

ORDINANCE NO. 11- 128

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA TO ADOPT AMENDMENTS TO THE TOWN OF MIAMI LAKES' COMPREHENSIVE PLAN TO UPDATE THE CAPITAL IMPROVEMENT ELEMENT AND TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING BY AMENDING THE TEXT CONTAINED IN THE FUTURE LAND USE, INFRASTRUCTURE, CONSERVATION, INTERGOVERNMENTAL COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE TOWN OF MIAMI LAKES COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2005, the Florida Legislature passed Senate Bill 360, which required, in part, that local governments annually update the Capital Improvements Element within the Comprehensive Plan in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida. Statutes, is achieved and maintained over the planning period; and

WHEREAS, pursuant to Section 163.3177, Florida. Statutes, all local governments are required to adopt this update by December 1, 2008; and

WHEREAS, Section 163.3167(13) Florida Statutes requires each local government to identify in its comprehensive plan, the sources of its water supply, which is necessary to meet and achieve the existing and projected water use demand for an established planning period; and

WHEREAS, Section 163.3177(4)(a), Florida Statutes requires coordination between the goals, objectives and policies contained in the local comprehensive plan and

the matters contained in the water management district's regional water supply plan; and

**WHEREAS**, Section 163.3177(6)(c), Florida Statutes requires that local governments prepare and adopt a 10-Year Water Supply Facilities Work Plan and amend their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update; and

**WHEREAS**, the South Florida Water Management District updated and approved its regional water supply plan entitled the Lower East Coast Water Supply Plan ("LEC") in February 2007; and

**WHEREAS**, the Town of Miami Lakes, based upon its adopted 20-Year Water Supply Facilities Work Plan, attached hereto and incorporated herein as "Exhibit 1", as supporting data and analysis, has proposed amendments to the goals, objectives and policies of its Comprehensive Plan's Future Land Use Element, Infrastructure Element, Conservation Element, Intergovernmental Coordination Element, and Capital Improvements Element, attached hereto and incorporated herein as "Exhibit 2," to implement its adopted 20-Year Water Supply Work Plan; and

**WHEREAS**, the Town Council believes it is in the best interest of the public to adopt the 20-Year Water Supply Plan through its Comprehensive Plan and to interrelate it with the goals, objectives and policies contained in the Comprehensive Plan proposed by these amendments; and

**WHEREAS**, Division 3.7 of the Town of Miami Lakes Land Development Code ("Town LDC") sets forth the authority of the Town Council to consider and act upon an amendment to the text of the Town Comprehensive Plan and the criteria it shall consider in rendering its decision; and

**WHEREAS**, the Town Council, in its capacity as the Local Planning Agency, has reviewed this Ordinance at its February 17, 2009 meeting and voted to recommend approval of this request; and

**WHEREAS**, after having received input and participation by the public, staff, and the Local Planning Agency at a public hearing, the Town Council transmitted the proposed amendments to the Florida Department of Community Affairs and other units of local government and governmental agencies as required by law for their review; and

**WHEREAS**, the Florida Department of Community Affairs, other units of local government and governmental agencies as required by law, have reviewed the adopted 20-year Water Supply Facilities Work Plan, Capital Improvement Element and the proposed amendments to the Comprehensive Plan attached to this Ordinance and submitted their comments to the Town Council for consideration before adoption of this Ordinance; and

**WHEREAS**, the Town Council finds the proposed 20-Year Water Supply Facilities Work Plan, Capital Improvement Element and related Comprehensive Plan amendments as attached to this Ordinance are in compliance with and consistent with Florida law and its Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

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

**Section 1. Recitals.** Each of the above stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Findings.** In accordance with Division 3.7 of the Town LDC, the Town Council, having considered the testimony and evidence in the record presented by the public, staff, the Administrative Official, and the Local Planning Agency, at a duly noticed public hearing, finds that the proposed text amendments satisfy the applicable criteria contained in Division 3.7 of the Town LDC:

1. Whether the proposal is internally consistent with the Comprehensive 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 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 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.

**Section 3. Transmittal to the Florida Department of Community Affairs.** The Town Clerk is directed to transmit the adopted amendments, attached as exhibits, to the

Florida Department of Community Affairs and all other units of local government or governmental agencies required by Section 163.3184, Florida Statutes.

**Section 4. Adoption.** The Town Council hereby adopts the amendments to Element I entitled “Future Land Use Element”, Element IV entitled “Infrastructure Element”, Element VI entitled “Conservation Element”, Element VII entitled “Intergovernmental Coordination Element”, and Element VIII entitled “Capital Improvements Element”, of the Town of Miami Lakes Comprehensive Plan, attached in “Exhibit 2”, attached hereto and made a part of this Ordinance.

**Section 5. Inclusion in the Comprehensive Plan.** It is the intention of the Town Council and it is hereby ordained that the amendments to the Comprehensive Plan made by this Ordinance shall become part of the Comprehensive Plan of the Town of Miami Lakes.

**Section 6. 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 7. 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 8. Effective Date.** This Ordinance shall be effective upon issuance by the appropriate state agency of a Final Order pursuant to Section 163.3184, Florida Statutes.

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

Mayor Michael Pizzi	<u>Yes</u>
Vice Mayor Richard Pulido	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember George Lopez	<u>Yes</u>
Councilmember Robert Meador	<u>Yes</u>
Councilmember Nick Perdomo	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>

PASSED on first reading this 17<sup>th</sup> day of February, 2009.

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

Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Perdomo	<u>yes</u>
Councilmember Mary Collins	<u>Absent</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Nelson Hernandez	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>

PASSED AND ADOPTED this 8<sup>th</sup> day of February, 2011.



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MICHAEL PIZZI  
MAYOR

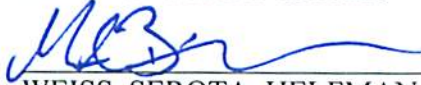
ATTEST:



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MARJORIE TEJEDA, TOWN CLERK

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



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WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.L.  
TOWN ATTORNEY