

ORDINANCE NO. 24-

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PUBLICATION REQUIREMENTS; AMENDING CHAPTER 2, “ADMINISTRATION”, ARTICLE III “OFFICERS AND EMPLOYEES”, SECTION 2-55, “TOWN MANAGER” AND SECTION 2-56, “TOWN ATTORNEY SELECTION AND APPOINTMENT”, AND ARTICLE V, “CONTRACTS AND PURCHASING”, DIVISION 2, “PROCUREMENT PROCEDURES”, SECTION 2-155 “PROCUREMENT METHODOLOGY”; AMENDING CHAPTER 8, “CODE ENFORCEMENT”, SECTION 8-3, “ENFORCEMENT PROCEDURES”; AMENDING CHAPTER 10, “ELECTIONS”, ARTICLE II, “CANDIDATE QUALIFICATION”, SECTION 10-21, “SPECIAL ELECTIONS”; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, ARTICLE III, “DEVELOPMENT APPROVAL PROCEDURES”, SECTION 13-309, “PUBLIC HEARING AND NOTICE”, AND ARTICLE IV, “ ZONING DISTRICT REGULATIONS”, DIVISION 13-11, “HURRICANE RELIEF REGARDING EXISTING AND NONCONFORMING RESIDENTIAL STRUCTURES IN THE RU AND RU-TH DISTRICTS”, SECTION 13-602 “REPAIR AND REPLACEMENT OF LEGAL AND ILLEGAL NONCONFORMING FENCES AFTER HURRICANE DAMAGE”, AND DIVISION 24, “GF-GOVERNMENTAL FACILITIES”, SECTION 13-843, “EXCLUSIVE SITE PLAN REVIEW PROCEDURE”, AND ARTICLE IX “SIGNS”, SECTION 13-1904 “ADDITIONAL REQUIREMENTS FOR SIGNS”, AND ARTICLE XI “FEES”, TO ALLOW THE USE OF ONLINE PUBLICATION TO FULFILL THE TOWN’S NOTICE REQUIREMENTS IN ACCORDANCE WITH FLORIDA STATUTES § 50.0311; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FINDINGS OF FACT, ; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to its Code of Ordinances, the Town of Miami Lakes (“Town”) has traditionally advertised and published required notices in newspapers of general circulation; and

WHEREAS, the cost of printed advertisement in newspapers has increased, and many newspapers have abandoned print operations in favor of online publications; and

WHEREAS, Chapter 50, Florida Statutes, has been amended to allow municipalities the ability to publish all required notices and advertisements on a publicly accessible website as specified in Section 50.0311, Florida Statutes; and

WHEREAS, in order for the Town to take advantage of the opportunity of on-line publication of notices, it is necessary to amend out Town Code; and

WHEREAS, Sections 2-55, 2-56, 2-155, 8-3, 10-21, 13-309, 13-602, 13-843, 13-1904, and 13-2116 of the Town's Code of Ordinances ("Code") provide newspaper publication as the Town's exclusive method of providing public notice and

WHEREAS, the Town desires to amend its Code to expand its options for publication by providing the opportunity to publish by alternative methods as provided by Florida law; and

WHEREAS, the Town Council finds it is in the best interest of the Town to amend its Code to expand publication options as provided by law; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), has reviewed the proposed amendments at a duly advertised Public Hearing on _____, and voted to recommend adoption of the proposed ordinance; and

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

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent with, and in harmony with, the purpose and intent of the Comprehensive Master 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 ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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

Section 2. Adoption. The Town Council hereby adopts the amendments to the Town Code, which are attached as Exhibit A hereto and are incorporated herein¹.

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.

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

FIRST READING

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

Mayor Manny Cid _____

Vice-Mayor Tony Fernandez _____

Councilmember Josh Dieguez _____

Councilmember Tony Fernandez _____

Councilmember Ray Garcia _____

Councilmember Marilyn Ruano _____

Passed on first reading this ____ day of _____ 2024.

SECOND READING

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

Mayor Manny Cid _____

Vice-Mayor Tony Fernandez _____

Councilmember Josh Dieguez _____

Councilmember Tony Fernandez _____

Councilmember Ray Garcia _____

Councilmember Marilyn Ruano _____

Passed on first reading this _____ day of _____ 2024.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC
Deputy Town Attorney

