

RESOLUTION NO. 07- 597Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING WITH CONDITIONS A PRELIMINARY PLAT ENTITLED LAKE HOUSE APARTMENTS SUBMITTED IN ACCORDANCE WITH DIVISION 3.8.F.2 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO APPROVE SAID PRELIMINARY PLAT OF PROPERTY LOCATED IN THE RM-13 RESIDENTIAL DISTRICT, LEGALLY DESCRIBED AS A PORTION OF TRACTS 22, 23 AND 24, "CHAMBER'S LAND COMPANY SUBDIVISION" OF THE SOUTHWEST ¼ OF SECTION 22, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, INCLUDING A PORTION OF RIGHT-OF-WAY FOR NW 87TH AVENUE OVERPASS AND SERVICE ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 10551 ON PAGE 2501 OF THE OFFICIAL RECORDS OF MIAMI-DADE COUNTY, FLORIDA, AND LOCATED EAST OF NW 84TH COURT AND SOUTH OF COMMERCE WAY, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL WITH CONDITIONS; PROVIDING FOR CONDITIONS; PROVIDING FOR VIOLATION OF CONDITIONS; PROVIDING FOR AUTHORIZATION; PROVIDING FOR APPEAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.8.F.2 of the Town of Miami Lakes Land Development Code (the "Town LDC"), The Graham Companies ("the Applicant") has applied for approval of a preliminary plat for property legally described as a portion of Tracts 22, 23 and 24, "Chamber's Land Company Subdivision" of the southwest ¼ of Section 22, Township 52 South, Range 40 East, according to the plat thereof, as recorded in Plat Book 2, at Page 68, of the Public Records of Miami-Dade County, Florida, including a portion of right-of-way for NW 87th Avenue overpass and service road, as recorded in Official Records Book 10551 on Page 2501 of the

Official Records of Miami-Dade County, Florida, and located east of NW 84th Court and south of Commerce Way, Miami Lakes, Florida, Folio # 32-2022-001-0650; and

WHEREAS, in accordance with Division 3.9 of the Town LDC, proper notice was posted, published and mailed to the appropriate property owners of record; a public hearing on the preliminary plat was held on November 20, 2007 at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, Florida 33014; and all interested parties had an opportunity to address their comments to the Town Council; and

WHEREAS, the Director of Planning and Zoning, acting as the Administrative Official, determined that the Applicant has met all the conditions and prerequisites to preliminary plat approval contained in Division 3.8.F.2 of the Town LDC and recommended approval of the preliminary plat, with conditions as set forth in the Staff Analysis and Recommendation (the "Staff Analysis"), attached as Exhibit A, and incorporated into this Resolution by reference.

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

Section 1. Recitals.

The above recitals are true and correct and are incorporated in to this Resolution by this reference.

Section 2. Findings.

In accordance with Division 3.8.F.2 of the Town LDC and after having considered public testimony, evidence in the record and the recommendation of staff, the Town Council has considered and finds:

1. The preliminary plat is consistent with the Town of Miami Lakes Comprehensive Plan.
2. The preliminary plat satisfies all the conditions and prerequisites for preliminary plat approval contained in the Town LDC, is in compliance with all applicable Divisions of the Town's LDC, and is consistent with the Town LDC.

3. No public hearing is needed pursuant to Section 33-16 of the Miami-Dade County Code, as incorporated into and made a part of the Town LDC, for lake excavation.

Section 3. Approval/Approval with Conditions/Denial of Preliminary Plat.

The preliminary plat is approved with conditions.

Section 4. Conditions.

1. The approval of the preliminary plat shall be in accordance with the copy of the Tentative Plat of LAKE HOUSE APARTMENTS as submitted for approval to the Town Council and prepared by Schwebke-Skiskin & Associates, Inc., Registered Land Surveyor, State of Florida, Order No. 193398, dated, signed and sealed on October 8, 2007 and consisting of 1 sheet.
2. The Applicant shall comply prior to final plat approval with all platting requirements of the Town LDC, including Chapter 28 of the Miami-Dade Code County Land Development as incorporated into and made a part of the Town LDC, and Vested Rights Order MVR-2-00.
3. The Applicant shall comply with all requirements and obtain approval from the Miami-Dade County Department of Environmental Resources Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASA), including but not limited to approval for lake excavation and water and sewer plans, prior to issuance of a final building permit.
4. The Applicant shall submit all administrative site plans for approval pursuant to Resolution Z-185-96 and the Declaration of Restrictions recorded in Official Records Book 17727 on Page 486 of the Official Records of Miami-Dade County, Florida, to the Miami Dade County Fire Rescue Department for review and comment.
5. The Applicant shall provide prior to final plat approval evidence of transit amenities pursuant to Resolution Z-185-96, at no cost to the Town of Miami Lakes, to include but not be limited to transit pedestrian/wheelchair ramps, bus pull-out bay, and a bus shelter, unless otherwise waived by Miami-Dade County, Florida, prior to recording of the final plat. If a bus shelter is required, no building permit shall be issued unless the bus shelter easement is recorded.
6. No development work shall be allowed on the property until a unity of title is recorded and no certificate of occupancy shall be issued until the final plat is recorded.
7. The Applicant shall obtain approval of a final plat in accordance with the Town LDC for the requested preliminary plat, as approved herein, within one year of the

date of this approval. If a final plat is not obtained within the prescribed time limit, then this approval shall become null and void.

8. The Applicant shall record this Resolution in the Official Records of Miami-Dade County, Florida and shall return a copy of the recorded Resolution to the Town Clerk.

Section 5. Violation of Conditions.

Failure to adhere to the terms and conditions of this Resolution in Section 4, if any, shall be considered a violation of the Town LDC and persons found violating the conditions shall be subject to the penalties prescribed by the Town LDC, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town LDC before it may commence construction or operation, and that the foregoing approval(s), if any, in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town LDC.

Section 6. Authorization.

Subject to review by the Town Attorney, the Town Manager, the Town Clerk and Town Surveyor are authorized to sign the preliminary plat and to execute any other needed documents consistent with and to implement the intent of the Town Council, including but not limited to a Hold Harmless Agreement and Unity of Title Agreement.

Section 7. Appeal.

In accordance with Division 3.10 of the Town LDC, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing a Writ of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 8. Effective Date.

This Resolution shall take effect immediately upon adoption by the Town Council.

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PASSED AND ADOPTED this 20 day of Nov., 2007.

Motion to adopt by Mary Collins, second by Nancy Simon.

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Nancy Simon	<u>yes</u>
Councilmember Roberto Alonso	<u>absent</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador II	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>

PASSED AND ADOPTED this 20 day of November 2007.

This Resolution was filed in the Office of the Town Clerk on this 6 day of December, 2007.

Wayne Slaton
WAYNE SLATON
MAYOR

ATTEST:

Debra Eastman
DEBRA EASTMAN, MMC
TOWN CLERK

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


Wei Serota Heleman Pastoriza
WEISS SEROTA HELEMAN PASTORIZA
COLE & BONISKE, P.L.
TOWN ATTORNEY




EXHIBIT A

**TOWN OF MIAMI LAKES
MEMORANDUM**

To: Honorable Mayor and Town Council

Thru: Alex Rey, Town Manager 

From: Maria Crowley, Director of Planning and Zoning 

Subject: Hearing Number: ZH-07-25
 Applicant: The Graham Companies
 Folio: 32-2022-001-0650
 Location: East of NW 84 Court & South of Commerce Way
 Miami Lakes, FL 33016

Date: November 20, 2007

REQUEST(S)

The Graham Companies (the "Applicant") is requesting preliminary plat approval submitted in accordance with the Town of Miami Lakes Land Development Code ("Town Code") pursuant to Division 3.8.F.2 of the Town Code which provides that all proposed subdivisions shall comply with all of the requirements of the platting regulations. The request for preliminary plat approval for the Lake House Apartments is for a +/- 21.0 acre site located East of NW 84 Court and South of Commerce Way, in the RM-13 (Low Density Residential District).

During its review, the Town Council shall consider the written recommendations of Staff, any other reviewing agencies, and presentations by the public.

APPLICABLE CODE SECTION(S)

Division 3.8 Platting

F. Subdivision Procedures

2. Preliminary Plat Procedures. The purpose of the preliminary plat is to present the proposed subdivision in an exact and precise manner in order that it may be evaluated pursuant to these platting regulations. The preliminary plat shall be completed and approved prior to construction of the improvements required by these regulations. The Town Council shall determine by resolution the number of copies, related fees, and the time periods for each of the preliminary plat procedures.

- (a) Preparation of Preliminary Plat. The applicant shall retain the services of a Civil Engineer and/or Land Surveyor registered in Florida to prepare a preliminary plat of the proposed subdivision. The plat shall be clearly and legibly drawn or reproduced at a scale no smaller than one inch equals 200 feet (1" = 200').
- (b) Filing Fee. Upon filing the preliminary plat with the Administrative Official, the applicant shall submit a fee, which shall be determined by the resolution of the Town Council, payable to the Town of Miami Lakes. The fee is not reimbursable but is to help defray the cost of administering and processing the preliminary plat. If more than one re-submittal of a corrected or revised preliminary plat is required by the staff or reviewing entity, an additional fee shall be charged for each re-submittal, as shall be determined by resolution of the Town Council.
- (c) Review Procedures. The Administrative Official shall coordinate the review of the preliminary plat and supplemental information as to their completeness and specific conformance with these platting regulations. The staff shall inform the applicant's engineer whether the plans and/or plat as submitted meet the general provisions of these platting regulations.
 - (1) When the staff finds that the preliminary plat and required data do not meet provisions of these platting regulations, the applicant shall be so advised in writing as soon as practicable concerning what corrections or revisions are necessary to meet the provisions of this article. Upon receipt of such findings, the applicant shall make the corrections or revisions and resubmit the preliminary plat and required data to the Administrative Official for review of the amended plan. If the applicant chooses not to provide the corrections, revisions, or other information requested by staff, the Administrative Official shall, at the request of the applicant, forward the application to the Town Council accompanied by the staff's comments, including documentation of unresolved issues.
 - (2) When the Administrative Official determines that the preliminary plat and required data meet the provisions of these platting regulations, such written recommendations shall be submitted to the applicant and the subdivision application will be scheduled for the next step or steps in the review process. Similarly, if the applicant fails to provide satisfactory response to issues identified by staff, the applicant shall be allowed to appear on the agenda of the Town Council. In such case, written comments of staff shall be provided to the Town Council and the applicant and the subdivision application shall be forwarded to the Town Council.

- (3) Subsequent to receiving a staff recommendation, the applicant shall be scheduled for the next available regular public meeting of the Town Council. Prior to the Town Council's review, the applicant shall submit twelve (12) copies of the preliminary plat and required data to the Administrative Official. The Town Council may consider the physical characteristics of the property, the availability of community services, traffic impact, economic impacts, appropriateness of the type and intensity of the proposed development, existing and future development, existing and future development patterns, land development regulations, relationship of the project to the capital improvements program, or other such factors as may relate to the Comprehensive Development Master Plan or elements thereof.

- (4) The applicant shall not be allowed to introduce new material at the Town Council meeting unless the applicant has previously provided the same to the Administrative Official and given the Administrative Official reasonable time to review and prepare and disseminate a written technical evaluation to the Town Council and the applicant prior to the scheduled Town Council meeting. During its review, the Town Council shall consider the written recommendations of Staff, any other reviewing agencies, and presentations by the public. The Town Council may approve or disapprove the preliminary plat and required data.

