



MEMORANDUM

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 9, 2010

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

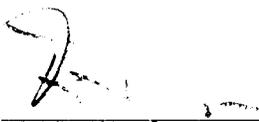
SUBJECT: Ordinance relating to Community
Councils/Community Zoning
Appeal Boards; providing for
appointment of all council positions
rather than election of certain
positions

This ordinance was amended by the Government Operations Committee on December 8, 2009. Whereas the original ordinance provided that all Council Members be appointed, the Committee amendment retains the election of Community Council Members. This amendment resulted in substantial modifications to the ordinance filed for first reading. The Committee left for determination by the entire Board, the composition of elected and appointed members of the expanded nine-member board.

Because the map attached to the original ordinance was prepared for an appointed board without subareas, the ordinance provides for the initial drawing of subarea boundaries by subsequent resolution of the Board.

By retaining elected Community Council positions, there may be an insufficient number of appointed positions available for each Commissioner to have a nominee to a Community Council. In that circumstance, the amended ordinance provides for nominations to be determined by lot.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date: January 21, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess 
County Manager

Subject: Ordinance amending Chapter 20 Article IV and Chapter 33 Article XXXVI of the Code

The proposed amendment pertaining to Community Councils modifying the number of Community Councils to no more than four will result in a positive fiscal impact to Miami-Dade County.

The reduction in the number of Community Councils to no more than four will yield an increase in the number of applications per board, per agenda. However, it is anticipated that there will be an overall net decrease in the number of meetings per year. This reduction would yield a net savings of approximately \$112,000 in proprietary savings. These savings do not include indirect costs associated with job basis employees. In addition, the Adopted 2009-10 Budget includes the elimination of support for the non-zoning Community Council meetings and the elimination of four positions, a savings of \$426,000.



Assistant County Manager

fis02710



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: January 21, 2010


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

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
1-21-10

ORDINANCE NO. _____

ORDINANCE RELATING TO COMMUNITY COUNCILS/COMMUNITY ZONING APPEALS BOARDS; AMENDING CHAPTER 20 ARTICLE IV AND CHAPTER 33 ARTICLE XXXVI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); MODIFYING THE NUMBER OF COMMUNITY COUNCILS/COMMUNITY ZONING APPEALS BOARDS TO NO MORE THAN FOUR; MODIFYING BOUNDARIES OF COMMUNITY COUNCILS/COMMUNITY ZONING APPEALS BOARDS TO CONFORM TO BOUNDARIES OF COUNTY COMMISSION DISTRICTS; MODIFYING COMMUNITY COUNCIL RESPONSIBILITIES; PERMITTING ELECTED AND APPOINTED MEMBERS CURRENTLY IN OFFICE TO REMAIN IN OFFICE UNTIL RESIGNATION, REMOVAL OR EXPIRATION OF TERM; 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. Sections 20-40, 20-41, 20-42, 20-43, 20-43.1, 20-43.2 and 20-44 of the Code of Miami-Dade County, Florida, are hereby amended to read as follows:¹

Sec. 20-40. Community Councils; creation and purposes.

There are hereby established and created Community Councils to serve the unincorporated Miami-Dade County. ~~[[Community Councils are established for the following purposes:]]~~

~~[[(1) Providing the residents of unincorporated Miami-Dade County with increased governmental accountability, and responsiveness in decision-making processes for the delivery of municipal type services;~~

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.

- (2) ~~Improving the effectiveness of services by making them more responsive to community desires and needs;~~
- (3) ~~Retaining efficiencies of services by maintaining economies of scale;~~
- (4) ~~Maintaining the ability to match unincorporated area needs with available resources; and~~
- (5) ~~Fostering a sense of community identity, inclusiveness and empowerment.]]~~

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;~~
- ~~(b) Prepare an annual statement of community needs including development patterns and regulations, public facilities and services to assist the Council;~~
- ~~(c) M]]>>m<<ake 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.~~

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- (2) *Protection of persons and property programming.*
 - (a) ~~Recommend policies to coordinate the Fire Rescue District and Police Department in the enhancement of public safety and protection of property in the council area through improved communications and service needs assessments.~~

