



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

August 11, 2010

The Honorable Tomas Regalado
Mayor, City of Miami
3500 Pan American Drive
Miami, Florida 33133

Dear Mayor Regalado:

The Department of Community Affairs has completed its review of the City of Miami's remedial comprehensive plan amendment (DCA Number 10-R1), adopted by Ordinance Number 13189 on July 22, 2010, and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes, for compliance, as defined in Subsection 163.3184(1)(b), Florida Statutes. The City's 10-R1 remedial comprehensive plan amendment resolves the compliance issues in the Statement of Intent for the City's 08-1ER amendments related to the Miami River. The Department is issuing a Notice of Intent to find the remedial comprehensive plan amendment in compliance. The Notice of Intent has been sent to the *Miami Herald* for publication on August 12, 2010.

The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), Florida Statutes. No development orders, or permits for a development, dependent on the amendment, may be issued or commence before the plan amendment takes effect. Please be advised that Section 163.3184(8)(c)2, Florida Statutes, requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the Department's Notice of Intent.

Please note that a copy of the adopted City of Miami remedial comprehensive plan amendment and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours at the City of Miami MRC Building, 444 Southwest 2nd Avenue, Third Floor, Planning Department, Miami, Florida 33130.

If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation will not affect the right of any party to an administrative hearing.

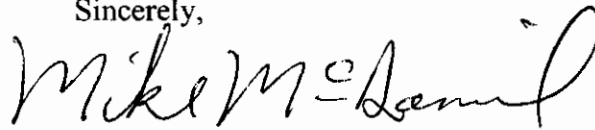
2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100
850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: www.dca.state.fl.us

♦ COMMUNITY PLANNING: 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

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If you have any questions, please contact Bill Pable, AICP, Division of Community Planning at (850) 922-1781.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, looping "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/bp

Enclosure: Notice of Intent

cc: Carlos A. Migoya, City Manager, City of Miami
Ana Gelabert-Sanchez, Director, Planning Department, City of Miami
Hal Ruck, Chief of Community Planning, Planning Department, City of Miami
Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
CUMULATIVE NOTICE OF INTENT TO FIND THE
CITY OF MIAMI COMPREHENSIVE PLAN AMENDMENTS,
GOAL PA-3, OBJECTIVE PA-3.1, AND POLICIES PA-3.1.1 THROUGH 3.1.9,
OBJECTIVE PA-3.2 AND POLICY PA-3.2.1, OBJECTIVE PA-3.3 AND POLICY PA-3.3.1,
OBJECTIVE PA-3.4 AND POLICIES PA-3.4.1 THROUGH 3.4.4 AND POLICY LU-1.4.10,
AND REMEDIAL COMPREHENSIVE PLAN AMENDMENT IN COMPLIANCE
DOCKET NO. 10-R1-NOI-1315-(A)-(I)

The Department issues this cumulative notice of intent to find the City of Miami Comprehensive Plan Amendments Goal PA-3, Objective PA-3.1, and Policies PA-3.1.1 through 3.1.9, Objective PA-3.2 and Policy PA-3.2.1, Objective PA-3.3 and Policy PA-3.3.1, Objective PA-3.4 and Policies PA-3.4.1 through 3.4.4 and Policy LU-1.4.10, adopted by Ordinance No. 13043 on November 13, 2008, and the remedial amendment adopted by Ordinance No. 13189 on July 22, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Miami Comprehensive Plan Amendments and the Department's Objections, Recommendations, and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Miami Planning Department, 444 S.W. 2nd Avenue, Third Floor, Miami, Florida 33130.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Remedial Amendments are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Administration, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief
Office of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF REVISIONS TO PROCESSING PROCEDURES

Effective Date of Revisions to Rule 9J-11 Florida Administrative Code

The Department has revised the procedures for submitting comprehensive plan amendments. These new procedures became effective May 12, 2010.

Reason for Revisions

The revisions implement statutory changes to Chapter 163, Part II, Florida Statutes, related to allowable exemptions from the twice per calendar year limitations and prohibitions that may affect adoption of comprehensive plan amendments. In addition, changes were made to clarify plan amendment submittal requirements based on the Department's recent experience.

Highlight of Revisions

The revised procedures relate to the submittal of proposed and adopted comprehensive plan amendments, including small scale amendments, and a revised RPM-BSP-EXEMPT REVIEW Form used when submitting exempt and small scale amendments. The major revisions to Rule 9J-11, include 1) the deletion of the requirements to submit replacement pages and a revised table of contents to the comprehensive plan; 2) an update to the allowable exemptions to the twice per calendar year limitation; 3) an update to the statutory prohibitions that may affect adoption of comprehensive plan amendments; 4) clarification on the submittal of the de minimis impact report associated with the capital improvement annual update amendment; 5) a requirement that all future land use map amendments be submitted in color format; and 6) the revised RPM-BSP-EXEMPT REVIEW Form to address affordable housing and Areas of Critical State Concern.

Effect of Revisions

The revisions improve the overall comprehensive plan amendment process by helping local governments prepare and submit complete plan amendment packages. The rule provides the local government with a complete list of statutory exemptions and a complete list of possible prohibitions to the amendment process. In addition, the revised rule clarifies submittal requirements and this increases the likelihood that a submittal package will be initially determined complete.

Location of Revisions

The revisions are located on the Division of Community Planning's website to assist local governments with the submittal of their comprehensive plan amendment packages and may be viewed at "**Submitting Comprehensive Plan Amendments and Developments of Regional Impact**" <http://www.dca.state.fl.us/fdcp/dcp/Procedures/index.cfm> .

Additional Information

Ray Eubanks, Plan Processing Administrator

(850) 922-1767

ray.eubanks@dca.state.fl.us