MEMORANDUM

UMSA
Agenda Item No. 1G2

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 10, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance regarding planning; amending procedures and public hearing requirements for applications to amend the Comprehensive Development Master Plan; increasing the number of annual filing periods for such applications; amending section 2-116.1 of the Code

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Unincorporated Municipal Service Area Committee.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: April 19, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Amending Section 2-116.1 of the County Code Pertaining to Scheduling and Procedures for Filing Applications of Amend Comprehensive Development Master Plan

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Recommendation

It is recommended that the Board of County Commissioners (Board) enact the attached ordinance, which amends Section 2-116.1 of the County Code of Ordinances (Code) to modify the schedule and procedures related to processing Comprehensive Development Master Plan (CDMP) amendment applications.

Scope

The proposed ordinance impacts unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

The proposed ordinance will not have a fiscal impact on Miami-Dade County. Implementation of this proposed ordinance will not result in additional staffing needs or future operational costs for the County administration. Activities relating to the implementation of the proposed ordinance would be absorbed by the Department of Regulatory and Economic Resources (Department) as part of its day-to-day functions.

Additionally, the proposed ordinance provides for a process by which an application can be transferred to the next amendment cycle at the request of the applicant. When such application is transferred following release of the Department's initial recommendations, a corresponding fee will be required to offset the administrative costs associated with processing the application in the next amendment cycle. Such fee will be incorporated into Implementing Order No.4-111 through separate Board action.

Social Equity

The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described under Ordinance No. 15-63. As explained in the Background section of this transmittal memorandum, the proposed ordinance provides applicants more flexibility by allowing an additional CDMP amendment cycle per year as well as the transfer of CDMP amendment applications to the next scheduled application cycle under specified circumstances.

Track Record/Monitor

The Assistant Director of the Planning Division in the Department of Regulatory and Economic Resources, Mark R. Woerner, will administer and monitor the implementation of the proposed ordinance.

Background

The Code currently allows for the submission of applications to amend the CDMP in May and November of every year. The proposed ordinance will amend the Code to add a third annual CDMP amendment cycle and establishes the filing periods in January, May, and October.

Additionally, the proposed ordinance provides a process by which the Director of the Department, upon written request by an applicant, can transfer an application to the next scheduled application period prior to issuance of the Department's initial recommendations on the application. In such case, no additional fees will be required. Following issuance of the Department's initial recommendations but prior to the

Board's transmittal hearing, only standard amendment applications can be transferred to the next amendment cycle by the Director. Applications transferred following issuance of the Department's initial recommendations will be required to furnish payment in accordance with Implementing Order No.4-111 during the filing period of the next scheduled application period to which the application has been transferred. No application shall be transferred more than once. Applications requesting to include additional land within the Urban Development Boundary, to modify the Urban Expansion Area boundary, or to redesignate to an urban use any land located outside the Urban Development Boundary filed every odd year May cycle shall not be eligible for transfer.

Lastly, the proposed ordinance modifies the dates for filing of applications, public hearings and the publishing of required reports to provide more flexibility in the processing of applications while maintaining compliance with the timeframes established by State law. To ensure predictability in the processing of applications, the proposed ordinance requires the Department to include a schedule of proposed dates for public hearings and the publication of reports as part of the applications report to the Board.

This proposed ordinance has been shared with members of the development community for input.

Jack Osterholt
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 7, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

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. 4(A)

4-19-16

ORDINANCE NO. _____

ORDINANCE REGARDING PLANNING; AMENDING PROCEDURES AND PUBLIC HEARING REQUIREMENTS FOR APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INCREASING THE NUMBER OF ANNUAL FILING PERIODS FOR SUCH APPLICATIONS; AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 2-116.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-116.1. - Amendment procedure for Comprehensive Development Master Plan.

* * *

(2) *Application.* Except as specifically provided below for applications pursuant to a compliance agreement, pursuant to a State statutory requirement, or pursuant to a concurrently requested development of regional impact (DRI) development order or change to an existing DRI development order, or for applications relating to reuse of military bases pursuant to Chapter 288, F.S., any request for amendments, modifications, additions or changes to the Comprehensive Development Master Plan shall be submitted to the Miami-Dade County Department of Regulatory and Economic Resources or successor agency (hereinafter referred to as "the Department") during the period >>s (also referred to as "application cycles")<< between >>January 1 and January 31 inclusive (hereinafter

[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.

