

ORDINANCE NO. 94-05-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA ADOPTING THE PROPOSED AMENDMENT TO THE CITY OF HOMESTEAD COMPREHENSIVE MASTER LAND USE PLAN RELATING TO LAND USE DESIGNATIONS FOR THE VILLAGES OF HOMESTEAD DEVELOPMENT OF REGIONAL IMPACT PURSUANT TO THE PROVISIONS OF THE LOCAL GOVERNMENTAL COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT AND CHAPTER 380 OF THE FLORIDA STATUTES; AUTHORIZING TRANSMITTAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Homestead (the "City") proposes to amend (the "Amendment") the City of Homestead Comprehensive Master Land Use Plan (the "Plan") as follows:

1. Delete page I-P of the Plan's Land Use Element, entitled Villages of Homestead Master Development Plan; and
2. Modify the legend to the map on page I-O of the Plan's Land Use Element, entitled Future Land Use for the City of Homestead, Florida by changing the following land use description:

From: "Villages of Homestead  
P.U.D./D.R.I. Boundary"

To: "Villages of Homestead" (Land uses permitted under this category include all the uses under the Development Order for the Villages of Homestead Development of Regional Impact);  
and

WHEREAS, on February 9, 1994, the City of Homestead Planning and Zoning Board in its capacity as the Local Planning Agency ("LPA") held a public hearing and recommended transmittal and approval of the proposed Amendment to the Plan; and

WHEREAS, on February 10, 1994, the City Council of the City of Homestead held a public hearing and heard evidence in support of the Amendment; and

WHEREAS, on February 10, 1994, the City Council of the City of Homestead passed and adopted the transmittal of the Amendment to the appropriate governmental agencies; and

WHEREAS, the South Florida Regional Planning Council in reviewing this Amendment has requested and the City has agreed that on or before September 1, 1994 the City shall initiate an amendment to the Plan to more particularly identify permitted future land uses within the affected area; and

WHEREAS, the other governmental agencies reviewing the Amendment have expressed no objection; and

WHEREAS, on May 4, 1994, the City Council of the City of Homestead held a public hearing and heard evidence in support of the Amendment; and

WHEREAS, the City Council has determined that the evidence presented at the hearing fully supports the Amendment; and

WHEREAS, the City Council has determined that the proposed Amendment does not adversely impact on the City's public facilities; and

WHEREAS, the City Council has determined that the proposed Amendment is consistent with the Plan's policies, goals and objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, DADE COUNTY, FLORIDA AS FOLLOWS:

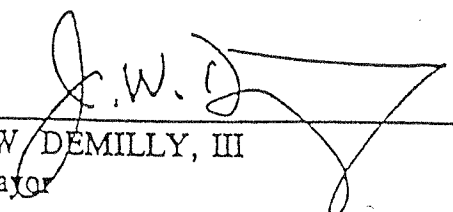
SECTION 1. The matters set forth above are incorporated herein by reference and made a part hereof.

SECTION 2. The proposed Amendment to the Plan is hereby adopted as provided for in Florida Statute §163.3184.

SECTION 3. The City Clerk is hereby directed to make the appropriate transmittals are required by law.

SECTION 4. The Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED this 4th day of May, 1994.

  
\_\_\_\_\_  
J.W. DEMILLY, III  
Mayor





ORDINANCE NO. 94-05-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA AMENDING THE DEVELOPMENT ORDER FOR THE VILLAGES OF HOMESTEAD DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR CHANGES IN THE VILLAGES OF HOMESTEAD MASTER DEVELOPMENT PLAN; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Homestead (the "City") has adopted Ordinance No. 75-11-70 which constitutes a development order (the "Development Order") under Chapter 380 of Florida Statutes for the Villages of Homestead, a Development of Regional Impact (the "DRI"); and

WHEREAS, the City of Homestead has amended the Development Order by the adoption of Ordinance Nos. 76-02-9, 79-10-32, 81-07-47, 84-05-33, 85-05-34 and 87-01-1. The Development Order as amended by these ordinances is referred to in this Ordinance as the Amended Development Order; and

WHEREAS, the City of Homestead has acquired land within the DRI which is legally described in the attached Exhibit "A" (the "Property"); and

WHEREAS, the City of Homestead has applied for various changes (the "Proposed Changes") to the DRI as more particularly described in the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.006(19), Florida Statutes, as amended and last revised April 29, 1994, attached and incorporate by reference to this Ordinance (the "Notice"); and

WHEREAS, the City's Planning and Zoning Board after reviewing and hearing evidence at a properly advertised public hearing has recommended that the City Council approve the Proposed Changes; and

WHEREAS, the City Council at a properly advertised public hearing has reviewed and heard evidence regarding the Proposed Changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, DADE COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. <sup>DATE</sup> FINDINGS. The City Council makes the following findings:

INITIAL \_\_\_\_\_



By Florida Design Communities

1.1 The Proposed Changes and the previous changes to the Development Order individually nor cumulatively constitute or create a substantial deviation under the criteria in Section 380.06(19) of the Florida Statutes.

1.2 The Proposed Changes do not require further development of regional impact review under Chapter 380 of the Florida Statutes or laws of the City of Homestead.

1.3 The Proposed Changes are consistent with the State Comprehensive Plan, the City's Comprehensive Master Development Plan and the City's land development regulations.

SECTION 2. - APPROVED CHANGES AND CONDITIONS. The Proposed Changes are hereby approved subject to the conditions that the Major Events described in Exhibit "H" of the Notice shall be limited to eighteen (18) days in any given calendar year. Notwithstanding anything to the contrary in Exhibit "H" and/or this Ordinance, a Major Event shall mean an event or separate events conducted simultaneously at the Baseball Facility and/or Motorsports Facility for which the number of spectators exceeds 28,000.

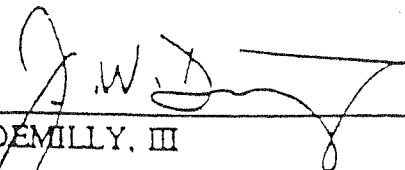
SECTION 3. - MASTER DEVELOPMENT PLAN. The Proposed Master Development Plan which is described in Exhibit "C" to the Notice shall supersede the prior approved development plans and shall control the development of the DRI. Furthermore, this Ordinance shall constitute an amendment to the Amended Development Orders for the Villages of Homestead DRI.

SECTION 4. - TRANSMITTAL OF DEVELOPMENT ORDER. The City Clerk is hereby directed to make the appropriate transmittals as required by law.

SECTION 5. - EFFECTIVE DATE. The Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED on first reading this 4<sup>th</sup> day of May, 1994.

PASSED AND ADOPTED on second reading this 5<sup>th</sup> day of May, 1994.

