

# MEMORANDUM

Agenda Item No. 7(F)

---

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

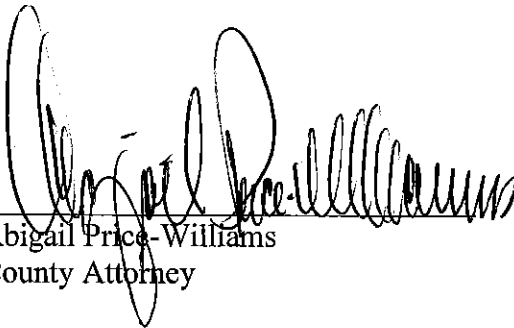
**DATE:** (Second Reading 1-20-16)  
November 3, 2015

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

**SUBJECT:** Ordinance revising zoning and  
other land development  
regulations; modifying  
procedures for filing zoning  
applications; amending Section  
33-304 of the Code

---

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Unincorporated Municipal Service Area Committee.

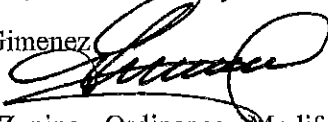


Abigail Price-Williams  
County Attorney

APW/cp

**Date:** January 20, 2016

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

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Proposed Zoning Ordinance Modifying Procedures for Filing Zoning Hearing Applications, Amending Section 33-304 of the Code of Miami-Dade County

---

### Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance modifying procedures for filing Zoning Hearing Applications, amending Section 33-304 of the Code of Miami-Dade County (Code).

### Scope

This ordinance is applicable throughout Unincorporated Miami-Dade County.

### Fiscal Impact/Funding Source

The proposed ordinance bears no fiscal impact to Miami-Dade County. Ordinance implementation, if adopted, does not result in additional staffing needs or future operational costs for County administration. Activities relating to the implementation of the ordinance would be absorbed by the administering department as part of their ongoing activities.

### Social Equity Statement

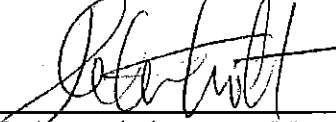
The proposed ordinance is not anticipated to have a specific social equity benefit or burden as described by Ordinance No. 15-83. As explained below, a more flexible filing period may help expedite processes and improve service and access to all customers, potentially yielding positive economic benefits to applicants who will now be able to expedite plans through the availability of an unrestricted filing process. However, a specific benefit is not quantifiable at this time.

### Track Record/Monitor

The Assistant Director of the Development Services Division of the Department of Regulatory and Economic Resources (RER), Nathan Kogon, will administer and monitor the ordinance implementation.

### Background

The ordinance eliminates the restrictive filing period established in the Code so that applicants may be able to file zoning hearing applications at any time. Currently, the Code limits the filing period of zoning hearing applications to three consecutive days on the first and third Monday of each month. The proposed ordinance was reviewed and discussed with representatives of related industries. A more flexible filing period will help RER to expedite processes and improve customer service and access.

  
\_\_\_\_\_  
Jack Osterholt, Deputy Mayor

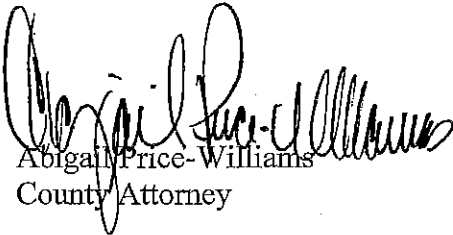


# MEMORANDUM

(Revised)

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

**DATE:** January 20, 2016

**FROM:**   
Abigail Price-Williams  
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
- 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 \_\_\_\_, 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)  
1-20-16

Veto \_\_\_\_\_

Override \_\_\_\_\_

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

ORDINANCE REVISING ZONING AND OTHER LAND DEVELOPMENT REGULATIONS; MODIFYING PROCEDURES FOR FILING ZONING APPLICATIONS; AMENDING SECTION 33-304 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 33-304 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-304. Applications.**

\* \* \*

- (b) All zoning hearing ~~>>or administrative approval<<~~ applications in this chapter ~~[[shall only be accepted during the established filing periods, which shall consist of three consecutive days beginning on the first and third Monday of each month. It is provided however that no zoning application will be accepted on a day set forth above which occurs on a legal holiday. Administrative variances]]~~ >>Upon filing,<< may be filed at any time.
- (c) ~~[[At the end of each said time period set forth in subpart (b)]]~~ >>Upon filing,<< the Director shall promptly identify and group those applications for district boundary changes, use special exceptions, unusual and new uses and use variances which relate to or affect any particular or immediate neighborhood or area as determined by the

<sup>1</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.

Director, and, to the extent possible, shall notice public hearings thereon, in accordance with Section 33-310 of the Code of Miami-Dade County, so as to allow the appropriate board to consider and determine the effect of the said applications on the said neighborhood or area as a whole and their relation to and conformity with the Comprehensive Development Master Plan. Upon receipt of an application, the Director shall forward the application to the appropriate Departments, as determined by the Director, for review. To allow for timely processing of applications, Department comments are to be provided to the Director within twenty-one (21) days following transmittal of the request for review, unless a greater review period is allowed by the Director.

\* \* \*

**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:  
Dennis A. Kerbel

Handwritten signatures of APW and DK.