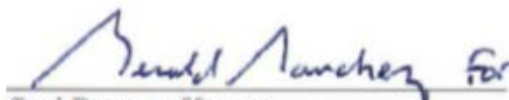


MEMORANDUM

Agenda Item No. 5(A)

TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:	(Public Hearing: 7-20-21) May 4, 2021
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT:	Ordinance relating to proposed municipal boundary changes and contiguity, enclaves, the urban development boundary, and joint municipal boundary change requests; amending sections 20- 3.1 and 20-5 of the Code; prohibiting the filing and consideration of proposed boundary changes under certain circumstances and providing for procedures

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.


Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: July 20, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Proposed Municipal Boundaries

The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. No additional staff will be required for the initial determination on the annexation request.

A handwritten signature in blue ink, reading "Edward Marquez".

Edward Marquez
Chief Financial Officer

Memorandum



Date: July 20, 2021

To: Honorable Chairman Jose 'Pepe' Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Social Equity Statement for Ordinance Relating to Proposed Municipal Boundaries

The proposed ordinance relating to boundary changes, amends Chapter 20 of the Code to provide for boundary change applications that are contiguous to the annexing municipality and within the urban development boundary. The ordinance also provides the Board the discretion to refer any application to the Planning Advisory Board, currently all annexation applications must be referred. Additionally, it will provide annexing municipalities direction on the applications that will be considered by the Board.

The social benefits of annexation can include enhanced access to municipal services for residents and businesses, however those impacts will be determined based on the particular annexation request from a municipality. Additionally, the potential removal of Planning Advisory review would make a core function of the citizen PAB optional, and could reduce the total opportunities for public input.

A handwritten signature in blue ink that reads "Edward Marquez".

Edward Marquez
Chief Financial Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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
Veto _____
Override _____

Agenda Item No. 5(A)
7-20-21

ORDINANCE NO. _____

ORDINANCE RELATING TO PROPOSED MUNICIPAL BOUNDARY CHANGES AND CONTIGUITY, ENCLAVES, THE URBAN DEVELOPMENT BOUNDARY, AND JOINT MUNICIPAL BOUNDARY CHANGE REQUESTS; AMENDING SECTIONS 20-3.1 AND 20-5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROHIBITING THE FILING AND CONSIDERATION OF PROPOSED BOUNDARY CHANGES UNDER CERTAIN CIRCUMSTANCES AND PROVIDING FOR PROCEDURES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in Miami-Dade County, annexations, also referred to as municipal boundary changes, are governed exclusively by the Miami-Dade County Home Rule Charter and Chapter 20 of the Code of Miami-Dade County, and are not subject to various state laws applicable to annexations in other areas of Florida; and

WHEREAS, for annexations outside of Miami-Dade County, the state has enacted laws for the purpose of ensuring sound urban development and accommodation to growth, establishing uniform standards for the adjustment of municipal boundaries, ensuring the efficient provision of urban services to areas that become urban in character, and ensuring that areas are not annexed unless municipal services can be provided to those areas; and

WHEREAS, to accomplish those goals, state law requires, among other things, that annexations be compact and contiguous and possess sufficient urban characteristics to justify the annexation; and

WHEREAS, in Miami-Dade County the Board of County Commissioners may consider such factors, as there is currently no requirement related to compactness, contiguity or urban characteristics; and

WHEREAS, Miami-Dade County has unique considerations that may relate to annexations, including, but not limited to, historical municipal boundaries and existing unincorporated areas where the electors chose many years ago to remain part of the unincorporated area of the County; and

WHEREAS, this ordinance would prohibit municipal boundary changes of areas that are not contiguous to the requesting municipality, or that would result in the separation of an area of a municipality from another part of the municipality so that it is not contiguous to the rest of the municipality; and

WHEREAS, this contiguity requirement would need to also consider this Board's policy, as expressed in chapter 20, to strongly discourage the annexation of areas designated as terminals on the Miami-Dade County Comprehensive Development Master Plan's (CDMP) Land Use Plan map, so as not to inadvertently incentivize municipalities to include such terminals in a municipal boundary change request, and this contiguity requirement should also consider when an area would share a boundary but for a road or canal; and

WHEREAS, this ordinance would also prohibit the annexation by municipalities of areas outside the Urban Development Boundary (UDB), consistent with the recommendation by the County's consultant in the 2015 report on Annexation and Incorporation; and

WHEREAS, as recognized in that 2015 report, the County has jurisdiction over the location of the UDB and any applications to move the UDB, and all municipal land use decisions outside the UDB must be consistent with the County's CDMP; and

WHEREAS, the consultant noted that, “the UDB is an important tool for Miami-Dade County in defining urban service, protecting environmentally sensitive land and land use limitations,” and because of this importance, the consultant recommended that annexations of area located outside the UDB not be permitted, in order to maintain full County control over such areas; and