FINAL   
DATE \_\_\_\_\_ J.W. DEMILLY, III  
Mayor

INITIALS \_\_\_\_\_

94-05-33



ORDINANCE NO. 94-10-100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE VILLAGES OF HOMESTEAD DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR CHANGES IN THE VILLAGES OF HOMESTEAD MASTER DEVELOPMENT PLAN; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Homestead (the "City") has adopted Ordinance No. 75-11-70 which constitutes a development order (the "Development Order") under Chapter 380 of the Florida Statutes, for the Villages of Homestead, a Development of Regional Impact (the "DRI"); and

WHEREAS, the City of Homestead has amended the Development Order by the adoption of Ordinance Nos. 76-02-9, 79-10-32, 81-07-47, 84-05-33, 85-05-34, 87-01-1 and 94-05-33. The Development Order as amended by these ordinances is referred to in this Ordinance as the Amended Development Order; and

WHEREAS, V.O.H. Acquisition, Inc., d/b/a Florida Design Communities ("Developer") is the owner and developer of lands within the DRI which are legally described in the attached Exhibit "A" (the "Property"); and

WHEREAS, the Developer has applied for various changes (the "Proposed Changes") to the DRI as more particularly described in the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, as amended and last revised May 5, 1994, attached and incorporated by reference to this Ordinance (the "Notice"); and

WHEREAS, the City Council at a properly advertised public hearing has reviewed and heard evidence regarding the Proposed Changes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, DADE COUNTY, FLORIDA:

SECTION 1. FINDINGS. The City Council makes the following findings:

- 1.1 The Proposed Changes and the previous changes to the Development Order neither individually nor cumulatively constitute or create a substantial

deviation under the criteria provided for in Section 380.06(19) of the Florida Statutes.

- 1.2 The Proposed Changes do not require further development of regional impact review under Chapter 380 of the Florida Statutes or laws of the City of Homestead.
- 1.3 The Proposed Changes are consistent with the State Comprehensive Plan, the City's Comprehensive Master Development Plan and the City's land development regulations.

SECTION 2. APPROVED CHANGES AND CONDITIONS. The Proposed Changes are hereby approved subject to:

- 2.1 The maximum number of residential dwelling units shall not exceed 10,056 dwelling units.
- 2.2 The maximum number of commercial square feet shall be 974,000 square feet on 90.18 acres.
- 2.3 The hotel shall be limited to 400 hotel units.
- 2.4 The maximum number of industrial square feet shall be 3,100,000 square feet on 270 acres.
- 2.5 The developer shall develop a 127-bed hospital on thirteen (13) acres.
- 2.6 The maximum number of office square feet shall be 241,000 square feet on 13.82 acres.
- 2.7 Recreation/Open Space shall be 596.83 acres.
- 2.8 The Community Park lands shall be 86.30 acres.
- 2.9 The Golf Course shall be 150 acres.
- 2.10 Lands identified as school sites shall be 58.34 acres.
- 2.11 The development of the Development of Regional Impact property shall be in substantial compliance with the Master Development Plan attached hereto as Exhibit B.

SECTION 3. MASTER DEVELOPMENT PLAN. The Proposed Master Development Plan which is described in Exhibit "B" to the Notice shall supersede the prior approved development plans and shall control the development of the DRI. Furthermore, this Ordinance

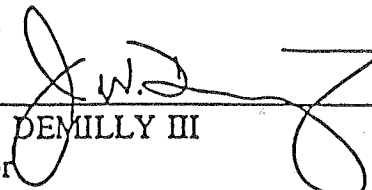
shall constitute an amendment to the Amended Development Orders for the Villages of Homestead DRI.

SECTION 4. RESTATEMENT. Except as expressly provided for in this Ordinance, all prior Development Orders for the Villages of Homestead's DRI remain in full force and effect in accordance with the terms and conditions provided for therein.


SECTION 5. TRANSMITTAL OF DEVELOPMENT ORDER. The City Clerk is hereby directed to make the appropriate transmittals as required by law.

SECTION 6. EFFECTIVE DATE. The Ordinance shall become effective immediately upon its passage.

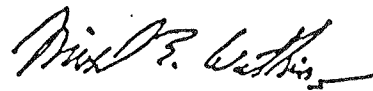
PASSED AND ADOPTED this 7<sup>th</sup> day of NOVEMBER, 1994.

  
\_\_\_\_\_  
J. W. DEMILLY III  
Mayor

Attest:

  
\_\_\_\_\_  
VELVA BURCH  
City Clerk

APPROVED AS TO FORM & CORRECTNESS:

  
\_\_\_\_\_  
MICHAEL E. WATKINS  
City Attorney

Motion to adopt by MRS. PERRY, seconded by MR. WARREN.

FINAL VOTE AS ADOPTION

Mayor J.W. DeMilly III  
Vice Mayor Roscoe Warren  
Councilwoman Ruth Campbell  
Councilman Jeff Kirk  
Councilwoman Eliza Perry  
Councilman Steve Shiver  
Councilman Nicholas R. Sincore

YES  
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YES  
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YES  
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ABSENT  
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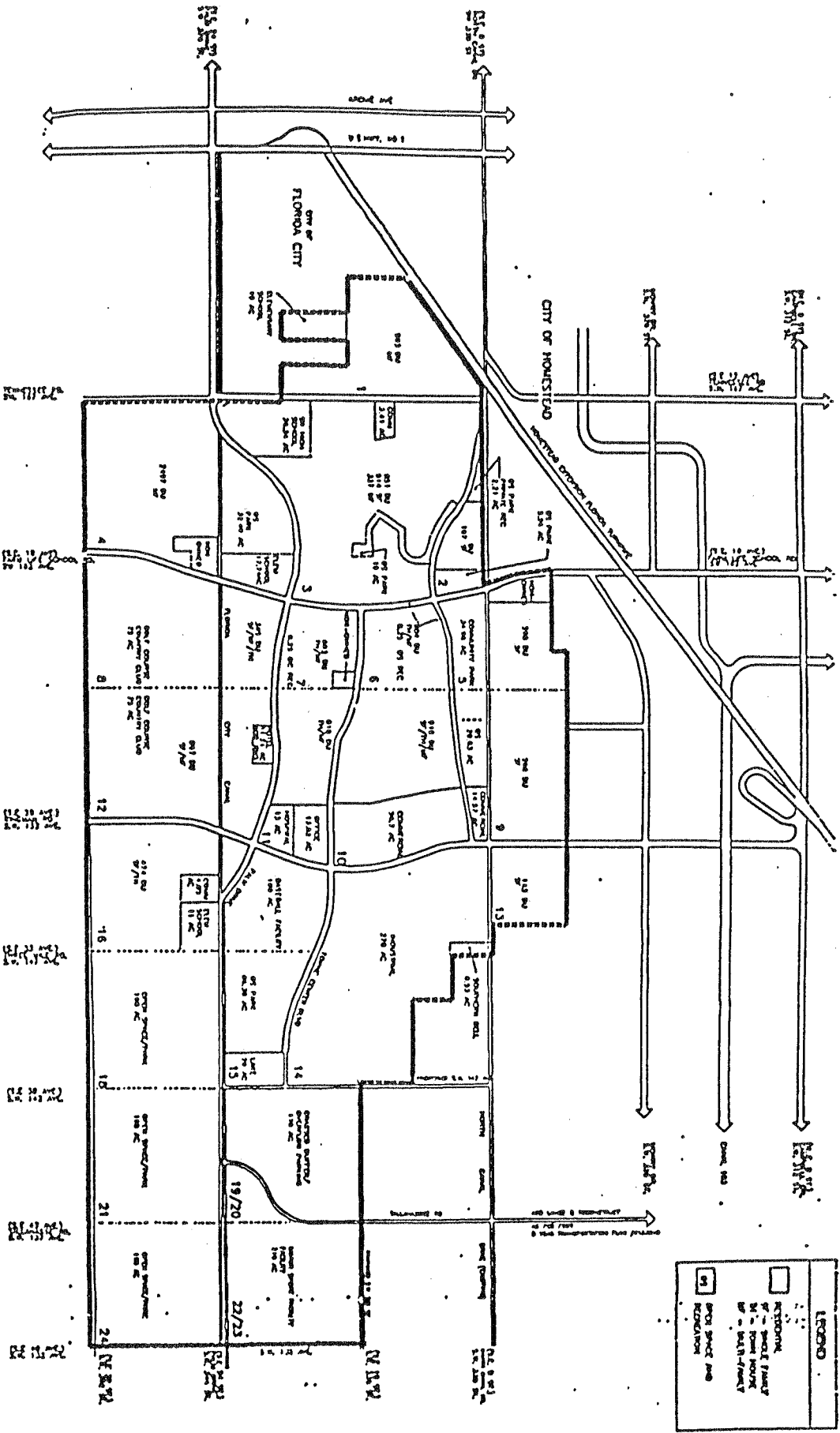
LEGAL DESCRIPTION

