

Town of Miami Lakes

**AGENDA
LPA Meeting
January 23, 2018
6:00 PM
Government Center
6601 Main Street
Miami Lakes, Florida 33014**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance/Moment of Silence**
- 4. Approval of Minutes**
 - A. Attached please see the minutes from the December 12, 2017 Planning and Zoning Meeting.**

- December 12, 2017 Planning and Zoning Meeting Minutes**

5. Business Requiring Board Action

QUASI-JUDICIAL PUBLIC HEARINGS - Please be advised that the following item on the Board's agenda is quasi-judicial in nature. An opportunity for persons to speak on this item will be made available after the applicant and staff have made their presentations on the 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.

- A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.07 +/- ACRE PROPERTY LOCATED AT 14575 NW 77 AVENUE (FRONTAGE ROAD), AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT "A", FROM THE GU, INTERIM DISTRICT, TO RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**
- B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO CONDITIONAL USES; AMENDING SECTION 13-303, ENTITLED "CONDITIONAL USES", ESTABLISHING PROVISIONS REGARDING THE CESSATION OF OPERATIONS OF USES**

CLASSIFIED AS CONDITIONAL USES AND ANNUAL CERTIFICATE OF USE RENEWAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Mestre)

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 Hall, 6601 Main Street, Miami Lakes 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 Town Council 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.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.



Town of Miami Lakes Memorandum

To: Honorable Chairman Rodriguez & Board Members
From: Gina M. Inganzo, Town Clerk
Subject: Approval of Minutes
Date: 1/23/2018

Recommendation:

Attached please see the minutes from the December 12, 2017 Planning and Zoning Meeting.

- December 12, 2017 Planning and Zoning Meeting Minutes

ATTACHMENTS:

Description

December 12 2017 P&Z Meeting Minutes

MINUTES
Planning and Zoning Minutes
December 12, 2017
7:00 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Chairman Jeffrey Rodriguez called the meeting to order at 7:00 p.m.

2. Roll Call:

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

3. Pledge of Allegiance/Moment of Silence:

Chairman Jeffrey Rodriguez led the Pledge of Allegiance and called for a moment of silence.

4. Approval of Minutes:

- December 12, 2017 Planning and Zoning Meeting Minutes

Vice Chairman De la Sierra motioned to approve the minutes and Chairman Rodriguez seconded the motion. The motion passed, 4-0, with Board Members: Homero Cruz, Avelino Leoncio and Robert Julia absent.

5. Business Requiring Board Action:

- A. In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Einstein Bros Bagels (the “Applicant”) is requesting the following variance(s):

A variance from Section 13-1904(3) b.5 of the Town’s Zoning Code to permit the business to have second exterior sign (which shall face NW 154 Street), where only one (1) sign per business is permitted.

The Deputy Town Clerk, Nicole Cuellar, swore in anyone wishing to speak.

Chairman, Jeffrey Rodriguez, read the title of 5A into the record.

Senior Planner, Susana Alonso, presented item 5A and answered questions posed by the Board Members.

Applicant, Ingrid, spoke on behalf of the owner of Einstein Bros Bagels.

Chairman Rodriguez motioned to approve the variance with staff recommendations and Vice Chairman De la Sierra seconded the motion. Chairman Rodriguez then added to the motion stating that he approves specific to the set of plans as submitted. The Deputy Town Clerk, Nicole Cuellar, called the roll and all were in favor.

- B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO GOVERNMENTAL FACILITIES; AMENDING DIVISION 24, ENTITLED "GP GOVERNMENTAL PROPERTY DISTRICT," OF ARTICLE IV, ZONING DISTRICT REGULATIONS, OF CHAPTER 13, LAND DEVELOPMENT CODE; ESTABLISHING PROVISIONS FOR THE REVIEW AND APPROVAL OF GOVERNMENTAL FACILITIES; PROVIDING FOR COMPLIANCE WITH STATE STATUTES; PROVIDING FOR ADOPTION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Nelson Rodriguez)

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

Planning Director, Darby Delsalle, presented item 5B and answered questions posed by the Board Members.

Vice Chairman de la Sierra motioned to approve as per staff recommendations and Chairman Rodriguez seconded the motion. The Deputy Town Clerk, Nicole Cuellar, called the roll and all were in favor.

- C. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, AMENDING THE TOWN'S CODE OF ORDINANCES AT CHAPTER 35, ARTICLE II, COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY; RELATING TO THE PLACEMENT OF UTILITIES OTHER THAN COMMUNICATION FACILITIES LOCATED WITHIN THE RIGHTS-OF-WAY, BOTH ABOVE AND BELOW GROUND; CREATING ARTICLE III, PROVIDING FOR REGULATIONS RELATING TO THE PLACEMENT OF COMMUNICATION FACILITIES, WIRELESS FACILITIES, PASS-THROUGH FACILITIES, AND OTHER SIMILAR FACILITIES, WITHIN THE TOWNS RIGHTS-OF-WAY, BOTH ABOVE AND BELOW GROUND; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Rey)

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

Planning Director, Darby Delsalle, presented item 5C and answered questions posed by the Board Members.

Vice Chairman De la Sierra motioned to approve as per staff recommendations and Chairman Rodriguez seconded the motion. The Deputy Town Clerk, Nicole Cuellar, called the roll and all were in favor.

6. Director's Reports

A. January Meeting

Darby Delsalle reported on moving the January meeting to the 23rd. Chairman Rodriguez motioned to approve moving the next Planning and Zoning Meeting to January 23rd and Vice Chairman De la Sierra seconded the motion. All were in favor.

7. Adjournment:

There being no further business to come before the Board, the meeting adjourned at 7:52 P.M.

Approved this 23rd day of January 2018.

