



# MEMORANDUM

AGENDA ITEM #VII.B

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DATE: JANUARY 22, 2024  
TO: COUNCIL MEMBERS  
FROM: STAFF  
SUBJECT: CORRESPONDENCE AND ARTICLES

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Recommendation

Information only



FROM THE OFFICE OF  
GOVERNOR  
RON DESANTIS

@GOVRONDESANTIS | WWW.FLGOV.COM | 850-717-9282 | MEDIA@EOG.MYFLORIDA.COM

**For Immediate Release:** January 18, 2024

**Contact:** Governor's Press Office, (850) 717-9282, [media@eog.myflorida.com](mailto:media@eog.myflorida.com)

## **Governor Ron DeSantis Awards \$20 Million for Water Quality Improvement Projects in Biscayne Bay**

**TALLAHASSEE, Fla.** — Today, Governor Ron DeSantis awarded \$20 million through the Biscayne Bay Water Quality Improvement Grant Program to strengthen ongoing efforts to restore water quality in the bay. Since 2019, the state of Florida has invested more than \$70 million for targeted water quality projects in Biscayne Bay. To ensure restoration efforts continue, Governor DeSantis has again included \$20 million for Biscayne Bay in his Focus on Florida's Future budget proposal for Fiscal Year 2024-25.

"The Biscayne Bay is a hub for sport and commercial fishing and tourism," **said Governor Ron DeSantis.** "Our comprehensive approach to addressing water quality statewide and our investments in targeted estuaries, such as the Biscayne Bay, Indian River Lagoon and the Caloosahatchee, will ensure Florida's economic vitality and Floridians' way of life for decades to come."

"As our administration has shown over the years, protecting Florida's water quality and supply is a priority, **said Lieutenant Governor Jeanette Nuñez.** "This \$20 million investment continues to deliver on the promise Governor

DeSantis made to provide significant and meaningful support to Florida's natural resources and preserve it for future generations.”

Biscayne Bay is important to Florida both environmentally and economically, which is why Governor DeSantis signed legislation in 2021 to expedite water quality improvements in this area. This legislation established the Biscayne Bay Commission, which ensures that objective and sound science informs decision-making regarding the bay.

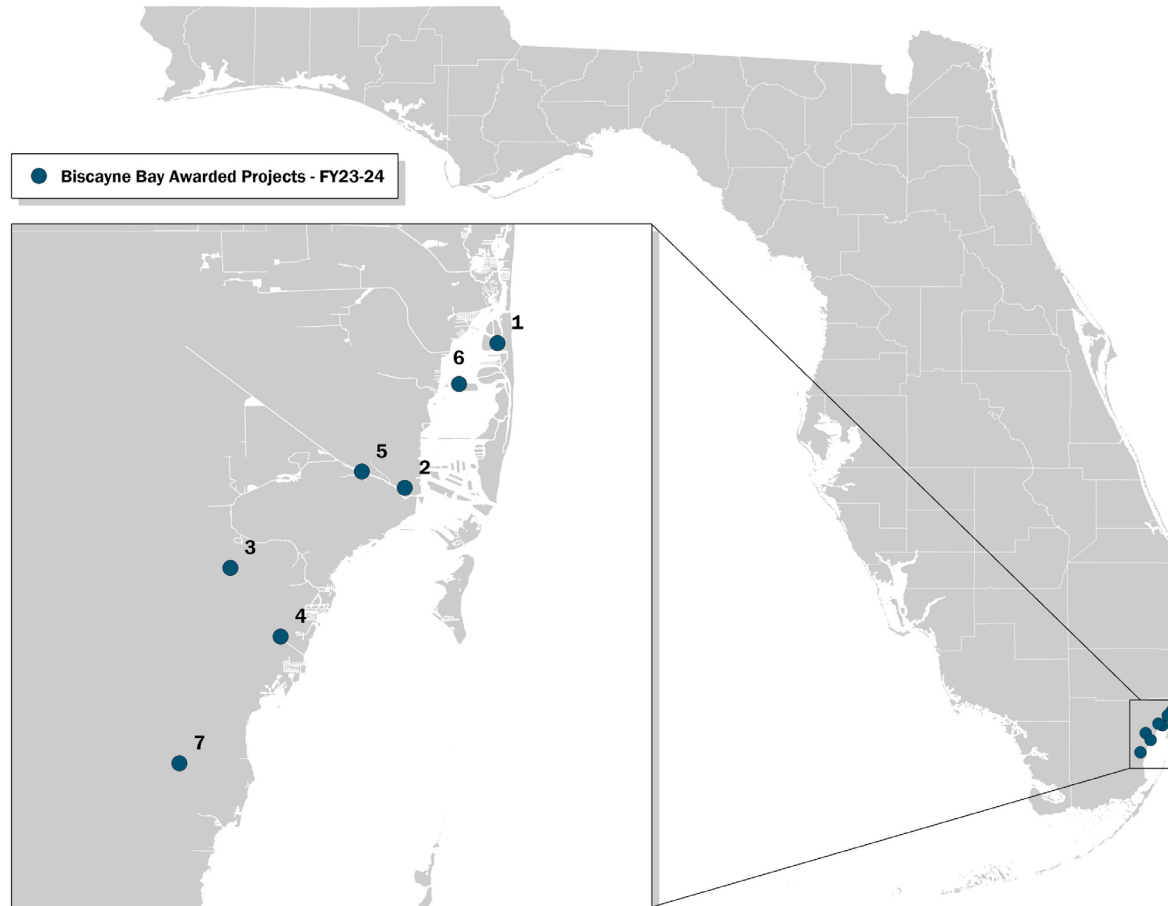
“Biscayne Bay is Florida’s largest estuary and it has a direct connection to Florida’s Coral Reef,” **said Florida Department of Environmental Protection Secretary Shawn Hamilton.** “Restoring this vital ecosystem is critical to not only ensure healthy fisheries, but also to safeguard the natural buffer along this populated coastline.”

Selected projects include wastewater improvements (including septic-to-sewer), stormwater management and other projects that will help improve water quality in Biscayne Bay. A list of all projects selected for Fiscal Year 2023-24 funding can be found [here](#).

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# Biscayne Bay Water Quality Improvement Grants Fiscal Year 2023-24 Awards



## Biscayne Bay Water Quality Improvement Grant Projects

Project Number	Partners	Project Name	Funding Amount
1	Indian Creek Village	Septic-to-Sewer Conversion and Sewer Extension Project	\$2,000,000
2	Miami-Dade County	Biscayne Bay Water Quality Characterization and Pollution Reduction – Phase IV	\$8,050,000
3	Miami-Dade County	Tropical Heights “Connect 2 Protect” Sewer Extension Project	\$5,400,000
4	Miami-Dade County	Nutrient Pollution Reduction Using Distributed Wastewater Treatment System Technology	\$50,000
5	Miami River Fund, Inc.	Stormwater Management in the Miami River Basin	\$500,000
6	North Bay Village	Harbor Island Stormwater Outfall Improvements	\$2,000,000
7	Town of Cutler Bay	Bel Aire Stormwater and Water Quality Improvements	\$2,000,000
<b>Total</b>			<b>\$20,000,000</b>





**Executive Committee**

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1<sup>st</sup> Vice Chair  
Hon. Quentin “Beam”  
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Isabel Cosío Carballo, MPA

**Legal Counsel**

Samuel S. Goren, Esq.  
Goren, Cherof, Doody &  
Ezrol, P.A.

December 28, 2023

Colonel James L. Booth  
District Commander  
U.S. Army Corps of Engineers  
Jacksonville District  
701 San Marco Boulevard  
Jacksonville, Florida 32207

**Subject: Central and Southern Florida Section 216 Study**

Dear Colonel Booth,

On behalf of the South Florida Regional Planning Council (SFRPC), serving Miami-Dade, Broward, and Monroe counties, I am writing with respect to the Section 216 C&SF Flood Resiliency Study and forthcoming determinations by the U.S. Army Corps of Engineers (Corps) regarding the study's scope of work. Our understanding is that key discussions and decisions will be made in this first week of January hence the urgency of this correspondence.

The SFRPC formally requests that the Corps provide an Exclusionary Exemption from the engineering design guidance requiring Class III Design for project recommendations as part of the 216 Study. Absent this exclusion, these additional engineering costs will consume the study's budget, compromising project scope and timeline.

With this exemption, we urge the Corps to approve the study scope and budget submitted to Corps Headquarters in July 2023, a scope that secured vertical team approval and reflected more than a year of development, review, and refinement with stakeholders, the South Florida Water Management District, and the Corps project team. This highly refined study scope, budget, and timeline prioritizes the 20+ salinity control structures (gates) which have been identified as failing and suffering immediate vulnerability to sea level rise, threatening the lives and livelihoods of millions of residents in Broward and Miami-Dade counties, and putting at risk more than a trillion dollars in real estate assets and economic activity which will adversely impact the region and greater Southeast Florida as a whole.

Our understanding is that new engineering guidance requires that Phase III engineering costs be addressed as part of a 216 Study scope. In our case, compliance would reduce the study focus to just a handful of structures rather than the 20+ structures that are at immediate risk, and which served as the original intent of the 2022 Study. The 216 Studies do not provide adequate funding for this level of design/engineering work; imposing this requirement threatens to undermine the

overall project itself by focusing extremely limited study dollars on engineering costs while simultaneously resulting in an arbitrarily reduced scope that does not adequately address the project needs.

The Corps' approach to only focus on a subset of the salinity control structures, while leaving the remaining structures to be addressed through subsequent validation reports, would create an impossible task of structure prioritization that leaves the region with unacceptable risk and project delays for a region where each year generates additional flood risk and losses.

