



MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

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

SUBJECT: Resolution directing the County
Mayor to include on all permit
applications for a building permit or a
zoning improvement permit a
statement concerning necessity for
homeowner's association approval for
various types of modifications and
changes

Resolution No. R-251-10

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: March 2, 2010

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

SUBJECT: Agenda Item No. 11(A)(1)

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 Manager'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. 11(A)(1)
3-2-10

RESOLUTION NO. **R-251-10** _____

RESOLUTION DIRECTING THE COUNTY MAYOR TO INCLUDE ON ALL PERMIT APPLICATIONS FOR A BUILDING PERMIT OR A ZONING IMPROVEMENT PERMIT A STATEMENT CONCERNING NECESSITY FOR HOMEOWNER'S ASSOCIATION APPROVAL FOR VARIOUS TYPES OF MODIFICATIONS AND CHANGES

WHEREAS, many people living in or owning residential units that are controlled by or within a homeowner's association are not aware of association rules concerning modifications or changes to the exterior elements of their unit; and

WHEREAS, due to the lack of knowledge of these rules, unit owners on occasion obtain building permits for work that is in violation of the association's rules and regulations; and

WHEREAS, a unit owner who begins construction on a building element that violates an association rule or regulation may face increased costs and potential fines from the association; and

WHEREAS, a simple notification contained on permit applications may inform those unit owners of the need to seek approval of the association prior to doing certain building modifications and prevent unnecessary expense and difficulty for the unit owner and the association,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor is hereby directed to include on all permit applications for building permits and/or zoning improvement permits a statement that informs the unit owner and/or permit applicant that the work being requested may need approval from a homeowner's association, and that it is the obligation of the unit owner and/or permit applicant to obtain the required approval from the

association prior to beginning any work on the unit, and that the issuance of a building permit and/or zoning improvement permit in no way authorizes work that is in violation of any association rule or regulation. This required statement shall be conspicuous in nature through increased font size, underlining or bold type or any combination thereof. The statement shall be separated and distinct from other informational writings on the permit application.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was offered by Commissioner **Bruno A. Barreiro**, who moved its adoption. The motion was seconded by Commissioner **Natacha Seijas** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of March, 2010. 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: **DIANE COLLINS**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Thomas H. Robertson