# Memorandum

(Second Reading 12-04-07)

**Date:** October 2, 2007

Agenda Item No. 7(D)

**To:** Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

**From:** George M. Burgess County Manager

**Subject:** Ordinance Relating to Enclaves as part of Annexation Application Procedures

## Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached Ordinance requiring annexing municipalities to include information on existing enclaves when submitting municipal boundary change applications and streamlining the annexation application process by requiring the Planning Advisory Board (PAB) to make recommendations to the BCC when a municipality claims to be materially affected by a proposed boundary change.

## Scope of Agenda Item

The impact of this agenda item is countywide in nature as it will affect the annexation application process followed by existing municipalities in Miami-Dade County when applying for boundary changes.

## Fiscal Impact / Funding Source

The accompanying ordinance will not have a fiscal impact on Miami-Dade County.

## Track Record / Monitor

Not applicable.

## Background

On March 29, 2007, the Government Operations and Environment Committee held Incorporation/Annexation and Mitigation workshops to address issues relating to incorporation and annexation. Staff presented policy recommendations for the Committee's consideration. The Committee instructed staff to prepare ordinances implementing the policy recommendations accepted at the committee workshop.

Section 20-7A(1)(c) of the Miami-Dade County Code defines enclaves as "an area surrounded on more than eighty (80) percent of its boundary by one (1) or more municipalities and of a size that could not be service efficiently or effectively." Currently, there are fifteen (15) enclaves in the Unincorporated Municipal Service Area (UMSA) (Attachment 1). If the trend of incorporation and annexation continues, more enclaves could be created. The Code should be amended to require an applicant of a municipal boundary change to include a statement declaring if the municipality is bordered by an enclave. The applicant will also be required to ensure that the application for a municipal boundary change does not create any additional enclave.

Section 20-3(E) currently requires that a municipality seeking a boundary change obtain a resolution of

consent from a materially affected municipality. In order to streamline the process, it is recommended that this Code requirement be changed to require that the PAB consider the claim of a municipality materially affected by a boundary change application. In addition to complying with the requirement set forth in Section 20-6 of the County Code to send notice of a public hearing to all property owners within the area and within six hundred (600) feet thereof, it is recommended that the Code be amended to require that contiguous municipalities to a proposed annexation receive courtesy notices of the public hearing in which the PAB will consider the annexation application. The PAB will be required to provide the BCC recommendations on how to address the materially affected municipality's concern. Streamlining the annexation application process removes the burden of a municipality to obtain a resolution of consent from a municipality materially affected. The concerns of a materially affected municipality will be considered by the PAB, who will provide the BCC with recommendations on how to address those specific concerns.

Jennifer Glazer-Moon, Director
Office of Strategic Business Management

CMO 20607

# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 4, 2007

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

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

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|---|---|
| | "4-Day Rule" ("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 |
| | Bid waiver requiring County Manager's written recommendation |
| | Ordinance creating a new board requires detailed County Manager's report for public hearing |
| | Housekeeping item (no policy decision required) |
| | No committee review |

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(D)
12-04-07

ORDINANCE NO. _____

ORDINANCE RELATING TO ANNEXATION PROCEDURES; REQUIRING ENCLAVE INFORMATION TO BE PROVIDED WITH MUNICIPAL BOUNDARY CHANGE APPLICATIONS; DELETING REQUIREMENT THAT APPLICANT MUNICIPALITY OBTAIN CONSENT OF MATERIALLY AFFECTED MUNICIPALITY; REQUIRING PUBLIC HEARING BEFORE PLANNING ADVISORY BOARD ("PAB"); REQUIRING PAB TO PROVIDE CERTAIN RECOMMENDATIONS; AMENDING SECTIONS 20-3, 20-6 AND 20-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE");CREATING SECTION 20-3.1 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, during the Incorporation/Annexation and Mitigation Workshops of the Government Operations and Environment Committee of the Board of County Commissioners, staff presented policy recommendations for the Committee's consideration to address issues relating to incorporation and annexation; and

**WHEREAS**, Section 20-7(A)(1)(c) of the County Code defines an enclave area as an area surrounded on more than eighty (80) percent of its boundary by one or more municipalities and of a size that could not be serviced efficiently or effectively; and

**WHEREAS**, the current Unincorporated Municipal Service Area (UMSA) contains fifteen (15) enclaves; and

**WHEREAS**, the Board seeks to prevent the creation of additional enclaves as a result of future annexations; and

**WHEREAS**, the Board desires to streamline the annexation application process to encourage annexation as the preferred method to effectuate boundary changes in UMSA,

