

# Town of Miami Lakes

TOWN COUNCIL

LPA Meeting

December 16, 2008



# TOWN OF MIAMI LAKES, FLORIDA

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## Town Council

Mayor Michael Pizzi

Vice Mayor Richard Pulido

Councilmember Mary Collins

Councilmember George Lopez

Councilmember Robert Meador II

Councilmember Nick Perdomo

Councilmember Nancy Simon

## AGENDA LPA MEETING December 16, 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. WORKSHOP:  
Review of Comprehensive Plan Provisions for the Proposed Water Supply Facilities Work Plan and Capital Improvements Plan (Roig) Page 3
6. ORDINANCES- FIRST READING:
  - A. AN ORDINANCE OF THE TOWN, AMENDING ARTICLE 5, ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS, OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; ALLOWING TEMPORARY PLAY EQUIPMENT WITHIN THE REQUIRED YARDS. (Roig) Page 22
  - B. AN ORDINANCE OF THE TOWN, AMENDING ARTICLE 3, DEVELOPMENT APPROVAL PROCEDURES, OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; PROVIDING FOR REVIEW OF SITE PLAN APPLICATIONS WITH POTENTIAL AREA-WIDE IMPACTS BY A PUBLIC HEARING BEFORE THE TOWN COUNCIL; MODIFYING NOTICE REQUIREMENTS FOR

**APPLICATIONS PROCESSED THROUGH THE ADMINISTRATIVE  
SITE PLAN PROCEDURES. (Roig) Page 29**

- C. AN ORDINANCE OF THE TOWN, AMENDING ARTICLE 2, DECISION MAKING AND ADMINISTRATIVE BODIES, AND ARTICLE 3, DEVELOPMENT APPROVAL PROCEDURES OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; PROVIDING FOR DELEGATION AUTHORITY; DELEGATING CERTAIN DUTIES OF THE TOWN COUNCIL TO A DESIGN REVIEW BOARD TO ACT UPON CERTAIN DEVELOPMENT APPLICATIONS; PROVIDING FOR THE CREATION OF A DESIGN REVIEW BOARD; PROVIDING FOR COMPOSITION, DUTIES, TERMS, SUPPORT, EX-PARTE COMMUNICATION PROCEDURES, APPEALS AND MEETINGS OF THE DESIGN REVIEW BOARD; PROVIDING FOR ADMINISTRATIVE OFFICIAL SUPPORT OF THE DESIGN REVIEW BOARD. (Roig) Page 39**

**7. 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](http://www.miamilakes-fl.gov) and is available at Town Hall, 15700 NW 67<sup>th</sup> 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 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014


## **ITEM 5**



## ***TOWN OF MIAMI LAKES MEMORANDUM***

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**To:** Honorable Chair and Local Planning Agency Members

**From:** Evelyn Roig, Interim Town Manager 

**Subject:** Comprehensive Plan Workshop to consider proposed Water Plan and Capital Improvement Plan Amendments, for inclusion in the Town's Comprehensive Plan.

**Date:** December 16, 2008

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It is recommended that the Local Planning Agency members review the enclosed presentation summary that outlines proposed Comprehensive Plan requirements and procedures related to Water Plan and Capital Improvement Plan updates. The proposed Comprehensive Plan amendments are required to address Department of Community Affairs (DCA) requirements and satisfy the growth management requirements in the Florida Statutes.

TOWN OF

# Miami Lakes

Water Supply and Capital Improvement Planning

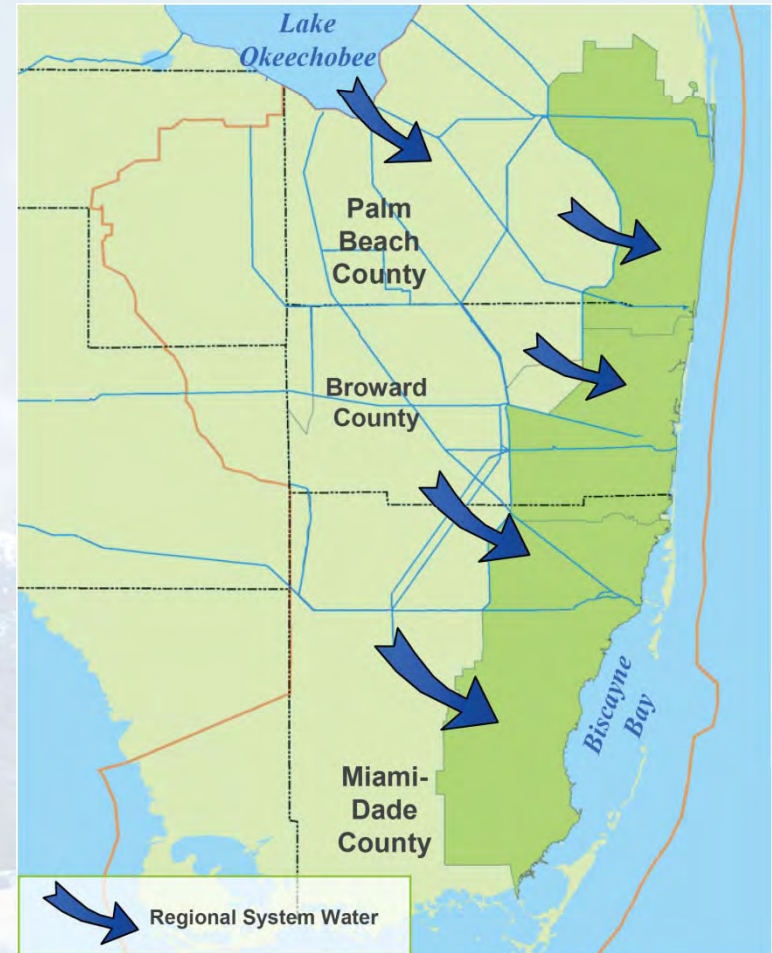


Kimley-Horn  
and Associates, Inc.



