



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

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Governor

THOMAS G. PELHAM
Secretary

April 15, 2009

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COMMUNITY PLANNING
& DEVELOPMENT

The Honorable Kevin Burns
Mayor, City of North Miami
776 Northeast 125th Street
Post Office Box 610850
North Miami, Florida 33161-0850

Dear Mayor Burns:

The Department of Community Affairs has completed its review of the City of North Miami Comprehensive Plan Amendment (DCA Number 09-CIE1) adopted by Ordinance Number 1273 on February 10, 2009 and determined that it meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Subsection 163.3184(1)(b), F.S. The Department is issuing a Notice of Intent to find the Comprehensive Plan Amendment in compliance. The Notice of Intent has been sent to the *Miami Herald* for publication on April 16, 2009.

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), F.S. 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, F.S., requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within five (5) days after receipt of the mailed copy of the agency's Notice of Intent.

Please note that a copy of the adopted City of North Miami 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 North Miami, Clerk's Office, City Hall, 776 N.E. 125th Street, North Miami, Florida 33161-0850.

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) ♦

The Honorable Kevin Burns
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Although the Department has found the City of North Miami adopted amendment 09-CIE1 to be in compliance, the Department identifies the following comments which the City should address:

- The City's Capital Improvements Element update does not include a policy that adopts the 2008/2009-2012/2013 Miami-Dade County Public Schools 5-Year District Facilities Work Plan by reference. The City should adopt the current Public Schools 5-Year District Facilities Work Plan in a subsequent amendment to the City's Comprehensive Plan. The City should include a policy in the Capital Improvements Element to annually adopt the Miami-Dade County Public Schools 5-Year District Facilities Work Plan as part of the annual update to the City's Capital Improvements Element.
- The review letter (for North Miami amendment #09-RWSP1) from the South Florida Water Management District, dated March 23, 2009 (attached) has indicated that the City's new reverse osmosis water treatment plant to be built and completed in 2012/2013 as indicated in the adopted capital improvements element/schedule update, has been postponed to 2014/2015. The City should indicate this delay in its 2010 Capital Improvements Element Five-Year Schedule of Capital Improvements update.

If you have any questions, please contact Sevini Guffey, AICP, Community Planner, at sevini.guffey@dca.state.fl.us or at (850) 922-5315.

Sincerely,



Mike McDaniel, Chief
Office of Comprehensive Planning

MM/skg

Enclosures: Notice of Intent
March 23, 2009 letter from the South Florida Water Management District

cc: Mr. Clarence Patterson, City Manager, City of North Miami
Ms. Maxine Calloway, Esq., AICP, Director of Community Planning & Development
Ms. Carolyn Deckle, AICP, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND
THE CITY OF NORTH MIAMI
COMPREHENSIVE PLAN AMENDMENT(S) IN COMPLIANCE
DOCKET NO. 09-CIE1-NOI-1320-(A)-(I)

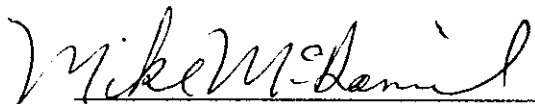
The Department gives notice of its intent to find the Amendment(s) to the Comprehensive Plan for the City of North Miami, adopted by Ordinance No. 1273 on February 10, 2009, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of North Miami Comprehensive Plan Amendment(s) 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 North Miami, Clerk's Office, City Hall, 776 N.E. 125th Street, North Miami 33161-0850.

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 Amendment(s) to the City of North Miami Comprehensive Plan 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 Management Services, 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
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100