

**MEMORANDUM**

Agenda Item No. 7(A)

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

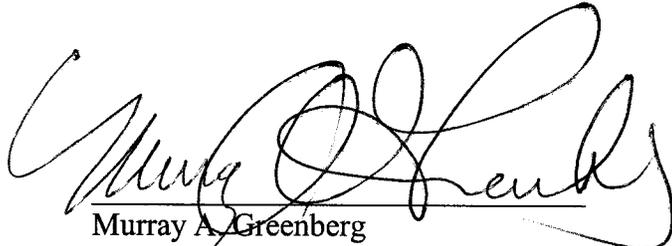
(Second Reading 02-21-06)  
**DATE:** December 6, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Ordinance relating to  
the Community Zoning  
Appeals Boards

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Natacha Seijas.



Murray A. Greenberg  
County Attorney

MAG/jls

# Memorandum



**Date:** February 21, 2006

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

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess".

**Subject:** Ordinance Relating to Zoning Deleting Review by the BCC of Certain CZAB Decisions

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This Ordinance relating to zoning, deleting review by the Board of County Commissioners of certain decisions of the Community Zoning Appeals Boards (CZAB), will not have a fiscal impact to Miami-Dade County.

The implementation of this ordinance would result in planned developments, certain types of use variances, and self service storage facilities to no longer appeal CZAB decisions to the Board of County Commissioners.

A handwritten signature in black ink, appearing to read "Bix Johnson".

Assistant County Manager

Fiscal01306

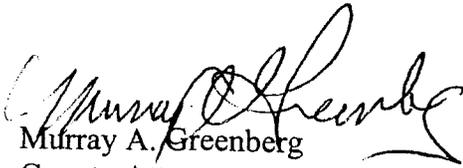


# MEMORANDUM

(Revised)

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

**DATE:** February 21, 2006

**FROM:**   
Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

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

Agenda Item No. 7(A)

Veto \_\_\_\_\_

02-21-06

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-284.21 AND 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DELETING REVIEW BY THE BOARD OF COUNTY COMMISSIONERS OF CERTAIN DECISIONS OF THE COMMUNITY ZONING APPEALS BOARDS; 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 284.21 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-284.21. Plan review procedure.**

The application for a planned development shall be reviewed by the Department to determine its compliance with applicable regulations and review criteria contained herein. An instrument, suitable for recording, shall be submitted prior to the advertising of the public hearing, which covenants that development will occur substantially in accordance with plans approved at the public hearing.

The Community Zoning Appeals Board shall review the plans and documents, and may approve, approve with modifications, or disapprove the application.

If a Community Zoning Appeals Board incorporates specific modifications to the planned development in its resolution of approval, those modifications shall be made by the applicant prior to filing documents and plans with the Department. Such

<sup>1</sup> 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.

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filing shall be completed within sixty (60) working days from date of a Community Zoning Appeals Board's action. Failure to do so shall nullify the Community Zoning Appeals Board's action unless waived by formal vote of the Community Zoning Appeals Board ~~[[or if appealed, by the County Commission]].~~

\* \* \*

Section 2. Section 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 33-314. Direct applications and appeals to the County Commission.**

\* \* \*

(B) The County Commission shall have jurisdiction to hear appeals from decisions of the Community Zoning Appeals Boards as follows:

(1) Applications for district boundary changes on individual pieces of property or on a neighborhood or area-wide basis.

~~[[ (2) Plans submitted as part of an application for a planned development. The Board shall decide if the proposed development is in accordance with the provisions for a planned development and said Board shall diligently consider the recommendations of the Director and Zoning Official or the Developmental Impact Committee prior to recommending approval, approval with modification, or denial. Said Board shall only approve an application for a planned development when plans and other exhibits are in compliance with the criteria for a planned development and otherwise meet the criteria contained in Section 33-311. ]]~~

~~[[ (3) ]]~~ >> (2) << Applications for district boundary changes which also contain requests for unusual use, new use, variance or special exception which is incidental or related thereto, or where there is pending on the same property or portion thereof more than one (1) application for district boundary change, variance,

special exception, unusual or new use. When possible an appeal containing such requests shall be acted upon at the same public hearing.

~~[(4)]~~>>(3)<<All zoning applications by State and municipal entities and agencies.

~~[(5)]~~>>(4)<<Applications for unusual uses or amendments or modifications thereto described in Section 33-13(e) when said unusual uses, amendments or modifications in connection with a class I or class IV permit application, as defined in Section 24-58.1.

~~[(6)]~~ Use variances involving uses with different "prefixes" (BU use in IU District, IU use in BU District, RU use in IU District, IU use in RU District, etc.). For purposes of this paragraph, the AU, GU, EU, RU 5 and RU 5A Districts shall all be considered to be within the RU prefix category.

(7) ~~Self service storage facilities as provided for in Section 33-247(38).]~~

~~[(8)]~~>>(5)<<Any appeal filed by the County Manager from any action of the Community Zoning Boards where it is the opinion of the County Manager that a Community Zoning Appeals Board's resolution has either (a) an overall impact to the County or (b) is inconsistent with the Miami-Dade County Comprehensive Development Master Plan, or (c) is incompatible with aviation activity or aviation safety.

~~[(9)]~~>>(6)<<Notwithstanding any provision contained in any section of this Code, the Board of County Commissioners shall have appellate jurisdiction whenever it is contended that a decision of a Community Zoning Appeals Board constitutes a taking or deprivation of vested rights and administrative remedies of Section 2-114 have been exhausted.

~~[(10)]~~>>(7)<<Applications for appeals of administrative decisions pursuant to Section 33-311(A)(2).

~~[(11)]~~>>(8)<<Applications for development approval or modifications thereof for projects located within the Center or Edge Districts of the Downtown Kendall Urban Center District.

~~[(12)]~~>>(9)<<Applications for development approval or modifications thereof for projects located within the Center or Edge sub-districts of the Naranja Community Urban Center District.

\* \* \*

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.

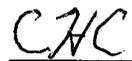
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Craig H. Collier

Sponsored by Commissioner Natacha Seijas