

**ORDINANCE NO. 04-52**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO LAND DEVELOPMENT CODE; PROVIDING FOR ADOPTION OF PROVISIONS RELATING TO GENERAL PROVISIONS, DECISION-MAKING AND ADMINISTRATIVE BODIES AND DEVELOPMENT APPROVAL PROCEDURES, ALL AS INCLUDED IN EXHIBIT “A” HEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) upon incorporation adopted Chapter 33 “Zoning” of the Code of Miami-Dade County to serve as the Town’s Land Development Code; and

**WHEREAS**, the Town desires to update and streamline the existing Town Land Development Code and to tailor it to the Town’s particular needs and community vision; and

**WHEREAS**, the Town has undertaken a comprehensive rewriting of the Land Development Code, after having conducted workshops and public hearings regarding the Code, and having adopting its Comprehensive Plan pursuant to state statutes; and

**WHEREAS**, as part of the ongoing work to revise the Town Land Development Code, the first three articles of the new Land Development Code have been completed, which articles include provisions relating to General Provisions (Article 1), Decision-Making and Administrative Bodies (Article 2) and Development Approval Procedures (Article 3), attached as Exhibit A hereto; and

**WHEREAS**, after conducting a properly noticed public hearing the Town Local Planning Agency has recommended that the referenced Articles 1-3 are consistent with the Town Comprehensive Plan; and

WHEREAS, after conducting a properly noticed hearing and considering the recommendations of the public, the Local Planning Agency and the Town staff, the Town Council wishes to adopt Articles 1-3 of the Land Development Code attached hereto as Exhibit A.

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

**Section 1. Adoption of Articles 1-3.** That Town Council hereby adopts Articles 1, 2 and 3 of the Town Land Development Code, which are attached as Exhibit A hereto and are incorporated herein.

**Section 2. 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Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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 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. Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provision of this Ordinance shall become and made part of the Town of Miami Lakes, Florida Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

**Section 5. Effective Date.** This Ordinance shall be effective 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 **Pizzi** and upon being put to a vote, the vote was as follows:

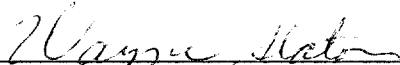
Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on first reading this 13<sup>th</sup> day of **May**, 2004.

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:

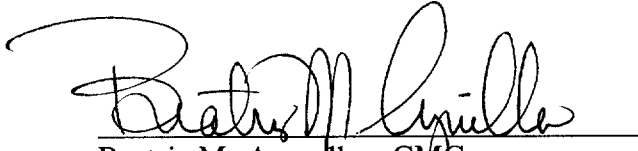
Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this 17<sup>th</sup> day of June, 2004.

  
\_\_\_\_\_  
Wayne Slaton  
MAYOR

Ordinance No. 04-52


ATTEST:



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Beatris M. Arguelles, CMC  
TOWN CLERK

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



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Weiss, Serota, Helfman, Pastoriza, Guedes  
Cole & Boniske, P.A.  
TOWN ATTORNEY

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# EXHIBIT "A"

## Town of Miami Lakes Land Development Regulations

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# **TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE**

## **ARTICLE 1. GENERAL PROVISIONS**

### **DIVISION 1.1 AUTHORITY AND PURPOSE**

This Chapter, the Town of Miami Lakes Land Development Code, is enacted pursuant to the requirements and authority of Chapter 163, Part II, Florida Statutes (Local Government Comprehensive Planning and Land Development Regulation Act), the general powers confirmed in Chapter 166, Florida Statutes (Home Rule Powers Act), the Town Charter and the Constitution of the State of Florida.

The Land Development Code shall apply to all development, including redevelopment or changes in land use, throughout the Town of Miami Lakes. No development, redevelopment or change in land use shall be undertaken without prior authorization pursuant to this Code. When used within this chapter, unless the context indicates otherwise, the term “this Chapter” refers to the Town of Miami Lakes Land Development Code.

It is the purpose of this Chapter to establish comprehensive controls and management for the use of land and water within the Town of Miami Lakes; to preserve the unique Town character; and to protect, promote and improve the public health, safety, comfort, order, appearance, convenience, and general welfare of the people within the Town of Miami Lakes.

### **DIVISION 1.2 RELATIONSHIP TO THE TOWN COMPREHENSIVE MASTER PLAN**

The Land Development Code is established to implement, and be based upon, the Comprehensive Plan in a manner consistent with §163.3201, Florida Statutes.

### **DIVISION 1.3 OFFICIAL ZONING MAP**

The Town of Miami Lakes is hereby divided into zoning districts, as shown on the Official Zoning Map and described in this Code. The Official Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Land Development Code. The Official Zoning Map is the official record of the zoning status of property within the Town. It shall be maintained in the Town offices and shall be identified by the signature of the Mayor, attested to by the Town Clerk, and bear the seal of the Town of Miami Lakes.

**DIVISION 1.4            COMPLIANCE WITH COMPREHENSIVE PLAN AND  
LAND DEVELOPMENT CODE**

All development, redevelopment, alterations, change of use, and change in soil contour, including fill, shall comply with the requirements of the Town of Miami Lakes Comprehensive Plan and the Land Development Code. A development order shall only be permitted if it complies with the goals, objectives and policies of the Comprehensive Plan and the Land Development Code.



## **ARTICLE 2. DECISION MAKING AND ADMINISTRATIVE BODIES**

### **DIVISION 2.1**

### **TOWN COUNCIL**

In addition to any authority granted to the Town Council by state law or by provisions of the Town Charter, the Town Council shall have the powers and duties listed herein concerning this Land Development Code. The Town Council's authority shall include, but not be limited to approval, approval with conditions or modifications or denial. Specifically, but without limitation, the Town Council shall have the authority to:

- (a) Take such action deemed desirable and necessary to implement the provisions of the Land Development Code and the Comprehensive Plan, including acting as the Local Planning Agency for the Town under Section 163.3174, Florida Statutes;
- (b) Adopt and amend the Official Zoning Map in accordance with the procedures outlined herein;
- (c) Adopt amendments to the text of this Land Development Code;
- (d) Review and approve applications for site plan approval;
- (e) Review and approve applications for conditional uses;
- (f) Review and approval of preliminary plats, and review and approve final plats before recording in accordance with the procedures of this Land Development Code;
- (g) Review applications for development approval for Developments of Regional Impact (DRI) and to issue development orders therefore;
- (h) Enter into development agreements;
- (i) Review and approve variances for flood regulations;
- (j) Grant, deny, or grant with conditions, variances to setback lines, frontage requirements, height limitations, lot size restrictions, yard requirements, fences and walls, lot coverage, impervious surface ratio, open space, landscaping, and signs;
- (k) Hear and decide appeals with regard to administrative interpretations or decisions.

## **DIVISION 2.2**

## **LOCAL PLANNING AGENCY**

Pursuant to and in accordance with §163.3174, Florida Statutes, the Town Council is established as the Local Planning Agency for the Town of Miami Lakes, and shall include a non-voting representative of the Miami Dade County School Board consistent with Section 163.3174, Florida Statutes. The Local Planning Agency shall have the powers and duties as provided in the referenced statute, including but not limited to:

- (a) Prepare and recommend to the Town Council amendments to the adopted Comprehensive Plan;
- (b) Monitor the effectiveness and status of the Comprehensive Plan; and
- (c) Review land development regulations and changes to the Official Zoning District Map and make recommendations to the Town Council as to the consistency of the regulation or change with the adopted Comprehensive Plan;
- (d) Serve as the Land Development Regulation Commission, pursuant to Section 163.3164, Florida Statutes.
- (e) Perform any other such duties as required by the Local Government Comprehensive Planning and Land Development Regulation Act.

## **DIVISION 2.3**

## **ADMINISTRATIVE OFFICIAL**

The Administrative Official shall be the Town Manager or his designee, who shall provide technical support and advice for the preparation and implementation of the Comprehensive Plan and this Land Development Code, and shall perform such other functions as requested by the Town Council and authorized by this Land Development Code, and consistent with the Florida Building Code. Specifically, and without limitation, the Administrative Official shall have the following duties:

- (a) Prepare and provide application forms for the development approvals authorized by this Land Development Code, and establish procedures for the processing of all applications, including setting required application filing deadlines to meet public hearing requirements;
- (b) Provide administrative interpretations of this Land Development Code;
- (c) Conduct pre-application conferences with applicants for development approval as required by this Land Development Code or as necessary or appropriate;
- (d) Review and approve building permits for zoning compliance;
- (e) Review and approve certain site plan applications as set forth in Division 3.4 herein;
- (f) Review and prepare recommendations for the Town Council's review of site plan applications which require public hearings;
- (g) Review and prepare recommendations for the Town Council's review of all conditional use and variance applications;
- (h) Review and approve permits for moving a building or structure from one lot or premises to another;
- (i) Review permits for zoning compliance for uses that have received necessary approvals by the Town Council pursuant to this Land Development Code;
- (j) Approve minor changes to approved site plans consistent with this Land Development Code;
- (k) Issue plat approval for lot splits;
- (l) Review and approve certificates of occupancy and certificates of use for zoning compliance;
- (m) Prepare as necessary the record upon which each final decision of the Town Council pursuant to the Land Development Code is based, for purposes of any appeal to the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County;
- (n) Approve administrative (de minimus) setback variances; and
- (o) Approve sign permits.

## ARTICLE 3. DEVELOPMENT APPROVAL PROCEDURES

### DIVISION 3.1

### GENERALLY

- (a) **Building Permit Required.** A building or other structure may not be erected, demolished, moved, added to, or structurally altered, nor shall any site be cleared or graded, until the Building Official has issued a permit for such work. A building permit shall be granted only after the applicant has submitted all applications, including appropriate supportive information, plans, and fees required by the Town of Miami Lakes, and after the applicant has received any development approvals required by this Land Development Code from the Town Council. Such approvals may include, but are not limited to, the following:
1. Conditional Use permit (see Division 3.3).
  2. Site plan approval (see Division 3.4).
  3. Variance (see Division 3.5).
  4. Official Zoning District Map Amendment (see Division 3.6).
  5. Text Amendment to the Land Development Code (see Division 3.6).
  6. Comprehensive Development Master Plan Amendment (see Division 3.7).
  7. Plat approval (see Division 3.8).

These land development regulations shall be supplemental to the Florida Building Code and no approval shall be granted pursuant to this Land Development Code that is inconsistent with the Florida Building Code.

- (b) **Pre-application Conference.** A mandatory pre-application conference with the Administrative Official is required prior to submitting applications for rezonings, Comprehensive Plan amendments, site plan approvals, variances or conditional use approvals. The purpose of the pre-application conference is to provide potential applicants an opportunity to discuss conceptual development and determine applicable public policy and regulatory procedures. A potential applicant may request a pre-application conference to discuss any other development approval and the application requirements and procedures related thereto.
- (c) **Application and Fee for Building Permit and Development Approval.** All applications for building permits or any other type of development approval shall be filed with the Administrative Official, in a form specified by the Administrative Official and in the number of copies as shall be required by the Administrative Official. The application shall be accompanied by a fee as is established from time to time by the Town Council to defray the cost of processing the application and no application shall be accepted nor a review conducted until the fee is paid to the Town.

1. All applications shall include the following documents:
  - a. One (1) copy of the application signed by the applicant and by the property owner, plus two (2) copies of all necessary supportive construction drawings and documents;
  - b. Location map including geographic coordinates at a scale not less than 1"=1000';
  - c. Identification of key persons, including, if applicable, Owner; Owner's Authorized Agent, if any; Architect and Engineer; Landscape Architect; other representatives or professionals involved in the application, if any;
  - d. A verified statement disclosing the name of each person having a legal or equitable ownership interest in the subject property. Where the owner is a private corporation or partnership, the name of each person holding an interest in such entity shall be disclosed; where the owner is a publicly held corporation, the stock of which is traded on a nationally recognized stock exchange, the names and addresses of the corporation and principal executive officers shall be disclosed, together with the names any stockholder owning a majority of the stock;
  - e. A current certified survey, which accurately depicts site conditions in a manner acceptable to the Administrative Official, at a scale not less than one (1) inch equals thirty (30) feet, certified by a Florida registered land surveyor. Where a survey is more than five (5) years old, the owner shall verify by affidavit that the survey is accurate;
  - f. Sealed elevation plans showing all four elevations (i.e., north, south, east and west), including heights, distances, and dimensions of both existing and proposed new building conditions;
  - g. Sealed floor plans of all existing buildings (cross hatched) with proposed additions. Revisions shall be clouded;
  - h. A scaled site plan as required by Division 3.4;
  - i. Copies of all applicable past variances and resolutions applicable to the site;
  - j. Copies of permits required by other agencies;
  - k. Legal description;

- l. Such other information as required by the Administrative Official as may be necessary to determine conformance with and provide for the enforcement of the Land Development Code;
- m. In order to assure that proposed developments are developed in compliance with the provisions contained in the Land Development Code, the Administrative Official shall require proof of land ownership by warranty deed or other instrument approved by the Town. The Administrative Official may require a property owner to file supporting legal instruments as outlined below.
  - Unity of Title. A unity of title, or other similar agreement or covenant, may be required to be submitted on a form approved for legal sufficiency by the Town Attorney.
  - Maintenance of Common Areas and Facilities. A homeowners' association, or similar association, shall be created for the entire development (total property) as a master association, which shall provide for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase in regard to maintenance of buildings and other common areas so long as said associations, or the members thereof, are made members of the master association; or, the property owner shall execute and record among the public records a covenant running with the land for the entire property providing for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land.
  - Reciprocal Rights or Cross-easements. Recordable documents may be required to establish reciprocal rights or covenants in cross easements for purposes of facilitating effective provision and maintenance of infrastructure, including water and sewer lines, common parking areas, streets, driveways, entrances, exits, and similar improvements provided for the common benefit pursuant to this Land Development Code.
  - Breach of Agreements. The recording of separate mortgages on each phase subsequent to the recording of a unity of title or other similar agreement or covenant shall not be deemed as a breach of the agreement, nor shall sales of individual units in the development.

2. The Administrative Official may make a written determination to waive required documents if in his determination they are not necessary to protect the public interest or adjacent properties; or bear no relationship to the proposed project or its impacts on the environment, public facilities or adjacent land uses; or are impractical based on the characteristics of the proposed use.
  3. Each application shall also contain documents as may be required by the specific additional development approval process that applies to the application, pursuant to the relevant sections of this Land Development Code.
- (d) **Review for Completeness.** Upon receipt of an application, the Administrative Official shall have ten (10) working days for residential applications and fourteen (14) days for non-residential applications to determine that the application is complete and, thereafter, accept or reject the application. The Administrative Official shall notify the applicant in writing of the acceptance or rejection, including written findings of non-completeness, if rejected. The Administrative Official shall not be required to take further action on the application until the deficiencies are remedied. Once the application is determined complete, it shall be reviewed in accordance with the applicable provisions of this Land Development Code. However, any modification to the application thereafter shall require an additional completeness determination pursuant to this paragraph, and may delay the processing of the application, or review and action on the requested approval.
- (e) **Administrative Official Review and Recommendation.**
1. Each application shall be reviewed by the Administrative Official or designee. The Administrative Official may retain consultants to assist in the review of an application if the nature and content of the application requires professional expertise in one or more professions not available on the Town staff. The cost of retaining the consultants shall be borne by the Applicant in the manner set forth by resolution of the Town Council. The Administrative Official shall review each application for compliance with all applicable land development regulations.
  2. Application Conferences. One or more conferences between the representatives of the applicant and the Administrative Official and designated staff may be required in order to expedite the review of the proposed development, coordinate local review with respect to all applicable Town ordinances, and to inform the Town staff of the proposed plan in preparation. The conferences shall be informal and focus primarily on the following:

- a. To inform the Town staff of any related development approvals in order to facilitate Town planning including, but not limited to, the efficient management of issues related to public facilities and service impacts and any area-wide land use impacts.
  - b. To inform the applicant of the Town's planning policies and potential issues surrounding the scale and character of the proposed development, including related land use and infrastructure concerns, as well as impacts on schools and other public services. Town staff will alert the applicant to applicable ordinances and regulations as well as specific issues regarding the site and proposed plan for its development.
  - c. To clarify and inform both the applicant and the Town concerning the development approval procedure.
3. In cases where the Administrative Official must provide review and recommendation to the Town Council, the Official shall provide a written staff report, together with recommendations for denial, approval or approval with conditions, including such conditions that the Administrative Official deems advisable. The Administrative Official shall schedule any public hearing that may be required and shall advise the Applicant as to any public notice requirements for the approval. Public notices shall be provided pursuant to Division 3.9 of this Land Development Code.

