



MEMORANDUM

Agenda Item No. 7(F)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

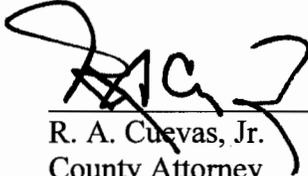
DATE: September 1, 2009

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

SUBJECT: Ordinance relating to Zoning;
modifying vote requirements to
delete or modify declarations
of restrictive covenants
submitted in connection with
zoning applications

This ordinance was amended at the Budget, Planning & Sustainability Committee to provide that the supermajority vote requirement only applies to zoning applications that are heard by the Board of County Commissioners and that would result in an increase in density or intensity, and that modifications or deletions of covenants on properties in an urban center or urban area district remain subject to a simple majority vote.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: September 1, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "George M. Burgess". The signature is fluid and cursive, written over the printed name.

Subject: Ordinance Relating to Zoning; Modifying Vote Requirements to Delete or Modify
Declarations of Restrictive Covenants Submitted in Connection with Zoning
Applications

The ordinance relating to zoning, modifying vote requirements to delete or modify declarations of restrictive covenants submitted in connection with zoning applications will not have a fiscal impact on Miami-Dade County.

A handwritten signature in black ink, appearing to read "Alex Munoz". The signature is fluid and cursive, written over the printed name.

Alex Munoz
Assistant County Manager

fis04909

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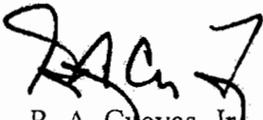


MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: September 1, 2009

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

SUBJECT: Agenda Item No. 7(F)

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 Mayor'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. 7(F)
9-1-09

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; MODIFYING VOTE REQUIREMENTS TO DELETE OR MODIFY DECLARATIONS OF RESTRICTIVE COVENANTS SUBMITTED IN CONNECTION WITH ZONING APPLICATIONS; CREATING SECTION 33-313.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); 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 33-313.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

Sec. 33-313.1. Deletion or modification of covenants.

>>For zoning applications heard by the County Commission, no<<² ~~[[No]]~~ zoning application to delete or amend a declaration of restrictive covenants that was submitted in connection with a prior zoning application >>that would result in an increase in the density or intensity of a use<< shall be approved except upon a two-thirds vote of the members ~~[[of the Community Zoning Appeals Board or the County Commission]]~~ present at the hearing at which the application is decided. >>It is provided, however, that this section shall not apply to an application to delete or amend a declaration of restrictive covenants for a property within an urban center district or urban area district.<<

¹ 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.

² Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

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 a 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.

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:



Joni Armstrong Coffey

Prime Sponsor Commissioner Barbara J. Jordan