

Application No. 13

TEXT AMENDMENT

Proposed Text Not Filed In Application Report

APPLICATION SUMMARY

Applicant/Representative:	Miami-Dade County Department of Planning and Zoning / Marc C. LaFerrier AICP, Director
Element(s) to be Amended	LAND USE ELEMENT
Requested Text Changes	In the Land Use Element, add language clarifying the meaning of the term “ancillary to agriculture”, to allow some uses to be “stand alone” rather than part of an active farm, and to allow Bed and Breakfast establishments in the Ag Area. The text to be amended begins on page I-58 of the Land Use Element in the “Adopted Components of the Comprehensive Development Master Plan for Miami-Dade County, Florida, October 2006 Edition.”
Amendment Type:	Standard Text Amendment

RECOMMENDATIONS

Staff:	ADOPT and TRANSMIT (August 25, 2008)
Community Council:	NOT APPLICABLE
Planning Advisory Board (PAB) acting as Local Planning Agency:	TO BE DETERMINED (October 6, 2008)
Board of County Commissioners:	TO BE DETERMINED (November 6, 2008)
Final Recommendation of PAB acting as Local Planning Agency:	TO BE DETERMINED
Final Action of Board of County Commissioners:	TO BE DETERMINED

Staff recommends: **ADOPT AND TRANSMIT** the proposed text amendment for the following reasons:

1. Protection of viable agriculture is a priority of the 2003 Miami-Dade County Strategic Plan. Additionally, Land Use Policy LU-1P in the CDMP states "While continuing to protect and promote agriculture as a viable economic activity in the County, Miami-Dade County shall explore and may authorize alternative land uses in the South Dade agricultural area which would be compatible with agricultural activities and associated rural residential uses, and which would promote ecotourism related to the area's agricultural and natural resource base including Everglades and Biscayne National Parks." Inclusion of a wider variety of agricultural uses to allow the agricultural industry more flexibility, meets the stated objectives.
2. The modified text is intended to allow the agricultural industry a wider variety of uses and to increase the economic viability of the industry. New uses ancillary to agriculture, that are agricultural related and supportive, will provide additional retail and wholesale opportunities throughout the industry.
3. Allowing Bed and Breakfast establishments in the Agricultural area will provide another option for tourists and travelers that want to experience a rural and environmental setting. It will enable the provision of overnight accommodations in a location much closer to Everglades National Park entrances and closer to other eco-tourism sites, such as the upper Keys, than otherwise would be available. Additionally, encouraging these establishments in historic structures may provide a way to encourage the renovation and preservation of such structures.

Requested Text Amendment:

In the Applications Report, there was mention of amending the current text to modify the current practice of allowing seasonal agriculture on lands designated Open Land. This issue has been withdrawn from the April 2008 Amendment Cycle based on the need for additional intergovernmental coordination and further analysis of the many possible impacts of expanding the agricultural use of the properties within the Open Land areas.

The text for agriculture-related ancillary uses has been amended, and appears below.

Agriculture

The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, Uses ancillary to and directly supportive of agriculture, defined as those uses related to preserving, processing, packaging or selling of agricultural products from south Florida, are also allowed and may be stand alone uses on parcels of at least five gross acres. such as packing houses, and farm residences.

Uses ancillary to, and necessary to support, the rural residential community of the agricultural area may also be approved, including houses of worship. However, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2A.

In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses agricultural processing facilities for produce grown in south Florida are not restricted to locating on an existing arterial roadway. Other uses, including utility uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area.

Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

A Bed and Breakfast establishment that is owner-occupied, owner-operated, and located on a parcel with a current agricultural classification, as determined by the Property Appraiser's Office, may be allowed. A designated historic structure that is owner-occupied and owner-operated may be converted to a Bed and Breakfast use.

