

ORDINANCE NO. 15- 180

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.59 +/- ACRE PROPERTY LOCATED ON THE EAST SIDE OF NORTHWEST 77TH AVENUE, APPROXIMATELY 1,465 FEET SOUTH OF NW 154TH STREET, FROM THE RM-23, LOW MEDIUM DENSITY RESIDENTIAL DISTRICT, TO THE RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; APPROVING THE PARTIAL MODIFICATION AND/OR PARTIAL ELIMINATION OF CONDITIONS AND/OR COVENANTS OF THE RESTRICTIVE COVENANT RECORDED IN THE OFFICIAL RECORDS OF MIAMI-DADE COUNTY, FLORIDA AT OFFICIAL RECORDS BOOK 10844 PAGE 1427 ON AUGUST 19, 1980; PROVIDING FINDINGS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 13-306 of the Code of the Town of Miami Lakes (“Town Code”), The Graham Companies (the “Applicant”) has applied for an amendment to the Official Zoning Map from the RM-23, Low Medium Density Residential District, to the RO-13, Low Density Residential/Office District on a 2.59 +/- acre property located on the east side of NW 77th Avenue, approximately 1,465 feet south of NW 154th Street, Miami Lakes, Florida (the “Property”) as legally described in **Exhibit “A”**, attached hereto and incorporated herein by reference; and

WHEREAS, a map depicting the Property to be rezoned is attached as **Exhibit “B”**, attached hereto and incorporated herein by reference; and

WHEREAS, Subsection 13-306(b) provides that proposed amendments to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

WHEREAS, the Administrative Official has reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and Recommendation dated December 9, 2014, incorporated into this Ordinance by reference; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), reviewed the proposed amendment at a duly advertised Public Hearing on December 16, 2014, and voted 5-0 to recommend that the Town Council approve this ordinance; and

WHEREAS, The Town Council finds that the proposed amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the Town Code; and

WHEREAS, for the use of the Property to be consistent with the uses permitted by the RO-13, Low Density Residential/Office District designation, the Property (as described on Exhibit A) needs to be released from the Restrictive Covenant recorded in Official Records Book 10844, at Page 1427 of Public Records of Miami-Dade County, Florida (hereinafter "Restrictive Covenant").

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and the Administrative Official, the Town Council wishes to adopt the proposed amendment to the Official Zoning Map.

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

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

Section 2. Findings. Pursuant to Subsection 13-306(b) of the Town Code, the Town Council finds that the proposed amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the Town Code.

Section 3. Approval of Rezoning. The Town Council hereby adopts the amendment to the Official Zoning Map of the Property legally described in **Exhibit "A"** and depicted in **Exhibit "B"**, from the RM-23, Low Medium Density Residential District, to the RO-13, Low Density Residential/Office District.

Section 4. Partial Release of Covenant. For the use of the Property to be consistent with the uses permitted by the RO-13, Low Density Residential/Office District designation, the Property (as described on **Exhibit “A”**) is hereby released and discharged from the Restrictive Covenant. The Restrictive Covenant shall remain in full force and effect with respect to the property encumbered thereby other than the Property (as described on **Exhibit “A”**).

Section 5. Direction to the Administrative Official. Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Official Zoning Map to implement the terms of this Ordinance.

Section 6. 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 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. Exclusion from the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be excluded from the Town Code.

Section 9. Effective date. This Ordinance shall become effective immediately upon its adoption on second reading.

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FIRST READING

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

Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Manny Cid	<u>Yes</u>
Councilmember Tim Daubert	<u>Yes</u>
Councilmember Tony Lama	<u>Yes</u>
Councilmember Ceasar Mestre	<u>Yes</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

Passed and adopted on second reading this 9th day of December, 2014.

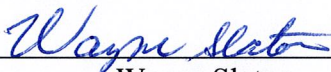
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SECOND READING

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

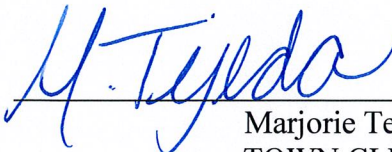
Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Manny Cid	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

Passed and adopted on second reading this 13th day of January, 2015.



