MEMORANDUM

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Substitute to
Agenda Item No. 2(A)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 13, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor or designee to file an application in the May 2021 cycle of amendments to the Comprehensive Development Master Plan to expand the Urban Development Boundary to include the land located in District 9 that is within Urban Expansion Area No. 3, to designate such land as the South-Dade Industrial and Employment Zone (SIEZ), and to take any and all additional steps necessary to comply with applicable CDMP policies

This substitute differs from the original in that: (1) it includes a directive, and corresponding recital clause, providing that the County Mayor or designee shall ensure, in consultation and coordination with the Homestead Air Reserve Base, that the Comprehensive Development Master Plan (CDMP) application incorporates or includes appropriate buffering in the vicinity of the Base, so as to preserve and protect Base operations and security; and (2) it includes a directive providing that the County Mayor or designee shall exclude from the CDMP application any portion of the subject land that cannot be considered for inclusion within the Urban Development Boundary due to filing requirements set forth in section 2-116.1 of the Code or CDMP Policy LU-8G.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.

Geri Bonzon-Keenan
County Attorney

GBK/smm

MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: June 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No.

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 Agenda Item No.
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR DESIGNEE TO FILE AN APPLICATION IN THE MAY 2021 CYCLE OF AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN TO EXPAND THE URBAN DEVELOPMENT BOUNDARY TO INCLUDE THE LAND LOCATED IN DISTRICT 9 THAT IS WITHIN URBAN EXPANSION AREA NO. 3, TO DESIGNATE SUCH LAND AS THE SOUTH-DADE INDUSTRIAL AND EMPLOYMENT ZONE (SIEZ), AND TO TAKE ANY AND ALL ADDITIONAL STEPS NECESSARY TO COMPLY WITH APPLICABLE CDMP POLICIES

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, adequate countywide development capacity is maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB when the need for such change exists; and

WHEREAS, applications to move the UDB are accepted only in odd-numbered years; and

WHEREAS, the criteria for applications requesting expansion of the UDB are primarily contained in CDMP Policies LU-8F, LU-8G, and LU-8H, which require, among other things, a demonstration of need to move the UDB, the avoidance of sprawl-type development, and the mitigation of any loss of agricultural or environmentally-sensitive lands; and

WHEREAS, the LUP map currently includes four Urban Expansion Areas where urban expansion may occur if certain criteria in the CDMP Land Use Element are met, and if there is a demonstrated need for urban development to occur beyond the UDB; and

WHEREAS, Urban Expansion Areas were first depicted on the LUP map in 1983 and have subsequently been modified over time; and

WHEREAS, the Urban Expansion Areas are located outside of the UDB and, as set forth in the CDMP Land Use Element, represent areas where current projections indicate that further urban development beyond the UDB may be warranted between the year 2030 and 2040, based on an analysis of available capacity inside of the UDB; and

WHEREAS, however, the CDMP recognizes the uncertainty in the timing and amount of expansion that will be needed due to unpredictability in the long-term rates of population and economic growth, housing and community preferences, availability and price of energy, water, agricultural, and mineral resources, and other state, federal, and international influences; and

WHEREAS, Urban Expansion Area No. 3 is comprised of approximately 3,000 acres of land located north of Homestead Air Reserve Base that is primarily designated "Agriculture" and "Open Land" on the LUP map; and

WHEREAS, the County recently completed a comprehensive review of the CDMP known as the Evaluation and Appraisal Report (EAR), which the County is required to undertake every seven years to assess the progress the County has made in implementing the CDMP and to recommend changes to the CDMP, including to the Urban Expansion Areas and related policies; and

WHEREAS, through the process of adopting EAR-based amendments to the CDMP, the County is considering whether to modify the boundaries of the Urban Expansion Areas, including whether to contract Urban Expansion Area No. 3 to exclude approximately 600 acres of land that is part of the Comprehensive Everglades Restoration Plan (CERP) project and land that is located in proximity to the Homestead Air Reserve Base (HARB); and

WHEREAS, on July 22, 2020, the Board adopted Ordinance No. 20-77, taking final action on a portion of EAR Application No. 5 in the May 2019 Cycle to Amend the CDMP; and

