



TOWN OF MIAMI LAKES, FLORIDA

AGENDA PLANNING AND ZONING BOARD MEETING September 19, 2018 6:30 PM 6601 Main Street

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. 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.

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

CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Cid)

- B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE XI, "FEES", AT SECTION 13-2102, RELATING TO VARIANCE APPLICATION FEES; REQUIRING ALL VARIANCE APPLICATIONS TO BE COST RECOVERY AND PROVIDING FOR INITIAL DEPOSITS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Town Council)**
- C. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING; AMENDING CHAPTER 13, LAND DEVELOPMENT CODE, AT ARTICLE V, SECTION 13-1507, ENTITLED "DECKS AND WALKWAYS," PERMITTING A DECK TO BE LOCATED WITHIN THE REQUIRED STREET SIDE YARD SETBACK OF CORNER LOTS FOR PROPERTIES ZONED RU-1Z; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

5. Director's Report

6. Adjournment

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

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



Town of Miami Lakes Memorandum

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP Principal Planner
Subject: Standing Metal Seam Roofs
Date: 9/19/2018

Recommendation:

Staff recommends approval of the ordinance amending Section 13-1608 as it relates to permitting standing metal seam roofing for single-family and two-family buildings.

Background:

On July 17, 2018, Town Council of the Town of Miami Lakes directed the Town Manager to amend the Land Development Code to permit standing metal seam roofs for single-family and two-family buildings. The request was made in light of the many roofs within the Town that are still tarped and awaiting repair from last year's Hurricane Irma. It is generally agreed that standing metal seam roofing is more resilient than flat or barrel tile roof materials. The ordinance amends Section 13-1608 which relates exclusively to roofing materials within single-family and two-family buildings. Section 13-1608 currently limits the roofing material to flat or barrel tile. Similar material limitations are not imposed upon the industrial and commercial districts.

The following is a brief description of the proposed changes.

13-1608(a) – New residential development. This subsection permits standing metal seam roofing for new single-family and two-family construction.

13-1608(b) – Existing single-family and two-family buildings. The provision permits existing homes to replace its roofing with standing metal seam roofing.

ATTACHMENTS:

Description

Ordinance

Staff Report

ORDINANCE NO. 18-_____

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

WHEREAS, section 13-1608 of the Town’s Land Development Code provides for permitted roofing types in residential single-family and two-family districts; and

WHEREAS, the Town of Miami Lakes (the “Town”) is prone to storm events that have the potential to cause roof damage to single-family and two-family buildings, as evidenced by the continued presence of blue (tarped) roofs throughout the Town a year after Hurricane Irma; and

WHEREAS, metal standing seamed roofing is considered to be a more resilient roofing material, capable of withstanding damage from hurricane force winds as compared to other roofing options; and

WHEREAS, considering its recognized resiliency, on July 17, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to amend the Land Development Code to permit metal seamed roofs for single-family and two-family buildings; and

WHEREAS, on September _____, 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 October ____, 2018, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on November _____, 2018, the Town Council considered the ordinance at a duly advertised public hearing; and

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

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

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

Section 2. Amendment. Section 13-1608, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

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

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

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

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

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

FIRST READING

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

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

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

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

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

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

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

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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

EXHIBIT A
ORDINANCE

Chapter 13 - LAND DEVELOPMENT CODE

* * *

ARTICLE VI. - SUPPLEMENTARY REGULATIONS

* * *

DIVISION 1. - GENERALLY

* * *

Sec. 13-1608. - ~~Development~~ Single-family and two-family roof regulations.

- (a) All new single-family or two-family roofs with a pitch equal to or greater than two and one-half inches rise per one (1) foot run shall be constructed of standing seamed metal roof, or of barrel tile or flat tile, or shall be constructed of another material which simulates barrel tile or flat tile. Other roofing materials may only be approved through the variance process.
- (b) All single-family or two-family roof materials may be replaced or repaired with similar types of roofing material as those materials being replaced or repaired, or be constructed with a standing metal seamed roof, or may be constructed of barrel tile, flat tile or another material which simulates barrel tile or flat tile.



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

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Standing Metal Seam Roofing
Date: September 19, 2018

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

A. BACKGROUND

On July 17, 2018, Town Council of the Town of Miami Lakes directed the Town Manager to amend the Land Development Code to permit standing metal seam roofs for single-family and two-family buildings. The request was made in light of the many roofs within the Town that are still tarped and awaiting repair from last year's Hurricane Irma. It is generally agreed that standing metal seam roofing is more resilient than flat or barrel tile roof materials. The ordinance amends Section 13-1608 which relates exclusively to roofing materials within single-family and two-family buildings. Section 13-1608 currently limits the roofing material to flat or barrel tile. Similar material limitations are not imposed upon the industrial and commercial districts.

B. PROPOSED CHANGES

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

13-1608(a) – New residential development. This subsection permits standing metal seam roofing for new single-family and two-family construction.

13-1608(b) – Existing single-family and two-family buildings. The provision permits existing homes to replace its roofing with standing metal seam roofing.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending Section 13-1608 as it relates to permitting standing metal seam roofing for single-family and two-family buildings.

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 roofing. 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. The amendment offers a roofing system to single-family and two-family homes that is more resilient than barrel or flat tile construction. The ordinance does not conflict with any other portions of the Code.

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. Generally, when a variance approval for the same subject becomes reoccurring, it becomes incumbent upon the policy makers to redress the Code and consider whether a change is appropriate. In addition to its resiliency qualities, the Planning and Zoning Board has granted three (3) variances in the last ten (10) years permitting a standing metal seam roof.

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. Metal standing seam roofing is generally more expensive than traditional barrel or flat tile. It is also more resilient to storm events that may be experienced in South Florida. These factors contribute to the roofing style’s value. That in turn lends value to the rest of the community.

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 2, 3, 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 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.



