



TOWN OF MIAMI LAKES, FLORIDA
AGENDA
Virtual Planning and Zoning Board Meeting

May 5, 2020

6:30 PM

Government Center

6601 Main Street Miami Lakes, FL33014

1. **Call To Order**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
 - **April 7, 2020 Planning and Zoning Minutes**
4. **Business Requiring Board Action**

QUASI-JUDICIAL PUBLIC HEARINGS -

Please be advised that given the novel COVID-19 VIRUS, Miami Lakes Town Hall is closed for the public and public meetings will be taking place virtually. **However, Town Hall Council Chambers will be opened for those who wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference.**

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.

For all quasi-judicial hearings except appeals, a list of all proposed exhibits and a copy of the proposed exhibits shall be provided to the **Town Clerk five (5) days prior to the hearing,** in a

format that is easily viewable on the Zoom platform. All exhibits shall be clearly labeled so as to allow for efficient retrieval and display on the Zoom platform during the hearing. All exhibits will be posted online as is customary.

A list of all individuals who will be called as witnesses during the hearings, shall be provided to the Town Clerk, five (5) days prior to the hearing. At the beginning of the hearing the Town Clerk shall call each witness by name, one-by-one, in order to swear each person in. Any witness who wishes to testify during the hearing and is not included in the previously-provided witness list, shall be sworn in after all witnesses on the list are sworn in and prior to the beginning of the hearing. All witnesses providing testimony must appear by video conference. **A computer with Zoom capabilities will be available for those that wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference. The location of said computer will be in Council Chambers, 6601 Main Street in Miami Hall, 33014.**

The Town Clerk or court reporter shall administer the oath to any individual who is appearing by video conference and shall establish the identity of the witness on the record as well as the witness' consent for the hearing to be recorded. In addition, comments to be considered during the hearing may be provided prior to the beginning of the meeting, by providing e-comments by email or pre-recorded comments, via email to clerk@miamilakes-fl.gov.

The Chair will allow for public comment using Zoom after the parties have concluded the presentation of their cases and before a vote is taken. In addition, the Chair will request that the Clerk read any comments or emails sent about the matter that is not the subject of the hearing into the record. However, those comments standing alone are not sworn and do not qualify as competent substantial evidence on which the quasi-judicial board may rely, except that they may be considered if they support sworn testimony that is considered competent substantial evidence.

The Chair may exercise their authority to limit the length of time provided to an individual for public comment. In addition, the Chair may preserve decorum and order.

A phone number and email address will be provided for individuals who may have questions on how to access the meeting or participate in the meeting, prior to the date of the meeting. A Town employee will be present during the meeting at the Council Chambers to assist the public with the computer. Please call (305) 364-6100 during business hours.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD CALL TOWN HALL AT (305) 364-6100, NO LATER THAN (2) DAYS PRIOR TO THE MEETING FOR ASSISTANCE.

The public may participate in the virtual public meetings by utilizing any of the following 3 methods:

(1) A person wishing to submit a Live Remote Public Comment, will join the meeting via: <https://www.miamilakes-fl.gov/remotecomments>. You must have a working microphone and

working web camera in order to submit a live remote public comment; this will allow you to join the scheduled Zoom meeting.

(2) A person can call in live during the meeting to listen to the meeting via phone and/or call in live during the meeting to submit a public comment, to any of the following numbers:

+1 312-626-6799

+1 929-205-6099

+1 253-215-8782

+1 301-715-8592

+1 346-248-7799

+1 699-900-6833

PLEASE ENTER THE MEETING ID# WHEN PROMPTED: 666 475 152#

***Please note that If you call to make public comment in live via phone or zoom (web), please do so between 6:45 pm to 7:15 pm, so you can register your name and address beforehand.**

(3) A person can submit a Pre-recorded Video for Public Comments, by visiting <https://www.miamilakes-fl.gov/remotecomments>. Videos submitted cannot exceed 3 minutes and should be submitted one day before the meeting.

All comments or questions from the virtually attending public shall be directed to the Committee Chair, in a courteous tone.

No clapping, applauding, heckling, verbal outburst in support of, or in opposition to a speaker or his/her remarks shall be permitted. Should a member of the virtually attending audience become unruly, or behave in any manner that disrupts the orderly and efficient conduct of the meeting, such person will be asked to leave the Zoom meeting. As a courtesy to others, all electronic devices must be set to silent mode to avoid disruption of the proceedings.

a. **Varh2020-0102 Applicant: Randy Cano**

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 13-1509(B) TO PERMIT A FENCE TO ENCROACH FIFTEEN (15) FEET INTO THE MINIMUM REQUIRED 15-FOOT STREET SIDE YARD SETBACK, FOR THE PROPERTY LOCATED AT 7201 MIAMI LAKEWAY SOUTH, MIAMILAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR DENYING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

b. Synthetic Roofing in Townhouse Districts

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE IV, DIVISION 3, RU-TH TOWNHOUSE DISTRICT, SEC. 13-444, DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

c. School Safety Considerations

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE VI, DIVISION 1, CREATING SECTION 13-1617. - SCHOOL FACILITIES SAFETY CONSIDERATIONS, PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Director's Report

6. Adjournment

This meeting is taking place virtually and the public may participate by utilizing any of the three (3) methods described above. However, Town Hall Council Chambers will be opened to those individuals who wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference. A computer will be placed in Council Chambers, 6601 Main Street, Miami Lakes 33014. Please read instructions detailed above.

