

ORDINANCE NO. 13-155

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, REORGANIZING, REFORMATTING, CONSOLIDATING, AMENDING, ADOPTING AND ENACTING A NEW ARTICLE I, SECTION 13-1(A), INCORPORATING EXISTING DEFINITIONS AND REPLACING EXISTING SECTIONS 13-1(A) AND 33-1, A NEW ARTICLE IV, DIVISION 8, SECTIONS 13-542 THROUGH 13-546, "RO-13 LOW DENSITY RESIDENTIAL/OFFICE DISTRICT" TO REPLACE EXISTING SECTIONS 13-542 THROUGH 13-546, A NEW ARTICLE IV DIVISION 9, SECTIONS 13-562 THROUGH 13-566 "HIGH DENSITY RESIDENTIAL OFFICE DISTRICT" TO REPLACE EXISTING SECTIONS 13-562 THROUGH 566, A NEW ARTICLE IV, DIVISION 12, SECTIONS 13-603 THROUGH SECTION 13-618 "BU-1 NEIGHBORHOOD BUSINESS DISTRICT" TO REPLACE ARTICLE XXIV, SECTIONS 33-237 THROUGH 33-245.2, A NEW ARTICLE IV, DIVISION 13, SECTIONS 13-619 THROUGH 13-634 "BU-1A, LIMITED BUSINESS DISTRICT" TO REPLACE EXISTING ARTICLE XXV, SECTIONS 33-246 THROUGH 33-251.5, A NEW ARTICLE IV, DIVISION 14, SECTIONS 13-635 THROUGH 13-650 "BU-2, SPECIAL BUSINESS DISTRICT" TO REPLACE EXISTING ARTICLE XXVI, SECTIONS 33-252 THROUGH 33-253.9, A NEW ARTICLE IV, DIVISION 15, SECTIONS 13-651 THROUGH 13-667, "LIBERAL BUSINESS DISTRICT" TO REPLACE EXISTING ARTICLE XXVII, SECTIONS 33-254 THROUGH 33-256.8, A NEW ARTICLE IV DIVISION 16, SECTIONS 13-668 THROUGH 13-687, "IU-1, INDUSTRIAL LIGHT MANUFACTURING DISTRICT" TO REPLACE EXISTING ARTICLE XXIX, SECTIONS 33-359 THROUGH 33-261.3, A NEW ARTICLE IV, DIVISION 17, SECTIONS 13-688 THROUGH 13-702 "IU-2, HEAVY MANUFACTURING DISTRICT" TO REPLACE EXISTING ARTICLE XXX, SECTIONS 33-263 THROUGH 33-263.4, A NEW ARTICLE IV, DIVISION 18, SECTIONS 13-703 THROUGH 13-718 "IU-3, INDUSTRIAL UNLIMITED DISTRICT" TO REPLACE EXISTING ARTICLE XXXI, SECTIONS 33-264 THROUGH 33-266.5, A NEW ARTICLE IV, DIVISION 19, SECTIONS 13-719 THROUGH 13-744 "IU-C, INDUSTRIAL USE CONDITIONAL" TO REPLACE EXISTING ARTICLE XXXII, SECTIONS 33-267 THROUGH 33-278.4, A NEW ARTICLE IV, DIVISION 20, SECTIONS 13-745 THROUGH 13-748 "BUSINESS, COMMERCIAL AND INDUSTRIAL USE MASTER LIST" REFORMATTING, ORGANIZING AND CONSOLIDATING LOCATION OF PERMITTED USES IN CERTAIN ZONING DISTRICTS, A NEW ARTICLE IV, DIVISION 21, SECTIONS 13-749 THROUGH 13-799 "ADDITIONAL BUSINESS, COMMERCIAL, INDUSTRIAL AND OTHER USE REGULATIONS" REFORMATTING, ORGANIZING AND CONSOLIDATING REGULATION OF CERTAIN USES, A NEW ARTICLE IV, DIVISION 22, SECTION 13-800 THROUGH 13-820 "PAD

