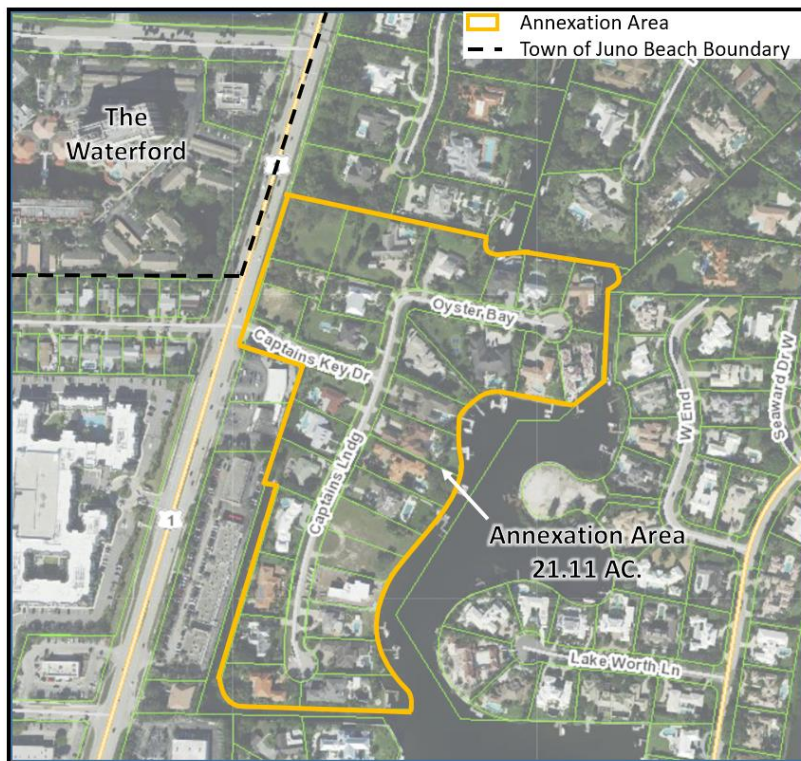




Meeting Name: Town Council
Meeting Date: December 13, 2023
Prepared By: F. Davila, CFM.
Item Title: Ord. 779 – Voluntary Annexation of Captain’s Key

DISCUSSION:

Staff received a request from the owners of property within Captain’s Key (and the owners of two adjacent parcels of property along U.S. Highway One who are residents of Captain’s Key) for the Voluntary Annexation of approximately 21.11 acres of land located in unincorporated Palm Beach County into the Town. The properties, consisting of thirty-one parcels located within the plat of Captain’s Key, and two parcels located adjacent to Captain’s Key (not platted), are adjacent to the Town’s jurisdictional boundary along the east property line of The Waterford campus (see attached).



The Town of Juno Beach adheres to the procedure prescribed for voluntary annexation by state statute (Section 171.044, Florida Statutes) and does not have supplemental procedures. This process requires the

Town of Juno Beach to adopt an Ordinance annexing said property and redefining the boundaries of the Town after two readings.

Pursuant to Section 171.044, Florida Statutes, the voluntary annexation procedure contains six standards. These standards are provided below along with staff's response in bold font.

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

As indicated in the Voluntary Annexation request from the property owners of Captain's Key and the two individual lots, the proposed parcels to be annexed are contiguous to the Town's municipal boundary and are reasonably compact (see map above).

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

The applicants provided a signed petition from all 33 property owners, and Town staff determined that the petition bears all signatures in the area proposed to be annexed.

Prior to the second reading and adoption, Town staff will publish the notice of annexation at least once each week for 2 consecutive weeks in the local newspaper. The body of the notice will include all information that is required pursuant to Florida Statute.

(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within 7 days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.

If the ordinance is adopted, Town Staff will file it with the Palm Beach County Clerk of Circuit Court, the Palm Beach County Administrator, and the Department of State within seven days after adoption. The ordinance will include a map depicting the annexed area and a complete legal description of the area by metes and bounds.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to

municipalities in counties with charters which provide for an exclusive method of municipal annexation.

The Town of Juno Beach does not have supplemental procedures for the annexation process and the County Charter only contains supplemental procedures for voluntary annexations of “unincorporated protection areas” (areas located outside of the urban service area) and rural neighborhoods.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

The proposed annexation does not create an enclave as defined by Section 171.031, Florida Statutes. An enclave is defined as: (a) any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

(6) Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.

On November 20, 2023, Town Staff provided Palm Beach County with notice of the proposed annexation via email and certified mail (see attached). In addition, as required by Palm Beach County Ordinance 2007-018, Town Staff provided the County with notification within ten (10) days of staff’s receipt of the complete voluntary annexation petition.

The proposed annexation of the subject properties does not create an enclave and is contiguous to the Town of Juno Beach. In addition, the subject properties are located entirely within the Town’s designated official Future Annexation Area Map.

The County’s future land use and zoning designations for the subject properties are Residential Low Density and RS – Single Family Residential, respectively. Following the voluntary annexation, the Town will assign a Town Future Land Use designation of Medium Density Residential (Up to 10 DU/AC) (MEDR) and a Town Zoning Designation of Residential Multiple Family – Medium Density (RM-2). The Future Land Use change and Rezoning will require a separate hearing for review by the Planning and Zoning Board and Town Council.

In accordance with the voluntary annexation procedures, Town Staff has sent a report and background material to the official at Palm Beach County who is responsible for review and subsequent transmittal of this information to other agencies/departments. Per County Ordinance 2007-018, County staff notifies the District Commissioner and sends notice to all pertinent County Departments for their review. The county responds in writing to the municipality prior to the First Reading of the annexation. At this moment,

Staff has not received the County's response but will make it available to Council immediately upon receipt and will include it as part of the backup material.

RECOMMENDATION:

Staff recommends that the Town Council review and consider Ordinance No. 779, approving the voluntary annexation request for Captain's Key, on first reading.

Attachment(s):

1. Proposed Ordinance No. 779;
2. Voluntary Annexation Request from Captain's Key, Inc.; and
3. Town Staff's Notification letter to PBC Administrator.