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, TTY/TDD, 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: Planning & Zoning Board
From: Ashley Shepple, Deputy Town Clerk
Subject: Approval of Minutes
Date: May 5, 2020

Recommendation:

Attached please find the following minutes for your review and approval.

- April 7, 2020 Planning and Zoning Board Meeting Minutes

MINUTES
Planning and Zoning Minutes
April 7, 2020
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

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

2. Roll Call:

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

3. Pledge of Allegiance/Moment of Silence:

Chairman Robert Julia led the Pledge of Allegiance and the Invocation.

4. Approval of Minutes:

- March 3, 2020 Planning and Zoning Meeting minutes

Board Member De La Sierra motioned to approve the minutes and Board Member Senra seconded the motion. All present were in favor.

5. Business Requiring Board Action:

A. Canopy Encroachments into Required Rear Yards Ordinance (Yanes)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ATTACHED CANOPIES FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE V, "ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS", AT SECTION 13-1506, "CANOPIES,"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Deputy Town Attorney, Lorenzo Cobiella, read the ordinance into the record. The Principal Town Planner, Susana Alonso, explained and answered questions posed by the Board about the ordinance.

Mrs. Alonso explained the current code allows accessory structures of single-family homes in the rear yard and to be located 5 feet away from the property line and 10 feet away from the home. The structures end up being constructed 10 feet by 35 feet and taking up most of the rear yard.

Staff has considered two options to help with these issues. First option would be to reduce the required distance between the main property and the second structure. Second option would be allowing these structures completely attached to the main structure. It has been recommended to implement the second option and allow encroachments distance up to half the distance of the rear yard.

Board Member Yanes motioned to approve the ordinance with staff recommendations. Board Member Senra seconded the motion. All were in favor.

B. Infinity Pools in Waterfront Properties Ordinance (Yanes)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ENCROACHMENTS BEYOND THE TIE-LINE FOR WATERFRONT SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", AT SECTION 13- 1605, "WATERFRONT PROPERTIES"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Chairman Julia read the ordinance into the record. The Principal Town Planner, Susana Alonso, explained and answered questions posed by the Board about the ordinance.

Board Member De La Sierra motioned to approve the ordinance with staff recommendations. Board Member Yanes seconded the motion. All were in favor.

6. Director's Report:

Susana Alonso, the Principal Town Planner, stated at the April regular council meeting the Landscape and Artificial Turf, West Lakes Driveways, and Mobility Fee Ordinances will be brought forth to the council. The next meeting will be Tuesday, May 5th.

7. Adjournment:

There being no further business to come before the Board, the meeting adjourned at 7:30 P.M.

Robert Julia
Chairman

Attest:

Gina M. 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: VARH2020-0102, Randy Cano Fence Variance
Date: May 5, 2020

Request

In accordance with the Town of Miami Lakes Land Development Code (the “Town’s LDC”), Randy Cano (the “Applicant”) is requesting the following variance:

A variance from Section 13-1509 to allow a fence at the property line in a side yard facing a street where a 15-foot setback is required.

Background

The Applicant is proposing to build a six (6) horizontal Durafence fence around the side yard facing Tabebuia Lane of an existing single-family home located on 14410 Tabebuia Lane. The main house is setback 13.82 feet from the street-side property line. The provision requiring the minimum fifteen (15) foot setback was adopted in 2004 (Ordinance No. 04-63). Replacing the prior County Code which permitted fences to be built to the property line, the new provision adopted by the Town reflected the prevailing development pattern of single family homes, principally east side of the Palmetto Expressway, as was required by underlying private deed restrictions . This prevailing development pattern is evident when viewed in context of the fencing of the Applicant’s neighbor to the South. That property has a fence setback fifteen (15) feet from the street side yard. It is worth noting, however, that the neighbor with the compliant fence has signed a letter in support of the applicant’s request.

The property had an existing chain link fence at the property line for which no permit can be found, but which is seen to be present in aerials as far back as 1999.

Recommendation:

Staff recommends approval of the ordinance adding Sec. 13-1617. - School Facilities Safety Considerations to the Land Development Code, providing for regulations of development and uses in properties directly abutting and within 250 feet of the facility.

Attachments:

Resolution

Plans

Staff Report

Letters of support

**TOWN OF MIAMI LAKES
PLANNING AND ZONING BOARD
PZB NO: 2020-___**

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 13-1509(B) TO PERMIT A FENCE TO ENCROACH FIFTEEN (15) FEET INTO THE MINIMUM REQUIRED 15-FOOT STREET SIDE YARD SETBACK, FOR THE PROPERTY LOCATED AT 7201 MIAMI LAKEWAY SOUTH, 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

Hearing Number: Varh2020-0102
Applicant: Randy Cano
Folio: 32-2023-003-0480
Location: 14410 Tabebuia Lane
Miami Lakes, Florida 33014
Zoning District: RU-1

Section 2. Request:

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

A variance from Section 13-1509 to allow a fence at the property line in a side yard facing a street where a 15-foot setback is required.

