

**ORDINANCE NO. 23-313**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.06 +/- ACRE PROPERTY LOCATED AT 6699 WINDMILL GATE RD, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT "A", FROM THE RU-TH, RESIDENTIAL TOWNHOUSE DISTRICT, TO BU-2, MEDIUM DENSITY BUSINESS DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 13-306 of the Code of the Town of Miami Lakes ("Town Code"), Miami-Dade County Library Department., (the "Applicant") applied for an amendment to the Official Zoning Map from the RU-TH, Residential Townhouse District, to BU-2, Medium Density Business District on a 2.06 +/- acre property located 6699 Windmill Gate Road, Miami Lakes, Florida (the "Property") as described at 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 reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and Recommendation dated May 2nd, 2023; 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 May 2nd, 2023, after conducting a properly noticed quasi-judicial 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 has reviewed and recommends approval of the rezoning; and

**WHEREAS**, on May 2, 2023, after conducting a properly noticed quasi-judicial public hearing and considering the comments of the public, and the recommendations of Local Planning Agency and the Administrative Official, the Town Council moved the proposed amendment on first reading; and

**WHEREAS**, on May 9, 2023, the Town Council conducted a properly advertised quasi-judicial public hearing on the proposed amendment; and

**WHEREAS** the Town Council finds it in the public interest 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.** After considering Staff's Recommendation and Analysis, both submitted in writing and presented orally and which is accepted as substantial competent evidence, testimony of the Applicant, and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, 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 with the following condition:

1. That the applicant proffer a voluntary covenant ("Declaration of Restrictions") regarding the continued use of the property as a library, and that such covenant be approved by Miami Dade County Board of Commissioners or the applicable governing body or agency within 180 days of the effective day of this order.

**Section 3. Approval of Rezoning.** The Town Council hereby adopts the amendment to the Official Zoning Map for the Property described at Exhibit "A" and depicted in Exhibit "B", from RU-TH, Residential Townhouse District, to BU-2, Medium Density Business District.

**Section 4. 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 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. Effective date.** This Ordinance shall become effective after second reading and upon the Applicant's payment in full of all fees associated with the Applicant's request.

**FIRST READING**

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

Mayor Manny Cid	Yes
Vice Mayor Carlos O. Alvarez	Yes
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Ray Garcia	Yes
Councilmember Marilyn Ruano	Absent

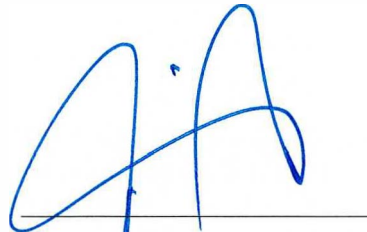
Passed on first reading this 6<sup>th</sup> day of May 2023.

**SECOND READING**

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


Mayor Manny Cid	Absent
Vice Mayor Carlos O. Alvarez	Absent
Councilmember Luis E. Collazo	Yes
Councilmember Josh Dieguez	Yes
Councilmember Tony Fernandez	Yes
Councilmember Ray Garcia	Yes
Councilmember Marilyn Ruano	Yes

Passed and adopted on second reading this 6<sup>th</sup> day of June 2023.



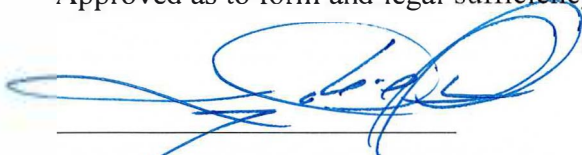
Manny Cid  
Mayor

Attest:



Gina M. Inguanzo  
Town Clerk

Approved as to form and legal sufficiency:



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

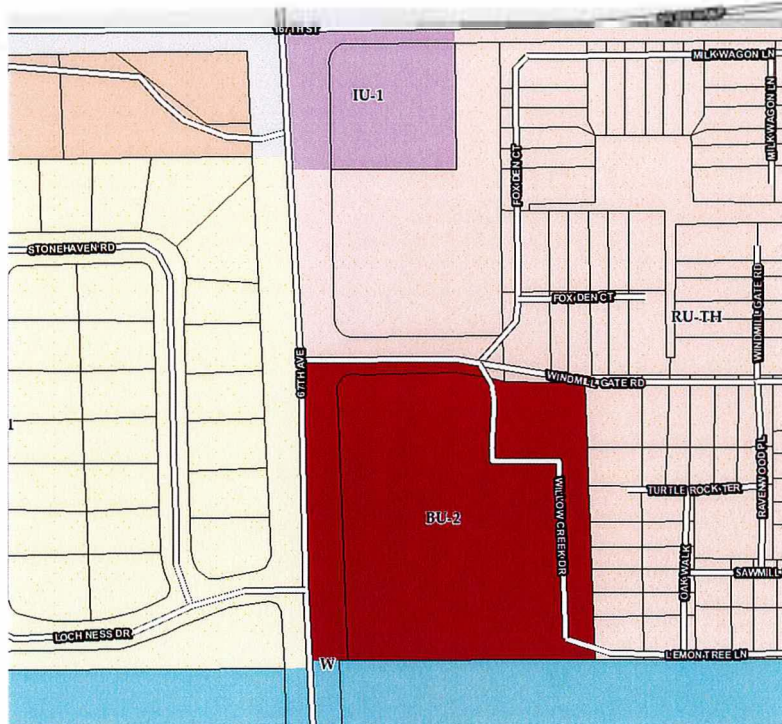
**EXHIBIT A**

**LEGAL DESCRIPTION**

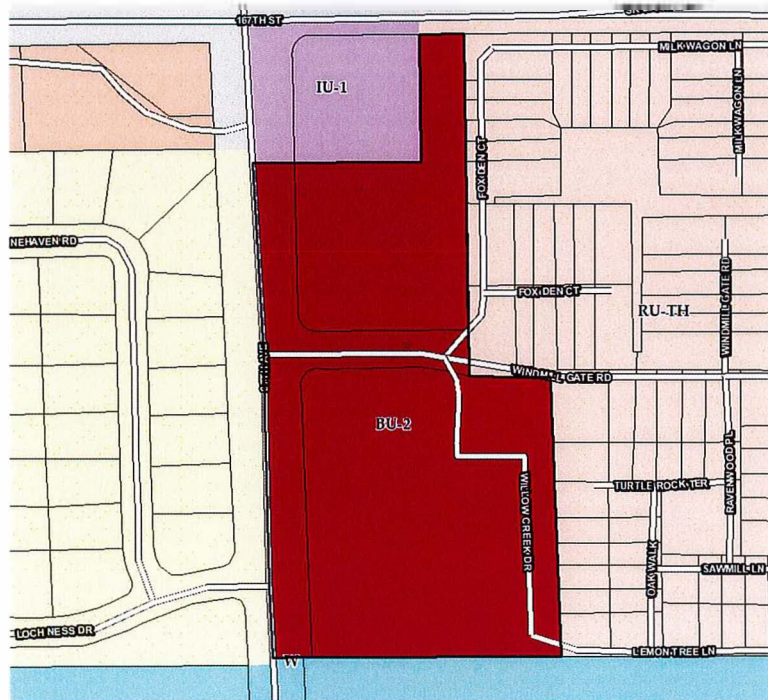
MIAMI LAKES WINDMILL GATE SEC  
TRACT P-55 PB 103-41  
LESS WINDMILL GATE RD R/W &  
PROP INT IN & TO COMMON ELEMENTS  
LOT SIZE 103673 SQ FT  
F/A/U 30-2013-004-2420

**EXHIBIT B**

**MAPS**



Existing zoning map



Proposed zoning map.