"January period" or "January cycle"),<< May 1 and May 31 inclusive (hereinafter "May period" >>or "May cycle"<<), and during the period between [[~~November~~]] >>October<< 1 and [[~~November 30~~]] >>October 31<< inclusive (hereinafter "[[~~November~~]] >>October<< period" >>or "October cycle"<<), in each year only in accordance with the following provisions:

(a) Applications requesting amendment to the Urban Development Boundary (UDB) or to the Urban Expansion Area (UEA) boundary depicted on the Land Use Plan map, or to the land use classification of land located outside of said Urban Development Boundary may be filed only during the May period in odd-numbered years. The Director of the Department may also file applications requesting amendments to the UDB, UEA or to the land use classification of land located outside of said UDB for processing during [[~~either~~]] the >>January,<< May or [[~~November~~]] >>October<< period following the adoption of an evaluation and appraisal report, provided that the amendments proposed in said applications are suggested in the adopted evaluation and appraisal report. It is provided, however, that no application to expand the area within the UDB shall be filed where such application would result in an area of land located outside of the UDB being more than seventy-five percent (75%) surrounded by land that is within the UDB. If two or more applications to expand the area within the UDB would cumulatively result in an area of land located outside the UDB being more than seventy-five percent (75%) surrounded by land that is within the UDB, then the later-submitted application or applications shall not be filed.

(b) All requests shall be made by filing an application in a form and containing the information prescribed by the Director of the Department. Applicants seeking to have their requests considered to be small-scale amendment applications, as provided in Section 163.3187, F.S., and eligible for processing in accordance with the procedures provided herein for final action, shall clearly state such request in the application. Small-scale amendment

applications shall not be eligible to request amendments to modify or expand the UDB or UEA. All proposed plan amendment applications not requested for adoption as small-scale amendment applications, and all requested small-scale amendment applications which are not adopted but which are transmitted to the State Land Planning Agency and other review agencies for review and comment are hereby defined as standard expedited amendment applications. Applications which are deemed by the Department to be unclear or incomplete may be supplemented no later than the [[~~seventh (7th)~~]] >>fifth (5th)<< business day following notice from the Department that the application filed is deficient.

(c) >>*Amendments requested by Board of County Commissioners.*<< The Miami-Dade County Board of County Commissioners may, by resolution or ordinance, at any time initiate a request to amend, modify, add to or change the Comprehensive Development Master Plan [[~~, or may, by resolution or motion, authorize or direct the County Mayor to utilize the optional procedure provided in Section 288.975, F.S., and Section 2-116.1(5)(b), herein, to amend the CDMP to enable military base reuse~~]].

>>(1) The content, activities, and time periods provided in this section, as quantified by number of days, shall be substantially applicable to such a request from the date of the adoption of the resolution or ordinance, except: (i)<< [[~~Except~~]] for requests [[~~by the Board of County Commissioners~~]] to amend the Comprehensive Development Master Plan in the case of a compliance agreement as provided in Section 163.3187(5), F.S., >>(ii)<< in the case of a State statutory requirement, >>(iii)<< in the case of an application necessary to authorize a Development of Regional Impact initiated by the County, >>(iv)<< in the case of an application for a small-scale amendment pursuant to Section 163.3187, F.S., >>(v)<< in the case of an application relating to

military base reuse, prepared pursuant to Section 288.975, F.S., or >>(vi)<< unless otherwise provided by said resolution or ordinance[[~~, the content, activities, and time periods herein provided, as quantified by number of days, shall be substantially applicable to such a request from the date of the adoption of the resolution or ordinance~~]].

