

**INSTRUCTIONS FOR PREPARING APPLICATIONS  
REQUESTING AMENDMENTS TO THE  
MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN  
JANUARY 2017 AMENDMENT CYCLE**

December 2016

Miami-Dade County  
Department of Regulatory and Economic Resources  
Planning Division, Metropolitan Planning Section  
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## APPLICATIONS AND FILING PERIODS

Applications to amend the CDMP Adopted 2020 and 2030 Land Use Plan (LUP) map designation of parcels inside the 2020 Urban Development Boundary (UDB) and/or the text of the CDMP can be accepted during this January 2017 Cycle filing period from January 3, 2017 through January 31, 2017. The next opportunity for the private sector to file an application to amend the 2020 UDB, the 2030 Urban Expansion Area (UEA) and to change the designations of parcels outside the 2020 UDB is the May 2017 Cycle. The CDMP amendment application filing periods are indicated in the "Plan Components Eligible for Amendment" (Table 1) on page 2 below.

### PRE-APPLICATION CONFERENCE FOR APPLICATIONS

Prospective applicants are strongly advised to contact the Miami-Dade County Department of Regulatory and Economic Resources staff at the address and phone number listed below as early as possible to receive this Instructions Report and to schedule the pre-application meeting prior to filing any application in the subject January 2017 Cycle of amendments to the CDMP.

Miami-Dade County  
Department of Regulatory and Economic Resources  
Planning Division, Metropolitan Planning Section  
Stephen P. Clark Center, 12<sup>th</sup> Floor  
111 NW 1 Street, Miami, Florida 33128  
Telephone: (305) 375-2835

## I. PURPOSE

The CDMP/Plan was originally adopted by Miami-Dade Board of County Commissioners (BCC) in 1975 as the official guide for managing growth and development in Miami-Dade County. The County substantially revised and updated the CDMP as adopted in 1988 pursuant to Section 2-116.1 of the Miami-Dade County Code, which provides the procedures for the Plan to be periodically re-evaluated and amended.

The plan review and amendment process provides a means for amending the Plan for many reasons, including the need to correct an error, to reflect changing circumstances or conditions in the community that justify adjustments to long range projections and to improve the ability of the Plan to fulfill its basic intent, purposes and goals.

Not all Plan components may be amended during every Plan amendment cycle. Components eligible for amendment during the various filing periods are summarized below.

**Table 1  
Plan Components Eligible for Amendment**

<b>Application Filing Period (Month)</b>	<b>Even-Numbered Years</b>	<b>Odd-Numbered Years</b>
January Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Except UDB, UEA and Land Use Outside UDB
May Filing Period	All Components Except UDB, UEA and Land Uses Outside UDB	All Components including UDB and UEA
October Filing Period	All Components Except UDB, UEA and Land Use Outside UDB	All Components Except UDB, UEA and Land Use Outside UDB
Concurrent DRI/CDMP	Can be filed at any time in conjunction with a Notice of Proposed Change to and existing DRI	
Notes: DRI = Development of Regional Impact UDB = Urban Development Boundary UEA = Urban Expansion Area		

## II. SEQUENCE OF ACTIVITIES

Applications requesting amendments to the CDMP must be filed with the Miami-Dade County Department of Regulatory and Economic Resources (Department) during this January 2017 Amendment Cycle filing period from January 3 through January 31, 2017. Prior to filing, applicants are strongly advised to request a pre-application conference with Department staff to examine their proposals for their intended applications. Applications must contain the information and conform to the format outlined in this document. Applications deemed by the Department to be unclear must be corrected and resubmitted within five (5) business days following notice by the Department to the applicant that the application is deficient. **The traffic impact study required for Standard applications and any proposed modification to an existing CDMP Declaration of Restrictions must be filed with the application during the filing period.** An application can be withdrawn at any time. In order to obtain a refund of the entire filing fee, notice of the withdrawal and the Applicant's request for refund must be received by the Department in writing from the applicant(s) or their representative no later than 5:00 PM on February 7, 2017. The Department will publish an Applications Report addressing each application no later than March 2, 2017 and its Initial Recommendations report addressing each application no later than the date of the first notice advertising a public hearing for each application. The Applications Report will include a schedule of proposed dates for public hearings and publication of reports.

A General Schedule of Activities for the January 2017 Amendment Cycle (Table 2) is presented on page 5. Each directly affected Community Council in which a proposed amendment to the Land Use Plan map is located, may at its option, hold a public hearing before the hearing of Miami-Dade County Planning Advisory Board (PAB) to address the application(s), and to formulate recommendation(s) to the PAB and the BCC regarding the request(s).

The PAB, acting as Miami-Dade County's Local Planning Agency (LPA), pursuant to Chapter 163, Part 2, Florida Statutes (F.S.), will then hold one duly noticed public hearing to receive comments on the proposed amendments and the Department's initial recommendations and to formulate its recommendations to the BCC. The LPA's recommendations will address adoption, adoption with change, or denial of any requested "small-scale" amendments, the transmittal of any requested "standard" amendments to the State Land Planning Agency (SLPA) and other state and regional agencies (reviewing agencies) for review and comment, and subsequent final action by the BCC on the transmitted plan amendment request(s).

The BCC will conduct a duly noticed public hearing on July 19, 2017, to address adoption of requested "small-scale" amendments and transmittal of the requested "standard" amendments to the reviewing agencies. The BCC may opt to neither adopt nor deny a requested "small-scale" amendment at its first public hearing, but, may instead decide to transmit the requested "small-scale" amendment for state and regional agency review and comment as a "standard" amendment request. The SLPA will not review adopted "small-scale" Land Use Plan map amendments for policy conformance or compliance with state law; and pursuant to Chapter 163.3187(5)(c) adopted "small-scale" amendments will become effective 31 days after adoption, unless an affected person or agency challenges the compliance of the amendment with Chapter 163, Part 2, F.S. Transmittal of "standard" amendment applications to the reviewing agencies for review and comment does not constitute adoption of any requested amendments.

A second phase of the review addressing the "standard" applications begins after transmittal of the applications to the reviewing agencies. Transmittal of the January 2017 Cycle Standard applications to the reviewing agencies is to occur within 10 business days of the BCC's transmittal hearing (July/August 2017). The reviewing agencies, including the SLPA, are each expected to issue their review comments by letter in or about August/September 2017 addressing all

transmitted applications reviewed under the Expedited State Review process or September/October 2017 for any applications reviewed under the State Coordinated Review process, pursuant to Chapter 163, Part 2, Florida Statutes. The BCC would conduct a final public hearing for the transmitted standard application(s) and take final action on October 18, 2017.

During the review period for the SLPA and other reviewing agencies, the Department will review comments received at the transmittal hearings and any additional material submitted and may issue a Final Recommendations report reflecting any new information prior to the final public hearing. The Final Recommendations report may also address any issues raised by the reviewing agencies in their respective review letters.

Final action by the BCC will be to adopt, adopt with change, adopt with acceptance of Declaration of Restrictions (covenant), adopt with change and with acceptance of covenant, or not adopt each of the transmitted applications.

