

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Sections
2-116 and 2-116.1 of the Code
pertaining to the CDMP
evaluation and appraisal process
and CDMP amendment
procedures

Ordinance No. 13-25

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 2-14-13 Land Use and Development Committee. The Substitute differs from the original version as stated on the County Mayor's memorandum.

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Co-Prime Sponsors Commissioner Barbara J. Jordan and Commissioner Jean Monestime, and Co-Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney


RAC/Imp

Memorandum



Date: March 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and, Members Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Proposed Ordinance Amending Section 2-116 and Section 2-116.1 of the Code of Miami-Dade County Regarding Regulations Guiding the Comprehensive Development Master Plan Review and Amendment Process

This substitute item differs from the original in that it adds a bullet to the Mayor's Memorandum to reflect Code changes proposed in the body of the original ordinance that provide clarification to the voting requirements for amendments to restrictive covenants accepted in connection with a Comprehensive Development Master Plan amendment for Developments of Regional Impact and Military Base Reuse Plans. This change will provide consistency with the voting requirements adopted by the Board of County Commissioners on October 2, 2012 by Ordinance 12-81.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance amending Section 2-116 and Section 2-116.1 of the Code of Miami-Dade County regarding amendments to and review of the Comprehensive Development Master Plan (CDMP).

Scope

The proposed ordinance impacts unincorporated Miami-Dade County and municipalities whose boundaries encompass land located outside the Urban Development Boundary (UDB).

Fiscal Impact/Funding Source

The proposed ordinance creates no fiscal impact on Miami-Dade County.

Track Record/Monitor

Mark Woerner, Assistant Director in the Department of Regulatory and Economic Resources (RER), will be responsible for implementation of the proposed ordinance.

Background

The proposed Code changes form part of a series of initiatives being pursued in order to streamline land development processes and facilitate economic development in our County. Specifically, this ordinance provides for improvements to the CDMP review and amendment process resulting from staff's work with members of the development community, including the Development Process Advisory Group, and other stakeholders. Information on the proposed Code changes and notice of a public workshop held June 6, 2012 were posted on the County's website and sent to more than 150 representatives of development industry, environmental organizations, County agencies and other stakeholders. Staff presented the proposed Code changes to attendees at the public workshop which included both industry and citizen groups and feedback was positive.

Current Process: Applications to amend the CDMP are generally accepted twice per year in April and October, however, the October cycle in even numbered years is optional and only opened upon resolution by the Board of County Commissioners. The only exception to the standard cycles is for Developments of Regional Impact (large scale development as defined in Ch. 380, Florida Statutes) that also request concurrent CDMP amendments. These applications may be filed at any time. Currently, applications are processed as Small-Scale Amendments (map amendments of 10 acres or less) or Standard Amendments. Applications may be filed by any person/entity including the Board of County Commissioners (BCC). Every seven years, the County provides an Evaluation and Appraisal Report which includes a review on the

effectiveness of the CDMP policies and provides recommendations for amendments and updates.

Changes in State Law: In the 2011 legislative session, the Florida Legislature enacted significant revisions to the state review of local comprehensive plan amendments and evaluation and appraisal reports. The amendments to state law created three review processes: Small-Scale, Expedited Standard and State Coordinated review. The state review process was streamlined for Small-Scale and Expedited Standard applications allowing for a shorter review time. These changes in state law provided an opportunity to streamline the review process at the local level as well. In addition, the changes provided a great deal of deference for the local governments to establish, repeal or retain regulations related to the Evaluation and Appraisal Report, CDMP amendment cycles and Military Base Reuse.

Key Benefits of the Improved Process: The proposed changes will provide a benefit to applicants by reducing the overall timeframe for completing the CDMP amendment process by 1 to 3 months (depending on the type of amendment filed), thereby allowing the applicant to pursue corresponding zoning amendments sooner. To further reduce the application timeline, staff review time was reduced in an amount equivalent to the reductions in state review. In addition, by changing the October cycle in even numbered years to mandatory rather than optional, applicants will have more reliable amendment cycles.

Proposed Changes: In addition to various modifications to reflect the correct nomenclature of state and county agencies, the ordinance proposes the following changes to the Comprehensive Development Master Plan (CDMP) amendment process and the Evaluation and Appraisal Report (EAR):

Evaluation and Appraisal of CDMP: Section 2-116

- Retains a process for 7 year evaluation and appraisal of the CDMP with deadlines for preparation of a report resulting in recommended changes to the CDMP;
- Removes obsolete Florida Statutes (F.S.) and Florida Administrative Code references.

CDMP Amendment Cycle Filing Periods and Schedule: Section 2-116.1

- Amends the Code to recognize comprehensive plan amendment review process changes affected by the 2011 Florida Legislature through amendments to Chapter 163, F.S. The County's Code currently provides for small-scale amendments and standard amendments. The changes to Chapter 163 provide for Standard amendments to be reviewed under the recently established Expedited State review process (30-day review after Board transmittal hearing) or under the State Coordinated Review process (60-day review after Board transmittal hearing). Accordingly, the ordinance amends the Code to recognize: 1) Small-Scale amendment; 2) Expedited Standard amendment; and 3) State Coordinated Review (primarily amendments based on an adopted EAR). Most private applications will be reviewed as either small-scale or expedited standard amendments.
- **Small-Scale Amendments:** Reduces the process timeframe for Small-Scale Amendment from 7 to 6 months. The change results from a reduction in staff time to prepare the Application report and Initial Recommendations Report (21-30 day reduction).
- **Expedited Standard Amendments:** Reduces the process timeframe for Expedited Standard Plan Amendment from 12 to approximately 9 months. The change results

- from a reduction in the state review time by 45 days, reduction in staff time to prepare the Applications report and the Initial Recommendations report (21-30 day reduction), and elimination of the Planning Advisory Board final hearings on standard amendment applications (30 day reduction).
- **State Coordinated Review:** Most applications will be processed as Small Scale or Expedited Standard Amendments. For those requiring the State Coordinated Review (primarily amendments based on the adopted Evaluation and Appraisal Report) the timeline will be reduced by approximately 2 months. The change results from a reduction in staff time to prepare the Applications report and the Initial Recommendations report for each cycle (21-30 day reduction), and elimination of the Planning Advisory Board final hearing (30 day reduction).
 - Retains twice per year CDMP amendment cycles. Due to reductions in the review time, the cycles will change from April/October to May/November;
 - Retains the limitation that applications to amend the Urban Development Boundary (UDB), the Urban Expansion Area (UEA), and the land use on property outside the UDB can only be filed once every 2 years, during the first filing period in odd-numbered years.
 - Clarifies that applications to amend the UDB or UEA Boundary are not eligible to follow the expedited small-scale amendment process. These applications will continue to be reviewed as standard amendments thereby allowing for additional input from state agencies;
 - Amends the Code to make the second cycle in even-numbered years a mandatory cycle. Currently, the second cycle in even-numbered years is optional, opened only by resolution from the Board of County Commissioners.
 - Removes obsolete statutory and administrative rule references, and corrects/updates other statutory references;
 - Applications filed in the April 2012 or subsequent CDMP amendment cycle would be subject to follow the amended CDMP process.
 - On October 2, 2012, the Board of County Commissioners adopted Ordinance 12-81 requiring a supermajority (2/3) vote to approve an amendment to a restrictive covenant that was accepted in connection with an application to amend the Comprehensive Development Master Plan. To maintain consistency among the processes governing different types of CDMP amendments, this supermajority vote requirement is proposed to be added to the sections of the Code relating to Developments of Regional Impact and Military Base Reuse Plans.

