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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(4)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: December 1, 2015

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution directing the County Mayor to prepare and submit a report to the Board evaluating existing and potential development density transfer programs

Resolution No. R-1100-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Daniella Levine Cava.

Abigail Price-Williams
County Attorney

APW/lmp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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 ____, 3/5's ____, unanimous _____) 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)(4)
12-1-15

RESOLUTION NO. R-1100-15

RESOLUTION DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PREPARE AND SUBMIT A REPORT TO THE BOARD EVALUATING EXISTING AND POTENTIAL DEVELOPMENT DENSITY TRANSFER PROGRAMS

WHEREAS, local governments throughout the United States have utilized market-based programs that allow landowners to re-allocate their development rights, both inside and outside of their own property, in order to achieve community-wide development goals such as the creation or preservation of open space or the transfer of development from areas in which conservation is desired to areas in which development is desired; and

WHEREAS, Miami-Dade County has two such programs: a severable use rights development transfer program, codified in Chapter 33B of the Code of Miami-Dade County, which allows owners of undeveloped land in the East Everglades Area of Critical Environmental Concern to transfer allocated uses of property in that area of environmental concern to obtain development bonuses in land outside the area of environmental concern; and a conservation easement program through a direct Purchase of Development Rights program, adopted in 2007 through Resolution No. R-1036-07, to allow the use of General Obligation Bond funds to preserve agricultural land by providing the County with the ability to purchase residential development rights from willing property owners to ensure that agricultural properties remain undeveloped and available for agricultural uses; and

WHEREAS, other models for the transfer of development rights exist and are utilized throughout the United States, all of which utilize market-based techniques to allow the transfer of development from areas in which conservation is desired (e.g., environmentally sensitive

lands, agricultural lands, wildlife habitats, or historic areas) to areas in which development is desired, thereby protecting undeveloped land without the expenditure of public funds; and

WHEREAS, other potential alternatives include cluster development programs, which allow property owners to concentrate development densities in a single property in a manner that does not otherwise comply with lot size, setback, or frontage requirements, in exchange for the preservation of open space; and

WHEREAS, this Board desires to evaluate its existing market-based development rights programs and, at the same time, explore other potential models for preserving agricultural lands, environmentally sensitive lands, wildlife habitat, and historic districts and properties,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or designee shall prepare a report; (1) studying the efficacy of the County's existing transfer of development rights programs and making recommendations as to how those programs can be enhanced; (2) identifying and making recommendations regarding transfer of development rights models that may be implemented in Miami-Dade County, including an assessment of the advantages and disadvantages of each identified model and any cost/administrative burdens that impact the feasibility of those programs; and (3) identifying additional actions needed to establish recommended transfer of development rights programs. The County Mayor or designee shall provide the report to this Board within 180 days of the effective date of this resolution and shall place the completed feasibility report on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **absent**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of December, 2015. 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

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MAG

Miguel A. Gonzalez