

ORDINANCE NO. 18- 228

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO THE TOWN'S SIDEWALK NETWORK; ADOPTING RECITALS; AMENDING CHAPTER 35, ENTITLED 'STREETS, SIDEWALKS AND OTHER PUBLIC PLACES', ESTABLISHING PROVISIONS FOR THE COMPLETE BUILD-OUT OF THE TOWN'S SIDEWALK NETWORK; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 26, 2016, the Town Council of the Town of Miami Lakes adopted Ordinance No. 16-194, amending the Town's Comprehensive Master Development Plan, incorporating language at Policies 2.1.6, 2.2.4, 2.6.8, and 2.6.9, among others, which support interconnectivity of the Town's sidewalk network; and

WHEREAS, Chapter 35 of the Town of Miami Lakes (the "Town") Code, entitled "Streets, Sidewalks and Other Public Spaces" is intended to provide standards to address sidewalks within the Town's right-of-way, however it does not provide for the completion of the Town's desire to have complete sidewalk interconnectivity; and

WHEREAS, to fulfill the Town's vision of achieving multimodal interconnectivity throughout the Town, the Town Council desires to establish rules which will further that goal; and

WHEREAS, on June 20, 2017, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

WHEREAS, on September 5, 2017, the Town Council moved the item on First Reading; and

WHEREAS, on October 3, 2017, the Town Council considered the proposed ordinance at a duly advertised public hearing and choose to defer the item to Workshop where the item may be discussed further; and

WHEREAS, on March 21, 2018, the proposed ordinance was discussed and based on those discussions, the proposed ordinance was modified

WHEREAS, on June 5, 2018, because of proposed changes to the pending ordinance were substantial, the Town Council entered the item into the record for first reading at a duly advertised hearing; and

WHEREAS, on July 17, 2018, the Town Council considered the ordinance at a duly advertised public hearing; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

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

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

Section 2. Amendment. Chapter 35, Streets, Sidewalks and Other Public Spaces, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

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. That this Ordinance shall be effective immediately upon its adoption on second reading.

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FIRST READING

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

Mayor Manny Cid	yes
Vice Mayor Frank Mingo	yes
Councilmember Tim Daubert	yes
Councilmember Luis Collazo	yes
Councilmember Ceasar Mestre	yes
Councilmember Nelson Rodriguez	absent
Councilmember Marilyn Ruano	yes

Passed on first reading this 5th day of June 2018.

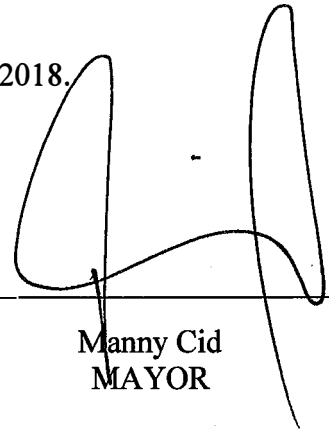
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SECOND READING

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

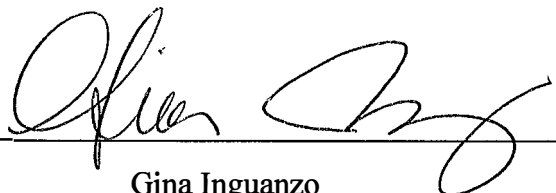
Mayor Manny Cid	yes
Vice Mayor Frank Mingo	yes
Councilmember Luis Collazo	yes
Councilmember Tim Daubert	yes
Councilmember Ceasar Mestre	absent
Councilmember Nelson Rodriguez	yes
Councilmember Marilyn Ruano	absent

Passed and adopted on second reading this 17th day of July 2018.



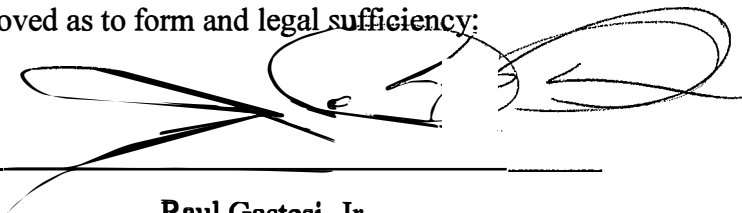
Manny Cid
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



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

EXHIBIT A
ORDINANCE

Chapter 35 – STREETS, SIDEWALKS AND OTHER PUBLIC SPACES

ARTICLE I. – IN GENERAL

* * *

Sec. 35-3 SIDEWALKS.

- (a) Intent. It is the stated intent of the town, as part of its broader mobility plan, to provide for sidewalk interconnectivity throughout the town. This Section seeks to achieve this intent by establishing provisions that ensure sidewalk infrastructure, where missing, or inadequate planned and constructed.
- (b) Sidewalk plans shown. All plans submitted to the town in connection with any development permit application, including a building permit or development order pursuant to Chapter 13, Article 3, of the Land Development Code, upon any parcel of land in the town abutting a public right-of-way, shall show the location of any existing sidewalks.
- (c) All permits for construction, shall provide for repair of existing sidewalks adjacent to the subject property that were damaged by the construction activity. No final certificate of completion or occupancy shall be issued until such repair work is completed with inspection approvals.
- (d) Applicability. All new construction on unimproved land shall provide sidewalks along all street frontages, as part of that development.
- (e) Complete Streets, Sidewalks to be constructed within the Town shall conform to the Town's Complete Street Program to the greatest extent possible.
- (f) Permitting. No building permit shall be issued for the construction of improvements for the projects required to provide sidewalk interconnectivity as provided above, unless the proposed plans include the location of sidewalks, and said sidewalks are to be constructed by the applicant in accordance with the requirements imposed by the town, and no certificate of completion or occupancy shall be granted unless such sidewalks are completed in accordance with the proposed plans.