

Miami-Dade County's Urban Development Boundary: A Case Study – Issues and Reality

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- I. Urban Development Boundary (UDB) / Urban Expansion Area (UEA)
 - A. Early Urban Service Boundary
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Urban Development Boundary

The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

The CDMP seeks to facilitate the necessary service improvements within the UDB to accommodate the land uses indicated on the LUP map within the year 2015 time frame. Accordingly, public expenditures for urban service and infrastructure improvements shall be focused on the area within the UDB, and urban infrastructure is discouraged outside the UDB. In particular, the construction of new roads, or the extension, widening and paving of existing arterial or collector roadways to serve areas outside the UDB at public expense will be permitted only if such roadways are shown on the LUP map and in the Transportation Element.

The entire unincorporated area within the UDB is eligible to receive and utilize Severable Use Rights (SURs) in accordance with provisions of Chapter 33-B, Code of Miami-Dade County. Accordingly, certain developments as specified in Chapter 33-B may be entitled to density or floor area bonuses as authorized by Chapter 33-B. If the existing SUR program is modified pursuant to Land Use Element Policy LU-9C or other transferable development rights programs are established, all rights established by such programs shall be transferable to receiver sites inside the UDB as established in those programs.

No new commercial agricultural use of property may be established within the Urban Development Boundary, except on property designated agriculture on the LUP map or zoned AU (Agricultural) or GU (Interim). All property within the Urban Development Boundary not designated Agriculture or zoned AU or GU shall not be permitted to be used for the establishment of any new commercial agricultural use. An additional exception is that land in utility easements or rights-of-way or airport or other large government-owned properties may be approved for new commercial agricultural uses where the use would be

compatible with, and would have no unfavorable effect on, the surrounding area. Commercial agricultural uses include, without limitation, all uses of property associated with commercial horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; apiculture; pisciculture, when the property is used principally for the production of tropical fish; all forms of farm production; and all other such uses, except retail nurseries and retail greenhouses. Incidental agricultural use of property specifically authorized by zoning which is otherwise consistent with the LUP map does not constitute commercial agriculture use within the meaning of this provision.

C. UEA – CDMP, Page I-58

Urban Expansion Area

The Land Use Plan map also contains a year 2025 Urban Expansion Area (UEA) Boundary. The UEA is comprised of that area located between the 2015 UDB and the 2025 UEA Boundary. The Urban Expansion Area is the area where current projections indicate that further urban development beyond the 2015 UDB is likely to be warranted some time between the year 2015 and 2025. Until these areas are brought within the year 2015 UDB through the Plan review and amendment process, they are allowed to be used in a manner consistent with the provisions set forth for lands designated as "Agriculture" or the applicable "Open Land" area.

Urban infrastructure and services should be planned for eventual extension into the UEA, sometime between the years 2015 and 2025. However, if water or sewer lines or major roadway improvements are extended beyond the UEA in order to serve a necessary public facility that has been approved consistent with the Comprehensive Development Master Plan, these improvements should be sized or restricted to accommodate only the needs of the public facility.

D. Jurisdiction – Section 2-116.1.2., Miami-Dade County Code

Sec. 2-116.1.2. Applicability of Comprehensive Master Plan to Municipalities.

(a) The location of the Urban Development Boundary (UDB) and permitted land uses outside the UDB shall be governed by the Miami-Dade County comprehensive Development Master Plan (CDMP) notwithstanding the fact that the UDB may lie within a municipality.

(b) Any amendments to the UDB line or land uses permitted by the CDMP shall be filed and processed in accordance with procedures for applications located within the unincorporated area.

(c) All municipal land use decisions outside the UDB line shall be consistent with the CDMP.

