

Town of Miami Lakes

**AGENDA
LPA Meeting
July 18, 2017
6:00 PM
Town Hall
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. • March 21, 2017 P&Z Minutes**
 - June 20, 2017 LPA 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.

6. Ordinances- First Reading

- A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING; CREATING SECTION 13-799.7, PROHIBITING CANNABIS DISPENSING ORGANIZATIONS, MEDICAL MARIJUANA TREATMENT FACILITIES, AND INDEPENDENT TESTING LABORATORIES WITHIN THE TERRITORIAL JURISDICTION OF THE TOWN; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**
- B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING NOTICE REQUIREMENTS; AMENDING SECTION 13-309, REQUIRING MAILING NOTIFICATION DISTANCES REFLECTIVE OF SCALE OF DEVELOPMENT; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR**

ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.(Rodriguez, Cid, Collazo, Daubert, Lama, Mestre & Mingo)

C. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 13-301, RELATING TO DEVELOPMENT APPROVAL PROCEDURES; CREATING SECTION 13-301(s) REQUIRING DEVELOPER INFORMATION SESSIONS FOR ZONING APPLICATIONS OF A SPECIFIED DENSITY/INTENSITY THAT ARE SUBJECT TO TOWN COUNCIL CONSIDERATION; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Mingo, Cid, Collazo, Daubert, Lama, Mestre & Rodriguez)

7. Director's Report

8. 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 Chair and Members of the Local Planning Agency
From: Gina Inganzo, Town Clerk
Subject: Approval of Minutes
Date: 7/18/2017

Recommendation:

Attached please see the Minutes for your review.

- March 21, 2017 P&Zoning Minutes
- June 20, 2017 LPA Minutes

ATTACHMENTS:

Description

March 21 2017 PZ Minutes

June 20 2017 LPA Meeting Minutes

MINUTES
PLANNING & ZONING BOARD MEETING
March 21, 2017
6:00 p.m.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order

Chairman Jeffrey Rodriguez called the meeting to order at 6:11 P.M.

2. Roll Call

The Town Clerk, Gina Inguanzo, called the roll and the following Board Members were present: Robert Julia, Avelino Leoncio, Ameli Padron-Fragetta, Fred Senra, Vice Chairman Raul de la Sierra and Chairman Jeffrey Rodriguez. Board Members Homero Cruz was absent.

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

A. Minutes for February 21, 2017 Planning and Zoning Board Meeting

Vice Chairman de la Sierra made a motion to approve the minutes. The motion received a second from Board Member Senra and all were in favor. Board member Homero Cruz was absent.

5. Business Requiring Board Action

Assistant Town Attorney, Lorenzo Cobiella, explained that all the items in the agenda are quasi-judicial in nature and he proceeded to read the Quasi-Judicial Procedures.

The Town Clerk swore in anyone wishing to speak.

B. Hearing Number:	VARH2016-0019
Applicant:	Jesus Reyes
Folio:	32-2014-010-1110
Legal Description:	Lot 29, Block 5, MIAMI LAKES LOCH NESS SECTION, according to the Plat thereof as recorded in Plat Book 93, Page 45, of the Public Records of Miami-Dade County, Florida
Location:	7560 Loch Ness Drive Miami Lakes, 33014

Susana Alonso, Senior Town Planner, presented the item and answered questions posed by the Board

Darby P. Delsalle, Planning Department Director, answered questions posed by the Board.

Chairman Rodriguez opened the public hearing.

Albert Gonzalez, the architect, spoke on behalf of the applicant.

Maria Veronica Mauri spoke in opposition of the variance.

Diana Gaitan asked question about the variance.

The Applicant, Jesus Reyes, spoke on behalf of the variance.

After some informal discussion between the architect, the applicant and the neighbors, Vice Chairman De la Sierra made a motion for the applicant, the architect and neighbors to set outside the conversation amongst them and for them to come back once the conversations are conclusive. Board Member Padron-Fragetta seconded the motion and all were in favor. Board Member Cruz was absent.

Later on, at approximately 8:40 p.m., Chairman Rodriguez made a motion to bring back all the prior testimony of the initial offering over and to reopen the hearing and Vice Chairman De la Sierra seconded the motion. All were in favor.

Mr. Gonzalez, on behalf of the Applicant, explained the new proposal, which is: the setback in the site to be 25 feet for a CVS wall in the east side, setback on the west side also 25 feet, the setback will continue on the radius for 12 and a half feet up to the initial proposed fence started, so the wall would start at the west property line.

Maria Veronica Mauri stated that she has no objection with the new submitted proposal. Diana Gaitan stated that she has no objection with the new submitted proposal.

As no one else wished to speak, Chairman Jeffrey Rodriguez closed the public hearing.

Board Member Leoncio made a motion to approve the variance, as per the proposal submitted by the architect into the record, which reflects the following: that the fence on the East side would be 25 feet away from the property line, that the fence on the west side would also be 25 feet away from the property line with the exception of the one that is parallel to the cul de sac and there they have requested a 12 foot setback. Chairman Rodriguez seconded the motion. Board Member Leoncio amendment his motion to state that he also wanted to incorporate the proposal submitted as Exhibit A into the record. Chairman Rodriguez seconded the original motion with the amendment.

The Town Clerk called the roll and the variance passed unanimously 6-0. Board Member Homero Cruz was absent.

- C. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE TOWN COMPREHENSIVE PLAN; REDESIGNATING 9.445 +/--ACRE PROPERTY LOCATED ON THE WEST SIDE OF COMMERCE WAY AND N.W. 146TH STREET, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT “A”, FROM THE INDUSTRIAL AND OFFICE CATEGORY, TO THE MEDIUM DENSITY RESIDENTIAL CATEGORY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Susana Alfonso, Senior Town Planner, presented the item and answered questions posed by Board.

Darby P. Delsalle, Planning Department Director, answered questions posed by the Board.

Robert Elias spoke on behalf of the Applicant.

Luis Martinez, spoke on behalf of the Applicant.

Chairman Rodriguez opened the public hearing.

Alex Ariano, spoke in favor of the Senior Village community proposed by the Applicant, and stated that he was representing the Elderly Affairs Committee.

