

**ORDINANCE NO. 17-215**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO CHAPTER 13, LAND DEVELOPMENT CODE, AMENDING SECTIONS 13-870 AND 13-881, RELATING TO DEVELOPMENT APPROVAL PROCEDURES FOR BUILDING HEIGHTS EXCEEDING FIVE (5) STORIES IN THE TC, TOWN CENTER DISTRICT, REQUIRING SUCH DEVELOPMENT REQUESTS BE SUBJECT TO TOWN COUNCIL CONSIDERATION; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Cid & Collazo)**

**WHEREAS**, on September 1, 2015, the Town Council adopted Ordinance No. 15-184, creating Division 26, Town Center District (the “TC District”), within Chapter 13 of the Town’s Code of Ordinances, titled Land Development Code (the “LDC”); and

**WHEREAS**, Section 13-870, of the LDC permits building heights of five (5) stories, and allows for up to seven (7) stories when the building encompasses mix-uses within the TC District.;

**WHEREAS**, Section 13-881, of the LDC authorizes all TC District final site plan reviews and approvals to be processed administratively; and

**WHEREAS**, on July 25, 2017, during a Town Council Meeting, the Town Council directed the Town Manager to explore an amendment to the LDC, requiring Town Council review and approval for developments that exceed five (5) stories. ; and

**WHEREAS**, the LDC only permits buildings in excess of five (5) stories to be build within the TC District; and

**WHEREAS**, Exhibit “A” is reflective of the Town Council’s desire as expressed at their July 25, 2017, Regular Council meeting; and

**WHEREAS**, the Administrative Official reviewed the proposed amendment to the LDC

and recommends approval, as set forth in the Staff Analysis and Recommendation dated September 5, 2017, and incorporated into this Ordinance by reference; and

**WHEREAS**, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, on October 3, 2017, after conducting a properly noticed public hearing and considering the recommendations of the public, and the Administrative Official, the Town Council moved the proposed amendment on first reading for second reading and consideration of adoption; and

**WHEREAS**, on October 24, 2017, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

**WHEREAS**, the Town Council believes this Ordinance it is in the best interest of the Town.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.**

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

**Section 2. Findings.** After considering Staff's report, both submitted in writing and presented orally and the public comment, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found at Subsection 13-306(b) of the Town Code as provided for in the Staff

Recommendation and Analysis Report.

**Section 3. Approval.** The Town Council hereby adopts the amendment as provided at Exhibit "A," and as incorporated herein.

**Section 4. 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 5. 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 6. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be included in the Town Code.

**Section 7. Effective date.** This Ordinance shall become effective immediately upon adoption.

**FIRST READING**

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

Mayor Manny Cid	yes
Vice Mayor Nelson Rodriguez	yes
Councilmember Luis Collazo	yes
Councilmember Tim Daubert	yes
Councilmember Ceasar Mestre	yes
Councilmember Frank Mingo	yes
Councilmember Marilyn Ruano	yes

Passed on first reading this 5th day of September, 2017.

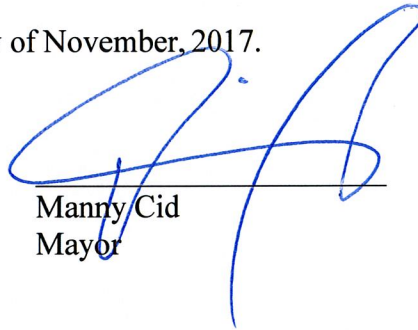
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**SECOND READING**

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

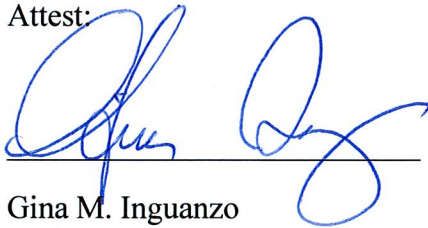
Mayor Manny Cid	Yes
Vice Mayor Frank Mingo	Yes
Councilmember Luis Collazo	Yes
Councilmember Tim Daubert	Yes
Councilmember Ceasar Mestre	Yes
Councilmember Nelson Rodriguez	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 7th day of November, 2017.



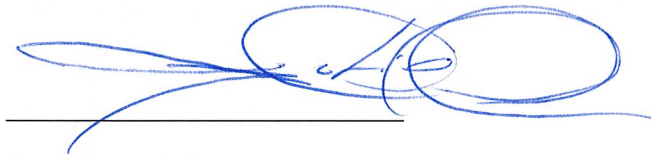
Manny Cid  
Mayor

Attest:



Gina M. Inguanzo  
Town Clerk

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
Town Attorney

EXHIBIT A  
AMENDMENT

Chapter 13 - LAND DEVELOPMENT CODE

\* \* \*

DIVISION 26. - TC TOWN CENTER DISTRICT

\* \* \*

Sec. 13-870. - Building height.

The maximum height of buildings shall not exceed ~~be~~ five (5) stories, except where a building includes vertically integrated mixed uses, in which case, subject to Town Council review and approval, the maximum height shall not exceed ~~be~~ seven (7) stories. However, where a building includes frontage on a Type 1 Street, the ground floor must be occupied with active uses, as defined in this Code, in order to qualify for height above five (5) stories. Height may be limited by the Opa-Locka Airport Zoning Ordinance of Miami-Dade County.

\* \* \*

Sec. 13-881. - Site plan review standards.

All site plan reviews and approvals decisions in the TC District shall be by the Administrative Official except for plans that include height requests that exceed five (5) stories, which shall require final site plan review and approval by the Town Council. ~~Any~~ ~~The~~ Administrative Official may ~~decision to~~ approve, approve with modifications and/or conditions, or deny a site plan. ~~Affected parties may be appealed the Administrative Official's action on a site plan application~~ to the Town Council in accordance with Section 13-310. In addition to other applicable standards in this Code, including those in Section 13-304(h), in order to be approved, a site plan must meet the following criteria:

\* \* \*