

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, COMPREHENSIVELY AMENDING THE VILLAGE CODE OF ORDINANCES TO ALLOW PUBLICATION OF LEGALLY REQUIRED ADVERTISEMENTS AND NOTICES TO BE MADE IN ANY MANNER PERMITTED UNDER FLORIDA LAW, INCLUDING THROUGH PUBLICLY ACCESSIBLE WEBSITES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Pinecrest (the "Village") finds it periodically necessary to amend its Code of Ordinances (the "Code") in order to update regulations and procedures to maintain consistency with state law, implement municipal goals and objectives, clarify regulations, and address specific issues and needs that may arise; and

WHEREAS, the Florida Constitution requires all meetings of a county, municipality, school board, or special district at which official acts are to be taken or at which public business is to be discussed or transacted to be open to the public and properly noticed; and

WHEREAS, Section 50.0311, Florida Statutes, provides that a governmental agency may use the designated publicly accessible website of the county in which it lies to publish legally required advertisements and public notices if the cost of publishing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper; and

WHEREAS, on April 2, 2024, the Miami-Dade County (the "County") Board of County Commissioners ("BCC") adopted Resolution No. R-281-24, which, among other things, directed the County Mayor's administration to take all necessary steps to provide for publication of municipal legal advertisements and public notices on a publicly accessible website of the County in accordance with Section 50.0311, Florida Statutes; and

WHEREAS, on July 16, 2024, the County BCC adopted Resolution No. R-693-24, which, among other things, designated “legalads.miamidade.gov” (the “Site”) as the County’s publicly accessible website; and

WHEREAS, the Village Council desires to comprehensively amend the Code to allow legal notices to be published in any manner permitted under Florida Law, including by publication on the County’s Site; and

WHEREAS, notwithstanding the foregoing, unless and until the Village Charter is amended, all legal advertisements and public notices shall be published in a newspaper of general circulation if required under the Village Charter; and

WHEREAS, the Village Council finds it to be in the best interest of the public, health, safety, and welfare of the citizens to adopt this Ordinance amending the Village’s Code.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AS FOLLOWS: ¹

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

Section 2. Village Code Amended. The Code of Ordinances, Village of Pinecrest, Florida, is hereby amended as set forth in Exhibit “A” attached hereto and incorporated herein.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **yellow highlight** and ~~double strikethrough~~ or double underline.

Section 4. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Codification. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Pinecrest; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 10th day of September, 2024.

PASSED AND ADOPTED on second reading this ____ day of _____, 2024.

Joseph M. Corradino, Mayor

Attest:

Priscilla Torres, MMC
Village Clerk

Approved as to Form and Legal Sufficiency:

Mitchell Bierman
Village Attorney

Motion on Second Reading by:
Second on Second Reading by:

Vote:

CHAPTER 1 - GENERAL PROVISIONS

Section 1-12. Public Notice; Advertisement and Notice by Publication On Publicly Accessible Websites.

(A) Publication. Whenever the term "Publication" or "Publish" is used in this Code, including under Chapter 30, "Land Development Regulations," it shall be construed to mean to publish a legal notice in accordance with Chapter 50, Florida Statutes, except where the context clearly indicates a different meaning. Publication may be achieved by one of the following:

(1) Publication in a newspaper of general circulation;

(2) Publication on a publicly accessible website, as defined under Section 50.0311, Florida Statutes; or

(3) Publishing in any other manner authorized by Florida law and consistent with the Village Charter, Miami-Dade County Charter, and/or any other relevant authority.

(B) Publication on Publicly Accessible Websites. Notwithstanding any provision to the contrary in this Code, wherever an advertisement or notice is required to be published in a newspaper of general circulation or other print publication, such advertisement or notice may instead be provided on a publicly accessible website, as permitted by Chapter 50, Florida Statutes, provided that:

(1) The cost of providing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper of general circulation;

(2) Publication on such website conforms with the requirements of Section 50.0311, Florida Statutes; and

(3) Publication on such website is made within the time frame required by this Code for the respective advertisement or notice, and includes all information required by the respective Code provisions.

(C) Village Charter Notice Requirements. Nothing in this Section shall be construed to amend the notice requirements provided in the Village Charter.

CHAPTER 26 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE II. - NAMING, RENAMING AND CO-DESIGNATING VILLAGE ROADS, STREETS OR PUBLIC WAYS

Section 26-33. Public notice.

The village clerk shall ~~publish~~ notice of any street name change as prescribed under Section 1-12 of the Village Code, or in any other manner so authorized by law, ~~in a newspaper of general circulation~~ within the village in substantially the following form:

NOTICE OF STREET NAME CHANGE

Public notice is hereby given that the Village Council of the Village of Pinecrest, Florida has enacted a resolution changing the name of _____ to _____. This name change is effective immediately and has been duly recorded with the United States Postal Service.

CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

ARTICLE 3. - DEVELOPMENT APPROVAL PROCEDURES

Division 3.8. Public hearing and notice.

