



MEMORANDUM
Harvey Ruvin
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LUDC
Agenda Item No. 6(A)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Land Use and Development
Committee

DATE: March 13, 2014

FROM: Christopher Agrippa, Director
Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Land Use and Development Committee:

February 13, 2014

Attachment
CA/jm



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

**CLERK'S SUMMARY OF
Meeting Minutes
Land Use & Development Committee**

Jose "Pepe" Diaz (12) Chair; Xavier L. Suarez (7) Vice Chair; Commissioners Lynda Bell (8), Barbara Jordan (1), and Audrey M. Edmonson (3)

Thursday, February 13, 2014

9:30 AM

COMMISSION CHAMBERS

Members Present: Lynda Bell, Jose "Pepe" Diaz, Audrey M. Edmonson, Barbara J. Jordan, Xavier L. Suarez.

Members Absent: None.

Members Late: None.

Members Excused: None.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Judy Marsh, Commission Reporter, (305) 375-1967*

**1A INVOCATION AS PROVIDED IN RULE 5.05
(H)**

Report: *The Invocation was presented by Mr. Michael Roan, followed by the Pledge of Allegiance.*

1B ROLL CALL

Report: *The following staff members were present: Deputy Mayor Jack Osterholt; Assistant County Attorneys Dennis Kerbel and Abbie Schwaderer-Raurell; and Deputy Clerks Cynthia White and Alan Eisenberg.*

Chairman Diaz called the meeting to order at 9:46 a.m.

Assistant County Attorney Abbie Schwaderer-Raurell advised that Agenda Items 1F1 Supplement and 1F2 Supplement were added to today's (2/13) agenda.

Chairman Diaz requested that Agenda Item 1F1 and 1F1 Supplement be deferred.

It was moved by Commissioner Suarez that the February 13, 2014 Land Use and Development Committee Agenda be approved, with the changes noted in County Commission Chairwoman Sosa's memorandum entitled "Requested Changes to the Land Use & Development Committee Agenda," and the additional change noted by Chairman Diaz. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 4-0 (Commissioner Bell was absent).

1C PLEDGE OF ALLEGIANCE

1D SPECIAL PRESENTATIONS (SCHEDULED TO BEGIN AT 9:00 AM)

1D1

140205 Service Awards

Rebeca Sosa

PRESENTATION OF SERVICE AWARDS TO THE FOLLOWING EMPLOYEE:

Presented

GERALD A. SOMERSET - RER - 30 YEARS

1E DISCUSSION ITEMS

1F PUBLIC HEARINGS

1F1

132338 Ordinance**Jose "Pepe" Diaz**

ORDINANCE RELATING TO ZONING AND SUBDIVISION REGULATIONS; PROVIDING MINIMUM LOT REQUIREMENTS FOR LOTS WITH WATER BODIES; AMENDING SECTIONS 33-1, 33-49, AND 28-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); CREATING SECTION 33-6.1 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

*Deferred to no date certain**Mover: Suarez**Seconder: Edmonson**Vote: 4-0**Absent: Bell*

1F1 SUPP

140315 Supplement

FISCAL IMPACT STATEMENT TO ORDINANCE RELATING TO ZONING AND SUBDIVISION REGULATIONS; PROVIDING MINIMUM LOT REQUIREMENTS FOR LOTS WITH WATER BODIES; AMENDING SECTIONS 33-1, 33-49, AND 28-1 OF THE CODE

*Deferred to no date certain**Mover: Suarez**Seconder: Edmonson**Vote: 4-0**Absent: Bell*

1F2

132585 Ordinance**Jose "Pepe" Diaz**

ORDINANCE RELATING TO ZONING; REVISING REGULATIONS PERTAINING TO ADMINISTRATIVE MODIFICATIONS AND ADJUSTMENTS; AMENDING SECTIONS 33-36.1 AND 33-310.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Amended

Report: (See Agenda Item 1F2 Amended; Legislative File No. 140416)

1F2 Amended

140416 Ordinance

Jose "Pepe" Diaz

ORDINANCE RELATING TO ZONING; REVISING REGULATIONS PERTAINING TO ADMINISTRATIVE MODIFICATIONS AND ADJUSTMENTS; AMENDING SECTIONS 33-36.1 AND 33-310.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 132585]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Suarez

Seconder: Edmonson

Vote: 4-0

Absent: Bell

Report: *Assistant County Attorney Abbie Schwaderer-Raurell read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Chairman Diaz closed the public hearing after no one appeared wishing to speak.

