Memorandum

MIAMI-DADE COUNTY

(Second Reading 10-02-07)

Date: June 26, 2007

Agenda Item No. 7(J)

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

From: George M. Burgess
County Manager

Subject: Amending Sections 2-107 and 20-43 of the Miami-Dade County Code: Non-voting representatives of the Miami-Dade County School Board and of the Homestead Air Reserve Base on the Planning Advisory Board and Community Councils

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RECOMMENDATION

It is recommended that the Board of County Commissioners approve the accompanying ordinance, which changes the composition of the Planning Advisory Board (PAB) and the Community Council when acting as Community Zoning Appeal Boards (CZAB) to include one representative of the Miami-Dade County School Board and one representative of the Homestead Air Reserve Base to serve as ex-officio, non-voting members.

Scope

The agenda item as a whole has a countywide impact. The inclusion of one representative of the Miami-Dade County School Board to the PAB and each CZAB as an ex-officio, non-voting member will impact all Commission districts. The inclusion of one representative of the Homestead Air Reserve Base to serve as an ex-officio, non-voting member on the PAB and CZAB will only impact Commission Districts 8 and 9.

Fiscal Impact/Funding Source

The agenda item has no fiscal impact.

Track Record/Monitor

This agenda item does not require the County to enter into a contract.

BACKGROUND

Section 163.3174(1), Florida Statutes, mandates the inclusion of a representative of the school district, appointed by the School Board, as an ex-officio, non-voting member to the Miami-Dade County PAB, acting as the Local Planning Agency, and the Community Councils when acting as CZAB. Addition of this member would facilitate the exchange of information at meetings where the PAB or CZAB may consider a land use and zoning application that, if approved, would increase residential density on the property. Additionally, Section 163.3175(5), Florida Statutes (F.S.), requires that a representative of the Homestead Air Reserve Base (HARB), appointed by the Commander of the HARB, be included on the PAB and CZABs as an ex-officio, non-voting member. Inclusion of this representative would increase coordination between the HARB and the County regarding proposed land use or zoning changes that are proximate to the HARB or may otherwise impact the HARB's mission. The Florida Department of Community Affairs has indicated that HARB is the only military installation in Miami-Dade County that is subject to these requirements.

A representative was appointed by the School Board to the PAB in early 2004 and regularly attends the PAB meetings during reviews of comprehensive plan amendments. Representatives of the Miami-Dade County Public Schools staff regularly attend CZAB and Board of County Commissioners meetings to inform board members of potential residential impacts to the school system. In addition, the County routinely notifies the HARB of proposed County land use or zoning applications that are in close proximity to the HARB. Although the County has complied with the intent of the changes to the 2005 Growth Management Act, the Miami-Dade County Code is now being amended to specifically include these non-voting representatives in the codified composition of either the PAB or the CZAB.

The attached Ordinance amends Sections 2-107 and 20-43 of the Miami-Dade County Code of Ordinances in order to provide for an ex-officio, nonvoting representative of the Miami-Dade County School Board and of the HARB on the PAB and CZABs. Section 2-107 addresses the composition of the Planning Advisory Board, while Section 20-43 addresses the organization of the Community Councils.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: October 2, 2007

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(J)

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(J)
10-02-07

ORDINANCE NO. _____

ORDINANCE PERTAINING TO PLANNING ADVISORY BOARD AND COMMUNITY COUNCILS; AMENDING SECTIONS 2-107 AND 20-43 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); MODIFYING COMPOSITION OF MEMBERSHIP TO PROVIDE FOR NONVOTING REPRESENTATIVES OF THE SCHOOL BOARD OF MIAMI-DADE COUNTY AND THE HOMESTEAD AIR RESERVE BASE; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, Miami-Dade County's Planning Advisory Board and Community Zoning Appeals Boards are each required to include, as a nonvoting member, a representative of the School Board of Miami-Dade County to attend those meetings at which those boards consider comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application; and

WHEREAS, pursuant to Section 163.3175(5), Florida Statutes, Miami-Dade County's Planning Advisory Board and Community Zoning Appeals Boards are each required to include, as a nonvoting member, a representative of the Homestead Air Reserve Base to attend those meetings at which those boards consider comprehensive plan amendments and changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the Homestead Air Reserve Base,

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

Section 1. Section 2-107 of the Code of Miami-Dade County, Florida is hereby amended as follows:[1]

Sec. 2-107. Planning Advisory Board--Established; composition; compensation of members; new member orientation; annual orientation workshop.

(a) A Planning Advisory Board is hereby established. This Board shall consist of>>:<<

>>(1) Seventeen<< [[~~seventeen~~]] (17) >>voting<< members appointed by the County Commission. Each County Commissioner shall nominate one (1) member. The remaining four (4) members, each of whom shall be a professional in architecture, landscape architecture, urban design, urban planning, real estate or a similar field, shall be at-large appointments. Nominations for the at-large appointments shall be submitted to the Chair of the Board of County Commissioners to be voted on by the Board. Members shall serve without compensation, but shall be entitled to be reimbursed for necessary expenses incurred in the performance of their official duties, upon approval by the County Commission.

>>(2) The following non-voting members:

(a) A representative appointed by the School Board of Miami-Dade County, who may attend those meetings at which the Board considers an application to amend the comprehensive plan that would, if approved, increase residential density on the property that is the subject of the application.

(b) A representative appointed by the commanding officer of the Homestead Air Reserve Base, who may attend those meetings at which the Board considers an application to amend the comprehensive plan that, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.<<

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[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.

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Section 2. Section 20-43 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 20-43. Community Councils; membership.

Except as provided in subsection (E), Community Councils shall have seven (7) members, six (6) of whom shall be elected at large within the council area and one (1) of whom shall be appointed by the Board of County Commissioners as follows:

* * * *

>>(F) Community Councils shall have the following nonvoting members when acting as Community Zoning Appeals Boards:

(1) A representative appointed by the School Board of Miami-Dade County, who may attend those meetings at which a Board considers a zoning action that would, if approved, increase residential density on the property that is the subject of the application.

(2) A representative appointed by the commanding officer of the Homestead Air Reserve Base, who may attend those meetings at which a Board considers a zoning action that, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.<<

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