

(1) *Scope of eligibility.*

- (a) Any person or organization, including the federal government, the State of Florida, Miami-Dade County, any municipality in Miami-Dade County and any of their agencies, authorities and departments may request the initiation of the amendatory process provided below.
- (b) If the applicant has an ownership interest in any real property covered by an application to amend the land use element of the Comprehensive Development Master Plan, such interest shall be disclosed in the same manner as required of zoning applicants in Section 33-304 of the Miami-Dade County Code. If the applicant is acting as agent or attorney for a principal, the principal's interest shall be disclosed in the same manner as required of zoning applicants in Section 33-304 of the Miami-Dade County Code. This subsection (b) shall not apply to governmental applicants.

(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 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.
 - (2) The Director of the Department may file applications for UDB-related amendments for processing during the January, May, or October period following an evaluation and appraisal pursuant to section 163.3191, Florida Statutes, provided that the amendments proposed in said applications are suggested in the results of the evaluation and appraisal.
 - (3) It is provided, however, that no application to expand the area within the UDB shall be filed where such application would result in an area of land located outside of the UDB being more than 75 percent surrounded by land that is within the UDB. If two or more applications to expand the area within the UDB would cumulatively result in an area of land located outside the UDB being more than 75 percent surrounded by land that is within the UDB, then the later-submitted application or applications shall not be accepted.
- (b) All requests shall be made by filing an application in a form and containing the information prescribed by the Director of the Department.
 - (1) Applicants seeking to have their requests considered to be small-scale amendment applications, as provided in Section 163.3187, F.S., and eligible for processing in accordance with the procedures provided herein for final action, shall clearly state such request in the application.

- a. If, after a deferral, the public hearing is reopened and such public hearing complies with the notice forth in this section, then previous deferrals shall not count toward the three-deferral limit; and
- b. If a meeting at which such application is on the agenda is cancelled, postponed, adjourned, or loses quorum before the item is considered at such meeting, such meeting shall not count toward the three-deferral limit.
- c. Notwithstanding any provision to the contrary, after the public hearing is closed, if an application is deferred or otherwise postponed indefinitely and no action is taken by the Board of County Commissioners for a period of six months following the latest postponement, the application shall be deemed withdrawn and may only be brought back before the Board if refiled as a new application in accordance with this section.

(ii) *Failure to obtain required supermajority vote.* If a motion to adopt such amendment fails to receive the minimum number of votes required by this paragraph (4)(c) for adoption, and no other available motion is made and approved before recess, adjournment, or loss of quorum, or before the next matter is called for consideration, whichever occurs first, the final action on the application shall be deemed a denial.

(7) *Effect of denial.* If an application is denied, it may only be brought back before the Board of County Commissioners if refiled as a new application in accordance with this section.

(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.

(a) An application filed pursuant to a compliance agreement as provided in Section 163.3184(6), F.S., shall be subject only to the procedural requirements for such applications found in Section 163.3184, F.S., and to the procedural requirements of the resolution or other action of the Board of County Commissioners approving the filing of such application.

(b) *Procedure for amendment concurrently with Development of Regional Impact Development Order.* Applications related to a proposed development of regional impact (DRI), including requests to modify an approved DRI, may be filed at times other than the filing periods prescribed herein as provided by Section 380.06, Florida Statutes. Such applications shall be processed in accordance with the following provisions:

(1) Whenever an application to approve or modify a DRI development order seeks a related amendment to the CDMP, the applicant must file an application in the form prescribed by the Director pursuant to this section.

(2) **Where an application directly impacts a Community Council as determined by the Director, the subject Community Council shall be provided with an opportunity to conduct a public hearing and issue recommendations on the application in the manner set forth in subsection 2-116.1(3) herein; provided, however, such hearing and review shall take place within 75 days after an application is filed pursuant to this paragraph and before the public hearing conducted by the Local Planning Agency.**

(3) **The Planning Advisory Board acting as the Local Planning Agency (LPA) shall conduct a public hearing to address the application not later than 90 days after an application is filed pursuant to this paragraph.**

(i) This public hearing shall be noticed in accordance with the notice provisions contained in

subsection 2-116.1(3) herein.

- (ii) At the conclusion of the public hearing, the LPA shall issue recommendations regarding the following to the Board of County Commissioners:
 - a. transmittal of the application to the State review agencies pursuant to Section 163.3184, Florida Statutes; and
 - b. subsequent final action on the plan amendment(s) being proposed for transmittal.
- (4) Not later than 120 days after the filing of an application pursuant to this paragraph, the Board of County Commissioners shall conduct a public hearing and make a determination on the transmittal of the application pursuant to Section 163.3184, Florida Statutes.
 - (i) The public hearing shall be advertised in the manner required by Section 163.3184, Florida Statutes, for the advertisement of public hearings at which the Board of County Commissioners will consider the transmittal of proposed plan amendments.
 - (ii) The transmittal actions of the Board of County Commissioners and the transmittal by the County Mayor or the Mayor's designee shall occur in the manner prescribed in subsection 2-116.1(3) herein.
- (5) The Board of County Commissioners shall take final action on the application filed pursuant to this paragraph at the same public hearing as it acts upon the application for approval of or the proposed change to, the DRI development order.
 - (i) However, the Board of County Commissioners shall take action separately on the application for development approval or the proposed change and on the CDMP amendment.
 - (ii) This public hearing shall occur no sooner than 30 days and no later than 60 days after receipt of the response from the State Land Planning Agency and other review agencies pursuant to Section 163.3184, Florida Statutes.
 - (iii) This public hearing to consider amending the CDMP shall be advertised in the manner prescribed in Section 163.3184, Florida Statutes, for the advertisement of public hearings at which the Board of County Commissioners will consider adoption of CDMP amendments.
- (6) Board of County Commissioners final actions on any application filed pursuant to this paragraph (5)(b) shall be governed by the procedures for final action set forth in paragraph (4)(c).
- (7) The deadlines established in this paragraph may be extended only at the written request of the applicant received by the Director prior to the earliest of the dates that the Department submits public hearing advertisements for newspaper publication or mails hearing notices to neighboring property owners. After this date, such requests may be approved only by motion by the Board of County Commissioners.
- (c) *Procedure for amendments implementing military base reuse plans, pursuant to Section 288.975, F.S.*

Notwithstanding other requirements of this section, applications requesting amendments to the CDMP, to enable base reuse activities authorized by a base reuse plan approved by record of decision issued by the military branch having jurisdiction over a military base which has been closed or which is designated for closure or realignment, may be filed and approved in accordance with the optional procedures provided in Section 288.975, F.S., and in Section 2-116.1(5)(b) through (5)(b)(12), herein, if authorized by the Board