## Chapter 33A DEVELOPMENTS IN INCORPORATED AREAS CREATING COUNTY IMPACT [[1]](#BK_E910D2055BD0C788A7E06079C5730A20)

[Sec. 33A-1. Incorporation of findings and purpose by reference.](#BK_545C5CF800F4E73219AA655D5F66ED0B)

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Sec. 33A-1. Incorporation of findings and purpose by reference.

The matters set forth above [see editor's note for this chapter] are hereby incorporated by reference and are made a part of this chapter.

(Ord. No. 75-52, § 1, 7-2-75)

Sec. 33A-2. Procedure for review of applications for zoning action.

(a) If an application for municipal zoning action filed in any incorporated area in Metropolitan Miami-Dade County, Florida, would allow, if granted, a development of County impact, as indicated herein, the application shall contain, in addition to such other matters as may be required, a statement that the applicant proposed to undertake a development of County impact within the incorporated area. The application for such a municipal zoning action shall be accompanied by a completed development impact statement in the same manner and form as required for developments in the unincorporated area of Metropolitan Miami-Dade County. If any applicant is in doubt as to whether his proposed development would be a development of County impact, he may request a determination from the Metropolitan Miami-Dade County Developmental Impact Committee. Within thirty (30) days of the receipt of such request, the chairman, on behalf of the Developmental Impact Committee, shall issue a letter of interpretation with respect to the proposed development. No developmental impact statement shall be required if a developmental impact statement pertaining to the same property had been filed within one (1) year preceding the filing date of the most recent application. This chapter shall not apply if the development activity would constitute a "development of regional impact" as defined by Chapter 380, Florida Statutes, 1972, for which a development order is required, or if the application seeks only site or plot use plan approval which does not involve district boundary changes, or if the application is located entirely within the boundaries of the Rapid Transit Developmental Impact Zone.

(b) The appropriate municipal government shall give notice and hold a hearing on the application as provided by its own local zoning procedures and shall comply with the following additional requirements:

(1) The notice of hearing shall state that the proposed municipal zoning action would result, if granted, in a development of County impact.

(2) The notice shall be given by registered mail to the Clerk of the County Commission and the County Manager; provided further, that the developmental impact statement shall be transmitted with the said notice.

(3) No final municipal zoning action shall be taken by the appropriate municipal authority until the requirements of subsections (c) and (d) of this section are met.

(c) Within thirty (30) days after receipt of the notice and the developmental impact statement as required in subsections (a) and (b), the Developmental Impact Committee shall prepare and submit to the Board of County Commissioners a report and recommendations on the County impact of the proposed application for municipal zoning action and development. Copies of the report and recommendations shall be sent by registered mail to the municipal clerk and mayor and to the applicant. In preparing its report and recommendations, the Developmental Impact Committee shall consult with appropriate municipal officials; shall consider the criteria set forth in [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO), Code of Metropolitan Miami-Dade County, Florida, for review of developments of County impact in the unincorporated areas of Metropolitan Miami-Dade County; and shall otherwise follow the procedures set forth in [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of the Code; provided, however, that immediately upon issuance of the report and recommendations, the Chairman shall notify the Miami-Dade County Director of the Department of Planning and Zoning whose duty it shall then be to place the matter before the Board of County Commissioners for consideration and review following a public hearing as soon as it is reasonably practical. The public hearing shall be held upon at least fifteen (15) days' notice of the time and place of such hearing published in a newspaper of general circulation in Miami-Dade County, which publication shall include the time and place of hearing before the Board of County Commissioners.

(d) Following the public hearing, the Board of County Commissioners shall adopt and thereafter submit to the appropriate municipal authority its report and recommendations on the County impact of the proposed application. In adopting its report and recommendations, the Board of County Commissioners shall consider, where applicable, among other factors relating to the general welfare, whether and the extent to which:

(1) The requested municipal zoning action permitting the proposed development would unreasonably interfere with or conform to the achievement of the objectives of the Comprehensive Development Master Plan for Metropolitan Miami-Dade County, Florida, as applied to the area;

(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Metropolitan Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Metropolitan Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction;

(6) The development complies or does not comply with such other criteria for determining County impact as the Board of County Commissioners shall deem appropriate through the approval and promulgation of rules and regulations further implementing the provisions of this chapter.