**PLANNED AREA DEVELOPMENT DISTRICT” REPLACING EXISTING, ARTICLE XXXIIIB, SECTIONS 33-284.10 THROUGH 33-284.21, A NEW ARTICLE IV, DIVISION 23, SECTIONS 13-821 THROUGH 13-841, “TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT” REPLACING EXISTING ARTICLE XXXIIH, SECTIONS 33-284.46 THROUGH 33-384.54, A NEW ARTICLE IV, DIVISION 24, SECTIONS 13-842 THROUGH 13-855 “GP GOVERNMENTAL PROPERTY DISTRICT”, REPLACING EXISTING ARTICLE XXXIIC, SECTIONS 33-284.22 THROUGH 33-284.23, A NEW ARTICLE IV, DIVISION 25, SECTIONS 13-856 THROUGH 13-861 “GU INTERIM DISTRICT”, REPLACING EXISTING ARTICLE XIII, SECTIONS 33-194 THROUGH 33-198, REVISIONS TO ARTICLE V, SECTIONS 13-1505 AND 13-1509 TO REGARDING AWNINGS, FENCES AND WALLS IN BUSINESS AND INDUSTRIAL DISTRICTS, ADDING A NEW ARTICLE VI, SECTION 13-1611, EXISTING USES, REPLACING EXISTING SECTION 33-34, ADDING A NEW ARTICLE VI, SECTION 13-1612, NONCONFORMING USE, REPLACING EXISTING SECTION 33-35, ADDING A NEW ARTICLE VI, SECTION 13-1613, OUTDOOR LIGHTING, REPLACING EXISTING SECTION 33-4.1, ADDING A NEW ARTICLE VI, SECTION 13-1614, COMPLIANCE WITH FAA RULES, REPLACING EXISTING SECTION 33-56, ADDING A NEW ARTICLE 13-1615, RIGHT-OF-WAY PLAN AND MINIMUM WIDTH, REPLACING EXISTING SUBSECTIONS 33-135(C), (D), (E) AND (F), AMENDING ARTICLE VIII, SECTION 13-1801 “OFF-STREET PARKING”, REPLACING EXISTING ARTICLE VII, SECTIONS 33-122 THROUGH 33-132, OF THE TOWN’S CODE; PROVIDING FOR REPEAL OF SPECIFICALLY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR RETENTION OF OMITTED REGULATIONS; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) upon incorporation adopted Chapter 33 of the Miami –Dade County Code (2000), entitled “Zoning” as the Town of Miami Lakes Land Development Code (“the Town LDC”) by Section 8.3 of the Town Charter; and

**WHEREAS**, Objective 1.2 of the Town’s Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

**WHEREAS**, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the “LDC Ordinances”) to better address and serve the needs of the Town; and

**WHEREAS**, the Town desires to reorganize, reformat, consolidate, update and streamline the portions of the Town LDC relating to commercial and industrial properties; and

**WHEREAS**, the Town has undertaken a comprehensive reorganization, reformatting and consolidation of the portions of the Town's LDC relating to commercial and industrial properties; and

**WHEREAS**, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), found the proposed amendments to be consistent with the Town's Comprehensive Plan at a duly advertised Public Hearing on May 15, 2012; and

**WHEREAS**, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

**WHEREAS**, the proposed amendments are in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

**WHEREAS**, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the 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. Adoption.** The Town Council hereby adopts the amendments to Articles I, III, IV, V, VI and VIII of the Town LDC, which are attached as Exhibit A hereto and are incorporated herein.

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are specifically in conflict with this Ordinance are hereby repealed.

**Section 4. Omitted Provisions.** Any provision of the Town Code currently in effect which is not reorganized or amended by this Ordinance, or which is otherwise omitted from this Ordinance, but which does not specifically conflict with any provision of this Ordinance, shall be unaffected hereby, and shall remain in full force and effect.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

**Section 7. Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

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

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

PASSED AND ADOPTED on first reading this 8 day of May, 2012.

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

Mayor Michael Pizzi	<u>yes</u>
Vice-Mayor Ceasar Mestre	<u>yes</u>
Councilmember Manny Cid	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Nelson Hernandez	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

PASSED AND ADOPTED on second reading this 12 day of March, 2013.

  
MICHAEL PIZZI  
MAYOR

ATTEST:

  
MARJORIE TEJEDA  
TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:

  
JOSEPH S. GELLER  
GREENSPOON MARDER  
TOWN ATTORNEY