II. History of the UDB¹

A. When was it established?

1. **1975** - Implied through Land Use Plan map and policies (Exhibit A)

¹ Source: Miami-Dade County Department of Planning and Zoning

2. **1983** - UDB was first denoted by an explicit line on the land use plan map (Exhibit B)
 - a. Urban land use and service policies referred to the delineated line;
 - b. The best “Agriculture” land was distinguished from less suitable “Open Land” on the LUP map; and
 - c. Stronger agricultural land use preferences policies were added for the area delineated as “Agriculture.”
3. **1988** – Current Plan, Implementing 1985 Growth Management Act
3. Current Map (Exhibit C)
 - a. Miami-Dade County – Total Land Area 1,965 sq. miles
 - b. National and State Preserves – 800 sq. miles
 - c. Land Currently Inside UDB – 418 sq. miles

B. Land added to UDB over time (Exhibit D)

1. 1976-1980: 9.00 sq. miles
2. 1981-1987: 14.50 sq. miles
3. 1988 Update: 25.00 sq. miles
4. 1989-1995: 0.75 sq. miles
5. 1995-2005: 0.93 sq. miles
6. 2006-2007: 1.78 sq. miles

III. Expanding the UDB

A. The Urban Expansion Area - Impact

B. Comprehensive Plan Requirements

1. State Comprehensive Plan – Chapter 187, Florida Statutes / Rule 9J-5, F.A.C.

a. Sprawl – Rule 9J-5.006(5), Florida Administrative Code

(5) Review of Plans and Plan Amendments for Discouraging the Proliferation of Urban Sprawl.

(a) Purpose. The purpose of this subsection is to give guidance to local governments and other interested parties about how to make sure that plans and plan amendments are consistent with relevant provisions of the state comprehensive plan, regional policy plans, Chapter 163, Part II, F.S., and the remainder of this chapter regarding discouraging urban sprawl, including provisions concerning the efficiency of land use, the efficient provision of public facilities and services, the separation of urban and rural land uses, and the protection of agriculture and natural resources.

(b) Determination. The determination of whether a plan or plan amendment discourages the proliferation of urban sprawl shall be based upon the standards contained in this subsection.

(c) In general. The discouragement of urban sprawl accomplishes many related planning objectives. The purpose of this subsection is to provide a general methodology for examining whether or not a plan or plan amendment discourages the proliferation of urban sprawl. This subsection is organized into twelve paragraphs, paragraphs (5)(a) through (5)(l). Nothing in this paragraph (5) shall be interpreted to require that a local government submit information beyond the information required by other provisions of this chapter.

(d) Use of indicators. Paragraph (5)(g) describes those aspects or attributes of a plan or plan amendment which, when present, indicate that the plan or plan amendment may fail to discourage urban sprawl. For purposes of reviewing the plan for discouragement of urban sprawl, an evaluation shall be made whether any of these indicators is present in a plan or plan amendment. If an indicator is present, the extent, amount or frequency of that indicator shall be considered. The presence and potential effects of multiple indicators shall be considered to determine whether they collectively reflect a failure to discourage urban sprawl.

(e) Methodology for determining indicators. Paragraphs (5)(h) through (5)(j) describe the three major components of a methodology to determine the presence of urban sprawl indicators. Paragraph (5)(h) describes how land use aspects of a plan shall be analyzed. The land use element, including both the future land use map and associated objectives and policies, represents the focal point of the local government's planning effort. Paragraph (5)(i) describes the unique features and characteristics of each jurisdiction which provide the context of the analysis and which are needed to evaluate the extent, amount or frequency of an indicator and the significance of an indicator for a specific jurisdiction. Paragraph (5)(j) recognizes that land use plans generally may be significantly affected by other development policies in a plan which may serve to mitigate the presence of urban sprawl indicators based on the land use plan alone. Paragraph (5)(j) describes development controls which may be used by a local government to mitigate the presence of sprawl.

(f) Analysis components. subsection (5)(k) describes how the analysis components described in subsections (5)(h) through (5)(j) are combined in a systematic way to determine the presence of urban sprawl indicators.

(g) Primary indicators. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

1. Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.

2. Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

3. Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.

4. As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

5. Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.