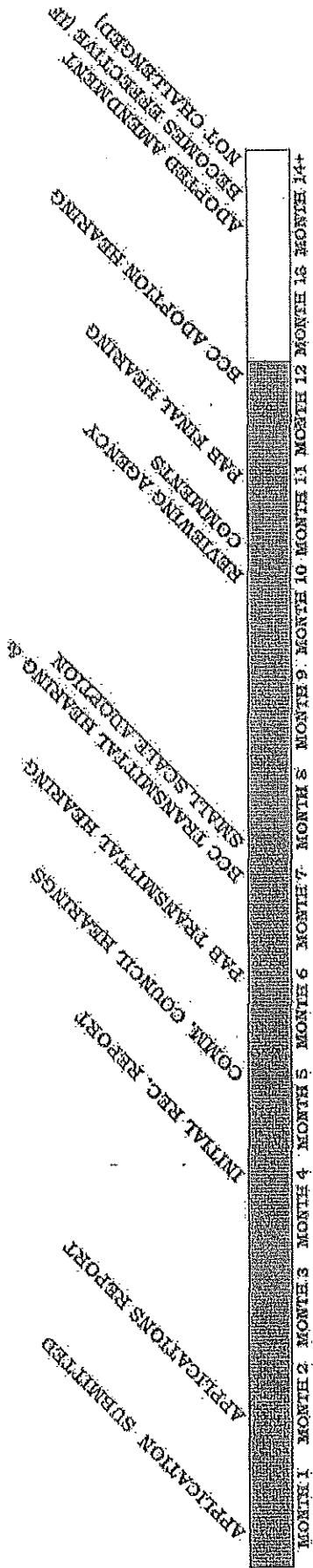


Jack Osterholt, Deputy Mayor

COMPREHENSIVE DEVELOPMENT MASTER PLAN
PLAN AMENDMENT TIMELINE

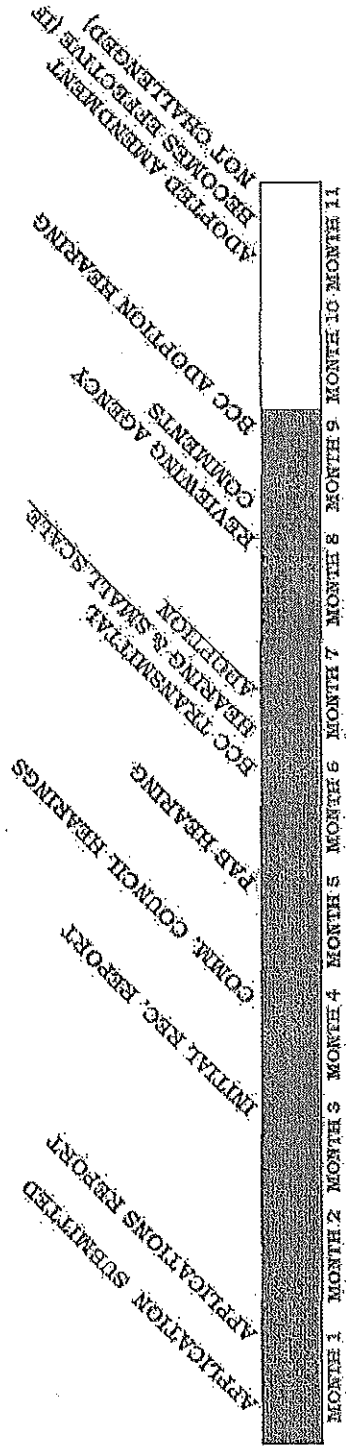
CURRENT

CDMP AMENDMENT PROCESS (APRIL/OCTOBER CYCLES)



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PROPOSED
CDMP AMENDMENT PROCESS (MAY/NOVEMBER CYCLES) *



The proposed CDMP amendment process applies for small-scale and expedited standard applications. Applications following the state coordinated review process would follow a similar timeline * with the exception that the reviewing agency comments would be issued within 60 days rather than 30 days as shown, thereby adding one month to the process-timeline (BCC adoption in Month 10 and adopted amendment becomes effective in Month 12).



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: March 5, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(E)

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

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

6

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
3-5-13

ORDINANCE NO. 13-25

ORDINANCE AMENDING SECTIONS 2-116 AND 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA PERTAINING TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) EVALUATION AND APPRAISAL PROCESS AND CDMP AMENDMENT PROCEDURES; MODIFYING THE EVALUATION AND APPRAISAL PROCESS FOR UPDATING THE CDMP; MODIFYING THE SCHEDULE AND THE PROCEDURES FOR FILING AMENDMENT APPLICATIONS AND FOR PUBLIC HEARINGS CONDUCTED BY THE COMMUNITY COUNCILS, PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY AND BOARD OF COUNTY COMMISSIONERS; PROVIDING APPLICABILITY; 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 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Section 2-116. Evaluation and appraisal ~~[[report-on]]~~ >>of the<< Comprehensive Development Master Plan.

~~[[a)] On or before the date required by Sections 163.3191(5) and (8) Florida Statutes (F.S.), and any administrative rules, adopted pursuant thereto, and periodically thereafter as required pursuant to Section 163.3191(1) and (5), F.S., the Board of County Commissioners shall adopt a comprehensive plan evaluation and appraisal report (EAR). Adoption shall be by resolution unless otherwise required by state law. All references in Section 2-116 of this Code to Florida Statutes or the Florida Administrative~~

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.

~~Code (F.A.C.) shall also refer to any amendments thereto and successor legislation or rules.]]~~

>>(a)<< ~~[[b]]~~ The evaluation and appraisal ~~[[report]]~~ process shall be the principal process for updating the Comprehensive Development Master Plan (CDMP) to reflect changes in state policy on planning and growth management. The evaluation and appraisal >>of the CDMP shall be prepared and presented in a<< report>>. Such report<< shall ~~[[present]]~~ >>contain<< an assessment and evaluation of the success or failure of the comprehensive plan or element or portion thereof, and ~~[[shall contain appropriate statements (using words, maps, illustrations, or other forms) related to the matters required pursuant to Section 163.3191, F.S. and any administrative rules adopted pursuant thereto. The report]]~~ shall also recommend changes needed to update the comprehensive plan, or elements or portions thereof, including reformulated objectives, policies, and standards and shall contain a schedule for reviewing and taking final action on the proposed amendments~~[[within the time frame required by Section 163.3191(4), F.S]].~~

>>(b)<< ~~[[e]]~~ The Director of ~~[[Planning and Zoning]]~~>>the Department of Regulatory and Economic Resources, or successor agency (hereinafter referred to as "the Department")<< shall prepare the ~~[[EAR]]~~ >>evaluation and appraisal report<< pursuant to Section 2-105.1, Code of Miami-Dade County, for finalization by the Planning Advisory Board acting in its capacity as the Miami-Dade County local planning agency (LPA) pursuant to Section 2-108.1, Code of Miami-Dade County, and for adoption by the Board of County Commissioners as provided in this section. Not less than three (3) months prior to the deadline established by >>the State Land Planning Agency to comply with<< Section~~[[s]]~~ 163.3191~~[[(4) and (5)]]~~ F.S., ~~[[or any administrative rules adopted pursuant thereto,]]~~ for >>evaluating the comprehensive plan,<< ~~[[adoption of an EAR by the county,]]~~ the Director of ~~[[Planning and Zoning]]~~ >>the Department<< shall deliver the proposed ~~[[EAR]]~~ >>report<< to the Planning Advisory Board acting in its capacity as the LPA.