**Given this, the SFRPC requests that the Corps immediately advance the original 216 scope, study, and budget as reflected in the July 2023 submittal to Headquarters for approval, and simultaneously leverage the resources and capabilities of sponsors and collaborators to accelerate planning and design.** Changes in climate conditions are moving quickly relative to our adaptation efforts. We ask that every provision available be utilized to ensure the advance of the 216 Study scope needed to address the full suite of 20+ priority structures as part of the C&SF system, allowing the Class III design requirements to be addressed as part of later project validation.

This approach is the only one that keeps the project study on track and meets timelines communicated as part of multi-year discourse with the planned delivery of comprehensive benefits across the region, rather than a piecemeal approach that generates uncertainty and added exposures and losses for the region. As a collaborative partner, we appreciate you and look forward to your positive response.

Thank you in advance for your consideration and strong partnership in resilience. Please do not hesitate to contact me or the SFRPC Executive Director Isabel Cosio Carballo if we can be of assistance to you.

Sincerely yours,



Steve Geller  
Chair, SFRPC  
Broward County Commissioner, District 5  
Former Florida State Senator

cc: South Florida Congressional Delegation  
South Florida State Legislative Delegation  
South Florida Regional Planning Council Members  
The Honorable Daniela Levine Cava, Mayor, Miami-Dade County  
The Honorable Oliver G. Gilbert III, Chairman, Miami-Dade County BCC  
The Honorable Nan Rich, Mayor, Broward County  
The Honorable Holly Raschein, Mayor, Monroe County  
The Honorable Maria Sachs, Mayor, Palm Beach County  
The Honorable Rodney Harris, Mayor, Miami-Dade League of Cities  
The Honorable Todd Drosky, President, Broward League of Cities

Jimmy Morales, Chief Operating Officer, Miami-Dade County  
Monica Cepero, County Administrator, Broward County  
Roman Gastesi, County Administrator, Monroe County  
Verdenia Baker, County Administrator, Palm Beach County  
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Rhonda Haag, Monroe County Chief Resilience Officer  
Megan Houston, Palm Beach County Chief Resilience Officer  
Alina Gonzalez, Director, Miami-Dade County Intergovernmental Affairs  
Marty Cassini, Director, Broward County Intergovernmental Affairs  
Lisa Tennyson, Director of Legislative Affairs, Monroe County  
Ed Chase, Director, Intergovernmental Affairs  
Mary Lou Tighe, Executive Director, Broward League of Cities  
Richard Kuper, Executive Director, Miami-Dade League of Cities  
Tom Lanahan, Director, Treasure Coast Regional Planning Council  
Drew Bartlett, Executive Director, South Florida Water Management District





# Lawmakers again float 2-mile buffer zone to protect Everglades amid wave of development proposals

**Miami-Dade County received 7 applications last year to build near or within protected wetland areas.**

State lawmakers are again considering legislation that would establish a large, development-free buffer zone to protect the Everglades in South Florida.

Prior attempts failed to gain traction in the Legislature. But a **batch of proposals** in Miami-Dade for construction beyond the county's Urban Development Boundary (**UDB**) that preserves agricultural and protected lands, including the Everglades, from residential and commercial development may provide extra motivation now.

The measure (**SB 1364**) would provide that any proposed changes to a local government's comprehensive development plan must undergo Florida's **coordinated review process**. Under that process, the Florida Department of Environmental Protection would determine whether the changes in question would adversely impact the **Everglades Protection Area** and, if so, require that they be altered to eliminate the potential harm.

Passing the bill will "demonstrate our unwavering commitment to safeguarding the Everglades and ensuring its protection for future generations," said Miami Sen. **Alexis Calatayud**, the bill's sponsor.

Unlike **prior iterations** of the legislation — including one by Miami Springs Sen. **Bryan Ávila** that died on the Senate floor last year and a similar House version (**HB 723**) Coral Gables Rep. **Demi Busatta Cabrera** is again carrying this year — Calatayud's measure specifically names Broward, Miami-Dade and Monroe counties.

On Tuesday, the Senate Community Affairs Committee voted unanimously to advance SB 1364, which has two more committee stops before reaching a floor vote. Busatta Cabrera's proposal awaits a hearing before the first of three committees to which it was referred.

Human-caused damage to the Everglades has been cataloged for decades. Since the 1960s, phosphorus from farming and stormwater runoff has degraded its water quality, disrupting the natural development of its native flora and fauna.

By the 1990s, the U.S. Environmental Protection Agency estimates **more than 40,000 acres** of public lands were impacted. Billions of state dollars, including **more than \$4.5 billion** under Gov. **Ron DeSantis** and **\$1.1 billion** from President **Joe Biden's** administration, have been earmarked for Florida's famed "River of Grass."

But environmental protection organizations like the Everglades Trust and Sierra Club, both of which signaled support Tuesday for SB 1364, have argued that spending will be for naught if large-scale developments are allowed near or within the protected area.

That includes a **since-tabled project** called the Kendall Parkway which the Tropical Audubon Society, Hold the Line Coalition and Friends of the Everglades sued to stop in 2018 that would have extended State Road 836 by 14 miles over wetlands and into west Miami-Dade.

Another attempt to build on previously protected land succeeded in November 2022, when Miami-Dade Commissioners voted 8-4 to override Mayor **Daniella Levine Cava's** veto of a 379-acre industrial complex just west of Biscayne Bay by Homestead.

The vote marked the **first expansion of the UDB in nearly a decade**, and it's since attracted proposals for similar projects. In 2023, developers filed **seven applications** to build beyond the UDB.

"The floodgates are open," Hold the Line Coalition Director **Laura Reynolds** told the Miami Herald in November.

Nonprofits fighting the projects in court will encounter greater difficulty doing so from now on due to legislation DeSantis signed in May that, among other things, enables developers to **collect attorney costs** from unsuccessful plaintiffs.

That raises the stakes for passing or again snubbing Calatayud and Busatta Cabrera's bills, neither of which would alter existing rights for agricultural operations under the **Florida Right to Farm Act**.

Calatayud said her "door is wide open" to stakeholders, community members and businesses with concerns about SB 1364. The goal, she said, is to "create a policy that makes sense for these communities and that makes sense for Florida and protects our unique-in-the-world Everglades ecosystem."

According to the nonprofit **Everglades Law Center**, recent studies suggest that if Florida maintains its current development pace, roughly 7 million acres of environmentally vulnerable land – including 2.6 million acres of native habitat equal to the size of Vermont – will be converted to urban use by 2060.



Jesse Scheckner

📅 January 16, 2024

# Tri-Rail platform at Brightline's MiamiCentral hailed as first step toward expanded system



Image: South Florida Business Journal

Confetti fires from cannon during as the first Tri-Rail train docks at Brightline's MiamiCentral station on Jan. 12.

ERIK BOJNANSKY



By **Erik Bojnansky** – Reporter, South Florida Business Journal  
Jan 12, 2024

The opening of Tri-Rail at Brightline's MiamiCentral is an important first step toward expanding the commuter train service to the rest of the Florida East Coast Railway, elected officials said Friday.

However, there is still no set date as to when Miami-Dade County officials will publicly discuss a final multimillion-dollar deal with Miami-based Brightline and Jacksonville-based Florida East Coast Railway for that access to be granted.

Hundreds of guests, including civic leaders and Brightline executives, attended the inauguration of Tri-Rail's platform at MiamiCentral in downtown Miami. Tri-Rail is set to start service for the general public at MiamiCentral on Saturday, Jan. 13.

The opening was hailed as a major step toward providing cheap alternatives for workers and visitors to commute to downtown Miami.

"This is an opportunity for us to reach so many riders. We want to take them to work everyday, take them to places on the weekend," said Raquel Regalado, a member of both the Miami-Dade County Commission and the state board that oversees Tri-Rail, South Florida Transportation Regional Authority (SFRTA).

It's also an opportunity for negotiations with Brightline to progress, Regalado told the *Business Journal*.

"One of the things we needed was to get into MiamiCentral, so now we get to have that other conversation," she said, later adding: "You will be hearing a lot more about the Coastal Link in the next 30 or 60 days."

In a recent bond filing, Brightline stated that it anticipated finalizing a deal with Miami-Dade County officials by the end of the first quarter of 2023, and with Broward officials shortly thereafter.

In a preliminary deal, an affiliate with Brightline, BL Holdings, would receive up to \$50 million plus annual access payments of up to \$12 million for Miami-Dade in exchange for providing access for a commuter rail service with stations at the Design District, the Wynwood area, Little Haiti, North Miami, and Brightline's Aventura Station. Should similar deals be worked out with Broward and Palm Beach counties, commuter stops could be established as far north as Jupiter.

Brightline is making great progress with Miami-Dade and Broward counties, said Patrick Goddard, president of Brightline.

"We are in the final stages of [working out] the details of the agreements, and I think there is a pretty clear path forward," he said. "It is obviously subject to the county's own processes. But there appears to be a lot of alignment. There is a lot of support within the counties themselves, and there is a very collaborative environment with the county staff."

Meetings with Brightline representatives and county administrators are ongoing, but there isn't a public hearing scheduled as of yet, said Jimmy Morales, COO of Miami-Dade County. He's also doubtful an agreement will be brokered by the end of March, as Brightline indicated.

"We want to get a deal done sooner rather than later, but it has got to be the right deal," Morales said.