- (3) *Budgeting.*
 - (a) ~~Make recommendations to the County Manager and County Commission on priorities for community facilities and services and on community-based organization grants for the council area; and~~
 - (b) ~~Make recommendations to the County Manager and County Commission on revenue needs including unincorporated area property taxes millages and special taxing districts.~~

- (4) *Communication.*
 - (a) ~~Conduct forums on council area issues to facilitate the exchange of information between residents, property owners, businesses, institutions and County Officials and Administrators;~~
 - (b) ~~Disseminate information about council area related organizations, programs and activities; and~~
 - (c) ~~Coordinate with Miami Dade County's Team Metro in the exercise of that agency's responsibilities within the council area.]]~~

- (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 zoning application that

was heard by, or that could reasonably be expected to be heard by, any Community Council.

Sec. 20-42. Community Councils; configuration.

- (A) There shall be no more than ~~[[10]]~~>>(4)<< Community Councils each of which shall have jurisdiction within its boundary within the unincorporated area. ~~[[Council areas should be large enough to reasonably accommodate local zoning issues without unduly increasing staffing requirements. The boundaries of Community Councils' jurisdiction, to the extent feasible, shall coincide with those of groupings of Census Designated Places/]]~~
- (B) Each Community Council area shall contain no more than six (6) subareas. The boundaries of these subareas, to the extent feasible, shall coincide with those of existing election precincts. Enclave areas that are fully surrounded by municipal boundaries and are not large enough to be subareas shall be part of the nearest subarea.
- (C) The boundaries and numerical designations of the Community Councils ~~[[and of the subareas within them]]~~ are ~~[[depicted and]]~~ described in Attachment I attached hereto and incorporated herein by reference [which can be found in the County Clerk's office]. >>The Board of County Commissioners shall provide by resolution the initial boundaries of the subareas for each Community Council.<< ~~[[These]]~~ >>The<< boundaries >>of the Community Councils and subareas<< may be amended from time to time by resolution of the County Commission after public hearing>>, but the Community Council boundaries shall conform to the boundaries of the districts of the Board of County Commissioners<<. The names of the Community Councils shall be designated by the respective Community Council.
- (D) Notwithstanding anything in this Code to the contrary, when, as a result of municipal incorporation or annexation>>, or consolidation of Community Council areas,<< a Community Council does not have enough members in office to act, the Board of County Commission may by resolution after public hearing, reassign the remaining areas of the affected Community Council to a different Community Council and modify the total number of Councils accordingly.

Sec. 20-43. Community Councils; membership.

Except as provided in subsection (E), >>each<< Community Council[[s]] shall have [[seven (7)]] >>nine (9)<< 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:

(A) *Elected Council Members.*

* * *

(2) The term of office of Community Council members shall be for four (4) years. It is provided, however, >>in the initial election of Community Council Members pursuant to the revised Community Council boundaries as set forth in this ordinance, those members representing even-numbered subareas shall serve a two-year term and those members representing odd-numbered subareas shall serve a four-year term so as to create staggered terms. Thereafter all Council Members shall serve four-year terms.<< [[that—w]]>>W<<hen a Community Council has been modified to establish new subareas or at large areas, in the initial election of Council Members, those members representing even-numbered subareas shall serve a two-year term and those members representing odd-numbered subareas or at large areas shall serve a four-year term so as to create staggered terms. Thereafter all Council Members shall serve four-year terms. When a subarea is dissolved and is replaced by an at large area, the at large representative shall serve until expiration of the term of office that was provided for the dissolved subarea. It is further provided that when a Community Council consisting of one (1) subarea is created in the initial election three (3) seats shall be designated as two-year terms and three (3) seats shall be designated as four-year terms so as to provide staggered terms. Thereafter, all Council members shall serve four-year terms-

(3) All elections for Community Council Members shall be non-partisan. [[The initial general election for Council Members shall be held at the time of the

~~1996 General Election. Subsequent~~
[[e]]>>E<<lections of Council Members shall be held in each even numbered year, in conjunction with state primary elections. The terms of Council Members shall commence on the second Tuesday next succeeding the date provided for the state general election.

