

Memorandum



(Public Hearing 5-21-14)

Date: May 6, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

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

Subject: Application No. 2 in the November 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Agenda Item 3(A)

The attached ordinance relates to a Miami-Dade County Comprehensive Development Master Plan (CDMP) private application. Under Rule 5.05(b)(1) of the Board, this item is exempt from Commission sponsorship. The staff analysis and fiscal impact statement for this application are discussed in a separate item that appears under the Mayoral Reports section of this agenda.

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

Jack Osterholt
Deputy Mayor



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 21, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 3(A)

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
- 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(A)
5-21-14

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 2 LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SW 224 STREET AND SW 112 AVENUE FILED IN NOVEMBER 2013 CYCLE TO AMEND, MODIFY, OR CHANGE CDMP; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade Board of County Commissioners (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 Miami-Dade County Comprehensive Development Master Plan (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 Section 163, Part II, Florida Statutes; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

WHEREAS, Application No. 2 was filed by a private party on or before December 2, 2013 and is contained in the document titled "November 2013 Applications to Amend the Comprehensive Development Master Plan," dated December 23, 2013; and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in section 163.3187, Florida Statutes; and

WHEREAS, Application No. 2 is eligible and has requested expedited adoption as a small-scale CDMP amendment; and

WHEREAS, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the November 2013 Cycle Applications in a report titled "Initial Recommendations November 2013 Applications to Amend the Comprehensive Development Master Plan", dated March 10, 2014, as required by Section 2-116.1, Code of Miami-Dade County; and

WHEREAS, the affected Community Councils, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale CDMP amendment requests; and

WHEREAS, the Board can, by ordinance, take final action to Adopt, Adopt With Change, Not Adopt, or Deny the requested small-scale CDMP amendment Application No. 2 at the public hearing conducted to address the question of transmittal to the State Land Planning Agency and other state and regional agencies (reviewing agencies); and

WHEREAS, the Board will consider approving a resolution transmitting to the State Land Planning Agency and other state and regional agencies any eligible small-scale amendment that is not adopted but not denied, and which this Board desires to further consider after review by the reviewing agencies; and

WHEREAS, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in this Plan; 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, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; 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. 2 filed for review during the November 2013 Cycle for amendments, modifications, additions or changes to the CDMP as follows:

| Application Number | Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text | Final Action |
|--------------------|---|--------------|
| 2 | TLG FL., LLC/Eric Milne, President Southwest corner of the intersection of SW 224 Street and SW 112 Avenue / (±2.643 Gross; ±1.954 Net) <u>Requested CDMP Amendment</u> Redesignate application site on the Land Use Plan (LUP) map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Business and Office" 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 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 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 small-scale 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:

Approved by County Attorney as
to form and legal sufficiency.





Prepared by:

Craig H. Coller