Funded by taxpayers in South Florida and ticket sales, Tri-Rail has operated on state-owned tracks west of I-95 in Miami-Dade, Broward, and Palm Beach counties. A proposal to create a commuter service on the FEC tracks was hatched by state and local officials in 2010 but was never budgeted.

However, \$70 million was funneled from agencies affiliated with the City of Miami and Miami-Dade County to build a platform in Brightline's MiamiCentral and a rail link that would connect the South Florida Rail Corridor west of I-95, where Tri-Rail has operated since 1989, to the Florida East Coast Railway, where FEC freight trains and Brightline trains operate.

Originally intended to open in 2017, Tri-Rail's station in downtown Miami was delayed for years due to logistics and structural problems, including the discovery of construction defects that prevented Tri-Rail trains from being able to use the tracks.

Meanwhile, Brightline has spent billions of dollars building stations and upgrading infrastructure from Miami to Orlando and has plans to expand into Tampa. Brightline recently reported earning \$70.9 million in revenue between January and November of 2023, a 164% year-over-year surge. However, the company also reported a net loss of \$192.2 million in the first months of 2023 and a net loss of \$259.59 million in 2022.

Jose M. Gonzalez, executive vice president of Brightline owner Florida East Coast Industries, said the train system is in the red because it's still in a years long "ramp up period"

"All of these numbers were well accounted for. This is not a surprise for us. The numbers are actually much better than we expected," he said.

# To get around size limits, Bal Harbour Shops plans workforce apartments at luxe mall

BY ANDRES VIGLUCCI

UPDATED JANUARY 11, 2024 8:00 PM



The entrance to Bal Harbour Shops off Collins Avenue in Bal Harbour, Florida, on Wednesday, January 10, 2024. AL DIAZ [adiaz@miamiherald.com](mailto:adiaz@miamiherald.com)

Three years after local voters [roundly rejected](#) a bid by Bal Harbour Shops to expand by building upwards, the luxury mall's owners are turning the tables on their nay-saying neighbors. They now plan to put up a tower billed as workforce housing alongside its posh designer shops by using Florida's controversial new Live Local Act to get around objections by voters and elected officials.

In invoking the 2023 law, which overrides local zoning rules to encourage developers to build dense housing affordable to middle-income people, Whitman Family Development is aiming to get what the company has long sought, only to be thwarted repeatedly by objecting residents in the tony beachfront village of Bal Harbour — the ability to add luxury hotel and residential development to a mall long effectively limited by strict local rules to three stories.

On Tuesday, the family firm filed an application with the village for a massive expansion that would add two million square feet and four towers of up to 27 stories on the 18-acre site. The plan includes a 70-room boutique motel, nearly 46,000 square feet of new retail space, and 600 residential units.

To trigger the zoning-busting features of the Live Local Act, the Whitman plan calls for 240 rental apartments, or 40 percent of the total, to be leased at rents affordable to people earning up to 120 percent of the area median income, legally defined by Miami-Dade County as households making up to around \$90,000 a year. The rest would be upscale condos or apartments.



An architectural rendering displays the proposed expansion of the Bal Harbour Shops, at center, with four towers that would house workforce and luxury apartments and a hotel rising from the mall property at Collins Avenue and 96th street. *SOM*

Under the Live Local Act, the village council is obligated to approve a qualifying application administratively — that is, without public hearings, votes or review where residents and elected officials could register objections or try to block or modify developers’ proposals. One reason for that strategy is the fact that zoning rules in many communities effectively block the development of affordable housing.

Whitman company CEO Matthew Whitman Lazenby said the proposal does precisely what the Live Local Act calls for by introducing badly needed “attainable” housing to Bal Harbour, which he called “a major achievement.”

”Yes, Live Local Act allows developers like me to borrow height and density to promote affordable housing development,” he said in an interview. “That’s the whole purpose of the act.”

But the Whitman proposal drew swift, sharp criticism from Bal Harbour Mayor Jeffrey Freimark, who said it’s already led to an uproar among residents as word gets out.

## **‘THUNDERBOLT’ ANNOUNCEMENT**

Freimark said he feels deliberately ambushed by Whitman Lazenby. The town didn’t learn about their plan until the end of a scheduled meeting with Whitman officials about their longstanding desire to add a hotel to the shopping complex. When Freimark asked if they planned to sound out residents, he said he was told there was no need to because the company had already filed its application.

“That was a thunderbolt,” Freimark said in an interview. “Was I surprised, pissed off? Yes, I can say that absolutely. There was absolutely no advance discussion or knowledge. It was, to use a term, a surprise attack. It’s clear this is going to create a lot of consternation and unrest. People are up in arms. This is going to create a lot of ill will.”

The council scheduled a discussion of the proposal for its Jan. 16 meeting, but it’s unclear at this early stage what if anything the city can do about the application.





Construction on a \$500 million multi-year expansion is underway at the Bal Harbour Shops in Bal Harbour, Florida, on Wednesday, January 10, 2024. Al Diaz [adiaz@miamiherald.com](mailto:adiaz@miamiherald.com)

Opened in 1965 by the late Stanley Whitman, who also helped found the village, Bal Harbour Shops has expanded several times and today boasts some 100 luxury retailers like Chanel and Gucci and several high-end dining spots in an *al-fresco* setting. It draws an international clientele that has made it one of the world's top grossing shopping malls per square foot. The mall is still controlled by the Whitman family.

Their proposal highlights both the apparently insatiable appetite for luxury goods by the wealthy elites now flocking to Miami, and some controversial aspects of the Live Local Act. The law drew praise from housing advocates when it was approved in a broadly bipartisan vote by the legislature last year.

However, it has since prompted a fierce backlash by residents and officials in some municipalities, including Doral and Miami Beach, faced by [proposals for outscaled development](#) under the act. Some critics complain that the law entails a

financial windfall to developers with a relatively small dent on the state's affordable housing crisis, which is centered on low-income families who will not benefit from the housing it produces.

At the same time, most affordable housing developers do not qualify for one of the chief features of the law — property tax reductions, which the bill's authors designed to entice developers who focus on market-rate projects. Whitman Lazenby said his company is not applying for tax benefits.

One Bal Harbour civic leader said she and members of the residents' association she leads believe the shops' proposal uses the workforce housing element as a wedge to force approvals for development the town and its voters would not otherwise approve.

“I think they are horrified. They feel like the Bal Harbour Shops is trying to do an end run around the voters,” said Neca Logan, president of the Bal Harbour Civic Association, which represents residents of a low-rise neighborhood north and west of the mall. “The Bal Harbour Shops is relentless in its pursuit of what it wants. They clearly are not good neighbors.”



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The Whitmans' Live Local application comes as the mall is in the midst of a [multi-year, \\$500 million expansion project](#) approved in 2017 after a decade of often-contentious votes and negotiations between village officials and the mall owners. The project, which Freimark said is running two years behind schedule, has not improved neighbor's view of the mall's owners. Logan said residents are already fed up by the years of noise and traffic disruptions, and have no appetite for even more years of construction at the site.

## **90 PERCENT NO VOTE**

Four years into work on the new expansion wing and parking garage, the Whitmans asked village voters to overturn a 2006 referendum that limited building height on mall property and required voter approval to build taller. But they suffered a stinging defeat when 90 percent of voters cast a "no" ballot.

"I mean, 90 percent is not a little margin," Logan noted dryly. "And that's in a referendum they asked for and paid for."

But the Live Local Act, approved by the state legislature last year, provided a way out for the Whitmans and their veteran land-use attorney, John Shubin.

The 40-percent workforce housing commitment opens the door for the developers to bypass a set of stringent zoning restrictions enacted by Bal Harbour voters and elected officials over the years to limit the size and height of the mall to safeguard the low scale of the affluent town's mostly residential west side.

Whitman Lazenby touts the addition of workforce housing to the mall would reduce notorious gridlock along Collins Avenue and 96th Street, where the mall is located. That's because some workers who now commute by car to the mall could live instead at the planned workforce housing tower, he said.

## **QUESTIONS ON AFFORDABILITY**

The workforce units, however, would likely remain out of reach for most mall employees. Rents would not be set until the tower opens, but the income target required to afford it now sits at nearly six figures a year for a household of four, according to Miami-Dade County figures.

Whitman Lazenby stressed that the workforce housing, which would occupy a tower along 96th Street, would be built first and would be indistinguishable in appearance from the outside from the design of the rest of the complex and the planned companion towers. The Whitmans hired [SOM](#), a leading international firm based in Chicago, to design the project.

“We want to make sure no one can differentiate that tower from the rest. I want every square inch of it to be top-notch,” he said.

Whitman Lazenby also suggested local opposition to the plan is disingenuous because the village has approved buildings as tall as 320 feet across Collins along the beach, including the St. Regis hotel. And he said the only place suitable for workforce housing in the municipality is the shops property because it makes up the entirety of the town’s commercial district. Live Local applies only in commercial and industrial zones.

“Live Local Act was created to solve this problem. It only applies in limited areas. In Bal Harbour village, the only place is the Bal Harbour Shops,” he said, while adding. “I’m saddened to hear a lot of residents aren’t thrilled by our plans.”

By allowing denser, profitable mixed-use development, the Live Local Act seeks to make it financially attractive for developers to build workforce housing that’s effectively subsidized by revenue from the rest of a project. While some land-use experts have said the likely result would be to foster development of mid-rise projects, developers behind a series of high-profile proposals under Live Local have sought to supersize buildings to capitalize on the law.