### **Comprehensive Development Master Plan Amendments (CDMP) to Adopted 2020-2030 Land Use Plan map and Related Zoning Actions**

Both the CDMP amendment and zoning approval processes need to occur before a particular development can be built. The CDMP amendment review process examines the need, impacts and compatibility of a certain land use at a particular location. The zoning process examines the site issues related to a particular development that are typically addressed in site plans.

The filing of zoning applications related to proposed CDMP amendments to the Adopted 2020-2030 Land Use Plan map can occur at any time during the CDMP amendment process, or even prior to the filing period for the CDMP application. However, the zoning actions cannot occur until after the CDMP amendment is finalized or is in effect. To be final and become effective, a CDMP application must be adopted by the Board of County Commissioners and the 30-day challenge period must expire without a petition being filed to challenge the adopted amendment. If timely challenged, an amendment does not become effective until the SPLA or Administration Commission issues a Final Order determining the adopted amendment to be in compliance with state law.

The Development Impact Committee (DIC) reviews certain zoning applications that require a public hearing and which also could have a substantial impact on the health, safety, and welfare of County residents because of their magnitude, location or character. The types of projects that could require a DIC review include: residential developments; business uses; recreational, cultural, or entertainment facilities; office buildings or complexes; industrial uses; hotel or motel developments; planned area developments; and mixed-use developments. The threshold requirements for developments requiring a DIC review are identified in Section 33-303.1(D) (7) (a) 1 through 8 of the County Code.

To reduce the timeline for getting all the required approvals needed for a project, the Department suggests that applicants file DIC applications, related to CDMP applications, after the Initial Recommendations Report is published (April/May 2017). The report would identify the Department's concerns with the CDMP application that the applicant could utilize in preparing the DIC application. Filing the DIC application during the early stages of the CDMP Amendment process could be beneficial to any applicant seeking to reduce the total review timeline for a project. However, the potential drawback to filing a DIC, or any zoning application prior to the conclusion of the CDMP Amendment process, is that the zoning fees would not be refunded if the related CDMP application is denied.



**Table 2**  
**General Schedule of Activities**  
**January 2017 CDMP Amendment Cycle**

Pre-application Conference	Prior to Filing Application
Application Filing Period <i>Documents required upon filing an application</i> <ul style="list-style-type: none"> <li>• <i>Any proposed modification(s) to a CDMP Declaration of Restrictions</i></li> <li>• <i>Traffic Impact Study—required for Standard Applications</i></li> </ul>	January 3 to January 31, 2017
Deadline to withdraw Application and obtain Return of Full Fee. Notify applicant of deficiencies.	February 7, 2017
Deadline for resubmittal of unclear or incomplete Applications	Fifth business day after Notice of Deficiency
Applications Report published by Department	March 2, 2017
Deadline for submitting Technical Reports	March 2, 2017
Deadline for submitting new Declarations of Restrictions to be considered in the Initial Recommendations Report	March 2, 2017
Initial Recommendations Report released by Department	April/May 2017
Community Council(s) Public Hearing(s)	Specific date(s) to be set in May 2017**
Planning Advisory Board (PAB), acting as Local Planning Agency (LPA), Public Hearing to formulate Recommendations regarding Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to State Land Planning Agency (SLPA)	June, 2017** County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Board of County Commissioners (BCC) Hearing and Action on Adoption of Small-Scale Amendments and Transmittal of Standard Amendment requests to SLPA	July 19, 2017 County Commission Chamber 111 NW 1 Street Miami, Florida 33128
Transmittal to SLPA and other Reviewing Agencies	July/August 2017** (Approximately 10 days after BCC Transmittal Hearing)
Deadline for Filing Supplementary Reports by the Public	August 18, 2017 or Thirty (30) days after the BCC transmittal hearing
Receipt of Comments from Reviewing Agencies	August/September 2017** (Approximately 30 days after Transmittal under the Expedited State Review process, or 60 days for State Coordinated Review process)
Final Recommendations Report may be released by the Department	September/October 2017
Public Hearing and Final Action by BCC on Transmitted Applications	October 18, 2017 (No later than 45 days after receipt of comments from reviewing agencies)

Note:       \*\* Estimated Date.  
Dates are subject to change. All hearings will be noticed by newspaper advertisement.

### **Deadlines for Submittal of Technical Reports for Consideration in the Initial Recommendations and Final Recommendations Reports**

Applicants are reminded that Section 2-116.1(7) of the Miami-Dade County Code stipulates that "No economic reports or studies, real estate appraisals or reports, and/or written reports of consultants or other experts shall be considered as evidence by either the PAB/LPA, the Department, or the BCC during their consideration of final action on the amendments, unless filed with the Director of Department no later than 30 days after the BCC's Transmittal Action. This provision may be waived by a vote of the BCC upon a demonstration by any interested party that an injustice will occur." Exceptions are usually approved by the BCC for reports addressing issues first raised after the deadline, such as issues that are raised by the SLPA or the other reviewing agencies in their respective comments letters.

The deadline for all Applicant(s) and/or their representative(s) to submit technical reports, such as **Economic Studies and real estate appraisals or reports** in support of their application(s) and for consideration in the Initial Recommendations Report, shall be no less than eight weeks prior to the publication of the Initial Recommendations Report. Technical reports must be submitted no later than March 2, 2017 for the January 2017 CDMP Amendment Cycle. This deadline will allow staff adequate time to review and consider in the Initial Recommendations report all the additional data and analysis submitted by the applicant. If the Department is to consider a technical report in its written recommendation on an application in the Final Recommendations report, it must be received by the Department at least four (4) weeks prior to the final hearing of the BCC.

### **Prohibition on Argument or Representation Regarding Proposed Specific Future Uses Without Proffering a Declaration of Restrictions**

According to County Ordinance 03-40 pertaining to CDMP procedures, no applicant or applicant's representative seeking a recommendation for approval or approval of an amendment to the Land Use Plan map shall be permitted to argue or represent to the BCC or other recommending County board a specific future use or uses for an application site without such representation being proffered in a Declaration of Restrictions (covenant). The representation cannot include a specific use or uses or exclude a use or uses authorized by the proposed land use designation, unless the applicant has submitted a covenant committing to such representation for the subject property, which has been submitted to the Director and has received approval as to form. The covenant and associated opinion of title and joinders must be submitted to the Metropolitan Planning Section of the Department and a copy to the Office of the Assistant Director for Planning at the address provided on page 1. The Applicant or applicant's representative should also deliver the fully executed documents with all signatures on the covenant, Opinion of Title, any and all joinders to the Metropolitan Planning Section by the appropriate adoption hearing deadline indicated in Table 3. The Department's administrative staff will then contact the Applicant(s) or the Applicant's representative(s) for payment of the appropriate fee before recording the covenant through the Clerk of the Courts Office.

### **Deadlines for Submitting Declaration of Restrictions to be Considered**

Deadlines at different stages in the review process exist for providing Declaration of Restrictions (covenants). The deadline for Declaration of Restrictions to be submitted to staff for consideration in the Initial Recommendations Report is March 2, 2017. If a Community Council, the Planning Advisory Board or the BCC is to consider a covenant in its decision-making that was not included or addressed in the Initial Recommendations, the deadline for submittal is 17 days prior to the

hearing. If the Department is to consider the covenant in its written recommendation on an application in the Final Recommendations report, it must be received and finalized as to form and content at least 17 days prior to the final hearing of the BCC. Table 3 below specifies the deadlines for the submittal of applicant's proffered covenant.

