



## **TOWN OF MIAMI LAKES, FLORIDA**

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### **AGENDA PLANNING AND ZONING BOARD MEETING May 22, 2019 6:30 PM Government Center 6601 Main Street**

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Minutes**
  - A. Approval of Minutes**
    - **April 17, 2019 Planning and Zoning Meeting minutes**
- 5. Business Requiring Board Action**

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

- B. AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND**

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

- C. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE XI, "FEES", AT SECTION 13-2102, RELATING TO VARIANCE APPLICATION FEES; REQUIRING ALL VARIANCE APPLICATIONS TO BE COST RECOVERY AND PROVIDING FOR INITIAL DEPOSITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Town Council)
- D. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PARKING OF COMMERCIAL VEHICLES; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS AND CATEGORIES; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR PENALTIES: PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Ruano)

## **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](http://www.miamilakes-fl.gov) and is available at Town of Miami Lakes Town Hall, 6601 Main Street, Miami Lakes, FL 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.

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



## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman & Boardmembers  
**From:**  
**Subject:** Approval of Minutes  
**Date:** 5/22/2019

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### **Recommendation:**

Approval of Minutes

- April 17, 2019 Planning and Zoning Meeting minutes

### **ATTACHMENTS:**

Description

April 17, 2019 minutes

**MINUTES**  
**Planning and Zoning Minutes**  
**April 17, 2019**  
**6:30 P.M.**  
**Government Center**  
**6601 Main Street, Miami Lakes, FL 33014**

**1. Call to Order:**

Chairman Fred Senra called the meeting to order at 6:34 p.m.

**2. Roll Call:**

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

**3. Pledge of Allegiance/Moment of Silence:**

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

**4. Election of Chair/Vice Chair:**

Vice Chairman Raul De la Sierra made a motion nominating Board Member Robert Julia as Chair. Board Member Yanes seconded the motion. The Deputy Clerk called the roll and the motion passed, 5-2, with Board Member Fernandez in opposition and Board Member Leoncio absent.

Board Member Fernandez made a motion nominating Lynn Matos as the Vice Chair and Vice Chairman De la Sierra seconded the motion. The Deputy Clerk called the roll and the motion passed, 6-0, with Board Member Leoncio absent.

**5. Approval of Minutes:**

- February 20, 2019 Planning and Zoning Meeting minutes

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

**6. Business Requiring Board Action:**

**B. AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; APPROVING A VARIANCE REQUEST FROM SECTION 13-785 (G) TO PERMIT A NON-PUBLIC EDUCATIONAL FACILITY WITH NO OUTDOOR RECREATION/PLAY AREA WHERE OUTDOOR RECREATION/PLAY AREA IS REQUIRED, FOR THE PROPERTY LOCATED AT 15600 NW 67th AVE,**



**MIAMI LAKES, FLORIDA, IN THE TC ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR APPROVAL OF THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

The Deputy Town Clerk swore in those wishing to speak.

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

Jenny Espinosa, Applicant, presented her request and answered questions posed by the Board.

Councilmember Ruano came before the Board to speak against item 6B.

George Linares came before the Board to speak in support of item 6B.

Yessenia Leyva came before the Board to speak against item 6B.

After some discussion, Chairman Senra motioned to defer their recommendation for discussion to a future meeting until the applicant has gathered further information. Vice Chairman De la Sierra seconded the motion.

Vice Chairman De la Sierra amended his motion to include that should the applicant provide information prior to the next scheduled Planning and Zoning meeting, the Board would coordinate to meet. Chairman Senra seconded the motion and all present were in favor.

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

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

Deputy Town Attorney, Lorenzo Cobiella, read the title of the ordinance into the record.

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

Elizabeth Martinez came before the Board to speak on item 6C.

Vice Chairman De la Sierra made a motion to approve the ordinance with a recommendation to the Town Council, that time prior to enforcement, there be a notice. Board Member Fernandez seconded the motion.

Board Member Julia then amended the motion to include language regarding of temporary parking of vehicles for personal use. Vice Chairman De la Sierra seconded the motion; the Deputy Town Clerk called roll and all present were in favor and all present were in favor.

Vice Chairman De la Sierra then added an additional amendment creating a provision stating that vehicles parked adjacent to properties in which they are performing work on, will be exempt. Chairman Senra seconded the motion; the Deputy Town Clerk called roll and all present were in favor.

The Deputy Town Clerk called the roll on the original motion with amendments and all present were in favor.

**7. Director's Report:**

There was no report given.

**Adjournment:**

There being no further business to come before the Board, the meeting adjourned at 8:50 P.M.

Approved this 22<sup>nd</sup> day of May 2019.

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Fred Senra  
Chairman

Attest:

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Gina M. Inganzo  
Town Clerk



## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman and Members of the Planning Board  
**From:** Susana Alonso, AICP  
**Subject:** Bernal Driveway Variance - 14850 Dade Pine Ave  
**Date:** 5/22/2019

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### **Recommendation:**

Staff recommends denial of the variance request, as it fails to meet the variance criteria at section 13-305(f)(1).

### **Background:**

The Applicant had applied for an obtained a building permit to expand and refurbish an existing driveway, BLR2019-0563. The application for the building permit was approved by the zoning official with a width of approach of 20 feet in compliance with the LDC (see exhibit B, page 1). At the time of final inspection, the driveway approach was measured by the zoning official as 30 feet (see exhibit B, page 2). The applicant was advised that the driveway would have to be either modified to comply with LDC or an after-the-fact variance be obtained approving the as-built configuration.

As per the LDC, the maximum allowable width of an individual driveway, or leg of a driveway in the case of a circular driveway, is 20 feet. If two driveways or a circular driveway are proposed for a single property, then the two legs must add up to 30 feet; in other words, the LDC allows either one 20-foot leg and one 10-foot leg, or two 15-foot legs or any combination in between. The reason for this limitation is to minimize the length of sidewalk or right-of-way that the driveway and approach cut through, therefore limiting the length of possible interaction between pedestrians and vehicles entering or exiting the property, as well as between vehicles already on the right-of-way and those exiting the property. In addition, this limitation prevents the creation of continuous curb-cuts from setback to setback and provides for landscaped areas near the sidewalk and right-of-way.

### **ATTACHMENTS:**

Description

Order

Staff Report

Exhibit B

Survey

Letters of support



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

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

**Section 1: Applicant**

Applicant: Armando and Yancy Bernal  
Folio: 32-2023-010-0600  
Legal description: Miami Lakes - Lake Martha Sec  
Pb 86-76  
Lot 18 & Prop Int In & To Lake  
Blk 35  
Lot Size Irregular.  
LOCATION: 14850 Dade Pine Ave  
Miami Lakes, Florida, 33014  
Hearing No.: VARH2019-0237

**Section 2. Request:**

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

A variance from Section 13-1508 of the Town's Zoning Code to exceed by 10 feet the maximum width of a driveway approach where a maximum of 20 feet is allowed.

**Section 3. Findings:**

1. In accordance with Section 13-305(f)(1) of the Town's Land Development Code (LDC), the Planning and Zoning Board, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant's request does not comply with the variance criteria at Section 13.305(f)(1)(a) through (g) of the Town LDC, which are as follows:
  - a. Whether the Town has received written support of the specifically identified variance requests from adjoining property owners;

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

#### **Section 4. Denial of Request**

Per the Town of Miami Lakes Land Development Code, Article 3, following notice and public hearing on Wednesday May 22 at 6:30 PM. upon findings outlined herein, the Planning and Zoning Board hereby denies the request described in Section 2 above.

#### **Section 5. Appeal**

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

#### **Section 6: Order**

This is a Final Order.

#### **Section 7: Effective Date.**

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

The foregoing Order was approved on initial vote by motion as provided herein by \_\_\_\_\_ and seconded by \_\_\_\_\_ by a vote of \_\_\_\_\_ with each Planning and Zoning Board Member voting as follows:

Chairman Robert Julia	_____
Vice Chairman Lynn Matos	_____
Board Member Fred Senra	_____
Board Member Juan-Carlos Fernandez	_____
Board Member Raul De La Sierra	_____
Board Member Avelino Leoncio	_____
Board Member Mariam Yanes	_____

PASSED AND ADOPTED this 22<sup>nd</sup> of May 2019.