A Tract of land described as portions of Sections 16, 17, 19, 20, 21, 22, 23, 26, 27, 28 and 29, in Township 57 South, Range 39 East, Dade County, Florida, more particularly described as follows: Begin at the Northwest corner of the N.E. 1/4 of said Section 19; thence N88°35'50"E along the North line of said Section 19 for 2715.72 feet to the Northeast corner of said Section 19; thence N88°26'49"E along the North line of the N.W. 1/4 of said Section 20 for 2720.41 feet to the Northeast corner of said N.W. 1/4, the same being the Southwest corner of the S.E. 1/4 of said Section 17; thence N0°22'40"W along the West line of said S.E. 1/4 for 998.09 feet; thence N89°41'28"E along the North lines of Lots 15 through 20 inclusive, of Block 4, of said Section 17 of the plat, MIAMI LAND AND DEVELOPMENT COMPANY subdivision, as recorded in Plat Book 5 at Page 10 of the Public Records of Dade County, Florida and the Westerly extension of said lines, for 1357.39 feet to the Northeast corner of said Lot 20, the same being the Southwest corner of Lot 27 of said Block 4; thence N0°27'49"W along the West line of said Lot 27 for 333.10 feet to the Northwest corner of said Lot 27; thence N89°40'28"E along the North line of said Lot 27 and its Easterly extension for 1356.89 feet to a point on the West line of said Section 16; thence N89°37'26"E along the North lines of Lots 14 and 27 of Block 3, Section 16, of said plat of, MIAMI LAND DEVELOPMENT COMPANY and the East and West extension of said lines, for 2667.41 feet to a point on the East line of the S.W. 1/4 of said Section 16; thence N89°34'06"E along the North line of Lot 14 of Block 4 of said Section 16, of the said plat, MIAMI LAND DEVELOPMENT COMPANY and its Westerly extension, for 1334.34 feet to the Northeast corner of said Lot 14; thence S0°22'18"E along the East lines of Lots 14 and 20 of said Block 4 of Section 16, and their Southerly extension for 1332.79 feet to a point on the South line of said Section 16; thence N89°31'49"E along the said South line of Section 16 for 444.42 feet; thence S0°28'57"E along the East line of Lot 5 of Block 1 of said Section 21 of the plat, MIAMI LAND DEVELOPMENT COMPANY and its Northerly extension for 1002.15 feet to the Southeast corner of said Lot 5; thence N89°31'58"E along the North line of Lot 28 of Block 1 of said Section 21, of the plat, MIAMI LAND DEVELOPMENT COMPANY and its Easterly extension for 889.02 feet to a point on the East line of said Section 21; thence S0°29'34"E along said East line of Section 21 for 668.13 feet; thence N89°34'52"E along the North lines of Lots 15 through 26 inclusive of Block 2 of said Section 22, of the plat, MIAMI LAND DEVELOPMENT COMPANY and the East and West extension of said lines for 2677.70 feet to a point on the East line of the N.W. 1/4 of said Section 22; thence S0°26'43"E along the said East line of the N.W. 1/4 for 1002.52 feet to the Southeast corner of said N.W. 1/4; thence N89°35'06"E along the North line of the S.E. 1/4 of said Section 22 for 2671.97 feet to the Northeast corner of the said S.E. 1/4 of Section 22; thence N89°31'07"E along the North line of the S.W. 1/4 of said Section 23 for 2680.97 feet to the Northeast corner of said S.W. 1/4; thence S0°19'11"E along the East line of said S.W. 1/4 of Section 23 for 2708.00 feet to the Southeast corner of said S.W. 1/4; thence S0°02'12"W along the East line of the N.W. 1/4 of said Section 26, for 2668.75 feet to the Southeast corner of the said N.W. 1/4; thence S89°23'23"W along the South line of the said N.W. 1/4 for 2678.34 feet to the Southwest corner of said N.W. 1/4; thence S89°39'32"W along the South line of the N.E. 1/4 of said Section 27, for 2657.97 feet to the Southwest corner of the said N.E. 1/4; thence S89°39'37"W along the South line of the N.W. 1/4 of said Section 27 for 2657.98 feet to the Southwest corner of said N.W. 1/4; thence S89°34'33"W along the South line of the N.E. 1/4 of said Section 28, for 2668.66 feet to the Southwest corner of said N.E. 1/4; thence S89°34'41"W along the South line of the N.W. 1/4 of said Section 28, for 2666.57 feet to the Southwest corner of said N.W. 1/4; thence S89°26'43"W along the South line of the N.E. 1/4 of said Section 29, for 2709.24 feet to the Southwest corner of said N.E. 1/4; thence S89°26'35"W along the South line of the N.W. 1/4 of said Section 29, for 2712.39 feet to the Southwest corner of said N.W. 1/4; thence N0°28'47"W along the West line of the said N.W. 1/4 of Section 29, for 2673.04 feet to the Northwest corner of said Section 29; thence S89°30'40"W along the South line of said Section 19 for 2042.06 feet; thence N0°31'42"W along the centerline of Connecticut Street, as shown on the REVISED PLAT, FLORIDA CITY PARK as recorded in Plat Book 33, at Page 48 of the Public Records of Dade County, Florida and the West line of Lot 5, Block 4, Section 19, of said plat, MIAMI LAND AND DEVELOPMENT COMPANY and the North and South extension of said line, for 2684.59 feet to a point on the South line of the N.E. 1/4 of Section 19; thence S89°12'01"W along the said South line of the N.E. 1/4 of Section 19 for 679.17 feet to the Southwest corner of said N.E. 1/4; thence N0°36'46"W along the West line of said N.E. 1/4 of Section 19 for 2617.64 feet to the Point of