Dorothy Wix, spoke in favor of the Senior Village community proposed by the Applicant.

Lazaro Herrera spoke in opposition of the item and about increased traffic congestion that would be generated due to this project.

Susana Herrera spoke in opposition of the item and about increased traffic congestion that would be generated due to this project.

Mirtha Mendez spoke about her traffic concerns and increased traffic congestion that would be generated due to the project.

Marilyn Ruano spoke about traffic concerns and increased traffic congestion that would be generated due to the project.

Claudia Luces asked questions about the zoning laws and changes being done to the Future Land Use Map, traffic concerns and increased traffic congestion that would be

generated due to the project and asked for the project to be delayed until the traffic improvements get put into place.

Nayib Saba spoke in opposition of the proposed change in zoning laws and in opposition of the proposed project.

Maria Barreto spoke about her concerns with future developers interested in the proposed area.

The Town Clerk read into the record the names of all the individuals who sent emails as written public comments. The individuals are: Silvia M. Gonzalez, Frank Weber, Miguel Folgueras, Lissette and Sandalio Perez, Patricia Plana, Jose Azuaje, Denise Rodriguez.

Board Member Julia made a motion to re-open the public hearing. The motion was seconded by Vice Chairman de la Sierra and all were in favor.

Luis Martinez answered questions posed by the Board and he addressed that the conditions of limiting the project to 220 units and the age restriction will be gladly proffered and honored by the Applicant.

Chairman Rodriguez closed the public hearing

Board Member Julia made a motion to recommend approval of the Ordinance, which is to accept staff's recommendation with the seven conditions, which includes the proffered condition which includes the statements offered by the applicant to limit it to 220 units including the proffered covenant #7. Covenant #7 reads "The declaration of restrictions shall be proffered by the applicant to limit occupancy exclusively to age 62 and over and shall include the limitation offered by the applicant of 220 residential units. The motion was seconded by Board Member Senra. The Town Clerk called the roll and the motion passes 4-2, with Board Member Leoncio and Chairman Rodriguez voting in opposition. Board Member Cruz was absent.

- D. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING THE OFFICIAL ZONING MAP TO REZONE A 9.445 +/-ACRE PROPERTY LOCATED ON THE WEST SIDE OF COMMERCE WAY AND N.W. 146TH STREET, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT "A", FROM THE IU-C, INDUSTRIAL DISTRICT, CONDITIONAL, TO THE RM-36, MEDIUM DENSITY RESIDENTIAL DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FINDINGS; PROVIDING FOR DIRECTION TO THE ADMINISTRATIVE OFFICIAL; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Chairman Rodriguez opened the public hearing.

Chairman Rodriguez made a motion for all public comments and comments from staff and applicant from the prior matter item 5C, to be incorporated to item 5D. Vice Chairman De la Sierra seconded the motion and all were in favor.

Marilyn Ruano asked for clarification regarding the ALF and the skilled nursing facility and the residences.

Susana Herrera expressed concerns about the impartial judgment of the Board.

As no one wished to speak, Chairman Jeffrey Rodriguez closed the public hearing.

Board Member Julia made a motion to approve the approval of the ordinance, subject to the seven recommendations previously read in item 5C. Vice Chairman De La Sierra seconded the motion and the ordinance passed 4-2, with Board Member Leoncio and Chairman Rodriguez voting in opposition. Board Member Cruz was absent.

6. Director's Report

No Director's Report.

7. Adjournment

There being no further business to come before the Board, Chairman Rodriguez made a motion to adjourn the meeting. The motion was seconded by Board Member Senra and all were in favor. The meeting adjourned at 9:10 P.M.

Approved this 18th day of July, 2017.

Attest:

Jeffrey Rodriguez, Chairman

Gina M. Inguanzo, Town Clerk

MINUTES
LPA Meeting
June 20, 2017
6:00 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order

Chairman Jeffrey Rodriguez called the meeting to order at 6:00 P.M.

2. Roll Call

The Town Clerk, Gina Inguanzo, called the roll and the following Board Members were present: Avelino Leoncio, Ameli Padron-Fragetta, Homero Cruz, Fred Senra, Vice Chairman Raul de la Sierra and Chairman Jeffrey Rodriguez. Board Member Robert Julia was absent.

3. Pledge of Allegiance/Moment of Silence

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

4. Election of the Chair

Vice Chairman De la Sierra, made a motion to maintain Jeffery Rodriguez as Chairman. Board Member Senra seconded the motion. The Town Clerk, Gina Inguanzo, called the roll and all were in favor.

5. Election of Vice Chair

Chairman Rodriguez made a motion to keep board member De la Sierra as Vice Chairman. Board Member Senra seconded the motion. The Town Clerk, Gina Inguanzo, called the roll and all were in favor.

6. Ordinances- First Reading

- A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO THE TOWN'S SIDEWALK NETWORK; ADOPTING RECITALS; AMENDING CHAPTER 35, ENTITLED 'STREETS, SIDEWALKS AND OTHER PUBLIC PLACES', ESTABLISHING PROVISIONS FOR THE COMPLETE BUILD-OUT OF THE TOWN'S SIDEWALK NETWORK; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

Susana Alonso, Senior Planner, presented item 6A and answered questions posed by the Board Members.

Darby Del Salle, Planning Director, explained item 6A and answered questions posed by the Board Members.

Vice Chairman De la Sierra made a motion to recommend the item to the Council for approval. Chairman Rodriguez seconded the motion and all were in favor. Board Member Julia was absent.

- B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO CONSTRUCTION SITES AND VACATED/UNOCCUPIED PROPERTY; CREATING ARTICLE 3, CONSTRUCTION SITES AND ABANDONED PROPERTY, IN CHAPTER 16, NUISANCES; CREATING SITE MANAGEMENT PROVISIONS FOR SAME; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Susana Alonso, Senior Planner, presented item 6B and answered questions posed by the Board Members.

Darby Del Salle, Planning Director, explained item 6B and answered questions posed by the Board Members.