Complete Copy of Division 3.8 (Attachment A)

SUMMARY OF PROPOSAL AND RECOMMENDATION

The Applicant seeks preliminary plat approval for the subject property, which is anticipated to be developed with approximately 270 apartment units within low-rise two-story apartment buildings. (See **Exhibit 1**)

Staff Recommendation: Approval Subject to Conditions

BACKGROUND

Zoning of Property: RM-13 – Low Density

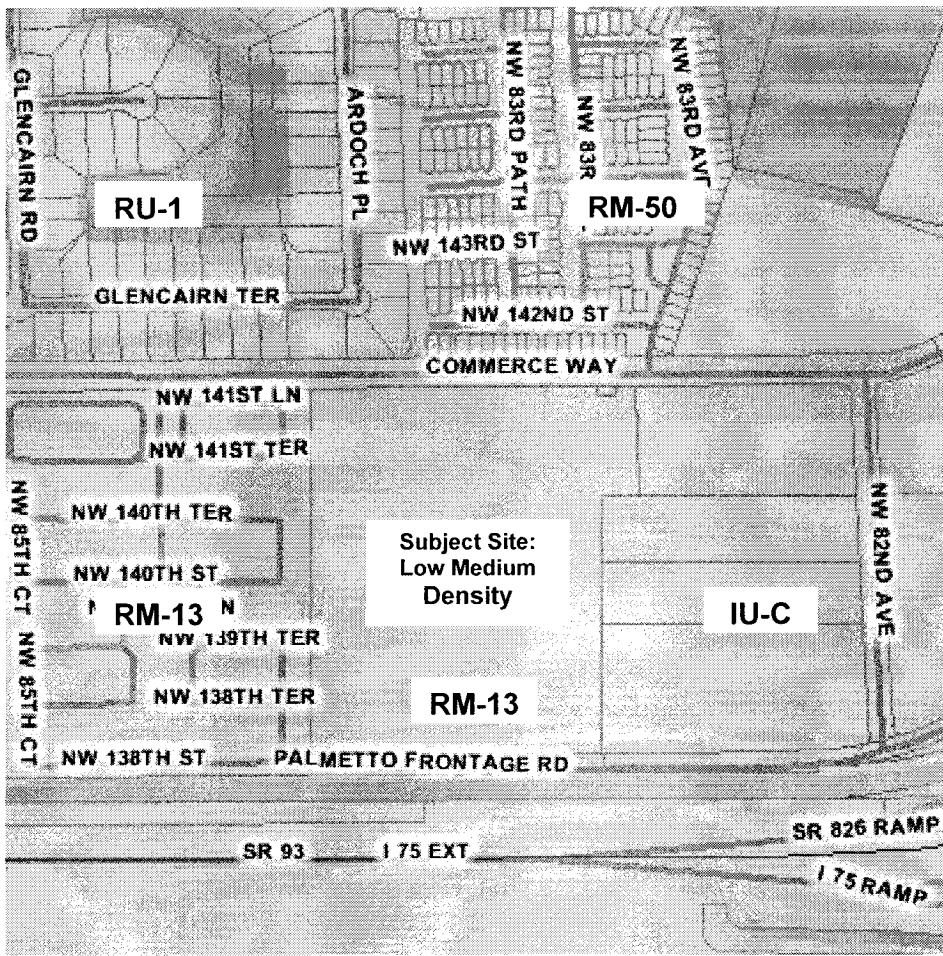
Legal Description: 22 52 40 21.089 AC M/L LOT 22-23 & 24 LESS PORT LYG IN R/W AKA COMMERCE WAY AS PER PB 149-15 & LESS S130FT FOR R/W & LESS N57.78FT & LESS E112.08FT OF S860FT OF LOT 24 & LESS TR D. (See **Exhibit 2**)

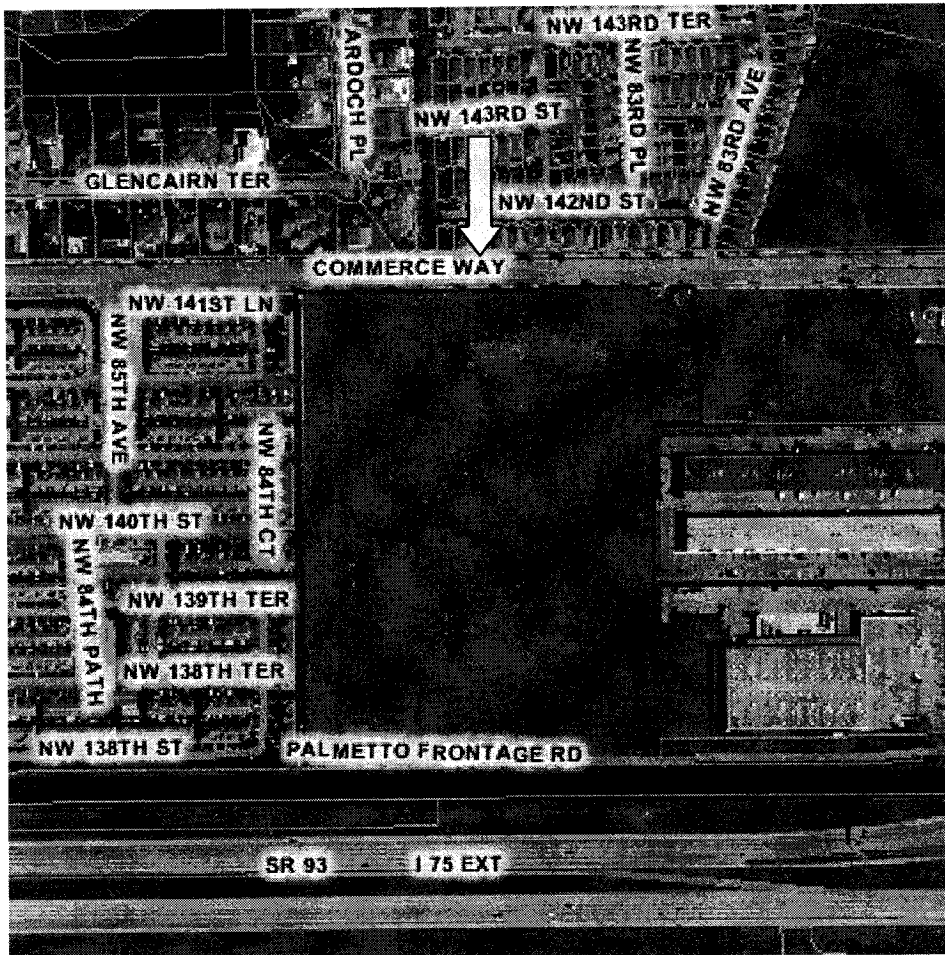
Future Land Use Designation: Low – Medium Density Residential

Low-Medium Density (LMD) - This category allows a range in density from a minimum of 5.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot line single-family developments in this category shall not exceed a density of 7.0 units per gross acre.

Surrounding Property:

North: Low Medium Density Residential (LMD); Multi-Family (RM-50)
East: Industrial and Office (IO); Offices and Warehouses (IU-C)
South: Transportation; I-75 Limited Access Expressway
West: Low Medium Density Residential (LMD); Multi-Family (RM-13)



Subject Property Location Map:**Open Building Permit(s) / Open Code Compliance Violation(s) / Zoning History:**

As of October 24, 2007, there are no open Building Permit(s) and/or Code Compliance Violation(s) on the subject property.

In 1971, the Miami-Dade County Board of County Commissioners granted a rezoning request from GU to RU-1, BU-2, RU-TH, RU-4M, RU-4, IU-C, and UU to permit a Lake Excavation (Resolution Z-281-71) which included the subject property. The subject property was a part of this overall rezoning, which granted the IU-C zoning to the subject property. (See **Exhibit 5**)

In 1996, the Miami-Dade County Board of County Commissioners granted a rezoning request from IU-C to RU-3M (RM-13) and accepted a Declaration of Restrictions (Resolution Z-185-96) for the subject property. (See **Exhibit 5**)

Proposal:

The Applicant seeks preliminary plat for the subject property, located South of Commerce Way and east of NW 84 Court with access available from Commerce Way. The Applicant is proposing to develop a residential complex, which is anticipated to include approximately 270 apartment units within low-rise two-story apartment buildings.

The subject site is designated within the Town's Comprehensive Plan for Low - Medium Density Residential, which would allow from 5.0 to 13.0 dwelling units per acre. The zoning for the subject site in keeping with the Comprehensive Plan, is designated RM-13 (Low Density Residential) which allows 13.0 dwelling units per acre.

Additionally, as per Resolution Z-185-96 which rezoned the subject site to RM-13, there is a Declaration of Restrictions which provides for future transit amenities and review of site plans by the Miami-Dade County Fire Rescue Department, with respect to the subject site.

Process and Criteria for Review:

Division 3.8 Platting

2. Preliminary Plat Procedures:

- (3) Subsequent to receiving a staff recommendation, the applicant shall be scheduled for the next available regular public meeting of the Town Council. Prior to the Town Council's review, the applicant shall submit twelve (12) copies of the preliminary plat and required data to the Administrative Official.

The Town Council may consider the physical characteristics of the property, the availability of community services, traffic impact, economic impacts, appropriateness of the type and intensity of the proposed development, existing and future development, existing and future development patterns, land development regulations, relationship of the project to the capital improvements program, or other such factors as may relate to the Comprehensive Development Master Plan or elements thereof:

The Town Council may consider the physical characteristics of the property:

The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot line single-family developments in this category shall not exceed a density of 7.0 units per gross acre.

The future land use designation in the Town's Comprehensive Plan for the Subject Property:

LMD – Low-Medium Density Residential and the property is zoned (RM-13 Low Density Residential District) – Vacant

Surrounding Property Designation and Existing Uses:

North: Low-Medium Density Residential; (RU-4 / RM-50 & RM-23)
The Anchorage & Regatta Point Residential Development

East: Industrial and Office; (IU-C)
Offices and Warehouses

South: Transportation; (I-75)
I-75 Interstate Highway

West: Low-Medium Density Residential; (RM-13)
Villa Vizcaya Residential Development

Staff notes that the physical characteristics of the property as noted above with access from Commerce Way are consistent with Low-Medium Residential development as proposed for the subject site, and consistent with the Comprehensive Plan.

The availability of community services, traffic impact, and economic impacts:

Staff has reviewed the subject application pursuant to consistency with the adopted infrastructure minimum levels of service standards and the concurrency management program. (See **Exhibit 2**, **Exhibit 3** and **Exhibit 4**)

The subject site meets concurrency as per Miami-Dade County Vested Rights Order MVR-2-00 (See **Exhibit 5**) which provided vested rights on the subject parcel for 565 apartment units. Since Villa Vizcaya was developed with 285 residential units and the proposed plat is for 270 residential units the total of 555 apartment units is within the scope of the vested rights approval.

The appropriateness of the type and intensity of the proposed development:

Staff notes that based on the RM-13, RU-4, and IU-C uses that are currently permitted as a matter of right that the subject preliminary plat request for a RM-13 residential development at 13 units per acre is anticipated to be a positive effect on the land use pattern for the area. Recently the surrounding area has been developed with a series of residential uses including The Anchorage, directly to the north of the subject site. Also the recent development of Villa Vizcaya, directly to the west of the property which has the same use and intensity exemplifies the existing land use development trend towards residential for this portion of the Commerce Way corridor. Thus the subject application for preliminary plat approval of the residentially designated parcel at 13 units per acre should be an orderly and compatible subdivision directly east of Villa Vizcaya and across from The Anchorage.

The existing and future development, existing and future development patterns:

The Comprehensive Plan states that the Low-Medium Density (LMD) Residential Designation for the subject site allows a range in density from a minimum of 5.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot line single-family developments in this category shall not exceed a density of 7.0 units per gross acre.

Considering the type of surrounding uses which are Low-Medium designated residential land uses to the west and north of the subject site, and offices and warehouse uses to the east of the subject site the impact of the proposed preliminary plat request on the adjacent or neighboring properties should be beneficial. In fact, RM-13 zoning which is the present designation of the subject vacant parcel would allow residential development consistent with the Comprehensive Plan and provide a better development pattern than the IU-C uses to the east which may include such uses as a cannery, brewery, or lumber yard which would be less compatible with the present land uses. The proposed residential subdivision would provide uses with setbacks and buffers more in keeping with the existing residential development pattern for the area and centrally locate housing for the workers and firms of the surrounding area.

Additionally, the proposed preliminary plat has been reviewed and found in compliance with regard to the proposed lake excavation and consistent with Section 33-16 of the Code for Lake Excavation requirements. The subject property is located west of the salt barrier line. Section 33-16 provides that lake excavations west of the salt barrier line shall also be allowed without a public hearing in all districts within the developable boundaries of the adopted metropolitan development pattern map of the Comprehensive Development Master Plan as may be amended from time to time.

Complete Copy of Section 33-16 (Attachment B)

The land development regulations, relationship of the project to the capital improvements program, or other such factors as may relate to the Comprehensive Development Master Plan or elements thereof:

The proposed preliminary plat request for a residential subdivision with respect to the approximately 21.0 acre vacant site is consistent with the Comprehensive Plan and meets the minimum parameters in terms of size and frontage for the proposed RM-13 development. The proposed development will generate approximately \$90,000 in police impact fees and \$375,000 in park impact fees that will support our capital improvement programs. Additionally, Staff notes that the subject site is currently proposed to be developed with a pedestrian friendly block like pattern consisting of pedestrian connections, a centrally located recreation center, and a well situated entry point on access with a proposed lake in keeping with the Comprehensive Plan Low-Medium Density designation. The apartment buildings within the proposed development currently meet the Town of Miami Lakes LDC.

ANALYSIS

The proposed preliminary plat if approved is consistent with the Comprehensive Development Plan and upon preliminary analysis falls within acceptable impacts on the Levels of Service (LOS) standards.