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

Section 1. Section 20-3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: [1]

**Sec. 20-3 Initiated by governing body of municipality.**

Any proposed boundary change desired by the governing body of a municipality shall be initiated by resolution of such governing body adopted after a public hearing held pursuant to written notice mailed to all owners of property within the area and within six hundred (600) feet thereof in such proposed boundary changes, according to the current tax assessment roll, and pursuant to published notice; provided, however, that no notice shall be required when all owners of property within the area and within six hundred (600) feet thereof shall consent in writing to the proposed boundary change. The cost of such notice shall be paid by the governing body of the municipality. Three (3) duly certified copies of such resolution requesting the proposed boundary changes, together with proof of compliance with the notice requirements aforesaid, shall be filed with the Clerk of the County Commission, and shall be accompanied by the following:

* * *

(E) [[ ~~In the event any municipality other than the municipality initiating the proposed boundary change is materially affected thereby, a resolution of the governing body of such affected municipality or municipalities consenting to the proposed boundary changes shall be obtained and duly certified copy thereof furnished to the Clerk of the County Commission.~~]]

>>A statement declaring whether an enclave, as defined in Section 20-7(A)(1)(c), borders the municipality and whether the proposed boundary change includes such enclave. <<

Section 2. Section 20-3.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**>>Sec. 20-3.1 Exception to filing and consideration of requests for annexation.**

[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.

No proposed boundary change request shall be filed, nor shall any filed request be heard, considered, or approved, pursuant to Section 20-7 or Section 20-8 by the Board of County Commissioners when the governing body requesting the change has omitted as part of the boundary change application information on an existing enclave, as defined in Section 20-7(A)(1)(c), adjacent to the municipality's boundaries or when the boundary change application creates a new enclave.<<

Section 3. Section 20-6 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 20-6. Consideration by Planning Advisory Board.**

(a) The Planning Advisory Board, upon receipt of a petition or resolution referred by the County Commission shall study, review and consider the request for boundary changes embodied therein. The chair of the Planning Advisory Board shall appoint a committee of the Board as well as a chair for such committee for the purpose of studying and making a report and recommendation to the full Board on the boundary change request. In making its recommendation to the full Board, the committee shall utilize the guidelines set forth in subsection (b). The Planning Advisory Board, shall conduct a public hearing in respect to such proposed boundary changes and hear from all interested persons >>and any municipality.<<[[;]] [[t]]>>T<<he >>Planning Advisory<< Board may require the petitioners or the municipality to furnish any additional information, data or instruments deemed necessary or desirable for consideration of such request. [[~~If t~~]] >>T<<he Planning Advisory Board [[~~conducts a public hearing in respect to such proposed boundary changes, it~~ ]]shall give written notice of such >>public<< hearing to all owners of property within the area and within six hundred (600) feet thereof. The cost of such notice shall be paid by the individual, group or municipality initiating the proposed change. >>In notifying area residents of a public hearing to consider an annexation application, written courtesy notices of said public hearing shall be mailed to any adjacent municipality. In the event any municipality other than the municipality initiating the proposed boundary change appears before the Planning Advisory Board claiming to be materially affected by the proposed boundary change, the Planning Advisory Board recommendations shall include the reason the municipality is materially affected, how the municipality's concerns affect the application, and a recommendation on how the Board of County Commissioners should address the materially affected municipality's concern.<<

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Section 4 Section 20-7of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 20-7. Public Hearing.**

The Clerk of the County Commission, upon receipt of the recommendations of the Planning Advisory Board, shall set the matter of such proposed boundary changes for public hearing at a regular meeting of the County Commission and cause notice of such public hearing to be published in a daily newspaper of general circulation in Miami-Dade County at least once not less than one (1) week prior to the date of such public hearing. Notice of such public hearing shall be furnished to a representative of the petitioner or the municipality initiating the proposed boundary change>>,<< [[~~and~~]] to all property owners within the area and within six hundred (600) feet thereof >>and any adjacent municipality.<< The cost of such notice shall be paid by the individual, group or municipality initiating the proposed change. At such public hearing, the County Commission shall review and consider the recommendations of the Planning Advisory Board, and shall afford to all interested persons an opportunity to be heard upon the merits and propriety of the proposed boundary changes.

