

# MEMORANDUM

UMSA  
Substitute to  
Agenda Item No. 1(G)4

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

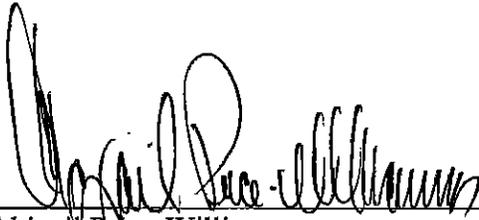
**DATE:** October 13, 2015

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to Zoning;  
amending jurisdiction of Board  
of County Commissioners to hear  
certain applications related to  
private schools; amending  
section 33-314 of the Code

**This substitute differs from the original in that it provides for the County Commission to hear appeals from the Community Zoning Appeals Boards of certain private school zoning applications rather than to hear such zoning applications directly.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Xavier L. Suarez.



Abigail Price-Williams  
County Attorney

APW/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** November 3, 2015

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No.

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.  
11-3-15

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

ORDINANCE RELATING TO ZONING; AMENDING JURISDICTION OF BOARD OF COUNTY COMMISSIONERS TO HEAR CERTAIN APPLICATIONS RELATED TO PRIVATE SCHOOLS; AMENDING SECTION 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, private schools (grades K to 12) are a fundamental part of Miami-Dade County's educational system; and

**WHEREAS**, the impact and benefits of large private schools often extend beyond the boundaries of an individual Community Zoning Appeals Board or County Commission district; and

**WHEREAS**, this Board desires to ensure the appropriate review of applications to approve or modify large private schools, by providing for this Board to ~~[[directly]]~~<sup>1</sup> review >>on appeal Community Zoning Appeals Boards decisions on<< such applications,

**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:<sup>2</sup>

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

\* \* \*

<sup>1</sup> The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

<sup>2</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.

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

\* \* \*

>>(11) Applications to approve, expand, or modify private elementary, middle, and/or senior high schools (grades K to 12) where the proposed school will serve 500 or more students and have more than 100,000 sq. ft. of building facilities.<<

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

\* \* \*

(12) Applications [~~to approve, expand, or modify~~  
~~(a)~~] for public charter school facilities and expansions or modifications to existing public charter school facilities [~~or~~  
~~(b) notwithstanding any provision of this code to the contrary, private elementary, middle, and/or senior high schools (grades K to 12) where the proposed school will serve 500 or more students and have more than 100,000 sq. ft. of building facilities~~].

\* \* \*

**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:

APW  
DK

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Xavier L. Suarez