The subject parcel of vacant land is located south of Commerce Way, east of NW 84 Court, and north of the I-75 Interstate Highway, consisting of approximately 21.0 acres. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments as per the proposed preliminary plat. Developments in this category shall not exceed a density of 13.0 dwelling units per acre.

The application for preliminary plat approval of the subject subdivision has been reviewed by Staff pursuant to consistency with the adopted infrastructure minimum levels of service standards and the concurrency management program as per the submitted plat plans. (See **Exhibit 2**, **Exhibit 3** and **Exhibit 4**). The preliminary plat is consistent with Resolution Z-185-96 which rezoned the subject site to RM-13 proposes approximately 270 residential dwelling units within a development of low-rise apartment buildings. Staff has determined that the subject application is consistent with the vested rights order MVR-2-00 which provided for up to 565 residential units on the subject site and Villa Vizcaya, as well as, the Town's Comprehensive Plan. In addition, Resolution Z-185-96 includes a Declaration of Restrictions with provisions which Staff recommends be addressed by including the following requirements on a condition of the plat approval:

- a. The Applicant shall submit all administrative site plans for approval pursuant to Resolution Z-185-96 Declaration of Restrictions to the Miami-Dade County Fire Rescue Department for review and comment.
- b. The Applicant shall provide right-of-way prior to final plat for provisions of transit amenities pursuant to Resolution Z-185-96 at no cost to the Town of Miami Lakes to include transit pedestrian / wheelchair ramps, bus pull-out bay, and bus shelter.

In Staff's view the preliminary plat request for the subject subdivision would be a positive effect on the land use pattern for the area. Recently the surrounding area has been developed with a series of residential uses. Staff notes the subject site currently proposed to be developed with a pedestrian friendly block like pattern consisting of pedestrian connections, a centrally located recreation center, and a well situated entry point on access with a proposed lake is in keeping with the Comprehensive Plan Low-Medium Density designation. The recent existing land use development trends for this portion of the Commerce Way corridor towards a more residential development pattern indicates that the preliminary plat application would be an orderly and compatible subdivision providing centrally located housing for the workers and firms of the surrounding area. Accordingly, Staff recommends that this preliminary plat be approved subject to conditions.

RECOMMENDATION AND CONDITION(S)

Recommendation: Approval Subject to Conditions

Condition(s):

1. The approval of the Preliminary Plat, shall be in accordance with the copy of the Tentative Plat of LAKE HOUSE APARTMENTS as submitted for approval to the Town Council and prepared by Schwebke-Skiskin & Associates, Inc., Registered Land Surveyor, State of Florida, Order No. 193398, dated, signed and sealed on October 8, 2007 and consisting of 1 sheet.
2. The Applicant shall comply prior to final plat approval with all platting requirements of the Town LDC, including Chapter 28 of the Miami-Dade Code as incorporated in the Town LDC, and Vested Rights Order MVR-2-00.
3. The Applicant shall comply with all requirements and obtain approval from the Miami-Dade County Department of Environmental Resources Management (DERM) and the Miami-Dade County Water and Sewer Department (MDWASA), including but not limited to approval for lake excavation and water and sewer plans, prior to issuance of a final building permit.
4. The Applicant shall submit all administrative site plans for approval pursuant to Resolution Z-185-96 and the Declaration of Restrictions recorded in Official Records Book 17727 on Page 486 of the Official Records of Miami-Dade County, Florida, to the Miami Dade County Fire Rescue Department for review and comment.
5. The Applicant shall provide prior to final plat approval evidence of transit amenities pursuant to Resolution Z-185-96, at no cost to the Town of Miami Lakes, to include but not be limited to transit pedestrian/wheelchair ramps, bus pull-out bay, and a bus shelter, unless otherwise waived by Miami-Dade County, Florida, prior to recording of the final plat. If a bus shelter is required, no building permit shall be issued unless the bus shelter easement is recorded.
6. No development work shall be allowed on the property until a unity of title is recorded and no certificate of occupancy shall be issued until the final plat is recorded.
7. The Applicant shall obtain approval of a final plat in accordance with the Town LDC for the requested Preliminary Plat, as approved herein, within one year of the date of this approval. If a final plat is not obtained within the prescribed time limit, then this approval shall become null and void.
8. The Applicant shall record this Resolution in the Official Records of Miami-Dade County, Florida and shall return a copy of the Recorded Resolution to the Town Clerk.

AR:MIC

ATTACHMENT A**Town of Miami Lakes Land Development Code
Division 3.8 Platting****A. Applicability**

1. Purpose. The purpose of Division 3.8 "Platting" (platting regulations) is to assist implementation of the Comprehensive Plan by establishing procedures and standards for the development and subdivision of land within the Town of Miami Lakes, in an effort to, among other things:
 - (a) Provide proper legal description identification, installation of monuments and recording of real estate boundaries;
 - (b) Aid in the coordination of land development in the Town in accordance with orderly physical patterns;
 - (c) Discourage haphazard, premature uneconomic or scattered land development;
 - (d) Provide safe and convenient traffic control;
 - (e) Encourage development of an economically stable and healthful community;
 - (f) Maintain adequate utilities;
 - (g) Alleviate impacts of periodic and seasonal flooding by providing protective flood control and drainage facilities;
 - (h) Protect environmentally sensitive areas;
 - (i) Provide for management or protection of water resources, provide public open spaces for recreation;
 - (j) Require the installation of adequate and necessary physical improvements, and provide that the purchaser of land in a subdivision has access to necessary improvements of lasting quality;
 - (k) Avoid impacts and costs resulting from haphazard subdivision of land and the lack of authority to require installation by the Applicant of adequate and necessary physical improvements;
 - (l) Require development in keeping with the topography and other site conditions;
 - (m) Encourage aesthetically acceptable development; and
 - (n) Protect privacy.

2. Conformance Required. No subdivision of a tract of land anywhere in the incorporated area of the Town of Miami Lakes shall be created except in conformance with the Comprehensive Development Master Plan and Land Development Code. No subdivision shall be platted or recorded and no lot shall be sold from such plat nor shall any building permit be issued unless the subdivision meets all the applicable laws of the State of Florida and has been approved in accordance with the requirements of these platting regulations.
3. Subdivisions and Lot Splits. All future subdivisions and lot splits within the Town of Miami Lakes shall be subject to these platting regulations, except the following:
 - (a) The public acquisition of land for the use by the Town for public facilities such as widening existing streets, creation of park space, or other public facility that is deemed by the Town to be in the interest of the general public;
 - (b) The combination or recombination of portions of previously platted lots where no new parcels or residual parcels smaller than any of the original lots are created;
 - (c) The transference of part of one lot or tract to an adjacent lot or tract provided the transference results in a lot or tract that meets all of the minimum standards of these platting regulations.
4. Recording of Plats or Lot Splits. No final plat of any subdivision, lot split or other change in lot lines or boundaries intended to define land configuration shall be recorded with the Clerk of the Circuit Court of Miami-Dade County until the subdivision, lot split or other change shall have been duly approved by the Town as prescribed herein. Any such plat, lot split, or other record of change in land configuration must clearly display a written certification demonstrating Town approval prior to being recorded.
5. Revising Plat after Approval. No changes, erasures, modifications or revisions shall be made in any plat of subdivision after approval has been given, unless the plat is re-submitted for a review and approval pursuant to these platting regulations.
6. Unlawful Sale or Transfer of Property. It shall be unlawful for anyone who is the owner or agent or the owner of any land in the Town of Miami Lakes to transfer, sell, agree to sell, convey, or negotiate to sell such land by reference to, exhibition of or other use of a plat of a subdivision of such land without having recorded an approved subdivision plat as required herein. If such unlawful use is made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be punished as provided for in the Town of Miami Lakes Code of Ordinances.
7. Building Permits Subject to Final Plat Approval and Recording. No building permit shall be issued until a final plat for such impacted land has been approved and recorded pursuant to these platting regulations.

8. Creation of Subdivision by Joint Owners of Land. Where it may subsequently become evident that a subdivision is being created by the recording of deeds by metes and bounds description of tracts of land, the Town may, at its discretion, require all the owners involved to jointly file a plat of the subdivision being so created or require all owners of record to jointly conform to the applicable provisions of these platting regulations as are requisite for the issuance of building permits or the furnishing of any Town service.
9. Effect on Previously Platted Subdivisions. These platting regulations shall not apply to any land forming a part of a subdivision created and recorded prior to the adoption of this Code, but it shall apply to any re-subdividing of each prior subdivision and any subsequent subdivision.
10. Effect on Active Subdivision Development. Developments which have received preliminary plat approval prior to the adoption of this code and recorded within 12 months of the preliminary plat approval shall be exempt from the requirements of these platting regulations. Developments not having received preliminary plat approval shall be subject to these platting regulations.
11. Relationship of Deeds, Covenants, and Other Private Restrictions to the Regulations for the Subdivision of Land. It is not intended by the provisions of these platting regulations to repeal, abrogate, annul or in any way, impair or interfere with private restrictions placed upon property by a covenant, or private agreement, except that where these platting regulations impose higher standards than imposed by such deeds, covenants, or private agreements, then the provisions of these platting regulations shall apply. The Town shall not be responsible for enforcement of such deeds, covenants, or agreements.
12. Disapproval of Plat. Upon disapproval of any plat, the Town Council shall indicate those Sections, Subsections, and/or Paragraphs of these platting regulations with which the plan does not comply.
13. Vested Rights. Any property owner claiming a vested right to obtain action upon or approval of a preliminary plat or waiver to these platting regulations may submit an application for a determination of vested rights to the Administrative Official. The application shall be in a form determined by the Town and shall have attached an affidavit setting forth the facts upon which the Applicant bases a claim for vested rights. The Applicant shall also attach copies of any contracts, letters and other documents upon which a claim of vested rights is based. The mere existence of a specific zoning district or Future Land Use Map designation shall not vest rights. The Town Attorney shall review the application and shall advise the Town Council if the Applicant has demonstrated:
 - (a) An act of development approval by the Town;
 - (b) Upon which the Applicant has in good faith relied to his detriment;

- (c) Such that it would be highly inequitable to deny the landowner the right to obtain action on or approval of a preliminary plat.

The Council shall render a determination of vested rights pursuant to duly adopted procedures.

B. Required Improvements and Design Criteria

1. Generally. The following improvements are required in conjunction with the development of a subdivision within the Town. A Florida registered professional engineer shall be employed to design all required improvements including streets, drainage structures, bridges, bulkheads, and water and sewer facilities. Design data, such as calculations and analysis, shall be submitted along with the development plans covering important features affecting design and important features of construction. Such calculations and analysis shall include, but not be limited to, high ground and surface water elevations, drainage facilities of all kinds, subsurface soil data, utilities, alternate pavement and subgrade types, and radii at intersections when standards of the American Association of State Highway and Transportation Officials (AASHTO) are inadequate. The design of required improvements shall be accomplished in such a manner that they shall be equal to or exceed those outlined in these platting regulations. The required improvements shall be completed prior to recording the plat in the manner prescribed in these platting regulations or the Applicant shall submit to the Town of Miami Lakes a guarantee in one of the forms prescribed by these platting regulations to assure the required improvements.
2. Access. Ingress, egress, and access management shall comply with the following criteria:
 - (a) General Design of Access. Access shall be provided as follows:
 - (1) In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic flow on public streets classified major collector and above, the number and location of driveways shall be regulated by the dedication of access rights to the Town of Miami Lakes.
 - (2) Street stubs to adjoining undeveloped areas shall be provided when required to give access to such areas or to provide for proper traffic circulation. Street stubs shall be provided with a temporary cul-de-sac turnaround.
 - (3) Tapers, deceleration lanes, left-turn lanes, bypass lanes, median modifications or other design features may be required to protect the safe and efficient operation of the access street.

- (4) Every lot or parcel shall be served from a publicly dedicated street; however, an applicant may retain as private a local street if the following conditions are met: (1) Public right-of-way is not required in order to serve adjacent development that is existing or projected; (2) A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semi-public utilities and (3) A reciprocal easement for ingress and egress is granted all residents of the development.
 - (5) Reserve strips restricting access to streets or alleys shall not be permitted.
- (b) Specific Access Design. Minimum dimensions between the edge of intersections to the edge of points of access (driveways) to lots developed within a subdivision shall be located as follows:

TABLE 3.8 A

Control Device	Local	Collector	Arterial
Stop Sign	50	75	115
Signalization	50	175	230

Note: These standards are consistent with FDOT Rule #14-97, State Highway System Access Management Classification System and Standards, which dictate the location of access to State facilities.