In Doral and Miami Beach, where the owners of the famed [Clevelander Hotel](#) in the city’s Art Deco district proposed redeveloping the historic property with a tower far taller than anything in the vicinity, [intense pushback](#) from residents and elected officials prompted the developers to significantly downsize their initial plans. The key was a technical loophole in the drafting of Live Local that did not require local officials to provide the needed square footage, a measure known as floor-area ratio, or FAR, to allow developers to actually build at supersize scale.



A rendering shows a proposal for an 18-story tower at the site of the Cleavelander and Essex hotels on Ocean Drive in Miami Beach. *Jesta Group*

The Bal Harbour shops proposal seeks a significant increase in FAR that's not allowed under current village zoning, meaning it might not win approval under the current version of Live Local, though Whitman Lazenby and Shubin say their plan meets all requirements.

## **CLOSING SOME LOOPHOLES?**

[Proposed fixes](#) to the law filed this current legislature session seek to remove that option for local regulators but it would also add some height restrictions that could aid municipal officials seeking to limit the impact of Live Local projects. Whitman officials say they believe their plan would not be affected by the fixes under consideration.

But Freimark, the mayor of the village of just under 3,000 people, said that's an open question. He also noted that the expansion now underway is governed by a detailed development agreement between the village and the Whitmans, and raised the possibility that the legal document restricts what the mall owners can build.

The expansion was approved only after several controversies and prolonged negotiations, including the Whitman's purchase of the Bal Harbour Church by the Sea, which **they demolished** after an effort by preservationists and some congregation members to have it declared a historic landmark failed. Another was a property swap with the village to add its adjacent municipal hall to the mall property, in exchange for the Whitmans' providing land and erecting a new municipal building and creating a new bayfront park, among other public benefits worth an estimated \$100 million to \$120 million.



Construction on a \$500 million multi-year expansion is underway at the Bal Harbour Shops in Bal Harbour, Florida, on Wednesday, January 10, 2024. Al Diaz [adiaz@miamiherald.com](mailto:adiaz@miamiherald.com)

Freimark said he was especially disappointed by the Whitmans' plan because town officials have sought to work cooperatively with the mall owners.

“We as a council have really worked with them in the past. We have clearly acted, I think, in good faith,” he said. “I will go into this open-minded and understanding of the regulatory requirements and the Live Local Act. But the

community has spoken loudly and vociferously about protecting that height limitation.”

Freimark said he foresees significant impact and disruptions for years to come if the project, which would be built in phases over several years, comes to pass.

The plan would wedge the towers into the mostly built-out property in part by tearing out some of what’s there now, though most of the work won’t take place for years, Whitman Lazenby said.

The workforce tower would be on 96th Street, built atop an existing parking garage at the west side of the mall.

The hotel tower, which would not be developed anytime soon, would require demolishing the building housing Saks Fifth Avenue, which has been in litigation with the Whitmans. One of two market-rate towers would occupy a parking lot alongside the front entrance of the mall on Collins Avenue, and the other would eventually be built in a parking lot next to the Neiman Marcus building.

This story was originally published January 11, 2024, 2:20 PM.



**ANDRES VIGLUCCI**

# ***With the Restoration Blueprint, we can create more resilient coral reefs — together / Opinion***

BY HOLLY MERRILL RASCHEIN

DECEMBER 21, 2023 1:08 PM



Marine life, such as coral reefs, is more likely to withstand the harmful effects of stressors by reducing other pressures on sensitive ecosystems. D.A. VARELA [dvarela@miamiherald.com](mailto:dvarela@miamiherald.com)

As mayor of Monroe County, my resolution for the new year is to make this the start of a new chapter for our reefs, and I'm asking you to join me in that commitment.

We must embrace the forthcoming changes of the National Marine Sanctuary's Restoration Blueprint, understand what those changes mean for our daily interactions and uses of local waters, follow the new rules and help educate others about why these changes are so significant. The Florida Keys' ocean and coral reefs do so much for us. Now it's critical we return the favor. This better, stronger plan for the sanctuary is coming soon, and it is our responsibility as stewards of this ecosystem to embrace the changes in how we interact with coral reefs and nearshore ecosystems.



We must all unite to make the Restoration Blueprint a success for the Florida Keys.

Monroe County residents and visitors are readily embracing this winter season after a scorching summer, which culminated in a historic ocean heat wave. Widespread coral bleaching, and in some cases, coral mortality, was documented in shallow reefs and coral nurseries in the Keys. While some fish fled to cooler depths, many foundational habitat-forming species like corals, sea sponges and seagrasses could not.

While we could not immediately counteract the impact of this summer's extraordinary warming, a Herculean effort by local nonprofits saved many corals by moving them to cooler, deeper areas or laboratory nurseries so we could rebuild depleted populations later. Innovative, science-based coral restoration has made incredible progress toward ecosystem recovery, but additional pieces to a larger management puzzle require long-term solutions.

From Monroe County constructing a billion-dollar sewer system to investing millions of dollars in canal restoration, our community has made great strides and significant investments in improving water quality in the past two decades.

Still, we can continue to push forward in these efforts. We must pursue bold action on climate change to protect our oceans in the next few decades. And we must manage the oceans, especially federal marine sanctuaries and state aquatic preserves, to better withstand the factors contributing to their degradation. For the Florida Keys, this new Restoration Blueprint management plan is our guiding light for coral reefs. Decades of marine science in Florida all point to making marine life more likely to withstand the harmful effects of stressors like higher temperatures by reducing other pressures on sensitive ecosystems.

When we get sick during this time of year, we rest, reduce stress and behave healthfully. The same works for marine life. Oceans benefit significantly from reducing fishing pressure, reducing the overuse of coral areas by even well-meaning snorkelers and scuba divers, slowing boats to reduce propeller scarring

of seagrass beds, giving adequate space to wading birds that nest on mangrove islands and restoring the normal balance of predators and prey in the water.

Marine conservation science shows us that maritime zones with strong protections can reduce the pressure on ecosystems, which works hand-in-hand with restoration efforts focusing on resistance to and recovery from the ill effects of climate change and increasingly severe marine heat waves. Reducing pressure on ocean ecosystems means we can't manage our marine sanctuaries like "business as usual." We must change something to make marine life more sustainable. All of us — anglers, divers, snorkelers, boaters, businesses and more — must work together to keep the ocean as healthy as possible.

Fortunately for Florida's marine life, the proposed Restoration Blueprint allows us to change our behavior thoughtfully to create more sustainable oceans. The current zoning and management plan for the Sanctuary dates to the 1990s, when conditions in the Florida Keys were very different and much better than they are now.

We have a rare opportunity to embrace a plan for the Florida Keys that can nimbly and aggressively respond to current and future threats. It will be a bold plan that responds to the issues of warming waters and coral bleaching, extreme heat waves, declining abundance of commercial and recreationally important fish, coral disease, overuse of some sensitive regions, and dying seagrasses.

If we want Florida's oceans, especially our beloved coral reefs, to be sustained and thrive for future generations, we must strengthen protections and rules for its management now. Let's take action this new year for what we love most.

*Holly Merrill Raschein is the mayor of Monroe County.*



LOCAL NEWS

# Up to 4,000 more homes are envisioned for Dania Beach. Here's where.



Kim Hairston, Baltimore Sun

Within months the Broward County Commission is expected to sign off on a plan that would allow Dania Beach to grant approvals for the construction of up to 4,000 new homes of any variety — rental apartments, townhomes, condos and single-family homes.



By **LISA J. HURIASH** | lhuriash@sunsentinel.com | South Florida Sun Sentinel  
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Dania Beach is gearing up for growth, and it will mean as many as 4,000 more homes being built in the coming years.

Within months, the Broward County Commission is expected to sign off on a plan that would allow Dania Beach to grant approvals for the construction of up to that many new homes of any variety — rental apartments, townhomes, condos and single-family homes, or a combination of them.

Developers have been waiting for this approval to start submitting plans, according to Dania Beach's deputy city manager, Candido Sosa-Cruz.

The prospective number of units that could be constructed with the county's blessing "could take us into the next 10, 15, 20 years. Because as of right now, you cannot build." If a developer owned land, for example, "you cannot build because there are no residential units available."



This swath of land, dubbed the Regional Activity Center in 2010, originally had an allocated 7,800 units that already are accounted for. Some residences have been earmarked for future projects, but not yet built. “Currently the city has zero residential dwelling units available within the RAC, so no further residential entitlement can occur until the replenishment is granted,” Sosa-Cruz said.

## Backing plans

The Broward County Planning Council recently signed off on adding up to 4,000 potential homes within the Activity Center region — 1,344 acres that cover a significant portion of the city. Generally, it is framed to the north by land that’s just south of the Fort Lauderdale-Hollywood International Airport, partially to the west by a stretch of I-95 and to the south by Sheridan Street. The eastern boundary is just east of Gulfstream Road by East Dania Beach Boulevard.

Sosa-Cruz said the city has already committed to the county that 15% — which is 600 units — of whatever is built would be dedicated to [affordable housing](#), and that it would happen throughout the process, not just the tail-end.

The county has previously said it has an estimated 150,000-unit deficiency with rents unaffordable for average workers.

Before the thousands of additional homes would be allowed, the activity center already has seen inroads with new development. Among the undertakings is the [Dania Pointe](#) plan, which includes two residential development projects that recently opened for occupancy, both eight stories in height, with 300 units in each building.

It also includes two Marriott hotels. A new [Spirit Airlines](#) headquarters is currently under construction on 8.5 acres within Dania Pointe, as well as a seven-story, 200-unit residential building that will be used as “corporate housing” for flight crews on layovers and other Spirit Airlines employees.

Also currently under construction is City Place, an affordable housing development approved for 99 residential units, situated directly south of the City Hall campus.

