

MEMORANDUM

Amended
Agenda Item No. 11(A)(3)

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

DATE: June 21, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County
Mayor to evaluate the
effectiveness of the County's
notice procedures for public
hearings on zoning and
comprehensive plan amendment
matters, and to provide a report

Resolution No. R-541-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Marleine Bastien and Co-Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: June 21, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 11(A)(3)

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	Amended
Veto	_____		Agenda Item No. 11(A)(3)
Override	_____		6-21-23

RESOLUTION NO. R-541-23

RESOLUTION DIRECTING THE COUNTY MAYOR OR
COUNTY MAYOR'S DESIGNEE TO EVALUATE THE
EFFECTIVENESS OF THE COUNTY'S NOTICE
PROCEDURES FOR PUBLIC HEARINGS ON ZONING AND
COMPREHENSIVE PLAN AMENDMENT MATTERS, AND TO
PROVIDE A REPORT

WHEREAS, for zoning matters, section 33-310 of the Code of Miami-Dade County (the "Code") requires that certain types of notices be disseminated to the public in advance of zoning hearings held by this Board or the Community Zoning Appeals Boards; and

WHEREAS, such notices include mailed notices, newspaper advertisement notices, and notices posted at the site of the property that is the subject of a particular zoning application; and

WHEREAS, for comprehensive plan amendment matters, although the County's Department of Regulatory and Economic Resources sends individualized mailed notice of public hearings as a courtesy, mailed notice is not required by the Code or Florida law; and

WHEREAS, rather, for such matters, section 2-116.1 of the Code requires certain newspaper advertisement notices for public hearings held before this Board, the Planning Advisory Board, and the Community Councils; and

WHEREAS, such newspaper advertisement notices must meet certain requirements set forth in the Florida Statutes; and

WHEREAS, these statutory requirements generally relate to the type of newspapers that must be used for advertising notice of public hearings, the amount of time in advance of the applicable public hearings that the advertisements must be placed in such newspapers, and other requirements relating to when the applicable public hearings must be held in relation to other occurrences, such as state review of proposed plan amendment applications; and

WHEREAS, when public hearings are held on zoning and comprehensive plan amendment matters, members of the public often attend a meeting to be heard on the most controversial applications, but do not always appear in large numbers for other matters that may significantly impact their neighborhoods; and

WHEREAS, while the County diligently follows all statutory and Code-required procedures for notice of public hearings on zoning and comprehensive plan matters, there may be ways to improve or supplement the County's public outreach efforts to ensure that affected members of the community are better reached; and

WHEREAS, in 2021, this Board adopted Resolution No. R-176-21, directing the County Mayor to conduct a feasibility study regarding the use of modern technologies, including but not limited to geolocation text messaging, to provide notice of zoning hearings to the public, and Resolution No. R-385-21, establishing County policy that zoning hearing advertisement notices be published in community newspapers that serve particular areas of the County to better reach those affected by particular zoning applications in those communities; and

WHEREAS, on March 23, 2022, in response to the above-referenced resolutions, the County Mayor issued a report detailing efforts that would be made to: (i) enhance the County's existing Active Zoning Hearing Viewer system by implementing a geo-fencing option to allow users to automatically subscribe to zoning notifications for activity within any particular community or area within the County; and (ii) assess which newspapers meet the statutory requirements and whether any of them would better serve particular areas of the County in regards to zoning hearing notices than the newspapers the County had been using for such notices; and

WHEREAS, building on the aforementioned efforts, this Board wishes for the administration to evaluate the effectiveness of the current public hearing notice procedures for zoning and comprehensive plan matters to ensure that members of the public are being effectively reached and made aware of matters that may affect their communities and neighborhoods, and to provide a report with recommendations on any potential improvements,

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

Section 1. The foregoing recitals are approved and are incorporated herein.

Section 2. This Board hereby directs the County Mayor or County Mayor's designee to evaluate the effectiveness of the County's notice procedures for public hearings on zoning and comprehensive plan amendment matters. At a minimum, this assessment should consider whether additional methods, types, or frequencies of notice may be appropriate in addition to the statutory and Code-prescribed minimum requirements for public notice of such public hearings, along with the feasibility of any such additional notice. The assessment shall also specifically address whether the County should consider providing notice of zoning and comprehensive plan amendment matters via a publicly accessible website in lieu of publishing advertisements and public notices in a newspaper, in accordance with section 50.0311 of the Florida Statutes. In addition, the assessment should include input from members of the community. The results of the assessment, including any recommended improvements, shall be presented to this Board in a report. Such report shall also provide an update on the matters first addressed in the County Mayor's March 23, 2022 report prepared in response to Resolution Nos. R-176-21 and R-385-21, including an update on the status of improvements to the County's Active Zoning Hearing Viewer system and whether zoning notices have been included in any additional community newspapers since the issuance of that report and, if not, then the reasons why. The County Mayor or County Mayor's designee shall

provide the report to this Board within 180 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 Marleine Bastien and the Co-Sponsor is Senator René García. It was offered by Commissioner **Marleine Bastein** , who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of June, 2023. 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley
Dennis A. Kerbel

A handwritten signature in blue ink, likely belonging to Basia Pruna, is written over a horizontal line.