

MEMORANDUM

Agenda Item No. 7(F)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	DATE:	(Second Reading 11-5-13) September 17, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	SUBJECT:	Ordinance relating to zoning; amending Sections 33-314 of the Code; providing for direct jurisdiction to the Board of County Commissioners of certain zoning applications

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsors Vice Chair Lynda Bell, Commissioner Audrey M. Edmonson, and Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: November 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

Subject: Ordinance Relating to Zoning; Amending Sections 33-314 of the Code; Providing for Direct Jurisdiction to the Board of County Commissioners of Certain Zoning Applications

The proposed ordinance relates to zoning, amends Section 33-314 of the Code, and provides for direct jurisdiction to the Board of County Commissioners of certain zoning applications. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt". The signature is written in a cursive, flowing style.

Jack Osterholt
Deputy Mayor

Fis9913



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2013

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

SUBJECT: Agenda Item No. 7(F)

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 Mayor'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

Agenda Item No. 7(F)

Veto _____

11-5-13

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR DIRECT JURISDICTION TO THE BOARD OF COUNTY COMMISSIONERS OF CERTAIN ZONING APPLICATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County has adopted an Economic Element to its Comprehensive Development Master Plan, the purpose of which is "...to expand and further diversify the Miami-Dade County economy, provide employment for all who want to work, and increase income and wealth."; and

WHEREAS, Miami-Dade County faces increasing competition from other metropolitan areas to attract and retain businesses in targeted, high-economic-impact industries and has no provision for development applications for such businesses to be directly considered by the Board of County Commissioners; and

WHEREAS, the Legislature of the State of Florida specifically declared in section 124.045, Florida Statutes, that there is a need to enhance and expand economic activity in the counties of this state by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, and that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the counties of this state; and

WHEREAS, the Legislature of the State of Florida specifically declared in Section 288.106, Florida Statutes, that retaining and expanding businesses in the state, encouraging the creation of new businesses in the state, attracting new businesses from outside the state, and generally providing conditions favorable for the growth of target industries creates high-quality, high-wage employment opportunities for residents of the state and strengthens the state's economic foundation; and

WHEREAS, certain development projects that expand economic activity in the County are of statewide, regional, and Countywide importance and impact the general welfare and social, economic, and other requirements of citizens located throughout the entire County; and

WHEREAS, the Board of County Commissioners of Miami-Dade County represents the citizens of the entire County and is uniquely qualified to determine whether a development project expands or enhances economic activity of the County,

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

Section 1. Section 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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 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.

- (C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

>>(18) Applications for zoning action located within:

- (a) Areas conveyed to the County as part of the reuse of either former military bases or other federal properties.
- (b) Areas designated as Zoo Miami Entertainment Area in the Comprehensive Development Master Plan.

(19) Applications for zoning action for:

- (a) Office buildings or office complexes involving in excess of 125,000 square feet.
- (b) Processing, manufacturing, or motion picture studios involving 50 or more acres.<<

Section 2. 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 3. 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 4. 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. Coller

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsors: Vice Chair Lynda Bell
Commissioner Audrey M. Edmonson
Commissioner Sally A. Heyman