(f) **Withdrawal or Denial with Prejudice.**

1. Without Prejudice. The applicant shall be entitled to a continuance or withdrawal of an application for development approval if the request is made not later than five (5) working days before final action of the application by the decision-making body or person. Requests for a continuance or withdrawal received later than five (5) working days before the date the decision is to be made, or the public hearing is to take place, shall be granted by the decision-making body or person only with or without prejudice.
2. With Prejudice. Whenever any application for a development approval is withdrawn or denied with prejudice, an application for development approval for all or part of the same land shall not be considered for a period of one (1) year after the date of denial, unless the subsequent application involves a development proposal that is materially different from the prior proposal, or unless the person or a majority of the Town Council, or whomever makes the final decision on the application determines that the prior denial was based on a material mistake of fact. For the purpose of this subsection, an application for development



approval shall be considered materially different if it involves a change in use, or a change in intensity of density of use of twenty-five percent (25%) or more. The body or person charged with the development application approval under such successive application shall resolve any questions concerning the similarity of a second application.

- (g) **Issuance of Building Permit.** A building permit shall be issued only after the Administrative Official determines that the structure, building site and the proposed use thereof comply with the requirements of this Land Development Code and all development approvals granted pursuant to this Land Development Code. The burden of such demonstration shall rest with the applicant. The building permit shall also comply with the Florida Building Code and the applicable laws. The issuance of a permit shall not be deemed to permit any violation of this Land Development Code or any other Code of Ordinances and applicable laws.
- (h) **Posting of Bond for Public Improvements.** The Town of Miami Lakes shall require the posting of a bond, letter of credit or cash bond covering a minimum of seventy five (75%) of the cost for required improvements to protect the public interest, including, but not limited to: drainage systems, potable water systems, wastewater disposal, roadway improvements, sidewalks, or other requisite public improvements.
- (i) **Record of Action.** One (1) copy of the development approval and its component parts, including all application materials, shall be returned to the applicant after the Administrative Official has marked such copy approved or disapproved and attested to same, by the Administrative Official's signature on the copy. The applicant's copy shall become part of the construction plans and be kept on the premises of construction and available for review by the Town of Miami Lakes. This copy of the plan shall be considered as the Town's property and upon request shall be returned to the Town. The other copies, similarly signed, shall remain with the Town of Miami Lakes and become a public record.
- (j) **Required Display of Building Permit.** A building permit or copy thereof shall be kept on the premises affected, in a conspicuous location visible from the public right-of-way and protected from the weather, whenever construction work is being performed thereon. An owner, contractor, worker or other person shall not perform any building operations of any kind unless a building permit covering such operation is displayed as required by this Land Development Code, nor shall they perform construction operations of any kind after notification of the revocation of the building permit.
- (k) **Inspections.** Where construction is proceeding or at any time during the course of the valid period of a building permit, the Town staff shall be authorized to inspect the premises to determine conformity with the approved plans as well as compliance with the Building Code and Land Development Code.

- (l) **Development Approval Expirations.** If, within twelve (12) months of the date of development approval under this Chapter a building permit has not been issued, the approval becomes null and void; provided, however, that the original approving body and applicant may jointly agree to extend such period of approval. Once begun, construction of a project shall continue to completion without interruption. Interruption shall be evidenced by six months or more of inactivity on the development site or the phase under construction. Where a building permit expires prior to the Town's consideration of an application for a new building permit, the Town may require the filing of a new application that shall include necessary revisions to achieve compliance with the most current Land Development Code and other applicable laws and ordinances that may have been enacted after the original approval.
  
- (m) **Certificate of Occupancy or Certificate of Use.** Land shall not be occupied or used and a building shall not hereafter be erected, altered, extended, used, moved, or changed in use until the Administrative Official shall have issued a certificate of occupancy or a certificate of use. The certificate shall state that the building, structure or proposed use thereof complies with the provisions of the Land Development Code and adopted building codes. Where a certificate of occupancy is not applicable, a certificate of use shall be issued in the same manner as a certificate of occupancy.
  
- (n) **Permits May Be Revoked.** Where a permit has been issued that is subsequently found to violate any local or state codes, such permit may be revoked upon notice to the applicant, unless the applicant submits a revision to correct the violation and the Town accepts the revision.
  
- (o) **Easements Not to Be Adversely Affected by Permits.** Where real property is encumbered by one (1) or more easements for drainage purposes, canal maintenance, water, sewage, gas, telephone, power lines, fire lanes, or similar purposes and the easement is of record, by deed, survey, plat, land use map, or otherwise, and is of notice to the Town of Miami Lakes, no permit shall be issued unless the applicant therefore secures from the easement owner a written statement that the proposed use, building or structure, if installed in the proposed manner, will not interfere with the owner's reasonable use of the easement.
  
- (p) **Placement and Removal of Construction Materials/Site Grading.** Construction materials and equipment shall not be deposited on any premises, lot or proposed building site prior to the obtaining of a building permit as required herein. Only materials applicable to the permitted work on the site shall be placed on that site. A site shall not be graded nor shall trees be removed until a permit is issued. Surplus materials, construction debris, and construction equipment shall be removed from the premises if the job is abandoned or delayed, and before a certificate of occupancy shall be approved.

DIVISION 3.2 DEVELOPMENT APPROVALS BY THE ADMINISTRATIVE OFFICIAL

- (a) **Permitted Use.** The Administrative Official shall have the authority to review and act on any application for development approval for a permitted use in the zoning district in which development is proposed. Every permitted use, except as exempted below, must receive site plan approval. After reviewing all staff comments, the Administrative Official shall act to approve, approve with conditions, or disapprove the site plan based on the criteria for site plan approval contained in Division 3.4 of this Land Development Code. The Administrative Official shall provide written comments documenting any conditions of approval. If the site plan is denied, the Administrative Official shall specify in writing the reasons for the denial. Notwithstanding the above, the Administrative Official shall have the authority to require that the Town Council review and act upon the site plan in cases where, in his opinion, the proposed site plan has a design, intensity or scale that may produce potential area-wide impacts that should be considered in a hearing before the Town Council. The Administrative Official shall not have the authority to approve site plan applications for those uses that require conditional use or variance approvals, with the exception of administrative setback variances pursuant to this Division.
- (b) **Improvements Exempted from Site Plan Review.** The Administrative Official shall have the authority to review and act on the following improvements that are exempted from site plan review:
1. Individual Single-family dwellings and duplexes; however, for single family or duplex lakefront properties, any improvements or structures on the waterside of the top of the slope require site plan review.
  2. Landscape changes which do not decrease the landscape or pervious area;
  3. Decks or walkways which do not exceed 12 inches above existing grade and do not reduce the landscaped or pervious area below the minimum requirements;
  4. Utility sheds or accessory buildings which do not exceed 100 square feet, so long as each lot or contiguous area under unity of title does not exceed one shed per property;
  5. Fences;
  6. Flag poles;
  7. Signs, unless the signs are part of a new building or development which requires site plan approval.

8. Alterations or remodeling to existing buildings which affect less than fifty (50) percent of the floor area of the principal building or use, or the cost of said alterations or remodeling is less than fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements.

Exemption of any items listed above shall not eliminate any of the enumerated items from the requirements of the site plan review process if the item is a part of a proposed project or improvement that is subject to site plan review.

- (c) **Minor Site Plan Amendments.** Any changes or amendments to an approved site plan shall require a re-submission in accordance with the provisions of this Chapter. However, if the Administrative Official determines that the requested site plan change is minor, the Administrative Official shall have the authority to review and approve the minor change with or without conditions. The Administrative Official shall not approve the amended site plan unless he finds that the changes:

1. Are compliant with minimum requirements of the Code;
2. Do not increase the intensity of the project;
3. Do not violate any conditions of approval;
4. Do not increase the Floor Area of the project;
5. Are compliant with concurrency requirements; and
6. Satisfactorily address land use compatibility, buffering, screening, and landscaping.

Prior to the release of a Certificate of Occupancy, a Certificate of Use or a release of bond, the Applicant shall file with the Town an as-built site plan showing the approved changes.

- (d) **Moving of Buildings and Structures; Bond Required.** No building or structure shall be moved from one (1) lot or premises to another unless the building or structure shall thereupon be made to conform to all the provisions of this Land Development Code. A building shall not be moved on, across or along a public street without a permit being obtained from the Administrative Official. The building to be moved shall be routed over public rights-of-way as directed by the Administrative Official. The Administrative Official shall require as a condition of a permit to move a building or structure from one (1) lot or premises to another that the permit holder post a bond, either in cash or surety company bond, meeting with the approval of the Administrative Official. The bond may be a cash bond,

not to exceed two thousand five hundred dollars (\$2,500.00), deposited with the Town Clerk, or a surety bond, payable to the Town of Miami Lakes, and shall be conditioned upon the Applicant's compliance in all respects with the Building and Land Development Codes pertaining to the area on which such a building is to be moved.

(e) **Administrative (de minimus) Setback Variances.** When the literal or strict enforcement of the provisions of this Land Development Code cause unusual, exceptional, unnecessary difficulties or undue hardship or injustice because of the size of the tract, parcel or lot, the topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, the Administrative Official or his or her designee may grant a variance for setback requirements in accordance with the following procedure:

- (1) A variance for a setback requirement shall be submitted to the Administrative Official or his or her designee in the form of a written application prepared by the Town and accompanied by a fee in an amount as established by the Town from time to time.
- (2) The application shall set forth the special conditions and circumstances that exist which are particular to the land involved and are not applicable to other surrounding lands and the basis for seeking to encroach into the setback requirements.
- (3) The applicant shall clearly identify how a literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties located in the Town and that the granting of the variance requested will not confer on the applicant any special privilege that is otherwise denied other plans.
- (4) To approve a variance application, the Administrative Official shall find
  - a. That the requirements of this paragraph (e) have been met; and
  - b. The reasons set forth in the application justify the administrative granting of the variance; and
  - c. That the variance is the minimal variance that would make possible the use of the land; and
  - d. That the granting of the variance would be in harmony with the general purpose and intent of the Code of Ordinances; and
  - e. That the variance shall not be injurious to the surrounding property owners and impair desirable general development of the neighborhood or the community as proposed in the Town's

comprehensive plan or otherwise be detrimental to the public welfare.

- (5) An administrative variance granted under this section shall not be permitted for new construction on vacant land and shall only be applicable for additions and remodelings to existing buildings. The sum of all setback variances approved by the administrative official under these administrative procedures shall not exceed twelve (12) inches for each property or lot.
- (6) The Administrative Official shall give written notice of his preliminary determination regarding the administrative variance as provided in Division 3.9, and shall hear any objections regarding the preliminary determination during a subsequent thirty (30) day period. At the conclusion of the thirty day (30) period, the Administrative Official shall approve, approve with conditions, or deny the administrative variance by written order.
- (7) An applicant shall have thirty (30) days from the issuance of an order denying an application for variance to file an appeal with the Town Clerk for the matter to be heard by the Town Council. The appeal shall be filed with the Town Clerk no later than thirty (30) days from the date of the order. The appeal shall clearly state that the denial of the application for the variance constitutes an error by the administrative official and that the interpretation of any portion of the regulations or an interpretation of the criteria set forth in this section. Any aggrieved applicant who shall file an appeal of the denial of the administrative variance shall have the opportunity to have the matter heard before the Town Council at its next regularly scheduled meeting. The Town Council shall conduct a de novo, quasi-judicial public hearing on the appeal and issue a written determination approving, approving with conditions, or denying the variance.

(a) **Generally.** The purpose of this division is to ensure that a Conditional Use, a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood, shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This division sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use shall be permitted only upon a finding that the proposed use satisfies the provisions of this division and the Land Development Code.

(b) **Review Procedures.**

1. Application and Administrative Official Review. The application for a conditional use shall follow the submittal requirements in Section 3.4 for Site Plan review applications requiring approval by the Town Council and as supplemented by this division. A mandatory pre-application and site plan approval is required. An application for a conditional use shall describe how the specific land use proposed meets the criteria described below, and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity. In addition, the application shall clearly describe:
  - a. Scale and intensity of the proposed conditional use as measured by the following:
    - i. Floor area ratio and impervious surface ratio;
    - ii. Traffic generation;
    - iii. Square feet of enclosed building for each specific use;
    - iv. Proposed employment;
    - v. Proposed number and type of service vehicles; and
    - vi. Off-street parking needs.
  - b. On- or off-site improvement needs generated by the proposed conditional use and not identified on the preceding list to include the following:
    - i. Utilities;
    - ii. Accessory structures or facilities;
    - iii. Roadway or signalization improvements, or other similar improvements;
    - iv. Public facility improvements required to ensure compliance with concurrency management provisions provided in the Code; and
    - v. Other unique facilities or structures proposed as part of site improvements.

- c. On-site amenities proposed to enhance site and planned improvements. Amenities may include mitigative techniques such as:
  - i. Open space;
  - ii. Setbacks from adjacent properties;
  - iii. Screening and buffers;
  - iv. Landscaped berms to mitigate against adverse impacts to adjacent sites; and
  - v. Mitigative techniques to abate smoke, odor, noise, and other noxious impacts.

- 2. Action by Town Council. Upon receipt of the Administrative Official's report and recommendations, and concurrent with its consideration of the site plan, the Town Council shall schedule a public hearing pursuant to Division 3.9 of this Land Development Code. The Town Council may continue a hearing for up to one month, if necessary, in order to gather additional information. No conditional use shall be acted upon until the required public hearing has been held with required notice. The Town Council shall conduct a quasi-judicial hearing pursuant to the Town Code of Ordinances, and shall issue a Resolution approving, approving with conditions, or denying the conditional use. The Resolution shall contain a written record of findings and any conditions of approval.

(c) **Specific Criteria for Approving a Conditional Use.**

A conditional use shall be permitted upon a finding by the Town Council that the proposed use, application, and site plan comply with the criteria herein specified. A conditional use shall be denied if the Town determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The applicant shall demonstrate the following:

- 1. Land Use Compatibility. The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities in the immediate vicinity. Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. Compatibility shall be measured based on the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:



1. Permitted uses, structures and activities allowed within the land use category.
  2. Building location, dimensions, height, and floor area ratio.
  3. Location and extent of parking, access drives and service areas.
  4. Traffic generation, hours of operation, noise levels and outdoor lighting.
  5. Alteration of light and air.
  6. Setbacks and buffers such as fences, walls, landscaping and open space treatment.
2. Sufficient Site Size, Site Specifications, and Infrastructure to Accommodate the Proposed Use. The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
  3. Compliance with the Comprehensive Plan and Land Development Code. The conditional use and site plan shall comply with environmental, zoning, concurrency and other applicable regulations of this Land Development Code, and shall be consistent with the Comprehensive Plan.
  4. Proper Use of Mitigative Techniques. The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
  5. Hazardous Waste. No conditional use which generates hazardous waste or uses hazardous materials shall be located in the Town unless the specific location is consistent with the Comprehensive Plan, Land Development Code, and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources, as may be applicable now or in the future. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation unless the Town Council approves conditions requiring mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material, and regulate its use, storage and transfer consistent with best management principles and practices.

