

MEMORANDUM

Agenda Item No. 11(A)(5)

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

DATE: September 4, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to file an application to amend the Comprehensive Development Master Plan (CDMP) at the next available opportunity to revise or clarify existing CDMP policies to better facilitate the repair and maintenance of County roadways outside the Urban Development Boundary for the safety and the welfare of residents, and clarify that such repairs and maintenance may be prioritized by the County

Resolution No. R-770-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: September 4, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

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)(5)
9-4-24

RESOLUTION NO. R-770-24

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO FILE AN APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) AT THE NEXT AVAILABLE OPPORTUNITY TO REVISE OR CLARIFY EXISTING CDMP POLICIES TO BETTER FACILITATE THE REPAIR AND MAINTENANCE OF COUNTY ROADWAYS OUTSIDE THE URBAN DEVELOPMENT BOUNDARY FOR THE SAFETY AND THE WELFARE OF RESIDENTS, AND CLARIFY THAT SUCH REPAIRS AND MAINTENANCE MAY BE PRIORITIZED BY THE COUNTY

WHEREAS, the Urban Development Boundary (UDB) is included on the County's Comprehensive Development Master Plan (CDMP) Future Land Use Plan (LUP) Map to differentiate between areas where urban development should and should not occur; and

WHEREAS, some County residents live outside the UDB, and the areas in Miami-Dade County that are located outside the UDB include, for example, the Redland agricultural area; and

WHEREAS, residents have asked for certain roadways located outside the UDB to be repaired and have reported potholes in the roadways and general deterioration of such roads; and

WHEREAS, these requests related to roadways are focused on roadway repair and maintenance, and not, for example, the expansion or extension of roads outside the UDB; and

WHEREAS, there are certain policies in the CDMP that relate to roads located outside the UDB; and

WHEREAS, some policies in the CDMP that may be relevant include policy LU-2B and policy TC-4C; and

WHEREAS, policy LU-2B provides, in part, that, “[u]rban services and facilities which support or encourage urban development in Agriculture and Open Land areas shall be avoided, except for those improvements necessary to protect public health and safety and which service the localized needs of these non-urban areas”; and

WHEREAS, policy TC-4C provides, in part, that, “Miami-Dade County’s priority in construction, maintenance, and reconstruction of roadways, and the allocation of financial resources, shall be given first to serve the area within the Urban Infill Area and Transportation Concurrency Exception Areas. Second priority shall be given to serve the area within the Urban Development Boundary and the Urban Infill Area. And third priority in transportation allocations shall support the staged development of the urbanizing portions of the County within the Urban Expansion Area. Transportation improvements which encourage development in Agriculture and Open Land areas shall be avoided, except for those improvements which are necessary for public safety and which serve the localized needs of these non-urban areas”; and

WHEREAS, according to the County’s Planning division, the current CDMP policies allow for the maintenance of County roadways outside the UDB for the safety and welfare of the residents, and the CDMP policies are not to be construed to prohibit such roadway maintenance; and

WHEREAS, however, there may still be a perception, even within the County, that such roadway repairs and maintenance cannot or should not be performed for roadways outside the UDB; and

WHEREAS, as such, it may be beneficial to clarify the language in the CDMP to address such roadway repairs and maintenance; and

WHEREAS, these concerns are focused on roadway repairs and maintenance, such as fixing potholes in such roadways, and not the building of new roads or the extension or expansion of existing roadways outside the UDB, and this distinction is significant from a CDMP perspective; and

WHEREAS, section 2-116.1(2)(c) of the Code of Miami-Dade County, Florida, provides that this Board may “at any time initiate a request to amend, modify, add to, or change the [CDMP], including amendments to the UEA boundary” and that, thereafter, the County Mayor or designee “shall process the application for review and action” in a cycle of the Board’s choosing; and

WHEREAS, accordingly, this Board wishes to direct the administration to prepare and file a CDMP application to revise or clarify the existing CDMP policies to better facilitate the repair and maintenance of County roadways outside the UDB for the safety and the welfare of residents, including the repair of potholes, and to clarify that such repairs and maintenance may be prioritized by the County,

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

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

Section 2. This Board hereby directs the County Mayor or County Mayor’s designee to file, at the next available opportunity, an application to amend the Comprehensive Development Master Plan (CDMP) to revise or clarify the existing CDMP policies to better facilitate the repair and maintenance of County roadways outside the UDB for the safety and the welfare of residents, including the repair of potholes, and to clarify that such repairs and maintenance may be prioritized by the County. This resolution does not relate to the building of new roads or the expansion or extension of existing roadways.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Marleine Bastien**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of September, 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Abbie Schwaderer-Raurell
Christopher J. Wahl