

ORDINANCE NO. 25- 338

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE IV, CREATING NEW DIVISION 6. – RM-30 MEDIUM LOW DENSITY RESIDENTIAL DISTRICT; RENUMBERING EXISTING DIVISIONS 6 THRU 26 TO DIVISIONS 7 THRU 27; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION OF SOME PORTIONS IN CODE; PROVIDING FOR EXCLUSION OF SOME PORTIONS FROM CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Policy 1.1.2 of the Town's Comprehensive Plan establishes Medium High Density (MHD) allowing for apartment buildings ranging from 25 to 60 dwelling units per acre; and

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

WHEREAS, Policy 1.2.8 of the Town's Comprehensive Plan states that in preparing use, density and intensity standards the Town shall pay special attention to providing for the compatibility of adjacent uses; and

WHEREAS, the existing zoning districts of RM-23, Multifamily Residential and RM-36, High Density Residential District leave a significant gap in density options for residential zoning, and therefore it is necessary to create a new zoning district to efficiently and effectively implement the Comprehensive Plan and rezone lands to the new zoning district; and

WHEREAS, Subsection 13-306(b) provides that proposed amendments to the text of the LDC and to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

WHEREAS, the Administrative Official has reviewed the proposed amendment to the Land Use Code and recommends approval, as set forth in the Staff Analysis and Recommendation dated June 17, 2025 incorporated into this Ordinance by reference; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency, considered the proposed amendments at a duly advertised Public Hearing on June 10, 2025 and found the proposed amendments consistent with the Comprehensive Plan, and voted to recommend approval; and

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

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

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

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

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

Section 2. **Findings.** Pursuant to Subsection 13-306(b) of the Town Code, the Town Council finds that the proposed amendments to the text of the Land Development Code, are consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of

an amendment to the text of the Land Development Code and to the Official Zoning Map found in Subsection 13-306(b) of the Town Code.

Section 3. **Adoption of Amendments to Town Code.** The Town Council hereby adopts the amendment to Article IV, attached as Exhibit “A”, hereto and are incorporated herein¹.

Section 4. **Direction to the Administrative Official.** Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Land Development Code to implement the terms of this Ordinance.

Section 5. **Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 6. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. **Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of Exhibit “A”, of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 9. **Effective date.** This Ordinance shall become effective immediately upon its adoption on second reading.

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

FIRST READING

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

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on first reading this May 20th day of 2025

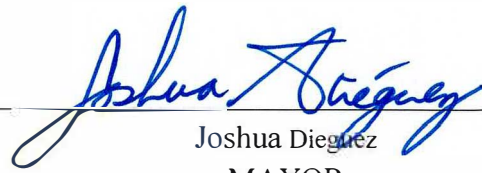
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SECOND READING


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

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on second reading this 17th day of June 2025


Joshua Dieguez
MAYOR

Attest:


Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

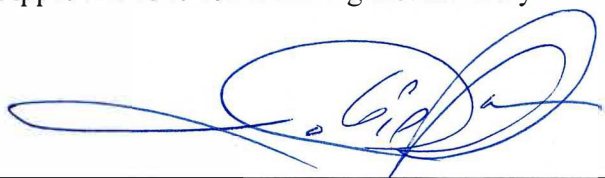

Lorenzo Cobiella
Gastesi, Lopez, Mestre and Cobiella PLLC
DEPUTY TOWN ATTORNEY

EXHIBIT A

DIVISION 6. RM-30 LOW MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 13-501. Applicability.

The provisions of this division apply to the RM-30 Low Medium Density Residential District

Sec. 13-502. Permitted uses.

No land, body of water or structure shall be used, or permitted to be used and no structures shall be hereafter erected, constructed, moved or reconstructed, structurally altered or maintained for any purpose in a RM-30 District which is designed, arranged or intended to be used or occupied for any purpose, except for one of the following uses:

- (1) Those uses permitted in the RU-1, RU-1A, RU-1B, RU-2 and RU-TH Districts subject only to the requirements, limitations and restrictions applicable therefore in said districts, including but not limited to, lot width, accessory uses, area, yard areas, height, density and lot coverage.
- (2) Multiple-family apartment buildings.
- (3) Community homes subject to Section 13-764.1.

Sec. 13-503. Conditional uses.

Conditional uses are as follows:

Educational and childcare facilities, nonpublic, as provided in this Code.

Sec. 13-504. Accessory uses.

The accessory uses in the RM-30 District are those uses customarily associated with multifamily residential buildings and are for use of the residents only such as, but not limited to, decks, swimming pools, spas, tennis courts, recreational amenities, ornamental features, storage structures, noncommercial boat piers or docks, accessory use solar energy systems, etc. Accessory uses shall be located on the same lot as the main use. Accessory use solar energy systems shall comply with Section 13-1702. In addition, the following accessory uses are permitted:

- (1) Convenience retail facilities. Not more than one food and drug convenience retail service facility shall be permitted as an accessory use to an apartment use or apartment development, said facility not to exceed 1,000 square feet in a development having a minimum of 300 apartment units, provided that:
 - a. Such services relate to the needs of the inhabitants of the proposed complex;
 - b. Such services are not provided direct access from public roads;
 - c. Such services are not visible from public roads;
 - d. Detached signs and signs visible from public roads are not used;
 - e. Such services are designed as an integral part of the total design as determined by site plan review;

f. Such services are located in the principal structure or in a community service center structure.