EXHIBIT A

Chapter 2 - ADMINISTRATION

ARTICLE III. - OFFICERS AND EMPLOYEES

Sec. 2-55. Town Manager

- (a) *Function.* The Town Manager shall serve as the chief administrative officer of the Town, and shall be expected to carry out all the functions and duties as detailed in Section 3.3 of the Town Charter.
- (b) *Vacancy.* A vacancy of Town Manager may occur through resignation of the Town Manager or removal of the Town Manager by resolution of the Town Council.
- (c) *Selection.* Should a vacancy occur, the Town Council shall, by resolution, initiate a Town Manager selection process which shall be carried out in the following manner:
 - (1) *Town Council workshop.* Within ten days of initiating a Town Manager selection process, the Town Council shall set a date for a Town Council workshop to discuss and discuss among other matters: the review qualifications for a new Town Manager; determine a search method for Town Manager, whether the search will be done locally or nationally, whether a search firm will be engaged to assist; and determine an interview methodology for Town Manager candidates.
 - (2) *Resolution adopting the Town Council workshop findings and appointing a Town Manager Selection Advisory Committee.* After the conclusion of the Town Council workshop, a resolution shall be adopted by the Town Council, at the next scheduled Town Council Meeting which shall include the findings of the workshop. Additionally, each Council Member shall appoint a resident of the Town of Miami Lakes, who shall have resided in the Town period of no less than two years, to serve as a member of a Town Manager Selection Advisory Committee. The Town Attorney, or the Town Attorney's designee, shall serve as a non-voting member of the Town Manager Selection Advisory Committee to provide guidance and serve as a liaison between the committee and the Town.
 - (3) *Position shall be advertised.* The position shall be advertised in a newspaper of general circulation or by any other method provided by Florida Law, as may be amended from time to time, and provide no less than 30 days to submit applications for consideration.
 - (4) *Selection and Retention of a Search Firm.* The Town Council shall authorize staff to retain the services of a Search Firm to review potential Town Manager Candidates and prepare a list of 15 qualified candidates to be evaluated by the Town Manager Selection Advisory Committee. The Town Manager Selection Advisory Committee may interview some or all candidates with conforming application and present a short list of seven candidates, composed of five with two alternates, to the Town Council. Once the 15 candidates have been identified, the entire process shall conclude within three months, unless extended by the Town Council. Council shall take into consideration the Town Manager Selection Advisory Committee's suggestion; however, the Town Council may consider other candidates that may or may not have been interviewed or considered by the Town Manager Selection Advisory Committee.
- (d) *Employment Agreement expiration.* Six months before the natural expiration of a permanent Town Manager's employment agreement, the Town Council shall discuss, during the next Regular Town Council meeting, the existing Employment Agreement's expiration.
- (e) *Appointment.* The Town Manager shall be appointed by resolution of the Town Council.

Sec. 2-56. Town Attorney selection and appointment.

- (a) *Function.* The Town Attorney shall serve as legal counsel for the Town and shall serve at the pleasure of the Town Council and provide legal advice and representation as needed to Town Council, management and staff.
- (b) *Vacancy.* A vacancy of Town Attorney may occur through resignation of the Town Attorney or removal of the Town Attorney by resolution of the Town Council.
- (c) *Selection.* Should a vacancy occur, the Town Council shall, by resolution, initiate a Town Attorney selection process which shall be carried out in the following manner:
 - (1) *Town Council workshop.* Within ten days of initiating a Town Attorney selection process, the Town Council shall set a date for a Town Council workshop to discuss and decide among other matters: the review qualifications for a new Town Attorney and whether the Town Attorney will be in house or outside counsel lawyer or law firm; determine a search method for Town Attorney, whether the search will be done locally or nationally, whether a search firm will be engaged to assist; determine an interview methodology for Town Attorney candidates.
 - (2) *Resolution adopting the Town Council workshop findings and appointing an advisory committee.* After the conclusion of the Town Council workshop, a resolution shall be adopted by the Town Council which shall include the findings of the workshop. Additionally, each Council Member shall appoint a resident of Miami Lakes, who shall have resided in the Town for a period of no less than two years, to serve as a member of a selection advisory committee, in order to provide advice and public input. The Town Manager shall serve as a non-voting member of the selection advisory committee, and provide guidance and serve as a liaison between the committee and the Town.
 - (3) *Procurement/Advertisement.*
 - a. Should the Town Council choose to hire an in-house counsel, the position shall be advertised in a newspaper of general circulation or by any other method provided by Florida Law, as may be amended from time to time, and provide no less than 30 days to submit applications for consideration.
 - b. Should the Town Council choose to hire an outside counsel, the process will be initiated through a Request for Proposals ("RFP"), or a Request for Qualifications ("RFQ"), in accordance with the Town's procurement process as stated in Article V, Division 2. The process shall be concluded within two months and reviewed by the selection committee. At the conclusion of the two months, the Town Council shall review a short list of recommendations by the Town Council, conduct any necessary group, or one on one, and shall be concluded within three months after receipt of the short list.
 - (4) *Shortlist.* The Procurement or Advertisement process shall be completed within two months. Following the procurement or advertisement process, the selection advisory committee shall review the candidates remaining and shall develop a short list of recommendations for the Town Council's consideration within two months. Following the review period by the advisory committee, the Town Council shall review the shortlist and make a selection within one month, unless the time period is extended by majority vote of the Council.
- (d) *Appointment.* The Town Attorney shall be appointed by resolution of the Town Council.

ARTICLE V. - CONTRACTS AND PURCHASING

DIVISION 2. - PROCUREMENT PROCEDURES

Sec. 2-155. - Procurement methodology.