# What is the Water Supply Plan?

**The Water Supply Plan is a local government's assessment of its projected water demands, and the identification of potential sources of water to meet current and future demands**





## Water Supply Challenges

- Traditional sources are limited so alternative sources need to be identified
- Need to reduce potential impacts on and competition with natural resources
- Proactive approach to meet future water needs
- One time use of water is no longer considered adequate





## New Requirements

**Local governments subject to a regional water supply plan prepared by the water management district are required to:**

- Adopt a minimum 10-year water supply facilities work plan
- Identify how future water supply needs will be met
- Amend the local comprehensive plan to incorporate the work plan





## Do we have to do it?

**Yes. Miami Lakes is within the SFWMD Lower East Coast Region. Even though Miami Lakes is not a water authority, you must:**

- Address how it will get the water necessary to meet future needs
- Identify water supply, treatment and distribution facilities, and bulk sales agreements
- Demonstrate coordination with water suppliers to obtain water resources



## Adoption Due Dates

- **2/15/07: date the SFWMD approved the Lower East Coast Water Supply Plan Update**
- **8/15/08: date the following local governments must adopt their 10-year water supply facilities work plans:**
  - Broward County and its municipalities
  - **Miami-Dade County and its municipalities**
  - Monroe County and its municipalities
  - Palm Beach County and its municipalities





# Adoption Process

**The law provides an exemption from the twice-per-year limitation on comprehensive plan amendments to incorporate the 10-Year Water Supply Facilities Work Plan**





## Penalties For Non-Compliance

**What if my local government doesn't adopt its 10-year water supply facilities work plan by the deadline?**

- Future comprehensive plan amendments may be found not in compliance
- EAR based amendments may be found insufficient





## Local Governments must submit to DCA:

- **A minimum 10-Year Water Supply Facilities Work Plan which identifies:**

- Selection, if any, of Alternative Water Supply (AWS) projects from the Lower East Coast Plan Update
- Traditional Source, AWS, Bulk Sales, Conservation & Reuse projects necessary to meet future needs

- **Adopt any related amendments to the Capital Improvements Element (CIE) & other elements**





# Water Supply Plan Format Options

1. Incorporate the plan as a sub-element  
**- *recommended***
2. Incorporate by reference in a policy  
**- *requires comp plan amendment to revise any portion***
3. Include as goals, objectives and policies throughout the comprehensive plan  
**- *need to provide index or list***





# Internal Consistency

**The work plan will require updates to other comprehensive plan elements**

- Future Land Use
- Conservation
- Infrastructure
- Intergovernmental Coordination
- Capital Improvements





# Water Supply Planning Summary

- **Adopt a minimum 10-year water supply facilities work plan – 163.3177 (6)(c)**
- **Identify water supply sources for entire planning period -163.3167(13)**
- **Base future land use plan on availability of water supplies & facilities -163.3177(6)(a)**
- **Ensure concurrency of water supply at building permit stage -163.3180(2)(a)**
- **Report on water supply facilities work plan project implementation in EAR - 163.3191(2)(l)**



## Capital Improvement Plan (CIP)

- By Dec 1, 2008, and every year thereafter, must update 5-year schedule of capital improvements
  - Not a new requirement
- Enforcement provisions:
  - May not amend future land use map
  - Administration Commission may impose sanctions





# CIP Requirements

- Five year schedule must be financially feasible and must:
  - Achieve and maintain level of service standards for facilities subject to concurrency
  - Consider projects as committed in first 3 years, planned or committed in years 4 and 5





## CIP Adoption Process

The annual update to the Capital Improvement Element may occur outside twice-per year comprehensive plan amendment cycles, and requires a single adoption hearing





# Local Governments must submit to DCA:

- Data and analysis projecting growth and identifying needs
- Updated Capital Improvement Element with a 5 year Capital Improvement Plan
  - A year-by-year 5 year schedule showing when improvements are scheduled
  - Costs of improvements
  - Source of Revenue (Committed, Planned, Developer Contribution) – must be by year





TOWN OF

# Miami Lakes

Water Supply and Capital Improvement Planning





*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 6 A**



# **TOWN OF MIAMI LAKES**

## **MEMORANDUM**

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**To:** Honorable Chair and Local Planning Agency Members

**From:** Evelyn Roig, Interim Town Manager

**Subject:** Public Hearing of Ordinance pertaining to the Child Protection Act providing for temporary play equipment to be placed within the required residential setbacks.

**Date:** December 16, 2008

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### **Recommendation**

It is recommended that the Local Planning Agency recommend approval of the attached Ordinance pertaining to the Child Protection Act providing for temporary play equipment to be placed within the required residential setbacks. The Ordinance will provide for the use of removable play equipment as long as the equipment, or that portion of the equipment that could result in the need for a variance, is removable, does not pose any health and safety hazards, nor violate the building code.

Fiscal Impact: Adoption of this regulation will result in no economic impact on the Town's budget, current year's staff levels will be sufficient to address the proposed legislation.

### **Background**

The above referenced Town Code amendment was discussed at the Town Council July Workshop and the Town Council directed staff to prepare the necessary Code changes at their November 12, 2008 Town Council meeting. The intent of this legislation is to maximize the useable residential yard area for recreational purposes. The proposed Code amendments would allow the Town's families to utilize play equipment within the required residential setbacks in a manner that minimizes impacts to surrounding neighbors. The ordinance will allow for the following setback encroachments:

- Temporary play equipment that is higher than 5 feet but less than 15 feet in height, and which does not exceed the height of the principal residence and is not permanently attached to the ground shall be permitted in the rear or side yards provided such equipment is located a minimum of 2 feet from a rear or interior side property line.
- For all corner lots, the play equipment shall be setback a minimum of 5 feet from a street side property line. All temporary play equipment higher than 5 feet which includes any type of impervious roof area shall be included in the calculation of accessory buildings and lot coverage.

