

Date: September 20, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

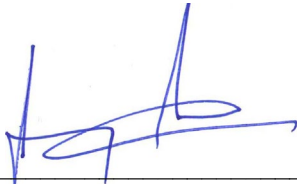
From: Daniella Levine Cava
Mayor



Supplement
Agenda Item No. 4(A)

Subject: Supplemental Information on January 2022 Cycle Application No. CDMP20220005
to Amend the Comprehensive Development Master Plan

The following Initial Recommendation report (Exhibit 1) is provided to the Board of County Commissioners regarding January 2022 Cycle Application No. CDMP20220005 to amend the Comprehensive Development Master Plan (CDMP).



Jimmy Morales
Chief Operations Officer

Application No. CDMP20220005
Lennar Homes, LLC
Commission District 9 Community Council 14

APPLICATION SUMMARY

Applicant/Representative:	Lennar Homes, LLC (a.k.a. Lime Grove) / Hugo P. Arza, Esq., and Amanda M. Naldjieff, Esq., Holland & Knight LLP
Location:	Generally located between SW 336 Street and SW 344 Street and between SW 197 Avenue and SW 192 Avenue
Total Acreage:	±116.85 gross acres / ±113.85 net acres
Current Land Use Plan Map Designation:	“Estate Density Residential with One Density Increase (DI-1)” and “Low Density Residential with DI-1”
Requested Amendment to the CDMP:	<ol style="list-style-type: none"> 1. Release existing CDMP Declaration of Restrictions on the site. 2. Add the proffered, Amended, and restated Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners.
Amendment Type:	Standard
Existing Zoning District/Site Condition:	AU (Agricultural District) and EU-M (Estate modified)/ undeveloped

RECOMMENDATIONS

Staff:	DENY, DO NOT TRANSMIT (June 2022)
Redland Community Council (CC14)	NO QUORUM (June 7, 2022)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	DENY AND DO NOT TRANSMIT, AS PER STAFF RECOMMENDATION (July 11, 2022)
Transmittal Action of Board of County Commissioners	TO BE DETERMINED (July 20, 2022)
Final Action of Board of County Commissioners:	TO BE DETERMINED (September 22, 2022)

Staff recommends to **DENY, DO NOT TRANSMIT** the proposed Comprehensive Development Master Plan (CDMP) amendment seeking to release and replace the existing Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, based on the following principal reasons.

Principal Reasons for Recommendation:

1. The Application seeks to release an existing CDMP Declaration of Restrictions (covenant) and replace it with an amended and restated covenant that would eliminate the workforce housing requirement for a ±116.85-acre site, contrary to and inconsistent with CDMP Housing Element Objective HO-6, Policies: HO-3A and HO-3F, and Land Use Element Policy LU-1K. These CDMP provisions require the County to maintain, enhance, and promote incentives and opportunities to increase affordable and workforce housing options available to very low, low, and moderate-income households.

The existing CDMP covenant was accepted in March 2007 (hereafter the 2007 Covenant) by the Board of County Commissioners (the Board) upon approval of the April 2006 Cycle CDMP amendment Application No. 14. The 2007 Covenant is recorded on Book 25853, Pages 4394 through 4417 of the Miami-Dade County Official Records (CFN2007R0802049) (see Appendix D: Existing CDMP Declaration of Restrictions). The adopted April 2006 Application No. 14 redesignated a ±116.85-acre application site from "Estate Density Residential" (1 to 2.5 Dwelling units per gross acre [DU/Ac]) to "Estate Density Residential with One Density Increase (DI-1)" on ±76.4 acres west of SW 194 Avenue and "Low Density Residential with One Density Increase (DI-1)" on ±40.45 acres east of SW 194 Avenue. The 2007 Covenant limited development on the site to 940 residential units with a commitment to the provision of workforce housing units on site, among other commitments. Specifically, the workforce housing condition calls for 20% of the 940 residential units allowed on the site to be set aside for workforce housing (approximately 188 units). It defines workforce housing as housing affordable to those with incomes ranging between 65% to 140% of the median family income for Miami-Dade County, as published annually by the U.S. Department of Housing and Urban Development. The covenant also requires the workforce housing units to remain affordable for twenty years and provides the County with the right of first refusal for any workforce housing unit if a qualified purchaser cannot be located within 210 days. If the County does not exercise the right of first refusal within 30 days of the notification that a qualified purchaser cannot be located, the workforce housing units may be sold at market rate. While all other conditions in the 2007 Covenant are restated in a new proffered covenant, the proposed CDMP amendment seeks to eliminate the workforce housing set-aside requirement in its entirety. This proposed deletion of the workforce housing requirement from the 2007 Covenant is contrary to the above referenced CDMP objective and policies.

2. The proposed deletion of the workforce housing requirement is in direct conflict with the County's objective of providing more affordable and workforce housing units throughout Miami-Dade County. It is important to note that the workforce housing requirement in the 2007 Covenant was added as an inducement for the Board's approval of the April 2006 Cycle Application No. 14 at a time when the Miami-Dade County was facing a shortage of workforce housing similar to what we are witnessing today. It is also worth noting that several CDMP amendment and Zoning applications during this period proffered similar workforce housing commitments in anticipation of and in response to the adoption the County's Workforce Housing Development Program, a voluntary participation program. The program was initially adopted in January 2007 (Ordinance 07-05), two months prior to the

Board's approval of the April 2006 Cycle Application No. 14 with acceptance of the 2007 Covenant, and subsequently readopted in May 2008 (Ordinance No. 08-51).

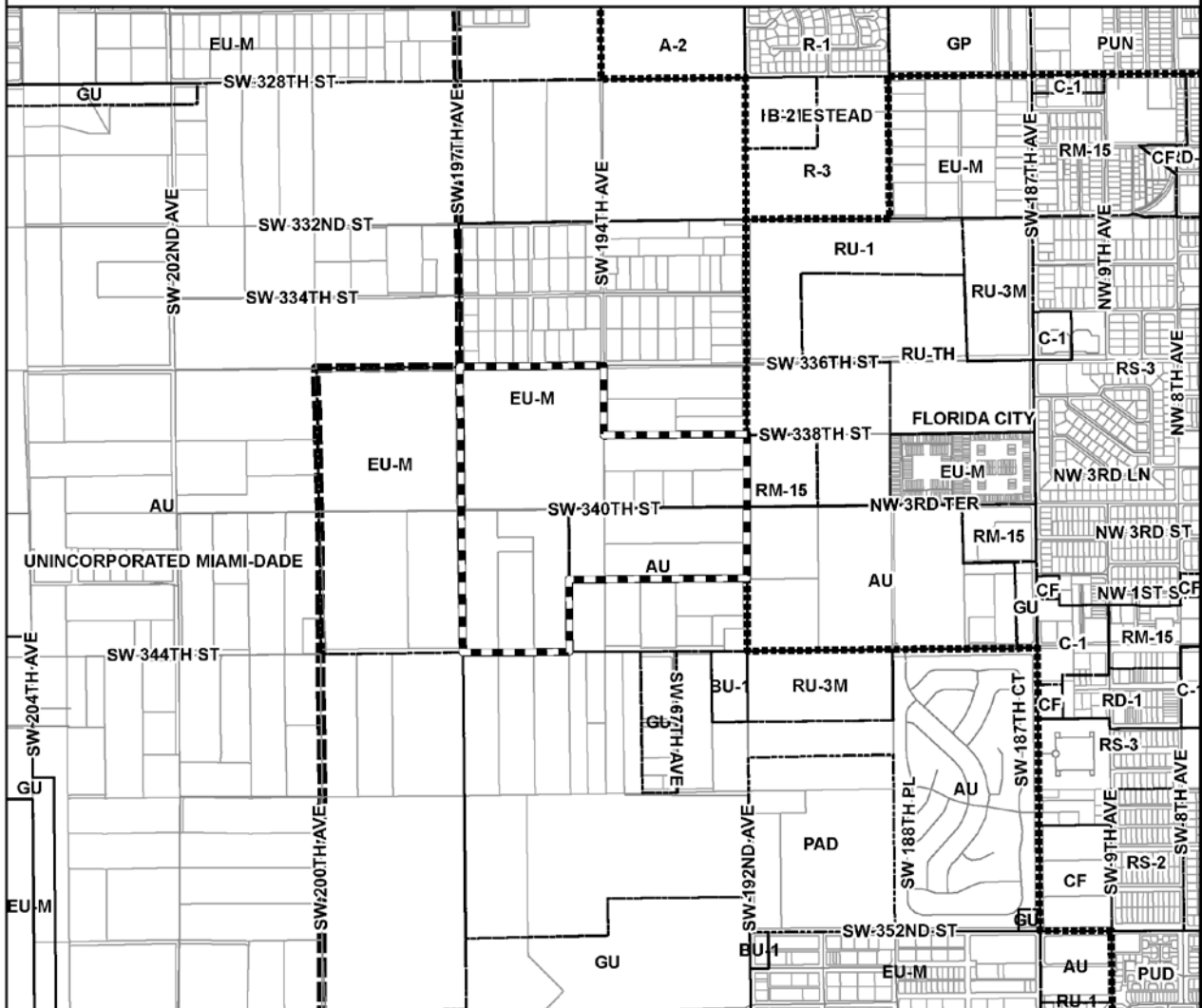
Today, Miami-Dade County is in the midst of another housing affordability crisis, as recognized by the Board including through the recent Tenant's Bill of Rights (Ordinance 22-47 adopted May 2, 2022) and by the County Mayor through the "Building Blocks for Housing Affordability" Program, among other efforts. Given the housing affordability crisis in Miami-Dade County and the various Board and Mayoral initiatives to address housing affordability, the request to remove the workforce housing requirement in the 2007 Covenant should not be approved as it is contrary to the County's efforts to increase the supply of affordable and workforce housing.

3. The application states that elimination of the 2007 Covenant's workforce housing requirement would help to address the growing housing affordability issues in the application area without demonstrating with data and analysis how this could be accomplished. Further, the application asserts that the workforce housing requirement in the 2007 Covenant should be released due to an abundance of workforce housing units available in the application area and that enforcing the workforce housing requirement would result in higher costs of market rate housing. It must be noted that 86% percent and 91% of households in the County and the application market area, respectively, earn incomes less than or equal to 140% of Area Median Income. This is in contrast with 13.6% of households countywide and 8.7% percent of households within the application market area having incomes greater than 140% of AMI. Furthermore, 14% of the population in the application Market area earn incomes between 80% and 120% of AMI (see Household Incomes in Miami-Dade County and the Application's Market Area (2022) analysis on page 10). Deletion of the workforce housing requirement to allow all residential units within the proposed development to be market rate units would remove 20% of the total residential units (up to 188 units) from being made affordable to workforce households, and in effect, would make all the units unaffordable to most households within the County (86%) and the application market area (91%).

It is worth noting the 2007 Covenant provides that if the applicant is unable to identify qualified buyers for the workforce housing units within 210 days, then the County has the right of first refusal. Should the County not exercise its right of first refusal to purchase the workforce housing units, then the owner may sell the workforce housing units at market rate. (See Appendix A: Amendment Application and Appendix D: Existing CDMP Declaration of Restrictions).

LENNAR HOMES, LLC. - APP. NO. CDMP20220005

ZONING MAP



Source: Department of Regulatory and Economic Resources
April 2022

APPLICATION AREA

MUNICIPAL BOUNDARY

MIAMI-DADE COUNTY ZONING DISTRICTS

- AU AGRICULTURAL / RESIDENTIAL 5 ACRES GROSS
- BU-1 BUSINESS DISTRICTS, NEIGHBORHOOD
- EU-M ESTATES MODIFIED, SINGLE-FAMILY, MINIMUM LOT AREA 15,000 FT2 NET
- GU INTERIM DISTRICT
- RU-1 SINGLE-FAMILY RESIDENTIAL DISTRICT 7,500 FT2 NET
- RU-3M MINIMUM APARTMENT HOUSE 12.9 UNITS/NET ACRE

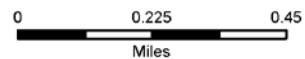
MUNICIPALITIES ZONING DISTRICTS

- A-2 ONE FAMILY, ONE-HALF ACRE ESTATES DISTRICT
- AU AGRICULTURAL
- B-2 RETAIL COMMERCIAL BUSINESS DISTRICT
- C-1 NEIGHBORHOOD COMMERCIAL DISTRICT
- CF COMMUNITY FACILITY DISTRICT

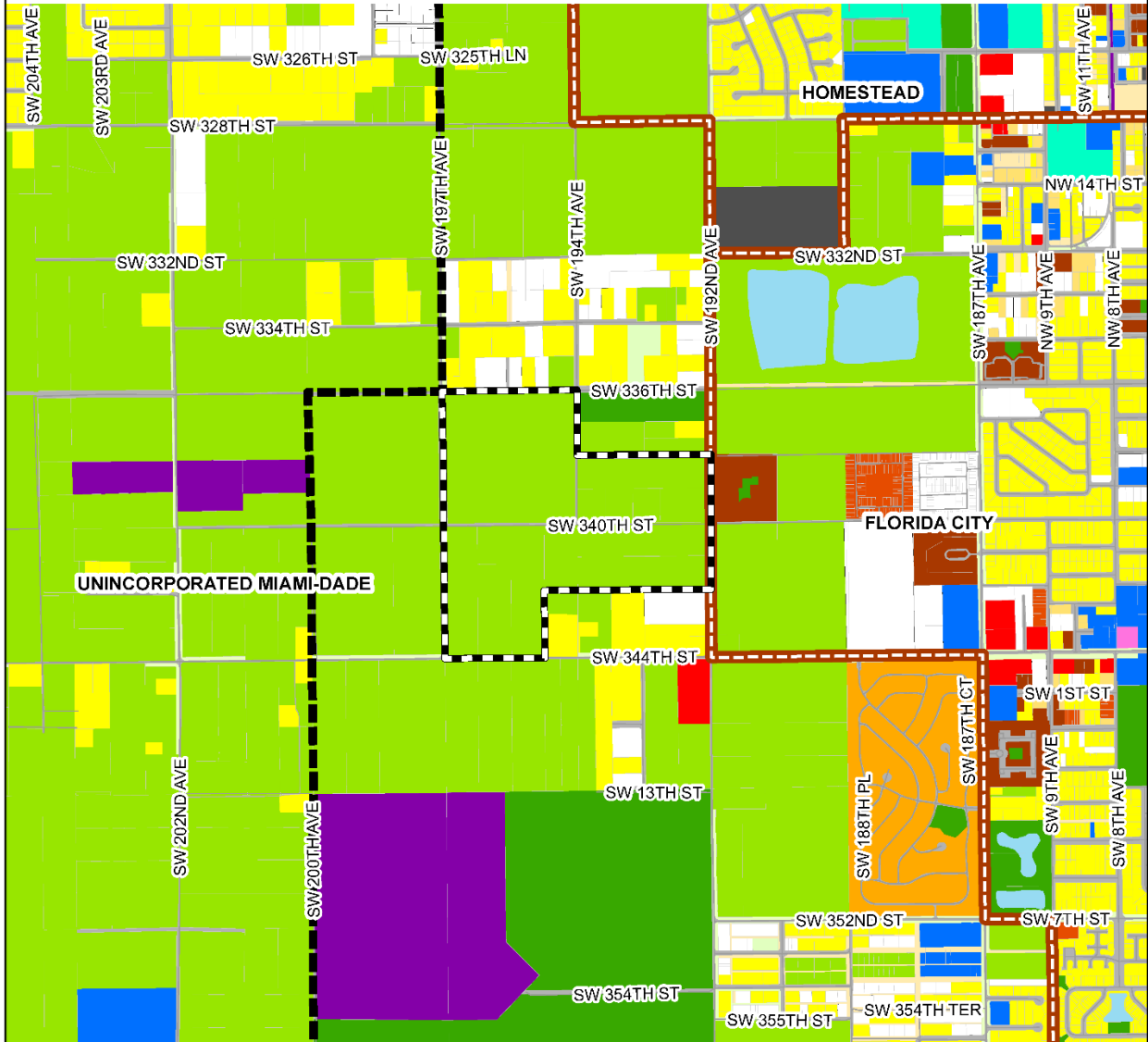
EU-M ESTATE MODIFIED

- GP GOVERNMENT PROPERTY DISTRICT
- GU GENERAL USE (INTERIM)
- PUD PLANNED UNIT DEVELOPMENT DISTRICT
- PUN PLANNED URBAN NEIGHBORHOOD DISTRICT
- R-1 ONE FAMILY, SINGLE DISTRICT
- R-3 MULTIPLE APARTMENTS DISTRICT
- RD-1 RESIDENTIAL DUPLEX DISTRICT 1
- RM-15 RESIDENTIAL MULTI-FAMILY DISTRICT
- RS-2 RESIDENTIAL SEMI-ESTATE DISTRICT
- RS-3 RESIDENTIAL SINGLE-FAMILY DISTRICT 3
- RU-1 SINGLE FAMILY RESIDENTIAL
- RU-3M MINIMUM APARTMENT HOUSE 12.9 UNITS/ NET ACRE
- RU-TH TOWNHOUSE