6. Fails to maximize use of existing public facilities and services.

7. Fails to maximize use of future public facilities and services.

8. Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

9. Fails to provide a clear separation between rural and urban uses.

10. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

11. Fails to encourage an attractive and functional mix of uses.
12. Results in poor accessibility among linked or related land uses.
13. Results in the loss of significant amounts of functional open space.

(h) Evaluation of land uses. The comprehensive plan must be reviewed in its entirety to make the determinations in (5)(g) above. Plan amendments must be reviewed individually and for their impact on the remainder of the plan. However, in either case, a land use analysis will be the focus of the review and constitute the primary factor for making the determinations. Land use types cumulatively (within the entire jurisdiction and areas less than the entire jurisdiction, and in proximate areas outside the jurisdiction) will be evaluated based on density, intensity, distribution and functional relationship, including an analysis of the distribution of urban and rural land uses. Each land use type will be evaluated based on:

1. Extent.
2. Location.
3. Distribution.
4. Density.
5. Intensity.
6. Compatibility.
7. Suitability.
8. Functional relationship.
9. Land use combinations.
10. Demonstrated need over the planning period.

(i) Local conditions. Each of the land use factors in (5)(h) above will be evaluated within the context of features and characteristics unique to each locality. These include:

1. Size of developable area.
2. Projected growth rate (including population, commerce, industry, and agriculture).
3. Projected growth amounts (acres per land use category).
4. Facility availability (existing and committed).

5. Existing pattern of development (built and vested), including an analysis of the extent to which the existing pattern of development reflects urban sprawl.
6. Projected growth trends over the planning period, including the change in the overall density or intensity of urban development throughout the jurisdiction.
7. Costs of facilities and services, such as per capita cost over the planning period in terms of resources and energy.
8. Extra-jurisdictional and regional growth characteristics.
9. Transportation networks and use characteristics (existing and committed).
10. Geography, topography and various natural features of the jurisdiction.

(j) Development controls. Development controls in the comprehensive plan may affect the determinations in (5)(g) above. The following development controls, to the extent they are included in the comprehensive plan, will be evaluated to determine how they discourage urban sprawl:

1. Open space requirements.
2. Development clustering requirements.
3. Other planning strategies, including the establishment of minimum development density and intensity, affecting the pattern and character of development.
4. Phasing of urban land use types, densities, intensities, extent, locations, and distribution over time, as measured through the permitted changes in land use within each urban land use category in the plan, and the timing and location of those changes.
5. Land use locational criteria related to the existing development pattern, natural resources and facilities and services.
6. Infrastructure extension controls, and infrastructure maximization requirements and incentives.
7. Allocation of the costs of future development based on the benefits received.
8. The extent to which new development pays for itself.
9. Transfer of development rights.
10. Purchase of development rights.
11. Planned unit development requirements.

12. Traditional neighborhood developments.
13. Land use functional relationship linkages and mixed land uses.
14. Jobs-to-housing balance requirements.
15. Policies specifying the circumstances under which future amendments could designate new lands for the urbanizing area.
16. Provision for new towns, rural villages or rural activity centers.
17. Effective functional buffering requirements.
18. Restriction on expansion of urban areas.
19. Planning strategies and incentives which promote the continuation of productive agricultural areas and the protection of environmentally sensitive lands.
20. Urban service areas.
21. Urban growth boundaries.
22. Access management controls.

(k) Evaluation of factors. Each of the land use types and land use combinations analyzed in paragraph (5)(h) above will be evaluated within the context of the features and characteristics of the locality, individually and together (as appropriate), as listed in paragraph (5)(i). If a local government has in place a comprehensive plan found in compliance, the Department shall not find a plan amendment to be not in compliance on the issue of discouraging urban sprawl solely because of preexisting indicators if the amendment does not exacerbate existing indicators of urban sprawl within the jurisdiction.