Chairman Rodriguez made a motion for item 6B not to be restrictive so it is not applied to residential properties and that there be a point of clarification when determining what defines a property as vacated/unoccupied. Board Member Padron-Fragetta seconded the motion and all were in favor. Board Member Julia was absent.

7. Director's Report

Darby Del Salle, Planning Director, informed the Board Members on the status of items that were presented to the Town Council such as the Senior Village Development, the Telecommunications and Medical Marijuana Facility and Dispensaries which were passed as moratoriums.

8. Adjournment

There being no further business to come before the Board, Chairman Rodriguez made a motion to adjourn the meeting. The motion was seconded by Board Member Senra and all were in favor. The meeting adjourned at 6:46 P.M.

Approved this 18^h day of July 2017.

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 P. Delsalle, AICP, Planning Director
Subject: Medical Marijuana
Date: 7/18/2017

Recommendation:

Staff recommends approval of the ordinance banning cannabis dispensaries, medical marijuana treatment facilities, and independent testing laboratories related thereto as provided for by Florida Statute 381.986(11) (b).

Background:

On March 7, 2017, the Town Council adopted a moratorium on the issuance of any development orders pertaining to cannabis dispensaries, medical marijuana treatment facilities, and related independent testing laboratories related thereto. The action was taken in response to the adoption Amendment 2 to the Florida Constitution entitled "Use of Marijuana for Debilitating Medical Conditions." The amendment expanded upon the legalized usage of low TCH cannabis and medical marijuana, and created new classes of uses to include medical marijuana treatment centers and testing laboratories. These amendments were in addition to prior laws initially adopted in 2014, then expanded in 2016 which provided for the limited use of low TCH cannabis and medical marijuana.

On June 23, 2017, the Governor of the State of Florida signed Senate Bill SB 8-A, affectively amending the Florida Statutes at Section 381.986, "Compassionate use of low-THC and medical cannabis", which, among other provisions, provided the rules by which local municipalities may regulate such uses covered by both the constitutional amendment and the prior legislation of 2014 and 2016. The State gave cities two options. The first option was to outright ban cannabis dispensaries and medical marijuana treatment centers. The second option was to permit such uses provided they are regulated no differently than pharmacies provided minimum distance separations from educational facilities are included. The attached ordinance is reflected of the "ban" option. A fuller description of the history and recommendation are provided at the attached Staff Analysis and Recommendation Report.

On July 18, 2017, the item was heard by the Planning and Zoning Board acting in their capacity as the Local Planning Agency. Their recommendation was not yet issued at the time of this writing; it will be submitted at the presentation at the time of this first reading.

ATTACHMENTS:

Description

Ordinance

Staff Report

ORDINANCE NO. 17-__

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING; CREATING SECTION 13-799.7, PROHIBITING CANNABIS DISPENSING ORGANIZATIONS, MEDICAL MARIJUANA TREATMENT FACILITIES, AND INDEPENDENT TESTING LABORATORIES WITHIN THE TERRITORIAL JURISDICTION OF THE TOWN; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature in 2014 enacted a Low-THC and Medical Cannabis law, the “Compassionate Medical Cannabis Act of 2014” (codified as Section 381.986, Florida Statutes) (“Act”) which, among other provisions, authorized a limited number of large nurseries to cultivate, process, transport and dispense non-euphoric, low THC cannabis and operate as “Dispensing Organizations” for individuals with certain specified serious ailments; and

WHEREAS, the Florida Legislature in 2016 amended the Compassionate Medical Cannabis Act (Section 381.986, Florida Statutes) to include the use of full strength “medical marijuana” for eligible patients with terminal conditions; and

WHEREAS, the 2016 Amendment to Section 381.986, Florida Statutes, expanded the type of marijuana available to eligible patients beyond low THC cannabis to include all types of marijuana, and the statutory amendment has been codified and has become effective in the State of Florida; and

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

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

WHEREAS, on November 8, 2016, Florida’s voters voted in favor of an amendment to the Florida Constitution, titled “Use of Marijuana for Debilitating Medical Conditions (“Amendment 2”); and

WHEREAS, Amendment 2 fully legalizes the medical use of marijuana throughout the State of Florida for those individuals with specified debilitating conditions, and authorized the cultivation processing, distribution and sale of marijuana and related activities by licensed “Medical Marijuana Treatment Centers”; and

WHEREAS, Section 381.986(11)(b), Florida Statutes, permits municipalities to determine by ordinance to ban dispensing facilities and medical marijuana treatment facilities; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the and recommends approval, as set forth in the Staff Analysis and Recommendation dated July 7, 2017, and incorporated into this Ordinance by reference; 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 July 18, 2017, 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 and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on July 25, 2017, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the

Additions to the text are shown in underlined; deletions from the text are shown in ~~strike through~~.

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

Administrative Official, the Town Council moved the proposed amendment on first reading for second reading and 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 Land Development Code found in Subsection 13-306(b) of the Town Code; and

WHEREAS, on September _____, 2017, 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. After considering Staff's report, both submitted in writing and presented orally and the public, 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 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

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

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

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.

THIS SPACE INTENTIONAL LEFT BLANK

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

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

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 Tony Lama

Councilmember Luis Collazo

Councilmember Tim Daubert

Councilmember Caesar Mestre

Councilmember Frank Mingo

Councilmember Nelson Rodriguez

Passed on first reading this _____ day of _____, 2017.

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

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

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 Tony Lama

Councilmember Luis Collazo

Councilmember Tim Daubert

Councilmember Caesar Mestre

Councilmember Frank Mingo

Councilmember Nelson Rodriguez

Passed and adopted on second reading this _____ day of _____, 2017.

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

Chapter 13 - LAND DEVELOPMENT CODE

* * *

ARTICLE IV. - ZONING DISTRICT REGULATIONS

* * *

DIVISION 21. - ADDITIONAL BUSINESS, COMMERCIAL, INDUSTRIAL AND OTHER USE REGULATIONS

* * *

13-799.7 Cannabis Dispensaries, Medical Marijuana Treatment Facilities, and Independent Testing Laboratories.

Cannabis Dispensaries, Medical Marijuana Treatment Facilities, and Independent Testing Laboratories are prohibited within the territorial jurisdiction of the Town of Miami Lakes as provided at Florida Statue 381.986.