* * *

(B) *Appointed Council Members.*

- (1) The County Commissioners shall appoint ~~one~~ ~~(1)]~~>>_____<< member>>s<< to each Community Council following each election of Council Members>>in the manner provided herein<<. Each appointed Community Council Member shall have been for at least six months prior to appointment a resident elector of the Council area, and, for at least three (3) years, a resident elector of Miami-Dade County.] No appointed Council Member shall be employed by Miami-Dade County or be a member of the County Commission. ~~[[These members shall be appointed by the County Commissioner(s) whose district(s) include the boundaries of all or part of the Community Council area.]]~~ Appointments shall be confirmed by a majority of the Board of County Commissioners.
- (2) The term of each appointed Council Member shall be four (4) years; provided, however, the term of each member expires when the Commissioner who appointed that member leaves office. Each member shall hold office until a successor has been duly appointed, qualified and confirmed. ~~[[Vacant Council Member positions shall be filled for the unexpired term in the same manner as other appointed Council Members.]]~~
- >>(3) Each County Commissioner whose Commission district comes within the boundaries of a Community Council area shall nominate an equal number of Community Council members to the Community Council, subject to approval by the Board of County Commissioners. In the event an

additional vacant position remains on the Community Council after all County Commissioners for the area have submitted their nominations to the Board of County Commissioners, the County Commissioner who has the responsibility for the remaining nomination shall be determined by lot. It is provided, however, where there is an insufficient number of appointed positions on a Community Council to afford to the County Commissioners an equal number of nominees, responsibility for nominations shall be determined by lot. In the event a position becomes vacant it shall be filled by the County Commissioner who initially nominated the vacating member, subject to approval of the Board of County Commissioners. In the event any Council Member no longer resides within the boundaries of a Community Council area, that person shall be deemed to have tendered his or her resignation, but may remain in the position until such time as the position has been filled.<<

- (C) ~~[[Organizational meeting.]]>>Elections of Chair and Vice-Chair.<< [[The first organizational meeting of each Community Council shall take place on the 30th day, or as soon thereafter as is practical, after the date of the general election. In the event of a tie vote for one (1) or more Council seats in the general election such Community Council shall meet on the 30th day, or as soon thereafter as is practical, after the date of the run-off election. At the organizational meeting, or as soon thereafter as is practical, e]]>>E<<ach Community Council shall elect a chair and vice-chair from its members who shall serve a one-year term.~~
- (D) *Reimbursements of expenses.* All Council Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.
- (E) *Reassignment of Community Council Members.* When, as a result of >>municipal<< incorporation>>,<< or annexation>> or as a result of consolidation of Community Council areas<<, [[subareas]] >>Community Council areas<< or portions thereof are reassigned to a different

Community>> Council area or are consolidated into a new Community Council area<<, elected or appointed Council Members who continue to reside in the unincorporated area, whether at-large or subarea representatives representing the reassigned areas,]shall serve as additional members to the reassigned Community Council. The reassigned Council Members shall serve until ~~[[the next first state primary election]]~~>>resignation, removal, or expiration of each member's term<<.

(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.

Sec. 20-43.1. Community Councils; recall.

Any elected member of a Community Council ~~[[or any member appointed by the Community Council pursuant to Section 20-43(A)(7)]]~~ may be removed from office by the electors of the Council area. The procedure for removal by electors shall be as follows:

* * *

Sec. 20-43.2. Community Councils; removal.

Any elected ~~[[or appointed]]~~ member of a Community Council may be removed from office for cause by resolution of the Board of County Commissioners. The following events shall be deemed sufficient cause for removal: malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform

official duties, or indictment for crime. >>Any appointed member may be removed without cause.<< Any vacancy created by removal ~~[[in]]~~>>of<< a Community Council >>Member<< shall be filled for the remaining term by appointment in the manner prescribed for filling vacant positions.

Sec. 20-44. Community Councils; organization; new member orientation; annual orientation workshop.

