

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Amended
Agenda Item No. 7(F)

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

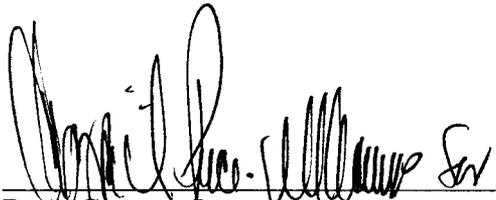
DATE: September 1, 2009

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

Ordinance No. 09-73

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/jls

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 written over the printed name and title.

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 written over a horizontal line.

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: Amended
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 _____

Amended
Agenda Item No. 7(F)
9-1-09

ORDINANCE NO. 09-73

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<< [[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.

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. >>The provisions of this ordinance shall not apply to any zoning application filed with the Department of Planning and Zoning prior to the effective date.<<

PASSED AND ADOPTED: **September 1, 2009**

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Joni Armstrong Coffey

Prime Sponsor: Commissioner Barbara J. Jordan

