

TOWN OF MIAMI LAKES, FLORIDA

AGENDA PLANNING AND ZONING BOARD MEETING July 24, 2019 6:30 PM Government Center 6601 Main Street

- 1. Call to Order
- 2. Roll Call
- 3. Pledge of Allegiance
- 4. Approval of Minutes
 - A. Approval of Minutes

 * May 22, 2019 Planning and Zoning Meeting Minutes
- 5. Business Requiring Board Action

QUASI-JUDICIAL PUBLIC HEARINGS - Please be advised that the following items on the Board's agenda are quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

B. 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 AND VARIANCES FOR SINGLE FAMILY PROPERTIES OF LESS THAT 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)
- AN ORDER OF THE PLANNING AND ZONING BOARD OF THE C. TOWN OF MIAMI LAKES, FLORIDA, PURSANT TO SECTION 13-OF THE TOWN OF MIAMI LAKES 305(f)(1) DEVELOPMENT CODE: GRANTING A VARIANCE FROM SECTION 13-426(7) TO PERMIT A SWIMMING POOL TO ENCROACH 17' 7" WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, AND GRANTING A VARIANCE FROM SECTION 13-1605(C)(7) TO PERMIT A SWIMMING POOL WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, FOR THE PROPERTY LOCATED AT 14441 ROSEWOOD RD LAKE. MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS: PROVIDING FOR GRANTING THE REQUEST WITH CONDITIONS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.
- AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF D. MIAMI LAKES, FLORIDA, RELATING TO SOLAR ENERGY SYSTEMS: AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE V, "ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE HEIGHTS", AT PERMITTED ARTICLE "SUPPLEMENTARY REGULATIONS", AND AT ARTICLE VII, "ENVIRONMENTAL **REGULATIONS**" PROVIDING FINDINGS OF FACT. INTENT AND PURPOSE: PROVIDING FOR REGULATIONS: PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

6. Director's Report

7. Adjournment

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Town of Miami Lakes Town Hall, 6601 Main Street, Miami Lakes, FL 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

Anyone wishing to appeal any decision made by the Miami Lakes Planning and Zoning Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



Town of Miami Lakes Memorandum

To: Honorable Chairman Julia and Board Members

From: Gina M. Inguanzo, Town Clerk

Subject: Approval of Minutes

Date: 7/24/2019

Recommendation:

Please see attached Minutes for your kind review.

ATTACHMENTS:

Description

May 22, 2019 P&Z Board Minutes

MINUTES Planning and Zoning Minutes May 22, 2019 6:30 P.M.

Government Center 6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Chairman Robert Julia called the meeting to order at 6:30 p.m.

2. Roll Call:

The Deputy Town Clerk, Nicole Cuellar, called the roll with the following Board Members being present: Raul De La Sierra, Juan Carlos Fernandez, Avelino Leoncio, Mariam Yanes, Vice Chairman Lynn Matos and Chairman Robert Julia.

3. Pledge of Allegiance/Moment of Silence:

Chairman Julia led the Pledge of Allegiance and the Invocation.

4. Approval of Minutes:

• April 17, 2019 Planning and Zoning Meeting minutes

Board Member Senra made a motion to approve the minutes. Board Member De la Sierra seconded the motion and all present were in favor.

5. Business Requiring Board Action:

B. AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; DENYING A VARIANCE REQUEST FROM SECTION 13-1508 TO PERMIT A DRIVEWAY TO EXCEED BY 10 FEET THE MAXIMUM ALLOWABLE DRIVEWAY APPROACH WIDTH OF 20 FEET FOR A TOTAL 30 FEET WIDTH AT THE SIDEWALK, FOR THE PROPERTY LOCATED AT 14850 DADE PINE AVENUE, MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR DENYING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Town Attorney, Lorenzo Cobiella, read the Quasi-Judicial and the title of the ordinance into the record.

The Deputy Town Clerk swore in those wishing to speak.

Susana Alonso, Principal Town Planner, explained and answered questions regarding the ordinance.

Mr. Armando Bernal the Applicant, presented his request and answered questions posed by the Board.

Board Member Leoncio motioned to deny Staff's proposal with the condition to split the driveway in between with a five foot divider (median). Board Member Raul de la Sierra seconded the motion. After some discussion, Board Member Leoncio said that he wanted to withdraw his motion. The Town Attorney advised that it was better to vote on the motion because once the motion was seconded, the motion belongs to the Board. He also advised that if the motion does not pass, a new motion could be formulated. The motion did not pass; a voice vote was done and all Board Members voted in opposition.

Board Member Yanes made a motion to approve the variance and allow the driveway as is, as requested by the Applicant. The motion was seconded by Board Member Leoncio. The Deputy Town Clerk called the roll and the motion passed 6-1, with Board Member Fernandez voting in opposition.

The Deputy Clerk called the roll on the motion as amended and all present were in favor.

C. 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; REQUIRING ALL 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.

Deputy Town Attorney, Lorenzo Cobiella, explained that this Ordinance would be deferred to the July P&Z meeting.

D. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PARKING OF COMMERCIAL VEHICLES; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS AND CATEGORIES; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PENALTIES: PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Chairman Julia read the title of the Ordinance into the record.

Susana Alonso, Principal Town Planner, explained the Ordinance and the Staff report.

Chairman Julia made a motion to approve the Ordinance but with the deletion of the word recreational in the Subsection 131607B. The motion was seconded by Board Member Fred Senra and all were in favor.

6. Director's Report:

Susana Alonso gave an update on the applicant from the April P&Z meeting, "Tutor Me School", and she stated that the Applicant found a different location. Also, she stated the Town Council approved the Street Sideyard Patios in RU-1Z lots at 3 feet, in the April P&Z Board Meeting.

7. Adjournment:

There being no further business to come before the Board, the meeting adjourned at 7:46 P.M.

| Approved this 24 th day of July, 2019. | |
|---|--------------------------|
| | |
| | |
| | |
| | Robert Julia Chairman |
| Attest: | |

Gina M. Inguanzo Town Clerk



Town of Miami Lakes Memorandum

To: Honorable Chairman Julia and Planning & Zoning Board Members

From: Susana Alonso, AICP

Subject: Variance Application Fees

Date: 7/24/2019

Recommendation:

Staff recommends approval of the ordinance amending Section 13-2102 as it relates to variance application fees.

Background:

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 application fees. The Board found, based on preliminary research provided by Town Staff, that the Town was subsidizing many variance requests above and beyond the existing fee schedule. The Board subsequently presented this finding to the Town Council on July 17, 2018. Based on the information presented, the town Council directed the Town manager to adjust variance fee schedule to recover the full cost of providing the service.

On September 19, 2019, the Planning and Zoning board heard the ordinance in a different form that required cost recovery from all applications, including single family, and voted to advise approval by the Town Council as proposed, with the condition that if an applicant requests a line-item expense report that it be provided to the applicant. Minutes of the meeting are provided as an attachment to this report.

Attached to this report is an analysis performed by staff that reflects the average cost of typical variance by each classified type. Please note, the numbers presented are aggregated averages from the years 2017 and 2018 and do not necessarily reflect the cost of any one request. As such, the cost recovery system is designed to take an initial deposit to begin processing the application. Should the deposit be deficient based on charges relating to processing the variance, the applicant will be required to make additional deposits in order to continue the review process. Any remaining balance on a deposit(s) that is not charged to the variance application is refunded back to the applicant upon full completion of the variance process.

ATTACHMENTS:

Description
Ordinance
Staff Report
Exhibits

Planning Board Materials

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 THAT HALF (1/2) ACRE OR 2,500 SOUARE 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.

<u>Section 4</u>. <u>Severability</u>. 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.

<u>Section 6</u>. <u>Effective Date</u>. That this Ordinance shall be effective immediately upon its adoption on second reading.

| FIRST The foregoing ordinance was offered by its adoption on first reading. The motion was s and upon being put to a vote, the vote was as for the state of the | seconded by Councilmember | o moved |
|---|---------------------------|---------|
| 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 da | ay of May 2019 | |

[THIS SPACE INTENTIALLY LEFT BLANK]

SECOND READING

| The foregoing ordinance was offere | | moved | | |
|--|-------------|--------------------|-----|--------------|
| its adoption on second reading. The motion | | d by Councilmember | • | |
| and upon being put to a vote, the vote was a | as follows: | | | |
| W W G:1 | | | | |
| 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 readi | ng this | day of | | 2019 |
| - 42244 4444 444 444 444 444 444 444 444 | 8 v | | | _, _ 0 1 > . |
| | | | | |
| | | Manny | Cid | |
| | | MAYO |)R | |
| Attest: | | | | |
| | | | | |
| C: I | | | | |
| 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 Approvals i

| | Development Approval Requested | Application Fee | Deposit |
|-------|--|---|------------|
| | * | * * | |
| 2. | ν | /ariances | |
| 2.1 | Additional fee for each variance in an application after the first three | \$ <u>1</u> 50.00 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 \$450.00 (for notification and recording) | \$650.00-* |
| 2.3 | Public hearing | | |
| 2.3.1 | One single-family, two-family, or townhouse unit 2,500 square feet or half (½)-acre property or less | \$750.00 plus notification and recording costs \$1,750 | \$650.00* |
| 2.3.2 | One single-family, two-family, or townhouse unit 2,500 square feet or half (½)-acre property or more | <u>Cost Recovery</u> | \$3,000 |

| 2.3.2 2.3.3 | Multifamily | \$1,100.00 plus notification and recording costs Cost Recovery | \$650.00 * \$4,000 |
|---------------------------|--|--|-----------------------|
| 2.3.3 2.3.4 | Commercial and industrial | \$1,700.00 plus notification and recording costs Cost Recovery | \$650.00* \$4,500 |
| 2.3.4 2.3.5 | Signs | \$1,100.00 plus notification and recording costs Cost Recovery | \$650.00* \$4,200 |
| 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. Cost Recovery | \$650.00* \$2,000 |
| 2.3.6 2.3.7 | All others | \$1,100.00 plus notification and recording costs Cost Recovery | \$650.00* \$4,000 |
| 1 | | | |

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

Omitted portions of this ordinance are shown as "* * *."



Planning Office

6601 Main Street • Miami Lakes, Florida 33014 Office: (305) 364-6100 • Website: <u>www.miamilakes-fl.gov</u>

Staff Analysis and Recommendation

To: Honorable Mayor and Members of the Town Council

From: Edward Pidermann, Town Manager

Subject: Variance Application Fees

Date: July 16, 2019

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 AND VARIANCES FOR SINGLE FAMILY PROPERTIES OF LESS THAT 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)

A. BACKGROUND

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 application fees. The Board found, based on preliminary research provided by Town Staff, that the Town was subsidizing many variance requests above and beyond the existing fee schedule. The Board subsequently presented this finding to the Town Council on July 17, 2018. Based on the information presented, the town Council directed the Town manager to adjust variance fee schedule to recover the full cost of providing the service.

On September 19, 2019, the Planning and Zoning board heard the ordinance in a different form that required cost recovery from all applications, including single family, and voted to advise approval by the Town Council as proposed, with the condition that if an applicant requests a line-item expense report that it be provided to the applicant. Minutes of the meeting are provided as an attachment to this report.