**ORDINANCE No. 08-\_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE 5, ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS, OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; ALLOWING TEMPORARY PLAY EQUIPMENT WITHIN THE REQUIRED YARDS; PROVIDING FOR CONFLICTS; 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 Town Council desires to improve and protect the family atmosphere vital to the Town; and

**WHEREAS**, the Town Council wishes to allow the placement of certain types of play equipment within required yards in residential neighborhoods in order to improve and protect the family atmosphere vital to the safety and welfare of the Town’s residents; and

**WHEREAS**, the Local Planning Agency reviewed this request at its December 16, 2008 meeting, and voted to recommend approval; and

**WHEREAS**, the Town Council has reviewed this Ordinance at a duly noticed hearing, considered the recommendations of the Local Planning Agency, the Town staff, and comments

from the public, and determined that it is consistent with all policies contained in the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**<sup>1</sup>

**Section 1.**     **Recitals.**     The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Amendment Changes.**     Article 5, Allowable Encroachments Into the Required Yards and Exceptions to the Maximum Permitted Heights, Division 5.3, Accessory Structures, of the Miami Lakes Land Development Code is hereby amended to read as follows:

**DIVISION 5.3 - ACCESSORY STRUCTURES**

- (a) Accessory structures associated with single-family and two-family residences shall comply with the following:
  - 1. Accessory structures such as built in barbecue grills or similar cooking equipment, play equipment, tents, detached canopies, trellises, etc. whether or not permanently attached to the ground, shall only be permitted in the rear or side yards and shall comply with the same height and setback regulations from adjoining properties as accessory buildings, except as provided for in this Division.
    - a. Above-ground swimming pools and hot tubs shall comply with the same setbacks as swimming pools in Section 5.13.
    - b. Accessory structures not permanently attached to the ground, including temporary play equipment, five (5) feet high or less , shall only be permitted in the rear or side yards and may be located two (2) feet from a rear or interior side property line and for corner lots shall comply with the side street setbacks for the main structure.

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<sup>1</sup> / Additions to existing Town Code text are shown by underline; deletions from existing Town Code text are shown as ~~strike through~~.

- c. Temporary play equipment that is higher than 5 feet but less than 15 feet in height, and which does not exceed the height of the principal residence and is not permanently attached to the ground shall be permitted in the rear or side yards provided such equipment is located a minimum of two (2) feet from a rear or interior side property line. For all corner lots, the play equipment shall be setback a minimum of five (5) feet from a street side property line. All temporary play equipment higher than 5 feet which includes any type of impervious roof area shall be included in the calculation of accessory buildings and lot coverage pursuant to Division 5.2(a)1.
- ed. Ornamental landscape features such as statues or fountains less than four (4) feet high and decorative ponds less than 24 inches deep are permitted as accessory structures within any required yard.

**Section 3. 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 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. 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 6. Effective Date.** This Ordinance shall be effective immediately upon its adoption on second reading.

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

- Mayor Michael Pizzi \_\_\_\_\_
- Vice Mayor Richard Pulido \_\_\_\_\_
- Councilmember Mary Collins \_\_\_\_\_
- Councilmember George Lopez \_\_\_\_\_
- Councilmember Robert Meador \_\_\_\_\_
- Councilmember Nick Perdomo \_\_\_\_\_
- Councilmember Nancy Simon \_\_\_\_\_

**PASSED AND ADOPTED** on first reading this \_\_\_\_\_ day of December, 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 Michael Pizzi \_\_\_\_\_
- Vice Mayor Richard Pulido \_\_\_\_\_
- Councilmember Mary Collins \_\_\_\_\_
- Councilmember George Lopez \_\_\_\_\_
- Councilmember Robert Meador \_\_\_\_\_
- Councilmember Nick Perdomo \_\_\_\_\_
- Councilmember Nancy Simon \_\_\_\_\_

**PASSED AND ADOPTED** this \_\_\_\_\_ day of January, 2009.

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MICHAEL PIZZI  
MAYOR

ATTEST:

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DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR USE ONLY BY THE  
TOWN OF MIAMI LAKES:

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WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.L.  
TOW



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014

**ITEM 6 B**




# **TOWN OF MIAMI LAKES**

## **MEMORANDUM**

---

**To:** Honorable Chair and Local Planning Agency Members

**From:** Evelyn Roig, Interim Town Manager 

**Subject:** Public Hearing of Ordinance Relating to revised Site Plan Review Procedures, for inclusion in the Town Land Development Code.

**Date:** December 16, 2008

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### **Recommendation:**

It is recommended that the Local Planning Agency recommend approval of the subject revised Site Plan Review regulations for inclusion in the Town's Land Development Code.

Fiscal Impact: Adoption of this regulation will result in no economic impact on the Town's budget the current year's advertising budget and staff levels will be sufficient to address the proposed legislation.

Note: Site Plans that go to public hearing are handled as per Cost Recovery.

### **Background**

On November 12, 2008, the Town Council discussed public hearing requirements for various types of site plans. Currently, Division 3.4(f) provides specific criteria to the Administrative Official to require a quasi-judicial public hearing if a particular site plan has a design, intensity or scale that may produce "potential area wide impacts", unless that site plan has vested rights or meets concurrency in which case the site plan would be reviewed administratively. The Town Council directed staff to prepare an ordinance for its review to amend the Site Plan Review Procedures in order to require site plans having "potential area wide impacts" to be reviewed at public hearing by the Town Council regardless of concurrency or vesting rights status.

