

Town of Miami Lakes

TOWN COUNCIL

LPA Meeting

August 19, 2008



TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton

Vice Mayor Nancy Simon

Councilmember Roberto Alonso

Councilmember Mary Collins

Councilmember Robert Meador II

Councilmember Michael Pizzi

Councilmember Richard Pulido

**AGENDA
LPA MEETING
August 19, 2008
6:00 PM**

**Miami Lakes Middle School
6425 Miami Lakeway North
Miami Lakes, Florida 33014**

1. CALL TO ORDER:

2. ROLL CALL:

3. INVOCATION/MOMENT OF SILENCE:

4. PLEDGE OF ALLEGIANCE:

5. ORDINANCE- FIRST READING:

A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") TO UPDATE AND AMEND ARTICLE 12, FEES. (Rey) Page 3

B. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, AMENDING; ARTICLE 4. ZONING DISTRICT REGULATIONS, DIVISION 4.2 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS; ARTICLE 5. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS; ARTICLE 6. SUPPLEMENTARY REGULATIONS; AND ARTICLE 9. SIGNS. (Rey) Page 21

6. ADJOURNMENT:

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Town Hall, 15700 NW 67th Avenue, Miami Lakes, FL. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.



Town of Miami Lakes

Office of Town Clerk
15700 NW 67th Ave
Miami Lakes, Florida 33014

ITEM 5 A



TOWN OF MIAMI LAKES MEMORANDUM

To: Honorable Mayor and Town Council

From: Alex Rey, Town Manager

Subject: First Reading of Ordinance pertaining to revised Land Development Code Fee Regulations, for inclusion in the Town Land Development Code.

Date: August 19, 2008

Recommendation

It is recommended that the Town Council approve on first reading the attached Ordinance pertaining to revised Land Development Code (LDC) fee regulations, thereby amending Article 12 of the Town LDC. The LDC revisions consist of changes to the cost recovery system and fees to require deposits. The proposed fees are aligned with recent Code Amendments that require the Town to record resolutions and development orders. The proposed fees also address incorporating appropriate fees related to the enhanced concurrency regulations, developed and reviewed through the Council Workshop process. The fee amendments are necessary and appropriate to ensure that the land development regulations are adequately maintained and serve the stated purpose.

Background

These revisions are necessary to address the above-mentioned fee updates to the Town Code. Staff presented the subject revised regulations at the recent Town Council workshops on January 17, February 17, and March 18, 2008. Staff has developed the proposed revised regulations in keeping with the goals and policies of the Comprehensive Plan.

A summary of the proposed fee amendments to Town Code along with a comparison of similar profile cities is attached:

DEVELOPMENT APPROVAL FEES COMPARISION CHART

Development Approval Requested	Application Fee (Existing) <u>Proposed in Underline</u>	Cost Recovery /Notification Costs Deposit	Doral	Palmetto Bay	Coral Gables	Aventura	Pinecrest
<i>Variance</i>	Note: After the Fact Development Approvals require \$500 Fee plus Application Fees						
<i>Application Fees Cover up to three (3) variances.</i>	<u>\$50.00 for each additional Variance after the first 3</u>	N/A	N/A	N/A	N/A	N/A	N/A
<i>Administrative</i>	\$150.00 plus notification costs <u>\$350.00 plus notification costs and recording costs</u>	<u>650.00</u>	\$500.00 (R) \$1050.00 (C/I)	\$400.00 (R) \$1140.00 (C/I)	N/A	N/A	N/A
<i>Public Hearing</i>							
One Single Family Unit/ One Two Family Unit/ One Townhouse Unit	\$350.00 plus notification <u>\$750.00 plus notification costs and recording costs</u>	<u>650.00</u>	\$850.00 with a \$5000.00 deposit for Notices. Mailings are done by applicant. TOTAL= \$5850.00	\$855.00 plus \$85.00 processing fee and .57 per notice plus additional fees (i.e. sign \$1710.00) TOTAL= \$997.00 **(\$1710.00 if application is the result of a violation)	\$600.00 plus \$400.00 for advertising plus public hearing notification fee \$2.50 per envelope TOTAL= \$1250.00 **(\$1000.00 if application is the result of a violation) **(postponement fee of \$500.00)	\$5000.00 plus a deposit \$1000.00 deposit for mailing notices. TOTAL= \$6000.00	\$1300.00 includes mailing labels (applicant mails notices) TOTAL= \$1300.00 Variance to Planning Board \$700.00 includes labels)

DEVELOPMENT APPROVAL FEES COMPARISION CHART

Development Approval Requested	Application Fee (Existing) <u>Proposed in Underline</u>	Cost Recovery /Notification Costs Deposit	Doral	Palmetto Bay	Coral Gables	Aventura	Pinecrest
<i>Public Hearing</i>							
Multi-Family	\$1100 plus notification costs <u>and recording costs</u>	<u>650.00</u>	SAME AS ABOVE	SAME AS ABOVE	\$1500.00 plus \$400.00 for advertising plus public hearing notification fee \$2.50 per envelope.	SAME AS ABOVE	SAME AS ABOVE
Commercial and Industrial	\$1700 plus notification costs <u>and recording costs</u>	<u>650.00</u>	\$2,100.00 \$5000.00 deposit for Notices. Mailings are done by applicant.	SAME AS ABOVE	\$1500.00 plus \$400.00 for advertising plus public hearing notification fee \$2.50 per envelope.	\$5000.00 plus a deposit \$1000.00 deposit for mailing notices	\$2500.00 includes mailing labels (applicant mails notices)
Signs	\$1100 plus notification costs <u>and recording costs</u>	<u>650.00</u>	\$850.00 with a \$5000.00 deposit for Notices. Mailings are done by applicant. TOTAL= \$5850.00	\$1700.00	\$600.00 plus \$400.00 for advertising plus public hrg notification fee \$2.50 per envelope TOTAL= \$1250.00 **(\$1000.00 if application is due to violation) *** (postponement fee of \$500.00)	\$5000.00	\$900.00 P.B.
All Others	\$1100 plus notification costs <u>and recording costs</u>	<u>650.00</u>	N/A	N/A	N/A	\$5000.00 plus a deposit \$1000.00 deposit for mailing notices	N/A