Attached to this report is an analysis performed by staff that reflects the average cost of typical variance by each classified type. Please note, the numbers presented are aggregated averages from the years 2017 and 2018 and do not necessarily reflect the cost of any one request. As

such, the cost recovery system is designed to take an initial deposit to begin processing the application. Should the deposit be deficient based on charges relating to processing the variance, the applicant will be required to make additional deposits in order to continue the review process. Any remaining balance on a deposit(s) that is not charged to the variance application is refunded back to the applicant upon full completion of the variance process.

B. PROPOSED CHANGES

Section 13-2102 is amended to require all variance applications for commercial, multifamily, and single-family properties with improvements over 2,500 sf or lots over ½ acre in size to be on a cost recovery basis. Administrative variances and single-family properties with improvements under 2,500 sf or lots under½ acre in size are proposed to remain fee based, but the required fees are amended to include notification costs. Proposed deposits and fees for each variance type are as follows:

| Development Approval Requested | Application Fee | Deposit | | | | |
|--|---|---------|--|--|--|--|
| V | ariances | | | | | |
| Additional fee for each variance in an application after the first | \$150.00 for each additional variance after the first | | | | | |
| Administrative | \$1,500 | | | | | |
| Public Hearing Items | | | | | | |
| One single-family, two-family, or townhouse unit 2,500 square feet or half (1/2)-acre property or less | \$1,750 | | | | | |
| One single-family, two-family, or townhouse unit 2,500 square feet or half (1/2)-acre property or more | Cost Recovery | \$3,000 | | | | |
| Multifamily | Cost Recovery | \$4,000 | | | | |
| Commercial and industrial | Cost Recovery | \$4,500 | | | | |
| Signs | Cost Recovery | \$4,200 | | | | |
| Town Council rehearing of P&Z Board Decision | Cost Recovery | \$2,000 | | | | |
| All others | Cost Recovery | \$4,000 | | | | |

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending Section 13-2102 as it relates to variance application fees.

D. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

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

Analysis: The Comprehensive Development Master Plan does not address variance application fees. The proposed ordinance has no impact on concurrency management.

Finding: Complies

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. Amendment of the code makes the fee consistent with other zoning applications that are also based on cost recovery.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis See Sections "A", Background; and "B", Proposed Changes, and Criteria "2", of this report. A recent study performed by Town staff revealed that the existing variance application fee was insufficient in covering the full cost of the service. The result is that such applications are being subsidized by the general taxpayer. The amendment puts the full cost of the service on the applicant that is requesting it.

Finding: Complies.

4. 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 land use.

Analysis: See Sections "A", Background; and "B", Proposed Changes, and criteria "2" and "3" of this report. The proposed amendment does not change the list of permitted uses within any zoning district.

Finding: Complies.

5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. The proposed ordinance does not impact the above systems.

Finding: Complies.

6. Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. The proposed ordinance does not impact the above systems.

Finding: Complies.

7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: See Sections "A", Background; and "B", Proposed Changes, and criteria "2" and "3" of this report. The amendment ensures that full cost of a variance application is borne by the requestor and not subsidized by the tax payer.

Finding: Complies.

8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.

Analysis: See Sections "A", Background; and "B" of this report. The amendment does not change the criteria for approval of a variance request. As such it does not impact land use patterns.

Finding: Complies.

9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.

Analysis: See Sections "A", Background; and "B", Proposed Changes; and Criteria 2, 3, and 7 of this report.

Finding: Complies.

10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

Analysis: See all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed amendment is appropriate and consistent with the public interest.

Finding: As determined by the Town Council.

ATTACHMENT A

Variance Fee Study Tables

| VARIANCE FEE SCHEDULE | | | |
|----------------------------|-------------|----------|---|
| | Application | Cost | Note |
| Type | Fee | Recovery | Note |
| Administrative | 350 | 650 | Cost Recovery Notification and Recording Only |
| SFR, Two Family, Townhouse | 750 | 650 | Cost Recovery Notification and Recording Only |
| Multifamily | 1100 | 650 | Cost Recovery Notification and Recording Only |
| Commercial Industrial | 1700 | 650 | Cost Recovery Notification and Recording Only |
| Signs | 1100 | 650 | Cost Recovery Notification and Recording Only |

| | | Admin Var | | SFR | | SFR | | ultiFamily | Co | mm/Indust | | Sign Var. |
|--------------------------------------|----|------------|----|------------|----|--------------|----|------------|----|-------------|--|-----------|
| Initial Fee and Deposit Collected | \$ | 1,000.00 | \$ | 1,400.00 | \$ | 1,750.00 | \$ | 2,350.00 | \$ | 1,750.00 | | |
| Additional fee or (Refund) Collected | | (\$227.50) | | (\$107.37) | | \$12.63 | | \$22.63 | | \$22.63 | | |
| Total Cost by Applicant | \$ | 772.50 | \$ | 1,292.63 | \$ | 1,762.63 | \$ | 2,372.63 | \$ | 1,772.63 | | |
| Total Cost to Process Application | \$ | 1,871.90 | \$ | 3,067.37 | \$ | 4,208.18 | \$ | 4,412.36 | \$ | 4,196.60 | | |
| Total Amount Paid by Applicant | \$ | 772.50 | \$ | 1,292.63 | \$ | 1,762.63 | \$ | 2,372.63 | \$ | 1,772.63 | | |
| Total Unrecovered Town Cost | \$ | (1,099.40) | \$ | (1,774.74) | \$ | (2,445.55) | \$ | (2,039.73) | \$ | (2,423.97) | | |
| | 7 | (2,000.10) | * | (=,::) | 7 | (=, : 13133) | 7 | (=,===== | 7 | (=, :25:51) | | |

| TYPICAL ADMINISTRATIVE V | | | |
|---------------------------|-------------------------|----------------|--------------|
| | | | |
| SUMMARY OF EXPENDITUR | ES AND FEE/DEPOSIT | | |
| Туре | Expenditure | Fee/Deposit | Balance |
| Advertising and Recording | \$422.50 | 650 | \$227.50 |
| Fee Based Service | \$ 1,449.40 | 350 | (\$1,099.40) |
| Total | \$ 1,871.90 | \$ 1,000.00 | |
| Unuse | d Cost recovery refunde | d to applicant | \$227.50 |
| | Total | \$ 772.50 | |
| | | | |
| | | | |
| COST RECOVERY SERVICES R | ELATED TO ADVERTISIN | G AND RECORE | DING |
| | | | |
| ALM Media | News Paper Ad | Typical | |
| ICA Senior Planner (hrs) | 5.5 | \$ 55.00 | \$302.50 |
| Signs | 1 Signs @ \$10.00 | In-House | \$10.00 |
| Mailing | 100 Envelops @ \$0.65 | In-House | \$65.00 |
| Recording | Simplifile | estimated | \$45.00 |
| | \$422.50 | | |

| FEE BASED (NON-COST RECOVERY) SERVICE EXPENDITURES | | | | | | | | | | |
|--|--------------------|-----------|-------------|--|--|--|--|--|--|--|
| POSITION | HOURS | RATE | TOTAL | | | | | | | |
| Planning Director(hrs) | | | | | | | | | | |
| Staff Report editing | 1.5 | 73.06 | 109.59 | | | | | | | |
| Development Orde editing | 2 | 73.06 | 146.12 | | | | | | | |
| Board Briefings | | 73.06 | 0 | | | | | | | |
| Hearing Prep | | 73.06 | 0 | | | | | | | |
| Hearing | | 73.06 | 0 | | | | | | | |
| meetings and misc | 1 | 73.06 | 73.06 | | | | | | | |
| Site Visit | 0.5 | 73.06 | 36.53 | | | | | | | |
| afteraction | 0.5 | 73.06 | 36.53 | | | | | | | |
| Total | 5.5 | 73.06 | \$ 401.83 | | | | | | | |
| ICA Senior Planner (hrs) | | | | | | | | | | |
| preaplication meeting | 1 | \$ 55.00 | 55 | | | | | | | |
| Materials Prep | 1 | \$ 55.00 | 55 | | | | | | | |
| Plan Review | 2 | \$ 55.00 | 110 | | | | | | | |
| mailer prep | 1 | \$ 55.00 | 55 | | | | | | | |
| meetings and misc | 3 | \$ 55.00 | 165 | | | | | | | |
| Site Visit | 0.5 | \$ 55.00 | 27.5 | | | | | | | |
| Development Order writing | 6 | \$ 55.00 | 330 | | | | | | | |
| Uploading Novus | 0 | \$ 55.00 | 0 | | | | | | | |
| Hearing | | \$ 55.00 | 0 | | | | | | | |
| afteraction | 0.5 | \$ 55.00 | 27.5 | | | | | | | |
| Total | 15 | \$ 55.00 | \$ 825.00 | | | | | | | |
| Zoning Oficial (hrs) | 1 | \$ 52.18 | \$52.18 | | | | | | | |
| PW Director | 0 | \$ 66.57 | \$0.00 | | | | | | | |
| Transportation Manager | 0 | \$ 50.07 | \$0.00 | | | | | | | |
| Arborist | 0 | \$ 38.87 | \$0.00 | | | | | | | |
| Legal Review | 0 | \$ 200.00 | \$0.00 | | | | | | | |
| Planning Tech (hrs) | | | | | | | | | | |
| Application Intake | 0.5 | \$ 26.76 | 13.38 | | | | | | | |
| Resolution Processing | 0.5 | \$ 26.76 | 13.38 | | | | | | | |
| Total | 1 | | 26.76 | | | | | | | |
| | STAFF SUBTOTAL | | \$ 1,305.77 | | | | | | | |
| | 11% Admin Overhead | | \$ 143.63 | | | | | | | |
| | STAFF FINAL TOTAL | | \$ 1,449.40 | | | | | | | |

| TYPICAL SINGLE FAMILY - TV | VO FAMILY - TOW | /NHO | JSE | VARIANCE | FOR PUBLIC HEARI | NG |
|----------------------------|--------------------|-----------------|------|-------------|------------------|----|
| | | | | | | |
| SUMMARY OF EXPENDITUR | ES AND FEE/DEPO | SIT | | | | |
| Туре | Expenditure | | Fee | /Deposit | Balance | |
| Advertising and Recording | \$5 | 42.63 | | 650 | \$107.37 | |
| Fee Based Service | \$ 2,5 | 24.74 | | 750 | (\$1,774.74) | |
| Total | \$ 3,0 | 67.37 | \$ | 1,400.00 | | |
| Unuse | d Cost recovery re | funde | d to | applicant | \$107.37 | |
| | | Total | арр | licant Cost | \$ 1,292.63 | |
| | | | | | | |
| COST RECOVERY SERVICES R | ELATED TO ADVER | RTISIN | G Al | ND RECORE | DING | |
| ALM Media | News Paper Ad | | | Typical | \$120.13 | |
| ICA Senior Planner (hrs) | | 5.5 | \$ | 55.00 | \$302.50 | |
| Signs | 1 Signs @ \$10.00 | | | In-House | \$10.00 | |
| Mailing | 100 Envelops @ \$ | 0.65 | | In-House | \$65.00 | |
| Recording | Simplifile | | | estimated | \$45.00 | |
| | Cos | st Re <u>co</u> | over | y Subtotal | \$542.63 | |