Jeffrey Rodriguez
Chairman

Attest:

Gina Inguanzo
Town Clerk



Town of Miami Lakes Memorandum

To: Honorable Chairman and Members of the Local Planning Agency
From: Darby Delsalle, AICP, Director
Subject: NW 77th Ave Rezoning
Date: 1/23/2018

Recommendation:

Staff recommends approval of the proposed ordinance rezoning the property as described in Exhibit "A" of said ordinance, from GU, Interim District, to RO-13, Low Density Residential/Office.

Background:

The subject property is an irregularly shaped and undeveloped lot consisting of three (3) parcels, much of which is encumbered by easements owned by Florida Power and Light (FPL). FPL has transmission lines that traverse approximately two-thirds (2/3) of the land. The property is located at the south end of NW 77 Avenue east of the Palmetto Expressway (SR 826). The Applicant is requesting a rezoning for this undeveloped property as part of a larger development plan to construct an office building at the site. The applicant's development application could proceed without the rezoning given the nature of the GU, Interim zoning district, which is a place holder of sorts for lands not previously assigned a more specific designation. Development of a GU parcel follows the trending of development of other contiguous properties, in this case RO-13. For purposes of greater clarity, it is preferred that the land be rezoned consistent with the adjacent office/residential district and the underlying Office/Residential land use designation. By squarely aligning the property with the zoning regulations that would otherwise apply, future development of the land may follow a more predictable path. It is the Applicant's intent to bring to the Town Council a site plan application for an office building on the property when this rezoning request returns for second reading. Nevertheless, this request should stand on its own merits as a RO-13 rezoning is most appropriate for the property regardless of any current or future site plan request.

ATTACHMENTS:

Description

Ordinance

Exhibit A - Survey

Exhibit B - Proposed zoning map

Staff Report

ORDINANCE NO.18- ____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 2.07 +/- ACRE PROPERTY LOCATED AT 14575 NW 77 AVENUE (FRONTAGE ROAD), AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT “A”, FROM THE G U , INTERIM DISTRICT, TO RO-13, LOW DENSITY RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 13-306 of the Code of the Town of Miami Lakes ("Town Code"), Alari Holding 1, LLC., (the "Applicant") applied for an amendment to the Official Zoning Map from the G U , Interim District, to the RO-13, Low Density Residential/Office District on a 2.07 +/- acre property located 14575 NW 77th Avenue, Miami Lakes, Florida (the "Property") as described at Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, a map depicting the Property to be rezoned is attached as Exhibit “B”, attached hereto and incorporated herein by reference; and

WHEREAS, Subsection 13-306(b) provides that proposed amendments to the Official Zoning Map be evaluated by the Administrative Official, the Local Planning Agency and the Town Council; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the Official Zoning Map and recommends approval, as set forth in the Staff Analysis and Recommendation dated <DATE>, 2018; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on January 23, 2018, after conducting a properly noticed quasi-judicial 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 has reviewed and recommends approval of the rezoning; and

WHEREAS, on February _____, 2018, after conducting a properly noticed quasi-judicial public hearing and considering the comments of the public, and the recommendations of Local Planning Agency and the Administrative Official, the Town Council moved the proposed amendment on first reading; and

WHEREAS, on March _____, 2018, the Town Council conducted a properly advertised quasi-judicial public hearing on the proposed amendment; and

WHEREAS, the Town Council finds it in the public interest to adopt the proposed amendment to the Official Zoning Map.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

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

Section 2. Findings. After considering Staff's Recommendation and Analysis, both submitted in writing and presented orally and which is accepted as substantial competent evidence, testimony of the Applicant, and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment to the Official Zoning Map is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Official Zoning Map found in Subsection 13-306(b) of the

Town Code.

Section 3. Approval of Rezoning. The Town Council hereby adopts the amendment to the Official Zoning Map for the Property described at Exhibit "A" and depicted in Exhibit "B", from the GU, Interim District, to the RO-13, Low Density Residential/Office District.

Section 4. Direction to the Administrative Official. Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Official Zoning Map to implement the terms of this Ordinance.

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. Effective date. This Ordinance shall become effective after second reading and upon the Applicant's payment in full of all fees associated with the Applicant's request .

FIRST READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of February, 2018.

SECOND READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of March, 2018.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