Beginning. Less the following described lots lying in the said plat; MIAMI LAND DEVELOPMENT COMPANY: Lots 15, 16 and that portion of Lot 17, Block 4, Section 17, lying West of a line that is 527.00 feet East and parallel to the West line of the S.E. 1/4 of said Section 17; that portion of Lots 1, 2 and 3, Block 1, Section 19, lying Southerly of the right-of-way of the Homestead Extension of the Florida Turnpike; that portion of Lots 2 and 3, Block 1, Section 19 lying Northerly of said right-of-way of the Turnpike; that portion of Lot 4, Block 1, Section 19, lying Northerly of said right-of-way of the Turnpike; Lot 5, Block 1, Section 19; less the said right-of-way of the Turnpike; Lot 6, 9, 14 and 16, Block 1, Section 19; that portion of Lot 7, Block 1, Section 19, lying Northerly of said right-of-way of the Turnpike; Lot 8, Block 1, Section 19, less said right-of-way of the Turnpike; that portion of Lot 10, Block 1, Section 19, lying Southerly of said right-of-way of the Turnpike; Lots 4 and 5, Block 4, Section 19; the West 1/2 of Lot 6, Block 2, Section 20; Lot 7, Block 2, Section 20; the North 1/2 of Lot 2, Block 4, Section 20; Lot 14, Block 3, Section 21; Lot 4, Block 1, Section 29; the North 450 feet of the West 330 feet of Lot 6, Block 1, Section 29, less dedicated right-of-way; the same being the North 495 feet of the West 360 feet of the N.E. 1/4 of said Section 29 less dedicated right-of-way; the West 1/2, Lot 1, Block 2, Section 29; the East 1/2 of Lot 1 and the North-220 feet of the East-1/2 of Lot 16, Block 2, Section 29; Lot 16, less the North 220 feet of the East 1/2, of Block 2, Section 29; and less the following described lots, lying in the plat, FLORIDA CITY PARK, as recorded in Plat Book 16 at Page 53 of the Public Records of Dade County, Florida: Lots 6 and 7, Block 1; Lots 29 and 30, Block 5; Lots 2, 3, 4, 8, 11, 12 and 13, Block 9; Lots 8, 9, 10, 13 and 14, Block 10; Lots 1, 2, 7, 8 and 9, Block 11; Lots 6 to 11 inclusive and Lots 13 and 14, Block 12; and less the following described tracts, lying in the REVISED PLAT, FLORIDA CITY PARK as recorded in Plat Book 33, at Page 48 of the Public Records of Dade County, Florida: Tracts 1 through 8 inclusive, Tracts 9A and 9B, Tracts 10 through 16 inclusive, and less all roads, streets, avenues and canal, shown on said plats, FLORIDA CITY PARK and the REVISED PLAT, FLORIDA CITY PARK: and less that portion of the right-of-way of the Homestead Extension of the Florida Turnpike, lying in the N.E. 1/4 of said Section 19, and less the West 1/2 of Lot 14, Block 3, Section 20;

94-10-100

VILLAGES OF HOMESTEAD  
 BEVELLO ALMILL & PARTNERS, INC.



MASTER DEVELOPMENT PLAN.

SCALE 1" = 100'



EXHIBIT "B"

94-10-100



ORDINANCE NO. 94-10-104

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, DADE COUNTY, FLORIDA, GRANTING V.O.H. ACQUISITION, INC. DBA FLORIDA DESIGN COMMUNITIES, LOCATED AT 1820 S. CANAL DRIVE, AN AMENDMENT OF THE VILLAGES OF HOMESTEAD PUD PROPOSED MASTER PLAN ALLOWING A REDUCTION OF 11.21 ACRES OR 146,000 SQUARE FEET OF COMMERCIAL; A REDUCTION IN TRAFFIC OF 406 P.M. PEAK HOUR TRIPS; THE ADDITION OF P.M. PEAK HOUR WEEKDAY TRIPS DUE TO AN INCREASE OF 200 HOTEL ROOMS FOR A TOTAL OF 400 ROOMS; AND AN INCREASE OF 370 RESIDENTIAL DWELLING UNITS. THE SAME BEING HEARD UNDER PUBLIC HEARING NO. 94-61 OF THE PLANNING AND ZONING BOARD OF THE CITY OF HOMESTEAD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, DADE COUNTY, FLORIDA:

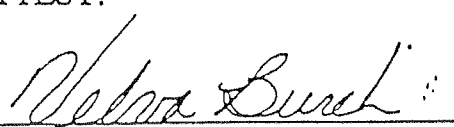
SECTION 1. That an amendment of the Villages of Homestead PUD Proposed Master Plan, be and the same, is hereby granted to V.O.H. ACQUISITION, INC. DBA FLORIDA DESIGN COMMUNITIES, located at 1820 S. Canal Drive, Homestead, Florida, for a reduction of 11.21 acres or 146,000 square feet of commercial; a reduction in traffic of 406 p.m. peak hour trips; the addition of p.m. peak hour weekday trips due to an increase of 200 hotel rooms for a total of 400 rooms; and an increase of 370 residential dwelling units.

SECTION 2. That this ordinance shall become effective immediately upon passage.

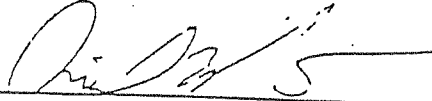
PASSED AND ADOPTED, this 2<sup>nd</sup> day of November, 1994.

  
\_\_\_\_\_  
J.W. DEMILLY III  
Mayor

ATTEST:

  
\_\_\_\_\_  
VELVA BURCH  
City Clerk

APPROVED AS TO FORM & CORRECTNESS:



MICHAEL E. WATKINS  
City Attorney

Motion to adopt by Mrs. Campbell, seconded by Mrs. Perry.

FINAL VOTE AT ADOPTION

Mayor J.W. DeMilly III  
Vice Mayor Roscoe Warren  
Councilman Ruth Campbell  
Councilman Jeff Kirk  
Councilman Eliza Perry  
Councilman Steve Shiver  
Councilman Nick Sincore

YES  
YES  
YES  
YES  
YES  
ABSENT  
YES



## ORDINANCE NO. 99-05-29

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE VILLAGES OF HOMESTEAD DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR CHANGES IN THE VILLAGES OF HOMESTEAD MASTER DEVELOPMENT PLAN FOR THE VILLAGES OF HOMESTEAD PLANNED UNIT DEVELOPMENT; FINDING THAT SAID AMENDMENT AND CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Homestead (the "City") has adopted Ordinance No. 75-11-70 which constitutes a development order (the "Development Order") under Chapter 380 of the Florida Statutes, for the Villages of Homestead, a Development of Regional Impact (the "DRI"); and

WHEREAS, the City has amended the Development Order by a series of amendments over the ensuing period of years (cumulatively, the "Development Orders"); and

WHEREAS, the City Council finds that it is necessary to further amend the Development Orders and make various changes (the "Proposed Changes") to the DRI as more particularly described in the "Notification of Proposed Change to a Previously Approved Development of Regional Impact, Subsection 380.06(19), Florida Statutes," dated March 22, 1999, attached hereto as Exhibit "A" and incorporated herein by reference (the "Notice"), and to make corresponding changes to the Master Development Plan (the "Master Plan") of the Planned Unit Development (the "PUD") encompassing the area of the DRI; and

