

MEMORANDUM

Agenda Item No. 7(D)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

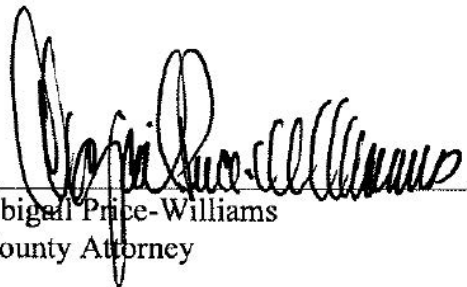
DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to Comprehensive Development Master Plan (CDMP) and zoning procedures and the Rules of Procedure of the Board of County Commissioners; amending section 2-116.1 of the Code; expanding authority for concurrent processing of CDMP and zoning applications to include any zoning application that accompanies a proposed CDMP amendment under certain circumstances; modifying exception pertaining to review of concurrent CDMP and zoning applications by the Development Impact Committee Executive Council; providing for when a single public hearing may be held for concurrent applications; amending section 2-1; providing when CDMP and concurrent CDMP and zoning applications will be heard

This item was amended from the original version as stated in 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 Prime Sponsor Commissioner Joe A. Martinez.


Abigail Price-Williams
County Attorney


APW/uw

Memorandum



Date: October 6, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Expanding Authorization for Concurrent Processing of Comprehensive Development Master Plan (CDMP) and Zoning Applications

This item was amended at the September 9, 2020 Infrastructure & Capital Improvements Committee meeting to clarify that the Board of County Commissioners shall directly hear all concurrent CDMP - zoning applications.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance related to planning and zoning procedures. The Code currently provides for the concurrent processing of Comprehensive Development Master Plan (CDMP) and zoning applications in limited circumstances. The proposed ordinance expands the existing limited allowance for concurrent processing of such applications to include any zoning application that accompanies a CDMP amendment, regardless of the property's location or zoning district. The proposed ordinance also provides criteria that would permit a single public hearing for concurrent applications to be held at a regular meeting of the Board.

Scope

Unincorporated Miami-Dade County.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to create a fiscal impact to the County, as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

Social Equity

The purpose of the proposed ordinance is to expand the existing applicability of the concurrent filing, processing, and disposition of CDMP and zoning applications. Facilitating the concurrent processing of all CDMP and zoning items not only benefits prospective applicants by offering a more efficient process, but also the community in general by bringing both the legislative planning and quasi-judicial zoning items to the Board at the same time.

Track Record/Monitor

Nathan Kogon, Assistant Director, Development Services Division, Department of Regulatory and Economic Resources (RER), and Jerry Bell, Assistant Director, Planning Division, RER.

Background Section 2-116.1(5)(e) of the Code currently provides for concurrent filing and processing of CDMP and zoning applications only in connection with the County's Corridor Zoning District (CD). CD is the zoning district applicable to properties along the Ludlam Trail Corridor. The concurrent filing of CDMP and zoning applications has been effectively used more broadly by some local governments throughout Florida to expedite applications, and facilitate public discussion at a single hearing, thereby resulting in a more efficient and streamlined process.



Jack Osterholt
Deputy Mayor



MEMORANDUM (Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 6, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(D)

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. 7(D)
10-6-20

ORDINANCE NO. _____

ORDINANCE RELATING TO COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) AND ZONING PROCEDURES AND THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXPANDING AUTHORITY FOR CONCURRENT PROCESSING OF CDMP AND ZONING APPLICATIONS TO INCLUDE ANY ZONING APPLICATION THAT ACCOMPANIES A PROPOSED CDMP AMENDMENT UNDER CERTAIN CIRCUMSTANCES; MODIFYING EXCEPTION PERTAINING TO REVIEW OF CONCURRENT CDMP AND ZONING APPLICATIONS BY THE DEVELOPMENT IMPACT COMMITTEE EXECUTIVE COUNCIL; PROVIDING FOR WHEN A SINGLE PUBLIC HEARING MAY BE HELD FOR CONCURRENT APPLICATIONS; AMENDING SECTION 2-1; PROVIDING WHEN CDMP AND CONCURRENT CDMP AND ZONING APPLICATIONS WILL BE HEARD; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes set forth in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. The Board ratifies and adopts the accompanying memorandum, as if fully set forth herein.

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

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.

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

* * *

- (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.