>>(2)<< Said resolution or ordinance shall direct the County Mayor to include the [[~~special~~]] application for review and action [[~~along with May period or November period applications~~]] >>in one of the application cycles<< [[~~as~~]] provided herein or >>shall direct<< that the [[~~special~~]] application shall be reviewed and action shall be taken on a special schedule prescribed in the resolution or ordinance. [[~~In no instance shall the filing or authorization of applications by the Board of County Commissioners for processing on a special schedule result in adoption of more than two (2) Comprehensive Development Master Plan amendments in any calendar year except in the case of a concurrent approval of a Development of Regional Impact as provided in Section 380.06(6)(b), F.S., approval of a small-scale amendment as provided in Section 163.3187, F.S., a compliance agreement as provided in Section 163.3187(1)(e), F.S., or utilization of the optional CDMP amendment procedure for military base reuse as provided in Section 288.975, F.S.~~]]

>>(3) In addition, for applications to amend the CDMP to enable military reuse, the Board may, by resolution or motion, authorize or direct the County Mayor to utilize the optional procedure provided in Section 288.975, F.S., and Section 2-116.1(5)(b), herein.<<

(d) In the event that the Board of County Commissioners has entered into a compliance agreement pursuant to Section 163.3184[[~~(6)~~]], F.S., requiring the filing of an application to amend, modify, add to or change the Comprehensive Development Master Plan, the County Mayor or the Mayor's designee shall file an application pursuant to the terms of the approved settlement agreement in accordance with the content, activities and time periods provided by the terms of the compliance agreement and by the resolution approving such agreement and in accordance with the procedures provided in Section 163.3184[[~~(6)~~]], F.S.

* * *

>>(f) *Transfer to next application cycle.* An application filed in one application cycle may be transferred to the next application cycle in accordance with the following provisions:

(1) Prior to issuance of the Department's initial recommendations, and upon request by the applicant, the Director may transfer any application, including a small-scale amendment application, to the next application cycle.

(2) Subsequent to the issuance of the Department's initial recommendations, but prior to the Board's transmittal hearing, and upon request by the applicant, only standard amendment applications can be transferred to the next amendment cycle by the Director. Such transferred applications shall be required to furnish payment in accordance with Section 2-116.1(8).

(3) Applications requesting to include additional land within the Urban Development Boundary, to modify the Urban Expansion Area boundary, or to redesignate to an urban use any land located outside the UDB shall not be eligible for transfer.

(4) No application shall be transferred more than once.<<

(3) *Procedure upon application; Director of Regulatory and Economic Resources, Community Councils, Planning Advisory Board (PAB), and Board of County Commissioners; or applications pursuant to a compliance agreement.*

(a) Upon receipt of an application for amendment, modification, addition or change to the Comprehensive Development Master Plan, the Director of the Department shall consult with other County personnel, departments or agencies, a municipality or County having jurisdiction over or adjacent to the area in question as he deems necessary to evaluate the proposed application. [[~~Each application may be deemed by the Board of County Commissioners to include similarly situated or adjoining property which could be affected by the adoption of the request in whole or in part, except that no such determination by the Board of County Commissioners shall cause a requested small-scale amendment to exceed the conditions for such amendments enumerated in Section 163.3187(1)(c), F.S.~~]]

(b) The Director of the Department shall prepare an applications report listing all applications received, including small-scale amendment applications and staff applications, including the nature of the application and the reasons stated for requesting the proposed amendment, modification, addition or change.

>>(1) The report shall include a schedule of proposed dates for public hearings and publication of reports in accordance with the timeframes established herein.

(2)<< The report shall also itemize proposals suggested and under evaluation by the Department staff; however, this initial identification of staff proposals shall not preclude further staff proposals.

>>(3)<< Such staff proposals, except those initiated in direct response to the written comments submitted by the State Land Planning Agency and other review agencies pursuant to Section 163.3184[[~~(3) and (4)~~]], F.S., shall be >>published with the Department's initial recommendations<< [[~~finalized no later than the advertised notice of the public hearing to be conducted by the Community Councils pursuant to Section 2-116.1(3)(e), Code of Miami-Dade County~~]]. >>After transmittal of standard applications in the applicable cycle, further<< [[~~Further~~]] staff proposals initiated in direct response to the written comments submitted by the State Land Planning Agency and other review agencies shall be finalized no later than two weeks prior to the date of the Board of County Commissioners final public hearing [[~~pursuant to Section 2-116.1(4)(b), Code of Miami-Dade County. The Department and the local planning agency are authorized to recommend, and the Board of County Commissioners is authorized to adopt, CDMP amendments with changes to include, (a) similarly situated or adjoining property which could be affected by the adoption of a request, (b) staff proposals in whole or in part as provided in this section, (c) changes within the scope of the applications and staff proposals, or (d) changes to ensure internal consistency among plan elements, applications or staff proposals.~~

