

MEMORANDUM

Substitute
Special Item No. 4

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 27, 2014

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

SUBJECT: Ordinance relating to annexation procedures; requiring consent from property owners in an area proposed to be annexed, if there is no required vote of resident electors because there are 250 or fewer resident electors in the area and the area is fifty percent or less developed residential; providing that such requirement is applicable to pending and future annexation requests; amending Section 20-9 of the Code

This substitute differs from the original in that it clarifies that recent annexations presented to a committee of the Board of County Commissioners, regardless of the outcome of committee consideration, shall not be required to obtain the consent of property owners in the annexation area.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell and Co-Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: February 27, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

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

Subject: Ordinance Relating to Annexation Procedures; Requiring Consent From Property Owners in an Area Proposed to Be Annexed, If There Is No Required Vote of Resident Electors Because There Are 250 or Fewer Resident Electors in the Area and the Area Is Fifty Percent or Less Developed Residential; Providing that Such Requirement Is Applicable to Pending and Future Annexation Requests, Unless Such Requests Have Received a Recommendation from the Planning Advisory Board on or Before the Effective Date of This Ordinance; Amending Section 20-9 of the Code

The proposed ordinance relating to annexation procedures amends Section 20-9 of the Code to do the following: requires consent from property owners in an area proposed to be annexed, if there is no required vote of resident electors because there are 250 or fewer resident electors in the area and the area is fifty percent or less developed residential; and provides that such requirement is applicable to pending and future annexation requests, unless such requests have received a recommendation from the Planning Advisory Board on or before the effective date of this ordinance.

Implementation of this ordinance will not have a fiscal impact to the County.

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

Edward Marquez
Deputy Mayor

Fis3414



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 27, 2014

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

SUBJECT: Substitute
Special Item No. 4

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
- 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 _____

Substitute
Special Item No. 4
2-27-14

ORDINANCE NO. _____

ORDINANCE RELATING TO ANNEXATION PROCEDURES; REQUIRING CONSENT FROM PROPERTY OWNERS IN AN AREA PROPOSED TO BE ANNEXED, IF THERE IS NO REQUIRED VOTE OF RESIDENT ELECTORS BECAUSE THERE ARE 250 OR FEWER RESIDENT ELECTORS IN THE AREA AND THE AREA IS FIFTY PERCENT OR LESS DEVELOPED RESIDENTIAL; PROVIDING THAT SUCH REQUIREMENT IS APPLICABLE TO PENDING AND FUTURE ANNEXATION REQUESTS, UNLESS SUCH REQUESTS HAVE RECEIVED A RECOMMENDATION FROM THE PLANNING ADVISORY BOARD ON OR BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE; AMENDING SECTION 20-9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, under Section 6.05 of the Home Rule Charter and Section 20-7 of the Code of Miami-Dade County, Florida, the County Commission can accomplish an annexation by ordinance without a vote of resident electors when there are 250 or fewer resident electors in the area proposed to be annexed and the area is less than fifty percent developed residential; and

WHEREAS, although there is no election required to be called to accomplish such annexations, owners of property may be affected by an annexation; and

WHEREAS, the Miami-Dade County Planning Advisory Board has requested the Board of County Commissioners to consider a procedure to afford representation to commercial property owners who were affected by annexations reviewed by such board; and

WHEREAS, in situations where the Board can accomplish an annexation by adoption of an ordinance, it is recommended that property owners in the area proposed to be annexed be required to consent to the proposed annexation,

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

Section 1. Section 20-9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 20-9 Election on proposed boundary changes; required.

(a) If a boundary change involves the annexation or separation of an area having two hundred fifty (250) or fewer resident electors, and the area is more than fifty (50) percent developed residential, no proposed boundary change shall be accomplished unless a majority of resident electors voting at such an election approve such boundary change. All costs of such elections shall be paid in advance by the persons, group or municipality initiating the proposed boundary change. If a boundary change involves the annexation or separation of an area having two hundred fifty (250) or fewer resident electors, and the area is ~~[[less than]]~~ fifty (50) percent ~~>>or less<<~~ developed residential, the Commission may by ordinance effect the boundary change in accordance with Section 5.04.B of the Home Rule Charter. The determination of ~~[[whether an area is more or less than fifty (50) percent]]~~ ~~>>~~ the percentage of an area that is ~~<<~~ developed residential shall be made in the sole discretion of the Director of the Department of ~~[[Planning and Zoning]]~~ ~~>>~~ Regulatory and Economic Resources ~~<<~~.

(b) In the event that a boundary change involves the annexation or separation of an area of which more than two hundred fifty (250) residents are electors, the Board of County Commissioners, pursuant to Section ~~[[5]]>>6<<.04(B)~~ of the Home Rule Charter of Miami-Dade County, Florida, may call an election to be held for the purpose of submitting to these electors the question whether the proposed boundary change shall be approved or disapproved. All costs of such elections shall be paid in advance by the persons, group or municipality initiating the proposed boundary change.

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.

>>(c) Notwithstanding the provisions of subsection (a) above, if the area to be annexed has two hundred fifty (250) or fewer resident electors and is developed 50 percent or less residential, such area shall not be annexed unless more than 50 percent of the owners of parcels in the area consent to the proposed annexation. Such consent(s) shall be obtained by the parties proposing the annexation prior to the submittal of any annexation petition or application or where such annexation petition or application has been submitted prior to the effective date of this ordinance, such consent(s) shall be obtained prior to consideration by the Board of County Commissioners or any of its committees and shall be on a form approved by the Office of Management and Budget. It is provided, however, the requirements of this subsection shall not apply to an annexation petition or application that has received a recommendation from the Planning Advisory Board on or before the effective date of this ordinance.<<
>>Additionally, this ordinance shall not apply to any annexation requests that were presented to a committee of the Board of County Commissioners for hearing within one year prior to the effective date of this ordinance.<<²

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.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

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:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Craig H. Coller
Cynthia Johnson-Stacks

Handwritten signature of Craig H. Coller, consisting of a stylized 'C' and 'H' followed by 'Coller'.

Prime Sponsor: Vice Chair Lynda Bell
Co-Sponsor: Commissioner Audrey M. Edmonson