

MEMORANDUM

CCP
Agenda Item No. 2(B)

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

DATE: June 8, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to file an application in the next available cycle to amend the Comprehensive Development Master Plan (CDMP) to: (1) require the County to maintain a sufficient supply of residential land on which to develop 35,000 attached and detached single-family residential units by 2025, with periodic reevaluation to ensure an adequate land supply for single-family residential uses into the future, (2) authorize greater density, lot size averaging, lot splitting, broader use of accessory dwelling units, and similar concepts in residential areas to aid the County in increasing the single-family land supply within the Urban Development Boundary (UDB), and (3) require the single-family residential land supply to be met to the maximum extent feasible by utilizing all available tools and strategies to increase the supply within the UDB before any application to expand the UDB to provide for single-family residential uses may be approved; and directing the County Mayor to prepare any legislation necessary to implement the CDMP amendment and increase the County's single-family land supply

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

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

DATE: July 7, 2022

FROM: 
Gen 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 COUNTY MAYOR'S DESIGNEE TO FILE AN APPLICATION IN THE NEXT AVAILABLE CYCLE TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) TO: (1) REQUIRE THE COUNTY TO MAINTAIN A SUFFICIENT SUPPLY OF RESIDENTIAL LAND ON WHICH TO DEVELOP 35,000 ATTACHED AND DETACHED SINGLE-FAMILY RESIDENTIAL UNITS BY 2025, WITH PERIODIC REEVALUATION TO ENSURE AN ADEQUATE LAND SUPPLY FOR SINGLE-FAMILY RESIDENTIAL USES INTO THE FUTURE, (2) AUTHORIZE GREATER DENSITY, LOT SIZE AVERAGING, LOT SPLITTING, BROADER USE OF ACCESSORY DWELLING UNITS, AND SIMILAR CONCEPTS IN RESIDENTIAL AREAS TO AID THE COUNTY IN INCREASING THE SINGLE-FAMILY LAND SUPPLY WITHIN THE URBAN DEVELOPMENT BOUNDARY (UDB), AND (3) REQUIRE THE SINGLE-FAMILY RESIDENTIAL LAND SUPPLY TO BE MET TO THE MAXIMUM EXTENT FEASIBLE BY UTILIZING ALL AVAILABLE TOOLS AND STRATEGIES TO INCREASE THE SUPPLY WITHIN THE UDB BEFORE ANY APPLICATION TO EXPAND THE UDB TO PROVIDE FOR SINGLE-FAMILY RESIDENTIAL USES MAY BE APPROVED; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE ANY LEGISLATION NECESSARY TO IMPLEMENT THE CDMP AMENDMENT AND INCREASE THE COUNTY'S SINGLE-FAMILY LAND SUPPLY

WHEREAS, the County's Comprehensive Development Master Plan (CDMP) includes an Urban Development Boundary (UDB) depicted on the Land Use Plan (LUP) map to distinguish the area where urban development may occur through the year 2030 from areas where it should not occur; and

WHEREAS, the CDMP's Land Use Element further provides that adequate countywide development capacity should be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB when the Board determines that such change is necessary through the CDMP review and amendment process; and

WHEREAS, the County conducts a development capacity analysis to ascertain the amount of land available for future residential growth inside of the UDB, with demand for residential units determined on the basis of projected population growth and persons per household data provided by the U.S. Census Bureau; and

WHEREAS, capacity of land within the UDB is determined by assessing the development potential of vacant land and the redevelopment potential of underdeveloped parcels; and

WHEREAS, CDMP Policy LU-8F provides that the UDB should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years; and

WHEREAS, based on the County's current land supply analysis, there is sufficient overall residential capacity within the UDB to accommodate projected population growth beyond 2040; and

WHEREAS, however, the needs analysis required by Policy LU-8F addresses residential supply on a countywide basis and does not give particularized consideration to the residential supply in subareas and subregions of the County; and

WHEREAS, the required needs analysis also does not recognize distinctions among types of residential units, treating single-family dwellings as interchangeable with multi-family buildings in determining the residential land supply available, and a significant percentage of the County's vacant residential land supply consists of capacity for multifamily units; and

WHEREAS, additionally, in determining the availability of vacant land for residential development, the County's needs analysis does not currently consider whether such vacant land can be developed or redeveloped within a particular time frame and, thus, does not account for whether the land can reasonably be developed with much needed uses in the short-term; and

WHEREAS, as the County Mayor’s Final Urban Expansion Area Report (the “UEA Report”) indicates, “[w]hile there is sufficient overall capacity inside the UDB to accommodate projected countywide population growth, the supply of single-family residential uses in the County is projected to be depleted by 2024”; and

WHEREAS, as the UEA Report acknowledges, depletion of the single-family residential land supply is a matter of significant concern; and

WHEREAS, the continued availability of land for single-family residential uses is all the more critical because, as has been widely reported, the County is experiencing an affordability crisis, with median home and rental prices soaring to all-time highs; and