Upon receipt of the proposed plan evaluation and appraisal report, the Planning Advisory Board acting as the LPA

shall conduct one (1) or more public hearings duly noticed in accordance with Section 163.3164(17), F.S.

Following the public hearing(s), the Planning Advisory Board acting as the LPA, shall complete preparation of the report, including their recommendations, and submit it to the Board of County Commissioners not less than two (2) months prior to the deadline established by >>the State Land Planning Agency to comply with<< ~~[[sections]]~~ >>Section<< 163.3191 ~~[[1] and [5]]~~, F.S., ~~[[or administrative rules adopted pursuant thereto]]~~. The Department ~~[[of Planning and Zoning]]~~ may issue recommendations regarding the report as finalized by the LPA.

The Board of County Commissioners shall >>by resolution<< adopt, or adopt with changes, the report or portions thereof on or before the date established by >>the State Land Planning Agency to comply with<< ~~[[Chapters]]~~ >>Section<< 163.3191~~[[1] and [5]]~~, F.S.~~[[; or any administrative rules adopted pursuant thereto, for adoption of an EAR by Miami Dade County.]]~~

Not less than six (6) months prior to the deadlines established by >>the State Land Planning Agency to comply with<< Section 163.3191~~[[1] and [5]]~~, F.S. the Department ~~[[of Planning and Zoning]]~~ shall publish in a newspaper of general circulation in Miami-Dade County a schedule of all activities required by law for >>evaluating the comprehensive plan.<< ~~[[the adoption of the EAR.]]~~ Any changes in the schedule shall be published in the same manner. The published schedule and changes thereto shall be delivered to the Board of County Commissioners and the Planning Advisory Board.

~~[[The adopted EAR shall be transmitted to the state land planning agency or its designee, and any other required parties on the dates required by Sections 163.3191(5) and (8), F.S. The EAR shall also be transmitted, pursuant to Section 163.3184(3)(b), F.S., when the amendments proposed in the report are transmitted to the state land planning agency or its designee.]]~~

>>(c)<< ~~[[d]]~~ At any time prior to or during preparation or review of the proposed or recommended ~~[[EAR]]~~ >>evaluation and appraisal report<<, the Board of

County Commissioners, Planning Advisory Board or the Department ~~[[of Planning and Zoning]]~~ may conduct public meetings or public workshops in addition to the public hearing specified herein to address the matters set forth in Section 163.3191(4), F.S. Any such public workshop shall be advertised in a newspaper of general circulation in Miami-Dade County, at least once seven (7) to fourteen (14) days prior to the date of said workshop.

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

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

(1) *Scope of eligibility.*

- (a) Any person or organization, including the federal government, the State of Florida, Miami-Dade County, any municipality in Miami-Dade County and any of their agencies, authorities and departments may request the initiation of the amendatory process provided below.
- (b) If the applicant has an ownership interest in any real property covered by an application to amend the land use element of the Comprehensive Development Master Plan, such interest shall be disclosed in the same manner as required of zoning applicants in Section 33-304 of the Miami-Dade County Code. If the applicant is acting as agent or attorney for a principal, the principal's interest shall be disclosed in the same manner as required of zoning applicants in Section 33-304 of the Miami-Dade County Code. This subsection (b) shall not apply to governmental applicants.

- (2) *Application.* Except as specifically provided below for applications pursuant to ~~[[an emergency, 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 Planning and Zoning]]~~

>>Department of Regulatory and Economic Resources<< or successor agency >>(herein after referred to as “the Department”) << during the period between [[April]] >>May<< 1 and [[April]] >>May<< [[30]] >>31<< inclusive (hereinafter [[April]] >>May<< period), and during the period between [[October]] >>November<< 1 and [[October]] >>November<< [[31]] >>30<< inclusive (hereinafter [[October]] >>November<< period), 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 [[April]] >>May<< period in odd numbered years. The Director of [[Planning and Zoning]] >>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 [[or both]] the [[April]] >>May<< or [[October]] >>November<< period >>following the adoption of<< [[during these years that]] an evaluation and appraisal report~~[- is adopted pursuant to Section 2-116, Code of Miami Dade County]~~, provided that the amendments proposed in said applications are suggested in the adopted evaluation and appraisal report. [[If a filing period is in effect on the date of adoption of an EAR, it shall be extended as necessary to provide a fifteen business day filing opportunity. The Planning Director may also file applications requesting amendments to the UDB, UEA or to the land use classification of land located outside of said UDB during the April or October filing period immediately preceding and immediately following adoption of an Evaluation and Appraisal Report.]]

- ~~[[(b) During even numbered years, applications may be filed during an October period only in years when, a) an evaluation and appraisal report is scheduled for adoption pursuant to Section 2-116, Code of Miami Dade County, or b) such an October period amendment process is authorized by affirmative recommendation of the County Manager and approved by resolution of the Board of County Commissioners on or before the sixteenth (16th) day of September in that year. No applications will be accepted for~~

~~consideration during the October period in even numbered years unless an evaluation and appraisal report is scheduled for adoption pursuant to Section 2-116, Code of Miami-Dade County, or said October period amendment filing opportunity is expressly approved in accordance with this paragraph.]~~

>>(b)<< ~~[(e)]~~ All requests shall be made by filing an application in a form and containing the information prescribed by the Director of >>the Department<< ~~[[Planning and Zoning]]~~. Applicants seeking to have their requests considered to be small-scale amendment applications, as provided in Section 163.3187~~[[1)(e)]~~, F.S., and eligible for processing in accordance with the procedures provided herein for ~~[[expediting]]~~ 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 ~~[[expedited]]~~ adoption as small-scale amendment applications, and all requested small-scale amendment applications which are not ~~[[expedited]]~~ >>adopted<< but which are transmitted to the State >>L<<[[L]]and >>P<<[[P]]lanning >>A<<[[A]]gency >>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) business day following notice from the Department that the application filed is deficient.

