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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

# MEMORANDUM

Agenda Item No. 7(C)

(Second Reading 5-6-08)

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

**DATE:** March 18, 2008

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

**SUBJECT:** Ordinance relating to CDMP; modifying requirements for submission of restrictive covenant by applicants

**Ordinance No. 08-52**

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

# Memorandum

MIAMI-DADE COUNTY

**Date:** May 6, 2008

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

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

**Subject:** Ordinance relating to CDMP; modifying requirements for submission of restrictive covenant by applicants

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The ordinance relating to the Comprehensive Development Master Plan (CDMP) will not have a fiscal impact to Miami-Dade County.

Alex Munoz
Assistant County Manager

fis03008

# MEMORANDUM

(Revised)

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

**DATE:** May 6, 2008

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

**SUBJECT:** Agenda Item No. 7(C)

**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. 7(C)
5-6-08

ORDINANCE NO. **08-52**

ORDINANCE RELATING TO COMPREHENSIVE DEVELOPMENT MASTER PLAN ("CDMP"); MODIFYING REQUIREMENTS FOR SUBMISSION OF RESTRICTIVE COVENANT BY APPLICANTS MAKING CERTAIN REPRESENTATIONS ABOUT FUTURE LAND USES; PROVIDING EXCEPTION FOR CDMP AMENDMENT APPLICATIONS CONSIDERED CONCURRENTLY WITH APPLICATIONS FOR DEVELOPMENT OF REGIONAL IMPACT ("DRI") DEVELOPMENT ORDER; AMENDING SECTION 2-116.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS,** Section 2-116.1(9) of the Miami-Dade County Code requires an applicant seeking an amendment to the Miami-Dade County Comprehensive Development Master Plan ("CDMP") land use map to submit a restrictive covenant before representing that the subject property will either be put to a specific use or uses or that a use or uses authorized by the proposed land use designation will be excluded from the subject property; and

**WHEREAS**, an Application for Development Approval ("ADA") or Notification of Proposed Change ("NOPC") filed for the approval or amendment of a Development of Regional Impact ("DRI") contains extensive information and supporting analyses as to the proposed future development of the subject property, including but not limited to the uses and associated use limitations for the subject property, as well as impact analyses and proposed mitigation for the property's proposed uses; and

**WHEREAS**, detailed information and development limitations are required by State law to be included in ADA and NOPC DRI filings; and

**WHEREAS,** to the extent that the ADA or NOPC DRI filings, with their attendant development limitations, are incorporated into any approved DRI development order, the need for a restrictive CDMP covenant is reduced or eliminated; and

**WHEREAS**, this Board recognizes that concurrent comprehensive plan and DRI applications should be exempted from the requirement of Section 2-116.1(9) to submit restrictive covenants,

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

**Section 1.** Section 2-116.1 of the Code of Miami-Dade County, Florida is hereby amended as to read as follows:[1]

**Sec. 2-116.1. Amendment procedure for Comprehensive Development Master Plan**

* * *

(9) No applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the land use map shall be permitted to argue or represent to the Board of County Commissioners or other recommending County board that the property which is the subject of the application will be put to a specific use or uses or to exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a restrictive covenant committing to such representation which has been submitted to the Director and has received approval as to form. >>This subsection shall not apply, however, if a CDMP amendment is being reviewed concurrently with an application seeking approval or

[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.

modification of a Development of Regional Impact ("DRI") development order, if the proposed DRI development order application incorporates an Application for Development Approval ("ADA") or Notification of Proposed Change ("NOPC") with the express restrictions limiting development in the same manner as represented by the applicant in the CDMP amendment process.<<

* * *

**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, 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.

**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: **May 6, 2008**

Approved by County Attorney as to form and legal sufficiency: JAC

Prepared by: CHC/JAC

Craig H. Coller/Joni Armstrong Coffey

Sponsored by Commissioner Dennis C. Moss