

MEMORANDUM

GOE  
Agenda Item No. 3C

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** September 11, 2007

**FROM:** R. A. Cuevas, Jr.  
Acting County Attorney

**SUBJECT:** Ordinance pertaining to  
zoning; providing time to  
submit restrictive  
covenants relating to zoning  
applications

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Commissioner Katy Sorenson.

  
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R. A. Cuevas, Jr.  
Acting County Attorney

RAC/bw

# Memorandum

MIAMI-DADE  
COUNTY

**Date:**

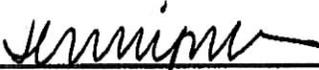
**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

**Subject:** Ordinance pertaining to zoning; providing time to submit restrictive covenants relating to zoning applications

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The ordinance providing time to submit restrictive covenants relating to zoning applications will not have fiscal impact to Miami-Dade County.



Jennifer Glazer-Moon, Director  
Office of Strategic Business Management

fls02307



# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: R.A. Cuevas, Jr.  
Acting County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(D)  
7-10-07

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-310 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING TIME TO SUBMIT RESTRICTIVE COVENANTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-310 of the Code of Miami-Dade County is hereby amended as follows<sup>1</sup>:

**Sec. 33-310. Notice and hearing prerequisite to action by the Community Zoning Appeals Boards or Board of County Commissioners.**

\* \* \*

(b) Applications filed hereunder shall be promptly transmitted to the appropriate board, together with the written recommendation of the Director. Where applicable the Developmental Impact Committee shall issue its recommendation, which shall include a statement of the Director as to the application's relationship to the Comprehensive Development Master Plan.

>>(1)<< All such recommendations shall state all facts relevant to the application, including an accurate depiction of known living, working, traffic and transportation conditions in the vicinity of the property that is the subject of the application, and also a description of all projected effects of the proposed zoning action on those conditions. Before reaching a conclusion, each recommendation shall list all known factors both in favor of and against each application.

>>(2)<< All such recommendations shall be signed and considered final no earlier than thirty (30) days prior to the public hearing to give the public an opportunity to provide information to the staff prior to the

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

recommendations becoming final. This shall not preclude earlier, preliminary recommendations.

>>(3) A restrictive covenant proffered by an applicant in connection with a zoning application shall be submitted in final form to the Director prior to the Director's recommendation becoming final and shall be submitted in executed form prior to distribution of the Director's final recommendation to the Community Zoning Appeals Board or other applicable board, and a copy of the restrictive covenant shall be included with the Director's recommendation. Where an application is heard by the Developmental Impact Committee (DIC), a restrictive covenant proffered to the DIC shall comply with the foregoing deadlines; a restrictive covenant proffered after the DIC hearing shall be submitted in final form to the Director prior to the DIC's recommendation becoming final and shall be submitted in executed form prior to distribution of the DIC's final recommendation to the Community Zoning Appeals Board or other applicable board, and a copy of the restrictive covenant shall be included with the DIC's recommendation. Submission of a restrictive covenant after the time established herein shall subject the application to being deferred to the next available meeting of the appropriate board.

(4)<< All documents of the County departments evaluating the application, which documents pertain to the application, are open for public inspection to applicants or other interested persons.

\* \* \*

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

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Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

Sponsored by Commissioner Katy Sorenson