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 Tuesday, March 3, 2020 at 6:30 P.M. 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 3rd of March 2020.

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 _____, 2020.

GINA INGUANZO
Town Clerk

Phone: (305) 552-7504
Fax: (305) 229-8068
E-mail: enpav@yahoo.es

ARTURO R. TOIRAC

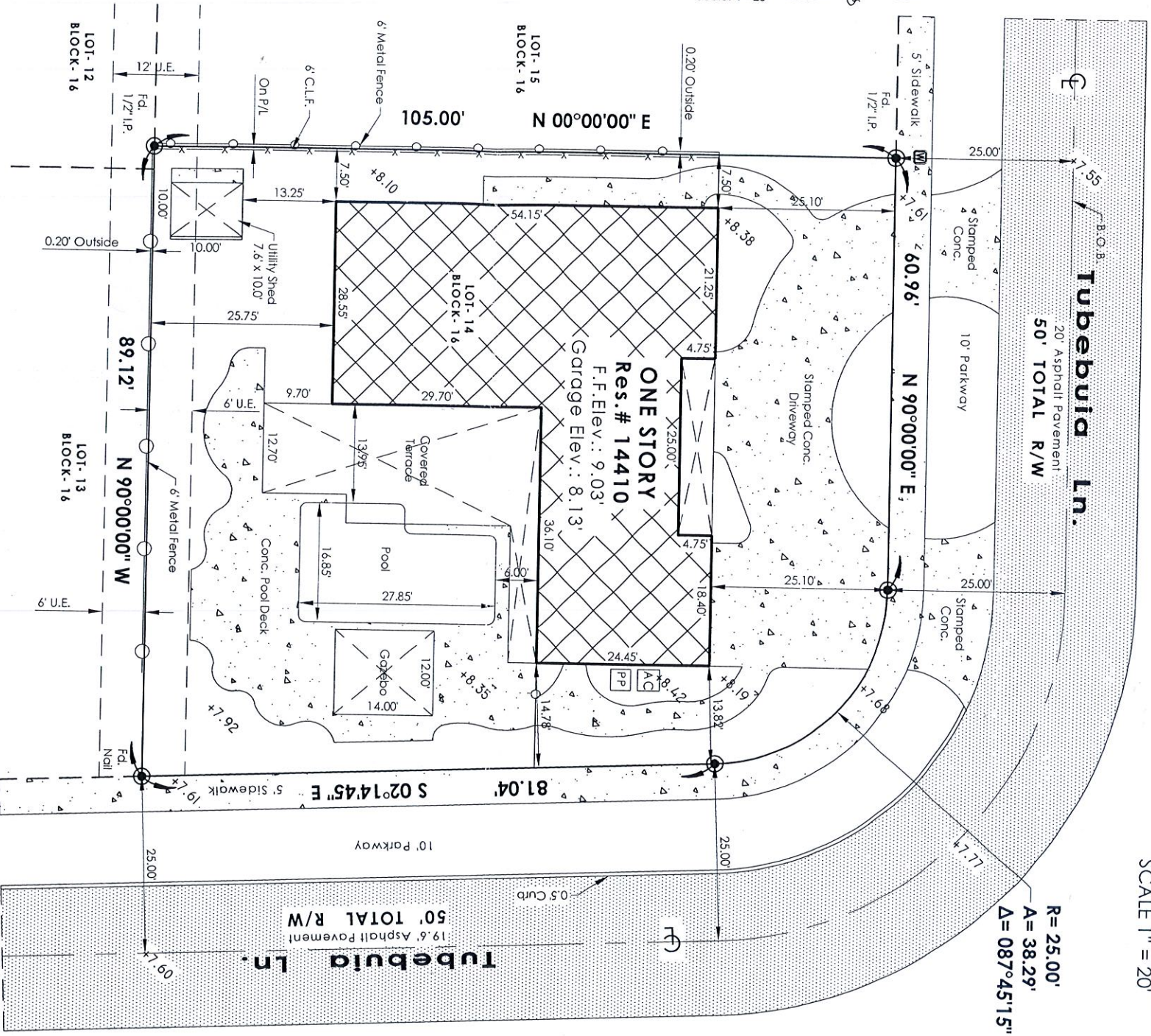
PROFESSIONAL LAND SURVEYOR & MAPPER

14317 SW 45th Terrace
Miami, FL. 33175

PROPERTY ADDRESS: 14410 Tabebuia Lane Miami Lakes, FL. 33014

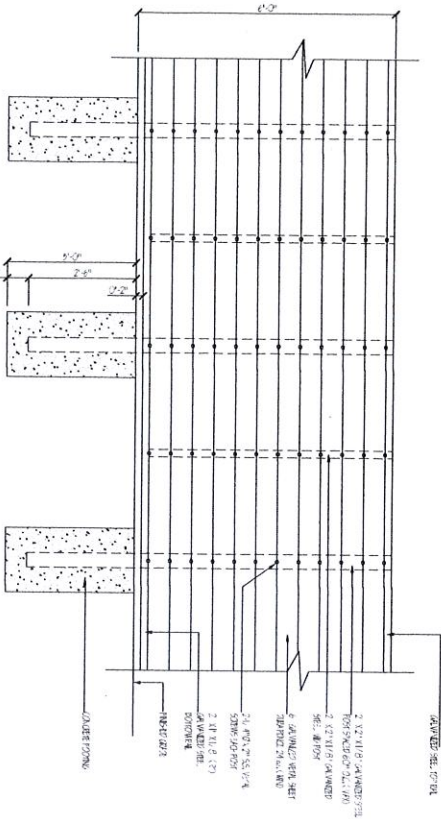
LEGAL DESCRIPTION: Lot 14, Block 16, of **MIAMI LAKES SECTION 4**, according to the plat thereof as recorded in Plat Book 79, at Page 8, of the Public Records of Miami Dade County, Florida.

SKETCH OF SURVEY
(Boundary Survey)
SCALE 1" = 20'



NOTE:

Elevations are referred to Miami Dade County, D.A.D. N 774 P 11