## A demand for more housing

County records show the average rent for a two-bedroom residence in Dania Beach is \$2,821, but the median renter income is \$41,273 — creating a monthly affordability gap of \$1,789. There is an estimated supply gap of 2,181 rental units in Dania Beach alone.

The average single-family home in Dania Beach costs \$552,500, according to county records. There's a 1,349 unit gap of homes, too.

"We're trying to focus on smart growth," Sosa-Cruz said, not just chase the tallest building and the highest density. "That's not what we're looking for."

Until now, a developer could provide additional amenities within the activity center in exchange to double the height allowed within the activity center, and build as high as 14 stories.

In September, the City Commission tentatively agreed to cap future height at seven stories for the 4,000 new units. Final approval is expected in March.

The Broward County Commission is expected to vote on the issue in February. Approval by the city will follow by March.

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# Florida Keys leaders, facing a potential building boom, seek a delay in state plan

BY DAVID GOODHUE

UPDATED DECEMBER 15, 2023 11:07 AM



The Overseas Highway is the only way in and out of the Florida Keys, which makes hurricane evacuation challenging. *MATIAS OCNER The Miami Herald*

Monroe County is asking the state for another year before a decision is made that could potentially clear the way for thousands of more homes and buildings in the Florida Keys.

The move to open the door to issuing more building permits could spark a development boom not seen in decades in the Keys — one that critics say the environmentally fragile island chain lacks the infrastructure to support.

The Florida Department of Commerce is seeking to amend restrictive growth rules that were put in place in the 1980s to protect the ecological sensitivity of the Keys and its surrounding marine ecosystems. The department wants input from the county and other Keys municipalities before the ultimate decision is made by the state Legislature.

By amending the rules, the state would one way or the other be relaxing them, potentially allowing nearly 8,000 vacant parcels to be developed, which would require an expensive overhaul of everything from freshwater distribution, electricity, traffic mitigation, sewage treatment, schools and law enforcement.

Allowing more development would also require the Keys to make an earlier call than the current hurricane evacuation time, which is designed to give residents 24 hours to evacuate in a 113-mile long archipelago with only one road in and out.

The five-member Monroe County Commission was expected to recommend an option to the state at its meeting in Key Largo Wednesday — whether to stop issuing permits, which even most critics of Tallahassee's proposal view as unrealistic, a plan somewhere in the middle, or granting permits to all of the 7,954 remaining undeveloped lots in the Keys.



Monroe County Commissioners Wednesday, Dec. 13, 2023, in Key Largo discuss a proposed plan from Tallahassee that could result in thousands of new building permits in the Florida Keys. David Goodhue [dgoodhue@miamiherald.com](mailto:dgoodhue@miamiherald.com)

Instead, the commissioners unanimously voted on a resolution from Commissioner Michelle Lincoln, who represents the Middle Keys city of Marathon, that would ask the Legislature not to make any decision until all leaders from the county as well as the local governments Key West, Marathon and Islamorada can study how to move forward.

“All of us have the same questions of, what is our infrastructure, how much can we handle, how many vacant lots truly are there available, where are they located,” Lincoln said at the meeting. “And, until we have all of the answers that all of us have asked, it’s impossible for anyone to give an educated decision on this, and even to give an educated recommendation.”

County Administrator Roman Gastesi said choosing among the options outlined by the state would not be possible before the Legislature meets next month.

“It would take a good year or so, until the next legislative session, which will be March of ‘25,” Gastesi told commissioners.

Under rules, put in place in the 1980s, the county was supposed to cease granting any new building permits for undeveloped properties after this year. The rule, which designated the Keys “an area of critical state concern,” was amended in 2012, which added about 3,500 lots to be up for consideration. Since then, about 1,350 permits out of that number have been granted and the Keys population has gained another roughly 10,000 people.

## THE CONSEQUENCES OF DEVELOPMENT

“And we now live with the consequences of all that development,” Dottie Moses, a member of the Key Largo Federation of Homeowners Associations, told the commission this week.

“Over the past 11 years, our traffic has become a nightmare. We are now a failed level of service. Our water pipe has failed, our wastewater has experienced saltwater intrusion, our reef is all but dead, our marine life is fading away, our neighborhoods flood with regularity, vacation rentals have consumed our once-residential homes, and our endangered and threatened species are in decline,” Moses said.

All the while, tourism in the Keys has morphed from a seasonal industry, with most visitors coming in the winter and spring months, to a year-round event, exacerbated during the COVID-19 pandemic when the island chain was one of the few destinations in the world open for business.

“Three months out of the year this summer, Key West had to use its back-up generators to supply enough power at peak times because of the energy that was being used because our (main line) was inadequate for the added uses and added people that would be here,” said Commissioner Craig Cates, who represents the Southernmost City.

While weighing the environmental and infrastructure costs of allowing more development, Keys officials are simultaneously worried about a crippling legal bill from thousands of so-called “takings cases” if they don’t grant the pending building permits.

The cases, which Marathon City Manager George Garrett said “are inevitably lost in courts,” could cost the county and Keys municipalities billions of dollars.

By law, if the government prohibits owners from developing their lands, it must pay what a court ultimately decides is fair market value for the property.

Steve Williams, Marathon city attorney and deputy city manager, said the municipality has 1,026 vacant lots. Several hundred of those lots likely can’t be developed because of issues like environmental sensitivity or the fact that they may even be underwater, but that leaves at least 1,000 property owners who could sue if they don’t receive permit allocations.

“Even with the greatly reduced number of 700, you begin adding the potential statutory costs and attorneys fees to each potential takings case, such financial impact would be devastating to the city,” Williams said.

Monroe County Mayor Holly Raschein, who was the Keys state representative in the Legislature before being term-limited out of office, said she has had several conversations with officials in Tallahassee, and they said they are willing to wait to make a decision on the issue.

“They have very much yielded to our community on this conversation. We’re not under the gun to make a decision right away,” Raschein told her colleagues on the dais. “We have time for our municipalities to collaborate.”

This story was originally published December 15, 2023, 5:30 AM.



MIAMI-DADE COUNTY

# In Miami-Dade County, fights coming over farms, parties and new suburban houses

BY DOUGLAS HANKS

DECEMBER 11, 2023 5:39 PM



Agriculture worker at a nursery in South Miami-Dade County photographed in Homestead on May 31, 2023. JOSE A. IGLESIAS [jiglesias@elnuevoherald.com](mailto:jiglesias@elnuevoherald.com)

Will changes in Miami-Dade County regulations cause more farmland loss or ease the troubles of an endangered agriculture industry?

County commissioners are considering two proposals to rewrite rules governing rural construction and what kind of side businesses farms can operate on their properties. The separate items up for final votes on Tuesday are the latest clash over housing prices, sprawl and how strictly to regulate commercial operations in rural Miami-Dade.

Here's a look at the two proposals:

## **CHANGES TO RULES FOR EXPANDING URBAN DEVELOPMENT BOUNDARY**

The Urban Development Boundary (UDB) prevents developers from creating new suburban housing and commercial complexes in the southern and western areas of Miami-Dade that are currently mostly farmland and wetlands.

A [proposal](#) by Commissioner Anthony Rodriguez would launch a potential rule change on how the county scores requests to move the UDB to accommodate new housing.

Backed by the development industry, Rodriguez wants the county to propose a change to the Comprehensive Development Master Plan, a state-required set of land

rules, to reduce the number of jobs required for projects that mix commercial with residential buildings on land sitting outside UDB.

His resolution described the proposed changes as encouraging “high-quality developments that will increase the County’s supply of housing for working families.”

Critics from the Hold the Line Coalition, which typically resists UDB expansions, say the change from 1.5 jobs for every housing unit to one job would work against county policy encouraging new services and employment centers near new residential communities.

“People are going to have get on the road and drive,” said Laura Reynolds, director of the Hold the Line group. “You can’t just build homes. You have to have a balance.”

## **LIFTING REGULATIONS ON RURAL BUSINESSES**

A proposal to eliminate some permitting requirements for agricultural lands has divided the rural population in the county’s southern Redland farming belt.

The [proposal](#) by Commissioner Kionne McGhee lifts the requirements for property owners in land zoned for agriculture to obtain a business permit known as a “certificate of use” before launching side businesses on their property, such as food trucks, event space, wagon rides, petting zoos and wineries and breweries without restaurants.

Farmland owners call it a way to eliminate red tape [to boost “agritourism”](#) that will supplement crop income without exempting farms from the zoning and business regulations that govern how the commercial additions operate.

“This agritourism legislation is our lifeline,” said Maribel Lemus, an owner at Gateway Farms, said at an Oct. 11 hearing where the measure advanced in a narrow vote. “It keeps our farmland productive. It assures a steady income for our farmers.”

People living in the area call the legislation a backdoor to legalizing party spots that draw big crowds but have no connection to farming.

“We have a right to quiet and peacefulness,” said Ray Schooley, a homeowner near agricultural land off of Southwest 137th Avenue. “The issue is a lot of them aren’t being good neighbors.”

**DOUGLAS HANKS**

   305-376-3605

# Building boom looming for Florida Keys? State considers easing decades-old growth limits

BY DAVID GOODHUE

UPDATED DECEMBER 04, 2023 1:02 PM



Cars make their way down the Overseas Highways Seven Mile Bridge near Little Duck Key and Bahia Honda State Park on Monday, October 11, 2021. County officials say a replacement bridge could be built by 2030. *MATIAS J. OCNER [mocner@miamiherald.com](mailto:mocner@miamiherald.com)*

The state is considering easing strict long-standing limits on development in the Florida Keys, a move that could fuel the biggest building boom in the ecologically fragile island chain in nearly a half-century.