DIVISION 3.4      SITE PLAN APPROVAL

- (a)    **Purpose.** The purpose of site plan review is to ensure that:
1.      Development of individual sites is consistent with all applicable land use regulations and all other applicable standards and requirements of the Town Code, prior to issuance of development permits;
  2.      Development approvals are based upon the provision and availability of adequate public facilities and services coincident with the impact of the development;
  3.      Development and supportive facilities and services further the public health, safety, comfort, order, appearance, convenience, morale and general welfare; and
  4.      Development is compatible and coordinated with existing and anticipated development within the immediate area surrounding the site.
- (b)    **Development and Uses Requiring Site Plan Review.** All permitted and conditional uses shall require site plan approval unless otherwise exempted from such approval by this Land Development Code, or unless waived by the Town Council pursuant to this Land Development Code. No structure or parking area, or part thereof, shall be erected or used, or any change of use consummated, nor shall any building permit be issued therefore unless a site plan for such structure or use shall have been submitted, reviewed and approved pursuant to the provisions of this Land Development Code. All buildings, or structural alterations or remodeling of buildings, where said alterations or remodeling affects fifty (50) percent or more of the floor area of the principal building or use, or the cost of said alterations or remodeling exceeds fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements, shall require site plan approval. All land improvements and site alterations of any nature whatsoever shall comply with these site plan regulations.
- (c)    **Waiver.** The Town Council shall have the authority to waive site plan requirements for modifications to existing structures that are necessary in order to comply with the requirements of the Town's adopted Life Safety Code.
- (d)    **Application.**

All site plan applications shall be reviewed and approved in accordance with the provisions herein prior to obtaining a building or other development approval.

(e) **Exemptions from site plan review.**

No site plan review shall be required under this division for the following improvements:

1. Individual Single-family dwellings and duplexes, however, for single family or duplex lakefront properties, any improvements or structures on the waterside of the top of the slope require site plan review.
2. Landscape changes which do not decrease the landscape or pervious area;
3. Decks or walkways which do not exceed 12 inches above existing grade and do not reduce the landscaped or pervious area below the minimum requirements;
4. Utility sheds and accessory structures which do not exceed 100 square feet, so long as each lot or contiguous area under unity of title does not exceed one shed per property;
5. Fences;
6. Flag poles;
7. Signs, unless the signs are part of a new building or development which requires site plan approval.
8. Alterations or remodeling to existing buildings which affect less than fifty (50) percent of the floor area of the principal building or use, or the cost of said alterations or remodeling is less than fifty (50) percent of the fair market value of the improvement of the site prior to the alterations or improvements.

The above exemptions shall be included as part of any development project otherwise requiring site plan review.

(f) **Application.**

(1) Town Review

(a) The Town Administrator may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review when it meets one (1) or more of the following criteria:

- 1 Encompasses two (2) or more acres of land within the application;

- 2 Proposes fifty (50) or more dwelling units and/or twenty thousand (20,000) square feet of nonresidential building area;
- 3 Requires, by the nature and content of the application, professional expertise in one (1) or more professions not available on the administrative staff of the Town.

(b) The cost of retaining the consultants shall be borne by the applicant.

(2) Submission requirements.

Applications for site plan review shall be accompanied by the following information and processed by the Town only after the applicant has complied with the following procedural requirements.

(a) The initial application shall include two (2) copies of all site plans and required supporting documentation together with an application signed by the owner of record and submitted to the Administrative Official. If it is determined by the Administrative Official that the site plan application requires approval by the Town Council, then twelve (12) copies of all site plans and supporting documentations must be submitted before a public hearing can be scheduled.

(b) Any portion of a site plan involving architecture, landscape architecture, engineering or surveying shall be certified by the individual responsible for the portion of the site plan and shall bear the seal, registration number, name and address of said individual.

(c) All site plans shall be prepared at a scale not smaller than one (1) inch equals forty (40) feet and shall be submitted on sheets twenty-four (24) by thirty-six (36) inches.

(d) All site plans submitted for review and approval shall include the following information for all existing and proposed improvements:

1. Location map at a scale of not less than one (1) inch equals two hundred (200) feet.
2. Every site plan shall show the name and address of the owner and/or developer, the county, state, legal description, north arrow, date and scale of drawing and number of sheets. In addition, it shall reserve a blank space on the front page; three (3) inches wide and five (5) inches high for the use by the Town.

3. A boundary survey, including legal description of the tract, at a scale of one (1) inch equals forty (40) feet, showing the location and type of boundary evidence.

4. Deed, title abstract, and verified statement showing each and every individual person having a legal or equitable ownership interest in the subject property, except publicly held corporations, in which case the names and addresses of the principal, corporate officers and directors shall included.

5. All existing and proposed street right-of-way reservations and easements, canals and watercourses, their names, numbers and widths; as well as the owner, existing zoning and present use of all adjoining properties.

6. The density or intensity of land use to be allocated to all parts of the site to be developed together, with tabulations by area and percentages thereof. Such allocations shall include, but not be limited to:

- i. Total site area
- ii. Density (dwelling units per acre) or intensity (units per acre or ratio of gross floor area to total site area)
- iii. Total floor area by floor
- iv. Percentage of site covered by building(s)
- v. Pervious space and landscaped area(s)
- vi. Vehicular circulation and parking area(s)
- vii. Location, area and use of all other portions of the site; i.e. setbacks.

7. The location, size and character of any common open space, and the form of organization proposed to own and maintain any common open space.

8. The proposed location, general use, number of floors, height and the net and gross floor area for each building to include outside display areas, and where applicable, the number, size and type of dwellings.

9. Location, type and size of vehicular entrances to the site.
10. Location, type, size and height of fencing, walls and screen planting where required under the provisions of this Land Development Code.
11. Off-street parking, loading spaces and walkways, indicating type of surface, size, angle and width of stalls and aisles, together with a schedule showing the number of parking spaces provided and the number required by the provisions of this Land Development Code;
12. All proposed signs and exterior lighting;
13. The provisions for the disposition of open space and a landscape and irrigation plan indicating the location, type, size and description of all proposed landscape materials including the limits or extent of tree removal or tree protection including compliance with the Town's tree regulations.
14. All existing and proposed utilities, including, but not limited to:
  - i. Water and sanitary sewer or on-site septic tank.
  - ii. Telephone, electric, gas and other utilities.
  - iii. Solid waste disposal facilities including containers or other equipment.
15. Provisions for the adequate disposition of natural and stormwater in accordance with the adopted design criteria and standards of the Town, indicating the location, size, type and grade of ditches, catch-basins and pipes and connections to the existing drainage system on site system, as well as compliance with all DERM criteria.
16. Provisions for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.
17. Existing topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) percent, in which case either one-foot contours or spot

elevations shall be provided where necessary, but not more than one hundred (100) feet apart in both directions.

18. Proposed finished grading by contours supplemented where necessary by spot elevations and in particular at those locations along lot lines.

19. All horizontal dimensions shown on the site plan shall be in feet and decimal fractions of a foot to the nearest one-tenth of a foot (0.1'); and all bearings in degrees, minutes and seconds to the nearest second.

20. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.

21. Any additional data, plans or specifications which the applicant believes is pertinent and will assist in clarifying the application.

22. All requested variances that would require approval of the Town. Said variances shall be obtained prior to submittal of the site plan application.

23. **Concurrency Facilities and Other Utilities or Services.** Site plans shall satisfy concurrency management requirements of this Land Development Code. The application shall identify demands on concurrency facilities generated by the proposed development and identify how the demands shall be accommodated through improvements. The site plan shall also list the utility providers currently serving the site, together with a description of the existing infrastructure serving the site. Include on the site plan the location, design and character of all concurrency facilities and other utilities, such as underground or overhead electric lines, gas transmission lines, or other similar facilities or services. Concurrency facilities shall include the following:

i. **Potable Water Supply.**

Identify projected average daily potable water demands at the end of each development phase and specify the consumption rates which have been assumed for the projection.

Provide proof of coordination with the Miami-Dade County Water and Sewer Department. Assess the present and

projected capacity of the water supply system and the ability of such system to provide adequate water for the proposed development.

Describe measures taken to ensure the water pressure and flow will be adequate for fire protection for the type of construction proposed. Provide sizing of distribution lines, rim and invert elevations, direction of flow and top and bottom elevations.

Denote both planned system improvements required to establish or maintain adopted level of service and proposed funding resources to provide these improvements.

ii. Wastewater Management.

Where septic tank and waste disposal drain fields are proposed, provide proof of coordination with Miami-Dade County Department of Environmental Resource Management.

Where the Miami-Dade County sewage system is to service the site, provide projected average daily flows of wastewater generated by the development at the end of each development phase. Describe proposed treatment system, method and degree of treatment, quality of effluent, and location of effluent and sludge disposal areas. Identify method and responsibilities for operation and maintenance of facilities. Provide sizing of collection lines, rim and invert elevations, direction of flow and top and bottom elevations.

If public facilities are to be utilized, provide proof of coordination with the Miami-Dade County Water and Sewer Department. Assess the present and projected capacity of the treatment and transmission facilities.

Denote any planned system improvements required to establish or maintain adopted level of service.

iii. Water Quality. Discuss disposal areas, septic tank drain field, urban runoff areas impervious surfaces, and construction related runoff. Describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of potential pollution sources upon the



quality of the receiving waters prior to, during and after construction.

Identify any wastewater disposal areas, septic tank drain field, urban runoff areas impervious surfaces, and construction related runoff. Describe anticipated volume and characteristics. Indicate measures taken to minimize the adverse impacts of these potential pollution sources upon the quality of the receiving waters prior to, during and after construction.

Describe plans for re-vegetation and landscaping of cleared sites including a completion schedule for such work.

- iv. Stormwater Management. A stormwater management plan for the site shall be provided, including:

Design and specification to comply with concurrency management;

Retention of runoff or discharge of such runoff into adequately sized natural vegetative filtration areas in manner approximating the natural runoff regime;

Permanent drainage systems which make maximum use of natural drainage patterns, vegetative retention and filtration; and

Evidence that the proposed drainage improvements shall accommodate stormwater run-off without adversely impacting natural systems or the Town's adopted level of service for drainage.

- v. Solid Waste. Identify projected average daily volumes of solid waste generated by the development at the end of each phase. Indicate proposed methods of treatment and disposal, including identification of any hazardous waste and means of disposal. Provide proof of coordination with Miami-Dade County Department of Solid Waste Management. Assess the present and projected capacity of the solid waste treatment and disposal system and the ability of such facilities to provide adequate service to the proposed development. Provide proposed location and screening of containers or other equipment.

- vi. Roadway. Traffic studies shall be prepared by a licensed Florida traffic engineer. Provide a projection of the expected vehicle trip generation at the completion of each development phase. Describe in terms of external trip generation and average daily as well as peak hour traffic. Evaluate the capacity of the existing roadway network serving the development. Provide recommendations for any required improvements to the existing network required by the proposed development including additional right-of-way, roadway improvements, additional paved lanes, traffic signalization, access and egress controls, and other similar improvements.
- vii. Recreation. Identify projected demand generated by the development and describe land and facility improvements provided to ensure the Town's adopted level of service is not adversely impacted.
- viii. Fire Protection. Identify existing and proposed hydrant locations in relationship to building(s) and other fire protection systems. The applicant may be required by the Miami-Dade County Fire Rescue Department to provide fire wells to augment the available water supply.
- ix. Other Public Facilities. Discuss provisions included in the proposed development to minimize adverse affects upon the following facilities: educational, police, fire protection, health care and disaster preparedness, telephone, electric power, gas, and other utilities. Include map of the service areas of all existing and proposed public facilities (such as sewage, water supplies, fire protection, health care) which serve the site, and a map of the transportation network impacting the site and surrounding area.
- x. Historic and Archaeological Resource Protection. Include a review of the project's impact on archaeological and historic resources.

**(g) Submission and review procedures.**

- (1) An application for a site plan review shall be made to the Town prior to an application for a building or development approval and will only be accepted if the application complies with all other provisions of the Town Code.

- (2) Except as may otherwise be required by law or administrative procedures, all required county, regional, state or federal agency approvals shall be obtained prior to the submission of an application for site plan review. In cases where intergovernmental coordination efforts are incomplete, the Applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.
- (3) Upon receipt of a site plan application, the Town shall have ten (10) working days for residential applications and fourteen (14) days for non-residential applications to determine its appropriateness and completeness and accept or reject the application. As soon as practical after the acceptance of the application, the Administrative Official shall either approve the site plan or refer the application, together with all supporting documentation and staff recommendations, to the Town Council for its review and action.
- (4) Upon receipt of the application, the Town Council shall review said site plan and by written resolution take one (1) of the following actions together with its findings in respect to the proposed development as set forth in this division.
  - (a) Approval as submitted.
  - (b) Approval with changes and/or special conditions.
  - (c) Denial.
- (h) **Public Hearing.** Prior to taking action on any site plan submitted, the Town Council shall hold a quasi-judicial public hearing at which time all interested parties shall be heard. Notice of the public hearing shall be given as provided in Division 3.9.
- (i) **Findings.**
  - (1) The granting or granting with conditions or changes of approval by written resolution shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without changes or special conditions. The resolution shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following:
    - (a) In what respects the plan is or is not consistent with the Comprehensive Plan and the purpose and intent of the zoning district in which it is located.

- (b) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.
- (c) In what respects the plan is or is not in conformance with the Town requirements including the design and construction of streets, utility facilities and other essential services.
- (d) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:
  1. Relationship to adjoining properties.
  2. Internal circulation, both vehicular and pedestrian.
  3. Disposition of open space, use of screening or buffering and preservation of existing natural features including trees.
  4. Building arrangements both between buildings in the proposed development and those adjoining the site.
- (e) In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.
- (j) Upon the Town Council granting of approval, either as submitted or with changes and/or special conditions, the Administrative Official shall upon application, issue a building permit for a portion or all of the proposed development after it is found that the application is in compliance with the approved site plan, Florida Building Code, and all other Town, county, state and federal requirements.
- (k) Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this Division and Division 3.2.
- (l) **Appeals.** Within thirty (30) days of action taken by the Town Council, the applicant may appeal the decision under Division 3.10 of this Land Development Code.
- (m) **Transferability.** In the event the property receiving site plan approval shall be sold, transferred, leased, or the ownership thereof changes in any way whatsoever, the site plan approval, unless stated otherwise, shall be transferable.

DIVISION 3.5      VARIANCES

(a)    **Generally.** As used in this Land Development Code, a variance is a relaxation of the terms of the Land Development Code, where such relaxation in term will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

(b)    **Permitted Variances.**

A variance is authorized to be granted by the Town Council only for setback lines; lot width; street frontage; lot depth; lot coverage; landscape or open space requirements; height limitations; yard regulations; fences and walls; signs, off-street parking; the requirements of the flood regulations and other matters specifically permitted as variances pursuant to this Land Development Code. Administrative setback variances shall be permitted pursuant to Division 3.2(e) of the Land Development Code.

(c)    **Prohibited Variances.** The Town Council may not grant a variance for an unauthorized use, one that is contrary to the Comprehensive Development Master Plan or Land Development Code, or one that is not permitted in the zoning district as either a permitted or conditional use. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district or because of prior variances granted. Similarly, a variance shall not be granted which increases or has the effect of increasing density or intensity of a use beyond that permitted by the Comprehensive Plan or this Land Development Code.

