

MEMORANDUM

TO:	Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners	DATE:	Agenda Item No. 7(B) (Second Reading: 7-2-24) April 2, 2024
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to development of County facilities in incorporated areas and development of municipal facilities subject to County review; amending section 33A-6 of the Code; revising definition of County facility; creating section 33A-8 of the Code; providing for County to prioritize review of developments operated by or on behalf of a municipality

Ordinance No. 24-72

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García and Co-Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: July 2, 2024

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Development of County Facilities in Incorporated Areas and Development of Municipal Facilities Subject to County Review

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

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operating Officer

Memorandum



Date: July 2, 2024

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

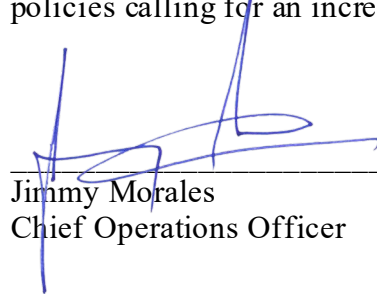
From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to the Expeditious County Review of Municipal Facilities

The proposed ordinance amends Section 33A of the Code of Miami-Dade County (Code) to require the expedited County review of municipal facilities. A municipal facility is defined as a governmental facility that is operated by or on behalf of a municipality or built or operated on municipal owned land.

In accordance with the direction provided by the Board of County Commissioners during the adoption of Ordinance No. 24-19, this Code amendment would provide reciprocal review time frames to municipalities for County regulatory review. It requires that the County determine whether a municipal application is complete within 15 days and render a decision within 90 days of completeness. Applications may be appealed in accordance with the applicable code sections for public hearings and administrative decisions. Codifying the expedited review timeframes for both County and municipal facilities will streamline the delivery of government services to all residents of Miami-Dade County.

This Code amendment also revises the definition of a County facility to require inclusion on the Facilities of Countywide Significance listed in the Intergovernmental Coordination Element of the Comprehensive Development Master Plan (CDMP) or County affordable or workforce housing or properties over one-half acre as additional criteria for properties eligible for expedited municipal review under Ordinance No. 24-19. Applying the expedited review times for both County and municipal facilities of 15 days for completeness and 90 days for decision making will further CDMP policies related to maintaining water, sewer, solid waste, and park level of service standards and support policies calling for an increase in the supply of affordable housing.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: July 2, 2024

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)
7-2-24

ORDINANCE NO. 24-72

ORDINANCE RELATING TO DEVELOPMENT OF COUNTY FACILITIES IN INCORPORATED AREAS AND DEVELOPMENT OF MUNICIPAL FACILITIES SUBJECT TO COUNTY REVIEW; AMENDING SECTION 33A-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING DEFINITION OF COUNTY FACILITY; CREATING SECTION 33A-8 OF THE CODE; PROVIDING FOR COUNTY TO PRIORITIZE REVIEW OF DEVELOPMENTS OPERATED BY OR ON BEHALF OF A MUNICIPALITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in Ordinance No. 24-19, this Board adopted, among other provisions, minimum standards requiring municipalities to expedite review of County facilities subject to municipal regulatory review; and

WHEREAS, this Board wishes to amend the scope of County facilities to which such expedited review and other provisions shall apply; and

WHEREAS, this Board also wishes to provide reciprocal time frames to municipalities for County regulatory review of municipal facilities,

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

Section 1. This Board ratifies and adopts the foregoing recitals as if fully set forth herein.

Section 2. Section 33A-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33A-6. – Findings, purpose, and definitions.

* * *

(E) *Definitions.* Terms used throughout this article shall take their commonly accepted meaning unless otherwise defined in chapter 28 or 33. Terms requiring interpretation specific to this article are as follows:

- (1) County facility means a governmental facility as defined in section 33-303, or other development or facility, that is>>: ~~(a) either~~<< (i) operated by or on behalf of Miami-Dade County or (ii) built or operated on County-owned land>>; and (b) either (i) listed by address on Table 3 of the Intergovernmental Coordination Element of the County's Comprehensive Development Master Plan, currently titled "Facilities of Countywide Significance," as may be amended, (ii) used for the provision of affordable or workforce housing as defined in this code or the Florida Statutes, or (iii) located on a single property, or one or more contiguous or adjacent properties, that individually or collectively are 0.5 acres or more in size. This definition shall not be construed to limit the County's authority over County-owned properties provided by chapter 33C or any other applicable law<<.
- (2) County-owned means (i) property in which the County has a property interest, such as fee simple ownership, a leasehold interest, or an easement and (ii) property that the County operates or maintains regardless of ownership.

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.

Section 3. Section 33A-8 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 33A-8. – Expedited County review of municipal facilities.

(A) Definitions. Terms requiring interpretation specific to this section are as follows:

- (1) Municipal facility means a governmental facility that is (i) operated by or on behalf of a municipality or (ii) built or operated on municipal-owned land.
- (2) Municipal-owned means (i) property in which the applicable municipality has a property interest, such as fee simple ownership, a leasehold interest, or an easement and (ii) property that the applicable municipality operates or maintains regardless of ownership.

(B) Expedited process. Notwithstanding any other provisions of this code or other regulations to the contrary, the County shall provide an expedited process, in accordance with the following, to decide applications for land use, zoning, subdivision, building permit, and other County approvals necessary for each municipal facility under the County's jurisdiction:

- (1) Completeness review. The County shall have no more than 15 days from the time of initial submittal within which to determine whether an application is complete. Where an application is determined to be incomplete, the County shall have no more than 15 days after resubmission to confirm that the application has been made complete.
- (2) Public hearing applications. An application that requires a public hearing shall be presented on the agenda of the applicable board within 90 days of being determined to be complete and shall receive a final decision within 60 days of being presented to the applicable board.
- (3) Administrative approvals. An application that may be approved administratively without a public hearing shall receive a final decision within 90 days of being determined to be complete.

- (4) Appeals. Where the applicable code section provides that a public hearing or administrative decision is appealable to a County board before becoming a final decision of the County, each such appeal shall be presented to the applicable board within 60 days of the municipality submitting a notice of appeal.
- (5) Extensions. The municipality may agree to an extension of the above deadlines.
- (6) Additional expedited processes. Where the County has created an expedited process for County facilities that has shorter time frames than those provided in this section, the County shall process applications for municipal facilities in accordance with the shorter time frames.<<

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:

July 2, 2024

Approved by County Attorney as
to form and legal sufficiency:

 E. W. for

Prepared by:



James Eddie Kirtley

Prime Sponsor: Senator René Garcia

Co-Sponsor: Commissioner Juan Carlos Bermudez