

ORDINANCE NO. 14- 176

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE V, SECTION 13-1508. DRIVEWAYS AND PARKING SPACES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; 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 Council desires to limit the total combined width of driveway approaches of circular driveways on single-family and two-family residences to a maximum of thirty (30) feet; and

WHEREAS, the Town’s Planning and Zoning Board, as the Local Planning Agency (LPA), reviewed the proposed amendment at a duly advertised Public Hearing on September 16, 2014, and voted to recommend approval with a modification that the maximum approach width be measured at the property line, rather than at the edge of roadway pavement; 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 RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Adoption. The Town Council hereby adopts the amendment to Article V, Section 13-1508 of the Town LDC, which is attached hereto as Exhibit A and are incorporated herein¹.

Section 3. 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 4. 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 5. 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 6. Effective date. This Ordinance shall become effective immediately upon its adoption on second reading.

THIS SPACE INTENTIONALLY LEFT BLANK

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strike through~~.

FIRST READING

The foregoing ordinance was offered by Councilmember Daubert who moved its adoption on first reading. The motion was seconded by Councilmember Rodriguez 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 Ceasar Mestre	<u>Absent</u>
Councilmember Frank Mingo	<u>Yes</u>
Councilmember Nelson Rodriguez	<u>Yes</u>

Passed and adopted on first reading this 8th day of July, 2014.


THIS SPACE INTENTIONALLY LEFT BLANK

SECOND READING

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 yes
- Vice Mayor Manny Cid yes
- Councilmember Tim Daubert yes
- Councilmember Tony Lama yes
- Councilmember Ceasar Mestre yes
- Councilmember Frank Mingo yes
- Councilmember Nelson Rodriguez yes

Passed and adopted on second reading this 14th day of October, 2014.



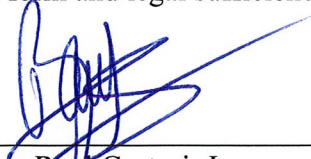
Wayne Slaton
MAYOR

Attest:



Marjorie Tejeda
TOWN CLERK

Approved as to form and legal sufficiency:



Ram Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A²

Chapter 13 LAND DEVELOPMENT CODE

ARTICLE V. Allowable Encroachments into the Required Yards and Exceptions to the Maximum Permitted Heights

Sec. 13-1508. Driveways and parking spaces.

This section applies to single-family and two-family residences.

- (2) The maximum driveway approach width shall be 20 feet, measured at the property line. In the case of a circular driveway, the total combined width of both approaches shall not exceed 30 feet, measured at the property line. Where there is a sidewalk and/or swale present between the property line and the roadway pavement, an approach may also include an additional flare area between the property line and the paved roadway area. If utilized, each flare shall be no wider than two and one-half feet where it meets the roadway pavement, and shall be curved. The curve shall begin no more than half of the distance between the sidewalk (or property line if either the swale or sidewalk is not present) and the roadway pavement, and shall be a constant, gradual curve. Where a flare is utilized, the maximum driveway approach width shall be 25 feet at the paved roadway and 20 feet at the property line. Where a flare is utilized in the case of a circular driveway, the total combined width of both approaches shall not exceed 40 feet at the paved roadway and 30 feet at the property line. In cases of atypical configurations, the Administrative Official may interpret this subsection to achieve the intended result. However, a driveway approach shall be no closer than ten feet to the base of a swale area tree that is existing or scheduled to be planted, unless the Town Arborist determines that in his professional opinion, the particular tree can grow properly with a smaller separation. Paved driveway areas (excluding approaches) for any garage, including three-car garages, shall not exceed 30 feet in width.

² Additions to the text proposed at first reading are shown in underline and deletions from the text are shown in ~~strikethrough~~. Changes to the proposed amendment since first reading are shown in double underline and ~~double strikethrough~~.