\_\_\_\_\_  
ROBERT JULIA  
Chairman, Planning and Zoning Board

ATTEST:

\_\_\_\_\_  
GINA INGUANZO  
Town Clerk

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

\_\_\_\_\_  
LORENZO COBIELLA  
TOWN ATTORNEY

This Order was filed in the Office of the Town Clerk on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
GINA INGUANZO  
Town Clerk



Planning Office  
6601 Main Street • Miami Lakes, Florida 33014  
(305) 364-6100 • [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

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## Staff Analysis and Recommendation

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**To:** Planning and Zoning Board  
**From:** Susana Alonso, AICP  
Principal Town Planner  
**Re:**  
**HEARING NUMBER:** VARH2019-0237  
**APPLICANT:** Armando and Yancy Bernal  
**FOLIO:** 32-2023-010-0600  
**LOCATION:** 14850 Dade Pine Ave  
Miami Lakes, Florida, 33014  
**ZONING DISTRICT:** RU-1  
**Date:** May 22, 2019

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### A. Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Armando and Yancy Bernal (the “Applicants”) are requesting the following variance:

A variance from Section 13-1508 of the Town’s Zoning Code to exceed by 10 feet the maximum width of a driveway approach where a maximum of 20 feet is allowed.

### B. Background

The Applicant had applied for an obtained a building permit to expand and refurbish an existing driveway, BLR2019-0563. The application for the building permit was approved by the zoning official with a width of approach of 20 feet in compliance with the LDC (see exhibit B, page 1). At the time of final inspection, the driveway approach was measured by the zoning official as 30 feet (see exhibit B, page 2). The applicant was advised that the driveway would have to be either modified to comply with LDC or an after-the-fact variance be obtained approving the as-built configuration.

As per the LDC, the maximum allowable width of an individual driveway, or leg of a driveway in the case of a circular driveway, is 20 feet. If two driveways or a circular driveway are proposed for a single property, then the two legs must add up to 30 feet; in other words, the LDC allows either one 20-foot leg and one 10-foot leg, or two 15-foot legs or any combination in between. The reason for this limitation is to minimize the length of sidewalk or right-of-way that the driveway and approach cut through, therefore limiting the length of possible interaction between pedestrians and vehicles entering or exiting the property, as well as between vehicles already on the right-of-way and those exiting the property. In addition, this limitation prevents the creation of continuous curb-cuts from setback to setback and provides for landscaped areas near the sidewalk and right-of-way.



### C. Staff Recommendation

Staff recommends denial of the variance request, as it fails to meet the variance criteria at section 13-305(f)(1).

### D. Property Information and Permit History

Zoning District of Property: RU-1 – Residential single family

Future Land Use Designation: low-density residential

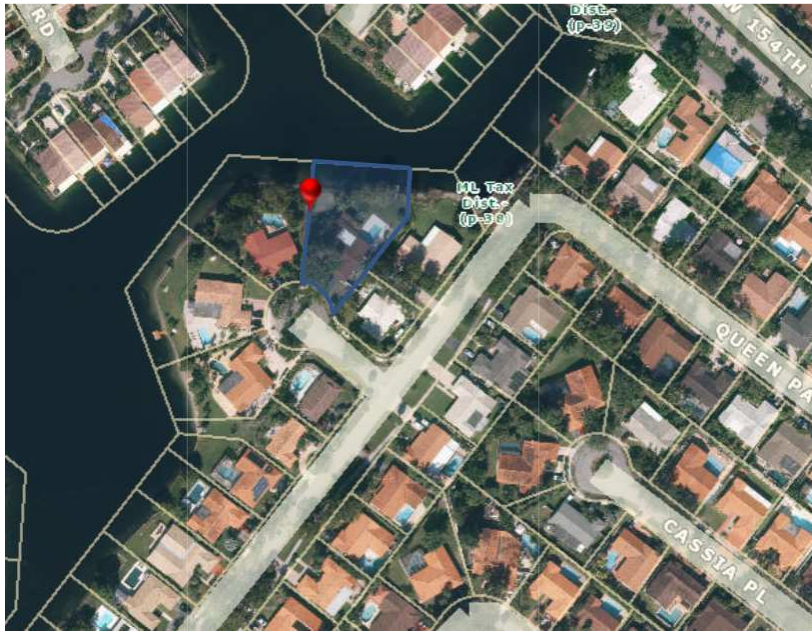
Subject Property:

The subject parcel is an approximately one-acre lot located at the entrance to Dade Pine Ave, a circular cul-de-sac on Lake Martha. The site is improved with a 2,877 square foot single family home constructed in 1971 according to Miami Dade County records. It is located at 14850 Dade Pine Ave within the low-density residential Use Future Land Use Designation and is zoned RU-1 – Residential single family.

Surrounding Property:

	<b>Future Land Use Category</b>	<b>Zoning District</b>
<b>North:</b>	low-density residential	RU-1 – Residential single family
<b>South:</b>	low-density residential	RU-1 – Residential single family
<b>East:</b>	low-density residential	RU-1 – Residential single family
<b>West:</b>	low-density residential	RU-1 – Residential single family

Subject Property Location Map



not to scale

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

There are two open permits on this property at this time, both related to the driveway in question on this variance request. BLR2019-0563 is the building permit for the driveway, and WKR2019-0564 is the associated public works permit for the approach. They have both been denied at inspection. No violations have been issued at this time.

**E. Analysis**

Subsection 13-305(f)(1) of the Town Land Development Code provides criteria for the consideration of non-use variance request(s) predicated upon a standard of “Practical Difficulty.” The decision of the Town Council shall balance the rights of property owners in the Town as a whole against the need of the individual property owner to deviate from the requirements of the Land Development Code based on an evaluation of the factors below. All of the factors should be considered and given their due weight, however no single factor is dispositive. All portions of this report are incorporated into this Variance Criteria analysis.

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

*Analysis:* the applicant has supplied letters of support from four (4) neighbors, including the two adjacent property owners, as well as a letter from Lake Martha Homeowners Association stating that they have no opposition to the wider driveway. The letters have been included as attachments to this staff report.

*Finding:* complies.

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

*Analysis:* See Section B, Background. The development pattern within the town is consistent with the requirements of the LDC.

*Finding:* Does not comply.

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

*Analysis:* See Section B, Background, and criteria “b” above. The development pattern within the neighborhood is consistent with the requirements of the LDC. The neighborhood is a walkable neighborhood, with sidewalks and cul-de-sacs, with parking areas recessed from the property lines. Excessively large curb-cuts hinder the continuity of the sidewalks.

*Finding:* Does not comply.

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

*Analysis:* See Section B, Background, and criteria “b” and “c”. Approval of this variance does not cause detriment to any adjoining properties, because the proposed driveway is centered on the front property line, and thus leaves generous distances from adjoining properties.

*Finding:* complies.

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

*Analysis:* See Section B, Background, and criteria “b”, and “c”.

*Finding:* Does not comply.

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

*Analysis:* See Section B, Background, and criteria “b”, “c” and “d”. The applicant had an approved permit with a driveway configuration that was compliant with the LDC. The existing configuration for which an after-the-fact variance is sought, was not built according to approved plans.

*Finding:* Does not comply.