(d)    **Application.** The Applicant shall submit an application for a variance pursuant to the general procedures in Division 3.1. A “complete application” shall include the application form, the fee, a current survey, building elevations, a site plan, and a landscape plan where required, as well as all supplemental information required by the Administrative Official and necessary to render determinations related to the variance request. New or amended site plans shall not be accepted after notification has been given by mail or by publication for the public hearing on the variance.

(e)    **Quasi-Judicial Public Hearing.** Upon receipt of a complete application for a variance, the Town Council shall hold a quasi-judicial hearing upon the application pursuant to the requirements of the Town Code. Members of the general public shall be permitted to speak at the hearing.

(f) **Town Council Action and Criteria for Approval.** After the hearing, the Town Council as applicable shall adopt a Resolution granting, granting with conditions, or denying the variance.

1. Criteria. In order to authorize any variance from the terms of this Land Development Code, the Town Council, as applicable, shall find all of the following:
  - a. Variance Consistent with Authorized Powers. That the variance is in fact a variance as set forth in the Land Development Code and within the province of the Town Council.
  - b. Existence of Special Conditions or Circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
  - c. Conditions Not Created by Applicant. That the special conditions and circumstances do not result from the actions of the Applicant.
  - d. Special Privileges Not Conferred. That granting the variance requested will not confer on the Applicant any special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district.
  - e. Hardship Conditions Exist. That literal interpretation of the provisions of this Land Development Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant. The purchase of property which is an illegal nonconformity with this Land Development Code shall not be considered a hardship for grant of a variance, nor shall conditions peculiar to the property owner be considered.
  - f. Only the Minimum Variance Granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  - g. Not Injurious to Public Welfare or Intent of the Land Development Code. That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and this Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

2. Notwithstanding the criteria in paragraph 1 above, should the Town Council by extraordinary (5 votes) vote determine that the variance is justified by practical difficulty on the part of the applicant, and no objections from adjoining or directly affected property owners have been filed to the application, a variance may be approved or approved with conditions.
  3. Conditions and Safeguards May Be Imposed. In granting any variance, the Town Council, may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Plan and this Code or any other duly enacted ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the Land Development Code and shall nullify the variance.
  4. Time Limit Shall Be Imposed. The Town Council, as applicable shall prescribe a reasonable time limit within which the action for which the variance is required shall begin, and such time shall not exceed twelve (12) months from the date of the Resolution unless an application for development permit has been filed.
- (g) **Resolution.** Action by the Town Council upon the variance shall be announced by the Mayor or Town Clerk, immediately following the vote determining such action and shall thereafter be embodied in a written Resolution prepared by the Administrative Official and executed by the Town Clerk. The applicant shall record the Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original order to the Town Clerk.
- (h) **Effect and Limitation of Variance.** A Resolution granting a variance shall be deemed applicable to the development for which it is granted and not to the individual applicant, provided that no Resolution granting a variance shall be deemed valid with respect to any use of the premises other than the use specified in the application for a variance. Any variance not exercised within the time period established by the Town Council shall be deemed withdrawn and invalidated.
- (i) **Re-application.** Re-application for the same or similar piece of property requesting the same or similar variance cannot be made within one (1) year from the date the application was originally denied by the Town Council. Upon the Applicant's submittal of the same, the Administrative Official shall determine if the changed conditions exist. If the Administrative Official determines that a hearing should be held on the Applicant's request, the Town Clerk shall provide due public notice of the scheduled public hearing in the same manner as required for the original variance request. If no hearing is deemed appropriate, the application shall be resubmitted no sooner than one (1) year following the date of the public hearing on the original variance application.

DIVISION 3.6            AMENDMENT TO THE OFFICIAL ZONING MAP OR THE  
TEXT OF THE LAND DEVELOPMENT CODE

(a)    **Application.** Application for an amendment to the text of this Land Development Code or to the Official Zoning Map shall follow the general procedures of Division 3.1, except that the Town or its representatives shall not be required to submit an application. The application shall contain at least the following information:

1.     A statement identifying the text or map area proposed to be amended.
2.     An explanation of the text of the amendment desired.
3.     An explanation of the need and justification for the proposed change.
4.     For an amendment to the Official Zoning Map, the application shall also include the following information:
  - a.     A legal description and a description by street address of the property whose zoning designation is proposed to be changed.
  - b.     Current and proposed Comprehensive Plan land use map designation for the subject property.
  - c.     The existing and proposed zoning designation for the subject property.
  - d.     The existing and proposed use of the subject property, if applicable.
  - e.     A verified statement showing each and every individual person having a legal or equitable ownership interest in the property upon which the amendment is sought. In the case of publicly held corporations, the names and addresses of the principal corporate officers, directors and any shareholder owning more than ten percent (10%) of the interest in the corporation shall be disclosed.

(b)    **Process and Criteria for Review.** All proposed amendments, regardless of the source, shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council. In evaluating proposed amendments, the Town Council shall consider the following criteria:



1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.
2. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances, including the Land Development Code.
3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.
4. Whether, and the extent to which, the proposal would 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 land use.
5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.
6. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.
7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.
8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.
9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this Land Development Code.
10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

- (c) **Final Action by the Town Council.** The applicant shall be advised of the time and place of the Town Council hearings. The notice and hearings on the proposed amendment shall be provided pursuant to this Land Development Code and the Florida Statutes. After the necessary public hearing(s), the Town Council shall take action to deny or approve the application, or approve it with modifications or conditions. If denied, the applicant may resubmit the application after a period of one (1) year from the denial.
  
- (d) **Official Zoning Map.** Each amendment to zoning district boundaries or other zoning requirement as portrayed on the Official Zoning Map shall be entered promptly on the Official Zoning Map after the amendment has been approved by the Town Council. The Administrative Official shall be responsible for assuring that the physical updating and amendment of the Official Zoning District Map is carried out in a timely manner.
  
- (e) **Zoning in Progress, Hold on Permits or Certificate of Uses.** When an amendment to this Code or a rezoning of a parcel of land has been approved on first reading by the Town Council, no development application pending before the city with respect to the area or text which is the subject of the proposed amendment shall be approved unless the development application would be in conformity with both the existing legislation and the proposed legislation for a period of six months from the date of the approval on first reading by the Town Council. This period may be extended one time for an additional three months by resolution of the Town Council.

DIVISION 3.7            AMENDMENT TO THE COMPREHENSIVE MASTER  
DEVELOPMENT PLAN

(a)    **Application.** An application for an amendment to the text of the Comprehensive Plan or to the Future Land Use Map of the Plan shall follow the general procedures of Division 3.1, except that the Town or its representatives shall not be required to submit an application.

1.    The application shall contain at least the following information:
  - a.    A statement identifying the plan provision proposed to be amended.
  - b.    An explanation of the text of the amendment desired.
  - c.    An explanation of the need and justification for the proposed change, including the data and analysis that supports the amendment.
  - d.    An explanation of the how the proposed amendment meets the requirements of Chapter 163.3161, et seq., “The Local Government Comprehensive Planning and Land Development Regulation Act.”
  
2.    For an amendment to the Future Land Use Map, the application shall also include the following information:
  - a.    A legal description and a description by street address of the property whose land use designation is proposed to be changed.
  - b.    Current and proposed Future Land Use Map designation for the subject property.
  - c.    The existing and proposed zoning designation for the subject property.
  - d.    The existing and proposed use of the subject property, if applicable.
  - e.    A verified statement showing each and every individual person having a legal or equitable ownership interest in the property upon which the amendment is sought. In the case of publicly held corporations, the names and addresses of the principal corporate officers, directors and any shareholder owning more than ten percent (10%) of the interest in the corporation shall be disclosed.

(b)    **Process and Criteria for Review.** All proposed amendments, regardless of the source, shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council. If the amendment is proposed by the Town, the Administrative Official shall prepare the necessary information for the amendment to be reviewed pursuant to the requirements of Chapter 163.3161, et seq., “The Local Government Comprehensive Planning and Land Development Regulation Act.” In evaluating proposed amendments, the Town Council shall consider the following criteria:

1. Whether the proposal is internally consistent with the Comprehensive Development Master Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.
2. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing Comprehensive Development Master Plan, and whether such changes support or work against the proposed amendment.
3. Whether, and the extent to which, the proposal would 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.
4. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.
5. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.
6. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the Comprehensive Development Master Plan.
7. Whether the proposed amendment meets the requirements of Chapter 163.3161 et seq., Florida Statutes.
8. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

(c) **Final Action by the Town Council.** The Applicant shall be advised of the time and place of the Town Council hearings. The notice and hearings on the proposed amendment shall be provided pursuant to Florida Statutes. After the necessary public hearing(s), the Town Council shall take action to deny or approve the application, or approve it with modifications or conditions for purposes of transmittal to the Florida Department of Community Affairs pursuant to the Florida Statutes.

1. If denied, the Applicant may resubmit the application after a period of one (1) year from the denial.
2. If approved for purposes of transmittal, the Town shall thereafter provide the necessary administrative support for the state review process required under Chapter 163.3161, et seq., "The Local Government Comprehensive Planning and Land Development Regulation Act." The Town Council shall have the legislative discretion to adopt, adopt with conditions, or not adopt the amendment once the state review process has been completed.

**A. APPLICABILITY**

1. **Purpose.** The purpose of Division 3.8 “Platting” (platting regulations) is to assist implementation of the Comprehensive Plan by establishing procedures and standards for the development and subdivision of land within the Town of Miami Lakes, in an effort to, among other things:
  - (a) Provide proper legal description identification, installation of monuments and recording of real estate boundaries;
  - (b) Aid in the coordination of land development in the Town in accordance with orderly physical patterns;
  - (c) Discourage haphazard, premature uneconomic or scattered land development;
  - (d) Provide safe and convenient traffic control;
  - (e) Encourage development of an economically stable and healthful community;
  - (f) Maintain adequate utilities;
  - (g) Alleviate impacts of periodic and seasonal flooding by providing protective flood control and drainage facilities;
  - (h) Protect environmentally sensitive areas;
  - (i) Provide for management or protection of water resources, provide public open spaces for recreation;
  - (j) Require the installation of adequate and necessary physical improvements, and provide that the purchaser of land in a subdivision has access to necessary improvements of lasting quality;
  - (k) Avoid impacts and costs resulting from haphazard subdivision of land and the lack of authority to require installation by the applicant of adequate and necessary physical improvements;
  - (l) Require development in keeping with the topography and other site conditions;
  - (m) Encourage aesthetically acceptable development; and
  - (n) Protect privacy.
  
2. **Conformance Required.** No subdivision of a tract of land anywhere in the incorporated area of the Town of Miami Lakes shall be created except in conformance with the Comprehensive Development Master Plan and Land Development Code. No subdivision shall be platted or recorded and no lot shall be sold from such plat nor shall any building permit be issued unless the subdivision meets all the applicable laws of the State of Florida and has been approved in accordance with the requirements of these platting regulations.
  
3. **Subdivisions and Lot Splits.** All future subdivisions and lot splits within the Town of Miami Lakes shall be subject to these platting regulations, except the following:

- (a) The public acquisition of land for the use by the Town for public facilities such as widening existing streets, creation of park space, or other public facility that is deemed by the Town to be in the interest of the general public;
  - (b) The combination or recombination of portions of previously platted lots where no new parcels or residual parcels smaller than any of the original lots are created;
  - (c) The transference of part of one lot or tract to an adjacent lot or tract provided the transference results in a lot or tract that meets all of the minimum standards of these platting regulations.
4. **Recording of Plats or Lot Splits.** No final plat of any subdivision, lot split or other change in lot lines or boundaries intended to define land configuration shall be recorded with the Clerk of the Circuit Court of Miami-Dade County until the subdivision, lot split or other change shall have been duly approved by the Town as prescribed herein. Any such plat, lot split, or other record of change in land configuration must clearly display a written certification demonstrating Town approval prior to being recorded.
5. **Revising Plat after Approval.** No changes, erasures, modifications or revisions shall be made in any plat of subdivision after approval has been given, unless the plat is re-submitted for a review and approval pursuant to these platting regulations.
6. **Unlawful Sale or Transfer of Property.** It shall be unlawful for anyone who is the owner or agent or the owner of any land in the Town of Miami Lakes to transfer, sell, agree to sell, convey, or negotiate to sell such land by reference to, exhibition of or other use of a plat of a subdivision of such land without having recorded an approved subdivision plat as required herein. If such unlawful use is made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be punished as provided for in the Town of Miami Lakes Code of Ordinances.
7. **Building Permits Subject to Final Plat Approval and Recording.** No building permit shall be issued until a final plat for such impacted land has been approved and recorded pursuant to these platting regulations.
8. **Creation of Subdivision by Joint Owners of Land.** Where it may subsequently become evident that a subdivision is being created by the recording of deeds by metes and bounds description of tracts of land, the Town may, at its discretion, require all the owners involved to jointly file a plat of the subdivision being so created or require all owners of record to jointly conform to the applicable provisions of these platting regulations as are requisite for the issuance of building permits or the furnishing of any Town service.

9. **Effect on Previously Platted Subdivisions.** These platting regulations shall not apply to any land forming a part of a subdivision created and recorded prior to the adoption of this Code, but it shall apply to any re-subdividing of each prior subdivision and any subsequent subdivision.
10. **Effect on Active Subdivision Development.** Developments which have received preliminary plat approval prior to the adoption of this code and recorded within 12 months of the preliminary plat approval shall be exempt from the requirements of these platting regulations. Developments not having received preliminary plat approval shall be subject to these platting regulations.
11. **Relationship of Deeds, Covenants, and Other Private Restrictions to the Regulations for the Subdivision of Land.** It is not intended by the provisions of these platting regulations to repeal, abrogate, annul or in any way, impair or interfere with private restrictions placed upon property by a covenant, or private agreement, except that where these platting regulations impose higher standards than imposed by such deeds, covenants, or private agreements, then the provisions of these platting regulations shall apply. The Town shall not be responsible for enforcement of such deeds, covenants, or agreements.
12. **Disapproval of Plat.** Upon disapproval of any plat, the Town Council shall indicate those Sections, Subsections, and/or Paragraphs of these platting regulations with which the plan does not comply.
13. **Vested Rights.** Any property owner claiming a vested right to obtain action upon or approval of a preliminary plat or waiver to these platting regulations may submit an application for a determination of vested rights to the Administrative Official. The application shall be in a form determined by the Town and shall have attached an affidavit setting forth the facts upon which the applicant bases a claim for vested rights. The applicant shall also attach copies of any contracts, letters and other documents upon which a claim of vested rights is based. The mere existence of a specific zoning district or Future Land Use Map designation shall not vest rights. The Town Attorney shall review the application and shall advise the Town Council if the applicant has demonstrated:
  - (a) An act of development approval by the Town;
  - (b) Upon which the applicant has in good faith relied to his detriment;
  - (c) Such that it would be highly inequitable to deny the landowner the right to obtain action on or approval of a preliminary plat.The Council shall render a determination of vested rights pursuant to duly adopted procedures.

## **B. REQUIRED IMPROVEMENTS AND DESIGN CRITERIA**

1. **Generally.** The following improvements are required in conjunction with the development of a subdivision within the Town. A Florida registered professional engineer shall be employed to design all required improvements including streets,

drainage structures, bridges, bulkheads, and water and sewer facilities. Design data, such as calculations and analysis, shall be submitted along with the development plans covering important features affecting design and important features of construction. Such calculations and analysis shall include, but not be limited to, high ground and surface water elevations, drainage facilities of all kinds, subsurface soil data, utilities, alternate pavement and subgrade types, and radii at intersections when standards of the American Association of State Highway and Transportation Officials (AASHTO) are inadequate. The design of required improvements shall be accomplished in such a manner that they shall be equal to or exceed those outlined in these platting regulations. The required improvements shall be completed prior to recording the plat in the manner prescribed in these platting regulations or the applicant shall submit to the Town of Miami Lakes a guarantee in one of the forms prescribed by these platting regulations to assure the required improvements.

