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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

Date: November 21, 2024

Agenda Item No. 7(A)

To: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

Ordinance No. 24-133

Subject: Ordinance for May 2023 Cycle Application No. CDMP20230011 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 appears on this agenda, which, together with this ordinance, were prepared by the Department of Regulatory and Economic Resources.

Jimmy Morales
Chief Operations Officer

MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodríguez
and Members, Board of County Commissioners

DATE: November 21, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(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. 7(A)
11-21-24

ORDINANCE NO. **24-133**

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF APPLICATION NO. CDMP20230011, LOCATED BETWEEN SW 252 STREET AND SW 256 STREET, AND SW 142 AVENUE AND SW 144 AVENUE, FILED BY TMC NARANJA 66 HOLDINGS, LLC, IN THE MAY 2023 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, 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; 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. CDMP20230011 (the "Application") was filed by a private party in the May 2023 Cycle of Applications to amend the CDMP ("May 2023 CDMP Amendment Cycle") and is contained in the document titled "May 2023 Cycle Applications to Amend the Comprehensive Development Master Plan", dated June 2023, and kept on file with and available upon request from the Department; and

WHEREAS, the Application has also requested to be processed concurrently with Zoning Application No. Z2023000179; 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 Recommendation May 2023 Cycle Application No. CDMP20230011 to Amend the Comprehensive Development Master Plan", dated October 2023 and kept on file with and available upon request from the Department; and

WHEREAS, the Department's initial recommendation addressing the Application is available in a Portable Document Format (PDF) file entitled "Initial Recommendations CDMP20230011" on the Department's website at https://energov.miamidade.gov/EnerGov_Prod/SelfService#/home by searching for plan number "CDMP20230011," and selecting the tab for "Attachments," or at the following weblink to the Attachments tab: https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/2846032a-1d3d-4f2f-ad88-9d514cb84a61?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 have sufficient members to form a quorum to conduct the 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 a public hearing and issued recommendation for the disposition of the Application; and

WHEREAS, section 2-116.1(3)(h), requires the Board of County Commissioners to hold a public hearing within 180 calendar days after the Application filing period unless a greater time is deemed necessary by the Board of County Commissioners, or the Department Director extends the time at the applicant's request prior to the earliest deadline for the publication of required public hearing notices; and

WHEREAS, by letter dated October 18, 2023, the applicant requested deferral of the Board of County Commissioners' public hearing on the Application, to work with County agencies to address issues related to the Application, and the Director approved the requested extensions; and

WHEREAS, at the public hearing conducted to address transmittal of the standard Application to the State Land Planning Agency and other state and regional agencies ("reviewing agencies"), the Board by resolution, transmitted the Application 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,

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 takes action on the Application as follows:

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
CDMP 20230011	TMC Naranja 66 Holdings, LLC / Javier L. Vasquez, Esq., Berger Singerman LLP / Located between SW 252 Street and SW 256 Street and between SW 142 Avenue and SW 144 Avenue / ±21.8 gross acres. Requested Amendment to the CDMP 1. Expand the 2030 Urban Development Boundary (UDB) to include the Application area; 2. Redesignate the application site on the LUP map: From: "Agriculture (1 Dwelling Unit per 5 Gross Acres)" To: "Special District"; 3. Revise the CDMP Land Use Element "Special District" text to create the "Westend at Princeton" District; and 4. Add the proffered Declaration of Restrictions to the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners. Standard Amendment	Adopt with Change and with Acceptance of the Proffered Declaration of Restrictions, as recommended by staff. [Change includes: 1) revise the Applicant's proposed "Special District" text creating the "Westend at Princeton" District including the description of the District, the requirement for bicycle and pedestrian facilities, allowing agricultural uses to continue on the site until construction commences, and amending the Floor Area Ratio; 2) revise Policy LU-8G(i)(d) to allow a property located south of Eureka Drive to be considered for UDB expansion if: i) it is partially zoned within a designated Urban Center, ii) is located within one-half mile of the South Dade Transitway and is situated in the Miami-Dade County Transportation Infrastructure Improvement District (TIID), and iii) consists of a single folio, not combined with any other property, as of January 24,

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Final Action
		2024; and 3) add text to Policy LU-8G(iii) to include locations that meet the exception criteria of Policy LU-8G(i)(d) as land areas to be given priority for inclusion within the UDB.

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 section 2-116.1, Code of Miami-Dade County.

Section 5. Pursuant to section 163.3184(3)(c)4, Florida Statutes, the effective date of any plan amendment adopted in 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 plan 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 the plan amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the plan 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: November 21, 2024

Approved by County Attorney as to form and legal sufficiency.



Prepared by:

James Eddie Kirtley