| POSITION | HOURS | RATE | TOTAL |
|---------------------------|--------------------|--------------|----------------|
| Planning Director(hrs) | | | |
| Staff Report editing | 1.5 | 73.06 | 109.59 |
| Development Order writing | 2 | 73.06 | 146.12 |
| Board Briefings | 2 | 73.06 | 146.12 |
| Hearing Prep | 0.5 | 73.06 | 36.53 |
| Hearing | 1.5 | 73.06 | 109.59 |
| meetings and misc | 1.5 | 73.06 | 109.59 |
| Site Visit | 0.5 | 73.06 | 36.53 |
| afteraction | 0.5 | 73.06 | 36.53 |
| Total | 10 | 73.06 | \$ 730.60 |
| ICA Senior Planner (hrs) | | | |
| preaplication meeting | 1 | \$ 55.00 | 55 |
| Materials Prep | 1.5 | \$ 55.00 | 82.5 |
| Plan Review | 3.5 | \$ 55.00 | 192.5 |
| mailer prep | 2 | \$ 55.00 | 110 |
| meetings and misc | 3 | \$ 55.00 | 165 |
| Site Visit | 0.5 | \$ 55.00 | 27.5 |
| Staff Report writing | 9 | \$ 55.00 | 495 |
| Uploading Novus | 0.5 | \$ 55.00 | 27.5 |
| Hearing | 1.5 | \$ 55.00 | 82.5 |
| afteraction | 0.5 | \$ 55.00 | 27.5 |
| Total | 23 | \$ 55.00 | \$ 1,265.00 |
| Zoning Oficial (hrs) | 1 | \$ 52.18 | \$52.18 |
| PW Director | 0 | \$ 66.57 | \$0.00 |
| Transportation Manager | 0 | \$ 50.07 | \$0.00 |
| Arborist | 0 | \$ 38.87 | \$0.00 |
| Legal Review | 1 | \$ 200.00 | \$200.00 |
| Planning Tech (hrs) | | | - |
| Application Intake | 0.5 | \$ 26.76 | 13.38 |
| Resolution Processing | 0.5 | \$ 26.76 | 13.38 |
| Total | 1 | | 26.76 |
| | STAFF SUBTOTAL | | \$ 2,274.54 |
| | 11% Admin Overhead | | \$ 250.20 |
| | STAFF FINAL TOTAL | | \$ 2,524.74 |

| TYPICAL MULTIFAMILY VARI | ANCE FOR PUBLIC HEAL | RING | |
|---------------------------|--|--------------|--------------|
| | | | |
| SUMMARY OF EXPENDITURE | ES AND FEE/DEPOSIT | | |
| Туре | Expenditure | Fee/Deposit | Balance |
| Advertising and Recording | \$662.63 | 650 | (\$12.63) |
| Fee Based Service | \$ 3,545.55 | 1100 | (\$2,445.55) |
| Total | \$ 4,208.18 | \$ 1,750.00 | |
| Unuse | Unused Cost recovery refunded to applicant | | (\$12.63) |
| | Total applicant Cost | | \$ 1,762.63 |
| | | | |
| | | | |
| COST RECOVERY SERVICES R | ELATED TO ADVERTISIN | G AND RECORE | DING |
| | | | |
| ALM Media | News Paper Ad | Typical | \$120.13 |
| ICA Senior Planner (hrs) | 6.5 | \$ 55.00 | \$357.50 |
| Signs | 2 Signs @ \$10.00 | In-House | \$10.00 |
| Mailing | 200 Envelops @ \$0.65 | In-House | \$130.00 |
| Recording | Simplifile | estimated | \$45.00 |
| | Cost Recovery Subtotal | | \$662.63 |

| FEE BASED (NON-COST RECOVERY) SERVICE EXPENDITURES | | | |
|--|--------------------|-----------|-------------|
| POSITION | HOURS | RATE | TOTAL |
| Planning Director(hrs) | | | |
| Staff Report editing | 3 | 73.06 | 219.1 |
| Development Order writing | 4 | 73.06 | 292.2 |
| Board Briefings | 2 | 73.06 | 146.1 |
| Hearing Prep | 0.5 | 73.06 | 36.5 |
| Hearing | 1.5 | 73.06 | 109.5 |
| meetings and misc | 3 | 73.06 | 219.1 |
| Site Visit | 0.5 | 73.06 | 36.5 |
| afteraction | 1 | 73.06 | 73.0 |
| Total | 15.5 | 73.06 | \$ 1,132.43 |
| ICA Senior Planner (hrs) | | | |
| preaplication meeting | 2 | \$ 55.00 | 11 |
| Materials Prep | 3 | \$ 55.00 | 16 |
| Plan Review | 6 | \$ 55.00 | 33 |
| mailer prep | 2 | \$ 55.00 | 11 |
| meetings and misc | 4 | \$ 55.00 | 22 |
| Site Visit | 1 | \$ 55.00 | 5. |
| Staff Report writing | 9 | \$ 55.00 | 49 |
| Uploading Novus | 0.5 | \$ 55.00 | 27. |
| Hearing | 1.5 | \$ 55.00 | 82. |
| afteraction | 1 | \$ 55.00 | 5 |
| Total | 30 | \$ 55.00 | \$ 1,650.00 |
| Zoning Oficial (hrs) | 1 | \$ 52.18 | \$52.18 |
| PW Director | 0 | \$ 66.57 | \$0.00 |
| Transportation Manager | 0 | \$ 50.07 | \$0.00 |
| Arborist | 0.5 | \$ 38.87 | \$19.44 |
| Legal Review | 1.5 | \$ 200.00 | \$300.00 |
| Planning Tech (hrs) | | | |
| Application Intake | 1 | \$ 26.76 | 26.7 |
| Resolution Processing | 0.5 | \$ 26.76 | 13.3 |
| Total | 1.5 | | 40.1 |
| | STAFF SUBTOTAL | | \$ 3,194.19 |
| | 11% Admin Overhead | | \$ 351.36 |
| | STAFF FINAL TOTAL | | \$ 3,545.55 |

| TYPICAL COMMERCIAL AND INDUSTRIAL VARIANCE FOR PUBLIC HEARING | | | |
|---|--|-------------------------|--------------|
| | | | |
| SUMMARY OF EXPENDITUR | ES AND FEE/DEPOSIT | | |
| Туре | Expenditure | Fee/Deposit | Balance |
| Advertising and Recording | \$672.63 | 650 | (\$22.63) |
| Fee Based Service | \$ 3,739.73 | 1700 | (\$2,039.73) |
| Total | \$ 4,412.36 | \$ 2,350.00 | |
| Unuse | Unused Cost recovery refunded to applicant | | (\$22.63) |
| | Total | Total applicant Cost \$ | |
| | | | |
| | | | |
| COST RECOVERY SERVICES R | ELATED TO ADVERTISIN | G AND RECORI | DING |
| | | | |
| ALM Media | News Paper Ad | Typical | \$120.13 |
| ICA Senior Planner (hrs) | 6.5 | \$ 55.00 | \$357.50 |
| Signs | 2 Signs @ \$10.00 | In-House | \$20.00 |
| Mailing | 200 Envelops @ \$0.65 | In-House | \$130.00 |
| Recording | Simplifile | estimated | \$45.00 |
| | Cost Recovery Subtotal | | \$672.63 |

| FEE BASED (NON-COST RECOVERY) SERVICE EXPENDITURES | | | |
|--|--------------------|-----------|-------------|
| POSITION | HOURS | RATE | TOTAL |
| Planning Director(hrs) | | | |
| Staff Report editing | 3 | 73.06 | 219.18 |
| Development Order writing | 4 | 73.06 | 292.24 |
| Board Briefings | 2 | 73.06 | 146.12 |
| Hearing Prep | 0.5 | 73.06 | 36.53 |
| Hearing | 1.5 | 73.06 | 109.59 |
| meetings and misc | 3 | 73.06 | 219.18 |
| Site Visit | 0.5 | 73.06 | 36.53 |
| afteraction | 1 | 73.06 | 73.06 |
| Total | 15.5 | 73.06 | \$ 1,132.43 |
| ICA Senior Planner (hrs) | | | |
| preaplication meeting | 2 | \$ 55.00 | 110 |
| Materials Prep | 3 | \$ 55.00 | 165 |
| Plan Review | 6 | \$ 55.00 | 330 |
| mailer prep | 2 | \$ 55.00 | 110 |
| meetings and misc | 4 | \$ 55.00 | 220 |
| Site Visit | 1 | \$ 55.00 | 55 |
| Staff Report writing | 9 | \$ 55.00 | 495 |
| Uploading Novus | 0.5 | \$ 55.00 | 27.5 |
| Hearing | 1.5 | \$ 55.00 | 82.5 |
| afteraction | 1 | \$ 55.00 | 55 |
| Total | 30 | \$ 55.00 | \$ 1,650.00 |
| Zoning Oficial (hrs) | 1 | \$ 52.18 | \$52.18 |
| PW Director | 1 | \$ 66.57 | \$66.57 |
| Transportation Manager | 1 | \$ 50.07 | \$50.07 |
| Arborist | 2 | \$ 38.87 | \$77.74 |
| Legal Review | 1.5 | \$ 200.00 | \$300.00 |
| Planning Tech (hrs) | | | |
| Application Intake | 1 | \$ 26.76 | 26.76 |
| Resolution Processing | 0.5 | \$ 26.76 | 13.38 |
| Total | 1.5 | | 40.14 |
| | STAFF SUBTOTAL | | \$ 3,369.13 |
| | 11% Admin Overhead | | \$ 370.60 |
| | STAFF FINAL TOTAL | | \$ 3,739.73 |

| TYPICAL SIGN VARIANCE FO | R PUBLIC HEARING | | |
|---------------------------|--|--------------|--------------|
| | | | |
| SUMMARY OF EXPENDITURE | ES AND FEE/DEPOSIT | | |
| Туре | Expenditure | Fee/Deposit | Balance |
| Advertising and Recording | \$672.63 | \$ 650.00 | (\$22.63) |
| Fee Based Service | \$ 3,523.97 | \$ 1,100.00 | (\$2,423.97) |
| Total | \$ 4,196.60 | \$ 1,750.00 | |
| Unuse | Unused Cost recovery refunded to applicant | | (\$22.63) |
| | Total applicant Cost | | \$ 1,772.63 |
| | | | |
| | | | |
| COST RECOVERY SERVICES R | ELATED TO ADVERTISIN | G AND RECORI | DING |
| | | | |
| ALM Media | News Paper Ad | Typical | \$120.13 |
| ICA Senior Planner (hrs) | 6.5 | \$ 55.00 | \$357.50 |
| Signs | 2 Signs @ \$10.00 | In-House | \$20.00 |
| Mailing | 200 Envelops @ \$0.65 | In-House | \$130.00 |
| Recording | Simplifile | estimated | \$45.00 |
| | Cost Recovery Subto | | \$672.63 |

