

Memorandum



Date: (Public Hearing 5-20-20)
April 7, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 3(E)

Subject: Ordinance for Application No. CDMP20190025 of the October 2019 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 memorandum 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 Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(E)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) , CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(E)
5-20-20

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. CDMP20190025, LOCATED ON THE SOUTH SIDE OF WEST FLAGLER STREET, BETWEEN SW 79 AVENUE AND SW 78 PLACE, FILED BY SOUTHEAST INVESTMENTS, INC. (C/O THE FERBER COMPANY), IN THE OCTOBER 2019 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 procedures, 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, including the process for adoption of small-scale comprehensive plan amendments ("small-scale amendments") sets forth in section 163.3187, 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, Miami-Dade County's procedures classify applications as either standard or small-scale amendment applications, set forth the processes for adoption of small scale and standard amendments, and require any application seeking adoption as a small-scale amendment to clearly state such request in the application; and

WHEREAS, Miami-Dade County's procedures provide that applications may be filed at any time for expedited processing or filed for processing in the January, May, or October CDMP amendment cycles; and

WHEREAS, Application No. CDMP20190025 was filed by a private party in the October 2019 Cycle of Applications to amend the CDMP (“October 2019 CDMP Amendment Cycle”) and is contained in the document titled “October 2019 Applications to Amend the Comprehensive Development Master Plan”, dated December 2019, and kept on file with and available upon request from the Department; and

WHEREAS, Application No. CDMP20190025 is eligible and has requested 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. CDMP20190025 in a report titled “Initial Recommendations October 2019 Applications to Amend the Comprehensive Development Master Plan”, dated February 2020 and kept on file with and available upon request from the Department; and

WHEREAS, the Department’s initial recommendation addressing Application No. CDMP20190025 is individually available in a Portable Document Format (PDF) file entitled “Initial Recommendations Appl CDMP20190025” on the Department’s website at https://energov.miamidade.gov/EnerGov_Prod/SelfService#/home by searching for plan number “CDMP20190025,” and selecting the tab for “Attachments,” or by following the following weblink directly to the Attachments tab:

https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/07255fec-476a-47b8-86af-bb34a4f9c96a?tab=attachments; and

WHEREAS, in accordance with the applicable County procedures, the directly impacted community council was scheduled to conduct its optional public hearing on the application, but did not achieve a quorum to conduct the public hearing and therefore did not issue a recommendation on Application No. CDMP20190025; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accordance with the applicable State and County procedures and has conducted a public hearing and issued a recommendation for the disposition of Application No. CDMP20190025; and

WHEREAS, at the public hearing conducted to address the October 2019 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. CDMP20190025, or the Board can take action to transmit Application No. CDMP20190025 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. CDMP20190025 filed for review during the October 2019 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
CDMP20190025	Southeast Investments, Inc. (c/o The Ferber Company)/ Hugo P. Arza, Esq., & Amanda M. Naldjieff, Esq. South side of West Flagler Street, Between SW 79 Avenue and SW 78 Place / (±1.08 net acres) <u>Requested Amendment to the CDMP:</u> 1. Redesignate the application site: From: "Office/Residential" and "Low-Medium Density Residential (6 to 13 dwelling units per 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. 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

Handwritten signature in blue ink, appearing to read "APW" above a horizontal line, with a second signature below it.