Town of Miami Lakes Memorandum

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Variance Fees
Date: 9/19/2018

Recommendation:

The Planning and Zoning Board, acting in their capacity as the Local Planning Agency, recommends to the Town Council that the variance fee schedule be amended to ensure full cost recovery for all variances requests.

Background:

At our May 16, 2018, the Planning and Zoning Board (Board) meeting voted to forward a recommendation to the Town Council that Section 13-2102 be reviewed and amended to ensure all costs associated with a variance, regardless of type, is fully recovered. What the Board discovered in our discussion was that the current fee schedule for variances is broken into two parts: (1) a cost recovery fee to cover expenses related to advertising and recordation, and (2) a one-time fee for the rest of the costs associate with processing the application. Information provided by staff showed that on average, the Town loses money when processing a variance application. It is the Board's desire that no cost related to a variance is borne by the tax payers of the Town. Please see attached minutes of hearing.

ATTACHMENTS:

Description

Ordinance

Staff Report

Exhibit

Planning Board Report

Planning Board Minutes

ORDINANCE NO. 18- _____

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.

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

WHEREAS, on October ____, 2018, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on November ____, 2018, the Town Council considered the ordinance at a duly advertised public hearing; and

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

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

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

Section 2. Amendment. Section 13-2102, 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 Frank Mingo	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

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

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

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

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

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

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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

EXHIBIT A
ORDINANCE

Chapter 13 LAND DEVELOPMENT CODE

* * *

ARTICLE XI. - FEES

* * *

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

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

Fee Schedule for Planning and Zoning Approvals ⁱ

	Development Approval Requested	Application Fee	Deposit
* * *			
2.	Variances		
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	\$350.00 plus notification and recording costs <u>Cost Recovery</u>	\$650.00 [*] <u>\$1,500</u>
2.3	Public hearing		
2.3.1	One single-family, two-family, or townhouse unit	\$750.00 plus notification and recording costs <u>Cost Recovery</u>	\$650.00 [*] <u>\$3,000</u>
2.3.2	Multifamily	\$1,100.00 plus notification and recording costs <u>Cost Recovery</u>	\$650.00 [*] <u>\$4,000</u>

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



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

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Variance Application Fees
Date: September 19, 2018

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.

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. Deposits for each variance type are as follows:

Development Approval Requested	Application Fee	Deposit
Variances		
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.

- 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
Total Cost by Applicant	\$ 772.50	\$ 1,292.63	\$ 1,762.63	\$ 2,372.63	\$ 1,772.63
Total Cost to Process Application	\$ 1,871.90	\$ 3,067.37	\$ 4,208.18	\$ 4,412.36	\$ 4,196.60
Total Amount Paid by Applicant	\$ 772.50	\$ 1,292.63	\$ 1,762.63	\$ 2,372.63	\$ 1,772.63
Total Unrecovered Town Cost	\$ (1,099.40)	\$ (1,774.74)	\$ (2,445.55)	\$ (2,039.73)	\$ (2,423.97)

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)
Total	\$ 1,871.90	\$ 1,000.00	
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
Planning Director(hrs)			
Staff Report editing	1.5	73.06	109.59
Development Orde editing	2	73.06	146.12
Board Briefings		73.06	0
Hearing Prep		73.06	0
Hearing		73.06	0
meetings and misc	1	73.06	73.06
Site Visit	0.5	73.06	36.53
afteraction	0.5	73.06	36.53
Total	5.5	73.06	\$ 401.83
ICA Senior Planner (hrs)			
preaplication meeting	1	\$ 55.00	55
Materials Prep	1	\$ 55.00	55
Plan Review	2	\$ 55.00	110
mailer prep	1	\$ 55.00	55
meetings and misc	3	\$ 55.00	165
Site Visit	0.5	\$ 55.00	27.5
Development Order writing	6	\$ 55.00	330
Uploading Novus	0	\$ 55.00	0
Hearing		\$ 55.00	0
afteraction	0.5	\$ 55.00	27.5
Total	15	\$ 55.00	\$ 825.00
Zoning Oficial (hrs)	1	\$ 52.18	\$52.18
PW Director	0	\$ 66.57	\$0.00
Transportation Manager	0	\$ 50.07	\$0.00
Arborist	0	\$ 38.87	\$0.00
Legal Review	0	\$ 200.00	\$0.00
Planning Tech (hrs)			
Application Intake	0.5	\$ 26.76	13.38
Resolution Processing	0.5	\$ 26.76	13.38
Total	1		26.76
STAFF SUBTOTAL			\$ 1,305.77
11% Admin Overhead			\$ 143.63
STAFF FINAL TOTAL			\$ 1,449.40

TYPICAL SINGLE FAMILY - 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)
Total	\$ 3,067.37	\$ 1,400.00	
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
Planning Director(hrs)			
Staff Report editing	1.5	73.06	109.59
Development Order writing	2	73.06	146.12
Board Briefings	2	73.06	146.12
Hearing Prep	0.5	73.06	36.53
Hearing	1.5	73.06	109.59
meetings and misc	1.5	73.06	109.59
Site Visit	0.5	73.06	36.53
afteraction	0.5	73.06	36.53
Total	10	73.06	\$ 730.60
ICA Senior Planner (hrs)			
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
Total	23	\$ 55.00	\$ 1,265.00
Zoning Official (hrs)	1	\$ 52.18	\$52.18
PW Director	0	\$ 66.57	\$0.00
Transportation Manager	0	\$ 50.07	\$0.00
Arborist	0	\$ 38.87	\$0.00
Legal Review	1	\$ 200.00	\$200.00
Planning Tech (hrs)			
Application Intake	0.5	\$ 26.76	13.38
Resolution Processing	0.5	\$ 26.76	13.38
Total	1		26.76
STAFF SUBTOTAL			\$ 2,274.54
11% Admin Overhead			\$ 250.20
STAFF FINAL TOTAL			\$ 2,524.74