HORIZONTAL DURANCE ELEVATION
3/4" = 1'-0"

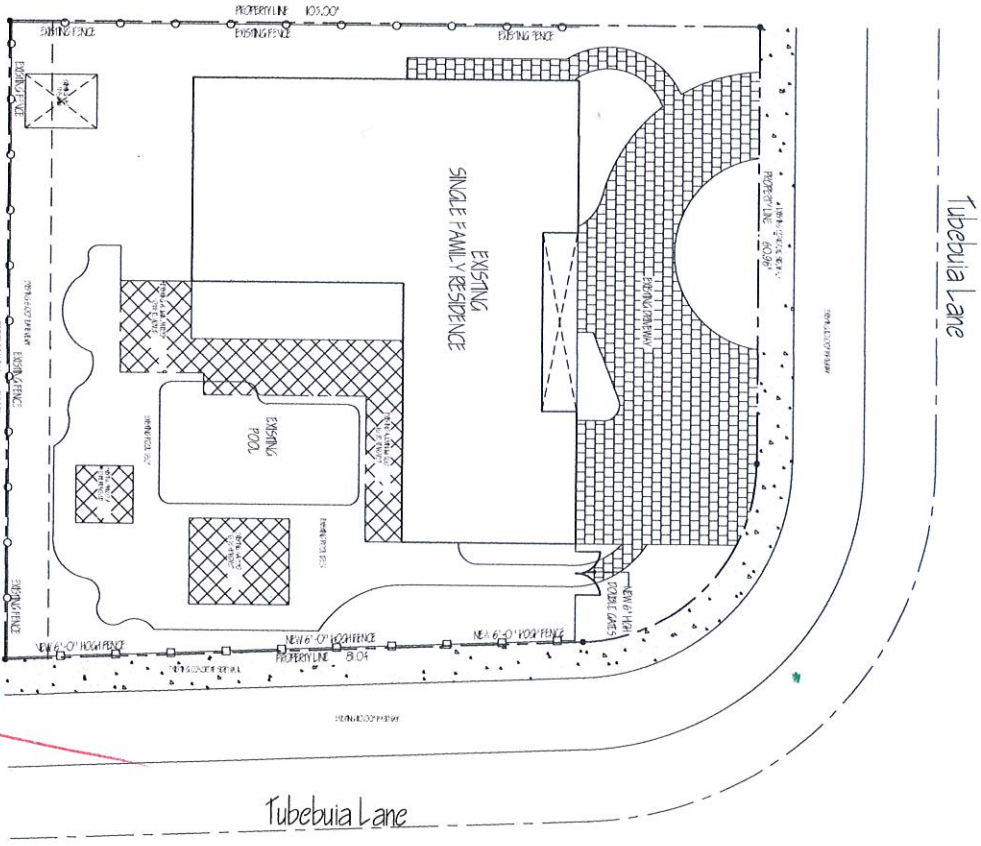
DESIGN CODES REFERENCES
THE FLORIDA BUILDING CODE 2017 6th EDITION

SCOPE OF WORK
DEMOLISH EXISTING STRUCTURES AS NOTED INSTALL 80' OF NEW HORIZONTAL DURANCE INSTALL 2 NEW HORIZONTAL DURANCE GATES

GENERAL NOTES
 ALL TIERS TO BE ASTM A-500 GRADE B GALV. STEEL, F_y = 48K S.I.
 ALL STRUCTURAL STEEL PLATES SHALL BE A-36, F_y = 36 KSI.
 ALL CONNECTIONS TO BE FULL PENETRATED BUTT JOINTS.
 ALL METALS SHALL BE CONFORM WITH CONNECTION DESIGN MANUAL
DESIGN CRITERIA

PER ASCE 7-10
 WIND SPEED - 116 MPH
 CATEGORY - II
 EXPOSURE - C
 DESIGN WIND SPEED - 140 MPH
 LINE LOAD - 50 PSF

FENCE / POST ANCHOR DETAIL
3/4" = 1'-0"



SITE PLAN 1/8" = 1'-0"
 LEVEL OF ALTERNATION 2.15 PER F.B.C. 2017 6th EDITION
 SECTION 4041 (EXISTING BUILDINGS)

