

ORDINANCE NO. 11-135

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING CHAPTER 33 “ZONING” BY AMENDING ARTICLE 4, “ZONING DISTRICT REGULATIONS”, OF THE TOWN’S LAND DEVELOPMENT CODE BY AMENDING DIVISION 4.3(e)(2), “MINOR SITE PLAN CHANGES FOR EXISTING TOWNHOUSES”, TO MODIFY THE REQUIREMENTS FOR ADMINISTRATIVE SITE PLAN REVIEW FOR DRIVEWAY REPLACEMENTS/MODIFICATION IN AN RU-TH DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; 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’s LDC currently requires proposed modifications/alterations to the site plan, or exterior, of an individual townhouse unit in the R U-TH zoning district, including, but not limited to, the replacement/alteration of driveways, to be reviewed and approved through the Administrative Site Plan review process, in addition to the Town’s Building Permit Requirements; and

WHEREAS, the Town Council recognizes that the zoning review required by the Town's Building Permit process provides adequate opportunity for review of proposed replacement/alteration of driveways in the RU-TH zoning district to ensure that such improvements are consistent and compatible with the character of the existing townhouse community as required by the Town's LDC; and

WHEREAS, the Town seeks to modify the processing requirements for review and approval of proposed replacement/alteration of driveways in the RU-TH zoning district for individual Townhouse units by removing the requirement for Administrative Site Plan review for driveway replacements and alterations; and

WHEREAS, the proposal is consistent with the Comprehensive Plan; and

WHEREAS, the proposed amendment is in conformance with applicable requirements of the Town's Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendment will not result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use; and

WHEREAS, the proposed amendment will not adversely affect property values or adversely affect the general welfare; and

WHEREAS, the proposed amendment will result in an orderly and compatible land use pattern; and

WHEREAS, the proposed amendment will not be in conflict with the public interest, and is in harmony with the purpose and intent of the Comprehensive Plan; and

WHEREAS, the proposed amendment meets the requirements of Chapter 163.3161 et seq., Florida Statutes; and

WHEREAS, the Local Planning Agency reviewed this request at its June 14, 2011 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. Amendment of the Code. Article 4, Division 4.3(e)(2) of the Town's Land Development Code, entitled "Minor Site Plan Changes for Existing Townhouses", is hereby amended as follows¹:

ARTICLE 4

* * *

DIVISION 4.3

* * *

(e)

2. ***Minor Site Plan Changes for Existing Townhouses.*** The Administrative Official or his designee may administratively authorize through the site plan review process in Division 3.2, of this code minor exterior ~~a~~ changes in a site plan or to building elevations for existing individual townhouse units for the following items: screen enclosures, changes to approved landscape areas, patio slabs/pavers, new facial or trim work, trellis or garden amenities, canvas or cloth awnings and canopies, walls or fences, jacuzzis, swimming pools, decks, hot tubs, ~~driveways,~~ shared parking areas or similar improvements provided that:
 - a. The applicant submits as part of the site plan application a recommendation from the official authorized body. The recommendation may be either for approval, denial or approval with conditions. The recommendation is advisory only and a positive recommendation is not required in order to receive site plan approval.
 - b. That the proposed changes comply with the Development Regulations for Townhouses contained in the Land Development Code and variances are not necessary to accomplish the proposed changes.
 - c. In approving the amendments or changes to the site plan or building elevations, the Administrative Official or his designee shall find that the change in plan will be in harmony with and compatible with existing development in the area, and will not destroy the theme or character of the development in the area.
 - d. Additions of enclosed air-conditioned space is not permitted through the minor amendment process and requires site plan approval through a public hearing.
 - e. *Exceptions.*

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

- 1) The installation of temporary storm panels approved under the Florida Building Code shall be permitted as a matter of right. However, the official authorized body review shall be required for the installation of permanent storm shutters. For the purposes of this subsection, temporary storm panels shall be defined as detachable protection devices that are installed temporarily over building openings in the event of an approaching hurricane or tropical storm.

- 2) The replacement or modification of driveways at individual townhouse units shall not require a approval through the Administrative Site Plan review process, provided the improvements comply with the following requirements:
 - a. That the applicant submits, as part of the building permit application, a recommendation from the official authorized body, if applicable. The recommendation may be either for approval, denial or approval with conditions. The recommendation is advisory only and a positive recommendation is not required in order to receive building permit approval.

 - b. In conducting the zoning review for the building permit application for the the driveway, the Administrative Official or his designee shall find that the proposed improvement will be in harmony with and compatible with existing development in the area, and will not destroy the theme or character of the development in the area and complies with all requirements for such improvements found elsewhere in this or other applicable Codes or regulations.

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 Mary Collins, who moved its adoption on first reading. The motion was seconded by Mayor Michael Pizzi and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	yes
Vice-Mayor Nick Perdomo	yes
Councilmember Mary Collins	yes
Councilmember Tim Daubert	yes
Councilmember Nelson Hernandez	yes
Councilmember Ceasar Mestre	yes
Councilmember Richard Pulido	absent

PASSED AND ADOPTED on first reading this 14th day of June, 2011.

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


Mayor Michael Pizzi	<u>Yes</u>
Vice-Mayor Nick Perdomo	<u>Absent</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Nelson Hernandez	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Richard Pulido	<u>Absent</u>

PASSED AND ADOPTED on second reading this 13 day of September, 2011.


Michael Pizzi
MAYOR

ATTEST:


Martee DuHaney
ACTING TOWN CLERK

Approved as to form and legality for the use and benefit of the Town of Miami Lakes only:

Joseph S. Geller
INTERIM TOWN ATTORNEY