- (a) *Small purchases.*
- (1) Purchases not exceeding \$5,000.00 shall require, at a minimum, obtaining one written quotation.
 - (2) Purchases between \$5,000.01 and \$15,000.00 shall require issuing an RPQ to a minimum of three contractors or vendors. Award will be made to the lowest responsive and responsible bidder.
 - (3) Purchases of professional services equal to or less than \$25,000.00 shall require, at a minimum, obtaining one written quotation, unless otherwise stipulated by Florida Statute.
- (b) *Competitively sealed procurements.* Procurements in excess of \$15,000.00 shall require the use of competitive sealed bidding, except as otherwise provided in this division.
- (1) The solicitation documents will be made available on the Town's website. A newspaper advertisement or by any other method provided by Florida Law, as may be amended from time to time may also be issued for the solicitation.
 - (2) ITBs shall be awarded to the lowest responsive and responsible bidder as determined by the Town Manager.
 - (3) Competitive negotiations will be awarded to the proposer providing the most advantageous proposal to the Town, as determined by the Town Manager.
 - (4) RFPs and RFQs shall be awarded to the highest ranked firm, as determined by the Town Manager, except where the Town Manager determines that such award is not in the best interest of the Town or where the Town and the highest ranked proposer are not able to reach a mutual contractual agreement.
 - (5) Submittals will be received by the Town Clerk or designee. The Town Clerk or designee will open the submittals at the stated time in the presence of the Procurement Manager or designee. The name of the bidder or proposer shall be read aloud and recorded in writing.
- (c) *Architectural and engineering services.* All such services shall be procured in accordance with F.S. § 287.055, which is also known as the "Consultant Competitive Negotiation Act" or "CCNA".
- (d) *[Request for waiver.]* The Town Manager may request authorization from the Town Council to waive the requirements of this section where the Town Manager has made a written recommendation where, based on specific circumstances, it is not practical to comply with the requirements of this section for a specific solicitation(s).

Chapter 8 - CODE ENFORCEMENT

Sec. 8-3. Enforcement procedures.

- (a) For the purposes of this chapter, the term "Code Inspector" refers to any agent or employee of Town whose duty is to assure the enforcement of and compliance with the Code of Town of Miami Lakes. Prior to being provided the authority to initiate enforcement proceedings under this chapter, a Code Inspector shall be required to successfully complete a criminal background investigation.
 - (b) Code Inspectors shall have the authority to initiate enforcement proceedings as provided below. No Hearing Officer shall have the power to initiate such proceedings.
 - (c) For the purposes of this chapter, the term "violators" shall be deemed to be those persons or entities legally responsible for the violation of the ordinances listed in Section 8-10.
 - (d) A Code Inspector who finds a violation of those ordinances listed in Section 8-10 shall determine a reasonable time period within which the violator must correct the violation. This determination shall be based on considerations of fairness; practicality; ease of correction; ability to correct; severity of violation; nature, extent and probability of danger or damage to the public and other relevant factors relating to the reasonableness of the time period prescribed. A time for correction need not be specified if the violation is deemed to be an uncorrectable violation.
 - (e) A Code Inspector who finds such a violation shall issue a civil violation notice to the violator. Service of the civil violation notice to the violator shall be effected by:
 - (1) Certified mail, return receipt requested, provided such notice is sent to the owner of the property in question at the address listed in the tax collector's office for tax notices and at any other address provided to the Town by such owner. If the notice is returned as unclaimed or refused, notice may be provided by posting as described in Subsection (e)(2) of this section and by first class mail directed to the addresses furnished to the Town with a properly executed proof of mailing or affidavit confirming the first class mailing;
 - (2) Hand delivery by the Sheriff or other Law Enforcement Officer, Code Inspector, or other person designated by the Town;
 - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
 - (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.
 - (f) In addition to providing notice as set forth in Subsection (e) of this section, at the option and discretion of the Town Manager, notice may also be served by publication or posting as follows:
 - (1) The notice shall be published once during each week for four consecutive weeks in a newspaper available to the public generally in Miami-Dade County, ~~as specified in F.S. ch. 50~~ or by any other method provided by Florida Law, as may be amended from time to time.
 - (2) Proof of publication shall be made as provided in F.S. § 50.041 and F.S. § 50.051.
 - (3) In lieu of publication as described in Subsection (f)(1) of this section, such notice may be posted at least ten days prior to the hearing or prior to the expiration of any deadline contained in the notice in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at Town Hall.
 - (4) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
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- (g) Evidence that an attempt has been made to hand deliver or mail the notice as provided herein, together with proof of publication or posting, shall be sufficient to show that the requirements of this part have been met, without regard to whether or not the violator actually received such notice.
- (h) The civil violation notice shall include but not be limited to the following:
 - (1) Date of issuance;
 - (2) Name of Code Inspector and division or department issuing the notice;
 - (3) Name and address of the violator;
 - (4) Section number of the Code Section that has been violated;
 - (5) Brief description of the nature of the violation, including location, date and time of violation;
 - (6) Amount of the civil penalty for which the violator may be liable;
 - (7) Instructions and due date for paying the civil fine or filing for an administrative hearing before a Hearing Officer to appeal the civil fine;
 - (8) Time within which the violation must be corrected, if applicable;
 - (9) Notice that each day of continued violation after the time period for correction has run shall be deemed a continuing violation subject to additional penalty in the same amount, without the need for additional notices of violation;
 - (10) Notice that failure to request an administrative hearing within 20 days, or within the specified time period listed for a violation of a specific section of the Code, after service of the civil violation notice shall constitute a waiver of the violator's right to an administrative hearing before the Hearing Officer, and that such waiver shall constitute an admission of violation;
 - (11) Notice that the violator may be liable for the reasonable costs of the administrative hearing should he be found guilty of the violation; and
 - (12) Notice that the violator may be liable for the Town's costs and expenses incurred as a result of investigation, enforcement, testing or monitoring should the violator be found guilty of the violation.