It could — at least potentially — open the door to as many as 8,000 new homes and businesses in one of Florida's most famous tourist destinations and supercharge Monroe County's construction industry and economy.

But it also would pack more people into a hurricane hot zone already experiencing increasing tidal flooding and facing [billions of dollars in projects](#) to raise roads and repair aging wastewater and water supply systems — and would almost certainly increase impacts on declining coral reefs, fish populations and sea grass beds.

The Florida Department of Commerce is planning to amend what rank as the most restrictive growth rules in the state, citing an already growing Keys population and an updated analysis that would allow emergency managers additional time to order hurricane evacuations. Getting residents and tourist out of harm's way is always a challenge in a 113-mile-long chain that has been hit or brushed by tropical storms or hurricanes [10 times since 2000 and has only one major road in and out.](#)

Many landowners who have long been denied building permits will likely support easing building rules but some longtime residents and environmental groups argue it would be a bad move on many levels.

“With rapid intensification of tropical storms into major hurricanes becoming a worsening problem, how does anyone justify increasing or removing the evacuation-based development limits in the Keys,” environmental attorney Richard Grosso, who has represented several Keys residents in litigation against state efforts to increase development, told the Miami Herald.

## **HALF CENTURY OF GROWTH LIMITS**

The Keys’ tough development rules date to 1970s, when the entire archipelago was declared an “area of critical state concern” in response to surging development, which included plans to build high-rises in Marathon. The designation was aimed at both protecting the sensitive marine systems surrounding the islands and ensuring residents had enough time to safely evacuate along the Overseas Highway within a 24-hour window.

Under the “critical concern” designation, all development was eventually regulated by a complicated law called the Rate of Growth Ordinance, known as ROGO, which requires property owners to go through a myriad of steps that can take decades to traverse before they ever receive a building permit.

The existing rules haven’t halted building in the Keys but have kept it at a slow trickle. Meanwhile, the once-seasonal tourist economy has become much more year-round, and the numbers of people buying permanent and vacation homes continues to grow — driving up real estate prices and the demand for new housing.

While the state rules have been in place since Reubin Askew was governor, the law was also intended to be revisited “every decennial census, provided there was additional capacity following the latest update,” Monroe County Attorney Bob Shillinger told the Herald.

That opening has put the growth rules back up for review, and possible revision — with any proposed changes requiring approval by the Florida Legislature and governor.

With the latest census showing a population of around 80,000 people — roughly 10,000 more than the 2010 census — the state is now studying plans to reflect that bump. A range of options could be on the table, including clearing the way for construction permits for basically every undeveloped lot purchased over the years in the Keys — a number the Florida Department of Commerce puts at 7,954.

On its website this month, the department outlined the process as well as possible tweaks to hurricane evacuation timing. “An analysis of the updated hurricane evacuation modeling, along with public comment and local government input, will be used to make policy and rule recommendations to the Florida Governor, Cabinet, and Legislature.”

County attorney Shillinger believes Monroe will push for some sort of compromise that wouldn’t allow every lot to suddenly obtain building permits, with a careful look at the rise in vacation homes. Still, even half that number would be represent a major surge for the Keys, one that could transform some communities.

“While we’re seeing an increase in Census population, we’ve also seen an increase in the numbers of second and third homes,” Shillinger said. “How do they factor into the model? Well, the standard for 24 hours is permanent residents, so, theoretically, a vacation rental doesn’t count in the 24-hour evacuation period.”

The permitting and evacuation issues are expected to be discussed at a Dec. 13 meeting of the Monroe County Commission, which is likely to vote on a recommendation to pass on to the Legislature when it comes into session in January.

“They’re ready to roll out the evacuation model so they can finalize it,” Shillinger said. “They want local government input on things that can go into the model.”

Mayor Holly Raschein told the Miami Herald that she can’t say where she stands on additional development before discussing it with the other four commissioners, adding, “we knew this was coming, however, seeing words on paper is a reality check.”

“What I do know is that we’re not going to make everyone happy and that public safety, our environment and property rights all come into play,” Rachein said. “I’m encouraged that our Keys have faced difficult decisions before and we always persevere.”

## **MILLIONS IN ‘TAKINGS’ LAWSUITS LOOM**

There’s also a huge financial factor in play for Monroe County’s leaders. Under the current rules, the county is supposed to cease granting any new building permits for undeveloped properties after 2023 — a step that could expose the county, and taxpayers, to billions of dollars or more in liability in “takings” lawsuits from landowners should they be flat-out refused building permits.

By law, if the government prohibits owners from developing their lands, they must pay what a court ultimately decides is fair market value for the property. With the amount of undeveloped lots in the Keys, Monroe County and cities like Key West, Marathon and Islamorada alone could be facing thousands such cases if the 2023 deadline is maintained.

Shillinger said finding some number in between zero permits and every available lot in the Keys would give the county more time to prepare plans — and provide an argument in takings cases. That would still provide property owners the potential to build, he said, at least eventually.

“As long as there is a chance, there is not taking,” he said during a meeting with other county officials earlier this month.

Key West attorney David Paul Horan, who has represented many Keys residents in land use cases, did not buy that argument. In the end, he said, local governments will either have to issue all of the outstanding building permits or pay landowners market value for properties.”

“We’re telling people who’ve been paying taxes for years and years, ‘I’m sorry, you can’t use your property,’” Horan said at that meeting. “Ultimately, the Constitution is going to rule and just compensation will have to be made.”

### **“ACCEPTING A KNOWN RISK”**

Critics of the proposal to revise the law say people who gambled on obtaining rare building permits knew what they were getting into with Keys land purchases over the last decades.

“They were accepting a known risk that they may not be able to build on their property,” Robert Gold, a Key West resident and member of the Keys environmental group Last Stand, said during the meeting with Monroe County officials.

The last state review in 2012 allowed limited new permits but also called for the permanent building cap to kick in 2023. The view a decade ago was that Keys could only handle so much development and so many visitors. Critics say nothing has changed to suggest the islands are now able to absorb more people and buildings.

“That was the most recent assessment that determined there was an environmental and infrastructure capacity in the Keys that should not be expanded,” said Ed Davidson, chair of the environmental group, Florida Keys Citizens Coalition, and chairman emeritus of the Florida Audubon Society.

Beyond spreading damage from pollution and overuse to surrounding marine ecosystems, there are concerns that a new burst of building would strain the Keys’ already stressed critical infrastructure. Everything from drinking water and sewage systems to roads and schools is already in need of expansions or overhauls.

In March, there were [three consecutive breaks](#) in the underground fresh water main, creating an emergency situation for the thousands of homes and businesses from the Upper Keys to Key West.

In May, the Miami Herald [obtained documents](#) that revealed parts of the Keys' billion-dollar centralized wastewater system, which is only five years old, began hemorrhaging sewage into the fragile nearshore waters shortly after it was completed and carries a \$16-million price tag to be repaired.

The county also [faces billions of dollars worth of projects](#) intended to blunt the impacts of climate change in coming decades — raising roads, installing stormwater pumps, elevating homes and businesses. The looming bills have the county pushing to raise sales taxes by 1 percent, which would put much of the cost on tourists.

## TRAFFIC, EVACUATION WORRIES

Then there are questions about public safety from possible changes to the timeline for hurricanes evacuation decisions.

The state proposal could up the allowable evacuation time for residents and tourists from the current 24 hours to 31 hours. That means emergency managers would have to make the call to evacuate earlier — in communities that are famously resistant to leaving until the threat is dire.

Davidson, the environmental advocate, argues the state's modeling already underestimates real-world evacuation challenges — ignoring the fact that people trying to flee Monroe could likely run into people also fleeing the heavily populated South Florida mainland, slowing the flow even further.

“This study makes the preposterous, utterly unrealistic and dishonest assumption that while all of us are fleeing for our lives, no residents in Homestead, Miami, Fort Lauderdale and West Palm Beach have left the house,” he told the Herald.

The Keys already have increasing traffic snarls. The Overseas Highway, which is only one lane in each direction for most of its span from Key Largo to Key West, has also seen more frequent backups from the increasing number of visitors and residents. And the once-infamous 18-mile stretch from Key Largo to mainland Homestead can be a bottleneck on any random weekend, even after a \$330 million overhaul completed in 2011 that added a series of passing lanes and median that has cut down on deadly head-on collisions.

“This is life and limb stuff,” environmental attorney Grosso said, “and state and local leaders need to realize there are new realities and information now compared to 100, 50 or even 20 years ago, and it is time to focus on protecting existing lives and investments in the Keys instead of subsidizing putting even more in harm's way.”

This story was originally published December 4, 2023, 9:20 AM.