>>(c)<< ~~[(e)]~~ 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 ~~[[Manager]]~~ >>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. Except for requests by the Board of County Commissioners to amend the Comprehensive Development Master Plan ~~[[in the case of an emergency as provided in Section 163.3187(1)(a), F.S.]]~~ in the case of a compliance agreement as provided in Section 163.3187~~[[1)(e)]]~~

>>(5)<< F.S., in the case of a State statutory requirement, in the case of an application necessary to authorize a Development of Regional Impact initiated by the County, in the case of an application for a small-scale amendment pursuant to Section 163.3187 [(4)(e)], F.S., in the case of an application relating to military base reuse, prepared pursuant to Section 288.975, F.S., or 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. Said resolution or ordinance shall direct the County [[Manager]] >>Mayor<< to include the special application for review and action along with [[April]] >>May<< period or [[October]] >>November<< period applications as provided herein ~~[[or instruction may be given that the special application shall take the place of the October period process during an even-numbered year,]]~~ or 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 ~~[[an emergency as provided in Section 163.3187(1)(a), F.S.,]]~~ >>a<< concurrent approval of a Development of Regional Impact as provided in Section ~~[[163.3187(b),]]~~ >>380.06(6)(b). <<F.S., approval of a small-scale amendment as provided in Section 163.3187[(4)(e)], 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. ~~[[; or in the case of a State statutory requirement for which an exception to the twice-per-year limitation on the adoption of comprehensive plan amendments is provided in Chapter 163, Part 2, F.S.-]]~~

>>d<< [(e)] In the event that the Board of County Commissioners has entered into a compliance agreement pursuant to Section 163.3184 >>(6)<< [(4)(e)], F.S., requiring the filing of an application to amend, modify, add to or change the Comprehensive Development Master Plan, the County [[Manager]] >>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)<< [(16)-], F.S.

(3) *Procedure upon application; Director of ~~[[Planning and Zoning]]~~ >>Regulatory and Economic Resources<<, Community Councils, Planning Advisory Board (PAB), and Board of County Commissioners; >>or<< applications pursuant to ~~[[an emergency or]]~~ 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<< ~~[[Planning and Zoning]]~~ 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)[(e)], F.S.

(b) The Director of ~~[[Planning and Zoning]]~~ >>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. The report shall also itemize proposals suggested and under evaluation by the Department ~~[[of Planning and Zoning]]~~ staff; however, this initial identification of staff proposals shall not preclude further staff proposals. Such staff proposals, except those initiated in direct response to the written comments submitted by the State >>L<<[[I]]and >>P<<[[p]]lanning >>A<<[[a]]gency >>and other review agencies<< pursuant to Section 163.3184[(6)] >>(3) and (4)<<, F.S., ~~[[and Chapter 9J-11, Florida Administrative Code,]]~~ shall be 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. Further staff proposals initiated in direct response to the written comments submitted by the State ~~L~~ and ~~P~~anning ~~A~~gency ~~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~~ ~~[[the day the local planning agency adopts its final recommendations]]~~ pursuant to Section 2-116.1(4)(a) ~~(b)~~, Code of Miami-Dade County. The Department ~~[[of Planning and Zoning]]~~ 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 ~~[[5th]]~~ ~~21st~~ following the filing of ~~[[April]]~~ ~~May~~ period applications and December ~~[[5th]]~~ ~~21st~~ following the filing of ~~[[October]]~~ ~~November~~ period applications, the applications report shall be submitted to the Planning Advisory Board and directly impacted Community Councils as determined by the Director of the Department ~~[[of Planning and Zoning]]~~ 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~~ ~~[[Planning Advisory Board acting as the local planning agency established in paragraph (4)(a), herein.]]~~ 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 ~~[[of Planning and Zoning]]~~, 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 ~~[[April]]~~ >>May<< period applications and on or before the tenth (10th) day of January following the filing of ~~[[October]]~~ >>November<< period applications. 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 ~~[[April]]~~ >>May<< period applications and the twenty-fifth (25th) day of February following the filing of ~~[[October]]~~ >>November<< period applications, the Department ~~[[of Planning and Zoning]]~~ shall issue its initial recommendations on the applications. 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.
- (1) The proposed future land use plan map designation of the subject property; the boundary of the subject

- property and its location in relation to the surrounding street and thoroughfare network shall be shown on (a) map(s);
- (2) The land use designations of the subject property and abutting properties currently designated on the future land use plan map shall be shown on (a) map(s);
 - (3) The size of the subject property in acres or fractions thereof shall be indicated;
 - (4) A description of the availability of, and the demand on, the following public facilities shall be included: sanitary sewer, solid waste, drainage, potable water, traffic circulation and recreation, as appropriate, and any others deemed appropriate by the Director; and
 - (5) Information regarding the compatibility of the proposed land use amendments with the objectives and policies of the land use element and those of other affected elements.
- (e) 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 >>_<< ~~[[of Planning and Zoning. There shall be no Community Council hearings on proposed amendments to the Capital Improvement Element; provided, however, that input from the Community Council shall be solicited in capital projects as part of the budgetary process.]]~~ All Community Council hearings on CDMP amendment applications shall occur either during September following the filing of ~~[[April]]~~ >>May<< period applications or during March following the filing of ~~[[October]]~~ >>November<< period applications. 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 >>L<<[[1]]and >>P<<[[p]]lanning >>A<<[[a]]gency >>and other review agencies<< for review and comment, and regarding ultimate adoption, adoption with change, or denial of the applicable applications. Public hearings of Community

Councils shall be advertised 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. 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. 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 ~~[[April]]~~ >>May<< period applications and during a March following the filing of ~~[[October]]~~ >>November<< period applications.

- (f) The Planning Advisory Board acting as the local planning agency shall hold one (1) public hearing in October following the filing of ~~[[April]]~~ >>May<< period applications and in April following the filing of ~~[[October]]~~ >>November<< period applications. 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. 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 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. The purpose of the public hearing shall be to receive public comments and to address the amendment applications, the initial recommendations of the Department ~~[[of Planning and Zoning]]~~, and the questions of, (1) the adoption of requested small-scale amendment~~[[s]]~~ >>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 ~~[[expedited]]~~ adoption to the State >>L<<[[H]]and >>P<<[[p]]lanning

>>A<<[[a]]gency >>and other review agencies<< for review pursuant to Section 163.3184[[{(6)}] >>(3) and (4)<<, F.S., and (3) subsequent approval of transmitted applications, by the Board of County Commissioners. At the conclusion of each public hearing conducted pursuant to this paragraph, the Planning Advisory Board acting as the local planning agency shall issue recommendations regarding ~~[[expedited]]~~ 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) ~~[[through (6)]]~~ >>and (4)<<, F.S., of the >>expedited<< standard amendment applications>>, State coordinated review applications<< and any small-scale amendment applications not recommended for ~~[[expedited]]~~ adoption, and recommendations regarding subsequent final action by the Board of County Commissioners on the transmitted plan amendment(s).

- (g) The Board of County Commissioners shall hold one public hearing during November following the filing of ~~[[April]]~~ >>May<< period applications and during May following the filing of ~~[[October]]~~ >>November<< period applications. Hearing(s) held pursuant to this paragraph shall be advertised in accordance with Section 163.3184~~[[{(15)}]]~~ >>(11)<<(b) ~~[[and (e)]]~~, F.S., and shall be held on a weekday not less than ten (10) days after the day that the advertisement is published. At these hearings the Department ~~[[of Planning and Zoning]]~~ shall present to the Board the listing of applications filed pursuant to Section 2-116.1(3)(b), Code of Miami-Dade County, and the Board shall consider the ~~[[expedited]]~~ adoption or adoption with change of any requested small-scale amendments>>,< ~~[[and]]~~ the transmittal of the >>expedited<< standard amendment applications >>and the transmittal of the State coordinated review amendment applications<< to the State >>L<<[[H]]and >>P<<[[P]]lanning >>A<<[[a]]gency >>and other review agencies<< and any requested small-scale amendments not adopted. 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. 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 ~~[[, except that any decision to include any additional land within the UDB, 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]].~~ 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. The transmittal action shall be taken by resolution of the Board of County Commissioners. ~~[[The resolution pertaining to transmittal shall also specify that the County requests the State land planning agency to review the transmitted proposed amendments pursuant to Section 163.3184(6), F.S.]]~~ 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<< [[Manager]] or [[his]] >>the Mayor's<<~~ designee to transmit all documents and information required by Sections 163.3184(3) and ~~[[(7)]] >>(4)<<~~, F.S. ~~[[and Chapter 9J-11, Florida Administrative Code,]]~~ following the hearing, on behalf of the Board.