DEVELOPMENT APPROVAL FEES COMPARISION CHART

Development Approval Requested	Application Fee (Existing) <u>Proposed in Underline</u>	Cost Recovery /Notification Costs Deposit	Doral	Palmetto Bay	Coral Gables	Aventura	Pinecrest
Site Plan Review							
<i>Administrative</i>							
Individual Single Family on Waterfront Lot	\$50.00 <u>\$100.00 plus notification costs and recording costs</u>	<u>50.00</u>	½ of original site plan review	\$50.00	\$7500.00	\$7500.00 plus a deposit \$1000.00 deposit for mailing notices	\$1900.00 min. plus and \$200.00 plus \$200.00/10 units or portions thereof or \$200.00/ 5,000 sq ft or portion thereof
Individual Single Family Family/Individual Two Family Residential	\$50.00 <u>\$100.00 plus notification costs and recording costs</u>	<u>50.00</u>	½ of original site plan review	\$50.00	\$7500.00	\$7500.00 plus a deposit \$1000.00 deposit for mailing notices	\$1900.00 min. plus and \$200.00 plus \$200.00/10 units or portions thereof or \$200.00/ 5,000 sq ft or portion thereof
Individual Townhouse	\$50.00 <u>\$100.00 plus notification costs and recording costs</u>	<u>50.00</u>	½ of original site plan review	\$50.00	\$7500.00	\$7500.00 plus a deposit \$1000.00 deposit for mailing notices	\$1900.00 min. plus and \$200.00 plus \$200.00/10 units or portions thereof or \$200.00/ 5,000 sq ft or portion thereof
All Others	\$350.00 <u>Cost Recovery</u>	<u>\$1000.00</u>	½ of original site plan review	\$1500.00 plus \$500.00 per acre and \$200.00 per ten units or \$200.00 per 5000sqft or portion thereof	\$7500.00	\$7500.00 plus a deposit \$1000.00 deposit for mailing notices	\$1900.00 min. plus and \$200.00 plus \$200.00/10 units or portions thereof or \$200.00/ 5,000 sq ft or portion thereof
Site Plan Review Public Hearing							
Single and Two Family Townhome Developments	\$350.00 plus notification costs <u>Cost Recovery</u>	<u>\$3500.00</u>	\$1,500.00 min. plus \$200.00/10 units or portions thereof or \$200.00/ 5,000 sq ft or portion thereof	\$400.00	\$7500.00	\$7500.00 plus a deposit \$1000.00 deposit for mailing notices	\$1900.00 min. plus and \$200.00 plus \$200.00/10 units or portions thereof or \$200.00/ 5,000 s.f or portion thereof

DEVELOPMENT APPROVAL FEES COMPARISION CHART

Development Approval Requested	Application Fee (Existing) <u>Proposed in Underline</u>	Cost Recovery /Notification Costs Deposit	Doral	Palmetto Bay	Coral Gables	Aventura	Pinecrest
Site Plan Review Public Hearing							
All Others	\$1100.00 plus notification costs <u>Cost Recovery</u>	<u>\$3500.00</u>	\$1,500.00 min. plus \$200.00/10 units or portions thereof or \$200.00/ 5,000 sq ft or portion thereof	\$1140.00	\$7500.00	\$7500.00 plus a deposit \$1000.00 deposit for mailing notices	\$1900.00 min. plus and \$200.00 plus \$200.00/10 units or portions thereof or \$200.00/ 5000 sq ft or portion thereof
Conditional Uses							
Liquor Spacing	\$1100.00 plus notification costs <u>and recording costs</u>	<u>\$650.00</u>	\$2000.00	\$1140.00 to \$3990.00 depending on use	\$100.00 Administrative \$7500.00 (P.H.)	\$5000.00	\$700.00 (R) \$2500.00 (C)
All Others	\$1100.00 plus notification costs <u>Cost Recovery</u>	<u>\$5000.00</u>	\$2000.00	\$1140.00 to \$3990.00 depending on use	\$100.00 Administrative \$7500.00 (P.H.)	\$5000.00	\$700.00 (R) \$2500.00 (C)
Development Approval Extension							
By Administrative Official	\$250.00 plus notification costs <u>and recording costs</u>	<u>\$250.00</u>	\$750.00	N/A	N/A	N/A	N/A
By Town Council	<u>\$750.00 plus notification costs and recording costs</u>	<u>\$650.00</u>	\$750.00	N/A	N/A	N/A	N/A
Modification of an Existing Resolution							
Individual Single Family/ Two Family or Townhouse Unit	\$250.00 <u>\$750.00 plus notification costs and recording costs</u>	<u>\$650.00</u>	\$1050.00	\$855.00 (\$1710.00 if application is the result of a violation)plus \$1,140.00	N/A	\$2500.00	\$1300.00
All Others	\$750.00 <u>Cost Recovery</u>	<u>\$1500.00</u>	Same as Above	Same as Above	Same as Above	Same as Above	Same as Above