Mr. Eric Silva, Assistant Director, Development Services Division, Department of Regulatory and Economic Resources (RER), noted the following amendments to this proposed ordinance: to add "for non-residential developments" at the end of No. 10 on handwritten page 8; and to revise No. 11 to reflect the following language "the modification or elimination will not result in any additional residential units." He advised these amendments were to treat residential developments separately from commercial developments.

Commissioner Jordan said this ordinance appeared to provide the developer with the ability to file an application for an administrative adjustment, in lieu of the homeowner, and approved by the Administration.

Mr. Silva explained that currently an individual homeowner could file an application for an administrative adjustment. He noted this would allow a developer to apply for an administrative adjustment for up to six lots within one subdivision.

The Committee members proceeded to vote on the foregoing ordinance, as amended.

1F2 SUPP

140316 Supplement

FISCAL IMPACT STATEMENT TO ORDINANCE
RELATING TO ZONING; REVISING REGULATIONS
PERTAINING TO ADMINISTRATIVE MODIFICATIONS
AND ADJUSTMENTS; AMENDING SECTIONS 33-36.1
AND 33-310.1 OF THE CODE

*Forwarded to BCC with a favorable
recommendation with committee
amendment(s)
Mover: Suarez
Seconder: Edmonson
Vote: 4-0
Absent: Bell*

1F3

132472 Ordinance

Rebeca Sosa,

Lynda Bell, Audrey M. Edmonson

ORDINANCE AMENDING SECTION 2-116.1 OF THE
CODE OF MIAMI-DADE COUNTY, FLORIDA;
AMENDING PROCEDURE FOR AMENDING
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
RELATING TO URBAN DEVELOPMENT BOUNDARY;
PROVIDING SEVERABILITY, INCLUSION IN THE
CODE, AND AN EFFECTIVE DATE

Amended

Report: *(See Item 1F3 Amended; Legislative File No.
140394)*

1F3 Amended

140394 Ordinance

Rebeca Sosa,

Lynda Bell, Audrey M. Edmonson

ORDINANCE AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PROCEDURE FOR AMENDING COMPREHENSIVE DEVELOPMENT MASTER PLAN; RELATING TO URBAN DEVELOPMENT BOUNDARY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE 132472]

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Bell

Seconder: Edmonson

Vote: 5-0

Report: *Assistant County Attorney Abbie Schwaderer-Rawell read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Ms. Celeste De Palma, representing Tropical Audubon Society, 5530 Sunset Drive, Miami 33143, appeared in support of the foregoing proposed ordinance. She thanked the sponsors of this proposal for ensuring future sustainable growth, safeguarding the County's resources, and preventing the hole-in-the donut scenario in the future.

Ms. Laura Reynolds, representing Tropical Audubon Society, 5530 Sunset Drive, appeared in support of the foregoing proposed ordinance.

Mr. Jeffrey Bercow, Bercow, Radell and Fernandez, 200 South Biscayne Boulevard, appeared before the Committee. He noted he sent an email to the commissioners with a suggested revision and clarification of this proposed ordinance. Mr. Bercow said he understood the intent of this proposal; however, suggested the words "the approval of" be added after the phrase "shall be filed where" and the word "located" be added before the phrase "outside of the UDB" on handwritten page 5. He noted he believed these suggestions clarified and strengthened the ordinance.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

Commissioner Edmonson inquired about the impact of Mr. Bercow's proposed language on this

ordinance.

