

MEMORANDUM

Agenda Item No. 7(C)

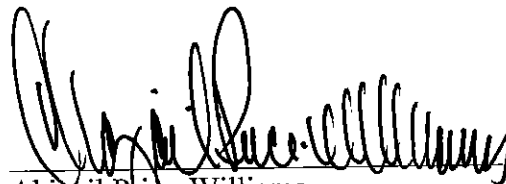
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: (Second Reading 3-7-17)
November 15, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to annexation procedures; amending sections 20-3 and 20-7 of the Code; requiring a municipality to provide a comparison between county and municipal land use regulations prior to municipal annexation of unincorporated areas in the County

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



Abigail Price-Williams
County Attorney

APW/cp

Memorandum



Date: March 7, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Fiscal Impact Statement for Ordinance Relating to the Infill Housing Initiative Program

The proposed ordinance relating to annexation procedures amends Sections 20-3 and 20-7 of the Code of Miami-Dade County to require that a municipality provides a comparison between County and municipal land use regulations prior to municipal annexation of unincorporated areas in the County. The proposed ordinance will not have a fiscal impact to Miami-Dade County. The ordinance requires the annexing municipality to provide additional information on zoning that includes any restrictions on business locations, hours and days of sale when filing an annexation application to the County.

A handwritten signature in black ink, appearing to read "Edward Marquez".

Edward Marquez
Deputy Mayor

FIS01317 162523

Memorandum



Date: March 7, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

Subject: Social Equity Statement for Ordinance Relating to Annexation Procedures

The proposed ordinance relating to annexation procedures amends Sections 20-3 and 20-7 of the Code of Miami-Dade County to require that a municipality provides a comparison between County and municipal land use regulations prior to municipal annexation of unincorporated areas in the County. The proposed ordinance requires municipalities to provide additional information on zoning and business regulations, including how zoning restrictions pertaining to the location of a business and hours of operations may impact businesses in the area, as part of the annexation application to the County. By providing this additional information, residents and businesses in the annexation area will be better informed of the impact of the annexation on their respective property or business.

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Edward Marquez
Deputy Mayor

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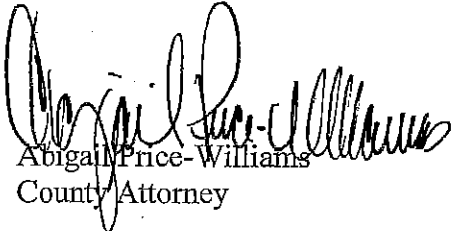


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: March 7, 2017

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(C)

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 _____, 3/5's _____, unanimous _____) 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(C)
3-7-17

ORDINANCE NO. _____

ORDINANCE RELATING TO ANNEXATION PROCEDURES;
AMENDING SECTIONS 20-3 AND 20-7 OF THE CODE
OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING A
MUNICIPALITY TO PROVIDE A COMPARISON BETWEEN
COUNTY AND MUNICIPAL LAND USE REGULATIONS
PRIOR TO MUNICIPAL ANNEXATION OF
UNINCORPORATED AREAS IN THE COUNTY; PROVIDING
SEVERABILITY, INCLUSION IN THE CODE AND AN
EFFECTIVE DATE

WHEREAS, on December 3, 2013, this Board adopted Resolution No. R-1006-13 directing the Mayor or designee to identify one or more universities or a professional consultant to contract with the County to analyze and make recommendations concerning future incorporations and annexations within the unincorporated area; and

WHEREAS, on November 5, 2015, the Board adopted Resolution No. R-972-14 authorizing the Mayor or designee to enter into an agreement with PMG Associates, Inc. to perform an analysis and carry out the recommendations pursuant to Resolution No. R-1006-13; and

WHEREAS, PMG Associates, Inc. submitted a report to the Board dated October 27, 2015 entitled "Analysis of Incorporation and Annexation Within the Unincorporated Areas;" and

WHEREAS, among other things, the report recommended that existing zoning regulations and other restrictions, particularly those related to location and hours and days of sale for businesses, be compared to relevant municipal requirements at the time of annexation to ensure consistency; and

WHEREAS, this Board now wishes to implement this recommendation as set forth herein,

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

Section 1. Section 20-3 of the Code of Miami-Dade County 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:

(A) An accurate legal description of the lands or land area involved in such proposed boundary change.

* * *

(F) In addition to the foregoing, there shall be filed with the Clerk of the County Commission the following information:

(1) *Land use plan and zoning.* The municipality shall present a general land use plan and a map showing proposed zoning for the subject area which, if annexed, will be enacted by the municipality. >>In addition, the municipality shall provide a comparison between existing County land use regulations governing the subject area and the

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.

relevant municipal land use regulations, including, but not limited to, any zoning restrictions pertaining to location of businesses and hours and days of sale for businesses, to identify how businesses may be impacted upon annexation.<< This information shall be submitted regardless of size of area or state of existing development.

* * *

Section 2. Section 20-7 of the Code of Miami-Dade County 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, 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.

(A) At the conclusion of the public hearing the Board of County Commissioners, in evaluating the appropriateness of a petition for boundary change shall consider the following guidelines:

- (1) The suitability of the proposed boundaries, in conjunction with the existing municipality, provide for a municipal community of interest that is both cohesive and inclusive. The proposed annexation area should:

- (a) Not divide a U.S. Census Designated Place, to the extent feasible.
- (b) Include adjacent areas of ethnic minority and lower income residents in which a majority of those residents have so petitioned.
- (c) Have contiguity and not create any unincorporated enclave area(s). An unincorporated enclave area is defined as an area that would be 1) surrounded on more than eighty (80) percent of its boundary by one (1) or more municipalities and 2) of a size that could not be serviced efficiently or effectively.
- (d) Have natural or built barriers as boundaries, to the extent feasible, and

* * *

>>(10) How businesses may be impacted upon annexation, based on a comparison between existing County land use regulations governing the subject area and the relevant municipal land use regulations, including, but not limited to, any zoning restrictions pertaining to location of businesses and hours and days of sale for businesses.<<

* * *

Section 3. 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 4. 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 5. 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:

James Eddie Kirtley, Jr.
Abbie Schwaderer Raurell

Handwritten signature in black ink, appearing to be 'APW' with a flourish underneath.

Prime Sponsor: Commissioner Barbara J. Jordan