TYPICAL MULTIFAMILY 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)
Total	\$ 4,208.18	\$ 1,750.00	
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
Cost Recovery Subtotal			\$662.63

FEE BASED (NON-COST RECOVERY) SERVICE EXPENDITURES

POSITION	HOURS	RATE	TOTAL
Planning Director(hrs)			
Staff Report editing	3	73.06	219.18
Development Order writing	4	73.06	292.24
Board Briefings	2	73.06	146.12
Hearing Prep	0.5	73.06	36.53
Hearing	1.5	73.06	109.59
meetings and misc	3	73.06	219.18
Site Visit	0.5	73.06	36.53
afteraction	1	73.06	73.06
Total	15.5	73.06	\$ 1,132.43
ICA Senior Planner (hrs)			
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
Total	30	\$ 55.00	\$ 1,650.00
Zoning Official (hrs)	1	\$ 52.18	\$52.18
PW Director	0	\$ 66.57	\$0.00
Transportation Manager	0	\$ 50.07	\$0.00
Arborist	0.5	\$ 38.87	\$19.44
Legal Review	1.5	\$ 200.00	\$300.00
Planning Tech (hrs)			
Application Intake	1	\$ 26.76	26.76
Resolution Processing	0.5	\$ 26.76	13.38
Total	1.5		40.14
STAFF SUBTOTAL			\$ 3,194.19
11% Admin Overhead			\$ 351.36
STAFF FINAL TOTAL			\$ 3,545.55

TYPICAL COMMERCIAL AND INDUSTRIAL VARIANCE FOR PUBLIC HEARING			
SUMMARY OF 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)
Total	\$ 4,412.36	\$ 2,350.00	
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
Planning Director(hrs)			
Staff Report editing	3	73.06	219.18
Development Order writing	4	73.06	292.24
Board Briefings	2	73.06	146.12
Hearing Prep	0.5	73.06	36.53
Hearing	1.5	73.06	109.59
meetings and misc	3	73.06	219.18
Site Visit	0.5	73.06	36.53
afteraction	1	73.06	73.06
Total	15.5	73.06	\$ 1,132.43
ICA Senior Planner (hrs)			
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
Total	30	\$ 55.00	\$ 1,650.00
Zoning Official (hrs)	1	\$ 52.18	\$52.18
PW Director	1	\$ 66.57	\$66.57
Transportation Manager	1	\$ 50.07	\$50.07
Arborist	2	\$ 38.87	\$77.74
Legal Review	1.5	\$ 200.00	\$300.00
Planning Tech (hrs)			
Application Intake	1	\$ 26.76	26.76
Resolution Processing	0.5	\$ 26.76	13.38
Total	1.5		40.14
	STAFF SUBTOTAL		\$ 3,369.13
	11% Admin Overhead		\$ 370.60
	STAFF FINAL TOTAL		\$ 3,739.73

TYPICAL SIGN VARIANCE FOR PUBLIC HEARING			
SUMMARY OF EXPENDITURES AND FEE/DEPOSIT			
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)
Total	\$ 4,196.60	\$ 1,750.00	
Unused Cost recovery refunded to applicant			(\$22.63)
Total applicant Cost			\$ 1,772.63
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
Planning Director(hrs)			
Staff Report editing	3	73.06	219.18
Development Order writing	4	73.06	292.24
Board Briefings	2	73.06	146.12
Hearing Prep	0.5	73.06	36.53
Hearing	1.5	73.06	109.59
meetings and misc	3	73.06	219.18
Site Visit	0.5	73.06	36.53
afteraction	1	73.06	73.06
Total	15.5	73.06	\$ 1,132.43
ICA Senior Planner (hrs)			
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
Total	30	\$ 55.00	\$ 1,650.00
Zoning Official (hrs)	1	\$ 52.18	\$52.18
PW Director		\$ 66.57	\$0.00
Transportation Manager		\$ 50.07	\$0.00
Arborist		\$ 38.87	\$0.00
Legal Review	1.5	\$ 200.00	\$300.00
Planning Tech (hrs)			
Application Intake	1	\$ 26.76	26.76
Resolution Processing	0.5	\$ 26.76	13.38
Total	1.5		40.14
	STAFF SUBTOTAL		\$ 3,174.75
	11% Admin Overhead		\$ 349.22
	STAFF FINAL TOTAL		\$ 3,523.97



Town of Miami Lakes Memorandum

To: Honorable Mayor and Councilmembers
From: Planning & Zoning Board Members
Subject: Planning & Zoning Board Report
Date: 7/17/2018

Recommendation:

Please see attached Minutes from the May 16, P&Z Board Meeting.

ATTACHMENTS:

Description

May 16, 2018 P&Z Minutes

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 20th day of June 2018.



Fred Senra
Chairman

Attest:



Gina Inguanzo
Town Clerk

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:

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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:

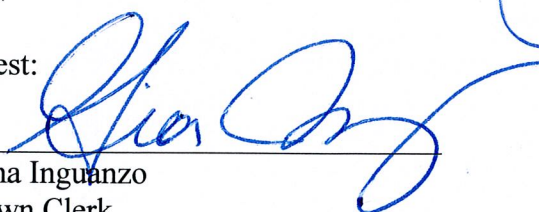
There being no further business to come before the Board, the meeting adjourned at 7:38 P.M.

Approved this 20th day of June 2018.



Fred Senra
Chairman

Attest:



Gina Inguanzo
Town Clerk



Town of Miami Lakes Memorandum

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Street Side Yard Patios in RU-1Z Lots
Date: 9/19/2018

Recommendation:

Staff recommends approval of the ordinance permitting decks in the street side yard setback of RU-1Z corner lots provided for a minimum setback of four (4) feet and to permit the such lots to have up to 60% of the required yards to be impervious.