The Department has a specific format for CDMP Declaration of Restrictions and Opinion of Title for applicants to follow, copies of which are included herein as Appendix B on page 31.

**Table 3  
Declaration of Restrictions Deadlines  
January 2017 CDMP Amendment Cycle**

Deadline for submitting Declaration of Restrictions to be considered in the Initial Recommendations Report.	March 2, 2017
Deadline for submitting new or revised Declaration of Restrictions to be considered at Community Council(s) public hearing(s).	17 days prior to Community Council hearing
Deadline for submitting new or revised Declaration of Restrictions to be considered at Planning Advisory Board (PAB) hearing regarding adoption of small-scale amendments and transmittal/adoption of standard amendments.	17 days prior to PAB Hearing
Deadline for submitting new or revised Declaration of Restrictions to be considered at the BCC's hearing regarding adoption of small-scale amendments and transmittal of standard amendments.	17 days prior to BCC Hearing
Deadline for submitting Declaration of Restrictions to be considered in the Final Recommendations Report.	17 days prior to BCC Final Hearing
Deadline for submitting Declaration of Restrictions to be considered at BCC hearing regarding adoption of standard amendments.	17 days prior to BCC Final Hearing

Pursuant to Section 2-116.1 of the Miami-Dade County Code any decision to make amendments, modifications, additions, or changes to a declaration of restrictive covenants that was accepted in connection with a prior application to amend the CDMP shall require a vote of two-thirds (2/3) of the members present, but not less than seven affirmative votes of the BCC.

**Submittal of Documents to Community Councils, PAB, Department or BCC**

In addition to the requirements for the preparation and submittal of plan amendment applications, explained in Section III herein (page 9), applicants are hereby notified of the following: written materials, which the applicant would like to be considered by Department, the Community Council, the PAB, and for the BCC at transmittal or final public hearings, or to be transmitted to the SLPA and other review agencies with the transmittal or final compliance packages, should be submitted as follows:

1. 12 copies of documents which the applicant would like to be considered by any one Community Council should be submitted two weeks prior to, the respective Council hearing.

2. 25 copies of documents which the applicant would like to be considered by the PAB should be submitted at, or two weeks prior to, the public hearing. 19 copies are for PAB members and the remainders are for the Department staff.
3. 50 copies of documents for standard applications and 45 copies for small-scale applications to be considered by the BCC should be submitted to the Department staff two weeks prior to the BCC's public hearing for distribution as follows:
  - a. Standard Applications: 35 hard copies to the BCC agenda coordinator, 15 copies (5 hard copies and 10 CDs) for transmittal/submission to the SLPA and other State and regional review agencies, and the remaining copies for Department staff.
  - b. Small scale applications: 35 hard copies to the BCC agenda coordinator, 10 copies (5 CDs and 5 hard copies) for transmittal to the SLPA and the remaining copies for the Department staff.

All hard copies should be 8-1/2 x 11 inch, 3-hole punch, if possible.

### **III. INSTRUCTIONS FOR REQUESTING AMENDMENTS**

Any individual, organization, group or firm may apply to Miami-Dade County for a Plan amendment. For each requested amendment, a separate application must be submitted. Each applicant is responsible for preparing his or her own application in conformance with these instructions. Two sets of signed original documents must be filed for each application along with the appropriate fees and four (4) copies of the traffic study required for standard applications.

All applications are to be filed with the Department, Metropolitan Planning Section, 12th Floor, Stephen P. Clark Center, 111 NW 1 Street, Miami, Florida 33128-1972, after 8:00 AM on January 3, 2017 and before 5:00 PM on January 31, 2017. After this date, no one will be permitted to file or expand an application. Upon review, if an application is found to be unclear or contain errors, staff will notify the applicant of the deficiencies and the applicant must resubmit the application with clarification or additional information. Resubmitted applications are due within five (5) business days after notice by the Department that the application is deficient. To enable better service, applicants are encouraged to file before the January 31, 2017 deadline.

#### **Application Procedures**

Prior to filing a Plan amendment application, prospective private applicants are strongly advised to request a pre-application conference with staff at which time all necessary technical assistance, except for formal CDMP interpretations, will be offered to help applicants prepare their proposals and associated documents or supporting data and analysis. The pre-application conference will assist the applicants to evaluate their requests carefully with staff and determine whether a CDMP amendment is necessary to achieve their objective. For example, many different land uses can occur within a specific land use category of the Land Use Plan map without being in conflict with the CDMP. All prospective applicants should become familiar with all Elements of the CDMP, in order to be certain that their anticipated Plan amendment is necessary. If you have questions, contact the CDMP Administration Unit of the Metropolitan Planning Section of the Department. If the applicant makes an appointment, the Planning Division staff will hold a pre-application conference to discuss the need for the application and any additional information that the applicant may be required to produce, such as traffic study/analysis report.

If a written interpretation of the CDMP or a written response to a question regarding the necessity for a Plan amendment is sought from the Department such requests should be directed in writing to Mr. Jack Osterholt, Director, or Mark R. Woerner, Assistant Director for Planning, Department of Regulatory and Economic Resources, 111 NW 1 Street, 12<sup>th</sup> Floor, Miami, Florida 33128. These written requests shall be submitted no later than six weeks before the end of the filing period. Department fees for such a request can be found in County Implementing Order 4-111 (Ordinance No. 10-64) effective October 1, 2015, which requires that a fee will be charged for the issuance of a written opinion (see also Appendix C, Schedule of Fees for Letters of CDMP Interpretation, Page 39).

#### **Small-Scale Amendments**

A procedure is provided for the expedited processing of "Small-scale" amendments to the Land Use Plan map as defined in Amended Section 163.3187(2), F.S. This procedure authorizes the BCC to take final action on small-scale requests to amend the Land Use Plan map at the transmittal public hearing addressing the January 2017 Cycle applications. An amendment application is eligible for expedited processing as a "Small-scale" amendment under the following conditions:

1. The proposed amendment involves a land use change of 10 acres or less.

2. The cumulative annual acreage of all small-scale amendments shall not exceed 120 acres.
3. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with the small scale future land use map amendment shall be permissible under this section.

Any applicant who wants their eligible application processed under the expedited "Small-scale" amendment procedure must explicitly make such a request in the application. "Small-scale" amendments are not generally reviewed by the SLPA and will take effect 31 days after adoption by the BCC unless a challenge is timely filed against the amendment.

### **Application Format and Contents**

Two signed printed originals and a PDF copy of each application and all supporting documents are required, except that for Standard applications a total of four (4) copies of the traffic study shall be provided. All parts of the application must be typed or printed legibly on 8-1/2 x 11 inch paper, with the exception of the plat map, which are required to be submitted with requests for a Land Use Plan map change. Please use the format outlined below and do not exceed ten pages in length, excluding graphics. Applicants may submit supplemental information with the application or at a later date but within the timeframes outlined herein. (See item 5, Additional Material Submitted, below).

An illustration is provided in Appendix A of this report as an example of the appropriate format for a hypothetical application seeking to amend the Land Use Plan map. The following information must appear in each application in the order listed below. Use the headings shown in capital letters for each item.

#### **1. APPLICANT**

Names, addresses and telephone numbers of all the applicants must be given.