Chapter 10 - ELECTIONS

ARTICLE II. - CANDIDATE QUALIFICATION

Sec. 10-21. Special elections.

- (a) In circumstances in which a vacancy on the Town Council is to be filled by special election, all candidates who meet the criteria set forth in Section 2.4 of the Town Charter seeking election to the office of Mayor or Councilmember of the Town of Miami Lakes shall qualify in the same manner set forth in Section 10-20 unless one of the following occurs:
 - (1) The time between the scheduling of the special election and the date prescribed in Section 10-20 is less than ten consecutive days; or
 - (2) Miami-Dade County Department of Elections is unwilling or unable to adhere to the dates prescribed in Section 10-20.
- (b) If the time between the scheduling of the special election and the date prescribed in Section 10-20 is less than ten consecutive days, then all candidates who meet the criteria set forth in Section 2.4 of the Town Charter seeking election to the office of Mayor or Councilmember of the Town of Miami Lakes shall qualify no sooner than noon of the first Monday, following the tenth consecutive day after the scheduling of the special election, and no later than noon on the seventh business day thereafter. In the event that Town Hall is closed for any reason on the last day of qualifying, the qualifying period shall be extended until noon of the next business day.
- (c) In the event that the Miami-Dade County Elections Department expresses in writing its inability to schedule an election, the Town Council in its sole discretion may select an alternate qualifying period, so long as the period selected commences no sooner than ten consecutive days after the scheduling of the special election.
- (d) Prior to the commencement of the qualifying period, the clerk shall publish at least twice, a notice of the special election, in a newspaper of general circulation or by any other method provided by Florida Law, as may be amended from time to time

ARTICLE III. - DEVELOPMENT APPROVAL PROCEDURES

Sec. 13-309. Public hearing and notice.

- (a) *Generally.* When an application for development approval is subject to a public hearing, the Administrative Official shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:
- (1) Identify the applicant, if other than the Town.
 - (2) Indicate the date, time, and place of the public hearing.
 - (3) Describe the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law.
 - (4) Describe the nature, scope and purpose of the proposal being noticed using terms and phrases clearly understandable to the general public.
 - (5) Identify the Town departments where the public may inspect the application, staff report and related materials during normal business hours.
 - (6) Include a statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application.
 - (7) Include other information as may be required by law.
- (b) *Mailed notice.*
- (1) When the provisions of this chapter require that mailed notice be provided, the costs of providing such notice shall be included in the application fee or billed through cost recovery as applicable. Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
 - (2) The Town Clerk shall prepare the written notice and shall be responsible for mailing the notices. Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town.
- (c) *Published notice.* When the provisions of this chapter require that notice be published, the applicant shall be responsible for the cost of Town staff preparing the content of the notice and publishing the notice in the non-legal section of the local newspaper of general circulation that has been selected by the Town or by any other method provided by Florida Law, as may be amended from time to time. This notice shall be published in accordance with timelines prescribed in Table 13-309 in this article prior to the required public hearing, except where provided otherwise in this chapter.
- (d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the Administrative Official shall be responsible for posting the property, and shall:
- (1) Place the signs on the property that is the subject of the application in accordance with timelines prescribed in Table 13-309 in this article prior to a required or requested hearing.
 - (2) Place the signs along each street that is adjacent to or runs through the subject property at intervals of not more than 200 feet in a manner that makes them clearly visible to adjacent residents and passersby.
 - (3) Place the signs no more than 25 feet from the street so that the lettering is visible from the street. Where the land does not have frontage on a street, signs shall be erected on the nearest street, with

an attached notation indicating generally the direction and distance to the property subject to the application.

- (e) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates or substantive changes to an application request during the period an application has been continued, shall require re-noticing for the new public hearing date.
- (f) *Comprehensive plan.* Notice for public hearings on applications for amendments to the comprehensive plan shall be noticed as follows:
 - (1) Text or map amendments initiated by the Town shall be noticed by publication in accordance with the provisions of F.S. § 163.3184. In addition, property owners of record within a 5,000-foot radius of the property subject to map amendments shall be provided mailed notice.
 - (2) Text or map amendments initiated by a property owner or governmental agency other than the Town shall be noticed by publication in accordance with the provisions of F.S. § 163.3184. Map amendments shall also be noticed by posting of the property, subject to the application, 30 days prior to the hearing. In addition, property owners of record within a 5,000-foot radius of the property subject to map amendments shall be provided mailed notice 30 days prior to the hearing.
- (g) *Official zoning map and this chapter.* Notice for public hearings on applications for amendments to this chapter and the official zoning map shall be noticed as follows:
 - (1) Text or map amendments initiated by the Town shall be noticed by publication in accordance with the provisions of F.S. § 166.041. In addition, property owners of record within a 5,000-foot radius of the property subject to map amendments shall be provided mailed notice.
 - (2) Text or map amendments initiated by a property owner or governmental agency other than the Town shall be noticed by publication in accordance with the provisions of F.S. § 166.041. Map amendments shall also be noticed by posting of the property, subject to the application, 30 days prior to the hearing. In addition, property owners of record within a 5,000-foot radius of the property subject to map amendments shall be provided mailed notice 30 days prior to the hearing.
- (h) *Other development requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to variances, conditional uses, site plans, plats, and vacations shall be noticed as follows:
 - (1) Posting of the property subject to the application ten days prior to the hearing.
 - (2) Courtesy mailed notice to the property owners of record shall be required according to the following schedule ten days prior to the hearing unless the application includes a request for amendment to the comprehensive plan or future land use map in which case subsection (f) shall apply, or if the request includes an amendment to the Town's Land Development Code or Official Zoning Map in which case subsection (g) shall apply:

PUBLIC HEARING APPLICATION INTENSITY	RADIUS IN FEET
Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial	5,000
50 to 99 Residential Units — 50,000 to 99,999 sq. ft. Commercial	2,500
20—49 Residential Units — 20,000 to 49,999 sq. ft. Commercial	1,000
Less than 20 Residential units or 20,000 sq. ft. Commercial	500

- (3) Publication in the non-legal section of the local newspaper of general circulation that has been selected by the Town or by any other method provided by Florida Law, as may be amended from time to time

(4) Where an application is made for a commercial development permit approval other than rezoning, including, but not limited to commercial variances, commercial conditional uses, commercial site plans, commercial plats, and commercial vacations, courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This subsection shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations located outside of the Town boundaries. A homeowners' association, condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town. The notice requirements herein are intended to supplement and the minimum requirements of the Florida Statutes, and are not in conflict with Florida Statutes.

(i) *Administrative decisions.* Administrative action on applications for administrative decisions, including but not limited to administrative variances, administrative site plan decisions, and administrative conditional use decisions shall be noticed as follows:

- (1) Posting of the property subject to the application 30 days prior to final administrative action.
- (2) Courtesy mailed notice to the property owners of record shall be noticed 30 days prior to final administrative action according to the following schedule:

ADMINISTRATIVE APPLICATION INTENSITY	RADIUS IN FEET
Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial	5,000
50 to 99 Residential Units — 50,000 to 99,999 sq. ft. Commercial	2,500
20—49 Residential Units — 20,000 to 49,999 sq. ft. Commercial	1,000
Less than 20 Residential units or 20,000 sq. ft. Commercial	500
Administrative (De Minimus) Variances	Adjacent Properties

(3) Publication in the non-legal section of the local newspaper of general circulation that has been selected by the Town or otherwise in accordance with Chapter 50, Florida Statutes, as may be amended from time to time.

(4) Where an application is made for a commercial administrative variance, courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This subsection shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations located outside of the Town boundaries. A homeowners' association, condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town. The notice requirements herein are intended to be supplemental to the minimum requirements of the Florida Statutes.

(j) *Appeals of action by the Administrative Official.* An applicant seeking an appeal of the action by the Administrative Official to the Town Council shall be responsible for notice of the appeal by mailed notice to property owners of record within a 500-foot radius of the property subject to the application and posting of the property subject to the application.

(k) *Applicant bears burden of cost.* All costs of publication, mailing and posting shall be borne by the applicant.

ARTICLE IV. - ZONING DISTRICT REGULATIONS

DIVISION 11. - HURRICANE RELIEF REGARDING EXISTING AND NONCONFORMING RESIDENTIAL STRUCTURES IN THE RU AND RU-TH DISTRICTS

Sec. 13-602. Repair and replacement of legal and illegal nonconforming fences after hurricane damage.

This section provides for exemption from Section 33-35(c) (see Section 13-1) and provides procedures for legal and illegal nonconforming fences in the RU Districts and fences and awnings in the RU-TH District to obtain permits or final inspection after hurricane damage.

- (1) Applicability. This division shall apply to repairs or replacement of:
 - a. Legal nonconforming fences and awnings in the RU and RU-TH Districts; and
 - b. Illegal nonconforming fences in the RU Districts built before December 5, 2000, and illegal nonconforming fences and awnings in the RU-TH District built before December 5, 2000.
 - (2) Time for application for building permit. Applications for building permits hereunder shall be made no later than one year after the effective date of the Town Council resolution authorizing application of this division to the hurricane damage. However, persons affected by hurricane damage from Hurricane Wilma shall have one year from the effective date of passage of the ordinance from which this division is derived to apply for a building permit.
 - (3) The permit application shall comply with all requirements of the Florida Building Code (FBC) and the owner shall furnish to the Zoning Official and Building Official the following:
 - a. Evidence satisfactory to the Zoning Official that the structure in question existed prior to December 5, 2000, and sustained damage due to a hurricane by providing proof such as but not limited to aerial photographs, signed and sealed surveys, photographs, insurance claim applications, and affidavits from previous owners or neighboring property owners.
 - b. Evidence satisfactory to the Zoning Official that the structure in question was a legal nonconforming fence or awning as defined herein.
 - c. Evidence satisfactory to the Building Official that the structure or repair to or replacement of the structure satisfies the requirements of the Building Code and the Florida Fire Prevention Code in effect at the time of the current building permit application. In no instance will a nonconforming structure be allowed to be rebuilt, repaired or replaced without complying with the requirements of the Building Code and the Florida Fire Prevention Code in effect at the time of the current building permit application.
 - (4) All permit applications. All repairs and/or replacement applications must secure a proper building permit and final approved inspection. The permit must be issued within six months of the application.
 - (5) Fees. The Building Official shall calculate a fee for processing applications and to conduct any inspections done pursuant to this division in accordance with the approved Building Department Fee Schedule.
 - (6) Notice. The Town Manager or designee shall notify residents that previously applied for a variance for which this division provides relief. The notice shall state the structures which may take advantage of the provisions of this division, set forth the requirements of this division, the time limits allowed, and the possible effects of the failure to comply with the division provisions and the Florida Building Code. A public notice will be printed in a newspaper of general circulation, or by any other method provided by Florida Law, as may be amended from time to time, advising residents of the relief provided by this division due to future hurricane damage.
 - (7) The provisions of this division shall not be interpreted to supersede the following requirements, which must be complied with by all structures in question at all times:
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- a. Zoning requirements on December 5, 2000.
- b. Requirements of the Florida Building Code or federal or State laws or other preemptive laws, codes or standards.