2030 URBAN DEVELOPMENT BOUNDARY

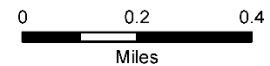


LENNAR HOMES, LLC. - APP. NO. CDMP20220005 EXISTING LAND USE



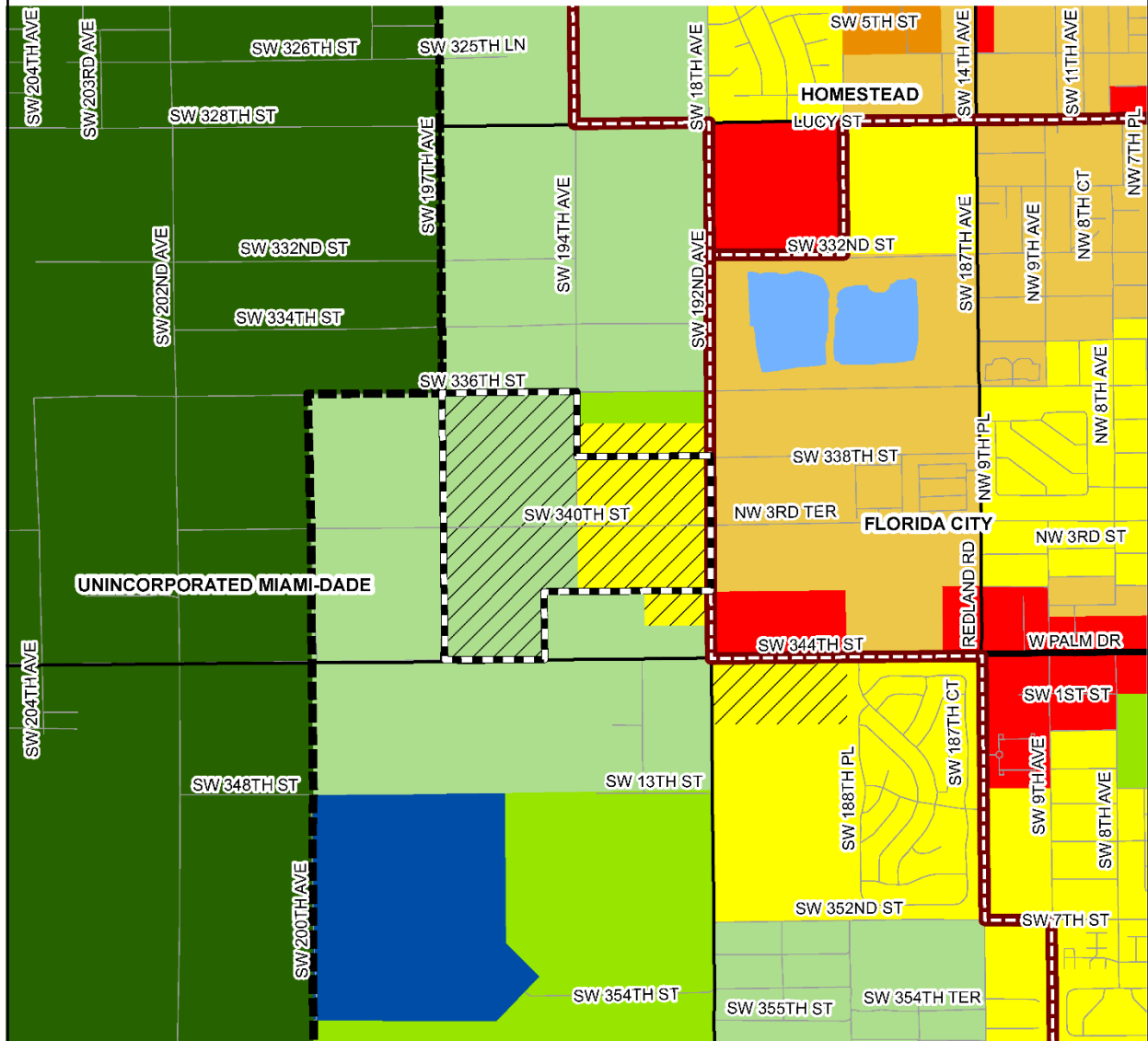
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| Application Area | Industrial |
| Municipal Boundary | Communications, Utilities, Terminals |
| Single-Family | Streets, Roads, Expressways, Ramps |
| Two-Family Duplexes | Streets, Expressway R/W |
| Mobile Home Parks | Agriculture |
| Townhouses | Parks, Preserves, Conservation Areas |
| Low-Density Multi-Family | Vacant Government Owned, Unprotected |
| Residential-Government Owned Housing | Vacant, Protected, Privately Owned |
| Commercial, Shopping Centers, Stadiums | Vacant Privately Owned, Unprotected |
| Office | Inland Waters |
| Institutional | 2030 Urban Development Boundary |

Source: Department of Regulatory and Economic Resources
March 2022



















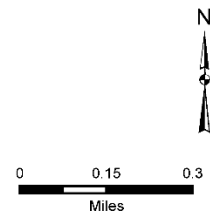
LENNAR HOMES, LLC. - APP. NO. CDMP20220005

CDMP LAND USE



Source: Department of Regulatory and Economic Resources
March 2022

- | | | | |
|---|--------------------------------------|---|---|
|  | APPLICATION AREA |  | BUSINESS AND OFFICE |
|  | MUNICIPAL BOUNDARY |  | INSTITUTIONS, UTILITIES AND COMMUNICATION |
|  | ESTATE DENSITY (EDR) 1-2.5 DU/AC |  | AGRICULTURE |
|  | ESTATE DENSITY W/ DENSITY INCREASE 1 |  | ENVIRONMENTALLY PROTECTED PARKS |
|  | LOW DENSITY (LDR) 2.5-6 DU/AC |  | WATER |
|  | LOW DENSITY W/ DENSITY INCREASE 1 |  | 2030 URBAN DEVELOPMENT BOUNDARY |
|  | LOW-MEDIUM DENSITY (LMDR) 6-13 DU/AC |  | MAJOR ROADWAYS (3 OR MORE LANES) |
|  | MEDIUM DENSITY (MDR) 13-25 DU/AC |  | MINOR ROADWAYS (2 LANES) |



STAFF ANALYSIS

Background

The ±116.85 gross-acre application site was the subject of standard Application No. 14 filed in the April 2006 Cycle of Applications to amend the Comprehensive Development Master Plan (CDMP). The applicant requested the redesignation of the site from “Estate Density Residential” (1 to 2.5 dwelling units per gross acre [DU/Ac]) to “Low-Medium Density Residential” (6 to 13 DU/Ac). The application, as originally filed, had issues of compatibility with the adjacent uses and was projected to generate impacts that would cause several County services and facilities to operate in violation of their adopted Level of Services (LOS) standards. As a result, Staff, the affected Community Council 14, and the Planning Advisory Board (PAB) recommended denial of the application. Consequently, the Applicant proffered a Declaration of Restrictions to limit development on the site to maximum of 940 residential units while committing up to 20% of the units as workforce housing units and committing to mitigating the impacts of the application. On March 28, 2007, pursuant to Ordinance No. 07-52, the Board of County Commissioners (Board) adopted Application 14 with changes and with acceptance of the proffered Declaration of Restrictions (2007 Covenant). The changes to the application were to redesignate the portion of the property west of SW 194 Avenue to “Estate Density Residential with One Density Increase” (DI-1) and the portion of the site east of SW 194 Avenue to “Low Density Residential with One Density Increase” (DI-1). The 2007 Covenant limited the site to a maximum of 940 residential units with up to 20% of the units to be set aside for workforce housing units, among other commitments addressing, roadway and transit improvements, and water conservation and treatment capacity under Existing Declaration of Restrictions below.

It should be noted that the maximum potential development that could be built on the application site is restricted to 940 residential units by the 2007 Covenant and as mentioned above, this maximum potential development is not affected by the proposed covenant modification. Therefore, the application will not change the projected impacts to County services and infrastructure beyond that already approved for the subject property.

Location

The application site is generally located between SW 192 and SW 197 Avenues and between SW 336 and SW 344 Streets in unincorporated Miami-Dade County. The site is also adjacent to but within the Urban Development Boundary as depicted on the easternmost boundary of the site borders the City of Florida City. (See “Aerial Photo” on page 4).

Existing Land Use

The application site is primarily vacant-fallow agricultural land (see “Aerial Photo” on page 4 and “Existing Land Use” on page 6)

Land Use Plan Map Designation

The application site is designated “Estate Density Residential with One Density Increase” (DI-1; 2.5 to 6 dwelling units per gross acre) and “Low Density Residential with One Density Increase” (DI-1; 6 to 13 dwelling units per gross acre) on the CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map. The CDMP Land Use Element text related to “Density Increase with Urban Design” (CDMP page I-32) provides that properties with the One Density Increase (DI-1) overlay designation may be developed at one density category higher than the underlying land use designation if the development incorporates sound urban design principles adopted by County ordinance, or the Urban Design Manual approved through Resolution R-1360-98. Alternatively,

the sound urban principles may be addressed in a binding instrument approved by action of the Board of County Commissioners, such a declaration of restrictions proffered by the applicant. If urban design principles are not incorporated, the site can only be developed at the density of the underlying CDMP land use designation of "Estate Density Residential" at a density ranging from 1 to 2.5 units per gross acre and "Low Density Residential" at a density ranging from 2.5 to 6 units per gross acre.

Existing Declaration of Restrictions

As noted previously, as part of the approval process for Application 14 of the April 2006 Cycle, the Board of County Commissioners accepted the applicant's proffered 2007 Covenant, which binds development on the site to the provision of workforce housing units, discussed below, and commitments to: 1) improving SW 344 Street and limiting development to 255 residential units until the improvement is constructed; 2) the accommodation on site of transit improvements in coordination with the County; 3) the incorporation of water conservation measures into development of the site; 4) limitation of development to 299 units until the site is connected a water distribution network having adequate treatment capacity (see Existing CDMP Declaration of Restrictions in Appendix D)

Except for the workforce housing condition, which the applicant seeks to eliminate, all the above noted commitments in the 2007 Covenant remain the same. The 2007 Covenant calls for 20% of the residential dwelling units to be set aside as Workforce Housing Units (WHU) if zoning approval is obtained on at least 90% of the maximum density of the property, noting that in no event shall the WHU set-aside be less than 10%. The 2007 Covenant defines workforce housing as residential units made available for sale or rent to persons with median family income ranging between 65% to 140% of the median family income in Miami-Dade County, as published annually by the U.S Department of Housing and Urban Development. (It should be noted that the County's Workforce Housing Development Program currently defines workforce housing as housing affordable to households with incomes ranging from 60% to 140% of the Area Median Income (AMI) for the County.) The covenant further commits to provide 25% of the residential units set aside for workforce housing to persons with median family income of 65% to 105% of the median family income. In addition, the 2007 Covenant calls for a declaration of restrictions to be submitted requiring the workforce housing units to remain affordable for a period of 20 years. Finally, the covenant grants the County the right of first refusal (first in line to buy the units) to purchase any WHU if a Qualified Purchaser cannot be located within 210 days from the date the WHU is offered for sale. In such cases, the covenant requires the County to exercise the right of first refusal within 30 days of the notification that a Qualified Purchaser cannot be located. In that event, the WHU may be sold at market rate should the County opt to not purchase the units.

Zoning

The application site is zoned AU (Agricultural District) on the south of SW 340 Street, including a portion of the site approximately 334 feet west of SW 194 Avenue. The rest of the site is zoned EU-M (Estate modified) (see "Zoning Map" on page 5).

Needs Assessment

The applicant presents two basic justifications for why the covenant for this development should be revised to eliminate the requirement to provide the 20% workforce housing set-aside commitment. The workforce housing provision would require up to 188 units of the total 940-unit residential development to be made affordable to workforce housing households earning between 65% and 140% of the area median family income, as determined by Department of

Housing and Urban Development (HUD), of which, up to 47 units would be affordable to households earning between 65% and 105% of HUD area median family income (HAMFI). The first justification is that the county is in dire need of additional single-family type housing and this amendment would, if approved, help address this need, and the second is that this amendment will address the “housing crisis” in Miami-Dade County. The first justification is irrelevant since this application, would not in any way change the number of housing units on the project site. The maximum number of units in the new proffered covenant remains unchanged from the original at a total of 940 units. Therefore, this assessment will not address that issue.

The second case deals with what the applicant refers to as Miami-Dade County’s “housing crisis.” The applicant refers only to the existence of an affordable housing crisis without ever defining specifically what that crisis is. This will be explored further here. The following analysis will cover the county as well as the market area defined by the applicant of minor statistical areas (MSAs) 7.3, 7.5 and 7.6.

Household Incomes in Miami-Dade County and the Application's Market Area (2022)

The Department of Housing and Urban Development has a complex methodology for estimating the HUD area median family income (HAMFI) for an area, in this case, Miami-Dade County. The 2022 HAMFI for Miami-Dade County is \$68,300. This number is derived from the median family income from the American Community Survey 2019 1-year Estimate for Miami-Dade County, the most recently available data. This value was then adjusted for inflation to calculate the 2022 HAMFI. The HAMFI is then statistically adjusted for both family size and the ratio of housing costs in the county to national and state costs to get the final income limits. Table Needs Assessment (NA)-1 shows the limits for a family of four by various income categories.

**Table NA-1: 2022 Miami-Dade County
HAMFI Income Limits**

Income Limit Category	Family of 4
Very Low (50%) Income Limit (\$)	\$48,750
Low (80%) Income Limit (\$)	\$78,000
(100%) Income Limit (\$)	\$97,500
Moderate (120%) Income Limit (\$)	\$117,000
Moderate (140%) Income Limit (\$)	\$136,500

The limits shown here apply equally countywide and in the market area of this application. Table NA-2 shows the breakdown of families in Miami-Dade County that fall within the income limit categories. This data also comes from the American Community Survey 2019 1-year estimates.

Table NA-2: 2022 Miami-Dade County & Market Area Households by HAMFI Income Limits

Income Limit Category	Miami-Dade		MSAs 7.3, 7.5 and 7.6	
	Households	%	Households	%
Very Low (Less than 50%)	432,782	49.7%	11,016	54.9%
Low (50% to 80%)	166,077	19.1%	3,754	18.7%
Moderate (80% to 100%)	71,856	8.3%	1,906	9.5%
Moderate (100% to 120%)	42,721	4.9%	900	4.5%
Workforce (120% to 140%)	38,441	4.4%	752	3.7%
Greater than 140%	118,174	13.6%	1,755	8.7%
	870,051	100%	20,083	100%

Countywide almost 69% of households fall into the low or very-low-income category, with household incomes less than or equal to \$78,000. Just 13.6% of households earned more than 140% of HAMFI, or more than \$136,500. In the application market area low or very-low-income families accounted for about 74% of all households and only close to 9% had incomes greater than 140% of HAMFI. Therefore, the first conclusion that can be drawn from the data is that there is a need for affordable housing in the county, and even more so in the designated market area, for workforce and low-income households. Eighty-six percent and 91% of households in the county and the market area, respectively, have incomes less than or equal to 140% of HAMFI which is \$136,500.

The question remains, is there a crisis of affordability in the county and in the market area, and if so, which income limit category households are affected? Data from HUD, 2014-2018 Consolidated Plan/CHAS, identifies the extent to which households were cost burdened by income levels. A household is cost-burdened if they are spending more than 30% of their income on housing costs, and severely cost-burdened if they are spending more than 50% on housing costs. Table NA-3 shows the rates of cost burden by income category.

Table NA-3: Cost-Burden Households by Income for Miami-Dade County and the Designated Market Area

HUD Income Categories	Rate of Cost Burden	Applicant Market Area	Miami-Dade
Less than or equal to 50% of HAMFI (\$47,750)	Less than or equal to 30%	18.0%	17.5%
	Greater than 30%	82.0%	82.5%
	Greater than 30% but Less than or equal to 50%	24.0%	20.3%
	Greater than 50%	57.9%	62.2%
Greater than 50% but less than 80% of HAMFI (\$78,000)	Less than or equal to 30%	41.9%	37.1%
	Greater than 30%	58.1%	62.9%
	Greater than 30% but Less than or equal to 50%	45.1%	44.7%
	Greater than 50%	13.0%	18.2%
Greater than 80% but less than 120% of HAMFI (\$117,000)	Less than or equal to 30%	78.4%	66.2%
	Greater than 30%	21.6%	33.8%
	Greater than 30% but Less than or equal to 50%	19.7%	28.2%
	Greater than 50%	1.8%	5.6%
Greater than 120% of HAMFI (\$117,000)	Less than or equal to 30%	96.7%	90.8%
	Greater than 30%	3.3%	9.2%
	Greater than 30% but Less than or equal to 50%	2.5%	7.8%
	Greater than 50%	0.8%	1.3%
Total:		19,689	846,803

The data does illustrate a housing-affordability crisis, but not for market-rate housing as the applicant is suggesting. The CHAS data does not perfectly match the workforce housing threshold of 140% of HAMFI. However, for households in the market area with incomes greater than 120% of HAMFI (\$117,000), only 3.3% were cost burdened and less than 1% were severely cost burdened. At the other extreme, 82% of households with incomes less than 50% of HAMFI (very-low income, \$47,750) were cost burdened, and 58% of households with incomes between 50% and 80% of HAMFI (low-income, \$78,000) were cost burdened. Twenty-two percent of moderate-income households (80% to 120% of HAMFI) were cost burdened.

The condition in the existing covenant that the applicant would like to eliminate commits to providing workforce housing for those with incomes between 65% up to 140% of HAMFI, with 25% of these units affordable to households in the range of 65% to 105% of HAMFI. Again, using the CHAS data which does not represent precisely those thresholds (but the 60% to 140%), staff looked at the aggregate data for all households that are in the low- or moderate-income categories of 50% to 120% of HAMFI (between \$47,750 and \$117,000). The HUD data shows that in the applicant's market area, 42% of households are cost burdened, and 8% of households are spending more than 50% of their incomes on housing costs. Countywide, 49% of low- and moderate-income households are cost burdened and 12% spend more than 50% of their incomes on housing costs. The data illustrates a great disparity between upper-income households with 3.3% cost burdened compared to 42% of low- and moderate-income households.

Table NA-3 includes both renter and owner-households. The current application appears to be for the development of ownership units. Therefore, Table NA-4 below presents the same CHAS data for ownership households. The situation is only modestly better.

Table NA-4: Cost-Burden Owner-Households by Income for Miami-Dade County and the Designated Market Area

HUD Income Categories	Rate of Cost Burden	Applicant Market Area	Miami-Dade
Less than or equal to 50% of HAMFI (\$47,750)	Less than or equal to 30%	35.3%	24.6%
	Greater than 30%	64.7%	75.4%
	Greater than 30% but Less than or equal to 50%	26.4%	20.8%
	Greater than 50%	38.4%	54.6%
Greater than 50% but less than 80% of HAMFI (\$78,000)	Less than or equal to 30%	54.9%	49.1%
	Greater than 30%	45.1%	50.9%
	Greater than 30% but Less than or equal to 50%	26.0%	33.1%
	Greater than 50%	19.1%	17.8%
Greater than 80% but less than 120% of HAMFI (\$117,000)	Less than or equal to 30%	72.0%	67.7%
	Greater than 30%	28.0%	32.3%
	Greater than 30% but Less than or equal to 50%	25.0%	25.4%
	Greater than 50%	2.9%	6.9%
Greater than 120% of HAMFI (\$117,000)	Less than or equal to 30%	96.3%	90.8%
	Greater than 30%	3.7%	9.2%
	Greater than 30% but Less than or equal to 50%	2.7%	7.6%
	Greater than 50%	1.0%	1.6%
Total:		9,226	441,101

For households in the market area with incomes greater than 120% of HAMFI (\$117,000), only 3.7% were cost burdened and 1% were severely cost burdened. At the other extreme, 65% of households with incomes less than 50% of HAMFI (very-low income, \$47,750) were cost burdened, and 45% of households with incomes between 50% and 80% of HAMFI (low-income, \$78,000) were cost burdened. Twenty-eight percent of moderate-income households (80% to 120% of HAMFI) were cost burdened.

Looking at the data for all households that are in the low- or moderate-income categories (between \$47,750 and \$117,000), the HUD data shows that in the applicant's market area over 36% of households are cost burdened, and over 10% of households are spending more than 50% of their incomes on housing costs. Countywide, 41% of low- and moderate-income households are cost burdened and 12% spend more than 50% of their incomes on housing costs. The data illustrates the same conclusion, there is a great disparity in the market area between upper-income households with 3.7% cost burdened compared to 36% of low- and moderate-income households.

Finally, the number of housing units is directly compared to the number of households in each income category to identify any shortfall or surplus of units. This data is illustrated in Table NA-5.

