OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(11)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

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

SUBJECT: Resolution directing the Mayor to study the Community Zoning Appeals Boards
Resolution No. R-598-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairwoman Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

/

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

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

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

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. 11(A)(11)
7-2-13

RESOLUTION NO. R-598-13

RESOLUTION DIRECTING THE MAYOR TO STUDY THE COMMUNITY ZONING APPEALS BOARDS TO DETERMINE WHETHER THERE IS A LACK OF CONSISTENCY AMONG THEIR DECISIONS, WHETHER ADDITIONAL REGULATIONS ARE NEEDED TO ADDRESS SUCH INCONSISTENCIES, WHETHER ADDITIONAL PROCEDURES ARE NEEDED TO ENSURE THAT COMMUNITY ZONING APPEALS BOARD MEMBERS ARE IN COMPLIANCE WITH MIAMI-DADE COUNTY'S ETHICS REGULATIONS, AND TO PROVIDE AN ANALYSIS OF THE COSTS ASSOCIATED WITH THE OPERATION OF THE COMMUNITY ZONING APPEALS BOARDS

WHEREAS, Community Zoning Appeals Boards are quasi-judicial boards charged with applying the zoning regulations of the Code of Miami-Dade County and rendering decisions on zoning application; and

WHEREAS, there may be discrepancies in how each Community Zoning Appeals Board applies the County's zoning regulations; and

WHEREAS, the Community Zoning Appeals Board are subject to the County's ethics regulations, and additional oversight may be needed to ensure compliance with those regulations; and

WHEREAS, it is important for this Board to be aware of the costs associated with the operation of the Community Zoning Appeals Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Mayor is hereby directed to study whether there is a lack of consistency in the way that the Community Zoning Appeals Boards apply the zoning regulations when rendering decisions on zoning application and, if so, determine appropriate regulations to ensure consistency among the Community Zoning Appeals Boards.

Section 2. The Mayor is hereby directed to study the need for additional oversight to ensure the Community Zoning Appeals Board members' compliance with the County's ethics regulations and recommend procedures and regulations to implement any such additional oversight.

Section 3. The Mayor is directed to provide an analysis of the costs associated with the operation of the Community Zoning Appeals Boards.

Section 4. The Mayor is hereby directed to submit a report to the Board of County Commissioners within 180 days from the adoption of this resolution.

The Prime Sponsor of the foregoing resolution is Chairwoman Rebeca Sosa. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Xavier L. Suarez** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman	**aye**		
Lynda Bell, Vice Chair	**aye**		
Bruno A. Barreiro	**absent**	Esteban L. Bovo, Jr.	**absent**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of July, 2013. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Craig H. Coller