~~On or before June 21st following the filing of May period applications and December 21st following the filing of November period applications, the~~]]

>>(4) The<< applications report shall be submitted to the Planning Advisory Board and directly impacted Community Councils as determined by the Director of the

Department >>no later than thirty (30) days following the end of the filing period<< and shall be available to the public at the same time. Any small-scale application may be withdrawn by written notice by the applicant filed with the Director on or before the deadline established in paragraph (3)(f) for formulation of recommendations by the Planning Advisory Board acting as the local planning agency, and any standard or transmitted application may be withdrawn by written notice by the applicant filed with the Director on or before the deadline for formulation of final recommendations by the Department. After these dates a withdrawal may be authorized only by affirmative vote of the Board of County Commissioners. However, in no instance shall a filing fee be refunded unless timely request for withdrawal and refund is filed in accordance with paragraph (8), herein.

(c) For the purposes of preparing the initial recommendations of the Department, the Director shall request an evaluation from all county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP as determined by the Director. Such departments and agencies shall respond with a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure and services to the area as well as the costs of annually operating and maintaining such infrastructure and services. The evaluation shall estimate the extent to which the costs of the required infrastructure and services will be borne by the described property or will require general taxpayer support, and an estimate of the amount of such support. The Director shall also request a similar report from non-County authorities and agencies which may be affected by a proposed land use change including but not limited to the Metropolitan Planning Organization, Miami-Dade County Public School District, and the South Florida Water Management District. The Director

shall consider responses received in writing by any person or organization[[~~, on or before the tenth (10th) day in July following the filing of May period applications and on or before the tenth (10th) day of January following the filing of November period applications~~]] >>within twenty-one (21) days following the request for review, unless a greater review period is otherwise approved by the Director.<< The Director shall also consider and evaluate the information presented at any public workshops which are held in accordance with this section.

(d) [[~~On or before the twenty-fifth (25th) day in August following the filing of May period applications and the twenty-fifth (25th) day of February following the filing of November period applications, the~~]] >>The<< Department shall issue its initial recommendation[[~~s~~]] on >>a given<< [[~~the~~]] application[[~~s~~]] >>on or before the date the first notice advertising a public hearing for such application is published<<. The initial recommendations of the Department shall refer to each application specifically or as combined with other similar applications and shall consider all comments, information and recommendations received in accordance with paragraph (c) above. The initial recommendations of the Department are not necessarily limited to specific applications but may deal with any aspect of the Comprehensive Development Master Plan.

* * *

(e) >>*Authority to change and expand requested amendments.* The Department, the relevant Community Council, and the local planning agency are authorized to recommend, and the Board of County Commissioners is authorized to adopt, CDMP amendments with changes to include: (i) similarly situated or adjoining property which could be affected by the adoption of a request in whole or in part; (ii) staff proposals in whole or in part as provided in this section; (iii) changes within the scope of the applications or staff proposals; or (iv)

changes to ensure internal consistency among plan elements, applications, or staff proposals. No such changes shall cause a requested small-scale amendment to exceed the conditions for such amendments enumerated in Section 163.3187, F.S., or cause an application to violate the limitations regarding applications to amend the UDB, UEA, or the land use classification of land located outside of said UDB

(f)<< Each Community Council may at its option conduct one (1) public hearing per amendment cycle to address proposed CDMP amendment applications, or portions thereof that would directly impact the Council's area as determined by the Director of the Department.

>>(1)<< All Community Council hearings on CDMP amendment applications shall occur [[~~either during September following the filing of May period applications or during March following the filing of November period applications~~]] >>prior to the public hearing to be conducted by the Planning Advisory Board<<.

