

MEMORANDUM

Amended
Agenda Item No. 11(A)(8)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: April 1, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing County
policy regarding certain County
departmental memoranda
prepared by the Public Works
Department for zoning public
hearings; directing the County
Mayor to conduct on-site visits in
connection with the preparation
of such memoranda for certain
zoning hearings

Resolution No. R-368-25

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



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM (Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: April 1, 2025

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 11(A)(8)

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 _____

Amended
Agenda Item No. 11(A)(8)
4-1-25

RESOLUTION NO. **R-368-25**

RESOLUTION ESTABLISHING COUNTY POLICY
REGARDING CERTAIN COUNTY DEPARTMENTAL
MEMORANDA PREPARED BY THE PUBLIC WORKS
DEPARTMENT FOR ZONING PUBLIC HEARINGS;
DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S
DESIGNEE TO CONDUCT ON-SITE VISITS IN CONNECTION
WITH THE PREPARATION OF SUCH MEMORANDA FOR
CERTAIN ZONING HEARINGS

WHEREAS, the Zoning Procedure Ordinance, codified in article XXXVI of chapter 33 of the County Code, provides for a Director's recommendation to be furnished as part of all applications for district boundary changes, special exceptions, unusual and new uses, and use variances; and

WHEREAS, section 33-310(b) of the County Code provides, among other requirements, that the applications for zoning public hearings "shall be promptly transmitted to the appropriate board, together with the written recommendation of the Director," that "such recommendations shall state all facts relevant to the application, including an accurate depiction of known living, working, traffic, and transportation conditions in the vicinity of the property that is the subject of the application, and also a description of all projected effects of the proposed zoning action on those conditions," and that "such recommendations shall be signed and considered final no earlier than 30 days prior to the public hearing to give the public an opportunity to provide information to the staff prior to the recommendations becoming final"; and

WHEREAS, the Director's recommendation is typically included in a kit along with staff memoranda prepared by the Division of Environmental Resources Management of the Department of Regulatory and Economic Resources (RER), the Water and Sewer Department, the Platting and Traffic Review section of RER, the Miami-Dade Fire Rescue Department, and the Building and Neighborhood Compliance section of RER; and

WHEREAS, in the past, memoranda have also been prepared by the Traffic Engineering Division (TED) of the Public Works Department; and

WHEREAS, this Board wishes for the Director's recommendation to be accompanied by a memorandum from TED for hearings pertaining to locations in the Metromover, Downtown Intermodal District, Government Center, or Brickell Subzones of the Rapid Transit Zone when projects meet certain criteria; and

WHEREAS, the projects typically proposed in zoning applications pertaining to the above-mentioned areas are of a larger scale in terms of height and density than are usually found in zoning applications; and

WHEREAS, those high-density projects regularly include over 250 residential units per acre; and

WHEREAS, the increased height and density in the above-mentioned areas necessitate a greater level of scrutiny from TED to ensure that the pedestrian and vehicular traffic flow experience is fully evaluated in order to make informed recommendations; and

WHEREAS, this Board also wishes for the County Mayor or County Mayor's designee to conduct on-site visits to the subject locations for each zoning hearing in the above-described areas in addition to reviewing traffic counts, aerial photographs, and transit capacity, prior to preparing its memorandum related to traffic engineering; and

WHEREAS, accordingly, this Board wishes to set a policy that where a zoning hearing has been scheduled for areas that are (1) in the Metromover, Downtown Intermodal District, Government Center, or Brickell Subzones of the Rapid Transit Zone, and (2) where a project includes more than 250 residential units per acre or 100,000 square feet of non-residential uses, the County Mayor or Mayor's designee will provide a memorandum covering the area of traffic engineering to the Director of RER and conduct an on-site visit prior to providing said memorandum, in no event less than 60 days before the scheduled hearing,

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

Section 1. It is the policy of this Board to require where a zoning public hearing has been scheduled for a project that meets all of the following criteria: (1) in the Metromover, Downtown Intermodal District, Government Center, or Brickell Subzones of the Rapid Transit Zone, and (2) where a project includes more than 250 residential units per acre or 100,000 square feet of non-residential uses, the County Mayor or County Mayor's designee will provide a memorandum covering the area of traffic engineering to the Director of RER and conduct an on-site visit prior to providing its memorandum, in no event less than 60 days before the scheduled hearing.

Section 2. The County Mayor or County Mayor's designee is directed to implement the policy in section 1.

Section 3. If the County Mayor or County Mayor's designee fails to provide the requested memorandum within 60 days of the zoning public hearing, such failure shall not affect the validity of a denial or approval at the time of consideration, nor shall such failure be the basis for any person or party to challenge any denial, approval, resolution, or other action of this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. It was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Roberto J. Gonzalez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of April, 2025. 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lauren E. Morse