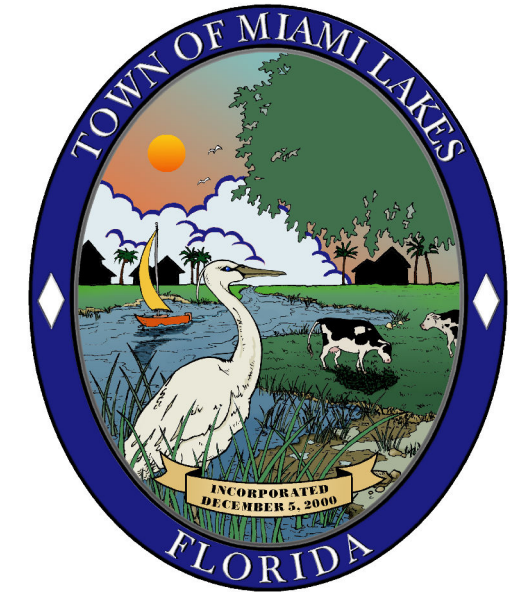
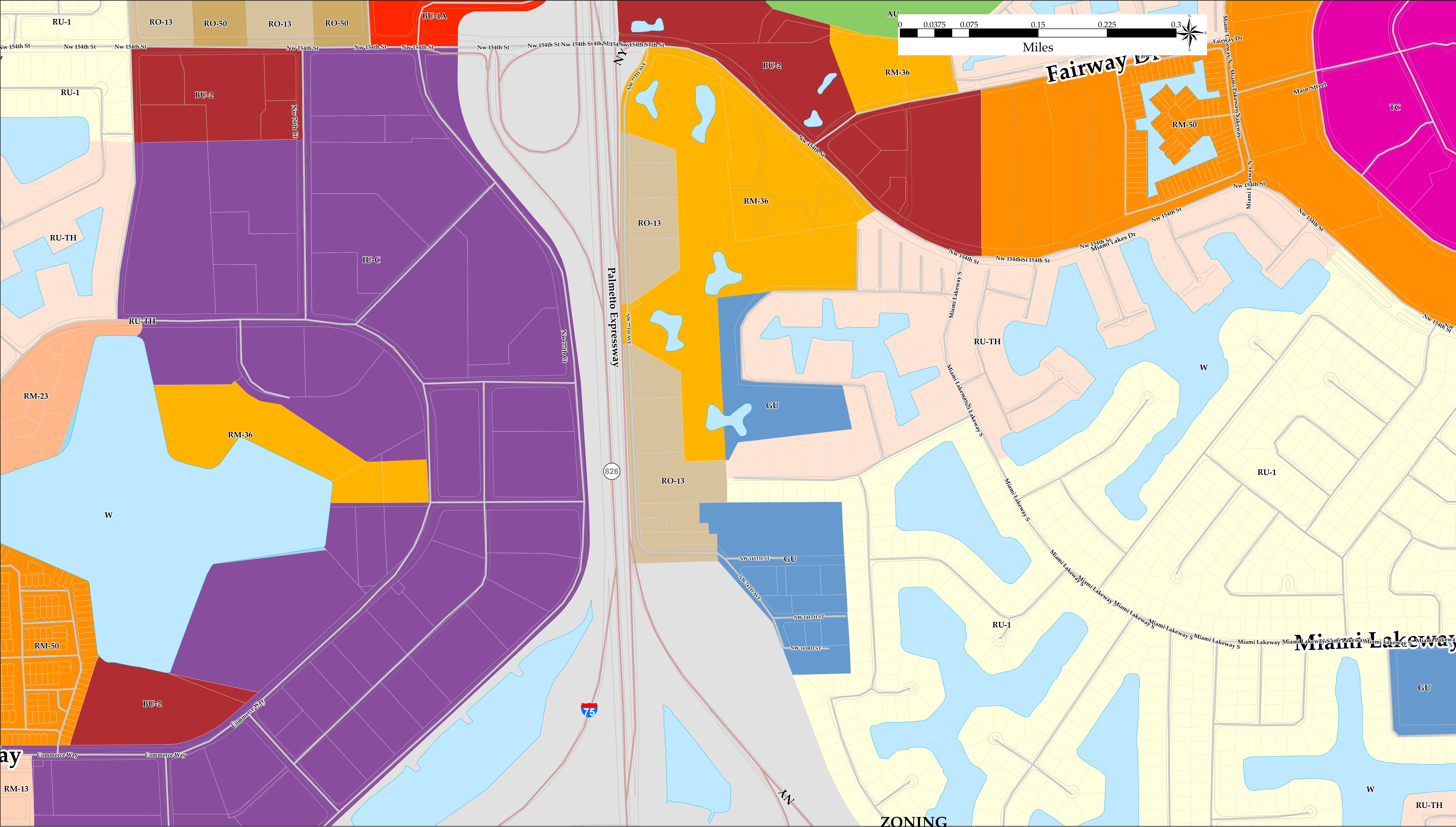
Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT B

MAP



Town of Miami Lakes Proposed Zoning Map

Attachment B: ZONE2017-0614

ZONING

 RU-1	 RU-TH	 RO-13	 IU-1	 Water
 RU-1A	 RM-13	 RO-50	 IU-C	 Right-of- Way
 RU-1Z	 RM-23	 TC	 GU	
 RU-2	 RM-36	 BU-1A	 AU	
	 RM-50	 BU-2		



Planning Department
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Chairman and Members of the Local Planning Agency

From: Darby Delsalle, AICP, Planning Director

Subject: **HEARING NUMBER:** ZONE2017-0614
APPLICANT: Alari Holdings I, LLC
FOLIO: 32-2023-001-0550;
32-2023-001-0560;
32-2023-001-0541
LOCATION: 14575 NW 77 Avenue
ZONING GU – Interim District
FUTURE LAND USE: Office/Residential

Date: January 23, 2017

A. REQUEST

In accordance with the Town of Miami Lakes Land Development Code (the “Code”), Alari Holdings I, LLC (the “Applicant”) is requesting an amendment to the Official Zoning Map (a “rezoning”) from the GU, Interim District, to RO-13, Low Density Residential/Office District for the property described at Exhibit “A” of the proposed ordinance.

B. SUMMARY

The Applicant is requesting a rezoning for this undeveloped property as part of a larger development plan to construct an office building at the site. The applicant’s development application could proceed without the rezoning given the nature of the GU, Interim zoning district. The GU district is a place holder of sorts for lands not previously assigned a more specific designation. Development of a GU parcel is supposed to follow the trending of development of other contiguous properties, in this case RO-13. It is preferred, however, to simply have land rezoned consistent with the adjacent office/residential district and the underlying Office/Residential land use designation. By squarely aligning the property with the zoning regulations that would otherwise apply, future development of the land may follow a more predictable path.

It is the Applicant’s intent to bring to the Town Council a site plan application for an office building on the property when this rezoning request returns for second reading. Nevertheless, this request

should stand on its own merits, as a RO-13 rezoning is most appropriate for the property regardless of any current or future site plan request.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends that the Town Council approve the proposed ordinance rezoning of the property as described in Exhibit "A" of said ordinance, from GU, Interim District, to RO-13, Low Density Residential/Office.

