



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

To: Honorable Mayor & Councilmembers
From: Edward Pidermann, Town Manager
Subject: Business Master List Consolidating and Reorganization
Date: February 18, 2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ALLOWABLE USES IN COMMERCIAL DISTRICTS; REORGANIZING, REFORMATTING, CONSOLIDATING, AND AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE IV. "ZONING DISTRICT REGULATIONS", AT DIVISION 20. "BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICT MASTER LIST" PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pidermann)

A. BACKGROUND

Division 20 of the Land Development Code contains the Business Master List which provides a listing on tabular form of all the different uses that are permitted within the various business, commercial and industrial districts, and the TC Town Center District. As with other parts of the Town's LDC, Division 20 was initially adopted from Chapter 33 of the Miami Dade County Code of Ordinances and has been modified and amended by the Town since. However, the Business Master List has maintained the same form through the changes, including maintenance of districts such as BU-1, BU-3, IU-2, and IU-3 which although present in other parts of Miami Dade County, do not exist within the Town Boundaries. In addition, in its current form, the list enumerates separately many uses that can be easily combined together, such as different kinds of chemical manufacturing, assembly uses, and retail uses, becoming lengthy, cumbersome, and confusing to consult. Moreover, in more than one instance, uses that are very similar, or even identical, like a "day nursery" and a "childcare center", have different treatment in different pages of the list. Obsolete uses and word usage like "infirmaries" or "convalescence home" which are already contained by other uses such as "hospital" or "Assisted Living Facility" are also prevalent throughout.

It has long been the intention of staff to condense and reorganize this list so that it becomes clearer and more user friendly. In addition to the types of changes enumerated above, staff is recommending small tweaks to how some uses are treated, particularly in regard to the need for conditional uses. Those proposed changes are as follows:

1. *Personal Services within Industrial Districts.* The LDC currently requires that any beauty salon or barber shop that wishes to operate within the industrial districts, obtain a conditional use to ensure that the conditions contained in Sec 13-790 are adhered to. Since said section is self-contained, clear in its requirements, and requires no special case by case assessment of the use, staff maintains it is unnecessarily cumbersome to request a conditional use for these uses.
2. *Assembly uses.* The LDC currently is inconsistent in its requirements of conditional use approval for assembly uses such as religious institutions, auditoriums or theaters. Staff believes that these uses should all be considered individually for approval, so issues of parking, security, approach and business hours can be evaluated.
3. *Schools and Educational Institutions.* Similarly, the LDC currently requires conditional uses of some and not of other types of educational institutions. Since these types of uses typically consist of a location where many individuals must arrive and leave at around the same time in order to participate, and since there are security and other considerations that require individual attention, staff recommends that all schools daycares, and adult daycares be processed as conditional uses in all districts.

Attachment A contains the final proposed form of the table without strikeouts and underlines, for purpose of readability.

On January 7, 2020, the Planning and Zoning Board, acting as the Local Planning Agency, heard the item and voted to recommend approval of the ordinance.

On January 21, 2020, the Town Council heard the item on first reading and voted to recommend approval of the ordinance.

B. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance reorganizing, reformatting, consolidating, and amending the Business Master List.

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: See Section “A”, Background, of this report. Policy 1.1.2 provides for all of the Land Use Categories within the Comprehensive Master Development Plan; Further, Objective 1.2 provides underlying intent to ensure the LDC’s appropriately regulate the use of land reflective of the community’s desires. The amendment achieves that intent by providing the tabular form in which the code requirements are reflected is more understandable and user friendly.

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 adopted the Business Master List in 2003 along with the rest of the LDC. Although it has been amended in the interim, no comprehensive effort to consolidate and clarify has been undertaken since. 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 some of the contractions and difficulties that the present form of the list creates.

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. It merely clarifies and organizes how the requirements are reflected in the 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: See Section “A”, Background, of this report. The proposed ordinance does not change permitted uses or development parameters. As such, it 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 Section “A”, Background, of this report. The proposed ordinance does not change permitted uses or development parameters. As such, it 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 and Criterion 1 of this Analysis section. The proposed ordinance does not change permitted uses or development parameters. In the contrary, by clarifying the need for conditional uses, it will provide for improved application of requirements and improve evaluation of factors that may adversely affect property or general welfare.

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 Criteria 1 and 7 of this report. The proposed ordinance does not affect existing land patterns.

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 Criteria 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 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.

