

ORDINANCE No. 03-42

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA PROVIDING RECITALS; PROVIDING FINDINGS; GRANTING THE REQUEST FOR A REZONING FROM GU TO RU-1M(a) ON APPROXIMATELY 8 ACRES OF A 10± ACRE PARCEL LOCATED DIRECTLY EAST OF BARBARA GOLEMAN SENIOR HIGH SCHOOL AND NORTH OF INTERSTATE HIGHWAY 75; APPROVING THE SITE PLAN FOR A RESIDENTIAL DEVELOPMENT OF 56 SINGLE-FAMILY HOMES; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 33-304 of the Code of the Town of Miami Lakes ("Town Code"), West Lakes Estates, Inc. (the "Applicant") has applied to the Town Council of the Town of Miami Lakes ("Town Council") for rezoning from GU (Interim District) to RU-1M(a) (Modified Single Family Residential District) on approximately 8 acres of a 10± acre site located directly east of Barbara Goleman Senior High School, and north of Interstate Highway 75; Application Z-02-02 (the "Property"); and

WHEREAS, the Applicant has provided a legal description of the Property to be rezoned, attached as composite Exhibit "A" and incorporated by reference herein; and

WHEREAS, pursuant to Section 33-311 (C) of the Town Code, the Applicant has provided the Town Council with site plans to be approved in conjunction with Application No. Z-02-02, attached as composite Exhibit "B" and incorporated by reference herein; and

WHEREAS, Town Staff has reviewed the Application and recommended approval subject to conditions in its report dated September 26, 2003, and incorporated by reference herein; and

WHEREAS, the Town Council has been designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, the Town Council acting in its capacity as the Local Planning Agency has reviewed Application No. Z-02-02 and has determined that this Ordinance is consistent with the Town of Miami Lakes Comprehensive Development Master Plan; and

WHEREAS, the Town Council held a duly noticed first reading of this Ordinance on September 11, 2003 and held second reading of this Ordinance at a duly noticed quasi-judicial public hearing on October 9, 2003; and

WHEREAS, all interested persons have had the opportunity to be heard on the Applicant's requests.

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

Section 1. Recitals. The foregoing whereas clauses are hereby ratified and incorporated within this ordinance.

Section 2. Findings. The Town Council finds that Application No. Z-02-02 for re-zoning and site plan approval is "compatible" with the community as defined by Section 33-302(d) of the Town Code.

Section 3. Approval of Residential Rezoning. The Town Council hereby approves Application No. Z-02-02, a rezoning of the property legally described in Exhibit A from GU (Interim) to RU-1M(a) (Modified Single Family Residential District) subject to the conditions set forth in Section 5 below.

Section 4. Approval of Site Plan for Residential Development. The Town Council approves the following site plan drawings (the "Site Plan"), subject to the conditions set forth in Section 5 of this ordinance as they may amended at its October 9, 2003, public hearing on this matter:

1. Sheet SP-1, entitled "Proposed Site Plan," prepared by Tri-County Engineering, Inc., dated last revised 10-9-03 and sealed 10-9-03;
2. Sheet LSP-2, untitled and containing landscaping information and typical lot layouts, prepared by Tri-County Engineering, Inc., dated last revised 10-9-03 and sealed 10-9-03;
3. Sheet A-1, entitled "Model A," prepared by Tri-County Engineering, Inc., dated prepared 3-23-03 and sealed 9-23-03;
4. Sheet A-2, entitled "Model B," prepared by Tri-County Engineering, Inc., dated prepared 3-23-03 and sealed 9-23-03;
5. Sheet A-3, entitled "Model C," prepared by Tri-County Engineering, Inc., dated prepared 3-23-03 and sealed 9-23-03;
6. Sheet A-4, entitled "Model C," prepared by Tri-County Engineering, Inc., dated prepared 3-23-03 and sealed 9-23-03;
7. Sheet A-5, entitled "Model D," prepared by Tri-County Engineering, Inc., dated prepared 3-23-03 and sealed 9-23-03; and
8. Sheet A-6, entitled "Mirror D," prepared by Tri-County Engineering, Inc., dated prepared 3-23-03 and sealed 9-23-03.

