

Town of Miami Lakes

LPA Meeting

June 14, 2011



TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Michael Pizzi

Vice Mayor Nick Perdomo

Councilmember Mary Collins

Councilmember Tim Daubert

Councilmember Nelson Hernandez

Councilmember Ceasar Mestre

Councilmember Richard Pulido

AGENDA

LPA

June 14, 2011

6:25 PM

Royal Oaks Park Community Center

16500 NW 87 Avenue
Miami Lakes, Florida 33018

1. CALL TO ORDER:

2. ROLL CALL:

3. ORDINANCE:

A. AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING CHAPTER 33 "ZONING" BY AMENDING ARTICLE 4, "ZONING DISTRICT REGULATIONS", OF THE TOWN'S LAND DEVELOPMENT CODE BY AMENDING DIVISION 4.3(e)(2), "MINOR SITE PLAN CHANGES FOR EXISTING TOWNHOUSES", TO MODIFY THE REQUIREMENTS FOR ADMINISTRATIVE SITE PLAN REVIEW FOR DRIVEWAY REPLACEMENTS/MODIFICATION IN AN RU-TH DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pizzi)

4. FUTURE MEETING DATES:

July 12, 2011 Regular Council Meeting, 6:30pm, 16500 NW 87 Avenue

September 13, 2011 Regular Council Meeting, 6:30pm, 16500 NW 87 Avenue

5. ADJOURNMENT:

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Town Hall, 15150 NW 79th Court, Miami Lakes, FL. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting.


Anyone wishing to appeal any decision made by the Miami Lakes Town Council with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Any member of the public wishing to speak on a public hearing matter on this Agenda or under public comments for items not on this Agenda, should fill out a speaker card and provide it to the Town Clerk, prior to commencement of the meeting. Any person presenting documents to the Town Council should provide the Town Clerk with a minimum of 12 copies.



TOWN OF MIAMI LAKES MEMORANDUM

To: Honorable Mayor and Town Council

From: Alex Rey, Town Manager 

Subject: Site Plan Review Requirements- Driveways in Townhouse Districts

Date: June 14, 2011

Recommendation

It is recommended that the Town Council, as Local Planning Agency Body, and pursuant to Chapter 163.3174 F.S., find that the attached Ordinance amending the Town's Land Development Code to Eliminate the requirement for Administrative Site Plan review for replacement/alteration of driveways at individual townhouse units in the RU-TH Zoning District, is consistent with the Town's Comprehensive Plan and forward a recommendation for adoption to the Local Governing Body (Town Council).

Issue

At the May 10, 2011 meeting the Town Council directed staff to prepare an amendment to the Town's Code to remove the requirement for Administrative Site Plan review for replacement/alteration of driveways in RU-TH Zoning District.

Background

Division 4.3(e)(2) of the Town's Code of Ordinances, requires exterior changes to individual Townhouse units in the RU-TH zoning districts, including, but not limited to, driveway replacement/alteration, to be reviewed through the Town's Administrative Site Plan Review process. Therefore, in the event that a resident would like to replace an asphalt driveway with pavers, stamped concrete or other material they would be required to receive Administrative Site Plan Approval. The process takes approximately 3 weeks and requires a \$150.00 fee (which includes a \$50.00 cost for a public notice sign).

The intent of the site plan review process is to ensure that any and all proposed improvements to the exterior of Townhouse units are consistent and compatible with the remainder of the community so as not to harm the overall design and character of development.

Memorandum
Site Plan Review Requirements- Driveways in Townhouse Districts
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In accordance with the Town Council's directive, staff has reviewed the Town's Code and believes that the Town's building permit process provides adequate opportunity for Planning and Zoning staff to review proposed revisions to driveways and ensure consistency and compatibility with the overall community.

The current regulations require a letter from the applicable Homeowners' Association (indicating approval or denial) prior to approval of an Administrative Site Plan for a proposed improvement. The proposed amendment will still require this letter as part of the zoning review of the Building Permit process. The criteria for amendments to the Town's Land Development Regulations, as identified in Article 3, Division 3.6(b) were considered by staff during preparation of the proposed amendments and Staff has determined that the proposed amendments are consistent with said criteria.

Fiscal Impact

The proposed changes are not anticipated to have significant positive or negative fiscal impacts as the fee is used to defray the cost of the process. The amendment to the Code will save residents the \$150.00 expense.

ORDINANCE NO. 11-____

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA AMENDING CHAPTER 33 “ZONING” BY AMENDING ARTICLE 4, “ZONING DISTRICT REGULATIONS”, OF THE TOWN’S LAND DEVELOPMENT CODE BY AMENDING DIVISION 4.3(e)(2), “MINOR SITE PLAN CHANGES FOR EXISTING TOWNHOUSES”, TO MODIFY THE REQUIREMENTS FOR ADMINISTRATIVE SITE PLAN REVIEW FOR DRIVEWAY REPLACEMENTS/MODIFICATION IN AN RU-TH DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) adopted Chapter 33 of the Miami – Dade County Code (2000), entitled “Zoning”, as the Town of Miami Lakes Land Development Code (“the Town LDC”) by Section 8.3 of the Town Charter; and

WHEREAS, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the “LDC Ordinances”) to better address and serve the needs of the Town; and