Background:

At the June 5, 2018, Town Council meeting, an item was introduced during the Manager's Report which addressed the possibility of permitting corner lots zoned RU-1Z, Single Family Zero Lot Line, to have decking located within the required street side yard setback. The attached report and ordinance is reflective of that direction.

The following is a brief description of the proposed changes.

Require minimum street side setback of four (4) feet for RU-1Z corner lots. A minimum setback of four (4) feet is required. This standard would be consistent with the easement restriction imposed on interior lots with RU-1Z zoning and provides for some pervious area to capture runoff.

Maximum impervious for all yards total. The proposed ordinance adjusts the maximum total impervious area for all yards total for RU-1Z corner lots from 50% to 60%.

ATTACHMENTS:

Description

Ordinance

Staff Report

ORDINANCE NO. _____

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

WHEREAS, on June 5, 2018, the Town of Miami Lakes (“Town”) Council directed the Town Manager to explore the possibility of permitting corner lots zone RU-1Z, Single Family Zero Lot Line, to have a patio slab within a required fifteen (15) street side yard where only a three (3) foot walkway is permitted today; and

WHEREAS, Town Manager instructed Town Staff to study the impact of the proposed change and found the impact minimal, provided the change was limited to corner lots; and

WHEREAS, this proposed ordinance is reflective of the Town Council’s instruction, permitting a patio slab, provided there is a minimum setback of four (4) feet to the property line, the impervious area of the street side yard does not exceed 60%, and the impervious area of all the yards combined does not exceed 60%; and

WHEREAS, on September _____, 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 October _____, 2018, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on November _____, 2018, the Town Council considered the ordinance at a duly advertised public hearing; and

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

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

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

Section 2. Amendment. Section 13-1507 is hereby amended as provided at Exhibit “A”.

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

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

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

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

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

FIRST READING

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

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

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

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

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

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

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

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

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

EXHIBIT A
ORDINANCE

CHAPTER 13 – LAND DEVELOPMENT CODE

* * *

ARTICLE V. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND
EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

* * *

Sec. 13-1507. - Decks and walkways.

Single-family and two-family residential lots or parcels shall comply with the following for at-grade decks. At-grade decks and walkways are defined as decks or walkways that are not more than six inches above the established grade. Decks or walkways higher than six inches above the established grade shall be considered accessory structures and must comply with the setback and lot coverage restrictions for accessory structures elsewhere in this Code.

- (1) Required front yard. At-grade decks shall be permitted to project a maximum of five feet into the required front yard. One walkway with a maximum width of six feet shall be permitted from the entrance of the residence to the front property line.
- (2) Required side yards. Except as provided below, Decks shall not be permitted within the required side yards. Three feet wide walkways, steps or entrance stoops shall be permitted within the required side yards, set back a minimum of two feet from the side interior property line.
- (3) Required rear yard. At-grade decks or walkways constructed of wood, concrete, brick pavers set in sand or of similar impervious materials shall be set back a minimum of five feet from the rear and interior side property lines. For zero lot line developments the decks or walkways shall be set back three feet from the rear property line, zero feet from the zero lot line side and four feet from the other interior side property line. For all corner lots the decks shall comply with the required street side setbacks for the main structure. However, corner lots zoned RU-1Z shall be permitted to have a deck or patio in the required street side yard area provided:
 - (a) a minimum setback of four feet is provided to the property line; and
 - (b) that it is behind an opaque fence.
- (4) The maximum impervious area permitted for driveways, walkways, porches, decks, etc. (including brick pavers set in sand), in the required front and side yards facing a street shall be 60 percent for each yard.

- (5) In no instance shall the total impervious areas (including brick pavers set in sand) of all the required yards on a lot or parcel exceed 50 percent. The total impervious areas (including brick pavers set in sand) of all required yards on a RU-1Z zoned lot shall not exceed 60%.



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

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Street Side Yard Patios in RU-1Z Lots
Date: September 19, 2018

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

A. BACKGROUND

At the June 5, 2018, Town Council meeting, an item was introduced during the Manager's Report which addressed the possibility of permitting corner lots zoned RU-1Z, Single Family Zero Lot Line, to have decking located within the required street side yard setback. The presentation relied upon preliminary research that found the majority of RU-1Z zoned corner lots tended to be wider than the interior lots. The preliminary conclusion, pending further research, was that such an accommodation may be possible. The logic relied upon there being similar construction on corner lots as found on interior lots, thus freeing up more land to capture stormwater runoff from impervious areas. The Town Council directed the Town Manager to explore the possibility and return with an ordinance if the additional research supported the initial conclusion. Staff's additional research found that it may be possible to permit street side yard decks, however the recommendation includes a cautionary note as presented in the coming paragraphs.

B. PROPOSED CHANGES

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

Require minimum street side setback of four (4) feet for RU-1Z corner lots. A minimum setback of four (4) feet is required. This standard would be consistent with the easement restriction imposed on interior lots with RU-1Z zoning and provides for some pervious area to capture runoff.

Maximum impervious for all yards total. The proposed ordinance adjusts the maximum total impervious area for all yards total for RU-1Z corner lots from 50% to 60%.

Zero Lot Line Corner Lots			
60'X100' Lot	Total Area		Notes
	Pervious	Impervious	
Current Code	32%	68%	3' Wide walk way - 50% max deck coverage
Proposed Change	21%	79%	4' Minimum Setback 60% total Deck coverage

C. EVALUATION AND STUDY

Description of affected properties. The Town's RU-1Z zoned properties are concentrated in the southwest quadrant of the Town in an area commonly referred to as West Lakes. Approximately 1,088 homes within the West Lakes neighborhood are zoned RU-1Z. Of those lots, approximately 174 are considered corner lots. Zero lot line developments are characterized by a type of housing configuration whereby one portion of the principal building is built to the property line with setbacks provided along the front, rear and the other side of the property. For interior lots, that side yard setback is typically ten (10) feet and includes a four (4) foot platted easement to the benefit of the adjacent neighbor for drainage and for maintenance access. Please note, not all of the lots within the West Lake neighborhood are zoned RU-1Z. Approximately 209 are zoned RU-1 and RU-1A and would not be subject to this proposed ordinance (Attachment A).