- (h) The Department ~~[[of Planning and Zoning]]~~ shall evaluate all of the information received at the transmittal hearing or within ~~>>thirty (30)<< [[forty-five (45)]]~~ days after action by Board of County Commissioners addressing transmittal of the applications and may present ~~>>final<< [[revised]]~~ recommendations to the ~~>>Board of County Commissioners.<< [[Planning Advisory Board prior to any subsequent public hearing conducted by the Planning Advisory Board.]]~~

(4) *Procedures for final actions after transmittal to state review agencies.* After the County ~~>>Mayor<< [[Manager]] 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 Planning Advisory Board acting as the local planning agency shall conduct a noticed public hearing not more than thirty (30) days after receipt of comments from the State land planning agency pursuant to Section 163.3184(6), F.S.; or if the State land planning agency does not transmit comments within ten (10) days after the due date for transmitting such comments established pursuant to Section 163.3184(6), F.S., the deadline for this hearing shall be forty five (45) days after said due date for transmitting comments. The purposes of the public hearings shall be to receive public comments on the amendment applications, on any objections, recommendations or comments issued by the State land planning agency, on the recommendations of the Department of Planning and Zoning, and on the question of adoption of the pending applications by the Board of County Commissioners pursuant to Section 163.3184(7), F.S., and to formulate final recommendations. 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 an additional date. No additional public notice shall be required for the continued public hearing, if any, provided that the date and time are announced at the hearing being continued. In no instance shall the local planning agency continue a public hearing to an additional date that would be later than forty five (45) days after receipt of comments from the State land planning agency or later than ten (10) business days before a public hearing scheduled by the Board of County Commissioners to take final action on the subject applications. The deadlines established in this paragraph may be extended by forty five (45) days where all pending plan amendments are proposed to implement an Evaluation and Appraisal Report (EAR) adopted pursuant to Section 163.3191, F.S., and the revised deadline is consistent with Section 163.3191(4), F.S.~~

~~At the conclusion of the public hearing conducted pursuant to this paragraph, the Planning Advisory Board acting as the local planning agency shall deliberate and formulate final recommendations on the proposed amendments to the Comprehensive Development Master Plan, and shall state its reasons or, in the alternative, shall state its reasons for not making recommendations. The Department of Planning and Zoning may also modify its previous~~

~~recommendations. If the Local Planning Agency has previously issued recommendations, failure by the Local Planning Agency to timely conduct a public hearing or issue recommendations pursuant to this paragraph shall not preclude the Board of County Commissioners from conducting public hearings and taking final action pursuant to Section 2-116.1(4)(b), herein.]]~~

>>(a)<< [(b)] The Board of County Commissioners shall conduct one (1) or more advertised public hearings not later than >>forty-five (45) days<< [[sixty (60) days]] after receipt of comments from the State >>L<<[[H]]and >>P<<[[p]]lanning >>A<<[[a]]gency >>and other review agencies, unless a greater time period is deemed necessary by the Director.<< [[or if within ten (10) days after the due date established pursuant to Section 163.3184(6), F.S., the State land planning agency does not transmit comments.]] 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, Sections 2-116.1(2)(a), (b), (c), >>and<< (d)>>,< [[and (e)]] and (3)(a) and (b), Code of Miami-Dade County, or within the scope of the written [[objections; recommendations and]] comments submitted by the State >>L<<[[H]]and >>P<<[[p]]lanning >>A<<[[a]]gency >>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 [[EAR]] adopted >>evaluation and appraisal report of the CDMP.<< [[pursuant to Section 163.3191(4), F.S., and the revised deadline is consistent with Section 163.3191(4), F.S.]]

>>(b)<< [(e)] All public hearings conducted by the Board of County Commissioners pursuant to foregoing paragraph (4) >>(a)<<[(b)] to take final action on applications to amend the CDMP shall be advertised in the manner required by Section 163.3184[[15]] >>(11)<<, F.S. All such hearings shall be held on a weekday approximately ten (10) days after the date that the advertisement is published. 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>>, 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. 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. 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 >>L<<[[H]]and >>P<<[[p]]lanning >>A<<[[a]]gency >>and other review agencies<<with the adopted amendments. In addition, the Department [[of Planning and Zoning]] 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 >>L<<[[H]]and >>P<<[[p]]lanning >>A<<[[a]]gency >>and other reviewing agencies<< to the comments [[, objections and recommendations]] submitted by said agency[[y]]>>ies<< pursuant to Section 163.3184[[((6))] >>(3) and (4)<<, F.S. The County >>Mayor<< [[Manager]] >>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.<< [[Chapter 9J-11, Florida Administrative Code]]. Copies of adopted proposals shall be transmitted by the County >>Mayor<< [[Manager]] >>or the Mayor's designee<< to said agency after adoption pursuant to Section 163.3184[[((7))] >>(3) and (4)<<, F.S.

- (5) *Applications filed pursuant to [[an emergency,]] >>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 an*

emergency as provided in Section 163.3187(1)(a), F.S., or pursuant]] to a compliance agreement as provided in Section 163.3184[[~~(16)~~]] >>(6)<<, F.S., shall be subject only to the procedural requirements for such applications found in Section[[~~s 163.3187 or~~]] 163.3184, F.S., [[~~respectively;~~]] 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[[s]] >>163.3187(1)(b), and<< 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 [[~~April and October~~]] >>May and November<< as provided by Section[[~~s 163.3187(1)(b), and~~]] 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 Planning and Zoning~~]] 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[[~~(3)~~]] >(4)<, F.S. The application filing date is hereby deemed to be the later of the dates on which the Director of the Department [[~~of Planning and~~

Zoning]] 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 ~~[[of Planning and Zonings]]~~, 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 paragraph 2-116.1(3)(e), herein; provided however, such hearing and review shall take place within ~~[[forty (40)]]~~ >>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 ~~[[sixty (60)]]~~ >>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 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.; ~~[[2) recommendations regarding whether or not the Board of County Commissioners should request State agency review of the transmitted application pursuant to Section 163.3184(6), F.S.];~~ and ~~[[3)]~~ >>(2)<< recommendations regarding subsequent final action by the Board of County Commissioners on the plan amendment(s) being proposed for transmittal to the State >>L<<[[1]]and >>P<<[[p]]lanning >>A<<[[a]]gency >>and other review agencies<<.
- (3) Not later than >>sixty (60)<< ~~[[eighty (80)]]~~ 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 ~~[[Chapter]]~~ >>Section<< 163.3184~~[[3]]~~ >>(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~~[[15]]~~ >>(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<< ~~[[Manager]]~~ or ~~[[his]]~~ >>the Mayor's<< designee shall occur in the manner prescribed in Section 2-116.1(3)>>(g)<< ~~[[f]]~~, herein, for transmittal of applications filed during ~~[[April and October]]~~ >>May and November<< CDMP amendment filing periods~~[[;]]~~>>.<< ~~[[with the exception that the County Commission at its option may or may not request the State land planning agency to review the proposed amendments and issue written comments pursuant to Section 163.3184(6), F.S.]]~~

~~[[4]]~~ If the State land planning agency reviews any of the DRI related proposed CDMP amendment(s) pursuant to Section 163.3184(6), F.S., and issues any written objections and recommendations for modifications, the Planning Advisory Board acting as the local planning agency shall conduct a noticed public hearing in conformance with provisions of paragraphs 2-116.1(4)(a), herein, to address the proposed CDMP amendments. If the State land planning agency sends written notice that none of the subject proposed amendments will be reviewed pursuant to Section 163.3184(6), F.S., or if said agency conducts a review and issues no written objections and recommendations for modifications, the Planning Advisory Board shall not conduct a public hearing pursuant to this paragraph.]

