

# Memorandum



**Date:** November 15, 2022

**To:** Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive, flowing style.

**Subject:** Social Equity Statement for Ordinance Amending Chapter 33 of the Code of Miami-Dade County creating a new zoning district to be used by applicants for UDB expansion - Substitute

Supplement No. 2  
Agenda Item No. 5(G) Substitute

While the original item is consistent with the Comprehensive Development Master Plan (CDMP), two amendments in the proposed substitute ordinance may pose potential conflicts with existing Comprehensive Development Master Plan policy. As in the original item, the substitute ordinance amends Chapter 33 of the Code of Miami-Dade County establishing the regulatory framework creating a new Urban Development Boundary Planned Area Development Zoning District (UDBPAD).


As part of the Evaluation and Appraisal Report (EAR) process of the County’s CDMP in 2020, the Board adopted a series of amendments to the CDMP’s Land Use Element. Included among the amendments was the revised policy LU-8H, which establishes the required criteria for applications requesting expansion of the County’s UDB. The revised Policy LU-8H requires applicants seeking a UDB expansion to: (1) request designation as a “Special District” on the CDMP Land Use Plan Map and amend the Land Use Element policy text to establish the Special District’s development parameters, such as allowable uses, maximum density, and maximum floor area ratio; and (2) file a concurrent zoning application to be heard together with the CDMP amendment. In addition, Policy LU-8I provides that, by “2021, Miami-Dade County shall develop land development regulations to implement the criteria outlined in Policy LU-8H.”

The UDBPAD establishes a process for reviewing large-scale zoning applications with concurrent CDMP UDB expansions and provides a regulatory framework intended to address CDMP land use policies, including Policy LU-8H, that collectively seek to guide development in a responsible manner. These regulations provide for an orderly and efficient development utilizing sound urban design principles, effective multi-modal transportation connections, adequate open space, and housing diversity within a UDB expansion. Where applicable, the proposed ordinance will also result in additional housing and employment opportunities.

The application approval process includes a quasi-judicial hearing by the Board at the time of the initial CDMP UDB expansion application, with subsequent approvals to be granted administratively. The proposed ordinance also provides for the preservation of agriculturally designated land through a transfer of development rights (TDR) or purchase development rights (PDR) program or another form of preservation acceptable to this Board.

The substitute, however, provides two amendments that may pose potential conflicts with existing CDMP policies:

1. The additional language added in Section 33-284.28.17B(2)(a)(ii) may be in conflict with CDMP Policy LU-8H(P): *“Include commitments to ensure that the proposed development will not cause a roadway to exceed its adopted level of service standard or further erode the level of service on a failing roadway.”* The proposed language suggests that a “transit center or other mobility improvement” could satisfy the aforementioned policy regardless of if the roads fall below the adopted level of service or further erodes the level of service on a failing road. A transit center or other mobility improvement should be encouraged; however, the proposed language should be further revised to specify that improvements used to address roadway level of service deficiencies shall **also** demonstrate how they maintain the adopted level of service standard for the impacted and failing roadways. The term “mobility improvement” should also be defined, to clarify that only improvements that can address roadway capacity and level of service can be used for this purpose.
  
2. The additional language added in Section 33-284.28.17A(1)(f) appears to conflict with the intent of CDMP Policy LU-8H(g): *“Demonstrate that a jobs to housing ratio of at least 1.5:1 is available within five miles of the subject property or will be provided on-site for future residents.”* The objective of this policy is to ensure that adequate employment exists within close proximity to new housing in order to minimize commuter congestion. Although the new language defines “indirect” and “induced” jobs in the calculation of the employment-to-housing ratio and retains the requirement that those jobs must be “available for future residents of the subject property within five miles of the subject property,” no data geographically isolates those jobs. Indirect and induced jobs are created as a result of purchases made by the new onsite employers (and the purchasing power created by their employees). They can occur anywhere within the county or outside of it, depending on where these suppliers are located and where their workers live, and therefore do not lend themselves to geographic limitations that would allow the Department to determine whether the indirect and induced jobs are in fact available within 5 miles. Because indirect and induced jobs cannot be quantified to any specific location, defining “indirect” and “induced” jobs in the manner attempted through the substitute undermines the achievement of objective LU-8H(g) and would encourage sprawl with unbalanced growth outside of the UDB. Counting of “indirect” and “induced” jobs will allow a UDB application to propose development that does not actually create localized job centers. This is contrary to longstanding CDMP policy priorities which provide minimum employment standards for movement of the UDB and intentionally requires applications to provide jobs in order to minimize vehicle trips and therefore prevent traffic and sprawl. The subsection should be revised to remove any reference to “direct,” “indirect,” and “induced” jobs, because of the way those terms are used outside of this ordinance, and to instead simply provide that only jobs generated on the project site and existing jobs within its 5-mile radius are counted in the jobs to housing ratio.



---

Jimmy Morales  
Chief Operations Officer