The attached proposed ordinance amends several Divisions in the Town's Land Development Code to comply with the Town Council's directive to require all site plans with "potential area wide impacts" to be reviewed by the Town Council at a public hearing.

**ORDINANCE No. 08-\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE 3, DEVELOPMENT APPROVAL PROCEDURES, OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; PROVIDING FOR REVIEW OF SITE PLAN APPLICATIONS WITH POTENTIAL AREA-WIDE IMPACTS BY A PUBLIC HEARING BEFORE THE TOWN COUNCIL; MODIFYING NOTICE REQUIREMENTS FOR APPLICATIONS PROCESSED THROUGH THE ADMINISTRATIVE SITE PLAN PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (“the Town”), upon incorporation, adopted Chapter 33 “Zoning” of the Code of Miami-Dade County to serve as the Town’s Land Development Code and thereafter modified its Land Development Code to tailor it to the Town’s particular needs and community vision; and

**WHEREAS**, after conducting a properly noticed public hearing, the Town Local Planning Agency has recommended an amendment to the current Town Land Development Code, which would provide for a quasi-judicial public hearing and approval by Town Council for certain site plan applications that have Potential Area-Wide Impacts; and

**WHEREAS**, the Town Local Planning Agency finds the amendment is consistent with the Town Comprehensive Plan; and

**WHEREAS**, the Town Council wishes to adopt the amendment for inclusion in the Land Development Code; and

**WHEREAS**, the Town Council has reviewed this Ordinance at a duly noticed hearing, considered the recommendations of the Local Planning Agency, the Town staff, and comments from the public, and determined that it is consistent with all policies contained in the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**<sup>1</sup>

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Amendment Changes.** The following Divisions of the Miami Lakes Land Development Code are hereby amended to read as follows:

**ARTICLE 3. DEVELOPMENT APPROVAL PROCEDURES**

\* \* \*

**DIVISION 3.2 - DEVELOPMENT APPROVALS BY THE ADMINISTRATIVE OFFICIAL**

\* \* \*

(c) **Administrative Site Plan Review.** Single-family or two-family lakefront properties with any improvements or structures on the waterside of the top of the slope, ~~sites exempted from public hearing pursuant to 3.4(f)(3)~~, and any other applications as designated in this Land Development Code, require administrative site plan approval.

1. An application for an administrative site plan shall be submitted to the Administrative Official pursuant to the requirements of Division 3.1 and accompanied by a fee as established by the Town from time to time.

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<sup>1</sup> / Additions to existing Town Code text are shown by underline; deletions from existing Town Code text are shown as ~~strikethrough~~.

2. The Administrative Official shall review the site plan pursuant to the requirements and criteria of Division 3.4 as applicable.
3. Any proposed site plan which requires a conditional use or variance approval shall require a public hearing for the conditional use and/or variance approval. The remainder of the site plan may be processed administratively subsequent to a determination on the conditional use and/or variance requests by the Town Council or designated Town Board if a public hearing is not otherwise required for the site plan application. If a proposed site plan requires a public hearing and a variance and/or conditional use, the public hearings for all applications shall be held jointly before the Town Council.~~Any proposed site plan which has not received a vested rights determination or does not meet concurrency shall require site plan approval through public hearing.~~ A site plan application that does not have Potential Area-Wide Impacts shall be processed administratively if it has received a vested rights determination or meets concurrency.
4. Notice shall be provided, at the expense of the applicant, as provided herein and pursuant to Division 3.9.

\* \* \*

(g) **Notice of Administrative Action.**

\* \* \*

2. Site Plan. With the exception of Minor Site Plan Amendments under Division 3.2(d), the Administrative Official shall, at the expense of the applicant, provide posted notice of an application and his preliminary determination for administrative site plan approval on the subject property, pursuant to Division 3.9, and shall hear any objections regarding the preliminary determination during a subsequent fifteen (15) day period. For any application processed through the Administrative Site Plan Procedures, which encompasses 2 or more acres of land, proposes fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet or more of nonresidential building area, written notice shall also be provided to adjacent property owners at the same time as the property is posted, pursuant to Division 3.9. At the conclusion of the fifteen (15) day period, the Administrative Official shall approve, approve with modifications and/or conditions, or deny the administrative site plan request by written Development Order.

\* \* \*

**DIVISION 3.4 - SITE PLAN APPROVAL**

\* \* \*

**(f) Site Plan Specific Review Procedures.**

- (1) Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for site plan review. In cases where intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.
- (2) Any site plan application that ~~requires a conditional use, variance, or that~~ has a Potential Area-Wide Impact shall require a public hearing before the Town Council, regardless of any vested rights or concurrency determinations. A site plan application shall be considered to have a Potential Area-Wide Impact if:
  - a. the application encompasses two (2) or more acres of land; or
  - b. proposes fifty (50) or more dwelling units; or
  - c. proposes twenty thousand (20,000) or more square feet of nonresidential building area.
- ~~(3) For any site plan application which requires a public hearing which also requires a variance and/or conditional use approval, the variance and/or conditional use approval shall be processed concurrently with the site plan application and the public hearings held jointly before the Town Council.~~
- ~~(3) Notwithstanding the provisions of Division 3.4(f)(2), if the applicant has previously received a vested rights determination or meets concurrency, the site plan application shall be subject to review by the Administrative Official and exempt from a quasi-judicial public hearing requirement in division 3.4(g). The applicant shall provide a copy of the vested rights determination to the Town's Department of Planning and Zoning with the site plan application. The vested rights determination shall be reviewed by the Town Attorney to ensure that the applicant has a valid vested rights determination.~~

\* \* \*

**DIVISION 3.9 - PUBLIC HEARING AND NOTICE**

\* \* \*

(j) **Administrative Site Plan.** Administrative action on applications for administrative site plan requests shall be noticed as follows:

1. Posting of the property subject to the application 15 days prior to final administrative action.
2. Any application required to be processed through the administrative site plan procedure, application which encompasses 2 or more acres of land, proposes fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet or more of nonresidential building area shall also require mailed notice to the property owners of record adjacent to the property which is the subject of the application 15 days prior to final administrative action.

