

ORDINANCE NO. 16-

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE BY AMENDING ARTICLE III, BY AMENDING LANGUAGE IN SECTION 13-308; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Objective 1.2 of the Town of Miami Lakes (“Town”) Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, subsequent to its adoption, the Town LDC has been amended by various ordinances (the “LDC Ordinances”) to better address and serve the needs of the Town; and

WHEREAS, the current land development regulations prohibit the issuance of building permits until after a final plat is both approved by the Town Council and recorded by Miami-Dade County; and

WHEREAS, in an effort to promote economic development, the Town Council desires to streamline the permitting process further by allowing the issuance of building permits for certain types of improvements and under limited circumstances prior to the recording of the final plat by Miami-Dade County; and

WHEREAS, the Town’s Planning and Zoning Board, as the Local Planning Agency, will consider the proposed amendment at a duly advertised Public Hearing on November 15, 2016, and provide a recommendation to the Town Council; and

WHEREAS, after conducting a properly noticed public hearing, hearing public comments, and considering the recommendations of the Local Planning Agency, Town staff, and the public, the Town Council wishes to adopt the amendment to the Town’s LDC; and

WHEREAS, the proposed amendment is in conformance with all applicable requirements of the Town’s Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendment will not be in conflict with the public interest, and is consistent and in harmony with the purpose and intent of the Town’s Comprehensive 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 RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Section 13-308(a)(7), Code of the Town of Miami Lakes, Florida, is hereby amended to read as follows:¹

Section 13-308. – Platting.

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(7) *Building permits subject to final plat approval and recording.* Except as provided for hereinafter, No building permit dependent upon platting and re-platting shall be issued until a final plat for such impacted land has been approved and recorded pursuant to these platting regulations. Under the limited circumstances and subject to the limitations enumerated below, the following permits may be issued prior to the recording of the final plat by Miami-Dade County:

- (a) For a construction trailer(s) used as sales office; provided the Town has reviewed and approved paving and drainage plans and such trailer complies with the requirements of the County's Division of Environmental Resources Management (DERM) for providing potable water and sanitary facilities.
- (b) For permanent buildings to be used as single family homes or townhomes, building permits for up to 25 percent of the total number of lots in the proposed subdivision may be issued under the following conditions:
 - (i) The tentative plat has been approved by the Miami-Dade County Plat Committee and remains current.
 - (ii) The final plat has been approved by the Town Council.
 - (iii) Paving and drainage plans have been approved by the Town.

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

- (iv) The proposed construction complies with all of DERM's requirements, including the approval of any required water and sewer extension plans.
- (v) A letter signed by the property owner has been submitted to the Town, requesting the construction of homes prior to the recording of the final plat. The letter shall include the number of homes being requested together with the lot and block numbers for each such home. The letter shall state that the owner understands and agrees that the homes shall not be occupied until the plat is recorded in the public records and that the penalty for violation of this occupancy prohibition shall be the demolition of the home. The letter shall also state that the owner agrees and shall release and hold the Town, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature and kind for and as a result of the issuance of building permits and any construction prior to the recording of the final plat.
- (vi) No certificate of occupancy, certificate of completion or their functional equivalents shall be issued for any home until after the final plat is recorded, except that a temporary certificate of completion may be issued for any building to be used as a model home.
- (c) Perimeter wall and lift station permits may be issued after tentative plat approval by the Miami-Dade County Plat Committee, approval of the final plat by the Town Council and receipt of a letter to the Town, signed by the property owner requesting the permit prior to the recording of the final plat and releasing and holding the Town, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature or kind for and as a result of the issuance of building permits and any construction prior to the recording of the final plat.
- (d) For multi-family residential, commercial, and industrial buildings, building permits may be issued under the following conditions:

 - (i) The tentative plat has been approved by the Miami-Dade County Plat Committee and remains current.
 - (ii) The final plat has been approved by the Town Council.
 - (iii) Paving and drainage plans (if required) shall have been approved by the Town.

(iv) A letter, signed by the property owner, has been submitted to the Town requesting the permits prior to recording of the final plat recording. The letter shall state the proposed lot and block or tract for such permit(s), and the owner's acknowledgment and agreement that no certificate of occupancy or use will be sought or issued for the structure, or structures, until after the final plat is recorded. The letter shall also state that the owner agrees and shall release and hold the Town, its employees and agents, harmless from any and all liability and causes of action of whatsoever nature or kind for and as a result of the issuance of building permits and any construction prior to the recording of the final plat.

(v) No certificate of occupancy or use (or their functional equivalents) for the subject structure, or structures, will be issued until the plat is recorded.

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Section 2. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 3. Adoption of Amendments to Town Code. The Town Council hereby adopts the amendments to Article III of the Town LDC, which are attached hereto as Exhibit A and incorporated herein.¹

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 Exhibit A 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 7. Effective date. This Ordinance shall become effective immediately upon its adoption on second reading.

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 Michael A. Pizzi, Jr.	_____
Vice Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on first reading this 6thth day of September, 2016.

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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 Michael A. Pizzi, Jr.	_____
Vice Mayor Tim Daubert	_____
Councilmember Manny Cid	_____
Councilmember Tony Lama	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on second reading this 6th day of December, 2016.

Michael A. Pizzi, Jr.
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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