- (A) The County Manager shall assign existing County staff positions to provide support for the Community councils, to the fullest extent feasible. Such staff may include: a Community Council Administrator, an Administrative Assistant, clerical staff and others as the County Manager deems needed. ~~[[Team Metro shall develop strong linkages to each Community Council.]]~~
- (B) The County Manager shall coordinate the activities and schedules of Community Councils with other County activities to ensure maximum effectiveness and efficiency. The County Manager may limit the total staff time available to each Community Council.
- (C) Within parameters recommended by the County Manager and approved by the County Commission, Community Councils shall be empowered to establish their own procedures for conducting their business~~[[and to select from the activities described in Section 20-41(B) those in which it wishes to engage]]~~. It is provided however that zoning procedures shall be adopted pursuant to Sections 33-308 of the Code. It is further provided that no ~~[[zoning or non-zoning]]~~ meeting of a Community Council or Community Zoning Appeals Board shall extend beyond 11:00 p.m.
- (D) Prior to serving on a Community Council, a Community Council member appointed or elected to a Council after the effective date of this ordinance shall attend a New Member Orientation Seminar conducted by the Department of Planning and Zoning, the Commission on Ethics, ~~[[Team Metro]]~~ and the County Attorney's Office. The seminar shall include~~[[, but shall not be limited to,]]~~ review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, ~~[[incorporation and annexation issues, workforce and~~

~~affordable housing issues]]~~ and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.

- (E) All Community Council members shall attend an Annual Community Council Workshop organized and conducted by the Department of Planning and Zoning, the Commission on Ethics~~[[, Team Metro]]~~ and the County Attorney's Office. The Workshop shall include~~[[, but shall not be limited to,]]~~ review of the Comprehensive Development Master Plan and issues related thereto, review of zoning regulations, ~~[[incorporation and annexation issues, workforce and affordable housing issues]]~~ and applicable laws, rules and regulations pertaining to duties and responsibilities of Community Council members.
- (F) Notwithstanding Section 20-43.2, failure of any ~~[[elected or appointed]]~~ member of a Community Council to attend an annual Community Council Workshop shall be deemed sufficient cause for removal.

Section 2. Sec. 33-306 of the Code of Miami-Dade County, Florida, is amended to

read as follows:

**Sec. 33-306. Community Zoning Appeals Boards—
Establishment.**

- (a) There are hereby established multiple Community Zoning Appeals Boards whose boundaries shall coincide with the boundaries of Community Councils established pursuant to the Code of Miami-Dade County. The Community Councils shall serve as Community Zoning Appeals Boards and shall have jurisdiction over zoning applications as provided in this chapter. Each member shall be a qualified elector of Miami-Dade County, with an outstanding reputation for civic interest, community welfare, integrity and responsibility; provided, no member shall be employed by Miami-Dade County, or be a member of the County Commission. The ~~[[seven (7)]]~~ >>nine (9)<< members of each Community Zoning Appeals Board shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of their official duties, upon approval of the County Commission.

* * *

Section 3. Sec. 33-307 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-307. Community Zoning Appeals Boards--Term of office.

The term of office of the members of each of the Community Zoning Appeals Boards shall be the terms established as members of Community Councils. ~~[[In the event a vacancy should occur on a Community Zoning Appeals Board the appropriate Community Zoning Appeals Board may fill the vacancy for the remaining board member's term by appointment pursuant to Section 20-43(A)(7) of the Code.]]~~

Section 4. Section 33-308 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-308. Community Zoning Appeals Board--Organization.