Development Approval Requested	Application Fee (Existing) <u>Proposed in Underline</u>	Cost Recovery /Notification Costs Deposit	Doral	Palmetto Bay	Coral Gables	Aventura	Pinecrest
Map Amendments							
Amend Comprehensive Plan, Land Use Map, Text of Land Development Regulations, or Zoning Map	Cost Recovery	<u>\$5000.00</u>	\$2500.00 (R-Amendment to Zoning Map) \$10,000.00 (all Others) \$3500.00 for Land Dev. Code Amendments and \$15000.00 for Land Developments Code for District	\$11,400. 00 to \$222,300 based on size of area. All other elements from \$10,260.00 to \$51,300.00	\$7500.00 small scale or Zoning Map \$10,000.00 large scale or Text	\$7500.00 and for an amendment to Com. Plan Land Use Map large Scale is \$10,000.00 plus a \$10,000.00 deposit for mailing fees	\$2500.00 (R) \$9800.00 (Non-Residential)
Plats							
Preliminary	Cost Recovery	<u>\$5000.00</u>	\$500.00 (pre-Application) \$1000.00 plus 100.00 per lot for Tentative Plat	Cost Recovery	\$5000.00 plus \$500.00 lot (for complete process)	\$7500.00 plus \$100.00 per lot/track	\$1200.00 plus 100/lot (\$600.00 Pre-App)
Final	Cost Recovery	<u>\$5000.00</u>	\$1000.00	Cost Recovery	N/A	\$5000.00 plus \$100.00 per lot/track	\$1200.00
Waiver of Plat / Lot Split	\$150.00 <u>Cost Recovery</u>	<u>\$5000.00</u>	N/A	Cost Recovery	\$5000.00	N/A	N/A
Right-of-Way Vacation	<u>Cost Recovery</u>	<u>\$5000.00</u>	\$300.00	N/A	\$5000.00	\$5000.00	N/A
Appeal of Administrative Decision							
Appeal of Administrative Variance	\$1100.00 plus notification costs <u>S.F., T.H. & 2 Fam. \$1500.00 all others \$2500.00 & \$650 Deposit</u>		N/A	N/A	Based on initial application	\$1000.00 plus \$1000.00 deposit for mailing	\$450.00
Appeal of Administrative Site Plan	\$350.00 plus notification costs <u>S.F., T.H. & 2 Fam. \$1500.00 all others \$2500.00 & \$650 Deposit</u>		N/A	N/A	Based on initial application	\$1000.00 plus \$1000.00 deposit for mailing	\$450.00
Appeal of All Other Administrative Decisions	\$1100.00 plus notification costs <u>and recording costs</u> <u>\$2500.00</u>	<u>\$650</u>	N/A	N/A	Based on initial application	\$1000.00 plus \$1000.00 deposit for mailing	\$450.00

Development Approval Requested	Application Fee (Existing) <u>Proposed in Underline</u>	Cost Recovery /Notification Costs Deposit	Doral	Palmetto Bay	Coral Gables	Aventura	Pinecrest
All Other Public Hearings							
Public Hearings	\$1100 plus notification costs <u>and recording costs</u>	<u>\$650</u>	N/A	N/A	Based on initial application	\$5000.00	N/A
Zoning Letters							
Individual Residential Lot	\$50.00 <u>\$100.00</u>	N/A	\$25.00 (plus hourly rate)	\$114.00 to \$570.00 depending on size	\$250.00	\$100.00	\$12.00 plus (\$62.00 per hour)
All Others	\$100.00 <u>\$150.00</u>	N/A	\$50.00 (plus hourly rate)	\$114.00 to \$570.00 depending on size	\$250.00	\$100.00	Min. plus hourly rate for extensive
Review of Alcoholic Beverage License	\$50.00						
Special Event	<u>\$50.00</u>	N/A	N/A	N/A	N/A	N/A	N/A
All others	<u>\$125.00</u>	N/A	\$150.00	N/A	\$170.00	\$100.00	N/A
Agreements							
Development Agreements	Cost Recovery	<u>\$5000.00</u>	N/A	N/A	\$5000.00	\$5000.00	N/A
Concurrency							
Concurrency Exemption	<u>\$750.00</u>	N/A	N/A	N/A	N/A	N/A	N/A
Concurrency Determination With-Out Traffic Analysis	<u>\$750.00</u>	N/A	N/A	N/A	N/A	N/A	N/A
Concurrency Determination With Traffic Analysis	<u>Cost Recovery</u>	<u>\$1500.00</u>	Six (6%) percent of base permit fee	Six (6%) percent of total permit fee	Letter and Bond	Traffic Concurrency Exemption Area	Letter and Bond
Concurrency Reservation	<u>Cost Recovery</u>	<u>\$5000.00</u>	N/A	N/A	N/A	N/A	N/A
Proportionate Fair-Share including Agreements	<u>Cost Recovery</u>	<u>\$5000.00</u>	N/A	N/A	\$5000.00	\$5000.00	N/A

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) TO UPDATE AND AMEND ARTICLE 12, FEES; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in Ordinance 05-77, the Town of Miami Lakes (the “Town”) adopted Article 12, Fees, of the Town of Miami Lakes Land Development Code (“the Town LDC”) implementing a Cost Recovery System and Application Fees For Planning And Zoning Approvals; and

WHEREAS, the Town has analyzed actual costs incurred by the Town for the review of applications for development approvals; and

WHEREAS, the Town Council finds that it is in the best interests of the residents of the Town to place the true costs for services relating to the review of applications for development approvals directly upon those persons deriving the benefit of the review; and

WHEREAS, the Town Council desires to amend the Town LDC and Application Fee schedule; and

WHEREAS, the Local Planning Agency reviewed this request at its August 19, 2008 meeting, and voted to recommend approval.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendments to Article 12, Fees. Article 12, Fees, of the Town LDC is hereby amended as follows¹:

ARTICLE 12 . FEES

DIVISION 12.1 COST RECOVERY SYSTEM

- (a) **Intent and Purpose.** The intent and purpose of this Division is to ensure that the various costs incurred by the Town, including its outside consultants, in reviewing and processing certain applications for ~~d~~Development ~~a~~Approvals is directly absorbed by those persons deriving the benefit of the review, not the general public.
- (b) **Cost Recovery Imposed.** An administrative fee for the various costs incurred by Town staff and outside consultants for the processing and review of applications, submissions, or requests concerning development, utilization, or improvement of property in the Town, such fee to be equal in amount to the Town's actual costs, in terms of staff and outside consultants' time expended in such review and processing, including advertising and similar directly related charges is imposed. The types of applications for ~~d~~Development ~~a~~Approval that are subject to the provisions of this Division include: Site Plan, Conditional Use, Re-Zonings, Amendments to the Text of the Land Development Regulations, Amendments to the Comprehensive Plan, Amendments to the Future Land Use Map and Preliminary and Final Plats, Waiver of Plat, Right-of-Way Vacation, Modification of Resolutions, Appeal of Administrative Decisions, and Concurrency Exemptions, Determinations and Reservations, as specified in Division 12.2. The Town Council may, by resolution, amend the fees, cost recovery deposits and list of ~~d~~Development ~~a~~Approvals that are subject to Cost Recovery.
- (c) **Cost Recovery Deposit.** Any person who files any application for a ~~d~~Development ~~a~~Approval which necessitates Town staff or outside consultant review and processing shall pay, prior to or at the time the application is made, an initial cost recovery deposit which shall be credited toward the fee charged for such review and processing, and shall pay additional deposits as may be required from time to time. A debit based upon the actual time expended reviewing an application and the applicable hourly rate shall be charged against the cost recovery deposit.

¹ Additions are shown in underline and deletions are shown in ~~striketrough~~.

- (d) **Supplemental Deposit.** The Town shall monitor the cost recovery deposit on a periodic basis. Whenever the balance is zero or negative, a supplemental deposit shall be required. The Town shall notify the applicant when a supplemental deposit is required. The amount of the supplemental deposit shall be equal to the amount of the original Cost Recovery Deposit determined by the Town Manager or designee, and shall be equal to the costs estimated to complete review of the application. The Town shall not issue any ~~d~~Development ~~a~~Approval until the required supplemental deposit has been deposited with the Town and any Approval granted shall be void if all fees and costs are not paid in full within sixty (60) days of the Approval.
- (e) **Return of Cost Recovery Deposit.** Within 60 days from the date that the applicant receives a Certificate of Occupancy or other applicable final approval from the Town, and the Administrative Official determines that no further action is necessary for the review and processing of the application or the applicant voluntarily withdraws the application, the Town shall refund any remaining cost recovery funds to the applicant. In no event, however, shall the Town refund any remaining cost recovery funds if the applicant fails to obtain a ~~d~~Development ~~a~~Approval within one (1) calendar year of applying for the approval.
- (f) **Records of Work Performed.** The Town shall maintain records of the time expended and tasks conducted regarding each application.
- (g) **Review and Appeal Process.** In the event an ~~A~~applicant is financially unable to pay the Cost Recovery Deposit, or believes the Town overcharged the ~~A~~applicant for the work performed in reviewing and processing an Application, the ~~A~~applicant may:
1. Request that the ~~Town Manager or designee~~Administrative Official waive the Cost Recovery Deposit on the basis of a bona fide financial hardship; or
 2. Request a review by the ~~Town Manager or designee~~Administrative Official of the work performed by the Town.

Upon a determination by the ~~Town Manager or designee~~Administrative Official that the ~~A~~applicant has demonstrated a bona fide financial hardship, or a miscalculation concerning the work performed by the Town on the Application; the ~~Town Manager or designee~~Administrative Official may waive or refund a portion or all of the Cost Recovery Deposit.

- (h) **Applicability of Provisions.** This cost recovery program shall not apply to development projects that are originally initiated by or on behalf of the Town.

DIVISION 12.2 APPLICATION FEES FOR PLANNING AND ZONING APPROVALS

~~1. Variances~~

~~A. Administrative~~

~~S.F. Residential \$150~~

~~B. Public Hearing~~

Individual S. F. Residential Property:	\$350 plus mail notification costs
Two Family Residential:	\$350 plus mail notification costs
Individual Townhouse:	\$350 plus mail notification costs
Multi-Family:	\$1100 plus mail notification costs
Commercial and Industrial:	\$1700 plus mail notification costs
Signs:	\$1100 plus mail notification costs
All Others:	\$1100 plus mail notification costs

~~2. Site Plan Review~~

~~A. Administrative:~~

Individual Single Family,	
Two Family or Townhouse	\$50
All Others:	\$350

~~B. Public Hearing~~

Appeal of an Admin. Site Plan Decision	\$350 plus mail notification costs
Single and Two Family Residential:	\$350 plus mail notification costs
Individual Townhouse:	\$350 plus mail notification costs
All others:	\$1100 plus mail notification costs

~~3. Conditional Uses \$1100 plus mail notification costs~~

~~4. Extension of Time Development Approval \$250 plus mail notification costs~~

~~5. Modification or Deletion of an Existing Resolution~~

~~Individual Single Family,~~

~~Two Family or Townhouse \$250 plus mail notification costs~~
~~All others \$750 plus mail notification costs~~

~~6. Amend Comprehensive Plan, Land Use Map or Text of Land Development Regulations Cost Recovery~~

~~7. Change of Zoning Cost Recovery~~

~~8. Plats~~

~~A. Preliminary Cost Recovery~~

~~B. Final Cost Recovery~~

~~C. Waiver of Plat / Lot Split \$150~~

~~9. Appeal of an Administrative Decision \$1100 plus mail notification costs~~

~~10. All Other Public Hearings Not Listed Above \$1100 plus mail notification costs~~