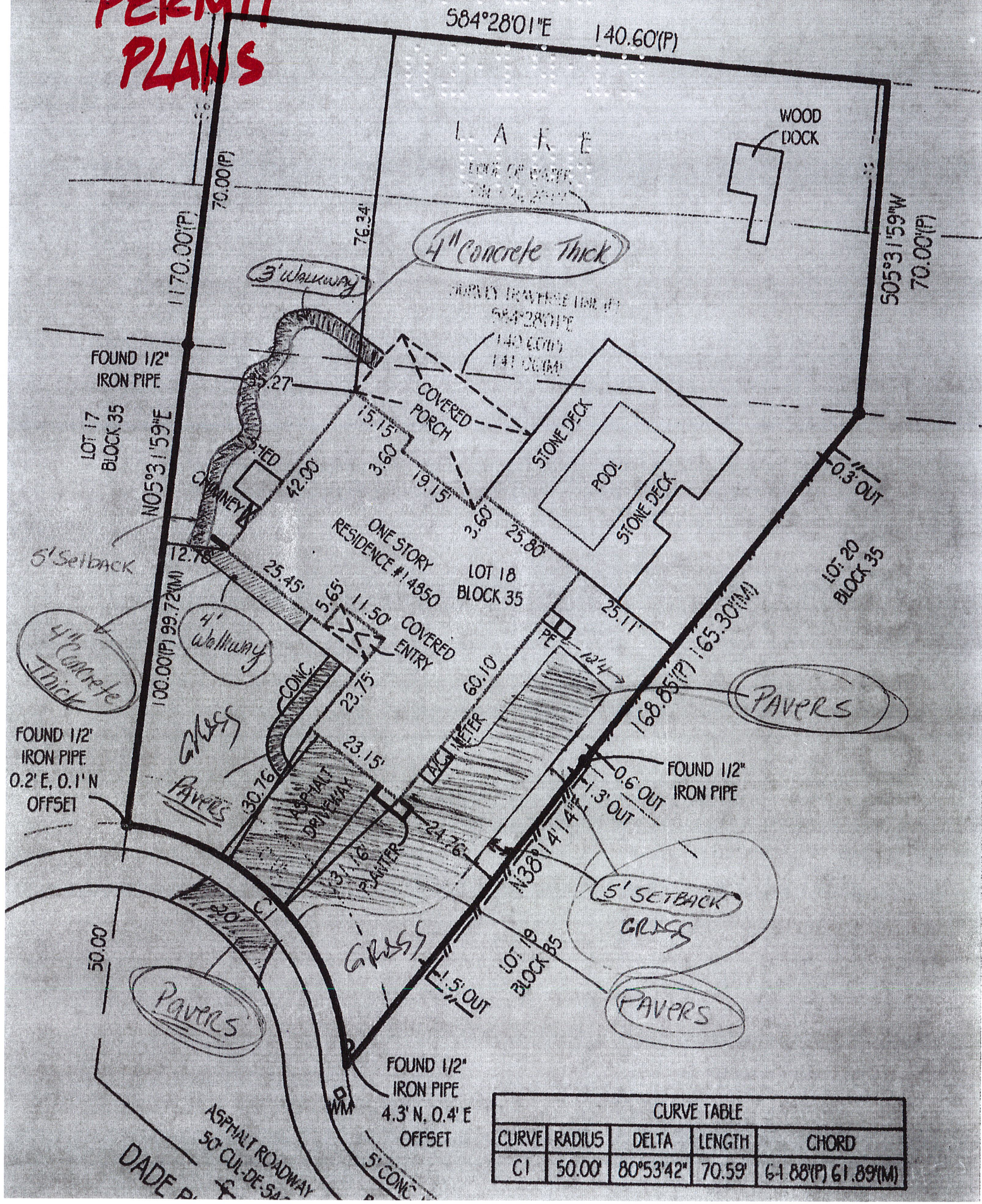
**g) The special conditions and circumstances which exist are the result of actions beyond the control of the applicant.**

*Analysis:* See Section B, Background, and criteria “b”, “c”, “d”, and “f”. Based on the submittals of the Applicant, the analysis provided by this report, there are **no** special conditions or circumstances which exist that are the result of actions beyond the control of the Applicant.

*Finding:* Does not comply.



# 1"=40' **APPROVED** **PERMIT** **PLANS**



CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	50.00'	$80^{\circ}53'42''$	70.59'	61.88'(P) 61.89'(M)



4-8-19



# PHOTOS OF ALREADY BUILT DRIVEWAY















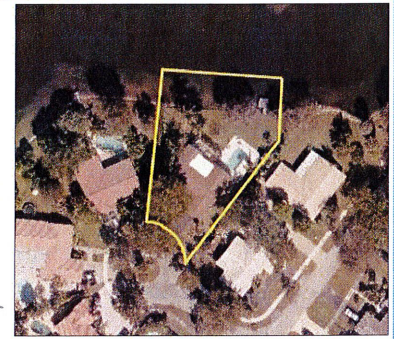
**PROPERTY ADDRESS:**

14850 DADE PINE AVENUE  
MIAMI LAKES, FL 33014

On your behalf, and as a requirement for your transaction, this document has been coordinated with us by the following firm.  
Landtec Surveying, Inc. is a non-affiliated, private firm and remains entirely and solely responsible for its content.

**TITLE**  **CHAMPS**  
**O F F L O R I D A**





584°28'01"E 140.60'(P)

36.4'±

70.00'(P)

76.34'

32.1'±

505°31'59"W 70.00'(P)

WOOD DOCK

L A K E

EDGE OF WATER ON 7/26/2017

FOUND 1/2" IRON PIPE

LOT 17 BLOCK 35

N05°31'59"E

35.27'

42.00'

CHIMNEY

SHED

COVERED PORCH

STONE DECK

POOL

STONE DECK

ONE STORY RESIDENCE #14850

LOT 18 BLOCK 35

25.45'

5.65'

11.50'

COVERED ENTRY

23.75'

60.10'

25.30'

19.15'

3.60'

3.60'

25.11'

0.3' OUT

LOT 20 BLOCK 35

168.85'(P) 165.30'(M)

FOUND 1/2" IRON PIPE 0.2' E, 0.1' N OFFSET

100.00'(P) 99.72'(M)

12.78'

30.76'

10'± E

ASPHALT DRIVEWAY

CONC.

PLANTER

24.76'

31.16'

23.15'

5' CONC. WALK

LOT 19 BLOCK 35

N38°14'14"E 113.3'±

0.6' OUT

FOUND 1/2" IRON PIPE

50.00'

DADE PINE AVENUE








ASPHALT ROADWAY 50' CUL-DE-SAC

5' CONC. WALK PARKWAY

FOUND 1/2" IRON PIPE 4.3' N, 0.4' E OFFSET

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
CI	50.00'	80°53'42"	70.59'	64.88'(P) 61.89'(M)

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	50.00'	80°53'42"	70.59'	64.88'(P) 61.89'(M)

	BOUNDARY LINE
	BUILDING LINE
	CENTERLINE
	EASEMENT LINE
	CHAIN LINK FENCE
	WOODEN FENCE
	OVERHEAD CABLE

CA DENOTES CENTRAL ANGLE  
CATV DENOTES CABLE T.V. BOX  
CH DENOTES CHORD DISTANCE  
DE DENOTES DRAINAGE EASEMENT  
FN DENOTES FOUND NAIL  
M DENOTES MEASURED  
OHC DENOTES OVERHEAD CABLE  
P DENOTES PLAT  
PE DENOTES POOL EQUIPMENT  
R DENOTES RADIUS  
TR DENOTES TELEPHONE RISER  
UE DENOTES UTILITY EASEMENT  
UD DENOTES UTILITY POLE  
WM DENOTES WATER METER

BEARING REFERENCE: NORTH LINE OF SUBJECT PROPERTY AS  
S. 84°28'01" E. ALL BEARINGS SHOWN HEREON REFERENCED THERETO.

Revision :



**LANDTEC**  
SURVEYING

Proudly Serving Florida's Land Title & Real Estate Industries  
... measurably better!



**LEGAL DESCRIPTION:**

LOT 18, BLOCK 35, MIAMI LAKES - LAKE MARTHA SECTION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 86, PAGE(S) 76, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**PROPERTY ADDRESS:**

14850 DADE PINE AVENUE  
MIAMI LAKES, FL 33014

INVOICE NUMBER: 83553-SE

DATE OF FIELD WORK: 07/26/2017

**CERTIFIED TO**

TITLE CHAMPS OF FLORIDA

WFG NATIONAL TITLE INSURANCE COMPANY

AMERICAN BANCSHARES MORTGAGE, LLC, ISAOA/ATIMA

ARMANDO BERNAL & YANCY BERNAL

FLOOD ZONE: AE

FLOOD MAP: 12086C

PANEL: 0112

SUFFIX: L

PANEL DATE: 09/11/2009

BASE FLOOD ELEVATION OR DEPTH: 6 NGVD 1929

COMMUNITY NUMBER: 120686

BENCHMARK: N-574

ELEVATION: 8.60

FINISHED FLOOR ELEVATION: 8.81 NGVD 1929

**General Notes:**

1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM LANDTEC SURVEYING. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ABOVE.
7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8. CORNERS SHOWN AS "SET" ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) # 5639.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062. PURSUANT TO SECTION 472.025, FLORIDA STATUTES.



Digitally signed by Andrew Snyder, P.S.M.  
DN: cn=Andrew Snyder, P.S.M., o=Landtech Surveying, ou, email=asnyder@msn.com, c=US  
Date: 2017.07.28 17:10:42 -04'00'  
DATE: 07/28/2017

**ANDREW SNYDER - PROFESSIONAL SURVEYOR AND MAPPER**  
FLORIDA REGISTRATION No. 5639 (NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

**LENDER CERTIFICATION NOTE:**

BY AUTHORITY GRANTED PER 5J-17.051(3)(b)(6) FLORIDA ADMINISTRATIVE CODE: FOR MORTGAGE TRANSACTIONS, LANDTEC HEREBY AUTHORIZES CERTIFIED TITLE AGENTS SHOWN HEREON TO EDIT ANY LENDER CERTIFICATIONS ALREADY SHOWN HEREON AS THEY DEEM NECESSARY TO COMPLETE SAID TRANSACTION. ANY OTHER ALTERATIONS SHALL VOID THIS SURVEY.