13-799.7(1) Definitions. For purposes of this section, the following words terms and phrases, including their respective derivatives have the following meanings:

- a. Cannabis means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant and every compound, manufacture, salt derivative, mixture or preparation of the plant or its seeds or resin. Also known as marijuana.
- b. Cannabis dispensary means an establishment where the cultivation of the cannabis plant, sale of the cannabis plant, sale of any part of the cannabis plant, including its flowers and any derivative product of the cannabis plant, including low-THC cannabis, is dispensed at retail.
- c. Derivative product means any form of cannabis suitable for routes of administration.
- d. Independent testing laboratory means a laboratory, including the managers, employees, or contractors of the laboratory, which has no direct or indirect interest in a dispensing organization.

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

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

- e. Low-THC cannabis means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seed or resin that is dispensed only from a dispensing organization approved by the Florida Department of Health pursuant to Section 381.986, Florida Statutes.
- f. Low-THC cannabis dispensary means an establishment where low-THC cannabis is dispensed at retail.
- g. Medical cannabis means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s. 499.0295, Florida Statutes.
- h. Medical Marijuana Treatment Facility means business entities that cultivate, process, and dispense cannabis for medicinal purposes to qualified patients.

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

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



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 Land Planning Agency

From: Darby P. Delsalle, AICP, Planning Director

Subject: Cannabis Dispensaries and Medical Marijuana Treatment Facilities

Date: July 7, 2017

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING; CREATING SECTION 13-799.7, PROHIBITING CANNABIS DISPENSING ORGANIZATIONS, MEDICAL MARIJUANA TREATMENT FACILITIES, AND INDEPENDENT TESTING LABORATORIES WITHIN THE TERRITORIAL JURISDICTION OF THE TOWN; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

A. BACKGROUND

The legal status of the medical use of marijuana has been evolving since 2014 when the Florida Legislature enacted laws regarding low-TCH cannabis and medical marijuana, entitled the “Compassionate Medical Cannabis Act of 2014” (codified at Section 381.986, Florida Statutes) (“Act”). The Act permitted the use of a non-euphoric strain of cannabis for narrowly defined medical conditions typically associated with seizures and chemotherapy. The Act authorized a limited number of large nurseries to cultivate, process, transport and dispense non-euphoric, low THC cannabis and operate “Dispensing Organizations” for individuals with certain specified serious ailments. The Legislature again in 2016 amended the Act (Section 381.986, Florida Statutes) to include the use of full strength “medical marijuana” for eligible patients with terminal conditions to ease their suffering.

On November 8, 2016, Florida’s voters approved an amendment to the Florida Constitution, entitled “Use of Marijuana for Debilitating Medical Conditions (“Amendment 2”)”. Amendment 2 had the net effect of further expanding the legal use of medical marijuana throughout the State of Florida for those individuals with specified debilitating conditions. It also authorized the cultivation, processing, distribution, and sale of marijuana and related activities by licensed “Medical Marijuana Treatment Centers.” This matter became the subject of a bill adopted by the Florida Legislature (SB 8-A) during their 2017 Special Session that,

among other provisions, outlined the conditions under which local municipalities may regulate the location of cannabis dispensaries and medical marijuana treatment centers. The legislation provided the option for municipalities to outright ban such uses within their territorial jurisdiction, or to permit them provided they were regulated in a manner similar to pharmacies, and provided for minimum distance separations of such uses from educational facilities. Town Staff's proposed ordinance is reflective of the ban option.

As a final note, the cultivation, processing, distribution, sale, and use of cannabis and marijuana in all its forms continues to be identified as illegal acts with the laws of the Federal Government of the United States of America.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance banning cannabis dispensaries, medical marijuana treatment facilities, and independent testing laboratories related thereto.

C. ANALYSIS

The Land Development Code (LDC) 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 proposed 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: Although the Comprehensive Plan does not specifically address uses presented in the proposed ordinance, Objective 1.2 provides underlying intent to ensure the LDC's appropriately regulate the use of land reflective of the community's desires. Notwithstanding the Federal Government's laws pertaining to marijuana and/or its derivative products, supporting such uses within the Town's LDC may result in impacts that are not entirely foreseeable at this time.

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.

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. Further, the proposed ordinance is consistent with adopted Florida Senate Bill SB 8-A as provided at Section 381.986, Florida Statutes.

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, of this report. The Background section of this report provides a fuller accounting of the evolution of legalized low THC cannabis and medical marijuana within the State of Florida. The Town's current LDC's do not address the uses associated with those identified in the State of Florida's Statutes. If the LDC goes un-amended, the Town is left with little authority to prevent such uses from locating within its territorial jurisdiction. The most recent legislation, SB 8-A at Section 381.986, permits a municipality to ban cannabis dispensaries and medical marijuana treatment facilities outright within their territorial jurisdiction. The statute is silent as to independent testing facilities. For consistency across the Town regulations, Staff also includes those facilities as part of the ban.

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, of this report. By banning the uses described within the proposed ordinance, the potential for incompatible land uses is eliminated.

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: 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: 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 Section “A”, Background, of this report. By banning the uses described within the proposed ordinance, the potential for incompatible land uses and any adverse effect is eliminated.

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, of this report. By banning the uses described within the proposed ordinance, the potential for incompatible land uses is eliminated.

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, of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. By banning those uses associated with low TCH cannabis and medical marijuana, any potential unintended impacts of locating those uses in the Town are negated.

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 FLUM 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.



Town of Miami Lakes Memorandum

To: Honorable Chairman and Members of the Local Planning Agency
From: Darby Delsalle, AICP, Planning Director
Subject: Mailers and Notices
Date: 7/18/2017

Recommendation:

Staff recommends approval of the attached ordinance amending notification requirements for planning and zoning applications to increase public awareness and encourage public participation in the development process.

Background:

On March 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore mailed notice requirements of the Land Development Code (LDC) and return to a workshop with recommendations that would enhance the reach, quality, and clarity of such notices. The request was driven by concerns that the public was not appropriately aware of pending projects in the wake of a development cycle more active than the Town was traditionally accustomed to experiencing.

