

ORDINANCE NO.17- ____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 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 IU - C, INDUSTRIAL DISTRICT, CONDITIONAL, TO THE RM-36, MEDIUM DENSITY RESIDENTIAL DISTRICT; 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 13-306 of the Code of the Town of Miami Lakes ("Town Code"), The Graham Companies (the "Applicant") applied for an amendment to the Official Zoning Map from the IU - C , Industrial District, Conditional, to the RM-36, Medium Density Residential District on a 9.445 +/- acre property located on the west side of Commerce Way and N.W. 146th Street, Miami Lakes, Florida (the "Property") as described as Tract “A” in Attachment "A", attached hereto and incorporated herein by reference; and

WHEREAS, a map depicting the Property to be rezoned is attached as Attachment “B”, attached hereto and incorporated herein by reference; and

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

WHEREAS, the Administrative Official reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and

Recommendation dated February 27, 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 March ____, 2017, after conducting a properly noticed quasi-judicial 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 has reviewed and recommends approval of the rezoning; and

WHEREAS, concurrently with the review of the rezoning application, the Town is reviewing a comprehensive plan amendment to the Property to amend the Future Land Use Map from Industrial and Office to Medium Density Residential, which adoption is necessary for the proposed rezoning to take effect; and

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

WHEREAS, on _____, 2017, after conducting a properly noticed quasi-judicial 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 Official Zoning Map.

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 amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the Town Code.

Section 3. Approval of Rezoning. The Town Council hereby adopts the amendment to the Official Zoning Map of the Property described as Tract "A" in Attachment "A" and depicted in Attachment "B", from the IU-C, Industrial District, Conditional District, to the RM-36, Medium Density Residential District.

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 Official Zoning 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 become effective after second reading and immediately upon the effective date of Ordinance 2017-_____, amending the Future Land Use Map from Industrial/Office to Medium Density Residential.

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