D. BACKGROUND

Existing Zoning District: GU, Interim District

Proposed Zoning District: RO-13 Low Density Residential/ Office

Future Land Use Designation: OR Office/Residential

Subject Site:

The subject property is an irregularly shaped and undeveloped lot consisting of three (3) parcels, much of which is encumbered by easements owned by Florida Power and Light (FPL). FPL has transmission lines that traverse approximately two-thirds (2/3) of the land. The property is located at the south end of NW 77 Avenue east of the Palmetto Expressway (SR 826). East of the property is an area zoned GU that is developed as an FPL transfer station. The land north of the property is zoned RO-13 and developed with a two (2) story office building; the lands to immediate south are zoned GU and part of FDOT's rights-of-way for SR 826.

Surrounding Property:

	Land Use Designation	Zoning District
North:	OFFICE RESIDENTIAL (OR)	RO-13 Low Density Residential/Office
South:	LOW DENSITY RESIDENTIAL (LD)	Interim District (GU)
East:	LOW DENSITY RESIDENTIAL (LD)	Interim District (GU)
West:	LOW DENSITY RESIDENTIAL (LD)	Interim District (GU)

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Subject Property Location Map:

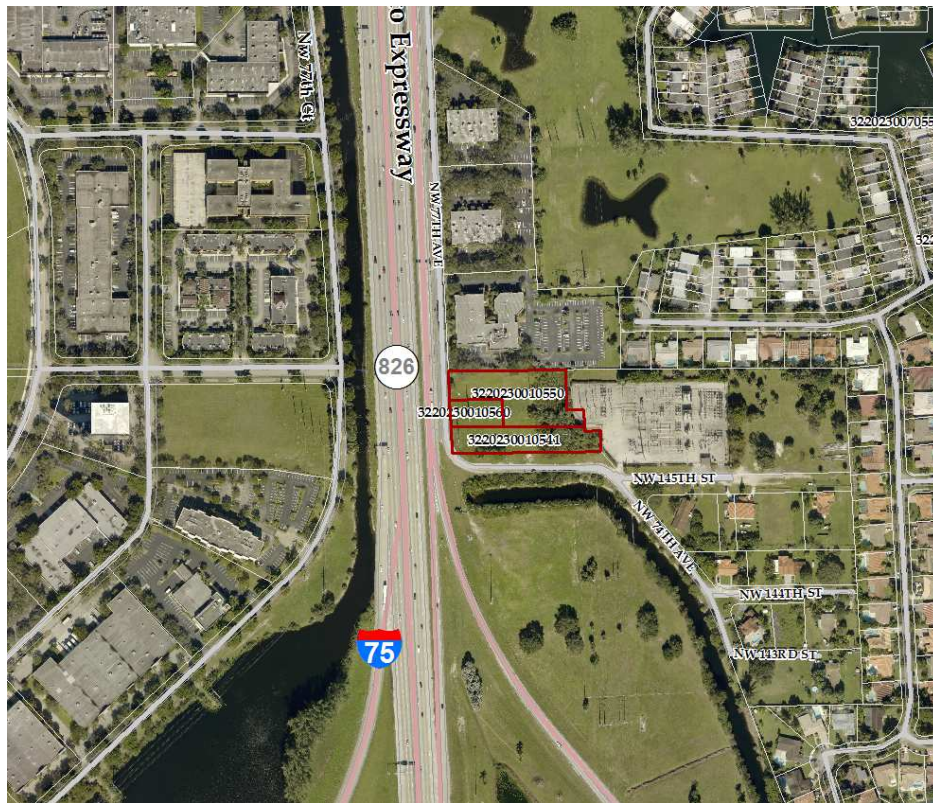


Figure 1: Location aerial and folio numbers

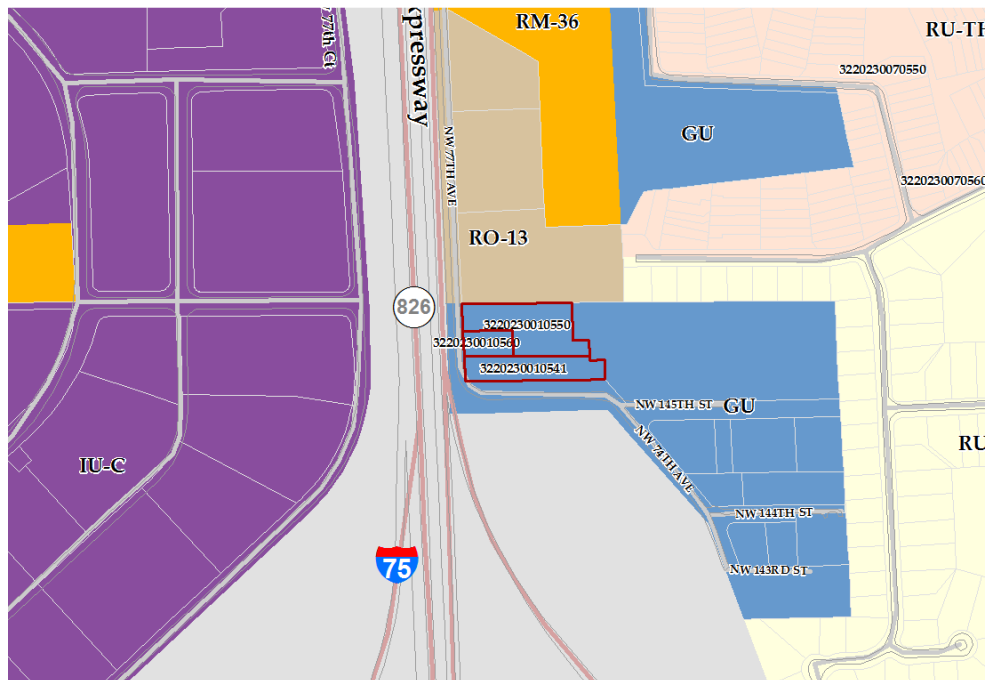


Figure 2: Existing zoning map

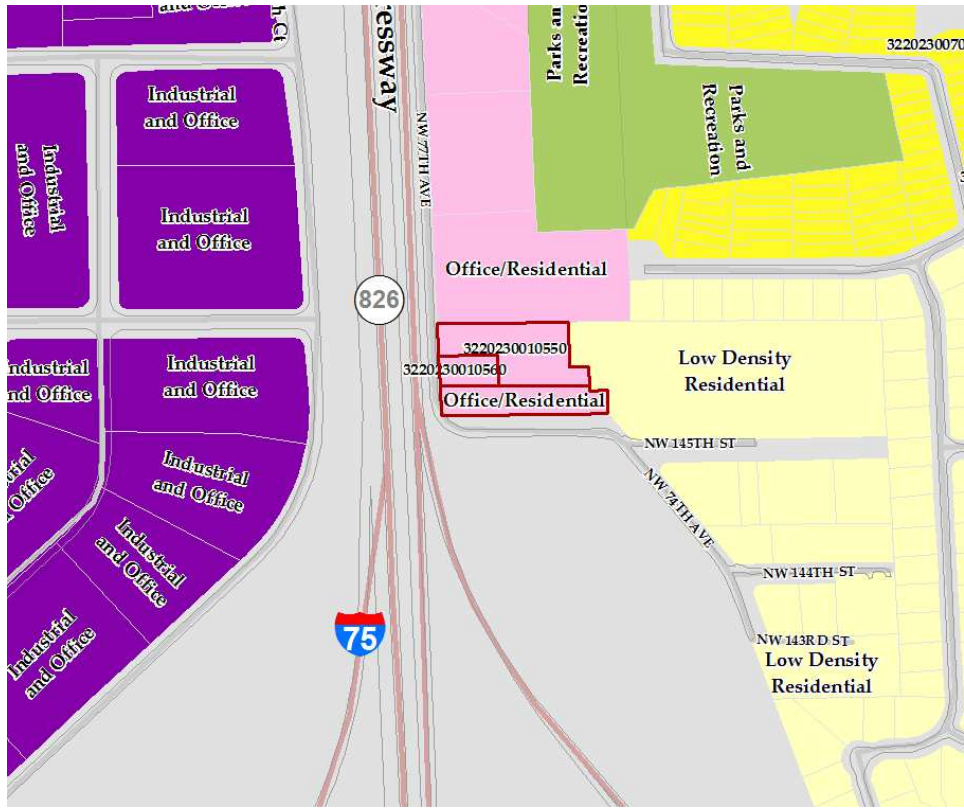


Figure 3: Existing Future Land Use map

E. ADJACENT MOBILITY PROJECTS

On April, 25, 2016, the Town Council of the Town of Miami Lakes adopted Ordinance No. 16-192, establishing the Town's Mobility Fee Program. The program is a replacement for traditional transportation concurrency review as provided for by Florida Statutes, and seeks to enhance internal Town mobility through the use of several modalities. The comprehensive approach identifies specific projects throughout the Town, all aimed at improving traffic and mobility improvements. The projects identified below have been adopted by the Town Council as part of that initiative and are described herein due to their adjacency to the proposal that is the subject of this report.

Initiative: Reconfiguration of the SR 826/Palmetto Expressway and NW 154th Street, which includes the following:

- a. Widening of NW 154th Street from NW 82nd Avenue to NW 77th Avenue;
- b. Direct ramp to I-75 from NW 154th Street;
- c. East-West underpass across the Palmetto Expressway at NW 146th Street.

Status: Project is in the design phase with an expected completion by 2nd Quarter 2018. Construction is to commence FY 2021. Project will alleviate congestion on NW 154th Street, by providing an enhanced access point onto I-75, and creating an additional east/west connectivity point within the Town.