2. **Access.** Ingress, egress, and access management shall comply with the following criteria:

(a) General Design of Access. Access shall be provided as follows:

- (1) In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic flow on public streets classified major collector and above, the number and location of driveways shall be regulated by the dedication of access rights to the Town of Miami Lakes.
- (2) Street stubs to adjoining undeveloped areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs shall be provided with a temporary cul-de-sac turnaround.
- (3) Tapers, deceleration lanes, left-turn lanes, bypass lanes, median modifications or other design features may be required to protect the safe and efficient operation of the access street.
- (4) Every lot or parcel shall be served from a publicly dedicated street; however, an applicant may retain as private a local street if the following conditions are met: (1) Public right-of-way is not required in order to serve adjacent development that is existing or projected; (2) A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semi-public utilities and (3) A reciprocal easement for ingress and egress is granted all residents of the development.
- (5) Reserve strips restricting access to streets or alleys shall not be permitted.

(b) **Specific Access Design.** Minimum dimensions between the edge of intersections to the edge of points of access (driveways) to lots developed within a subdivision shall be located as follows:



TABLE 3.8 A

Control Device	Local	Collector	Arterial
Stop Sign	50	75	115
Signalization	50	175	230

*Note:* These standards are consistent with FDOT Rule #14-97, State Highway System Access Management Classification System and Standards, which dictate the location of access to State facilities.

The subdivision shall be designed to provide access to the lots by the use of local streets. Unless a physical constraint exists, a secondary means of access shall also be provided to all subdivisions for use by emergency vehicles. Local street connections to collector streets shall be a minimum of six hundred sixty (660) feet apart and collector street connections to arterial streets shall be a minimum of one thousand, three hundred twenty (1320) feet-apart. Where access is desired along collector or arterial streets, it shall be provided by means of a marginal access road. The first point of access to the marginal access (frontage) road from collector and arterial streets shall be a minimum of three hundred thirty (330) feet from intersection right-of-way lines with intermittent points at median opening locations being a minimum of six hundred sixty (660) feet from intersecting right-of way lines, unless otherwise approved by the Administrative Official. Access spacing of lesser lengths may be granted if requested by the applicant and if approved by the Administrative Official.

- (c) Non-Residential Driveways and Internal Circulation.
  - (1) Vehicular circulation must be completely contained within the property and vehicles located within one portion of the development must have access to all other portions without using the adjacent street system.
  - (2) Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements, and safety.
- (d) No driveway shall be constructed in the radius return of an intersection.
- (e) Service Drives. Where a subdivision borders on or contains a limited access highway right-of-way, or arterial street, the Town Council may require a service drive or require the provision of future service drives approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial purposes in

appropriate districts. Distances involving right-of-way shall also be determined with due regard for the requirements of approach grades and future grade separations.

3. **Alleys.** Alleys shall be required along rear lot lines of commercial subdivisions and shall be a minimum of twenty (20) feet in width. Alleys shall not be permitted in residential districts. No dead-end alley shall be permitted. Alley intersections and sharp changes in alignment shall be avoided. Fire lanes shall have a minimum paved width of twenty (20) feet.
4. **Blocks.** The length, width and shape of blocks shall be determined with due regard to:
  - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - (b) Zoning requirements as to lot size and dimensions;
  - (c) Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic;
  - (d) Most advantageous use of topography and preservation of mature trees and other material features wherever possible.
    - (1) Block lengths shall not exceed fifteen hundred (1500) feet in length between intersecting streets no shorter than four hundred (400) feet.
    - (2) Where blocks are nine hundred (900) feet in length or greater, a pedestrian crosswalk at least ten (10) feet wide may be required to provide circulation or access to school, playground, shopping center, transportation, and other community facilities. In platting residential lots containing less than twelve thousand (12,000) square feet, the depth of the block should not exceed two hundred fifty (250) feet.
5. **Culverts.** Culverts shall be of such size to provide adequate drainage opening and sufficient length to extend eight (8) feet on each side beyond the edge of the pavement of the street. Culverts shall be a minimum of fifteen (15) inches in diameter.
6. **Buffers, Including Berms, Fences and Landscaping.** Screening such as fences, berms and other landscaping shall be required as follows:
  - (a) Visual screening between adjacent incompatible or potentially incompatible land uses or land use districts including, but not limited to, single family residential development adjacent to multiple family or non-residential structures.
  - (b) Open space distances between adjacent incompatible or potentially incompatible land uses or land use districts, especially when building heights vary or noises are identified as potential problems.
  - (c) Movement barriers to prevent direct driveway cuts onto collector or arterial streets.

- (d) Screening consistent with provisions of this Land Development Code shall be required on lot lines which border collector or arterial streets. The plat and planned improvements shall comply with such standards. Masonry walls or suitable alternatives shall be provided when noise from adjacent streets is, or is judged to be, a potential future problem. Suitable screening may be required between lots, especially commercial industrial, or offices, and adjacent incompatible or potentially incompatible land uses. A long collector or arterial roads may be used instead of a masonry fence, if noise from the road will not adversely affect the proposed use. Buffer zones may be required between adjacent incompatible or potentially incompatible land uses, especially where problems with building heights, noise, or scenic impairment might be a problem.
- (e) Where a buffer screen of decorative masonry, plant materials, fences or berms is required or where desired by the applicant and approved by the Town of Miami Lakes, such walls or fences shall be setback at least 2.5' from the right-of-way and vegetative materials shall be set back at least one (1) foot from the right-of-way. Pilasters or fence terminal anchor posts shall be installed at the comers of each lot in such manner that each property owner might maintain his own section, or provisions shall be made to have them maintained by a community association or other appropriate private entity.

7. **Central Water System.** A complete water distribution system connected to the central water system shall be provided for all new subdivisions. The design of the entire system shall be engineered and coordinated with the Miami-Dade County Water and Sewer Department to comply with the Department's adopted design standards as well as applicable policies and standards of the Florida Department of Environmental Protection. The central water system shall include fire flow and other system improvements required to achieve compliance with the adopted fire protection codes and applicable standards prescribed and published by the National Fire Protection Association, as exists or may hereinafter be amended. Concurrency management criteria of the Land Development Code must be met. The following are general requirements for central water systems:

- (a) Water Supply. The central water system shall connect to the Miami-Dade County Water and Sewer Department water system.
- (b) Distribution System. The distribution system shall provide connections to each individual lot, to each public facility, to all required fire hydrants and fire protection systems and to median strips for irrigation where landscaped unless the median strips are irrigated by a separate system. Water mains shall be required in each street right-of-way and shall be looped except in cul-de-sacs less than three hundred (300) feet long and at cross streets not requiring service connections. Plans for the central water system, including fire protection facilities and appurtenances, shall be submitted to the Miami-Dade County Water and Sewer Department as well as the Administrative Official and Fire Marshall, for review and

approval. New water systems shall be designed and constructed for an economic life of not less than twenty (20) years.

8. **Central Collection Wastewater Disposal Systems.** New subdivisions shall be required to connect to a central wastewater system. Design and construction specifications shall comply with Miami-Dade County Water and Sewer Department policies and shall meet adopted level of service standards of the Comprehensive Development Master Plan, including the concurrency management regulations established in the Land Development Code.
  - (a) General Requirements. The central wastewater system shall be designed by a professional engineer, registered in the State of Florida, conforming to acceptable standards of sound practices for wastewater collection systems, and must be engineered and coordinated with the Comprehensive Development Master Plan. The appurtenances to the system shall be equal to or shall exceed the minimum requirements of the Town and applicable Florida Statutes. New sewer systems shall be designed and constructed for an economic life of not less than twenty (20) years.
  - (b) Submittal Requirements. Upon submittal of construction plans for a central system as prescribed by these platting regulations, the design engineer shall supply data, calculations and analysis showing important features affecting design, including, but not limited to:
    - (1) Number of units, bedrooms, and other domestic wastewater generators.
    - (2) The type of units and expected population or estimated flow of wastewater from any unit designed for use.
    - (3) The number of proposed equivalent residential connections (ERC) to the system and the anticipated flow of sewage to the wastewater treatment plant computed in accordance with current criteria.
    - (4) Any other meaningful information necessary to arrive at estimates of amounts and character of wastewater pertinent to the design.
9. **Individual Wastewater Disposal System.** Individual wastewater systems shall not be allowed where connection to the central wastewater system is feasible, as determined by the Town.
10. **Curbs.** Curbs or combined curbs and gutters may be constructed along all streets, if required by the Administrative Official.
11. **Easements.** Utility easements including water, sewer, electric, telephone, gas and drainage shall be provided as follows:
  - (a) Applicants are encouraged to install utilities in the public right-of-way. Easements for utilities along rear lot lines and, where deemed necessary,

along side lot lines, of a minimum width of eight (8) feet shall be provided as required for proposed utility installation, maintenance, or as may be required. Easements of greater width may be required along or across lots, where necessary, for the extension of main sewer or other utilities or where multiple utilities and water and sewer lines are located within the same easement. Side lot easements may be decreased to ten (10) feet when serving a single electric or telephone utility.

- (b) A drainage easement shall be provided when necessary. This easement shall be of sufficient width as determined by the Town to provide adequately for watercourses, drainage ways, channels, pipes, culverts, or streams, and access to permit maintenance of the drainage easement. The drainage easement or right-of-way shall conform substantially to the alignment of such watercourse and the design of the drainage easement and improvements shall be consistent with best management practices and principles.
- (c) Swales shall be permitted within subdivisions; storm sewers shall be covered and open ditches permitted across undeveloped land only as an outlet into an established watercourse. This provision is subject, however, to the following:
  - (1) The current requirements of the State Department of Environmental Protection Regulations and South Florida Water Management District (SFWMD).
  - (2) Submission of acceptable hydraulic calculations.
  - (3) Approval of the Administrative Official.
  - (4) Approval of the State Department of Environmental Protection and SFWMD.

12. **Environmental Considerations.** All environmental performance standards of the Land Development Code shall be satisfied, including but not limited to: preservation of natural resources; preservation of wetlands; species of special concern; soil erosion, sedimentation control; and shoreline protection; freshwater lens protection; preservation of wildlife habitats and protection of upland vegetative communities and endangered or threatened flora and fauna; land use and soil compatibility, and floodplain protection.

- (a) Fill. The subdivision shall be graded and, where necessary, filled to comply with the surface water management requirements prescribed in Article 6 of the Land Development Code. The fill shall be free of muck, peat clay, unstable soils, organic matter such as logs, stumps, trees, clippings and cuttings and any form of junk, rubbish, trash, liquid or solid wastes, any form of debris that is subject to consolidation, disintegration, erosion or encourages the presence of insects, termites, or vermin. The type of fill within the rights-of-way shall be satisfactory to and meet with the approval of the Administrative Official, who shall require soil tests of the backfill and the underlying material at the cost of the applicant and who shall require the development's project engineer to certify the type of material and method of placement.

- (b) Soils. The plan shall show the location and results of test borings of the subsurface condition of the tract to be developed. The tests shall be the type performed by the Soil Conservation Service including percolation characteristics and detailed soils data.
- When non-pervious soils (hard pan or other impervious soils) or unstable (peat muck, etc.) are encountered, the plan shall reflect a satisfactory design to cope with such conditions. If the soil analysis reflects that the area contains impervious soils or contains peat, muck or other unstable materials, the Administrative Official shall require such additional design and construction as are necessary to assure proper drainage and development of the area. The Administrative Official may also require environmental audits. The number of tests and their location shall be mutually determined by the applicant's engineer and the Administrative Official and shall be recorded as to location and result on the construction plans. Land which is subject to periodic flooding or which has unsuitable soil conditions shall not be subdivided until all water and soil hazards have been reasonably eliminated in relation to the purpose for which the land is to be used.
- (c) Erosion Control. Seeding, mulching, sodding, and/or other acceptable methods shall be performed as required to prevent undue erosion during all construction activities. Erosion, sedimentation control and shoreline protection measures required by the Land Development Code shall be planned out as applicable. The applicant shall be required to keep accumulations of sand and earth out of the curb, gutter, swales, and drainage ditches. Temporary siltation basins may be required during construction. The applicant shall provide maintenance for the two-year period of the road guarantee and for each lot until final inspection is passed.
- (d) Land Clearing and Excavation. Land clearing, excavation, and fill permits shall be obtained from the Administrative Official or other designated staff prior to commencement of clearing, grading or filling work. Similarly, all requisite permits from the County, State, SFWMD, or the federal government shall be obtained and presented to the Town prior to commencement of any clearing, filling or excavation. Applicants shall be required to clear all rights-of-way and to plan and construct all grades, for streets, alleys, lots and other areas, in a manner which is consistent and compatible with all performance criteria of the Land Development Code. In the interest of preserving existing trees and other natural beauty, the Council or designated staff may vary the requirements of these platting regulations where aesthetic and environmental conditions will be enhanced but will not adversely affect property drainage of the area. The Administrative Official shall have the authority to require, if necessary, that any land being cleared or excavated be treated by the developer to insure that pest and vermin do not infest adjoining properties.
- (e) Shoreline Protection. Improvements installed along the shoreline shall require a permit issued by the Administrative Official. Bulkheads shall

not be constructed below the ordinary high water line unless permitted by the controlling federal or state Agency. Any such plans and improvements shall require site plan approval and all environmental performance criteria in the Land Development Code including, but not limited to, preservation of wetlands; and other environmentally sensitive areas; soil erosion, sedimentation control, and shoreline protection preservation of wildlife habitats and other related performance criteria. No development order shall be approved until appropriate federal and state permits are issued.

13. **Fire Protection Facilities.** The fire protection facilities described below shall be provided in all subdivisions. In the event that Miami-Dade County standards are more stringent, Miami-Dade County standards shall be used:

- (a) Fire Hydrant Location. Fire hydrants in single-family residential district shall be located so that they are spaced no more than three hundred (300) feet apart and no more than one hundred fifty (150) feet to the center of any lot in the subdivision. In all other districts, fire hydrants shall be located so that they are spaced no more than three hundred (300) feet apart and no more than one hundred fifty (150) feet to the center of any lot in the subdivision. Fire hydrants shall be connected to or supplied by water distribution mains not less than eight (8) inches in diameter, unless a larger main is required by the fire department.
- (b) Fire Hydrant Cut-Off Valve. A cut-off valve with the top of its valve box located at finished grade to house the valve stem shall be installed between each fire hydrant and the distribution main supplying it with water. At all times the cut-off valve shall remain in the "ON" position except when it is used to cut off the water flow to the fire hydrant for repair or replacement of the hydrant and its branch piping.
- (c) Fire Hydrant Installation. Fire hydrants shall be installed so that the elevation of the bottom of hose connection outlets shall be not less than twelve (12) inches above finished grade at each hydrant. Finished grade shall be level for a radius of not less than five (5) feet around each hydrant.
- (d) Water Distribution Mains Installation. Water distribution mains shall be installed in all streets, except cross-streets not requiring service connections and cul-de-sacs less than 300 hundred (300) feet long. Water distribution mains shall be looped or interconnected with valves to enable localizing any portion of the distribution system except for short branches supplying not more than five (5) lots.
- (e) Storage Capacity/Emergency Pumping. Sufficient storage or emergency pumping facilities shall be provided to an extent that

the minimum fire flows will be maintained for at least four hours at 20 PSI.