>>(2)<< Upon conclusion of a public hearing addressing CDMP amendment applications, the Community Council may, at its option, make recommendations to the Planning Advisory Board and the Board of County Commissioners on the applications. Recommendations may address the decisions to be made by the Board of County Commissioners regarding transmittal of the applicable applications to the State Land Planning Agency and other review agencies for review and comment, and regarding ultimate adoption, adoption with change, or denial of the applicable applications.

>>(3)<< Public hearings of Community Councils shall be advertised >>at least seven (7) days prior to each meeting in a newspaper of general circulation or a section or supplement in the newspaper of largest circulation in Miami-Dade County distributed only in the locality where the property subject to the application lies.<< [[~~in the manner provided in the "Requirements for the Conduct of Community Council's Non-Zoning Business" adopted by resolution of the Board of County Commissioners,~~]]

>>(4)<< A decision by any Community Council not to conduct a public hearing or not to adopt recommendations within the time frame established in this paragraph shall not preclude the Planning Advisory Board acting as the Local Planning Agency, or the Board of County Commissioners, from conducting public hearings or taking actions required by this section.

>>(5)<< In the event that the Board of County Commissioners by ordinance or resolution authorizes or requests a committee, board, council or similar entity to review proposed CDMP amendment applications, such reviews shall also occur [[~~during September following the filing of May period applications and during March following the filing of November period applications~~]] >>prior to the public hearing to be conducted by the Planning Advisory Board, unless the Board of County Commissioners authorizes a different time for review<<.

>>(g)<<[[~~(f)~~]] The Planning Advisory Board acting as the local planning agency shall hold one (1) public hearing [[~~in October following the filing of May period applications and in April following the filing of November period applications~~]] >>no later than 30 days prior to the public hearing on the relevant application cycle by the Board of County Commissioners<<.

>>(1)<< Such public hearings shall be preceded by a notice of the time, place and purpose of such hearing published in a newspaper of general circulation in Miami-Dade County not less than ten (10) days prior to the date of the hearing.

>>(2)<< In the event that the Planning Advisory Board acting as the local planning agency determines it to be necessary or desirable, it may continue the hearing to one (1) or more additional dates >>provided such hearing occurs no later than 30 days prior to the public hearing on the relevant application cycle by the Board of County Commissioners<< [[~~during the same month in which the hearing commenced~~]]. No additional public notice shall be required for the continued hearing, provided that the date and time are announced at the hearing being continued.

>>(3)<< The purpose of the public hearing shall be to receive public comments and to address the amendment applications, the initial recommendations of the Department, and the questions of, (1) the adoption of requested small-scale amendment applications, (2) transmittal of the standard expedited applications, and (3) transmittal of the State coordinated review applications. and any small-scale amendment applications not recommended for adoption to the State Land Planning Agency and other review agencies for review pursuant to Section 163.3184(3) and (4), F.S., and (4)

subsequent approval of transmitted applications, by the Board of County Commissioners.

>>(4)<< At the conclusion of [[~~each~~]] >>the<< public hearing [[~~conducted pursuant to this paragraph~~]], the Planning Advisory Board acting as the local planning agency shall issue recommendations regarding adoption of any small-scale amendment requests, recommendations regarding transmittal by the Board of County Commissioners[[~~,~~]] to State agencies for review pursuant to Section 163.3184[[~~(3) and (4)~~]], F.S., of the [[~~expedited~~]] standard amendment applications [[~~. State coordinated review applications~~]] and any small-scale amendment applications not recommended for adoption, and recommendations regarding subsequent final action by the Board of County Commissioners on the transmitted plan amendment(s).

>>(h)<<[[~~(g)~~]] The Board of County Commissioners shall hold one public hearing [[~~during November following the filing of May period applications and during May following the filing of November period applications~~]] >>within one hundred eighty (180) calendar days following the end of the relevant filing period unless a greater time is deemed necessary by the Board of County Commissioners<<.

>>(1)<< Hearing(s) held pursuant to this paragraph shall be advertised in accordance with Section 163.3184[[~~(11)(b)~~]], F.S., and shall be held on a weekday not less than ten (10) days after the day that the advertisement is published.