(l) Innovative and flexible planning and development strategies. Notwithstanding and as a means of addressing any provisions contained in subparagraphs 9J-5.006(3)(b)8., 9J-5.011(2)(b)3. and subsection 9J-5.003(140), F.A.C., and this subsection, the Department encourages innovative and flexible planning and development strategies and creative land use planning techniques in local plans. Planning strategies and techniques such as urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, mixed-use development and sector planning that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services, will be recognized as methods of discouraging urban sprawl and will be determined consistent with the provisions of the state comprehensive plan, regional policy plans, Chapter 163,

Part II, F.S., and this chapter regarding discouraging the proliferation of urban sprawl.

b. Data and Analysis – Rule 9J-5.005(2), Florida Administrative Code

(2) Data and Analyses Requirements.

(a) All goals, objectives, policies, standards, findings and conclusions within the comprehensive plan and its support documents, and within plan amendments and their support documents, shall be based upon relevant and appropriate data and the analyses applicable to each element. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue. Data or summaries thereof shall not be subject to the compliance review process. However, the Department will review each comprehensive plan for the purpose of determining whether the plan is based on the data and analyses described in this chapter and whether the data were collected and applied in a professionally acceptable manner. All tables, charts, graphs, maps, figures and data sources, and their limitations, shall be clearly described where such data occur in the above documents. Local governments are encouraged to use graphics and other techniques for making support information more readily useable by the public.

(b) This chapter shall not be construed to require original data collection by local government; however, local governments are encouraged to utilize any original data necessary to update or refine the local government comprehensive plan data base so long as methodologies are professionally accepted.

(c) Data are to be taken from professionally accepted existing sources, such as the United States Census, State Data Center, State University System of Florida, regional planning councils, water management districts, or existing technical studies. The data used shall be the best available existing data, unless the local government desires original data or special studies. Where data augmentation, updates, or special studies or surveys are deemed necessary by local government, appropriate methodologies shall be clearly described or referenced and shall meet professionally accepted standards for such methodologies. Among the sources available to local governments are those identified in “The Guide to Local Comprehensive Planning Data Sources” published by the Department in 1989. Among the sources of data for preliminary identification of wetland locations are the National Wetland Inventory Maps prepared by the U.S. Fish and Wildlife Service.

(d) Primary data sources such as United States Census reports, other government data documents, local computerized data, and original map sheets used to compile required maps need not be printed in their entirety within either the support documents or the comprehensive plan. Summaries of support documents shall be submitted to the Department along with the comprehensive plan at the time of compliance review to aid in the Department’s determination of

compliance and consistency. As a local alternative to providing data and analyses summaries, complete data and analyses sufficient to support the comprehensive plan may be submitted to the Department at the time of compliance review. The Department may require submission of the complete or more detailed data or analyses during its compliance review if, in the opinion of the Department, the summaries are insufficient to determine compliance or consistency of the plan.

(e) The comprehensive plan shall be based on resident and seasonal population estimates and projections. Resident and seasonal population estimates and projections shall be either those provided by the University of Florida, Bureau of Economic and Business Research, those provided by the Executive Office of the Governor, or shall be generated by the local government. If the local government chooses to base its plan on the figures provided by the University of Florida or the Executive Office of the Governor, medium range projections should be utilized. If the local government chooses to base its plan on either low or high range projections provided by the University of Florida or the Executive Office of the Governor, a detailed description of the rationale for such a choice shall be included with such projections.

1. If the local government chooses to prepare its own estimates and projections, it shall submit estimates and projections and a description of the methodologies utilized to generate the projections and estimates to the Department with its plan when the plan is due for compliance review unless it has submitted them for advance review. If a local government chooses to prepare its own resident and seasonal population estimates and projections, it may submit them and a description of the methodology utilized to prepare them to the Department prior to the time of compliance review. The Department may request additional information regarding the methodology utilized to prepare the estimates and projections.

2. The Department will evaluate the application of the methodology utilized by a local government in preparing its own population estimates and projections and determine whether the particular methodology is professionally accepted. The Department shall provide its findings to the local government within sixty days. In addition, the Department shall make available, upon request, beginning on December 1, 1986, examples of methodologies for resident and seasonal population estimates and projections that are deemed by the Department to be professionally acceptable. The Department shall be guided by the Executive Office of the Governor, in particular the State Data Center, in its review of any population estimates, projections, or methodologies proposed by local governments.