#### **2. APPLICANT'S REPRESENTATIVE**

Any individual(s) responsible for filing the application and communicating for the applicant(s) must be indicated as the Applicant's Representative. This may be the applicant, one member of a group of applicants, the applicant's attorney, or another representative designated by the applicant(s). The name, address (including ZIP code), email address and telephone number of the representative must be given (include fax number if available), and the representative must sign and date the application. If the application requests expedited processing as a small-scale amendment, this signature shall also constitute certification by the Applicant(s) that the application conforms to the statutory eligibility criteria referenced above.

#### **3. DESCRIPTION OF REQUESTED CHANGE**

Make clear reference to the Comprehensive Development Master Plan (CDMP) Element or Subelement for which a change is being requested and the type of change being requested. Refer to the changes identified the Fees for CDMP Amendment section herein on page 15.

- A. If the requested change is to text of the CDMP, the Element name and page numbers of the Adopted Components Comprehensive Development Master Plan for Miami-Dade County (October 2013 Edition as amended) must be given. Please check for the specific CDMP version that is on the Department's website. Any additions or deletions to the existing text must be shown in "underline" or "strike-through" format. For amendments to

graphics, tables, or maps other than the Land Use Plan map, indicate the Element and the page number and title of the map, graphic, or table. Be as specific and clear as possible in describing the requested change. It must be stated in the description of the request if the application is a repeat of a previous CDMP amendment application, including the amendment cycle in which it was previously filed and the assigned application number.

- B. If the requested change is to the CDMP Adopted 2020-2030 Land Use Plan map, the following information must be submitted:
1. A clear and concise written description of the application area boundaries.
  2. The total number of gross acres in the application area, which includes roadway rights-of-way, the "net acres" excluding the dedicated roadway rights-of-way, and the number of these acres which are owned by the applicant(s).
  3. The present CDMP Land Use Plan map designation(s) of the application area and the land use designation(s) being requested. Please refer to the 2020-2030 Land Use Plan map for a listing of the applicable land use categories. If more than one land use category is being requested, precise boundaries and acreages of each requested use designation must be accurately described under items 3 B (1) and (2) above, and the land areas subject to the requested changes must be depicted on both maps required by the following paragraph.
  4. If the application is eligible for expedited processing as a "Small-scale" amendment, the applicant must explicitly include a request for the application to be processed under the expedited procedure as a small-scale amendment.

#### 4. REASONS FOR AMENDMENT

This section should include reasons why the change to the CDMP/Plan is requested and why it should be approved. Reasons offered may address any relevant issues, including the following: (A) the need to correct an error; (B) the need to reflect changing circumstances or conditions in the community that justify adjustments; (C) the need to improve the ability of the Plan to fulfill the basic intent and purposes as set forth in Section 2-113 of the Miami-Dade County Code or in the Goals, Objectives and Policies of the Plan Elements; and (D) the need to assure internal consistency within the Plan.

Applicants requesting changes to the Land Use Plan map may wish to comment on any factors, such as the following items, which are considered by the Department in evaluating and formulating initial recommendations on proposed amendments.

- Land Use Plan map designation of the subject property and abutting properties.
- Relation of the property to the surrounding road network.
- Size of the subject property.
- Availability and demand on the public facilities for sanitary sewer, solid waste, drainage, potable water, traffic circulation, mass transit, recreation, schools, and fire and rescue services.
- Consistency of the proposed land use amendments with the objectives and policies of the Land Use Element and other affected Plan Elements.

- Consistency with environmental objectives and policies.
- Availability of, and demand for, additional sites for the type of land use requested. Because amendment requests will be evaluated, in part, on the extent to which they would be in the public interest, the applicant may address this consideration as well.

## 5. LOCATION MAP

All applications that address a specific property must include a map of reproducible quality depicting the location and boundaries of the application area on an 8 1/2" X 11" size page. The map should:

- Identify abutting and adjacent roadways
- Distinguish between portions of the application area owned by the applicant(s) and portions owned by nonparticipants to the application
- Included a legend as necessary to supplement map labeling
- Identify the Section-Township-Range within which the application is located

## 6. ADDITIONAL MATERIALS SUBMITTED

Copies of additional supporting materials should be submitted with the application and titles to any such initial submittals should be listed in the application under this heading. These materials will be evaluated by staff and will be made available for public inspection but may not be reproduced as part of the application. If copies are available to the public from any other source, the applicant should indicate this and list in this section of the application all information necessary for the public to obtain copies, including the address of the source and any costs associated with obtaining copies. If there is no additional material submitted with the application, please print or type the word "none" under this heading.

If any applicant intends for additional materials submitted to the Department be distributed to the Community Councils, the PAB, the BCC, or to be transmitted/submitted to the SLPA and other reviewing agencies, the instructions included in "Submittal of Documents to Community Councils, PAB, Department or BCC" section herein on page 7 must be followed.

## 7. LEGAL DESCRIPTION

All private Applicants requesting a Land Use Plan (LUP) map amendment must submit a written Legal Description and a Certified Survey (not more than 1-year old) of the property subject to the application.

## 8. DISCLOSURE OF INTEREST

Section 2-116.1(1)(b) of the County Code requires applicants having an ownership interest in any real property covered by an application requesting Land Use Plan map amendments to fully disclose those parties with an interest in the subject property. Property subject to disclosure is all property within the application area in which an applicant has ownership interest. Disclosure must include all owners, lessees, or contractors for purchase, and the percentage of interest held by each party.

A completed disclosure report must be attached to each of the two original applications and will be made a part of the application. A blank disclosure form is attached to the hypothetical application included in Appendix A of this report.

## 9. PROPOSED MODIFICATION TO OR RELEASE OF AN EXISTING CDMP DECLARATION OF RESTRICTIONS



If an application proposes to modify an existing CDMP Declaration of Restrictions (covenant), the proposed modification(s) must be included as an exhibit to the application and must identify in strikethrough and underline format any proposed change(s) to the existing recorded covenant. A copy of the recorded covenant must also be provided as an exhibit to the application seeking modification or release of a covenant.

#### 10. TRAFFIC IMPACT STUDY – *Required for Standard Applications Only*

For Standard Applications to amend the Land Use Plan (LUP) map, the applicant(s) shall submit a traffic impact study signed and sealed by a Florida registered professional engineer by the deadline for filing applications. The traffic impact study should be conducted using a professional methodology accepted by the Department. The applicant or their transportation consultant should, at a minimum, address the following methodology requirements as part of the traffic impact analysis:

