

# MIAMI BEACH

OFFICE OF THE CITY MANAGER

No. 303-2016

LETTER TO COMMISSION

TO: Mayor Philip Levine and Members of the City Commission

FROM: Jimmy L. Morales, City Manager

DATE: July 19, 2016

SUBJECT: **CITY OF AVENTURA RESOLUTION**



Attached for your information is Resolution No. 2016-41, adopted by the Mayor and City Commission of the City of Aventura on July 12, 2016.

A Resolution Of The City Commission Of The City Of Aventura, Florida, Expressing The City'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 The City Of Aventura Or Within Any Other Objecting Municipality; Providing For Distribution; Providing Implementation; Providing For An Effective Date.

The City of Aventura 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. 2016-41**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, EXPRESSING THE CITY'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 THE CITY OF AVENTURA 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**, the City Commission of the City of Aventura finds that the County Ordinance will adversely impact economic revitalization and redevelopment opportunities within the City by driving up the cost of redevelopment; and

**WHEREAS**, the City Commission 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 City'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 City would be required to amend its Zoning Code to provide for the density bonuses of up to 25% in the City's residential zoning districts.
- The County Ordinance creates a legal conflict with the City's Comprehensive Plan. The City'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 City would need to amend its Comprehensive Plan by increasing densities 25% in the City'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 City 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 the City Commission applauds the intent of the sponsoring Commissioner and others in desiring to encourage the availability of workforce housing, the City Commission respectfully and strongly objects to the County Ordinance's proposed imposition of a **mandatory** workforce housing methodology within the City of Aventura; and

**WHEREAS**, the City Commission requests that the County Ordinance shall not be applicable within the City of Aventura or within any other objecting municipality.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA:**

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

**Section 2. Opposition and Objection by the City Commission Concerning the County Ordinance.** That the City Commission 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 City of Aventura or within any other objecting municipality.

**Section 3. Workforce Housing Options.** That the City Commission welcomes and invites the Board of County Commissioners to assist in voluntarily forming and working with a task force of municipalities to develop voluntary workforce housing initiatives which comply with applicable laws.

**Section 4. Providing for Distribution.** That the City 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.

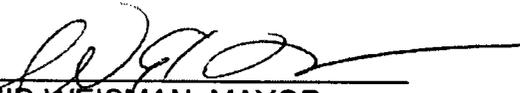
**Section 5. Implementation.** That the City Manager and City Attorney are hereby each respectively authorized to take any action which is necessary to implement the purposes of this Resolution, including, but not limited to: taking actions with and by way of the Miami-Dade County League of Cities to 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 the City of Aventura.

**Section 6. Effective Date.** That this Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Narotsky, who moved its adoption. The motion was seconded by Commissioner Holzberg, and upon being put to a vote, the vote was as follows:

|                              |               |
|------------------------------|---------------|
| Commissioner Enbar Cohen     | <u>Absent</u> |
| Commissioner Teri Holzberg   | <u>Yes</u>    |
| Commissioner Marc Narotsky   | <u>Yes</u>    |
| Commissioner Robert Shelley  | <u>Yes</u>    |
| Commissioner Howard Weinberg | <u>Yes</u>    |
| Vice Mayor Denise Landman    | <u>Yes</u>    |
| Mayor Enid Weisman           | <u>Yes</u>    |

**PASSED AND ADOPTED THIS 12<sup>th</sup> day of July, 2016.**

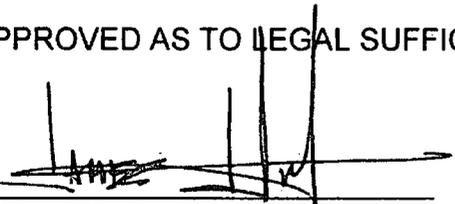
  
ENID WEISMAN, MAYOR



ATTEST:

  
ELLISA L. HORVATH, MMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

  
CITY ATTORNEY