

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: January 17, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to file an out-of-cycle application on an expedited basis to amend the Comprehensive Development Master Plan to modify Land Use Element Policy LU-8H regarding the requirements for concurrent zoning applications that must be filed with applications to expand the Urban Development Boundary

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Anthony Rodríguez.


Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: January 17, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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. 11(A)(1)
1-17-24

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO FILE AN OUT-OF-CYCLE APPLICATION ON AN EXPEDITED BASIS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) TO MODIFY LAND USE ELEMENT POLICY LU-8H REGARDING THE REQUIREMENTS FOR CONCURRENT ZONING APPLICATIONS THAT MUST BE FILED WITH APPLICATIONS TO EXPAND THE URBAN DEVELOPMENT BOUNDARY

WHEREAS, the County's Comprehensive Development Master Plan (CDMP) includes an Urban Development Boundary (UDB) depicted on the Land Use Plan (LUP) map to distinguish the area where urban development may occur through the year 2030 from areas where it should not occur; and

WHEREAS, CDMP Land Use Element Policy LU-8H requires that applications to expand the UDB be accompanied by concurrent zoning applications and further provides the criteria for such concurrent zoning applications; and

WHEREAS, to provide greater clarity in the applicable standards and thereby encourage high-quality developments that will increase the County's supply of housing for working families and create functional communities in areas added within the UDB, Policy LU-8H's current requirements regarding the permissible mix of residential housing types, phasing requirements for multi-phase projects and the jobs-to-housing ratio must be refined; and

WHEREAS, section 2-116.1 of the Code authorizes this Board to direct the filing of an application to amend the CDMP; and

WHEREAS, this Board wishes to consider an amendment to the CDMP to effectuate the above-referenced changes, to the extent consistent with other applicable CDMP policies and goals, including, but not limited to, those pertaining to the avoidance of urban sprawl and the maintenance of sufficient affordable and workforce housing supplies,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are approved and are incorporated herein.

Section 2. This Board directs the County Mayor or County Mayor’s designee to file an application to amend the CDMP, on an expedited basis as an out-of-cycle application, to revise Policy LU-8H of the Land Use Element to include the changes shown in strikethrough and underline format below:

LU-8H. In addition to conformance with Policies LU-8F and LU-8G, applications requesting expansion of the UDB must request designation as a “Special District” on the CDMP Land Use Plan map and include a text amendment under the “Special District” CDMP text to outline the allowable uses, maximum density, maximum floor area ratio, and how the proposed development will satisfy the criteria set forth in this policy. A zoning application must be filed concurrently with the CDMP Land Use Plan map amendment and should meet the following criteria to be approved:

* * *

b) Provide a mix of housing types>>, including but not limited to single-family homes, duplexes, townhomes, or multifamily buildings,<< at a minimum density of 10 du/acre, for applications that include residential development >>or mixed-use residential development<<; and

* * *

d) Where multiple project phases are proposed, include a phasing schedule >>in a recordable instrument in favor of the County<< that demonstrates >>how<< ~~[[that]]~~ the minimum density and FAR outlined in subsections (b) and (c) will be accomplished ~~[[in the first phase of development in a recordable instrument in favor of the County]]~~; and

* * *

- g) Demonstrate that a jobs to housing ratio ~~[[of at least 1.5:1]]~~ >>equivalent to or in excess of the jobs to housing ratio in the Minor Statistical Area (MSA) in which the subject property is located, but in no event less than 1:1 (one job for each residential unit), will be provided on-site by or for future residents or<< is available within five miles of the subject property ~~[[or will be provided on-site for future residents]]~~; and

* * *

The Prime Sponsor of the foregoing resolution is Vice Chairman Anthony Rodríguez.

It was offered by Commissioner _____, who moved its adoption. The

motion was seconded by Commissioner _____ and upon being put to a vote,

the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of January, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS
JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Dennis A. Kerbel