An additional one square foot of retail area shall be permitted for each apartment unit above 300 units; provided, however, that the maximum square footage for such facilities shall not exceed 3,000 square feet.

Sec. 13-505. Development regulations.

(a) Lot width and lot area. The minimum lot width shall be 100 feet and the minimum lot area shall be 10,000 square feet.

(b) Lot coverage. The maximum area covered by all buildings shall not exceed 30 percent of the lot.

(c) Setbacks. The setbacks shall be as follows:

(1) Minimum setback from front property line shall be 25 feet.

(2) Minimum setback from interior side property line shall be 20 feet.

(3) Minimum setback from side street property line shall be 25 feet.

(4) Minimum setback from a rear property line shall be 25 feet.

(5) Minimum setback between buildings shall be 20 feet, except where doors, windows or other openings in the building wall of a living unit face a wall of the same building and/or a wall of another building with living units on the same site, then there shall be provided a minimum clear distance of not less than 30 feet. Said distance to be measured on a line projected at right angles at the opening to the opposite wall.

(6) Parking setbacks.

Front: 25 feet from front property line.

Street side: 15 feet from corner side street property lines.

Interior side: five feet from interior side property lines.

Rear: five feet from rear property lines.

(7) Accessory buildings.

a. Single-family, two-family, and townhouses. Accessory buildings shall conform to requirements in the respective districts.

b. All other uses. Accessory buildings shall not be permitted within the front yard or side street setback areas. Otherwise the location, setbacks, lot coverage, height, size, etc., shall be determined through the site plan review process.

(d) Height. No building or structure, or part thereof shall be erected or altered to a height exceeding five stories, and shall not exceed 65 feet.

(e) Floor area ratio. The floor area ratio shall not exceed 0.85.

(f) Density. The maximum number of dwelling units shall be determined on the basis of a total of 30 dwelling units per net acre.

(g) Minimum apartment unit size/average apartment unit size. The minimum apartment unit size shall be 600 square feet and the minimum average apartment unit size for an entire development shall be 800 square feet. The minimum size shall be measured from the outside of exterior walls to the centerline of interior partitions. Non-air-conditioned spaces such as balconies shall not be counted towards the required minimum unit size.

(h) Open space. On each lot there shall be provided landscaped open space equal to a minimum of 30 percent of the total lot area. Said open space shall be unencumbered with any structure or off-street parking or drive aisles, and shall be landscaped and well-maintained with

grass, trees and shrubbery, excepting only areas used as pedestrian walks and water bodies provided said water bodies do not count for more than 20 percent of the open space requirement.

(i) Landscaping. Landscaping and trees shall be provided in accordance with Chapter 18A, Landscape Ordinance (see Section 13-1).

Sec. 13-506. Site plan review.

All new construction or substantial remodeling shall comply with the site plan review criteria and procedures outlined in Section 13-304 before a building permit can be issued. In addition to the site plan review criteria specified in Section 13-304 the following design criteria shall be utilized in the site plan review process:

(1) Purpose and intent. The proposed development fulfills the objectives of this article.

(2) Landscape. Landscape shall be preserved in its natural state insofar as is practicable by minimizing tree removal. Landscape shall be used to shade and cool, direct wind movements, enhance architectural features, relate structure design to site, visually screen noncompatible uses and block noise generated by the major roadways and intense use areas.

(3) Buffers. Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided.

(4) Scale. Scale of proposed structures shall be compatible with surrounding proposed or existing uses or shall be made compatible by the use of buffering elements.

(5) Circulation. Pedestrian and auto circulation shall be separated insofar as is practicable, and all circulation systems shall adequately serve the needs of the development and be compatible and functional with circulation systems outside the development.

(6) Energy consideration. Site design methods to reduce energy consumption shall be encouraged. Every site conservation method may include siting of structures in relation to prevailing breezes and sun angles and use of landscape materials for shade and transpiration.

(7) Parking areas. Building wall extensions, planting, berms or other innovative methods shall be used as a means of minimizing the adverse effect of the visual impact of parking areas. This requirement is in addition to the requirements of the landscape regulations of the Town Code.

(8) Open spaces. Open spaces shall relate to any natural characteristics in such a way as to preserve and enhance their scenic and functional qualities to the fullest extent possible.

(9) Graphics. Graphics, as required, shall be designated as an integral part of the overall design of the project.

(10) Art display. Permanent interior and exterior art displays and water features should be encouraged in the overall design of the project.

(11) Visual screening for decorative walls. In an effort to prevent graffiti and vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:

a. Wall with landscaping. All concrete block stucco walls abutting rights-of-way shall be treated with anti-graffiti paint. The wall shall be set back two and one-half feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. Perimeter walls surrounding subdivisions shall be painted one consistent color scheme to be determined by the homeowners association and the Town. The landscape buffer shall contain one or more of the following planting materials:

1. *Shrubs.* Shrubs shall be a minimum of three feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.

2. *Hedges.* Hedges shall be a minimum of three feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one year after time of planting.

3. *Vines.* Climbing vines shall be a minimum of 36 inches in height immediately after planting.

b. *Metal picket fence.* Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

(12) *Bikeways and bicycle parking facilities.* Where feasible all new and substantially redeveloped multifamily developments shall provide bikeways and on-site bicycle parking facilities.