Intent of a required (street side) yard. To understand staff's findings, it is important to also understand what a required yard is and what purpose it serves. A required yard is that portion of the property that, notwithstanding fencing and other specified accessory structures, is required to be clear of any structures from ground to sky. The required street side yard within the RU-1Z district is 15 feet and the current code limits decking within that area to a three (3) foot wide walkway. The intent of the street side yard requirement is both for esthetics and functionality.

Aesthetic and landscaping considerations. Visually, setbacks in single family residential neighborhoods contribute to the sense of openness. This is achieved by keeping required yards largely clear of structures. The vast majority of the corner lots in the West Lake neighborhood have fences built near or at the street side property line. Hence, the visual concern of decking a portion of the required street side yard is largely ameliorated by opaque fencing. Further, staff believes any decking behind fencing meets the visual aspect of the intent of the street side yard setback requirement.

Required yards provide the opportunity for the planting of shade trees that contribute to the overall tree canopy, which is a hallmark of the Town of Miami Lakes. Further, any shade tree plantings within the yards serve to cool the property and our urban environment. Increasing the amount of permitted decking reduces the opportunity to plant shade trees. To overcome

this challenge, it is recommended that a four (4) foot setback be required and no more than 60% of the required side yard may be decked. It is worth noting that the Town is pursuing urban reforestation efforts to replenish lost canopy within its neighborhoods. The West Lake neighborhood represents a particular challenge in achieving that objective.

Drainage. As a functional matter, pervious open space is essential to promote infiltration and to reduce overall site runoff. Even with onsite pervious areas, the natural slope of a property may result in some runoff onto the adjacent rights-of-way. A property without pervious area will drain all stormwater onto the neighbor's property and onto the rights-of-way. Portions of the West Lake neighborhood have drainage issues that the Town is actively addressing. The neighborhood is identified in the Town's Storm Water Master Plan (originally adopted in 2003 and updated in 2012¹) for needed upgrades to the storm water system. A Marlin Engineering study complete in 2012, as precursor to reconstruction of the drainage system designs, found that the existing drainage system is a disjointed-unconnected network, that there are poor drainage soil types (Plantation Muck) within the area, and that very little area of the rights-of-way are pervious². The prevailing development pattern within West Lake community itself also appears to be contributing to flooding challenges. The Marlin study assumed a pervious area percentage of privately held lands at 15%. It is in part for these reasons that flooding is a challenge in the West Lake neighborhood.

CORNER LOT	Lot Information					Required Yards												Total	Percent
				Building Info		Front Yard				Str/Int Side Yard				Rear Yard				Impervious	Impervious
	Width	Depth	Area	% Cov	Bldg	S/B	Area	Ratio	Imperv	S/B	Area	Ratio	Imperv	S/B	Area	Ratio	Imperv		
Patio allowed	60	100	6000	0.5	3000	20	1200	0.5	600	15	1200	0.2	240	10	450	0.5	225	4065	68%
Only Walkway	60	100	6000	0.5	3000	20	1200	0.5	600	15	1200	0.5	600	10	450	0.5	225	4425	74%
60% Impervious	60	100	6000	0.5	3000	20	1200	0.6	720	15	1200	0.6	720	10	450	0.6	270	4710	79%

INTERIOR LOT	Lot Information					Required Yards												Total	Percent
				Building Info		Front Yard				Str/Int Side Yard				Rear Yard				Impervious	Impervious
	Width	Depth	Area	% Cov	Bldg	S/B	Area	Ratio	Imperv	S/B	Area	Ratio	Imperv	S/B	Area	Ratio	Imperv		
Patio allowed	45	100	4500	0.5	2250	20	900	0.5	450	10	800	0.5	400	10	350	0.5	175	3275	73%
Only Walkway	45	100	4500	0.5	2250	20	900	0.5	450	10	800	0.3	240	10	350	0.5	175	3115	69%
60% Impervious	45	100	4500	0.5	2250	20	900	0.6	540	10	800	0.6	480	10	350	0.6	210	3480	77%