(f) Local governments may submit textual portions of the proposed or adopted comprehensive plan or plan amendment, or their support documents, in the form of electronic processing storage media. A local government wishing to do this must first verify with the Department that the programs necessary to access the media are available to the Department and other agencies and, if so, then send one hard copy and clearly labeled storage media copies for distribution to

external agencies.

(g) A local government may include, as part of its adopted plan, documents adopted by reference but not incorporated verbatim into the plan. The adoption by reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted. The adoption by reference may not include future amendments to the document because this would violate the statutory procedure for plan amendments and frustrate public participation on those amendments. A local government may include a provision in its plan stating that all documents adopted by reference are as they existed on a date certain. Documents adopted by reference that are revised subsequent to plan adoption will need to have their reference updated within the plan through the amendment process. Unless documents adopted by reference comply with paragraph 9J-5.005(2)(g), F.A.C., or are in the F.S., the F.A.C., or the Code of Federal Regulations, copies or summaries of the documents shall be submitted as support documents for the adopted portions of the plan amendment.

c. Internal Consistency – Rule 9J5.005(5), Florida Administrative Code

(5) Internal Consistency.

(a) The required elements and any optional elements shall be consistent with each other. All elements of a particular comprehensive plan shall follow the same general format (see “Format Requirements”). Where data are relevant to several elements, the same data shall be used, including population estimates and projections.

(b) Each map depicting future conditions must reflect goals, objectives, and policies within all elements and each such map must be contained within the comprehensive plan.

2. Comprehensive Development Master Plan

a. Policies LU-8D, LU-8E, LU-8F, & LU-8G

b. Need and Guidelines

LU-8D. The maintenance of internal consistency among all Elements of the CDMP shall be a prime consideration in evaluating all requests for amendment to any Element of the Plan. Among other considerations, the LUP map shall not be amended to provide for additional urban expansion unless traffic circulation, mass transit, water sewer, solid waste, drainage and park and recreation facilities necessary to serve the area are included in the plan and the associated funding programs are demonstrated to be viable.

LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and

Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:

i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;

ii) Enhance or impede provision of services at or above adopted LOS Standards;

iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and

iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and

v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

LU-8F. The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years after adoption of the most recent Evaluation and Appraisal Report (EAR) plus a 5-year surplus (a total 15-year Countywide supply beyond the date of EAR adoption). The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities

LU-8G. When considering land areas to add to the UDB, after demonstrating that a need exists, in accordance with foregoing Policy LU-8F:

i) The following areas shall not be considered:

a) The Northwest Wellfield Protection Area located west of the Turnpike Extension between Okeechobee Road and NW 25 Street and the West Wellfield Protection Area west of SW 157 Avenue between SW 8 Street and SW 42 Street;

b) Water Conservation Areas, Biscayne Aquifer Recharge Areas, and Everglades Buffer Areas designated by the South Florida Water Management District;

c) The Redland area south of Eureka Drive; and

ii) The following areas shall be avoided:

a) Future Wetlands delineated in the Conservation and Land Use Element;

b) Land designated Agriculture on the Land Use Plan map;

c) Category 1 hurricane evacuation areas east of the Atlantic Coastal Ridge;

d) Comprehensive Everglades Restoration Plan project footprints delineated in Tentatively Selected Plans and/or Project Implementation Reports; and

iii) The following areas shall be given priority for inclusion, subject to conformance with Policy LU-8F and the foregoing provision of this policy:

a) Land within Planning Analysis Tiers having the earliest projected supply depletion year;

b) Land contiguous to the UDB;

c) Locations within one mile of a planned urban center or extraordinary transit service; and

d) Locations having projected surplus service capacity where necessary facilities and services can be readily extended.