As it currently stands, section 13-309 of the Town's LDC's requires development subject to public hearing to include a mailed notice to property owners within 500 feet of the proposed project. If the request includes a rezoning or amendment to the Future Land Use Map, such notice radius is required to be 2,500 feet. Projects where only administrative level review is required, notice is sent to adjacent properties, except in the case of an administrative (de minimis) variance, where no notice is required at all. The Town Council wanted to provide a broader overall reach of the notice, and provide it in a format that clearly identified the nature of proposed development.

On June 27, 2017, at a publicly advertised workshop of the Town Council, staff presented a recommended approach to mailing notification, including changing the format to a post card, utilization of plain language to describe a project, and radii options that are scaled according to intensity of development. These notices will only be sent to areas inside the boundaries of Miami Lakes. After some discussion, consensus was reached to utilize the easier to read post card notice, plain speech descriptions of the application request, and the following notice radii:

<u>APPLICATION INTENSITY</u>	<u>RADIUS IN FEET</u>
<u>Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial</u>	<u>5,000</u>
<u>50 to 99 Residential Units - 50,000 to 99,999 sq. ft. Commercial</u>	<u>2,500</u>
<u>20-49 Residential Units - 20,000 to 49,999 sq. ft. Commercial</u>	<u>1,000</u>
<u>Less than 20 Residential units or 20,000 sq. ft. Commercial</u>	<u>500</u>
<u>Administrative (De Minimis) Variances</u>	<u>Adjacent Properties</u>

By utilizing the above schedule, notification is now reflective of the size of the proposed development and its potential impact to the surrounding community.

ATTACHMENTS:

Description

Ordinance

Staff Report

ORDINANCE NO. 17-____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING NOTICE REQUIREMENTS; AMENDING SECTION 13-309, REQUIRING MAILING NOTIFICATION DISTANCES REFLECTIVE OF SCALE OF DEVELOPMENT; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by: Councilman Nelson Rodriguez)

WHEREAS, section 13-309 of the Town’s Land Development Regulations (“LDRs”) provides for courtesy mail notification requirements related to zoning development applications subject to administrative or public hearing decisions; and

WHEREAS, the intent of such notice is to keep the residents of the Town abreast to any decisions that may be rendered regarding zoning development applications; and

WHEREAS, on March 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore mailed notice requirements of the LDRs and return to a workshop with recommendations that will enhance the reach of such notice; and

WHEREAS, on June 27, 2017, at a publicly advertised workshop, staff presented mailing notification radius options to the Town Council, upon which the Council considered and expressed its desire; and

WHEREAS, the amendment at Exhibit “A” is reflective of the Town Council’s desire as expressed at the June 27, 2017, 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 7, 2017, and incorporated into this Ordinance by reference; 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 July 18, 2017, 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 July 25, 2017, 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 September ____, 2017, 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 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.

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 Tony Lama

Councilmember Luis Collazo

Councilmember Tim Daubert

Councilmember Caesar Mestre

Councilmember Frank Mingo

Councilmember Nelson Rodriguez

Passed on first reading this ____ day of _____, 2017.

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 Tony Lama

Councilmember Luis Collazo

Councilmember Tim Daubert

Councilmember Caesar Mestre

Councilmember Frank Mingo

Councilmember Nelson Rodriguez

Passed and adopted on second reading this ____ day of _____, 2017.

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

Chapter 13 - LAND DEVELOPMENT CODE

* * *

ARTICLE III. - DEVELOPMENT APPROVAL PROCEDURES

* * *

Sec. 13-309. - Public hearing and notice.

- (a) *Generally*. When an application for development approval is subject to a public hearing, the Administrative Official shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application, and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:

* * *

- (4) Describe the nature, scope and purpose of the proposal being noticed using terms and phrases clearly understandable to the general public.

* * *

- (f) *Comprehensive Plan*. Notice for public hearings on applications for amendments to the Comprehensive Plan shall be noticed as follows:
- (1) Text or map amendments initiated by the Town shall be noticed by publication in accordance with the provisions of F.S. § 163.3184. In addition, property owners of record within a 5,000 ~~2,500~~-foot radius of the property subject to map amendments shall be provided mailed notice.
 - (2) Text or map amendments initiated by a property owner or governmental agency other than the Town shall be noticed by publication in accordance with the provisions of F.S. § 163.3184. Map amendments shall also be noticed by posting of the property, subject to the application, 30 days prior to the hearing. In addition, property owners of record within a 5,000 ~~2,500~~-foot radius of the property subject to map amendments shall be provided mailed notice 30 days prior to the hearing.
- (g) *Official Zoning Map and this chapter*. Notice for public hearings on applications for amendments to this chapter and the Official Zoning Map shall be noticed as follows:

- (1) Text or map amendments initiated by the Town shall be noticed by publication in accordance with the provisions of F.S. § 166.041. In addition, property owners of record within a 5,000 ~~2,500~~ foot radius of the property subject to map amendments shall be provided mailed notice.
- (2) Text or map amendments initiated by a property owner or governmental agency other than the Town shall be noticed by publication in accordance with the provisions of F.S. § 166.041. Map amendments shall also be noticed by posting of the property, subject to the application, 30 days prior to the hearing. In addition, property owners of record within a 5,000 ~~2,500~~-foot radius of the property subject to map amendments shall be provided mailed notice 30 days prior to the hearing.
- (h) *Other development requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to variances, conditional uses, site plans, plats, and vacations shall be noticed as follows:
 - (1) Posting of the property subject to the application ten days prior to the hearing.
 - (2) Courtesy mailed notice to the property owners of record shall be required according to the following schedule ten days prior to the hearing unless the application includes a request for amendment to the Comprehensive Plan or Future Land Use Map in which case section 13-309(f) shall apply, or if the request includes an amendment to the Town's Land Development Code or Official Zoning Map in which case section 13-309(g) shall apply: ~~within a 500-foot radius of the property which is the subject of the application.~~

<u>PUBLIC HEARING APPLICATION INTENSITY</u>	<u>RADIUS IN FEET</u>
<u>Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial</u>	<u>5,000</u>
<u>50 to 99 Residential Units - 50,000 to 99,999 sq. ft. Commercial</u>	<u>2,500</u>
<u>20-49 Residential Units - 20,000 to 49,999 sq. ft. Commercial</u>	<u>1,000</u>
<u>Less than 20 Residential units or 20,000 sq. ft. Commercial</u>	<u>500</u>

- (3) Publication in the non-legal section of the local newspaper of general circulation that has been selected by the Town.
- (4) Where an application is made for a commercial development permit approval other than rezoning, including, but not limited to commercial variances, commercial conditional uses, commercial site plans, commercial plats, and commercial vacations, courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This subsection shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations located outside of the Town boundaries. A homeowners' association, condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic

means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town. The notice requirements herein are intended to be supplemental to the minimum requirements of the Florida Statutes.

