

**ORDINANCE NO. 18- \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA RELATING TO EXTERIOR SURFACE PAINT OF COMMERCIAL AND INDUSTRIAL STRUCTURES; RENAMING CHAPTER 16 TO “PROPERTY STANDARDS AND NUISANCES;” CREATING SECTION 16-2, ENTITLED “COMMERCIAL AND INDUSTRIAL STRUCTURAL AESTHETIC STANDARDS,” OF THE TOWN’S CODE OF ORDINANCES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Marilyn Ruano)**

**WHEREAS**, the Chapter 16, of the Town’s Code of Ordinances is currently entitled “Nuisances,” however the regulations provided therein are also reflective of “Property Standards,” and

**WHEREAS**, on February 6, 2018, the Town Council of the Town of Miami Lakes directed the Town Manager to explore provisions that address painting standards for commercial and industrial structures within the Town, and report back with a possible option; and

**WHEREAS**, this proposed ordinance is reflective of the Town Council’s request by providing for a painting standard for the exteriors of structures within the Town’s commercial and industrial districts, and its location is best located within Chapter 16; and

**WHEREAS**, on April 17, 2018, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

**WHEREAS**, on May 1, 2018, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

**WHEREAS**, on June \_\_\_\_\_, 2018, the Town Council considered the ordinance at a duly advertised public hearing; and

**WHEREAS**, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

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

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

**Section 2. Amendment.** Chapter 16 is hereby renamed, and Section 16-2, Commercial and industrial structures surface paint and protection, is hereby created as provided at Exhibit “A”.

**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Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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 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 Code 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.** That 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 Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

**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 Nelson Rodriguez	_____
Councilmember Tim Daubert	_____
Councilmember Luis Collazo	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this \_\_\_\_\_ day of May, 2018.

[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 Frank Mingo	_____
Councilmember Luis Collazo	_____
Councilmember Tim Daubert	_____
Councilmember Ceasar Mestre	_____
Councilmember Nelson Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
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

ORDINANCE

CHAPTER 16 – PROPERTY STANDARDS AND NUISANCES

ARTICLE I. – IN GENERAL

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16-2 Commercial and industrial structural aesthetic standards.

(a) Purpose and Intent. The purpose of this section is to protect the aesthetic appearance of the built environment of commercial and industrial buildings and structures in the Town's commercial and industrial zoning districts.

(b) Interpretation. Interpretation of Section 16-2 shall be exclusive to the Administrative Official or his/her designee.

(c) Administrative Approval. The Administrative Official's approval of a color scheme shall be binding on the Town.

(d) Definitions. For the purposes of Section 16-2 the terms below shall be as defined herein.

*Garish* shall mean a color(s) that is disturbingly vivid, or offensively or distressingly bright or intense.

*Neon* shall mean a color(s) that gives the appearance and or the actual effect of glowing when viewed with or without the presence of light.

*Obnoxious* shall mean a color(s) that is odiously or disgustingly objectionable, or highly offensive.

*Highly contrasted colors* shall mean colors with great difference in hue, saturation, or value, as may be reflective by their distance from each other on the color spectrum, or as they differ in range from very light to very dark.

(e) Standards.

(1) Color(s) shall be compatible with the surrounding area and used to complement the development. Garish, neon, visually obnoxious or highly contrasted colors are prohibited.

(2) Paint color should be used to highlight architectural forms and details but not to create them. Exterior stone or tile surfaces shall not be painted unless complementary to the development.

(3) No more than 25% of the façade of a building may be painted with an accent color.

(f) Administrative Approval Procedure. Applicants desiring an administrative approval of their color scheme may apply by presenting a request detailing their choice of color to the Administrative Official. The Administrative Official, shall reply to such requests on a timely basis and provide an approval or disapproval.

- (g) Enforcement. Violation of this section shall be enforced pursuant to Chapter 8 of the Town's Code of Ordinances. Pursuant to Chapter 8, all procedural appeals and requests for fine reductions shall be heard by the Town's Special Master. Substantive appeals, regarding a civil violation or administrative opinion pursuant to this section shall be directed to the Town's Planning and Zoning Board.
- (h) Appellate Procedure. The application fee shall be \$500 and notice of hearing shall be issued pursuant to Chapter 8. The Board shall determine if the requested colors conform to the Standards and Definitions provisions of section 16-2. Enforcement of the civil violation notice shall be stayed pending the decision of the Board. The Board's order shall be final, and the civil violation notice shall be dismissed upon compliance with the Board's decision. Compliance shall be required within 60 days of the Board's decision or as otherwise prescribed by the Board. Failure to comply with the Board's decisions shall result in further enforcement proceedings as provided by Chapter 8.