ATTACHMENT A

Use	RO-13	RO-50	BU-1A	BU-2	IU-1	IU-C	TC	*Additional Regulations
Office, executive office and medical office	P	P	P	P	P	P	P	§ 13-792, § 13-793, § 13-799.2
Commercial and retail activities.	A	A	P	P	A	A	P	§ 13-777
Manufacture, assembly, processing or packaging of any article or matter, or the storage of relatively large quantities of such article or matter					P*	P*		§ 13-794, § 13-759, § 13-781
Storage Yard including vehicle, boat, junk yard, or construction equipment					C	C		§ 13-759, § 13-781, § 13-799.4
Places of assembly, including religious or cultural centers, auditoriums theaters, lodges, circus, convention hall and similar uses that are considered assembly uses under the South Florida Building Code.			C	C	C	C	C	§ 13-784
Personal services, including cosmetic, acupuncture, beauty salons, massage parlors, and barber shops and similar uses	P*	P*	P	P	P*	P*	P	§ 13-790, § 13-799.8
Mortuary or Funeral home			C	C	C	C		
Restaurants, bars, and establishments serving food and/or liquor	A	A	P	P	P	P	P	§ 13-771, § 13-772, § 13-776, § 13-782, § 13-783, § 13-799.8
Billiard, pool room, bowling, arcade and similar indoor entertainment			P	P			P	§ 13-782 § 13-783 § 13-759, § 13-799.8
Schools and Educational institutions, including k-12, college and university			C	C	C	C	C	§ 13-785
Daycare, adult daycare, day camps and aftercare			C	C	C	C	C	§ 13-785
Dance, music, martial arts, Yoga tutoring and other similar uses for			C	C			C	

the instruction of 10 or more individuals at once								
Auto, boat, truck repair					P	P		
Gas and service station, with or without convenience store		P	P	P	P	P	P	§ 13-756, § 13-757
Power plants, substations and energy or utility facilities		C	C	C	C	C		§ 13-780
Airport, Airplane crop dusting field, heliport or landing field			C	C	C	C		
All applications by State, County and municipal entities and agencies			C	C	C	C	C	
Barbeque stands or barbeque pits provided that establishments using wood burning for cooking are permitted as a conditional use			C	C	C	C	C	
Brewery			A*	A*	P	P	A*	§ 13-796
Call center						C	C	§ 13-787
Dog kennel, dog day care			C*	C*	C*	C*		§ 13-789
Drugstores, pharmacies and pain management centers			C*	C*			C*	§ 13-791 § 13-1610
Garbage and waste dumps			C	C	C	C		§ 13-799.4
Golf course, driving range, Baseball Batting Cages	C	C	C	C	C	C	C	
Health and exercise clubs	A	A	P	P			P	
Hospitals (not animal hospital)	C*	C*			C*	C*		§ 13-765 § 13-795
Hotels, motels and apartment hotels	P	P			P*	P*	P	§ 13-766, § 13-761, § 13-768, § 13-758
Lake excavation			C	C	C	C		
Motion picture, television and radio production studios						P	P	

Night Clubs, Cabarets and other entertainment establishments	A*	A*		C*		C*	C*	§ 13-758, § 13-770 § 13-782 § 13-783, § 13-799.8
Nursing homes, assisted living facilities (ALF), Memory Care and Long-Term Acute Care Facilities and institutions for disabled individuals	C*	C*	C	C	C	C	C	§ 13-764, § 13-764.1, § 13-795
Parking lots and storage of vehicles as a main use (not accessory)	C	C	C	C	C	C	C	§ 13-755
Pistol, rifle, skeet, archery ranges and accessory munition, firearm, and equipment sales.			C	C	C	C		§ 13-759, § 13-781
Residential uses	P*	P*	P*	P*	A*	A*	P*	§ 13-775
Self-service storage facility					P*	P*		§ 13-786
Single-family residences	P*	P*						§ 13-775
Sleep testing centers for medical observation or other medical observation facilities (including overnight)					C	C	C	
Solar energy systems, accessory use	P*	P*	P*	P*	P*	P*	P*	§ 13-1702
Solar energy systems, primary use					P*	P*		§ 13-1702
Testing laboratory or plant			C	C	C	C		§ 13-799.7
Veterinarian, animal hospital and pet emergency			P*	P*	P*	P*	P*	§ 13-789
All other uses not specifically listed in this table shall be considered to be non-permitted uses unless expressly granted by the Town as a Conditional Use	C	C	C	C	C	C	C	