

# Memorandum



(Public Hearing 4-25-18)

**Date:** April 10, 2018

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

Agenda Item No. 3(B)

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Ordinance for Application No. 3 in the October 2017 Cycle Applications to Amend the Comprehensive Development Master Plan

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 Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

DATE: April 25, 2018

FROM: Abigail Price-Williams  
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
- ☐ 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

Agenda Item No. 3(B)

Veto \_\_\_\_\_

4-25-18

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN;  
PROVIDING DISPOSITION OF APPLICATION NO. 3,  
LOCATED ON THE SOUTHEAST CORNER OF SW 71  
AVENUE AND SW 44 STREET, FILED IN OCTOBER 2017  
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. 3 was filed by a private party in the October 2017 Cycle of Applications to amend the CDMP ("October 2017 CDMP Amendment Cycle") and is contained in the document titled "October 2017 Applications to Amend the Comprehensive Development

Master Plan," dated December 2017, 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. 3 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 recommendation addressing Application No. 3 in a report titled "Initial Recommendations October 2017 Applications to Amend the Comprehensive Development Master Plan", dated March 2018 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. 3; and

**WHEREAS**, at the public hearing conducted to address the October 2017 CDMP Amendment Cycle Applications, the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, Application No. 3, or the Board can take action to transmit Application No. 3 to the State Land Planning Agency or other state and regional agencies ("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,

**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. 3 filed for review during the October 2017 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
3	<p>7050 and 7004 Owner, LLC / Joseph G. Goldstein, Esq. &amp; Tracy R. Slaven, Esq.</p> <p>Southeast corner of SW 71 Avenue and SW 44 Street / (±2.83 acres)</p> <p><u>Requested Amendment to the CDMP:</u></p> <p>1. Redesignate the application site on the LUP map:</p> <p>From: "Industrial and Office"</p> <p>To: "Special District - Ludlam Trail Corridor District"</p> <p>2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board.</p> <p>Small-Scale Amendment</p>	

**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.** Pursuant to Section 163.3187(5)(c), Florida Statutes, the effective date of any 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.

**Section 6.** 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 this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.

Prepared by:

Dennis A. Kerbel

The block contains two handwritten signatures. The first signature, in black ink, appears to be 'APW' and is positioned above the second signature. The second signature, also in black ink, appears to be 'LGA' and is positioned below the first. Both signatures are written over the 'Approved by County Attorney' and 'Prepared by:' lines respectively.A small, handwritten mark, possibly a stylized 'S' or a checkmark, located at the bottom center of the page.