant to Section 163.3184(6), F.S.; or if the State land planning agency does not transmit comments within ten (10) days after the due date for transmitting such comments established pursuant to Section 163.3184(6), F.S., the deadline for this hearing shall be forty-five (45) days after said due date for transmitting comments. The purposes of the public hearings shall be to receive public comments on the amendment applications, on any objections, recommendations or comments issued by the State land planning agency, on the recommendations of the Department of Planning and Zoning, and on the question of adoption of the pending applications by the Board of County Commissioners pursuant to Section 163.3184(7), F.S., and to formulate final recommendations. In the event that the Planning Advisory Board acting as the local planning agency determines it to be necessary or desirable, it may continue the hearing to an additional date. No additional public notice shall be required for the continued public hearing, if any, provided that the date and time are announced at the hearing being continued. In no instance shall the local planning agency continue a public hearing to an additional date that would be later than forty-five (45) days after receipt of comments from the State land planning agency or later than ten (10) business days before a public hearing scheduled by the Board of County Commissioners to take final action on the subject applications. The deadlines established in this paragraph may be extended by forty-five (45) days where all pending plan amendments are proposed to implement an Evaluation and Appraisal Report (EAR) adopted pursuant to Section 163.3191, F.S., and the revised deadline is consistent with Section 163.3191(4), F.S.

At the conclusion of the public hearing conducted pursuant to this paragraph, the Planning Advisory Board acting as the local planning agency shall deliberate and formulate final recommendations on the proposed amendments to the Comprehensive Development Master Plan, and shall state its reasons or, in the alternative, shall state its reasons for not making recommendations. The Department of Planning and Zoning may also modify its previous recommendations. If the Local Planning Agency has previously issued recommendations, failure by the Local Planning Agency to timely conduct a public hearing or issue recommendations pursuant to this paragraph shall not preclude the Board of County Commissioners from conducting public hearings and taking final action pursuant to Section 2-116.1(4)(b), herein.

(b) The Board of County Commissioners shall conduct one (1) or more advertised public hearings not later than sixty (60) days after receipt of comments from the State land planning agency or if within ten (10) days after the due date established pursuant to Section 163.3184(6), F.S., the State land planning agency does not transmit comments. At such hearing(s) the Board of County Commissioners shall take final action to adopt, adopt with changes or not adopt each of the applications. Any changes must be within the scope of the applications filed and the proposals made pursuant to, and as authorized by, Sections 2-116.1(2)(a), (b), (c), (d) and (e), and (3)(a) and (b), Code of Miami-Dade County, or within the scope of the written objections, recommendations and comments submitted by the State land planning agency pursuant to Section 163.3184(6), F.S. The deadline established in this paragraph may be extended by sixty (60) days where all pending plan amendments are proposed to implement an EAR adopted pursuant to Section 163.3191(4), F.S., and the revised deadline is consistent with Section 163.3191(4), F.S.

(c) All public hearings conducted by the Board of County Commissioners pursuant to foregoing paragraph (4)(b) to take final action on applications to amend the CDMP shall be advertised in the manner required by Section 163.3184(15), F.S. All such hearings shall be held on a weekday approximately ten (10) days after the date that the advertisement is published. All amendments, modifications, additions or changes to the comprehensive development master plan shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the Urban Development Boundary shall require a vote of two-thirds ($2/3$) of the total membership of the County Commission then in office. Findings, if any, made by the Board of County Commissioners which are not included in the ordinance adopting plan amendments and which provided the basis for adoption or determination not to adopt shall be transmitted to the State land planning agency with the adopted amendments. In addition, the Department of Planning and Zoning shall prepare for transmittal a statement in support of the Commission's actions indicating the relationship, if any, of the changes not previously reviewed by the State land planning agency to the comments, objections and recommendations submitted by said agency pursuant to Section 163.3184(6), F.S. The County Manager is hereby authorized and directed to transmit, on behalf of the Board, the adopted amendments, adopting ordinance and all other necessary information and

documents required by Chapter 9J-11, Florida Administrative Code. Copies of adopted proposals shall be transmitted by the County Manager to said agency after adoption pursuant to Section 163.3184(7), F.S.

