

ORDINANCE NO. 14-101

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); PROVIDING DISPOSITION OF APPLICATION NO. 3 LOCATED BETWEEN NW 47 AND NW 57 AVENUES AND BETWEEN NW 199 STREET AND THE SNAKE CREEK CANAL 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. 3 was filed by Miami-Dade County and included in the November 2013 Cycle of Applications to Amend the Comprehensive Development Master Plan; 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 may issue final recommendations on transmitted applications prior to final action by the Board; and

**WHEREAS**, the affected Community Council, the Planning Advisory Board, and the Department have acted in accordance with the referenced State and County procedures and have accepted this application, conducted public hearings and issued recommendations for the disposition of the CDMP amendment request; and

**WHEREAS**, the Board must take final action to Adopt, Adopt With Change or Deny the application to amend the CDMP no later than forty (45) days after receipt of written comments from the reviewing agencies addressing transmitted applications, unless a greater time period is deemed necessary by the Director of the Department, pursuant to Section 2-116.1(4)(a) of the Code of Miami-Dade County, Florida; 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. 3 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
3	Miami-Dade County/Jack Osterholt, Deputy Mayor/Director, Department of Regulatory and Economic Resources; and Lester Sola, Director, Internal Services Department  Between NW 47 and NW 57 Avenues and between NW 199 Street and the Snake Creek Canal 112 Avenue  (±165.9 gross acres; ±162.7 net acres)  <u>Requested CDMP Amendment</u>  1. Redesignate application site on the LUP map From: “Institutions, Utilities, and Communications” To: “Business and Office”  2. Amend the CDMP Land Use Element to limit development on the application site to a maximum floor area ratio (FAR) of 0.35  Standard Amendment	Adopt As Transmitted

**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 this Board; however, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of the adopted plan amendment included within this ordinance shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on the adopted amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the adopted 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: October 9, 2014

Approved by County Attorney as  
to form and legal sufficiency. \_\_\_\_\_

Prepared by: \_\_\_\_\_

Craig H. Coller