WHEREAS, the Board bifurcated the portion of Application No. 5 that proposed to contract the boundaries of the UEAs, and deferred final action pending completion of a study that the Board directed through Policy LU-8J, which was adopted in Ordinance No. 20-77; and

WHEREAS, the purpose of the study is to evaluate: (i) additional areas that may be identified as urban expansion areas, with a goal of replacing the 1,993 acres that were proposed for removal in Application No. 5 of the EAR Amendments in the May 2019 CDMP Amendment Cycle; and (ii) potential additional uses that would be appropriate for the Urban Expansion Areas, particularly near the Homestead Air Reserve Base; and

WHEREAS, pursuant to that directive, County planning staff has prepared a preliminary report for public comment that is available online at: http://www.miamidade.gov/planning/library/reports/2021-draft-urban-expansion-area-report.pdf; and

WHEREAS, in the report, County planning staff does not at this time recommend the creation of new UEAs, but does provide recommendations to address potential impacts associated with growth into new UEAs that may be identified in the future; and

WHEREAS, Ordinance No. 20-77 amended Policy LU-8G to provide that applications to move the UDB for residential uses in Coastal High Hazard Areas "shall not be considered"; and

WHEREAS, Urban Expansion Area No. 3 is located in Commission Districts 8 and 9; and

WHEREAS, much of the land within Urban Expansion Area No. 3 is located in Coastal High Hazard Areas and, therefore, may only be brought into the UDB for non-residential development; and

WHEREAS, accordingly, this land should not be used for residential purposes; and

WHEREAS, because the urbanized area near Urban Expansion Area No. 3 is growing rapidly, it may be appropriate to expand the UDB in the next UDB amendment cycle to include some of the land located there, to serve the non-residential needs of the nearby urbanized area; and

WHEREAS, the portion of this land located in District 9 would be well-suited to industrial uses and shall be designated as the South-Dade Industrial and Employment Zone (SIEZ); and

WHEREAS, Ordinance No. 20-77 also amended Policy LU-8H, which now provides that applications requesting expansion of the UDB must request designation as a "Special District" on the CDMP Land Use Plan map and include a text amendment under the "Special District" CDMP text to outline the allowable uses, maximum density, maximum floor area ratio, and how the proposed development will satisfy the criteria set forth in this policy; and

WHEREAS, Policy LU-8H also provides that a zoning application addressing certain specified criteria must be filed concurrently with the CDMP Land Use Plan map amendment; and

WHEREAS, in the May 2021 cycle of applications to amend the CDMP, private parties have filed Application No. CDMP202110003 to expand the UDB to include certain land in District 8 that is located within Urban Expansion Area No. 3; and

WHEREAS, in addition to the lands included in that application, the remaining portions of Urban Expansion Area No. 3 located in District 9 should also be brought within the UDB and made available for industrial uses; and

>>**WHEREAS**, the Homestead Air Reserve Base is a regional asset of great importance to the County, and any proposed amendment to the CDMP in the vicinity of the Base must ensure that the Base's security and operations are preserved and protected; and<<[1]

[1] The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County authorizes this Board to direct the filing of an application to amend the CDMP,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby directs the County Mayor or designee to file an application in the May 2021 cycle of applications to amend the Comprehensive Development Master Plan (CDMP) to expand the Urban Development Boundary (UDB) to include the land located in District 9 that is within Urban Expansion Area No. 3 and to designate such land as the South-Dade Industrial and Employment Zone (SIEZ). When filing such application, the County Mayor or designee shall also take any and all additional steps necessary to comply with applicable CDMP policies, including, but not limited to, filing a concurrent zoning application pursuant to Policy LU-8H. >>Further, to the extent that any portion of the land subject to this resolution cannot be considered for inclusion within the UDB due to filing requirements set forth in section 2-116.1 of the Code or CDMP Policy LU-8G governing areas that cannot be considered, then any such portion shall be excluded from the application to be filed. In addition, the County Mayor or designee shall ensure, in consultation and coordination with the Homestead Air Reserve Base, that the CDMP application incorporates or includes appropriate buffering in the vicinity of the Base, so as to preserve and protect Base operations and security.<<

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman
Oliver G. Gilbert, III, Vice-Chairman

Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of June, 2021. 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:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley
Dennis A. Kerbel