



Town of Miami Lakes Memorandum

To: The Honorable Mayor and Councilmembers
From: Alex Rey, Town Manager
Subject: Developer Information Sessions
Date: 7/25/2017

Recommendation:

Staff recommends approval of the ordinance requiring developer information sessions for certain planning and zoning applications to increase public awareness and encourage public participation in the development process.

Background:

On February 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore and return to a workshop with recommendations regarding information sessions conducted by an applicant/developer that has made a zoning application subject to public hearing before the Town Council. The idea was to create an informal setting where the public could learn about a proposed project in advance of its presentation at a Town Council hearing. There currently are no provisions within the Land Development Code that provide for such informational sessions.

On June 27, 2017, at a publicly advertised workshop of the Town Council, staff presented a recommended approach regarding "Developer Information Sessions." After some discussion, consensus was reached requiring such sessions to be conducted in an informal format, at a site preferably at, or as near as possible to, the project site or if not feasible, at Town Hall; for all projects subject to Town Council consideration that involve projects that are equal to or greater than 50 residential units and/or 50,000 square feet of commercial area. The cost of the developer information session will be paid by the developer. Any staff or direct costs incurred by the Town will be reimbursed by the developer through the cost recovery process. The proposed ordinance is reflective of that consensus.

On July 19, 2017, this item was brought before the Town's Planning and Zoning Board, and in its function as the Town's Local Planning Agency ("LPA"), voted to recommend the approval of this Ordinance.

ATTACHMENTS:

Description

Staff Report

Ordinance



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 Mayor and Town Council
From: Darby P. Delsalle, AICP, Planning Director
Subject: Developer Information Sessions
Date: July 7, 2017

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 13-301, RELATING TO DEVELOPMENT APPROVAL PROCEDURES; CREATING SECTION 13-301(s) REQUIRING DEVELOPER INFORMATION SESSIONS FOR ZONING APPLICATIONS OF A SPECIFIED DENSITY/INTENSITY THAT ARE SUBJECT TO TOWN COUNCIL CONSIDERATION; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Mingo, Cid, Collazo, Daubert, Lama, Mestre & Rodriguez)

A. BACKGROUND

On February 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore and return to a workshop with recommendations regarding information sessions conducted by an applicant/developer that has made a zoning application subject to public hearing before the Town Council. The idea was to create an informal setting where the public could learn about a proposed project in advance of its presentation at a Town Council hearing. There currently are no provisions within the LDC's that provide for such informational sessions.

On June 27, 2017, at a publicly advertised workshop of the Town Council, staff presented a recommended approach regarding "Developer Information Sessions." After some discussion, consensus was reached requiring such sessions to be conducted in an informal format, at a site preferably at, or as near as possible to, the project site; for all projects subject to Town Council consideration that involve projects that are equal to or greater than 50 residential units and/or 50,000 square feet of commercial area. The proposed ordinance is reflective of that consensus.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending notification requirements for zoning applications.

C. ANALYSIS

The Land Development Code (LDC) 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: Although the Comprehensive Plan does not specifically address public hearing requirements, Objective 1.2 provides underlying intent to ensure the LDC's appropriately regulate the use of land reflective of the community's desires. This is achieved by providing an informational session to the residents of Miami Lakes so that they may be more aware of developments to which they may have a particular interest.

Objective 1.2: LAND DEVELOPMENT CODE

Maintain an effective and efficient Land Development Code (LDC), which implements the community vision underlying the goals, objectives and policies of adopted Comprehensive Plan, regulates the quality, scope and impacts of new development and redevelopment, coordinates future land uses with topography and soil conditions, and incorporates innovative land development techniques.

Finding: Complies

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

Analysis: 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 Section "A", Background, of this report. The Town has recently experienced a volume of development application requests that are not typical to its past experiences since incorporation in the year 2000. This increase in activity has brought attention of the Town's residents regarding such zoning application requests and their desire to have more

information. In response, the Town Council directed the Town Manager to prepare recommendations on providing for developer information sessions, conducted in an informal setting, to increase resident awareness of pending projects. Those recommendations were presented at a Town Council Workshop on June 27, 2017. The attached proposed ordinance is reflective of those discussions.

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 proposed ordinance does not change the permitted use of land.

