

MEMORANDUM

Agenda Item No. 7(B)

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

DATE: November 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to
Comprehensive Development
Master Plan (CDMP); amending
section 2-116.1 of the Code;
providing that CDMP
amendments requested by the
Board of County Commissioners,
including amendments related to
the Urban Development
Boundary or Urban Expansion
Areas, may be processed and
heard during any application
cycle, as an out-of-cycle
amendment, or on an alternative
schedule set by the Board;
making technical changes

Ordinance No. 21-117

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 10-14-21 County Infrastructure, Operations and Innovations Committee.

This substitute differs from the original version in that it provides for the Board to initiate only Urban Expansion Area boundary amendments, but not other UDB-related amendments, on a different schedule. In addition to modifying the relevant code text, this substitute also makes conforming changes to the recital clauses.

Rule 5.06(i) of the Board's Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute, comments may instead be provided. Pursuant to this rule, the preceding description of the differences between the original item and the substitute is provided in lieu of double underlining and double strike-through for this item.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz and Co-Sponsor Commissioner Joe A. Martinez.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: November 2, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to CDMP Amendments Processed Heard
During Any Application Cycle

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Date: November 2, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Relating to the Comprehensive Development Master Plan

The proposed ordinance amends section 2-116.1 of the Code of Miami-Dade County (Code) relating to the Comprehensive Development Master Plan (CDMP). The Code currently allows the Board of County Commissioners (Board) to initiate CDMP amendment applications at any time and to set a schedule for that application to be heard, except that amendments related to the Urban Development Boundary (UDB) or the Urban Expansion Area (UEA) boundaries can only be filed in odd-numbered years from January through May.

The UEA is a planning tool used in the CDMP to identify areas that are a priority for consideration when the need to expand the UDB is shown. Unlike UDB applications, which authorize urban development, the UEA designation does not change the developable status of properties within its boundaries.

The proposed amendment would allow the Board to initiate amendments to the UEA boundary, but not to the UDB, at any time. The Board has historically considered UEA changes in light of analyses conducted in connection with the Evaluation and Appraisal Report process. Changes to the UEA boundaries have historically been addressed through staff applications, not by private applicants, and as such require Board sponsorship. A social equity analysis for any specific UEA boundary change would be addressed through that application process. The Board deferred its consideration of the most recent UEA report in connection with a directive to the administration to undertake an analysis of the agricultural industry in Miami-Dade. The proposed ordinance would allow the Board to consider changes to the UEA whenever that or other relevant analysis is completed, rather than having to wait for the allowable filing periods in odd-numbered years.



Jimmy Morales
Chief Operations Officer

212411



MEMORANDUM

(Revised)

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

DATE: November 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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(B)
11-2-21

ORDINANCE NO. 21-117

ORDINANCE RELATING TO COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP); AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT CDMP AMENDMENTS REQUESTED BY THE BOARD OF COUNTY COMMISSIONERS, INCLUDING AMENDMENTS RELATED TO THE URBAN DEVELOPMENT BOUNDARY OR URBAN EXPANSION AREAS, MAY BE PROCESSED AND HEARD DURING ANY APPLICATION CYCLE, AS AN OUT-OF-CYCLE AMENDMENT, OR ON AN ALTERNATIVE SCHEDULE SET BY THE BOARD; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 21-3, this Board amended the procedures set forth in section 2-116.1 of the County Code for applications requesting amendment to the Urban Development Boundary (UDB), Urban Expansion Areas (UEAs) boundary depicted on the Land Use Plan map, or the land use classification of land located outside of the UDB (collectively referred to as “UDB-related amendments”); and

WHEREAS, the UEAs are situated outside of the UDB and, as set forth in the Comprehensive Development Master Plan (CDMP) Land Use Element, represent locations where current projections indicate that further urban development beyond the UDB may be warranted between the year 2030 and 2040, based on an analysis of available capacity inside of the UDB; and

WHEREAS, this Board recently addressed the boundaries of the UEAs in CDMP Evaluation and Appraisal Report Based Application No. 5 of the May 2019 Cycle of CDMP amendments (No. CDMP20190013) (“Application No. 5”), which, among other amendments, proposed to contract certain portions of the UEAs because they include lands that are part of the

