



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

To: Honorable Mayor and Town Council
From: Darby P. Delsalle, AICP, Planning Director
Subject: Mail Notification Requirements
Date: July 14, 2017

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING NOTICE REQUIREMENTS; AMENDING SECTION 13-309, REQUIRING MAILING NOTIFICATION DISTANCES REFLECTIVE OF SCALE OF DEVELOPMENT; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Rodriguez, Cid, Collazo, Daubert, Lama, Mestre & Mingo)

A. BACKGROUND

On March 7, 2017, the Town Council of the Town of Miami Lakes directed the Town Manager to explore mailed notice requirements of the Land Development Code (LDC) and return to a workshop with recommendations that would enhance the reach, quality, and clarity of such notices. The request was driven by concerns that the public was not appropriately aware of pending projects in the wake of a development cycle more active than the Town was traditionally accustomed to experiencing.

As it currently stands, section 13-309 of the Town's LDC's requires development subject to public hearing to include a mailed notice to property owners within 500 feet of the proposed project. If the request includes a rezoning or amendment to the Future Land Use Map, such notice radius is required to be 2,500 feet. Projects eligible for approval at an administrative level require little more than notice to adjacent properties, and in the case of an administrative (de minimis) variance, no notice at all. The Town Council wanted to provide a broader overall reach of the notice, and provide it in a format that clearly identified the nature of proposed development.

On June 27, 2017, at a publicly advertised workshop of the Town Council, staff presented a recommended approach to mailing notification, including changing the format to a post card, utilization of plain language to describe a project, and radii options that are scaled according to

intensity of development. After some discussion, consensus was reached to utilize the easier to read post card notice, plain speech descriptions of the application request, and the following notice radii:

<u>APPLICATION INTENSITY</u>	<u>RADIUS IN FEET</u>
<u>Greater than or equal to 100 Residential Units or 100,000 sq. ft. Commercial</u>	<u>5,000</u>
<u>50 to 99 Residential Units - 50,000 to 99,999 sq. ft. Commercial</u>	<u>2,500</u>
<u>20-49 Residential Units - 20,000 to 49,999 sq. ft. Commercial</u>	<u>1,000</u>
<u>Less than 20 Residential units or 20,000 sq. ft. Commercial</u>	<u>500</u>
<u>Administrative (De Minimis) Variances</u>	<u>Adjacent Properties</u>

By utilizing the above schedule, notification is now reflective of the size of the proposed development and its potential impact to the surrounding community.

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 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 greater notice to the residents of Miami Lakes so that they may be more aware of developments in 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 to the Town's notification procedures related to zoning application requests. In response, the Town Council directed the Town Manager to prepare recommendations on notice procedures that are more inclusive and easier to understand. Those recommendations were presented 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 enhanced notice procedures with a greater notification requirement than currently exists. Such enhancements should prove to better serve the general welfare by facilitating greater awareness and potentially increased 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, however the enhanced notice procedure has the potential of increasing public participation in the development review process. It is believed that increased participation outweighs the impact of the additional notification 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 broader reach for mailed notices related to zoning applications in a format that is easier to understand.

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.