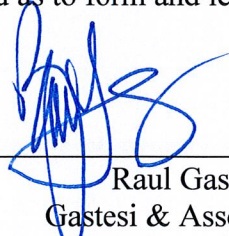
Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACTS 27, 28 AND 29, "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION No. 1" OF SECTION 23, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 17, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT "D", "MIAMI LAKES GOLF COURSE OFFICES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOK 114, AT PAGE 60, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA (SAID POINT OF COMMENCE BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF THE PALMETTO FRONTAGE ROAD, AS SHOWN ON SAID PLAT OF "MIAMI LAKES GOLF COURSE OFFICES" AND ON THAT CERTAIN STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT-OF-WAY MAP, AS RECORDED IN PLAT BOOK 88, AT PAGE 41, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA); THENCE RUN NORTH 54 DEGREES 49 MINUTES 14 SECONDS EAST, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID TRACT "D", FOR 346.63 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT "D"; THENCE SOUTH 00 DEGREES 46 MINUTES 23 SECONDS EAST, FOR 581.78 FEET, TO THE NORTHEASTERLY CORNER OF TRACT "E" OF SAID PLAT OF "MIAMI LAKES GOLF COURSE OFFICES"; THENCE NORTH 59 DEGREES 51 MINUTES 33 SECONDS WEST, ALONG THE NORTHERLY BOUNDARY LINE OF SAID TRACT "E", FOR 329.98 FEET, TO THE NORTHWESTERLY CORNER OF SAID TRACT "E" AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE AFOREMENTIONED PALMETTO FRONTAGE ROAD, AS SHOWN ON SAID PLAT OF "MIAMI LAKES GOLF COURSE OFFICES" AND ON THAT CERTAIN STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT-OF-WAY MAP, AS RECORDED IN PLAT BOOK 60, AT PAGE 91, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE NORTH 01 DEGREES 10 MINUTES 42 SECONDS WEST, FOR 143.57 FEET, TO THE POINT OF BEGINNING (LAST MENTIONED TWO COURSES BEING COINCIDENT WITH THE EASTERLY RIGHT-OF-WAY LINE FOR THE PALMETTO FRONTAGE ROAD, AS SHOWN ON SAID PLAT

OF "MIAMI LAKES GOLF COURSE OFFICES" AND THE TWO REFERENCED RIGHT-OF-WAY MAPS) LYING AND BEING IN THE TOWN OF MIAMI LAKES, MIAMI-DADE COUNTY FLORIDA.

LESS AND EXCEPT THEREFROM:

LIFT STATION SITE, AS RECORDED IN OFFICIAL RECORDS BOOK 11129 AT PAGE 1210 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY.

SAID LIFT STATION SITE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACT 28 OF "FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 1" OF THE NORTH ¼ OF SECTION 23, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT "D" OF "MIAMI LAKES GOLF COURSE OFFICES" AS RECORDED IN PLAT BOOK 114 AT PAGE 60 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; THENCE RUN NORTH 54 DEGREES 49 MINUTES 14 SECONDS EAST ALONG THE SOUTH-EASTERLY LINE OF SAID TRACT "D" FOR 45.00 FEET; THENCE SOUTH 35 DEGREES 10 MINUTES 46 SECONDS EAST FOR 20.00 FEET; THENCE SOUTH 54 DEGREES 49 MINUTES 14 SECONDS WEST FOR 58.49 FEET; THENCE NORTH 1 DEGREE 10 MINUTES 42 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PALMEETO FRONTAGE ROAD, AS RECORDED IN PLAT BOOK 88, AT PAGE 41, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA FOR 24.12 FEET TO THE POINT OF BEGINNING. LYING IN DADE COUNTY, FLORIDA.

EXHIBIT B

