Memorandum

MIAMI-DADE COUNTY

(Public Hearing 5-6-15)

Agenda Item No. 3(B)

Date: April 21, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance for Application No. 2 in the November 2014 Cycle Applications to Amend the Comprehensive Development Master Plan

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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.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: May 6, 2015

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

SUBJECT: Agenda Item No. 3(B)

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(B)
5-6-15

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. 2, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SW 40 STREET AND SW 107 AVENUE, FILED IN NOVEMBER 2014 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. 2 was filed by a private party in the November 2014 Cycle of Applications to amend the CDMP ("November 2014 CDMP Amendment Cycle") and is contained in the document titled "November 2014 Applications to Amend the Comprehensive Development Master Plan," dated December 19, 2014, 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. 2 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 November 2014 CDMP Amendment Cycle in a report titled "Initial Recommendations November 2014 Applications to Amend the Comprehensive Development Master Plan", dated March 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. 2; and

WHEREAS, at the public hearing conducted to address transmittal of the November 2014 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. 2, or the Board can take action to transmit Application No. 2 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. 2 filed for review during the November 2014 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
2	TRR Everglades, LLC. / Patricia M. Baloyra, Esq. Southeast corner of the intersection of SW 40 Street and SW 107 Avenue / (±2.38 gross; ±2.38 net) Requested CDMP Amendment 1. Re-designate application site on the Land Use Plan map: From: "Low Density Residential (2.5 to 6 DU/Ac.)" To: "Business and Office" 2. Add the proffered Declaration of Restrictions to the Restrictions Table in Appendix A on Page I-95 of the CDMP Land Use Element. 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:

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

Dennis A. Kerbel