>>(4)<< ~~[[5]]~~ The Board of County Commissioners shall take final action on the application filed pursuant to this paragraph at the same public hearing as it acts upon the application for approval of or the proposed

change to, the DRI development order. However, the Board of County Commissioners shall take action separately on the application for development approval or the proposed change and on the CDMP amendment. This public hearing shall occur no sooner than thirty (30) days and no later than sixty (60) days after receipt of the response from the ~~[[DCA]]~~ >>State Land Planning Agency and other review agencies<< pursuant to Section 163.3184, F.S. This public hearing to consider amending the CDMP shall be advertised in the manner prescribed in Section 163.3184~~[[15]]~~ >>(11)<<, F.S., for the advertisement of public hearings at which the Board of County Commissioners will consider adoption of CDMP amendments.

>>(5)<< ~~[[6]]~~ Board of County Commissioners actions to transmit, adopt, or adopt with changes any application filed pursuant to this paragraph shall be by affirmative vote of not less than a 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, or to redesignate to urban use any land outside the Urban Development Boundary, >>or to modify the Urban Expansion Area boundary<< shall require the affirmative vote of two-thirds (2/3) of the total membership of the County Commission then in office. >>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)<< ~~[[7]]~~ The deadlines established in paragraphs 2-116.1(5)(a)(2) through >>(4)<< ~~[[5]]~~, above, may be extended only at the written request of the applicant received by the Director of the Department ~~[[of Planning and Zoning]]~~ prior to the earliest of the dates that the Department submits public hearing advertisements for newspaper publication or mails hearing notices to neighboring

property owners. After this date, such written requests may be approved only by motion by the Board of County Commissioners.

(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 ~~[[Manager]]~~ >>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 163.3187(2), F.S., and]]~~ Section 2-116.1(2), herein.

(1) Any decision by Miami-Dade County to use the optional procedure established in Section 288.975 F.S., shall be made by motion or resolution by the Board of County Commissioners. Such decisions shall be made not less than seven (7) days prior to the deadline established in Section 288.975(3), F.S., for issuing notice of intent to the ~~[[Florida Department of Community Affairs (DCA)]]~~ >>State Land Planning Agency<< ~~[[and the Department of Commerce (DOC)]]~~ of the County's intent to use the optional procedure provided in Section 288.975, F.S. If a decision is made to use the optional procedure, the County ~~[[Manager]]~~ >>Mayor<< or ~~[[his]]~~ >>the Mayor's<< designee shall, within the time frame established in Section 288.975(3), F.S., notify the ~~[[secretaries of the DCA and DOC]]~~ >>State Land Planning Agency<< in writing; by hand delivery or return receipt requested, of the County's intent to use the optional provisions of Section 288.975, F.S. The Board of County Commissioners or County ~~[[Manager]]~~ >>Mayor<< may designate a County agency to

have principal responsibility to manage the facility or County portion thereof (hereinafter the base management agency). Any written notice issued by the Miami-Dade County Aviation Department to the ~~[[DOC]]~~ >>State Land Planning Agency<< prior to the effective date of this provision indicating Miami-Dade County's intent to use the optional procedures provided in Section 288.975, F.S., is hereby deemed sufficient and approved.

- (2) Whenever Miami-Dade County shall be the host local government as defined in Section 288.975(2)(d), F.S., (a) the Department ~~[[of Planning and Zoning]]~~ >>of Regulatory and Economic Resources or successor agency<< shall coordinate all CDMP amendment activities in close consultation with, and with the assistance of, the designated base management agency, if any, and (b) the Department ~~[[of Planning and Zoning]]~~, or the Aviation Department solely in the case of Homestead Air Reserve Base, shall request the >>State Land Planning Agency<< ~~[[Florida-DOC]]~~ to coordinate a presubmission workshop in Miami-Dade County pursuant to ~~[[paragraph]]~~ >>Section<< 288.975(8)>>₁<< F.S. The ~~[[Miami-Dade County Department of Planning and Zoning]]~~ >>Department<< and base management agency shall be the Miami-Dade County agencies with which the ~~[[DCA]]~~ >>State Land Planning Agency<< ~~[[and-DOC]]~~ shall coordinate the workshop, and the County shall request the >>State Land Planning Agency<< ~~[[DOC]]~~ to invite all Miami-Dade County agencies represented on the Miami-Dade County Developmental Impact Committee (DIC) to attend.
- (3) Application to amend the CDMP shall be filed with the Department ~~[[of Planning and Zoning]]~~ in a form prescribed by the Director pursuant to Section 2-116.1(2)[(e)] >>(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 ~~[[of Planning and Zoning]]~~ 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 ~~[[of Planning and Zoning]]~~, or recommendations by the Department for submittal of additional information.

(4) Upon receipt of an application, the Director ~~[[of Planning and Zoning]]~~ may distribute the application to the Director of the MPO Secretariat and to other County agencies he deems necessary for review and comment on aspects of the application which pertain to matters under the jurisdiction of the agency and which are within the scope of the Comprehensive Development Master Plan. Any such requested comments shall be returned to the Director ~~[[of Planning and Zoning]]~~ by the director of the requested agency or his designee on a date specified by the Director ~~[[of Planning and Zoning]]~~ in his request.

(4.5) Not later than seventy (70) days prior to the due date for transmittal of a proposed plan pursuant to Section 288.975(9), F.S., the Director ~~[[of Planning and Zoning]]~~ shall submit to the Planning Advisory Board, acting as the Local Planning Agency (LPA), and any Community Council(s) directly impacted by the application as determined by the Director of the Department ~~[[of Planning and Zoning]]~~, the

complete application along with supporting information, data and analyses or summaries thereof. The Director shall submit the Department's initial recommendations on the application not less than ten (10) days before the respective public hearing(s) conducted pursuant to Section 2-116.1(5)(b)(5) and (6), herein. In formulating its initial recommendations, the Department ~~[[of Planning and Zoning]]~~ shall consider the supporting information submitted by the applicant, government agencies, and timely public comments. The initial recommendations shall reflect consideration of the factors and information noted in Section 2-116.1(3)(d), herein. The Director's recommendations may suggest changes to the application as filed, may address subsequent adoption of the application with or without changes, may recommend production of additional supporting analyses or information, and may recommend an alternative schedule for submission of the application to state review agencies if changes to the application or production of additional information is recommended.