~~11. Zoning Letters~~

~~A. Individual Residential Lot \$50~~

~~B. All others \$100~~

~~12. Review of Alcoholic Beverage License \$50~~

~~13. Development Agreements Cost Recovery~~

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<u>Development Approval Requested</u>	<u>Application Fee</u>	<u>Deposit</u>
<u>* Cost Deposit, in addition to the Application Fee, for Notification and Recording Costs for all applications which require notification and recording and are not cost recovery</u>		
<u>After-the-fact Development Approval</u>	<u>\$500 plus the Application Fees or Cost Recovery participation for the applicable Development Approval</u>	
<u>Variances</u>		
<u>Variance Application Fees Cover up to three (3) variances.</u>	<u>\$50 for each additional Variance after the first 3</u>	
<u>Administrative</u>	<u>\$350 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Public Hearing</u>		
<u>One Single Family, Two Family, or Townhouse Unit</u>	<u>\$750 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Multi-Family</u>	<u>\$1100 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Commercial and Industrial</u>	<u>\$1700 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Signs</u>	<u>\$1100 plus notification and recording costs</u>	<u>\$650 *</u>
<u>All Others</u>	<u>\$1100 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Site Plan Review</u>		
<u>Administrative</u>		
<u>Individual Single Family on Waterfront Lot</u>	<u>\$100 plus notification costs</u>	<u>\$50 *</u>
<u>Individual Townhouse</u>	<u>\$100 plus notification costs</u>	<u>\$50 *</u>
<u>Individual Single Family or Two Family Residential</u>	<u>\$100 plus notification costs</u>	<u>\$50 *</u>
<u>All Others</u>	<u>Cost Recovery</u>	<u>\$1000</u>
<u>Public Hearing</u>		
<u>Single Family, Two Family and Townhouse Developments</u>	<u>Cost Recovery</u>	<u>\$3500</u>
<u>All Others</u>	<u>Cost Recovery</u>	<u>\$3500</u>

<u>Conditional Uses</u>		
<u>Liquor Spacing</u>	<u>\$1100</u>	<u>\$650 *</u>
<u>All Others</u>	<u>Cost Recovery</u>	<u>\$5000</u>
<u>Development Approval Extension</u>		
<u>By Administrative Official</u>	<u>\$250 plus notification and recording costs</u>	<u>\$250 *</u>
<u>By Town Council</u>	<u>\$750 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Modification of an Existing Resolution</u>		
<u>Individual Single Family, Two Family or Townhouse Unit</u>	<u>\$750 plus notification and recording costs</u>	<u>\$650 *</u>
<u>All Others</u>	<u>Cost Recovery</u>	<u>\$1500</u>
<u>Amend Comprehensive Plan, Land Use Map, Text of Land Development Regulations, or Zoning Map</u>	<u>Cost Recovery</u>	<u>\$5000</u>
<u>Plats</u>		
<u>Preliminary</u>	<u>Cost Recovery</u>	<u>\$5000</u>
<u>Final</u>	<u>Cost Recovery</u>	<u>\$5000</u>
<u>Waiver of Plat / Lot Split</u>	<u>Cost Recovery</u>	<u>\$5000</u>
<u>Right-of-Way Vacation</u>	<u>Cost Recovery</u>	<u>\$5000</u>
<u>Appeal of Administrative Decision</u>		
<u>Appeal of Administrative Variance for Individual Single Family, Two-Family, or Townhouse</u>	<u>\$1500 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Appeal of All Other Administrative Variances</u>	<u>\$2500 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Appeal of Administrative Site Plan for Individual Single Family, Two-Family, or Townhouse (including Waterfront Lots)</u>	<u>\$1500 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Appeal of All Other Administrative Site Plans</u>	<u>\$2500 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Appeal of All Other Administrative Decisions</u>	<u>\$2500 plus notification and recording costs</u>	<u>\$650 *</u>

<u>All Other Public Hearings</u>	<u>\$1100 plus notification and recording costs</u>	<u>\$650 *</u>
<u>Zoning Letters</u>		
<u>Individual Residential Lot</u>	<u>\$100</u>	
<u>All Others</u>	<u>\$150</u>	
<u>Review of Alcoholic Beverage License</u>		
<u>Special Event</u>	<u>\$50</u>	
<u>All Others</u>	<u>\$125</u>	
<u>Development Agreements</u>	<u>Cost Recovery</u>	<u>\$5000</u>
<u>Concurrency</u>		
<u>Exemption</u>	<u>\$750</u>	
<u>Determination (without traffic impact analysis)</u>	<u>\$750</u>	
<u>Determination (with traffic impact analysis)</u>	<u>Cost Recovery</u>	<u>\$1500</u>
<u>Reservation</u>	<u>Cost Recovery</u>	<u>\$5000</u>
<u>Proportionate Fair Share (including agreement)</u>	<u>Cost Recovery</u>	<u>\$5000</u>

Note:

~~All requests that are the result of a violation or an after-the-fact request shall incur a 25% surcharge.~~

~~Many administrative approvals and All public hearings require a mail notification posted on the property, advertised in the newspaper and mailed to property owners within a required radius around the subject property and the final Development Order reflecting the Town Council's action will be recorded by the Town Clerk in the Office of the Miami-Dade County Clerk of Court. In addition to the above fees the applicant shall be responsible for the cost of these notifications and recording, there will be a mailing fee of .60¢ per address within the required radius. The applicant must supply the list of property owners along with the public hearing application. The zoning hearing application lists numerous private companies that can prepare a certified list of the required of property owners.~~

Section 3. Inclusion In The Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section”, or other appropriate word.

Section 4. 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.

Section 5. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

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

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on first reading. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

- Mayor Wayne Slaton _____
- Vice Mayor Nancy Simon _____
- Councilmember Roberto Alonso _____
- Councilmember Mary Collins _____
- Councilmember Robert Meador _____
- Councilmember Michael Pizzi _____
- Councilmember Richard Pulido _____

PASSED AND ADOPTED on first reading this _____ day of _____, 2008.