Table NA-5: Available and Affordable Single-Family Housing by Income of Owner Households

MSA	Affordability Range	Available Units	Cost-Burdened Households	Surplus/ (Shortfall)
7.3	Less than or equal to 50% of HAMFI (\$47,750)	54	588	(534)
	Greater than 50% but less than 80% of HAMFI (\$78,000)	90	346	(256)
	Greater than 80% but less than 120% of HAMFI (\$117,000)	325	209	116
	Greater than 120% of HAMFI (\$117,000)	2,456	40	2,416
	Total:	2,925	1,183	1,742
7.5	Less than or equal to 50% of HAMFI (\$47,750)	308	400	(92)
	Greater than 50% but less than 80% of HAMFI (\$78,000)	1,063	315	748
	Greater than 80% but less than 120% of HAMFI (\$117,000)	215	80	135
	Greater than 120% of HAMFI (\$117,000)	3,546	45	3,501
	Total:	5,132	840	4,292
7.6	Less than or equal to 50% of HAMFI (\$47,750)	-	588	(588)
	Greater than 50% but less than 80% of HAMFI (\$78,000)	17	346	(329)
	Greater than 80% but less than 120% of HAMFI (\$117,000)	106	209	(103)
	Greater than 120% of HAMFI (\$117,000)	1,051	40	1,011
	Total:	1,174	1,183	(9)
Total	Less than or equal to 50% of HAMFI (\$47,750)	362	1,576	(1,214)
	Greater than 50% but less than 80% of HAMFI (\$78,000)	1,170	1,007	163
	Greater than 80% but less than 120% of HAMFI (\$117,000)	646	498	148
	Greater than 120% of HAMFI (\$117,000)	7,053	125	6,928
	Total:	9,231	3,206	6,025

This table was created using inflation-adjusted property sales records obtained from the Property Appraiser for the period 2011 to 2021. The resulting sales and estimated rents were then evaluated for affordability to each of the income categories presented above. As noted previously, the breakdown for County-defined workforce housing (60% to 140% of AMI) by census tracts is not available. Also using CHAS data, the existing stock of affordable housing was evaluated to determine the share of affordable units that are not occupied by households with higher than the qualifying income. The shares of units affordable and available to each income category was then applied to the total available capacity of residential units by MSA to estimate the capacity of affordable and available housing. This estimate should be considered a best-case estimate since over the last several decades home prices and rents have consistently grown faster than household incomes, while this methodology assumes that in the near future incomes, home sales prices and rents will all grow at the same rates. Finally, the estimated capacity of affordable housing units was compared to the number of cost-burdened households (those paying 30% or more for housing costs) to estimate the surplus/deficit of units in each income range.

The table shows that in the combined MSAs, 7.3, 7.5 and 7.6 there is a deficit of 1,214 units affordable and available to households at 50% or less of HAMFI. Housing for this income range is generally not offered by private developers. Low-income cost-burdened households face a small surplus of 163 affordable and available units. Moderate-income cost-burdened households face a small surplus of 148 affordable and available units. It is housing in these ranges that the applicant wants to eliminate from the existing covenant in favor of upper-income households for whom, in the market area, there is currently a surplus of over 6,900 affordable and available units. This is primarily because there are only 125 cost-burdened households in this upper-income range. Therefore, preserving some of these much-needed units as affordable into the future through the existing covenant, particularly those affordable in

the 65% to 105% range, could be of immense value to households inside this market area as well as those from other areas of the county where there are also significant, and often even greater shortfalls of affordable and available units.

Staff recognizes that the data used in the above analysis is dated. It comes from pre-pandemic Census Bureau surveys. So how did the economic consequences of the pandemic impact the various groups. The applicant claims that “nearly everyone is affected.” That statement appears to be a misrepresentation of the economic data. Much has been studied and written about concerning the heavier costs borne by lower-income workers during the pandemic. A Pew Research Survey, found at <https://www.pewresearch.org/social-trends/2020/09/24/economic-fallout-from-covid-19-continues-to-hit-lower-income-americans-the-hardest/>, and taken during the height of the pandemic, documented the impacts to lower-income individuals were much worse than middle and upper-income individuals. For example, the survey reports that among lower income adults, 46% had trouble paying their bills and 32% found it hard to pay their rent or mortgage. Fewer than 20% of middle-income adults faced this problem. Young adults and lower-income adults were more likely to be laid off during the pandemic and were far less likely to have returned to the same job than middle- and upper-income adults. Lower-wage industries such as tourism and accommodation and foodservices were the most impacted by the shutdowns related to the pandemic. It is safe to say that lower-income individuals and households, those already struggling before the pandemic, were the most negatively impacted by the pandemic exacerbating the housing crisis faced primarily by them and heightening the disparity seen in the above data between low- and moderate-income households and upper-income households.

In summary, in their application to eliminate the set aside of 188 units of workforce housing, the applicant states:

The objective of the set-aside [in the previous covenant] is to assist only those people who qualify for workforce housing, but the reality is that in light of the current pandemic, increased unemployment rates, and affordability concerns, nearly everyone is affected and is burdened (whether or not they happen to fall within AMI limits).

There is little doubt that while everyone is being affected by rising home prices in Miami-Dade County, for some it is a challenge or an inconvenience, while for many it is a crisis. The crisis that exists is not for those households that can afford market-rate housing. The CHAS data indicates that among all low- and moderate-income households in the applicant’s market area, 42% are cost burdened. In comparison, just 3.3% of households earning more than 120% of HAMFI are cost burdened. This is a 1,173% difference. Forty-two percent of households are faced daily by the need to choose between housing and other necessities. That is the meaning of being cost burdened. That is the reason why honoring the existing covenants requiring workforce housing set-asides is important.

Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

The proposed application would impede the following goals, objectives, policies, concepts and guidelines of the CDMP:

- LU-1K. Miami-Dade County will maintain and enhance the housing assistance and housing programs addressed in the Housing Element as a means to improve conditions of extremely low, very low, low and moderate income residents. This includes the provision of affordable workforce housing.
- HO-3A. Provide additional administrative and, where applicable, fiscal incentives for new developments to ensure the inclusion of a wide spectrum of housing options, particularly for extremely low, very low, low, and moderate-income households, including workforce housing.
- HO-3F. Develop a strategy and implement measures to promote and strengthen the inclusionary zoning program which involves private sector developments in the provision of workforce housing. Builders and developers who participate in this program will be entitled to exceed CDMP density ranges and certain other land use provisions according to provisions set forth in the Land Use Element.

Objective HO-6

Increase affordable housing opportunities for extremely low, very low, low, moderate-income households, including workforce housing options, within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.

APPENDICES

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Appendix A: Amendment Application-----	3
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Appendix C: Release of CDMP Existing Declaration of Restrictions Subject to Modification-----	55
Appendix D: Existing CDMP Declaration of Restrictions -----	63
Appendix E: Applicant's Proffered Draft Amended and Restated Declaration of Restrictions (February 10, 2022) -----	89
Appendix F: Redline of Existing CDMP Declaration of Restrictions with Proffered Changes for the Restated Declaration of Restrictions (February 10, 2022)	103

Documents related to the application, including third party correspondence, are available online at:

- <https://www.miamidade.gov/planning/cdmp-amendment-cycles.asp#jan2022> or
- https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/263d524a-98bd-4ecb-900b-b99dba06fcb1

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APPENDIX A

Amendment Application *

* For Exhibit G and I in the Application, refer to Appendices D and E at pages 63 and 89 correspondently

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RECEIVED
FEBRUARY 18, 2022
RER-PLANNING

**APPLICATION FOR AN AMENDMENT TO THE
LAND USE ELEMENT OF THE MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT


Applicant:

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2. APPLICANT'S REPRESENTATIVES

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By: 

Hugo P. Arza, Esq.
Amanda M. Naldjieff, Esq.

01/31/2022

Date

3. DESCRIPTION OF REQUESTED CHANGE

An amendment to the Comprehensive Development Master Plan (the "CDMP") Land Use Element is requested.

A. The Applicant respectfully requests the following amendments to the CDMP Land Use Element:

- Release of the Declaration of Restrictions recorded in Official Records Book 25852 at Pages 4394 through 4417 in the Public Records of Miami-Dade County ("2006 CDMP Declaration"), See Exhibit "G" (2006 CDMP Declaration) and Exhibit "H" (Release of 2006 CDMP Declaration); and

- Acceptance of the proffered Declaration of Restrictions (the “Amended and Restated CDMP Declaration”) and inclusion of same in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners, See Exhibit “I” (Amended and Restated CDMP Declaration).

B. Description of the Application Area:

The subject property consists of twelve (12) parcels of land comprising a total of approximately ± 116.85 gross acres (± 113.85 net acres) and is located in Section 23, Township 57 South, Range 38 East, in unincorporated Miami-Dade County (the "County") and is generally located between S.W. 336th Street and S.W. 344th Street and between S.W. 197th Avenue and S.W. 192nd Avenue (the “Property” or “Application Area”). The Application Area is designated “Estate Density Residential with One Density Increase” and “Low Density Residential with a DI-1 Density Increase” on the CDMP Future Land Use Map (FLUM).

C. Property Acreage:

The Application Area is ± 116.85 gross acres and ± 113.85 net acres.

Acreage Owned by Applicant: 0 acres (± 40 acres under contract for purchase).

D. Concurrent CDMP/Zoning Application(s)

None.

4. REASONS FOR AMENDMENT

The Application Area consists of approximately 116.85 gross acres and is currently vacant. In 2006, the Board of County Commissioners (the “BCC”), through Ordinance No. 07-52, adopted a CDMP amendment to re-designate (i) the portion of the Application Area west of S.W. 194th Avenue from “Estate Density Residential” to “Estate Density Residential with a DI-1 Density Increase” and (ii) the portion of the Application Area east of S.W. 194th Avenue from “Estate Density Residential” to “Low Density Residential with a DI-1 Density Increase.” As part of the approval of this application, the BCC accepted the 2006 CDMP Declaration. See Exhibit “F” (Ordinance No. 07-52). The CDMP Declaration sets forth various development-related commitments including workforce housing, maximum density, transit improvements, water conservation requirements, water treatment capacity, and roadway improvements.

Housing Supply and Affordability Issues in Miami-Dade County

This application seeks to release the 2006 CDMP Declaration and replace it with the Proposed Amended and Restated CDMP Declaration in order to develop the Application Area with a premiere residential development. Much has changed in Miami-Dade County since 2006 when the 2006 CDMP application was approved and 2006 Declaration was recorded – particularly

in this area. While it may, on its face, seem contrary to logic that the elimination of this workforce housing requirement would help address growing affordability issues, the fact that this area already enjoys the benefit of abundant workforce housing actually results in higher costs for market rate housing in the area. Our internal pricing analysis indicates that there are already a number of existing and proposed workforce housing developments in the this area, as confirmed by the City of Florida City. As a matter of fact, the enforcement of this workforce housing requirement at this location would have the effect of spreading land and ever-increasing development costs throughout any proposed development thereby having the undesirable effect of continuing to drive up costs for market rate housing and further exacerbating current market conditions. Statistical data related to the number of workforce housing units in this area in 2006 versus the number of workforce housing units in this area in 2022 may be obtained from Miami-Dade County Public Housing and Community Development.

Additionally, the County has experienced significant growth and the projected population growth has been even further intensified by increased domestic migration due to the COVID-19 pandemic and international migration from Latin America due to political and socio-economic circumstances. Although South Florida continues to embrace residents who long to improve their quality of life, the County in particular tops the list of Florida cities that remain poised to keep growing even after the pandemic. This unforeseen population growth has further exacerbated housing crisis throughout Miami-Dade County in a manner that requires immediate attention. In addition to the significant growth the County has experienced, the County has also made it a point to

The County is facing a dire need for more single family residential housing inventory. According to the draft Urban Expansion Area Report published by the County's Planning Division on March 10, 2021 (the "Report"), the supply of single family residential units in the County will be depleted by 2024. As a result, the County anticipates that by 2024 – in two years' time—the County will not have land available for new single family housing development. To address this issue, the Report recommends that the County should *aim to strategically increase the diversity of housing options, while focusing primarily within the UDB*. See Draft Urban Expansion Area Report, March 10, 2021, at 4. The failure to utilize land within the UDB to provide more single family housing inventory will only exacerbate the housing affordability crisis currently plaguing the County. A copy of the Report's Residential Land Supply and Demand Analysis for the County is provided below:

**Residential Land Supply/Demand Analysis
Miami-Dade County, 2019 to 2040**

Analysis Done Separately for Each Type, i.e. No Shifting of Dem and between Single & Multifamily Type	Structure Type		
	Single Family	Multi- Family	Both Types
Capacity in 2019	28,581	233,655	262,236
Annual Demand in 2015-2020	4,728	8,391	13,119
Capacity in 2020	23,853	225,264	249,117
Annual Demand in 2020-2025	5,478	5,263	10,741
Capacity in 2025	0	198,949	195,412
Annual Demand in 2025-2030	5,482	5,007	10,489
Capacity in 2030	0	173,914	142,967
Annual Demand in 2030-2035	5,405	4,806	10,211
Capacity in 2035	0	149,884	91,912
Annual Demand in 2035-2040	5,292	4,587	9,879
Capacity in 2040	0	126,949	42,517
Depletion Year	2024	2040+	2040+

Source: Miami-Dade County, Department of Regulatory and Economic Resources,
Research and Economic Analysis Section, November 2019.

As shown in the Land Supply/Demand analysis above, although the inventory of single family housing is depleting by 2024, the rate of demand for single family housing will exceed its annual demand *between 2015 and 2020* – by nearly a thousand units annually—and will exacerbate the County’s affordability crisis. The increase in demand and reduction of inventory axiomatically creates an environment where single family housing prices will continue to rise. Today, the County is the second least affordable housing market in the U.S. See <https://therealdeal.com/la/2021/09/28/miami-nips-at-ny-for-title-of-most-expensive-housing-market/> (last visited Jan. 31, 2022). This is not surprising as the median sales price for single family homes, based on a recent report by the Miami Association of Realtors, is now \$515,000.00. See <https://www.miamiherald.com/article251596158.html> (last visited Jan. 31, 2022).

This growing lack of inventory for single family housing has substantially reduced the rate of homeownership. Based on the Comprehensive Housing Market Analysis for Miami-Miami Beach-Kendall, Florida by the U.S. Department of Housing and Urban Development, over the course of the last twenty (20) years, the homeownership rate has declined to approximately 57.8% due to a decrease in housing affordability, which makes homeownership less conducive. See Comprehensive Housing Market Analysis for Miami-Miami Beach-Kendall, Florida, March 1, 2019, at 9. The same study predicts that additional households are expected to be renter households, which will result in a further decline in the homeownership rate due to the lack of inventory and unaffordability component of the current housing market.

Deletion of Workforce Housing Requirement

The Application seeks to modify the existing CDMP Declaration to remove the 20% set-aside of residential dwelling units for sale or rent as Workforce Housing. Though at first this may

seem counterintuitive in light of the housing affordability issues in Miami-Dade County, the removal of this restriction would allow the developer to provide more market rate dwelling units to address the broader housing supply issue and improve overall market conditions. The practical effect of a restriction such as this one is that a fragmented portion of the property will be developed and sold or rented within required AMI limits; however, the cost that cannot be recovered from those units will inevitably need to be recovered elsewhere and the affordability issues can be further exacerbated from a practical standpoint. The reality is that by setting aside a certain number of units for those who qualify for workforce housing, only a small part of a much larger issue is being considered and only a fraction of the population that is experiencing the same obstacles is eligible to receive assistance. The objective of the set-aside is to assist only those people who qualify for workforce housing but the reality is that in light of the current pandemic, increased unemployment rates, and affordability concerns, nearly everyone is affected and is burdened (whether or not they happen to fall within AMI limits).

Additionally, the Property is located in an area that is replete with affordable housing and workforce housing developments – albeit mostly in Florida City, which directly abuts the Application Area to the east. The City of Florida City boundary is located adjacent to the Application Area, along S.W. 192nd Avenue.

In conclusion, the removal of the workforce housing restriction and acceptance of the Proposed Amended and Restated CDMP Declaration would serve to allow the entirety of the development to be developed homogenously with market rate units, which would help to address broader County supply issues. Increased housing supply will certainly help to improve affordability issues and is to everyone’s benefit.

Policy LU-8E of the CDMP indicates that applications seeking amendments to the County’s LUP Map shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would: (i) satisfy a deficiency in the FLUM to accommodate projected population or economic growth, (ii) enhance or impede the provision of services at or above adopted Level of Service Standards, (iii) be compatible with abutting and nearby land uses, (iv) enhance or degrade environmental or historical resources, (v) enhance or degrade systems important to the County as a whole including regional drainage, emergency management, transit service, roadways, facilities of countywide significance, and water quality, and (vi) would be a use that promotes transit ridership and pedestrianism if located in a planned urban center or within ¼ mile of existing transit as indicated in Objective LU-7. As outlined below, this Application fully complies with each and every element of Policy LU-8E:

I. APPROVAL OF THE APPLICATION WOULD HELP TO ACCOMMODATE PROJECTED POPULATION OR ECONOMIC GROWTH OF THE COUNTY.

As previously stated, the County is running out of available land for single-family residential uses. In order to accommodate the rapidly growing population and help ameliorate the increasing affordability crisis that is plaguing the County, density inside the Urban Development Boundary (UDB) must be increased. The release of the 2006 CDMP Declaration and acceptance of the Amended and Restated CDMP Declaration will allow

NEARBY USES AND WOULD NOT DEGRADE THE CHARACTER OF THE ESTABLISHED NEIGHBORHOOD.

The development of the Property under the “Estate Density Residential with a DI-1 Density Increase” and “Low Density Residential with a DI-1 Density Increase” designations would be compatible with the existing and future development in the surrounding areas. The area directly to the north, on the other side of S.W. 336th Street, is developed with single-family residential homes on approximately 20,000 to 70,000 square foot lots. The area directly to the east is already designated “Low-Medium Density” residential which allows up to thirteen (13) dwelling units per acre. That being said, all property located directly to the west and south of the Application area is designated “Estate Density” residential. As such, the Application Area provides a unique opportunity for a smooth transition from Estate Density to Estate Density with a DI-1 Density Increase to Low Density with a DI-1 Density Increase to Low-Medium Density as you travel east – away from the Urban Development Boundary line and toward the South Dade Transitway.

IV. THE APPROVAL OF THE APPLICATION WILL NOT DEGRADE ANY ENVIRONMENTAL OR HISTORICAL RESOURCES, FEATURES, OR SYSTEMS OF COUNTY SIGNIFICANCE.

