

**ORDINANCE No. 06-85**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES FLORIDA, PROVIDING RECITALS; PROVIDING FINDINGS; APPROVING THE REQUEST FOR A REZONING FROM IU-C TO BU-2 ON A 6.8 +/- ACRE PARCEL LOCATED AT 16100 NW 57<sup>th</sup> AVENUE; APPROVING THE MODIFICATION OR ELIMINATION OF CONDITIONS OR COVENANTS OF PREVIOUSLY APPROVED MIAMI-DADE COUNTY RESOLUTION No. 3-ZAB-453-65 TO PERMIT THE APPLICANT TO SUBMIT AN AMENDMENT TO THE OFFICIAL ZONING MAP FILED IN ACCORDANCE WITH THE TOWN DEVELOPMENT CODE; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Division 3.6 of the Code of the Town of Miami Lakes ("Town Code"), Red-Palmetto Associates, Ltd. (the "Applicant") has applied to the Town Council of the Town of Miami Lakes ("Town Council") for an amendment to the official zoning map (the "Rezoning") from IU-C (Industrial District Conditional) to BU-2 (Special Business District) on the 6.8± acre parcel located at 16100 N.W. 57 Avenue, Miami Lakes, Florida (the "Property") as legally described in Exhibit "A" attached hereto and incorporated by reference herein; and

**WHEREAS**, the Applicant has provided a map depicting the Property to be re-zoned attached as Exhibit "B" and incorporated by reference herein; and

**WHEREAS**, the Property is subject to conditions previously approved by Miami-Dade County Resolution No. 3-ZAB-453-65, and subsequent amendments thereof, which is attached as Exhibit "C" and incorporated by reference herein; and

**WHEREAS**, the Applicants have voluntarily proffered a Declaration of Restrictions (the "Declaration") to the Town in order to guarantee compliance with self-imposed limitations on the development of the Property, attached as Exhibit "D" and incorporated by reference herein; and

**WHEREAS**, the Town's Land Development Code ("LDC") pursuant to Division 3.6 of the Town Code provides that all proposed amendments to the official zoning map shall be evaluated by the Administrative Official, the Local Planning Agency, and the Town Council; and

**WHEREAS**, the Administrative Official has reviewed the Application and recommends approval with conditions, as set forth in the Staff Analysis and Recommendation dated August

22, 2006 (the "Staff Analysis"), attached as Exhibit "E," and incorporated into this Ordinance by this reference; and

**WHEREAS**, the Town Council has been designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; and

**WHEREAS**, in accordance with Division 3.9 of the LDC proper notice has been mailed to the appropriate property owners of record, the Property has been posted and the public hearing before the LPA and the Town Council on the Application was held on Tuesday, August 22, 2006 at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014 with Second Reading and adoption scheduled for September 19, 2006; and all interested parties have had the opportunity to be heard; and

**WHEREAS**, the Town Council finds that the Application is consistent with the Town's Comprehensive Plan.

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

**Section 1. Recitals.** The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

**Section 2. Findings.** Pursuant to Division 3.6 of the LDC, the Town Council finds that Application No.Z-06-16 for rezoning is consistent with the Town of Miami Lakes Comprehensive Development Master Plan.

**Section 3. Approval of Commercial Rezoning.** Pursuant to Division 3.6 (c) of the LDC, the Town Council hereby approves the rezoning of the Property legally described in Exhibit A, from IU-C (Industrial District Conditional) to BU-2 (Special Business) subject to the conditions set forth in Section 6 below.

**Section 4. Approval of Modifications to County Resolution.** The Town Council approves the modification or elimination of conditions of Miami-Dade County resolution No.3-ZAB-453-65, and subsequent amendments thereof, as Exhibits C.

**Section 5. Conditions.** The approval granted by this Ordinance for the rezoning is subject to the Applicants' compliance with the following, to which the Applicant stipulated at the public hearing:

1. That all conditions and requirements of the previous Resolution No. 3-ZAB-453-65 not otherwise modified in this Ordinance shall remain in full force and effect.
2. That the Applicant shall comply prior to Final Plat approval with all platting requirements of the Town of Miami Lakes and Chapter 28 of the Miami Dade County Code.

3. That the Applicant shall provide prior to Final Plat approval for the abandonment, vacation or release of the 30-foot wide right-of-way (per Plat Book 2, Page 17) running east-west across the subject site as per the Submitted "Sketch to Accompany Legal Description" by Schwebke-Shiskin & Associates, Inc., dated 11-12-01.
4. That the Applicant has proffered a Declaration of Restrictions which shall be submitted to meet with the approval of the Town Attorney and the Director of Planning and Zoning.
5. That the proffered Declaration of Restrictions shall be executed and recorded at the Applicant's expense within 30 days of this approval.
6. That the Applicant shall provide as part of the Site Plan application an Updated Traffic Impact Analysis Review to ensure that the intersection of N.W. 57<sup>th</sup> Avenue (Red Road) and N.W. 163<sup>rd</sup> Street is operationally optimized.
7. The Applicant shall record at their expense the Ordinance in the public records of the Clerk of the Circuit and County Court and shall return the original Ordinance to the Town Clerk.

**Section 6. Violation of Conditions.** Failure to adhere to the terms and conditions of this ordinance shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of this ordinance. The Applicants understand and acknowledge that they must comply with all other applicable requirements of the Town before they may commence construction or operation, and this ordinance may be revoked by the Town Council at any time upon a determination that Applicants are in non-compliance with the Town Code.

**Section 7. Recording.** The Applicants shall be responsible for recording this ordinance in the Public Records of Miami-Dade County, Florida at their sole cost.

**Section 8. Severability.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

**Section 9. Exclusion.** This Ordinance shall be excluded from the Town of Miami Lakes Code, except that the Town Manager shall cause to be shown on the Official Zoning Map of the Town the rezoning from IU-C to BU-2 for the parcel legally described in Exhibit A.

**Section 10. Effective Date.** This Ordinance shall take effect thirty (30) days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Land Development Code and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Ordinance until said appeal is resolved by a court of competent jurisdiction.

The foregoing Ordinance was offered by Councilmember Dorothy Cook, who moved its adoption on first reading with conditions. The motion was seconded by Councilmember Nancy Simon and upon being put to a vote; the vote was as follows:

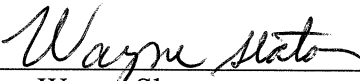
Mayor Wayne Slaton	yes
Vice Mayor Robert Meador	absent
Councilmember Roberto Alonso	yes
Councilmember Dorothy Cook	yes
Councilmember Mary Collins	absent
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes

PASSED AND ADOPTED on first reading this 22<sup>ND</sup> day of **August**, 2006.

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

Mayor Wayne Slaton	yes
Vice Mayor Robert Meador	yes
Councilmember Roberto Alonso	yes
Councilmember Dorothy Cook	yes
Councilmember Mary Collins	yes
Councilmember Michael Pizzi	yes
Councilmember Nancy Simon	yes


PASSED AND ADOPTED this 19 day of September 2006.

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

ATTEST:

  
\_\_\_\_\_  
DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR USE ONLY BY THE  
TOWN OF MIAMI LAKES:

  
\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE  
TOWN ATTORNEY