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, of this report. The proposed ordinance provides for a developer information session in advance of any Town Council hearing that may result in a final order for a project equal to or greater than 50 residential units and/or 50,000 square feet of commercial area. Such sessions should prove to better serve the general welfare by facilitating greater awareness of the project and potentially increase public participation in the development review process.

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, and Criterion 7 of this report. The proposed ordinance may result in some additional cost to the applicant/developer making a zoning request as a result of advertising in the Miami Laker Community Paper, as well as those potential costs associated with hosting a session. However, it is believed the sessions may have the potential of increasing public awareness and participation in the development review process. Staff believes this increased participation outweighs the impact of the additional costs.

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 7 and 8, of this report. No portion of the proposed amendment is in conflict with the existing regulations of the LDC. The proposed ordinance provides a venue to increase the public’s awareness of pending zoning applications in an informal setting.

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 ordinance 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.

ORDINANCE NO. 17-__

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 13-301, RELATING TO DEVELOPMENT APPROVAL PROCEDURES; CREATING SECTION 13-301(s), REQUIRING DEVELOPER INFORMATION SESSIONS FOR ZONING APPLICATIONS OF A SPECIFIED DENSITY/INTENSITY THAT ARE SUBJECT TO TOWN COUNCIL CONSIDERATION; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, section 13-301 of the Town's Land Development Code provides for generalized development review procedures related to zoning development applications subject to administrative or public hearing decisions; and

WHEREAS, the intent of such procedures is to ensure that an orderly and predictable review process is available for zoning development applications; and

WHEREAS, on February 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore the feasibility of amending our code to require zoning development applications, of determined densities and intensities, to provide as part of their application an educational forum regarding their development application to the public prior to Town Council consideration; and

WHEREAS, the intent of the forum is to keep the residents of the Town abreast to any pending zoning development applications that are to be considered by the Town Council; and

WHEREAS, on June 27, 2017, at a publicly advertised workshop, Town Staff presented its findings and recommendation to the Town Council regarding implementation of educational forums, titled "Developer Information Sessions," upon which the Town Council considered and expressed its desire to enact; and

WHEREAS, the amendment at Exhibit “A” is reflective of the Town Council’s desire as expressed at the June 27, 2017, workshop; 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 July 7, 2017, and incorporated into this Ordinance by reference; and

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

WHEREAS, on July 18, 2017, 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, with a suggested amendment regarding developers responsibility to bear the costs of the educational forums to the Miami Lakes Town Council; and

WHEREAS, on July 25, 2017, 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 September ____, 2017, 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 comment, 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," and as incorporated herein.

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 Tony Lama	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on first reading this _____ day of July, 2017.

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 Tony Lama	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Frank Mingo	_____
Councilmember Nelson Rodriguez	_____

Passed and adopted on second reading this ____ day of _____, 2017.

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

Chapter 13 - LAND DEVELOPMENT CODE

* * *

ARTICLE III. - DEVELOPMENT APPROVAL PROCEDURES

* * *

Section 13-301 Generally

* * *

(s) *Developer Information Sessions.* Development applications involving a rezoning, Future Land Use Map amendment, conditional uses of 4,000 square feet or more, and site plans and variances for projects involving 50 or more residential units or more than 50,000 square feet of commercial floor area, shall be required to conduct a Developer Information Session. Such Sessions shall conform to the following provisions:

- (1) At a minimum, courtesy public notice shall include posting on the Town website and relevant social media sites utilized by the Town, notice to Home Owner Associations registered with the Town, and a 2"x 4" ad in the Miami Laker community newspaper. Notice shall be provided a minimum of 10 days in advance of the session. Failure to receive a courtesy public notice has no impact on the session. All expense of notification shall be borne by the developer/applicant.
- (2) When feasible, Developer Information Sessions should be held at the project site or nearest available facility thereto. Other acceptable sites include Town Hall, other Town facilities, or other off-site locations in close proximity to the project site.
- (3) Developer Information Sessions are not quasi-judicial proceedings. They are intended to be informal meetings aimed at providing the community with information regarding the project and an opportunity for the developer/applicant to answer questions about the project. The meetings shall be coordinated and conducted by the applicant with input from Town staff. Staff participation is limited as a resource to share Town plans and projects that may be relevant to the project.