

ORDINANCE NO.17-__

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE TOWN COMPREHENSIVE PLAN; REDESIGNATING 9.445 +/--ACRE PROPERTY LOCATED ON THE WEST SIDE OF COMMERCE WAY AND N.W. 146TH STREET, AS MORE PARTICULARY DESCRIBED AT ATTACHMENT “A”, FROM THE INDUSTRIAL AND OFFICE CATEGORY, TO THE MEDIUM DENSITY RESIDENTIAL CATEGORY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 13-307 of the Code of the Town of Miami Lakes ("Town Code"), The Graham Companies (the "Applicant") has applied for an amendment to the Future Land Use Map of the Town Comprehensive Plan from the Industrial and Office category to the Medium Density Residential category on a 9.445 +/- acre property located on the west side of Commerce Way and N.W. 146th Street, Miami Lakes, Florida (the "Property") described as Tract “A” in Attachment "A", attached hereto and incorporated herein by reference; and

WHEREAS, a map depicting the Property to be re-designated on the Future Land Use Map is attached as Attachment “B”, attached hereto and incorporated herein by reference; and

WHEREAS, Subsection 13-307(b) provides that proposed amendments to the Comprehensive Plan 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 Comprehensive Plan Future Land Use Map and recommends approval, as set forth in the Staff

Analysis and Recommendation dated March 7, 2017, 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 March ____, 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 of the Future Land Use Map amendment; and

WHEREAS, on _____, 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 amendment to the Future Land Use Map.

NOW, THEREFORE, BE IT ORDAINED 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. The Town Council finds that the proposed amendment to the Comprehensive Plan Future Land Use Map is a small scale amendment to the Comprehensive Plan and meets the criteria for adoption under the provisions of Section 163.3187(1), Florida Statutes, and meets the criteria for evaluation of an amendment to the Comprehensive Plan found in Subsection 13-307(b) of the Town Code.

Section 3. Approval of Future Land Use Map Amendment. The Town Council hereby adopts the amendment to the Future Land Use Map of the Town Comprehensive Plan of the Property described as Tract "A" in Attachment "A" and depicted in Attachment "B", from the

Industrial and Office category to the Medium Density Residential category.

Section 4. Direction to the Administrative Official. Pursuant to Subsection 13-307(d), the Town Council hereby directs the Administrative Official to prepare and transmit the information necessary for the amendment to be reviewed pursuant to the requirements of the Community Planning Act, Section 163.3164 et seq., Florida Statutes, and when effective to make the appropriate changes to the Future Land Use Map 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. Exclusion from the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be excluded from the Town Code.

Section 8. Effective date. This Ordinance shall be effective upon thirty-one (31) days after adoption at second reading, or if timely challenged, the amendment becomes effective when the state Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

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 Tim Daubert
Councilmember Frank Mingo
Councilmember Luis Collazo
Councilmember Caesar Mestre
Councilmember Nelson Rodriguez

Passed on first reading this _____ day of _____ 2017.

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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 Tim Daubert
Councilmember Frank Mingo
Councilmember Luis Collazo
Councilmember Caesar Mestre
Councilmember Nelson Rodriguez

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

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

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

ATTACHMENT A

**LEGAL
DESCRIPTION**

ATTACHMENT B

MAP