| FEE BASED (NON-COST RECOVERY) SERVICE EXPENDITURES | | | |
|--|--------------------|-----------|---------------|
| POSITION | HOURS | RATE | TOTAL |
| Planning Director(hrs) | | | |
| Staff Report editing | 3 | 73.00 | 5 219.18 |
| Development Order writing | 4 | 73.00 | 5 292.24 |
| Board Briefings | 2 | 73.00 | 5 146.12 |
| Hearing Prep | 0.5 | 73.00 | 36.53 |
| Hearing | 1.5 | 73.00 | 109.59 |
| meetings and misc | 3 | 73.00 | 5 219.18 |
| Site Visit | 0.5 | 73.00 | 36.53 |
| afteraction | 1 | 73.00 | 73.06 |
| Total | 15.5 | 73.00 | 5 \$ 1,132.43 |
| ICA Senior Planner (hrs) | | | |
| preaplication meeting | 2 | \$ 55.00 | 110 |
| Materials Prep | 3 | \$ 55.00 | 165 |
| Plan Review | 6 | \$ 55.00 | 330 |
| mailer prep | 2 | \$ 55.00 | 110 |
| meetings and misc | 4 | \$ 55.00 | 220 |
| Site Visit | 1 | \$ 55.00 | 55 |
| Staff Report writing | 9 | \$ 55.00 | 495 |
| Uploading Novus | 0.5 | \$ 55.00 | 27.5 |
| Hearing | 1.5 | \$ 55.00 | 82.5 |
| afteraction | 1 | \$ 55.00 | 55 |
| Total | 30 | \$ 55.00 | \$ 1,650.00 |
| Zoning Oficial (hrs) | 1 | \$ 52.18 | \$52.18 |
| PW Director | | \$ 66.57 | \$0.00 |
| Transportation Manager | | \$ 50.07 | \$0.00 |
| Arborist | | \$ 38.87 | \$0.00 |
| Legal Review | 1.5 | \$ 200.00 | \$300.00 |
| Planning Tech (hrs) | | | |
| Application Intake | 1 | \$ 26.76 | 26.76 |
| Resolution Processing | 0.5 | \$ 26.76 | 13.38 |
| Total | 1.5 | | 40.14 |
| | STAFF SUBTOTAL | | \$ 3,174.75 |
| | 11% Admin Overhead | | \$ 349.22 |
| | STAFF FINAL TOTAL | | \$ 3,523.97 |

MINUTES Planning and Zoning Minutes

September 19, 2018 6:30 P.M.

Government Center 6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Chairman Fred Senra called the meeting to order at 6:32 p.m.

2. Roll Call:

The Deputy Town Clerk, Nicole Cuellar, called the roll with the following Board Members being present: Homero Cruz, Avelino Leoncio, Robert Julia, Ameli Padron-Fragetta, Mariam Yanes, Vice Chairman Raul De la Sierra, and Chairman Fred Senra.

3. Pledge of Allegiance/Moment of Silence:

Chairman Fred Senra led the Pledge of Allegiance and the Invocation.

4. Business Requiring Board Action:

A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PERMITTED ROOFING TYPES FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", AT SECTION 13-1608, RENAMING IT "SINGLE-FAMILY AND TWO-FAMILY ROOF REGULATIONS," AND PERMITTING STANDING METAL SEAM ROOFING; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Attorney, Lorenzo Cobiella, read the title of the ordinance onto the record.

Principal Town Planner, Susana Alonso, explained and answered questions posed by the Board Members.

Vice Chairman De la Sierra motioned to approve item 4A as written and Board Member Julia seconded the motion. The Deputy Town Clerk called the roll and the motion passed, 5-2, with Board Members Robert Julia and Ameli Padron-Fragetta in opposition.

B. 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; REQUIRING ALL 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.

Assistant Town Attorney, Lorenzo Cobiella, read the title of the ordinance onto the record.

Board Member Leoncio motioned to approve item 4B as recommended by staff with the condition that if an applicant requests a line item expense, the line item be provided to the applicant. Board Member Padron-Fragetta seconded the motion. The Deputy Town Clerk called the roll and the motion passed, 5-2, with Board Members Robert Julia and Mariam Yanes in opposition.

C. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING; AMENDING CHAPTER 13, LAND DEVELOPMENT CODE, AT ARTICLE V, SECTION 13-1507, ENTITLED "DECKS AND WALKWAYS," PERMITTING A DECK TO BE LOCATED WITHIN THE REQUIRED STREET SIDE YARD SETBACK OF CORNER LOTS FOR PROPERTIES ZONED RU-1Z; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Assistant Town Attorney, Lorenzo Cobiella, read the title of the ordinance onto the record.

Vice Chairman De la Sierra motioned to approve based on staff recommendations and Board Member Cruz seconded the motion.

Vice Chairman De la Sierra then amended his motion that only a 3-foot walkway be allowed in the interior lot between residences. Board Member Padron-Fragetta seconded the amendment. The Deputy Town Clerk called the roll and the amendment passed, 6-1, with the Board Member Padron-Fragetta in opposition.

Vice Chairman De la Sierra motioned to accept the motion as amended and Board Member Padron-Fragetta seconded the motion. The Deputy Town Clerk called the roll and the motion passed, 6-1, with Board Member Padron-Fragetta in opposition.

5. Director's Report:

Principal Town Planner, Susana Alonso, explained that there will be a Special Call Meeting for the Town Council on October 18th replacing the Planning & Zoning Board meeting. The Planning and Zoning Board meeting would then need to be moved to Thursday, October 4th, 2018 to have the Sober Homes Community item brought forth before the Special Call Meeting.

Chairman Senra motioned to approve the change of date. Board Member Cruz seconded the motion, and all were in favor.

Adjournment:

There being no further business to come before the Board, the meeting adjourned at 7:55 P.M.

Approved this 20th day of February 2019.

Fred Senra Chairman

Attest:

Gina M. Inguanzo Town Clerk



Town of Miami Lakes Memorandum

To: Honorable Chairman Julia P&Z Board Members From: Susana Alonso, AICP, Principal Town Planner

Subject: VARH2019-0364 Vazquez Pool

Date: 7/24/2019

Recommendation:

Staff recommends approval with conditions for the proposal as shown in the attached plans, consisting of two pages, prepared by Creative Pools & Waterscapes, signed and sealed on May 24 2019 by Vicente Franco, PE, and stamped received on June 6 2019. The recommended conditions are as follows:

- 1. Approval shall be substantially consistent with the plans prepared by Creative Pools & Waterscapes, signed and sealed on May 24 2019 by Vicente Franco, PE, and stamped received on June 6 2019.
- 2. Decking east of the pool shall be limited to 225 square feet.
- 3. Additional landscaping, as approved by the Planning and Zoning Staff, shall be provided along the side of the pool facing the lake to screen the pool retaining wall.

Background:

The Applicant is proposing to build a 383-square foot swimming pool in the rear yard of an existing single-family home located on Lake Martha. The overall size of the pool is typical for a residential property developed with single family home. The home itself is sited 9.6 feet from the top of the slope (the "Tie Line") that leads to lake. The Land Development Code does not permit pools and decks waterward of the Tie Line. The effect is the inability to construct a pool on the property without the benefit of a variance. The applicant has considered alternative locations and orientations for the pool, but all the options necessitated a variance of some sort. The proposal presented, requesting the 17'-7" variance beyond the top of slope, represents the minimum necessary for any pool to be built on this property. An encroachment of 17'-7" feet beyond the Tie Line of the property in question leaves 21 feet of unencumbered slope area at its narrowest point and 27 feet at its widest.

ATTACHMENTS:

Description
Order
Staff Report
Exhibits

Renderings

TOWN OF MIAMI LAKES PLANNING AND ZONING BOARD PZB NO: 2019-

AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; GRANTING A VARIANCE FROM SECTION 13-426(7) TO PERMIT A SWIMMING POOL TO ENCROACH 17' 7" WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, AND GRANTING A VARIANCE FROM SECTION 13-1605(C)(7) TO PERMIT A SWIMMING WATERWARD OF THE TOP OF THE SLOPE/TIE LINE, FOR THE PROPERTY LOCATED AT 14441 ROSEWOOD RD LAKE, MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR GRANTING THE REQUEST WITH CONDITIONS; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1: Applicant

Applicant: Juan and Daryli Vazquez

Folio: 32-2023-010-0220

Location: 14441 Rosewood Rd Lake

Miami Lakes, Florida 33014

Legal Description: Lake Martha Lot 8 & Prop Int In & To Lake Block 34, According To The

Plat Thereof, As Recorded In Platbook 86 At Page 76, Of The Public

Records Of Miami Dade County Florida

Hearing No.: VARH2019-0364

Section 2. Request:

The Applicant requested the following variances from the Land Development Code:

- 1. A variance from Section 13-426(7) to allow a swimming pool to encroach by 17' 7" waterward of the top of the slope or tie line.
- 2. A variance from Section 13-1605(c)(7) to allow a swimming pool waterward of the top of the slope or tie line.

Section 3. Findings:

- 1. In accordance with Section 13-305(f)(1) of the Town's Land Development Code (LDC), the Planning and Zoning Board, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant's request conditionally complies the variance criteria at Section 13.305(f)(1)(a) through (g) of the Town LDC, which are as follows:
 - a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;

- b. Whether approval of the Variance would be compatible with development patterns in the Town;
- c. Whether the essential character of the neighborhood will be preserved;
- d. Whether the Variance can be approved without causing substantial detriment to adjoining properties;
- e. Whether the Variance would do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief;
- f. Whether the plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome; and
- g. Whether the special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

Section 4. Grant of Approval with Conditions

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Tuesday, October 24, 2017 at 6:00 P.M. upon findings outlined herein, the Planning and Zoning Board hereby conditionally grants the request described in Section 2 above, with following conditions:

- 1. Approval shall be substantially consistent with the plans prepared by Creative Pools & Waterscapes, signed and sealed on May 24 2019 by Vicente Franco, PE, and stamped received on June 6 2019.
- 2. Decking east of the pool shall be limited to 225 square feet.
- 3. Additional landscaping, as approved by the Planning and Zoning Staff, shall be provided along the side of the pool facing the lake to screen the pool retaining wall.

Section 5. Appeal

The Applicant, or any affected party, may appeal the decision of the Planning and Zoning Board according to the provisions of Section 13-203 or Section 13-310, of the Land Development Code, as applicable.

Section 6: Order

This is a Final Order.

Section 7: Effective Date.

This Order shall take effect 30 days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Planning and Zoning Board is appealed as provided in the Town LDC and/or the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Order until said appeal is resolved by a court of competent jurisdiction.

| The foregoing Order was approved on in and seconded by | nitial vote by motion as provided herein b by a vote of with eac |
|---|---|
| Planning and Zoning Board Member voting as | follows: |
| Chairman Robert Julia Vice Chairman Lynn Matos Board Member Fred Senra Board Member Juan-Carlos Fernandez Board Member Raul De La Sierra Board Member Avelino Leoncio Board Member Mariam Yanes | |
| PASSED AND ADOPTED this 24th day of Ju | aly 2019. |
| | OBERT JULIA Chairman, Planning and Zoning Board |
| ATTEST: | |
| GINA INGUANZO Town Clerk | |
| APPROVED AS TO FORM AND LEGAL SUFFOR USE ONLY BY THE TOWN OF MIAM | |
| LORENZO COBIELLA DEPUTY TOWN ATTORNEY | |
| This Order was filed in the Office of the Town | Clerk on thisday of, 2019. |
| GINA INGUANZO Town Clerk | |



6601 Main Street • Miami Lakes, Florida 33014 (305) 364-6100 • www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Planning and Zoning Board

From: Susana Alonso, AICP

Principal Town Planner

Re:

HEARING NUMBER: VARH2019-0364

APPLICANT: Juan and Daryli Vazquez

FOLIO: 32-2023-010-0220

LEGAL DESCRIPTION: LAKE MARTHA LOT 8 & PROP INT IN & TO LAKE BLOCK

34, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLATBOOK 86 AT PAGE 76, OF THE PUBLIC RECORDS

OF MIAMI DADE COUNTY FLORIDA.