(c) *Published notice.* When the provisions of this land development code require that notice be published, the applicant shall be responsible for the cost of village staff preparing the content of the notice and publishing the notice as prescribed under Section 1-12 of the Village Code, or in any other manner so authorized by law ~~in the non-legal section of the local newspaper of general circulation that has been selected by the village~~. This notice shall be published at least 30 days prior to the required public hearing, except where provided otherwise in this land development code.

(f) *Comprehensive development master plan.* Notice for public hearings on applications for amendments to the comprehensive development master plan shall be noticed as follows:

1. Text or map amendments initiated by the village shall be noticed by publication, as prescribed under Section 1-12 of the Village Code or in any other manner so authorized by law, and in accordance with the provisions of F.S. § 163.3184. In addition, property owners of record within a 2,500-foot radius of the property subject to map amendments shall be provided mailed notice.

2. Text or map amendments initiated by a property owner or governmental agency other than the village, shall be noticed by publication, as prescribed under Section 1-12 of the Village Code or in any other manner so authorized by law, and in accordance with the provisions of F.S. § 163.3184, and by posting of the property subject to the application. In addition, property owners of record within a 2,500-foot radius of the property subject to map amendments shall be provided mailed notice.

(g) *Land development code.* Notice for public hearings on applications for amendments to the land development code and the official zoning district map shall be noticed as follows:

1. Text or map amendments initiated by the village shall be noticed by publication, as prescribed under Section 1-12 of the Village Code or in any other manner so authorized by law, and in accordance with the provisions of F.S. § 166.041. In addition, property owners of record within a 2,500-foot radius of the property subject to map amendments shall be provided mailed notice.

2. Text or map amendments initiated by a property owner or governmental agency other than the village shall be noticed by publication, as prescribed under Section 1-12 of the Village Code or in any other manner so authorized by law, and in accordance with the provisions of F.S. § 166.041, and by posting of the property subject to the application. In addition, property owners of record within a 2,500-foot radius of the property subject to map amendments shall be provided mailed notice.

(h) *Other development.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to variances, conditional uses, site plans for conditional uses, and plats shall be noticed as follows:

1. Posting of the property subject to the application.

2. Mailed notice to the property owners or record within a 1,000-foot radius of the property which is the subject of the application.

3. ~~By Courtesy~~ Publication in the non-legal section of the local newspaper of general circulation that has been selected by the village, as prescribed under Section 1-12 of the Village Code, or in any other manner so authorized by law.

ARTICLE 5. - ADDITIONAL REGULATIONS

Division 5.9. Approval of government uses.

The village council may authorize the location, construction and operation of a governmental facility without regard to the zoning district of any particular site or location subject to the following:

- (a) *Public hearing.* The village council may only authorize the erection, construction and operation of governmental facilities on a particular property by resolution following public hearing which has been noticed as follows:
 - 1. *Required notice.* The public hearing shall be held only following ~~publication of~~ publication of notice as prescribed under Section 1-12 of the Village Code, or in any other manner so authorized by law, at least 30 days prior to the hearing. The notice shall be published in a newspaper of general circulation in the village and shall include information regarding the time and place of the public hearing.



PINECREST

BUSINESS IMPACT ESTIMATE¹

Meeting Date: 1st Reading 9/10/24
Anticipated 2nd Reading 10/8/2024

Agenda Item No. VII. A. 1

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, COMPREHENSIVELY AMENDING THE VILLAGE CODE OF ORDINANCES TO ALLOW PUBLICATION OF LEGALLY REQUIRED ADVERTISEMENTS AND NOTICES TO BE MADE IN ANY MANNER PERMITTED UNDER FLORIDA LAW, INCLUDING THROUGH PUBLICLY ACCESSIBLE WEBSITES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

The attached Ordinance comprehensively amends the Village Code of Ordinances to reflect changes in State Law that permit the Village to use Miami-Dade County's designated publicly accessible website for publication of legally required advertisements and public notices.

Estimate of Direct Economic Impact on Private/For Profit Businesses

a. Estimate of Direct Business Compliance Costs:

There are no estimated direct business compliance costs associated with this Ordinance.

b. New Charges/Fees on Businesses Impacted:

There are no new charges or fees associated with this Ordinance.

c. Estimate of Regulatory Costs:

There are no estimated regulatory costs associated with this Ordinance.

Good Faith Estimate of Number of Businesses Likely Impacted:

Not applicable.

Any Additional Information:

This Business Impact Estimate statement is provided as a courtesy. This Ordinance is exempt from the Business Impact Estimate statement requirements under Florida Law as an ordinance required for compliance with federal or state law or regulation under Section 166.041(4)(c)(1), Florida Statutes.

¹ Business Impact Estimate does not apply to the following:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances related to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract/agreement;
5. Emergency ordinances;
6. Ordinances relating to procurement, including but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
7. Ordinances enacted to implement the following:
 - a. Part II of Chapter 163, F.S.;
 - b. Sec. 190.005, F.S. and Sec. 190.046, F.S.;
 - c. Sec. 553.73, F.S. (Fla. Building Code);
 - d. Sec. 633.202, F.S. (Fla. Fire Prevention Code).