<b>TABLE 3-1 NOTICE REQUIREMENTS</b>				
<b>PERMIT</b>	<b>NOTICE SECTION</b>	<b>POSTED</b>	<b>PUBLISHED</b>	<b>MAILED</b>
Appeal of Administrative Official	3.9 (j)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Variance	3.9 (h)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Other Development Permits (i.e., site plan, conditional uses, plats, Vacations)	3.9 (h)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Administrative Variance	3.9 (i)	30 days prior to Administrative Action	30 days prior to Administrative Action	Adjacent property owners
Administrative Site Plan	3.9 (j)	15 days prior to Administrative Action	Not applicable	Not applicable
Administrative Site Plan*	3.9 (j)	15 days prior to Administrative Action	Not applicable	Adjacent property owners
Comprehensive Development Master Plan – Town	3.9 (f)(1)	No	163.3184, F.S.	2500 feet radius for Map amendment

Comprehensive Development Master Plan – Owner	3.9 (f)(2)	30 days prior to hearing for Map amendment	163.3184, F.S.	2500 feet radius for Map amendment
Land Development Code - Town	3.9(g)(1)	No	166.041, F.S.	2500 feet radius for Map amendment
Land Development Code-- Owner	3.9 (g)(2)	30 days prior to hearing for Map amendment	166.041, F.S.	2500 feet radius for Map amendment

\*Any application required to be processed through the administrative site plan procedure, ~~application~~ which encompasses 2 or more acres of land, proposes fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet or more of nonresidential building area shall require notification of adjacent property owners.

**Section 3. 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 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. 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 6. Effective Date.** This Ordinance shall be effective immediately upon its adoption on second reading.

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

Mayor Michael Pizzi \_\_\_\_\_  
Vice Mayor Richard Pulido \_\_\_\_\_  
Councilmember Mary Collins \_\_\_\_\_  
Councilmember George Lopez \_\_\_\_\_  
Councilmember Robert Meador \_\_\_\_\_  
Councilmember Nick Perdomo \_\_\_\_\_  
Councilmember Nancy Simon \_\_\_\_\_

**PASSED AND ADOPTED** on first reading this \_\_\_\_\_ day of December, 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 Michael Pizzi \_\_\_\_\_  
Vice Mayor Richard Pulido \_\_\_\_\_  
Councilmember Mary Collins \_\_\_\_\_  
Councilmember George Lopez \_\_\_\_\_  
Councilmember Robert Meador \_\_\_\_\_  
Councilmember Nick Perdomo \_\_\_\_\_  
Councilmember Nancy Simon \_\_\_\_\_

**PASSED AND ADOPTED** this \_\_\_\_\_ day of January, 2009.

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MICHAEL PIZZI  
MAYOR

ATTEST:

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DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR USE ONLY BY THE  
TOWN OF MIAMI LAKES:

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



*Town of Miami Lakes*

Office of Town Clerk  
15700 NW 67<sup>th</sup> Ave  
Miami Lakes, Florida 33014


**ITEM 6 C**



# **TOWN OF MIAMI LAKES**

## **MEMORANDUM**

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**To:** Honorable Chair and Local Planning Agency Members  
**From:** Evelyn Roig, Interim Town Manager   
**Subject:** Public Hearing of Ordinance pertaining to the creation of a Design Review Board.  
**Date:** December 16, 2008

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### **Recommendation**

It is recommended that the Local Planning Agency recommend approval of the attached Ordinance pertaining to the creation of a Design Review Board. The Ordinance will provide for a Design Review Board to review and act upon variances and to review and act upon applications for conditional uses, where such applications do not also require a public hearing for a related site plan application.

**Fiscal Impact:** Adoption of this legislation will result in additional economic impact on the Town's budget regarding noticing and advertising costs, and staff time impacts. The creation of the Design Review Board is estimated to cost \$19,080.00 to address staff and support for approximately 12 meetings per year, and is expected to be addressed utilizing current year's staff levels.

**Note:**

Total Costs per item excluding Clerk:	\$850.00
	- \$750.00 (Appl. Fee)
= \$100 x 3 (Items) x 12 Agendas	= \$3600
Plus Clerk Costs \$1290 x 12 Agendas	= \$15,480
<b>Grand Total</b>	<b>= \$19,080.00</b>

### **Background**

The Town Council held a Workshop on November 13, 2008 to review the details of creating a Town Design Review Board and directed staff to prepare the implementing legislation.

The Design Review Board is intended to provide for the orderly development of the Town in accordance with the goals and objectives of the comprehensive plan and standards specified in the Land Development Code, of protecting property values and the health, safety and welfare of the community at large, of promoting the aesthetic quality of development in the town, and of ensuring the suitability of development for its intended purpose.

A summary of the proposed Ordinance providing for the creation of a Town Design Review Board (DRB) is outlined below:



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### **A. Membership.**

- The DRB shall consist of seven regular voting members.
- The Mayor and each Member of the Town Council shall nominate a candidate for appointment to the DRB, which appointment shall be subject to approval by a majority vote of the Town Council.
- Members of the DRB must reside within the Residential Area of the Councilmember appointing the candidate or anywhere within the Town limits if appointed by the Mayor or an At-Large Councilmember.