LOCATION: 14441 Rosewood Rd

Miami Lakes, Florida, 33014

ZONING DISTRICT: RU-1

Date: July 24 2019

A. Request

In accordance with the Town of Miami Lakes Land Development Code (the "Town's LDC"), Juan and Daryli Vazquez (the "Applicants") are requesting the following variance(s):

- 1. A variance from Section 13-426(7) to allow a swimming pool to encroach by 17' 7" waterward of the top of the slope or tie line.
- 2. A variance from Section 13-1605(c)(7) to allow a swimming pool waterward of the top of the slope or tie line.

B. Background

The Applicant is proposing to build a 383-square foot swimming pool in the rear yard of an existing single-family home located on Lake Martha. The overall size of the pool is typical for a residential property developed with single family home. The home itself is sited 9.6 feet from the top of the slope (the "Tie Line") that leads to lake. The Land Development Code does not permit pools and decks waterward of the Tie Line. The effect is the inability to construct a pool on the property without the benefit of a variance. The applicant has considered alternative locations and orientations for the pool, but all the options necessitated a variance of some sort. The proposal presented, requesting the 17'-7" variance beyond the top of slope, represents the minimum necessary for any pool to be built on this property. An encroachment of 17'-7" feet beyond the Tie Line of the property in question leaves 21 feet of unencumbered slope area at its narrowest point and 27 feet at its widest.

C. Staff Recommendation

Staff recommends approval with conditions for the proposal as shown in the attached plans, consisting of two pages, prepared by Creative Pools & Waterscapes, signed and sealed on May 24 2019 by Vicente Franco, PE, and stamped received on June 6 2019. The recommended conditions are as follows:

- Approval shall be substantially consistent with the plans prepared by Creative Pools & Waterscapes, signed and sealed on May 24 2019 by Vicente Franco, PE, and stamped received on June 6 2019.
- 2. Decking east of the pool shall be limited to 225 square feet.
- 3. Additional landscaping, as approved by the Planning and Zoning Staff, shall be provided along the side of the pool facing the lake to screen the pool retaining wall.

D. Property Information and Permit History

Zoning District of Property: RU-1 – Single-Family Residential District

Future Land Use Designation: Low Density Residential

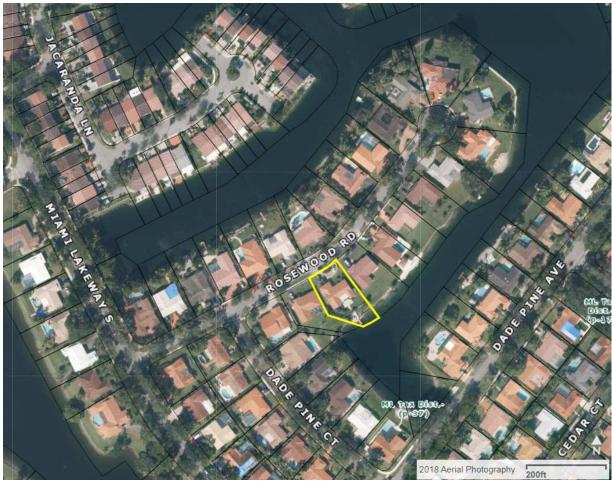
Subject Property:

The subject parcel is a 12,425-square foot lot on Lake Martha. The site is improved with a single-family home constructed in 1970 according to Miami Dade County records. It is located at 14441 Rosewood Rd within the Low Density Residential Future Land Use Designation and is zoned RU-1 (Single-Family Residential District).

Surrounding Property:

| | Future Land Use Category | Zoning District |
|--------|--------------------------|--|
| North: | Low Density Residential | Single-Family Residential District, (RU-1) |
| South: | Low Density Residential | Single-Family Residential District, (RU-1) |
| East: | Low Density Residential | Single-Family Residential District, (RU-1) |
| West: | Low Density Residential | Single-Family Residential District, (RU-1) |

Subject Property Location Map



not to scale

Open Building Permit(s) / Open Code Compliance Violation(s) / Zoning History:

There are currently no open permits or code violations on this property.

E. Analysis

Subsection 13-305(f)1 of the Town LDC allows the Planning and Zoning Board to approve non-use variance request(s) on the basis of practical difficulty on part of the Applicant by a majority vote of the members of the Planning and Zoning Board present. In order to authorize any variance on the basis of practical difficulty, the Planning and Zoning Board members at the meeting shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight; however, no single factor is dispositive.

a) The Town has received written support of the specifically identified variance requests from adjoining property owners.

Analysis: At the time of this writing the project did not receive letters of support or objection. Should the Town receive letters of support/objection subsequent to the issuance of this report, they shall be objectively evaluated against the criteria provided in the Town's LDC, and if appropriate, shall be addressed at the scheduled public hearing.

Finding: Does not comply.

b) The Variance would be compatible with development patterns in the Town.

Analysis: The Applicant proposes to build a pool 17'-7" feet beyond the top of the slope with one (1) foot of decking around it and an infinity edge facing the lake. The proposed decking to the east of the pool would comply with Code if it was limited to 225 square feet. As proposed and reflected on the applicant's survey, the pool and surrounding deck leaves an approximate open space area to the water line of 21 feet, that is clear of obstructions. Such a broad open space is typical for the neighborhood. Pools are typical ancillary uses to single family homes. Denial of the variance request would deprive the applicant of a use enjoyed by other properties within the neighborhood.

Finding: Complies.

c) The essential character of the neighborhood would be preserved.

Analysis: See criteria "b" above. The slope of the property is broad. The 17'-7" waiver leaves 21 feet of area to accommodate drainage and maintenance of the lake area. Other homes in the neighborhood have pools.

Finding: Complies.

d) The Variance can be approved without causing substantial detriment to adjoining properties.

Analysis: See criteria "b" and "c". The general location of the pool to the house is consistent with other properties in the neighborhood. It is the location of the slope that creates the deficiency. The 17'-7" waiver leaves 21 feet of area to accommodate drainage and maintenance of the lake area. Other homes in the neighborhood have pools.

Finding: Complies.

e) The Variance will do substantial justice to the property owner as well as to other property owners justifying a relaxation of this Land Development Code to provide substantial relief.

Analysis: See criteria "b", "c" and "d". As presented at criterion d above, the home is sited closer to the water than others in the neighborhood. Therefore, the Tie Line is reduced to 9.6 feet from the rear face of the residence. This leaves no practical room for a pool. To deny the variance, would be to deny an amenity enjoyed by other properties in the neighborhood.

Finding: Complies.

f) The plight of the applicant is due to unique circumstances of the property and/or applicant which would render conformity with the strict requirements of the Land Development Code unnecessarily burdensome.

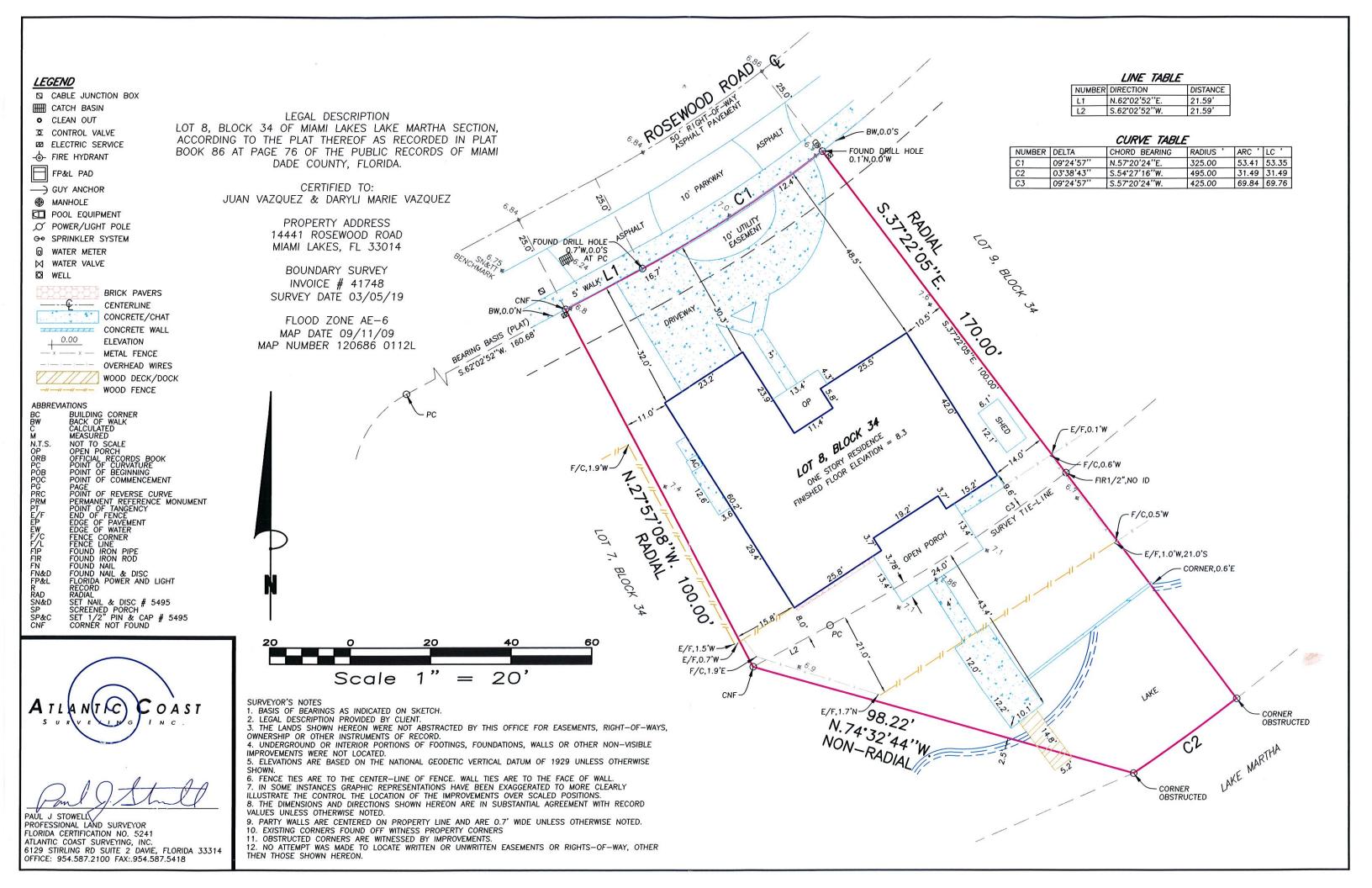
Analysis: See criteria "b", "c" and "d". Based on the analysis provide in this report, there are unique circumstances that exist with the property and/or the Applicant that would make conforming to the Code unnecessarily burdensome.