- (5) At least six (6) weeks before the date scheduled for the Board of County Commissioners public hearing to be conducted pursuant to Section 2-116.1(5)(b)(7), herein, the Community Council(s) directly impacted, as determined by the Director, by an application filed pursuant to this section may at its option conduct a public hearing and issue recommendations addressing the proposed amendments. The public hearing shall occur in the manner set forth in paragraph 2-116.1(3)(e), herein; provided however, such hearing and review shall occur during the period provided in this paragraph, and before the hearing conducted by the Local Planning Agency.
- (6) The Planning Advisory Board acting as the LPA shall conduct one (1) public hearing at least three (3) weeks before the date scheduled for the Board of County Commissioners public hearing to be conducted pursuant to Section 2-116.1(5)(b)(7),

herein, and approximately ten (10) days after publication of an advertisement in a newspaper of general circulation in Miami-Dade County. If it finds it necessary, the LPA may continue the public hearing once to a date not later than three (3) weeks prior to the date scheduled for the Board of County Commissioners hearing. No additional public notice shall be required for the continued hearing provided that the date and time are announced at the hearing being continued. The purpose of the public hearing shall be to receive public comments on the CDMP amendment proposals contained in the application and to address the initial recommendations of the Department ~~[[of Planning and Zoning]]~~, the questions of transmittal of the amendment proposals to State agencies for review pursuant to Section 288.975(9)(a), F.S., and subsequent adoption of the proposed amendments by the Board of County Commissioners, or if justified and necessary in accordance with Section 288.975(9), F.S., a request for an extension of the deadline for transmitting the proposed amendments to the State review agencies. At the conclusion of the public hearing, the Planning Advisory Board acting as the LPA shall issue recommendations regarding transmittal of the amendment proposals to the State for review, and recommendations regarding subsequent final action by the Board of County Commissioners to adopt, adopt with changes, or not adopt the proposed amendments contained in the application, or if necessary to comply with Section 288.975, F.S., to recommend that the Commission request an extension of the deadline for submission.

- (7) The Board of County Commissioners shall hold one (1) public hearing not later than fifty (50) weeks after the County ~~[[Manager]]~~ >>Mayor<< or ~~[[his]]~~ >>the Mayor's<< designee ~~[[submits the County Manager or his designee]]~~ submits notice to the ~~[[DCA and DOC]]~~ >>State Land Planning Agency<< of Miami-Dade County's intent to use the optional provisions of Section 288.975, F.S. The hearing held pursuant to this paragraph shall be advertised in accordance with Sections ~~[[163.3184(15)(b) and (e)]]~~ >>163.3184(11)<<.

F.S., and shall be held on a weekday approximately ten (10) days after the day that the advertisement is published. At this hearing the Board shall consider transmitting to the State agencies listed in Section 288.975(8), F.S., (hereinafter State review agencies) a copy of the amendments proposed pursuant to Section ~~[[298.975]]~~ >>288.975<<, F.S., or petitioning the secretary of the ~~[[DCA]]~~ >>State Land Planning Agency<< for an extension of the deadline if justified and necessary, in conformance with Section 288.975(9)(b), F.S. The transmittal action shall be taken by approving on first reading an ordinance to take final action on the proposed amendments. The Board of County Commissioners shall take final action after future public hearing to occur after State review agencies have received the transmitted proposed amendments and had opportunity to review and comment. Notwithstanding any other provision of this Section, petition for extension of the deadline may be approved by motion approved by majority of a quorum of the Board of County Commissioners in attendance at any meeting of the Board of justified and necessary in conformance with Section 288.975~~[[a]]~~>>9<<(b), F.S. The County ~~[[Manager]]~~ >>Mayor<< or ~~[[his]]~~ >>the Mayor's<< designee is authorized and directed to transmit to the state review agencies the amendments authorized by approval at first reading along with all supporting information required by Chapters 288.975 and 163, Part 2, F.S., and pertinent administrative rules adopted pursuant thereto. Transmittal shall occur by hand delivery, or certified or express mail service, with return receipt, not later than ten (10) days after approval of transmittal by the Board of County Commissioners, and the transmittal letter shall specify that all State review agencies shall return comments directly to the Miami-Dade County Department of ~~[[Planning and Zoning]]~~ >>Regulatory and Economic Resources or successor agency<< as the County's coordinator of the CDMP amendment process. Not more than five (5) days after transmittal of the proposed plan amendments to the State, the Department ~~[[of Planning and Zoning]]~~ shall cause

the commencement of the State review period to be advertised in a newspaper of general circulation in Miami-Dade County with invitation for public comments to be submitted to the Department within sixty (60) days after publication of this advertisement. Miami-Dade County shall consider all comments received not later than sixty (60) days after publication of this advertisement. If a listed State review agency has not provided comments within seventy (70) days after transmittal, the Director may determine that comments have not been timely provided and that no objection has been issued by that agency and he may proceed to schedule the activities listed in following paragraphs (8) through (12), herein.

- (8) Not later than fourteen (14) days after the Department ~~[[of Planning and Zoning]]~~ receives comments from all State review agencies or the Director determines that no additional comments are timely as provided in foregoing Paragraph (7), the Department ~~[[of Planning and Zoning]]~~, in consultation with the base management agency and any other agencies deemed appropriate by the Director ~~[[of Planning and Zoning]]~~ shall issue to the LPA revised recommendations for the Board of County Commissioners to adopt, adopt with changes, or not adopt the proposed amendments.

- (9) Not later than thirty (30) days after the Department ~~[[of Planning and Zoning]]~~ determines that it has received all timely comments from the listed State review agencies, the Planning Advisory Board acting as the LPA shall conduct a duly noticed public hearing. The purpose of the public hearing shall be to receive public comments on the proposed amendments, on the initial recommendation of the LPA issued prior to transmittal, on any comments received from State review agencies, on the current recommendations of the Department ~~[[of Planning and Zoning]]~~, and on the questions of adoption by the Board of County Commissioners pursuant to Section 288.975, F.S., and to formulate its revised recommendations. In the event that the LPA determines it to be necessary, it may continue the hearing to a date not later than thirty-five (35) days

after the Department ~~[[of Planning and Zoning]]~~ has received timely comments from the listed State review agencies. No additional public notice shall be required for the continued public hearing, if any, provided that the date and time are announced at the hearing being continued. At the conclusion of the public hearing the Planning Advisory Board acting as the local planning agency shall deliberate and formulate final recommendations. The Department ~~[[of Planning and Zoning]]~~ may also modify ~~it~~ ~~>>~~ ~~<<~~ previous recommendations. If the Local Planning Agency has issued recommendations prior to transmittal, failure by the Local Planning Agency to timely conduct a public hearing or issue recommendations pursuant to this paragraph shall not preclude the Board of County Commissioners from conducting a public hearing and taking final action pursuant to Section 2-116.1(5)(b)(10), herein.