The subdivision shall be designed to provide access to the lots by the use of local streets. Unless a physical constraint exists, a secondary means of access shall also be provided to all subdivisions for use by emergency vehicles. Local street connections to collector streets shall be a minimum of six hundred sixty (660) feet apart and collector street connections to arterial streets shall be a minimum of one thousand, three hundred twenty (1320) feet-apart. Where access is desired along collector or arterial streets, it shall be provided by means of a marginal access road. The first point of access to the marginal access (frontage) road from collector and arterial streets shall be a minimum of three hundred thirty (330) feet from intersection right-of-way lines with intermittent points at median opening locations being a minimum of six hundred sixty (660) feet from intersecting right-of way lines, unless otherwise approved by the Administrative Official. Access spacing of lesser lengths may be granted if requested by the applicant and if approved by the Administrative Official.

- (c) Non-Residential Driveways and Internal Circulation.
- (1) Vehicular circulation must be completely contained within the property and vehicles located within one portion of the development must have access to all other portions without using the adjacent street system.

- (2) Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements, and safety.
 - (d) No driveway shall be constructed in the radius return of an intersection.
 - (e) Service Drives. Where a subdivision borders on or contains a limited access highway right-of-way, or arterial street, the Town Council may require a service drive or require the provision of future service drives approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial purposes in appropriate districts. Distances involving right-of-way shall also be determined with due regard for the requirements of approach grades and future grade separations.
3. Alleys. Alleys shall be required along rear lot lines of commercial subdivisions and shall be a minimum of twenty (20) feet in width. Alleys shall not be permitted in residential districts. No dead-end alley shall be permitted. Alley intersections and sharp changes in alignment shall be avoided. Fire lanes shall have a minimum paved width of twenty (20) feet.
4. Blocks. The length, width and shape of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (b) Zoning requirements as to lot size and dimensions;
 - (c) Need for convenient access, circulation, control and safety of vehicular and pedestrian traffic;
 - (d) Most advantageous use of topography and preservation of mature trees and other material features wherever possible.
 - (1) Block lengths shall not exceed fifteen hundred (1500) feet in length between intersecting streets no shorter than four hundred (400) feet.
 - (2) Where blocks are nine hundred (900) feet in length or greater, a pedestrian crosswalk at least ten (10) feet wide may be required to provide circulation or access to school, playground, shopping center, transportation, and other community facilities. In platting residential lots containing less than twelve thousand (12,000) square feet, the depth of the block should not exceed two hundred fifty (250) feet.

5. Culverts. Culverts shall be of such size to provide adequate drainage opening and sufficient length to extend eight (8) feet on each side beyond the edge of the pavement of the street. Culverts shall be a minimum of fifteen (15) inches in diameter.
6. Buffers, Including Berms, Fences and Landscaping. Screening such as fences, berms and other landscaping shall be required as follows:
 - (a) Visual screening between adjacent incompatible or potentially incompatible land uses or land use districts including, but not limited to, single family residential development adjacent to multiple family or non-residential structures.
 - (b) Open space distances between adjacent incompatible or potentially incompatible land uses or land use districts, especially when building heights vary or noises are identified as potential problems.
 - (c) Movement barriers to prevent direct driveway cuts onto collector or arterial streets.
 - (d) Screening consistent with provisions of this Land Development Code shall be required on lot lines which border collector or arterial streets. The plat and planned improvements shall comply with such standards. Masonry walls or suitable alternatives shall be provided when noise from adjacent streets is, or is judged to be, a potential future problem. Suitable screening may be required between lots, especially commercial industrial, or offices, and adjacent incompatible or potentially incompatible land uses. A long collector or arterial roads may be used instead of a masonry fence, if noise from the road will not adversely affect the proposed use. Buffer zones may be required between adjacent incompatible or potentially incompatible land uses, especially where problems with building heights, noise, or scenic impairment might be a problem.
 - (e) Where a buffer screen of decorative masonry, plant materials, fences or berms is required or where desired by the applicant and approved by the Town of Miami Lakes, such walls or fences shall be setback at least 2.5' from the right-of-way and vegetative materials shall be set back at least one (1) foot from the right-of-way. Pilasters or fence terminal anchor posts shall be installed at the corners of each lot in such manner that each property owner might maintain his own section, or provisions shall be made to have them maintained by a community association or other appropriate private entity.

7. Central Water System. A complete water distribution system connected to the central water system shall be provided for all new subdivisions. The design of the entire system shall be engineered and coordinated with the Miami-Dade County Water and Sewer Department to comply with the Department's adopted design standards as well as applicable policies and standards of the Florida Department of Environmental Protection. The central water system shall include fire flow and other system improvements required to achieve compliance with the adopted fire protection codes and applicable standards prescribed and published by the National Fire Protection Association, as exists or may hereinafter be amended. Concurrency management criteria of the Land Development Code must be met. The following are general requirements for central water systems:
- (a) Water Supply. The central water system shall connect to the Miami-Dade County Water and Sewer Department water system.
 - (b) Distribution System. The distribution system shall provide connections to each individual lot, to each public facility, to all required fire hydrants and fire protection systems and to median strips for irrigation where landscaped unless the median strips are irrigated by a separate system. Water mains shall be required in each street right-of-way and shall be looped except in cul-de-sacs less than three hundred (300) feet long and at cross streets not requiring service connections. Plans for the central water system, including fire protection facilities and appurtenances, shall be submitted to the Miami-Dade County Water and Sewer Department as well as the Administrative Official and Fire Marshall, for review and approval. New water systems shall be designed and constructed for an economic life of not less than twenty (20) years.
8. Central Collection Wastewater Disposal Systems. New subdivisions shall be required to connect to a central wastewater system. Design and construction specifications shall comply with Miami-Dade County Water and Sewer Department policies and shall meet adopted level of service standards of the Comprehensive Development Master Plan, including the concurrency management regulations established in the Land Development Code.
- (a) General Requirements. The central wastewater system shall be designed by a professional engineer, registered in the State of Florida, conforming to acceptable standards of sound practices for wastewater collection systems, and must be engineered and coordinated with the Comprehensive Development Master Plan. The appurtenances to the system shall be equal to or shall exceed the minimum requirements of the Town and applicable Florida Statutes. New sewer systems shall be designed and constructed for an economic life of not less than twenty (20) years.

- (b) Submittal Requirements. Upon submittal of construction plans for a central system as prescribed by these platting regulations, the design engineer shall supply data, calculations and analysis showing important features affecting design, including, but not limited to:
 - (1) Number of units, bedrooms, and other domestic wastewater generators.
 - (2) The type of units and expected population or estimated flow of wastewater from any unit designed for use.
 - (3) The number of proposed equivalent residential connections (ERC) to the system and the anticipated flow of sewage to the wastewater treatment plant computed in accordance with current criteria.
 - (4) Any other meaningful information necessary to arrive at estimates of amounts and character of wastewater pertinent to the design.

- 9. Individual Wastewater Disposal System. Individual wastewater systems shall not be allowed where connection to the central wastewater system is feasible, as determined by the Town.

- 10. Curbs. Curbs or combined curbs and gutters may be constructed along all streets, if required by the Administrative Official.

- 11. Easements. Utility easements including water, sewer, electric, telephone, gas and drainage shall be provided as follows:
 - (a) Applicant is encouraged to install utilities in the public right-of-way. Easements for utilities along rear lot lines and, where deemed necessary, along side lot lines, of a minimum width of eight (8) feet shall be provided as required for proposed utility installation, maintenance, or as may be required. Easements of greater width may be required along or across lots, where necessary, for the extension of main sewer or other utilities or where multiple utilities and water and sewer lines are located within the same easement. Side lot easements may be decreased to ten (10) feet when serving a single electric or telephone utility.

 - (b) A drainage easement shall be provided when necessary. This easement shall be of sufficient width as determined by the Town to provide adequately for watercourses, drainage ways, channels, pipes, culverts, or streams, and access to permit maintenance of the drainage easement. The drainage easement or right-of-way shall conform substantially to the alignment of such watercourse and the design of the drainage easement and improvements shall be consistent with best management practices and principles.

- (c) Swales shall be permitted within subdivisions; storm sewers shall be covered and open ditches permitted across undeveloped land only as an outlet into an established watercourse. This provision is subject, however, to the following:
 - (1) The current requirements of the State Department of Environmental Protection Regulations and South Florida Water Management District (SFWMD).
 - (2) Submission of acceptable hydraulic calculations.
 - (3) Approval of the Administrative Official.
 - (4) Approval of the State Department of Environmental Protection and SFWMD.
12. Environmental Considerations. All environmental performance standards of the Land Development Code shall be satisfied, including but not limited to: preservation of natural resources; preservation of wetlands; species of special concern; soil erosion, sedimentation control; and shoreline protection; freshwater lens protection; preservation of wildlife habitats and protection of upland vegetative communities and endangered or threatened flora and fauna; land use and soil compatibility, and floodplain protection.

(a) Fill. The subdivision shall be graded and, where necessary, filled to comply with the surface water management requirements prescribed in Article 6 of the Land Development Code. The fill shall be free of muck, peat clay, unstable soils, organic matter such as logs, stumps, trees, clippings and cuttings and any form of junk, rubbish, trash, liquid or solid wastes, any form of debris that is subject to consolidation, disintegration, erosion or encourages the presence of insects, termites, or vermin. The type of fill within the rights-of-way shall be satisfactory to and meet with the approval of the Administrative Official, who shall require soil tests of the backfill and the underlying material at the cost of the applicant and who shall require the development's project engineer to certify the type of material and method of placement.

(b) Soils. The plan shall show the location and results of test borings of the subsurface condition of the tract to be developed. The tests shall be the type performed by the Soil Conservation Service including percolation characteristics and detailed soils data.

When non-pervious soils (hard pan or other impervious soils) or unstable (peat muck, etc.) are encountered, the plan shall reflect a satisfactory design to cope with such conditions. If the soil analysis reflects that the area contains impervious soils or contains peat, muck or other unstable materials, the Administrative Official shall require such additional design and construction as are necessary to assure proper drainage and development of the area. The Administrative Official may also require environmental audits. The number of tests and their location shall be mutually determined by the applicant's engineer and the Administrative Official and shall be

recorded as to location and result on the construction plans. Land which is subject to periodic flooding or which has unsuitable soil conditions shall not be subdivided until all water and soil hazards have been reasonably eliminated in relation to the purpose for which the land is to be used.

- (c) Erosion Control. Seeding, mulching, sodding, and/or other acceptable methods shall be performed as required to prevent undue erosion during all construction activities. Erosion, sedimentation control and shoreline protection measures required by the Land Development Code shall be planned out as applicable. The applicant shall be required to keep accumulations of sand and earth out of the curb, gutter, swales, and drainage ditches. Temporary siltation basins may be required during construction. The applicant shall provide maintenance for the two-year period of the road guarantee and for each lot until final inspection is passed.
 - (d) Land Clearing and Excavation. Land clearing, excavation, and fill permits shall be obtained from the Administrative Official or other designated staff prior to commencement of clearing, grading or filling work. Similarly, all requisite permits from the County, State, SFWMD, or the federal government shall be obtained and presented to the Town prior to commencement of any clearing, filling or excavation. Applicants shall be required to clear all rights-of-way and to plan and construct all grades, for streets, alleys, lots and other areas, in a manner which is consistent and compatible with all performance criteria of the Land Development Code. In the interest of preserving existing trees and other natural beauty, the Council or designated staff may vary the requirements of these platting regulations where aesthetic and environmental conditions will be enhanced but will not adversely affect property drainage of the area. The Administrative Official shall have the authority to require, if necessary, that any land being cleared or excavated be treated by the developer to insure that pest and vermin do not infest adjoining properties.
 - (e) Shoreline Protection. Improvements installed along the shoreline shall require a permit issued by the Administrative Official. Bulkheads shall not be constructed below the ordinary high water line unless permitted by the controlling federal or state Agency. Any such plans and improvements shall require site plan approval and all environmental performance criteria in the Land Development Code including, but not limited to, preservation of wetlands; and other environmentally sensitive areas; soil erosion, sedimentation control, and shoreline protection preservation of wildlife habitats and other related performance criteria. No development order shall be approved until appropriate federal and state permits are issued.
13. Fire Protection Facilities. The fire protection facilities described below shall be provided in all subdivisions. In the event that Miami-Dade County standards are more stringent, Miami-Dade County standards shall be used:

- (a) Fire Hydrant Location. Fire hydrants in single-family residential district shall be located so that they are spaced no more than three hundred (300) feet apart and no more than one hundred fifty (150) feet to the center of any lot in the subdivision. In all other districts, fire hydrants shall be located so that they are spaced no more than three hundred (300) feet apart and no more than one hundred fifty (150) feet to the center of any lot in the subdivision. Fire hydrants shall be connected to or supplied by water distribution mains not less than eight (8) inches in diameter, unless a larger main is required by the fire department.
 - (b) Fire Hydrant Cut-Off Valve. A cut-off valve with the top of its valve box located at finished grade to house the valve stem shall be installed between each fire hydrant and the distribution main supplying it with water. At all times the cut-off valve shall remain in the "ON" position except when it is used to cut off the water flow to the fire hydrant for repair or replacement of the hydrant and its branch piping.
 - (c) Fire Hydrant Installation. Fire hydrants shall be installed so that the elevation of the bottom of hose connection outlets shall be not less than twelve (12) inches above finished grade at each hydrant. Finished grade shall be level for a radius of not less than five (5) feet around each hydrant.
 - (d) Water Distribution Mains Installation. Water distribution mains shall be installed in all streets, except cross-streets not requiring service connections and cul-de-sacs less than 300 hundred (300) feet long. Water distribution mains shall be looped or interconnected with valves to enable localizing any portion of the distribution system except for short branches supplying not more than five (5) lots.
 - (e) Storage Capacity/Emergency Pumping. Sufficient storage or emergency pumping facilities shall be provided to an extent that the minimum fire flows will be maintained for at least four hours at 20 PSI.
14. Commercial Subdivisions. Commercial subdivisions shall comply with all of the requirements of these platting regulations, except that all local streets shall be designed according to the collector street typical section contained in these regulations.
15. Lots. All lots shall comply with the minimum area, frontage, width and depth complying with the applicable zoning district regulations. Lots shall be graded to at least four (4) feet above mean sea level. The minimum width of a lot fronting on the inside of curvature of a street or cul-de-sac shall be measured from side boundary to side boundary along the chord of the front setback line. When a subdivision is proposed upon land with existing structures that are to be retained, lots are to be designed so as not to cause said structures to become non-conforming with respect to building area or lot size. Access from individual lots generally should not be permitted directly to collector or arterial streets. Flag lots shall be expressly prohibited. The entire parent tract being subdivided shall be placed in lots,

streets, and other usable tracts so that remnants and other landlocked areas shall not be created. No lot shall be divided by a municipal boundary.

- (a) Double Frontage Lots. Double frontage lots or through lots shall be avoided, except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation. A decorative masonry wall or, in the sole discretion of the Town Council, a combination of fence and landscaping shall be provided and shall include a satisfactory buffer along the rear property line, across which there shall be no right of vehicular access. This portion of the lot line shall be shown as a limited access line on the final plat.
- (b) Corner Lots. Corner lots shall have a width equal to the width required by this Land Development Code for internal lots, plus the difference between the required front yard width and required side yard width.
- (c) Side Lot lines. Side lot lines shall be at substantially right angles or radial to street lines.

16. Walls and Screening. In order to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated right-of-ways:

- (a) Walls and Landscaping. The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively irrigated landscaped buffer, which must be maintained in a good working and healthy condition by the property owner, or where applicable, by the homeowners, condominium or other maintenance association. Perimeter walls surrounding subdivisions shall be painted one continuous color to be determined by the homeowners association or the Town. The landscape buffer shall contain one or more of the following vegetative materials:
 - (1) Shrubs. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken solid, visual screen within one (1) year after time of planting.
 - (2) Hedges. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
 - (3) Vines. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
- (b) Walls with Anti-graffiti Paint. All concrete block stucco walls abutting right of ways shall be treated with anti-graffiti paint.

17. Median Strips and Entranceways.

- (a) Median Strips. Median strips, which are part of a dedicated or deeded right-of-way, may not be utilized for any purpose other than by the Town of Miami Lakes or a public utility. Where an applicant desires or is required to beautify a median strip in a subdivision he may do so by placing an irrigation system, grass, shrubs, and/or approved species of trees as outlined by the Town within the median strip in accordance with the landscape ordinance and the Town of Miami Lakes Code of Ordinances.
- (b) Subdivision Entranceways. Subdivision entranceways consisting of wall fences, gates, rock piles or the like are not permitted within the median strip or other areas in a dedicated or deeded right-of-way. Entranceways, if divided, shall be divided by a raised or landscaped median strip and shall be not less than two (2) lanes each twelve (12) or more feet wide. Decorative entranceways shall be constructed upon plots of land adjacent to the right-of-way in compliance with the land development regulations and building codes and placed so as not to constitute a traffic hazard. A guardhouse located so as not to create a traffic hazard may be constructed at the entrance to a development having private streets.

Where an applicant is specifically permitted by the Town to construct decorative entrances, structures, or landscaping within the right-of-way of any street the applicant or community homeowner association shall provide an adequate bond to guarantee maintenance for a specified period and to provide for removal for such structures and for landscaping at the end of such period on order by the Town for cause. The Town of Miami Lakes shall not accept any liability or responsibility for maintenance for decorative entrances, structures, or landscaping in rights-of-way. Such improvements shall be designed in such a manner so as to not obstruct desirable visibility or restrict turning movements.

18. Off-Street Parking Areas. Off-street parking areas shall be provided in accordance with the Off-Street Parking division of this code, including provisions for ingress, egress, vehicular and pedestrian movement, and orderly temporary storage of motor vehicles. Parking areas including spaces, driveways, and access aisles shall be constructed in accordance with the following standards:

- (a) Parking areas for all residential lots and for commercial lots having an area of 15,000 square feet or less shall have a wearing surface of one (1) inch of Type S1 or Type R asphalt or concrete laid over a base not less than six (6) inches thick, free of muck and organic materials, and stabilized to a minimum 50 psi.
- (b) Non-residential parking areas for lots with areas greater than 5,000 square feet shall be paved in the same manner as a local street.

- (c) Drainage shall comply with the adopted level of service standard in the Concurrency Management division of this code.

19. Permanent Survey Monuments.

- (a) Permanent monuments of stone or concrete shall be placed at all block corners or at tangent points of curves connecting intersection street lines; at the point of curvature and tangency; at all corners in the exterior boundary of the subdivision except at such corners which are inaccessible due to topography; and at such other points as may be designated by the Town Council. Such monuments shall be set flush with the surface of the ground or finished grade.
- (b) Monuments shall be of pre-cast concrete two (2) feet in length and three (3) inches square, or four (4) inches in diameter, having a metal dowel imbedded therein.

20. Sidewalks and Bicycle Paths. Concrete sidewalks of a minimum width of five (5) feet may be constructed along both sides of all streets, if required by the Administrative Official. Sidewalks shall be constructed with other required improvements and shall meet local sidewalk construction requirements.

The construction of bicycle/pedestrian paths may be used to waive required sidewalks by the Town Council as a form of pedestrian circulation. Such paths shall be a dual system consisting of sidewalks within the road right-of-way and bicycle/pedestrian paths outside of the road right-of-way with a minimum width of eight (8) feet. Bicycle/pedestrian paths shall be constructed according to the FDOT Bicycle Facilities Planning and Design Manual. Bicycle/pedestrian paths shall be constructed concurrently with other required improvements. The control and maintenance obligation of bicycle/pedestrian paths not located within the road right-of-way shall be placed in a property owner's association, condominium association or cooperative apartment association, as defined by the state law, or an improvement district.

21. Storm Water Management. All subdivisions shall have an adequate comprehensive storm water management system compliant with the Article 6 of the Land Development Code. Necessary ditches, canals, swales, percolation areas, berms, dikes, piers, detention ponds, storm sewers, drain inlets, manholes, headwalls, end walls, culverts, bridges and other appurtenances shall be required in all subdivisions for the positive drainage of stormwater. In addition, storm water treatment facilities shall be required in the subdivision to control storm water runoff quality by providing for on-site percolation and/or retention or other appropriate treatment technique for storm water.

The applicant's engineer shall submit design data of the drainage system shall be submitted along with the construction plans in a report form indicating the method of control of storm and ground water

22. Streets. All streets and related facilities required to serve the proposed subdivision shall be constructed and paved by the applicant pursuant to specifications herein. The construction shall consist of, but not be limited to, street grading, sub-grading stabilization, base preparation and surface course along with drainage as required under this Article. All roadway improvements shall comply with concurrency management provisions of this code.
- (a) Street Layout. The proposed subdivision street layout shall be coordinated with the adopted Comprehensive Plan or as may hereinafter be amended, and with the street system of the surrounding area. Consideration shall be given to existing and planned streets, relation to topographical conditions, to public convenience, safety and their appropriate relation to the proposed use of the land to be served by such streets.
 - (b) Costs of Paving Streets. The Town Council shall pay no part of the cost of paving in any undeveloped subdivision. Where access streets to a subdivision are not adequately paved to handle the anticipated traffic, the developer shall arrange for paving the access streets with the Town of Miami Lakes prior to acceptance of the final plat by the developer. All paving installed in and adjacent to these subdivisions shall be at the entire cost of the applicant and shall be pursuant to the sections of these platting regulations.
 - (c) Streets Adjoining Unsubdivided Land. When a new subdivision adjoins unsubdivided land, new streets which in the opinion of the Council are required to serve the abutting unsubdivided land, shall be appropriately designed to carry projected traffic and shall be extended to the boundary of the tract proposed to be subdivided.
 - (d) Local Streets. All local streets shall be designed in a manner that will discourage through traffic.
 - (e) Impact of Future Traffic Circulation Map Series. The new subdivision shall provide for the incorporation and compatible development of present and future streets as generally delineated on the Future Traffic Circulation Map Series adopted by the Comprehensive Plan, when such present or future streets are affected by the proposed subdivision. Notwithstanding, where the Town Council determines that there is a need for incorporating a new or realigned street based on characteristics of specific development proposals as well as changed conditions since the adoption of the Comprehensive Plan, the Town shall require subdivision applicants to conform to the newly prescribed road improvement.

- (f) Traffic Analysis. A subdivision preliminary plat shall include preparation of a traffic impact analysis pursuant to Division XXX of the Land Development Code, if the proposed subdivision is projected to generate a traffic flow above the threshold therein defined. The Traffic Impact Analysis shall be prepared by a professional engineer and shall be used to determine the number of lanes, capacity of street systems proposed or affected by the development and the phasing of improvements.
- (g) Street Right-of-Way Characteristics. Street improvements shall be designed in a manner compatible with design characteristics of the Town Future Traffic Circulation System and the Town Minimum Right-of-Way Standards as cited below:

TABLE 3.8 B

STREET CLASSIFICATION	MINIMUM RIGHT-OF-WAY WIDTH (FEET)
Arterial Roadways	80 – 90
Collector Streets	60 – 80
Local Streets	50 - 60 (if curb and gutter)
Marginal	45

The Town of Miami Lakes shall preserve existing rights-of-way and shall enforce standards requiring dedication of roadways for which the need is generated by new development.

These design parameters may be adjusted based on projected traffic carrying capacities of specific developments and application of accepted principles and practices of traffic engineering and design of facilities. The Administrative Official prior to acceptance by the Town Council shall recommend the specific design features as a condition of approval.

- (h) No Outlet Streets (cul-de-sacs). Cul-de-sac or no outlet streets shall provide a terminal turnaround having a minimum diameter of eighty-four (84) feet, and a minimum street property line of at least one hundred (100) feet. Cul-de-sacs shall not exceed six hundred (600) feet in length.
- (i) Temporary Cul-De-Sac Turnaround Streets. Streets that terminate temporarily, and thereby take on the character of a dead-end street, shall be provided with a temporary terminal turnaround having a radius of not less than forty (40) feet. When one (1) or more temporary turnarounds are shown, the following note should be included on the plat “The area on this plat designated as “temporary turnaround” will be constructed and used only until the street(s) is/are extended, at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining lot owners in accordance with specific provisions in their respective deeds.”

- (j) Street Grades. All streets shall be graded to the appropriate grade to their full width, with side slopes and fills where required. The grade of all streets at the crown shall be at least four (4) feet above mean sea level.
- (k) Intersection of Streets. Street jogs at intersections with centerline offsets of less than one hundred and twenty-five (125) feet are prohibited.
- (l) Marginal Access Streets. Where a subdivision abuts or contains an existing limited access highway, freeway or arterial, a marginal access street shall be required to afford separation of through and local traffic.
- (m) Subdivision Access Points. Wherever possible, all subdivision access roads shall be located at existing median opening. If a subdivision access road is not located at an existing median opening, the applicant's paving plan shall provide for construction of a median opening, where permitted, or shall provide for the modification of existing openings, where required, at no cost to the Town. The design of subdivision access roads shall comply with the requirements of the jurisdiction of the highway in which the median is located. The design of access streets shall, where required, provide for acceleration, deceleration, storage, channelization, and drainage modifications as are necessary to comply with the required standards of that jurisdiction. If a signal is identified as warranted as part of a new development, the signal shall be constructed by the developer at no cost to the Town.
- (n) Local Streets. Local streets shall be so laid out that use by through traffic shall be discouraged.
- (o) Half Streets. Half or partial streets shall not be permitted. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be required to be dedicated and constructed within such tract. A proposed subdivision that adjoins or includes an existing street which does not conform to the minimum right-of-way requirements of these regulations shall provide for the dedication of additional right-of-way along either one or both sides of said street so that the minimum right-of-way requirements of these regulations are fulfilled.
- (p) Street Names. Extensions of existing named streets shall bear the same numerical name of the existing street. A non-numerical name may be selected by the developer and included on the plat. In no case shall the name of a proposed new street which is not part of an existing facility duplicate or be phonetically similar to existing street names.