### **B. Qualifications**

- Candidates for the DRB should be knowledgeable in general business, land development, land use issues, or matters of design and aesthetic judgment by virtue of training, education, and/or experience. They shall possess qualities of impartiality and broad judgment, and an ability to review two dimensional plans. Desired qualifications for DRB members include an expertise in the fields of architecture, landscape architecture, urban design/planning, structural engineering, or similar disciplines.

### **C. Officers.**

- The Mayor's appointee shall serve as Chair of the DRB and shall carry out all duties and responsibilities as designated in the Land Development Code and by Town Council.
- At its first meeting in March of each year, the DRB shall elect one of its members as Vice-chair who shall, in the absence of the Chair, fulfill all the duties and responsibilities of the Chair as designated in the Land Development Code (LDC) and by Town Council.

### **D. Term.**

- Each DRB member shall serve a term of one year beginning March 1, 2009.

OR

- Terms shall consist of two year terms beginning March 1 of the year appointed. For purposes of the DRB's creation, the initial terms shall consist of one (1) year terms for Residential Areas 2 and 4 and the Mayor's appointment and two (2) year terms for Residential Areas 1 and 3 and the two At-Large appointments.



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### **E. Removal.**

- The Mayor or a Town Councilmember may recommend the removal of their appointed DRB member subject to approval by a majority vote of the Town Council.
- Any Member of the DRB may be removed from the DRB by a majority vote of the Town Council upon missing three consecutive DRB meetings.

### **F. Vacancies.**

- Vacancies shall be filled in the same manner as original appointments and the appointee shall sit for the remainder of the term for the seat to which they are appointed.

### **G. Duties.**

The DRB shall have the following powers and duties:

- To review and act upon variances, in accordance with the provisions of this Land Development Code governing variances, where such applications do not also require a public hearing for a related site plan application.
- To review and act upon applications for conditional uses, in accordance with the provisions of this Land Development Code governing conditional uses, where such applications do not also require a public hearing for a related site plan application.
- To review and act upon any and all matters referred to it by the Town Council or by the provisions of any Town ordinance and to submit its findings and recommendations on such matters to the Town Council.
- To fulfill all assigned responsibilities in accordance with the procedures and criteria of this Land Development Code and the Town's Comprehensive Plan.
- The Chair or his/her designee shall annually present a written report of the DRB's activity to the Town Council through the Administrative Official. All reports shall be approved by the DRB prior to submission to the Town or presentation to the Town Council.

### **H. Meetings and Administrative Support**

- The DRB shall meet at such times as deemed necessary for conducting business, but not less than once a month, unless there is no business to be conducted.



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- A majority of the full membership shall constitute a quorum for conducting business.
  - All meetings and business of the DRB shall comply with the requirements of Chapters 119 and 286 of the Florida Statutes. Meetings shall be open to the public and reasonable public notice shall be provided at least 48 hours prior to any meeting.
  - The Administrative Official or his or her designee shall provide technical support and prepare recommendations for the DRB.
  - The Administrative Official or his or her designee shall prepare as necessary the record upon which each final decision of the DRB pursuant to the Land Development Code is based.
- I. Appeal of Design Review Board Actions.
- A DRB final Development Order may be appealed by the filing of an appeal or writ of certiorari in the appropriate court as prescribed in the Florida Rules of Appellate Procedure.
- J. Conflict of Interest, Oath Requirement & Ex-Parte Communications.
- A member of the DRB shall not participate in review of an application for which he or she has a conflict of interest in accordance with the Town Charter, Town Code or Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. Design Review Board members may not serve on any other Town Board or Committee.
  - All DRB members shall be required to subscribe to an oath
  - Except as authorized regarding site visits and inadvertent communications, there shall be no ex-parte communication with or by a member of the DRB regarding any matter which may come before the DRB for action.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE 2, DECISION MAKING AND ADMINISTRATIVE BODIES, AND ARTICLE 3, DEVELOPMENT APPROVAL PROCEDURES OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; PROVIDING FOR DELEGATION AUTHORITY; DELEGATING CERTAIN DUTIES OF THE TOWN COUNCIL TO A DESIGN REVIEW BOARD TO ACT UPON CERTAIN DEVELOPMENT APPLICATIONS; PROVIDING FOR THE CREATION OF A DESIGN REVIEW BOARD; PROVIDING FOR COMPOSITION, DUTIES, TERMS, SUPPORT, EX-PARTE COMMUNICATION PROCEDURES, APPEALS AND MEETINGS OF THE DESIGN REVIEW BOARD; PROVIDING FOR ADMINISTRATIVE OFFICIAL SUPPORT OF THE DESIGN REVIEW BOARD; PROVIDING FOR CONFLICTS; 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 Town Council desires to create a Design Review Board to hear and decide certain Variance and Conditional Use applications; and

**WHEREAS**, the Town Council desires to provide for qualifications, membership, terms of office, duties and other administrative functions of the Design Review Board; and

**WHEREAS**, the Local Planning Agency reviewed this request at its December 16, 2008 meeting, and voted to recommend approval; and

**WHEREAS**, the Town Council has reviewed this Ordinance at a duly noticed hearing, considered the recommendations of the Local Planning Agency, the Town staff, and comments

from the public, and determined that it is consistent with all policies contained in the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**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. Creation of Design Review Board.** Article 2, Decision Making and Administrative Bodies, of the Town LDC is hereby amended as follows<sup>1</sup>:

**ARTICLE 2**  
**DECISION MAKING AND ADMINISTRATIVE BODIES**

**DIVISION 2.1 - TOWN COUNCIL**

In addition to any authority granted to the Town Council by state law or by provisions of the Town Charter, the Town Council shall have the powers and duties listed herein concerning this Land Development Code. The Town Council's authority shall include, but not be limited to approval, approval with modifications and/or conditions or denial or as may otherwise be provided herein. Specifically, but without limitation, the Town Council shall have the authority to:

\* \* \*

- (l) Delegate to a designated Town board or agency, such duties as are permitted under State law and the Town Charter.