C. Miami-Dade County Code Requirements

1. Application Procedures; Section 2-116.1(2)(a), Miami-Dade County Code

(a) 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 to the land use classification of land located outside of said Urban Development Boundary may be filed only during the April period in odd numbered years. The Director of Planning and Zoning may also file applications requesting amendments to the UDB, UEA or to the land use classification of land located outside of said UDB for processing during either or both the April or October period during those years that an evaluation and appraisal report is adopted pursuant to Section 2-116, Code of Miami-Dade County, provided that the amendments proposed in said applications are suggested in the adopted evaluation and appraisal report. If a filing period is in effect on the date of adoption of an EAR, it shall be extended as necessary to provide a fifteen-business day filing opportunity. The Planning Director may also file applications requesting amendments to the UDB, UEA or to the land use classification of land located outside of said UDB during the April or October filing period immediately preceding and immediately following adoption of an Evaluation and Appraisal Report.

2. Applications Concurrent with Development of Regional Impact (DRI); Section 2-116.1(5), Miami-Dade County Code

a. Applications may be filed at any time, not limited to April of odd numbered years.

b. "The application filing date is hereby deemed to be the later of the dates on which the Director of the Department of Planning and Zoning receives a completed CDMP amendment application, or the date on which the Director receives notification from the regional planning council or its successor agency that the application for development approval is sufficient." Section 2-116.1(5)(a)(1), Miami-Dade County Code.

3. Transmittal and Adoption – Section 2-116.1(3)(g), Miami-Dade County Code

a. The decision to transmit shall be by affirmative vote of not less than a majority of the total membership of the County Commission then in office.

b. The action to adopt any small-scale amendment to the CDMP shall be by ordinance enacted only upon vote of the majority of the total membership of the County Commission then in office, except that any decision to include any additional land within the UDB, or to redesignate to an urban use any land located outside the UDB, shall require a vote of two-thirds (2/3) of the total membership of the County Commission then in office.

D. Urban Service Boundary Legislation – Section 163.3177(14), Florida Statutes

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(14) Local governments are also encouraged to designate an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. The urban service area boundary must be identified on the future land use map or map series. The local government shall demonstrate that the land included within the urban service boundary is served or is planned to be served with adequate public facilities and services based on the local government's adopted level-of-service standards by adopting a 10-year facilities plan in the capital improvements element which is financially feasible. The local government shall demonstrate that the amount of land within the urban service boundary does not exceed the amount of land needed to accommodate the projected population growth at densities consistent with the adopted comprehensive plan within the 10-year planning timeframe.

(a) As part of the process of establishing an urban service boundary, the local government must hold two public meetings with at least one of those meetings before the local planning agency. Before those public meetings, the local government must hold at least one public workshop with stakeholder groups such as neighborhood associations, community organizations, businesses, private property owners, housing and development interests, and environmental organizations.

(b) 1. After the workshops and public meetings required under paragraph (a) are held, the local government may amend its comprehensive plan to include the urban service boundary. This plan amendment must be transmitted and adopted pursuant to the procedures in ss 163.3184 and 163.3189 at meetings of the governing body other than those required under paragraph (a).

2. This subsection does not prohibit new development outside an urban service boundary. However, a local government that establishes an urban service boundary under this subsection is encouraged to require a full-cost-accounting analysis for any new development outside the boundary and to consider the results of that analysis when adopting a plan amendment for property outside the established urban service boundary.

(c) Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

(d) A local government that has adopted an urban service boundary before July 1, 2005, which substantially accomplishes the goals set forth in this subsection is not required to comply with paragraph (a) or subparagraph 1. of paragraph (b) in order to be eligible for the incentives under s. 163.3184 (17). In order to satisfy the provisions of this paragraph, the local government must secure a determination from the state land planning agency that the urban service boundary adopted before July 1, 2005, substantially complies with the criteria of this subsection, based on data and analysis submitted by the local government to support this determination. The determination by the state land planning agency is not subject to administrative challenge.