Initiative: Adaptive Signalization on NW 154th Street from NW 87th Avenue to NW 77th Avenue.

Status: The Town Council approved the procurement of the Adaptive Signalization equipment and has entered an Inter-local for its installation, maintenance and operation. Miami-Dade County Traffic Engineering is completing assessment of existing infrastructure for compatibility.

Initiative: Greenway Trail along NW 77th Court from NW 170th Street to its terminus at the proposed dog park near NW 82nd Avenue.

Status: Project is in the design phase and provides for a ten (10) foot shared use pathway. Construction to be aligned with FDOT's SR 826 project with provides improvement in and around NW 154th Street with a projected start of FY 2021.

Initiative: Construction of a new Park-and-Ride Facility at Par 3 near NW 77th Avenue.

Status: Town is working with the Graham Companies on the land transfer for the Park-N-Ride Facility and is coordinating with Miami-Dade County Public Works and Transportation to secure funding through Miami-Dade County road impact fees.

F. Open Building Permit(s) / Open Code Compliance Violation(s)

There are no open building permits associated with this property.

G. ZONING HISTORY

The site is currently undeveloped. It has been zoned GU since the Town's incorporation.

H. PROCEDURALLY

This application is initiated by the owner of the land involved, and it is part and parcel with a development plan to construct an office building on the property. As such, this particular request, and any companion applications as provided under separate cover, shall proceed under quasi-judicial rules as the benefit inures to that specified development plan. When this item returns for second reading, it will be accompanied by a site plan request. The rezoning request shall be voted on before the site plan request.

I. ANALYSIS

The Land Development Code (LDC) provides that all proposed amendments to the Official Zoning Map and to the text of 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 application:

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

The following is a broad review of the relevant Goals Objectives and Policies (GOP's) of the Comprehensive Plan. Portions of Element 8, Capital Improvement Element, that address Level of Service (LOS) standards, as found more specifically at Policy 8.3.5, are not specifically enumerated here as they merely are a redundancy of the GOP's analyzed below. The review provided below includes that policy by reference¹.

