MEMORANDUM

Agenda Item No. 7(D)

TO:	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	**DATE:**	July 7, 2005
FROM:	Robert A. Ginsburg County Attorney	**SUBJECT:**	Ordinance pertaining to Community Councils and Community Zoning Appeals Boards

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

Robert A. Ginsburg
County Attorney

RAG/jls

Memorandum

MIAMI-DADE COUNTY

Date: July 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to Community Councils and Community Zoning Appeals Board

---

This ordinance modifying Sections 20-41 and 33-307.1 of the Code of Miami-Dade County pertaining to Community Councils and Community Zoning Appeals board will have no fiscal impact to Miami-Dade County

The ordinance would prohibit members of the Community Council and the Community Zoning Appeals Board from appearing at any public hearing or meeting before the Board of County Commissioners or any other federal, state, or local board or tribunal, concerning any planning or zoning matter that was heard by, or that could reasonably be expected to be heard by, any Community Council and/or Community Council Appeals Board.

Assistant County Manager

Fiscal04805

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)
7-7-05

ORDINANCE NO. _____

ORDINANCE PERTAINING TO COMMUNITY COUNCILS AND COMMUNITY ZONING APPEALS BOARDS, MODIFYING SECTIONS 20-41 AND 33-307.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROHIBITING MEMBERS FROM APPEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS OR ANY OTHER BOARD OR TRIBUNAL ON PLANNING OR ZONING MATTERS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 20-41 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 20-41. Community Councils; responsibilities.

(A) Community Councils shall perform the duties and responsibilities of Community Zoning Appeals Boards as set forth in Section 33-306 of the Code of Miami-Dade County.

(B) Community Councils may, at their option, perform the following duties and responsibilities:

(1) Planning.

(a) Compile profiles of their respective community's social, physical and economic conditions to assist them in performing their duties;

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(b) Prepare an annual statement of community needs including development patterns and regulations, public facilities and services to assist the Council;
(c) Make recommendations to the Planning Advisory Board and Board of County Commissioners on proposed Miami-Dade County Comprehensive Development Master Plan amendments that impact each Council's area; and
(d) Make recommendations to the County Commission on the location and siting of specific public facility and infrastructure projects.

* * * *

>>(C) No member of a Community Council shall appear at any public hearings or meetings before the Board of County Commissioners or any other federal, state, or local board or tribunal, to advocate concerning any planning or zoning application that was heard by, or that could reasonably be expected to be heard by, any Community Council.<<

Section 2. Section 33-307.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-307.1. Community Zoning Appeals Board; prohibition of members appearance.

>>(A)<<No member of a Community Zoning Appeals Board may appear on behalf of a third person before another Community Zoning Appeals Board or before the County Commission sitting in its capacity as the zoning authority pursuant to Chapter 33, Code of Miami-Dade County.

>>(B) No member of a Community Zoning Appeals Board shall appear at any public hearings or meetings before the Board of County Commissioners or any other federal, state, or local board or tribunal, to advocate concerning any zoning application that was heard by, or that could reasonably be expected to be heard by, any Community Council.

(C)<< Violation of this section shall constitute grounds for removal pursuant to § 20-43.2.

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 by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Sponsored by Commissioner Dennis C. Moss