

ORDINANCE NO. 2001-01

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING AN ORDINANCE CONCERNING ZONING, PURSUANT TO SECTION 8.3 AND 8.8 OF THE TOWN CHARTER, AMENDING THE MIAMI-DADE COUNTY ZONING CODE AS APPLICABLE TO THE TOWN OF MIAMI LAKES TO SUBSTITUTE TOWN COUNCIL FOR COUNTY AGENCIES AND OFFICIALS, DESIGNATING ZONING OFFICIAL, PROVIDING FOR ZONING COMPLIANCE REVIEW, PROVIDING FOR AUTHORITY OF TOWN COUNCIL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary for the Town Council of the Town of Miami Lakes to initiate procedures for the assumption of regulatory jurisdiction by the municipality, including zoning and planning matters; and

WHEREAS, the Town Council finds that the enactment of this ordinance is necessary so as to protect the public health, safety and welfare of the residents and inhabitants of the Town of Miami Lakes and to implement the jurisdiction of the Town.

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

Section 1. Pursuant to Section 8.8 of the Town Charter, a zoning and planning transitional ordinance is adopted to read as follows:

- (a) Zoning Official; County Staff; Provisions In Effect. Chapter 33 of the Miami-Dade County Code, Zoning , as made applicable to the Town pursuant to the provisions of Section 8.3 of the Town Charter, is amended to substitute the Town Council in the place and stead of County officials, boards or committees, including but not limited to the Board of County Commissioners, the Director of Planning, Development and Regulation and the Community Zoning Appeals Board, so that all zoning review of building permit applications,

zoning variances, special exceptions, and other quasi-judicial action shall be taken by the Council or by the person delegated such authority by the Council pursuant to subsection (b). The County staff shall perform those functions for the Town as may be provided by agreement between the Town and the County. Except as otherwise provided in this ordinance, the provisions of Chapter 33, Zoning, of the County Code, as made applicable to the Town to the extent required by Section 8.3 of the Charter, shall remain in full force and effect until otherwise modified or replaced by the Town Council.

- (b) Zoning Compliance Review and Approval; Standards; Authority To Grant Variances, etc. The Council may delegate to an individual(s), contractor, or board so designated, from time to time, by motion or resolution, the authority and responsibility to review and process all permit applications for zoning compliance and to show zoning approval by a stamp or mark with signature on all copies of applications and plans pursuant to agreement between Miami-Dade County, Florida, and the Town of Miami Lakes, or as otherwise may be subsequently provided. The standards and criteria set forth in Chapter 33 of the Miami-Dade County Code, and as otherwise provided in the codes, ordinances, resolutions and laws made applicable pursuant to Section 8.3 of the Town Charter, shall constitute the standards and criteria which shall govern performance of the duties delegated pursuant to this Section. The authority of the Council to grant zoning variances, special exceptions, or to amend the provisions of the zoning codes shall not be delegated under this ordinance.
- (c) Record of Zoning Compliance Review Actions; Appeal. A list of zoning compliance review actions completed by the delegate of the Council shall be maintained in the Office of the Town Clerk. If any aggrieved applicant or other aggrieved person provides written notice of the appeal of such action to the Town Clerk within seven days after zoning compliance review action is taken by the delegate of the Council, the Council shall within fifteen (15) days, review such action under the standards and criteria referenced in this Section. The decision of the Council shall be final, subject to judicial review by writ of certiorari to the extent provided by law or other method of judicial review provided by law.

Section 3. 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 4. Effective Date. This ordinance shall be effective immediately upon adoption on second reading.

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

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

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

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this 10th day of April, 2001.

Wayne Slaton
WAYNE SLATON
Mayor

ATTEST:

Beatrice M. Biyelle
ACTING TOWN CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Alison S. Beebe
ACTING TOWN ATTORNEY