DIVISION 24. - GF-GOVERNMENTAL FACILITIES

Sec. 13-843. Exclusive site plan review procedure.

The site plan procedures in this division shall be exclusive to the Town as further provided below:

- (1) *Public hearing and notice required.* The Town Council may only authorize the erection, construction and operation of the governmental facilities enumerated in this division by resolution following public hearing. The said public hearing shall be held upon at least 15 days' notice of the time and place of such hearing published in a newspaper of general circulation in the Town, or by any other method provided by Florida Law, as may be amended from time to time, which publication shall include the time and place of hearing before the Town Council. A courtesy notice containing general information as to the date, time, and place of the hearing, the property location and general nature of the application may be mailed to the property owners of record, within a radius of 300 feet of the property described in the application, or such greater distance as the Director may prescribe; provided, however, that failure to mail or receive such courtesy notice shall not affect any action or proceeding taken hereunder. To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public hearing thereon. Failure to post such property shall not affect any action taken hereunder. At the public hearing the Town Council shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the facility on the surrounding property. After considering these said factors, the Town Council shall take such action as is necessary to provide for and protect the public health, safety and welfare of the citizens and residents of the Town of Miami Lakes.
 - (2) [*Signs.*] In the event the Town Council authorizes the construction, erection, use or operation of a governmental facility in accordance with the procedures delineated above, or in the event the Council otherwise determines that property should be utilized by the Town for a particular public purpose, the property shall be posted by a sign or signs conspicuously located thereon indicating the governmental facility or use authorized for the property. Such sign or signs may be removed upon the commencement of construction. The Town Manager or designee shall periodically check the property to ensure that the signs provided for in this subsection remain in existence and accurately depict the proposed use of the subject property. This subsection shall be construed as directory only and failure to comply with the provisions hereof shall not affect the validity of the Town Council's action authorizing the use of the property for the designated purposes.
 - (3) *Notice exemption.* Any facility which is designated as or intended to be operated as a domestic violence center at the time of consideration, planning, erection, construction or acquisition, shall be exempt from the notice and public hearing provisions set forth in subsection (2).
 - (4) *Minor site plan amendments.* The Administrative Official, upon a determination that a requested site plan change of a previously approved governmental facility is minor, shall have the authority to review and approve, approve with modifications and/or conditions or deny the minor change or amendment, providing the amended site plan complies with the following:
 - a. Is compliant with the minimum requirements of this Code;
 - b. Does not increase the intensity of the project;
 - c. Does not violate any conditions of the original approval;
 - d. Does not increase the floor area of the project;
 - e. Is compliant with concurrency requirements; and
 - f. Satisfactorily addresses land use compatibility, buffering, screening, and landscaping.
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- (5) *Deferral.* A council member may request a deferral of consideration of any item relating to the construction, erection, use or operation of a governmental facility for up to 30 days the first time the item appears on a council agenda or the first time the item is raised at a Town Council meeting if the proposed construction, erection, use or operation of the governmental facility affects that council member's district exclusively or primarily. Upon the council member's invoking this right, discussion upon that item shall cease and the council shall move to another item of business.
- (6) *Issuance of permits upon appeal.* Notwithstanding any contrary provisions of this division, during an appeal of a development order for a government facility approved pursuant to this section, zoning approvals relating to that development order being appealed shall be issued upon the request of the applying government, providing that:
 - a. The applying government indicates in writing that it will conform as necessary to any subsequent changes mandated as a result of the appellate process by the court or by the Town Council; and
 - b. That other applicable requirements of law are met.

ARTICLE IX. – SIGNS

Sec. 13-1904. Additional requirements for signs.