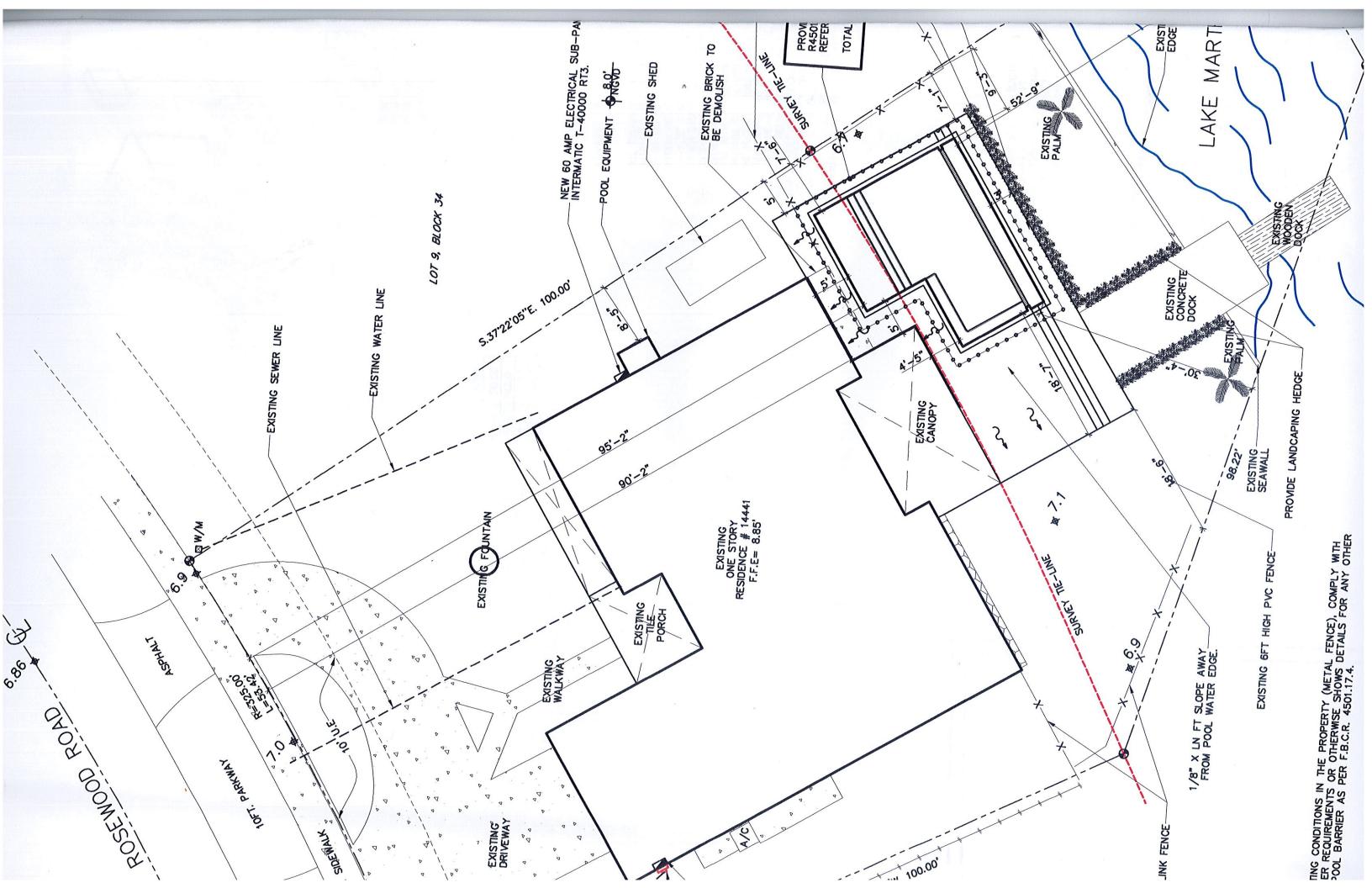
Finding: Complies.

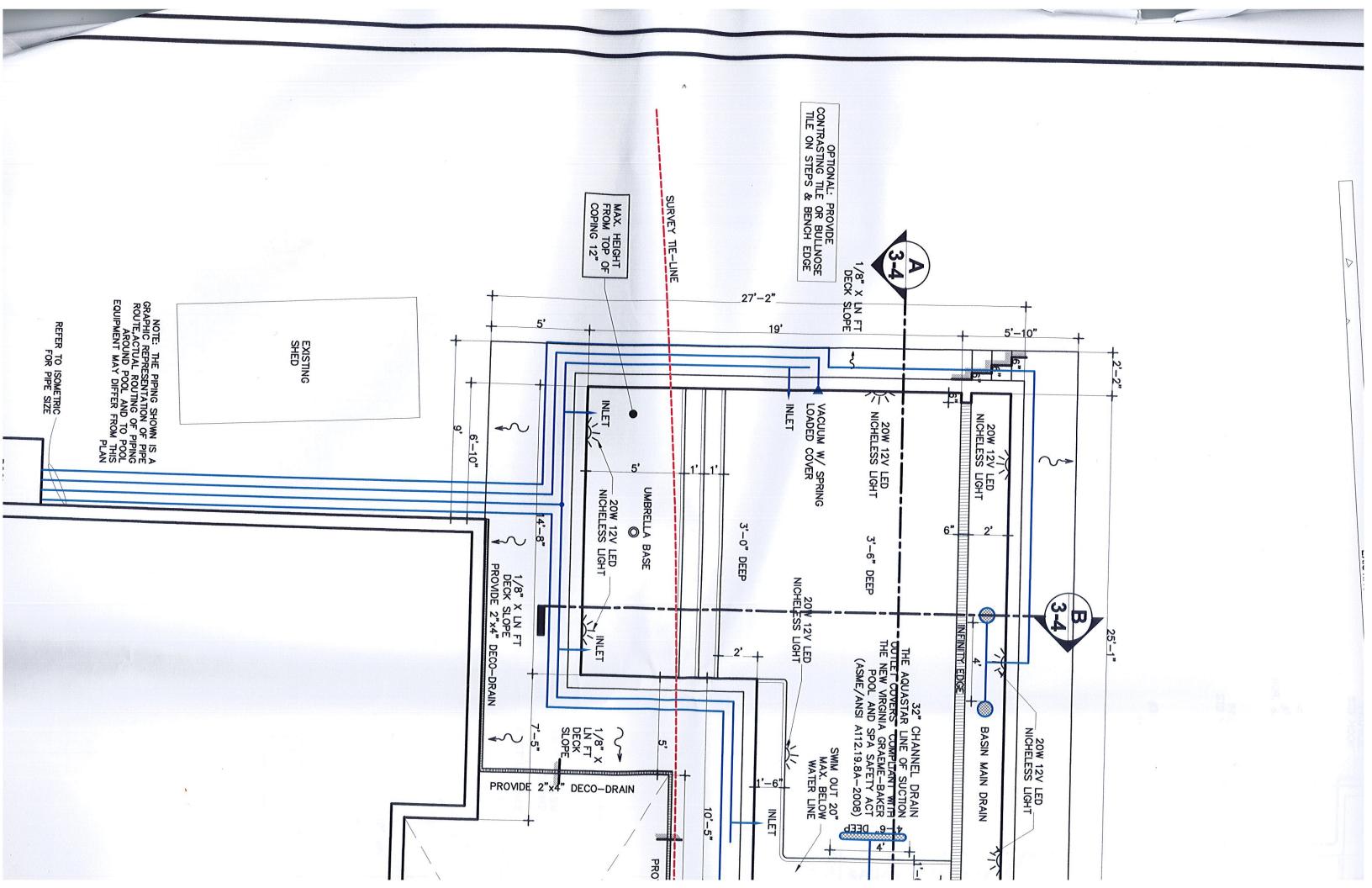
g) The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.

Analysis: See criteria "b", "c" and "d". There are special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

Finding: Complies.























Town of Miami Lakes Memorandum

To: Honorable Chairman Julia and Planning & Board Members

From: Susana Alonso, AICP, Principal Planner

Subject: Solar Energy Systems

Date: 7/24/2019

Recommendation:

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance creating Section 13-1702 as it relates to solar energy systems within the Town.

Background:

On July 17, 2018, Town Council directed the Town Manager to explore the possibility of an ordinance to provide for regulations that address solar energy systems and could potentially result in a Solsmart designation for the Town. SolSmart is a national designation program created to recognize communities that have taken key steps to address local barriers to solar energy and foster the growth of mature local solar markets. Solsmart is funded by the U.S. Department of Energy's Solar Energy Technologies Office (SETO). It provides no-cost technical assistance from a team of national experts to evaluate local government programs and practices that impact solar markets and to find opportunities for improvement. It also seeks to increase installed solar capacity by reducing the "soft costs" of solar such as permitting, financing, and installation, thus making it easier for local residents and businesses to acquire solar.

Solsmart provides a three-tiered designation system based the number of points accumulated through improvements to the code and permitting procedures:

- Bronze designation requires that a community meet the overall program requirements, earn 20 points each in the permitting, planning, zoning, and development regulation categories, and achieve an additional 20 points across all remaining categories.
- Silver designation requires that a community must first achieve the requirements for SolSmart Bronze, then meet additional requirements in planning, zoning and development regulations and inspection procedures, and earn 100 points total across all categories.
- Gold designation requires that a community must first achieve the requirements for SolSmart Silver, then meet one additional requirement in permitting and achieve 200 points total across all categories.

On March 19, 2019 at a duly advertised workshop, the Town Council directed staff to take the steps necessary to achieve Gold Designation.

ATTACHMENTS:

Description

Ordinance

Staff Report

Exhibits

Exhibits

ORDINANCE NO. 19-___

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO SOLAR ENERGY SYSTEMS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE V, "ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", AND AT ARTICLE VII, "ENVIRONMENTAL REGULATIONS" PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its strategic plan "Imagine Miami Lakes 2025" the Town of Miami Lakes has expressed a desire to embrace new technologies sustainable practices and;

WHEREAS, the SolSmart program is a national designation program for solar that is funded by the Department of Energy SunShot Initiative to recognize communities that have taken key steps to address local barriers to solar energy; and

WHEREAS, the new regulations provide required standards and clear approval processes required for differently sized solar systems; and

WHEREAS, on March 19, 2019, at a publicly advertised workshop, staff presented different Solsmart designation options to the Town Council, upon which the Council considered and expressed its desire to obtain Gold designation; and

WHEREAS, the amendment at Exhibit "A" is reflective of the Town Council's desire as expressed at the March 19, 2019, workshop; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the LDRs and recommends approval, as set forth in the Staff Analysis and Recommendation dated July 24, 2019 and incorporated into this Ordinance by reference; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local

Ordinance No. 19-____ Page **2** of **7**

Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on July 24, 2019, after conducting a properly noticed 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 reviewed the proposed amendment and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on ______, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council moved the proposed amendment on first reading for consideration of adoption; and

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

WHEREAS, on ______, after conducting a properly noticed 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 ordinance.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. The Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development

Ordinance No. 19-____ Page **3** of **7**

Code found at Subsection 13-306(b) of the Town Code as provided for in the Staff Recommendation and Analysis Report.