In response to Commissioner Edmonson, Assistant County Attorney Dennis Kerbel asked the Planning Director to comment on the language.

Mr. Mark Woerner, Assistant Director of Planning, Planning Division, Department of Regulatory and Economic Resources (RER), said he did not believe Mr. Bercow's suggestion to include the language "the approval of" was helpful in clarifying the intent of this ordinance, but believed it was helpful to insert the word "located" in the last sentence. He presented a chart showing prior approval of the Beacon Lakes and Shoppyland applications which came in simultaneously and resulted in a hole-in-the donut area. Mr. Woerner said the requirement of this proposed ordinance that no application to expand the area within the Urban Development Boundary (UDB) shall be filed where such application would result in an area of land outside of the UDB being more than 75 percent surrounded by land that is within the UDB, would ensure that a similar situation did not occur. He noted an applicant could not proceed if he/she did not meet this requirement.

Chairman Diaz expressed concern that a hole-in-the donut could still be created if both applications were approved simultaneously or separately.

Chairman Diaz said he believed it was worse being inside the 75 percent area than being outside, and asked how this could be addressed.

In response to Chairman Diaz, Mr. Woerner said this issue could be addressed by requiring that the application must be within one mile outside of the UDB.

Chairman Diaz noted he perceived complaints in the future based on this rule.

Commissioner Edmonson expressed concern regarding moving the UDB. She spoke in support of the foregoing proposed ordinance as written, except to add the word "located" as recommended by Mr. Bercow.

Commissioner Bell noted her concern about amending this proposal in the absence of County Commission Chairwoman Sosa, the Prime Sponsor. She said she would prefer, as a Co-

Sponsor of this item that it be forwarded to the County Commission; however, she concurred with adding the word "located" as an amendment.

Commissioner Bell recommended that Mr. Bercow meet with Chairwoman Sosa regarding his suggestions.

Chairman Diaz said if this proposal were to be approved, the UDB should be permanent and voters should be allowed to vote on the UDB before it was moved. He noted once an application was filed, it would be difficult for another application to be filed pursuant to the proposed guidelines.

Mr. Woerner presented a second scenario in which both applications could be approved independently. He noted this was implementing a minimal rule in order to not repeat past mistakes.

Chairman Diaz said he would be proposing legislation to allow voters an opportunity to decide if the UDB should be moved. He noted the proposed ordinance would affect many applications and many cities. Chairman Diaz said he would meet with staff to get a better understanding and present his suggestions to the County Commission. He noted this proposal would hinder many applications. Chairman Diaz concurred that something must be done to control western growth.

In response to Commissioner Edmonson's inquiry whether the County Commission could make the UDB permanent, Assistant County Attorney Kerbel advised that the Florida Legislature adopted recent legislation that limits the ability to subject Comprehensive Plan amendments to referenda. He noted staff needed to evaluate how this legislation would impact the County's Charter.

Responding to Commissioner Edmonson's request that he determine whether the UDB could be made permanent, Assistant County Attorney Kerbel noted it would be part of the legislation requested by Chairman Diaz.

Chairman Diaz said his proposal was that everything else would be through a referendum, provided there were reasonable areas for potential growth and expansion. He asked Assistant County Attorney Kerbel to review this issue.

The Committee members proceeded to vote on the foregoing ordinance, as amended to add the word "located" before the phrase "outside of the UDB" on handwritten page 5.

1F4

140050 Ordinance

Juan C. Zapata,

Dennis C. Moss

ORDINANCE RELATING TO PROPERTY OWNERS' RESPONSIBILITY TO MAINTAIN SWALES ADJACENT TO THEIR PROPERTIES; AMENDING SECTIONS 19-13 AND 19-14 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO REQUIRE THE REPAIR AND RESTORATION OF SWALES; PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Forwarded to BCC with a favorable recommendation

Mover: Bell

Secunder: Suarez

Vote: 5-0

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed ordinance into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed ordinance.

Chairman Diaz closed the public hearing after no one appeared wishing to speak, and the Committee members proceeded to vote on the foregoing ordinance, as presented.