The Director shall serve as secretary for the Community Zoning Appeals Boards, shall be in attendance at all meetings as an advisor and be permitted to propound questions and give evidence; provided, the Director shall have authority to designate a staff member of the Department to act in the Director's stead. Meetings of the Community Zoning Appeals Boards shall be held, where practical, in the area of each Community Zoning Appeals Board's jurisdiction at a time and place determined by the Director. Each Community Zoning Appeals Board shall elect a Chair and a Vice-Chair from its members, each of whom shall serve until a successor is elected. Rules and regulations for the Community Zoning Appeals Boards shall be adopted by the County Manager and approved by the County Commission. The Chair, or Vice-Chair, or Acting Chair, may administer oaths and compel the

attendance of witnesses in the same manner prescribed in the Circuit Court. No action shall be taken on any matter before the Community Zoning Appeals Boards unless a quorum of ~~[[four (4)]]~~ >>a majority of board members then in office but not less than five (5)<< members is present, and only upon not less than a majority vote of all members present and voting ~~[[provided however that any approval or denial of any application or portion thereof pursuant to Chapter 33 shall require not less than three (3) votes]]~~. When there is an insufficient number of votes to either approve or deny an application, the result shall be deemed a tie vote.

* * *

Section 5. Section 33-311 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 33-311. Community Zoning Appeals Board--Authority and duties.

- (A) Except as otherwise provided by this chapter, the Community Zoning Appeals Boards and Board of County Commissioners shall have the authority and duty to consider and act upon applications, as hereinafter set forth, after first considering the written recommendations thereon of the Director or Developmental Impact Committee. Provided, however, no such action shall be taken until notice of time and place of the hearing at which the Community Zoning Appeals Boards will consider the application has been first published as provided in Section 33-310. The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and

encouraging the most appropriate use of land and water throughout the County. The Community Zoning Appeals Board and Board of County Commissioners or any of their members may inspect the premises and area under consideration. The Community Zoning Appeals Boards shall have authority over the following zoning applications except where the Board of County Commissioners has direct jurisdiction.

* * *

~~[[(9) Hear and make recommendations to the Board of County Commissioners on applications for developments of regional impact and related requests, including requests for modifications thereof and substantial deviation determinations pursuant to Section 380.06(19), Fla. Stat., as amended, as provided by Section 33-314 except an application for modification or elimination of a condition or restrictive covenant that is not a substantial deviation, where such application does not contain a request for any other action under this chapter requiring a public hearing apart from modifying the DRI development order.]]~~

* * *

Section 6. Section 33-313 of the Code of Miami-Dade County, Florida are hereby amended as follows:

Sec. 33-313. Appeals to Board of County Commissioners.

Any appealable decision of the Community Zoning Appeals Board may be appealed by an applicant, governing body of any municipality, if affected, or any aggrieved party, including neighborhood, community and civic associations, whose name appears in the record of the appropriate Community Zoning Appeals Board by filing with the Department a petition in a form prescribed by the Director and a written statement specifying in brief, concise language the grounds and reasons for reversal of the ruling made by the Community Zoning Appeals Board, together with a fee for the processing of the appeal, as provided by Administrative Order No. 4-40, as amended from time to time, within the fourteen (14) days provided by Section 33-312 hereof, whereupon, the Director shall transmit to the County Commission

the appeal papers, and the decision and record of the Community Zoning Appeals Board. If the ground for reversal is a failure to provide notice as required by Section 33-310, the name of the appellant need not appear in the record. If the decision of the Community Zoning Appeals Board is for approval and has not been appealed within the fourteen-day period, the County Manager pursuant to Section 33-314(B)(8) or the Director may appeal such decision within four (4) additional days in the manner aforesaid, except that a fee will not be required. Upon the taking of an appeal, the County Commission shall conduct a de novo hearing and shall consider why the decision of the Community Zoning Appeals Board should or should not be sustained or modified. By resolution, the Board shall either affirm, modify or reverse the Community Zoning Appeals Board's decision and such action of the County Commission shall be by a majority vote of all members present except that a two-thirds (2/3) vote of all members present shall be required to reverse any Community Zoning Appeals Board decision denying a request for zoning action~~[[or to approve any Development of Regional Impact or modifications thereof, substantial deviation determination or related request pursuant to Section 33-314 where a Community Zoning Appeals Board's recommendation is for denial]].~~ No appeal shall be heard or considered until notice has been provided in accordance with the provisions of Section 33-310(c), (d), (e) and (f). With respect to appeals arising from the Downtown Kendall Urban Center District a two-thirds (2/3) vote of all members present shall be required to reverse any Community Zoning Appeals Board decision denying a request for zoning action for a development proposed within the Center or Edge Sub-Districts of the Downtown Kendall Urban Center District. For any application for a development proposed within the Core Sub-District of the Downtown Kendall Urban Center District pursuant to Section 33-311 shall be decided by a majority vote of all members then in office.