14. **Commercial Subdivisions.** Commercial subdivisions shall comply with all of the requirements of these platting regulations, except that all local streets shall be designed according to the collector street typical section contained in these regulations.
15. **Lots.** All lots shall comply with the minimum area, frontage, width and depth complying with the applicable zoning district regulations. Lots shall be graded to at least four (4) feet above mean sea level. The minimum width of a lot fronting on the inside of curvature of a street or cul-de-sac shall be measured from side boundary to side boundary along the chord of the front setback line. When a subdivision is proposed upon land with existing structures that are to be retained, lots are to be designed so as not to cause said structures to become non-conforming with respect to building area or lot size. Access from individual lots generally should not be permitted directly to collector or arterial streets. Flag lots shall be expressly prohibited. The entire parent tract being subdivided shall be placed in lots, streets, and other usable tracts so that remnants and other landlocked areas shall not be created. No lot shall be divided by a municipal boundary.
  - (a) Double Frontage Lots. Double frontage lots or through lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. A decorative masonry wall or, in the sole discretion of the Town Council, a combination of fence and landscaping shall be provided and shall include a satisfactory buffer along the rear property line, across which there shall be no right of vehicular access. This portion of the lot line shall be shown as a limited access line on the final plat.
  - (b) Corner Lots. Corner lots shall have a width equal to the width required by this Land Development Code for internal lots, plus the difference between the required front yard width and required side yard width.
  - (c) Side Lot lines. Side lot lines shall be at substantially right angles or radial to street lines.
16. **Walls and Screening.** In order to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated right-of-ways:
  - (a) Walls and Landscaping. The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively irrigated landscaped buffer, which must be maintained in a good working and healthy condition by the property owner, or where applicable, by the homeowners, condominium or other maintenance association. Perimeter walls surrounding subdivisions shall be painted one continuous color to be determined by the homeowners



association or the Town. The landscape buffer shall contain one or more of the following vegetative materials:

- (1) Shrubs. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken solid, visual screen within one (1) year after time of planting.
  - (2) Hedges. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
  - (3) Vines. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
- (b) Walls with Anti-graffiti Paint. All concrete block stucco walls abutting right of ways shall be treated with anti-graffiti paint.

**17. Median Strips and Entranceways.**

- (a) Median Strips. Median strips, which are part of a dedicated or deeded right-of-way, may not be utilized for any purpose other than by the Town of Miami Lakes or a public utility. Where an applicant desires or is required to beautify a median strip in a subdivision he may do so by placing an irrigation system, grass, shrubs, and/or approved species of trees as outlined by the Town within the median strip in accordance with the landscape ordinance and the Town of Miami Lakes Code of Ordinances.
- (b) Subdivision Entranceways. Subdivision entranceways consisting of wall fences, gates, rock piles or the like are not permitted within the median strip or other areas in a dedicated or deeded right-of-way. Entranceways, if divided, shall be divided by a raised or landscaped median strip and shall be not less than two (2) lanes each twelve (12) or more feet wide. Decorative entranceways shall be constructed upon plots of land adjacent to the right-of-way in compliance with the land development regulations and building codes and placed so as not to constitute a traffic hazard. A guardhouse located so as not to create a traffic hazard may be constructed at the entrance to a development having private streets.

Where an applicant is specifically permitted by the Town to construct decorative entrances, structures, or landscaping within the right-of-way of any street the applicant or community homeowner association shall provide an adequate bond to guarantee maintenance for a specified period and to provide for removal for such structures and for landscaping at the end of such period on order by the Town for cause. The Town of Miami Lakes shall not accept any liability or responsibility for maintenance for decorative entrances, structures, or landscaping in rights-of-way. Such improvements shall be designed in such a manner so as to not obstruct desirable visibility or restrict turning movements.

18. **Off-Street Parking Areas.** Off-street parking areas shall be provided in accordance with the Off-Street Parking division of this code, including provisions for ingress, egress, vehicular and pedestrian movement, and orderly temporary storage of motor vehicles. Parking areas including spaces, driveways, and access aisles shall be constructed in accordance with the following standards:
- (a) Parking areas for all residential lots and for commercial lots having an area of 15,000 square feet or less shall have a wearing surface of one (1) inch of Type SI or Type R asphalt or concrete laid over a base not less than six (6) inches thick, free of muck and organic materials, and stabilized to a minimum 50 psi.
  - (b) Non-residential parking areas for lots with areas greater than 5,000 square feet shall be paved in the same manner as a local street.
  - (c) Drainage shall comply with the adopted level of service standard in the Concurrency Management division of this code.
19. **Permanent Survey Monuments.**
- (a) Permanent monuments of stone or concrete shall be placed at all block corners or at tangent points of curves connecting intersection street lines; at the point of curvature and tangency; at all corners in the exterior boundary of the subdivision except at such corners which are inaccessible due to topography; and at such other points as may be designated by the Town Council. Such monuments shall be set flush with the surface of the ground or finished grade.
  - (b) Monuments shall be of pre-cast concrete two (2) feet in length and three (3) inches square, or four (4) inches in diameter, having a metal dowel imbedded therein.
20. **Sidewalks and Bicycle Paths.** Concrete sidewalks of a minimum width of five (5) feet may be constructed along both sides of all streets, if required by the Administrative Official. Sidewalks shall be constructed with other required improvements and shall meet local sidewalk construction requirements.

The construction of bicycle/pedestrian paths may be used to waive required sidewalks by the Town Council as a form of pedestrian circulation. Such paths shall be a dual system consisting of sidewalks within the road right-of-way and bicycle/pedestrian paths outside of the road right-of-way with a minimum width of eight (8) feet. Bicycle/pedestrian paths shall be constructed according the FDOT Bicycle Facilities Planning and Design Manual. Bicycle/pedestrian paths shall be constructed concurrently with other required improvements. The control and maintenance obligation of bicycle/pedestrian paths not located within the road right-of-way shall be placed in a property owner's association, condominium association or cooperative apartment association, as defined by the state law, or an improvement district.

21. **Storm Water Management.** All subdivisions shall have an adequate comprehensive storm water management system compliant with the Article 6 of the Land Development Code. Necessary ditches, canals, swales, percolation areas, berms, dikes, piers, detention ponds, storm sewers, drain inlets, manholes, headwalls, end walls, culverts, bridges and other appurtenances shall be required in all subdivisions for the positive drainage of stormwater. In addition, storm water treatment facilities shall be required in the subdivision to control storm water runoff quality by providing for on-site percolation and/or retention or other appropriate treatment technique for storm water.

The applicant's engineer shall submit design data of the drainage system shall be submitted along with the construction plans in a report form indicating the method of control of storm and ground water

22. **Streets.** All streets and related facilities required to serve the proposed subdivision shall be constructed and paved by the applicant pursuant to specifications herein. The construction shall consist of, but not be limited to, street grading, sub-grading stabilization, base preparation and surface course along with drainage as required under this Article. All roadway improvements shall comply with concurrency management provisions of this code.
- (a) Street Layout. The proposed subdivision street layout shall be coordinated with the adopted Comprehensive Plan or as may hereinafter be amended, and with the street system of the surrounding area. Consideration shall be given to existing and planned streets, relation to topographical conditions, to public convenience, safety and their appropriate relation to the proposed use of the land to be served by such streets.
  - (b) Costs of Paving Streets. The Town Council shall pay no part of the cost of paving in any undeveloped subdivision. Where access streets to a subdivision are not adequately paved to handle the anticipated traffic, the developer shall arrange for paving the access streets with the Town of Miami Lakes prior to acceptance of the final plat by the developer. All paving installed in and adjacent to these subdivisions shall be at the entire cost of the applicant and shall be pursuant to the sections of these platting regulations.
  - (c) Streets Adjoining Unsubdivided Land. When a new subdivision adjoins unsubdivided land, new streets which in the opinion of the Council are required to serve the abutting unsubdivided land, shall be appropriately designed to carry projected traffic and shall extended to the boundary of the tract proposed to be subdivided.
  - (d) Local Streets. All local streets shall be designed in a manner that will discourage through traffic.
  - (e) Impact of Future Traffic Circulation Map Series. The new subdivision shall provide for the incorporation and compatible development of present and future streets as generally delineated on the Future Traffic Circulation Map Series adopted by the Comprehensive Plan, when such present or

future streets are affected by the proposed subdivision. Notwithstanding, where the Town Council determines that there is a need for incorporating a new or realigned street based on characteristics of specific development proposals as well as changed conditions since the adoption of the Comprehensive Plan, the Town shall require subdivision applicants to conform to the newly prescribed road improvement.

- (f) Traffic Analysis. A subdivision preliminary plat shall include preparation of a traffic impact analysis pursuant to Division XXX of the Land Development Code, if the proposed subdivision is projected to generate a traffic flow above the threshold therein defined. The Traffic Impact Analysis shall be prepared by a professional engineer and shall be used to determine the number of lanes, capacity of street systems proposed or affected by the development and the phasing of improvements.
- (g) Street Right-of-Way Characteristics. Street improvements shall be designed in a manner compatible with design characteristics of the Town Future Traffic Circulation System and the Town Minimum Right-of-Way Standards as cited below:

TABLE 3.8 B

STREET CLASSIFICATION	MINIMUM RIGHT-OF-WAY WIDTH (FEET)
Arterial Roadways	80 – 90
Collector Streets	60 – 80
Local Streets	50 - 60 (if curb and gutter)
Marginal	45

The Town of Miami Lakes shall preserve existing rights-of-way and shall enforce standards requiring dedication of roadways for which the need is generated by new development.

These design parameters may be adjusted based on projected traffic carrying capacities of specific developments and application of accepted principles and practices of traffic engineering and design of facilities. The Administrative Official prior to acceptance by the Town Council shall recommend the specific design features as a condition of approval.

- (h) No Outlet Streets (cul-de-sacs). Cul-de-sac or no outlet streets shall provide a terminal turnaround having a minimum diameter of eighty-four (84) feet, and a minimum street property line of at least one hundred (100) feet. Cul-de-sacs shall not exceed six hundred (600) feet in length.
- (i) Temporary Cul-De-Sac Turnaround Streets. Streets that terminate temporarily, and thereby take on the character of a dead-end street, shall be provided with a temporary terminal turnaround having a radius of not less than forty (40) feet. When one (1) or more temporary turnarounds are shown, the following note should be included on the plat “The area on this plat designated as “temporary turnaround” will be constructed and

used only until the street(s) is/are extended, at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining lot owners in accordance with specific provisions in their respective deeds.”

- (j) Street Grades. All streets shall be graded to the appropriate grade to their full width, with side slopes and fills where required. The grade of all streets at the crown shall be at least four (4) feet above mean sea level.
- (k) Intersection of Streets. Street jogs at intersections with centerline offsets of less than one hundred and twenty-five (125) feet are prohibited.
- (l) Marginal Access Streets. Where a subdivision abuts or contains an existing limited access highway, freeway or arterial, a marginal access street shall be required to afford separation of through and local traffic.
- (m) Subdivision Access Points. Wherever possible, all subdivision access roads shall be located at existing median opening. If a subdivision access road is not located at an existing median opening, the applicant’s paving plan shall provide for construction of a median opening, where permitted, or shall provide for the modification of existing openings, where required, at no cost to the Town. The design of subdivision access roads shall comply with the requirements of the jurisdiction of the highway in which the median is located. The design of access streets shall, where required, provide for acceleration, deceleration, storage, channelization, and drainage modifications as are necessary to comply with the required standards of that jurisdiction. If a signal is identified as warranted as part of a new development, the signal shall be constructed by the developer at no cost to the Town.
- (n) Local Streets. Local streets shall be so laid out that use by through traffic shall be discouraged.
- (o) Half Streets. Half or partial streets shall not be permitted. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be required to be dedicated and constructed within such tract. A proposed subdivision that adjoins or includes an existing street which does not conform to the minimum right-of-way requirements of these regulations shall provide for the dedication of additional right-of-way along either one or both sides of said street so that the minimum right-of-way requirements of these regulations are fulfilled.
- (p) Street Names. Extensions of existing named streets shall bear the same numerical name of the existing street. A non-numerical name may be selected by the developer and included on the plat. In no case shall the name of a proposed new street which is not part of an existing facility duplicate or be phonetically similar to existing street names.
- (q) Alignment, Intersections, and Radii.
  - (1) Alignment. The arrangement of streets in a new subdivision shall make provisions for the continuation of the existing or platted streets into adjoining areas or their proper projection where

adjoining land is not subdivided, insofar as they may be deemed necessary by the Town Council.

The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

- (2) Intersections. Streets shall be laid out to intersect as nearly as possible at right angles. No street right-of-way shall intersect another at an angle of less than eighty (80) degrees unless special provision is made in the design of the intersection.  
Multiple intersections involving the junction of more than two streets shall be prohibited unless special provision is made in the design of the intersection.  
All intersections shall be designed to provide adequate stopping and sight distance in accordance with the current edition of AASHTO Standards. Intersections with major streets should be located no less than eight hundred (800) feet apart.
- (3) Radii. The point of curvature of any local street shall not be closer than one hundred (100) feet to the point of intersection. When the centerline of a local street deflects by more than ten (10) degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort, but never less than a minimum centerline radius of one hundred (100) feet. Property lines at street intersections shall have twenty-five (25) feet or greater radius and street pavement radii shall be a minimum of thirty (30) feet.
- (r) Private Streets. If private streets are proposed, they shall comply with all applicable standards of public streets and the developer shall provide sufficient assurances acceptable to the Town Council that the streets and right of ways will be adequately maintained, including identification of the legal entity with responsibility for maintenance.
- (s) Standards for Roadway Section. A properly prepared subgrade and an approved road base and wearing surface shall be provided for all streets. Subgrade shall be adequately compacted and bonded prior to treatment and shall be stabilized from curb to curb. After subgrading, there shall be given one (1) course penetration treatment of emulsified asphalt and local aggregate to the full width of the street and an additional course to the middle twenty-two (22) feet of said street, all to the specifications and requirements of the Town.
- (t) Street Lighting. If a plat desires to include street lighting, the developer shall be responsible for the installation of the street lights.

The street lights shall meet minimum illumination levels and shall also be installed at each street intersection, at mid-block locations where the

distance between intersections exceeds nine hundred (900) feet, and at the end of each cul-de-sac. Such lights shall be required on interior streets and may be required on alleys, boundary streets and access paths if the Town Council finds that the anticipated frequency of usage makes such requirement reasonable for public safety and welfare. The streetlights and mounting poles shall be a type approved by the Administrative Official and shall be wired for underground service except where overhead service is permitted.

- (u) Street Markers. Street name signs shall be provided and installed by the developer as approved by the Town at the expense of the subdivision.

23. **Traffic Control Devices.** The following traffic control regulations shall apply to subdivisions where the Administrative Official determines that traffic control devices shall be required:

The applicant shall install all required traffic control devices based on design requirements, including but not limited to, traffic lights, information and warning signs, acceleration or deceleration lanes, lane delineators, and other necessary traffic control devices on all roads within and interfacing with the subdivision. A traffic impact analysis pursuant to the Concurrency-Management procedures of this Code, approved by the Administrative Official and other appropriate agencies, shall determine traffic light requirements. All control devices shall be consistent with the Florida DOT Manual entitled "Uniform Traffic Control Devices for Streets and Highways" as per Florida Statutes, Section 316.131. If, at any time prior to final acceptance, an unforeseen need becomes apparent for signing, pavement markings, or other traffic controls that were not shown on the approved plans, the Town of Miami Lakes reserves the right to require the additional traffic control devices in the interest of public safety and as a condition of Town acceptance.

24. **Utilities.** New subdivisions shall be required to install underground utilities, including franchised utilities, power and light, telephone and telegraph, water, sewer, cable television, wiring to street-lights and gas.