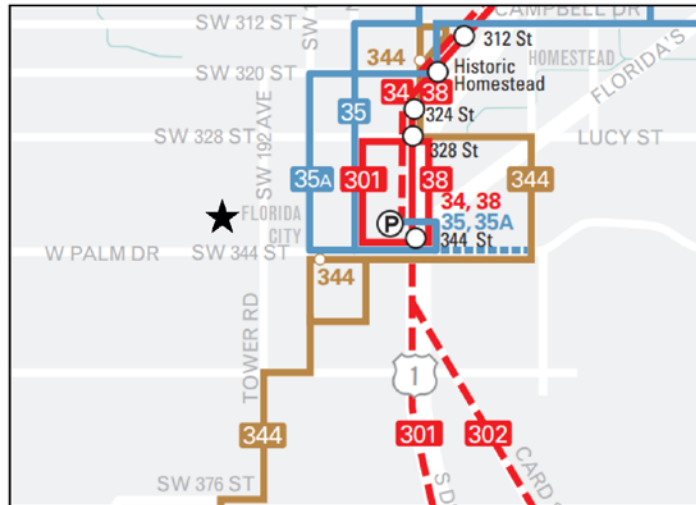
The approval of the Application would not degrade environmental or historical resources, features or systems of County significance. A review of the zoning records for the Property did not reveal the presence of any environmental or historical resources that would be impacted by the development of the Property. Additionally a future development will go through standard environmental reviews that will ensure all environmental or historical resources are evaluated and accounted for.

V. THE APPROVAL OF THE APPLICATION COULD SUPPORT TRANSIT RIDERSHIP AND PEDESTRIANISM AS PROMOTED BY POLICY LU-7.

The Application Area is conveniently located just two (2) miles west of the South Dade Transitway and within close proximity to several bus stops. Specifically, this area is serviced by (1) Bus Route 344 – Local Shuttle / Circulator Service, (2) Bus Route 35/35A – North-South Local-Stop Service, (3) Bus Route 38 – Limited-Stop Service, (4) Bus Route 34 – Express-Service Metrobus, as well as the Dade-Monroe Express – Limited-Stop Service.

The two closest bus stops are located on the northeast and southeast corners of S.W. 187 Avenue (Redland Road) along S.W. 344 Street (West Palm Drive). Each of these bus stop locations consist of a shaded, partially enclosed, two bench structure meant to keep transit riders out of the elements. Currently, each of these stops are served by Bus Route 35/35A and Bus Route 344. Buses on Bus Route 344 travel from S.W. 312th Street and S.W. 177th Avenue to S.W. 344 Street and S.W. 187 Avenue, with select trips continuing as far as S.W. 380 Terrace and S.W. 193 Avenue. Buses on Bus Route 35/35A travel from S.W. 104 Street and S.W. 109 Court to S.W. 344 Street and S.W. 187 Avenue. Meanwhile, buses on Bus Route 38 and 34 Express travel along the South-Dade Transitway from S.W. 104th Street to S.W. 324th Street (with the Express having limited stops for expediency).

These conveniently located bus stops provide an opportunity to allow for more transit ridership. The Applicant would work with the County's Transit Development to accommodate the future extension of the routes to include the Property.



For the foregoing reasons discussed, the Applicant believes that the approval of the Application would be a timely improvement to the Land Use Plan map and will help to expand the available housing supply in MSA 7.6 (and directly adjacent MSA 7.5 and 7.3).

Approval of this application is also consistent with the following Goals, Objectives and Policies of the Land Use Element of the CDMP:

GOAL 1: Provide the best possible distribution of land use and services to meet the physical, social, cultural, health and economic needs of the present and future populations in a timely and efficient manner that will maintain or improve the quality of the natural and man-made environment and amenities and preserve Miami-Dade County's unique agricultural lands.

LAND USE OBJECTIVE 1: The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

LAND USE POLICY LU-1C: Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

LAND USE POLICY LU-1F: To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

LAND USE POLICY LU-1S: The Miami-Dade County Strategic Plan shall be consistent with the Comprehensive Development Master Plan (CDMP). The Miami-Dade County Strategic Plan includes Countywide community goals, strategies and key outcomes for Miami-Dade County government. Key outcomes of the Strategic Plan that are relevant to the Land Use element of the CDMP include increased urban infill development and urban center development, protection of viable agriculture and environmentally-sensitive land, reduced flooding, improved infrastructure and redevelopment to attract businesses, availability of high quality green space throughout the County, and development of mixed-use, multi-modal, well designed, and sustainable communities.

LAND USE POLICY LU-1T: Miami-Dade County through its land development regulations shall encourage developments that promote and enhance bicycling and pedestrianism through the provision of bicycle and pedestrian facilities and other measures such as building design and orientation, and shall discourage walled and gated communities.

LAND USE OBJECTIVE 2: Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, shall be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

LAND USE POLICY LU-2A: All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvements Element (CIE), except as otherwise provided in the "Concurrency Management Program" section of the CIE.

LAND USE OBJECTIVE 5: All public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Development Master Plan.

LAND USE OBJECTIVE LU-8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan map consistent with the adopted Goals, Objectives and Policies of this plan, which will provide that the Land use Plan Map accommodates projected countywide growth.

LAND USE POLICY LU-8A: Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial, cultural, community, and senior centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

LAND USE POLICY LU-8F: The Urban Development Boundary (UDB) should contain developable land having capacity to sustain projected countywide residential demand for a period of 10 years. The estimation of this capacity shall include the capacity to develop and redevelop around transit stations at the densities recommended in policy LU-7F. The adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas of the County appropriate to the type of use, as well as the Countywide supply within the UDB. The adequacy of land supplies for neighborhood- and community-oriented business and office uses shall be determined on the basis of localized subarea geography such as Census Tracts, Minor Statistical Areas (MSAs) and combinations thereof. Tiers, Half-Tiers and combinations thereof shall be considered along with the Countywide supply when evaluating the adequacy of land supplies for regional commercial and industrial activities.

LAND USE OBJECTIVE LU-9: Miami-Dade County shall continue to maintain, update and enhance the Code of Miami Dade County, administrative regulations and procedures, and special area planning program to ensure that future land use and development in Miami-Dade County is consistent with the CDMP, and to promote better planned neighborhoods and communities and well-designed buildings.

LAND USE POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

LAND USE POLICY LU-9E: Miami-Dade shall enhance and formalize its standards for defining and ensuring compatibility among proximate uses, and requirements for buffering.

HOUSING POLICY HO-3I: Encourage the development of residential housing units through infill and expansion of redevelopment opportunities in urbanized areas with existing infrastructure.

HOUSING OBJECTIVE HO-8: Bring about housing design and development alternatives that are aesthetically pleasing, encourage energy efficiency and enhance the overall health, safety and general welfare of County residents.

5. **LOCATION MAP**
See attached as Exhibit "A"

6. **COMPLETED DISCLOSURE OF INTEREST FORM**
See attached as Exhibit "B"
7. **LEGAL DESCRIPTION**
See attached as Exhibit "C"
8. **CERTIFIED SURVEY**
See attached as Exhibit "D"
9. **NOTIFICATION TO PROPERTY OWNER(S)**
See attached as Exhibit "E"
10. **TRAFFIC STUDY**
N/A
11. **ADDITIONAL MATERIALS SUBMITTED**
 1. CDMP Ordinance No. 07-52 – See attached as Exhibit "F"
 2. 2006 CDMP Declaration – See attached as Exhibit "G"
 3. Release of 2006 CDMP Declaration – See attached as Exhibit "H"
 4. Amended and Restated CDMP Declaration – See attached as Exhibit "I"

The Applicant reserves the right to supplement the application with additional documentation within the time permitted by the Code of Miami-Dade County.

EXHIBIT "A"

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

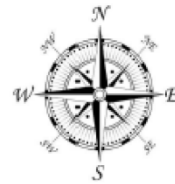
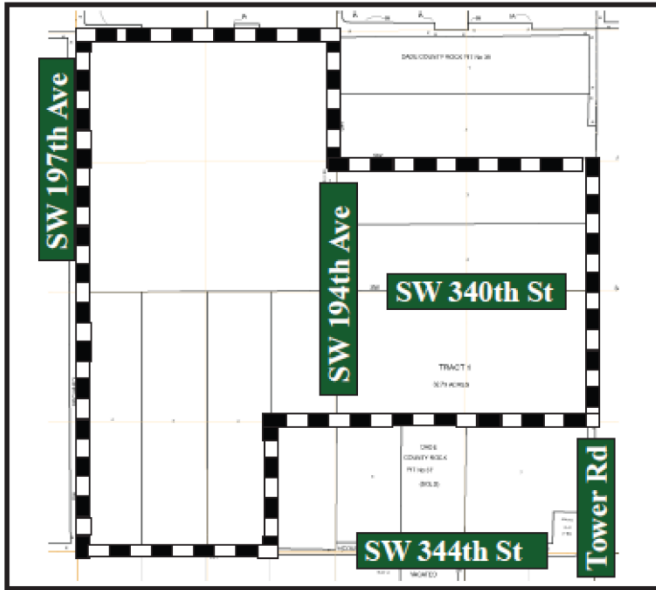
APPLICANT / REPRESENTATIVE

Lennar Homes, LLC /
Hugo P. Arza, Esq. and Amanda M. Naldjieff, Esq.


DESCRIPTION OF SUBJECT AREA

The Property is comprised of twelve (12) parcels of land that are approximately ± 116.85 gross acres (± 113.85 net acres) located in Section 23, Township 57 South, Range 38 East, in unincorporated Miami-Dade County and generally located between S.W. 336th Street and S.W. 344th Street and between S.W. 197th Avenue and S.W. 192nd Avenue.

LOCATION MAP



LEGEND

 APPLICATION AREA

* Application area delineated above is not owned by Applicant.

EXHIBIT "B"

DISCLOSURE OF INTEREST FORM

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: Lennar Homes, LLC

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 and indicate those properties 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	Lennar Homes, LLC	Lime Grove Realty Inc.	30-7823-000-0200	+/- 39.97 ac
		Empower Holdings LLC	30-7823-002-0040	+/- 10.00 ac
			30-7823-002-0050	+/- 2.07 ac
			30-7823-002-0052	+/- 2.07 ac
			30-7823-002-0053	+/- 2.07 ac
			30-7823-002-0051	+/- 3.80 ac
			30-7823-004-0025	+/- 9.82 ac
			30-7823-004-0020	+/- 9.38 ac
			30-7823-001-0011	+/- 5.00 ac
			30-7823-001-0020	+/- 12.00 ac
			30-7823-001-0030	+/- 7.00 ac
			30-7823-001-0040	+/- 11.00 ac

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(Attach Explanation)
Lennar Homes, LLC			X	

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>
N/A	

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: Lennar Homes, LLC

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
Lennar Corporation * - 700 NW 107 th Avenue, Suite 400, Miami FL 33172	99%
* Publicly traded entity (NYSE: LEN)	
U.S. Home Corporation (a wholly owned subsidiary of Lennar Corporation)	1%

- 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].

<u>NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
<u>Lennar Homes, LLC</u>	
<u>Lennar Corporation * - 700 NW 107th Avenue, Suite 400, Miami FL 33172</u>	<u>99%</u>
<u>U.S. Home Corporation (a wholly owned subsidiary of Lennar Corporation)</u>	<u>1%</u>
* Publicly traded entity (NYSE: LEN)	
Date of Contract: <u>[Confidential]</u>	

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

N/A

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>
<u>N/A</u>	

- 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: Lime Grove Realty, Inc.

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
Lime Grove Realty, Inc.	100%
5255 Collins Avenue, #PHA, Miami, Florida 33140	
Empower Holdings LLC	100 %
2990 Ponce De Leon Blvd, Ste 500, Coral Gables, FL 33134	

- 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), ownership interest in the aforementioned entity].

TRUSTEE'S NAME: N/A

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

- 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: N/A

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>
N/A	

- 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].

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

Date of Contract: _____

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

N/A

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.

ENTITIES REGULARLY TRADED ON AN ESTABLISHED SECURITIES, PENSION FUNDS OR PENSION TRUSTS OF MORE THAN FIVE THOUSAND (5,000) OWNERSHIP INTERESTS

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.

[SIGNATURE PAGE TO FOLLOW]

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

Applicant's Signature and Printed Name
(Complete one signature page per applicant)

Signature _____

Printed Name Greg McPherson

as Vice-President of Lennar Homes, LLC

State of Florida
County of Miami-Dade

Sworn to (or affirmed) and subscribed before me by means of (how the individual appeared check one): (how the individual appeared check one):

physical presence online notarization this 28th day of January, 2022.
(date) (month)(year)

by Greg McPherson
(name of individual swearing or affirming)

as VICE President for Lennar Homes LLC
(type of authority, e.g., Officer, Attorney-in Fact)(Name of party on behalf of whom executed)

Individual identified by: personal knowledge satisfactory evidence _____
(type)

(affix Florida Notary Seal above)

(Signature of Notary) Barbara Torres
BARBARA TORRES
Notary Public - State of Florida
Commission # GG 224448
My Comm. Expires Jun 3, 2022
Bonded through National Notary Assn.
(typed, printed, or stamped name of Notary Public)

My Commission Expires:

DISCLOSURE OF INTEREST EXHIBIT

OWNERSHIP BREAKDOWN

OWNERSHIP NAME: Lime Grove Realty, Inc.

<u>NAME</u>	<u>PERCENTAGE OF INTEREST</u>
Samuel Jacobson	50%
Roni Jacobson	50%

OWNERSHIP NAME: Empower Holdings LLC

<u>NAME</u>	<u>PERCENTAGE OF INTEREST</u>
Juan Carlos Mas	100%

EXHIBIT "C"
LEGAL DESCRIPTION

LEGAL DESCRIPTION

THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, LESS THE NORTH 35 FEET AND THE WEST 35 FEET OF SAID TRACT, SAID LAND LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL I:

LOTS 3 AND 4, OF C.M. NELSON'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGES(S) 163, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

THAT PORTION OF TRACT 1 OF REVISED PLAT OF INGLEWOOD, AS RECORDED IN PLAT BOOK 33, PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THAT LIES WITHIN THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA; ALSO KNOWN AS: LOT 5 OF C.M. NELSON'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE(S) 163, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL II:

TRACT 1, LESS THE SOUTH 618.09 FEET OF THE EAST 626.89 FEET OF REVISED PLAT OF INGLEWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LESS AND EXCEPT:

THAT PORTION OF TRACT 1, OF REVISED PLAT OF INGLEWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF TRACT 1 AS THE POINT OF BEGINNING (POB); THENCE RUN EASTERLY ALONG THE NORTH RIGHT OF WAY LINE OF SW 344 STREET (A/K/A PALM DRIVE); A DISTANCE OF 331.04 FEET TO A POINT; THENCE RUN NORTHERLY ALONG THE BOUNDARY OF SAID TRACT 1 A DISTANCE OF 617.48 FEET TO A POINT; THENCE RUN WESTERLY ALONG A LINE PARALLEL TO THE NORTH RIGHT OF WAY OF SW 344 STREET TO A POINT ON THE WEST LINE OF SAID TRACT 1; THENCE RUN SOUTHERLY ALONG THE WEST LINE OF SAID TRACT 1 TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

THAT PORTION OF TRACT 1, OF REVISED PLAT OF INGLEWOOD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 53, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, THAT LIES WITHIN THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

PARCEL III:

THE NORTH 656.30 FEET OF LOT 1, OF E.F. BROOKER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL IV:

ALL OF LOT 4, OF E.F. BROOKER'S SUBDIVISION, IN SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST; AND ALSO THE CENTER ACRE OF THE NORTH 1/2 OF LOT 3, OF E.F. BROOKER'S SUBDIVISION, IN SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

ALL OF THE SOUTH 7/10 OF LOT 3, OF E.F. BROOKER'S SUBDIVISION, IN SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

AND

ALL OF LOT 2 OF E.F. BROOKER'S SUBDIVISION, IN SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST; AND ALSO THE NORTH 2/10 OF LOT 3, OF E.F. BROOKER'S SUBDIVISION, IN SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LESS THE SOUTH 15 FEET FOR R/W DEDICATION,

ALSO KNOWN AS

ALL OF LOTS 2, 3 AND 4, OF E.F. BROOKER'S SUBDIVISION, IN SECTION 23, TOWNSHIP 57 SOUTH, RANGE 38 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, AT PAGE 113, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

EXHIBIT "D"
CERTIFIED ALTA SURVEY

EXHIBIT "E"

NOTIFICATION(S) TO PROPERTY OWNER(S)

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Amanda M. Naldjieff, Esq.
305.789.7462
amanda.naldjieff@hklaw.com

January 31, 2022

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Empower Holdings, LLC
2990 Ponce De Leon Blvd, Ste 500
Coral Gables, Florida 33134

Re: Application to Amend Miami-Dade County Comprehensive Development Master Plan / January 2022 CDMP Application / Lennar Homes, LLC

Dear Sir and Madam:

We represent Lennar Homes, LLC (“Lennar”), the contract purchaser of that certain parcel of land located between S.W. 336th Street and S.W. 340th Street and between S.W. 197th Avenue and theoretical S.W. 194th Avenue in unincorporated Miami-Dade County, Florida and identified by Miami-Dade County Property Appraiser folio number 30-7823-000-0200 (the “Property”). The Property, together with eleven (11) adjacent parcels (collectively referred to as the “Assemblage”), was the subject of a previously approved CDMP Application – CDMP20060014.

The purpose of this letter is to notify you that on January 31, 2022, Lennar filed an Application for an Amendment to the Miami-Dade County Comprehensive Development Master Plan Land Use Plan Map for the January 2022 Amendment Cycle (the "Application"), which seeks the modification of a Declaration of Restrictions recorded in connection with the previously approved CDMP Application. The general boundaries of the Assemblage subject to the Amendment request are depicted below.

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hklaw.com

Amanda M. Naldjieff, Esq.
305.789.7462
amanda.naldjieff@hklaw.com

January 31, 2022

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lime Grove Realty, Inc.
c/o Trute and Robbins
1090 Kane Concourse
Bay Harbor Islands, Florida 33154

Re: Application to Amend Miami-Dade County Comprehensive Development Master Plan / January 2022 CDMP Application / Lennar Homes, LLC

Dear Sir and Madam:

We represent Lennar Homes, LLC (“Lennar”), the contract purchaser of that certain parcel of land located between S.W. 336th Street and S.W. 340th Street and between S.W. 197th Avenue and theoretical S.W. 194th Avenue in unincorporated Miami-Dade County, Florida and identified by Miami-Dade County Property Appraiser folio number 30-7823-000-0200 (the “Property”). The Property, together with eleven (11) adjacent parcels (collectively referred to as the “Assemblage”), was the subject of a previously approved CDMP Application – CDMP20060014.