- (10) (a) Not later than sixty (60) days after the Department ~~[[of Planning and Zoning]]~~ has received timely comments from all of the State review agencies, the Board of County Commissioners shall conduct a public hearing and shall take final action to adopt, adopt with changes or not to adopt the proposed amendments. Any such changes must be within the scope of the application filed and the proposals made pursuant to, and as authorized by, Section 2-116.1, Code of Miami-Dade County, or within the scope of the written comments received from the State review agencies or other affected persons pursuant to Section 288.975, F.S. The public hearing conducted by the Board of County Commissioners to take final action on the proposed amendments to the CDMP shall be advertised in the manner required by Section ~~[[163.3184(15)]]~~ ~~>>~~ 163.3184(11) ~~<<~~, F.S. The hearing shall be held on a weekday approximately ten (10) days after the date that the advertisement is published. 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 (UDB), or to redesignate land outside the UDB to an urban use, >> or to include or exclude any land within the Urban Expansion Area boundary,<< shall require a vote of two thirds (2/3) of the total membership of the County Commission then in office. >>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.<<

(b) Whenever the sixty-day period prescribed in the preceding paragraph is waived pursuant to Florida Statutes, the time for the taking of final action upon a proposed amendment implementing a military base reuse plan shall be extended through and including one hundred seventy-nine (179) days after the sixty-day period prescribed by the preceding subsection 2-116.1(5)(b)(10)(a). It is the express intent of this subsection to permit, inter alia, further consideration of an application, even after "final action" under subsection (10)(a). In the event that a hearing under subsection (10)(a) is concluded and a further hearing on the merits is held under this subsection (10)(b), all advertising and other requirements of subsection (10)(a) shall separately apply to such further public hearing. It is provided, however, that once a public hearing is advertised, the same may be recessed without the requirement of further advertisement if the date, time and place of the continuation of the hearing are announced during the hearing at the time the matter is recessed.

- (11) Within ten (10) days after adoption of CDMP amendments, the County ~~[[Manager]]~~ >>Mayor<< or ~~[[his]]~~ >>the Mayor's<< designee shall forward a copy of the adopted amendments to any affected local government and regional and State agencies that submitted comments on the proposed plan amendments. In addition the Department ~~[[of Planning and Zoning]]~~ shall publish notice in a

newspaper of general circulation in Miami-Dade County indicating how and where a copy of the Plan amendments may be obtained or inspected. The County ~~[[Manager]]~~ >>Mayor<< and County Attorney, in consultation with the Director of >>the Department<< ~~[[Planning and Zoning]]~~ and the director of the base management agency, are hereby authorized and instructed to resolve any challenge or dispute which may resolve any challenge or dispute which may arise pursuant to Section 288.975(12), F.S. Miami-Dade County shall utilize the procedures established in Section 288.975(12) through (12)(d), F.S., to resolve any such challenge.

- (12) Not later than one hundred thirty-five (135) days following adoption of the base reuse CDMP amendments by the Board of County Commissioners pursuant to Chapter 288.975, F.S., and resolution of any petitions filed pertaining to the amendments, the County ~~[[Manager]]~~ >>Mayor<<, in consultation with the Directors of the Department ~~[[of Planning and Zoning]]~~, base management agency, and other affected County agencies, shall submit for first reading by the Board of County Commissioners any ordinances necessary to create or amend Miami-Dade County's land development regulations necessary to fully implement the CDMP amendments adopted pursuant to Section 12-116.1(5)(b), herein.
- (6) Optional Public Workshops. At any time prior to final action by the Board of County Commissioners, the Board of County Commissioners, Planning Advisory Board or Department ~~[[of Planning and Zoning]]~~ may conduct public workshops in addition to the public hearings required by this Section. Any such public workshop shall be advertised in a newspaper of general circulation in Miami-Dade County at least once seven (7) to fourteen (14) days prior to the date of the workshop.
- (7) Consideration of economic reports, appraisals, etc. No economic reports or studies, real estate appraisals or reports, and/or written reports of consultants or other experts shall be considered as evidence by either the Planning Advisory Board, >>the<< Department ~~[[of~~

~~Planning and Zoning~~], or the Board of County Commissioners during their consideration of final action on the amendments unless filed with the Director not later than ~~>>thirty (30)<< [[forty-five (45)]]~~ days after the Board of County Commissioners takes action to transmit the subject proposed application(s) to the State review agencies. Submittal of such reports after this date is hereby authorized only to respond to ~~[[objections, recommendations or]]~~ comments submitted after this date by the State ~~>>L<<[[t]]and >>P<<[[p]]lanning >>A<<[[a]]gency~~ or its successor or delegates. This deadline may be waived to permit the submission of such materials addressing matters other than the ~~[[objections, recommendations or]]~~ comments of the ~~>>S<<[[s]]tate >>L<<[[t]]and >>P<<[[p]]lanning >>A<<[[a]]gency~~ only after an affirmative vote of the ~~[[Local Planning Agency or]]~~ Board of County Commissioners which may approve such submittal of material upon a demonstration by any interested party that an injustice will occur.

- (8) Schedule of fees. All fees charged for filing, processing and evaluating applications requesting amendments to the Comprehensive Development Master Plan by the ~~[[Miami-Dade County]]~~ Department ~~[[of Planning and Zoning]]~~ are established by 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. 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. After these dates no fees shall be returned to any applicant withdrawing their application without express approval by the Board of County Commissioners. 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 ~~[[expedited]]~~ adoption as a small-scale amendment application and which is denied transmittal by the Board of County Commissioners to the State land planning agency or its successor or designees pursuant to Paragraph 2-116.1(3)(g) of this section.

- (9) No applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the land use map shall be permitted to argue or represent to the Board of County Commissioners or other recommending County board that the property which is the subject of the application will be put to a specific use or uses or to exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a restrictive covenant committing to such representation which has been submitted to the Director and has received approval as to form. This subsection shall not apply, however, if a CDMP amendment is being reviewed concurrently with an application seeking approval or modification of a Development of Regional Impact ("DRI") development order, if the proposed DRI development order application incorporates an Application for Development Approval ("ADA") or Notification of Proposed Change ("NOPC") with the express restrictions limiting development in the same manner as represented by the applicant in the CDMP amendment process.
- (10) Adjustment of dates. Regarding all dates and time computations contained in this section, except those pertaining to advertising dates, when the last day of a time period falls on a Saturday, Sunday, or official County holiday, that time period will be expended to include the following business day.
- (11) All references in this Section to Florida Statutes ~~[[or the Florida Administrative Code]]~~ shall also refer to any amendments thereto and successor legislation or rules.
- (12) ~~[[Modifications.]]~~The foregoing procedure shall be the exclusive procedure for amending all elements of the Comprehensive Development Master Plan (CDMP); however, ~~[[the following modifications to]]~~annual updates to<< the capital improvements element schedule of improvements shall not be deemed to be amendments to the CDMP and may be made by ordinance of the Board of County Commissioners without regard to foregoing subsections (1) through (7)>>.<< ~~[[:]~~
- ~~[[a) Corrections, updates and modifications concerning costs, revenue sources, acceptance of facilities pursuant to dedications which are consistent with the CDMP; and~~

~~(b) The date of construction of any facility enumerated in the schedule of improvements provided the facility is not required to prevent existing or anticipated service from falling below the plan's level of service standards.]]~~

* * *

Section 3. *Applicability.* All CDMP amendment applications that were lawfully filed prior to December 31, 2011, will be processed in accordance with the CDMP amendment procedures in effect prior to the adoption of this ordinance.

Section 4. 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 5. 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 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: March 5, 2013

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