- (a) Coordination of Easements. Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by these platting regulations for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations.
- (b) Waivers. The Administrative Official may waive the requirement for underground installation if the service to the adjacent area is overhead and it does not appear that further development in adjacent areas with underground utilities is possible. Any new service which is allowed by the waiver herein to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date.

- (c) Applicant Responsibility for Underground Installations. The applicant shall make necessary cost and other arrangements for such underground installations with each of the persons, firms or corporations furnishing utility service involved.
- (d) Construction within Easements. Utilities shall be constructed in easements as prescribed by the Town Code.
- (e) Utility Installation. After the subgrade for a street has been completed, the remainder of the street right-of-way has been graded and before any road or street construction material is applied, all underground work for the water mains, sanitary sewers gas mains, telephone electrical power conduits, cable television and any other utilities with appurtenances and branches for surface connections shall be completely installed throughout the width of the street to the sidewalk area, or provisions made so that the roadway or right-of-way will not be disturbed for utilities installations or service connections. All underground improvements so installed for the purpose of future service connections shall be properly capped and backfilled and their locations identified.

**C. CONSTRUCTION STANDARDS**

- 1. **Construction Method.** The construction methods and all materials used in the improvements required by these platting regulations shall comply with applicable specifications of the Town approved by the Administrative Official and those methods and materials based on best management principles and practices as established by the FDEP, SFWMD, and other institutions with broad based standing among professionals.
- 2. **Measurements and Test.** During construction, the applicant's engineer shall make such measurements, field tests and laboratory tests or cause them to be made to certify that the work and materials conform to the approved development plans and the provisions of these platting regulations. The Administrative Official or other representative designated by the Council may require tests and measurements which are deemed necessary and which shall be performed at the expense of the applicant or his engineer.

**D. ADMINISTRATION**

- 1. **Staff Administrative Review Responsibility.** The Administrative Official shall administer the provisions of these platting regulations.
- 2. **Burden of Proof and Other General Responsibilities of Applicant.** The burden of proof regarding the suitability of all applications, plans, plats, reports, tests, compliances, dedications, existence of agreements, liens, mortgages, surety, and other pertinent documents and instruments shall rest with and be the sole responsibility of the applicant or his duly authorized agent as prescribed in these regulations.
- 3. **Hold Harmless Provision.** The applicant shall furnish to the Town Council a waiver, release and hold harmless from all liability and responsibility, including



provisions for indemnification for any and all damages or losses caused directly or indirectly by the breakdown, collapse or failure to any buildings, installations or structures constructed or installed and dedicated to the Town in connection with the applicable development or project.

4. **Enforcement.** The Town Council or any aggrieved person may have recourse to any remedies in law and equity that may be necessary to ensure compliance with the provisions of these platting regulations, including injunctive relief to enjoin and restrain any person violating the provisions these platting regulations and the court shall upon proof of the violation of the Article have the duty to forthwith issue those temporary and permanent injunctions that are necessary to prevent the violation of these platting regulations. In addition to other remedies, the Town Council may institute any appropriate action or proceedings to prevent a violation or attempted violation, to correct or abate such violation, or to prevent any act that would constitute a violation.

#### **E. SUBMISSION PROCEDURES FOR LOT SPLIT**

Any applicant desiring to create a lot split shall submit to the Administrative Official copies of a final plat in conformance with these platting regulations, as prepared by a land surveyor and any other requirements of Chapter 177, Florida Statutes. The Administrative Official shall approve the plat which meets the requirement of these platting regulations. Upon approval, the applicant shall file the plat of record with the Administrative Official within a required time period from the date of approval. Failure to file within the required time period shall void said lot split approval.

#### **F. SUBDIVISION PROCEDURES**

1. **Required Pre-Application Procedures.** Prior to submitting an application for preliminary plat approval, the applicant for subdivision approval shall meet with the Administrative Official or other designated Town Staff to discuss, informally, preliminary studies and sketches and their relationship to these regulations. The pre-application meeting provides an opportunity for the applicant to become thoroughly familiar with the subdivision requirements and with the policies of the Comprehensive Development Master Plan that affect the area in which the proposed subdivision lies. Applicants shall be subject to the following pre-application procedures.
  - (a) Application. The applicant shall submit a written pre-application to the Administrative Official for review by staff. The pre-application shall contain a written statement and sketch plan.
  - (b) Staff Review. Upon receipt of a satisfactory completed statement, plan and fee, the Administrative Official shall distribute copies to the appropriate staff for review and comment. Any opinion by the staff regarding the pre-application shall be advisory only.
2. **Preliminary Plat Procedures.** The purpose of the preliminary plat is to present the proposed subdivision in an exact and precise manner in order that it may be

evaluated pursuant to these platting regulations. The preliminary plat shall be completed and approved prior to construction of the improvements required by these regulations. The Town Council shall determine by resolution the number of copies, related fees, and the time periods for each of the preliminary plat procedures.

- (a) Preparation of Preliminary Plat. The applicant shall retain the services of a Civil Engineer and/or Land Surveyor registered in Florida to prepare a preliminary plat of the proposed subdivision. The plat shall be clearly and legibly drawn or reproduced at a scale no smaller than one inch equals 200 feet (1" = 200').
- (b) Filing Fee. Upon filing the preliminary plat with the Administrative Official, the applicant shall submit a fee, which shall be determined by the resolution of the Town Council, payable to the Town of Miami Lakes. The fee is not reimbursable but is to help defray the cost of administering and processing the preliminary plat. If more than one re-submittal of a corrected or revised preliminary plat is required by the staff or reviewing entity, an additional fee shall be charged for each re-submittal, as shall be determined by resolution of the Town Council.
- (c) Review Procedures. The Administrative Official shall coordinate the review of the preliminary plat and supplemental information as to their completeness and specific conformance with these platting regulations. The staff shall inform the applicant's engineer whether the plans and/or plat as submitted meet the general provisions of these platting regulations.
  - (1) When the staff finds that the preliminary plat and required data do not meet provisions of these platting regulations, the applicant shall be so advised in writing as soon as practicable concerning what corrections or revisions are necessary to meet the provisions of this article. Upon receipt of such findings, the applicant shall make the corrections or revisions and resubmit the preliminary plat and required data to the Administrative Official for review of the amended plan. If the applicant chooses not to provide the corrections, revisions, or other information requested by staff, the Administrative Official shall, at the request of the applicant, forward the application to the Town Council accompanied by the staff's comments, including documentation of unresolved issues.
  - (2) When the Administrative Official determines that the preliminary plat and required data meet the provisions of these platting regulations, such written recommendations shall be submitted to the applicant and the subdivision application will be scheduled for the next step or steps in the review process. Similarly, if the applicant fails to provide satisfactory response to issues identified by staff, the applicant shall be allowed to appear on the agenda of the Town Council. In such case, written comments of staff shall be provided to the Town Council and the applicant and the subdivision application shall be forwarded to the Town Council.

- (3) Subsequent to receiving a staff recommendation, the applicant shall be scheduled for the next available regular public meeting of the Town Council. Prior to the Town Council's review, the applicant shall submit twelve (12) copies of the preliminary plat and required data to the Administrative Official. The Town Council may consider the physical characteristics of the property, the availability of community services, traffic impact, economic impacts, appropriateness of the type and intensity of the proposed development, existing and future development, existing and future development patterns, land development regulations, relationship of the project to the capital improvements program, or other such factors as may relate to the Comprehensive Development Master Plan or elements thereof.
- (4) The applicant shall not be allowed to introduce new material at the Town Council meeting unless the applicant has previously provided the same to the Administrative Official and given the Administrative Official reasonable time to review and prepare and disseminate a written technical evaluation to the Town Council and the applicant prior to the scheduled Town Council meeting. During its review, the Town Council shall consider the written recommendations of staff, any other reviewing agencies, and presentations by the public. The Town Council may approve or disapprove the preliminary plat and required data

3. **Subdivision Final Plat Approval Procedures.** As the final step in the subdivision review process, the applicant shall prepare and submit a final plat. No final plat shall be recorded until the required improvements have been installed or performance guarantee posted pursuant to the requirements of this Article. No such required improvements including streets, drainage and other required facilities shall be accepted and maintained by the Town, unless and until the same have been duly inspected and approved by the Town staff, and have also been approved as to form by the Town Attorney and accepted for maintenance by the Town Council. Prior to acceptance and approval of the required improvements the final plat shall be approved by the Administrative Official, Town Attorney, and the Town Council and the applicant shall duly record the approved plat with the Clerk of the Circuit Court of Miami-Dade County, who shall record only those final plats which have been so approved in accordance with the platting regulations. The applicant shall provide the Town the following:

- (a) Fee for Final Plat. Upon filing application for final plat approval, the applicant shall pay to the Town a processing fee, the amount of which shall be determined by resolution of the Council, in order to help defray the cost of processing the final plat.
- (b) Timing of Final Plat Submission. Failure to submit the final plat within a specified amount of time shall require reapplication under the Preliminary Plat provisions of these platting regulations unless the Council grants an extension of time.

- (c) Required Compliance. The final plat shall conform to the approved subdivision master plan, shall meet the legal requirements of platting as defined by Chapter 177, Florida Statutes, as amended, and shall consist of a fully executed correct plat map, meeting all State and local standards, final engineering drawings and auxiliary submittals, and all required legal instruments. Notwithstanding, the final plat shall constitute only that portion of the approved preliminary plat and subdivision master plan which the applicant proposes to record and develop within a required time period.
  - (d) Content of Final Plat. The final plat shall include one original to be drawn or printed on 24 x 36 inch mylar or other approved material and two copies of the final plat and of all other required data. The final plat shall be prepared by a Florida Registered Engineer and is to be clearly and legibly drawn with black permanent drawing ink or other approved process to a scale of not smaller than one inch equals one hundred feet (1" = 100') or as otherwise determined by the Town. The final plat shall be prepared in accordance with the provisions of Chapter 177, Florida Statutes, as amended.
4. **Schedule of Development Phases.** The applicant may schedule proposed development phases within any proposed subdivision. The scheduled development phases shall have been specified on the approved preliminary plat and shall be of such a size and design and be scheduled so that all portions completed at any time can exist independently as a subdivision in complete conformity with the requirements of this article. The Town Council must approve any change in the schedule of phases. If phased, the applicant shall have the option of requesting either final plat approval or the issuance of a certificate of completion on one or more of the development phases in conformity with all the procedures and requirements of the Code.
5. **Time Restriction on Development.** The applicant may not apply for final plat approval on any portion of the approved preliminary plat that is not proposed to be recorded and developed within the required time period. Failure to make application for final plat approval of a development phase or for the issuance of a certificate of completion for a development phase on an approved preliminary plat within the required time period from the date of approval of the preliminary plat (or within required time period of the final plat approval for a related phase of a multi-phase development) may result in revocation of said preliminary plat unless the applicant applies for an extension from the Council prior to the lapse. The request for extension must be made in writing to the Town Council and shall be filed with the Town Clerk at least ninety (90) days prior to the scheduled expiration of the preliminary plat. The applicant must demonstrate good cause for the extension. The Town Council shall consider the request at a meeting and may extend the prescribed time period if the applicant presents evidence that demonstrates that the applicant has progressed in good faith toward implementing the preliminary plat.

6. **Submission of Final Plat.** Upon completion of the foregoing requirements, prints of the final plat and reproducible mylars of the final plat shall be submitted to the Administrative Official

(a) Review by Staff. The Administrative Official and Town Attorney shall examine the final plat as to its compliance with the Florida law and the ordinances of the Town of Miami Lakes. The recommendations as to compliance shall be in writing and reported within a required time period, or at such other time as shall be determined by resolution of the Town Council.

(1) If any deficiency exists, a reference shall be made to the specific Code provision with which the final plat does not comply. The applicant upon written notice shall correct any such deficiency.

(2) If the final plat meets the provisions of the platting regulations and complies with other applicable laws and ordinances, the Administrative Official shall recommend approval to the Council.

(3) No revisions shall be allowed to the final plat after it has received Town Council approval.

(b) Council Review Procedure Where Required Improvements Constructed Prior to Recording. Upon submittal of the reproducible final plat, certification and approvals contained on the plat shall be current and the plat shall be checked as required by these platting regulations prior to presentation to the Town Council for approval.

(c) Council Review Procedure Where Performance Guarantee Posted. In the event the applicant elects to record the final plat prior to completion of the required improvements under performance guarantees as provided for in the Code, the final plat shall be presented to the Town Council by the Town Attorney accompanied by appropriate legal instruments. Action by the Town Council shall be taken within a required time frame after receipt of the final plat and supporting data to the Town unless the applicant requests delay.

If the Town Council certifies that the development has met all requirements of these platting regulations, the plat shall be endorsed as finally approved by the Mayor and attested by the Town Clerk in order that it may be recorded among the public records of Miami-Dade County.

7. **Required Improvements and Guarantees**

(a) Completion of Required Improvements Prior to Final Plat Recording. In the event the applicant exercises the right to construct and complete required improvements prior to recording of the final plat, the Town Staff shall have the right of entry upon the property to be platted for the purpose of inspecting and reviewing the construction of the required improvements during the progress of such construction. The applicant shall coordinate the construction with the Town Staff and provide the Town Staff with at least 24 hours notice of construction events that Town Staff requests to inspect. When the required improvements are complete, the final plat along with the records and data as herein prescribed shall be submitted by the applicant to the Administrative Official and shall be reviewed by the

Administration Official as provided for in these platting regulations. When all requirements of this ordinance have been complied with the plat and a completion certificate, rendered on a form to be provided by the Administrative Official, shall be presented for review and approval to the Town Council by the Town Staff, within a required time frame after receipt of the completion certificate. Upon such approval the plat shall be submitted by the Administrative Official to the Office of the Clerk of the Circuit Court for recording.

(b) Performance Guarantees. A guarantee shall be required from the applicant who chooses not to install the required improvements prior to final plat approval, to ensure the proper installation of required street, utility, and other improvements, in the event of default by the applicant. The guarantee shall be presented in one of the following forms.

(1) Cash Deposit. The applicant shall deposit with the Town or place in an escrow bank account subject to the control of the Town, cash in the full amount of 50% of engineering and construction costs as agreed upon by Town Staff for the installation and completion of the required improvements. The applicant shall be entitled to receive all interest earned on such deposit or account. In the event of default by the applicant or failure of the applicant to complete such improvements within the time required by the Code, the Town, after sixty (60) calendar days written notice to the applicant, shall have the right to use such cash deposit or account to secure satisfactory completion of the required improvements; or

(2) Personal Bond with Irrevocable Letter of Credit. The applicant may furnish to the Town a personal bond secured by unconditional and irrevocable letter of credit in an amount equal to 50% of the total estimated cost of engineering and construction as agreed upon by Town Staff for the installation and completion of the required improvements. The expiration date of the letter of credit shall be at least (3) months following the date of certification of all improvements. The letter of credit shall be issued to the Town by the State of Florida or United States banking institution. Such letter of credit shall be in the form set forth by the Town Attorney and approved by the Town Council.

In event of default by the applicant or failure of the applicant to complete such improvements within the time required by this ordinance, the Town, after sixty (60) days written notice to the applicant shall have the right to use any funds resulting from drafts on the letter of credit to secure satisfactory completion of the required improvements; or

(3) Surety Completion Bond. A surety completion bond, including a payment of vendors clause, executed by a company having a Best's rating of AAA and authorized to do business in the state and acceptable to the Town, shall be furnished and payable to the

Town for two (2) years in the sum of 50% of the total cost of the engineer's estimates for streets street and traffic control devices, markings, sidewalks, drainage facilities, street signs, water and sewer facilities and other improvements as shown on the final development plan and agreed upon by Town Staff; the bond to run from the date the building in the development or the last building in an approved phasing of the development is certified for occupancy by the Building Official. In the event of default in reasonable maintenance as determined by the Administrative Official shall do either of the following: 1) Demand performance within ten (10) days by certified mail; 2) Call maintenance bond required under these platting regulations and expend all sums as required without reaction or limitation to cure defaults or remove structures when required.