ON ELECTRONICALLY DELIVERED SURVEYS, THE LENDER CERTIFICATION SHOWN ABOVE IS AN EDITABLE FIELD THAT MAY BE CHANGED AS NEEDED. UPON EDITING, THIS DOCUMENT WILL REMAIN SIGNED AND SEALED AND CAN BE "SAVED AS" ON YOUR LOCAL DRIVES, AS WELL AS ATTACHED TO FORWARDING EMAILS.



**LANDTEC**  
SURVEYING  
Proudly Serving Florida's Land Title & Real Estate Industries  
*... measurably better!*

**Lake Martha Homeowners Association, No 2, Inc.**

PO Box 4355 Miami Lakes, Florida 33014-0355

Message Center/Fax: 305-207-9242 E-Mail: [manager@lakemarthahoa.org](mailto:manager@lakemarthahoa.org)

Web Site: [www.lakemarthahoa.org](http://www.lakemarthahoa.org)

April 9, 2019

ARMANDO & YANCY BERNAL  
14850 Dade Pine Ave  
Miami Lakes, FL 33014

RE: Property 14850 Dade Pine Ave

Dear Mr. & Mrs. Bernal,

Please be advised that the Lake Martha Homeowners Association, No.2, Inc. has no opposition to your modification request to have a wider approach to your existing driveway. The Association is not involved with the Town of Miami Lakes variance process.

Should you have any questions, please feel free to call me at 305-207-9242 or send me an email at [manager@lakemarthahoa.org](mailto:manager@lakemarthahoa.org).

Respectfully,

FOR THE BOARD OF DIRECTORS



Doris Prado  
Community Association Manager  
Lake Martha Homeowners Assoc.



**Lake Martha Homeowners Association, No 2, Inc.**

PO Box 4355 Miami Lakes, Florida 33014-0355  
Message Center/Fax: 305-207-9242 E-Mail: [manager@lakemarthahoa.org](mailto:manager@lakemarthahoa.org)  
Web Site: [www.lakemarthahoa.org](http://www.lakemarthahoa.org)

April 9, 2019

**ARMANDO & YANCY BERNAL**  
**14850 Dade Pine Ave**  
**Miami Lakes, FL 33014**

**RE: IMPROVEMENT REQUEST – APPROVED PAVERS**  
**PROPERTY ADDRESS: 14850 Dade Pine Ave**

Dear Homeowner,

The *Lake Martha Homeowner's Association, No 2, Inc. (LMHOA)* is please to advise you that the Board of Directors has **approved** your request for the improvement(s) indicated below:

- **Pavers installed in driveway and side patio, including enlargement of driveway and approach area.**

The aforementioned improvement(s) request(s), in our opinion, is/are consistent with any requirement(s) indicated by the current existing *Declaration of Restrictions for the Miami Lakes Lake Martha Section* and all subsequent amendments. **Any change or alternation to the original request must be resubmitted for approval.**

**Application for approval and/or permit MUST STILL be completed with *The Town of Miami Lakes Building & Zoning Department* before any exterior alterations are executed.**

**Thank you for your time in appearing before the *Lake Martha* Board of Directors and your continued interest in maintaining and improving your home.**

Sincerely,  
*Lake Martha Homeowners Association, No 2, Inc.*

For the Board of Directors

  
Doris Prado, CAM

**\*The following provisional approval for the indicated improvements IS ONLY VALID FOR SEVEN (7) MONTHS FROM THE DATE OF THIS LETTER. Should the improvements not be implemented within that time, new approval MUST BE PROVIDED by the Homeowners Association.**

**SILVIO MONRABAL JR.**  
**ALICIA G. MONRABAL**

14820 Dade Pine Avenue  
Miami Lakes, FL 33014

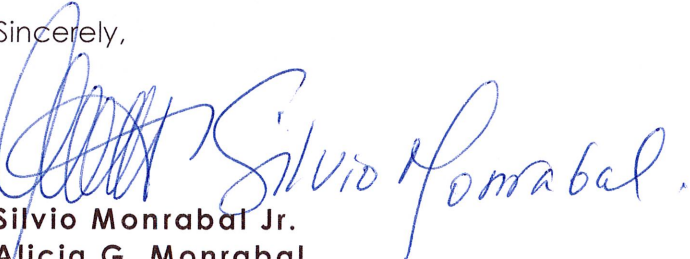
**April 3, 2019**

Miami Lakes City Hall  
6601 Main Street  
Miami Lakes, FL 33014

**Dear Miami Lakes City Hall:**

I am a resident of Miami Lakes. I live at 14820 Dade Pine Avenue. I am a neighbor to Yancy and Armando Bernal's home located at 14850 Dade Pine Avenue. They have informed me of the variance they are requesting in reference to lengthening of their driveway approach. I have no opposition or reservations to the matter.

Sincerely,

  
**Silvio Monrabal Jr.**  
**Alicia G. Monrabal**

**JOSEPH T. NAGY**  
**ROSA M. MARRERO**

14830 Dade Pine Avenue  
Miami Lakes, FL 33014

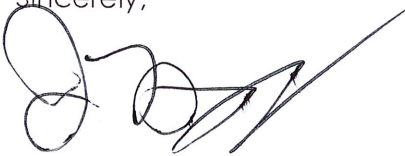
**April 3, 2019**

Miami Lakes City Hall  
6601 Main Street  
Miami Lakes, FL 33014

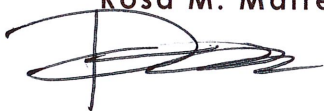
**Dear Miami Lakes City Hall:**

I am a resident of Miami Lakes. I live at 14830 Dade Pine Avenue. I am a neighbor to Yancy and Armando Bernal's home located at 14850 Dade Pine Avenue. They have informed me of the variance they are requesting in reference to lengthening of their driveway approach. I have no opposition or reservations to the matter.

Sincerely,



**Joseph T. Nagy**  
**Rosa M. Marrero**



**AUGUSTIN F. VENERO**

14840 Dade Pine Avenue  
Miami Lakes, FL 33014

**April 3, 2019**

Miami Lakes City Hall  
6601 Main Street  
Miami Lakes, FL 33014

**Dear Miami Lakes City Hall:**

I am a resident of Miami Lakes. I live at 14840 Dade Pine Avenue. I am a neighbor to Yancy and Armando Bernal's home located at 14850 Dade Pine Avenue. They have informed me of the variance they are requesting in reference to lengthening of their driveway approach. I have no opposition or reservations to the matter.

Sincerely,

  
**Augustin F. Venero**



MARIA C. LLIBRE

14810 Dade Pine Avenue  
Miami Lakes, FL 33014

April 3, 2019

Miami Lakes City Hall  
6601 Main Street  
Miami Lakes, FL 33014

Dear Miami Lakes City Hall:

I am a resident of Miami Lakes. I live at 14810 Dade Pine Avenue. I am a neighbor to Yancy and Armando Bernal's home located at 14850 Dade Pine Avenue. They have informed me of the variance they are requesting in reference to lengthening of their driveway approach. I have no opposition or reservations to the matter.

Sincerely,

  
Maria C. Llibre

JORGE DE LA CRUZ

14860 Dade Pine Avenue  
Miami Lakes, FL 33014

April 3, 2019

Miami Lakes City Hall  
6601 Main Street  
Miami Lakes, FL 33014

Dear Miami Lakes City Hall:

I am a resident of Miami Lakes. I live at 14860 Dade Pine Avenue. I am a neighbor to Yancy and Armando Bernal's home located at 14850 Dade Pine Avenue. They have informed me of the variance they are requesting in reference to lengthening of their driveway approach. I have no opposition or reservations to the matter.

Sincerely,

Jorge De La cruz  




## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman and members of the Planning Board  
**From:** Susana Alonso, AICP  
**Subject:** Variance Application Fees  
**Date:** 5/22/2019

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### **Recommendation:**

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

### **Background:**

On May 16, 2018, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, initiated a new business item to review variance application fees. The Board found, based on preliminary research provided by Town Staff, that the Town was subsidizing many variance requests above and beyond the existing fee schedule. The Board subsequently presented this finding to the Town Council on July 17, 2018. Based on the information presented, the town Council directed the Town manager to adjust variance fee schedule to recover the full cost of providing the service.

On September 19, 2019, the Planning and Zoning board heard the ordinance and voted to advise approval by the Town Council as proposed, with the condition that if an applicant requests a line-item expense report that it be provided to the applicant. Minutes of the meeting are provided as an attachment to this report.

