

ORDINANCE NO. 17-____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 13-301, RELATING TO DEVELOPMENT APPROVAL PROCEDURES; CREATING SECTION 13-301(s), REQUIRING DEVELOPER INFORMATION SESSIONS FOR ZONING APPLICATIONS OF A SPECIFIED DENSITY/INTENSITY THAT ARE SUBJECT TO TOWN COUNCIL CONSIDERATION; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.
(Sponsored by: Councilman Frank Mingo)

WHEREAS, section 13-301 of the Town's Land Development Code provides for generalized development review procedures related to zoning development applications subject to administrative or public hearing decisions; and

WHEREAS, the intent of such procedures is to ensure that an orderly and predictable review process is available for zoning development applications; and

WHEREAS, on February 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore requiring zoning development applications of determined densities and intensities to provide a forum introducing the project to the public prior to Town Council consideration, and to return to a workshop of the Town Council with recommendations; and

WHEREAS, the intent of the forum is to keep the residents of the Town abreast to any pending zoning development applications that are to be considered by the Town Council; and

WHEREAS, on June 27, 2017, at a publicly advertised workshop, staff among other matters, presented a recommendation to the Town Council on the conduct of "Developer

Information Sessions,” upon which the Town Council considered and expressed its desire to pursue; and

WHEREAS, the amendment at Exhibit “A” is reflective of the Town Council’s desire as expressed at the June 27, 2017, workshop; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the Land Development Code and recommends approval, as set forth in the Staff Analysis and Recommendation dated July 7, 2017, and incorporated into this Ordinance by reference; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on July 18, 2017, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on July 25, 2017, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council moved the proposed amendment on first reading for second reading and consideration of adoption; and

WHEREAS, the Town Council finds that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found in Subsection 13-306(b) of the Town Code; and

WHEREAS, on September _____, 2017, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and

the Administrative Official, the Town Council finds it in the public interest to adopt the proposed ordinance.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.

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

Section 2. Findings. After considering Staff's report, both submitted in writing and presented orally and the public comment, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found at Subsection 13-306(b) of the Town Code as provided for in the Staff Recommendation and Analysis Report.

Section 3. Approval. The Town Council hereby adopts the amendment as provided at Exhibit "A," and as incorporated herein.

Section 4. 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 5. 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 6. 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 be included in the Town Code.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption.

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 Tony Lama
Councilmember Luis Collazo
Councilmember Tim Daubert
Councilmember Ceasar Mestre
Councilmember Frank Mingo
Councilmember Nelson Rodriguez

Passed on first reading this ____ day of _____, 2017.

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 Tony Lama
Councilmember Luis Collazo
Councilmember Tim Daubert
Councilmember Ceasar Mestre
Councilmember Frank Mingo
Councilmember Nelson Rodriguez

Passed and adopted on second reading this _____ day of _____, 2017.

Manny Cid
Mayor

Attest:

Gina M. Inganzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

Chapter 13 - LAND DEVELOPMENT CODE

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ARTICLE III. - DEVELOPMENT APPROVAL PROCEDURES

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Section 13-301 Generally

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(s) Developer Information Sessions. Development applications involving a rezoning, Future Land Use Map amendment, conditional uses of 4,000 square feet or more, and site plans and variances for projects involving 50 or more residential units or more than 50,000 square feet of commercial floor area, shall be required to conduct a Developer Information Session. Such Sessions shall conform to the following provisions:

- (1) At a minimum, courtesy public notice shall include posting on the Town website and relevant social media sites utilized by the Town, notice to Home Owner Associations registered with the Town, and a 2"x 4" ad in the Miami Laker community newspaper. Notice shall be provided a minimum of 10 days in advance of the session. Failure to receive a courtesy public notice has no impact on the session. All expense of notification shall be borne by the developer/applicant.
- (2) When feasible, Developer Information Sessions should be held at the project site or nearest available facility thereto. Other acceptable sites include Town Hall, other Town facilities, or other off-site locations in close proximity to the project site.
- (3) Developer Information Sessions are not quasi-judicial proceedings. They are intended to be informal meetings aimed at providing the community with information regarding the project and an opportunity for the developer/applicant to answer questions about the project. The meetings shall be coordinated and conducted by the applicant with input from Town staff. Staff participation is limited as a resource to share Town plans and projects that may be relevant to the project.