WHEREAS, while this affordability crisis has many causes, it is attributable in part to an insufficient supply of certain types of housing; and

WHEREAS, according to recent reports, the County is now one of the least affordable places in the country to live; and

WHEREAS, Policy LU-1F of the CDMP’s Land Use Element requires the County to avoid the creation of monotonous development by vigorously promoting the inclusion of a variety of housing types in the County’s residential communities; and

WHEREAS, a diverse housing mix, including both single-family and multifamily uses at varying densities, is vital to ensuring that County residents will be able to remain in Miami-Dade County through all stages of life; and

WHEREAS, providing for such a mix and allowing flexibility to create more residential units is also essential to countering the affordability crisis currently plaguing County residents; and

WHEREAS, the UEA Report opines that the County should look towards facilitating “a sufficient mix of housing options, particularly for families”; and

WHEREAS, it remains true that many people, particularly families, prefer and seek out single-family residential housing and, thus, it is incumbent upon the County to ensure an adequate supply of that particular housing type is provided as soon as possible and maintained well beyond 2024 to serve the needs of these residents; and

WHEREAS, to achieve this goal and ensure an adequate supply of land for single-family residential uses well into the future, the County should amend the CDMP to increase the single-family residential land supply by 2025 to provide for development of 35,000 additional attached and detached units, with periodic reevaluation thereafter to ensure maintenance of an adequate land supply for single-family residential uses into the future; and

WHEREAS, the County must ensure that the newly established single-family land supply shall be reasonably viable for immediate development as described herein; and

WHEREAS, to meet this target, the County should consider, among other things, authorizing greater density, lot size averaging, lot splitting, and broader use of accessory dwelling units within single-family residential areas; and

WHEREAS, with respect to density, a general policy could be adopted in the CDMP that would allow one residential density category higher in any area by right when sound urban design principles are used; and

WHEREAS, the CDMP could also be amended to permit lot size averaging in place of fixed lot sizes, to allow for greater design flexibility and efficiency when measuring compliance with the CDMP Land Use Plan map's density requirements; and

WHEREAS, in addition, the CDMP's gross residential acreage definition could be amended to allow previously dedicated rights of way to be counted in density calculations; and

WHEREAS, section 2-116.1 of the Code authorizes this Board to direct the filing of an application to amend the CDMP; and

WHEREAS, this Board wishes to consider an amendment to the CDMP to effectuate the above-referenced changes, to the extent consistent with other applicable CDMP policies and goals, including, but not limited to, those pertaining to the avoidance of urban sprawl, the maintenance of sufficient affordable and workforce housing supplies, and the prioritization of development around rapid transit corridors and urban centers; and

WHEREAS, such CDMP amendment should provide that the target of 35,000 additional units shall be met to the maximum extent feasible within the UDB by utilizing all available tools and strategies before any application to expand the UDB to increase the land supply for single-family residential uses may be approved; and

WHEREAS, this Board also wishes to consider legislation to amend the zoning code to implement such future changes to the CDMP, as well as other legislative changes that do not require an amendment to the CDMP to implement; and

WHEREAS, for example, legislation could be adopted to make existing zoning consistent with the CDMP Land Use Plan map in areas where the CDMP currently authorizes greater density or intensity of development than does the current zoning classification, with the goal of enabling property owners to realize the maximum residential development potential by right; and

WHEREAS, this Board also wishes to consider legislation that would waive the mixed-use development requirement along major corridors where maximum residential density is proposed in lieu of the mixed-use component, to provide greater flexibility to develop residential units; and

WHEREAS, the Board wishes to direct the administration to prepare an amendment to the CDMP and associated legislation to effectuate the above-referenced changes,

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

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

Section 2. This Board directs the County Mayor or County Mayor’s designee to file an application to amend the CDMP in the next available cycle to require the County to provide by 2025 a sufficient supply of residential land to accommodate 35,000 additional attached and detached single-family residential units, with periodic reevaluation thereafter to ensure maintenance of an adequate supply of land for single-family residential uses into the future. The proposed CDMP policy shall also specify that land for single-family residential uses will only be considered “available” if development or redevelopment can reasonably occur on the site within three years. To provide this supply, the CDMP amendment shall also authorize one or more of the following: greater density, lot size averaging, lot splitting, or broader use of accessory dwelling units within single-family residential areas, as well as any other similar concepts that may aid the County in increasing the single-family residential land supply within the UDB. The CDMP application shall further provide that the 35,000 single-family residential units shall be met to the maximum extent feasible within the UDB by utilizing all available tools and strategies before any application to expand the UDB to provide additional land supply for single-family residential uses may be approved. It shall also provide for the amendment of any other CDMP policies necessary to effectuate such changes.

Section 3. This Board further directs the County Mayor or County Mayor’s designee to prepare and present for sponsorship legislation in furtherance of increasing the County’s single-family residential supply that does not require amending the CDMP, as well as such legislation as may be necessary to implement the above-referenced CDMP amendment if adopted.

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz. 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 the resolution duly passed and adopted this 7th day of July, 2022. 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