Section 3. Approval. The Town Council hereby adopts the amendment as provided at Exhibit "A"

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 this Ordinance shall be included in the Town Code.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption.

| Ordinance No. 19- | |
|-------------------|---|
| Page 4 of 7 | _ |

FIRST READING

| The foregoing ordinance was offered by Councilmemberadoption on first reading. The motion was seconded by Councilmember | who moved its and upon |
|---|------------------------|
| 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, 2019. | |

[THIS SPACE INTENTIALLY LEFT BLANK]

| Ordinance No. | 19- |
|---------------|-----|
| Page 5 of 7 | |

SECOND READING

| The foregoing ordinance was offered by adoption on second reading. The motion was upon being put to a vote, the vote was as follows: | s seconded by Councilmember _ | | |
|--|-------------------------------|---|--|
| Councilmember Carlos O. Alvarez Councilmember Luis Collazo | | | |
| Passed and adopted on second reading this | day of,2019. | | |
| Attest: | Manny Cid Mayor | _ | |
| Gina M. Inguanzo Town Clerk | | | |
| Approved as to form and legal sufficiency: | | | |
| Raul Gastesi, Jr. Gastesi & Associates, P.A. Town Attorney | | | |

| Ordinance No. 19- | |
|---------------------------|---|
| Page 6 of 7 | _ |

EXHIBIT A

Chapter 13 - LAND DEVELOPMENT CODE

* * *

ARTICLE VII. – <u>ALTERNATIVE ENERGY SYSTEMS AND</u> ENVIRONMENTAL REGULATIONS

* * *

Sec. 13-1702. – Solar energy systems

(a) <u>Definitions:</u> The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory Use Solar energy system means a solar energy system with the legally permitted use of providing for the collection, storage, and distribution of solar energy for the use or benefit of the primary use onsite. The solar energy system should be sized such that the energy produced is reasonably equivalent to the onsite use or less; any selling of excess energy is incidental and in accordance with state law and utility net metering policy.

<u>Ground-mounted Solar energy system</u> means a solar energy system where the solar collectors are arranged on one or more racking systems structurally anchored to the ground by foundations or mounted on ballasted footings where appropriate.

<u>Pole-mounted Solar energy system means a solar energy system where the solar collectors are arranged on a racking system elevated from and structurally attached to the ground by a pole anchored directly into the ground.</u>

<u>Primary Use Solar energy system</u> means a solar energy system with the legally permitted use of providing for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating for use primarily offsite.

Solar collector means a component of a solar energy system with the primary purpose of transforming solar radiant energy into thermal, mechanical, chemical, or electrical energy.

- (b) Solar energy systems, accessory use.
 - (1) Accessory use solar energy systems are permitted by right in all zoning districts and shall comply with the conditions established in this section, all applicable development standards for each zoning district, and permitting requirements.
 - (2) Prior to issuing permits, the administrative official may request that the property owner provide written certification that the energy produced by the *solar* energy system is

| Ordinance No. 19- | |
|-------------------|--|
| Page 7 of 7 | |

reasonably equivalent to the electrical usage of the property and any selling of excess energy is incidental. This provision shall not have the effect of prohibiting the installation of *solar* energy systems on properties without historical usage data, in accordance with F.S. § 163.04.

(3) Rooftop systems.

- a. Sloped roofs—Height. On sloped roofs, the highest point of the *solar* collectors shall not exceed the highest rooftop peak and must be installed parallel to the roof surfaces to which they are attached provided such location does not impair the effective operation of the *solar* collectors. *Solar* collectors may be mounted up to one foot above roof surfaces to which they are attached.
- b. <u>Flat roofs—Height</u>. On flat roofs, the highest point of the system shall be permitted to exceed the district's height limit by a maximum of six feet above the rooftop to which it is attached.

(4) Ground-mounted systems.

- a. <u>Ground-mounted solar energy systems</u> shall not exceed the lesser of 25 feet or the height of the primary structure.
- b. Ground-mounted solar energy systems shall not be located closer than six feet from the primary structure, unless the system is architecturally integrated into the primary structure or form part of another accessory structure, including, but not limited to, gazebos, awnings, carports, shade structures, or other such structures as determined by the planning and zoning administrator.
- c. <u>Screening and fencing</u>. Systems over six feet shall be required to be either screened with an opaque fence, or preferably, integrated into the main structure or an accessory structure such as a gazebo, carport or shade structure. Systems under six feet shall be screened with landscape, opaque fence or combination. The planning and zoning administrator may recommend additional or alternative specific types of fencing, screening, and/or walls appropriate to the site and surrounding land uses.
- d. Ground-mounted systems may be sited in either side, corner, or rear yard areas following applicable setbacks for accessory structures. Ground-mounted systems may be sited in front yards only if the system is architecturally integrated into the primary structure, including, but not limited to, awnings, carports, shade structures, or other such structures as determined by the planning and zoning administrator.
- (5) Pole-mounted systems shall be permitted by-right in each zoning district, subject to all of the requirements for ground-mounted *solar* energy systems except provisions pertaining to screening and fencing.
- (c) <u>Primary use solar energy systems are permitted only in Industrial (IU-C), Governmental Facilities (GF) or Interim Districts (GU).</u>
- (d) Decommissioning. The administrative official may request proof of operation from the property owner, due within 14 days of the request. Any system which becomes inoperable shall at the owner's expense be made operational or shall be removed from the property within 90 days of the date the system became inoperable.



Planning Office

6601 Main Street • Miami Lakes, Florida 33014 Office: (305) 364-6100 • Website: <u>www.miamilakes-fl.gov</u>

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency

From: Susana Alonso, AICP, Principal Planner

Subject: Solar Energy Systems

Date: July 24, 2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO SOLAR ENERGY SYSTEMS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE V, "ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", AND AT ARTICLE VII, "ENVIRONMENTAL REGULATIONS" PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A. BACKGROUND

On July 17, 2018, Town Council directed the Town Manager to explore the possibility of an ordinance to provide for regulations that address solar energy systems and could potentially result in a Solsmart designation for the Town. SolSmart is a national designation program created to recognize communities that have taken key steps to address local barriers to solar energy and foster the growth of mature local solar markets. Solsmart is funded by the U.S. Department of Energy's Solar Energy Technologies Office (SETO). It provides no-cost technical assistance from a team of national experts to evaluate local government programs and practices that impact solar markets and to find opportunities for improvement. It also seeks to increase installed solar capacity by reducing the "soft costs" of solar such as permitting, financing, and installation, thus making it easier for local residents and businesses to acquire solar.

Solsmart provides a three-tiered designation system based the number of points accumulated through improvements to the code and permitting procedures:

- *Bronze designation* requires that a community meet the overall program requirements, earn 20 points each in the permitting, planning, zoning, and development regulation categories, and achieve an additional 20 points across all remaining categories.
- Silver designation requires that a community must first achieve the requirements for SolSmart Bronze, then meet additional requirements in planning, zoning and development regulations and inspection procedures, and earn 100 points total across all categories.
- Gold designation requires that a community must first achieve the requirements for SolSmart Silver, then meet one additional requirement in permitting and achieve 200 points total across all categories.

On March 19, 2019 at a duly advertised workshop, the Town Council directed staff to take the steps necessary to achieve Gold Designation.

B. PROPOSED CHANGES

The following described elements are presented in the same order that they appear in the proposed ordinance.

13-1702(a) – Definitions. This section provides the necessary definitions of terms applicable to the regulation of soar energy systems.

13-1702(b) – Solar Energy Systems, Accessory use. This section provides regulations for solar energy systems whose purpose is to collect solar energy to be used on site.

13-1702(c) – Primary use solar energy systems. Stipulates that only industrial districts, governmental facilities and Interim Use districts allow for stand alone solar energy systems, not associated or incidental to another permitted use.

13-1702(d) – Decommissioning. Provides for the removal of any inoperable system.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance creating Section 13-1702 as it relates to solar energy systems within the Town.

E. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

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

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. The ordinance provides for regulations to properly allow solar energy systems in various capacities. As proposed, and presented in Section "A", and "B", above, the amendment conforms to the following policies of CDMP below.

- Policy 1.2.11: Encourage the use of energy-saving materials and techniques in the construction of public and private buildings in the Town.
- Policy 1.5.5: Retain and strengthen regulations protecting, air quality and water quality for traditional and new alternative sources by implementing the standards for these resources established by applicable local, regional, state and federal environmental agencies.

Finding: Complies

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. The amendment provides for standards for installation of solar energy systems. In its current form the LDC lacks any definitions or mention of such systems. The proposed is in conformance with all other requirements of the LDC.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis See Sections "A", Background; and "B", Proposed Changes, of this report. Solar energy systems are becoming more and more efficient and affordable, and thus demand for installations is increasing. It is necessary for the LDC to address and regulate the installation of these systems.

Finding: Complies.

4. 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 land use.

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. solar systems are allowed only as accessory uses in most districts, where most incompatibilities could result. Solar energy systems as a primary use are only proposed to be allowed in districts that would allow other similar uses that generate energy.

Finding: Complies.

5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation,

water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. The proposed ordinance does not impact the above systems.

Finding: Complies.

6. Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. The intent of the ordinance is to allow for and regulate the installation of Solar energy systems which would decrease reliance on other more polluting forms of energy. In so doing, the ordinance will have a net positive affect on the Town's natural environment.

Finding: Complies.

7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: See Sections "A", Background; and "B", Proposed Changes, of this report. Solar energy systems add value to the properties that install them and as such, the proposed ordinance is in the interest of the general welfare of the Town and its residents.

Finding: Complies.

8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.

Analysis: See Sections "A", Background; and "B", Proposed Changes; and Criteria 1, 2, and 4, of this report.

Finding: Complies.

9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.

Analysis: See Sections "A", Background; and "B", Proposed Changes; and Criteria 1, 2, 4, 6, and 7 of this report.

Finding: Complies.

10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

Analysis: See all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed amendment is appropriate and consistent with the public interest.

Finding: As determined by the Town Council.

ZONING REVIEW -Miami Lakes, FL



PZD-1a: Review zoning requirements and identify restrictions that intentionally or unintentionally prohibit solar PV development. Compile findings in a memo. (Required)

To assist your community, the national solar experts at SolSmart have conducted a review of your community's zoning code to assess possible barriers (i.e. height restrictions, set-back requirements, etc.) and gaps related to solar PV development. Below, please find the outcome of their review. By reading the narrative, reviewing the example code language provided, and signing the statement at the bottom of the page, your community will satisfy PZD-1a and be one step closer to achieving SolSmart designation.

Key Findings

Sec. 13-311(6) Design and Architectural Standards:

All buildings and associated landscaping should, to the greatest extent possible, be oriented and placed to minimize direct daily sunlight on walls and windows during the May—October period, and maximize solar exposure of the roof area year-round.

