

# Memorandum



**Date:** (Public Hearing 9-27-18)  
July 25, 2018

Agenda Item No. 7(C)

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, written over the printed name.

**Subject:** Ordinance for Application No. 5 in the January 2018 Cycle Applications to Amend the Comprehensive Development Master Plan

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The attached ordinance addresses a Comprehensive Development Master Plan application that appears on the agenda pursuant to the Board of County Commissioners Resolution No. R-663-18, which directed the Mayor or Mayor's designee to file a CDMP amendment application to amend the requirement of the Ludlam Trail Corridor District that all portions of the Ludlam Trail Corridor District receive final abandonment approval from the US Surface Transportation Board, so that the requirement could also be satisfied through an interim trail use agreement or other trails-to-trails approval. 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.

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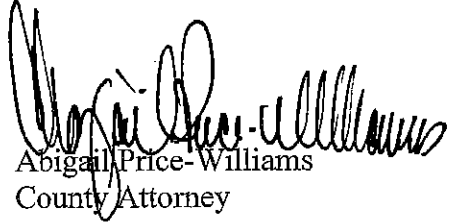
Jack Osterholt  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** September 27, 2018

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 7(C)

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 \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) 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(C)  
9-27-18

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

ORDINANCE RELATING TO MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN; PROVIDING DISPOSITION OF STANDARD APPLICATION NO. 5 AMENDING THE INTERPRETIVE TEXT OF THE LAND USE ELEMENT LUDLAM TRAIL CORRIDOR DISTRICT, FILED BY THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES, IN JANUARY 2018 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 a procedure, 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; 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**, Application No. 5 was filed by the Department and included in the January 2018 Cycle of Applications to amend the CDMP ("January 2018 CDMP Amendment Cycle") pursuant to section 2-116.1(3)(b), Code of Miami-Dade County; and

**WHEREAS**, as required by Section 2-116.1, the Department issued its initial recommendation addressing the January 2018 Cycle standard application in a report titled "Initial Recommendations January 2018 Applications to Amend the Comprehensive Development Master Plan," dated June 2018, and kept on file with and available upon request from the Department; 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. 5; and

**WHEREAS**, at the public hearing conducted to address transmittal of the January 2018 Cycle standard application to the State Land Planning Agency and other state and regional agencies ("reviewing agencies"), the Board by resolution, transmitted Application No. 5 to the reviewing agencies; and

**WHEREAS**, the Board must take final action to adopt, adopt with change, or not adopt Application No. 5 to amend the CDMP no later than forty five (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**, 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 hearings 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 Application No. 5 filed for review during the January 2018 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
5	Miami-Dade County/Jack Olsterholt, Deputy Mayor/Director Requested Amendment to the CDMP:  Amend the requirement in the CDMP Land Use Element that all portions of the Ludlam Trail Corridor receive final abandonment approval from the US Surface Transportation Board, so that the requirement could also be satisfied through an interim trails use agreement or other rails-to-trails approval.  Standard 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.

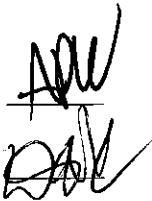
**Section 5.** Pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of any plan amendment adopted in this ordinance shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. 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:

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:

Dennis A. Kerbel