

ORDINANCE No. 07- 99

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING, ARTICLE 2. DECISION MAKING AND ADMINISTRATIVE BODIES AND ARTICLE 3. DEVELOPMENT APPROVAL PROCEDURES TO EXEMPT SITE PLAN APPLICATIONS THAT HAVE VESTED RIGHTS OR CONCURRENCY FROM A QUASI-JUDICIAL PUBLIC HEARING BEFORE THE TOWN COUNCIL AND TO DEFINE "POTENTIAL AREA-WIDE IMPACTS" TO CLARIFY SITE PLAN APPLICATIONS THAT ARE SUBJECT TO A QUASI-JUDICIAL PUBLIC HEARING; 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"), 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 exempt from public hearing certain site plan applications that meet concurrency or have vested rights, as well as specifying when a site plan application requires a public hearing; and

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

WHEREAS, after conducting a properly noticed hearing and considering the recommendations of the public, the Local Planning Agency and the Town staff, 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 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:¹

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 Regulations are hereby amended to read as follows:

ARTICLE 2. DECISION MAKING AND ADMINSTRATIVE 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 conditions ~~or modifications~~ or denial. Specifically, but without limitations, the Town Council shall have the authority to:

* * *

(d) Review and approve applications for site plan approval as specified in Division 3.4.

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

* * *

ARTICLE 3. DEVELOPMENT APPROVAL PROCEDURES

* * *

Division 3.2. Development Approvals by the Administrative Official.

(a) **Permitted Use.** The Administrative Official shall have the authority to review and take final action on ~~act on any~~ applications for development approval for a permitted use in the zoning district in which development is proposed. Every permitted use, except as exempted below or any site plan application requiring final approval by the Town Council, must receive site plan approval from the Administrative Official. After reviewing all staff comments, the Administrative Official shall act to approve, approve with conditions, ~~disapprove~~ deny the site plan based on the criteria for site plan approval contained in Division 3.4 of this Land Development Code. The Administrative Official shall provide written comments documenting any conditions of approval. If the site plan is denied, the Administrative Official shall specify in writing the reasons for the denial. ~~Notwithstanding the above, the Administrative Official shall have the authority to require that the Town Council review and act upon the site plan in cases where, in his opinion, the proposed site plan has a design, intensity or scale that may produce potential area wide impacts that should be considered in a hearing before the Town Council. The Administrative Official shall not have the authority to approve site plan applications for those uses that require conditional use or variance approvals, with the exception of administrative setback variances pursuant to this Division.~~

Division 3.4 Site Plan Approval

* * *

(g) Submission and Review Procedures.

* * *

- (3) Upon receipt of a site plan application, the Town Administrative Official shall have ten (10) working days for residential applications and fourteen (14) days for nonresidential applications to determine its appropriateness and completeness and accept or reject the application. As soon as practical after the acceptance of the application, the Administrative Official shall either approve, approve with conditions, or deny the site plan or pursuant to Division 3.4(g)(4) refer the application, together with all supporting documentation and staff recommendations, to the Town Council for its review and action.
- (4) 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. 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.
- (5) Notwithstanding the provisions of Division 3.4(g)(4), 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(h). 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.

(6)(4) Upon receipt of the application, the Town Council shall review said site plan application and by written resolution take one (1) of the following actions together with its findings in respect to the proposed development as set forth in this division:

- (a) Approval as submitted;
- (b) Approval with ~~changes and/or special conditions; or~~
- (c) Denial.

(h) Public Hearing. Prior to taking action ~~on any~~ on a site plan application pursuant to Division 3.4(g) (4) submitted, the Town Council shall hold a quasi-judicial public hearing at which time all interested parties shall be heard. Notice of the public hearing shall be given as provided in Division 3.9.

Section 3. Repeal of Conflicting Provisions. Any provision of the Code that conflicts with this Ordinance is 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 Code. It is the intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Miami Lakes, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” 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 Vice Mayor Mary Collins, who moved its adoption on first reading with conditions. The motion was seconded by Councilmember Roberto Alonso and upon being put to a vote; the vote was as follows:

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

PASSED AND ADOPTED on first reading this 21st day of August, 2007.

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

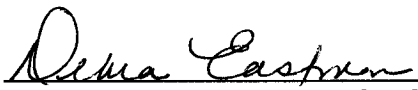
Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	yes
Councilmember Michael Pizzi	yes
Councilmember Richard Pulido	yes
Councilmember Nancy Simon	yes

PASSED AND ADOPTED this 18th day of September, 2007.



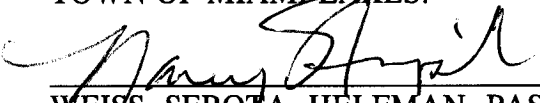
WAYNE SLATON
MAYOR

ATTEST:



DEBRA EASTMAN, MMC TOWN CLERK

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



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