

MEMORANDUM

Agenda Item No. 7(A)

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

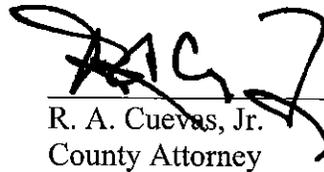
DATE: (Second Reading 10-6-15)
July 14, 2015

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

SUBJECT: Ordinance related to zoning;
amending required information
for public hearing on public
charter school facilities;
amending section 33-155
of the Code

Ordinance No. 15-105

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: October 6, 2015

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the name in the "From:" field.

Subject: Ordinance Relating to Zoning Charter School Code Amendment

The proposed ordinance related to zoning amends Section 33-155 of the Miami-Dade County Code, requiring specific information submitted by Public Charter School Facilities to be considered at a public hearing before the Board of County Commissioners (Board).

Currently, public charter school facilities are required to submit a copy of their executed charter contract, approved by the Miami Dade County Public School Board at the beginning of the development process. This ordinance amends the current process by requiring the submittal of a site-specific charter application instead of an executed charter contract at the beginning of the development process because the School Board will now require a certain level of zoning approval before executing a charter contract.

However, submittal of the executed charter contract will still be required at a later stage during the development process, specifically prior to issuance of certificate of use to ensure that the Regulatory and Economic Resources Department reviews the contract to confirm that permitted grade levels, number of students and facilities conforms with the charter school site-specific application reviewed and approved by the School Board and presented to the Department at the beginning of the development process. In the absence of the executed contract, the legislation allows the Department to accept and review the School Board Clerk's Official resolution approving the agreement.

The implementation of this ordinance amends the County's Zoning Code by incorporation additional documentation requiring departmental review. There would be no additional staffing or operational costs incurred by the County. Therefore, it is anticipated that the implementation of this ordinance would have no additional fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

fis08515



MEMORANDUM

(Revised)

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

DATE: October 6, 2015

FROM: 
R. A. Cuevas, Jr.
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
- 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. 7(A)
10-6-15

ORDINANCE NO. 15-105

ORDINANCE RELATED TO ZONING; AMENDING REQUIRED INFORMATION FOR PUBLIC HEARING ON PUBLIC CHARTER SCHOOL FACILITIES; AMENDING SECTION 33-155 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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. Section 33-155 of the Code of Miami-Dade County is hereby amended as follows:¹

Sec. 33-155. Required information.

All public charter school facilities, as defined in this article, shall submit the following applicable information to the Department in accordance with the filing provisions of Article XXXVI of this code for review by the Department and for consideration at public hearing:

(A) Written information

* * *

(13) A copy of the ~~>>site-specific<<~~ charter ~~>>application as<<~~ approved by the Miami-Dade County Public School Board ~~>>(School Board)~~. It is provided, however, that no certificate of use shall be issued until the Department reviews the executed charter contract approved by the School Board to confirm that the contract's permitted grade levels, number of students, and school

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.

location conform to the public charter school facility approved pursuant to this article. In lieu of an executed charter application or contract as required above, the Department shall accept the School Board Clerk's official copy of the School Board resolution approving the required application or contract and a copy of the application or contract presented to the School Board<<.

* * *

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: October 6, 2015

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.