



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: Government Property Zoning Update
Date: November 14, 2017

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO GOVERNMENTAL FACILITIES; AMENDING DIVISION 24, ENTITLED "GP GOVERNMENTAL PROPERTY DISTRICT," OF ARTICLE IV, ZONING DISTRICT REGULATIONS, OF CHAPTER 13, LAND DEVELOPMENT CODE; ESTABLISHING PROVISIONS FOR THE REVIEW AND APPROVAL OF GOVERNMENTAL FACILITIES; PROVIDING FOR COMPLIANCE WITH STATE STATUTES; PROVIDING FOR ADOPTION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Nelson Rodriguez)

A. BACKGROUND

On October 6, 2015, the Town Council directed the Town Manager to explore amendments to the Town Code that would provide for a procedure to authorize the location of communication facilities on Town owned property. Site planning on governmentally controlled properties is provided by the GP, Government Property District, regulations which provide for the required review procedures. However, a close examination of the Code found three deficiencies that needed to be addressed. The first relates to an automatic rezoning provision which automatically changes the zoning of land upon the purchase or sale of a governmental entity. The second deficiency that the provisions do not provide for is a minor administrative site plan adjustment procedure as would be afforded to a privately held piece of land. Third, the permitted uses needs to be expanded to include communication facilities and other necessary uses that serve the Town's residents.

B. PROPOSED CHANGES

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

Automatic Rezoning Provision Eliminated. The first deficiency of the Town's Code violates Florida Statute 166.041, which provides for specific procedures for municipalities adopting ordinances and resolutions, including unique notice procedures when a city is changing the zoning designation of land. The current code creates an automatic rezoning by virtue of a real estate transaction. Not only does that violate FS 166.041, the action is not necessary. The Town's existing land use categories within its Comprehensive Development Master Plan already provides for a broad range of governmental uses without the need for rezoning. The proposed amendment converts the action to a public hearing site plan. This amendment properly aligns the GP district with State Statute and the Town's Comprehensive Development Master Plan (CDMP).

Minor Administrative Site Plan Adjustment. The second adjustment to the GP district includes the provision of a minor administrative site plan adjustment procedure. Government properties will continue to require public hearing to ensure participation of the public in the siting of such facilities. However, if the Code is left unadjusted, every minor modification would require rehearing of that site plan by the council.

Permitted Uses. The third adjustment to the Code eliminates redundancy of permitted uses stated within the Code, and ensures the list of permitted uses is inclusive enough to provide the services demanded by the Town's residents. It also includes provisions for the siting of communication facilities.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending the Government Property Zoning, GP section of the LDC to remedy the outlined deficiencies.

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: See Section "A", Background and Section "B", Proposed Changes of this report. As presented in Sections "A" and "B", the proposed ordinance provides a site plan review procedure consistent with State Law that allows for site planning of government facilities that serve the public. The amendment also provides a provision to accommodate communication facilities as demand for such service continues to grow. The program, as proposed conforms to the following policy of CDMP below:

Policy 1.1.14: Discourage land use patterns indicative of urban sprawl in the Future Land Use Map and any amendment applications by encouraging

compact development, mixed use where appropriate and efficient use of public facility capacity and resources.

Policy 1.4.2: Work with county and regional utility service providers, as needed, to help locate suitable land for expansion or replacement of their operations and services.

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 ordinance conforms with the Town’s LDC’s. A review of the LDC’s found no conflicts. The amendment brings the Town’s code into alignment with State Statute and the Town’s CDMP.

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 Changes of this report. The current GP district was largely reflected of a dated code copied over from Miami-Dade County when the Town established its own LDC. This update properly aligns the GP district to the Town’s CDMP and State law.

Finding: Complies.

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

Analysis: See Section “A”, Background and Section “B”, Proposed Changes of this report, and Criteria 1 and 3. The proposed ordinance properly aligns the GP code with the Town’s LDC.

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 Section “B”, Proposed Changes of this report. The proposed ordinance properly aligns the GP provisions with the Town’s code and State law, while also ensuring the Town has at its capacity to site facilities need to serve its residents. This includes the ability to site communication facilities on Town property thus easing the burden from privately owned lands. The result is improved service delivery which contributes to increased 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 Section “A”, Background, Section “B”, Proposed Changes, and Criterion 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 Section “A”, Background, Section “B”, Proposed Changes, and Criteria 1, 3, and 7 of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. The proposed ordinance provides an opportunity for to ensure the Town has the capacity to provide services demanded by its residents.

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.