

MEMORANDUM

Agenda Item No. 7(E)

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

DATE: (Second Reading: 10-1-24)
July 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning and
infill housing; amending section
33-314 of the Code; allowing
direct applications to the Board
of County Commissioners for
infill, and other affordable and
workforce housing developed by
the Public Housing and
Community Development
Department

Ordinance No. 24-111

The accompanying ordinance was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: October 1, 2024

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

From: Daniella Levine Cava 
Mayor

Subject: Ordinance Relating to Zoning - Amending Section 33-314(C)(16) of the Code of Miami-Dade County, Florida

Executive Summary

The purpose of this ordinance is to amend Section 33-314(C)(16) of the Zoning Code of Miami-Dade County (Code), which provides for the Board of County Commissioners (Board) to hear applications for and grant or deny zoning applications submitted by the Director of the Department of Regulatory and Economic Resources (RER) for single-family and duplex lots that are owned by the County and that have been designated under the “Infill Housing Initiative.” In addition to applications under the “Infill Housing Initiative,” this amendment will also permit applications for other single-family and duplex lots for homeownership developed by the Public Housing and Community Development Department (PHCD) for workforce and affordable housing to be heard by the Board.

Recommendation

It is recommended that the Board adopt the attached ordinance to give the Board additional jurisdiction for zoning applications for affordable and workforce housing in addition to the “Infill Housing Initiative.”

Scope

Unincorporated Miami-Dade County and areas over which Miami-Dade County exercises zoning jurisdiction.

Delegation of Authority

Chapter 33 of the Code grants the Director of RER, or the Director’s designee, the authority to accept, process and make recommendations on zoning applications. This ordinance does not delegate any additional authority to the County Mayor or County Mayor's designee.

Fiscal Impact/Funding Source

Approval of this item is not anticipated to have a fiscal impact to the County as the proposed changes will not require additional staffing resources nor generate additional operational expenses. It is anticipated that this item will result in approximately five to ten applications per year for workforce and affordable housing.

Social Equity

The need for additional affordable and workforce housing is critical for Miami-Dade County. The proposed amendment helps to facilitate the development of affordable and workforce homeownership opportunities on single-family and duplex lots.

Track Record/Monitor

The ordinance is facilitated by PHCD, Nathan Kogon, Assistant Director; however, Chapter 33 is administered by Eric Silva, Assistant Director, RER-Development Services Division.

Background

Section 33-314(C)(16) was adopted in 2007 pursuant to Ordinance No. 07-37 to permit the Zoning Director to submit applications for county-owned lots under the “Infill Housing Initiative.” In many instances these infill properties are older and irregularly sized lots, where variances for lot size and setbacks are typically required. By permitting the Zoning Director to submit applications to the Board, it allows for expedited processing of the zoning application.

The recently approved Resolution R-896-23 directs the County to develop housing for homeownership on County-owned property using Surtax and State Housing Initiative Partnership (SHIP) funding. Zoning applications for these lots should parallel those under the “Infill Housing Initiative” by also being heard by the Board due to the similarities between the two programs as they both provide for single-family and duplex homes for ownership. PHCD has recently adopted a more proactive approach in planning properties within both the County and public housing agencies' portfolios. With new capabilities, PHCD is now equipped to identify zoning requests effectively. PHCD will actively collaborate with RER and the Internal Services Department (ISD) to alert RER to file applications when appropriate.



Jimmy Morales
Chief Operating Officer



MEMORANDUM

(Revised)

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

DATE: October 1, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

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 ____, majority plus one ____, 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) ____, 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. 7(E)
10-1-24

ORDINANCE NO. 24-111

ORDINANCE RELATING TO ZONING AND INFILL HOUSING; AMENDING SECTION 33-314 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING DIRECT APPLICATIONS TO THE BOARD OF COUNTY COMMISSIONERS FOR INFILL AND OTHER AFFORDABLE AND WORKFORCE HOUSING DEVELOPED BY THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-314 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

**Sec. 33-314. Direct applications and appeals to the
County Commission.**

* * *

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

* * *

(16) Hear application for and grant or deny Director's applications for single-family and duplex lots owned by Miami-Dade County which have been designated for

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

development under "The Infill Housing Initiative" pursuant to Article VII, Chapter 17 of this Code >>or other single-family and duplex lots for homeownership developed by Public Housing and Community Development (PHCD), or successor departments for workforce and affordable housing.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

October 1, 2024

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Lauren E. Morse