DAVID GOODHUE



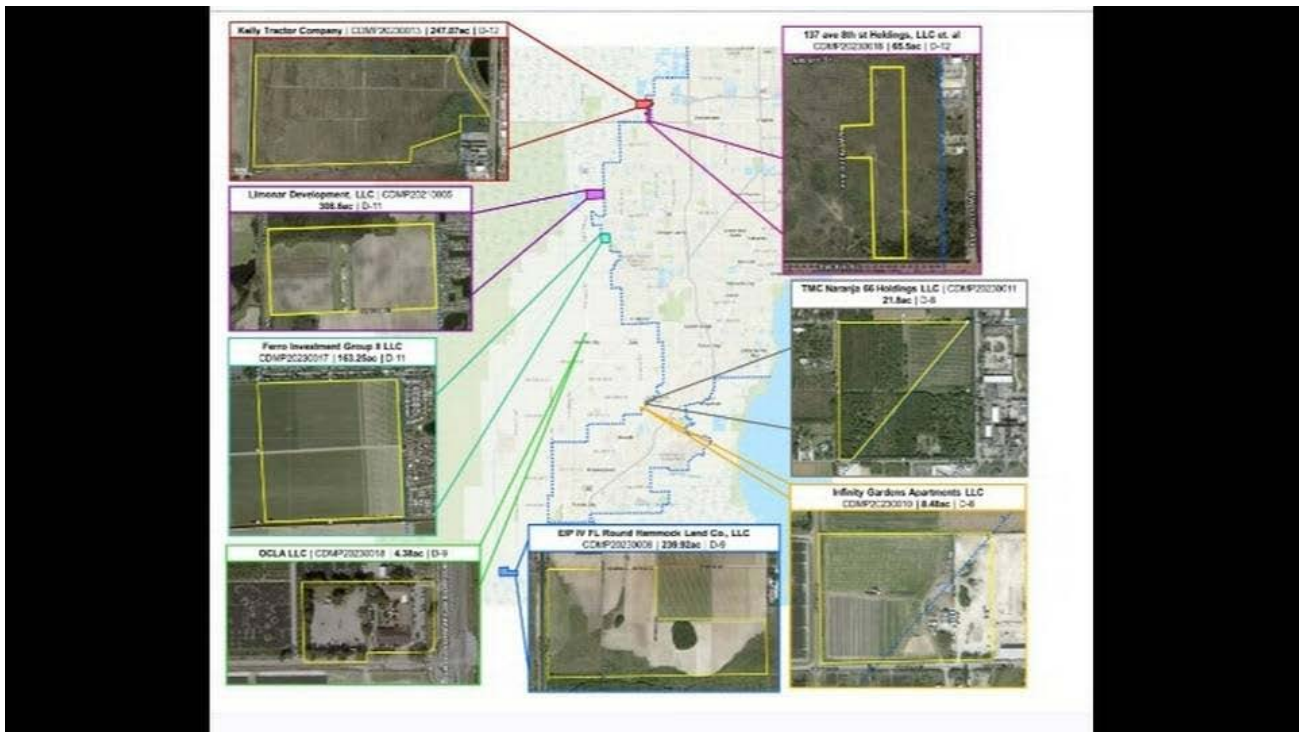
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MIAMI-DADE COUNTY

# 'Flood gates are opened.' More projects want approval outside Miami-Dade development zone

BY DOUGLAS HANKS

UPDATED NOVEMBER 27, 2023 12:55 PM



This chart shows the seven applications filed in 2023 seeking to build outside Miami-Dade County's Urban Development Boundary, plus Limonar, a residential complex that entered the approval pipeline in 2021. The graphic was prepared by the Hold the Line Coalition, which has led past campaigns against moving the "UDB." *Image courtesy of the Hold the Line Coalition*

A year after [Miami-Dade commissioners granted rare approval](#) for a large project beyond the county's conservation buffer, there's a batch of proposals eager to give them the chance to do it again.

This year, developers filed seven applications to build beyond the current [Urban Development Boundary](#) (UDB), where the suburbs end and construction is limited.

The boundary is designed to create a buffer between large residential and commercial projects and two of Miami-Dade's most sensitive areas: the rural belt of farmland that forms the heart of the county's agriculture industry, and the Everglades, well fields and wetlands that support its ecosystem and protect its drinking water.



Environmental groups say they're concerned about the spike in UDB applications a year after Miami-Dade commissioners approved the first UDB change in a decade.

"The flood gates are opened," said Laura Reynolds, director of the Hold the Line Coalition, an umbrella group of conservation organizations and others that typically leads the charge against proposals to expand the UDB.

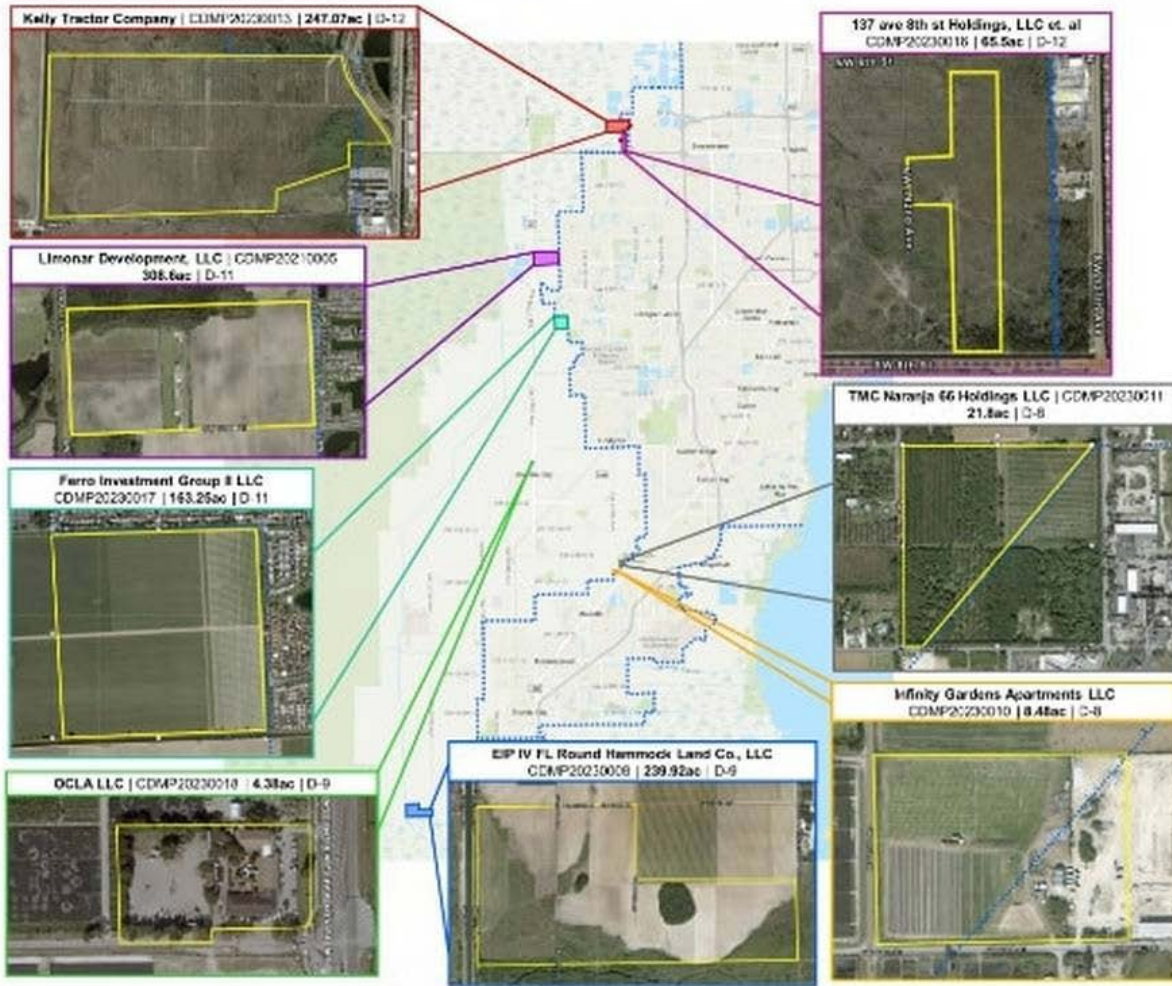
While Miami-Dade doesn't have a yearly tally on applications for construction outside the UDB, the Department of Regulatory and Economic Resources pointed to the 10 applications filed in 2005 as the last time there were this many UDB requests in the pipeline.

Reynolds noted the application push follows passage of state legislation that will make it harder for non-profits to challenge future UDB expansions in court. [Senate Bill 540](#), signed into law in May by Gov. Ron DeSantis, allows developers to collect attorney costs from groups who mount unsuccessful legal challenges of a county's Comprehensive Development Master Plan. That's part of county law that contains land-use rules, including the location of the UDB.

Only three of the seven latest Miami-Dade applications request altering the UDB to bring more acreage into the urban area. That was the step that the South Dade

Logistics and Technology commercial complex won with a one-vote margin before the commission in November 2022, followed by a successful override vote after Mayor Daniella Levine Cava vetoed the board's action. Adding [nearly 400 acres](#) to the urban zone was the first UDB move since 2013, and the project is currently tied up in legal challenges.

The projects that don't need boundary changes still require a commission vote to change the rules governing construction beyond the UDB. Those rules are part of the Comprehensive Development Master Plan, and changing them requires two commission votes: the first to send the proposed alterations to the state for review, and the second to grant final local approval.



This chart shows the seven applications filed in 2023 seeking to build outside Miami-Dade County's Urban Development Boundary, plus Limonar, a residential complex that entered the approval pipeline in 2021. The graphic was prepared by the Hold the Line Coalition, which has led past campaigns against moving the "UDB." *Image courtesy of the Hold the Line Coalition*

Here's a look at the 2023 UDB applications moving through the legislative pipeline:

**FROM FARMLAND TO WETLANDS**

Developer Ecosystem Investment Partners [wants county permission](#) to convert into wetlands the farmland on a 240 -acre parcel east of Southwest 227th Avenue and just south of 400th Street. That conversion would allow the owners, listed as pension funds in county documents, to generate revenue by selling "mitigation credits" to developers looking to fill in wetlands elsewhere in Florida under a state program designed to generate conservation dollars.