## **G. ADMINISTRATION OF CONSTRUCTION**

After submittal of the final plat and supplementary material an applicant may construct the required improvements subject to obtaining all required permits. The Administrative Official shall be notified in advance of the date of commencement of such construction and shall be provided with a schedule of construction activities for the project. The schedule of construction activities shall be updated on a monthly basis by the applicant and re-submitted to the Town Administrative Official.

1. **Observation.** Construction shall be performed under the observation of, and shall at all times be subject to, review by the Administrative Official. This in no way shall relieve the applicant and the applicant's engineer of the responsibility for close field coordination and final compliance with approved plans, specifications and requirements of this Article.
2. **Construction Administration by Florida Registered Civil Engineer.** The applicant shall employ a Florida registered civil engineer for complete administration of the construction of the required improvements. The applicant shall require progress reports and final certification of the construction of the required improvements from such engineer be filed with the Administrative Official.
3. **Right to Enter.** The Administrative Official or his designee shall have the right to enter upon the property for the purpose of inspecting the quality of materials and workmanship and reviewing the progress of such construction.
4. **Progress Reports.** The applicant's engineer shall submit construction progress, reports at points of progress prescribed by the Town. The applicants engineer shall coordinate joint reviews of construction with the Administrative Official.
5. **Stop Work Orders.** The Administrative Official shall have the authority to stop the work upon failure of the applicant or his engineer to coordinate the construction of the required improvements as prescribed by these platting regulations.
6. **Final Inspections.** Upon completion of the required improvements the applicants engineer shall give the Administrative Official, within a one week time period, notice to make the final inspection of the improvements, landscaping, and sign

installations. The Administrative Official shall also have the authority to withhold or deny approval of Certificates of Occupancy relative to buildings and/or structures of a subdivision until the construction and installation of required improvements of that subdivision have been satisfactorily completed as prescribed by this Article.

#### **H. COMPLETION CERTIFICATE**

The required improvements shall not be considered complete until a completion certificate along with the final project records, including "as built" drawings have been furnished to, reviewed and approved by the Administrative Official. The certificate shall be certified by the applicant's engineer stating that the required improvements were installed under his responsible direction and that the improvements conform to the approved construction plans and the Code. The applicant's engineer shall also furnish a copy of each of the construction plans on a high quality, durable reproducible material, acceptable to the Administrative Official, showing the original design in comparison to the actual finished work and a copy of the measurements, tests and reports made on the work and material during the progress of the construction.

#### **I. CONDITIONS FOR RELEASE OF APPLICANT FROM BOND**

As a condition for the final release of the applicant from his bond, or for the release of any cash securities deposited with the Administrative Official, the following must be furnished.

1. Evidence by reference to plat book and page that the approved final plat has been filed;
2. A statement from the Administrative Official that he has found the work to be in accordance with the general provisions of the development plan;
3. The submission by the applicant's engineer to the Administrative Official of a complete set of "as built" drawings together with operating manuals and parts lists for any mechanical installations made;
4. A statement by the applicant's surveyor verifying completion of all required survey work and installation of all required P.R.M.; and
5. A release from the contractor, engineer, surveyor or any other person or persons performing any service or furnishing any material for the subdivision that they will not file a lien on the subdivision for nonpayment of service or material charges.

#### **J. TIME EXTENSIONS**

All required improvements for a project or each phase thereof shall be completed within a required time period from the date of preliminary plat approval. The Town Council, upon the recommendation of the Administrative Official, may grant time extensions for demonstrated good cause. The applicant shall present a written request for extension to



the Administrative Official. Each time extension shall not exceed the time period required.

**K. ACCEPTANCE AND MAINTENANCE OF REQUIRED IMPROVEMENTS**

1. **Workmanship and Material Agreement.** The applicant shall execute an agreement guaranteeing all improvements against defect in workmanship and materials for one year after acceptance of such improvements by the Town Council. Said agreement shall be submitted to the Administrative Official along with the completion certificate and project records.
2. **Procedure for Accepting Dedications.** The dedication of public space, parks, streets, right-of-way, easements or the like on the plat shall not constitute an acceptance of the dedication by the Town. The applicant shall apply to the Town for acceptance of improvements by the Town Council. The Town Council shall accept no dedication until the Administrative Official has approved all environmental audits required pursuant the Land Development Code. The acceptance of the dedication shall be subject to the inspection and approval of the Administrative Official. Such acceptance shall occur only upon adoption of resolution by the Town Council, which shall accept the subject dedications at such time as all improvements meet or exceed the standards set forth by the Land Development Code. The applicant's engineer shall furnish to the Administrative Official in writing a sealed and signed certificate stating that the required improvements have been completed in accordance with the approved plan and compliance with all applicable codes.  
The Administrative Official shall receive notice in adequate time (one week) to arrange for inspection prior to the beginning of construction and at appropriate staged intervals thereafter. The Administrative Official may require laboratory or field tests as well as staged inspections at the expense of the applicant. Any failure of work or materials to conform to the plans and specifications or failure to notify the Town in time for indicated inspections shall be cause for the Town Council to reject the facilities.
3. **Recommendation of Administrative Official.** The Administrative Official upon satisfactory completion, receipt of the applicant's engineers completion certificate, affidavits from all contractors and others who furnished goods and services for the required improvements acknowledging payment in full therefore, and receipt of the agreement, shall certify that the applicant has complied with all of the provisions of this ordinance and shall recommend to the Council the acceptance of the dedications and, when applicable, the maintenance of the required improvements.
4. **Acceptance by the Town Council.** Upon recommendations by the Administrative Official, the Town Council by resolution shall approve the subdivision, all dedications on the plat and the maintenance responsibilities of the improvements.
5. **Applicant's Failure to Complete Required Improvements.**
  - (a) Premature Recording of Plats (or Where Applicant Fails to Complete Required Improvements). When a plat has been recorded and the applicant

fails to complete the required improvements as required by these platting regulations, the Town Council shall direct the Administrative Official to complete the required improvements under the guarantees provided by the applicant. In such case, the Town Council shall direct the Administrative Official and/or the Town Attorney to call upon the guarantees to secure satisfactory completion of the required improvements. Legal notice of such action shall be deemed to have been duly served upon posting via Certified Mail Return Receipt Requested. Upon the completion of construction of the required improvements, the Administrative Official shall report to the Town Council and the Town Council shall accept by resolution the dedications and maintenance responsibility as indicated on the Plat. In such cases, the remaining guarantees posted by the applicant shall be retained for a period of one year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guarantee.

- (b) **In Cases Where Plat Has Not Been Recorded.** Where an applicant has elected to install the required improvements prior to recording of the plat and fails to complete such improvements within the time limitations of this ordinance, all approvals of the subdivision shall be null and void and the land shall revert to its original state. No reference shall be made to the plat with respect to the sale of lots or issuance of building permits, unless and until the plat has been resubmitted with all of the supplementary material and approvals as herein prescribed have been granted.

- (a) **Generally.** When an application for development approval is subject to a public hearing, the Administrative Official shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:
1. Identify the applicant, if other than the Town.
  2. Indicate the date, time, and place of the public hearing.
  3. Describe the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law.
  4. Describe the nature, scope and purpose of the proposal being noticed.
  5. Identify the Town department(s) where the public may inspect the application, staff report and related materials during normal business hours.
  6. Include a statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application.
  7. Include other information as may be required by law.
- (b) **Mailed Notice.** When the provisions of this Land Development Code require that mailed notice be provided, the applicant shall provide, along with the application, a list of all property owners within the required radius from the subject property, including the subject property itself. Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.

The following noticing information must be provided by the applicant.

1. Two (2) copies of a list, on gummed labels, with the names and addresses of all property owners of land located within the required radius from the exterior boundary of the subject property. These labels are for mailing purposes. If the subject property constitutes only a portion of a contiguous ownership parcel, the exterior boundary from which the required radius is to be projected will be the exterior boundary of the entire contiguous ownership parcel. (Note: Labels can be no older than six (6) months by the time the public hearing is heard.)
2. Two (2) copies of a list with the legal description of land owned by each property owner (lot number, block number and subdivision).
3. Two (2) copies of a map of the subject area showing the required radius with the subject property highlighted.
4. Original certified letter plus one (1) copy stating that the ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within the required radius from the

subject property. This letter must be dated and give the address of the subject property and its legal description, subdivision and plat book number and page. Also state the source for this information. (If prepared by a professional data research company, the preceding information should automatically be included. If prepared by the applicant, this letter must be signed by the applicant and notarized.) The Town maintains, in the application package for public hearings, a list of names and telephone numbers of local companies which the town believes are capable of producing the required mailing labels and accompanying maps, legal descriptions and certified letter for this application requirement.

The Town Clerk shall prepare the written notice and shall be responsible for mailing the notices. Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice. The applicant shall be responsible for all mailing costs as determined by the Town.

- (c) **Published Notice.** When the provisions of this Land Development Code require that notice be published, the applicant shall be responsible for the cost of Town staff preparing the content of the notice and publishing the notice in the non-legal section of the local newspaper of general circulation that has been selected by the Town. This notice shall be published in accordance with timelines prescribed in Table 3-1 in this Article prior to the required public hearing, except where provided otherwise in this Land Development Code.
- (d) **Posted Notice.** When the provisions of this Land Development Code require that notice be posted on the property subject to the application, the Administrative Official shall be responsible for posting the property, and shall:
  - 1. Place the signs on the property that is the subject of the application in accordance with timelines prescribed in Table 3-1 in this Article prior to a required or requested hearing.
  - 2. Place the signs along each street that is adjacent to or runs through the subject property at intervals of not more than two hundred feet (200') in a manner that makes them clearly visible to adjacent residents and passers-by.
  - 3. Place the signs no more than twenty-five feet (25') from the street so that the lettering is visible from the street. Where the land does not have frontage on a street, signs shall be erected on the nearest street, with an attached notation indicating generally the direction and distance to the property subject to the application.
- (e) **Re-noticing.** All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements or the party requesting a deferral or continuance which may require re-noticing of the property.

(f) **Comprehensive Plan.** Notice for public hearings on applications for amendments to the Comprehensive Plan shall be noticed as follows:

1. Text or map amendments initiated by the Town shall be noticed by publication in accordance with the provisions of Section 163.3184, Florida Statutes. In addition, property owners of record within a 2,500 foot radius of the property subject to map amendments shall be provided mailed notice.
2. Text or map amendments initiated by a property owner or governmental agency other than the Town shall be noticed by publication in accordance with the provisions of Section 163.3184, Florida Statutes. Map amendments shall also be noticed by posting of the property, subject to the application, 30 days prior to the hearing. In addition, property owners of record within a 2,500 foot radius of the property subject to map amendments shall be provided mailed notice.

(g) **Land Development Code.** Notice for public hearings on applications for amendments to the Land Development Code and the Official Zoning District Map shall be noticed as follows:

1. Text or map amendments initiated by the Town shall be noticed by publication in accordance with the provisions of Section 166.041, Florida Statutes. In addition, property owners of record within a 2,500 foot radius of the property subject to map amendments shall be provided mailed notice.
2. Text or map amendments initiated by a property owner or governmental agency other than the Town shall be noticed by publication in accordance with the provisions of Section 166.041, Florida Statutes. Map amendments shall also be noticed by posting of the property, subject to the application, 30 days prior to the hearing. In addition, property owners of record within a 2,500 foot radius of the property subject to map amendments shall be provided mailed notice.

(h) **Other Development.** Public hearings on applications for development permit approvals other than rezoning, including, but not limited to Variances, Conditional Uses, Site Plans for conditional uses, and Plats shall be noticed as follows:

1. Posting of the property subject to the application 10 days prior to the hearing.
2. Mailed notice to the property owners or record within a 500 foot radius of the property which is the subject of the application.
3. Courtesy publication in the non-legal section of the local newspaper of general circulation that has been selected by the Town.

- (i) **Appeals of Action by the Administrative Official.** An applicant seeking an appeal of the action by the Administrative Official to the Town Council shall be responsible for notice of the appeal by mailed notice to property owners of record within a 500 foot radius of the property subject to the application and posting of the property subject to the application.
- (j) **Applicant Bears Burden of Cost.** All costs of publication, mailing and posting shall be borne by the applicant.
- (k) **Provisions of Florida Statutes to Prevail.** Where provisions of the Florida Statutes conflict with provisions of the Land Development Code, the Florida Statutes shall prevail except where the Land Development Code contains supplementary requirements non-conflicting with the Florida Statutes.

**TABLE 3-1  
NOTICE REQUIREMENTS**

<u>PERMIT</u>	<u>NOTICE SECTION</u>	<u>POSTED</u>	<u>PUBLISHED</u>	<u>MAILED</u>
Appeal of Administrative Official	3.9 (i)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Variance	3.9 (h)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Other Development Permits (i.e., site plan, conditional uses, plats)	3.9 (h)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Comprehensive Development Master Plan – Town	3.9 (f)(1)	No	163.3184, F.S.	2500 feet radius for Map amendment
Comprehensive Development Master Plan – Owner	3.9 (f)(2)	30 days prior to hearing for Map amendment	163.3184, F.S.	2500 feet radius for Map amendment
Land Development Code - Town	3.9(g)(1)	No	166.041, F.S.	2500 feet radius for Map amendment
Land Development Code-- Owner	3.9 (g)(2)	30 days prior to hearing for Map amendment	166.041, F.S.	2500 feet radius for Map amendment

- (a) **Exhaustion of Remedies Required; Rendition of Development Orders.** No person aggrieved by any resolution, order or determination of the Administrative Official, the Local Planning Agency or the Town Council pursuant to the Land Development Code may apply to the Court for relief unless that person has first exhausted the remedies provided for in the Land Development Code. It is the intention of the Town Council that no application shall be made to the Court for relief except from resolution or ordinance adopted by the Town Council. Development Orders of the Town Council shall be reviewed by the filing of an appeal or writ or certiorari in the appropriate court. A Development Order is final for purposes of filing an appeal or writ of certiorari to the court only upon the Order's execution by the Town Clerk.
- (b) **Copy of the Record.** For the purposes of review by the court, the Administrative Official shall make available for public inspection and copying the record upon which each final decision of the Town Council is based. Prior to certifying a copy of any record or portion thereof, the Administrative Official shall make all necessary corrections in order that the copy is a true and correct copy of the record. The Administrative Official may make a reasonable charge commensurate with the cost of furnishing the record or any portion thereof.
- (c) **Regulatory Takings; Vested Right.** It is the intent of the Town Council that no decision under this Land Development Code shall constitute a temporary or permanent regulatory taking of private property ("taking") or an abrogation of vested rights ("vested rights abrogation").
1. In the event that any court shall determine that a decision of the Town Council under this Land Development Code constitutes a taking or vested rights abrogation, such decision of the Town Council is declared to be non-final and the court is hereby requested to remand the matter to the Town Council, which shall reconsider the matter in a properly noticed public hearing.
  2. In the event that a court fails to remand a matter to the Town Council after finding that a taking or vested rights abrogation has occurred, the Administrative Official is instructed to forthwith file an application to remedy such taking or vested rights abrogation, which application shall be heard directly by the Town Council in a properly noticed public hearing.
  3. The Town Council may elect to request that any remand or Administrative Official's application be deferred until a later point in the litigation, including, the completion of any judicial appeals