- a) **Study Area.** The traffic impact area (area of influence) for the traffic impact analysis is dependent on the land use requested and the acreage covered by the application. The application shall be evaluated for impact on 1) the roadways adjacent to and/or in the vicinity of the application site; and 2) on the roadway network where traffic generated by the proposed application reaches the equivalent to 5 percent or more of the maximum service volume at the adopted LOS standard for the facility. The Study Area shall include all significantly impacted State and County roadways on the roadway network.
- b) **Analysis Years.** The analysis years should be: 1) Existing conditions (Year 2016); 2) Short-term analysis (Year 2020) for roadways adjacent to and/or in the vicinity of the application site; and 3) Long-term analysis (Year 2030 - the CDMP's planning horizon, Year 2040 –the Long Range Transportation Plan's planning horizon, or the buildout year for the proposed development).
- c) **Existing Conditions.** Identify the physical characteristics of the roadway network adjacent to and within the study area and determine the traffic operating conditions of the roadway network using the County's adopted level of service standards.
- d) **Background Traffic.** The expected increase in non-development traffic and traffic from other development should be accounted for in the short-term and long-term analyses.
- e) **Roadway improvements.** Consider only the programmed roadway capacity improvements listed in the Metropolitan Planning Organization's (MPO) most recently adopted Transportation Improvement Program (TIP), and planned roadway capacity improvements listed in the Priorities I, II, III, and IV of the Cost Feasible Plan in the adopted 2040 Long Range Transportation Plan.
- f) **Trip Generation.** Use the ITE's Trip Generation 9<sup>th</sup> edition manual to estimate the average daily, AM and PM Peak Hour trip generation associated with the current and requested CDMP Land Use Plan map designations. Trip generation should be estimated for the maximum potential development that could occur under the current and requested CDMP land use designation, or for the proposed development scenario as limited in a proffered Declaration of Restrictions (covenant).
- g) **Trip Distribution.** Allocate the trips to origin and destination land uses and areas external to the application site. Trip distribution can be performed concurrent with assignment if a manual process is used. Computerized travel demand forecasting model (SERPM Version 7.062) can also be used for trip distribution. Use the 2010 Traffic Analysis Zones.

- h) All trips deductions for internal capture, transit and pass-by, must be substantiated in accordance with ITE and FDOT standards.
- i) Short-term (Concurrency) Traffic Level-of-Service Analysis. The short-term traffic impact analysis may be performed utilizing the roadway concurrency management analysis procedure, with and without the impact of the requested amendment application, and indicate which roadway segments meet or violate the County's adopted LOS standards. This analysis must be performed using the most current State and County traffic count stations data published by the Miami-Dade County Transportation and Public Works Department (formerly Public Works and Waste Management Department), or the most recently available traffic counts. The short-term LOS analysis should be based on the average of the two highest consecutive hours.
- j) Future Conditions Long-Term Analysis. The assessment of the impacts of proposed land use change on the transportation system must include the future (2030, 2040 or build-out year) LOS conditions on the roadway network without the impact of the proposed land use change and with the impact of the land use change. Identify which roadway segments will violate the adopted minimum LOS standards. Prior to performing the Traffic Impact Analysis, the Long-Term Analysis should consider the highest combination of development and background traffic.
- k) Address the need for new facilities, expansion of existing facilities, or any mobility improvement necessary to provide a safe and efficient transportation network, enhance mobility, and maintain the adopted level of service standards through the short-term (concurrency) and long-term time frames.
- l) Mitigation Analysis. This analysis is to determine if the proposed mitigation measures are sufficient to maintain the adopted LOS standards and to indicate if the proposed improvements necessary will operate as anticipated.
- m) The mitigation plans should consider phasing of the proposed development, funding requirements, and potential improvements projects.
- n) Maps or exhibits must be drawn at an appropriate scale.

It is highly recommended that the applicant or transportation consultant contact the Department with any questions or concerns regarding the requirements of the traffic impact study.

**NOTIFICATION TO PROPERTY OWNERS OTHER THAN THE APPLICANT, WHOSE PROPERTIES ARE INCLUDED WITHIN AN APPLICATION AREA BOUNDARY**

If an application requesting a Land Use Plan (LUP) map amendment includes real property, which is not owned by the applicant, the applicant shall provide written notification to the property owner(s) no less than two weeks after the filing date by certified letter that the subject property is included in the amendment application. The applicant must provide the Department with a copy of the notification and a copy of the proof of receipt. The notification shall include a clear and concise description of the application area boundaries and the current and requested land use designations.

#### IV. FEES FOR CDMP AMENDMENT APPLICATIONS

Applications requesting Plan amendments will not be accepted for processing unless accompanied by the appropriate fees listed below:

- Applicable Planning Division Fees, as outlined below, based on application request(s) Implementing Order 4-111 as amended effective October 1, 2015;
- An 8% surcharge on Planning Division fees per Implementing Order 4-111 as amended effective October 1, 2015;
- A \$920 fee for the Division of Environmental Resources Management review of application per Implementing Order 4-42 (see page 18 herein); and
- CDMP Traffic Impact Study Review fee, not applicable to small scale applications only, for Department of Transportation and Public Works review of traffic impact studies, per Implementing Order 4-41 (see “Transportation and Public Works Fees” on page 18).

All checks are to be made payable to Miami-Dade County and must include the local contact name, telephone number and address of the party making the payment.

In addition to the fees listed above, applications that could result in residential development are subject to a Public Schools Planning Level Review for which a fee of \$278.00 will be assessed by Miami-Dade County Public Schools pursuant to the Procedures Manual for Implementing the Interlocal Agreement for Public School Facility Planning. See details regarding this fee on page 18 herein.

#### Department of Regulatory and Economic Resources Fees

The Department shall charge and collect fees in accordance with the following Planning Division Fees schedule:

##### 1. Planning Division Fees

As outlined in the Application Format and Contents section, item 3--Description of Requested Change, on page 10 herein, each application must reference the CDMP Element or Subelement for which a change is being requested. Possible changes to each CDMP element and their associated fees are detailed below:

<u>A. Land Use Element</u>	<b>Fee</b>
1. LUP map (except for Roadway and Transit changes which are covered in Subsection B Traffic Circulation and Mass Transit Subelements), Agricultural Subarea 1 Map, Open Land Subareas Map, and Environmental Protection Subareas Map, which applications are requested for processing during regular semi-annual CDMP amendment cycles.	
a) Regional Urban Center	\$109,440
b) Metropolitan Urban Center	85,500
c) Community Urban Center	54,720
d) Other	
 <u>Size of Area (gross acres) Subject to Application</u>	
Up to 5.0 acres	11,400
5.1 - 10.0	21,660
10.1 - 20.0	42,750

20.1 - 40.0	64,410
40.1 - 80.0	85,500
80.1 - 160.0	102,600
160.1 - 320.0	119,700
320.1 - 480.0	136,800
480.1 - 640.0	153,900
640.1 - 800.0	171,000
800.1 - 960.0	188,100
960.1 -1120.0	205,200
1120.1- 1280.0	222,300
1280.1 and above	\$171/acre

- e) The fee for any application requesting amendments to the LUP map which includes a request to expand the Urban Development Boundary (UDB) or to redesignate land outside the UDB to an urban land use shall be increased by 1) twenty-five (25%) percent of the amount indicated above in 1(d) above for all applications up to eighty (80) acres in size, or 2) fifteen (15%) percent of the amount indicated above in 1(d) for all applications larger than eighty (80) acres.
- f) Applications requesting amendments to the LUP map to increase the currently planned residential density on land inside the UDB shall receive a reduction of the amount of 1) twenty-five (25%) percent of the amount indicated above in 1(d) for each application up to eighty (80) acres in size, or 2) fifteen (15%) percent of the amount indicated in 1(d) if the application is larger than eighty (80) acres.
- g) Applications requesting amendments to the Urban Expansion Area (UEA) boundary without an amendment to the underlying future land use shall be charged 30 percent of the rate established in section 1(d) above but not less than \$10,000.
- h) Application requesting an amendment to the LUP map for processing concurrently with an application to approve or amend a Development of Regional Impact (DRI) development order pursuant to Sec. 2-116.1(5)(a), Code of Miami-Dade County, Florida, shall be charged \$91,200 if 640 acres or smaller, or if a request for Urban Center; if 640.1 acres or larger, such applications shall be charged 65 percent of the fee amount for the applicable parcel size listed in the forgoing section A.1.(a) through (g).

