



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

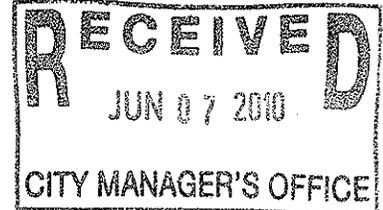
"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

June 2, 2010

The Honorable Philip K. Stoddard, Ph.D.
Mayor, City of South Miami
City of South Miami City Hall
6130 Sunset Drive
South Miami, Florida 33143



Dear Mayor Stoddard:

The Department of Community Affairs has completed its review of the City of South Miami Comprehensive Plan Amendment (DCA Number 10-1ER), adopted by Ordinance Numbers 13-09-2005, 24-09-2016, and 09-10-2034 on July 28, 2009, October 20, 2009, and April 6, 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 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 June 3, 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 South 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 South Miami City Hall, 6130 Sunset Drive, South Miami, Florida 33143.

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 Philip K. Stoddard, Ph.D.
June 2, 2010
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The Department also identified the following advisory comments for the City's consideration.

1. The City should address the following issues in the next update of its Capital Improvements Element (CIE) as part of its ongoing capital improvements planning process:
 - a. The City's most recently adopted five year schedule of capital improvements is current in relation to the date of the Objections, Recommendations, and Comments Report, but it is not current in relation to the date of the adopted amendment. The City should update the schedule using the current fiscal year as the first year of the five year schedule.
 - b. The City should adopt a public education facilities element, and also add a policy to the CIE which adopts the School Board's most recent five year work plan by reference.
 - c. The City should adopt a water supply plan. Include any water supply projects that will be undertaken by the City or provided through a development agreement in the CIE.
2. Ordinance No. 24-09-2016 creates ambiguity because its title and whereas clauses both refer to the Residential/Limited Commercial (RLC) category applying to the S.W. 62nd Avenue corridor. However, the action taken by this ordinance is limited to that portion that follows the phrase "Now therefore, be it ordained... that". Only the text amendment follows that statement. Therefore, the City's 10-1ER amendment does not include any Future Land Use Map changes.

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

Sincerely,



Mike McDaniel, Chief
Office of Comprehensive Planning

MM/bp

Enclosure: Notice of Intent

cc: Buford R. Witt, Acting City Manager, City of South Miami
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
CITY OF SOUTH MIAMI
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 10-1ER-NOI-1323-(A)-(I)

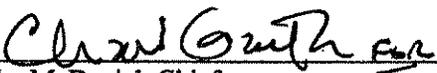
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for the City of South Miami, adopted by Ordinance No. 09-10-2034 on April 6, 2010, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of South Miami Comprehensive Plan Amendment 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 South Miami, Planning and Zoning Department, 6130 Sunset Drive, South Miami, Florida 33143.

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 to the City of South Miami Comprehensive Plan is 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
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100