

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 7, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to conduct an assessment and provide recommendations relating to assistance, information, or orientation for homesteaded homeowners who may wish to pursue a County zoning application, and to provide a report

A substitute was presented and forwarded to the BCC with a favorable recommendation at the April 9, 2024, County Infrastructure, Operations and Innovations Committee.

This substitute differs from the original item in that it directs the County Mayor or County Mayor's designee to also assess the feasibility of creating a program similar to the existing Homeowner and Small Business Permitting Assistance program to guide homesteaded homeowners through the zoning process.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: May 7, 2024

FROM: 
Gen Bonzon-Keenan
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
- 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)
5-7-24

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT AN ASSESSMENT AND PROVIDE RECOMMENDATIONS RELATING TO ASSISTANCE, INFORMATION, OR ORIENTATION FOR HOMESTEADED HOMEOWNERS WHO MAY WISH TO PURSUE A COUNTY ZONING APPLICATION, AND TO PROVIDE A REPORT

WHEREAS, within Miami-Dade County, homesteaded homeowners and other property owners sometimes may wish to seek a County zoning approval, for example, to vary a particular requirement in the County's zoning code, or allow a use, such as a group home, that is closer to another group home than otherwise allowed by the zoning code; and

WHEREAS, within the unincorporated area and in certain areas within municipalities that are under the County's regulatory jurisdiction, such zoning applications would be submitted to the County; and

WHEREAS, there are various application requirements for zoning applications; and

WHEREAS, some such zoning applications can be reviewed and granted administratively, and others would need to be heard at public hearing by either this Board or one of the County's Community Zoning Appeals Boards; and

WHEREAS, the public hearing process in particular may be intimidating to homesteaded homeowners; and

WHEREAS, for homesteaded homeowners who may not be able to hire an attorney or other qualified professional to assist them with the zoning process, it may be beneficial for the County to provide or facilitate some sort of assistance, information, or orientation related to the County's zoning process; and

WHEREAS, this could help homesteaded homeowners to better understand the zoning process and requirements for the zoning application that they may wish to pursue; and

WHEREAS, this could also help the County administration and zoning boards, in that it may help homesteaded homeowner applicants to be more familiar and more comfortable with the zoning and public hearing process and what may be asked or requested of them during said process; and

>>**WHEREAS**, through its Homeowner and Small Business Permitting Assistance program, the County currently provides free direct-to-resident services to guide unrepresented homeowners and small businesses through the process of obtaining a building permit; and

WHEREAS, the County could create a similar type program of direct-to-resident services to assist homesteaded homeowners with zoning applications; and <<¹

WHEREAS, as such, this Board wishes to direct the County Mayor's administration to make recommendations to this Board as to how the County could either provide or facilitate some sort of assistance, information, or orientation related to the County's zoning process for homesteaded homeowners who may not be able to afford to hire a zoning lawyer, lobbyist, or other representative to assist them in the zoning process,

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

Section 1. The County Mayor or County Mayor's designee is directed to assess and make recommendations to this Board as to how the County could either provide or facilitate some sort of assistance, information, or orientation related to the County's zoning process for

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< are added.

homesteaded homeowners who may wish to pursue a County zoning application but who may not be able to afford a zoning lawyer, lobbyist, or other representative to assist them in the zoning process. Such assessment and recommendations shall consider, at a minimum, >>the feasibility of: (1)<< providing orientation or informational sessions to homeowners who may wish to pursue a County zoning application[~~[, as well as the possibility of]]>>; (2)<< facilitating a list of interested zoning lobbyists or lawyers who may wish to volunteer to assist homesteaded homeowners who may not be able to afford to hire such professionals>>; and (3) creating a program similar to the existing Homeowner and Small Business Permitting Assistance program to guide homesteaded homeowners through the zoning process<<.~~

Section 2. The County Mayor or County Mayor’s designee shall provide a written report detailing the administration’s assessment and recommendations to this Board within 90 days of the effective date of this resolution and shall place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board’s Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was 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:

- | | |
|----------------------------------|----------------------|
| Oliver G. Gilbert, III, Chairman | |
| Anthony Rodríguez, Vice Chairman | |
| Marleine Bastien | Juan Carlos Bermudez |
| Kevin Marino Cabrera | Sen. René García |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Eileen Higgins |
| Kionne L. McGhee | Raquel A. Regalado |
| Micky Steinberg | |

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of May, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Abbie Schwaderer-Raurell
Cristina M. Rabionet