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

### **ATTACHMENTS:**

Description

Ordinance

Staff Report

Exhibits

**May 16 2018 LPA materials**

ORDINANCE NO. 19- \_\_\_\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE XI, "FEES", AT SECTION 13-2102, RELATING TO VARIANCE APPLICATION FEES; REQUIRING ALL VARIANCE APPLICATIONS TO BE COST RECOVERY AND PROVIDING FOR INITIAL DEPOSITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Town Council)**

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

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

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

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

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

**WHEREAS**, on May\_\_\_\_, 2019, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

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

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

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

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

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

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

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

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

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

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

### **FIRST READING**

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this \_\_\_\_\_ day of May 2019

[THIS SPACE INTENTIONALLY LEFT BLANK]

## SECOND READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

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

---

Manny Cid  
MAYOR

Attest:

---

Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

---

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



EXHIBIT A  
ORDINANCE

Chapter 13 LAND DEVELOPMENT CODE

\* \* \*

ARTICLE XI. - FEES

\* \* \*

Sec. 13-2102. - Fees for planning and zoning approvals.

Fees and/or cost recovery deposits for planning and zoning approvals are hereby adopted as set forth in the fee schedule for planning and zoning approvals maintained by the Town Clerk. The fee schedule for planning and zoning approvals may be amended from time to time by resolution of the Town Council.

**Fee Schedule for Planning and Zoning Approvals <sup>i</sup>**

	Development Approval Requested	Application Fee	Deposit
* * *			
2.	<b>Variances</b>		
2.1	Additional fee for each variance in an application after the first three	\$50.00 for each additional variance after the first three	
2.2	Administrative	<del>\$350.00 plus notification and recording costs</del> \$1,500	<del>\$650.00<sup>*</sup></del>
2.3	Public hearing		
2.3.1	One single-family, two-family, or townhouse unit <u>2,500 square feet or one-acre property or less</u>	<del>\$750.00 plus notification and recording costs</del> \$1,750	<del>\$650.00<sup>*</sup></del>
2.3.2	<u>One single-family, two-family, or townhouse unit 2,500 square feet or one-acre property or more</u>	<u>Cost Recovery</u>	<u>\$3,000</u>

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



Planning Office  
6601 Main Street • Miami Lakes, Florida 33014  
Office: (305) 364-6100 • Website: [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov)

---

## Staff Analysis and Recommendation

---

**To:** Honorable Mayor and Members of the Town Council  
**From:** Edward Pidermann, Town Manager  
**Subject:** Variance Application Fees  
**Date:** May 22, 2019

---

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE XI, "FEES", AT SECTION 13-2102, RELATING TO VARIANCE APPLICATION FEES; REQUIRING ALL VARIANCE APPLICATIONS TO BE COST RECOVERY AND PROVIDING FOR INITIAL DEPOSITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Town Council)

### A. BACKGROUND

On May 16, 2018, the Planning and Zoning Board, acting in their capacity as the Local Planning Agency, initiated a new business item to review variance application fees. The Board found, based on preliminary research provided by Town Staff, that the Town was subsidizing many variance requests above and beyond the existing fee schedule. The Board subsequently presented this finding to the Town Council on July 17, 2018. Based on the information presented, the town Council directed the Town manager to adjust variance fee schedule to recover the full cost of providing the service.

On September 19, 2019, the Planning and Zoning board heard the ordinance and voted to advise approval by the Town Council as proposed, with the condition that if an applicant requests a line-item expense report that it be provided to the applicant. Minutes of the meeting are provided as an attachment to this report.

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

balance on a deposit(s) that is not charged to the variance application is refunded back to the applicant upon full completion of the variance process.

## **B. PROPOSED CHANGES**

Section 13-2102 is amended to require all variance application are to be on a cost recovery basis, with the exception of administrative variances and variances for single family home properties that are less than 2500 square feet homes or one-acre properties. Deposits and fees for each variance type are currently as follows:

Development Approval Requested	Application Fee	Deposit
<b>Variances</b>		
Additional fee for each variance in an application after the first three	\$50.00 for each additional variance after the first three	
Administrative	Cost Recovery	\$1,500
<i>Public Hearing Items</i>		
One single-family, two-family, or townhouse unit	Cost Recovery	\$3,000
Multifamily	Cost Recovery	\$4,000
Commercial and industrial	Cost Recovery	\$4,500
Signs	Cost Recovery	\$4,200
Town Council rehearing of P&Z Board Decision	Cost Recovery	\$2,000
All others	Cost Recovery	\$4,000

## **C. STAFF RECOMMENDATION**

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

## **D. ANALYSIS**

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

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

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

*Finding:* Complies

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

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

*Finding:* Complies.

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

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

*Finding:* Complies.

4. **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

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

*Finding:* Complies.

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

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

*Finding:* Complies.

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

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

*Finding:* Complies.

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

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

*Finding:* Complies.

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

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

*Finding:* Complies.

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

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

*Finding:* Complies.

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

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

*Finding:* As determined by the Town Council.

# **ATTACHMENT A**

## **Variance Fee Study Tables**

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

	Admin Var	SFR	MultiFamily	Comm/Indust	Sign Var.
Initial Fee and Deposit Collected	\$ 1,000.00	\$ 1,400.00	\$ 1,750.00	\$ 2,350.00	\$ 1,750.00
Additional fee or (Refund) Collected	(\$227.50)	(\$107.37)	\$12.63	\$22.63	\$22.63
<b>Total Cost by Applicant</b>	<b>\$ 772.50</b>	<b>\$ 1,292.63</b>	<b>\$ 1,762.63</b>	<b>\$ 2,372.63</b>	<b>\$ 1,772.63</b>
Total Cost to Process Application	\$ 1,871.90	\$ 3,067.37	\$ 4,208.18	\$ 4,412.36	\$ 4,196.60
Total Amount Paid by Applicant	\$ 772.50	\$ 1,292.63	\$ 1,762.63	\$ 2,372.63	\$ 1,772.63
<b>Total Unrecovered Town Cost</b>	<b>\$ (1,099.40)</b>	<b>\$ (1,774.74)</b>	<b>\$ (2,445.55)</b>	<b>\$ (2,039.73)</b>	<b>\$ (2,423.97)</b>



TYPICAL ADMINISTRATIVE VARIANCE			
SUMMARY OF EXPENDITURES AND FEE/DEPOSIT			
Type	Expenditure	Fee/Deposit	Balance
Advertising and Recording	\$422.50	650	\$227.50
Fee Based Service	\$ 1,449.40	350	(\$1,099.40)
<b>Total</b>	<b>\$ 1,871.90</b>	<b>\$ 1,000.00</b>	
Unused Cost recovery refunded to applicant			\$227.50
Total applicant Cost			\$ 772.50
COST RECOVERY SERVICES RELATED TO ADVERTISING AND RECORDING			
ALM Media	News Paper Ad	Typical	
ICA Senior Planner (hrs)	5.5	\$ 55.00	\$302.50
Signs	1 Signs @ \$10.00	In-House	\$10.00
Mailing	100 Envelops @ \$0.65	In-House	\$65.00
Recording	Simplifile	estimated	\$45.00
Cost Recovery Subtotal			\$422.50

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

**TYPICAL SINGLE FAMILY - TWO FAMILY - TOWNHOUSE VARIANCE FOR PUBLIC HEARING**
**SUMMARY OF EXPENDITURES AND FEE/DEPOSIT**

Type	Expenditure	Fee/Deposit	Balance
Advertising and Recording	\$542.63	650	\$107.37
Fee Based Service	\$ 2,524.74	750	(\$1,774.74)
<b>Total</b>	<b>\$ 3,067.37</b>	<b>\$ 1,400.00</b>	
Unused Cost recovery refunded to applicant			\$107.37
Total applicant Cost			\$ 1,292.63

**COST RECOVERY SERVICES RELATED TO ADVERTISING AND RECORDING**

ALM Media	News Paper Ad	Typical	\$120.13
ICA Senior Planner (hrs)	5.5	\$ 55.00	\$302.50
Signs	1 Signs @ \$10.00	In-House	\$10.00
Mailing	100 Envelops @ \$0.65	In-House	\$65.00
Recording	Simplifile	estimated	\$45.00
Cost Recovery Subtotal			\$542.63