WHEREAS, the Town’s LDC currently requires proposed modifications/alterations to the site plan, or exterior, of an individual townhouse unit in the RU-TH zoning district, including, but not limited to, the replacement/alteration of driveways, to be reviewed and approved through the Administrative Site Plan review process, in addition to the Town’s Building Permit Requirements; and

WHEREAS, the Town Council recognizes that the zoning review required by the Town's Building Permit process provides adequate opportunity for review of proposed replacement/alteration of driveways in the RU-TH zoning district to ensure that such improvements are consistent and compatible with the character of the existing townhouse community as required by the Town's LDC; and

WHEREAS, the Town seeks to modify the processing requirements for review and approval of proposed replacement/alteration of driveways in the RU-TH zoning district for individual Townhouse units by removing the requirement for Administrative Site Plan review for driveway replacements and alterations; and

WHEREAS, the proposal is consistent with the Comprehensive Plan; and

WHEREAS, the proposed amendment is in conformance with applicable requirements of the Town's Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendment will not 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 neighboring property land use; and

WHEREAS, the proposed amendment will not adversely affect property values or adversely affect the general welfare; and

WHEREAS, the proposed amendment will result in an orderly and compatible land use pattern; and

WHEREAS, the proposed amendment will not be in conflict with the public interest, and is in harmony with the purpose and intent of the Comprehensive Plan; and

WHEREAS, the proposed amendment meets the requirements of Chapter 163.3161 et seq., Florida Statutes; and

WHEREAS, the Local Planning Agency reviewed this request at its June 14, 2011 meeting and voted to recommend approval; and

WHEREAS, the Town Council has reviewed this Ordinance at a duly noticed hearing, considered the recommendations of the Local Planning Agency, the Town staff, and comments from the public, and determined that it is consistent with all policies contained in the Town's Comprehensive Plan; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment of the Code. Article 4, Division 4.3(e)(2) of the Town’s Land Development Code, entitled “Minor Site Plan Changes for Existing Townhouses”, is hereby amended as follows¹:

ARTICLE 4

* * *

DIVISION 4.3

* * *

(e)

2. ***Minor Site Plan Changes for Existing Townhouses.*** The Administrative Official or his designee may administratively authorize through the site plan review process in Division 3.2, of this code minor exterior ~~a~~ changes in a site plan or to building elevations for existing individual townhouse units for the following items: screen enclosures, changes to approved landscape areas, patio slabs/pavers, new facial or trim work, trellis or garden amenities, canvas or cloth awnings and canopies, walls or fences, jacuzzis, swimming pools, decks, hot tubs, ~~driveways,~~ shared parking areas or similar improvements provided that:
 - a. The applicant submits as part of the site plan application a recommendation from the official authorized body. The recommendation may be either for approval, denial or approval with conditions. The recommendation is advisory only and a positive recommendation is not required in order to receive site plan approval.
 - b. That the proposed changes comply with the Development Regulations for Townhouses contained in the Land Development Code and variances are not necessary to accomplish the proposed changes.
 - c. In approving the amendments or changes to the site plan or building elevations, the Administrative Official or his designee shall find that the change in plan will be in harmony with and compatible with existing development in the area, and will not destroy the theme or character of the development in the area.
 - d. Additions of enclosed air-conditioned space is not permitted through the minor amendment process and requires site plan approval through a public hearing.
 - e. *Exceptions.*

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strike through~~.

- 1) The installation of temporary storm panels approved under the Florida Building Code shall be permitted as a matter of right. However, the official authorized body review shall be required for the installation of permanent storm shutters. For the purposes of this subsection, temporary storm panels shall be defined as detachable protection devices that are installed temporarily over building openings in the event of an approaching hurricane or tropical storm.
- 2) The replacement or modification of driveways at individual townhouse units shall not require approval through the Administrative Site Plan review process, provided the improvements comply with the following requirements:
 - a. That the applicant submits, as part of the building permit application, a recommendation from the official authorized body, if applicable. The recommendation may be either for approval, denial or approval with conditions. The recommendation is advisory only and a positive recommendation is not required in order to receive building permit approval.
 - b. In conducting the zoning review for the building permit application for the the driveway, the Administrative Official or his designee shall find that the proposed improvement will be in harmony with and compatible with existing development in the area, and will not destroy the theme or character of the development in the area and complies with all requirements for such improvements found elsewhere in this or other applicable Codes or regulations.

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 Land Development 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 LDC 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. 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 _____ and upon being put to a vote, the vote was as follows:

Mayor Michael Pizzi	_____
Vice-Mayor Nick Perdomo	_____
Councilmember Mary Collins	_____
Councilmember Tim Daubert	_____
Councilmember Nelson Hernandez	_____
Councilmember Ceasar Mestre	_____
Councilmember Richard Pulido	_____

PASSED AND ADOPTED on first reading this _____ day of _____, 2011.

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 Michael Pizzi _____
Vice-Mayor Nick Perdomo _____
Councilmember Mary Collins _____
Councilmember Tim Daubert _____
Councilmember Nelson Hernandez _____
Councilmember Ceasar Mestre _____
Councilmember Richard Pulido _____

PASSED AND ADOPTED on second reading this _____ day of _____, 2011.

Michael Pizzi
MAYOR

ATTEST:

Approved as to form and legality for the use and benefit of the Town of Miami Lakes only:

Marjorie Tejeda
TOWN CLERK

Joseph S. Geller
INTERIM TOWN ATTORNEY