2. Revision of the LUP map Text Each issue proposal (per paragraph)	\$ 17,100
3. Environmental/Historical or other Map Each issue/item including associated text	\$ 17,100
4. Covenant revisions and other changes amending land uses relating to specific land parcels	Two-thirds rate of 1(d) above

**B. Traffic Circulation Sub-Element**

1. Planned Future Roadway Network Map Per road lane-mile	\$17,100
2. Roadway Functional Classification Map Per road-mile (Existing or Future)	\$17,100

3. Limited Access Facilities Map Per road-mile or interchange	\$17,100
4. Other Map Per Mile	\$11,400
<b>C. <u>Mass Transit Sub-Element</u></b>	
1. Future Mass Transit System Maps Per linear mile of service area, corridor, or alignment	\$17,100
2. Major traffic Generators and Attractors Each major traffic generator	\$17,100
<b>D. <u>Port, Aviation, and Port of Miami Sub-Element</u></b>	
1. Major Aviation Facilities-Future Improvements Map Each facility	\$17,100
2. Aviation Facility Improvements Each improvement project line item	\$17,100
3. Port of Miami River- Future	Same as LUP Map Land Use Map II.A.1 above
4. Port of Miami 5 year or 10 year Plan map	\$17,100
<b>E. <u>Capital Improvements Element</u></b>	
1. Each proposed project line-item	\$17,100
2. Urban Infill or Concurrency Exception Area Maps	\$51,300
<b>F. <u>All Elements (including A-E above)</u></b>	
1. Each Level of Service (LOS) Standard or DRI Threshold (F. S. 380) addressing goal, objective, policy or map	\$51,300
2. Each Non LOS Standard-addressing goal, objective or policy	\$17,100
3. Each monitoring measures item	\$10,260
4. Each other text change proposal item (up to five sentences)	\$17,100
5. Each other map change proposal or item	\$17,100
6. One or more non-LUP map amendment proposals requested for processing concurrently with an application to approve or amend a DRI Development Order pursuant to Sec. 2-116.1 (5) (a), Code of Miami-Dade County, Florida. This fee shall be charged only when a LUP map amendment is not requested, and a fee is not charged, pursuant to section A.1, above	\$34,200

All above fees include any corresponding changes to other Plan Elements, or components thereof, required for internal consistency.

County proprietary departments shall pay required fees at the time of application except that: (a) fees shall not be charged to such departments for a major Element update to implement recommendations from an Evaluation and Appraisal (EA) of the CDMP/Plan; and (c) the fee for a major update or revision to a Plan Element required by a proprietary department at the time other than during an EAR-based CDMP amendment cycle shall be \$57,000 paid at the time of application filing, with any costs incurred by the Department in excess of the initial filing fee to be paid by the applicable department.

## 2. Division of Environmental Resources Management Fees

A review fee of \$920.00 per application will be charged by the Division of Environmental Resources Management (DERM) as per Implementing Order 4-42 with an effective date of October 1, 2015 to review and evaluate applications to amend the Comprehensive Development Master Plan. The DERM fee applies to applications for changes to the Land Use Plan map, certain adopted figures (Agricultural Subarea 1, Open Land Subareas, Environmental Protection Subareas, and the adopted Figures involving environmental resources) and the goals, objectives and policies addressing environmental concerns. This fee is in addition to the filing fee, which is charged by the Department as discussed on the preceding pages. In addition, the Department will collect DERM, Planning Division and Public Works filing fees, when an applicant files to amend the Land Use Plan map or text of the CDMP. These fees can be accommodated by a single check made payable to Miami-Dade County.

### Department of Transportation and Public Works fees

Implementing Order 4-41, effective October 1, 2015, establishes fees for the review of traffic studies associated with standard Comprehensive Development Master Plan (CDMP/Plan) amendment applications by Department of Transportation and Public Works. The fees are based on the size of an application and will be assessed as part of the application filing fee and are as follows:

500 gross acres or more	\$4,900.00
250 to 499 gross acres	\$3,300.00
100 to 249 gross acres	\$2,200.00
Less than 100 gross acres	\$1,100.00

Source: Miami-Dade County Implementing Order 4-41, October 2015

Small-scale CDMP amendment applications are not required to provide a Traffic Impact Study and thereby will not be assessed this fee.

### Miami-Dade County Public Schools Planning Level Review Fee

Pursuant to the Interlocal Agreement for Public School Facility Planning between Miami-Dade County and Miami-Dade County Public Schools (ILA), a Public Schools Planning Level Review is required on all proposed CDMP applications that could result in residential development. After submittal of the application, the Department will forward the application electronically to the **Miami-Dade County Public Schools' Concurrency Management System (CMS)**. The CMS will acknowledge receipt of the application to the Department and the applicant will be assessed a Public Schools Planning Level Review fee of \$283.00 pursuant to Procedures Manual for Implementing the ILA, as amended October 27, 2016. A notification from CMS will be emailed to the applicant to pay the review fee online. The review fee must be paid prior to the CMS conducting the Public Schools Planning Level Review. Applicants must pay the fee by December 12, 2016. (Note: Public School Concurrency Fees will be adjusted annually in October based on the Consumer Price Index (CPI). For questions or comments on this process please contact Helen Brown, Department of Regulatory and Economic Resources, Miami-Dade County, at 305-375-2589 or [hab@miamidade.gov](mailto:hab@miamidade.gov); or Ivan Rodriguez, Miami-Dade County Public Schools, 305-995-4501 or [IRodrigu@dadeschools.net](mailto:IRodrigu@dadeschools.net).

The applicants of all CDMP applications that could result in residential development will be required to pay the applicable public school planning level review fees unless a Declaration of Restrictions is proffered that prohibits residential development on the subject property.

### **Refund of Fees**

Department Application fees shall be refunded in full only if the request for application withdrawal is received by the Department in writing either from, a) the Applicants' Representative, or b) all of the applicants, on or before 5:00 PM on February 7, 2017. Checks will be returned to the entity providing original payment to the Department unless the written request specifies that another party is to receive the returned check(s). After February 7, 2017, no fees shall be returned to any applicant withdrawing their application, except for standard applications as outlined below.

In the event that the BCC fails to approve transmittal of a standard amendment application to the State Land Planning Agency per Sec. 2-116.1(3)(g) of the Code of Miami-Dade County, or the applicant withdraws the application after the full refund deadline of February 7, 2017, but prior to the transmittal hearing of the BCC, twenty-five (25) percent of the Department's CDMP Amendment fees will be refundable. In order to receive the eligible refund, the applicant must request and receive the express approval of the BCC for the refund at its July 2017 transmittal hearing. The applicant shall not be authorized subsequent to the "transmittal" hearing held by the BCC to receive any refund of application fees. After the eligible 25% refund is approved by the BCC, the Applicant/Representative is to contact the Department for the form that must be completed and signed in order to receive the refund.