**FEE BASED (NON-COST RECOVERY) SERVICE EXPENDITURES**

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

# **TYPICAL MULTIFAMILY VARIANCE FOR PUBLIC HEARING**

## **SUMMARY OF EXPENDITURES AND FEE/DEPOSIT**

Type	Expenditure	Fee/Deposit	Balance
Advertising and Recording	\$662.63	650	(\$12.63)
Fee Based Service	\$ 3,545.55	1100	(\$2,445.55)
<b>Total</b>	<b>\$ 4,208.18</b>	<b>\$ 1,750.00</b>	
Unused Cost recovery refunded to applicant			(\$12.63)
Total applicant Cost			\$ 1,762.63

## **COST RECOVERY SERVICES RELATED TO ADVERTISING AND RECORDING**

ALM Media	News Paper Ad	Typical	\$120.13
ICA Senior Planner (hrs)	6.5	\$ 55.00	\$357.50
Signs	2 Signs @ \$10.00	In-House	\$10.00
Mailing	200 Envelops @ \$0.65	In-House	\$130.00
Recording	Simplifile	estimated	\$45.00
<b>Cost Recovery Subtotal</b>			<b>\$662.63</b>

## **FEE BASED (NON-COST RECOVERY) SERVICE EXPENDITURES**

POSITION	HOURS	RATE	TOTAL
<b>Planning Director(hrs)</b>			
Staff Report editing	3	73.06	219.18
Development Order writing	4	73.06	292.24
Board Briefings	2	73.06	146.12
Hearing Prep	0.5	73.06	36.53
Hearing	1.5	73.06	109.59
meetings and misc	3	73.06	219.18
Site Visit	0.5	73.06	36.53
afteraction	1	73.06	73.06
<b>Total</b>	<b>15.5</b>	<b>73.06</b>	<b>\$ 1,132.43</b>
<b>ICA Senior Planner (hrs)</b>			
preapplication meeting	2	\$ 55.00	110
Materials Prep	3	\$ 55.00	165
Plan Review	6	\$ 55.00	330
mailer prep	2	\$ 55.00	110
meetings and misc	4	\$ 55.00	220
Site Visit	1	\$ 55.00	55
Staff Report writing	9	\$ 55.00	495
Uploading Novus	0.5	\$ 55.00	27.5
Hearing	1.5	\$ 55.00	82.5
afteraction	1	\$ 55.00	55
<b>Total</b>	<b>30</b>	<b>\$ 55.00</b>	<b>\$ 1,650.00</b>
<b>Zoning Official (hrs)</b>	<b>1</b>	<b>\$ 52.18</b>	<b>\$52.18</b>
<b>PW Director</b>	<b>0</b>	<b>\$ 66.57</b>	<b>\$0.00</b>
<b>Transportation Manager</b>	<b>0</b>	<b>\$ 50.07</b>	<b>\$0.00</b>
<b>Arborist</b>	<b>0.5</b>	<b>\$ 38.87</b>	<b>\$19.44</b>
<b>Legal Review</b>	<b>1.5</b>	<b>\$ 200.00</b>	<b>\$300.00</b>
<b>Planning Tech (hrs)</b>			
Application Intake	1	\$ 26.76	26.76
Resolution Processing	0.5	\$ 26.76	13.38
<b>Total</b>	<b>1.5</b>		<b>40.14</b>
<b>STAFF SUBTOTAL</b>			<b>\$ 3,194.19</b>
11% Admin Overhead			\$ 351.36
<b>STAFF FINAL TOTAL</b>			<b>\$ 3,545.55</b>

TYPICAL COMMERCIAL AND INDUSTRIAL VARIANCE FOR PUBLIC HEARING			
SUMMARY OF EXPENDITURES AND FEE/DEPOSIT			
Type	Expenditure	Fee/Deposit	Balance
Advertising and Recording	\$672.63	650	(\$22.63)
Fee Based Service	\$ 3,739.73	1700	(\$2,039.73)
<b>Total</b>	<b>\$ 4,412.36</b>	<b>\$ 2,350.00</b>	
Unused Cost recovery refunded to applicant			(\$22.63)
Total applicant Cost			\$ 2,372.63
COST RECOVERY SERVICES RELATED TO ADVERTISING AND RECORDING			
ALM Media	News Paper Ad	Typical	\$120.13
ICA Senior Planner (hrs)	6.5	\$ 55.00	\$357.50
Signs	2 Signs @ \$10.00	In-House	\$20.00
Mailing	200 Envelops @ \$0.65	In-House	\$130.00
Recording	Simplifile	estimated	\$45.00
Cost Recovery Subtotal			\$672.63

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

<b>TYPICAL SIGN VARIANCE FOR PUBLIC HEARING</b>			
<b>SUMMARY OF EXPENDITURES AND FEE/DEPOSIT</b>			
Type	Expenditure	Fee/Deposit	Balance
Advertising and Recording	\$672.63	\$ 650.00	(\$22.63)
Fee Based Service	\$ 3,523.97	\$ 1,100.00	(\$2,423.97)
<b>Total</b>	<b>\$ 4,196.60</b>	<b>\$ 1,750.00</b>	
Unused Cost recovery refunded to applicant			(\$22.63)
Total applicant Cost			\$ 1,772.63
<b>COST RECOVERY SERVICES RELATED TO ADVERTISING AND RECORDING</b>			
ALM Media	News Paper Ad	Typical	\$120.13
ICA Senior Planner (hrs)	6.5	\$ 55.00	\$357.50
Signs	2 Signs @ \$10.00	In-House	\$20.00
Mailing	200 Envelops @ \$0.65	In-House	\$130.00
Recording	Simplifile	estimated	\$45.00
<b>Cost Recovery Subtotal</b>			<b>\$672.63</b>

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

**MINUTES**  
**Planning and Zoning Minutes**  
**May 16, 2018**  
**6:30 P.M.**  
**Government Center**  
**6601 Main Street, Miami Lakes, FL 33014**

**1. Call to Order:**

Chairman Jeffrey Rodriguez called the meeting to order at 6:30 p.m.

**2. Roll Call:**

The Deputy Town Clerk, Nicole Cuellar, called the roll with the following Board Members being present: Homero Cruz, Ameli Padron-Fragetta, Jeffrey Rodriguez, Vice Chairman Raul De la Sierra, and Chairman Fred Senra. Board Member Avelino Leoncio arrived at 6:31 p.m. and Robert Julia arrived at 6:40 p.m.

**3. Pledge of Allegiance/Moment of Silence:**

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

**4. Business Requiring Board Action:**

- A. Respectfully submitting a request to Town Council, to discuss and instruct staff to analyze a revision of Section 13.2102 of the Town Code regarding application and cost recovery fees on applications for variances to be tiered based on the scope of the variance requested.

Director of Planning, Darby Del Salle, explained the current process of application for variances and answered questions posed by the Board Members.

After some discussion, Board Member Leoncio made a motion requesting that the Town Council, through the Town Manager, have staff review variance fees to ensure that the Town is not running a deficit and that cost recoveries opportunities are accounted for. Board Member Padron-Fragetta seconded the motion. The Deputy Town Clerk called the roll and the motion passed, 6-1, with Board Member Julia in opposition.

Chairman Senra made a motion nominating Board Member Leoncio and Vice Chairman De la Sierra to speak before the Town Council regarding the motion referenced above. Vice Chairman De la Sierra seconded the motion and the motion passed unanimously.


**Director's Report:**

There was no Director's report.

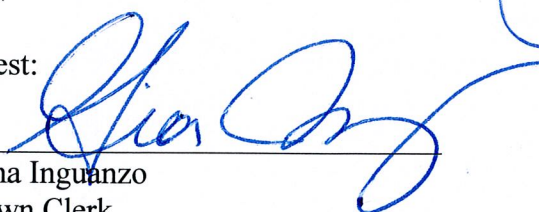
**Adjournment:**

There being no further business to come before the Board, the meeting adjourned at 7:38 P.M.

Approved this 20<sup>th</sup> day of June 2018.

  
\_\_\_\_\_  
Fred Senra  
Chairman

Attest:

  
\_\_\_\_\_  
Gina Inguanzo  
Town Clerk





## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman and Members of the Planning Board  
**From:** Susana Alonso, AICP  
**Subject:** Parking of Commercial Vehicles in rights-of-ways  
**Date:** 5/22/2019

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### **Recommendation:**

Staff recommends approval of the ordinance amending Section 13-1607 as it relates to parking of commercial vehicles within the Town's rights-of-way.

### **Background:**

On February 5th, 2019, Town Council directed the Town Manager to explore the possibility of an ordinance to address street parking of commercial vehicles within the Town's rights-of-way. The Council was concerned that large commercial vehicles were parking with regularity in several streets adjacent to parks or residential areas, blocking visibility, encroaching onto travel lanes, sidewalks and swales, and creating potentially hazardous conditions. Additionally, staff found the current code lacking in adequate provisions for violations of parking regulations. The proposed ordinance seeks to clarify provisions for street parking of commercial vehicles within rights-of-way, and to provide for fees and procedures regarding any violations of parking regulations.