Analysis: The uses permitted with the proposed RO-13 zoning is consistent with the underlying land use designation of Office Residential (OR) which is defined as follows:

**Office/Residential (OR)* - Uses allowed in this category include both professional and clerical offices, hotels, motels, public facilities and residential uses. Office developments may range from small-scale professional office to large-scale office parks. A specific objective in designing developments to occur in this category is that the development should be compatible with any existing or future adjacent residential uses. The maximum scale and intensity of office, hotel and motel development in OR areas shall be based on such factors as site size, availability of services, accessibility, and proximity and scale of adjacent residential uses. Residential uses are also allowed in the OR category. Residential development may be authorized at a density up to one (1) density category higher than the average of adjacent residential land uses. When residential uses are mixed with office uses, the overall scale and intensity shall be no greater than that which would be approved if the parcel was in either office only or residential use only, whichever is higher. However, residential use shall not be developed on over 50% of the area of any individual site. Within the OR category, business uses ancillary and to serve the on-site uses may be integrated in an amount not to exceed 15 percent of the total floor area. However, the Office/Residential designation does not authorize any other business or commercial uses. The maximum floor area ratio (FAR) permitted is 0.4 for a one-story building, plus 0.2 for each

¹ Element 8, Capital Improvement Element, of the Comp Plan, provides for Level of Service infrastructure standards within the Town. Policies 2.1.8, 2.2.1, 2.2.2, 4A.1.1, 4B.1, 5.1.1, 8.3.1 are a restatement of Policy 8.3.5 of that element. In the interest of avoiding redundancy, portions of that Policy are not restated here in this report. The analysis provided herein shall equally apply to that policy.

additional story, not to exceed a total FAR of 2.0. The maximum height permitted in this category is 2 stories, not to exceed 35 feet; however, the maximum height can be exceeded with approval through a public hearing.

Finding: Complies

Policy 2.1.8: In-lieu of traditional transportation concurrency, the Town shall mitigate the mobility impacts of development and redevelopment, and provide a portion of funding needed to implement the improvements identified in the Element, through a mobility fee.

Analysis: See Summary Section, Background Section, and Adjacent Mobility Project Section. Development of this property could proceed without a rezoning. However, the rezoning of this property does serve to properly align the zoning of the land with those to its north that share frontage on NW 77th Avenue, and to provide for a more predictable development standard. Development along this frontage road adjacent to the SR-826 consists of one and two-story office buildings. As such, rezoning of the land to RO-13 provides no greater impact than already potentially exists with the current GU zoning. A number of mobility projects are scheduled for the adjacent roadway connection points as more particularly described at Section E above. Any development of the project is subject to a mobility fee to be determined at time a site plan application and review. A more complete analysis of this standard will be provided at the time of site plan review.

Finding: Consistent.

Objective 2.2: MULTIMODAL LEVELS-OF-SERVICE

Achieve the adopted levels-of-service for vehicular, bicycle, pedestrian and transit modes.

Analysis: See Policy 2.1.8.

Finding: Conditionally complies as provided for at Policy 2.1.8.

Policy 2.2.1: For purposes of capital improvements planning, the Town hereby adopts the following vehicular level of service (LOS) standards:

West of Palmetto Expressway (outside urban infill area): LOS D (90% of capacity at peak hour) or better, except State urban Minor arterial roads which may operate at LOS "E" (100% of capacity at peak hour) or above.

Analysis: See Section E, Mobility Projects, and Policy 2.1.8. The proposed project will benefit from several proposed transportation improvements in the neighboring areas as further specified in Section E, Mobility Projects, of this report.

Finding: Consistent

Policy 4A.1.1: To assure adequate level of service for potable water, the Town hereby adopts the following LOS standard:

- a. Regional Treatment. The regional treatment system shall operate with a rated maximum daily capacity of no less than 2% above the maximum daily flow for the preceding year, and an average daily capacity of 2% above the average daily system demand for the preceding 5 years.
- b. Delivery. Water shall be delivered to users at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi. Unless otherwise approved by the Miami-Dade Fire Department, minimum fire flows based on the land use served shall be maintained as follows:

<u>Land Use</u>	<u>Min. Fire Flow (gpm)</u>
Single Family Residential Estate	500
Single Family and Duplex; Residential on minimum lots of 7,500 sf	750
Multi-Family Residential;	1,500
Semi-professional Offices Hospitals; Schools	2,000
Business and Industry	3,000

- c. Water Quality. Water quality shall meet all federal, state and county primary standards for potable water.
- d. Countywide Storage. Storage capacity available throughout the County for finished water shall equal no less than 15% of the countywide average daily demand.
- e. Maintain the potable water standard of 91 gallons/capita/day.

Policy 4A.2.1: Encourage future development into areas that are already served, or programmed to be served, by MDWASD potable water facilities.

Policy 4B.1.1: To assure adequate level of service for sanitary sewer service, the Town hereby adopts the following LOS standard:

Regional Plants. Regional wastewater treatment plants shall operate with a physical capacity of no less than the annual average daily sewage flow.

Effluent. Effluent discharged from wastewater treatment plants shall meet all federal, state, and county standards.

System. The system shall maintain capacity to collect and dispose of 102 percent of average daily sewage demand for the preceding five years.

Maintain the sanitary sewer standard of 81.9 gallons/capita/day.

Policy 4B.2.1: Encourage future development into areas that are already served, or programmed to be served, by MDWASD sanitary sewer facilities.

Analysis: See Summary Section, Background Section, and Adjacent Mobility Project Section. Development of this property could proceed without a rezoning. However, the rezoning of this property does serve to properly align the zoning of the land with those to its north that share frontage on NW 77th Avenue, and to provide for a more predictable development standard. Development along this frontage road adjacent to the SR-826 consists of one and two-story office buildings. As such, rezoning of the land provides no greater impact than already potentially exists with the current zoning. It will be required that any future construction of the site builds out the required infrastructure for potable water and sewer services. A more complete analysis of this standard will be provided at the time of site plan review.