WHEREAS, in addition, this ordinance would clarify certain requirements related to information on enclaves and would prohibit the filing and consideration of a municipal boundary change request if the request includes area which is currently within the boundaries of another municipality, unless both municipalities have jointly submitted the application; and

WHEREAS, providing clear standards for annexations in Miami-Dade County will allow for more orderly consideration of proposed municipal annexations and their impact on the incorporated and unincorporated areas of the County; and

WHEREAS, this Board wishes to create new annexation standards, applicable to Miami-Dade County, related to contiguity, enclaves, the County’s UDB, and joint boundary change requests, with the goal of promoting sound policy and the logical provision of municipal services, discouraging the creation of future enclaves, maintaining full County jurisdiction over terminals, and providing additional protections for the County’s UDB,

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

Section 1. Section 20-3.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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.

Sec. 20-3.1. Exception to filing and consideration of requests for ~~[[annexation]]~~ >>boundary changes<<.

No proposed boundary change request shall be filed, nor shall any filed request be heard, considered, or approved~~[[,]]~~ pursuant to >>section<< ~~[[Section]]~~ 20-7 or >>section<< ~~[[Section]]~~ 20-8 by the Board of County Commissioners>>, if any of the following are met:

- (A)<< when the governing body requesting the change has omitted as part of the boundary change application information on >>either:<< an existing enclave, as defined in >>section<< ~~[[Section]]~~ 20-7(A)(1)(c), adjacent to the municipality's boundaries or when the boundary change application >>would<< create~~[[s]]~~ a new enclave >>if approved;
- (B) when the proposed boundary change area is not contiguous to the municipality to which the boundary change is proposed or would create a municipal area that is not contiguous to the respective municipality;
- (C) when the proposed boundary change area includes any area outside the Urban Development Boundary, at the time of filing of the proposed boundary change application, as depicted on the Miami-Dade County Comprehensive Development Master Plan's Land Use Plan map; or
- (D) when the proposed boundary change area, or any portion thereof, is located within the current municipal boundaries of another municipality, unless both municipalities have jointly submitted or otherwise joined in the boundary change request.

For purposes of this section, an area that has less than 500 feet of shared boundaries with, or connects only by way of a corner or intersection to, the municipality shall be considered not contiguous; however, if an area would have at least 500 feet of shared boundaries with a municipality if not for a road, canal, or terminal that separates the area and the municipality, then such area shall be deemed contiguous for purposes of this section. Where such a terminal separates the area and the municipality, and the area would have at least 500 feet of shared boundaries with the municipality if not for said terminal, the area must nevertheless have at least 100 feet of shared boundaries with the municipality in order to be deemed contiguous for purposes of this section. As used in this paragraph

and this chapter, terminal shall refer to areas designated terminal on the Miami-Dade County Comprehensive Development Master Plan's Land Use Plan map<<.

Section 2. Section 20-5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 20-5. Initial consideration of proposed boundary changes.

>>(A)<<The Clerk of the County Commission, upon receipt of a request for boundary change filed in compliance with >>section<< [[Section]] 20-3 or >>section<< [[Section]] 20-4 hereof, shall >>refer such matter to the County's Office of Management and Budget, or such other department designated by the County Mayor, for a determination as to whether the request for boundary change is prohibited pursuant to section 20-3.1.

(B) If the request for boundary change does not comply with the provisions of section 20-3.1, the request for boundary change shall be returned to the applicant along with a transmittal letter clearly identifying the deficiencies pursuant to section 20-3.1 with respect to the request for boundary change. Any request for boundary change which is returned to an applicant for failure to comply with the provisions of section 20-3.1 shall be void and of no effect.

(C) If the request for boundary change complies with the provisions of section 20-3.1, the Clerk<< shall cause such matter to be placed upon the official agenda of an ensuing regular meeting of the County Commission, and shall notify the person, group or municipality initiating the boundary change of the date of the regular meeting at which such matter will be considered by the County Commission. A representative of the petitioners or of such municipality, as the case may be, may be heard briefly by the County Commission in respect to the merits or propriety of the request for such boundary change. The County Commission >>may, in its discretion,<< [[shall]] refer such proposed boundary change to the County Planning Advisory Board for review, study, consideration and recommendations.

Section 3. The County's Office of Management and Budget shall review all municipal boundary change requests that are pending as of the effective date of this ordinance, determine if any such requests would be prohibited from further consideration pursuant to section 20-3.1, and advise municipalities, as needed or appropriate.

Section 4. 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 5. 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 6. 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:

GKS for GBK

Prepared by:



Abbie Schwaderer-Raurell

Prime Sponsor: Chairman Jose "Pepe" Diaz