

**ORDINANCE NO. 16-**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ADOPTING AMENDMENTS TO THE TRANSPORTATION ELEMENT AND THE CAPITAL IMPROVEMENTS ELEMENT OF THE GOALS, OBJECTIVES AND POLICIES OF THE TOWN OF MIAMI LAKES COMPREHENSIVE PLAN; AUTHORIZING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND REQUIRED REVIEW AGENCIES FOR REVIEW; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes has recently completed an update to its Strategic Plan; and

**WHEREAS**, the Town's Strategic Plan process showed that transportation and mobility are top concerns of both residents and businesses in the Town; and

**WHEREAS**, the Town of Miami Lakes held a Transportation Summit in July 2015 to develop mobility solutions; and

**WHEREAS**, based on ideas and suggestions generated at the Transportation Summit, the Town of Miami Lakes has undertaken extensive transportation planning efforts; and

**WHEREAS**, the Town of Miami Lakes adopted completed a Commute Trip Reduction Plan (CTRP) in 2013 with recommended transportation demand management (TDM) strategies to address mobility and congestion; and

**WHEREAS**, the Town of Miami Lakes adopted its Greenways and Trails Master Plan in 2014; and

**WHEREAS**, the Town of Miami Lakes completed an Alternative to Concurrency Study in 2015 that recommends a mobility fee to partially address mobility funding needs

and to replace traffic concurrency; and

**WHEREAS**, the Town's transportation planning efforts have resulted in a number of initiatives, policies and specific infrastructure improvements to address mobility issues; and

**WHEREAS**, the Town of Miami Lakes has proposed amendments to the Transportation Element and the Capital Improvements Element of the Town's Comprehensive Plan to incorporate the results of transportation planning efforts into the Comprehensive Plan; and

**WHEREAS**, Section 13-307 of the Town of Miami Lakes Land Development Code ("Town LDC") sets forth the authority of the Town Council to consider and act upon an amendment to the text and maps of the Town Comprehensive Plan, and the criteria it shall consider in rendering its decision; and

**WHEREAS**, the Planning and Zoning Board, in its capacity as the Local Planning Agency, reviewed this Ordinance at its April 27, 2016 meeting and voted to recommend approval; and

**WHEREAS**, after having received input and participation by the public, staff, and the Local Planning Agency at a public hearing, the Town Council wishes to adopt the proposed amendments to the Comprehensive Plan and transmit the adopted amendments to the Florida Department of Economic Opportunity and other units of local government and governmental agencies as required by law for their review; and

**WHEREAS**, the proposed amendments are subject to the Expedited State Review process pursuant to ss. 163.3184, Florida Statutes; and

**WHEREAS**, the Florida Department of Economic Opportunity, other units of local government and governmental agencies as required by law, have reviewed the proposed amendments to the Comprehensive Plan attached to this Ordinance, and the Florida Department of Transportation (FDOT) provided comments for the Town's consideration; and

**WHEREAS**, the minor revisions have been made to the proposed amendments in order to address comments from the FDOT; and

**WHEREAS**, the Town Council finds the proposed amendments to the Comprehensive Plan as attached to this Ordinance are in compliance with and consistent with Florida law and its 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 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. Findings.** In accordance with Section 13-307 of the Town LDC, the Town Council, having considered the testimony and evidence in the record presented by the public, staff, the Administrative Official, and the Local Planning Agency, at a duly noticed public hearing, finds that the proposed text amendments satisfy the applicable criteria contained in Section 13-307 of the Town LDC:

1. Whether the proposal is internally consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

2. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing Comprehensive Plan, and whether such changes support or work against the proposed amendment.
3. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed neighboring property land use.
4. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.
5. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.
6. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the Comprehensive Plan.
7. Whether the proposed amendment meets the requirements of Chapter 163.3161 et seq., Florida Statutes.
8. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

**Section 3. Transmittal to the Florida Department of Economic Opportunity.**

The Administrative Official is directed to transmit the adopted amendments, attached as exhibits, to the Florida Department of Economic Opportunity and all other units of local government or governmental agencies required by Section 163.3184, Florida Statutes.

**Section 4. Adoption of Text Amendments.** The Town Council hereby adopts the amendments to the text of the Transportation Element and the Capital Improvements Element, of the Town of Miami Lakes Comprehensive Plan, as attached in EXHIBIT 1, attached hereto and made a part of this Ordinance.<sup>1</sup>

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<sup>1</sup> Amendments to the text are shown in underline and ~~striketrough~~ format. Changes since First Reading are shown in double underline and ~~double striketrough~~.

**Section 5. Adoption of Map Amendments.** The Town Council hereby adopts the amendments to the maps of the Town of Miami Lakes Comprehensive Plan to replace the entire Transportation Element Map Series, with those maps contained in EXHIBIT 2, attached hereto and made a part of this Ordinance.

**Section 6. Inclusion in the Comprehensive Plan.** It is the intention of the Town Council and it is hereby ordained that the amendments to the Comprehensive Plan made by this Ordinance shall become part of the Comprehensive Plan of the Town of Miami Lakes.

**Section 7. 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 8. 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 9. Effective Date.** This Ordinance shall become effective according to the provisions of Section 163.3184, Florida Statutes.

The foregoing Ordinance was offered by Councilmember \_\_\_\_\_, who moved its adoption on first reading with conditions. 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 Frank Mingo \_\_\_\_\_  
Councilmember Ceasar Mestre \_\_\_\_\_  
Councilmember Nelson Rodriguez \_\_\_\_\_

PASSED on first reading this 3rd day of May 2016.

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 Frank Mingo \_\_\_\_\_  
Councilmember Ceasar Mestre \_\_\_\_\_  
Councilmember Nelson Rodriguez \_\_\_\_\_

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MICHAEL A. PIZZI, JR.  
MAYOR

ATTEST:

\_\_\_\_\_  
GINA INGUANZO, TOWN CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR USE ONLY BY THE  
TOWN OF MIAMI LAKES:

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RAUL GASTESI  
TOWN ATTORNEY