Section 7. Section 33-314 of the Code of Miami-Dade County, Florida are hereby amended as follows:

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

- (A) The County Commission shall have jurisdiction to directly hear the following applications:

- (1) Applications for development approval of Developments of Regional Impact (“DRI”), modification thereof or substantial deviation determination or modification thereof, including applications for modifications to restrictive covenants related thereto~~[[, after hearing and recommendation by the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the entire Development of Regional Impact]].~~ Where an application substantial deviation determination or for development approval of a DRI, modification thereof or substantial deviation determination also contains a request for any other action under this chapter requiring a public hearing or where there is pending on any property an application of or development approval for a DRI and an application for any other action under this chapter requiring a public hearing (related requests), except applications for essentially built out determinations, all such applications shall be heard in their entirety by the Board of County Commissioners~~[[after hearing and recommendation of the Community Zoning Appeals Board or Boards having jurisdiction over the area encompassed by the application or applications]].~~ Where an application requests a modification or elimination of a condition or restrictive covenant not constituting a substantial deviation, and where such application does not contain a request for any other action under this chapter requiring a public hearing apart from modifying the DRI development order, then such application shall be heard directly by the Board of County Commissioners after recommendation of the Developmental Impact Committee. Where practicable, all such items shall be acted upon at the same public hearing. Hearings pursuant to this subsection shall be noticed in the same manner as applications filed before the Community Zoning Appeals Boards. The procedural requirements of Section 33-311(F) and

33-311(G) shall apply to hearings held pursuant to this section.

* * *

- (3) When as a result of municipal incorporation or annexation, a Community Zoning Appeals Board (CZAB) does not have enough members in office to hear and decide zoning applications, the Board of County Commissioners shall hear and decide all zoning applications in the remaining jurisdiction of the CZAB. Zoning actions advertised for hearing before the Board of County Commissioners shall be heard and decided by the board, and neither the subsequent appointment or election of additional CZAB members, nor the reconfiguration of the affected CZAB, shall divest the board of jurisdiction to hear such advertised applications. If prior to the mailing of the final notice of hearing pursuant to Section 33-310, new members of the affected CZAB have been appointed or elected], or the affected CZAB has been reconfigured, such that the CZAB has enough members to act, applications within the CZAB's jurisdiction shall be heard and decided by that CZAB upon notice pursuant to Section 33-310.

Section 8. 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 9. 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 10. 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:

Rae

Prepared by:

CHC

Craig H. Coller

Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz

"ATTACHMENT I"

Community Councils- 4 Boards

Community Council North:

- Commission Districts 6,12,13

Community Council Northeast:

- Commission Districts 1,2,3,4,5

Community Council Central:

- Commission Districts 10, 11

Community Council South:

- Commission Districts 7,8,9

**NORTH
CZAB**

Jose "Pepe" Diaz

**CENTRAL
CZAB**

Joe A. Martinez

Katy Sorenson

**SOUTH
CZAB**

- NORTH:** Commission District 6
Commission District 12
Commission District 13
- NORTHEAST:** Commission District 1
Commission District 2
Commission District 3
Commission District 4
Commission District 5
- CENTRAL:** Commission District 10
Commission District 11
- SOUTH:** Commission District 7
Commission District 8
Commission District 9

- Audrey M. Edmonson, 3
- Barbara J. Jordan, 1
- Bruno A. Barreiro, 5
- Carlos A. Gimenez, 7
- Dennis C. Moss, 9
- Dorrin D. Rolle, 2
- Joe A. Martinez, 11
- Jose "Pepe" Diaz, 12
- Katy Sorenson, 8
- Natacha Seijas, 13
- Rebeca Sosa, 6
- Sally A. Heyman, 4
- Sen Javier D. Souto, 10

*Proposed Community Councils
and Commission Districts
"Attachment I"*

