



Town of Miami Lakes Memorandum

To: Honorable Chairman Rodriguez and Board Members
From: Darby Delsalle, Planning Director
Subject: Repeal of Twelve (12) Copy Requirement
Date: 4/17/2018

Recommendation:

Staff recommends approval of the ordinance that eliminates the obsolete provision of requiring 12 copies of the plans subject to a site plan public hearing.

Background:

At the time of the adoption of the Town's Code, the prevailing medium for the submission of site plan applications for public hearing was by way of a paper transmittal. The mode was reflective of a process that predated current technology advances that renders such need as obsolete. Today, plans submitted for hearing are scanned from a single set and published and transmitted electronically. As such the requirement for twelve copies of a plan set is unnecessary.

Implementation of the proposed ordinance is consistent with the One-for-One Policy established by the Town Council on April 3, 2018, which seeks, as a matter of policy, to delete obsolete provisions of Town Code when a new regulation is being adopted.

ATTACHMENTS:

Description

Ordinance

Staff Report

ORDINANCE NO. 18- _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATED TO SITE PLAN APPLICATION REQUIREMENTS, AMENDING SECTION 13-304(e)(1), "SITE PLAN APPROVALS – APPLICATIONS," REPEALING THE REQUIREMENT THAT TWELVE (12) COPIES OF A SITE PLAN FOR PUBLIC HEARING CONSIDERATION BE SUBMITTED; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (One-for-One Policy)

WHEREAS, on April 3, 2018, The Town Council of the Town of Miami Lakes moved, as a matter of policy, to require that for any new regulation adopted, another obsolete regulation must be removed from the Town’s Code of Ordinances (AKA One-for-One Policy); and

WHEREAS, in light of new regulation being considered by the Town Council, staff identified an obsolete ordinance related to public hearing site plan applications; and

WHEREAS, with the advancement of digital technology that eliminates the need for additional printed paper copies, it is no longer necessary for an applicant requesting a public hearing site plan to submit twelve (12) copies of the proposed plans; and

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

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

WHEREAS, on June _____, 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 1-304, Site plan approval, 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 May, 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 III Development Approval Procedures

* * *

Sec. 13-304. - Site plan approval.

* * *

(e) Application. Applications shall be submitted and processed pursuant to the general procedures in Section 13-301. In addition, applications for site plan review shall be accompanied by the following information and processed by the Town only after the applicant has complied with the following procedural requirements:

- (1) The initial application shall include two copies of all site plans and required supporting documentation together with an application signed by the owner of record and submitted to the Administrative Official. ~~If it is determined by the Administrative Official that the site plan application requires approval by the Town Council, then 12 copies of all site plans and supporting documentations must be submitted before a public hearing can be scheduled.~~

* * *



Department of Planning, Zoning and Code Compliance
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Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Darby P. Delsalle, AICP, Planning Director
Subject: Site Plan Applications – 12 Copies
Date: April 17, 2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATED TO SITE PLAN APPLICATION REQUIREMENTS, AMENDING SECTION 13-304(e)(1), “SITE PLAN APPROVALS – APPLICATIONS,” REPEALING THE REQUIREMENT THAT TWELVE (12) COPIES OF A SITE PLAN FOR PUBLIC HEARING CONSIDERATION BE SUBMITTED; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (One-for-One Policy)

A. BACKGROUND

At the time of the adoption of the Town’s Code, the prevailing medium for the submission of site plan applications for public hearing was by way of a paper transmittal. The mode was reflective of a process that predated current technology advances that renders such need as obsolete. Today, plans submitted for hearing are scanned from a single set and published and transmitted electronically. As such the requirement for twelve copies of a plan set is unnecessary.

Implementation of the proposed ordinance is consistent with the One-for-One Policy established by the Town Council on April 3, 2018, which seeks, as a matter of policy, to delete obsolete provisions of Town Code when a new regulation is being adopted.

B. PROPOSED PROVISION

The last sentence of Section 13-304(e)(1) is to be struck removing the requirement that any site plan application subject to public hearing submit 12 copies of the plans.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance that eliminates the obsolete provision of requiring 12 copies of the plans subject to a site plan public hearing.

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 Master Development Plan does not address the number of required copies of a site plan that must be submitted for public hearing.

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 and Section “B”, Proposed Changes of this report. The proposed change in no way impacts existing regulations. The ordinance merely deletes a provision of code that was made obsolete by existing technology.

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 Section “B,” Proposed Provision; and Criterion 2 of this report.

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 does not change the permitted uses within the zoning districts.

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; Section “B”, Proposed Changes; and Criterion 2 of this report. The proposed request has no impact on existing rules that regulate the use, form, and development of land.

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 or the standards upon which land is to be developed.

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; Section “B”, Proposed Changes; and Criteria 2, 7, and 8, 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 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.