Comprehensive Everglades Restoration Plan, are located within the Coastal High Hazard Area or within proximity to the Homestead Air Reserve Base (the “Base”), or contain other constraints that make them unsuitable for urban development; and

WHEREAS, at its July 22, 2020 CDMP meeting, this Board adopted Ordinance No. 20-77, which bifurcated Application No. 5, and left pending the portion of the application to contract certain portions of the UEAs until after completion of a study to evaluate (i) additional areas that may be added to the UEAs, with a goal of replacing the 1,993 acres that are proposed for removal in Application No. 5, and (ii) potential additional uses that would be appropriate for the UEAs, particularly near the Base; and

WHEREAS, that study has been completed and is pending before this Board as Legislative Item No. 211378; and

WHEREAS, currently, section 2-116.1 restricts the filing of UDB-related amendments to only odd-numbered years, and an application to adjust the boundaries of the UEAs would be such a UDB-related amendment; and

WHEREAS, although the bifurcated portion of Application No. 5 to contract the UEAs could be brought back for hearing at any time because it was initially filed and processed in accordance with section 2-116.1, an application to expand the UEAs could not now be filed until 2023; and

WHEREAS, section 2-116.1 provides this Board with the authority to initiate applications to the CDMP and to otherwise set a different schedule for such applications; and

WHEREAS, this Board wishes to provide itself with greater flexibility by specifying that the authority to set a different schedule applies to Board-initiated amendments to the UEA boundary,

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

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

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

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

* * *

- (2) *Application.* Except as specifically provided below, any request for amendments, modifications, additions or changes to the Comprehensive Development Master Plan shall be submitted to the Department during the period (also referred to as “application cycles”) between January 1 and January 31 inclusive (hereinafter “January period” or “January cycle”), May 1 and May 31 inclusive (hereinafter “May period” or “May cycle”), and during the period between October 1 and October 31 inclusive (hereinafter “October period” or “October cycle”), in each year only in accordance with the following provisions:
 - (a) Applications related to the Urban Development Boundary. The provisions in this paragraph shall govern the following applications, which shall collectively be referred to as "UDB-related amendments": Applications requesting amendment to the Urban Development Boundary (UDB) or to the Urban Expansion Area (UEA) boundary depicted on the Land Use Plan map, or applications to change the

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.

land use classification of land located outside of the UDB to a classification other than Agriculture, Open Land, or Environmental Protection.

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

*

*

*

- (c) *Amendments requested by Board of County Commissioners.* The Miami-Dade County Board of County Commissioners may, by resolution or ordinance, at any time initiate a request to amend, modify, add to>>,<< or change the Comprehensive Development Master Plan>>, including amendments to the UEA boundary<<.

- (1) The content, activities, and time periods provided in this section, as quantified by number of days, shall be substantially applicable to such a request from the date of the adoption of the resolution or ordinance, except: (i) for requests to amend the Comprehensive Development Master Plan in the case of a compliance agreement as provided in Section 163.3187(5), F.S., (ii) in the case of a State statutory requirement, (iii) in the case of an application necessary to authorize a Development of Regional Impact initiated by the County, (iv) in the case of an application for a small-scale amendment pursuant to Section 163.3187, F.S., (v) in the case of an application relating to military base reuse, prepared pursuant to Section 288.975, F.S., or (vi) unless otherwise provided by said resolution or ordinance.

- (2) ~~[[Said resolution or ordinance shall direct the]]~~ >>The<< County Mayor >>shall process<< ~~[[to include]]~~ the application for review and action in one of the application cycles provided herein or ~~[[shall]]~~ >>,<<notwithstanding anything to the contrary herein, as an out of cycle amendment. Alternatively, the Board may<< direct that

the application ~~[[shall]]~~ be reviewed and action ~~[[shall]]~~ be taken on a special schedule prescribed in the resolution or ordinance.

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

* * *

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

* * *

- (d) *Procedure for out-of-cycle amendment.*

* * *

- (4) Applications requesting a UDB-related amendment may be filed at any time between January and May of odd-numbered years only>>, except that amendments to the UEA boundary requested by the Board of County Commissioners shall not be subject to this limitation and may be filed at any time<<.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

November 2, 2021

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



James Eddie Kirtley
Dennis A. Kerbel

Prime Sponsor: Chairman Jose “Pepe” Diaz
Co-Sponsor: Commissioner Joe A. Martinez