LEAD DESCRIPTION
 WITH 30% OF VOLUME PER SECTION 4041
 ACCORDING TO THE 2017 F.B.C. 2017 6th EDITION
 PER 8.01 PER PART 1000.017.14 (MATERIALS)

[Handwritten signature in red ink]

A-1 of 1	REMARKS NO. DATE 1 01/29/20 2 01/29/20 3 01/29/20	PROPOSED DEMOLITION & FENCE INSTALLATION FOR: Mr. & Mrs. CANO RESIDENCE 14410 Tubebuia Lane Miami Lakes, Florida, 33014	REGISTERED (408) 951-7120 RA # 0009769	AVELINO R. LEONCIO, Jr. A. I. A. ARCHITECT 1418 ROSEWOOD ROAD, MIAMI LAKES, FLORIDA, 33014
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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: Planning and Zoning Board
From: Susana Alonso, AICP
Principal Planner
Re:
HEARING NUMBER: VARH2020-0102
APPLICANT: Randy Cano
FOLIO: 32-2023-003-0480
LOCATION: 14410 Tabebuia Lane
MIAMI LAKES, FLORIDA 33014
ZONING DISTRICT: RU-1
Date: May 5, 2020

A. Request

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B. Background

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¹ Subsequent amendments to the code (Ord. Nos. 08-102 and 13-156) provided exemptions to certain areas, principally west of the Palmetto Expressway, that were not developed under such covenants. The Applicant’s property is east of the Palmetto Expressway.

noting, however, that the neighbor with the compliant fence has signed a letter in support of the applicant's request.

The property had an existing chain link fence at the property line for which no permit can be found, but which is seen to be present in aerials as far back as 1999.

C. Staff Recommendation

Staff recommends denial for the proposal as shown in the attached plans, consisting of one page, and stamped received on February 12, 2020, as it does not meet the variance criteria at section 13-305(f)(1).

D. Property Information and Permit History

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

Future Land Use Designation: Low Density Residential

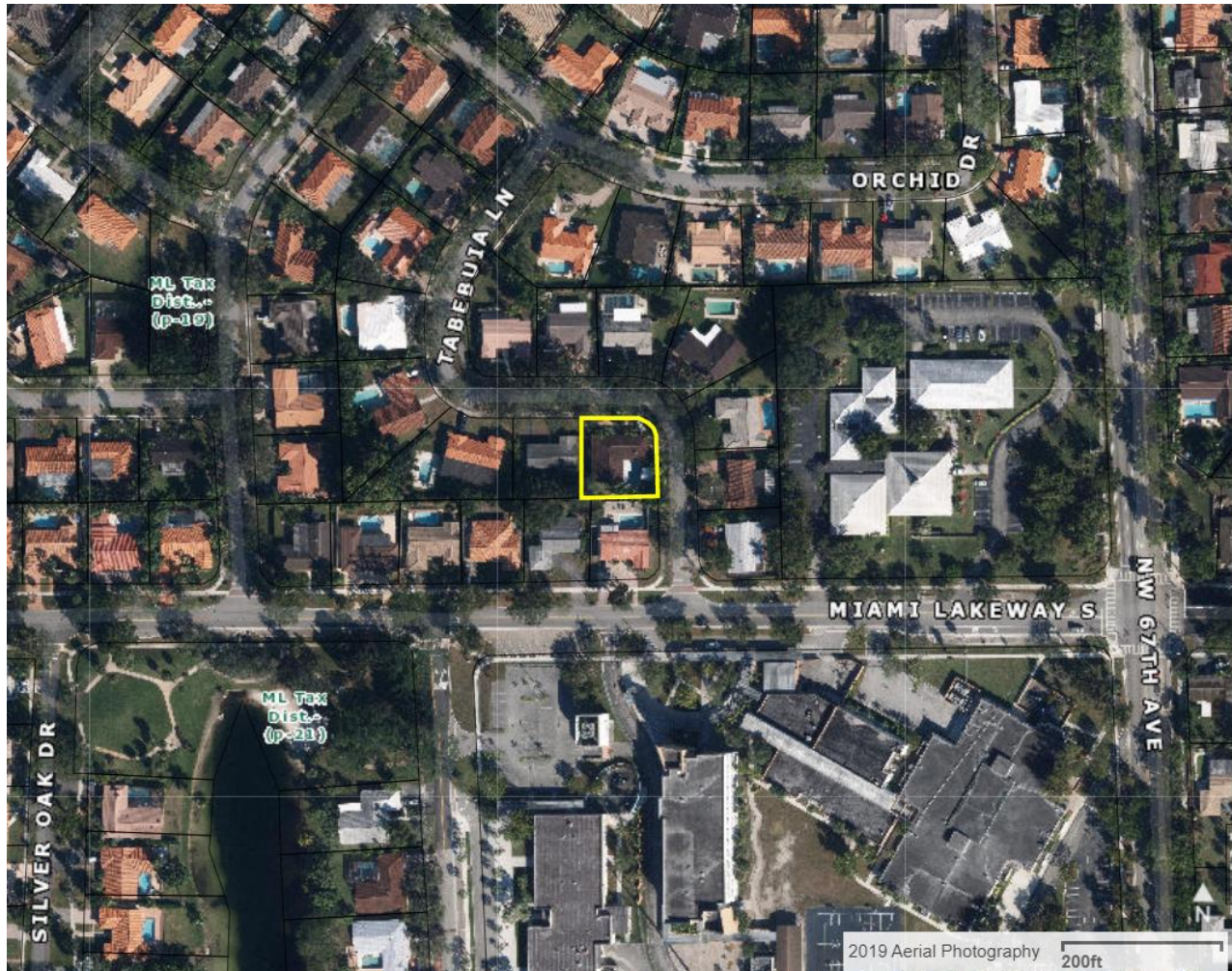
Subject Property:

The subject parcel is a 9,019-square foot lot on the curve of Tabebuia. The site is improved with a single-family home constructed in 1966 according to Miami Dade County records. It is located at 14410 Tabebuia Lane within the Low Density Residential Future Land Use Designation and is zoned RU-1 (Single-Family Residential District).

Surrounding Property:

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

Subject Property Location Map



not to scale

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

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

E. Analysis

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

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

Analysis: The Town has received written support for this request from both adjacent neighbors and other neighbors on the same block. All the letters have been included as an attachment to this staff report.

Finding: Complies.

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

Analysis: See Section B, Background. The surrounding neighborhood was developed to provide for a fifteen (15) foot clear between any fencing along all side streets. This requirement was part of the deed restrictions that regulated development in the area prior to Town's incorporation and was later incorporated into the code in 2004.

Finding: Does not comply.

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

Analysis: See Section B, Background, and criteria "b" above. This configuration would be a departure from the existing development pattern of the neighborhood.

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". The neighboring property to the north is fenced following the 15-foot setback requirement. Approval of this application would allow the fence for this property to project an additional fifteen (15) feet beyond the fence line established by the neighbor.

Finding: Does not comply.

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", "c" and "d".

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 lot is of typical size and configuration for the neighborhood. Based on the submittals of the applicant, the configuration of the property, and the analysis provided in this report, no unique circumstances that exist with regard to the property and/or

the Applicant that would make conformance with Code provisions unnecessarily burdensome.

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.



Town of Miami Lakes Memorandum

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Synthetic Roofing in Townhouse Districts
Date: May 5, 2020

Background

On March 1, 2016, the Town of Miami Lakes (“Town”) Council adopted Ordinance 16-191, which allows the use of synthetic roofing materials for use in single and two-family residences, provided the materials resemble tile. Said change was made during a time that synthetic materials began to saturate the market, and Miami-Dade County provided authority to allow its use. Due to the prevalence of deed restrictions in many of Town, townhome communities, which restrict the use of colors, materials, and design, where purposefully omitted from inclusion in Ordinance 16-191.

During the February 18th, 2020, Town Council meeting, the Town Council directed staff to prepare the necessary amendments to the Land Development Code in order to permit synthetic the use of synthetic materials for roofs in the townhome districts, in a manner similar to Ordinance 16-191

Accordingly, this ordinance amends Section 13-444, in order to allow the use of synthetic materials on roofs in the townhome district, and relaxes restrictions on use of design and color. These changes are not intended to supersede or replace existing deed restrictions that may exist.

Recommendation:

Staff recommends approval of the ordinance amending Section 13-444 as it relates to permitting synthetic roofing for townhouse buildings.

Attachments:
Ordinance

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE IV, DIVISION 3, RU-TH TOWNHOUSE DISTRICT, SEC. 13-444, DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Objective 1.2 of the Town’s Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, consistent technological investments have led to development of roofing materials that approximate the aesthetics of more traditional roof materials and have gained product approval under the terms of the Florida Building Code; and

WHEREAS, the Town Council has already modified allowed roofing materials on single-family and two-family properties to allow for the use of newer technologies; and

WHEREAS, the Town Council wishes to modify allowed roofing materials on townhome properties to allow for the use of newer technologies; and

WHEREAS, the Town’s Planning and Zoning Board, as the Local Planning Agency (LPA), reviewed the proposed amendments at a duly advertised Public Hearing on _____, and voted to recommend adoption of the amendments with a modification; and

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit “A”; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town’s Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

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

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

Section 2. Amendment. Sections 13-442 and 13-444 are hereby amended as provided at Exhibit “A”.

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

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

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

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

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

FIRST READING

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

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

Passed on first reading this _____ day of _____, 2020.

[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 _____, 2020.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

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

EXHIBIT A

Chapter 13 - LAND DEVELOPMENT CODE

ARTICLE IV. - ZONING DISTRICT REGULATIONS

DIVISION 3. - RU-TH TOWNHOUSE DISTRICT

* * * * *

Sec. 13-442. - Definitions.

Official Authorized Body means the body designated by the declaration of restrictions in the townhouse developments to approve architectural changes. If such a body does not exist, ~~the Town will appoint a board.~~ the Administrative official, the Building official and the Town Manager shall serve as de-facto board only for the purposes of consideration and approval of architectural changes as required by the declaration of restrictions. Decisions of the de-facto board are binding unless appealed to the Planning and Zoning Board within 30 days. The de-facto board shall make decisions on a majority basis and at least two (2) members must be present to make decisions.