(q) Alignment, Intersections, and Radii.

- (1) Alignment. The arrangement of streets in a new subdivision shall make provisions for the continuation of the existing or platted streets into adjoining areas or their proper projection where adjoining land is not subdivided, insofar as they may be deemed necessary by the Town Council. The street and alley arrangement shall be such as not to cause a hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
- (2) Intersections. Streets shall be laid out to intersect as nearly as possible at right angles. No street right-of-way shall intersect another at an angle of less than eighty (80) degrees unless special provision is made in the design of the intersection.

Multiple intersections involving the junction of more than two streets shall be prohibited unless special provision is made in the design of the intersection. All intersections shall be designed to provide adequate stopping and sight distance in accordance with the current edition of AASHTO Standards. Intersections with major streets should be located no less than eight hundred (800) feet apart.

- (3) Radii. The point of curvature of any local street shall not be closer than one hundred (100) feet to the point of intersection. When the centerline of a local street deflects by more than ten (10) degrees, it shall be curved with a radius adequate to assure safe sight distance and driver comfort, but never less than a minimum centerline radius of one hundred (100) feet. Property lines at street intersections shall have twenty-five (25) feet or greater radius and street pavement radii shall be a minimum of thirty (30) feet.
- (r) Private Streets. If private streets are proposed, they shall comply with all applicable standards of public streets and the developer shall provide sufficient assurances acceptable to the Town Council that the streets and right of ways will be adequately maintained, including identification of the legal entity with responsibility for maintenance.
- (s) Standards for Roadway Section. A properly prepared subgrade and an approved road base and wearing surface shall be provided for all streets. Subgrade shall be adequately compacted and bonded prior to treatment and shall be stabilized from curb to curb. After subgrading, there shall be given one (1) course penetration treatment of emulsified asphalt and local aggregate to the full width of the street and an additional course to the middle twenty-two (22) feet of said street, all to the specifications and requirements of the Town.

- (t) Street Lighting. If a plat desires to include street lighting, the developer shall be responsible for the installation of the street lights.

The street lights shall meet minimum illumination levels and shall also be installed at each street intersection, at mid-block locations where the distance between intersections exceeds nine hundred (900) feet, and at the end of each cul-de-sac. Such lights shall be required on interior streets and may be required on alleys, boundary streets and access paths if the Town Council finds that the anticipated frequency of usage makes such requirement reasonable for public safety and welfare. The streetlights and mounting poles shall be a type approved by the Administrative Official and shall be wired for underground service except where overhead service is permitted.

- (u) Street Markers. Street name signs shall be provided and installed by the developer as approved by the Town at the expense of the subdivision.

- 23. Traffic Control Devices. The following traffic control regulations shall apply to subdivisions where the Administrative Official determines that traffic control devices shall be required:

The applicant shall install all required traffic control devices based on design requirements, including but not limited to, traffic lights, information and warning signs, acceleration or deceleration lanes, lane delineators, and other necessary traffic control devices on all roads within and interfacing with the subdivision. A traffic impact analysis pursuant to the Concurrency-Management procedures of this Code, approved by the Administrative Official and other appropriate agencies, shall determine traffic light requirements. All control devices shall be consistent with the Florida DOT Manual entitled "Uniform Traffic Control Devices for Streets and Highways" as per Florida Statutes, Section 316.131. If, at any time prior to final acceptance, an unforeseen need becomes apparent for signing, pavement markings, or other traffic controls that were not shown on the approved plans, the Town of Miami Lakes reserves the right to require the additional traffic control devices in the interest of public safety and as a condition of Town acceptance.

- 24. Utilities. New subdivisions shall be required to install underground utilities, including franchised utilities, power and light, telephone and telegraph, water, sewer, cable television, wiring to street-lights and gas.

- (a) Coordination of Easements. Easements shall be coordinated with requisite utility authorities and shall be provided as prescribed by these platting regulations for the installation of underground utilities or relocating existing facilities in conformance with the respective utility authority's rules and regulations.

- (b) Waivers. The Administrative Official may waive the requirement for underground installation if the service to the adjacent area is overhead and it does not appear that further development in adjacent areas with underground utilities is possible. Any new service which is allowed by the waiver herein to be supplied by overhead utilities shall be connected to a service panel that is convertible for underground utility service at a future date.
- (c) Applicant Responsibility for Underground Installations. The applicant shall make necessary cost and other arrangements for such underground installations with each of the persons, firms or corporations furnishing utility service involved.
- (d) Construction within Easements. Utilities shall be constructed in easements as prescribed by the Town Code.
- (e) Utility Installation. After the subgrade for a street has been completed, the remainder of the street right-of-way has been graded and before any road or street construction material is applied, all underground work for the water mains, sanitary sewers gas mains, telephone electrical power conduits, cable television and any other utilities with appurtenances and branches for surface connections shall be completely installed throughout the width of the street to the sidewalk area, or provisions made so that the roadway or right-of-way will not be disturbed for utilities installations or service connections. All underground improvements so installed for the purpose of future service connections shall be properly capped and backfilled and their locations identified.

C. Construction Standards

- 1. Construction Method. The construction methods and all materials used in the improvements required by these platting regulations shall comply with applicable specifications of the Town approved by the Administrative Official and those methods and materials based on best management principles and practices as established by the FDEP, SFWMD, and other institutions with broad based standing among professionals.
- 2. Measurements and Test. During construction, the applicant's engineer shall make such measurements, field tests and laboratory tests or cause them to be made to certify that the work and materials conform to the approved development plans and the provisions of these platting regulations. The Administrative Official or other representative designated by the Council may require tests and measurements which are deemed necessary and which shall be performed at the expense of the applicant or his engineer.

D. Administration

- 1. Staff Administrative Review Responsibility. The Administrative Official shall administer the provisions of these platting regulations.

2. Burden of Proof and Other General Responsibilities of Applicant. The burden of proof regarding the suitability of all applications, plans, plats, reports, tests, compliances, dedications, existence of agreements, liens, mortgages, surety, and other pertinent documents and instruments shall rest with and be the sole responsibility of the applicant or his duly authorized agent as prescribed in these regulations.
3. Hold Harmless Provision. The applicant shall furnish to the Town Council a waiver, release and hold harmless from all liability and responsibility, including provisions for indemnification for any and all damages or losses caused directly or indirectly by the breakdown, collapse or failure to any buildings, installations or structures constructed or installed and dedicated to the Town in connection with the applicable development or project.
4. Enforcement. The Town Council or any aggrieved person may have recourse to any remedies in law and equity that may be necessary to ensure compliance with the provisions of these platting regulations, including injunctive relief to enjoin and restrain any person violating the provisions these platting regulations and the court shall upon proof of the violation of the Article have the duty to forthwith issue those temporary and permanent injunctions that are necessary to prevent the violation of these platting regulations. In addition to other remedies, the Town Council may institute any appropriate action or proceedings to prevent a violation or attempted violation, to correct or abate such violation, or to prevent any act that would constitute a violation.

E. Submission Procedures for Lot Split

Any applicant desiring to create a lot split shall submit to the Administrative Official copies of a final plat in conformance with these platting regulations, as prepared by a land surveyor and any other requirements of Chapter 177, Florida Statutes. The Administrative Official shall approve the plat which meets the requirement of these platting regulations. Upon approval, the applicant shall file the plat of record with the Administrative Official within a required time period from the date of approval. Failure to file within the required time period shall void said lot split approval.

F. Subdivision Procedures

1. Required Pre-Application Procedures. Prior to submitting an application for preliminary plat approval, the applicant for subdivision approval shall meet with the Administrative Official or other designated Town Staff to discuss, informally, preliminary studies and sketches and their relationship to these regulations. The pre-application meeting provides an opportunity for the applicant to become thoroughly familiar with the subdivision requirements and with the policies of the Comprehensive Development Master Plan that affect the area in which the proposed subdivision lies. Applicants shall be subject to the following pre-application procedures.

- (a) Application. The applicant shall submit a written pre-application to the Administrative Official for review by staff. The pre-application shall contain a written statement and sketch plan.
 - (b) Staff Review. Upon receipt of a satisfactory completed statement, plan and fee, the Administrative Official shall distribute copies to the appropriate staff for review and comment. Any opinion by the staff regarding the pre-application shall be advisory only.
2. Preliminary Plat Procedures. The purpose of the preliminary plat is to present the proposed subdivision in an exact and precise manner in order that it may be evaluated pursuant to these platting regulations. The preliminary plat shall be completed and approved prior to construction of the improvements required by these regulations. The Town Council shall determine by resolution the number of copies, related fees, and the time periods for each of the preliminary plat procedures.
- (a) Preparation of Preliminary Plat. The applicant shall retain the services of a Civil Engineer and/or Land Surveyor registered in Florida to prepare a preliminary plat of the proposed subdivision. The plat shall be clearly and legibly drawn or reproduced at a scale no smaller than one inch equals 200 feet (1" = 200').
 - (b) Filing Fee. Upon filing the preliminary plat with the Administrative Official, the applicant shall submit a fee, which shall be determined by the resolution of the Town Council, payable to the Town of Miami Lakes. The fee is not reimbursable but is to help defray the cost of administering and processing the preliminary plat. If more than one re-submittal of a corrected or revised preliminary plat is required by the staff or reviewing entity, an additional fee shall be charged for each re-submittal, as shall be determined by resolution of the Town Council.
 - (c) Review Procedures. The Administrative Official shall coordinate the review of the preliminary plat and supplemental information as to their completeness and specific conformance with these platting regulations. The staff shall inform the applicant's engineer whether the plans and/or plat as submitted meet the general provisions of these platting regulations.
 - (1) When the staff finds that the preliminary plat and required data do not meet provisions of these platting regulations, the applicant shall be so advised in writing as soon as practicable concerning what corrections or revisions are necessary to meet the provisions of this article. Upon receipt of such findings, the applicant shall make the corrections or revisions and resubmit the preliminary plat and required data to the Administrative Official for review of the amended plan. If the applicant chooses not to provide the corrections, revisions, or other information requested by staff, the Administrative Official shall, at the request of the applicant, forward the application to the Town Council

accompanied by the staff's comments, including documentation of unresolved issues.

- (2) When the Administrative Official determines that the preliminary plat and required data meet the provisions of these platting regulations, such written recommendations shall be submitted to the applicant and the subdivision application will be scheduled for the next step or steps in the review process. Similarly, if the applicant fails to provide satisfactory response to issues identified by staff, the applicant shall be allowed to appear on the agenda of the Town Council. In such case, written comments of staff shall be provided to the Town Council and the applicant and the subdivision application shall be forwarded to the Town Council.
- (3) Subsequent to receiving a staff recommendation, the applicant shall be scheduled for the next available regular public meeting of the Town Council. Prior to the Town Council's review, the applicant shall submit twelve (12) copies of the preliminary plat and required data to the Administrative Official. The Town Council may consider the physical characteristics of the property, the availability of community services, traffic impact, economic impacts, appropriateness of the type and intensity of the proposed development, existing and future development, existing and future development patterns, land development regulations, relationship of the project to the capital improvements program, or other such factors as may relate to the Comprehensive Development Master Plan or elements thereof.
- (4) The applicant shall not be allowed to introduce new material at the Town Council meeting unless the applicant has previously provided the same to the Administrative Official and given the Administrative Official reasonable time to review and prepare and disseminate a written technical evaluation to the Town Council and the applicant prior to the scheduled Town Council meeting. During its review, the Town Council shall consider the written recommendations of staff, any other reviewing agencies, and presentations by the public. The Town Council may approve or disapprove the preliminary plat and required data.