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Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee to postage)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$2.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.58
Total Postage and Fees	\$7.38

Sent to
Lime Grove Realty, Inc.
Street and Apt. No., or PO Box No.
1090 Kane Concourse
City, State, ZIP+4®
Bay Harbor Islands, FL 33154

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Miami, FL 33134

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Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee to postage)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$2.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.58
Total Postage and Fees	\$7.38

Sent to
Empower Holdings LLC
Street and Apt. No., or PO Box No.
2940 Ponce de Leon Blvd # 500
City, State, ZIP+4®
Coral Gables, FL 33134

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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EXHIBIT "F"

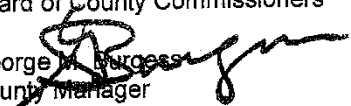
CDMP ORDINANCE NO. 07-52

Memorandum



Date: March 28, 2007

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

From: 
George A. Burgess
County Manager

Subject: Substitute Ordinance Acting Upon April 2006 Amendments to the Comprehensive
Development Master Plan: DCA No. 07-1

Substitute
Special Item No. 1

THE ENCLOSED SUBSTITUTE ORDINANCE DIFFERS FROM THE ORIGINAL IN THAT IT REVISES THE PREAMBLE OF THE ORDINANCE TO REFLECT THE ACTIONS TAKEN BY THE BOARD OF COUNTY COMMISSIONERS (BOARD) AT ITS "TRANSMITTAL" PUBLIC HEARING ON NOVEMBER 20, 2006, AND THE RECEIPT OF THE OBJECTIONS, RECOMMENDATIONS AND COMMENTS (ORC) FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (DCA) BY LETTER DATED FEBRUARY 16, 2007. IN SECTION 3 OF THE SUBSTITUTE ORDINANCE, THE REFERENCES TO APPLICATIONS NOS. 1 THROUGH 5, AND 9 THROUGH 12 ARE DELETED. APPLICATION NOS. 1, 3, 9, 10, 11 AND 12 WERE ADOPTED AS SMALL-SCALE AMENDMENTS; APPLICATION NO. 2 WAS DENIED; AND APPLICATION NOS. 4 AND 5 WERE WITHDRAWN. THEREFORE, THIS SUBSTITUTE IS LIMITED TO THE DISPOSITION OF APPLICATION NOS. 6 THROUGH 8 AND 13 THROUGH 16 AND A STAFF PROPOSAL IN RESPONSE TO THE ORC.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, (Substitute Special Item No. 1) which provides for the Commission to adopt, adopt with change, not adopt, or deny the pending April 2006 cycle applications to amend the Comprehensive Development Master Plan (CDMP).

It is recommended that final action be taken on the ordinance at the conclusion of today's public hearing. The ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains blank spaces to record your action on each request contained in each application. After the Board adopts individual entries indicating its action on each application, the Board will take action adopting the Ordinance in its entirety, incorporating the foregoing entries. A minimum of seven affirmative votes is required by County Code to amend the CDMP.

SCOPE

The CDMP is a broad-based countywide policy-planning document to guide future growth and development to insure the adequate provision of facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. While the adopted text of the CDMP generally applies countywide, individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts.

Application No. 6 is located within Commission District 7 (Commissioner Gimenez); Application Nos. 7 and 15 are located within Commission District 9 (Commissioner Moss); Application No. 8 is located

Honorable Chairman Bruno A. Barreiro and Members
Board of County Commissioners
Page 2

within Commission District 10 (Commissioner Souto); Application Nos. 13 and 14 are located within Commission District 8 (Commissioner Sorenson); and Application No. 16 is Countywide.

FISCAL IMPACT

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance 01-163 requires the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include for any proposed land use change a written evaluation of the estimated incremental and cumulative impact on Miami-Dade County for bringing such infrastructure to the area as well as the costs of operating it annually. Details on the fiscal impacts of each application can be found in the "Initial Recommendations" report dated August 25, 2006.

Based on the information provided by service agencies, the fiscal impacts of the proposed land use changes vary based on the type of request and location. The proposals involving non-residential development impact fewer services than the proposals for residential development. For example, the Miami-Dade County Public Schools Board limits its impact reviews to the proposals for residential development or those that may allow residential development. For public schools, Application No. 14 has the most significant fiscal impact to both annual operating cost (\$3,392,382) and total potential capital cost (\$6,729,108).

The Miami-Dade Water and Sewer Department (WASD) has estimated the fiscal impacts for providing public water and sewer. WASD has determined for each application site the impact and connection fees as well as annual operations and maintenance costs. The application that generates the most fiscal impacts for water and sewer service is Application No. 14, which will result in water impact fee of \$570,710, sewer impact fee of \$2,178,000 and annual operating and maintenance costs of \$312,424. The estimated cost for constructing water and sewer infrastructure in the public right-of-way including 16-inch water mains, 12-inch water mains, 8-inch sanitary sewer force mains and public pump station is \$3,945,712 for this application.

TRACK RECORD/MONITOR

CDMP Amendments do not involve contracts so a Track Record/Monitor is not applicable.

BACKGROUND

The attached ordinance provides for final action on seven (7) pending April 2006-cycle applications requesting amendments to the CDMP (Application Nos. 6, 7, 8, 13, 14, 15 and 16). These applications were transmitted to DCA for review and comment. The Board's previous actions on these applications were the following: Application No. 6: "Denied as Small-Scale Amendment and Transmit with No Recommendation;" Application No. 7: "Denied as Small-Scale Amendment and Transmit with a Recommendation to Deny;" Application No. 8: "Transmit with No Recommendation;" Application No. 13: "Transmit with Recommendation to Deny;" Application 14: "Transmit with Recommendation to Deny;" Application 15: "Transmit with Recommendation to Deny;" and Application No. 16: "Transmit with Recommendation to Adopt." A table summarizing the previous recommendations of the DP&Z, affected Community Councils, PAB and BCC, and the revised DP&Z's recommendations is enclosed as "Attachment A."

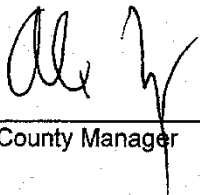
Honorable Chairman Bruno A. Barreiro and Members
Board of County Commissioners
Page 3

The DCA coordinated the State agency consistency review on the transmitted applications at the request of Miami-Dade County. In its Objections, Recommendations and Comments (ORC) report dated February 16, 2007, the DCA issued objections to Application Nos. 6, 7, 8, 13, 14, and 15 due to the non-availability of a potable water supply; Application Nos. 13, 14 and 15 due to the impact on public transportation facilities; and Application No. 16 due to the inadequacy of the Capital Improvements Element update to match proposed capital improvements to maintain and achieve short-range LOS standards. In response to the ORC, staff has prepared a text amendment, Appendix A, to tie proffered Declarations of Restrictions associated with Land Use Plan map amendments to the CDMP. Attached you will also find the "Revised Recommendations April 2006 Applications to Amend the CDMP" prepared by DP&Z. That report summarizes the pending applications as transmitted to DCA, presents the DP&Z's revised recommendations and principal reasons for the recommendations, includes the ORC report and provides staff response to the ORC report.

The Planning Advisory Board (PAB) action as the Local Planning Agency (LPA) conducted its final public hearing on the pending amendments on March 12, 2007 and issued the following recommendations: Application No. 6: "Adopt with Change to include the small parcel that was purchased after the last hearing and to accept the Proffered Covenant with changes;" Application No. 7: "Adopt with Acceptance of Proffered Covenant;" Application No. 8: "Adopt with Change requiring ingress and egress to be located on SW 127 Avenue and with Acceptance of Proffered Covenant;" Application No. 13: "No Recommendation;" Application No. 14: "Adopt with Change to Low Density Residential and with Acceptance of Proffered Covenant;" Application No. 15: "Adopt with Acceptance of Proffered Covenant;" Application No. 16: "Adopt with Change;" and Appendix A: "Adopt Staff Proposal Appendix A in Response to ORC." With the exception of Application No. 16, the PAB did not concur with the DZ&P's revised recommendations. The PAB recommendations are contained in the attached PAB resolution and meeting minutes dated March 12, 2007.

HOUSING IMPACT

The six (6) proposed applications to amend the Land Use Plan (LUP) map in unincorporated areas of Miami-Dade County has the potential to add a maximum of 1,690 residential units to the County's housing supply, based upon the requested re-designation of the application sites without consideration of any voluntary restrictions on density, as follows: Application No. 6 may add 115 units, Application No. 7 may add 0 units (due to covenant), Application No. 8 may add 176 units, Application No. 13 may add 129 units, Application No. 14 may add 1,000 units and Application No. 15 may add 270 units. The total increase in potential supply also represents the cumulative net housing impact countywide. Based on the fact that the yearly estimate by the DP&Z of the housing demand is 12,372 units, the cumulative addition of 1,690 units from the proposed amendments will add less than a few months to the supply of housing.



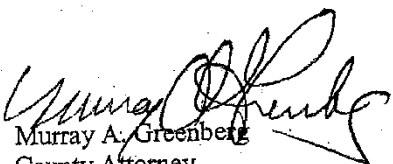
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro **DATE:** March 28, 2007
and Members, Board of County Commissioners

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Substitute
Special Item No. 1

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

4

Approved _____ Mayor
Veto _____
Override _____

Substitute
Special Item No. 1
3-28-07

ORDINANCE NO. 07-52

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
APRIL 2006 CYCLE TO AMEND, MODIFY, ADD TO OR
CHANGE COMPREHENSIVE DEVELOPMENT MASTER
PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM
THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners (Board) has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, sixteen CDMP amendment applications were filed on or before May 1, 2006 and are contained in the document titled "April 2006 Applications to Amend the Comprehensive Development Master Plan" dated June 5, 2006; and

WHEREAS, standard Application No. 4 was lawfully withdrawn by letter from the applicant's representative dated June 23, 2006; and

WHEREAS, the Department of Planning and Zoning (DP&Z) published its initial recommendations addressing the referenced Applications in the report titled "Initial Recommendations April 2006 Applications to Amend the Comprehensive Development Master Plan" dated August 25, 2006; and

WHEREAS, affected Community Councils, Planning Advisory Board (PAB), and DP&Z have acted in accordance with the referenced State and County procedures and have accepted applications, conducted public hearings and issued recommendations for the disposition of the small-scale amendment requests; and

WHEREAS, small-scale Application No. 5 was withdrawn by the applicant's representative at the November 20, 2006 hearing; and

WHEREAS, on November 20, 2006, this Board, by Resolution, instructed the County Manager to transmit certain applications to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184(3), F.S.; and

WHEREAS, on November 20, 2006, the Board of County Commissioners voted to adopt small-scale amendment Application Nos. 1, 10 and 11; to deny Application No. 2; to adopt with acceptance of proffered covenant Application Nos. 3 and 12; to adopt with change and acceptance of proffered covenant Application No. 9; to transmit Application Nos. 6, 7, 8, 13, 14, 15 and 16 to the Florida Department of Community Affairs (DCA) for review and comment; and

WHEREAS, DCA reviewed the proposed applications at the request of this Board and has issued its Objections, Recommendations and Comments (ORC) report pursuant to Section 163.3184 (6)(c), F.S.; and

WHEREAS, a portion of standard Application No. 7 was timely withdrawn by the applicant by letter dated February 28, 2007; and

WHEREAS, DP&Z has subsequently published its revised recommendations addressing the transmitted amendment applications and issues contained in the ORC report in the report titled "Revised Recommendations April 2006 Applications to Amend the Comprehensive Development Master Plan;" and

WHEREAS, DP&Z staff, in response to the Florida Department of Community Affairs ORC report, has proposed "Appendix A" in the Revised Recommendations Report, dated March 5, 2007, to tie proffered Declarations of Restrictions associated with Land Use Plan map amendments to the CDMP by amending the footnote on the Land Use Plan map and amending the text of the Land Use Element; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (60) days after receipt of written Objections, Recommendations and Comments report from DCA addressing the application(s); and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance,

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

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending amendment applications filed for review during the April 2006 cycle for amendments, modifications, additions, or changes to the Miami-Dade County CDMP as follows:

Application Number	Applicant (Representative) Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
6	Blue Cloisters, Inc., Red Rainbow Corporation and The Cloisters Investments, Inc. (Guillermo Olmedillo) The area bounded by SW 57 Avenue on the east; SW 60 Street on the south; SW 58 Avenue on the west and SW 58 Terrace on the north (7.8 Gross Acres) From: Low-Medium Density Residential (6 to 13 DU/Ac) To: Office/Residential	WITHDRAWN
7	Coral Reef Drive Land Development, L.L.C. (Juan J. Mayol, Jr., Esq.) North side of SW 152 Street along the east and west sides of theoretical SW 97 Avenue (<i>Originally 8.9 gross acres but revised by partial withdrawal request received February 28, 2007 to a total of 7.98 gross acres</i>) From: Low Density Residential (2.5 to 6 DU/Ac) To: Business and Office	ADOPT With Change to Office / Residential and Accept withdrawal of 0.92 gross acres
8	Vanguardian Village L.L.P. (Felix M. Lasarte, Esq.) Northeast corner of SW 127 Avenue and SW 104 Street (5.37 Gross Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Medium-High Density Residential (25 to 60 DU/Ac)	ADOPT With Acceptance of Proffered Covenant
13	Tagoror Investments, L.L.C., A Florida limited liability company (Juan J. Mayol, Jr., Esq.) North side of theoretical SW 338 Street between theoretical SW 194 and SW 192 Avenues (± 9.89 Gross Acres; ± 9.83 Net Acres) From: Estate Density Residential (1 to 2.5 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)	ADOPT With Change to Low Density Residential with DI-1 designation and Acceptance of Proffered Covenant

Application Number	Applicant (Representative) Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
14	<p>Q2 Florida City I, L.L.C., Q2 Florida City II, L.L.C., Q2 Florida City III, L.L.C. and Q2 Florida City IV, L.L.C. (Juan J. Mayol, Jr., Esq.)</p> <p>Between SW 336 and SW 344 Streets and between SW 192 and SW 197 Avenues (± 119.7 Gross Acres; ± 114 Net Acres)</p> <p>From: Estate Density Residential (1 to 2.5 DU/Ac)</p> <p>To: Low-Medium Density Residential (6 to 13 DU/Ac)</p>	<p>ADOPT</p> <p>With changes to Estate Density Residential with DI-1 designation west of SW 194 Avenue (78 gross acres), to Low Density Residential with DI-1 designation east of SW 194 Avenue (41.7 gross acres), Acceptance of Proffered Covenant, and addition of SW 344 Street between SW 192 and SW 182 Avenues: 1) as a Major Roadway on the Adopted 2015 and 2025 LUP map, 2) as a 4 lane roadway on Figure 1 of the Traffic Circulation Sub-Element, and 3) to Table 10 of the CIE Schedules of Improvement.</p>

9

Application Number	Applicant (Representative) Location (Size) REQUESTED CHANGE TO THE CDMP LAND USE PLAN MAP, POLICIES OR TEXT	Final Commission Action
15	Q2 Kings Mountain 485 L.L.C. (Juan J. Mayol, Jr., Esq.) Southeast corner of SW 344 Street and SW 192 Avenue (± 20.76 Gross Acres; ± 20 Net Acres) From: Low Density Residential (2.5 to 6 DU/Ac) To: Low-Medium Density Residential (6 to 13 DU/Ac)	ADOPT With change to Low Density Residential with DI-1 designation & Acceptance of Proffered Covenant
16	Miami-Dade County Department of Planning and Zoning / Diane O'Quinn Williams, Director CAPITAL IMPROVEMENTS ELEMENT Tables of Proposed Projects. Modify the following currently adopted tables as indicated in the application and related information: Table 2, Aviation; Table 3, Coastal Management; Table 4, Conservation; Table 5, Drainage; Table 6, Park and Recreation; Table 7, Seaport; Table 8, Sewer Facilities; Table 9, Solid Waste Management; Table 10, Traffic Circulation; Table 11, Mass Transit; and Table 12, Water Facilities. Standard Amendment	ADOPT With Changes to CIE Tables 8 and 12
Appendix A	Staff proposal in response to ORC report that ties proffered "Restrictions" associated with Land Use Plan map amendments to the CDMP	ADOPT

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) 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, however, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such [individual] amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this [individual] amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Resource Planning and Management, Plan Processing Team. The Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.



Prepared by:



Joni Armstrong Coffey

APPENDIX B

CDMP Letter of Interpretation (May 20, 2021)

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Department of Regulatory and Economic Resources
Planning Division, Metropolitan Planning Section
111 NW 1 Street • 12th Floor
Miami, Florida 33128-1902
Telephone: 305-375-2835 Fax: 305-375-2560
www.miamidade.gov/planning

May 20, 2021

Ms. Amanda Naldjieff
Holland & Knight
701 Brickell Avenue, Suite 3300
Miami, Florida 33131
amanda.naldjieff@hklaw.com

Subject: Letter of Interpretation Ref: Folio No. 30-7823-000-0200 in Unincorporated Miami-Dade County, Florida

Dear Ms. Naldjieff:

This letter is in response to your letter dated December 8, 2020 and supplemental letter dated March 22, 2021 requesting an interpretation of Miami-Dade County's Comprehensive Development Master Plan (CDMP) as it applies to the ±40-acre Subject Property with the above-referenced Folio number. Specifically, you ask a series of questions as outlined below.

1. Confirm that the property is designated "Estate Density with One Density Increase" that allows up to 6 dwelling units per gross acre.
2. (a). Under the recorded Declaration of Restrictions would an applicant be able to seek the rezoning of the Property to a higher zoning classification, such as RU-1M(a), so long as the density is restricted to no more than 6 units per gross acre and the site plan complies with the urban design guidelines?

(b). Confirm how the total density limitation across the 119.7-acre parcel that is subject to the recorded Declaration of Restrictions would be applied since the original parcels are now owned by multiple owners, and if the overall density would be assigned on a pro-rata basis, subject to the 6 units per gross acre density limitation.

(c). Under the recorded Declaration of Restriction, confirm that up to 255 residential dwelling units can receive a certificate of occupancy or certificate of completion, before the required roadway improvements to SW 344 Street will be required, and will the required roadway improvements be funded by the County or be developer funded?

(d). With the workforce housing requirements applicable in the recorded Declaration of Restrictions, confirm how the Department would enforce this provision, and would each parcel in the total acreage be required to comply by setting aside the required number(s) of workforce housing units depending on the level of density achieved on each parcel?

Amanda Naldjieff
May 20, 2021
Page 2

3. Confirm that if the City of Florida City would annex the property, Paragraph 7(c) of the Declaration of Restrictions regarding the modification clause would not require approval from the Miami-Dade County Board of County Commissioners (BCC).

The Subject Property is located between SW 336 Street and SW 340 Street and between SW 194 Avenue and SW 197 Avenue and was part of the larger ± 119.7 gross acre property that was the subject of the April 2006 CDMP amendment Application No. 14 adopted through BCC Ordinance No. 07-52 on March 28, 2007, with acceptance of the proffered Declaration of Restrictions (the 2007 CDMP Covenant) recorded in Book 25853, Pages 4394 through 4417 of the Official Records for Miami-Dade County. The adopted amendment redesignated ± 41.7 acres east of SW 194 Avenue to "Low Density Residential" (2.5 to 6 dwelling units per gross acre [du/ac]) with One Density Increase (DI-1) and ± 78 acres west of SW 194 Avenue, including the Subject Property, to "Estate Density Residential" (1 to 2.5 du/ac) with One Density Increase (DI-1). The CDMP Land Use Element text "Density Increase With Urban Design" provides that property with the One Density Increase (DI-1) overlay designation may be developed at one density category higher than the density of the underlying residential designation if the development incorporates sound design principles (CDMP 2020 Edition, Land Use Element page I-32). The 2007 CDMP Covenant restricts development on the ± 119.7 gross acre property to 940 residential units and includes commitments to workforce housing, transit improvements, roadway improvements, and water conservation, among other conditions.