* * *

- (e) *Concurrent processing of zoning applications* ~~[[for Corridor District]]~~. Where a CDMP amendment application is accompanied by a zoning application >>pursuant to chapter 33 (the "concurrent zoning application") and both applications are complete<< ~~[[for district boundary change to Corridor District (the "concurrent rezoning application")]]~~, the >>zoning<< ~~[[rezoning]]~~ application >>shall, at the applicant's request,<< ~~[[may]]~~ be processed concurrently with the CDMP amendment application, and the Board of County Commissioners may take action on the concurrent >>zoning<< ~~[[rezoning]]~~ application on the same day at which it takes final action on the CDMP amendment application, provided that:
- (i) The plan amendment may be either a small-scale or standard application and shall follow the notice and hearing requirements set forth in subsections 2-116.1(3) and 2-116.1(4).
 - (ii) The concurrent >>zoning<< ~~[[rezoning]]~~ application shall be noticed and heard in accordance with the >>applicable<< requirements of chapter 33 ~~[[of this code]]~~, except that>>, where it would otherwise be required, review by the Executive Council of the Development Impact Committee shall not be required unless the concurrent zoning application is accompanied by a development agreement as provided in section 33-310.3<< ~~[[the review and approval process pursuant to section 33-470 shall require review by the Developmental Impact Committee but not the Executive Council prior to hearing by the Board of County Commissioners]]~~.

- (iii) >>Notwithstanding any other provision of the Code, the Board of County Commissioners shall directly hear all concurrent zoning applications.<<² >>A single public hearing may be held on the plan amendment and concurrent zoning application, provided that such public hearing is conducted in accordance with the procedures governing quasi-judicial matters.<<
- (iv)<< Action shall be taken separately on the plan amendment and on the concurrent >>zoning<< ~~[[rezoning]]~~ application.
- >>(v)<< ~~[[iv]]~~ Approval of the concurrent >>zoning<< ~~[[rezoning]]~~ application shall be contingent upon the plan amendment becoming effective.

* * *

Section 3. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-1. Rules of Procedure of County Commission.

* * *

PART 5. CONDUCT OF MEETINGS; AGENDA

* * *

Rule 5.05 Agenda

(a) *Order of business*

* * *

² Committee amendments are indicated as follows: words double stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words double underlined and/or >>double arrowed<< constitute the amendment proposed.

(2) At Thursday meetings the following items of business shall be conducted in the following order:

1. Special presentations and proclamations.
2. Items scheduled for Thursday.
3. Policy matters for discussion by the board.
4. Zoning >>and Comprehensive Development Master Plan (“CDMP”) amendment applications with concurrent zoning applications<<.
5. Historic preservation appeals.
6. Metropolitan Planning Organization.
7. Workshops.

>>(3) Applications to amend the CDMP that are not accompanied by concurrent zoning applications may be heard at any regular meeting scheduled in accordance with rule 3.01.<<

(b) *Authority to sponsor or present items on agenda.*

- (1) Anything to the contrary notwithstanding and subject to the following paragraph related to quasi-judicial matters and certain >>CDMP<< [~~Comprehensive Development Master Plan (“CDMP”)]~~ applications, matters may only be presented or sponsored by a county commissioner, a commission committee, the county attorney and the clerk of the commission, except that the Mayor shall be able to present or sponsor: (1) reports which do not amend any policy established by the County Commission; (2) mayoral appointments; (3) solicitations for the purchase of goods and services, leases, construction contracts and debt obligations; (4) contracts for the purchase of goods and services and amendments thereto; (5) grant applications, grants and sub-grants; (6) leases of non-County-owned property and amendments thereto; (7) debt obligations and amendments thereto; (8) construction

contracts and amendments thereto; (9) labor agreements and amendments thereto; (10) special taxing districts initiated by petition; (11) certificates of public convenience and necessity; (12) certificates of transportation; (13) other matters where the presentation or sponsorship by the Mayor is required by the Home Rule Charter or state or federal law; and (14) leases and licenses of County-owned property and amendments thereto if the Mayor first provides written notification to the Commissioner of the District wherein the County-owned property that is to be leased or licensed is located of the matter and the District Commissioner does not agree to present or sponsor such lease or license or amendment thereto within ten (10) days of the written notification. Any Commissioner or commission committee may present or sponsor any item which the Mayor is authorized to present or sponsor pursuant to the preceding sentence, except as provided otherwise in the Home Rule Charter, or state or federal law. Additionally, the committee chairperson of jurisdiction may, upon the written request of the Mayor or his or her designee, submit an item for placement on a committee or Commission agenda. Such an item shall, if requested by the committee chairperson of jurisdiction, be placed on the appropriate agenda, in accordance with the applicable rules of procedure, as an item sponsored by the committee of jurisdiction.

Quasi-judicial matters may be presented by the applicable department and shall be placed on the appropriate agenda in accordance with these Rules. In addition, private applications for amendment, modification, addition, or change to the CDMP shall be placed on the appropriate CDMP agenda after the Department of Regulatory and Economic Resources or successor department has completed its review of the application as provided in Section 2-116.1 of the Code and all required fees have been paid (hereinafter “completed private CDMP application”).

Each completed private CDMP application and the accompanying ordinance and any related resolution shall: (i) be forwarded to the Office of the Agenda Coordinator for placement on the appropriate CDMP agenda; and (ii) be accompanied by a recommendation from the Mayor or his or her designee.

* * *

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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

James Eddie Kirtley
Christopher J. Wahl