2 COUNTY COMMISSION

2A

140012 Resolution**Bruno A. Barreiro**

RESOLUTION APPROVING PROPOSED REVISIONS TO THE COUNTY MANATEE PROTECTION PLAN, INCLUDING REVISIONS TO MARINE FACILITIES SITING CRITERIA; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO SUBMIT PROPOSED REVISIONS TO THE COUNTY MANATEE PROTECTION PLAN TO THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR REVIEW AND APPROVAL; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO BEGIN TO PREPARE AMENDMENT TO COMPREHENSIVE DEVELOPMENT MASTER PLAN RELATED TO PROPOSED REVISIONS TO MANATEE PROTECTION PLAN

*Deferred to March 13, 2014**Mover: Bell**Seconder: Edmonson**Vote: 5-0*

Report: *Assistant County Attorney Dennis Kerbel advised that the Prime Sponsor had requested deferral of this item.*

It was moved by Commissioner Bell that the foregoing proposed resolution be deferred to the March 13, 2014 Committee meeting as requested by the Prime Sponsor. This motion was seconded by Commissioner Edmonson, and upon being put to a vote, passed by a vote of 5-0.

Following a request by a speaker to comment on the foregoing item as she may not be present at the March 13th Committee meeting, it was moved by Commissioner Suarez to reconsider the deferral on the foregoing item in order for the speaker to place her comments on the record. This motion was seconded by Commissioner Jordan.

Chairman Diaz noted the sponsor had requested the item not be opened for public comment so that he could be present to respond to any questions or statements.

Assistant County Attorney Kerbel noted if the Committee opened the item for public comment, the sponsor would have to respond to any questions at the County Commission meeting, rather than being able to address them today (2/13). He advised that the Committee could move to reconsider the deferral, and the item could be deferred again.

Chairman Diaz noted he would ask that the item be reopened for a statement and no discussion.

Commissioner Jordan pointed out the Committee

was in the process of reconsidering the deferral; however, the speaker indicated there was a possibility she may be present at the next Committee meeting. Commissioner Jordan questioned whether the Committee would still have the option to defer if comments were placed on the record.

Assistant County Attorney Kerbel advised that the item had been deferred; however, if the Committee wanted to open the item, a motion for reconsideration of the deferral would be in order, and the item would be back on the agenda before the Committee. He noted the Committee could receive a comment about the item; and be able to defer it again to allow for consideration by this Committee, rather than forwarding it to the County Commission.

Chairman Diaz said he believed it would be disrespectful for discussion to occur after the sponsor had requested the item be deferred. He suggested the speaker submit her comments to the sponsor in writing.

Commissioner Jordan withdrew her second.

Commissioner Edmonson noted the sponsor's request for a deferral should be respected.

Commissioner Suarez withdrew his motion for reconsideration.

The Committee members proceeded to defer the foregoing resolution.

2B

132403 Resolution **Juan C. Zapata**

RESOLUTION DIRECTING THE COUNTY MAYOR OR DESIGNEE TO FILE AN APPLICATION IN THE NEXT AVAILABLE CYCLE OF AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) TO MODIFY POLICIES RESTRICTING SITING OF SCHOOLS NEAR THE URBAN DEVELOPMENT BOUNDARY (UDB)

Deferred to no date certain

Mover: Jordan

Seconder: Edmonson

Vote: 4-0

Absent: Suarez

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

Chairman Diaz opened the public hearing and called for persons wishing to appear before the Committee in connection with this proposed resolution.

Ms. Celeste De Palma, Tropical Audubon Society, 5530 Sunset Drive, Miami, 33143, spoke in opposition to the foregoing proposed resolution. She noted schools promoted growth; however, as there was no specific language on this item, she would refrain from further comments. Ms. De Palma requested additional information on this item as the sponsor's intent was not clear.

Chairman Diaz closed the public hearing after no one else appeared wishing to speak.

In response to Chairman Diaz's inquiry as to whether input had been received by the School Board, Assistant County Attorney Kerbel noted his office had not received any information from the School Board.