Based on the above regarding your first request, the Subject Property is designated "Estate Density Residential" with the DI-1 overlay designation, which allows residential development at a density ranging from 1 to 2.5 units per gross acre or from 2.5 to 6 units per gross acre if sound urban design principles are incorporated into the design of the proposed development in accordance with the above referenced CDMP text.

In response to Request 2(a) regarding rezoning to the RU-1M(a) district or other zoning classification that would exceed the 6 units per gross acre density limitation in the 2007 CDMP Covenant, any rezoning of the Subject Property must be consistent with the CDMP. To be consistent the rezoning must recognize the maximum densities allowable under the CDMP (including the 2007 CDMP Covenant), limit the maximum density for residential development on the Subject Property to that allowed by the CDMP, and require the incorporation of sound urban design into the design of any development on the property that seeks to attain the DI-1 density ranging from 2.5 to 6 units per gross acre.

Your Request 2(b) seeks confirmation of how the total density limitation in the 2007 CDMP Covenant would be applied across the ± 119.7 -acre property, if it would be applied pro rata on a per acre basis. As you mention in your letter, the ± 119.7 gross acre property currently has multiple owners and as proposed for the Subject Property, may be subject to separate individual projects. The density for each individual project within the ± 119.7 acres will be based on the Land Use designations and the 2007 CDMP Covenant limitations and restrictions. While the 2007 CDMP Covenant limits the ± 119.7 -acre property to a total of 940 units and limits the density west of SW 194 Avenue to a maximum 6 units per acre, it does not otherwise address how the 940 units should be distributed over the ± 119.7 acres. In particular, it does not address the scenario where the multiple owners may each seek to present a separate development proposal for the portion(s) of the ± 119.7 acres they own. Consequently, staff cannot determine how the 940 units should be distributed across the ± 119.7 acres but recommends that the owners agree through a private covenant or other instrument how the units are to be distributed over the ± 119.7 acres.

Amanda Naldjieff
May 20, 2021
Page 3

In response to Request 2(c) regarding the timing and funding of the roadway improvement condition, the 2007 CDMP Covenant provides that the applicant shall not seek certificate of completion nor shall be entitled to receive certificate of occupancy for more than 255 residential dwelling units within the ±119.7-acre property before the required roadway improvements to SW 344 Street are constructed or caused to be constructed by the developer at no expense to the County. In accordance with the 2007 CDMP Covenant, the 255 units allowance is applicable to the entirety of the ±119.7-acre property and may thereby be fulfilled by any parcel or combination of parcels within the ±119.7 acres subject to compliance with the other limitations of the covenant. Note that the SW 344 Street improvement project you reference in your letter is listed as a Florida Department of Transportation (FDOT) project.

In regard to Request 2(d) related to workforce housing, the recorded Declaration of Restrictions sets two thresholds for the workforce housing: 1) a minimum of 10% of the total units must be set-aside for workforce housing; and 2) a minimum 20% of the total units must be set-aside for workforce housing if zoning approval is obtained for 90% of the maximum development. As the ±119.7-acre property is now under multiple ownerships, if separate projects are proposed at different times, such as is being contemplated for the Subject Property, it is unclear how the 20% workforce housing provision would be satisfied under such circumstances. As noted above in the response to Request 2(b), staff recommends that all the property owners enter into a private agreement outlining how each parcel will comply with the workforce housing set-aside requirements and other covenant commitments. As to your inquiry about enforcement, if a zoning application for any portion of the ±119.7 acre property does not fulfill the workforce housing requirements, the application may not be deemed consistent with the CDMP.

Request 3 seeks confirmation that the Modification, Amendment, and Release clause (paragraph 7(c)) of recorded Declaration of Restrictions would not require approval from the Miami-Dade County Board of County Commissioners (Board) if the City of Florida City were to annex the area including the Subject Property. The referenced Modification, Amendment, and Release Clause in the recorded Declaration of Restrictions only addresses possible incorporation into a new municipality but does not address annexations. If the property is annexed by the City of Florida City, any modification or deletion of covenants will be subject to Section 20-8.8 of the Miami-Dade County Code, which states:

“The Board of County Commissioners shall require, as a condition of municipal boundary change, that the Board retain jurisdiction over the modification or deletion of (i) declarations of restrictive covenants accepted by either the Board or a Community Zoning Appeals Board in connection with a Comprehensive Development Master Plan application or zoning application, and (ii) development agreements subject to the Florida Local Government Development Agreement Act (Sections 163.3220-163.3243, Florida Statutes), regardless of whether such declaration or agreement provides for modification or deletion by a successor governmental body. It is provided, however, that the Board of County Commissioners may not exercise such jurisdiction unless the applicable municipality has first approved the modification or deletion.” [emphasis added]

Based on the above noted provision of the County Code, this Division is unable to confirm that, in the event of annexation, modifications to the 2007 CDMP Covenant would not require approval from the Board, but the Division can confirm that any such annexation will be subject to and be in compliance with the provisions of Section 20-8.8 of the Miami-Dade County Code.

Amanda Naldjieff
May 20, 2021
Page 4

This letter is provided in response to your request for interpreting the provisions of the CDMP and does not constitute a departmental recommendation on any pending or future requests for development approval. This interpretation is based upon the policies and provisions of the CDMP currently in effect. If you have any questions regarding this review, please contact me at (305) 375-2835.

Sincerely,



Jerry Bell, AICP
Assistant Director for Planning

JB:GR:RD:ns

APPENDIX C

Release of CDMP Existing Declaration of Restrictions Subject to Modification

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This instrument was prepared by:

Amanda M. Naldjieff, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

Folio Nos: 30-7823-000-0200, 30-7823-002-0040, -0050, -0051, -0052,
-0053, 30-7823-004-0025, -0020, 30-7823-001-0011, -0020, -0030 & -0040.

(Space Reserved for Clerk of the Court)

RELEASE OF DECLARATION OF RESTRICTIONS

This **RELEASE OF DECLARATION OF RESTRICTIONS** (the "Release") is entered into on this ____ day of _____, 2022, by LIME GROVE REALTY, INC., a Florida profit corporation, and EMPOWER HOLDINGS, LLC, a Florida limited liability company (collectively, the "Owners"), and MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, to release the property described in **Exhibit "A,"** attached hereto (the "Property"), from the Declaration of Restrictions, recorded in Official Records Book 25853 at Pages 4394 through 4417 of the Public Records of Miami-Dade County, Florida (the "2006 CDMP Declaration").

WHEREAS, the undersigned Owners hold the fee simple title to the Property, which is supported by an attorney's opinion of title; and

WHEREAS, the Property was the subject of Comprehensive Development Master Plan ("CDMP") Amendment Application No. 14 of the April 2006 Cycle (the "2006 CDMP Application"); and

WHEREAS, the 2006 CDMP Application changed the Property's land use designation for (i) the portion of the Property located west of S.W. 194th Avenue from "Estate Density Residential" to "Estate Density Residential with a DI-1 density increase" with urban design and (ii) the portion of the Property located east of S.W. 194th Avenue from "Estate Density Residential" to "Low Density Residential with a DI-1 density increase" with urban design; and

WHEREAS, the Miami-Dade County Board of County Commissioners (BCC) approved the CDMP Amendment on November 20, 2006, and accepted the 2006 CDMP Declaration proffered by the Owner's predecessor in interest; and

WHEREAS, the Owners and the County (the "Parties"), after public hearing, agree to release the 2006 CDMP Declaration.

NOW, THEREFORE, in consideration of their mutual promises made herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged by each party, the Parties, intending to be legally bound, hereby agree as follows:

1. The Parties agree that the foregoing recitals are true and correct and incorporated herein by this reference.
2. The County hereby approves the release of the 2006 CDMP Declaration.
3. The 2005 CDMP Declaration is hereby released and declared of no further legal effect, null and void.
4. The Property may be developed consistent with its current CDMP designation of (i) "Estate Density Residential with a DI-1 density increase" with urban design for the portion of the Property located west of S.W. 194th Avenue and (ii) "Low Density Residential with a DI-1 density increase" with urban design for the portion of the Property located east of S.W. 194th Avenue.
5. This Release may be signed in more than one counterpart and/or by facsimile, in which case each counterpart shall constitute an original of this Release. Paragraph headings are for convenience only and are not intended to expand or restrict the scope or substance of the provisions of the Release. Wherever used herein, the singular shall include the plural, the plural shall include the singular, and pronouns shall be read as masculine, feminine or neutral as the context requires.

[SIGNATURE PAGES FOLLOW]

SIGNED, WITNESSED, EXECUTED AND ACKNOWLEDGED ON THIS ____ DAY OF _____, 2022.

IN WITNESS WHEREOF, EMPOWER HOLDINGS, LLC has caused these presents to be signed in its name by its proper officials.

WITNESSES:

EMPOWER HOLDINGS, LLC, a Florida limited liability company

Signature _____

Printed Name _____

By: _____

Name: _____

Title: _____

Address: _____

Signature _____

Printed Name _____

STATE OF _____)

) SS:

COUNTY OF _____)

The foregoing instrument was acknowledged before me by physical presence or online notarization this ____ of _____, 2022 by _____, as _____ of **EMPOWER HOLDINGS, LLC**, a Florida limited liability company, who is personally known to me or has produced _____ as identification.

Notary Public Signature _____

Printed Name _____

[SEAL]

EXHIBIT "A"

SUBJECT PROPERTY

H&K Draft 1.31.2022

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APPENDIX D

Existing CDMP Declaration of Restrictions

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CFN 2007R0802049
OR Bk 25853 Pgs 4394 - 4417; (24pgs)
RECORDED 08/14/2007 10:03:56
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This Instrument was Prepared by:

Name: Juan J. Mayol, Jr., Esq.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

A/1

DECLARATION OF RESTRICTIONS

WHEREAS, Palm & Tower II Investors, LLC, Palm & Tower III Investors, LLC, Palm & Tower IV Investors, LLC, Palm & Tower V Investors, LLC, and Q2 Florida City IV, LLC, Florida limited liability companies (collectively referred to as the "Owner"), hold fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan that is pending as Application No. 14 in the April 2006 Cycle (the "Application");

WHEREAS, the Application seeks to re-designate the Property from "Estate Density Residential" to "Low-Medium Density Residential" on the Miami-Dade County Comprehensive Development Master Plan ("CDMP") Future Land Use Plan Map ("LUP");

WHEREAS, Owner has agreed that the CDMP designation for the portion of the Property located west of SW 194 Avenue shall be Estate Density with a DI-1 density increase with urban design and the portion of the Property located east of SW 194 Avenue shall be Low Density Residential with a DI-1 density increase with urban design.

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NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County, Florida (the "County") that the representations made by the Owner during the 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. **Workforce Housing.**

(a) *Commitment.* If the Property receives zoning approval for at least 90% of the Maximum Density for the Property, a minimum of 20% of the residential dwelling units shall be set aside for sale or rent as Workforce Housing Units. In no event shall less than 10% of the residential dwelling units be set aside for sale or rent as Workforce Housing Units ("WHU").

(b) *Definition.* A "Workforce Housing Unit" shall consist of residential dwelling units that are made available for sale or rent by the Owner to persons with a median family income that is 65% to 140% of the median family income in Miami-Dade County, as published annually by the U.S. Department of Housing and Urban Development (a "Qualified Purchaser").

(c) *Distribution of Workforce Housing Units.* If pursuant to Section 1(a) of this Declaration, the Owner sets aside twenty percent (20%) of the residential dwelling units as Workforce Housing Units, then the Owner shall set aside twenty five percent (25%) of such Workforce Housing Units for sale or rent to persons with a median family income that is 65% to 105% of the median family income in Miami-Dade County, as published annually by the U.S. Department of Housing and Urban Development ("Moderate WHU").

(d) *Process.* Prior to obtaining the initial building permit for the construction of any residential dwelling unit (other than model homes) for the Property, the Owner shall submit a declaration of restrictions, in a form acceptable to the County, setting forth restrictions on the re-sale of such residential dwelling units consistent with the intent of maintaining such

residential dwelling units as Workforce Housing Units for a period of twenty (20) years from the date of its initial sale. The Owner further agrees to grant to the County the right of first refusal to purchase any WHU in which a Qualified Purchaser cannot be located within two hundred and ten (210) days from the date the WHU is offered for sale, which right of first refusal must be exercised by the County within thirty (30) days of the County's receipt of notification that a Qualified Purchaser cannot be located as provided for herein. In the event a qualified purchaser cannot be located and the County does not exercise its right of first refusal, then the Owner may sell the WHU at market rate.

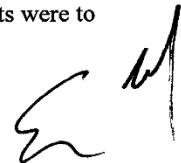
2. **Maximum Density.** Notwithstanding the approval of the Application, (i) the density of any residential development on the Property shall not exceed nine hundred forty (940) residential dwelling units (the "Maximum Density") and (ii) the density of any residential development on the Property west of 194th Avenue shall not exceed six (6) residential dwelling units per gross acre. Notwithstanding the foregoing residential density limitation, nothing in this Declaration shall limit or otherwise prevent the Owner, after zoning approvals, from developing other, non-residential, permitted uses that are consistent with the LUP designation of the Property.

3. **Transit Improvements.** In an effort to accommodate public transportation in the area, the Owner shall coordinate with Miami-Dade Transit and allow encroachments onto the Property, as necessary, to provide for a bus pull-out bay and bus shelter. The Owner's obligation under this Paragraph shall expire upon the approval of a final plat for the Property. Notwithstanding the approval of a final plat, the Owner shall cooperate with the County to allow the installation of a bus pull-out bay and/or shelter if said installation can be accomplished without altering the approved final plat for the Property.

4. **Water Conservation Requirements.** In an effort to conserve water, the Owner hereby agrees to develop the Property and construct the proposed residential dwelling units so as to satisfy the requirements necessary to achieve (but shall not be required to obtain certification as) a "Florida Water Star" rating in accordance with the "Florida Water Star Basic Qualification Checklist", a copy of which is attached to this Declaration as Exhibit "B".

5. **Water Treatment Capacity.** The Owner shall not seek a certificate of completion for any residential dwelling units in excess of two hundred and ninety-nine (299) dwelling units until (i) the Owner, at its own cost and expense, connects to a water distribution main from the South Miami Heights Water Treatment Plant (or any other similar plant with sufficient water treatment capacity to provide service to the contemplated development on the Property) at such point of connection as may be designated by the Department of Water and Sewer or (ii) the approval of the expansion of the water and sewer service area of the City of Florida City to include the Property.

6. **Improvement of S.W. 344th Street.** The Owner shall not seek a certificate of completion for any residential dwelling units in excess of the number of residential dwelling units set forth in the applicable portions of attached Exhibit "C" until such time as the Owner, at its own expense, designs or causes the design of S.W. 344th Street as a four (4) lane, divided arterial roadway from S.W. 182nd Avenue to S.W. 192nd Avenue (the "Roadway Improvements") in accordance with specifications approved by the Florida Department of Transportation, consistent with applicable design standards, and constructs or causes the construction of the Roadway Improvements at no expense to the County. Nothing herein shall prohibit the Owner from submitting an application for road impact fee credits if the Roadway Improvements were to be deemed eligible for road impact fee credits.

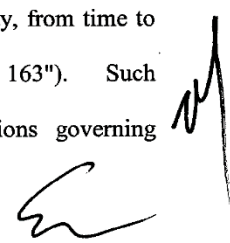


7. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the part of Owner shall constitute a covenant running with the land and shall be recorded by the Owner, 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 Owner and their heirs, successors, and assigns until such time as the same is modified or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

B. **Term.** This Declaration of Restrictions 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 that this Declaration of Restrictions 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 in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

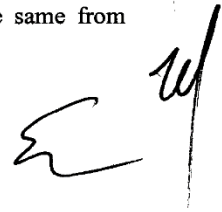
C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by a written instrument executed by the fee simple owner(s) of the Property, provided that the same is also approved by the Board of County Commissioners. 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 which 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 comprehensive plans as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration of Restrictions 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. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Planning and Zoning Department 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 effectuating and acknowledging such modification, amendment or release.

D. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

E. 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.



F. **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.

G. **Recording.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner's following the adoption of the Application. This Declaration of Restrictions 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 of Restrictions 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 Planning and Zoning Department 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 of Restrictions is null and void and of no further effect.

[Signature Pages Follow]

A handwritten signature in black ink, appearing to be 'E. J.', written in a cursive style.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 23 day of March, 2007.

WITNESSES:

[Signature]
Signature
Vivian Morejon
Print Name

[Signature]
Signature
Leslie Fernandez
Print Name

Palm & Tower III Investors, LLC, a Florida limited liability company

By: [Signature]
Print: Eduardo J. Garcia
Title: Manager

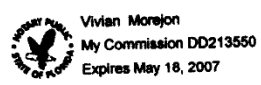
[Handwritten mark]

STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 23 day of March, 2007, by Eduardo Garcia as Manager of Palm & Tower III Investors, LLC, who is personally known to me or has produced as identification, and acknowledged that he did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

[Signature]
Notary Public, State of _____
Print Name



IN WITNESS WHEREOF, we have hereunto set our hands and seals this 23 day of March, 2007.

WITNESSES:

[Signature]
Signature
Vivian Morejon
Print Name
[Signature]
Signature
Leslie Fernandez
Print Name

Palm & Tower IV Investors, LLC, a Florida limited liability company

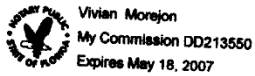
By: [Signature]
Print: Eduardo J. Garcia
Title: Manager

STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 23 day of March, 2007, by Eduardo J. Garcia as Manager of Palm & Tower IV Investors, LLC, who is personally known to me or has produced [Signature] as identification, and acknowledged that he did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

[Signature]
Notary Public, State of _____
Print Name _____



IN WITNESS WHEREOF, we have hereunto set our hands and seals this 23 day of March, 2007.

WITNESSES:

Palm & Tower V Investors, LLC, a Florida limited liability company

[Signature]
Signature

Vivian Morejon
Print Name

By: [Signature]

Print: Edoardo J. Garcia

Title: Manager

[Signature]
Signature

Leslie Fernandez
Print Name

[Handwritten initials]

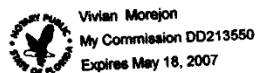
STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 23 day of March, 2007, by Edoardo Garcia as Manager of Palm & Tower V Investors, LLC, who is personally known to me or has produced as identification, and acknowledged that he did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

[Signature]
Notary Public, State of _____

Print Name



IN WITNESS WHEREOF, we have hereunto set our hands and seals this 27
day of March, 2007.