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<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strike through~~.

## **DIVISION 2.25 – DESIGN REVIEW BOARD**

### **(a) Creation.**

For the purpose of promoting the orderly development of the Town in accordance with the goals and objectives of the comprehensive plan and standards specified in the Land Development Code, of protecting property values and the health, safety and welfare of the community at large, of promoting the aesthetic quality of development in the town, and of ensuring the suitability of development for its intended purpose, a Design Review Board (the “DRB”) is hereby created and established.

### **(b) Membership and Qualifications.**

1. The DRB shall consist of seven regular voting members.
2. The Mayor and each Member of the Town Council shall nominate a candidate for appointment to the DRB, which appointment shall be subject to approval by a majority vote of the Town Council, subject to verification of Candidate residency.
3. Members of the DRB must reside within the Residential Area of the Councilmember appointing the candidate or anywhere within the Town limits if appointed by the Mayor or an At-Large Councilmember.
4. Candidates for the DRB should be knowledgeable in general business, land development, land use issues, or matters of design and aesthetic judgment by virtue of training, education, and/or experience. They shall possess qualities of impartiality and broad judgment, and an ability to review two dimensional plans. Desired qualifications for DRB members include an expertise in the fields of architecture, landscape architecture, urban design/planning, structural engineering, graphic, industrial and interior design, or similar disciplines.

### **(c) Officers.**

1. The Mayor’s appointee shall serve as Chair of the DRB and shall carry out all duties and responsibilities as designated in the Land Development Code and by Town Council.
2. At its first meeting in March of each year, the DRB shall elect one of its members as Vice-chair who shall, in the absence of the Chair, fulfill all the duties and responsibilities of the Chair as designated in the Land Development Code and by Town Council.

### **(d) Term.**

Each DRB member shall serve a term of one year beginning March 1, 2009.

**OR**

Terms shall consist of two year terms beginning March 1 of the year appointed. For purposes of the DRB's creation, the initial terms shall consist of one (1) year terms for Residential Areas 2 and 4 and the Mayor's appointment and two (2) year terms for Residential Areas 1 and 3 and the two At-Large appointments.

(e) **Removal.**

1. The Mayor or a Town Councilmember may recommend the removal of their appointed DRB member subject to approval by a majority vote of the Town Council.
2. Any Member of the DRB may be removed from the DRB by a majority vote of the Town Council upon missing three consecutive DRB meetings.

(f) **Vacancies.**

Vacancies shall be filled in the same manner as original appointments and the appointee shall sit for the remainder of the term for the seat to which they are appointed.

(g) **Duties.**

The DRB shall have the following powers and duties:

1. To review and act upon variances to setback lines, frontage requirements, height limitations, lots size restrictions, yard requirements, fences and walls, lot coverage, impervious surface ratio, open space, landscaping, signs and any other provisions of this Land Development Code, in accordance with the provisions of this Land Development Code governing variances, where such applications do not also require a public hearing for a related site plan application. Any variance application which also requires a public hearing for a related site plan application shall be heard by the Town Council jointly with the site plan application.
2. To review and act upon applications for conditional uses, in accordance with the provisions of this Land Development Code governing conditional uses, where such applications do not also require a public hearing for a related site plan application. Any conditional use application which also requires a public hearing for a related site plan application shall be heard by the Town Council jointly with the site plan application.
3. To review and act upon any and all matters referred to it by the Town Council or by the provisions of any Town ordinance and to submit its findings and recommendations on such matters to the Town Council.

4. To fulfill all assigned responsibilities in accordance with the procedures and criteria of this Land Development Code and the Town's Comprehensive Plan.
5. The Chair or his/her designee shall annually present a written report of the DRB's activity to the Town Council through the Administrative Official. All reports shall be approved by the DRB prior to submission to the Town or presentation to the Town Council.

(h) **Meetings.**

1. The DRB shall meet at such times as deemed necessary for conducting business, but not less than once a month, unless there is no business to be conducted.
2. A majority of the full membership shall constitute a quorum for conducting business.
3. All meetings and business of the DRB shall comply with the requirements of Chapters 119 and 286 of the Florida Statutes. Meetings shall be open to the public and reasonable public notice shall be provided at least 48 hours prior to any meeting.
4. Meetings shall be conducted in accordance with Roberts Rules of Order (newly revised, 10<sup>th</sup> edition).
5. All public hearings shall be conducted in accordance with the Quasi-judicial procedures provided in this Land Development Code.
6. Audio recordings shall be made of all meetings.
7. Public hearings before the DRB shall be noticed as provided in the Land Development Code.

(i) **Appeal of Design Review Board Actions.**

Appeals of DRB decisions shall be processed in accordance with Division 3.10 – Appeals - of this Land Development Code. A DRB final Development Order may be appealed by the filing of an appeal or writ of certiorari in the appropriate court as prescribed in the Florida Rules of Appellate Procedure. A Development Order is final, or rendered, for purposes of filing an appeal or writ of certiorari to the court only upon the Order's execution by the Town Clerk.

(j) **Conflict of Interest.**

A member of the DRB shall not participate in review of an application for which he or she has a conflict of interest in accordance with the Town Charter, Town Code or Miami-

Dade County Conflict of Interest and Code of Ethics Ordinance. Design Review Board members may not serve on any other Town Board or Committee.