* * * * *

- (5) *Entry features.* Signs for a building or a building complex entry feature for buildings in the BU District offering ground floor retail space (retail storefronts) and in the RO, IU Districts shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis. Each entry feature shall be reviewed in compliance with each of the standards enumerated below:
- a. Buildings offering ground floor retail space (retail storefronts) shall submit a comprehensive signage program to the Director through the administrative site plan review process for review and approval on a building-by-building basis.
 - b. An executed covenant, stating that all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained, shall be delivered to the Department for review and, upon approval, shall be duly recorded prior to the issuance of any permits.
 - c. Entrance features shall be placed so as not to encroach upon utility lines or traffic control devices whether such lines or devices be located overhead or underground; and where a conflict is indeed encountered, the developer or designated property owner shall be responsible for the removal or relocation of the said features or a part thereof.
 - d. Entrance features shall be placed so as not to cause a visual obstruction and thereby create a traffic hazard and should the use of illumination be incorporated in said features, such illumination shall be placed so as to be unobtrusive to moving traffic lanes or adjacent properties.
 - e. The character and scale of entrance features shall be of a design such that said features are complementary to the identified development and compatible with the immediate neighborhood insofar as its overall impact is concerned.
 - f. All structures within entrance features shall meet all standards of the Florida Building Code and any other applicable standards, and all water bodies with depths greater than 18 inches shall meet all applicable standards of this chapter, applicable to reflecting pools and water features standards.
 - g. Applications for permits for entrance features shall be made by the fee owner of the property in question and shall be submitted to the Department. Applications shall include an accurately dimensioned plot use plan identifying all structures and landscaping incorporated in said features and identifying all setbacks and elevations of the same.
 - h. Upon receipt of all necessary information, the Administrative Official or his designee shall review the same, and in turn render a decision either approving, modifying, or denying the request. A copy of said decision shall be published in a newspaper of general circulation or by any other method provided by Florida Law, as may be amended from time to time. The applicant, or any aggrieved property owner in the area, may appeal the decision to the Town Council to be considered at a public hearing.
 - i. All approvals or modifications shall not be effective until 15 days after the Town Manager's decision is published in a newspaper of general circulation or by any other method provided by Florida Law, as may be amended from time to time. The decision of the Town Manager shall be recorded on the official zoning maps of the Town.

ARTICLE XI. - FEES

Sec. 13-2102. - Fees for planning and zoning approvals.

Fees and/or cost recovery deposits for planning and zoning approvals are hereby adopted as set forth in the fee schedule for planning and zoning approvals maintained by the Town Clerk. The fee schedule for planning and zoning approvals may be amended from time to time by resolution of the Town Council.

Fee Schedule for Planning and Zoning Approvalsⁱ

	Development Approval Requested	Application Fee	Deposit
1.	After-the-fact development approval	\$500.00 plus the application fees or cost recovery participation for the applicable development approval	
2.	Variances		
2.1	Additional fee for each variance in an application after the first	\$150.00 for each additional variance after the first	
2.2	Administrative, and public hearing fence, driveway, deck, or walkway	<u>\$450.00 (for notification and recording)</u>	
2.3	Public hearing		
2.3.1	One single-family, two-family, or townhouse unit	<u>\$1,250.00</u>	
2.3.2	<u>Reserved</u>		
2.3.3	Multifamily, including single-family developments with multiple units.	\$1,100.00 plus notification and recording costs	<u>\$650.00</u> *
2.3.4	Commercial and industrial	\$1,700.00 plus notification and recording costs <u>Cost recovery</u>	<u>\$650.00</u> *
2.3.5	Signs	\$1,100.00 plus notification and recording costs <u>Cost recovery</u>	<u>\$650.00</u> *
2.3.6	Town Council rehearing of P&Z Board Decision	Cost recovery	
2.3.7	All others	<u>Cost recovery</u>	<u>\$2,000.00</u>
3.	Site Plan Review		
3.1	Administrative		
3.1.1	Individual single-family on waterfront lot	\$100.00 plus notification costs	\$50.00*
3.1.2	Individual townhouse	\$100.00 plus notification costs	\$50.00*
3.1.3	Individual single-family or two-family residential	\$100.00 plus notification costs	\$50.00*
3.1.4	All others	Cost recovery	\$1,000.00
3.2	Public Hearing		
3.2.1	Single-family, two-family and townhouse developments	Cost recovery	\$3,500.00
3.2.2	All others	Cost recovery	\$3,500.00

4.	Conditional Uses		
4.1	Liquor spacing	\$1,100.00	\$650.00*
4.2	All others (public hearing)	Cost recovery	\$5,000.00
4.3	Minor conditional uses	Cost recovery	\$1,000.00*
4.4	Annual renewal of minor conditional uses	\$150.00	
5.	Administrative Parking Waiver		
		\$250.00 plus notification and recording costs	\$750.00*
6.	Development Approval Extension		
6.1	By Administrative Official	\$250.00 plus notification and recording costs	\$250.00*
6.2	By Town Council	\$750.00 plus notification and recording costs	\$650.00*
7.	Modification of an Existing Resolution		
7.1	Individual single-family, two-family or townhouse unit	\$750.00 plus notification and recording costs	\$650.00*
7.2	All others	Cost recovery	\$1,500.00
8.	Amend Comprehensive Plan, Land Use Map, Text of Land Development Regulations, or Zoning Map		
		Cost recovery	\$5,000.00
9.	Plats		
9.1	Preliminary	Cost recovery	\$5,000.00
9.2	Final	Cost recovery	\$5,000.00
9.3	Waiver of plat/lot split	Cost recovery	\$5,000.00
9.4	Right-of-way vacation	Cost recovery	\$5,000.00
10.	Appeal of Administrative Decision		
10.1	Appeal of administrative variance for individual single-family, two-family, or townhouse	\$1,500.00 plus notification and recording costs	\$650.00*
10.2	Appeal of all other administrative variances	\$2,500.00 plus notification and recording costs	\$650.00*
10.3	Appeal of administrative site plan for individual single-family, two-family, or townhouse (including waterfront lots)	\$1,500.00 plus notification and recording costs	\$650.00*
10.4	Appeal of all other administrative site plans	\$2,500.00 plus notification and recording costs	\$650.00*
10.5	Appeal of all other administrative decisions	\$2,500.00 plus notification and recording costs	\$650.00*
11.	All Other Public Hearings		
		\$1,100.00 plus notification and recording costs	\$650.00*
12.	Zoning Review and Inspection of Building Permits		
12.1	Plan review — single-family and two-family (each submittal) ⁱⁱ	\$35.00 ⁱⁱⁱ	
12.2	Plan review - all others (each submittal) ⁱⁱ	\$70.00 ⁱⁱⁱ	
12.3	Zoning inspection — single-family, two-family and townhouse (each inspection)	\$35.00	
12.4	Zoning inspection — all others (each inspection)	\$70.00	