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on second reading. The motion was seconded by Councilmember _____, and upon being put to a vote, the vote was as follows:

- Mayor Wayne Slaton _____
- Vice-Mayor Nancy Simon _____
- Councilmember Roberto Alonso _____
- Councilmember Mary Collins _____
- Councilmember Robert Meador _____
- Councilmember Michael Pizzi _____
- Councilmember Richard Pulido _____

PASSED AND ADOPTED on second reading this _____ day of _____, 2008.

Wayne Slaton
MAYOR

ATTEST:

DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:

WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
TOWN ATTORNEY



Town of Miami Lakes

Office of Town Clerk
15700 NW 67th Ave
Miami Lakes, Florida 33014

ITEM 5 B



TOWN OF MIAMI LAKES

MEMORANDUM

To: Honorable Mayor and Town Council

From: Alex Rey, Town Manager

Subject: First Reading of Ordinance pertaining to revised Land Development Code Regulations, for inclusion in the Town Land Development Code.

Date: August 19, 2008

Recommendation

It is recommended that the Town Council approve on first reading the attached Ordinance pertaining to revised Land Development Code (LDC) regulations, thereby amending Articles 4, 5, 6, and 9 of the Town LDC. The LDC revisions were developed through the Council Workshop process and include miscellaneous minor improvements recommended by a group of Homeowner Association presidents. The amendments are necessary and appropriate to ensure that the land development regulations are adequately maintained and serve the stated purpose.

Background

The Town Council held a Workshop on July 10, 2008 to review recommended revisions as per a committee of Miami Lakes Homeowner Association (HOA) President's. The subject revisions are necessary in order to address the above-mentioned minor improvements as per the HOA president's requests. Additionally, the subject revisions address a Town Council request to incorporate State law requirements regarding flags, and provide codification of an interpretation regarding zoning district permitted uses. Staff has developed the proposed revised regulations in keeping with the goals and policies of the Comprehensive Plan. A summary of the proposed amendments to the Town LDC is provided below:

1. ARTICLE 4. ZONING DISTRICT REGULATIONS

The revisions to the Zoning District Regulations Article provide clarification for permitted residential uses, prohibited residential uses, residential corner lot entries, and consistency with single family residential utility services:

A. Division 4.2 Single Family and Two Family Residential Districts RU-1, RU-1A, RU-1B, RU-1Z and RU-2.

- (1). Section 4.2.(a).1.a and Section 4.2.(a).2.a were modified to ensure consistency with the development regulations of a district requiring that a property may be developed with equal or larger lot size requirements, subject, however, to the development regulations applicable to that larger lot size district.



TOWN OF MIAMI LAKES MEMORANDUM

- (2). Section 4.2.(c).4 was modified to provide clarification related to the prohibited residential use referring to prohibiting animals, livestock, fowl or poultry of any kind to be raised, bred, or kept on any lot, except for dogs, cats, or other household pets.
- (3). Section 4.2.(e).5 was modified to ensure consistency with the corner lot main entrance regulations requiring that once the lot front is designated, said designation shall apply for purposes of all development regulations including the front yard setback. The main entrance to the residence shall face the front of the lot and no other doorway, other than the main entrance shall be provided a walkway directly to the sidewalk edge.
- (4). Section 4.2.(h).8 was modified to ensure that two-family uses comply with Town utility service guidelines requiring that all buildings on all lots must be served by underground utilities to the extent that such services are provided.

2. ARTICLE 5. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

The revisions to Article 5 provide consistency with single family, two family and townhouse residential utility services:

A. Division 5.12 Antennas and Satellite dishes (SDA)

- (1). Section 5.12.(b).5.b.v was modified to ensure that the antenna and satellite dish regulations provide for all cables attached to any structure to be placed in a workman-like manner.

3. ARTICLE 6. SUPPLEMENTARY REGULATIONS

The revisions to the Supplementary Regulations Article provide clarification for the appearance of buildings, structures, yards, and fences in all districts with regard to garage doors, cloth lines, holiday decorations, window treatments, and garbage and trash disposal:

A. Division 6.1.(a) Appearance of Buildings, Yards and Fences

- (1). Section 6.1.(a).1 was modified to ensure that regulations require all garage doors to be maintained in a closed position when not in use.
- (2). Section 6.1.(a).2 was modified to ensure that regulations permit retractable clothing lines, provided that they are fully screened from view. Clothes or items may not be hung or draped on fences or hung from any tree, object, or structure where they may be visible from adjoining properties, parks, or roads.



TOWN OF MIAMI LAKES MEMORANDUM

- (3). Section 6.1.(a).3 was modified to ensure that regulations permit Holiday and Special Event decorations and lighting to be displayed on buildings, structures and fences no more than 30 days prior to and no more than 30 days after the holiday or event. Said decorations shall carry no advertising matter.
- (4). Section 6.1.(a).4 was modified to ensure that regulations permit windows of residential property to be covered by any type of window treatment which is in good repair and designed or intended to be a permanent or long term window treatment suitable for residence. Windows shall not be covered by newspapers, aluminum foil, or bed sheets.
- (5). Section 6.1.(a).5 was modified to ensure that regulations require that no garbage, trash, refuse, rubbish, or recyclables shall be deposited or kept on any lot except in a suitable sturdy container. Such container shall not be visible from any point on the front lot line, or from the lake or golf course, as applicable. Containers for garbage, trash, refuse, rubbish, or recyclables must be removed from the collection area by no later than 7:00pm on the collection day.

4. ARTICLE 9. SIGNS

The revisions to the Sign Code Article provide clarification for consistency with holiday decoration signs and flag related State regulations:

A. Division 9.3 General Requirements – All Signs

- (1). Section 9.3.K was modified to ensure consistency with the sign code and the residential provision requiring that temporary Holiday and special event decorations and lighting shall be displayed on buildings, structures and fences no more than 30 days prior to and no more than 30 days after the holiday or event. Said decorations shall carry no advertising matter.

