

# Memorandum



**Date:** (Public Hearing 11-18-15)  
November 3, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

Agenda Item No. 3(D)

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Ordinance for Application No. 4 in the May 2015 Cycle Applications to Amend the  
Comprehensive Development Master Plan

Ordinance No. 15-137

The attached ordinance addresses a Comprehensive Development Master Plan private application that under Rule 5.05(b)(1) of the Board is exempt from Commission sponsorship. The staff analysis and fiscal impact statement for this application are discussed in a separate report that appears on this agenda which, together with this ordinance, were prepared by the Department of Regulatory and Economic Resources.

A handwritten signature in black ink, appearing to read "Jack Osterholt".  

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Jack Osterholt  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 18, 2015

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 3(D)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 3(D)  
11-18-15

ORDINANCE NO. 15-137

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. 4, LOCATED ON THE WEST SIDE OF SW 132 AVENUE AND ±300 FEET NORTH OF SW 136 STREET, FILED IN MAY 2015 CYCLE TO AMEND THE COUNTY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners ("Board") adopted the Miami-Dade County Comprehensive Development Master Plan ("CDMP") in 1988; and

**WHEREAS**, the Board has provided a procedure, codified as Section 2-116.1 of the Code of Miami-Dade County, Florida, to amend, modify, add to, or change the CDMP; and

**WHEREAS**, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, applications to amend the CDMP may be filed with the Planning Division of the Department of Regulatory and Economic Resources ("Department") by private parties or by the County; and

**WHEREAS**, Application No. 4 was filed by a private party in the May 2015 Cycle of Applications to amend the CDMP ("May 2015 CDMP Amendment Cycle") and is contained in the document titled "May 2015 Applications to Amend the Comprehensive Development Master Plan," dated June 22, 2015, and kept on file with and available upon request from the Department; and

**WHEREAS**, Section 163.3187, Florida Statutes, sets forth a process for adoption of small-scale comprehensive plan amendments (“small-scale amendments”); and

**WHEREAS**, Miami-Dade County’s procedures provide for the expedited processing of small-scale amendments that may be adopted as set forth in Section 163.3187, Florida Statutes; and

**WHEREAS**, Application No. 4 is eligible and has requested expedited adoption as a small-scale amendment; and

**WHEREAS**, as required by Section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendations addressing the May 2015 CDMP Amendment Cycle in a report titled “Initial Recommendations May 2015 Applications to Amend the Comprehensive Development Master Plan”, dated August 2015 and kept on file with and available upon request from the Department; and

**WHEREAS**, the directly impacted Community Council and the Planning Advisory Board, acting as the Local Planning Agency, have acted in accordance with the applicable State and County procedures and have conducted public hearings and issued recommendations for the disposition of Application No. 4; and

**WHEREAS**, at the public hearing conducted to address transmittal of the May 2015 CDMP Amendment Cycle to the State Land Planning Agency and other state and regional agencies (“reviewing agencies”), the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 4, or the Board can take action to transmit Application No. 4 to the reviewing agencies; and

**WHEREAS**, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, this Board has conducted the public hearing required by the referenced procedures preparatory to enactment of this ordinance,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

**Section 2.** This Board hereby desires to take action on Application No. 4 filed for review during the May 2015 CDMP Amendment Cycle as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
4	TCAG, LLC, a Florida limited liability company/Alberto J. Parlade, Esq. & Parlade J. Corral, Esq.  West side of SW 132 Avenue and ±300 feet north of SW 136 Street/ (±10.0 gross; ±9.9 net)  <u>Requested CDMP Amendment:</u> Re-designate application site on the Land Use Plan map: From: "Industrial and Office" To: "Office/Residential"  Small Scale Amendment	

**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

**Section 4.** It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an

override by the Board; however, pursuant to Section 163.3187(5)(c), Florida Statutes, the effective date of the small-scale comprehensive plan amendment approved by this ordinance shall be thirty-one (31) days after adoption by the Board, if the amendment is not timely challenged. If challenged within thirty (30) days after adoption, the challenged small-scale comprehensive plan amendment shall not become effective until a final order is issued by the State Land Planning Agency or the Administration Commission determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on such individual amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this individual amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statutes, by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the State Land Planning Agency.

PASSED AND ADOPTED: November 18, 2015

Approved by County Attorney as  
to form and legal sufficiency:

Handwritten signature of the County Attorney, appearing to be 'APW', written over a horizontal line.

Prepared by:

Dennis A. Kerbel