Finding: Complies.

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

Analysis: See Summary Section and Section 1. The application was properly noticed pursuant to Section 13-309 of the Town's Land Development Code. A review of the Land Development Code found no provisions in conflict with the request. The request complies with the underlying land use designation.

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 Summary Section and Criterion 1. Give that development could proceed without the rezoning, best practices would prefer the rezoning to eliminate any potential unpredictability of development moving forward.

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 Summary Section and Background Section, and Criteria 1 and 3.

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 Criterion 1 and all portions of this report. Any development of the site will require compliance with the mobility fee program and water/sewer allocation by Miami-Dade County. Fuller compliance review will be completed at the time of site plan review.

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: No natural features have been identified in the area proposed for rezoning that would potentially be vulnerable to negative impacts of the proposed development permitted by the RO-13 regulations. A fuller review will be required by the Miami-Dade County prior to construction activities.

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 Summary Section and Background Section. The proposed rezoning is not expected to affect adversely property values in the area, or the general welfare. It merely aligns the zoning of the property to the underlying land use on those contiguous properties north of the lot.

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 Criteria 1, 3, and 7.

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 Summary Section and Criteria 1, 3, and 7.

Finding: Complies.

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

Analysis: See Summary Section and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed rezoning is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.



Town of Miami Lakes Memorandum

To: Honorable Chair and Members of the Land Planning Agency
From: Darby Delsalle, AICP, Planning Director
Subject: Conditional Uses
Date: 1/23/2018

Recommendation:

Staff recommends approval of the ordinance amending the Conditional Use provisions to provide for the sunseting of such approvals when the uses cease operations.

Background:

On May 2, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions addressing the disposition of conditional uses that have ceased operations, and to return, if possible, with an amendment to the Land Development Code (LDC) that allows such conditional use approvals to expire once they cease to operate for a specified period of time. The principal concern is whether conditions within the neighborhood may have changed to point where the original approval is no longer in harmony with the original approval of a Conditional Use that ceased operations. The question at hand in such a situation is, should the reestablishment of the Conditional Use require a new zoning application, and/or should these approvals sunset after the use has ceased for a period of time. The proposed amendment would codify the conditions under which such approvals would expire. This provision also provides for the sunseting of nonconforming conditional uses that have ceased operation. Language is also provided to clarify the appropriate procedure for the addition, expansion, or intensification of a nonconforming Conditional Uses. Those application will require Conditional Use review. Finally, language is provided to provide for administrative adjustments to Conditional Uses where it is deemed such changes comply with Code and any impact is minor.

ATTACHMENTS:

Description

Staff Report

Ordinance



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Darby P. Delsalle, AICP, Planning Director
Subject: Conditional Use Expirations
Date: January 23, 2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO CONDITIONAL USES; AMENDING SECTION 13-303, ENTITLED "CONDITIONAL USES", ESTABLISHING PROVISIONS REGARDING THE CESSATION OF OPERATIONS OF USES CLASSIFIED AS CONDITIONAL USES AND ANNUAL CERTIFICATE OF USE RENEWAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Ceaser Mestre)

A. BACKGROUND

On May 2, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions that address the disposition of conditional uses that have ceased operations, and to return, if possible, with an amendment to the Land Development Code (LDC) that allows such conditional use approvals to expire once they cease to operate for a specified period of time. As provided by Code, Conditional Uses are uses that would not be appropriate without additional restriction throughout a land use district in which they are located unless otherwise "controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood." The principal concern is whether conditions within the neighborhood have changed to point where the original approval is no longer in harmony with the original approval of a Conditional Use that ceases operations. The question at hand in such a situation is, should the reestablishment of the Conditional Use require a new zoning application.

In the absence of greater specificity within the Town's LDC, general law provides for Conditional Use approvals to "run with the land" unless otherwise specified within a development order. In other words, unless it is so specified in the approving development order itself, a Conditional Use approval could potentially remain in perpetuity regardless of the amount of time that has passed

since its original approval or its cessation of operations. Our community is not static, it continues to change overtime as vacant parcels are built upon, residents move in, and business are established. A dormant approval reactivated after several years of inactivity may result in unintended land use conflicts not originally contemplated at the time of its approval, or for that matter, the approval of subsequent development in and around the neighborhood.

The majority of the Conditional Uses granted by the Town Council included a trigger within the development order that allowed the approval to sunset. They are typically tied to the renewal of the Business Tax Receipt (BTR), the Certificate Use (CU), or both. A complete list of those approvals was compiled, and the Town's Code Compliance Division is actively reaching out to those active businesses that need to renew their approvals. Code Compliance is also verifying those uses that have since shuttered so those related approvals can be closed-out. The proposed amendment would codify the conditions under which such approvals would expire.

It is worth noting that there remains other uses that were approved prior to the Town's Conditional Use provisions, that if they were to be established today, would be so classified. It is possible that some of those uses may have also ceased operations. The proposed amendment seeks to address this condition consistent with those approved through current Town requirements. Finally, and particularly as it pertains to such uses approved prior to the Town's Conditional Use provisions, language is provided clarifying that any addition, expansion, or intensification of a nonconforming Conditional Use requires review through the Conditional Use provisions.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending the Conditional Use provisions to provide for the sunseting of such approvals when the uses cease operations.

C. 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: It is the continuing objective the Comprehensive Development Master Plan to ensure a proper mix of permitted uses in a manner that minimizes impact and maximizes benefit to the community. This is particularly reflective of the Objective 1.2 as provided below:

Objective 1.2: LAND DEVELOPMENT CODE

Maintain an effective and efficient Land Development Code (LDC), which implements the community vision underlying the goals, objectives and policies of adopted Comprehensive Plan, regulates the quality, scope and impacts of new development and redevelopment, coordinates future land uses with topography and soil conditions, and incorporates innovative land development techniques.