WITNESSES:

[Signature]
Signature
Beverly Blair
Print Name
[Signature]
Signature
MARK A. TOUST
Print Name

Q2 Florida City IV, LLC, a Florida limited liability company, by Reardon Levine Management, Inc., a Florida corp., its Manager

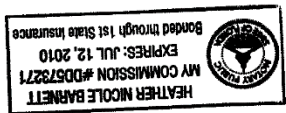
By: [Signature]
Eric T. Reardon, Vice President

[Signature]
3/28/07

STATE OF FLORIDA)
) SS.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 27 day of March, 2007, by Eric T. Reardon, Vice President of Reardon Levine Management, Inc., a Florida corp., as Manager of Q2 Florida City IV, LLC, who is personally known to me or has produced _____ as identification, and acknowledged that he did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:



[Signature]
Notary Public, State of Florida
Heather Nicole Barnett
Print Name

JOINDER BY MORTGAGEE CORPORATION

The undersigned, Ocean Bank, a State Banking corporation and Mortgagee under that certain Mortgage from Palm & Tower II Investors, LLC, and Palm & Tower III Investors, LLC, both limited liability companies and recorded in Official Records Book 24682, Page 1481, in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Declaration of Restrictions, does hereby consent to the execution of this Declaration of Restrictions by Palm & Tower II Investors and Palm & Tower III Investors, LLC, both limited liability companies, and agree that in the event Mortgagee or any other party shall obtain title to the property through foreclosure or deed-in-lieu of foreclosure, this Declaration of Restrictions shall be binding upon the entity obtaining title as the then owner of such property.

IN WITNESS WHEREOF, these presents have been executed this 27 day of March, 2007.

WITNESSES:

[Signature]
MERCEDES LEAL
Print or Type Name

[Signature] Ocean Bank, a State Banking corporation
By: [Signature]
Title: Vice President
Print name: Frank Casas
Address:
3/28/07

[Signature]
PAULUX JEAN-CHARLES
Print or Type Name

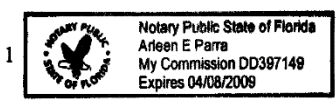
(Corporate Seal)

STATE OF FLORIDA)
) SS
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 27 day of March, 2007 by FRANK CASAS, V.P., of Ocean Bank, on behalf of the corporation. He She is personally known to me or has produced _____, as identification and did/did not take an oath.

[Signature]
Notary Public - State of Florida
Print Name Arlene E. Parra
My Commission Expires:

4189580_v1



JOINDER BY MORTGAGEE CORPORATION

The undersigned, Ocean Bank, a State Banking corporation and Mortgagee under that certain Mortgage from Palm and Tower V Investors, LLC, a limited liability company, recorded in Official Records Book 25160, Page 3050, in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Declaration of Restrictions, does hereby consent to the execution of this Declaration of Restrictions by Palm and Tower V Investors, LLC, a limited liability company, and agree that in the event Mortgagee or any other party shall obtain title to the property through foreclosure or deed-in-lieu of foreclosure, this Declaration of Restrictions shall be binding upon the entity obtaining title as the then owner of such property.

IN WITNESS WHEREOF, these presents have been executed this 27 day of March, 2007.

WITNESSES:

[Signature]
MERCEDEZ LEAL
Print or Type Name

[Signature] Ocean Bank, a State Banking corporation
By: [Signature]
Title: Executive President
Print name: Frank Casas
Address:

3/28/07

[Signature]
PAULY JEAN-CHARLES
Print or Type Name

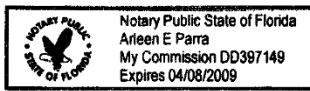
(Corporate Seal)

STATE OF FLORIDA)
) SS
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 27 day of March, 2007 by Frank Casas, V.P., of Ocean Bank, on behalf of the corporation. He/She is personally known to me or has produced _____, as identification and did/did not take an oath.

[Signature]
Notary Public - State of Florida
Print Name Arleen E. Parra
My Commission Expires:

4402637_v1



JOINDER BY MORTGAGEE CORPORATION

The undersigned, Lime Grove Realty, Inc., a Florida corporation and Mortgagee under that certain Mortgage from Q2 Florida City IV, LLC, a Florida limited liability company, recorded in Official Records Book 23931, Page 2407, in the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Declaration of Restrictions, does hereby consent to the execution of this Declaration of Restrictions by Q2 Florida City IV, LLC, a Florida limited liability company, and agree that in the event Mortgagee or any other party shall obtain title to the property through foreclosure or deed-in-lieu of foreclosure, this Declaration of Restrictions shall be binding upon the entity obtaining title as the then owner of such property.

IN WITNESS WHEREOF, these presents have been executed this 27 day of March, 2007.

WITNESSES:

Rosa Lage Caro
Rosa Lage Caro
Print or Type Name

Lime Grove Realty, Inc.,
a Florida corporation

By: [Signature]
Title: member
Print name: Roni JACOBSON
Address: 31 STAR Island Dr.
miami Beach, FL 33139

[Signature]
SAMUEL JACOBSON
Print or Type Name

(Corporate Seal)

STATE OF FLORIDA)
COUNTY OF Dade)SS

The foregoing instrument was acknowledged before me this 27 day of March, 2007 by _____, of Ocean Bank, on behalf of the corporation. He/She is personally known to me or has produced _____, as identification and did/did not take an oath.

[Signature]
Notary Public - State of Florida
Print Name Rosa Lage Caro
My Commission Expires: JUNE 26, 2009

#4402675_v1

1

NOTARY PUBLIC-STATE OF FLORIDA
Rosa Lage Caro
Commission # DD428131
Expires: JUNE 26, 2009
Bonded Thru Atlantic Bonding Co., Inc.

EXHIBIT "A"

Legal Description:

Tract 1, less the South 618.09 feet of the East 626.89 feet, of REVISED PLAT OF INGLEWOOD, according to the Plat thereof, as recorded in Plat Book 33, Page 53, of the Public Records of Miami-Dade County, Florida.

LESS & EXCEPT:

That portion of Tract 1, of the REVISED PLAT OF INGLEWOOD, according to the Plat thereof, as recorded in Plat Book 33, Page 53, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commenced at the SW corner of Tract 1 as the point of beginning (P.O.B.), thence run Easterly along the North right of way line of S.W. 344 Street (1/4th Palm Drive), a distance of 131.04 feet to a point; thence run Northerly along the boundary of said Tract 1 a distance of 617.48 feet to a point; thence run Westerly along a line parallel to the North right of way of S.W. 344 Street to a point on the West line of said Tract 1; thence run Southerly along the West line of said Tract 1 to the point of beginning.

LESS & EXCEPT:

That portion of Tract 1, of REVISED PLAT OF INGLEWOOD, as recorded in Plat Book 33, Page 53, of the Public Records of Miami-Dade County, Florida, that lies within the North 1/2 of the South 1/4 of the Southeast 1/4 of Section 23, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

RECORDERS NOTE
This document was received in poor condition.

AND

Lot 3, of C.M. NELSON'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 1, Page 163 of the Public Records of Miami-Dade County, Florida.

AND

Lot 4, of C.M. NELSON'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 1, Page 163 of the Public Records of Miami-Dade County, Florida.

AND

That portion of Tract 1, of REVISED PLAT OF INGLEWOOD, as recorded in Plat Book 33, Page 53, of the Public Records of Miami-Dade County, Florida, that lies within the North 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 23, Township 57 South, Range 38 East, lying and being in Miami-Dade County, Florida.

Also known as:

Lot 5, of C.M. NELSON'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 1, Page 163, of the Public Records of Miami-Dade County, Florida.

EXHIBIT "A"

Legal Description: (continued)

AND

The Northwest One-Quarter of the Southwest One-Quarter of Section 23, Township 57 South, Range 38 East, Miami-Dade County, Florida; less the North thirty-five feet, and the West thirty-five feet of said tract; said land lying and being in Miami-Dade County, Florida.

AND

That portion of TRACT 1 of the Revised Plat of Inglewood according to the Plat thereof recorded in Plat Book 33 at page 83 of the Public Records of Dade County, Florida; particularly described as follows:

Commence at the Southwest (SW) corner of Tract 1 as the point of beginning (p.o.b.); thence run Easterly along the north right of way line of S.W. 344 Street (a/k/a Palm Drive formerly known as Palm Avenue) a distance of 331.04 feet to a point; thence run northerly along the boundary of said Tract 1 a distance of 617.48 feet to a point; thence run Westerly along a line parallel to the north right of way line of S.W. 344 Street to a point on the west line of said Tract 1; thence run southerly along the west line of said Tract 1 to the p.o.b.

Exhibit "B"



Florida Water StarSM
Basic Qualification Checklist

This program for new residential construction is intended to provide water-efficient housing options and help prevent water leaks. Florida Water StarSM is service marked by the St. Johns River Water Management District.

New Home Requirements

To achieve a Florida Water StarSM rating for new residential homes:

- 1) All prerequisites must be met and validated
- 2) Points must be achieved in all categories (irrigation, landscape and indoors)
- 3) Total points must accumulate to a minimum total of 75 points

In order to obtain a Florida Water StarSM rating, the home must contain sufficient efficient features such that the total score on the checklist is equal to or greater than 75, out of a total possible 100 points.

Homebuilder Information

* Name: _____

* Company: _____

* Address: _____

* City/County: _____

* Area Code/Phone: _____

Fax: _____

E-mail: _____

Home Information

Owner Name: _____

* Address: _____

* City/County: _____

Owner Area Code/Phone: _____

Owner Fax: _____

Owner E-mail: _____

Address 2: _____

Area Code/Phone: _____

of intended occupants: _____

* All fields must be completed.



Outdoors

Prerequisites

- Must meet all local and/or county codes.
- Submit landscape and irrigation design drawings prior to start of construction. Drawings shall be clearly readable, to reasonable scale, and include date, scale and legend. Irrigation designs shall specify — at a minimum — water source, meter size, design operating pressure and flow rate per zone, average application rate per zone (converting gallons per minute [gpm] to inches per hour), schedules by zone, and location and size of pipes and valves. List make, model and specification of controllers, sprinklers, and backflow prevention devices. Show elevation, electrical supply, roadways, sidewalks, structures, and other relevant site conditions.
- Irrigation systems must meet minimum design standards for automatic in-ground systems as listed below:
 - Piping system shall be free from leakage. Pipes shall be sized for appropriate gpm so velocities don't exceed 5 fps (feet per second)
 - A functioning rain sensor device shall be installed in an operable location
 - Separate irrigation zones exist for turf and landscape beds
 - Precipitation rates are matched in each zone
 - Turf zone head spacing shall not exceed 45 percent of the sprinkler's diameter of coverage for square spacing, and 50 percent of coverage for triangular spacing
 - Rotor heads and fixed pattern spray sprinklers are installed on separate zones
 - Pressure-compensating spray heads or pressure-compensating valves are installed for spray zones
 - Irrigation in planting beds should be micro-irrigation or sprays that deliver water directly to root zones rather than wetting the entire area, or hose bibs are provided for manual irrigation
 - Pop-up rotors and spray heads rise above the grass height: 4 inches for St. Augustine, zoysia and bahia; 3 inches for lower-growing species such as centipede, Bermuda and seashore paspalum
 - Narrow areas (4 feet or less) are not irrigated unless micro-irrigation is used
 - Emitters are located at least 2 feet from the house so that the structure is not wetted
 - System ensures correct spray patterns and minimizes over spray on impermeable surfaces
 - Automatic irrigation controller includes a battery backup or non-volatile memory to maintain schedule settings
 - Written operating information provided to home buyer is affixed to the controller, including irrigation schedule, controller handbook and diagram of zones
 - The controller is reset for maintenance schedule after establishment and before closing, and/or instructions are affixed on controller for home buyer to change by a certain date
 - Irrigation controller is programmed with seasonal variations based on historical rates, with a total application not to exceed 21 gallons per square foot.



Irrigation	Points	Points Earned
No automatic in-ground irrigation system installed, if combined with site-appropriate landscape	35	
Required — Minimum design standards for automatic in-ground irrigation system	15	
High-flow irrigation (rated in gpm) covering no more than 50 percent of the landscape areas	8	
Weather-based controller	11	
Soil moisture sensor(s)	8 (for each)	
Control timer to include a minimum of three scheduling programs	4	
Check valves installed on heads in low-lying areas and in areas with poor drainage	6	
Leak detection shut-off system	6	
Total	50 (+)	

Landscape

	Points	Points Earned
Preservation of site vegetation		
Three or more trees greater than 4 inches dbh (diameter at breast height) preserved on lot	4	
10 percent of a lot's native shrubs and ground covers preserved	5	
Greater than 20 percent of site's native shrubs and ground covers preserved (not including permitted wetlands)	7	
Installed landscape		
Plants and turf planted no closer than 2 feet from foundation	3	
Plants grouped with similar moisture and maintenance requirements	8	
Plant selections compatible with growing conditions	8	
Totals	35	



Indoors

Prerequisites

- All armored/metal hoses from service to appliances
- Mold-resistant materials at tub/shower enclosures
- Must meet all requirements specified in Florida Building Code

Water heater	Points	Points Earned
Equipped with leak detection shut-off valve	5	
Located within 30 feet of end use	2	
Centrally located	2	
Kitchen and bathroom faucets		
Faucet aerators or laminar flow	3	
Showers equipped with only one showerhead	6	
Toilets		
All toilets — MaP Rating of 250 gm or greater	6	
Add three points for each high-efficiency toilet (HET) (1.0–1.1 gpf), or dual flush (MaP Rating of 250 gpm or greater)	9	
Clothes and dish washers		
Manual water shut-off valves	2	
Equipped with leak detection shut-off valve	2	
ENERGY STAR® dishwasher using 6 gallons per cycle or less	5	
ENERGY STAR® washing machine with water factor less than 9.5	4	
Total	40	

Point Summary	Category Point Totals
Irrigation	
Landscape	
Indoors	
Total	

Rev. April, 2006

4 of 5



Primary Certifying Agent Information

- * Name: _____
- * Company: _____
- * Address: _____
- * City/County/Zip Code: _____
- * E-mail: _____
- * Area Code/Phone: _____
- * Fax: _____

By signing below, we acknowledge that each of the measures intended to qualify the home for the Florida Water StarSM rating have been incorporated into the home's construction.

Homebuilder Signature _____

Contact Information: _____

Irrigation Validating Agent Signature: _____

Contact Information: _____

Landscape Validating Agent Signature: _____

Contact Information: _____

Plumbing Validating Agent Signature: _____

Contact Information: _____

* All fields must be completed.

Exhibit C
Permitted Number of Residential Dwelling Units

<p>If the Miami-Dade Board of County Commissioners approves only Application No. 14 (April 2006 Amendment Cycle), then the Owner will not be entitled to receive certificates of occupancy for more than 890 residential dwelling units contemplated for the Property until the completion of the design and construction of the Roadway Improvements.*</p>
<p>If the Miami-Dade Board of County Commissioners approves only Application No. 13 (April 2006 Amendment Cycle) and Application No. 14 (April 2006 Amendment Cycle), then the Owner will not be entitled to receive certificates of occupancy for more than 670 residential dwelling units contemplated for the Property until the completion of the design and construction of the Roadway Improvements.*</p>
<p>If the Miami-Dade Board of County Commissioners approves only Application No. 14 (April 2006 Amendment Cycle) and Application No. 15 (April 2006 Amendment Cycle), then the Owner will not be entitled to receive certificates of occupancy for more than 445 residential dwelling units contemplated for the Property until the completion of the design and construction of the Roadway Improvements.*</p>
<p>If the Miami-Dade Board of County Commissioners approves Applications No. 13, No. 14 and No. 15, then the Owner will not be entitled to receive certificates of occupancy for more than 255 residential dwelling units contemplated for the Property until the completion of the design and construction of the Roadway Improvements.*</p>

* The data and analysis supporting the conclusions set forth above that a certain number of residential dwelling units may be constructed prior to exceeding the adopted level of service may be found in that certain Supplemental Traffic Study prepared by Cathy Sweetapple and Associates, Inc., dated March 2, 2007, which was submitted as part of the public record in consideration of Application No. 14. A summary of the data and analysis is attached herein.

4038176_v16

APPENDIX E

**Applicant's Proffered Draft Amended and Restated Declaration of Restrictions
(February 10, 2022)**

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RECEIVED
FEBRUARY 10, 2022
RER - PLANNING

This instrument was prepared by:

Amanda M. Naldjieff, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

Folio Nos: 30-7823-000-0200, 30-7823-002-0040, -0050, -0051,
-0052, and -0053, 30-7823-004-0025 and -0020, and 30-7823-001
-0011, -0020, -0030 and -0040.

(Space Reserved for Clerk of the Court)

AMENDED AND RESTATED DECLARATION OF RESTRICTIONS

This AMENDED AND RESTATED DECLARATION OF RESTRICTIONS (the “Declaration”) is entered into on this ____ day of _____, 2022, by LIME GROVE REALTY, INC., a Florida profit corporation, and EMPOWER HOLDINGS, LLC, a Florida limited liability company (hereinafter referred to as the “Owners”).

WITNESSETH THAT:

WHEREAS, the Owners hold the fee simple title to the property located between S.W. 336th Street and S.W. 344th Street and between S.W. 197th Avenue and S.W. 192nd Avenue in unincorporated Miami-Dade County, as further described in **Exhibit “A”** attached hereto (the “Property”) and supported by an attorney’s opinion of title; and

WHEREAS, the Property was the subject of Comprehensive Development Master Plan (“CDMP”) Amendment Application No. 14 of the April 2006 Cycle (the “2006 CDMP Application); and

WHEREAS, the 2006 CDMP Application changed the Property’s land use designation for (i) the portion of the Property located west of S.W. 194th Avenue from “Estate Density Residential” to “Estate Density Residential with a DI-1 density increase” with urban design and

(ii) the portion of the Property located east of S.W. 194th Avenue from “Estate Density Residential” to “Low Density Residential with a DI-1 density increase” with urban design; and

WHEREAS, the Miami-Dade County Board of County Commissioners (BCC) approved the CDMP Amendment on November 20, 2006, and accepted a Declaration of Restrictions, recorded in Official Records Book 25853 at Pages 4394 through 4417 of the Public Records of Miami-Dade County, Florida (the “Prior Declaration”); and

WHEREAS, the conditions and circumstances have significantly changed in Miami-Dade County since the Prior Declaration was recorded; and

WHEREAS, the Owners submitted CDMP20220005 for the January 2022 Amendment Cycle (the “2022 CDMP Application”) in order to amend, restate and release the Prior Declaration, as provided in this Declaration; and

WHEREAS, in order to assure the BCC that the representations made by the Owners and relied on by said BCC during consideration of the Owners’ Application will be abided by, the Owners voluntarily and without duress make this Declaration covering and running with the Property and hereby acknowledge the validity and enforceability of each and every provision hereof on behalf of themselves and their successors and assigns.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree as follows:

1. The Parties agree that the foregoing recitals are true and correct and by this reference are fully incorporated herein.

