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Judge Rejects Miami-Dade Decision to Move Urban Development Boundary to Approve Warehouse Complex

March 22, 2024 (Miami, FL) — A Leon County judge ruled Friday that Miami-Dade County missed a critical legal deadline in adopting an amendment to its Comprehensive Development Management Plan that would have allowed construction of the South Dade Logistics and Technology District, a massive industrial center on land needed for Everglades restoration activities impacting Biscayne Bay.

“We’re pleased that the judge ruled in our favor, holding that the county missed the deadline to hold a final vote on the Plan Amendment. As such, the Plan Amendment is deemed withdrawn and therefore a nullity’’ said Elizabeth Fata Carpenter, executive director of the Everglades Law Center, and attorney for Dr. Nita Lewis, who had intervened into the suit on the side of the state land planning agency. The agency - named the Florida Department of Economic Opportunity when this lawsuit was initiated, but renamed last year as the Department of Commerce - is responsible for overseeing the process for local government comprehensive plan amendments

Fata Carpenter added that “We have rules in place designed to protect the public and our environment. We hope that this ruling will put an end to this massive development proposal in the wrong place, and that the county will not appeal the court’s ruling.”

Lewis, who lives and owns property adjacent to the proposed South Dade Logistics and Technology District, had filed a petition objecting to the county’s 2022 approval of the project, set to rise on 379 acres of farmland, to protect her interests, including the safety of her properties, the health of Biscayne Bay, and the ability to mitigate the impacts of potential floods on her property.

The subsequent dispute between the county and state focused on the legality of the county's approval of the project after the expiration of the deadline set in state law for making final decisions on land use changes, and was joined by Lewis. The county had granted the developer multiple extensions when it became clear it did not have the votes needed to approve the

project, forcing opponents to attend multiple public hearings before ultimately having a majority of commissioners vote to approve the project.

Following that series of controversial extensions granted to the developer, the state determined that the county failed to vote on the proposed Plan Amendment expanding the Urban Development Boundary Line before the expiration of a statutory deadline.

This ill-conceived project threatens the county's water supply, requires taxpayer support for development in a designated "Coastal High Hazard Area" at risk of flooding, and conflicts with Everglades restoration plans.

“This is good news for Everglades restoration and our fight to mitigate the impacts from climate change. It's clear from another year of planning that this property is a critical piece of the puzzle for the success of the Biscayne Bay Southeastern Everglades Ecosystem Restoration Plan (BBSEER) and provides significant benefits to the project. Losing it to development would have been a blow to the overall health of Biscayne Bay.” Laura Reynolds, Science Director for the Hold the Line Coalition and BBSEER project delivery team member.

The Urban Development Boundary (UDB) was established to ensure smart growth based on need and to ensure an ample supply of farmland and wetlands sufficient to support the growing population in Miami-Dade County. The boundary also served as a demonstration of local support and an assurance to the State and Federal government that land needed to achieve full restoration of the Everglades would be protected so that the multi-billion-dollar investment for restoration would not be squandered. The Hold the Line Coalition has been defending that boundary and the comprehensive plan for Miami-Dade for 20 years and celebrates today's win along with Lewis.

Lewis is supported by the Hold the Line Coalition. Attorneys Elizabeth Fata Carpenter and Francesca DiJulio from the Everglades Law Center’s Miami office represents Lewis, along with Paul Schwiep at Coffey Burlington in Coconut Grove, and Richard Grosso of Richard Grosso P.A.. of Plantation.

Background information on this issue can be found here.

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About These Supporting Organizations

Founded in 2004, The Hold the Line Coalition's aim is to stop urban sprawl in Miami-Dade County and advocate for allocating public resources toward land preservation, agriculture, public transit and connectivity, blue-green infrastructure, affordable housing, clean air and water. Learn more at www.holdthelinecoalition.org.

The Everglades Law Center is a nonprofit law firm dedicated to representing the public interest in environmental and land use matters. Working with more than thirty national, state, and local environmental and conservation groups, our firm utilizes litigation, advocacy and policy development to protect and sustain this region's unique and irreplaceable ecosystems and communities. Our attorneys are uniquely positioned throughout the Everglades ecosystem and handle a wide range of environmental matters, including land use, wetlands permitting, endangered species, public lands, and sustainable energy development. Learn more at www.evergladeslaw.org.