The proposed amendment allows conditional use approvals to sunset after they cease operations. This provision is provided for as the community is not static, change occurs overtime. Uses that expire are not always taken into account when new development comes on line. The provision provides for reconsideration when a Conditional use is reactivated so that its full impact can be mitigated within the existing community.

Finding: Complies

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

Analysis: The proposed ordinance conforms with the Town's LDC's. A review of the LDC's found no conflicts.

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 Section "A", Background, and Criterion 1. Unless otherwise specified within the development order, a Conditional Use approval "runs with the land." In other words, the approval never expires unless superseded by a follow up development order that specifically sunsets it. Conditions within the Town are not static, and older approvals may not be taken into account as the Town continues to grow and change. The proposed provisions address this concern by providing provisions that allow Conditional Use approvals to expire should operations cease over a period of time.

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 Section "A", Background, and Criteria 1 and 3. The proposed ordinance does not change the existing permitted use of land. It does provide for procedures to reestablish a conditional use that has ceased operations to ensure continued compatibility with the neighborhood in which it is located.

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 Section “A”, Background, and Criteria 1, 3, and 4. The very intent of the proposed ordinance is to ensure such potential impacts can be reviewed prior to the reestablishment of a Conditional Use.

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 Section “A”, Background, and Criteria 1, 3, 4, and 5. Implementation of the ordinance seeks to ensure that the natural environment is not negatively affected.

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 Section “A”, Background, and Criteria 1, 3, 4, and 5. Implementation of the ordinance seeks to ensure property values are not negatively affected.

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 Section “A”, Background, and Criteria 1, 3, 4, and 5. The very intent of the proposed ordinance is to ensure the orderly and compatible land use pattern of development.

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 Section “A”, Background, and Criteria 1, 3, 4, 5, and 8. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. The proposed ordinance provides a review procedure for previously authorized Conditional Uses to reestablish operations while ensuring such uses are in harmony with the intent and purpose of the LDC.

Finding: Complies.

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

Analysis: See Summary Section and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed code amendment is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.

ORDINANCE NO. 18-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO CONDITIONAL USES; AMENDING SECTION 13-303, ENTITLED “CONDITIONAL USES”, ESTABLISHING PROVISIONS REGARDING THE CESSATION OF OPERATIONS OF USES CLASSIFIED AS CONDITIONAL USES AND ANNUAL CERTIFICATE OF USE RENEWAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Ceaser Mestre)

WHEREAS, section 13-303 of the Town’s Land Development Code provides for review of conditional uses, which are uses that would not be appropriate within a particular zoning district unless otherwise controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood; and

WHEREAS, section 13-303 does not address the status of such uses when they cease to operate; and

WHEREAS, on May 2, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions that address disposition of conditional uses that have ceased operations; and

WHEREAS, on <DATE> 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 <DATE>, 2018, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on <DATE>, 2018, 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 13-303, Conditional Uses, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered

to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

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

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

FIRST READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of February, 2018.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2018.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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

EXHIBIT A
ORDINANCE

Sec. 13-303. - Conditional use approval.

- (a) *Generally.* ~~The purpose of this section is to ensure that a~~ A conditional use, is a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood. A conditional use ; shall only be permitted on specific sites as provided in a particular zoning district or as provided in this chapter, where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this section and other requirements of this chapter. An approval of a conditional use does not eliminate the need for other approvals, which may be required under this chapter, including but not limited to site plan review. Site plan approvals shall be processed concurrently with the conditional use application (and, if required, the site plan public hearing shall be held jointly with the conditional use public hearing) and the requirements of Sections 13-301 through 13-304, as applicable, shall be met. Any uses specified in this chapter as an "unusual use" shall be treated and processed as a conditional use under this section.

* * *

(c) Change or cessation of operation of a conditional use.

- (1) A change of conditional use to another conditional use shall require a review of a new application pursuant to this section.
- (2) A change of a conditional use to a permitted use shall operate as a cessation of the conditional use.
- (3) An expansion or intensification of a conditional use shall require a review of a conditional use application pursuant to this section. This shall also apply to an existing use that was legally established prior to March 6, 2018 and is classified as a conditional use pursuant to this chapter as of March 6, 2018. However, if the Administrative Official determines that the requested expansion or intensification is minor, the Administrative Official shall have the authority to review and approve, or approve with modifications or conditions the minor change, providing the change complies with the following:
 - a. Is compliant with the minimum requirements of Chapter 13;
 - b. Does not violate any conditions of the original approval;
 - c. Is compliant with concurrency requirements; and
 - d. Satisfactorily addresses land use compatibility, buffering, screening, and landscaping.

(4) Unless otherwise specifically authorized by Town Council issued conditional use development order, should a conditional use cease operation for more than twelve (12) continuous months, any use of the same property or portion thereof shall only be one that is permitted under this chapter and any reinstitution of the conditional use shall require a review of a new application pursuant to this section. For purposes of an existing use that was legally established prior to March 6, 2018 and is classified as a conditional use pursuant to this chapter as of March 6, 2018, the twelve (12) continuous month period shall be counted from March 6, 2018. The issuance or existence of a required license, permit or other governmental authorization to conduct such conditional use shall not mean that the use has not ceased, but the lack of any such required license, permit or authority shall create a rebuttable presumption that the use has ceased. Actions or activities of the property owner or agent of the property owner attempting to lease or rent the premises shall not be considered a use of the property in determining whether a conditional use has ceased.

(d) *Certificate of Use Renewal.* Beginning March 6, 2018, all property with a conditional use permit must annually renew its certificate of use on a time schedule consistent with the renewal of business tax receipts.