In an effort to enable compatible diversification of the economy of Agriculture areas and provide additional land use options for owners of properties that surround structures having historical significance, after such time as the County adopts procedures for the establishment of Thematic Resource Districts (TRDs) pursuant to Policy LU-6L, and a TRD including architectural and landscape design guidelines is established in an area designated Agriculture, additional uses may be authorized in such TRDs established in Agriculture areas. Such additional uses must be designed and developed in accordance with TRD standards, must promote ecotourism activities in the Agriculture area, and must not be incompatible with nearby agricultural activities.

Also included in the Agriculture area are enclaves of estate density residential use approved and grandfathered by zoning, ownership patterns and platting activities which predate this Plan. The grandfather provisions of the Miami-Dade County Zoning Code shall continue to apply in this area except that lots smaller than 15,000 square feet in area are not grandfathered hereby. Moreover, all existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning: (a) is found through a subsequent planning study, as provided in Policy LU-4E, to be inconsistent with the foregoing grandfather provisions or with the CDMP as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map". This paragraph does not, however, authorize the approval or expansion of any use inconsistent with this plan. To the contrary, it is the intent of this Plan to contain and prevent the expansion of inconsistent development in the Agriculture area.

STAFF ANALYSIS

The agricultural industry in south Miami-Dade County has experienced many events that have challenged the viability of traditional agricultural operations. Impacts such as national policies that allow the importation of lower priced agricultural products, steep increases in the price of fertilizer, pesticides and fuel, pests and disease, and, changing agricultural markets, have all contributed to a decline in the area's traditional agricultural uses, such as row crops and groves. The agricultural industry has, over the past decade, responded to these challenges by introducing a wide variety of non-traditional agricultural uses, such as nurseries, aquaculture uses, and niche crops such as boniato, longan and dragon fruit, to the area. This list of new agricultural products continues to be expanded especially as the area's needs and opportunities change, the most recent potential being that of bio-fuel crops.

The proposed text amendments were developed to allow the agricultural industry more flexibility in the use of their land, thereby helping to preserve this evolving industry. The term "ancillary to agriculture" has been defined in the text to include "uses related to preserving, processing, packaging or selling of agricultural products from south Florida". These uses are considered to add value to the traditional farm and will allow an expansion of agriculturally related operations. The expansion of uses; however, will be further refined through zoning code changes to ensure that laws related to health, compatibility, and environmental issues continue to be addressed. Additionally, spatial requirements will be applied to some of the permitted uses.

The proposed text will allow those newly defined uses that are ancillary to agriculture, on stand alone parcels of 5 acres or larger, again to provide flexibility and help retain a viable agricultural industry. However, such ancillary uses will be tied to those agricultural products produced in the south Florida area.

Bed and breakfast establishments have been added as an allowable use in the agricultural area to provide an opportunity for those primary residents of active farms to supplement their income. Additionally, the conversion of historic structures to Bed and Breakfasts could open up the historical and archeological significance of this area and encourage more eco-tourism in south Miami-Dade County. To ensure that the rural character of the area is retained, the zoning code will be modified to provide criteria and distance separation requirements, if applicable, for this use as it applies to both agricultural land and historically designated structures.

Consistency Review with CDMG Goals, Objectives, Policies, Concepts and Guidelines

The following CDMG goals, objectives, policies, concepts and guidelines will be enhanced if the proposed designation is approved:

POLICY LU-1P. While continuing to protect and promote agriculture as a viable economic activity in the County, Miami-Dade County shall explore and may authorize alternative land uses in the South Dade agricultural area which would be compatible with agricultural activities and associated rural residential uses, and which would promote ecotourism related to the area's agricultural and natural resource base including Everglades and Biscayne National Parks.

POLICY LU-8C. Through its planning, capital improvements, cooperative extension, economic development, regulatory and intergovernmental coordination activities, Miami-Dade County shall continue to protect and promote agriculture as a viable economic use of land in Miami-Dade County.

None of the current CDMP goals, objectives, concepts and guidelines will be impeded with the approval of the proposed text amendment.

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