* * * * *

Sec. 13-444. - Development regulations.

Townhouse developments are subject to the following restrictions:

* * * * *

(20) *Building and roof colors.*

- a. All townhouse buildings within a development or within separate groupings in a development shall be painted in the same color or color scheme as approved by the Official Authorized Body.
- b. All roofs within a development shall be comprised or appear to be comprised of the same material and color as approved by the Official Authorized Body. All roofs, with the exception of cloth/canvas awnings or canopies, with a pitch greater than 2½ shall be constructed of either cement, ceramic, synthetic or metal to simulate flat cement tile or barrel tile match or replicate the material and color approved by the Official Authorized Body. All re-roofs shall match or appear to match the color and material of the existing attached roofs in the development.

* * * * *



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: Synthetic Roofing in Town House Districts
Date: May 5, 2020

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE IV, DIVISION 3, RU-TH TOWNHOUSE DISTRICT, SEC. 13-444, DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Manny Cid)

A. BACKGROUND

On March 1, 2016, the Town of Miami Lakes (“Town”) Council adopted Ordinance 16-191, which allows the use of synthetic roofing materials for use in single and two-family residences, provided the materials resemble tile. Said change was made during a time that synthetic materials began to saturate the market, and Miami-Dade County provided authority to allow its use. Due to the prevalence of deed restrictions in many of Town, townhome communities, which restrict the use of colors, materials, and design, where purposefully omitted from inclusion in Ordinance 16-191.

During the February 18th, 2020, Town Council meeting, the Town Council directed staff to prepare the necessary amendments to the Land Development Code in order to permit synthetic the use of synthetic materials for roofs in the townhome districts, in a manner similar to Ordinance 16-191

Accordingly, this ordinance amends Section 13-444, in order to allow the use of synthetic materials on roofs in the townhome district, and relaxes restrictions on use of design and color. These changes are not intended to supersede or replace existing deed restrictions that may exist.

B. PROPOSED CHANGES

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

Sec. 13-442. - Definitions. The definition of *Official Authorized Body* was amended to include a de-facto Board for developments that do not have a designated board in charge of enforcing declarations of restrictions. this De-facto Board would be composed of the Building Official, the Administrative Official and the Town Manager.

Sec. 13-444. - Development regulations. The provision permits existing townhomes to replace its roofing with synthetic roofing to match in type and color the remaining structures in the development.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending Section 13-444 as it relates to permitting synthetic roofing for townhouse 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 townhomes that is already allowed to single family buildings. 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. Synthetic roofing has been allowed in single family homes since 2016, and many property owners have installed this roofing system in their homes. The proposed ordinance allows townhomes to utilize the same roofing system.

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 synthetic roofs that would be allowed under the proposed ordinance would be identical in appearance and color to the existing tile. Synthetic roofing literature suggests that, since the material is less porous than clay tile, it is less prone to mildew and moisture caused discoloration. Cleaner roofs maintain the pleasant appearance of the community and thus sustain property values.

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: School Safety Considerations
Date: May 5, 2020

Background

On February 18, 2020, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions that address safety of public and private school facilities.

The request came about after a presentation from a group of students from Miami Lakes Middle School regarding safety needs of school facilities. The students presented several recommendations regarding the areas in the immediate surroundings of the schools. Staff worked with the students to narrow the recommendations to the most feasible ones.

The proposed ordinance provides for stricter controls in the development of properties directly adjacent to school facilities, and regulations for uses within 250 feet of the school property.

Recommendation:

Staff recommends approval of the ordinance adding Sec. 13-1617. - School Facilities Safety Considerations to the Land Development Code, providing for regulations of development and uses in properties directly abutting and within 250 feet of the facility.

Attachments:

Ordinance
Staff Report

ORDINANCE NO. 20-____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE VI, DIVISION 1, CREATING SECTION 13-1617. - SCHOOL FACILITIES SAFETY CONSIDERATIONS, PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (CID)

WHEREAS, educational facilities are considered soft targets by the United States Department of Homeland Security; and,

WHEREAS, many educational facilities are already prone to school shootings; and,

WHEREAS, there have been multiple incidents near oil and gas facilities all over the United States that would have put children in danger if they were present at the educational facility; and,

WHEREAS, residential buildings with two or more stories pose as threat to educational facilities; and,

WHEREAS, Florida law prevents educational facilities from being situated near an airport by a distance worth half a runway; and,

WHEREAS, commercial establishments selling food near educational facilities has shown a direct effect on child obesity in the United States; and,

WHEREAS, the Administrative Official reviewed the proposed amendment to the Land Development Code and recommends approval, as set forth in the Staff Analysis and Recommendation dated May 5, 2020 and incorporated into this Ordinance by reference; and

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

WHEREAS, on _____, 2020, 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 _____, 2020, 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 _____, 2020, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council finds it in the public interest to adopt the proposed ordinance.

