



Town of Miami Lakes Memorandum

To: Honorable Chairman Rodriguez and Board Members
From: Darby Delsalle, Planning Director
Subject: Exterior Surface Paint and Protection of Commercial and Industrial Structures
Date: 4/17/2018

Recommendation:

Staff recommends approval of the ordinance creating the “Commercial and Industrial Structures Surface Paint and Protection” provisions which provide for appropriate standards for such uses.

Background:

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. The request follows on the heels of the Town’s adoption of Section 13-311, "Design and architectural standards," which provided a measurable standard to guide future development within the Town. This effort aims to provide a tool for the Town to further that goal by providing a broad and general standard for the painting of exterior surfaces on structures within its commercial and industrial districts.

The following described elements are presented in the same order that they appear in the proposed ordinance.

Renaming Chapter 16. This portion of the request is merely to properly align the title of the chapter with the function of ordinances it houses, as they deal principally with “Property Standards.”

Definition. Definitions are provided to clarify those paint color choices deemed undesirable which include garish, neon, obnoxious, or highly contrasted colors.

Standards. Standards are provided for the exterior portions of structures within commercial and industrial districts that requiring painting are colors that are uniform throughout the development; do not fall into the classification of garish, neon, obnoxious, or highly contrasted; that colors may be used to highlight architectural features but not create them; and that accent colors may be utilized up to 25% of a building façade.

Enforcement. The proposed ordinance relies upon Chapter 8, Code Enforcement, as the mechanism to ensure compliance. However, the ordinance also permits any property owner that has received a civil violation notice

to appeal to the Planning and Zoning Board (P&Z) for color selection approval. Appointed for the expertise in land development matters, the P&Z Board shall have the authority to determine whether the colors chosen by the property owner conform with the ordinance's Standards. During this review period, enforcement proceedings are stayed pending the outcome of the Board's decision. Upon compliance with the Board's decision, the Hearing Officer shall dismiss the case. Failure to comply with the Board's decision will result in further enforcement proceedings.

ATTACHMENTS:

Description

Ordinance

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 _____, 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 ____, 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

* * *

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. Appeal of the Administrative Official’s interpretation shall be to the Planning and Zoning Board.

(c) 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.

(c) 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.

(d) Enforcement. Violation of this section shall be enforced pursuant to Chapter 8 of the Town’s Code of Ordinances. However, an owner of property that has received a civil violation notice may opt to appeal to the Town’s Planning and Zoning Board for approval of the color(s). The application fee shall be \$500 and notice of hearing shall be 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 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.