

ORDINANCE NO. 14-169

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS, INCLUDING VARIOUS UPDATES TO THE GOALS, OBJECTIVES AND POLICIES OF THE TOWN OF MIAMI LAKES COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND REQUIRED REVIEW AGENCIES FOR REVIEW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 136.3191, Florida Statutes, each local government is required to evaluate its comprehensive plan at least once every seven years to determine if plan amendments are necessary to reflect changes in state requirements, to notify the Florida Department of Economic Opportunity of its determination and to prepare and transmit such plan amendments for review; and

WHEREAS, on February 1, 2013, the Town of Miami Lakes sent a letter to the Florida DEO with notification that amendments to the Town's Comprehensive Plan are necessary in order to be consistent with new statutory provisions since the latest update of the Comprehensive Plan; and

WHEREAS, Section 163.3191, Florida Statutes requires that comprehensive plan amendments submitted pursuant to such notification must be through the State Coordinated Review Process as outlined in Section 163.3184, Florida Statutes; and

WHEREAS, the Town of Miami Lakes has proposed amendments to the text and maps of its Comprehensive Plan's Introduction, Future Land Use Element, Transportation Element, Infrastructure Element, Recreation and Open Space Element, Conservation Element and Capital Improvements Element, attached hereto and incorporated herein as

“Exhibit 1” and “Exhibit 2,” to reflect changed conditions and to comply with the requirements of Section 163.3191, Florida Statutes; and

WHEREAS, Section 13-307 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 and maps of the Town Comprehensive Plan, and the criteria it shall consider in rendering its decision; and

WHEREAS, the Planning and Zoning Board, in its capacity as the Local Planning Agency, has reviewed this Ordinance at its February 18, 2014 meeting and voted to recommend approval of this ordinance and transmittal of the proposed amendments to the Florida Department of Economic Opportunity and other units of local government and governmental agencies as required by law for their review; 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 Economic Opportunity and other units of local government and governmental agencies as required by law for their review; and

WHEREAS, the Florida Department of Economic Opportunity, other units of local government and governmental agencies as required by law, have reviewed the transmitted amendments and did not identify any objections; and

WHEREAS, the Florida Department of Transportation (FDOT) and Miami-Dade County, upon their review of the proposed amendments, offered minor technical assistance comments, and the Town has addressed those comments in the amendments adopted herein; and

WHEREAS, the Town Council finds the proposed amendments to the Comprehensive Plan 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 Section 13-307 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 Section 13-307 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 Administrative Official 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 of Text Amendments. The Town Council hereby adopts the amendments to the text of the Introduction, the Future Land Use Element, the Transportation Element, the Recreation and Open Space Element and the Conservation Element, of the Town of Miami Lakes Comprehensive Plan, as attached in EXHIBIT 1, attached hereto and made a part of this Ordinance.

Section 5. Adoption of Map Amendments. The Town Council hereby adopts the amendments to the maps of the Town of Miami Lakes Comprehensive Plan to replace the “Future Land Use Map”, “Major Thoroughfares by Number of Lanes (2025)” map, “Major Thoroughfares by Functional Classification (2025)” map and “Major Trip Generators and Attractors (2025)” map with those maps contained in EXHIBIT 2, attached hereto and made a part of this Ordinance.

Section 6. 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 7. 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 8. 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 9. Effective Date. This Ordinance shall become effective according to the provisions of Section 163.3184, Florida Statutes.

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

Mayor Wayne Slaton	<u>absent</u>
Vice-Mayor Manny Cid	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

PASSED on first reading this 11th day of March 2014.

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

Mayor Wayne Slaton	<u>YES</u>
Vice-Mayor Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Tony Lama	<u>YES</u>
Councilmember Frank Mingo	<u>YES</u>
Councilmember Ceasar Mestre	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>

PASSED AND ADOPTED this 10 day of June, 2014.




WAYNE SLATON
MAYOR

ATTEST:



MARJORIE TEJEDA, TOWN CLERK

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



RAUL GASTESI, TOWN ATTORNEY