3. Subdivision Final Plat Approval Procedures. As the final step in the subdivision review process, the applicant shall prepare and submit a final plat. No final plat shall be recorded until the required improvements have been installed or performance guarantee posted pursuant to the requirements of this Article. No such required improvements including streets, drainage and other required facilities shall be accepted and maintained by the Town, unless and until the same have been duly inspected and approved by the Town Staff, and have also been approved as to form by the Town Attorney and accepted for maintenance by the Town Council. Prior to acceptance and approval of the required improvements the final plat shall be approved by the Administrative Official, Town Attorney, and the Town Council and the applicant shall duly record the approved plat with the Clerk of the Circuit Court of Miami-Dade County, who shall record only those final plats which have been so approved in accordance with the platting regulations. The applicant shall provide the Town the following:
- (a) Fee for Final Plat. Upon filing application for final plat approval, the applicant shall pay to the Town a processing fee, the amount of which shall be determined by resolution of the Council, in order to help defray the cost of processing the final plat.
 - (b) Timing of Final Plat Submission. Failure to submit the final plat within a specified amount of time shall require reapplication under the preliminary plat provisions of these platting regulations unless the Council grants an extension of time.
 - (c) Required Compliance. The final plat shall conform to the approved subdivision master plan, shall meet the legal requirements of platting as defined by Chapter 177, Florida Statutes, as amended, and shall consist of a fully executed correct plat map, meeting all State and local standards, final engineering drawings and auxiliary submittals, and all required legal instruments. Notwithstanding, the final plat shall constitute only that portion of the approved preliminary plat and subdivision master plan which the applicant proposes to record and develop within a required time period.
 - (d) Content of Final Plat. The final plat shall include one original to be drawn or printed on 24 x 36 inch mylar or other approved material and two copies of the final plat and of all other required data. The final plat shall be prepared by a Florida Registered Engineer and is to be clearly and legibly drawn with black permanent drawing ink or other approved process to a scale of not smaller than one inch equals one hundred feet (1" = 100') or as otherwise determined by the Town. The final plat shall be prepared in accordance with the provisions of Chapter 177, Florida Statutes, as amended.

4. Schedule of Development Phases. The applicant may schedule proposed development phases within any proposed subdivision. The scheduled development phases shall have been specified on the approved preliminary plat and shall be of such a size and design and be scheduled so that all portions completed at any time can exist independently as a subdivision in complete conformity with the requirements of this article. The Town Council must approve any change in the schedule of phases. If phased, the applicant shall have the option of requesting either final plat approval or the issuance of a certificate of completion on one or more of the development phases in conformity with all the procedures and requirements of the Code.
5. Time Restriction on Development. The applicant may not apply for final plat approval on any portion of the approved preliminary plat that is not proposed to be recorded and developed within the required time period. Failure to make application for final plat approval of a development phase or for the issuance of a certificate of completion for a development phase on an approved preliminary plat within the required time period from the date of approval of the preliminary plat (or within required time period of the final plat approval for a related phase of a multi-phase development) may result in revocation of said preliminary plat unless the applicant applies for an extension from the Council prior to the lapse. The request for extension must be made in writing to the Town Council and shall be filed with the Town Clerk at least ninety (90) days prior to the scheduled expiration of the preliminary plat. The applicant must demonstrate good cause for the extension. The Town Council shall consider the request at a meeting and may extend the prescribed time period if the applicant presents evidence that demonstrates that the applicant has progressed in good faith toward implementing the preliminary plat.
6. Submission of Final Plat. Upon completion of the foregoing requirements, prints of the final plat and reproducible mylars of the final plat shall be submitted to the Administrative Official
 - (a) Review by Staff. The Administrative Official and Town Attorney shall examine the final plat as to its compliance with the Florida law and the ordinances of the Town of Miami Lakes. The recommendations as to compliance shall be in writing and reported within a required time period, or at such other time as shall be determined by resolution of the Town Council.
 - (1) If any deficiency exists, a reference shall be made to the specific Code provision with which the final plat does not comply. The applicant upon written notice shall correct any such deficiency.
 - (2) If the final plat meets the provisions of the platting regulations and complies with other applicable laws and ordinances, the Administrative Official shall recommend approval to the Council.
 - (3) No revisions shall be allowed to the final plat after it has received Town Council approval.

- (b) Council Review Procedure Where Required Improvements Constructed Prior to Recording. Upon submittal of the reproducible final plat, certification and approvals contained on the plat shall be current and the plat shall be checked as required by these platting regulations prior to presentation to the Town Council for approval.
- (c) Council Review Procedure Where Performance Guarantee Posted. In the event the applicant elects to record the final plat prior to completion of the required improvements under performance guarantees as provided for in the Code, the final plat shall be presented to the Town Council by the Town Attorney accompanied by appropriate legal instruments. Action by the Town Council shall be taken within a required time frame after receipt of the final plat and supporting data to the Town unless the applicant requests delay.

If the Town Council certifies that the development has met all requirements of these platting regulations, the plat shall be endorsed as finally approved by the Mayor and attested by the Town Clerk in order that it may be recorded among the public records of Miami-Dade County.

7. Required Improvements and Guarantees

- (a) Completion of Required Improvements Prior to Final Plat Recording. In the event the applicant exercises the right to construct and complete required improvements prior to recording of the final plat, the Town Staff shall have the right of entry upon the property to be platted for the purpose of inspecting and reviewing the construction of the required improvements during the progress of such construction. The applicant shall coordinate the construction with the Town Staff and provide the Town Staff with at least 24 hours notice of construction events that Town Staff requests to inspect. When the required improvements are complete, the final plat along with the records and data as herein prescribed shall be submitted by the applicant to the Administrative Official and shall be reviewed by the Administration Official as provided for in these platting regulations. When all requirements of this ordinance have been complied with the plat and a completion certificate, rendered on a form to be provided by the Administrative Official, shall be presented for review and approval to the Town Council by the Town Staff, within a required time frame after receipt of the completion certificate. Upon such approval the plat shall be submitted by the Administrative Official to the Office of the Clerk of the Circuit Court for recording.
- (b) Performance Guarantees. A guarantee shall be required from the applicant who chooses not to install the required improvements prior to final plat approval, to ensure the proper installation of required street, utility, and other improvements, in the event of default by the applicant. The guarantee shall be presented in one of the following forms.

- (1) Cash Deposit. The applicant shall deposit with the Town or place in an escrow bank account subject to the control of the Town, cash in the full amount of 50% of engineering and construction costs as agreed upon by Town Staff for the installation and completion of the required improvements. The applicant shall be entitled to receive all interest earned on such deposit or account. In the event of default by the applicant or failure of the applicant to complete such improvements within the time required by the Code, the Town, after sixty (60) calendar days written notice to the applicant, shall have the right to use such cash deposit or account to secure satisfactory completion of the required improvements; or

- (2) Personal Bond with Irrevocable Letter of Credit. The applicant may furnish to the Town a personal bond secured by unconditional and irrevocable letter of credit in an amount equal to 50% of the total estimated cost of engineering and construction as agreed upon by Town Staff for the installation and completion of the required improvements. The expiration date of the letter of credit shall be at least (3) months following the date of certification of all improvements. The letter of credit shall be issued to the Town by the State of Florida or United States banking institution. Such letter of credit shall be in the form set forth by the Town Attorney and approved by the Town Council.

In event of default by the applicant or failure of the applicant to complete such improvements within the time required by this ordinance, the Town, after sixty (60) days written notice to the applicant shall have the right to use any funds resulting from drafts on the letter of credit to secure satisfactory completion of the required improvements; or

- (3) Surety Completion Bond. A surety completion bond, including a payment of vendors clause, executed by a company having a Best's rating of AAA and authorized to do business in the state and acceptable to the Town, shall be furnished and payable to the Town for two (2) years in the sum of 50% of the total cost of the engineer's estimates for streets street and traffic control devices, markings, sidewalks, drainage facilities, street signs, water and sewer facilities and other improvements as shown on the final development plan and agreed upon by Town Staff; the bond to run from the date the building in the development or the last building in an approved phasing of the development is certified for occupancy by the Building Official. In the event of default in reasonable maintenance as determined by the Administrative Official shall do either of the following: 1) Demand performance within ten (10) days by certified mail; 2) Call maintenance bond required under these platting regulations and expend all sums as required without reaction or limitation to cure defaults or remove structures when required.

G. Administration of Construction

After submittal of the final plat and supplementary material an applicant may construct the required improvements subject to obtaining all required permits. The Administrative Official shall be notified in advance of the date of commencement of such construction and shall be provided with a schedule of construction activities for the project. The schedule of construction activities shall be updated on a monthly basis by the applicant and re-submitted to the Town Administrative Official.

1. Observation. Construction shall be performed under the observation of, and shall at all times be subject to, review by the Administrative Official. This in no way shall relieve the applicant and the applicant's engineer of the responsibility for close field coordination and final compliance with approved plans, specifications and requirements of this Article.
2. Construction Administration by Florida Registered Civil Engineer. The applicant shall employ a Florida registered civil engineer for complete administration of the construction of the required improvements. The applicant shall require progress reports and final certification of the construction of the required improvements from such engineer be filed with the Administrative Official.
3. Right to Enter. The Administrative Official or his designee shall have the right to enter upon the property for the purpose of inspecting the quality of materials and workmanship and reviewing the progress of such construction.
4. Progress Reports. The applicant's engineer shall submit construction progress, reports at points of progress prescribed by the Town. The applicants engineer shall coordinate joint reviews of construction with the Administrative Official.
5. Stop Work Orders. The Administrative Official shall have the authority to stop the work upon failure of the applicant or his engineer to coordinate the construction of the required improvements as prescribed by these platting regulations.
6. Final Inspections. Upon completion of the required improvements the applicants engineer shall give the Administrative Official, within a one week time period, notice to make the final inspection of the improvements, landscaping, and sign installations. The Administrative Official shall also have the authority to withhold or deny approval of Certificates of Occupancy relative to buildings and/or structures of a subdivision until the construction and installation of required improvements of that subdivision have been satisfactorily completed as prescribed by this Article.

H. Completion Certificate

The required improvements shall not be considered complete until a completion certificate along with the final project records, including "as built" drawings have been furnished to, reviewed and approved by the Administrative Official. The certificate shall be certified by the applicant's engineer stating that the required

improvements were installed under his responsible direction and that the improvements conform to the approved construction plans and the Code. The applicant's engineer shall also furnish a copy of each of the construction plans on a high quality, durable reproducible material, acceptable to the Administrative Official, showing the original design in comparison to the actual finished work and a copy of the measurements, tests and reports made on the work and material during the progress of the construction.

I. Conditions for Release of Applicant from Bond

As a condition for the final release of the applicant from his bond, or for the release of any cash securities deposited with the Administrative Official, the following must be furnished.

1. Evidence by reference to plat book and page that the approved final plat has been filed;
2. A statement from the Administrative Official that he has found the work to be in accordance with the general provisions of the development plan;
3. The submission by the applicant's engineer to the Administrative Official of a complete set of "as built" drawings together with operating manuals and parts lists for any mechanical installations made;
4. A statement by the applicant's surveyor verifying completion of all required survey work and installation of all required P.R.M.; and
5. A release from the contractor, engineer, surveyor or any other person or persons performing any service or furnishing any material for the subdivision that they will not file a lien on the subdivision for nonpayment of service or material charges.

J. Time Extensions

All required improvements for a project or each phase thereof shall be completed within a required time period from the date of preliminary plat approval. The Town Council, upon the recommendation of the Administrative Official, may grant time extensions for demonstrated good cause. The applicant shall present a written request for extension to the Administrative Official. Each time extension shall not exceed the time period required.

K. Acceptance and Maintenance of Required Improvements

1. Workmanship and Material Agreement. The applicant shall execute an agreement guaranteeing all improvements against defect in workmanship and materials for one year after acceptance of such improvements by the Town Council. Said agreement shall be submitted to the Administrative Official along with the completion certificate and project records.

2. Procedure for Accepting Dedications. The dedication of public space, parks, streets, right-of-way, easements or the like on the plat shall not constitute an acceptance of the dedication by the Town. The applicant shall apply to the Town for acceptance of improvements by the Town Council. The Town Council shall accept no dedication until the Administrative Official has approved all environmental audits required pursuant the Land Development Code. The acceptance of the dedication shall be subject to the inspection and approval of the Administrative Official. Such acceptance shall occur only upon adoption of resolution by the Town Council, which shall accept the subject dedications at such time as all improvements meet or exceed the standards set forth by the Land Development Code. The applicant's engineer shall furnish to the Administrative Official in writing a sealed and signed certificate stating that the required improvements have been completed in accordance with the approved plan and compliance with all applicable codes.

The Administrative Official shall receive notice in adequate time (one week) to arrange for inspection prior to the beginning of construction and at appropriate staged intervals thereafter. The Administrative Official may require laboratory or field tests as well as staged inspections at the expense of the applicant. Any failure of work or materials to conform to the plans and specifications or failure to notify the Town in time for indicated inspections shall be cause for the Town Council to reject the facilities.