>>(2)<< At these hearings>>,<< the Department shall present to the Board the listing of applications filed pursuant to >>this section<< [[~~Section 2-116.1(3)(b), Code of Miami-Dade County~~]], and the Board shall

consider>>:<< the adoption or adoption with change of any requested small-scale amendments>>;<<[[,]] the transmittal of the [[~~expedited~~]] standard amendment applications >>, and any small-scale amendment applications not adopted,<< [[~~and the transmittal of the State coordinated review amendment applications~~]] to the State Land Planning Agency and other review agencies [[~~and any requested small-scale amendments not adopted~~]]>>; or the transfer of a standard amendment application to the next application cycle as provided in this section<<.

>>(3)<< If any requested small-scale amendments will be considered for adoption at a public hearing conducted pursuant to this paragraph, the Department shall, prior to said hearing, submit to the Board of County Commissioners an ordinance for first reading providing for Commission action on said small-scale amendments.

>>(4)<< The action to adopt any small-scale amendment to the CDMP shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office.

>>(5)<< Notwithstanding any other provision to the contrary, any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds (2/3) of members present, but not less than seven affirmative votes.

>>(6)<< The transmittal action shall be taken by resolution of the Board of County Commissioners. The decision to transmit shall be by affirmative vote of not less than a majority of the total membership of the

County Commission then in office. Following the adoption of the resolution pertaining to transmittal, the Board may consider the approval on first reading of one (1) or more ordinances to subsequently take final action on the transmitted applications. The Board of County Commissioners hereby authorizes and directs the County Mayor or the Mayor's designee to transmit all documents and information required by Sections 163.3184(3) and (4), F.S., following the hearing, on behalf of the Board >>in accordance with the timeframes established in Section 163.3184, F.S.<<

>>(i)<<[[~~(h)~~]] The Department shall evaluate all of the information received at the transmittal hearing or within thirty (30) days after action by Board of County Commissioners addressing transmittal of the applications and may present final recommendations to the Board of County Commissioners.

(4) *Procedures for final actions after transmittal to state review agencies.* After the County Mayor or his designee transmits the applications instructed by the Board of County Commissioners [[~~pursuant to foregoing paragraph 3(g)~~]], subsequent County actions shall be as follows:

(a) The Board of County Commissioners shall conduct one (1) or more advertised public hearings not later than forty-five (45) days after receipt of comments from the State Land Planning Agency and other review agencies, unless a greater time period is deemed necessary by the Director >>, provided that the public hearings shall be held within the timeframes established in Section 163.3184, Florida Statutes<<.

>>(b)<< At such hearing(s) the Board of County Commissioners shall take final action to adopt, adopt with changes>>,<< or not adopt each of the applications. Any changes must be within the scope of the applications filed and the proposals made pursuant to[[~~, and as authorized by,~~]] >>this

section<< [[~~Sections 2-116.1(2)(a), (b), (c), and (d), and (3)(a) and (b), Code of Miami-Dade County~~]], or within the scope of the written comments submitted by the State Land Planning Agency and other review agencies [[~~pursuant to Section 163.3184(6)(3) and (4), F.S. The deadline established in this paragraph may be extended by sixty (60) days where all pending plan amendments are proposed to implement an adopted evaluation and appraisal report of the CDMP~~]].

>>(c)<<[[~~(b)~~]] All public hearings conducted by the Board of County Commissioners [[~~pursuant to foregoing paragraph (4)(a)~~]] to take final action on applications to amend the CDMP shall be advertised in the manner required by Section 163.3184[[~~(11)~~]], F.S.

>>(1)<< All such hearings shall be held on a weekday approximately ten (10) days after the date that the advertisement is published.

>>(2)<< All amendments, modifications, additions or changes to the comprehensive development master plan shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the Urban Development Boundary, >>to modify the Urban Expansion Area boundary,<< or to redesignate to an urban use any land located outside the UDB shall require a vote of two-thirds (2/3) of the total membership of the County Commission then in office.

>>(3)<< Notwithstanding any other provision to the contrary, any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds (2/3) of members present, but not less than seven affirmative votes.