WHEREAS, the City Council finds that the lake to be excavated will serve an

important function in facilitating the performance and benefits of the wetland mitigation described in the environmental regulatory permits referenced herein below by:

- (a) serving as a buffer between residential development and the mitigation area;
- (b) in part, constituting a portion of the mitigation area;
- (c) promoting the opportunity for biological diversity in the lake habitat; and

WHEREAS, the City of Homestead Planning and Zoning Board has reviewed the Proposed Changes and has recommended adoption thereof; and

WHEREAS, the proposed amendment does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes; and

WHEREAS, the City Council has previously approved an Agreement of January 20, 1999, with the Redland Company (the "Agreement") concerning potential lake excavation activities (the "Activities") referenced in the Proposed Changes herein, which Agreement establishes that obtaining the approvals granted by this Ordinance shall serve as conditions precedent to Redland's authority to engage in the Activities; and

WHEREAS, the City Council recognizes that it is not in any way bound or obligated by the Agreement to adopt this Ordinance, and instead is authorized to adopt this Ordinance only if the Council finds that this Ordinance meets the applicable legal standards regularly applied to the DRI and Master Plan matters provided for herein; and

WHEREAS, the City Council at a properly advertised public hearing has reviewed the Proposed Changes and makes the findings and determinations set forth below.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF

**HOMESTEAD, FLORIDA, AS FOLLOWS:**

Section 1. Findings. The City Council makes the following findings:

1.1. Each of the recitals set forth above is hereby incorporated and confirmed.

1.2. The clear and convincing evidence presented demonstrates that the Proposed Changes and previous changes to the Development Order neither individually nor cumulatively constitute or create a substantial deviation under the criteria provided for in Section 380.06(19), Florida Statutes.

1.3. The clear and convincing evidence presented demonstrates that the Proposed Changes do not require further Development of Regional Impact review under Chapter 380 of the Florida Statutes or the laws of the City of Homestead.

1.4. The Proposed Changes are consistent with the State Comprehensive Plan, the City's Comprehensive Development Plan, the City's Land Development Regulations, and any other applicable laws.

1.5. This Ordinance meets the applicable legal standards which are regularly applied to the DRI and Master Plan matters provided for herein.

Section 2. Approved Changes.

2.1. List of Proposed Changes:

- a. Reduction of 174 residential dwelling units for a cumulative reduction from 14,465 dwelling units to 9,882 dwelling units;
- b. Reduction of 11 acres of school for a cumulative decrease from 98.34 acres to 64.08 acres of school designation;
- c. Reduction of 4.85 acres of retail for a cumulative decrease from 103.02 acres to 74.12 acres of retail designation;

- d. Increase of 67.02 acres of open space/park for a cumulative increase from 84.66 acres to 624.40 acres of open space/park area; and
- e. Increase of 93 acres of grass buffer/overflow parking for a cumulative increase from 0 acres to 203 acres of grass buffer/overflow parking area.

These Proposed Changes do not increase the previously approved number of: permanent seats; spectators accommodated; or, major events at the Motorsports facility.

2.2. Each of the above described Proposed Changes, as detailed in the Notice, is hereby approved and adopted as if set forth at length herein.

2.3. The purpose of these Proposed Changes is to allow the City the ability to: widen SW 344 Street from SW 137 Avenue to SW 152 Avenue; fill an area for additional grassed buffer/overflow parking; and fill the City of Homestead Park of Commerce and other areas within the DRI.

2.4. All use and development activities authorized herein shall comply with the environmental regulatory permits (the "Permits") as described in the Notice and as issued by the Miami-Dade County Department of Environmental Resource Management (DERM), the South Florida Water Management District (SFWMD) and the US Army Corps of Engineers (USACOE). No development authorized in this Ordinance shall be undertaken unless such Permits have first been issued, and all development must comply with the Permits, as amended from time to time. A copy of the DERM, SFWMD and USACOE permits, as issued and amended, shall be maintained on file in the City Clerk's office.

**Section 3. Development Orders.** The Development Orders, as previously amended from time to time, and as amended herein, are hereby approved and confirmed in accordance with the terms hereof.

**Section 4. Master Development Plan of Planned Unit Development.**

4.1. The Master Plan for the PUD of the DRI, as such Master Plan is set forth as Exhibit "C" of the Notice, as attached hereto, is hereby adopted and approved, and the previously approved Master Plan for the PUD is hereby amended in accordance with the Notice. The Master Plan as herein amended and as set forth in such Exhibit "C," shall supersede the previously approved development plans and shall control the development within the DRI in accordance with the PUD zoning, and shall constitute an amendment to the Development Orders, as amended, for the DRI.

4.2. The properties governed by the Master Plan shall be used in accordance with the Master Plan, the Permits, and in accordance with the purposes and conditions of this Ordinance.

**Section 5. Restatement.** Except as provided for in this Ordinance, all prior Development Orders for the Villages of Homestead DRI shall remain in full force and effect in accordance with the terms and conditions provided for therein.

**Section 6. Transmittal of Development Order.** The City Clerk is hereby directed to make the appropriate transmittals of this Development Order as required by law, as advised by the City Attorney.


**Section 7. Authorization.** The City Manager and City Attorney are hereby authorized to take any and all action necessary to fully implement the provisions of this Ordinance.

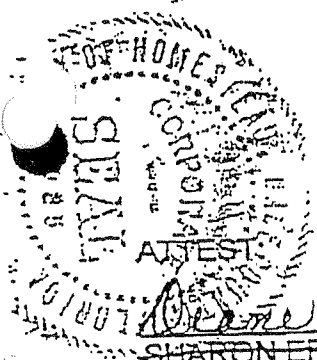
Section 8. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.


Section 9. Effective Date. This Ordinance shall be effective upon passage by the City Council on second reading.

PASSED AND ADOPTED on first reading this 17<sup>TH</sup> day of MAY, 1999.

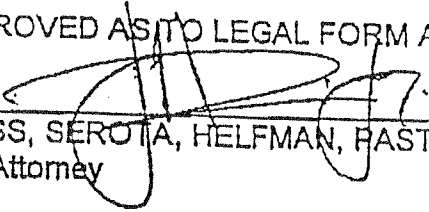
PASSED AND ADOPTED on second reading this 7<sup>TH</sup> day of JUNE, 1999.

