

ORDINANCE NO. 18- _____

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

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

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

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

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

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

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

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

WHEREAS, on June 5, 2018, because the proposed changes to the pending ordinance were substantial, this ordinance was re-introduced in first reading; and

WHEREAS, on July __, 2018, the Town Council considered the ordinance, in second reading, at a duly advertised public hearing; and

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

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

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

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

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

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

FIRST READING

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

Mayor Manny Cid _____

Vice Mayor Nelson Rodriguez _____

Councilmember Tim Daubert _____

Councilmember Luis Collazo _____

Councilmember Ceasar Mestre _____

Councilmember Frank Mingo _____

Councilmember Marilyn Ruano _____

Additions to the text are shown in underlined; deletions from the text are shown in ~~striketrough~~; double underlined are additions since the last public hearing; and ~~double striketrough~~ as deletions since the last public hearing.

Omitted portions of this ordinance are shown as “* * *”.

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

SECOND READING

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

Mayor Manny Cid _____

Vice Mayor Frank Mingo _____

Councilmember Luis Collazo _____

Councilmember Tim Daubert _____

Councilmember Ceasar Mestre _____

Councilmember Nelson Rodriguez _____

Councilmember Marilyn Ruano _____

Passed and adopted on second reading this _____ day of _____, 2018.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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

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Omitted portions of this ordinance are shown as “* * *”.

EXHIBIT A
ORDINANCE

Additions to the text are shown in underlined; deletions from the text are shown in ~~strikethrough~~; ~~double underlined~~ are additions since the last public hearing; and ~~double-strikethrough~~ as deletions since the last public hearing.
Omitted portions of this ordinance are shown as “* * *”.

Chapter 35 – STREETS, SIDEWALKS AND OTHER PUBLIC SPACES

ARTICLE I. – IN GENERAL

* * *

Sec. 35-3 SIDEWALKS.

- (a) Intent. It is the stated intent of the town, as part of its broader mobility plan, to provide for sidewalk interconnectivity throughout the town. This Section seeks to achieve this intent by establishing provisions that ensure sidewalk infrastructure, where missing, or inadequate ~~or in need of repair, is therefore~~ planned and constructed.
- (b) Sidewalk plans shown. All plans submitted to the town in connection with any development permit application, including a building permit or development order pursuant to Chapter 13, Article 3, of the Land Development Code, upon any parcel of land in the town abutting a public right-of-way, shall show the location of any existing sidewalks.
- (c) All permits for construction, ~~regardless of applicability or exemptions as provided below,~~ shall provide for repair of existing sidewalks adjacent to the subject property that were damaged by the construction activity. No final certificate of completion or occupancy shall be issued until such repair work is completed with inspection approvals.
- (d) Applicability. All new construction on unimproved land ~~and any renovation or remodeling of existing building and facilities~~ shall provide sidewalks along all street frontages, as part of that development plan ~~except as may be otherwise provided for or exempted by these provisions.~~
- (e) Complete Streets, Sidewalks to be constructed within the Town shall conform to the Town's Complete Street Program to the greatest extent possible. ~~Exemptions. The following projects are exempt from the Sidewalk Mitigation program requirements, but shall continue to be subject to the provisions of Section 202, Florida Building Code, relating to existing buildings and facilities:~~
- ~~1. Residential renovations/additions under \$30,000;~~
 - ~~2. Single family residential roof repairs;~~
- (f) Permitting. No building permit shall be issued for the construction of improvements for the projects required to provide sidewalk interconnectivity as provided above, unless the proposed plans include the location of sidewalks, and said sidewalks are to be constructed ~~or repaired as needed~~ by the applicant in accordance with the requirements imposed by the town, and no certificate of completion or occupancy shall be granted unless such sidewalks are completed in accordance with the proposed plans.
- ~~(g) Sidewalk Mitigation Program. The Town Council of the Town of Miami Lakes hereby creates the Sidewalk Mitigation program. The program is established to provide a compliance alternative for those properties that may otherwise be unable to conform to these provisions. Eligible properties may contribute to the program that amount that would have otherwise been~~

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Omitted portions of this ordinance are shown as “* * *”.

~~spent providing the required sidewalk facility had they built it themselves. Any allocation received by the fund shall be applied towards the town's efforts to complete an interconnected sidewalk system within the town.~~

~~(1) The Administrative Official shall grant eligibility into the Sidewalk Mitigation program by a showing of the property owner that the construction of sidewalks on the subject property is:~~

~~a. impossible due to the existence of permanent obstructions; or~~

~~b. would create an urgent safety hazard; or~~

~~c. would create a severe drainage obstruction; or~~

~~d. the result of a single tenant in a mixed use commercial property that occupies less than 50% of the leasable commercial space, and it is so determined that requiring that single tenant improvement would be an unreasonable application of the law; or~~

~~e. at the Town's request.~~

~~(2) Properties eligible to participate in the program shall be required to pay Town's prevailing contractual cost per square yard plus a ten percent (10%) administrative overhead rate of sidewalk area required to be constructed, replaced or repaired. For participants in a multitenant commercial building, payment shall be prorated based on the percentage of leasable space occupied by the applicant within the building(s).~~

~~(3) Any property owner aggrieved by a decision of the Administrative Official either allowing or disallowing the eligibility into the Sidewalk Mitigation program, shall have the right, upon payment of applicable fee, to file a written appeal to the Town Manager within ten days of the date of written notification of said decision. Any appeal of the Town Manager's decision shall be made to the Council. Final determination of any appeal shall be made pursuant to the standards set forth in division (g)(1) above.~~

~~(h) At no time shall the cost of providing required sidewalks or contribution into the Sidewalk Mitigation program exceed 20% of the construction cost of the project.~~