>>(4)<< Findings, if any, made by the Board of County Commissioners which are not included in the ordinance adopting plan amendments and which provided the basis for adoption or determination not to adopt shall be transmitted to the State Land Planning Agency and other review agencies with the adopted amendments. In addition, the Department shall prepare for transmittal a statement in support of the Commission's actions indicating the relationship, if any, of the changes not previously reviewed by the State Land Planning Agency and other reviewing agencies to the comments submitted by said agencies pursuant to Section 163.3184[[~~(3) and (4)~~]], F.S.

>>(5)<< The County Mayor or the Mayor's designee is hereby authorized and directed to transmit, on behalf of the Board, the adopted amendments, adopting ordinance and all other necessary information and documents required by Section 163.3184[[~~(3)(c)2. and (4)~~]], F.S. Copies of adopted proposals shall be transmitted by the County Mayor or the Mayor's designee to said agency after adoption pursuant to Section 163.3184[[~~(3) and (4)~~]], F.S.

(5) *Applications filed pursuant to a compliance agreement, concurrent approval of a Development of Regional Impact (DRI), or to enable reuse of a military base designated for closure or closed by the Federal Government.* Notwithstanding other requirements of this subsection, any application filed pursuant to a compliance agreement as provided in Section 163.3184(6), F.S., shall be subject only to the procedural requirements for such applications found in Section 163.3184, F.S., and to the procedural requirements of the resolution or other action of the Board

of County Commissioners approving the filing of such application. Applications which are subject to concurrent approval of, or change to, a development of regional impact development order shall be subject only to the procedural requirements for such applications provided in Section 380.06(6)(b), F.S., and in Section 2-116.1(5)(a)(1) through (7), herein.

(a) Procedure for amendment concurrently with Development of Regional Impact Development Order[[;]]>>.<< Applications related to a proposed development of regional impact (DRI) >>,<< including requests for approval of a substantial deviation from an approved DRI, may be filed at times other than [[~~May and November~~]] >>the filing periods prescribed herein<< as provided by Section 380.06[[~~(6)(b)~~]], F.S., in instances where a CDMP amendment would be necessitated by the DRI approval sought. Such applications shall be processed in accordance with the following provisions:

(1) Whenever an applicant for a DRI development order seeks a related amendment to the CDMP, the applicant must inform the Director of the Department of the amendment requested by filing an application in the form prescribed by the Director pursuant to this section. The application must be accompanied by a copy of the letter submitted to the regional planning council applying for DRI development approval, the data and analysis and any other information specified at the preapplication conference with the regional planning council staff, or its successor agency, upon which the County can determine whether or not to transmit the proposed CDMP amendment pursuant to Section 163.3184[[~~(4)~~]], F.S. The application filing date is hereby deemed to be the later of the dates on which the Director of the Department receives a completed CDMP amendment application, or the date on which the Director receives

notification from the regional planning council or its successor agency that the application for development approval is sufficient,

(2) Where an application directly impacts a Community Council as determined by the Director of the Department, the subject Community Council shall be provided with an opportunity to conduct a public hearing and issue recommendations on the application in the manner set forth in >>subsection (3)<< [[~~paragraph 2-116.1(3)(e),~~]] herein; provided, however, such hearing and review shall take place within twenty (20) days after an application is filed pursuant to this paragraph and before the public hearing conducted by the Local Planning Agency. The Planning Advisory Board acting as the Local Planning Agency (LPA) shall conduct a public hearing to address the application not later than thirty (30) days after an application is filed pursuant to this paragraph. This public hearing shall be noticed in accordance with the notice provisions contained in >>subsection (3)<< [[~~Section 2-116.1(3)(f),~~]] herein. At the conclusion of the public hearing, the LPA shall issue the following to the Board of County Commissioners: (1) recommendations regarding transmittal of the application by the Board of County Commissioners to the State review agencies pursuant to Section 163.3184[[~~(3)~~]], F.S.; and (2) recommendations regarding subsequent final action by the Board of County Commissioners on the plan amendment(s) being proposed for transmittal to the State Land Planning Agency and other review agencies.