3. Recommendation of Administrative Official. The Administrative Official upon satisfactory completion, receipt of the applicant's engineers completion certificate, affidavits from all contractors and others who furnished goods and services for the required improvements acknowledging payment in full therefore, and receipt of the agreement, shall certify that the applicant has complied with all of the provisions of this ordinance and shall recommend to the Council the acceptance of the dedications and, when applicable, the maintenance of the required improvements.
4. Acceptance by the Town Council. Upon recommendations by the Administrative Official, the Town Council by resolution shall approve the subdivision, all dedications on the plat and the maintenance responsibilities of the improvements.
5. Applicant's Failure to Complete Required Improvements.
 - (a) Premature Recording of Plats (or Where Applicant Fails to Complete Required Improvements). When a plat has been recorded and the applicant fails to complete the required improvements as required by these platting regulations, the Town Council shall direct the Administrative Official to complete the required improvements under the guarantees provided by the applicant. In such case, the Town Council shall direct the Administrative Official and/or the Town Attorney to call upon the guarantees to secure satisfactory completion of the required improvements. Legal notice of such action shall be deemed to have been duly served upon posting via Certified Mail Return Receipt Requested. Upon the completion of construction of the required improvements, the Administrative Official shall report to the Town Council and the Town Council shall

accept by resolution the dedications and maintenance responsibility as indicated on the Plat. In such cases, the remaining guarantees posted by the applicant shall be retained for a period of one year after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guarantee.

- (b) In Cases Where Plat Has Not Been Recorded. Where an applicant has elected to install the required improvements prior to recording of the plat and fails to complete such improvements within the time limitations of this ordinance, all approvals of the subdivision shall be null and void and the land shall revert to its original state. No reference shall be made to the plat with respect to the sale of lots or issuance of building permits, unless and until the plat has been resubmitted with all of the supplementary material and approvals as herein prescribed have been granted.

ATTACHMENT B**Town of Miami Lakes Land Development Code
Section 33-16 Excavations; Public Hearing Required; Exceptions**

- (a) *Public hearing required for certain excavations; exception.* No excavations below the level of any street, highway or right-of-way shall be made except upon approval after public hearing; provided, no public hearing is required for excavations for the following purposes:
- (1) The foundation of a building or any structure to be constructed immediately after such excavations. All excavations shall be refilled after construction of such foundation in a manner which will prevent accumulation of stagnant water or other hazard.
 - (2) Swimming pools.
 - (3) Water hazard in a bona fide golf course.
 - (4) Canals which are part of Miami-Dade County or South Florida Water Management District canal system.
 - (5) Reflecting ponds and water features with a maximum depth of six (6) feet of water so long as said amenities are completely lined with impervious material, a horizontal five-foot safety shelf is provided around the perimeter of the reflecting pond or water feature at an elevation where not more than eighteen (18) inches of water is provided on the shelf area and so long as backsloping or a perimeter berm is provided to prevent overland storm water runoff from entering the water body.
 - (6) Lake excavations west of the salt barrier line shall also be allowed without a public hearing in all districts within the developable boundaries of the adopted metropolitan development pattern map of the Comprehensive Development Master Plan as may be amended from time to time. Public hearings will be required in all areas east of the salt barrier line. Applicants may choose to go to public hearing for lake excavation approval even if same is not required; provided, however, that if an unusual use is requested, applicants shall proceed in accordance with Section 33-13. In order to receive a waiver from the public hearing requirement, applicants must submit complete excavation plans to the Department. The Department shall review lake excavation plans for compliance with the requirements noted below. All plans shall be reviewed and approved or denied by the Department within fifteen (15) days from the date of submission. Applicants shall have the right to extend the fifteen-day period upon timely request made in writing to the Department. Staff shall have the right to extend the fifteen-day period by written notice to the applicant that additional information is needed to process the plan. Denials shall be in writing and shall specifically set forth the grounds for denial. If the plan is disapproved by the Department on the grounds of requirement (6)b, (6)j, (6)l, or (6)r below, the applicant may appeal to the Community

Zoning Appeals Board in accordance with procedure established for appeals of administrative decision in Section 33-311(c). Disapprovals on all other grounds listed below may be appealed to the Community Zoning Appeals Board as unusual use requests in accordance with procedure established in Section 33-13.

In order to waive the public hearing requirement for a lake excavation, the excavation must be designed and excavated in accordance with the following conditions and requirements:

- a. Final plans shall be substantially in compliance with those submitted and approved for the administrative site plan review for the proposed lake excavation. The grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the applicant will submit final as-built surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer upon completion of the excavation, or upon request of either the Director or the Director of Environmental Resources Management when it appears that the excavation is proceeding contrary to approved plans. The property shall be staked and posted to meet with the approval of the Director and the Director of Environmental Resources Management; said stakes shall be maintained in proper position so that the limits of excavation, slopes and grade levels may be easily determined and posts shall warn the public concerning possible hazards. Upon completion of the project, the property shall be restored and left in an acceptable condition meeting the approval of the Director of Environmental Resources Management and the Director.
- b. If in the opinion of the Director the excavation is hazardous to the surrounding area, the hazardous area will be fenced in, or otherwise protected, by the applicant as directed by the Director.
- c. During the entire operation explosives shall not be used.
- d. The applicant shall be permitted to operate between the hours of 7:00 a.m. and 5:00 p.m. on weekdays; Saturday and Sunday operation and/or other hours of operation than 7:00 a.m. to 5:00 p.m., may be permitted by the Director only if the same does not become objectionable, in his opinion, to the surrounding area.
- e. The time for the completion of the project including excavation, grading, etc., shall be determined by the Director and the work shall be carried on continuously and expeditiously so that the excavation will be completed within the allocated time.

- f. If the operation is discontinued, abandoned, falls behind schedule, or time expires, the existing excavation shall immediately be sloped to conform to the approved slope.
- g. In order to insure compliance with all terms and conditions imposed, a cash or surety bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department, payable to Miami-Dade County, in an amount as may be determined and established by the Director. Said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount will be based on the volume of cut required to create the approved slope configuration.
- h. The title of the property in question shall not be transferred without the approval of the Director unless the excavation of the subject property has been completed and/or unless the bond has been released.
- i. The excavation use permit shall be renewable annually by the Department. Permits will be canceled only when the work is found to be in violation of any of the conditions or requirements of this section and/or when it is detrimental and/or incompatible with the surrounding neighborhood.
- j. Prior to administrative site plan review, a report on soil borings taken on-site shall be submitted for review to the Department of Environmental Resources Management to determine if excavation to the requested depth may result in the displacement of layers of soft material (e.g., sand) and cause sinking of nearby properties. In addition, if hard rock is not encountered during excavation, the Department of Environmental Resources Management may require the vertical cut to be modified in such a manner that a stable side slope will be sustained.
- k. The depth of the lake excavation shall not be less than ten (10) feet below mean low water elevation (W.C.2.4). The maximum depth of the excavation shall be limited to that depth computed to contain water of two hundred fifty (250) ppm chlorides as projected to the year 2000. Penetration of the aquiclude, as determined by the Director of the Department of Environmental Resources Management, is prohibited.

- I. An earth berm, or alternative structure as approved by the Director of the Department of Environmental Resources Management, shall be constructed around the perimeter of all lakes to prevent overland storm water runoff from entering the lake. The berm shall be constructed adjacent to the lake top of slope on the landward side. Said berm shall extend one (1) foot above the D.C.F.C. elevation. The landward slope of the berm shall have a gradient not steeper than one (1) foot vertical to four (4) feet horizontal. The lakeward slope shall not be steeper than the required lake slope. Berming and backsloping treatments shall be constructed in a manner acceptable to the Director of the Department of Environmental Resources Management.

- m. The maximum permissible slope shall be in one (1) of the following manners:
 1. Lakes adjacent to arterial roadways (slope option available in every case): Beginning at top of slope (D.C.F.C. elevation), a slope dropping one (1) foot vertical to seven (7) feet horizontal extending lakeward to a point where five (5) feet of water depth is provided below the mean low water elevation (W.C.2.4.); thence begin deep cut with a slope as material permits (Note: A twenty-foot minimum offset, measured from lake top of slope to the zoned right-of-way per Section 33-133, shall be provided when the lake is adjacent to an arterial roadway. The offset and berm (see Section 33-16(a)(6)(l)) may be deleted where curb and gutter roadway is provided. Where the water area lies outside of a horizontal roadway curve, the necessary shoulder safety requirements shall be provided in accordance with the requirements of the public works manual). Drainage structures, other than approved outfall pipes, are not permitted within the lake slope area.

 2. Lake(s) adjacent to roadways other than arterial roadways:
 - (a) Option 1, above, or

 - (b) Beginning at top of slope (D.C.F.C. elevation), a slope dropping one (1) foot vertical to four (4) feet horizontal shall be provided extending lakeward to a point where three (3) feet of water depth is provided below the mean low water elevation (W.C.2.4.), followed by an eight-foot horizontal shelf; thence begin a deep cut with a slope as material permits. (Note: Berm (see Section 33-16(a)(6)(l)) may be deleted where a curb and gutter roadway is provided. Where the water area lies outside of a horizontal roadway curve, the necessary

shoulder safety requirements shall be provided in accordance with the requirements of the public works manual).

3. Lake(s) with common or public access to the lake shore and not adjacent to roadways:
 - (a) Options 1, and 2, above, or
 - (b) Beginning at top of slope (D.C.F.C. elevation), a slope dropping one (1) foot vertical to three (3) feet horizontal with slope protection as required by the Director of the Department of Environmental Resources Management shall be provided extending lakeward to a point where three (3) feet of water depth is provided below the mean low water elevation (W.C.2.4.) followed by a five-foot horizontal shelf; thence, begin a deep cut with a slope as material permits.
4. Lake(s) without common or public access to the lake shore and not adjacent to roadways:
 - (a) Options 1, 2, and 3, above, or
 - (b) Beginning at top of slope (D.C.F.C. elevation), a slope dropping one (1) foot vertical to one (1) foot horizontal with slope protection as required by the Director of the Department of Environmental Resources Management shall be provided extending lakeward to a point where three (3) feet of water depth is provided below the mean low water elevation (W.C.2.4.) followed by a five-foot horizontal shelf; thence, begin a deep cut with a slope as material permits.
- n. No positive drainage of storm water from roads or any other source will be allowed to enter the excavation except as the result of issuance of a class II permit by the Department of Environmental Resources Management. Retention of pollutants is one (1) criterion for issuance of a class II permit.
- o. There shall be no direct connection between a lake excavation and a drainage canal. A system to permit overflows from lakes to canals for flood control purposes is allowable.

- p. No portion of the proposed lake excavation area shall fall within the thirty-day cone of influence of any public water supply wellfield as defined in Section 24-12.1. Between the thirty- and two-hundred-ten-day cones of influence of any public water supply wellfield, lake excavations will be permitted to a maximum water depth of forty (40) feet below mean low water elevation (W.C.2.4.).
- q. That the dedication of rights-of-way shall be made in accordance with Section 33-133 of the Code of Miami-Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made to such rights-of-way in order to comply with and in accordance with the requirements of the manual of public works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.

A public hearing shall not be waived for any excavation requiring a class I or class IV standard form permit pursuant to Section 24-58.1(1)(a), (c) and (d) and for short form class I or class IV permits for which a public hearing has been requested pursuant to Section 24-58.2(l)(B).

- r. In all zoning districts that have open space requirements, development plans submitted for review and approval which contain a lake(s) shall have at least thirty (30) percent of the dry land open space requirements satisfied on land immediately adjacent to the lake(s) perimeter. In districts with no open space requirements, roads, parks or other open areas servicing the development shall be placed adjacent to the lake(s) in a manner that provides aesthetic benefits to the development.

- (b) *Definitions.* For the purposes of this section, D.C.F.C. shall be defined as Miami-Dade County flood control elevation. W.C.2.4 shall be defined as "water control" page 2.4 in the public works manual of Miami-Dade County, which includes a detailed drawing of the mean low water elevation points throughout Miami-Dade County.

(Ord. No. 57-19, § 5(L), 10-22-57; Ord. No. 62-22, § 1, 5-15-62; Ord. No. 66-43, § 1, 9-20-66; Ord. No. 83-4, §§ 1, 2, 2-1-83; Ord. No. 83-70, § 15, 9-6-83; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-127, § 5, 9-4-96; Ord. No. 97-27, § 1, 4-8-97)

Cross References: Safety procedures for excavations, § 21-44; additional provisions requiring public hearing for establishment of rock quarries, § 33-13(e).