It was moved by Commissioner Jordan that the foregoing proposed resolution be deferred. This motion was seconded by Commissioner Edmonson.

Commissioner Jordan asked that the sponsor be advised that a School Board representative must be present when the item came back to state their position; and that the sponsor be also present to provide a thorough explanation.

Assistant County Attorney Kerbel advised this would be the third deferral; therefore, the proposed resolution would be laid on the table and could not be brought to the Committee before three months.

Commissioner Edmonson spoke in support of the deferral.

Chairman Diaz stated for the record, that this would create the third deferral; the item would be laid on the table, and could not be brought back to the Committee before three months.

The Committee members proceeded to defer the foregoing resolution.

3 DEPARTMENTS

3A

140121 Resolution**Rebeca Sosa**

RESOLUTION ACCEPTING THE GREENPRINT PROGRESS REPORT, ACCEPTING GREENPRINT AS A FRAMEWORK FOR TAKING ACTION ON SUSTAINABILITY AND DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO PERIODICALLY REPORT ON PROGRESS AND PROPOSE REVISIONS (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Bell

Vote: 5-0

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed resolution into the record.*

In response to Chairman Diaz' inquiry regarding the fiscal impact, Assistant County Attorney Abbie Schwaderer-Raurell noted it was her understanding that by formally accepting the GreenPrint plan, any implementation would be done pursuant to the budget approved by the County Commission.

Ms. Nicole Hefty, Chief, Office of Sustainability, Planning Division, Department of Regulatory and Economic Resources (RER), said the GreenPrint plan was dependent on whatever projects were brought forward. She noted accepting the plan in its current format, had no fiscal impact and any future projects that would require additional capital investment would be brought to the County Commission.

Chairman Diaz noted he wanted to ensure that by the Committee accepting this plan; it was not giving the commitment to move forward without it coming back to the Commission.

Assistant County Attorney Schwaderer-Raurell noted this proposed resolution did not provide a mandate but served as a framework.

Commissioner Bell expressed appreciation to Ms. Hefty and to the Department for their hard work. She noted this was a framework and no dollars would be spent before it came back to the County Commission and must be within a budget. Commissioner Bell said the County was forward thinking on how to address sustainability.

Chairman Diaz commended Ms. Hefty on this item.

The Committee members proceeded to vote on the foregoing resolution, as presented.

4 COUNTY MAYOR

5 COUNTY ATTORNEY

6 CLERK OF THE BOARD

7 REPORTS

7A

140111 Report

SUNSET REVIEW OF COUNTY BOARDS FOR 2014 -
UNSAFE STRUCTURES BOARD

Report Received
Mover: Bell
Seconder: Jordan
Vote: 5-0

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed report into the record.*

The Committee members proceeded to vote on the foregoing report, as presented.

7B

140112 Report

SUNSET REVIEW OF COUNTY BOARDS FOR 2014 -
BOARD OF RULES AND APPEALS

Report Received
Mover: Bell
Seconder: Jordan
Vote: 5-0

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed report into the record.*

The Committee members proceeded to vote on the foregoing report, as presented.

7C

140113 Resolution

SUNSET REVIEW OF COUNTY BOARDS FOR 2014 -
CONSTRUCTION TRADES QUALIFYING BOARD -
DIVISION A

Report Received
Mover: Bell
Seconder: Jordan
Vote: 5-0

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed report into the record.*

The Committee members proceeded to vote on the foregoing report, as presented.

7D

140114 Resolution

SUNSET REVIEW OF COUNTY BOARDS FOR 2014 -
CONSTRUCTION TRADES QUALIFYING BOARD -
DIVISION B

Report Received
Mover: Bell
Seconder: Jordan
Vote: 5-0

Report: *Assistant County Attorney Dennis Kerbel read the foregoing proposed report into the record.*

The Committee members proceeded to vote on the foregoing report, as presented.

8 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting was adjourned at 10:30 a.m.*