13.	Certificate of Use		
13.1	Application Fee — Home Office	\$28.50	
13.2	Inspection — Home Office	\$36.48	
13.3	Annual Renewal — Home Office	\$28.50	
13.4	Application Fee — All others	\$0.034 per square foot of business area, minimum charge \$108.30	
13.5	Inspection — All Others	\$36.48	
13.6	Annual Renewal — All Others (where necessary, based on specific use)	\$62.70	
14.	Zoning Letters		
14.1	Individual residential lot	\$100.00	
14.2	All others	\$150.00	
14.3	Expedited	\$400.00	
15.	Special Event Permit		
15.1	If application is received at least seven (7) days prior to event	\$100.00	
15.2	If application is received less than seven (7) days prior to event	\$500.00	
16.	Newsracks (for each location)	\$25.00	
17.	Review of Alcoholic Beverage License		
17.1	Special event	\$50.00	
17.2	All others	\$125.00	
18.	Development Agreements	Cost recovery	\$5,000.00
19.	Mobility Fee Ordinance		
19.1	Alternative Trip Generation Study (subsection 13-2005(b)(3))	<u>Cost recovery</u>	<u>\$1,500.00</u>
19.2	Application for mobility fee credits (Section 13-2007)	<u>\$250.00</u>	
	* Cost deposit, in addition to the application fee, for notification and recording costs for all applications which require notification and recording and are not cost recovery		
	<i>Note: Many administrative approvals and all public hearings require notification posted on the property, advertised in the newspaper or by any other method provided by Florida Law, as may be amended from time to time and mailed to property owners within a required radius around the subject property and the final development order reflecting the Town Council's action will be recorded by the Town Clerk in the Office of the Miami-Dade County Clerk of Court. In addition to the above fees the applicant shall be responsible for the cost of these notifications and recording.</i>		

ⁱ New or revised fees are underlined.

ⁱⁱ The zoning plan review fee is not to be assessed when included in the Building Permit Fee as indicated in the Building Department Permit Fee Schedule.

ⁱⁱⁱ This fee has been consolidated from the Zoning Fees previously found in the "Building Permit Fees" section of the Building Permit Fee Schedule (which are no longer applicable in that schedule), which were specifically the following:

Description	Zoning Fee (\$)
Alterations-Residential	
Shade Houses per 100 sq. ft. or fractional part of floor area	0.14 per 100 sq. ft.
Tents 0—5000 SF	\$16.16

Over 5000 SF	\$47.00
Slabs	
Driveway/Slabs only (Residential)	\$19.12
Approach only (Residential)	\$19.12
Sidewalk only (Residential)	\$19.12
Approach and Sidewalk (Residential)	\$19.12
Roofing/Re-Roofing/Roof Repair	
Minimum fee	\$19.12
Roofing Flat/Shingle per SF	\$19.12
Roofing Tile per SF	\$19.12
Fences and/or Walls	
Wood, Chain link, or Ornamental Iron	
Minimum	\$18.06
0—500 linear ft.	\$18.06
Each additional 500 linear ft.	\$23.62
Concrete each linear ft.	\$0.36
Temporary Platforms and Temporary Bleachers To Be Used For Public Assembly	\$18.05
Screen Enclosures, Canopies, Awnings & Aluminum Roof	
(a) Screen enclosures	\$19.00
(b) Free standing canopies	\$19.00
(c) Awnings, Canopies and Aluminum roof	\$19.00
(d) Recover Awnings and Canopies	\$19.00
Temp. Trailer (For Construction)	\$22.22
Tie Down Inspection Fee (For 180 Days) (This does not include installation of meter mounts and service equipment. Includes mechanical, plumbing and related electrical permits are required).	
Sign Permit Fees	
(a) Fee per sign	\$25.40
Chickees Huts	\$119.00
Constructed by Miccosukee Tribe of Indians or Seminole Tribe of Florida	

ARTICLE XII. - NAMING RIGHTS, SPONSORSHIP POLICY AND LETTERS OF SUPPORT

DIVISION 2. - NAMING POLICY

Sec. 13-2116. Process

- (a) An applicant shall apply to the Office of the Town Manager for initial review and acceptance.
- (b) Provided the application meets the criteria set forth in this policy, the Town Manager shall submit the application with a report based on the Town Manager's findings and recommendation.
- (c) Reserved.
- (d) The Town Council will allow for public input and comment at no less than two Town Council meeting prior to a final decision on the application. At least one of the meetings shall be advertised in a newspaper of general circulation or by any other method provided by Florida Law, as may be amended from time to time.