Section 5. 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 6. 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 7. 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:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Craig H. Coller

# Memorandum

MIAMI-DADE COUNTY

**Date:** December 4, 2007

**To:** Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Supplemental Information - Ordinance Relating to Enclaves as part of Annexation Application Procedures

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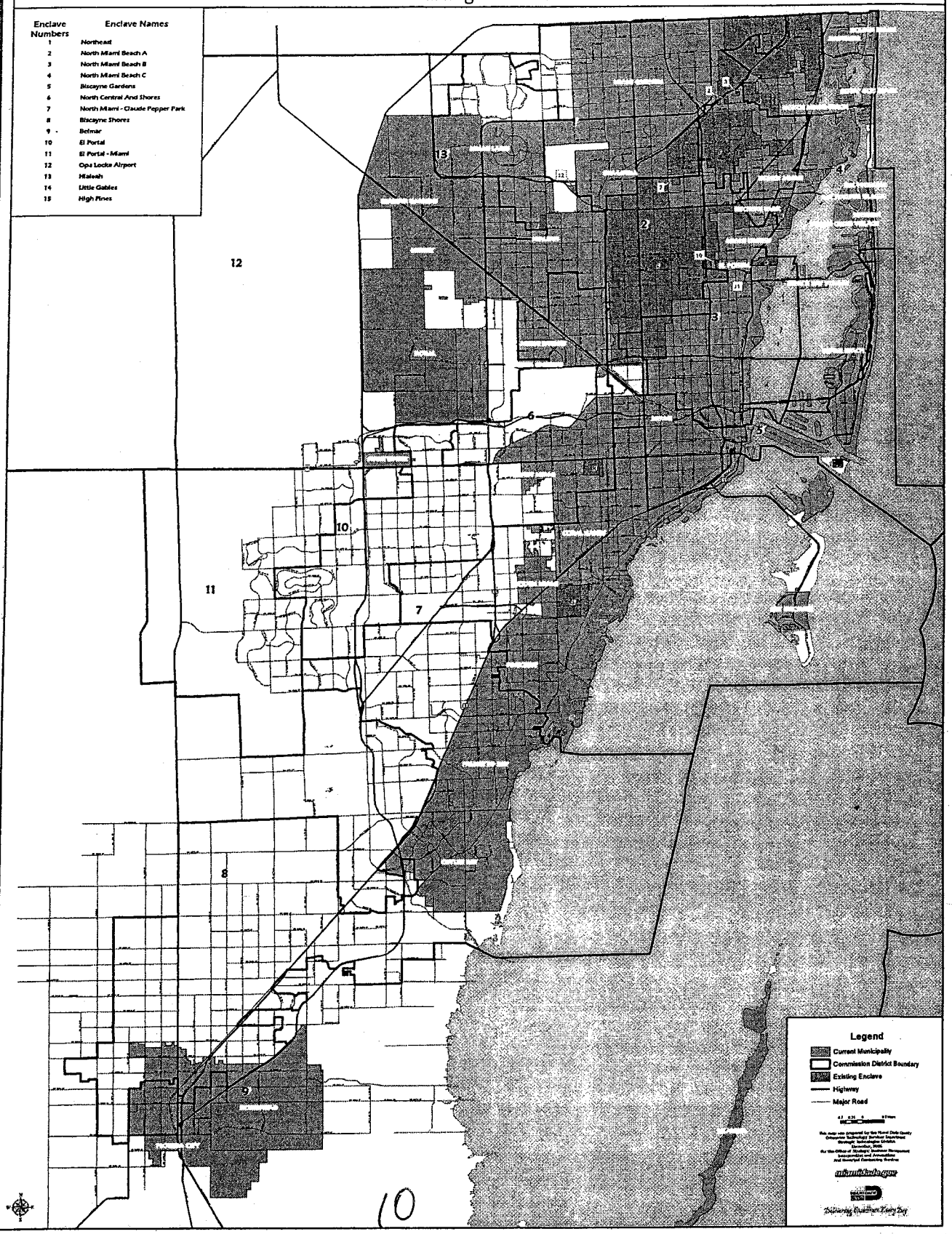
Attached is a map depicting the fifteen (15) enclaves in the Unincorporated Municipal Service Area (UMSA). This map (Attachment 1) was inadvertently not included as part of item 4N.

Jennifer Glazer-Moon, Director
Office of Strategic Business Management

cmo23107

# *Miami-Dade County*

## Existing Enclaves

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