(e) In considering whether the application for municipal zoning actions should be finally approved, or denied, the appropriate municipal government shall consider whether, and the extent to which, the development is consistent with the report and recommendations as provided by the Board of County Commissioners submitted pursuant to subsection (d) of this section. If the municipality has not acted in accord with the report and recommendations as provided by the Board of County Commissioners, the municipality shall state the reason(s) for the deviation in report form when such action is rendered and this report shall be forthwith transmitted to the Clerk of the Board of County Commissioners and the County Manager.

(f) Whenever any municipal authority renders or issues any ordinance, resolution or order in regard to any development of County impact, a copy of such ordinance, resolution or order shall be forthwith submitted to the Clerk of the Board of County Commissioners and the County Manager. It shall be the duty of the Clerk of the Board of County Commissioners to place the matter before the Board of County Commissioners for consideration and review following a public hearing as soon as is reasonably practical. At the public hearing, the Board of County Commissioners shall consider whether, and the extent to which, the municipal authority has departed from the requirements of subsection (e) of this section. Where it appears that the action of the municipal authority is substantially contrary to the Commission's recommendations and report, the Board of County Commissioners, upon majority vote, may authorize the County Attorney to file appropriate judicial proceedings in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, to contest the action of the municipal authority as having an adverse developmental impact on the County; provided, however, that where public hearing and action by the Board of County Commissioners cannot be held or undertaken within thirty (30) days after the ordinance, resolution or order is rendered, the County Manager is hereby delegated authority to instruct the County Attorney to file appropriate legal action as above set forth where it appears that the action of the municipal authority is substantially contrary to the recommendations of the Board of County Commissioners made pursuant to subsection (d) of this section. Thereafter, the matter shall be set before the Board of County Commissioners as aforesaid to determine if the action of the County Manager should be ratified or if the judicial proceeding undertaken by the County Attorney should be voluntarily dismissed.

(Ord. No. 75-52, § 2, 7-2-75; Ord. No. 83-115, § 1, 12-6-83; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 22, 9-3-98)

Sec. 33A-3. Individual municipalities may provide higher standards.

Each municipality may provide for higher standards or criteria for review of developments of County impact than those contained in this chapter or [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO), Code of Metropolitan Miami-Dade County, Florida.

(Ord. No. 75-52, § 3, 7-2-75)

Sec. 33A-4. Scope.

The provisions of this chapter are hereby declared to have County-wide effect.

(Ord. No. 75-52, § 4, 7-2-75)

Sec. 33A-5. Definitions.

It is expressly declared that the words, terms and phrases used in this chapter shall have the same meaning as provided in [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO), Code of Metropolitan Miami-Dade County, Florida, including:

(a) *Comprehensive Development Master Plan:* The words "Comprehensive Development Master Plan" shall mean and refer to the Comprehensive Development Master Plan for Metropolitan Miami-Dade County adopted by the Board of County Commissioners by Ordinance No. 75-22 on March 31, 1975, or as amended.

(b) *Conforms to the Comprehensive Development Master Plan:* The words "conforms to the Comprehensive Development Master Plan" shall mean and refer to zoning request or action which is in furtherance of and consistent with the goals, objectives, standards and policies of the Comprehensive Development Master Plan.

(c) *Development:* The word "development" shall mean and refer to the carrying out of any use permitted on land by applicable zoning regulations (i.e., [Chapter 33](../level2/PTIIICOOR_CH33ZO.docx#PTIIICOOR_CH33ZO) of the Code of Metropolitan Miami-Dade County, Florida) or making any material change in the use or character of the land, including, but not limited to, the placement of a structure or structures on land. When appropriate to the context, development refers to the act of zoning or rezoning through district boundary changes, or otherwise, which authorizes or permits development of the land.

(d) *Developments of County impact:* The words "developments of County impact" shall mean and refer to any development which, because of its character, magnitude or location, would have a substantial effect upon the health, safety and welfare of the citizens of Metropolitan Miami-Dade County, Florida. Development activity that meets one (1) of the following criteria shall be deemed "developments of County impact," and shall be accompanied by a developmental impact statement:

(1) Residential apartment developments involving in excess of eight hundred (800) units or one hundred (100) acres;

(2) All types of cluster or planned unit developments in excess of eight hundred (800) units;

(3) Business uses involving in excess of thirty (30) acres or one hundred fifty thousand (150,000) square feet of retail floor area, or one thousand five hundred (1,500) vehicle off-street parking space capacity;

(4) Mobile home parks involving in excess of one hundred (100) acres or eight hundred (800) mobile home units;

(5) Townhouse developments involving in excess of one hundred (100) acres or eight hundred (800) units.

(6) Recreational, cultural or entertainment facilities (exclusive of golf courses) involving in excess of one thousand five hundred (1,500) vehicle off-street parking space capacity for single performances or fifty (50) acres;

(7) Office buildings or office complexes involving in excess of twenty (20) acres or two hundred fifty thousand (250,000) square feet of floor space, or one thousand five hundred (1,500) vehicle off-street parking space capacity;

(8) Industrial, processing or manufacturing activity involving in excess of one hundred (100) acres, or one thousand (1,000) vehicle off-street parking space capacity;

(9) All developments in lands designated as the Rapid Transit Development Impact Zone as defined in [Section 33C-3](../level2/PTIIICOOR_CH33CFIIDRATRSYEVZO.docx#PTIIICOOR_CH33CFIIDRATRSYEVZO_S33C-3RATRDEIMCO) of the Code of Metropolitan Miami-Dade County, Florida.

(e) *Developmental Impact Committee (Committee):* The words "Developmental Impact Committee (Committee)" shall mean and refer to the Miami-Dade County Administrative Committee, created by Ordinance No. 74-47 of the Board of County Commissioners, adopted on June 18, 1974 [Section [33-36.1](../level3/PTIIICOOR_CH33ZO_ARTIINGE.docx#PTIIICOOR_CH33ZO_ARTIINGE_S33-36.1ADADPR)].

(f) *Developmental impact statement:* The words "developmental impact statement" shall mean and refer to the information required to be completed by rule and regulations of the Developmental Impact Committee as approved by resolution of the Board of County Commissioners for Metropolitan Miami-Dade County, Florida.

(g) *Unit:* The word "unit" shall mean or refer to a house, apartment, group of rooms or a single room occupied or intended for permanent or transient occupancy as separate living quarters.

(h) *Zoning action:* First municipal action approving request(s) for district boundary change, special exception, variance, or the like, or any combination thereof, which would permit a development of County impact within a municipality in Miami-Dade County, Florida.

(Ord. No. 75-52, § 5, 7-2-75; Ord. No. 78-74, § 2, 10-17-78)

FOOTNOTE(S):

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**Editor's note—** Chapter 33A, §§ 33A-1—33A-5, is derived from Ord. No. 75-52, §§ 1—5, adopted July 2, 1975, and effective 10 days thereafter. For the information of the user of this Code, the "whereas" clauses of Ord. No. 75-52 read as follows: [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)

WHEREAS, Metropolitan Miami-Dade County has engaged in comprehensive metropolitan planning in order to guide its future growth and development and to encourage the most appropriate use of land, water and resources, consistent with the public interest; to conserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, cultural, historical, recreational facilities, housing and other requirements and services; and to conserve, develop, utilize and protect natural resources within its jurisdiction; and [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)

WHEREAS, the Board of County Commissioners has adopted a Comprehensive Land Use Master Plan for Metropolitan Miami-Dade County, Florida, by Ordinance No. 75-22, a copy of which is incorporated by reference; and [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)

WHEREAS, in order to accomplish the purposes, goals and objectives of the Comprehensive Development Master Plan, it is necessary and essential, in the interests of the public health, safety, convenience and welfare, that the County coordinate its land use and development policies relating to growth and development with municipalities within Metropolitan Miami-Dade County, Florida; and [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)

WHEREAS, such policies should, to the maximum possible extent, be implemented by the municipalities through existing processes for the guidance of growth and development; and [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)

WHEREAS, the Home Rule Charter for Metropolitan Miami-Dade County specifically authorizes the Board of County Commissioners to prepare and enforce comprehensive plans for the development of Miami-Dade County; to provide and regulate water supply and conservation programs; to establish, coordinate and enforce zoning as is necessary for the protection of the public; and to exercise all powers and privileges granted to municipalities, Counties and County offices by the constitution and laws of the State, and all powers not prohibited by the Constitution or by the Charter, and to perform any other acts consistent with law which are required by the Charter or which are in the common interest of the people of the County; and [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)

WHEREAS, this ordinance is declared to be a proper and necessary exercise of the aforesaid powers. [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)

**Cross reference—** Development within Coastal Flood Hazard Districts, Ch. 11C; planning generally, Ch. 23A; environmental protection, Ch. 24; environmentally endangered lands program, Ch. 24A; subdivisions, Ch. 28; urban renewal, Ch. 30A; zoning, Ch. 33; areas of critical environmental concern, Ch. 33B; road impact fees, Ch. 33E. [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)

**State Law reference—** Developments of regional impact, F.S. § 380.06. [(Back)](#BK_EB4C8896361E677AAAA8CF3B916D4D32)