

MEMORANDUM

Agenda Item No. 5(H)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Public Hearing 1-20-21)
December 15, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Ordinance relating to Comprehensive Development Master Plan (CDMP); amending section 2-116.1 of the Code; providing that applications involving the expansion of the Urban Development Boundary (UDB) or the Urban Expansion Area, or proposing changes to land use classifications outside the UDB may be filed as expedited applications during certain years; providing that applications to redesignate properties outside the UDB from one non-urban use to another may be filed at any time; providing authority for the Director to extend certain deadlines for holding public hearings under certain circumstances; revising references to evaluation and appraisal of CDMP to conform to state law; making technical changes

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
Successor County Attorney

GBK/smm



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 5(H)

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. 5(H)
1-20-21

ORDINANCE NO. _____

ORDINANCE RELATING TO COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT APPLICATIONS INVOLVING THE EXPANSION OF THE URBAN DEVELOPMENT BOUNDARY (UDB) OR THE URBAN EXPANSION AREA, OR PROPOSING CHANGES TO LAND USE CLASSIFICATIONS OUTSIDE THE UDB MAY BE FILED AS EXPEDITED APPLICATIONS DURING CERTAIN YEARS; PROVIDING THAT APPLICATIONS TO REDESIGNATE PROPERTIES OUTSIDE THE UDB FROM ONE NON-URBAN USE TO ANOTHER MAY BE FILED AT ANY TIME; PROVIDING AUTHORITY FOR THE DIRECTOR TO EXTEND CERTAIN DEADLINES FOR HOLDING PUBLIC HEARINGS UNDER CERTAIN CIRCUMSTANCES; REVISING REFERENCES TO EVALUATION AND APPRAISAL OF CDMP TO CONFORM TO STATE LAW; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the County Code provides a process, including certain deadlines, pertaining to applications to amend the Comprehensive Development Master Plan (CDMP); and

WHEREAS, notwithstanding the deadlines and cycles prescribed in the Code for the filing of CDMP applications and to allow greater flexibility and to promote efficiency, the Code also provides that applications for expedited amendments may be filed at times other than the application cycles prescribed in the Code, subject to payment of expediting fees; and

WHEREAS, currently, applications requesting amendment to the Urban Development Boundary (UDB), Urban Expansion Area (UEA) boundary depicted on the Land Use Plan map, or the land use classification of land located outside of the UDB, may be filed only during the month of May in odd-numbered years and are not eligible for expedited treatment; and

WHEREAS, to further efficiency and to allow greater flexibility to applicants, this Board wishes to permit such applications to be filed on an expedited basis during odd-numbered years; and

WHEREAS, it is also appropriate to eliminate the existing limitation on filing UDB amendments for applications that seek to redesignate a property from one non-urban classification, such as Agriculture, to another non-urban classification, such as Environmental Protection or Open Land, because such applications do not raise the same issues as do those that seek to introduce new urban uses; and

WHEREAS, also in furtherance of efficiency and flexibility, this Board wishes to provide authority to the Director to grant extensions of time from the deadlines by which public hearings must be held on CDMP amendments—180 days after filing for the transmittal hearing and 45 days after receipt of state review comments for final action—when requested by the applicant; and

WHEREAS, it is also necessary to revise the references to the evaluation and appraisal process to conform to state law, to reorganize subsections, and to make other technical changes,

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.

* * *

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.

(2) *Application.* Except as specifically provided below, any request for amendments, modifications, additions or changes to the Comprehensive Development Master Plan shall be submitted to the Department during the period (also referred to as “application cycles”) between January 1 and January 31 inclusive (hereinafter “January period” or “January cycle”), May 1 and May 31 inclusive (hereinafter “May period” or “May cycle”), and during the period between October 1 and October 31 inclusive (hereinafter “October period” or “October cycle”), in each year only in accordance with the following provisions:

(a) >>Applications related to the Urban Development Boundary. The provisions in this paragraph shall govern the following applications, which shall collectively be referred to as “UDB-related amendments”: applications<< ~~[[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]]~~ >>applications to change<< the land use classification of land located outside of ~~[[said Urban Development Boundary]]~~ >>the UDB to a classification other than Agriculture, Open Land, or Environmental Protection.

(1) Except as provided in this paragraph (2)(a) or in subsection (5), applications for UDB-related amendments<< may be filed only during the May period in odd-numbered years.

>>(2)<< The Director of the Department may ~~[[also]]~~ file applications >>for UDB-related amendments<< ~~[[requesting amendments to the UDB, UEA or to the land use classification of land located outside of said UDB]]~~ for processing during the January, May¹>>₁<< or October period following ~~[[the adoption of]]~~ an evaluation and appraisal >>pursuant to section 163.3191, Florida Statutes<< ~~[[report]]~~, provided that the amendments proposed in said applications are suggested in the ~~[[adopted]]~~ >>results of the<< evaluation and appraisal ~~[[report]]~~.

>>(3)<< 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 >>75 percent<< [[~~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 >>75 percent<< [[~~seventy five percent (75%)~~]] surrounded by land that is within the UDB, then the later-submitted application or applications shall not be >>accepted<< [[~~filed~~]].

* * *

(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.*

* * *

(h) The Board of County Commissioners shall hold one public hearing within >>180<< [[~~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 >>; however, the Director may extend the time if requested by the applicant prior to the earliest deadline for the publication of required notices for the hearing before 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 >>are transmitted for state review as<< instructed by the Board of County Commissioners, subsequent County actions shall be as follows:*

- (a) The Board of County Commissioners shall conduct one ~~[[4]]~~ or more advertised public hearings not later than ~~>>45<< [[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 ~~>>~~or if the applicant submits a written request for an extension to the Director prior to the earliest deadline for the publication of required notices for the public hearing~~<<~~, provided that the public hearings shall be held within the timeframes established in Section 163.3184, Florida Statutes.

* * *

- (5) *Additional exceptions from application cycle filing and other procedural requirements.* Notwithstanding other requirements of this section, the following types of applications shall be exempt from the requirement to file within an application cycle.

* * *

- (d) *Procedure for expedited amendment.*
 - >>(1)<< An application for an expedited CDMP amendment may be filed at times other than the application cycles prescribed in this section~~[[,]]~~>>.
 - (2) Expedited amendments shall be<< subject to payment of expediting fees established by implementing order approved by the Board of County Commissioners.
 - >>(3)<< Expedited amendments may be either small-scale or standard applications and shall follow the notice and hearing requirements set forth in subsections ~~[[2-116.1(3) and 2-116.3(4)]]~~ >>(3) and (4) above<<.
 - >>(4)<< Applications requesting >>a UDB-related<< amendment >>may be filed at any time during odd-numbered years only<< ~~[[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 shall not be eligible for this expedited process]].~~

- (e) *Concurrent processing of zoning applications.* Where a CDMP amendment application is accompanied by a zoning application pursuant to chapter 33 (the “concurrent zoning application”) and both applications are complete, the zoning application shall, at the applicant’s request, be processed concurrently with the CDMP amendment application, and the Board of County Commissioners may take action on the concurrent zoning application on the same day at which it takes final action on the CDMP amendment application, provided that:

* * *

Section 2. 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 3. 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 4. 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:

The image shows two handwritten signatures in blue ink. The top signature is 'GBK' with a small flourish at the end. The bottom signature is a more cursive, stylized signature.

Prepared by:

James Eddie Kirtley
Dennis A. Kerbel

Prime Sponsor: Commissioner Rebeca Sosa