

MIAMI BEACH

OFFICE OF THE CITY MANAGER

No. **453-2016**

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Rafael E. Granado, City Clerk



DATE: October 20, 2016

SUBJECT: **VILLAGE OF BAL HARBOUR RESOLUTION**

Attached for your information is Resolution No. 2016-1021, adopted by the Mayor and Village Council of the Village of Bal Harbour on July 19, 2016.

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, EXPRESSING THE VILLAGE'S STRONG OBJECTION TO MIAMI DADE COUNTY'S PROPOSED MANDATORY WORKFORCE HOUSING ORDINANCE; URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE COUNTY'S METROPOLITAN SERVICES COMMITTEE NOT TO APPLY THE PROPOSED ORDINANCE WITHIN BAL HARBOUR VILLAGE OR WITHIN ANY OTHER OBJECTING MUNICIPALITY; PROVIDING FOR DISTRIBUTION; PROVIDING IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

The Village of Bal Harbour has requested that a copy of this resolution be provided to the Miami Beach Mayor and Commissioners.

If you have any questions, please contact the Office of the City Clerk at 305.673.7411.

JLM/REG

Attachment

RESOLUTION NO. 2016-1021

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, EXPRESSING THE VILLAGE'S STRONG OBJECTION TO MIAMI DADE COUNTY'S PROPOSED MANDATORY WORKFORCE HOUSING ORDINANCE; URGING THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE COUNTY'S METROPOLITAN SERVICES COMMITTEE NOT TO APPLY THE PROPOSED ORDINANCE WITHIN BAL HARBOUR VILLAGE OR WITHIN ANY OTHER OBJECTING MUNICIPALITY; PROVIDING FOR DISTRIBUTION; PROVIDING IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners and its Metropolitan Services Committee is presently considering the adoption of a Mandatory Workforce Housing Ordinance (the "County Ordinance") which passed first reading as County Agenda Item 4 (J) on June 7, 2016; and

WHEREAS, this Council finds that if the County Ordinance is adopted in the form in which it is proposed, it is hereby subject to objection and opposition upon, but not limited to, each of the following grounds:

- There is a significant question of whether or not application of the proposed Ordinance within the incorporated municipalities exceeds the County's charter based regulatory authority.
- The County Ordinance interferes with Municipal Home Rule Powers which are provided by Article VIII, Section II of the Florida Constitution and codified in Section 166.021, F.S.
- The County Ordinance creates a legal conflict with the Village's zoning code which does not provide a mechanism for the proposed bonuses. If the County Ordinance is found to be valid and within their authority, the Village would be required to amend its Zoning Code to provide for the density bonuses of up to 25% in the Village's residential zoning districts.
- The County Ordinance creates a legal conflict with the Village's Comprehensive Plan. The Village's Residential land use categories do not provide for the density permitted under the County's proposed density bonuses and, if the County Ordinance is found to be valid and within their authority, the Village would need to amend its Comprehensive Plan by increasing densities 25% in the

Village's residential land use categories or providing a bonus mechanism for workforce housing.

- The State of Florida may object to the proposed density increases in municipal areas which are affected by hurricane evacuation routes and times.
- The mechanism for the Village to opt out of the proposed mandatory workforce housing program is very burdensome and the deadline very short. Further, implementation of a local ordinance will shift the risk of claims from developers to the local government rather than leaving the risk with the County government that mandated the program; and

WHEREAS, although this Council applauds the intent of the sponsoring Commissioner and others in desiring to encourage the availability of workforce housing, this Council respectfully and strongly objects to the County Ordinance's proposed imposition of a mandatory workforce housing methodology within the Village; and

WHEREAS, this Council requests that the County Ordinance shall not be applicable within the Village or within any other objecting municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted and confirmed.

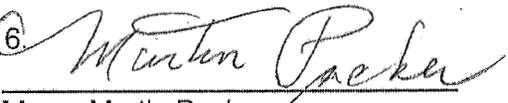
Section 2. Opposition and Objection by the Village Council Concerning the County Ordinance. That the Village Council hereby strongly objects to and opposes the County Ordinance and its mandatory workforce housing approach, and respectfully urges the Metropolitan Services Committee and the Board of County Commissioners to reject the proposed County Ordinance or to amend the proposed County Ordinance to provide that the County Ordinance shall not be applicable within the Village or within any other objecting municipality.

Section 3. Providing for Distribution. That the Village Clerk is hereby directed to transmit a copy of this Resolution to the County Mayor, the Board of County Commissioners, the Metropolitan Services Committee, the Miami- Dade County League of Cities, municipalities within Miami-Dade County, and other interested persons.

Section 4. Implementation. That the Village Manager and Village Attorney are hereby each respectively authorized to take any action which is necessary to implement the purposes of this Resolution, including, but not limited to: taking actions with and by way of the Miami-Dade County League of Cities to oppose the County Ordinance; and/ or seeking judicial and/ or administrative recourse in the event that the County Ordinance is adopted in a form which purports to be applicable within Bal Harbour Village.

Section 6. Effective Date. That this resolution shall become effective immediately upon the adoption hereof.

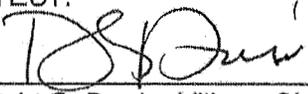
PASSED AND ADOPTED this 19th day of July, 2016



Mayor Martin Packer

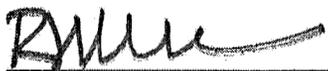


ATTEST:



Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.