B. Division 9.4 Signs – Additional Requirements

- (1). Section 9.4.D.6.(b) was modified in order to comply with State regulations regarding flags requiring that if 2 flags are flown, the United States flag shall be equal to or larger than the second flag.
- (2). Section 9.4.D.6.(d) was modified to comply with State regulations regarding flags requiring that flags are subject to the following dimensional limitations: pole height: up to 20 feet with maximum flag size of 27 total square feet from the previous provision of a maximum of 25 total square feet.

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE “TOWN LDC”) TO UPDATE AND AMEND: ARTICLE 4. ZONING DISTRICT REGULATIONS, DIVISION 4.2 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS; ARTICLE 5. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS; ARTICLE 6. SUPPLEMENTARY REGULATIONS; AND ARTICLE 9. SIGNS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) adopted Chapter 33 of the Miami –Dade County Code (2000), entitled “Zoning” as the Town of Miami Lakes Land Development Code (“the Town LDC”) by Section 8.3 of the Town Charter; and

WHEREAS, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the “LDC Ordinances”) to better address and serve the needs of the Town; and

WHEREAS, the Miami Lakes Civic Homeowners Association tasked a committee of Association presidents (the “Committee”) with reviewing and researching various provisions of the Town LDC; and

WHEREAS, the Committee was expanded to allow participation by volunteers from throughout the Town; and

WHEREAS, the Town Council reviewed the findings and recommendations of the Committee at its July 8, 2008 meeting and July 10, 2008 workshop; and

WHEREAS, the Town Council finds that the proposed changes to the Town LDC are in the best interest of the Town’s residents.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendments to Article 4, Zoning District Regulations. Division 4.2, Single-Family And Two-Family Residential Districts, of Article 4, Zoning District Regulations, of the Town LDC is hereby amended as follows¹:

DIVISION 4.2 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS

RU-1, RU-1A, RU-1B, RU-1Z & RU-2

(a) Main Permitted Uses

1. RU-1, RU-1A, RU-1B, RU-1Z

- a. Single-Family Residences: Said uses may be permitted according to the development regulations of a district with equal or larger lot size requirements, subject, however, to the development regulations applicable to that larger lot size district, including but not limited to, lot width, area, setbacks, accessory uses, yard areas, height, density and lot coverage. Thereafter, the development regulations of the larger lot size district under which the area was developed shall be enforced.

* * *

2. RU-2

- a. Any use permitted in an ~~RU-1, RU-1A, RU-1B, RU-1Z~~ zoning district.

* * *

(c) Prohibited Uses

The following uses shall be prohibited in any RU-1, RU-1A, RU-1B, RU-1Z, and RU-2 Residential Districts:

* * *

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

4. The raising of poultry, ~~or~~ fowl, or livestock: No animals, livestock, fowl or poultry of any kind shall be raised, bred, or kept on any lot, except for dogs, cats, or other household pets. No animals of any kind may be kept, bred, or maintained for any commercial purpose. All pets shall be maintained in a quiet and orderly fashion so as to not disturb other property owners. Pet owners shall comply with all governmental regulations concerning the proper care, maintenance, licensing, and control of their individual pets.

* * *

(e) **Development Regulations for Single-Family and Two-Family Districts**

* * *

5. ~~For corner lots, the front shall be the narrowest portion facing a street unless otherwise determined by the Town. Corner lots shall have the main entrance mailing address as per the narrowest portion of the lot and the lots setbacks shall be provided as per zoning district requirements.~~

For corner lots, the front of a lot shall be the narrowest portion facing the street or as otherwise designated by the owner/developer and approved by the Administrative Official or Town Council. Once the lot front is designated, said designation shall apply for purposes of all development regulations including the front yard setback. The main entrance to the residence shall face the front of the lot and no other doorway, other than the main entrance shall be provided a walkway directly to the sidewalk edge.

* * *

(h) **Subdivision of RU-2 Lots**

Two-family uses which comply with the minimum standards for such uses in the RU-2 District and other districts where two-family uses are permitted may be subdivided so as to create one (1) lot for each dwelling unit, provided that the following conditions are met:

* * *

8. Utilities and services. Each individual unit shall be independently served by separate heating, air conditioning, sewer, water, electric power, gas, and other facility and utility services, wherever such utilities and services are provided, and no individual unit shall be in any way dependent upon such services or utility lines located within another unit. All buildings on

all lots must be served by underground utilities to the extent that such services are provided.

Section 3. Amendments to Article 5, Allowable Encroachments Into The Required Yards and Exceptions To The Maximum Permitted Heights. Division 5.12, Antennas And Satellite Dishes, of Article 5, Allowable Encroachments Into The Required Yards and Exceptions To The Maximum Permitted Heights, of the Town LDC is hereby amended as follows:

DIVISION 5.12 - ANTENNAS AND SATELLITE DISHES (SDA)

* * *

(b) Satellite Dish Antennas (SDA)

The standards of this section pertain to privately owned satellite dish antennas and are intended to enable clear television reception for the private use and enjoyment of the dish owner.

* * *

5. Satellite Dish Antennas (SDA) which are not exempt from permit by Federal Law shall comply with the following:

* * *

b. As an accessory use to any single-family residence, two-family residence or townhouse, one (1) roof-mounted or wall-mounted SDA (a satellite dish that is attached to the side of a building and projects over the roof is considered to be wall mounted or roof mounted) is permitted per dwelling unit in lieu of a ground mounted SDA, subject to all the following conditions:

* * *

v. All cables attached to any structure shall be placed in a workmanlike manner.