- (i) Administrative decisions ~~variance~~. Administrative action on applications for administrative decisions, including but not limited to administrative variances, administrative site plan decisions, and administrative conditional use decisions ~~variances~~ shall be noticed as follows:
- (1) Posting of the property subject to the application 30 days prior to final administrative action.
 - (2) ~~Courtesy M~~mailed notice to the property owners of record shall be noticed ~~adjacent to the property which is the subject of the application~~ 30 days prior to final administrative action according to the following schedule:-

<u>ADMINISTRATIVE APPLICATION INTENSITY</u>	<u>RADIUS IN FEET</u>
<u>Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial</u>	<u>5,000</u>
<u>50 to 99 Residential Units - 50,000 to 99,999 sq. ft. Commercial</u>	<u>2,500</u>
<u>20-49 Residential Units - 20,000 to 49,999 sq. ft. Commercial</u>	<u>1,000</u>
<u>Less than 20 Residential units or 20,000 sq. ft. Commercial</u>	<u>500</u>
<u>Administrative (De Minimis) Variances</u>	<u>Adjacent Properties</u>

- (3) Publication in the non-legal section of the local newspaper of general circulation that has been selected by the Town.
- (4) Where an application is made for a commercial administrative variance, courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This subsection shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations located outside of the Town boundaries. A homeowners' association, condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town. The notice requirements herein are intended to be supplemental to the minimum requirements of the Florida Statutes

- ~~(j) *Administrative site plan.* Administrative action on applications for administrative site plan requests shall be noticed as follows:~~
- ~~(1) Posting of the property subject to the application 15 days prior to final administrative action.~~
 - ~~(2) Any administrative site plan application which encompasses two or more acres of land, proposes 50 or more dwelling units and/or 20,000 square feet or more of nonresidential building area shall also require mailed notice to the property owners of record adjacent to the property which is the subject of the application 15 days prior to final administrative action.~~
 - ~~(3) Where an application is made for a commercial administrative site plan, courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This subsection shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations located outside of the Town boundaries. A homeowners' association, condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town.~~
- ~~(k) *Minor conditional uses.* Administrative action on applications for minor conditional uses pursuant to Section 13-204(q) and Section 13-302(g) shall be noticed as follows:~~
- ~~(1) Posting of the property subject to the application 15 days prior to final administrative action.~~
 - ~~(2) Mailed notice to the property owners of record within 500 feet of the property which is the subject to the application 15 days prior to final administrative action.~~
 - ~~(3) Where an application is made for a commercial minor conditional use, courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This subsection shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations located outside of the Town boundaries. A homeowners' association, condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town.~~
- ~~(l) *Appeals of action by the Administrative Official.* An applicant seeking an appeal of the action by the Administrative Official to the Town Council shall be responsible for notice of the appeal by mailed notice to property owners of record within a 500-foot radius of the property subject to the application and posting of the property subject to the application.~~

- (~~km~~) *Applicant bears burden of cost.* All costs of publication, mailing and posting shall be borne by the applicant.
- (~~n~~) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this chapter, the Florida Statutes shall prevail except where this chapter contains supplementary requirements nonconflicting with the Florida Statutes.

TABLE 13-309. NOTICE REQUIREMENTS

Permit	Notice Section	Posted	Published	Mailed
Appeal of Administrative Official	13-309(l)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Variance [△]	13-309(h)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Other development permits (i.e., site plan, conditional uses, plats, vacations) [△]	13-309(h)	10 days prior to hearing	10 days prior to hearing	500 feet radius
Minor conditional uses [△]	13-309(k)	15 days prior to administrative action	Not applicable	500 feet radius
Administrative variance [△]	13-309(i)	30 days prior to administrative action	30 days prior to administrative action	Adjacent property owners
Administrative site plan [△]	13-309(j)	15 days prior to administrative action	Not applicable	Not applicable
Administrative site plan* [△]	13-309(j)	15 days prior to administrative action	Not applicable	Adjacent property owners
Comprehensive Development Master Plan—Town	13-309(f)(1)	No	F.S. § 163.3184	2,500-foot radius for Map amendment
Comprehensive Development Master Plan—Owner	13-309(f)(2)	30 days prior to hearing for Map amendment	F.S. § 163.3184	2,500-foot radius for Map amendment
Land Development Code (Ch. 13)—Town	13-309(g)(1)	No	F.S. § 166.041	2,500-foot radius for Map amendment

Land Development Code (Ch. 13) — Owner	13- 309(g)(2)	30 days prior to hearing for Map amendment	F.S. § 166.041	2,500-foot radius for Map amendment
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~~* Any administrative site plan application which encompasses two or more acres of land, proposes 50 or more dwelling units and/or 20,000 square feet or more of nonresidential building area shall require notification of adjacent property owners.~~

~~^ Courtesy mailed notice shall be provided to homeowners' and/or condominium associations and/or neighborhood organizations as defined in this code which are located within a one-mile radius of the property which is the subject of the application. This shall not be construed to mean that notice must be provided to homeowners' and/or condominium associations located outside of the Town boundaries. A homeowners' association, condominium association, and/or neighborhood organization as defined in this code may request electronic notice in lieu of mailed notice. Notice by mailing and/or by electronic means is a courtesy only and no action taken by the Town shall be voided by the failure of a homeowners' and/or condominium association and/or neighborhood organization as defined in this code to receive such notice. The applicant shall be responsible for all notification costs as determined by the Town.~~



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: Mail Notification Requirements
Date: July 7, 2017

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING NOTICE REQUIREMENTS; AMENDING SECTION 13-309, REQUIRING MAILING NOTIFICATION DISTANCES REFLECTIVE OF SCALE OF DEVELOPMENT; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by: Councilman Nelson Rodriguez)

A. BACKGROUND

On March 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore mailed notice requirements of the Land Development Code (LDC) and return to a workshop with recommendations that would enhance the reach, quality, and clarity of such notices. The request was driven by concerns that the public was not appropriately aware of pending projects in the wake of a development cycle more active than the Town was traditionally accustomed to experiencing.

