

**Date:** September 22, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

Agenda Item No. 3(A)

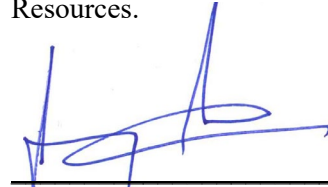
**From:** Daniella Levine Cava  
Mayor



**Subject:** Ordinance for Out-of-Cycle Application No. CDMP20220007 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’s rules of procedure, is exempt from commissioner sponsorship. The staff analysis and fiscal impact statement for this application are discussed in a separate report that is referenced in the ordinance and that will be presented as a supplement on the CDMP meeting agenda, which, together with this ordinance, were prepared by the Department of Regulatory and Economic Resources.



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Jimmy Morales  
Chief Operations Officer



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** September 22, 2022

**FROM:**   
Gen Bonzon-Keenan  
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
- 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(A)  
9-22-22

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

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. CDMP20220007, LOCATED BETWEEN BISCAYNE BOULEVARD AND NE 14 AVENUE AND BETWEEN NE 111 STREET AND NE 115 STREET, FILED BY BISCAYNE BLVD INVESTMENTS, LLC., AS AN OUT-OF-CYCLE APPLICATION 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, Code of Miami-Dade County, 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”) set 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 for processing in the January, May, or October CDMP amendment cycles or filed at any time for out-of-cycle processing; and

**WHEREAS**, Miami-Dade County's procedures also provide for the processing of CDMP amendment applications concurrently with zoning applications; and

**WHEREAS**, Application No. CDMP20220007 (the "Application") was filed by a private party as an Out-of-Cycle Application to amend the CDMP ("Out-of-Cycle Application") and is contained in the document titled "Out-of-Cycle Application No. CDMP20220007 to Amend the Comprehensive Development Master Plan", dated April 2022, and kept on file with and available upon request from the Department; and

**WHEREAS**, the Application is eligible and has requested adoption as a small-scale amendment; and

**WHEREAS**, the Applicant has not requested to be processed concurrently with a Zoning Application; and

**WHEREAS**, as required by section 2-116.1, Code of Miami-Dade County, the Department issued its initial recommendation addressing the Application in a report titled "Initial Recommendations Application No. CDMP20220007 to Amend the Comprehensive Development Master Plan", dated August 2022 and kept on file with and available upon request from the Department; and

**WHEREAS**, the Department’s initial recommendation addressing the Application is individually available in a Portable Document Format (PDF) file entitled “Initial Recommendations Appl CDMP20220007” on the Department’s website at [https://energov.miamidade.gov/EnerGov\\_Prod/SelfService#/home](https://energov.miamidade.gov/EnerGov_Prod/SelfService#/home) by searching for plan number “CDMP20220007,” and selecting the tab for “Attachments,” or at the following weblink to the Attachments tab: [https://energov.miamidade.gov/EnerGov\\_Prod/SelfService#/plan/c0bd09f9-118f-49ce-a6cf-3ef0673ec487?tab=attachments](https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/c0bd09f9-118f-49ce-a6cf-3ef0673ec487?tab=attachments); and

**WHEREAS**, the directly impacted community council did not have sufficient members to achieve the quorum necessary to conduct a public hearing and therefore did not issue a recommendation on the Application; 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 public a hearing and issued a recommendation for the disposition of the Application; and

**WHEREAS**, at the public hearing conducted to address the Application, the Board can, by ordinance, take final action to adopt, adopt with change, or not adopt the requested small-scale amendment, or the Board can take action to transmit the Application 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. CDMP20220007 as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
CDMP20220007	<p>Biscayne Blvd Investments, LLC / Jeffrey Bercow, Esq., Matthew Amster, Esq., and Emily Balter, Esq., Bercow Radell Fernandez Larkin &amp; Tapanes, PLLC</p> <p>Between Biscayne Boulevard and NE 14 Avenue between NE 111 Street and NE 115 Street/ ±15.52 gross acres ±14.42 net acres</p> <p><u>Requested Amendment to the CDMP</u></p> <p>1) Release Declaration of Restrictions recorded in Official Records Book 24467, Pages 3303 through 3317 in the Public Records of Miami-Dade County (the “2006 CDMP Covenant”).</p> <p>2) Add three (3) separate Amended and Restated Declarations of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners.</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.

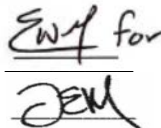
**Section 4.** It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County.

**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 31 days after adoption by the Board, if the amendment is not timely challenged. If challenged within 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:

Handwritten signature consisting of "EWF for" above a horizontal line, and "JEM" below the line.

Prepared by:

Lauren E. Morse  
Dennis A. Kerbel