On April 17, 2019, the town Planning Board heard the item and voted to recommend approval by the council with the following recommendations:

1. Add language to the ordinance clarifying that temporary parking while utilizing or attending a function at a park or other public facility will continue to be allowed if the ordinance is approved.
2. Add language to the ordinance clarifying that vehicles that are servicing a residence are allowed to park in the vicinity of the residence.
3. Provide for delayed enforcement to allow for time for existing leases on residential properties to expire.

### **ATTACHMENTS:**

Description

Order



**Staff Report**  
**Map**

**ORDINANCE NO. 19-\_\_**

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

**WHEREAS**, on February 6<sup>th</sup>, 2018, the Town of Miami Lakes (the Town) Council adopted Ordinance 18-220, providing for Governmental Facilities and uses permitted; and

**WHEREAS**, the Town's rights-of-way are essential for the travel of persons and the transport of goods throughout the Town; and are a unique and physically limited resource requiring proper management by the Town in order to maximize efficiency, and promote the public health, safety and general welfare; and

**WHEREAS**, parking on Town's rights-of-way is limited and parking of commercial vehicles around residential areas and around public facilities such as parks, libraries, and other public buildings can constitute a nuisance, and present visibility and other safety concerns; and

**WHEREAS**, Section 13-1607 of the Town's code entitled "Commercial and recreational vehicles" prohibits parking on residential districts but does not provide for rights-of-way abutting both residential districts and other districts.

**WHEREAS**, overnight and long-term parking of commercial vehicles, as well as parking not incidental to services provided by the vehicle, should be done within private property in commercial or industrial areas; and

**WHEREAS**, adoption of the following ordinance is necessary to satisfy the above objectives.

**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 April 17, 2019, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

**WHEREAS**, on \_\_\_\_\_, 2019, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and reviewed and recommended approval to the Miami Lakes Town Council; and

**WHEREAS**, on \_\_\_\_\_, 2019, 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 \_\_\_\_\_, 2019, 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. Amendment.** Section 13-1607 entitled *Commercial and recreational vehicles*, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

**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

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 “\* \* \*”.

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 INTENTIONALLY LEFT BLANK]

**FIRST READING**

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

[THIS SPACE INTENTIONALLY LEFT BLANK]

**SECOND READING**

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

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

\_\_\_\_\_  
Manny Cid  
MAYOR

Attest:

\_\_\_\_\_  
Gina 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 VI. – SUPPLEMENTARY REGULATIONS

\* \* \*

### DIVISION 1. - GENERALLY

\* \* \*

#### Sec. 13-1607. - Commercial and recreational vehicles.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial vehicles are hereby defined and categorized as follows for the purpose of this section:

Category 1. A vehicle that is a taxicab, a limousine under twenty (20) feet in length or any passenger vehicle truck or van with a maximum height of eight (8) feet from the ground marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise other than those which identify the vehicle maker or dealer. A sport utility vehicle marked with a sign, letters, identification numbers or emblem advertising or associating it in any way with a commercial enterprise, other than those which identify the vehicle maker or dealer, shall be considered as a Category 1 vehicle. For purposes of this section, a passenger vehicle bearing an emblem or lettering of a government entity shall also be considered as a Category 1 vehicle.

Category 2. A vehicle eight (8) feet or less in height that displays externally stored or mounted equipment either in a fixed or temporary manner which is visible of a commercial activity are visible including, but not limited to, food vending equipment, ladders, paint cans, lawn care equipment or fixtures and brackets necessary to carry such items. Trailers or utility trailers less than 20 feet in length which are enclosed or of an unenclosed design shall also be included as Category 2 vehicles.

Category 3. A vehicle, other than a recreational vehicle as defined in section 17.4, exceeding twenty (20) feet in length or more than eight (8) feet in height from the ground including, but not limited to, tow trucks, dump trucks, construction or earth moving vehicles or equipment and semi-tractors and trailers.

~~Commercial vehicle means any vehicle which displays, whether temporarily or permanently, any lettering, logo, or other markings which identify the vehicle as belonging to or used for any commercial purpose; and/or any vehicle on which is visible and is designed to carry cargo, supplies, merchandise, machinery, tools, equipment, racks, or other items of a commercial nature; any vehicle manufactured and commonly used as a work or commercial vehicle, including tow trucks; or any vehicle for hire such as but not limited to buses, jitneys, limousines or taxicabs.~~

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 “\* \* \*”.

*Off-road vehicle* means any vehicle that is used off the roads or highways for recreational purposes and that is not registered and licensed for highway use in the State. Off-road vehicles include all-terrain vehicles (ATVs) and golf carts.

*Recreational vehicle* means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle, placed on a vehicle or self-propelled, and includes such vehicles as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

- (b) In order to maintain the high standards of the Town with respect to residential appearance, commercial trucks or other commercial vehicles, off-road vehicles, campers, recreational vehicles, motor homes, house trailers, boat trailers and trailers of every other description as defined herein, whether operable or inoperable, shall not be permitted to be parked or to be stored at any place on any lot, common area or right-of-way within any residentially zoned area in the Town unless they are stored fully inside a garage with the garage door fully closed. In addition, category 1 commercial vehicles, off-road vehicles, campers, recreational vehicles, motor homes, house trailers, boat trailers and trailers of every other description as defined herein, whether operable or inoperable shall not be permitted to be parked within any right-of-way which abuts either a residential district or a Government Facility that contains a park, a public playground, a public library, a fire station, a police station, or any other public use building. This prohibition of parking shall not apply to temporary parking of trucks and commercial vehicles during the performance of commercial services to nearby residences or public facilities and to the loading and unloading, for no more than 24 hours, of recreational vehicles.
- (c) Category 2 and 3 vehicles shall not be permitted to be parked within any right-of-way located outside of industrial districts. This prohibition of parking shall not apply to temporary parking of any category of commercial vehicle during the performance of commercial services to nearby facilities of any designation.
- (d) All commercial vehicles may be parked in any legal parking space within private property located in office, commercial or industrial districts, including those properties used as residential properties that are located within office, commercial or industrial districts.
- (e) Marked and unmarked law enforcement and local government "take home" passenger vehicles may be permitted to be parked in driveways or legal parking spaces.
- (f) ~~All recreational vehicles, campers, and commercial vehicles that comply with the Town Code as of December 5, 2000, may be permitted if they are registered with the Town by April 18, 2005. Once the registered vehicle is sold no other recreational vehicle or commercial vehicle may be parked or stored on the property unless it complies with this Code.~~
- (f) Violations of these provisions are punishable as follows:
  - a. Any violation of this section is punishable by a civil fine of five-hundred dollars (\$500.00). Upon a repeat violation of these provisions, in addition to civil penalties, such vehicle may be towed or immobilized until all outstanding violations and enforcement costs have been paid. After 35 days of storage or immobilization, such vehicle may be disposed of pursuant to the provisions contained in Section 713.585, Florida Statutes.



Any enforcement officer is hereby authorized to secure the assistance of the Miami-Dade Police Department to effect enforcement of these provisions.

- b. Whoever opposes, obstructs or resists an enforcement officer in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.



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## Staff Analysis and Recommendation

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**To:** Honorable Mayor and Members of the Council  
**From:** Edward Pidermann, Town Manager  
**Subject:** Parking of Commercial Vehicles in rights-of-ways  
**Date:** May 22, 2019

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

### **A. BACKGROUND**

On February 5<sup>th</sup>, 2019, Town Council directed the Town Manager to explore the possibility of an ordinance to address street parking of commercial vehicles within the Town's rights-of-way. The Council was concerned that large commercial vehicles were parking with regularity in several streets adjacent to parks or residential areas, blocking visibility, encroaching onto travel lanes, sidewalks and swales, and creating potentially hazardous conditions. Additionally, staff found the current code lacking in adequate provisions for violations of parking regulations. The proposed ordinance seeks to clarify provisions for street parking of commercial vehicles within rights-of-way, and to provide for fees and procedures regarding any violations of parking regulations.

On April 17, 2019, the town Planning Board heard the item and voted to recommend approval by the council with the following recommendations:

1. Add language to the ordinance clarifying that temporary parking while utilizing or attending a function at a park or other public facility will continue to be allowed if the ordinance is approved.
2. Add language to the ordinance clarifying that vehicles that are servicing a residence are allowed to park in the vicinity of the residence.
3. Provide for delayed enforcement to allow for time for existing leases on residential properties to expire.