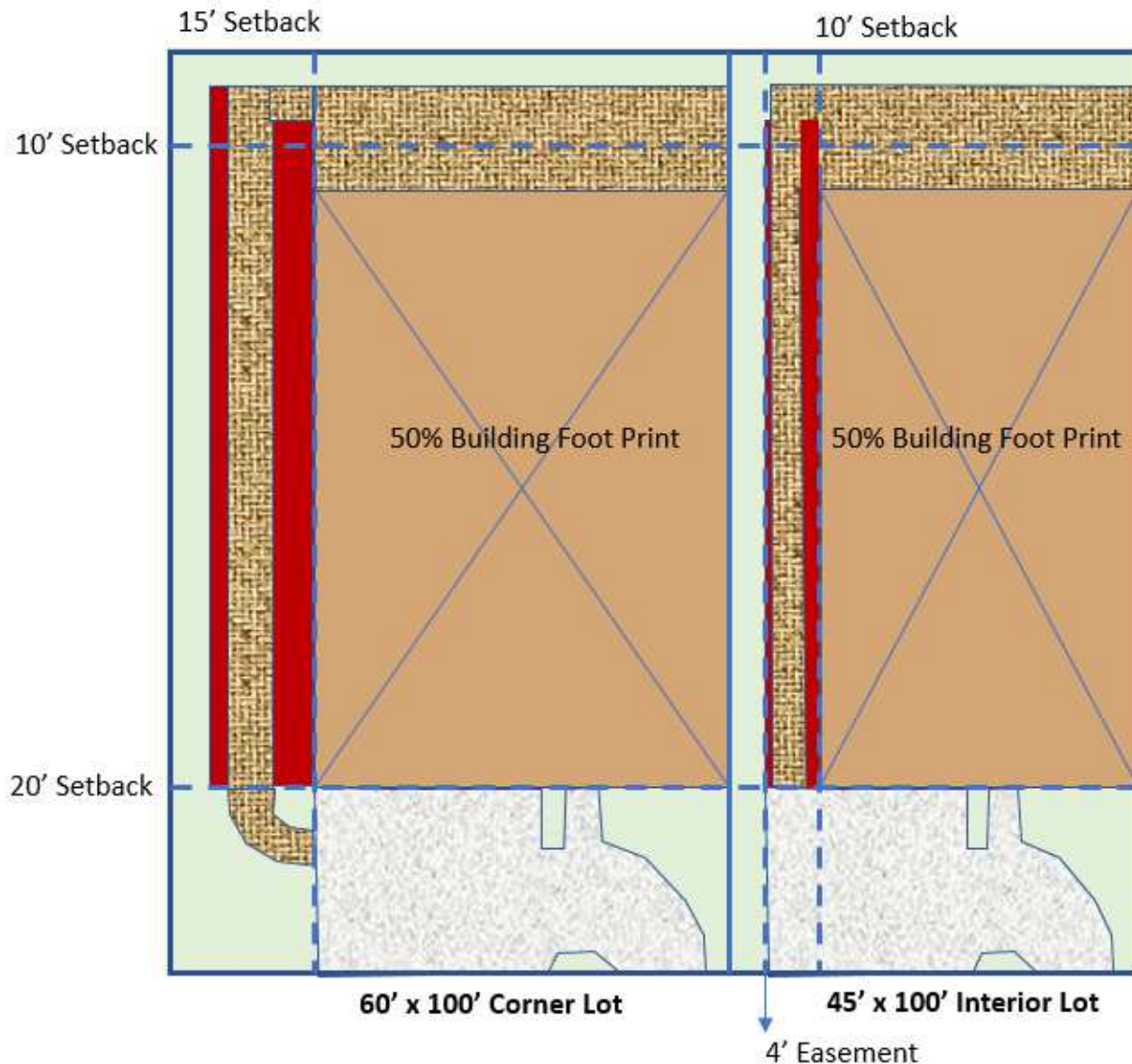
In the RU-1Z district, maximum lot coverage for the principal building is 50% and the required impervious area for any one yard cannot be more than 60%. The 60% rule, however is misleading since the total impervious area for all required yards combined cannot exceed 50%. Regardless, the result is a reduced area for on-site infiltration and reduction of storm water runoff. As stated above, all side yards are currently limited to a three (3) foot wide walkway. For a corner lot (60' x 100' lot) at max buildout, that would leave approximately 32% of the land available for drainage. Interior lots (45' x 100') would have on average 31% pervious³. If the street side yard were permitted to be decked, with the totality of all decking (including driveways and front walk ups) equaling 50% for all required yards, the remaining impervious area would be roughly 26%. Applying the same standard to an interior lot would result in 27% available for drainage. To be clear, these numbers are ballpark figures and do

¹ Original Storm Water Master Plan and the update were prepared by Kimley Horn.

² "Drainage Report for the design of Miami-Lakes, West" Marlin Engineering, Inc. January 2012.

³ Minimum lot width in the RU-1Z is 45 feet with a minimum area of 4,500 square feet. This equates to a typical lot that is 45 feet by 100 feet. Corner lots in the West Lake neighborhood range in width from 55 feet to 80 feet. For the purpose of this review, the typical corner lots is assumed to be 60 feet wide to accommodate the additional required setback.

not account for other decked portions of the property that are not a required yard or include the building footprint. It is possible that the numbers represented in this portion of the research are high and as such are presented for the purpose of comparison and affect. The following paragraph speaks to that point.



As mentioned previously, a drainage project commenced in the West Lake neighborhood to ease the flooding of the rights-of-way caused by rain events. The first two phases are complete and involved a storm drainage trunk line that runs underneath the length of NW 89th Avenue in the West Lake neighborhood (Attachment B). The next phase, which is to be delivered over two separate construction cycles, involves infiltration trenches along select streets (Attachment C). Despite the pervious area calculations above, the Marlin Engineering study found that actual available surface level pervious area (private land plus rights-of-way) for each of the basins is between 14.5% and 16.3% (Attachment D). Whether these numbers are conservative or not, the Marlin study reflects that very little water is being absorbed at ground level, and the pervious area that is available is generally understood to be of a poor

quality⁴. In general, rights-of-way are designed to serve as the principal overflow reservoir to capture water throughout the neighborhood during significant storm events. However, in light of the calculations above and the observed conditions of West Lake neighborhood, there is an unintended reliance on the rights-of-way for stormwater management. As a result, and notwithstanding other factors, the adjacent roadways in the West Lake neighborhood tend to flood more often. Estimated at \$1.6 million, the current phase of the drainage project is designed to capture that water and drain it into infiltration pipes under the roadway at depths of 10 to 15 feet. Yet, a drainage project is not scheduled for every street that comprises the West Lake neighborhood.

Corner lot versus interior lot conundrum. The above information is shared to put the proposed amendment in context. A block in West Lake can have as many as 47± and as few as six (6) homes on it. Hence corner lots, by their nature are fewer in number than interior lots. While permitting additional decking does reduce the amount of pervious area, the impact is limited given the relative number of corner lots versus interior lots. In this case, only 16% of the RU-1Z lots are situated on a corner.