(3) Not later than sixty (60) days after the filing of an application pursuant to this paragraph, the Board of County Commissioners shall conduct a public hearing and make a determination on the transmittal of the application pursuant to Section 163.3184[[~~(4)~~]], F.S. The public hearing shall be advertised once not later than thirty (30) days after the filing of the application in the manner required by Section 163.3184[[~~(11)~~]], F.S., for the advertisement of public hearings at which the Board of County Commissioners will consider the transmittal of proposed plan amendments. The transmittal actions of the Board of County Commissioners and the transmittal by the County Mayor or the Mayor's designee shall occur in the manner prescribed in >>subsection (3) herein<< [[~~Section 2-116.1(3)(g), herein, for transmittal of applications filed during May and November CDMP amendment filing periods~~]].

* * *

(b) Procedure for amendments implementing military base reuse plans, pursuant to Section 288.975, F.S. Notwithstanding other requirements of this section, applications requesting amendments to the CDMP, to enable base reuse activities authorized by a base reuse plan approved by record of decision issued by the military branch having jurisdiction over a military base which has been closed or which is designated for closure or realignment, may be filed and approved in accordance with the optional procedures provided in Section 288.975, F.S., and in Section 2-116.1(5)(b) through (5)(b)(12), herein, if authorized by the Board of County

Commissioners or County Mayor as provided in paragraph (5)(b)(1). CDMP amendments necessary to initially adopt the military base reuse plan pursuant to Section 288.975, F.S., shall be exempt from the limitation on frequency of plan amendments contained in Section 2-116.1(2), herein.

* * *

(3) Application to amend the CDMP shall be filed with the Department in a form prescribed by the Director pursuant to >>subsection (2)<< [[~~Section 2-116.1(2)(b),~~]] herein, and shall contain all information required by Section 288.975(4)(a) through (4)(e), F.S., and all information necessary to ensure consistency as required by Section 288.975(7), F.S. If all information data and analysis required by Section 288.975, F.S., Chapter 163, Part 2, F.S. and administrative rules adopted thereunder, are not submitted with the application initially submitted, the initial application shall contain a scope of work and schedule for production of all such supporting information, deemed necessary by the Director, for submission on a date specified by the Director which will ensure timely submittal to, and analysis by, the Department and review by the Planning Advisory Board, but not later than the last day of the ninth month following issuance of notice pursuant to Section 2-116.1(5)(b)(1), herein. Applications shall be deemed by the Director to be complete upon his confirmation that the application content and supporting information, data, and analyses reasonably respond to the requirements of

laws referenced herein. Completion of an application shall not preclude the preparation or submittal of additional information, data, or analyses by the applicant or Department, or recommendations by the Department for submittal of additional information.

* * *

(8) *Schedule of fees.* All fees charged for filing, processing>>,<< and evaluating applications requesting amendments to the Comprehensive Development Master Plan by the Department are established by >>implementing order<< [[~~separate administrative order which shall not become effective until~~]] approved by the Board of County Commissioners. [[~~In approving the administrative order, the Board shall consider the cost to the county in processing amendments to the Comprehensive Development Master Plan.~~]]

>>(a) *Refunds.*<< Fees will be returned to any applicant who requests an application withdrawal on or before the fifth work day following the deadlines established in this section for filing applications, or the actual date of filing of an application pursuant to Section 2-116.1(5)(a)(1), herein. >>Fees, along with the application and all materials filed, will also be returned to any applicant whose application remains unclear or incomplete after the deadline established in Section 2-116.1(2)(b) herein.<< After these dates no fees shall be returned to any applicant withdrawing their application without express approval by the Board of County Commissioners. >>The implementing<< [[~~Such administrative~~]] order shall also provide that a portion of the fee will be returned to the applicant for any application which is not eligible for adoption as a small-scale amendment application and which is denied transmittal by the Board of County Commissioners >>pursuant to subsection (3) herein<< [[~~to the State Land Planning Agency or its successor or designees pursuant to paragraph 2-116.1(3)(g) of this section~~]].

>>(b) The implementing order shall also establish an appropriate fee for the transfer of an application to the next amendment cycle after issuance of the Department's initial recommendations. Payment of such fees for the transfer of an application shall be provided in full during the filing period of the cycle to which the application has been transferred. If payment is not received, such application shall be deemed withdrawn.<<

* * *

Section 2. Applicability. All CDMP amendment applications in or after the May 2016 CDMP amendment cycle will be processed in accordance with the procedures outlined in this Ordinance.

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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel