

MEMORANDUM

Agenda Item No. 5(T)

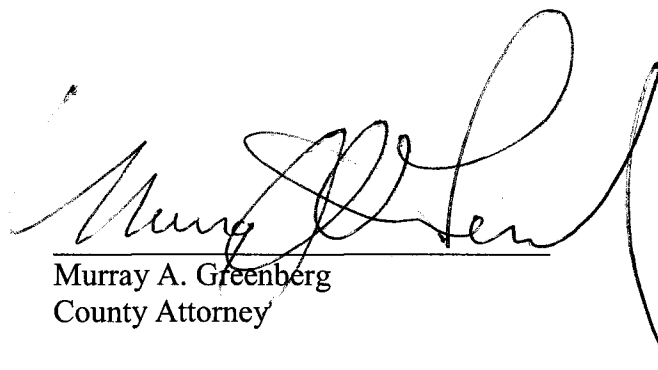
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution ordering
temporary building
moratorium and directing
County Manager to conduct
comprehensive zoning
analysis

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Audrey M. Edmonson.



Murray A. Greenberg
County Attorney

MAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 5(T)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(T)
01-25-07

RESOLUTION NO. _____

RESOLUTION ORDERING TEMPORARY BUILDING
MORATORIUM AND DIRECTING COUNTY MANAGER TO
CONDUCT COMPREHENSIVE ZONING ANALYSIS FOR A
STUDY AREA IN SOUTHWEST MIAMI-DADE COUNTY

WHEREAS, on November 28, 2006, the County Manager, pursuant to section 33-319 of the Code of Miami-Dade County, issued an administrative order prohibiting the issuance of building permits for non-residential structures and/or uses within the study area set forth in his order, for the reasons set forth in that order (a copy of which is attached hereto); and

WHEREAS, this Board must inquire into the propriety of a building moratorium for the area in question pursuant to section 33-319 of the Code; and

WHEREAS, this Board has found that a detailed comprehensive zoning analysis of the study area is reasonably necessary to determine the probability of detriment to the character of the study area by the continued application of the existing zoning districts,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby orders that a temporary moratorium on the issuance of building permits for non-residential structures and/or uses, for the study area described in the attached administrative order, be imposed for one hundred twenty (120) days from the effective date of this resolution; and that this Board directs the County Manager to prepare a comprehensive report and recommendation relating to appropriate zoning districts for the study area as soon as reasonably possible within that one hundred twenty (120) days.

The foregoing resolution was sponsored by Commissioner Audrey M. Edmonson and offered by Commissioner _____, who moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of January, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jay W. Williams

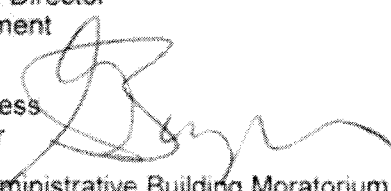
Memorandum



Date: November 28, 2006

To: Diane O'Quinn Williams, Director
Department of Planning and Zoning

Charles Danger, Director
Building Department

From: George M. Burgess
County Manager 

Subject: Imposition of Administrative Building Moratorium

In accordance with the provisions within Section 33-319(a) of the Code of Miami-Dade County, this memorandum serves as a temporary administrative order prohibiting the issuance of building permits for non-residential structures and/or uses within the area bounded by SW 136 Street on the north, SW 152nd Street on the south, SW 107 Avenue on the east, and the Homestead Extension of Florida's Turnpike State Road #821 on the west (the Study Area). Copies of two (2) zoning maps are attached for your reference.

The Study Area contains residential, commercial and agricultural zoning districts. Of particular concern is the appropriateness of the non-residential zoning districts and their intensities in close proximity to properties that are residentially zoned and improved, as well as the appropriateness of existing non-residential zoning classifications which are different from the current CDMP land use designations. The residentially zoned and improved properties are potentially at risk of being detrimentally affected by uses permitted by the non-residential zoning districts should they continue to remain applicable and building permits be subsequently issued. Therefore, I find that it is in the public interest to make a comprehensive determination as to the appropriateness of these non-residential zoning districts and whether the continued existence of such zoning districts may be detrimental to the Study Area. This action is consistent with provisions of the CDMP for the review of grandfathered zoning that is different from the CDMP planned designations and therefore potentially incompatible with other properties within the Study Area.

In further accordance with the procedures contained in Section 33-319 of the Code of Miami-Dade County, this memorandum shall serve to notify the Clerk of the Board of County Commissioners (the Clerk) of this administrative order and to request that the matter be placed before the Board of County Commissioners (the Board) for its consideration and review following a public hearing as soon as is reasonably practicable. According to the code, the Clerk shall give reasonable notice of the scheduled public hearing by publication in a newspaper of general circulation in Miami-Dade County.

The public hearing shall provide the Board the opportunity to inquire into the propriety of the aforementioned building moratorium based upon the reasonable necessity for a detailed comprehensive analysis of the Study Area and the probability of detriment to the character of the Study Area by the continued application of the existing zoning districts. Should the Board agree that the building moratorium is reasonably necessary, it may order the same and direct that no

building permits be issued within the Study Area, or such other geographically affected area as determined by the Board.

The Board's order shall fix a time within which my office shall report back to the Board with a recommendation relating to the appropriate zoning districts for the affected area. The initial moratorium imposed by the Board shall be for a period not to exceed one hundred twenty (120) days. However, the Board on its own motion or otherwise may continue the moratorium for a longer period of time if reasonably necessary. My office may also submit a request to the Board for a reasonable extension of the time limitation after a public hearing.

I intend to submit a report and recommendations to the Clerk no later than 60 days from the date of this memorandum. According to the Code, the Clerk shall then schedule a public hearing on the matter before the Board at the earliest practicable time, after reasonable notice by publication in a newspaper of general circulation in Miami-Dade County. Upon consideration of the report and recommendations at a public hearing the Board shall make its determination as to whether the zoning districts shall remain the same or shall be changed. Should the Board determine that the zoning districts are to remain the same, it may immediately issue its order terminating the building moratorium. However, should the Board determine that the zoning districts should be changed, or new districts created, it may issue its order continuing the building moratorium. Where zoning district boundary changes are involved said changes shall be heard directly by the Board.

Attachments (two zoning maps)

C: Honorable Carlos Alvarez, Mayor
Honorable Joe A. Martinez, Chairman
And Members, Board of County Commissioners
Harvey Ruvlin, Clerk of Courts