As it currently stands, section 13-309 of the Town's LDC's requires development subject to public hearing to include a mailed notice to property owners within 500 feet of the proposed project. If the request includes a rezoning or amendment to the Future Land Use Map, such notice radius is required to be 2,500 feet. Projects eligible for approval at an administrative level require little more than notice to adjacent properties, and in the case of an administrative (de minimis) variance, no notice at all. The Town Council wanted to provide a broader overall reach of the notice, and provide it in a format that clearly identified the nature of proposed development.

On June 27, 2017, at a publicly advertised workshop of the Town Council, staff presented a recommended approach to mailing notification, including changing the format to a post card, utilization of plain language to describe a project, and radii options that are scaled according to

intensity of development. After some discussion, consensus was reached to utilize the easier to read post card notice, plain speech descriptions of the application request, and the following notice radii:

<u>APPLICATION INTENSITY</u>	<u>RADIUS IN FEET</u>
<u>Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial</u>	<u>5,000</u>
<u>50 to 99 Residential Units - 50,000 to 99,999 sq. ft. Commercial</u>	<u>2,500</u>
<u>20-49 Residential Units - 20,000 to 49,999 sq. ft. Commercial</u>	<u>1,000</u>
<u>Less than 20 Residential units or 20,000 sq. ft. Commercial</u>	<u>500</u>
<u>Administrative (De Minimis) Variances</u>	<u>Adjacent Properties</u>

By utilizing the above schedule, notification is now reflective of the size of the proposed development and its potential impact to the surrounding community.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending notification requirements for zoning applications.

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: Although the Comprehensive Plan does not specifically address public hearing requirements, Objective 1.2 provides underlying intent to ensure the LDC's appropriately regulate the use of land reflective of the community's desires. This is achieved by providing greater notice to the residents of Miami Lakes so that they may be more aware of developments in which they may have a particular interest.

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.

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, of this report. The Town has recently experienced a volume of development application requests that are not typical to its past experiences since incorporation in the year 2000. This increase in activity has brought attention to the Town's notification procedures related to zoning application requests. In response, the Town Council directed the Town Manager to prepare recommendations on notice procedures that are more inclusive and easier to understand. Those recommendations were presented a Town Council Workshop on June 27, 2017. The attached proposed ordinance is reflective of those discussions.

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: The proposed ordinance does not change the permitted use of land.

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: 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: 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 Section “A”, Background, of this report. The proposed ordinance provides enhanced notice procedures with a greater notification requirement than currently exists. Such enhancements should prove to better serve the general welfare by facilitating greater awareness and potentially increased public participation in the development review process.

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 Criterion 7 of this report. The proposed ordinance may result in some additional cost to the applicant/developer making a zoning request, however the enhanced notice procedure has the potential of increasing public participation in the development review process. It is believed that increased participation outweighs the impact of the additional notification costs.

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 Criterion 7 and 8, of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. The proposed ordinance provides a broader reach for mailed notices related to zoning applications in a format that is easier to understand.

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 FLUM 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.



Town of Miami Lakes Memorandum

To: Honorable Chairman and Members of the Local Planning Agency
From: Darby P. Delsalle, AICP, Planning Director
Subject: Developer Information Sessions
Date: 7/18/2017

Recommendation:

Staff recommends approval of the ordinance requiring developer information sessions for certain planning and zoning applications to increase public awareness and encourage public participation in the development process.

Background:

On February 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore and return to a workshop with recommendations regarding information sessions conducted by an applicant/developer that has made a zoning application subject to public hearing before the Town Council. The idea was to create an informal setting where the public could learn about a proposed project in advance of its presentation at a Town Council hearing. There currently are no provisions within the Land Development Code that provide for such informational sessions.

On June 27, 2017, at a publicly advertised workshop of the Town Council, staff presented a recommended approach regarding "Developer Information Sessions." After some discussion, consensus was reached requiring such sessions to be conducted in an informal format, at a site preferably at, or as near as possible to, the project site or if not feasible, at Town Hall; for all projects subject to Town Council consideration that involve projects that are equal to or greater than 50 residential units and/or 50,000 square feet of commercial area. The cost of the developer information session will be paid by the developer. Any staff or direct costs incurred by the Town will be reimbursed by the developer through the cost recovery process. The proposed ordinance is reflective of that consensus.

ATTACHMENTS:

Description

Ordinance

Staff Report

ORDINANCE NO. 17-____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 13-301, RELATING TO DEVELOPMENT APPROVAL PROCEDURES; CREATING SECTION 13-301(s), REQUIRING DEVELOPER INFORMATION SESSIONS FOR ZONING APPLICATIONS OF A SPECIFIED DENSITY/INTENSITY THAT ARE SUBJECT TO TOWN COUNCIL CONSIDERATION; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.
(Sponsored by: Councilman Frank Mingo)

WHEREAS, section 13-301 of the Town's Land Development Code provides for generalized development review procedures related to zoning development applications subject to administrative or public hearing decisions; and

WHEREAS, the intent of such procedures is to ensure that an orderly and predictable review process is available for zoning development applications; and

WHEREAS, on February 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore requiring zoning development applications of determined densities and intensities to provide a forum introducing the project to the public prior to Town Council consideration, and to return to a workshop of the Town Council with recommendations; and

WHEREAS, the intent of the forum is to keep the residents of the Town abreast to any pending zoning development applications that are to be considered by the Town Council; and

WHEREAS, on June 27, 2017, at a publicly advertised workshop, staff among other matters, presented a recommendation to the Town Council on the conduct of "Developer

Information Sessions,” upon which the Town Council considered and expressed its desire to pursue; and

WHEREAS, the amendment at Exhibit “A” is reflective of the Town Council’s desire as expressed at the June 27, 2017, workshop; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the Land Development Code and recommends approval, as set forth in the Staff Analysis and Recommendation dated July 7, 2017, and incorporated into this Ordinance by reference; 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 July 18, 2017, 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 and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on July 25, 2017, 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 second reading and consideration of adoption; and

WHEREAS, the Town Council finds 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 Code found in Subsection 13-306(b) of the Town Code; and

WHEREAS, on September _____, 2017, 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. After considering Staff's report, both submitted in writing and presented orally and the public comment, 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 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," and as incorporated herein.