The slippery slope comes when owners of the interior lots expect similar consideration as that being contemplated for corner lots. And this issue has already been broached and includes the question as to whether interior lots may deck over the four (4) foot platted easement. As one can see the issue is the same, decking of the side yard and the resulting loss of pervious area. Just permitting decking up to the easement line in the side yard of an interior lot, and again relying on the same assumptions in the paragraphs above, could result in approximately 27% pervious area to remain. This scenario, together with the corner lot proposal (which provides only 26% pervious), would likely increase the impact of water flowing into the rights-of-way. Remember, these numbers are simply used to represent potential impact, as actual available pervious area as identified in the Marlin study is lower.

60% versus 50%. As mentioned above, maximum impervious area for any given required yard is 60%. But, at no time can the total of all yards combined exceed 50% impervious. This rule is reintroduced here because it potentially means any additional impervious area being added to a side yard may limit impervious areas in others. Since all yards may not exceed the 60% rule, the suggestion here is to allow the corner lots to apply it as the total pervious area of all yards. Using the formula described above, that would result in a pervious area for the entire lot at 21% (versus 26% when applying the 50% rule). Applying the relaxed standard would enable property owners to enjoy maximized decking within the side and rear yards areas. Again, given the relative number of corner lots, the impact would be minor. However, for the purposes of comparison, the 60% rule applied to the interior lots would be 23% pervious area (versus 27% when applying the 50% rule). Applying the rule to all lots would likely have a more significant impact.

Summary. Any increase in impervious areas will likely have an impact on the West Lake neighborhood. Nevertheless, at just 16% of the homes in the neighborhood, the impact is likely to be relatively small if limited to corner lots. The cautionary tale, however, is whether the same accommodation is to be extended to interior lots. This scenario will most certainly have a greater impact that could increase flooding in the community and hamper the

⁴ As stated earlier, the Marlin study found one of the soil types to be Plantation Muck. With the majority of the pervious area located on private lands, it is likely that is where this soil type is located. The other soils identified are more consistent with that which would be found around road prepared surface areas.

effectiveness of the current drainage project. Therefore, any decision to increase impervious area should be limited in its applicability.

D. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending the minimum street side setback requirement and maximum impervious surface for all yards for RU-1Z corner lots.

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; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. As proposed, and presented in Section “A”, “B”, and “C” above, the amendment conforms to the following policy of CDMP below. The proposal does not appear to significantly impact the ongoing drainage projects within the West Lake neighborhood.

Policy 4C.1.2: Utilizing funding obtained from its newly-established Stormwater Utility, the Town will allocate sufficient funds in to address existing stormwater deficiencies identified in the Stormwater Master Plan.

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; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The amendment attempts to address corner lots in RU-1Z districts in a proportionately. Corner lots tend to be larger and may have more land available to utilize for pervious area. In this light, the proposed ordinance conforms with the Town’s LDC’s. A review of the LDC’s found no conflicts.

Finding: Complies.

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

Analysis See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. Many corner lots with the RU-1Z zoning have decked

the street side yard. It is difficult to tell how many of those properties did so with the benefit of a permit. Regardless, an appropriate remedy may be to permit some decking to occur, while still providing for pervious and landscaping areas. This ordinance attempts to strike that balance. The proposal appears to have only a minimal impact regarding on site drainage and the ongoing storm water drainage program pursued by the Town appears to implement conservative calculations in designing for storm water runoff capture.

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; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The proposed ordinance does not change the main permitted use of the property, however it does provide some consideration regarding decking for larger corner lots within RU-1Z districts. There exists decking in the West Lake neighborhood that may or may not have been built with the benefit of permits. The ordinance seeks to find a remedy with the least amount of impact. However, the ordinance would not apply to all RU-1Z properties. As such, it is essential for the Town Council to consider the benefit of approving the ordinance against its limited availability and the overall impact that decision would render.

Finding: As determined by the Town Council.

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; “B”, Proposed Changes, and Section “C”, Evaluation and Study; and Criteria 1, 2, and 4, of this report. If the approval is limited to only corner lots, the impact will likely be minimal to the neighborhoods storm drainage system.

Finding: Complies.

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

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

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

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. If the approval is limited to only corner lots, the impact will likely be minimal to the neighborhoods storm drainage system.

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; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. Section “B” provides a full description of the positive and negative effects of the proposal. In summary, if the approval is limited to only corner lots, the impact will likely be minimal to the neighborhoods storm drainage system.

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; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. If approved, it will provide an opportunity for additional decking on corner lots and to bring properties that installed decking without permits to come into compliance.

Finding: Complies.

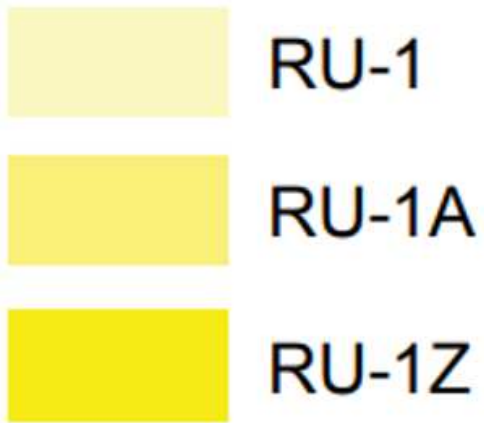
10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study; and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed FLUM amendment is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.