  
STEVE SHIVER  
Mayor



  
SHARON ERNST  
Deputy City Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

  
WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDELL, P.A.  
City Attorney

Motion to adopt by Mr. Porter seconded by Mr. Sincore

**FINAL VOTE AT ADOPTION**

Mayor Steve Shiver	_____	YES
Vice Mayor Jeffrey Porter	_____	YES
Councilman Steven C. Bateman	_____	YES
Councilman Eddie Berrones	_____	YES
Councilwoman Eliza D. Perry	_____	YES
Councilman Nick Sincore	_____	YES
Councilman Roscoe Warren	_____	YES

99-05-29 Ordinance amending development order for veh



## ORDINANCE NO. 2001-12-36

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE VILLAGES OF HOMESTEAD DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR CHANGES IN THE VILLAGES OF HOMESTEAD MASTER DEVELOPMENT PLAN FOR THE VILLAGES OF HOMESTEAD PLANNED UNIT DEVELOPMENT; FINDING THAT SAID AMENDMENT AND CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Homestead (the "City") has adopted Ordinance No. 75-11-70, which constitutes a development order (the "Development Order") under Chapter 380 of the Florida Statutes, for the Villages of Homestead, a Development of Regional Impact (the "DRI"); and

WHEREAS, the City has amended the Development Order by the adoption of Ordinance Nos. 76-02-9, 79-10-32, 81-07-47, 84-05-33, 85-05-34, 87-01-1, 94-05-33, 94-10-100, 94-10-104, 99-05-29 (collectively, the "Development Order Amendments"); and

WHEREAS, M&H Homestead, Ltd. (the "Developer") has applied for various changes (the "Proposed Changes") to the DRI, as more particularly described in the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes, dated 10-26-01 (the "NOPC"), which is incorporated by reference to this Ordinance; and

WHEREAS, the City Council finds that it is necessary to further amend the Development Order and to incorporate the Proposed Changes, and to make corresponding changes to the DRI Master Development Plan (the "Master Plan"); and

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20299PG1547

WHEREAS, the City of Homestead Planning and Zoning Board has reviewed the Proposed Changes, and has recommended adoption thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, MIAMI-DADE COUNTY, FLORIDA:

SECTION 1. FINDINGS. The City Council makes the following findings:

- 1.1 Each of the recitals set forth above is hereby incorporated and confirmed.
- 1.2 The clear and convincing evidence presented demonstrates that the Proposed Changes and the previous changes to the Development Order neither individually nor cumulatively constitute or create a substantial deviation under the criteria provided for in Section 380.06(19), Florida Statutes, or laws of the City.
- 1.3 The clear and convincing evidence presented demonstrates that the Proposed Changes do not require further Development of Regional Impact review under Chapter 380 of the Florida Statutes or the laws of the City.
- 1.4 The Proposed Changes are consistent with the State Comprehensive Plan, the City's Comprehensive Development Plan, the City's Land Development Regulations, and any other applicable laws.
- 1.5 This Ordinance meets the applicable legal standards that are regularly applied to the DRI and Master Plan matters provided herein.

SECTION 2. APPROVED CHANGES AND CONDITIONS. The Proposed Changes are hereby approved subject to the following conditions:

- 2.1 The maximum number of residential dwelling units within the DRI shall not exceed 9,882 dwelling units.

- 2.2 The commercial development within the DRI shall not exceed 974,000 square feet on 107.52 acres.
- 2.3 The hotel shall be limited to 400 hotel rooms.
- 2.4 The industrial development within the DRI shall not exceed 3,100,000 square feet on 275.10 acres.
- 2.5 The Developer shall develop a 127-bed hospital on 13 acres.
- 2.6 The office development within the DRI shall not exceed 241,000 square feet on 14.50 acres.
- 2.7 The DRI shall have 843.23 acres of recreation/open space, of which 2.21 acres shall be private recreation space, 90.75 acres shall be community park, and 150 acres shall be golf course.
- 2.8 Lands identified as school sites shall be 58.34 acres.
- 2.9 The Major Events described in Exhibit "H" of the NOPC approved pursuant to City of Homestead Ordinance 94-05-33 shall be limited to eighteen (18) days in any given calendar year. Notwithstanding anything to the contrary in said Exhibit "H" and/or this Ordinance, a Major Event shall mean an event or separate events conducted simultaneously at the Baseball Facility and/or Motorsports Facility for which the number of spectators exceeds 28,000.
- 2.10 The attraction/recreation uses shall be on 527.90 acres as follows: The Baseball Facility shall be on 100 acres. The Motor Sports Facility shall be on a total of 427.90 acres, of which 203 acres shall be designated for the Motor Sports Facility grass buffer/overflow parking.

- 2.11 All use and development activities authorized herein shall comply with the environmental regulatory permits (the "Permits") as described in the Notice and as issued by the Miami-Dade County Department of Environmental Resource Management (DERM), the South Florida Water Management District (SFWMD) and the US Army Corps of Engineers (USACOE). No development authorized in this Ordinance shall be undertaken unless such Permits have first been issued, and all development must comply with the Permits, as amended from time to time. A copy of the DERM, SFWMD and USACOE permits, as issued and amended, shall be maintained on file in the City Clerk's office.
- 2.12 The development of the DRI property shall be in substantial compliance with the Proposed Master Plan entitled "Proposed Master Plan/KeysGate at the Villages of Homestead," dated 10-26-01 and revised 11-29-01, and attached hereto as Exhibit "A," and the Proposed Master Development Plan - Proposed Land Use Chart, dated 11-28-01, attached hereto as Exhibit "B."

SECTION 3. MASTER DEVELOPMENT PLAN. The Proposed Master Plan, dated 10-26-01 and revised 11-29-01, which is attached hereto as Exhibit "A" (and attached as Exhibit "C" to the NOPC) shall supersede all prior approved development plans, shall serve as the Master Development Plan for the DRI, and shall control the development of the DRI. The properties governed by the Proposed Master Plan shall be developed and used in accordance with the

20299PG1550

Proposed Master Plan, and in accordance with the purposes and conditions of this Ordinance.

SECTION 4. MASTER DEVELOPMENT PLAN LAND USE CHART. The Proposed Master Development Plan - Proposed Land Use Chart, dated 11-28-01, (the "Proposed Land Use Chart") attached hereto as Exhibit "B" (and attached as Exhibit "D" to the NOPC) shall supersede all prior approved Land Use Charts, shall serve as the Master Development Plan Land Use Chart for the DRI, and, in conjunction with the Proposed Master Plan, shall control the development of the DRI. The properties governed by the Proposed Land Use Chart shall be developed and used in accordance with the Proposed Land Use Chart, and in accordance with the purposes and conditions of this Ordinance.

SECTION 5. DEVELOPMENT ORDERS. The Development Order, as previously amended by the Development Order Amendments, and as amended herein, is hereby approved and confirmed in accordance with the terms hereof.

SECTION 6. RESTATEMENT. Except as provided for in this Ordinance, the Development Order and all prior Development Order Amendments for the DRI shall remain in full force and effect, in accordance with the terms and conditions provided therein, including, but not limited to, those provisions in City Ordinance No. 99-05-29 pertaining to the lake excavation in Sectors 16 and 18 of the Proposed Master Plan.

SECTION 7. TRANSMITTAL OF DEVELOPMENT ORDER. The City Clerk is hereby directed to make the appropriate transmittals of this Development Order Amendment, as required by law, as advised by the City Attorney.

20299PG 1551

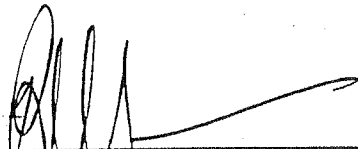
SECTION 8. AUTHORIZATION. The City Manager and the City Attorney are hereby authorized to take any and all action necessary to fully implement the provisions of this Ordinance.

