

ORDINANCE NO. 19- _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE XI, “FEES”, AT SECTION 13-2102, RELATING TO VARIANCE APPLICATION FEES; INCLUDING ALL NOTIFICATION COSTS INTO THE VARIANCE FEES OF ADMINISTRATIVE VARIANCES, SMALL PROJECT VARIANCES, AND VARIANCES FOR SINGLE FAMILY PROPERTIES OF LESS THAN HALF (½) ACRE OR 2,500 SQUARE FEET; REQUIRING ALL OTHER VARIANCE APPLICATIONS TO BE COST RECOVERY AND PROVIDING FOR INITIAL DEPOSITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (J. Rodriguez)

WHEREAS, Article XI, “Fees” establishes a schedule of fees related to various zoning services including those related to variance application requests; and

WHEREAS, on May 16, 2018, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, initiated a new business item to review variance fees and found, based on preliminary research provided by Town Staff, that the Town was subsidizing many variance requests above and beyond the existing fee schedule; and

WHEREAS, on July 17, 2018, after hearing the Planning and Zoning Board’s report of their findings, the Town Council directed the Town manager to adjust the variance fee schedule to recover the full cost of providing the service; and

WHEREAS, on September 19, 2018, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

WHEREAS, on May 22, 2019, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item with modifications at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

WHEREAS, on May____, 2019, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on _____, 2019, the Town Council considered the ordinance at a duly advertised public hearing; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

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

Section 2. Amendment. Section 13-2102, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

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.

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 Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of May 2019

[THIS SPACE INTENTIONALLY LEFT BLANK]

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 Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2019.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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

EXHIBIT A
ORDINANCE

Chapter 13 LAND DEVELOPMENT CODE

* * *

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
* * *			
2.	Variances		
2.1	Additional fee for each variance in an application after the first three	\$150.00 for each additional variance after the first three	
2.2	Administrative, and public hearing fence, driveway, deck, or walkway	\$350.00 plus notification and recording costs <u>\$450.00</u> (for notification and recording)	\$650.00 [*]
2.3	Public hearing		
2.3.1	One single-family, two-family, or townhouse unit <u>2,500 square feet or half (½)-acre property or less</u>	\$750.00 plus notification and recording costs <u>\$1,750</u>	\$650.00 [*]
2.3.2	<u>One single-family, two-family, or townhouse unit 2,500 square feet or half (½)-acre property or more</u>	<u>Cost Recovery</u>	<u>\$3,000</u>

2.3.2 2.3.3	Multifamily	\$1,100.00 plus notification and recording costs <u>Cost Recovery</u>	\$650.00[*] <u>\$4,000</u>
2.3.3 2.3.4	Commercial and industrial	\$1,700.00 plus notification and recording costs <u>Cost Recovery</u>	\$650.00[*] <u>\$4,500</u>
2.3.4 2.3.5	Signs	\$1,100.00 plus notification and recording costs <u>Cost Recovery</u>	\$650.00[*] <u>\$4,200</u>
2.3.5 2.3.6	Town Council rehearing of P&Z Board Decision	No application fee. Cost recovery only. See deposit in right column. <u>Cost Recovery</u>	\$650.00[*] <u>\$2,000</u>
2.3.6 2.3.7	All others	\$1,100.00 plus notification and recording costs <u>Cost Recovery</u>	\$650.00[*] <u>\$4,000</u>
* * *			

Additions to the text are shown in underlined; deletions from the text are shown in strikethrough.

Omitted portions of this ordinance are shown as “* * *.”