**(k) Oath Requirement.**

All DRB members shall be required to subscribe to an oath or affirmation to be filed by the Town Clerk, swearing to support, protect and defend the Constitution and laws of the United States, and the State, the Charter and all ordinances of the Town and Miami Dade County and in all respects to faithfully discharge their duties.

**(l) Ex-Parte Communications.**

1. Except as authorized below, there shall be no ex-parte communication with or by a member of the DRB regarding any matter which may come before the DRB for action.
2. Site visits may be conducted by any individual member of the DRB provided such site visits are disclosed on a form provided by the Town. The Town Clerk shall provide a copy of the form to all parties to the relevant application and shall make the disclosure a part of the hearing record before final action is taken on the matter.
3. Any communication inadvertently received by a DRB member shall be submitted to the Town Clerk and the Town Clerk shall provide a copy of the written communication to all parties to the relevant application and shall make the written communication a part of the hearing record before final action is taken on the matter.

**DIVISION 2.3 - ADMINISTRATIVE OFFICIAL**

The Administrative Official shall be the Town Manager or his or her designee, who shall provide technical support and advice for the preparation and implementation of the Comprehensive Plan and this Land Development Code, and shall perform such other functions as requested by the Town Council and authorized by this Land Development Code, and consistent with the Florida Building Code. Specifically, and without limitation, the Administrative Official shall have the following duties:

\* \* \*

- (g) Review and prepare recommendations for the Town Council's or designated Town board's review of all conditional use and variance applications;
- (h) Review and approve permits for moving a building or structure from one lot or premises to another;

- (i) Review applications for zoning compliance for uses that have received necessary approvals by the Town Council or designated Town board pursuant to this Land Development Code;
- (j) Approve minor changes to approved site plans consistent with this Land Development Code;
- (k) Issue plat approval for lot splits;
- (l) Review and approve certificates of occupancy and certificates of use for zoning compliance;
- (m) Prepare as necessary the record upon which each final decision of the Town Council or designated Town board pursuant to the Land Development Code is based, for purposes of any appeal to the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County;

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**Section 3.** Article 3, Development Approval Procedures, of the Town LDC is hereby amended as follows:

## **ARTICLE 3 DEVELOPMENT APPROVAL PROCEDURES**

### **DIVISION 3.1 – GENERALLY**

\* \* \*

- (g) **Administrative Official Review and Recommendation.**

\* \* \*

3. In cases where the Administrative Official must provide review and recommendation to the Town Council or a designated Town board, the Administrative Official shall provide a written staff report, together with recommendations for denial, approval or approval with modifications and/or conditions. The Administrative Official shall schedule any public hearing that may be required and shall advise the applicant as to any public notice requirements for the approval. Public notices shall be provided pursuant to Division 3.9 of this Land Development Code.

(h) **Continuance, Withdrawal, or Deferral.**

\* \* \*

2. The Administrative Official may administratively defer or remove an application from the agenda if it requires additional research or information, or would otherwise be prematurely before the Council or designated Town board. Any public hearing which is held after a deferral which is required due to insufficiencies in the application, information or materials provided by the applicant, or which is deferred due to actions of the applicant, shall, as necessary, be re-noticed at the expense of the applicant.

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**DIVISION 3.3 - CONDITIONAL USE APPROVAL**

\* \* \*

(b) **Review Procedures.**

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2. Action by Town Council or Designated Town Board. The Town Council or designated Town board shall follow the procedures in Division 3.1 and shall, prior to taking action on a conditional use application, hold a quasi-judicial public hearing. Notice of the public hearing shall be given as provided in Division 3.9
3. Specific Criteria for Approving a Conditional Use. A conditional use shall be permitted upon a finding by the Town Council or designated Town board that the proposed use satisfies the criteria herein specified. A conditional use shall be denied if the Town Council or designated Town board determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The applicant shall demonstrate the following:

\* \* \*

- e. Hazardous Waste. No conditional use which generates hazardous waste or uses hazardous materials shall be located in the Town unless the specific location is consistent with the Comprehensive Plan and Land Development Code, and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources, as may be applicable now or in the future. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation unless the Town Council or designated Town board approves conditions requiring

mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The mitigation plan and conditions imposed by the Town Council or designated Town board shall provide for appropriate identification of hazardous waste and hazardous material, and regulate its use, storage and transfer consistent with best management principles and practices.

**Section 3. 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 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. 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 6. Effective Date.** This Ordinance shall be effective immediately upon its adoption on second reading, however the Town Council shall continue to hear any items under the purview of the Design Review Board until the terms of the initial Design Review Board members commence on March 1, 2009.

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 Michael Pizzi \_\_\_\_\_  
Vice-Mayor Richard Pulido \_\_\_\_\_  
Councilmember Mary Collins \_\_\_\_\_  
Councilmember George Lopez \_\_\_\_\_  
Councilmember Robert Meador \_\_\_\_\_  
Councilmember Nick Perdomo \_\_\_\_\_  
Councilmember Nancy Simon \_\_\_\_\_

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 Michael Pizzi \_\_\_\_\_  
Vice-Mayor Richard Pulido \_\_\_\_\_  
Councilmember Mary Collins \_\_\_\_\_  
Councilmember George Lopez \_\_\_\_\_  
Councilmember Robert Meador \_\_\_\_\_  
Councilmember Nick Perdomo \_\_\_\_\_  
Councilmember Nancy Simon \_\_\_\_\_

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_

MICHAEL PIZZI  
MAYOR

ATTEST:

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DEBRA EASTMAN, MMC TOWN CLERK

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

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