When requesting the eligible 25% refund of the Planning Fees, please indicate to whom the check should be made payable with a name and address provided by the client. In addition, please include an original signed W-9 form for tax purposes.

### **V. ADDITIONAL INFORMATION**

Anyone having questions regarding any aspect of the Plan review and amendment process or seeking help in the preparation of an application to amend the Comprehensive Development Master Plan should visit or call Rommel Vargas, Senior Planner, Mireidy Fernandez, Senior Planner, Dickson I. Ezeala, Principal Planner, or Garrett Rowe, Section Supervisor, Miami-Dade County Department of Regulatory and Economic Resources, Stephen P. Clark Center, 111 N.W. 1st Street, 12th Floor, Miami, Florida 33128-1972, Telephone (305) 375-2835.

## **APPENDIX A**

### **EXAMPLE OF A HYPOTHETICAL APPLICATION REQUESTING AN AMENDMENT TO THE LAND USE PLAN MAP**

The following hypothetical application is provided to illustrate the format of the application and the kind of information that should be provided under each heading. Statements and maps regarding the location and characteristics of the hypothetical property and the Plan's contents are fictional. Any direct similarity to actual conditions or to the contents of the Adopted Components of the Comprehensive Development Master Plan are purely coincidental.

Note: The required plat map at a scale of 1-inch equals 300 feet is not included in this example.



**HYPOTHETICAL APPLICATION**  
**APPLICATION TO AMEND THE**  
**COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANTS

Susan Leathers  
2881 SW 194 Street  
Miami, Florida 33021  
(305) 233-1234

William Clay  
55 East 5 Avenue  
New York , New York 10011  
(121) 377-8805

J. B. Gee (Trustee)  
10125 NE 16 Street  
Miami, Florida 33177  
(305) 321-6066

2. APPLICANTS' REPRESENTATIVE

John Brown  
Henry and Brown  
2515 Biscayne Boulevard, Suite 900  
Miami, Florida 33143  
(305) 438-1921

By: \_\_\_\_\_ :  
(Signature of Applicant's Representative) Date

3. DESCRIPTION OF REQUESTED CHANGE

- A. A change to the Land Use Element, Land Use Plan map (item A.1 in the fee schedule) is requested.

(This is a repeat of APRIL 1989 Application No. 75)

- B. Description of the Subject Property

Subject property consists of 2.3 acres located in Section 16, Township 87, Range 37. The property is more accurately described as lots 214 through 220 of Block 1 of Lawrence Subdivision (PB 300-12). Property is located on the west side of SW 227 Avenue between SW 328 Street and SW 329 Street. The applicant owns lot numbers 214, 215, 218, and 220 as shown on the map provided on page 24.

- C. Gross and Net Acreage

Application area: 2.3 gross acres (2.0 net acres)  
Acreage Owned by Applicant: 1.7 gross acres (1.2 net acres)

D. Requested Change

1. It is requested that the application area be redesignated on the Land Use Plan map from LOW-MEDIUM DENSITY RESIDENTIAL (5-13 DU/AC.) TO BUSINESS AND OFFICE.
2. It is requested that this application be processed as a Small-Scale Amendment under the expedited procedures

4. REASONS FOR AMENDMENT

The whole property contains commercial and office uses, and is zoned for Business (BU-1) and Semi-Professional Office (RU-5A). The property fronts on a major roadway. While the site is small, it is contiguous to the Business and Office designated land to the north, the south, and east.

5. LOCATION MAP FOR APPLICATION

See example on page 24.

6. ADDITIONAL MATERIALS SUBMITTED

A list of all supporting materials submitted with the application must be provided

For Applications requesting to modify a recorded CDMP Declaration of Restrictions, the proposed modification(s) must be shown in strike through and underlined text format, and a complete copy of the recorded covenant(s) must be attached.

7. LEGAL DESCRIPTION

Legal description with Certified Survey must be provided (no example included herein).