Section 4. Amendments to Article 6, Supplementary Regulations. Division 6.1, Appearance And Care Of Premises, of Article 6, Supplementary Regulations, of the Town LDC is hereby amended as follows:

DIVISION 6.1 - APPEARANCE AND CARE OF PREMISES FOR ALL DISTRICTS

(a) Appearance of Buildings, Structures, Yards and Fences

1. Garage Doors: All garage doors shall be maintained in a closed position when not in use to ensure the attractive appearance of the property and to safeguard the occupants of the home and their property.
- 2.. Clothes lines and outdoor clothes drying: Clothes lines shall be retractable and fully screened from public view at all times. Clothes or items may not be hung or draped on fences or hung from any tree, object, or structure where they may be visible from adjoining properties, parks, sidewalks or roads.
- 3 Holiday and Event Decorations and Lighting: Holiday and special event decorations and lighting may be displayed no more than 30 days prior to and no more than 30 days after the holiday or event. Said decorations shall carry no advertising matter.
4. Window Treatments: Windows of residential property may be covered by any type of window treatment which is in good repair and designed or intended to be a permanent or long term window treatment suitable for a residence. Windows shall not be covered by newspapers, aluminum foil or bed sheets.
5. Garbage and Trash Disposal: No garbage, trash, refuse, rubbish, or recyclables shall be deposited or kept on any lot except in a suitable sturdy container. Such container shall not be visible from any point on the front lot line, or from the lake or golf course, as applicable. Corner lots shall also not have garbage, trash, refuse, rubbish or other debris and discards, including recyclables, visible from the side yard which faces the street. Garbage, trash, refuse, rubbish, or recyclables may be placed in the collection area in front of the residence for collection no earlier than 6:00p.m. the night prior to the designated collection day. Containers for garbage, trash, refuse, rubbish, or recyclables must be removed from the collection area by no later than 7:00pm on the collection day.

(b) Maintenance of Buildings, Structures and Fences.

Section 5. Amendments to Article 9, Signs. Article 9, Signs, of the Town LDC is

hereby amended as follows:

DIVISION 9.3 – GENERAL REQUIREMENTS – ALL SIGNS

* * *

K. Signs Permitted Without a Sign Permit: The following signs may be erected or constructed without a permit when in accordance with the Florida Building Code and this Article:

* * *

10. Temporary holiday and special event decorations and lighting provided said decorations and lighting carry no advertising matter and further provided that such decoration is are not up displayed no more than thirty (30) sixty (60) days for a single prior to and no more than 30 days after the holiday or event. and is removed within fourteen (14) days after the holiday ends. Said decorations shall carry no advertising matter.

* * *

DIVISION 9.4 - SIGNS - ADDITIONAL REQUIREMENTS

No sign shall be permitted except signs that meet the General Requirements of Section 9.3 and the following additional requirements:

* * *

D. Miscellaneous Type Signs:

* * *

6. Flagpoles:

- (a). The flags must be flown on a regular daily basis or the poles must be removed.
- (b). No more than three (3) flagpoles will be allowed per non-residential site, with corporate logos permitted, and one (1) flagpole per residential site. A maximum of two flags shall be allowed per flag pole. If a flag is flown in conjunction with the United States flag, the United States flag shall be equal to or larger than any additional flag.

References to flagpole height in this division refer to vertical flagpoles. References to the number of flags and flag poles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (staffs extending at an angle from a building). On United States and Florida Holidays, there shall be no maximum flag size or number or other limitation on manner of display for U.S., State or Town of Miami Lakes flags.

- (c). Height will be as follows: one story building will be allowed fifteen (15) feet height maximum, with an additional ten (10) feet allowed for each additional floor up to a maximum of fifty (50) feet in height. Except as otherwise provided herein flags shall be displayed on flag poles. Flag poles shall not be placed on top of buildings or light poles. Flag poles in residential districts shall not exceed twenty (20) feet and shall be permitted holiday flags in conjunction with holiday decorations. A vertical flag pole must be setback from all property boundaries a distance that is at least equal to the height of the pole.
- (d). The flag and flag pole or other permanent mounting shall be maintained in good repair. Flag poles with broken halyards shall not be used, and torn or frayed flags shall not be displayed. Giant oversized flags of any type will not be allowed. The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag shall not exceed 25% of the vertical height of the pole. In addition flags are subject to the following dimensional limitations:

Pole Height: Up to 20 feet with Maximum Flag Size of ~~25~~ 27 total square feet

Pole Height: 21 to 30 feet with Maximum Flag Size of 50 total square feet

Pole Height: 31 to 40 feet with Maximum Flag Size of 75 total square feet

Pole Height: 31 to 50 feet with Maximum Flag Size of 100 total square feet

Section 6. Inclusion In The Town Land Development Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town LDC and that if necessary the sections of this

Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 7. 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.

Section 8. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 9. Effective Date. This Ordinance shall be effective upon adoption.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on first reading. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

- Mayor Wayne Slaton _____
- Vice Mayor Nancy Simon _____
- Councilmember Roberto Alonso _____
- Councilmember Mary Collins _____
- Councilmember Robert Meador _____
- Councilmember Michael Pizzi _____
- Councilmember Richard Pulido _____

PASSED AND ADOPTED on first reading this _____ day of _____, 2008.

The foregoing Ordinance was offered by Councilmember _____, who moved its adoption on second reading. The motion was seconded by Councilmember _____, and upon being put to a vote, the vote was as follows:

- Mayor Wayne Slaton _____
- Vice-Mayor Nancy Simon _____
- Councilmember Roberto Alonso _____
- Councilmember Mary Collins _____
- Councilmember Robert Meador _____
- Councilmember Michael Pizzi _____
- Councilmember Richard Pulido _____

PASSED AND ADOPTED on second reading this _____ day of _____, 2008.

Wayne Slaton
MAYOR

ATTEST:

DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:

WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
TOWN ATTORNEY