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Section 5. Conditions. The Site Plan approval shall comply with the following conditions, which shall be binding upon the Applicant, its successors, assigns, and/or grantees:

1. That the Property shall be developed in substantial compliance with the Site Plan, entitled "Florida Subdivision," prepared by Tri-County Engineering, Inc., consisting of 8 sheets (SP-1, LSP-2, and A-1 thru A-6), all dated sealed on 9-23-03 with the modifications (a-d) noted below. This Site Plan and sheet revision/seal dates may be additionally amended as a result of modifications listed below and/or Council action on 10-9-03.
 - a. Clarify the location of the Live Oak trees on-site by use of a unique symbol. Increase the total Live Oaks on-site to at least 178 trees and locate them along all streets and along the rear of lots backing up to NW 138th Terrace and NW 89th Avenue.
 - b. Remove the wood fence along the north boundary and replace with a continuous hedge designed to grow to at least 6 feet in height within one (1) year.
 - c. Remove "Special Taxing District" from the note on page SP-1.
 - d. Change "fence" to "wall" in informational note arrow indicating the masonry wall along south boundary.
2. Prior to the issuance of the first building permit, the Applicant shall comply with all platting requirements of Chapter 28 of the Miami-Dade County Code.
3. The Applicant has voluntarily proffered the dedication of a 0.27 acre park site to the Town at the location depicted on the Site Plan (the "Pocket Park"). The Applicant shall transfer ownership of the Pocket Park to the Town at the time of platting of the entire development. All improvements to the Pocket Park shown on the Site Plan, including the adjacent sidewalk and street trees, shall be made by the Applicant prior to issuance of the first residential building permit and are subject to approval by the Town Engineer.
4. Prior to the first building permit, the applicant will remit the sum of \$15,000 which was voluntarily proffered to the Town on 9-11-03 for park improvements.
5. Prior to the issuance of the first building permit, the applicant shall create a homeowners association that shall be responsible for maintaining the common areas of the subdivision,

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and shall also provide for local site and architectural rules similar to those in surrounding neighborhoods. Documents creating the homeowners association shall be submitted to the Town for its approval.

6. All roads in the subdivision shall be constructed in accordance with the applicable standards for the Town and Miami-Dade County, and approved by the Town's Engineer. Upon completion, all of the roads located within the subdivision shall be dedicated to the Town.
7. The Applicant shall be required to comply with all concurrency requirements and payment of applicable Town and Miami-Dade County impact fees at the time of permitting, including Miami-Dade County requirements for the provision of water and sewer services.

Section 6. Violation of Conditions. Failure to adhere to the terms and conditions of this ordinance shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of the rezoning and site plan approval granted in this ordinance. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town before it may commence construction or operation, and that the foregoing approvals in this ordinance may be revoked by the Town Council at any time upon a determination that the Applicant is in non-compliance with the Town Code.

Section 7. Recording. This Ordinance shall be recorded in the Public Records of Miami-Dade County, Florida and the Applicant shall be responsible for recording this Ordinance at its sole expense.

Section 8. Severability. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 9. Exclusion. This Ordinance shall be excluded from the Town of Miami Lakes Code.

Section 10. Effective Date. This Ordinance shall become effective upon adoption following second reading.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on first reading. The motion was seconded by Councilmember Thomson, and upon being put to a vote; the vote was as follows: 5-2

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Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>NO</u>
Councilmember Nancy Simon	<u>NO</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on first reading this 11th day of September, 2003.

The foregoing Ordinance was offered by Councilmember Alonso, who moved its adoption on second reading. The motion was seconded by Councilmember Collins, and upon being put to a vote, the vote was as follows: 5-2

Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador, II	<u>Yes</u>
Councilmember Michael Pizzi	<u>NO</u>
Councilmember Nancy Simon	<u>NO</u>
Councilmember Peter Thomson	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Mayor Wayne Slaton	<u>Yes</u>

PASSED AND ADOPTED on second reading this 9th day of October, 2003.

Wayne Slaton
WAYNE SLATON, MAYOR

ATTEST:

Beatris M. Arguelles
BEATRIS M. ARGUELLES, CMC
TOWN CLERK

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

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Marcia Gueves

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

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Exhibit A

Legal Description

Tract 55, "Florida Fruit Lands Company's Subdivision No. 1," according to the Plat thereof, as recorded in Plat Book 2, at Page 17, of the Public Records of Miami-Dade County, Florida, less those portions thereof lying within the Right-of-Way of State Road No. 93 (I-75) as shown on Section 87075-2401 of that certain Right-of-Way Map dated September 27, 1979.

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Exhibit B

Site Plan

[See eight (8) 24" by 36" folded sheets separately attached.]

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