(5) Applications filed pursuant to an emergency, compliance agreement, concurrent approval of a Development of Regional Impact (DRI), or to enable reuse of a military base designated for closure or closed by the Federal Government. Notwithstanding other requirements of this subsection, any application filed pursuant to an emergency as provided in Section 163.3187(1)(a), F.S., or pursuant to a compliance agreement as provided in section 163.3184(16), F.S., shall be subject only to the procedural requirements for such applications found in Sections 163.3187 or 163.3184, F.S., respectively, and to the procedural requirements of the resolution or other action of the Board of County Commissioners approving the filing of such application. Applications which are subject to concurrent approval of, or change to, a development of regional impact development order shall be subject only to the procedural requirements for such applications provided in Sections 163.3187(1)(b), and 380.06(6), F.S., and in Section 2-116.1(5)(a)(1) through (7), herein.

(a) *Procedure for amendment concurrently with Development of Regional Impact Development Order.* Applications related to a proposed development of regional impact (DRI) including requests for approval of a substantial deviation from an approved DRI, may be filed at times other than April and October as provided by Sections 163.3187(1)(b), and 380.06(6), F.S., in instances where a CDMP amendment would be necessitated by the DRI approval sought. Such applications shall be processed in accordance with the following provisions:

(1) Whenever an applicant for a DRI development order seeks a related amendment to the CDMP, the applicant must inform the Director of the Department of Planning and Zoning of the amendment requested by filing an application in the form prescribed by the Director pursuant to this section. The application must be accompanied by a copy of the letter submitted to the regional planning council applying for DRI development approval, the data and analysis and any other information specified at the preapplication conference with the regional planning council staff, or its successor agency, upon which the County can determine whether or not to transmit the proposed CDMP amendment pursuant to section 163.3184(3), F.S. The application filing date is hereby deemed to be the later of the dates on which the Director of the Department of Planning and Zoning receives a completed CDMP amendment application, or the date on which the Director receives notification from the regional planning council or its successor agency that the application for development approval is sufficient.

(2) Where an application directly impacts a Community Council as determined by the Director of the Department of Planning and Zonings, the subject Community Council shall be provided with an opportunity to conduct a public hearing and issue recommendations on the application in the manner set forth in paragraph 2-116.1(3)(e), herein; provided however, such hearing and review shall take place within forty (40) days after an application is filed pursuant to this

paragraph and before the public hearing conducted by the Local Planning Agency. The Planning Advisory Board acting as the Local Planning Agency (LPA) shall conduct a public hearing to address the application not later than sixty (60) days after an application is filed pursuant to this paragraph. This public hearing shall be noticed in accordance with the notice provisions contained in Section 2-116.1(3)(f), herein. At the conclusion of the public hearing, the LPA shall issue the following to the Board of County Commissioners: (1) recommendations regarding transmittal of the application by the Board of County Commissioners to the State review agencies pursuant to Section 163.3184(3), F.S.; (2) recommendations regarding whether or not the Board of County Commissioners should request State agency review of the transmitted application pursuant to Section 163.3184(6), F.S.; and (3) recommendations regarding subsequent final action by the Board of County Commissioners on the plan amendment(s) being proposed for transmittal to the State land planning agency.

(3) Not later than eighty (80) days after the filing of an application pursuant to this paragraph, the Board of County Commissioners shall conduct a public hearing and make a determination on the transmittal of the application pursuant to Chapter 163.3184(3), F.S. The public hearing shall be advertised once not later than thirty (30) days after the filing of the application in the manner required by Section 163.3184(15), F.S., for the advertisement of public hearings at which the Board of County Commissioners will consider the transmittal of proposed plan amendments. The transmittal actions of the Board of County Commissioners and the transmittal by the County Manager or his designee shall occur in the manner prescribed in Section 2-116.1(3)(f), herein, for transmittal of applications filed during April or October CDMP amendment filing periods, with the exception that the County Commission at its option may or may not request the State land planning agency to review the proposed amendments and issue written comments pursuant to Section 163.3184(6), F.S.

(4) If the State land planning agency reviews any of the DRI-related proposed CDMP amendment(s) pursuant to Section 163.3184(6), F.S., and issues any written objections and recommendations for modifications, the Planning Advisory Board acting as the local planning agency shall conduct a noticed public hearing in conformance with provisions of paragraphs 2-116.1(4)(a), herein, to address the proposed CDMP amendments. If the State land planning agency sends written notice that none of the subject proposed amendments will be reviewed pursuant to Section 163.3184(6), F.S., or if said agency conducts a review and issues no written objections and recommendations for modifications, the Planning Advisory Board shall not conduct a public hearing pursuant to this paragraph.