"You basically preserve this land into perpetuity," said Hugo Arza, the lawyer representing the project known as EIP IV FL Round Hammock Land.

The cost would be active farmland at a time when concern is growing that Miami-Dade's agriculture industry will lose too much ground to development to remain healthy. A [county study released earlier this year](#) said Miami-Dade will need at least 64,800 acres in 2030, roughly 7% less than the existing 70,000 acres of farmland.

County planning staff recommend commissioners transmit the application to Tallahassee for review, a move that would give developers the first of two votes needed for approval.

## **TWO APARTMENT COMPLEXES**

The [Infinity Gardens](#) mixed-used complex would be built on land that's split by the UDB north of Southwest 260th Street and east of Southwest 147th Avenue. For the 14-acre site, developer Brandon Shpirt needs the UDB to expand to absorb an additional eight acres, according to application filings.

Along with having a development site that's already partially inside the UDB, Shpirt's team is pitching the property as a natural area for growth because of its proximity to rapid transit.

The site sits half a mile from the station under construction at Southwest 264th Street for the county's rapid-transit bus line to operate on the South Dade Transitway. It is also in the Redland agricultural region south of Eureka Drive (Southwest 184th Street), an area that county policy says should not be considered for UDB expansions.

County planning staff offered a mixed review of the project in an Oct. 30 report. They urged commissioners to reject parts of the application that would change county rules to make it easier for similar projects to be approved on farmland. But the staff also said it's worthwhile to send the application to Tallahassee for review, given its proximity to a major transit line and its proximity to a designated urban zone with higher density in the Naranja area .

Nearby, a different development group needs a similar approval for a mixed-used project on land that's near a transit line and only partially outside the UDB.

The [Naranja 66 project](#) would be built on an 71-acre site off of Southwest 142nd Avenue and south of 252nd Street. Developers need 20 acres of farmland brought into the urban area. The plan is to build a residential complex with 630 residential units, mostly apartments with some townhomes, and about 6,400 square feet of retail space.

The South Dade busway is less than half a mile away, and developers are pitching the project as a way to bring more workforce housing near a major transit corridor. While county planning staff noted forecasts show there's enough land inside the UDB to create apartments closer to employment centers through 2040, they're recommending commissioners transmit the application for state review to consider whether homes near transit justify expanding the UDB for the project.

## **TWO MORE TRUCKING FACILITIES**

Two applications don't want to move the UDB but want permission to build commercial operations outside the urban area that cater to large trucks and heavy equipment.

Kelly Tractor Co., the family-owned construction equipment supplier with headquarters in Doral, wants to move its main operations [to a larger campus outside the UDB](#). The family owns the 246-acre site west of Northwest 137th Avenue and next to where State Road 836 ends. Currently used to grow palm trees, the site would become a depot for Kelly's heavy construction equipment, plus office space and a training center.

The company says about 500 additional jobs would come with the new headquarters for the statewide operation. The Hold the Line group said the project's adverse impact would be "very high" in a recent analysis, citing environmentally sensitive lands in the proposed site.

Nearby, there's a plan for another cargo complex for trucks. Developer 137 Ave 8th St. Holdings wants to build a 69-acre center with parking for at least 800 tractor trailers that would either start or end their routes at the facility. The site, north of Southwest Eighth Street and west of Northwest 137th Avenue, would also have 90,000 square feet of storage, cargo facilities and space to store shipping containers. There would also be 30,000 square feet of retail and medical facilities for truckers.

Commissioners approved a similar facility outside the UDB earlier in the year.

Jeffrey Bercow, a lawyer representing the 137 Ave group, said the project is needed to meet the high demand for truck parking and eliminate the need for truckers using the complex "to venture into more populated areas of the County with their rigs to obtain basic goods and services."

Reynolds, from Hold the Line, says it's too early to consider a second trucking complex outside the UDB. "We've already approved something like this to deal with the need for truck parking," she said. "I think we need to see if that satisfies the need before we building something else."

County staff have not yet issued recommendations for the applications.

## **REQUEST FOR THOUSANDS OF NEW HOMES**

The [Portofino project](#) by Ferro Investment Group would convert more than 160 acres of farmland into a new community, with single-family houses, townhomes and apartments, plus roughly 200,000 square feet of retail, restaurants and offices. There would be more than 1,600 residential units in all. To build the project west of Southwest 162nd Avenue and south of Southwest 104th Street, developers would need the full 163 acres moved into the urban area.

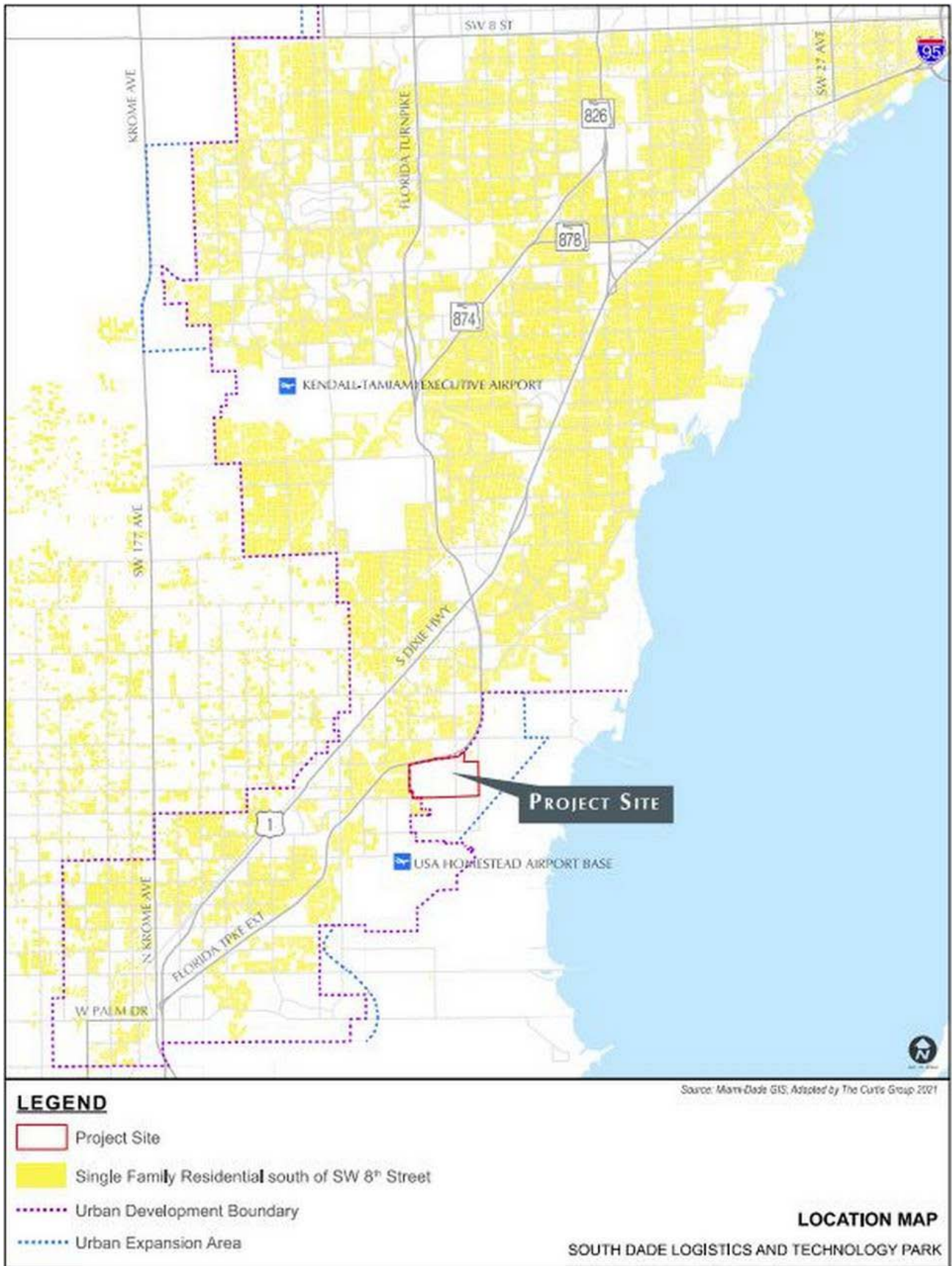
The site sits in a zone designated for future UDB expansion, once county planners conclude builders have used up the land supply for housing inside the urban area. . Though there isn't a planning recommendation for this project yet, county planners say there are still enough housing sites in the urban area to accommodate growth through 2040. Hold the Line rates the project as having "high" adverse impact for the loss of farmland and for environmental issues with the site.

## **RURAL SHOPPING CENTER WANTS A GROCERY STORE**

Ocla LLC doesn't need a UDB expansion [for its application](#). It needs permission to expand an existing commercial operation on Krome Avenue that has been in business since the early 1970s, before the UDB formally became part of the [county's land plan in the 1980s](#). Now owners want permission to build what's described as a grocery store next to a two-acre site that already has stores at 19100 S W 177th Avenue.

There is not yet a recommendation from county staff on the project. In the Hold the Line analysis, the project is listed as having a "low" adverse impact.

"A lot of people already live in this area," said Ben Fernandez, the lawyer representing the developer. "They're driving long distances within the Urban Development Boundary to buy their groceries."



Miami-Dade County commissioners approved the expansion of the Urban Development Boundary for the South Dade Logistics & Technology District by a one-vote margin. Legal challenges are still unresolved. *South Dade Logistics and Technology Park*

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<https://www.miamiherald.com/news/local/community/miami-dade/article282095243.html>