Sec. 13-1504 (3)

Central air conditioning or mechanical equipment located on the roof shall also be substantially screened from view at eye level (five feet six inches above grade) from adjoining properties. Roof-mounted solar powered water heaters, if possible, shall be installed so that they are not visible at eye level (five feet six inches above grade) from the front or side streets.

Sec. 13-869. - Accessory buildings and accessory structures.

"The maximum height of accessory buildings and accessory structures shall be one story, but in no case shall exceed 20 feet".

Sec. 13-871. - Lot coverage and maximum impervious area.

The maximum lot coverage of all buildings shall be 70 percent. The maximum impervious area on a site shall be 85 percent.

Sec. 13-869. - Accessory buildings and accessory structures.

Accessory buildings and accessory structures shall not be permitted in the front or street side setbacks, and shall be at least five feet from rear and interior side property lines.

Potential barriers in current code language

| Section(s) | Element | Reviewer Comments | Example(s) from other codes | Priority level |
|------------|---|----------------------|-----------------------------|----------------|
| | Ex. Setbacks, Height Restrictions, Definition, etc. | | | |

Potential gaps in current code language

| Element | Reviewer Comments | Example(s) from other codes | Priority level |
|------------------------------|--|---|--|
| Definition | The zoning code provides no definition for solar energy systems except solar water heater is mentioned under mechanical equipment. Some municipalities define different types of solar energy, so they can be treated differently, and so that requirements and applicability are clear. These include: • Rooftop solar and ground mounted solar • Large, medium and small-scale systems • Solar photovoltaic and solar hot water | More permissive option: "Solar Energy System: An energy system that consists of one or more solar collection devices, solar energy related 'balance of system' equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law." Renewable Energy Ordinance Framework DVRPC) (Section 2, p.9) Less permissive option: "Solar Energy System: An energy system which converts solar energy to usable thermal, mechanical, chemical, or electrical energy to meet all or a significant part of a structure's energy requirements." (Renewable Energy Ordinance Framework, DVRPC) (Section 2, p.9) | High (The definition forms the basis of understanding the solar ordinance.) |
| Accessory Use and Structures | Solar energy systems are not listed as a by right accessory use all in all districts in the list of general provisions applicable to all zones | Option A: Use tables listing different solar energy types as an accessory use in a major zoning districts with respective regulations. | High (Including solar energy systems in the list of permitted accessory uses and |

| | | Model Zoning for the Regulation of Solar Energy Systems (p. 6, 7) Refer to Appendix A below Option B: "Solar Energy Systems as described in this Article are permitted in all zoning districts as an accessory use to a permitted principal use subject to the standards for accessory uses in the applicable zoning district and the specific criteria set forth in this article." (Renewable Energy Ordinance Framework, DVRPC) (Section 3, p. 10) | structures in all major districts may reduce system costs, expedite installations, and increase development locally.) |
|--------------|---|--|---|
| Height | Consider providing an allowance for or exempting solar energy systems from maximum building height in all districts. | Most permissive option: "For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to exceed the district's height limit of up to fifteen (10) feet above the rooftop to which it is attached." (Renewable Energy Ordinance Framework, DVRPC) Less permissive option: Municipalities can be more restrictive than this, though it is not recommended that they limit to less than six (6) feet above the rooftop surface." (Renewable Energy Ordinance Framework, DVRPC) | High (Where there is not an allowance or exemption, and where buildings are constructed to a zoning district's max height, those buildings may be prevented from retrofitting solar. |
| Lot Coverage | The code does not have any allowances for ground mounted solar systems to be counted towards the pervious requirement. Sec. 13-871 Lot coverage and maximum impervious area. The maximum impervious area on a site shall be 85 percent. | Most permissive option: "For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, panels, arrays, inverters, shall be considered pervious coverage so long as pervious conditions are maintained underneath the solar photovoltaic cells, panels, and arrays" (Renewable Energy Ordinance Framework, DVRPC) (Section 4, p.14) | Medium (Counting solar energy systems against lot coverage could limit the implementation of freestanding solar energy systems, especially if the lot in question is near the maximum lot coverage allowed under the code.) |

Less permissive option:

"For purposes of determining compliance with building coverage standards of the applicable zoning district, the total horizontal projection area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, panels, arrays, inverters and solar hot air or water collector devices, shall be considered % impervious coverage. For example, if the total horizontal projection of a solar energy system is 100 square feet, XX square feet shall count towards the impervious coverage standard. For a tracking array or other moveable system, the horizontal Medium (Counting solar energy systems against lot coverage could limit the implementation of freestanding solar energy systems, especially if the lot in question is near the maximum lot coverage allowed under the code.) projection area shall be calculated at a 33-degree tilt angle" (Renewable Energy Ordinance Framework, DVRPC) (Section 4, p.14

Setbacks

Miami Lakes may want to include dimensional requirements for ground mounted systems such as setbacks from the property line. Sec. 13-869. -Accessory buildings and accessory structures.

Accessory buildings and accessory structures shall not be permitted in the front or street side setbacks, and shall be at least five feet from rear and interior side property lines.

More permissive:

"The location of the Ground-Mounted System shall meet all applicable accessory-use setback requirements of the district in which it is located." (Renewable Energy Ordinance Framework, DVRPC) (Section 4, p.13)

Less permissive option:

"All Ground-Mounted Systems shall be set back a distance of X feet from any property line in a residential zoning district or in conformance with the area and bulk standards for accessory

Low

(Municipalities that treat ground-mounted systems as accessory use structures (this is how they may be permitted) can use accessory use regulations for setback (and also height) of ground-mounted systems.)

| | | | as provi | res in commo ided herein.' Ordinance F (Section 4, p | ' <u>(Renewable</u> ramework, | | |
|------------|--|-----------------------|----------------------------------|---|----------------------------------|-------------------|---------------|
| Appendix A | Example 1 (Us | e Tables): | · | | | | |
| | | Residential-1 | Residential-2 | Residential-3 | Commercial | Industrial | Public |
| | DDINGIDAL USE | (R1) | (R2) | (R3) | (C) | (I) | (P) |
| | PRINCIPAL USE Medium-Scale Ground-Mounted Solar Energy System | SPR | SPR | SPR | Y | Y | Y |
| | Large-Scale Ground- Mounted Solar Energy System | SP | N | SPR | SPR | SPR | SPR |
| | Y = Allowed SP = Special P | | N = Prohibited SPR = Site Pla | | | | |
| | | Residential-1 (R1) | Residential-2 (R2) | Residential-3 (R3) | Commercial (C) | Industrial (I) | Public (P) |
| | ACESSORY USE | | | | | | |
| | Roof-Mounted Solar Energy System | Y | Y | Y | Y | Y | Y |
| | Small-Scale Ground- Mounted Solar Energy System | Y | Y | Y | Y | Y | Y |
| | Medium-Scale Ground-Mounted Solar Energy System | SPR | SPR | SPR | Y | Y | Y |
| | Y = Allowed SP = Special P | | N = Prohibited SPR = Site Pla | | | | |

Resources

- Model Zoning for the Regulation of Solar Energy Systems, Massachusetts Dept. of Energy Resources, 2014.
- Renewable Energy Ordinance Framework, DVRPC, 2016
- https://www.dvrpc.org/EnergyClimate/ModelOrdinance/Solar/pdf/2016_DVRPC_Solar_REOF_Reformatted_Final.pdf
- Solar Friendly Zoning Toolbox, Solar Simplified: http://solarsimplified.org/permitting/solar-zoning-toolbox/solarzoningordinance

| I , as | [Title] | of | [Community] | , | [State] |
|---|---------|------|-------------|---|---------|
| have received the zoning review and read its find | | Date | | | |



NATIONALLY DISTINGUISHED. LOCALLY POWERED.



SolSmart Program

• SolSmart is a **national designation program** created to **recognize communities** that have taken key steps to address local **barriers to solar energy** and foster the **growth of mature local solar markets**.



- Solsmart is funded by the U.S. Department of Energy's Solar Energy Technologies Office (SETO).
- It provides **no-cost technical assistance** from a team of national experts to evaluate local government programs and practices that impact solar markets **and to find opportunities for improvement.**
- It seeks to increase installed solar capacity by reducing the "soft costs" of solar such as permitting, financing, and installation, thus making it easier for local residents and businesses to acquire solar.

Solsmart BRONZE Designation



A community must meet the overall program requirements, earn 20 points each in the permitting, planning, zoning, and development regulation categories, and achieve an additional 20 points across all remaining categories.

Solsmart SILVER Designation



A community must first achieve the requirements for SolSmart Bronze, then meet additional requirements in planning, zoning and development regulations and inspection procedures, and earn 100 points total across all categories.

Solsmart GOLD Designation



A community must first achieve the requirements for SolSmart Silver, then meet one additional requirement in permitting and achieve 200 points total across all categories • Cities that achieve any designation level will receive national recognition through the SolSmart website, media campaign mentions, and other means

Local SolSmart Communities

GOLD:

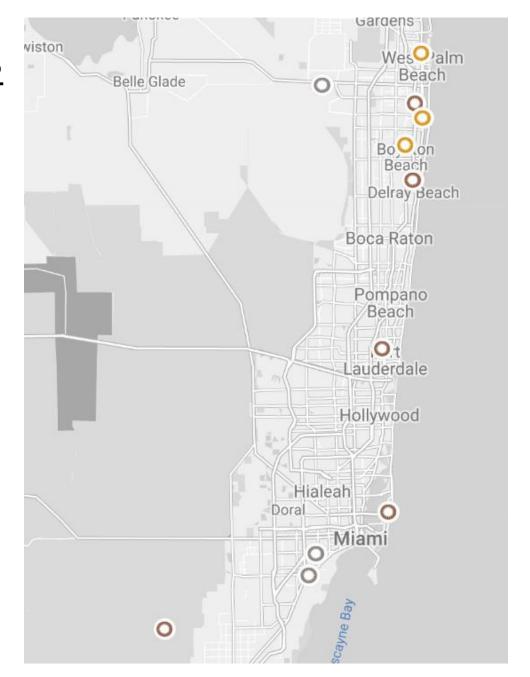
- West Palm Beach
- Lantana
- Boynton Beach

SILVER:

- Palm Beach County
- Pinecrest
- South Miami

BRONZE

- Miami-Dade County
- Broward County
- Miami Beach
- Delray Beach
- Lakeworth



Where We Are

- In the process of achieving Bronze
 - Fundamental Categories
 - 60 points for Permitting
 - 10 points for Planning and Zoning
 - Special Focus Categories
 - 60 points for Inspection
 - 20 points for Construction
 - 25 points for Community Engagement
 - 15 points for Market Development and Finance



Beyond Bronze Designation

- Either Silver or Gold designation would require changes to the Zoning regulations including:
 - Adding definitions of Solar Energy systems, including rooftop, large medium and small scale systems Solar photovoltaic and solar hot water,
 - Adding solar as an accessory use in all districts,
 - Allowing solar equipment to be visible from the street,
 - Providing and allowance or exempting solar equipment from maximum height requirements,
 - Allowing areas covered by ground mounted systems to count as impervious area in lot coverage calculations,
 - Allowing ground mounted solar systems to meet setback requirement of other accessory structures,
 - Adding language to treat solar installations as mechanical equipment,