2. **Termination of Prior Declaration**. The Prior Declaration is amended and restated in its entirety by this Declaration and upon the recording of this Declaration in the Public Records of Miami-Dade County, Florida, the Prior Declaration is terminated and released and shall be of no

further force or effect.

3. **Maximum Density.** Notwithstanding the approval of the Application, (i) the density of any residential development on the Property shall not exceed nine hundred forty (940) residential dwelling units (the "Maximum Density") and (ii) the density of any residential development on the Property west of 194th Avenue shall not exceed six (6) residential dwelling units per gross acre. Notwithstanding the foregoing residential density limitation, nothing in this Declaration shall limit or otherwise prevent the Owner, after zoning approvals, from developing other, non-residential, permitted uses that are consistent with the LUP designation of the Property.

4. **Transit Improvements.** . In an effort to accommodate public transportation in the area, the Owner shall coordinate with Miami-Dade Transit and allow encroachments onto the Property, as necessary, to provide for a bus pull-out bay and bus shelter. The Owner's obligation under this Paragraph shall expire upon the approval of a final plat for the Property. Notwithstanding the approval of a final plat, the Owner shall cooperate with the County to allow the installation of a bus pull-out bay and/or shelter if said installation can be accomplished without altering the approved final plat for the Property.

5. **Water Conservation Requirements.** In an effort to conserve water, the Owner hereby agrees to develop the Property and construct the proposed residential dwelling units so as to satisfy the requirements necessary to achieve (but shall not be required to obtain certification as) a "Florida Water Star" rating in accordance with the "Florida Water Star Basic Qualification Checklist", a copy of which is attached to this Declaration as Exhibit "B".

6. **Water Treatment Capacity.** The Owner shall not seek a certificate of completion for any residential dwelling units in excess of two hundred and ninety-nine (299) dwelling units until (i) the Owner, at its own cost and expense, connects to a water distribution main from the South

Miami Heights Water Treatment Plant (or any other similar plant with sufficient water treatment capacity to provide service to the contemplated development on the Property) at such point of connection as may be designated by the Department of Water and Sewer or (ii) the approval of the expansion of the water and sewer service area of the City of Florida City to include the Property.

7. **Improvement of S.W. 344th Street.** The Owner shall not seek a certificate of completion for any residential dwelling units in excess of the number of residential dwelling units set forth in the applicable portions of attached Exhibit "C" until such time as the Owner, at its own expense, designs or causes the design of S.W. 344th Street as a four (4) lane, divided arterial roadway from S.W. 182nd Avenue to S.W. 192nd Avenue (the "Roadway Improvements") in accordance with specifications approved by the Florida Department of Transportation, consistent with applicable design standards, and constructs or causes the construction of the Roadway Improvements at no expense to the County. Nothing herein shall prohibit the Owner from submitting an application for road impact fee credits if the Roadway Improvements were to be deemed eligible for road impact fee credits.

8. **Covenant Running with the Land.** This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned owners, 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 Owners, 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.

9. **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.

10. Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the property, including joinders of all mortgagees, if any, 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, 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. **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.

16. **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.

17. **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 Owners 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 Regulatory and Economic Resources Department 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.

18. **Acceptance of Declaration.** The Owners acknowledge that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners 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 to decline to accept any conveyance or dedication.

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

[SIGNATURE PAGES FOLLOW]

SIGNED, WITNESSED, EXECUTED AND ACKNOWLEDGED ON THIS ____ DAY OF _____, 2022.

IN WITNESS WHEREOF, LIME GROVE REALTY, INC. has caused these presents to be signed in its name by its proper officials.

WITNESSES:

LIME GROVE REALTY, INC., a Florida profit corporation

Signature _____

Printed Name _____

By: _____

Name: _____

Title: _____

Address: _____

Signature _____

Printed Name _____

STATE OF _____)

COUNTY OF _____) SS:

_____)

The foregoing instrument was acknowledged before me by physical presence or online notarization this ____ of _____, 2022 by _____, as _____ of **LIME GROVE REALTY, INC.**, a Florida profit corporation, who is personally known to me or has produced _____ as identification.

Notary Public Signature _____

Printed Name _____

[SEAL]

SIGNED, WITNESSED, EXECUTED AND ACKNOWLEDGED ON THIS ____ DAY OF _____, 2022.

IN WITNESS WHEREOF, EMPOWER HOLDINGS, LLC has caused these presents to be signed in its name by its proper officials.

WITNESSES:

EMPOWER HOLDINGS, LLC, a Florida limited liability company

Signature _____

Printed Name _____

Signature _____

Printed Name _____

By: _____

Name: _____

Title: _____

Address: _____

STATE OF _____)

COUNTY OF _____) SS:

_____)

The foregoing instrument was acknowledged before me by physical presence or online notarization this ____ of _____, 2022 by _____, as _____ of **EMPOWER HOLDINGS, LLC**, a Florida limited liability company, who is personally known to me or has produced _____ as identification.

Notary Public Signature _____

Printed Name _____

[SEAL]

EXHIBIT "A"

SUBJECT PROPERTY

H&K Draft 1.31.2022

H&K Draft 1.31.2022

APPENDIX F

Redline – Existing CDMP Declaration of Restrictions with Proffered Changes for Restated Declaration of Restrictions (February 10, 2022)

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RECEIVED
FEBRUARY 10, 2022
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This instrument was prepared by:

Juan J. Amanda M. Mayol, Jr. Naldjieff, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3300
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

Folio Nos: 30-7823-000-0200, 30-7823-002-0040, -0050, -0051, -0052, and -0053, 30-7823-004-0025 and -0020, and 30-7823-001 -0011, -0020, -0030 and -0040.

AMENDED AND RESTATED DECLARATION OF RESTRICTIONS

~~WHEREAS, Palm & Tower II Investors~~ This AMENDED AND RESTATED

DECLARATION OF RESTRICTIONS (the "Declaration") is entered into on this _____ day of _____, 2022, by LIME GROVE REALTY, LLC INC., ~~Palm & Tower III Investors, LLC, Palm & Tower IV Investors, LLC, Palm & Tower V Investors, LLC, and Q2 Florida City~~ a Florida profit corporation, and EMPOWER HOLDINGS, LLC, a Florida limited liability companies (collectively referred to as the "Owner"), ~~hold fee simple title to that certain parcel of land in Miami Dade County, Florida, described in Exhibit "A", attached hereto, and company~~ (hereinafter referred to as the "Property"; Owners").

~~WHEREAS, the Owner has applied for an amendment to the Miami Dade County Comprehensive Development Master Plan that is pending as Application No. 14 in the April 2006 Cycle (the "Application");~~

WITNESSETH THAT:

WHEREAS, the Owners hold the fee simple title to the property located between S.W. 336th Street and S.W. 344th Street and between S.W. 197th Avenue and S.W. 192nd Avenue in unincorporated Miami-Dade County, as further described in Exhibit "A" attached hereto (the "Property") and supported by an attorney's opinion of title; and

WHEREAS, the ~~Application seeks to redesignate the~~ Property from "Estate Density Residential" to "Low-Medium Density Residential" on the Miami-Dade County ~~was the subject of~~ Comprehensive Development Master Plan ("CDMP") ~~Future Land Use Plan Map~~ Amendment Application No. 14 of the April 2006 Cycle (the "~~LUP~~" 2006 CDMP Application); and

WHEREAS, ~~Owner has agreed that~~ the 2006 CDMP Application changed the Property's land use designation for (i) the portion of the Property located west of ~~SWS.W.~~ 194th Avenue ~~shall be from~~ "Estate Density Residential" to "Estate Density Residential with a DI-1 density increase" with urban design and (ii) the portion of the Property located east of ~~SWS.W.~~ 194th Avenue ~~shall be from~~ "Estate Density Residential" to "Low Density Residential with a DI-1 density increase" with urban design; and

~~NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County, Florida (the "County")~~

WHEREAS, the Miami-Dade County Board of County Commissioners (BCC) approved the CDMP Amendment on November 20, 2006, and accepted a Declaration of Restrictions, recorded in Official Records Book 25853 at Pages 4394 through 4417 of the Public Records of Miami-Dade County, Florida (the "Prior Declaration"); and

WHEREAS, the conditions and circumstances have significantly changed in Miami-Dade

County since the Prior Declaration was recorded; and

WHEREAS, the Owners submitted CDMP20220005 for the January 2022 Amendment Cycle (the "2022 CDMP Application") in order to amend, restate and release the Prior Declaration, as provided in this Declaration; and

WHEREAS, in order to assure the BCC that the representations made by the Owner Owners and relied on by said BCC during the consideration of the Owners' Application will be abided by, the Owner freely, Owners voluntarily, and without duress makes the following make this Declaration of Restrictions covering and running with the Property and hereby acknowledge the validity and enforceability of each and every provision hereof on behalf of themselves and their successors and assigns.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the receipt and sufficiency of which are hereby acknowledged, the Owners hereby agree as follows:

~~1. — Workforce Housing—~~

~~(a) Commitment. — If the Property received zoning approval for at least 90% of the Maximum Density for the Property, a minimum of 20% of the residential dwelling units shall be set aside for sale or rent as Workforce Housing Units. In no event shall less than 10% of the residential dwelling units be set aside for sale or rent as Workforce Housing Units ("WHU").~~

~~(b) Definition. — A "Workforce Housing Unit" shall consist of residential dwelling units that are made available for sale or rent by the Owner to persons with a median family income that is 65% to 140% of the median family income in Miami Dade County, as published annually by the U.S. Department of Housing and Urban Development (a "Qualified Purchaser").~~

~~(c) Distribution of Workforce Housing Units. If pursuant to Section I(a) of this Declaration, the Owner sets aside twenty percent (20%) of the residential dwelling units as~~

~~Workforce Housing Units, then the Owner shall set aside twenty five percent (25%) of such Workforce Housing Units for sale or rent to persons with a median family income that is 65% to 105% of the median family income in Miami Dade County, as published annually by the U.S. Department of Housing and Urban Development ("Moderate WHU").~~

~~(d) *Process.* Prior to obtaining the initial building permit for the construction of any residential dwelling unit (other than model homes) for the Property, the Owner shall submit a declaration of restrictions, in a form acceptable to the County, setting forth restrictions on the re-sale of such residential dwelling units consistent with the intent of maintaining such residential dwelling units as Workforce Housing Units for a period of twenty (20) years from the date of its initial sale. The Owner further agrees to grant to the County the right of first refusal to purchase any WHU in which a Qualified Purchaser cannot be located within two hundred and ten (210) days from the date the WHU is offered for sale, which right of first refusal must be exercised by the County within thirty (30) days of the County's receipt of notification that a Qualified Purchaser cannot be located as provided for herein. In the event a qualified purchaser cannot be located and the County does not exercise its right of first refusal, then the Owner may sell the WHU at market rate.~~

1. The Parties agree that the foregoing recitals are true and correct and by this reference are fully incorporated herein.

2. **Termination of Prior Declaration.** The Prior Declaration is amended and restated in its entirety by this Declaration and upon the recording of this Declaration in the Public Records of Miami-Dade County, Florida, the Prior Declaration is terminated and released and shall be of no further force or effect.

3. ~~2.~~ **Maximum Density.** Notwithstanding the approval of the Application, (i) the density of any residential development on the Property shall not exceed nine hundred forty (940) residential dwelling units (the "Maximum Density") and (ii) the density of any residential development on the Property west of 194th Avenue shall not exceed six (6) residential dwelling units per gross acre. Notwithstanding the foregoing residential density limitation, nothing in this Declaration shall limit or otherwise prevent the Owner, after zoning approvals, from developing other, non-residential, permitted uses that are consistent with the LUP designation of the Property.

4. ~~3.~~ **Transit Improvements.** . In an effort to accommodate public transportation in the area, the Owner shall coordinate with Miami-Dade Transit and allow encroachments onto the Property, as necessary, to provide for a bus pull-out bay and bus shelter. The Owner's obligation under this Paragraph shall expire upon the approval of a final plat for the Property. Notwithstanding the approval of a final plat, the Owner shall cooperate with the County to allow the installation of a bus pull-out bay and/or shelter if said installation can be accomplished without altering the approved final plat for the Property.

5. ~~4.~~ **Water Conservation Requirements.** In an effort to conserve water, the Owner hereby agrees to develop the Property and construct the proposed residential dwelling units so as to satisfy the requirements necessary to achieve (but shall not be required to obtain certification as) a "Florida Water Star" rating in accordance with the "Florida Water Star Basic Qualification Checklist", a copy of which is attached to this Declaration as Exhibit "B".

6. ~~5.~~ **Water Treatment Capacity.** The Owner shall not seek a certificate of completion for any residential dwelling units in excess of two hundred and ninety-nine (299) dwelling units until (i) the Owner, at its own cost and expense, connects to a water distribution main from the South Miami Heights Water Treatment Plant (or any other similar plant with sufficient water treatment capacity to provide service to the contemplated development on the Property) at such point of connection as may be designated by the

Department of Water and Sewer or (ii) the approval of the expansion of the water and sewer service area of the City of Florida City to include the Property.

7. ~~6-~~ **Improvement of S.W. 344th Street.** The Owner shall not seek a certificate of completion for any residential dwelling units in excess of the number of residential dwelling units set forth in the applicable portions of attached Exhibit "C" until such time as the Owner, at its own expense, designs or causes the design of S.W. 344th Street as a four (4) lane, divided arterial roadway from S.W. 182nd Avenue to S.W. 192nd Avenue (the "Roadway Improvements") in accordance with specifications approved by the Florida Department of Transportation, consistent with applicable design standards, and constructs or causes the construction of the Roadway Improvements at no expense to the County. Nothing herein shall prohibit the Owner from submitting an application for road impact fee credits if the Roadway Improvements were to be deemed eligible for road impact fee credits.

~~7. Miscellaneous.~~

~~A.~~

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

~~B~~ The Owners, 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.

9. **Term.** This Declaration ~~of Restrictions~~ 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 ~~of Restrictions~~ 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 ~~in the public records~~ agreeing to change the covenant in whole, or in part, provided that the Declaration ~~of Restrictions~~ has first been modified or released by Miami-Dade County.

10. ~~_____ C.~~ **Modification, Amendment, Release.**
This Declaration ~~of Restrictions~~ may be modified, amended; or released as to the ~~land herein described~~ Property, or any portion thereof, by a written instrument executed by the ~~fee-simple then-~~ owner(s) of the ~~Property~~ property, including joinders of all mortgagees, if any, 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 ~~which~~ that may, from time to time, govern amendments to ~~comprehensive plans~~ Comprehensive Plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to ~~comprehensive plans~~ the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor ~~regulation~~ regulations governing ~~amendments~~ modifications to the ~~Miami-Dade comprehensive plan~~. ~~Notwithstanding anything in this paragraph, in~~ CDMP. In the event that the ~~Property~~ property is incorporated within a new municipality ~~which~~ 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 ~~Code of~~ Miami-Dade County Code, then modifications, amendments or releases of this Declaration ~~of~~

~~Restrictions~~ 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, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration ~~of Restrictions~~ be so modified, amended, or released, the Director of the ~~Planning and Zoning~~ Department of Regulatory and Economic Resources or the executive officer of ~~the~~ successor ~~of said Department~~ department, or, in the absence of such ~~director~~ Director or executive officer, by his/ or her assistant in charge of the office in his/her absence, shall ~~forthwith~~ execute a written instrument effectuating and acknowledging such modification, amendment, or release.

11. ~~_____~~ **D. Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, ~~the~~ 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.

12. 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.

13. 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.

14. ~~E.~~ 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.

15. 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.

16. ~~F.~~ 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.

~~G. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.~~ Recording

17. Recordation and Effective Date. This Declaration ~~of Restrictions~~ shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the ~~Owner's~~ Owners following the ~~adoption~~ approval of the Application by the Board of County Commissioners. This

Declaration ~~of Restrictions~~ 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~~ Application, in its entirety, then this Declaration ~~of Restrictions~~ 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 ~~Planning~~ Regulatory and ~~Zoning Department~~ Economic Resources Department 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 ~~of Restrictions~~ is null and void and of no further effect.

18. Acceptance of Declaration. The Owners acknowledge that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners 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 to decline to accept any conveyance or dedication.

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

[SIGNATURE PAGES FOLLOW]

SIGNED, WITNESSED, EXECUTED AND ACKNOWLEDGED ON THIS _____ DAY OF _____, 2022.

IN WITNESS WHEREOF, LIME GROVE REALTY, INC. has caused these presents to be signed in its name by its proper officials.

WITNESSES:

**LIME
GROVE
REALTY,
INC., a
Florida profit
corporation**

Signature _____ By: _____
Name: _____
Title: _____
Printed Name _____ Address: _____

Signature _____
Printed Name _____

STATE OF _____)
_____) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by physical presence or online notarization this _____ of _____, 2022 by _____ as _____ of **LIME GROVE REALTY, INC.**, a Florida profit corporation, who is personally known to me or has produced _____ as identification.

Notary Public Signature _____
Printed Name _____

[SEAL]

SIGNED, WITNESSED, EXECUTED AND ACKNOWLEDGED ON THIS _____ DAY OF _____, 2022.

IN WITNESS WHEREOF, EMPOWER HOLDINGS, LLC has caused these presents to be signed in its name by its proper officials.

WITNESSES:

EMPOWER HOLDINGS, LLC, a Florida limited liability company

Signature _____ By: _____
Printed Name _____ Name: _____
_____ Title: _____
_____ Address: _____

Signature _____
Printed Name _____

STATE OF _____)
_____) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me by physical presence or online notarization this _____ of _____, 2022 by _____ as _____ of **EMPOWER HOLDINGS, LLC**, a Florida limited liability company, who is personally known to me or has produced _____ as identification.

Notary Public Signature _____
Printed Name _____

HK Draft 1.31.2022

Document comparison by Workshare 10.0 on Monday, February 14, 2022 1:38:45 PM

Input:	
Document 1 ID	file://E:\MY H&K FOLDERS\0. LU & Z MATTERS\2020\272. Lennar - Lime Grove Realty (40 ac Fl City)\11. CDMP Application Submittal 1.31.2022\1f. Other Materials\Exhibit G - 2006 CDMP Declaration (word).docx
Description	Exhibit G - 2006 CDMP Declaration (word)
Document 2 ID	file://E:\MY H&K FOLDERS\0. LU & Z MATTERS\2020\272. Lennar - Lime Grove Realty (40 ac Fl City)\11. CDMP Application Submittal 1.31.2022\1f. Other Materials\Exhibit I - Proffered Draft Amended and Restated Declaration of Restrictions v2.docx
Description	Exhibit I - Proffered Draft Amended and Restated Declaration of Restrictions v2
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	173
Deletions	99
Moved from	1
Moved to	1
Style changes	0

Format changes	0
Total changes	274