SECTION 9. SEVERABILITY. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

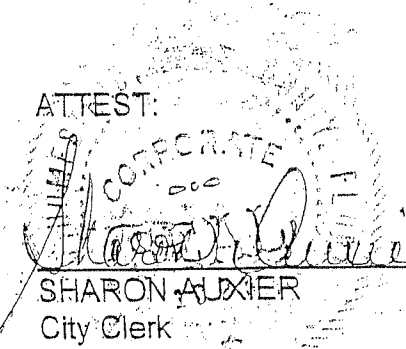
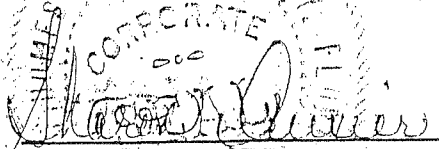
SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon passage by the City Council on second reading.

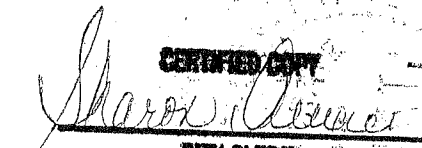
PASSED AND ADOPTED on first reading this 3<sup>RD</sup> day of DECEMBER, 2001.

PASSED AND ADOPTED on second reading this 17<sup>TH</sup> day of DECEMBER, 2001.

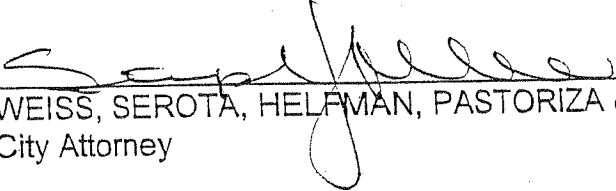
  
ROSCOE WARREN  
Mayor

ATTEST:

  
  
SHARON AUXIER  
City Clerk

  
CITY CLERK  
CITY OF HOMESTEAD  
DATE: 3/6/02

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
 \_\_\_\_\_  
 WEISS, SEROTA, HELFMAN, PASTORIZA & GUEDES, P.A.  
 City Attorney

Motion to adopt by Mr. Berrones seconded by Mr. Bateman .

FINAL VOTE AT ADOPTION

Mayor Roscoe Warren	<u>ABSENT</u>
Vice Mayor Steven D. Losner	<u>YES</u>
Councilman Steven C. Bateman	<u>YES</u>
Councilman Eddie Berrones	<u>YES</u>
Councilman Jeffrey D. Porter	<u>YES</u>
Councilman Nicholas R. Sincore	<u>ABSENT</u>
Councilwoman Judy Waldman	<u>YES</u>

Land Use	Changes Since 1985		Units		Proposed Change			Proposed Change			Proposed Change			Cumulative Change			Cumulative Change			
	Proposed Changes	Cumulative Changes	Weekday Trip Generation 1		Weekend Trip Generation		Weekday Trip Generation		Weekend Trip Generation		Weekday Trip Generation 1		Weekend Trip Generation		Weekday Trip Generation		Weekend Trip Generation			
			Average Daily	PM Peak Hours	Average Daily	PM Peak Hour	Average Daily	PM Peak Hour	Average Daily	PM Peak Hour	Average Daily	PM Peak Hour	Average Daily	PM Peak Hour	Average Daily	PM Peak Hour	Average Daily	PM Peak Hour	Average Daily	PM Peak Hour
Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total	
Residential																				
Single Family	(1,337) DU	(1,511) DU	9.55	(1,662)	1.02	(177)	9.48	(1,650)	0.75	(131)	9.55	(14,430)	1.02	(1,541)	9.48	(14,324)	0.75	(1,133)		
Multi-Family	(3,072) DU	(3,072) DU	5.86	0	0.54	0	5.26	0	0.46	0	5.86	(18,002)	0.54	(16,159)	5.26	(16,159)	0.46	(1,413)		
Commercial 2	(314,800) SF	(378,200) SF	0.06	(3,804)	0.01	(634)	0.08	(5,072)	0.01	(634)	0.06	(22,692)	0.01	(3,782)	0.08	(30,256)	0.01	(3,782)		
School	(1,552) Students	(516) Students	1.09	(562)	0.25	(129)	N/A	0	N/A	0	1.09	2,254	0.25	(517)	N/A	0	N/A	0		
Parks	484.96 AC	551.98 AC	2.23	149	0.22	15	5.90	395	0.59	40	2.23	1,231	0.22	121	5.90	3,257	0.59	326		
Hotel (ITE 310)	200 Rooms	200 Rooms	8.70	0	0.76	0	9.49	0	0.81	0	8.70	1,740	0.76	152	9.49	1,898	0.81	162		
Baseball Facility 3	6,500 Seats	6,500 Seats	0.67	0	0.17	0	0.67	0	0.17	0	0.67	4,355	0.17	1,105	0.67	4,355	0.17	1,105		
Motorsport Facility 3																				
Typical Event	9,500 Seats	9,500 Seats	0.67	0	0.17	0	0.67	0	0.17	0	0.67	6,365	0.17	1,615	0.67	6,365	0.17	1,615		
Major Event 4	40,000 Persons	40,000 Persons	N/A	0	N/A	0	0.57	0	0.17	0	N/A	0	N/A	0	0.67	26,800	0.17	6,800		
Total Trip Change																				
Typical Event																				
Major Event 4																				

1 Trip generation rates based on I.T.E., 5th edition  
 2 Commercial square footage is calculated using a 30 percent lot coverage.  
 3 Trip generation rates for Baseball and Motorsports events are based on 3 spectators per vehicle.  
 4 Major events occur 3-4 weekends per year.

EXHIBIT "D"  
MASTER DEVELOPMENT PLAN - PROPOSED LAND USE

Area	Dwelling Units		Open/Space Recreation (AC)	Private Recreation (AC)	Community Park	Golf Course (AC)	School (AC)	Public Service (AC)	Hospital (AC)	Commercial (AC)	Office (AC)	Industrial (AC)	Hotel (Rooms)	Baseball Stadium	Motorsport Facility (AC)	
	SF															
	TH/MF	SF/TH/MF														
AREA 1	Sector 1	983														
	2	107	5.24	2.21												
	3	514	337	19.00				36.34		3.41						
	Total	621	1,320	24.24	2.21	0.00	0.00	36.34	0.00	3.41	0.00	0.00	0.00	0.00	0.00	0.00
AREA 2	Sector 5	275			12.96											
	6	644														
	7	603														
	9	286		20.63												
	10	918														
	11	993														
	Total	704	2,240	20.63	0.00	12.96	0.00	22.00	0.00	13.00	86.66	14.50	0.00	0.00	0.00	0.00
AREA 3	Sector 4				34.79											
	8	385	385			75.00										
	12	897	897			75.00							400.00			
	16	300	300	157.36												
	Total	300	3,779	157.36	0.00	34.79	150.00	0.00	0.00	0.00	15.42	0.00	0.00	400.00	0.00	0.00
AREA 4	Sector 14	0														
	15				42.98											
	TOTAL	0	0	0.00	0.00	42.98	0.00	0.00	0.00	0.00	0.00	270.00	5.10	100.00	14.90	14.90
AREA 5	Sector 18	0		123.14												
	19															
	20															
	21			110.55												
	22															
	23															
	Total	0	0	184.35	396.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	1,325	3,660	4,697	9,882	2.21	90.75	150.00	66.34	0.00	13.00	107.62	14.50	275.10	400.00	100.00	427.90