8. COMPLETE DISCLOSURE OF INTEREST FORM

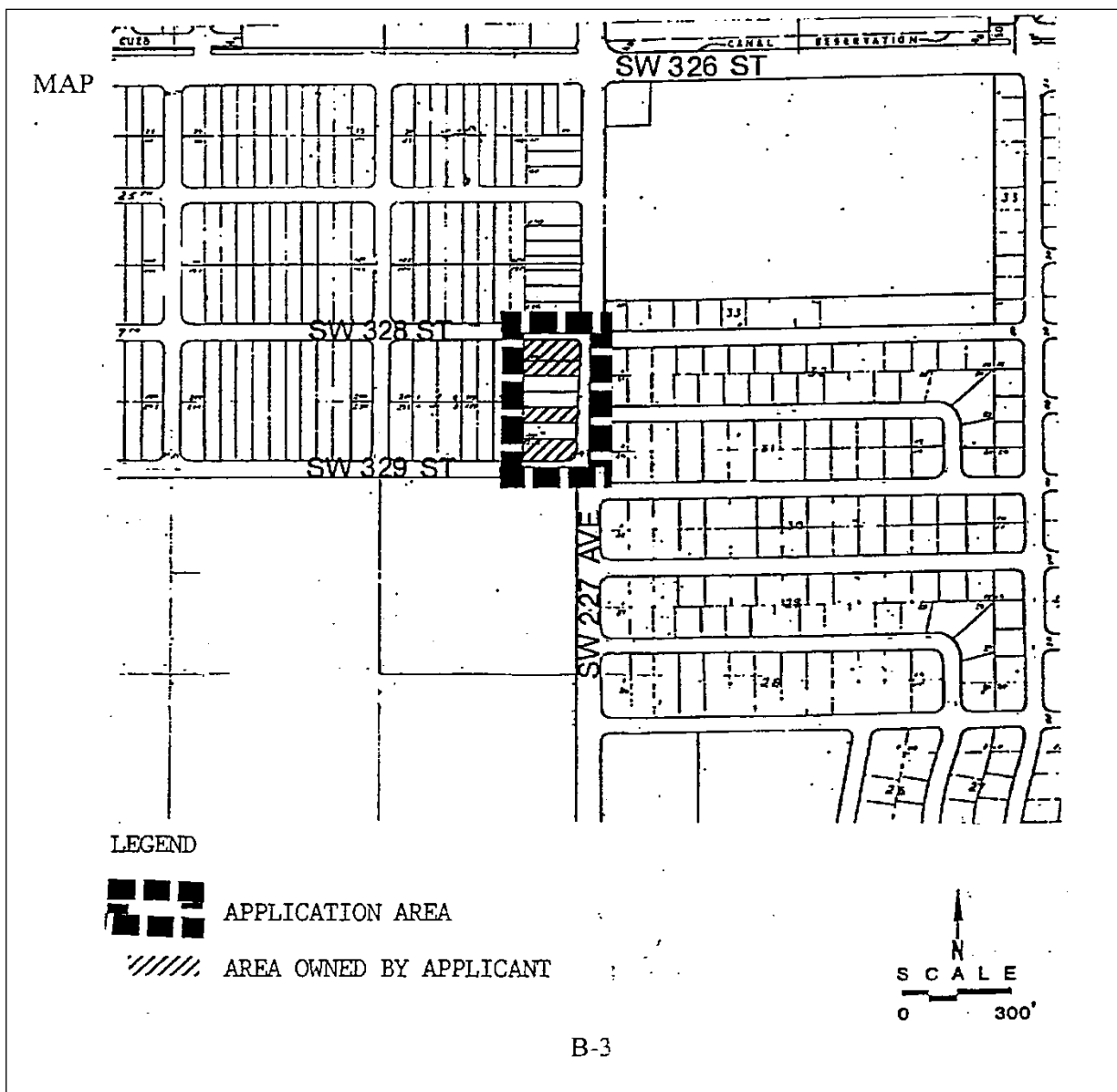
See sample form on page 25

**LOCATION MAP FOR APPLICATION  
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

APPLICANT / REPRESENTATIVE  
Leather, Clay, Gee/ John Brown

**DESCRIPTION OF SUBJECT AREA**

Subject Property consists of 2.3 acres located in Section 16, Township 87, Range 37. The property is more accurately described as lots 214 thru 220 of Block 1 of Lawrence Subdivision (300-12). Site is located on the west side of SW 227 Avenue in between SW 328-329 Streets. The applicant owns lot numbers 214, 215, 218 and 220.



## DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT (S) NAME AND ADDRESS:**

APPLICANT A: \_\_\_\_\_

APPLICANT B: \_\_\_\_\_

APPLICANT C: \_\_\_\_\_

APPLICANT D: \_\_\_\_\_

APPLICANT E: \_\_\_\_\_

APPLICANT F: \_\_\_\_\_

APPLICANT G: \_\_\_\_\_

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

**2. PROPERTY DESCRIPTION:** Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A			

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in Section 2 above.

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER Explanation)	(Attach
A					

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:** \_\_\_\_\_

<u>NAME, ADDRESS, AND OFFICE ( if applicable)</u>	<u>PERCENTAGE OF STOCK</u>

- c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEES NAME:** \_\_\_\_\_

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF INTEREST

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- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (s) trust (s) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity ].

**PARTNERSHIP NAME:** \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF INTEREST

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- e. If the applicant is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF INTEREST

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Date of Contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

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5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
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b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME:** \_\_\_\_\_

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
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c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of

the individual(s) (natural persons) having the ultimate ownership interest in the  
aforementioned entity].

**TRUSTEE'S NAME:** \_\_\_\_\_

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
_____	_____
_____	_____
_____	_____
_____	_____

- d. If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**PARTNERSHIP NAME:** \_\_\_\_\_

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>
_____	_____
_____	_____
_____	_____
_____	_____

- e. If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].



NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF INTEREST

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Date of Contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

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For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

**Applicant's Signatures and Printed Names**

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Sworn to and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Florida at Large(SEAL)

**My Commission Expires:**

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

**APPENDIX B**

**DECLARATION OF RESTRICTIONS AND OPINION OF TITLE TEMPLATES**

**This instrument was prepared by:**  
**Name:**  
**Address:**

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

WHEREAS, the undersigned \_\_\_\_\_ (hereinafter referred to as the "Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property", which is supported by the Opinion of Title; and

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") in the \_\_\_\_\_ Cycle and said amendment is identified as Application No. \_\_\_\_\_ (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "\_\_\_\_\_" to "\_\_\_\_\_" on the Miami-Dade County Comprehensive Development Master Plan adopted Land Use Plan ("LUP") map.

NOW, THEREFORE, in order to assure the Miami-Dade County that the representations made by the owner during consideration of the Application will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

- (1)
- (2)
- (3)

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs,

successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

**Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

**Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**County Inspections.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

**Authorization for Miami-Dade County (or successor municipality) to Withhold Permits and Inspections.** In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County (or successor municipality) is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

**Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

**Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality), then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

**Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

**Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or

approval of any application, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

**Owner.** The term Owner shall include all heirs, assigns, and successors in interest.

*[Execution Pages Follow]*

**OPINION OF TITLE**

**To: Miami-Dade County**

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of \_\_\_\_\_ [Please choose one of the following: a Declaration of Use, Unity of Title, Declaration of Restrictions, Development Agreement, or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat. Please identify the document by public hearing number, if applicable] \_\_\_\_\_ covering the real property, hereinafter described, it is hereby certified that I have examined a complete Abstract of Title covering the period from the beginning to the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at the hour of \_\_\_\_\_, inclusive, of the following described property:

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

**Note: For Limited Partnership, Limited Liability Company or Joint Venture indicate parties comprising the Limited Partnership, Limited Liability Company or Joint Venture and identify who is authorized to execute.**

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. **RECORDED MORTGAGES:**
  
  
2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**
  
  
3. **GENERAL EXCEPTIONS:**
  
  
4. **SPECIAL EXCEPTIONS:**

I *HEREBY CERTIFY* that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the \_\_\_\_\_.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the \_\_\_\_\_ a valid and binding covenant on the lands described herein.



Name

Interest

Special Exception Number

The following is a description of the aforementioned abstract and its continuations:

Number

Company Certifying

No. of Entries

Period Covered

*I HEREBY CERTIFY* that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Print Name

**Florida Bar No.** \_\_\_\_\_

Address:  
\_\_\_\_\_  
\_\_\_\_\_

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_, as identification.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
Print Name

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## APPENDIX C

### SCHEDULE OF FEES FOR LETTERS OF CDMP INTERPRETATION

- I. Requests for Written Advisories of Comprehensive Development Master Plan Consistency (other than for development/services concurrency determination).

Planning fees are found in the County's Implementing Order No. 4-111.

For special written advisory letters/memoranda regarding the relationship of a particular property parcel or the consistency of a proposed development action to the provisions of the Comprehensive Development Master Plan that are requested pursuant to Section 2-113 of the Code of Miami-Dade County and apart from regular development order approval processes, the requesting party shall pay the following charges:

**All requests for a CDMP Land Use Plan (LUP) map interpretation will be required to pay an additional processing fee as required by Miami-Dade County Implementing Order 4-111 as amended effective October 1, 2015. The Miami-Dade County Department shall charge and collect fees in accordance with the following schedule. The fee is an 8% Surcharge required on any CDMP fees collected and must be figured into the total for all Interpretations when requested. All checks must be made payable to Miami-Dade County and please provide a local phone number for the party making payment.**

- A. Interpretation/Explanation of Comprehensive Development Master Plan Provisions, including Adopted Land Use Plan Map and Interpretation of Land Use Plan Map Text Consistency Determinations Relative to a Specific Location.

Size of Parcel of Proposed Development (gross acres)

	Fee	Fee with 8%
Under 1.0 acre	\$ 114	\$ 123.12
1.0 acre - 5.0 acres	228	246.24
5.1 acres - 20.0 acres	342	369.36
20.1 acres and over	570	615.60

- B. Interpretation/Explanation of Adopted Components Goals, Policies, Objectives and other Text not related to a Specific Location.

Each issue/question not related to Level of Service (LOS) Standards	\$ 114	\$ 123.12
Each issue/question related to LOS Standards	171	\$ 184.68

The Director of the Department or his or her designee may condition such advisories on the information made available by the requesting party or defer to more complete development order review procedures. The conditional nature of all special advisories shall be addressed in the document.

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