

MEMORANDUM

Agenda Item No. 7(A)
(Second Reading 5-7-24)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 19, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning and right-of-way plan in the unincorporated area; amending section 33-133 of the Code; eliminating from the right-of-way plan and minimum street width requirements the portion of SW 2nd Street for 585 feet west of the west right-of-way line of SW 137th Avenue

Ordinance No. 24-41

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: May 7, 2024

To: Honorable Chairman Oliver G. Gilbert III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning and Right-of-Way Plan Unincorp
Area – Amending Sec 33-133

The implementation of this Ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



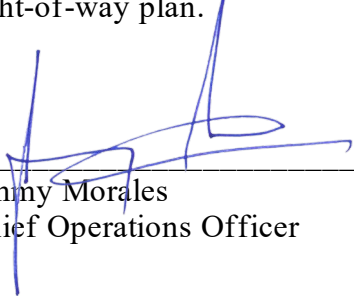
Date: May 7, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning - Revising the Code to Eliminate from the Right-of-Way Plan and Minimum Street Width Requirements a Portion of SW 2nd Street

The proposed ordinance amends Section 33-133 of the Code of Miami-Dade County (Code) to eliminate from the right-of-way plan and minimum street width requirements the portion of SW 2nd Street for 585 feet west of the west right-of-way line of NW 137th Avenue. The proposed elimination of a portion of SW 2nd Street would be consistent with the approved text amendment of the Comprehensive Development Master Plan ("CDMP") pursuant to CDMP20210006 to allow for a truck terminal located west of SW 137 Avenue, north of theoretical SW 2nd Street and south of theoretical NW 6th Street. This roadway segment is not needed to provide connectivity to other County roadways nor the truck terminal property. The Departments of Regulatory and Economic Resources and Transportation and Public Works have reviewed the request and do not object to the removal of that portion of roadway from the right-of-way plan.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 7, 2024

FROM: 
Gen 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)
5-7-24

ORDINANCE NO. 24-41

ORDINANCE RELATING TO ZONING AND RIGHT-OF-WAY PLAN IN THE UNINCORPORATED AREA; AMENDING SECTION 33-133 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ELIMINATING FROM THE RIGHT-OF-WAY PLAN AND MINIMUM STREET WIDTH REQUIREMENTS THE PORTION OF SW 2ND STREET FOR 585 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF SW 137TH AVENUE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissions approved a text amendment of the Comprehensive Development Master Plan (“CDMP”) pursuant to CDMP20210006 to allow for a truck terminal and support operation located on that an approximately 40 acre parcel of land, generally located west of SW 137 Avenue, north of theoretical SW 2nd Street and south of theoretical NW 6th Street, in Miami-Dade County, Florida (“Property”); and

WHEREAS, the County’s right-of-way plan currently designates SW 2nd Street as a half-section line roadway; and

WHEREAS, that certain portion of SW 2nd Street for 585 feet west of the west right-of-way line of SW 137th Avenue (the “roadway segment”) currently coincides with the County's Urban Development Boundary and is not currently improved with any roadway; and

WHEREAS, despite its designation as a half-section line roadway, the roadway segment is not needed to provide connectivity to other County roadways nor the Property; and

WHEREAS, the County's Department of Regulatory and Economic Resources Department and Transportation and Public Works department have reviewed the request and do not object to the removal of that portion of roadway from the right-of-way plan,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are approved and are incorporated herein.

Section 2. Section 33-133 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33-133. - Right-of-way plan and minimum width of streets and ways.

The minimum right-of-way widths for streets, roads and public ways for the unincorporated area of the County shall be as follows:

* * *

- (C) Except as may be provided in Sections 33-133(A) and (B) hereof, on all section lines, eighty (80) feet shall be the minimum right-of-way width, and on all other half-section (also known as quarter-section) lines, seventy (70) feet shall be the minimum official right-of-way width. The provisions of this subsection shall not apply to:

* * *

>>(12) That portion of SW 2nd Street for 585 feet west of the west right-of-way-line of SW 137th Avenue.<<

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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 by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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.

PASSED AND ADOPTED:

May 7, 2024

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK
JEM

Prepared by:

Lauren E. Morse

Prime Sponsor: Commissioner Juan Carlos Bermudez