(5) The Board of County Commissioners shall take final action on the application filed pursuant to this paragraph at the same public hearing as it acts upon the application for approval of, or the proposed change to, the DRI development order. However, the Board of County Commissioners shall take action separately on the application for development approval or the proposed

change and on the CDMP amendment. This public hearing shall occur no sooner than thirty (30) days and no later than sixty (60) days after receipt of the response from the DCA pursuant to section 163.3184, F.S. This public hearing to consider amending the CDMP shall be advertised in the manner prescribed in Section 163.3184(15), F.S., for the advertisement of public hearings at which the Board of County Commissioners will consider adoption of CDMP amendments.

(6) Board of County Commissioners actions to transmit, adopt, or adopt with changes any application filed pursuant to this paragraph shall be by affirmative vote of not less than a majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the Urban Development Boundary, or to redesignate to urban use any land outside the Urban Development Boundary, shall require the affirmative vote of two-thirds (2/3) of the total membership of the County Commission then in office.

(7) The deadlines established in paragraphs 2-116.1(5)(a)(2) through (5), above, may be extended only at the written request of the applicant received by the Director of the Department of Planning and Zoning prior to the earliest of the dates that the Department submits public hearing advertisements for newspaper publication or mails hearing notices to neighboring property owners. After this date, such written requests may be approved only by motion by the Board of County Commissioners.

(b) *Procedure for amendments implementing military base reuse plans, pursuant to Section 288.975, F.S.* Notwithstanding other requirements of this section, applications requesting amendments to the CDMP, to enable base reuse activities authorized by a base reuse plan approved by record of decision issued by the military branch having jurisdiction over a military base which has been closed or which is designated for closure or realignment, may be filed and approved in accordance with the optional procedures provided in Section 288.975, F.S., and in Section 2-116.1(5)(b) through (5)(b)(12), herein, if authorized by the Board of County Commissioners or County Manager as provided in paragraph (5)(b)(1). CDMP amendments necessary to initially adopt the military base reuse plan pursuant to Section 288.975, F.S., shall be exempt from the limitation on frequency of plan amendments contained in Section 163.3187(2), F.S., and Section 2-116.1(2), herein.

(1) Any decision by Miami-Dade County to use the optional procedure established in Section 288.975 F.S., shall be made by motion or resolution by the Board of County Commissioners. Such decisions shall be made not less than seven (7) days prior to the deadline established in Section 288.975(3), F.S., for issuing notice of intent to the Florida Department of Community Affairs (DCA) and the Department of Commerce (DOC) of the County's intent to use the optional procedure provided in Section 288.975, F.S. If a decision is made to use the optional procedure, the County Manager or his designee shall, within the time

frame established in Section 288.975(3), F.S., notify the secretaries of the DCA and DOC in writing, by hand delivery or return receipt requested, of the County's intent to use the optional provisions of Section 288.975, F.S. The Board of County Commissioners or County Manager may designate a County agency to have principal responsibility to manage the facility or County portion thereof (hereinafter the base management agency). Any written notice issued by the Miami-Dade County Aviation Department to the DOC prior to the effective date of this provision indicating Miami-Dade County's intent to use the optional procedures provided in Section 288.975, F.S., is hereby deemed sufficient and approved.

(2) Whenever Miami-Dade County shall be the host local government as defined in Section 288.975(2)(d), F.S., (a) the Department of Planning and Zoning shall coordinate all CDMP amendment activities in close consultation with, and with the assistance of, the designated base management agency, if any, and (b) the Department of Planning and Zoning, or the Aviation Department solely in the case of Homestead Air Reserve Base, shall request the Florida DOC to coordinate a presubmission workshop in Miami-Dade County pursuant to paragraph 288.975(8) F.S. The Miami-Dade County Department of Planning and Zoning and base management agency shall be the Miami-Dade County agencies with which the DCA and DOC shall coordinate the workshop, and the County shall request the DOC to invite all Miami-Dade County agencies represented on the Miami-Dade County Developmental Impact Committee (DIC) to attend.

(3) Application to amend the CDMP shall be filed with the Department of Planning and Zoning in a form prescribed by the Director pursuant to Section 2-116.1(2)(c), herein, and shall contain all information required by Section 288.975(4)(a) through (4)(e), F.S., and all information necessary to ensure consistency as required by Section 288.975(7), F.S. If all information data and analysis required by Section 288.975, F.S., Chapter 163, Part 2, F.S. and administrative rules adopted thereunder, are not submitted with the application initially submitted, the initial application shall contain a scope of work and schedule for production of all such supporting information, deemed necessary by the Director, for submission on a date specified by the Director which will ensure timely submittal to, and analysis by, the Department of Planning and Zoning and review by the Planning Advisory Board, but not later than the last day of the ninth month following issuance of notice pursuant to Section 2-116.1(5)(b)(1), herein. Applications shall be deemed by the Director to be complete upon his confirmation that the application content and supporting information, data, and analyses reasonably respond to the requirements of laws referenced herein. Completion of an application shall not preclude the preparation or submittal of additional information, data, or analyses by the applicant or Department of Planning and Zoning, or recommendations by the Department for submittal of additional information.

(4) Upon receipt of an application, the Director of Planning and Zoning may distribute the application to the Director of the MPO Secretariat and to other County agencies he deems necessary for review and comment on aspects of the application which pertain to matters under the jurisdiction of the agency and which are within the scope of the Comprehensive Development Master Plan. Any such requested comments shall be returned to the Director of Planning and Zoning by the director of the requested agency or his designee on a date specified by the Director of Planning and Zoning in his request.

(4.5) Not later than seventy (70) days prior to the due date for transmittal of a proposed plan pursuant to Section 288.975(9), F.S., the Director of Planning and Zoning shall submit to the Planning Advisory Board, acting as the Local Planning Agency (LPA), and any Community Council(s) directly impacted by the application as determined by the Director of the Department of Planning and Zoning, the complete application along with supporting information, data and analyses or summaries thereof. The Director shall submit the Department of Planning and Zoning's initial recommendations on the application not less than ten (10) days before the respective public hearing(s) conducted pursuant to Section 2-116.1(5)(b)(5) and (6), herein. In formulating its initial recommendations, the Department of Planning and Zoning shall consider the supporting information submitted by the applicant, government agencies, and timely public comments. The initial recommendations shall reflect consideration of the factors and information noted in Section 2-116.1(3)(d), herein. The Director's recommendations may suggest changes to the application as filed, may address subsequent adoption of the application with or without changes, may recommend production of additional supporting analyses or information, and may recommend an alternative schedule for submission of the application to state review agencies if changes to the application or production of addition information is recommended.

(5) At least six (6) weeks before the date scheduled for the Board of County Commissioners public hearing to be conducted pursuant to Section 2-116.1(5)(b)(7), herein, the Community Council(s) directly impacted, as determined by the Director, by an application filed pursuant to this section may at its option conduct a public hearing and issue recommendations addressing the proposed amendments. The public hearing shall occur in the manner set forth in paragraph 2-116.1(3)(e), herein; provided however, such hearing and review shall occur during the period provided in this paragraph, and before the hearing conducted by the Local Planning Agency.

(6) The Planning Advisory Board acting as the LPA shall conduct one (1) public hearing at least three (3) weeks before the date scheduled for the Board of County Commissioners public hearing to be conducted pursuant to Section 2-116.1(5)(b)(7), herein, and approximately ten (10) days after publication of an advertisement in a newspaper of general circulation in Miami-Dade County. If it finds it necessary, the LPA may continue the public hearing once to a date not

later than three (3) weeks prior to the date scheduled for the Board of County Commissioners hearing. No additional public notice shall be required for the continued hearing provided that the date and time are announced at the hearing being continued. The purpose of the public hearing shall be to receive public comments on the CDMP amendment proposals contained in the application and to address the initial recommendations of the Department of Planning and Zoning, the questions of transmittal of the amendment proposals to State agencies for review pursuant to Section 288.975(9)(a), F.S., and subsequent adoption of the proposed amendments by the Board of County Commissioners, or if justified and necessary in accordance with Section 288.975(9), F.S., a request for an extension of the deadline for transmitting the proposed amendments to the State review agencies. At the conclusion of the public hearing, the Planning Advisory Board acting as the LPA shall issue recommendations regarding transmittal of the amendment proposals to the State for review, and recommendations regarding subsequent final action by the Board of County Commissioners to adopt, adopt with changes, or not adopt the proposed amendments contained in the application, or if necessary to comply with Section 288.975, F.S., to recommend that the Commission request an extension of the deadline for submission.

(7) The Board of County Commissioners shall hold one (1) public hearing not later than fifty (50) weeks after the County Manager or his designee submits the County Manager or his designee submits notice to the DCA and DOC of Miami-Dade County's intent to use the optional provisions of Section 288.975, F.S. The hearing held pursuant to this paragraph shall be advertised in accordance with Sections 163.3184(15)(b) and (c), F.S., and shall be held on a weekday approximately ten (10) days after the day that the advertisement is published. At this hearing the Board shall consider transmitting to the State agencies listed in Section 288.975(8), F.S., (hereinafter State review agencies) a copy of the amendments proposed pursuant to Section 298.975, F.S., or petitioning the secretary of the DCA for an extension of the deadline if justified and necessary, in conformance with Section 288.975(9)(b), F.S. The transmittal action shall be taken by approving on first reading an ordinance to take final action on the proposed amendments. The Board of County Commissioners shall take final action after future public hearing to occur after State review agencies have received the transmitted proposed amendments and had opportunity to review and comment. Notwithstanding any other provision of this Section, petition for extension of the deadline may be approved by motion approved by majority of a quorum of the Board of County Commissioners in attendance at any meeting of the Board of justified and necessary in conformance with Section 288.975(a)(b), F.S. The County Manager or his designee is authorized and directed to transmit to the state review agencies the amendments authorized by approval at first reading along with all supporting information required by Chapters 288.975 and 163, Part 2, F.S., and pertinent administrative rules adopted pursuant thereto. Transmittal shall occur by hand delivery, or certified or express mail service, with return receipt, not later than ten (10) days after approval of transmittal by the Board of County Commissioners, and the transmittal letter shall specify that all State

review agencies shall return comments directly to the Miami-Dade County Department of Planning and Zoning as the County's coordinator of the CDMP amendment process. Not more than five (5) days after transmittal of the proposed plan amendments to the State, the Department of Planning and Zoning shall cause the commencement of the State review period to be advertised in a newspaper of general circulation in Miami-Dade County with invitation for public comments to be submitted to the Department within sixty (60) days after publication of this advertisement. Miami-Dade County shall consider all comments received not later than sixty (60) days after publication of this advertisement. If a listed State review agency has not provided comments within seventy (70) days after transmittal, the Director may determine that comments have not been timely provided and that no objection has been issued by that agency and he may proceed to schedule the activities listed in following paragraphs (8) through (12), herein.

(8) Not later than fourteen (14) days after the Department of Planning and Zoning receives comments from all State review agencies or the Director determines that no additional comments are timely as provided in foregoing Paragraph (7), the Department of Planning and Zoning, in consultation with the base management agency and any other agencies deemed appropriate by the Director of Planning and Zoning, shall issue to the LPA revised recommendations for the Board of County Commissioners to adopt, adopt with changes, or not adopt the proposed amendments.

(9) Not later than thirty (30) days after the Department of Planning and Zoning determines that it has received all timely comments from the listed State review agencies, the Planning Advisory Board acting as the LPA shall conduct a duly noticed public hearing. The purpose of the public hearing shall be to receive public comments on the proposed amendments, on the initial recommendation of the LPA issued prior to transmittal, on any comments received from State review agencies, on the current recommendations of the Department of Planning and Zoning, and on the questions of adoption by the Board of County Commissioners pursuant to Section 288.975, F.S., and to formulate its revised recommendations. In the event that the LPA determines it to be necessary, it may continue the hearing to a date not later than thirty-five (35) days after the Department of Planning and Zoning has received timely comments from the listed State review agencies. No additional public notice shall be required for the continued public hearing, if any, provided that the date and time are announced at the hearing being continued. At the conclusion of the public hearing the Planning Advisory Board acting as the local planning agency shall deliberate and formulate final recommendations. The Department of Planning and Zoning may also modify its previous recommendations. If the Local Planning Agency has issued recommendations prior to transmittal, failure by the Local Planning Agency to timely conduct a public hearing or issue recommendations pursuant to this paragraph shall not preclude the Board of County Commissioners from conducting a public hearing and taking final action pursuant to Section 2-116.1(5)(b)(10), herein.

(10) (a) Not later than sixty (60) days after the Department of Planning and Zoning has received timely comments from all of the State review agencies, the Board of County Commissioners shall conduct a public hearing and shall take final action to adopt, adopt with changes or not to adopt the proposed amendments. Any such changes must be within the scope of the application filed and the proposals made pursuant to, and as authorized by, Section 2-116.1, Code of Miami-Dade County, or within the scope of the written comments received from the State review agencies or other affected persons pursuant to Section 288.975, F.S. The public hearing conducted by the Board of County Commissioners to take final action on the proposed amendments to the CDMP shall be advertised in the manner required by Section 163.3184(15), F.S. The hearing shall be held on a weekday approximately ten (10) days after the date that the advertisement is published. All amendments, modifications, additions or changes to the Comprehensive Development Master Plan shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the Urban Development Boundary (UDB), or to redesignate land outside the UDB to an urban use, shall require a vote of two thirds (2/3) of the total membership of the County Commission then in office.

(b) Whenever the sixty-day period prescribed in the preceding paragraph is waived pursuant to Florida Statutes, the time for the taking of final action upon a proposed amendment implementing a military base reuse plan shall be extended through and including one hundred seventy-nine (179) days after the sixty-day period prescribed by the preceding subsection 2-116.1(5)(b)(10)(a). It is the express intent of this subsection to permit, inter alia, further consideration of an application, even after "final action" under subsection (10)(a). In the event that a hearing under subsection (10)(a) is concluded and a further hearing on the merits is held under this subsection (10)(b), all advertising and other requirements of subsection (10)(a) shall separately apply to such further public hearing. It is provided, however, that once a public hearing is advertised, the same may be recessed without the requirement of further advertisement if the date, time and place of the continuation of the hearing are announced during the hearing at the time the matter is recessed.

(11) Within ten (10) days after adoption of CDMP amendments, the County Manager or his designee shall forward a copy of the adopted amendments to any affected local government and regional and State agencies that submitted comments on the proposed plan amendments. In addition the Department of Planning and Zoning shall publish notice in a newspaper of general circulation in Miami-Dade County indicating how and where a copy of the Plan amendments may be obtained or inspected. The County Manager and County Attorney, in consultation with the Director of Planning and Zoning and the director of the base management agency, are hereby authorized and instructed to resolve any challenge or dispute which may resolve any challenge or dispute which may arise

pursuant to Section 288.975(12), F.S. Miami-Dade County shall utilize the procedures established in Section 288.975(12) through (12)(d), F.S., to resolve any such challenge.

(12) Not later than one hundred thirty-five (135) days following adoption of the base reuse CDMP amendments by the Board of County Commissioners pursuant to Chapter 288.975, F.S., and resolution of any petitions filed pertaining to the amendments, the County Manager, in consultation with the Directors of the Department of Planning and Zoning, base management agency, and other affected County agencies, shall submit for first reading by the Board of County Commissioners any ordinances necessary to create or amend Miami-Dade County's land development regulations necessary to fully implement the CDMP amendments adopted pursuant to Section 12-116.1(5)(b), herein.

(6) *Optional Public Workshops.* At any time prior to final action by the Board of County Commissioners, the Board of County Commissioners, Planning Advisory Board or Department of Planning and Zoning may conduct public workshops in addition to the public hearings required by this Section. Any such public workshop shall be advertised in a newspaper of general circulation in Miami-Dade County at least once seven (7) to fourteen (14) days prior to the date of the workshop.

(7) *Consideration of economic reports, appraisals, etc.* No economic reports or studies, real estate appraisals or reports, and/or written reports of consultants or other experts shall be considered as evidence by either the Planning Advisory Board, Department of Planning and Zoning, or the Board of County Commissioners during their consideration of final action on the amendments unless filed with the Director not later than forty-five (45) days after the Board of County Commissioners takes action to transmit the subject proposed application(s) to the State review agencies. Submittal of such reports after this date is hereby authorized only to respond to objections, recommendations or comments submitted after this date by the State land planning agency or its successor or delegates. This deadline may be waived to permit the submission of such materials addressing matters other than the objections, recommendations or comments of the state land planning agency only after an affirmative vote of the Local Planning Agency or Board of County Commissioners which may approve such submittal of material upon a demonstration by any interested party that an injustice will occur.

(8) *Schedule of fees.* All fees charged for filing, processing and evaluating applications requesting amendments to the Comprehensive Development Master Plan by the Miami-Dade County Department of Planning and Zoning are established by separate administrative order which shall not become effective until approved by the Board of County Commissioners. In approving the administrative order, the Board shall consider the cost to the county in processing amendments to the Comprehensive Development Master Plan. Fees will be returned to any applicant who requests an application withdrawal on or before the fifth work day following the deadlines established in this section for filing applications, or the actual date of filing of an application pursuant to Section 2-116.1(5)(a)(1), herein. After these dates no fees shall be returned to any applicant withdrawing their application without express approval by the Board of County Commissioners. Such administrative order shall also provide that a portion of the fee will

be returned to the applicant for any application which is not eligible for expedited adoption as a small-scale amendment application and which is denied transmittal by the Board of County Commissioners to the State land planning agency or its successor or designees pursuant to Paragraph 2-116.1(3)(g) of this section.

(9) Reserved.

(10) *Adjustment of dates.* Regarding all dates and time computations contained in this section, except those pertaining to advertising dates, when the last day of a time period falls on a Saturday, Sunday, or official County holiday, that time period will be expended to include the following business day.

(11) All references in this Section to Florida Statutes or the Florida Administrative Code shall also refer to any amendments thereto and successor legislation or rules.

(12) *Modifications.* The foregoing procedure shall be the exclusive procedure for amending all elements of the Comprehensive Development Master Plan (CDMP); however, the following modifications to the capital improvements element schedule of improvements shall not be deemed to be amendments to the CDMP and may be made by ordinance of the Board of County Commissioners without regard to foregoing subsections (1) through (7):

(a) Corrections, updates and modifications concerning costs, revenue sources, acceptance of facilities pursuant to dedications which are consistent with the CDMP; and

(b) The date of construction of any facility enumerated in the schedule of improvements provided the facility is not required to prevent existing or anticipated service from falling below the plan's level of service standards.

(Ord. No. 76-4, § 3, 1-20-76; Ord. No. 76-95, § 2, 10-19-76; Ord. No. 78-48, § 2, 7-18-78; Ord. No. 78-49, § 1, 7-18-78; Ord. No. 78-50, § 1, 7-18-78; Ord. No. 78-85, § 1, 11-21-78; Ord. No. 86-97, § 2, 12-16-86; Ord. No. 88-18, § 2, 4-5-88; Ord. No. 89-24, § 2, 4-4-89; Ord. No. 89-66, § 3, 7-11-89; Ord. No. 89-121, § 1, 12-5-89; Ord. No. 90-2, § 2, 1-16-90; Ord. No. 90-19, § 1, 3-6-90; Ord. No. 90-111, § 1, 9-25-90; Ord. No. 90-135, § 1, 12-4-90; Ord. No. 92-17, § 3, 3-17-92; Ord. No. 92-120, § 1, 10-13-92; Ord. No. 93-23, § 2, 3-30-93; Ord. No. 93-131, § 2, 11-16-93; Ord. No. 95-69, § 1, 4-18-95; Ord. No. 95-96, § 1, 6-6-95; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-104, § 1, 7-2-96; Ord. No. 97-150, § 1, 9-9-97; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 98-143, § 11, 9-18-98; Ord. No. 99-30, § 1, 3-18-99; Ord. No. 00-50, § 1, 4-11-00; Ord. No. 01-163, § 1, 10-23-01)

Note: According to Ord. No. 97-150, § 2, adopted September 9, 1997: Any CDMP amendment applications filed prior to the adoption of this ordinance in accordance with the then existing provisions of Section 2-116.1 of the Code of Miami-Dade County shall be processed according to those provisions until this ordinance becomes effective. After this ordinance becomes effective, Section 2-116.1 of the Code as amended by Section 1 of this ordinance shall govern May 1997-98 CDMP amendment cycle activities with the following exceptions to the schedule of activities:

- A) The public hearing and action to be taken by Community Councils and other entities authorized or requested pursuant to paragraph 2-116.1(3)(e) shall occur during October 1997;
- B) The public hearing and action to be taken by the Planning Advisory Board pursuant to paragraph 2-116.1(3)(f) shall occur during November 1997; and
- C) The public hearing and actions to be taken by the Board of County Commissioners pursuant to paragraph 2-116.1(3)(g) shall occur during December 1997.