CFN 2011R0245304  
OR BK 27654 Pgs 4970 - 4974; (5pgs)  
RECORDED 04/15/2011 13:22:30  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

CITY OF HOMESTEAD, FLORIDA

ORDINANCE NO. 2011-03-05

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE DEVELOPMENT ORDER FOR THE VILLAGES OF HOMESTEAD DEVELOPMENT OF REGIONAL IMPACT; FINDING THAT SAID AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

**WHEREAS**, the City of Homestead (the "City") adopted Ordinance No. 75-11-70, which constitutes a development order (the "Development Order") under Chapter 380 of the Florida Statutes, for the Villages of Homestead, a Development of Regional Impact (the "DRI"); and

**WHEREAS**, the City has amended the Development Order by the adoption of Ordinance Nos. 76-02-9, 79-10-32, 81-07-47, 84-05-33, 85-05-34, 87-01-1, 94-05-33, 94-10-100, 94-10-104, 99-05-29, 01-12-36 (collectively, the "Development Order Amendments"); and

**WHEREAS**, Red Apple Development, LLC (the "Developer") has applied for an amendment to the DRI, as more particularly described in the Notification of a Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes (the "NOPC"), which is incorporated by reference to this Ordinance; and

**WHEREAS**, the proposed modification to the Development Order is intended to provide for amendment to the limitation of area for "school sites" within the DRI, in order to permit the applicant to construct an educational facility on 25.3+/- acres

accommodating 2,450 student stations ("Proposed Changes"), and to reflect an existing 10 acre K-8 charter school located within the DRI; and

**WHEREAS**, the proposed modification to the Development Order is intended to provide for an amendment to further clarify the limitation of the area utilized as the "Baseball Facility" within the DRI, in order to permit 25.3+/- acres to be utilized as an educational facility; and

**WHEREAS**, the City Council finds that it is necessary to further amend the Development Order and to incorporate the Proposed Changes; and

**WHEREAS**, the City of Homestead Planning and Zoning Board has reviewed the Proposed Changes, and has recommended adoption thereof.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA:**

**Section 1. Findings.** The City Council makes the following findings:

- 1.1 Each of the recitals set forth above is hereby incorporated and confirmed.
- 1.2 The clear and convincing evidence presented demonstrates that the Proposed Changes and the previous changes to the Development Order neither individually nor cumulatively constitute or create a substantial deviation under the criteria provided for in Section 380.06(19), Florida Statutes, or laws of the City.
- 1.3 The clear and convincing evidence presented demonstrates that the Proposed Changes do not require further Development of Regional Impact review under Chapter 380 of the Florida Statutes or the laws of the City.

- 1.4 The Proposed Changes are consistent with the State Comprehensive Plan, the City's Comprehensive Development Plan, the City's Land Development Regulations, and any other applicable laws.
- 1.5 This Ordinance meets the applicable legal standards that are regularly applied to the DRI and Master Plan matters provided herein.

**Section 2. Amendment to Section 2 of Ordinance 2001-12-36.** The Proposed Changes are hereby approved subject to the following conditions:

- 2.1 The maximum number of residential dwelling units within the DRI shall not exceed 9,882 dwelling units.
- 2.2 The commercial development within the DRI shall not exceed 974,000 square feet on 107.52 acres.
- 2.3 The hotel shall be limited to 400 hotel rooms.
- 2.4 The industrial development within the DRI shall not exceed 3,100,000 square feet on 275.10 acres.
- 2.5 The Developer shall develop a 127-bed hospital on 13 acres.
- 2.6 The office development within the DRI shall not exceed 241,000 square feet on 14.50 acres.
- 2.7 The DRI shall have 843.23 acres of recreation/open space, of which 2.21 acres shall be private recreation space, 90.75 acres shall be community park, and 150 acres shall be golf course.
- 2.8 Lands identified as school sites shall be ~~58.34~~ 93.64 acres.

\* \* \* \* \*

2.9 The attraction/recreation facility uses shall be on 527.90 acres as follows:  
The Baseball Facility shall be on 100 acres, of which up to 25.3± acres may be developed with a school. The Motor Sports Facility shall be a total of 427.90 acres, of which 203 acres shall be designated for the Motor Sports Facility grass buffer/overflow parking."

**Section 3. Development Order.** The Development Order, as previously amended by the Development Order Amendments, and as amended herein, is hereby approved and confirmed in accordance with the terms hereof.

**Section 4. Restatement.** Except as provided for in this Ordinance, the Development Order and all prior Development Order Amendments for the DRI shall remain in full force and effect, in accordance with the terms and conditions provided therein.

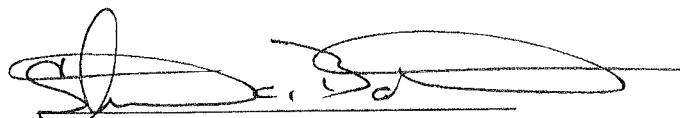
**Section 5. Transmittal of Development Order.** The City Clerk is hereby directed to make the appropriate transmittals of this Development Order Amendment, as required by law, as advised by the City Attorney.

**Section 6. Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

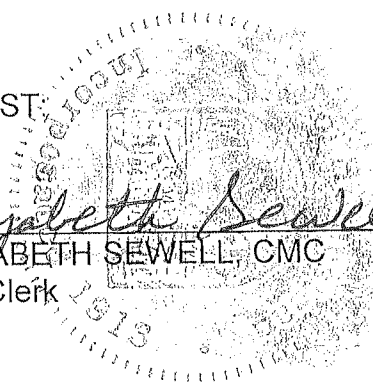
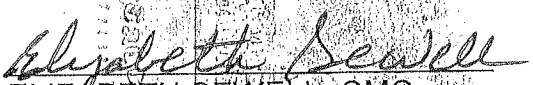
**Section 7. Effective Date.** This Ordinance shall be effective upon passage by the City Council on second reading.

PASSED on first reading this 16<sup>th</sup> day of February, 2011.

PASSED AND ADOPTED on second reading this 23<sup>rd</sup> day of March, 2011.

  
STEVEN C. BATEMAN  
Mayor

ATTEST:

  
  
ELIZABETH SEWELL, CMC  
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND BENEFIT OF THE CITY ONLY:

  
WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, P.L.  
City Attorney

Motion to adopt by Councilman Burgess, seconded by Councilwoman Lobos.

**FINAL VOTE AT ADOPTION**

Mayor Steven Bateman	<u>YES</u>
Vice Mayor Judy Waldman	<u>ABSENT</u>
Councilman Jon Burgess	<u>YES</u>
Councilwoman Wendy Lobos	<u>YES</u>
Councilman Elvis Maldonado	<u>YES</u>
Councilman Stephen Shelley	<u>YES</u>
Councilman Jimmie L. Williams, III	<u>YES</u>