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.

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 Tony Lama
Councilmember Luis Collazo
Councilmember Tim Daubert
Councilmember Ceasar Mestre
Councilmember Frank Mingo
Councilmember Nelson Rodriguez

Passed on first reading this _____ day of _____, 2017.

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 Tony Lama
Councilmember Luis Collazo
Councilmember Tim Daubert
Councilmember Ceasar Mestre
Councilmember Frank Mingo
Councilmember Nelson Rodriguez

Passed and adopted on second reading this _____ day of _____, 2017.

Manny Cid
Mayor

Attest:

Gina M. Inganzo
Town Clerk

Approved as to form and legal sufficiency:

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

EXHIBIT A

Chapter 13 - LAND DEVELOPMENT CODE

* * *

ARTICLE III. - DEVELOPMENT APPROVAL PROCEDURES

* * *

Section 13-301 Generally

* * *

(s) Developer Information Sessions. Development applications involving a rezoning, Future Land Use Map amendment, conditional uses of 4,000 square feet or more, and site plans and variances for projects involving 50 or more residential units or more than 50,000 square feet of commercial floor area, shall be required to conduct a Developer Information Session. Such Sessions shall conform to the following provisions:

- (1) At a minimum, courtesy public notice shall include posting on the Town website and relevant social media sites utilized by the Town, notice to Home Owner Associations registered with the Town, and a 2"x 4" ad in the Miami Laker community newspaper. Notice shall be provided a minimum of 10 days in advance of the session. Failure to receive a courtesy public notice has no impact on the session. All expense of notification shall be borne by the developer/applicant.
- (2) When feasible, Developer Information Sessions should be held at the project site or nearest available facility thereto. Other acceptable sites include Town Hall, other Town facilities, or other off-site locations in close proximity to the project site.
- (3) Developer Information Sessions are not quasi-judicial proceedings. They are intended to be informal meetings aimed at providing the community with information regarding the project and an opportunity for the developer/applicant to answer questions about the project. The meetings shall be coordinated and conducted by the applicant with input from Town staff. Staff participation is limited as a resource to share Town plans and projects that may be relevant to the project.



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 Chairman and Members of the Local Planning Agency

From: Darby P. Delsalle, AICP, Planning Director

Subject: Developer Information Sessions

Date: July 7, 2017

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 13-301, RELATING TO DEVELOPMENT APPROVAL PROCEDURES; CREATING SECTION 13-301(s) REQUIRING DEVELOPER INFORMATION SESSIONS FOR ZONING APPLICATIONS OF A SPECIFIED DENSITY/INTENSITY THAT ARE SUBJECT TO TOWN COUNCIL CONSIDERATION; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Sponsored by: Councilman Frank Mingo)

A. BACKGROUND

On February 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore and return to a workshop with recommendations regarding information sessions conducted by an applicant/developer that has made a zoning application subject to public hearing before the Town Council. The idea was to create an informal setting where the public could learn about a proposed project in advance of its presentation at a Town Council hearing. There currently are no provisions within the LDC's that provide for such informational sessions.

On June 27, 2017, at a publicly advertised workshop of the Town Council, staff presented a recommended approach regarding "Developer Information Sessions." After some discussion, consensus was reached requiring such sessions to be conducted in an informal format, at a site preferably at, or as near as possible to, the project site; for all projects subject to Town Council consideration that involve projects that are equal to or greater than 50 residential units and/or 50,000 square feet of commercial area. The proposed ordinance is reflective of that consensus.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending notification requirements for zoning applications.

C. ANALYSIS

The Land Development Code (LDC) 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: Although the Comprehensive Plan does not specifically address public hearing requirements, Objective 1.2 provides underlying intent to ensure the LDC's appropriately regulate the use of land reflective of the community's desires. This is achieved by providing an informational session to the residents of Miami Lakes so that they may be more aware of developments to which they may have a particular interest.

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.

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, of this report. The Town has recently experienced a volume of development application requests that are not typical to its past experiences since incorporation in the year 2000. This increase in activity has brought attention of the Town's residents regarding such zoning application requests and their desire to have more

information. In response, the Town Council directed the Town Manager to prepare recommendations on providing for developer information sessions, conducted in an informal setting, to increase resident awareness of pending projects. Those recommendations were presented at a Town Council Workshop on June 27, 2017. The attached proposed ordinance is reflective of those discussions.

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: The proposed ordinance does not change the permitted use of land.

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: 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: 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 Section "A", Background, of this report. The proposed ordinance provides for a developer information session in advance of any Town Council hearing that may result in a final order for a project equal to or greater than 50 residential units and/or 50,000 square feet of commercial area. Such sessions should prove to better serve the general welfare by facilitating greater awareness of the project and potentially increase public participation in the development review process.

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 Criterion 7 of this report. The proposed ordinance may result in some additional cost to the applicant/developer making a zoning request as a result of advertising in the Miami Laker Community Paper, as well as those potential costs associated with hosting a session. However, it is believed the sessions may have the potential of increasing public awareness and participation in the development review process. Staff believes this increased participation outweighs the impact of the additional costs.

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 Criterion 7 and 8, of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. The proposed ordinance provides a venue to increase the public’s awareness of pending zoning applications in an informal setting.

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 ordinance 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.