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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(E)

(Public Hearing 11-3-15)

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

DATE: June 30, 2015

FROM: R. A. Cuevas, Jr.
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

Ordinance No. 15-129

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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Memorandum

MIAMI-DADE COUNTY

Date: November 3, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating to Zoning and Certain Applications Related to Private Schools

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The proposed ordinance relating to zoning amends Section 33-314 of the Code changing jurisdiction of Board of County Commissioners to hear certain applications to approve, expand or modify public charter school facilities or private elementary, middle, and/or senior high schools that will serve 500 or more students and have more than 100,000 sq. feet of building facilities.

Implementation of this ordinance, which amends the County's Zoning Code, will not have a fiscal impact on the county based on the fact that the fees for the related applications will be the same irrespective of jurisdiction.

Jack Osterholt
Deputy Mayor

fls08415

Memorandum

MIAMI-DADE COUNTY

Date: November 3, 2015

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

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for Zoning Ordinance Regarding Certain Applications Related to Private Schools – Legistar 152274

The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described in Ordinance No. 15-83. This proposed ordinance amends the Code to allow the Board of County Commissioners to hear appeals from decisions of the Community Zoning Appeals Boards related to certain private schools rather than to hear such zoning applications directly.

Jack Osterholt
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: November 3, 2015

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

SUBJECT: Agenda Item No. 7(E)

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(E)
11-3-15

ORDINANCE NO. 15-129

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 review such applications,

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.

* * *

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

[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.

* * *

(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: November 3, 2015

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Xavier L. Suarez
Co-Sponsor: Commissioner Sally A. Heyman