## B. PROPOSED CHANGES

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

*13-1607 (a)* – added definitions for different categories of commercial vehicles.

*13-1607 (b)* – added language clarifying that category 1 commercial vehicles shall not be allowed to park in any right of way abutting either a residential district or a Government Facility that contains a park, a public playground, a public library, a fire station, a police station, or any other public use building.

*13-1607 (c)* – added language prohibiting parking of category 2 and 3 vehicles within any rights-of-way outside of industrial districts.

*13-1607 (d)* – added language clarifying that commercial vehicles of any category are allowed to be stored or parked within private property in commercial, office, and industrial districts, including within any property of residential use that is located within those districts.

*13-1607(e) – Violations.* Provides for civil fines of \$500 for violations, as well as towing or immobilization of repeat violators.

## C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending Section 13-1607 as it relates to parking of commercial vehicles within the Town’s rights-of-way.

## E. ANALYSIS

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

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

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The ordinance provides for ensuring that rights-of-way remain free of any obstruction created by large commercial vehicles stationed in street parking spaces meant for personal private vehicles, as well as maintain the civic and/or residential character of the areas where parking of commercial vehicles is prohibited. As proposed, and presented in Section “A”, and “B”, above, the amendment conforms to the following objectives of CDMP below.

**Objective 2.3: RIGHT-OF-WAY PRESERVATION** - Protect and reserve existing and future rights-of-way, for automobile, truck, transit, bicycle and pedestrian travel

needs, to prevent structural encroachments and ensure adequate widths for maintenance of infrastructure identified in this Comprehensive Plan.

**Objective 10A.5: RESIDENTIAL IDENTITY** - Promote residential identity throughout the Town by encouraging individual design themes for residential neighborhoods.

**Objective 10A.9: CIVIC FACILITIES** - Establish community design standards to encourage positive community design elements for civic facilities.

**Objective 10B.2: PARKS and OPEN SPACE** - Protect and enhance the Town of Miami Lakes parks to provide opportunities for recreation and social gathering.

*Finding:* Complies

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

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance seeks to clarify and extend existing regulations prohibiting parking of commercial vehicles in residential districts as well as to add provisions and procedures to deal with violations. The proposed amendment does not conflict with any of the Town’s existing provisions.

*Finding:* Complies.

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

*Analysis* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The existing regulations prohibit parking of commercial vehicles in residential districts, but in cases where a residential district abuts a commercial or industrial district, they are interpreted to apply only to the side of the street that is immediately adjacent to the residential district, but not to the opposite side. As a result, several instances of large commercial vehicles parking on a long-term basis on several right-of-way have occurred. In addition, current regulations contain no language regarding violations and fines. This provision tries to remedy these challenges by establishing three categories of commercial vehicles, clarifying the language regarding residential districts, adding governmental facilities to the areas where category 1 commercial vehicle parking is prohibited, adding language to prohibit parking of commercial vehicles of categories 2 and 3 in any right-of-way outside of industrial districts, and establishing provisions for fees and impoundment in case of violations.

*Finding:* Complies.

**4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed amendment seeks to remedy existing de-facto incompatibilities between parking of commercial vehicles and residential, parks and civic uses.

*Finding:* Complies.

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

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

*Finding:* Complies.

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

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

*Finding:* Complies.

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

*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes, of this report. Long term parking for large commercial vehicles should be accomplished mostly within private storage and parking areas inside industrial and commercial developments. Street parking in right of ways is inadequate and creates safety hazards as well as visual clutter and thus should be rarely used and only in cases where the commercial vehicle is actively rendering a service to a residence or other facility nearby. In residential, parks and civic areas, parking of large commercial vehicles can be detrimental to property values as it creates visual clutter and a general unkempt appearance. As such, the proposed ordinance is in the interest of the general welfare of the Town and its residents.

*Finding:* Complies.

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

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

*Finding:* Complies.

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

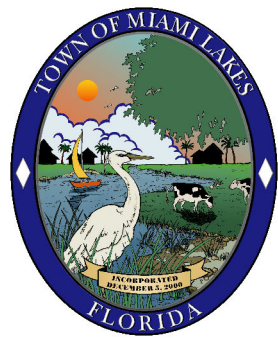
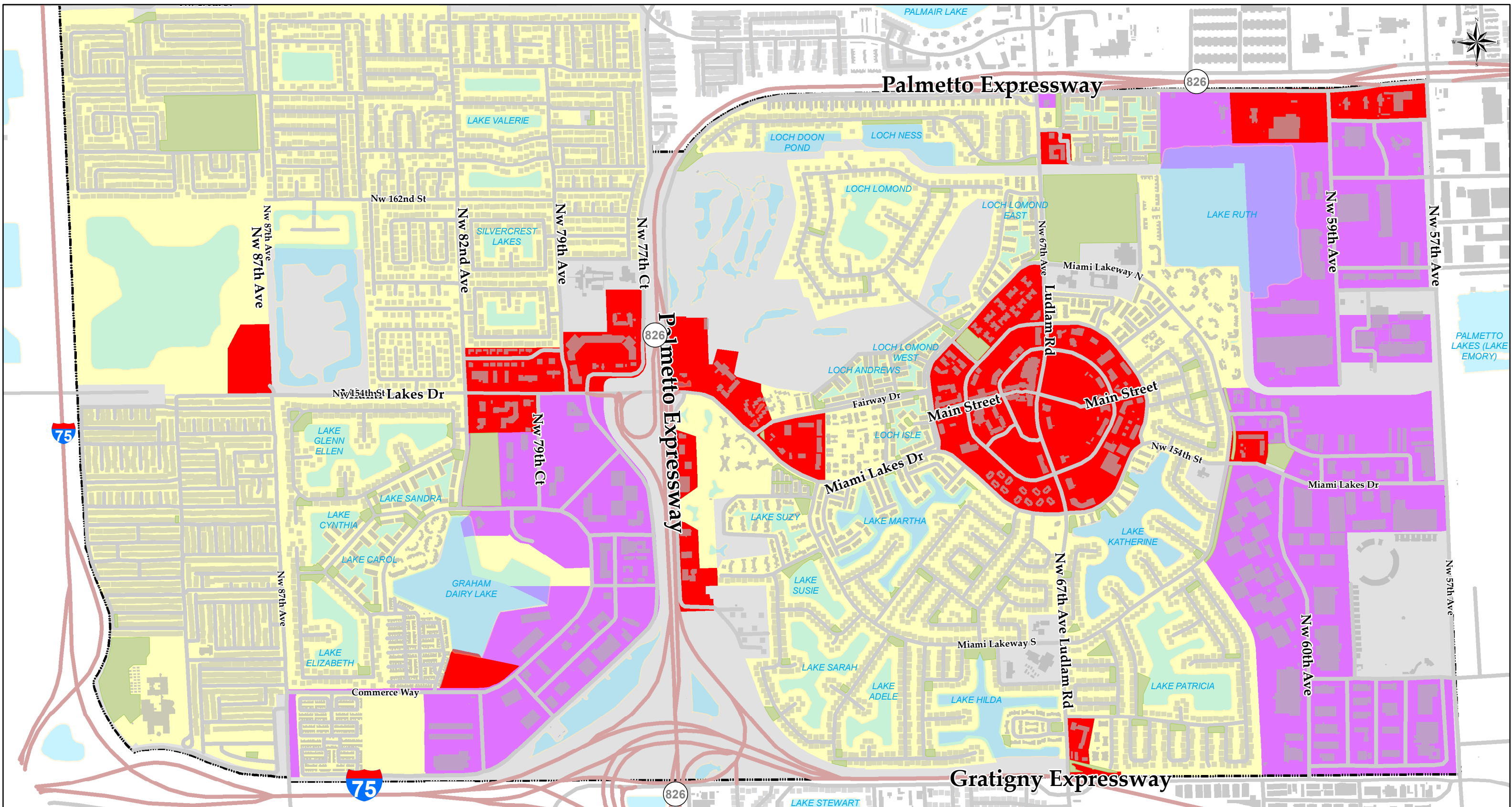
*Analysis:* See Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, 4, 6, and 7 of this report.

*Finding:* Complies.

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

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

*Finding:* As determined by the Town Council.



# Town of Miami Lakes

Rights-of-way affected by proposed ordinance  
to prohibit parking of commercial vehicles.

## Legend

- |   |                       |   |                                 |
|---|-----------------------|---|---------------------------------|
|  | Public Facilities     |  | Industrial Districts            |
|  | Residential Districts |  | Commercial and Office Districts |