ATTACHMENT A

ZONING MAP



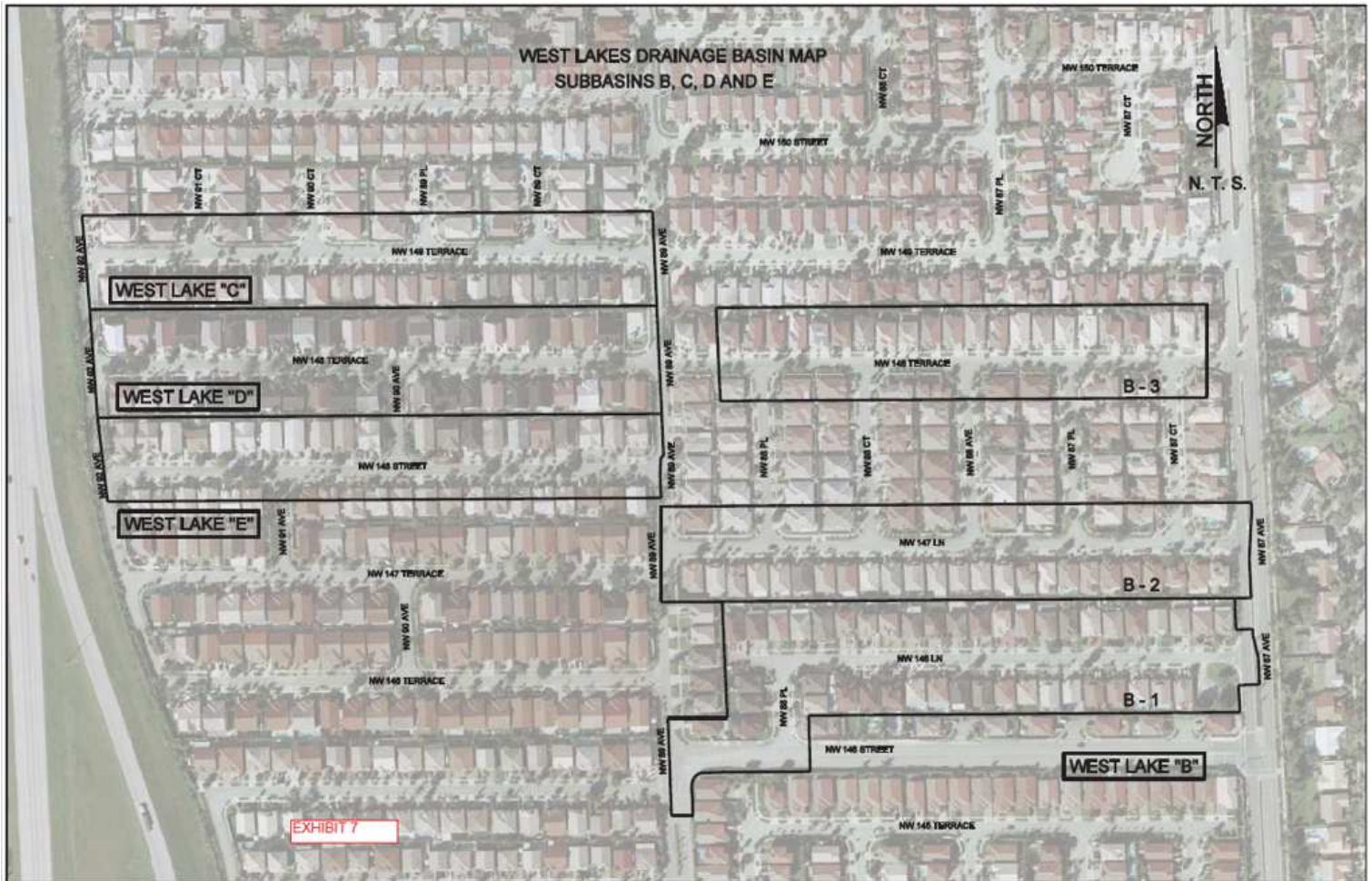
ATTACHMENT B
WEST LAKE MAIN TRUNK LINE
(PHASE 1 and 2)



ATTACHMENT C

UPCOMING DRAINAGE PROJECTS

WEST LAKE



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⁵ "Drainage Report for the design of Miami-Lakes, West" Marlin Engineering, Inc. January 2012.

ATTACHMENT D

WEST LAKE DRAINAGE SITE DATA

Site Development Data (Miami Lakes, West): Part 1

TOWN OF MIAMI LAKES - WEST LAKES DRAINAGE IMPROVEMENTS						
	Pervious/Impervious Area of West Lakes B,C,D and E (ACRES)					
	B-1	B-2	B-3	E	D	C
Private Area	4.9	3.7	3.1	3.2	4.5	3.6
Pervious Private Area (15%)	0.9	0.7	0.6	0.6	0.8	0.6
Green Area	0.3	0.4	0.3	0.3	0.3	0.3
Asphalt Plus Concrete	2.0	1.8	1.3	1.5	1.5	1.6
R/W Area	2.3	2.2	1.6	1.8	1.8	2.0
Total Area	8.0	6.6	5.3	5.1	7.1	6.2
Total Pervious	1.2	1.1	0.9	0.8	1.1	1.0
% Previous	14.5	16.3	16.1	16.1	15.1	15.9
Average % Pervious					15.7	

Site Development Data (Miami Lakes, West) Part: 2

TOWN OF MIAMI LAKES - WEST LAKES DRAINAGE IMPROVEMENTS						
	Elevation Analysis of West Lakes B,C,D and E					
	B-1	B-2	B-3	E	D	C
Ave. edeg of Pavement	6.50	6.94	6.93	6.88	7.28	6.65
Min. Road CL elevation	6.17	6.60	6.76	6.91	6.78	6.34
Avg. Road CL elevation	6.89	7.21	7.18	7.25	7.48	7.08
Max. Road CL elevation	7.39	7.80	7.75	7.85	8.02	7.67
Min. FFE elevation	6.84	7.27	7.43	7.58	7.45	7.01
Avg. FFE elevation	7.56	7.88	7.85	7.92	8.15	7.75
Max. FFE elevation	8.06	8.47	8.42	8.52	8.69	8.34

Note : It is assumed Finish Floor Elevation (FFE)= Road CL ele. + 8"

⁶ "Drainage Report for the design of Miami-Lakes, West" Marlin Engineering, Inc. January 2012.