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

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

Section 2. Findings. After considering Staff's report, both submitted in writing and presented orally and the public, the Town Council finds, pursuant to Subsection 13-306(b) of the Town Code, that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found at Subsection 13-306(b) of the Town Code as provided for in the Staff Recommendation and Analysis Report.

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

Section 4. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall be included in the Town Code.

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

FIRST READING

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

Mayor Manny Cid	_____
Vice Mayor 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 January, 2020.

[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 _____, 2020.

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

Section 13-1617. - School facilities safety considerations

The following regulations apply to properties adjacent to lots where either a public or private school with grades Kindergarten through 12th is located, except for boarding schools or schools where overnight staying is available.

- (a) Any new construction adjacent to a school shall construct an eight-foot masonry fence along all property lines in common with the school property, school grounds or fenced in recreational facility.
- (b) Commercial, hotel or multifamily structures of more than two stories in height shall be set back a minimum of 25 feet from any property line that is shared with the school, school grounds, or fenced in recreational facility. This setback shall be heavily landscaped using shade trees and bushes as to impede the wall from being climbed.
- (c) Any existing structure that is renovated by 50% or more of its appraised value as determined by the Building Official, shall comply with the above requirement if possible, or if not possible, comply with the following:
 - 1. No balconies, catwalks, terraces or operable windows shall face the school property. Private bedroom windows must be located as to not look down upon school grounds.
 - 2. All roofs shall be either gabled or sloped, and any roof access shall be restricted and monitored.
- (d) Any establishment within 1000 feet shall require a Conditional Use in order to sell alcoholic beverages as per procedures outlined in Sec. 13-782. No conditional use for the sale of alcoholic beverages shall be issued to establishments within 250 feet without approval through the Public Hearing process.
- (e) No firearm or weapon sales establishment or shooting range shall be located within 500 feet from a school property, school grounds or fenced in recreational facility.
- (f) No gas stations, service stations or any other use that offers or stores gasoline, diesel or any other fuel shall be located within 500 feet from a school property, school grounds or fenced in recreational facility.
- (g) No storage of chemicals, fireworks or flammable or explosive products shall be located within 500 feet from a school property, school grounds or fenced in recreational facility.



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • 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: School Safety Considerations
Date: May 5, 2020

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING CHAPTER 13, ARTICLE VI, DIVISION 1, CREATING SECTION 13-1617. - SCHOOL FACILITIES SAFETY CONSIDERATIONS, 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 February 18, 2020, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions that address safety of public and private school facilities. The request came about after a presentation from a group of students from Miami Lakes Middle School regarding safety needs of school facilities. The students presented several recommendations regarding the areas in the immediate surroundings of the schools. Staff worked with the students to narrow the recommendations to the most feasible ones.

The proposed ordinance provides for stricter controls in the development of properties directly adjacent to school facilities, and regulations for uses within 250 feet of the school property.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance adding *Sec. 13-1617. - School Facilities Safety Considerations* to the Land Development Code, providing for regulations of development and uses in properties directly abutting and within 250 feet of the facility.

C. ANALYSIS

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

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 Section “A,” Background, of this report. The proposed ordinance complies with the following polices of the Comprehensive Development Master Plan. Explanations follow each Policy.

Policy 1.1.4: Code enforcement and other available regulatory measures shall be used to prevent incompatible land uses from locating adjacent to or near otherwise stable and viable uses, especially residential neighborhoods. The rezoning process shall be used to discourage residential development in close proximity to industrial zoned areas and areas with unacceptable noise and/or odor levels. Incompatible non-residential land uses within established residential neighborhoods may be given incentives to adaptively reuse or replace structures to uses that are compatible with the residential area. Where it is physically not feasible to separate incompatible land uses such as residential and non-residential, buffering shall be required to promote a smooth land use transition. Buffering used may include the following:

- a. Physical barriers, including berms, hedges or other landscaping, as well as walls or fences aesthetically designed for screening purposes. Physical barriers may also include densely vegetated open space; and/or*
- b. The development of a transitional use between the incompatible uses. For example, a low intensity office development could be used to buffer a retail commercial center and a residential area.*

The proposed ordinance provides for physical barriers, increased setbacks and design regulations for all properties adjacent to school properties.

Policy 1.2.8: In preparing use, density and intensity standards for the new LDC, pay special attention to providing for the compatibility of adjacent uses.

The proposed ordinance provides for regulations that improve the compatibility of uses in the areas immediately surrounding school facilities, particularly on regards to safety.

Finding: Complies

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

Analysis: See Section “A”, Background, of this report. The proposed is conformance with all applicable sections 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 Section “A”, Background, and Criterion 2 of this report. Security concerns around schools have been amplified in recent years due to a number of mass shooting incidents.

Finding: Complies.

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

Analysis: The amendment provides for regulations to mitigate some of the impacts of adjacent properties on the security and safety of the school facilities.

Finding: Complies.

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

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

Finding: Complies.

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

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

Finding: Complies.

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

Analysis: See Section “A”, Background, and Criterion 2 of this report. The proposed amendment serves a compelling governmental interest to increase security and safety on school facilities.

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

Finding: Complies.

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

Analysis: See Section “A”, Background, and Criterion 2 of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC.

Finding: Complies.

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

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

Finding: As determined by the Town Council.