

MEMORANDUM

Agenda Item No. 7(A)

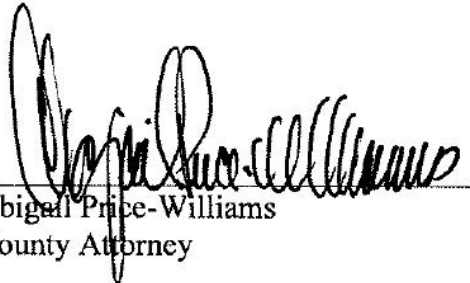
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: (Second Reading 7-8-20)
May 5, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the Rules
of Procedure of the Board
of County Commissioners;
amending section 2-1 of the
Code; requiring a written
statement regarding new types of
land uses prior to public hearing
for certain zoning ordinances
under certain circumstances

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor
Commissioner Barbara J. Jordan.



Abigail Price-Williams
County Attorney

APW/uw

Memorandum



Date: July 8, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a prominent flourish at the end.

Subject: Fiscal Impact Statement for Ordinance Relating to the Rules of Procedure of the Board of County Commissioners; Written Statement Regarding New Types of Land Uses

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the proposed changes will not require additional staffing resources nor generate additional operational expenses.

A handwritten signature in blue ink, appearing to read "Jack Osterholt". The signature is fluid and cursive, with a prominent flourish at the end.

Jack Osterholt
Deputy Mayor


FIS 04920 200789

Memorandum



Date: July 8, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Social Equity Statement for Ordinance Relating to the Rules of Procedure of the Board of
County Commissioners

The proposed ordinance relating to the Rules of Procedure of the Board of County Commissioners amends Rule 4.01(t) in Section 2-1 of the Code of Miami-Dade County (Code) requiring the provision of a written statement identifying any new use to be permitted as a matter of right through a zoning ordinance that amends a County zoning district under certain circumstances.

Implementation of the proposed ordinance may result in an earlier identification of new uses in certain zoning ordinances. No other specific social equity or benefit can be determined at this time.

A handwritten signature in blue ink, appearing to read "Jack Osterholt".

Jack Osterholt
Deputy Mayor

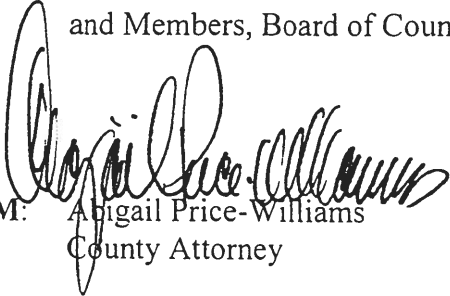
200789



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: July 8, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(A)

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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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(A)
7-8-20

ORDINANCE NO. _____

ORDINANCE RELATING TO THE RULES OF PROCEDURE OF THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 2-1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING A WRITTEN STATEMENT REGARDING NEW TYPES OF LAND USES PRIOR TO PUBLIC HEARING FOR CERTAIN ZONING ORDINANCES UNDER CERTAIN CIRCUMSTANCES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, prior to the public hearing on any ordinance, other than an emergency or budget ordinance, to be considered by the Board of County Commissioners (the “Board”), rule 4.01(t) of the Board’s Rules of Procedure requires the County Mayor to prepare a written statement setting forth the social equity impacts of the proposed ordinance and submit it with the ordinance as part of the agenda; and

WHEREAS, in accordance with the requirements of rule 4.01(t), the County Mayor routinely prepares statements describing the social equity impact that ordinances would have; and

WHEREAS, a County zoning ordinance may propose new types of land uses; and

WHEREAS, for example, a County zoning ordinance may add new types of land uses to existing zoning districts or through the creation of new zoning districts, and such new land uses could affect residents and property owners of such zoning districts as well as the County as a whole; and

WHEREAS, a statement identifying additional land uses that would be authorized in a new or amended zoning district would encourage a healthy, well-informed debate when ordinances are considered and will assist the Board and the public in determining the possible impacts of the Board's legislative decisions,

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

Section 1. The above recitals are incorporated in this ordinance.

Section 2. Section 2-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-1. RULES OF PROCEDURE OF THE COUNTY COMMISSION.

* * *

PART 4. COMMITTEES

Rule 4.01. COMMITTEES.

* * *

>>(w) New land uses statement required for zoning ordinances; exceptions.

- (1) Prior to the public hearing on any zoning ordinance, the Mayor shall prepare a written statement identifying any land uses beyond those currently authorized in the existing zoning district that would be authorized in either:**
(a) an existing zoning district; or
(b) a new zoning district if such new zoning district references a particular geographic area where the

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.

district is to be applied.

No public hearing on any such ordinance shall be held unless the new land uses statement is provided with the ordinance as part of the agenda.

- (2) A new land uses statement shall not be required for:
(a) ordinances that do not contain amendments to chapters 33, 33A, 33B, or 33C of the Code; or
(b) ordinances that contain amendments to chapters 33, 33A, 33B, or 33C but that either (i) do not authorize additional land uses, or (ii) only add additional land uses that may be approved after public hearing as either special exceptions or unusual uses.<<

* * *

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:



Abbie Schwaderer-Raurell

Prime Sponsor: Commissioner Barbara J. Jordan