

ORDINANCE NO. 18 -__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ARCHITECTURAL DESIGN STANDARDS; AMENDING CHAPTER 13, LAND DEVELOPMENT CODE; OF ARTICLE III, AMENDING SECTION 13-304(H); AND CREATING SECTION 13-311, ENTITLED, “DESIGN AND ARCHITECTURAL STANDARDS,” TO ESTABLISH DESIGN AND ARCHITECTURAL REVIEW STANDARDS FOR MULTIFAMILY RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT; PROVIDING FOR INCORPORATION OF RECITAL; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on February 7, 2017, the Town Council directed the Town Manager to explore and possibly prepare an ordinance that would address design standards for new development within the Town; and

WHEREAS, on October 12, 2017, at a publicly advertised workshop, staff presented a recommendation to the Town Council regarding the implementation of standards that may be adopted into the Code to guide the development of future projects; and

WHEREAS, the amendment at Exhibit “A” is reflective of the Town Council’s desire as expressed at the October 12, 2017, workshop; and

WHEREAS, the Administrative Official reviewed the proposed amendment to the Land Development Code and recommends approval, as set forth in the Staff Analysis and Recommendation dated October 24, 2017, and incorporated into this Ordinance by reference; and

WHEREAS, the Town Council appointed the Planning and Zoning Board as the Local Planning Agency (LPA) for the Town pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, on October 24, 2017, after conducting a properly noticed public hearing, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, acted in accordance with state law, and in specific compliance with Section 163.3174, Florida Statutes and

reviewed and recommended approval to the Miami Lakes Town Council; and

WHEREAS, on November 7, 2017, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official; the Town Council moved the proposed amendment on first reading for second reading and consideration of adoption; and

WHEREAS, the Town Council finds that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the Land Development Code found in Subsection 13-306(b) of the Town Code; and

WHEREAS, on _____, 2018, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency, and the Administrative Official, the Town Council finds it in the public interest to adopt the proposed ordinance.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, HEREBY ORDAINS AS FOLLOWS.

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. Findings. After considering Staff's report, both submitted in writing and presented orally and the public comment, the Town Council finds that the proposed amendment is consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for an amendment to the Land Development Code pursuant to Subsection 13-306(b) of the Town Code, as provided for in the Staff Recommendation and Analysis Report.

Section 3. Approval. The Town Council hereby adopts the amendment as provided at Exhibit "A," and as incorporated herein.

Section 4. 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 5. 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 6. 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 be included in the Town Code.

Section 7. Effective date. This Ordinance shall become effective immediately upon adoption.

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

Passed on first reading this _____ day of _____, 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 13 – LAND DEVELOPMENT CODE

* * *

ARTICLE III. – DEVELOPMENT APPROVAL PROCEDURES

* * *

Sec. 13-304. - Site plan approval.

* * *

(h) *Specific factors for review of a site plan.* The approval or approval with modifications and/or conditions or changes of approval by written development order shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the approval, with or without modifications and/or special conditions. The development order shall set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to findings of fact and conclusions on the following site plan approval criteria:

- (1) In what respects the plan is or is not consistent with the Comprehensive Plan, the purpose and intent of the zoning district in which it is located and any design or planning studies adopted by the Town Council that include recommendations applicable to the design of the site under review.
- (2) In what respects the plan is or is not in conformance with all applicable regulations of the zoning district in which it is located.
- (3) In what respects the plan is or is not in conformance with ~~the~~ Town code requirements including:
 - a. ~~the~~ The design and construction of streets, utility facilities and other essential services as may be required by the Town or other governmental agencies.
 - b. Internal and external circulation, including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-residential development shall be routed so as to minimize impacts on residential development.
- (4) In what respects the plan is or is not consistent with good design standards in respect to all external relationships including but not limited to:
 - a. Design and architectural standards as provided at section 13-311. Relationship to adjoining properties, including the arrangement of buildings and landscape to produce spatial relationships that are compatible with, and complementary to, the development and zoning in adjoining areas.

Additions to the text are shown in underlined; deletions from the text are shown in ~~striketrough~~. Additions since first reading are show as double underline; deletions since first reading are shown as ~~double striketrough~~.

Omitted portions of this ordinance are shown as “* * *”.

- ~~b. Internal and external circulation, including vehicular, bicycle and pedestrian. Circulation systems shall serve the needs of the development and be compatible with, and functionally integrate with, circulation systems outside the development. Vehicular traffic from non-residential development shall be routed so as to minimize impacts on residential development.~~
 - be. Disposition of open space, use of screening or buffering where appropriate to provide a logical transition to existing, permitted or planned uses on adjoining properties.
 - cd. Landscaping that enhances architectural features, strengthens vistas and important axes, provides shade, blocks noise generated by major roadways and intense-use areas and, to the maximum extent practicable, preserves existing trees on-site.
 - ~~e. Appropriate scale of proposed structures to be compatible with and complementary to existing, permitted or planned uses on adjoining properties and in the immediate area.~~
 - df. All outdoor lighting, signs or permanent outdoor advertising or identification features shall be designed as an integral part of and be harmonious with building design and the surrounding landscape.
 - eg. Service areas ~~which may be provided~~ shall be screened and so located as ~~not to be visible~~ minimize or eliminate visibility, to the greatest extent possible, from the public right-of-way and other properties.
 - fh. Design of the site shall ensure adequate access for emergency vehicles and personnel.
 - gi. Design of the site shall utilize strategies to provide for the conservation of energy and natural resources, including water.
- (5) In what respects the plan is or is not in conformance with the Town policy in respect to sufficiency of ownership, guarantee for completion of all required improvements and the guarantee for continued maintenance.

* * *

Sec. 13-311. - Design and architectural standards

- (a) Purpose. All new multifamily and nonresidential development projects, all exterior work to existing multifamily and nonresidential projects in excess of 50% of their replacement value, and all exterior additions to existing multifamily and nonresidential projects should ~~must~~ incorporate a design concept consistent with a recognizable architectural style. A recognizable architectural style shall be one which has a basis in either academic or vernacular architecture. Building design should be consistent with the recognizable architectural style and should incorporate architectural embellishments commonly associated with that style. The following shall not be considered recognizable architectural styles:
- (1) Corporate signature or commercial prototype architecture, unless such is consistent with other requirements of this Article.
 - (2) Any architecture having a historical reference which is so unique and different from current design philosophy that such reference is inconsistent and incompatible with

surrounding structures. Examples of such include igloos, tepees, medieval castles, caves and the like.

- (3) Any kitsch architecture which does not resemble a typical structure, but resembles an exaggerated or oversized object, such as a plant, animal, fish, edible food or other such items.

(b) Definitions: For the purpose of this Section the following definitions shall apply.

Commercial Use(s) shall mean any activity where there is an exchange of goods or services for monetary gain, such activities include but are not limited to retail sales, offices, eating and drinking facilities, theaters and similar uses. This definition does not include wholesale, distribution, assembly, and manufacturing uses.

Façade shall mean an exterior wall, or face, of a building. The front facade of a building contains the building's main entrance, the rear facade is the building's rear exterior wall, and the side facades are a building's side exterior walls.

Fenestration shall mean the arrangement of windows across the facade of a building.

Ground Floor Liner shall mean an enclosed air conditioned portion of a building available for Commercial, Multi-Family Residential, or Industrial uses, that is so located to block the ground level view of Understory Parking or structured garage parking areas.

Industrial Use(s) shall mean those activities principally involved in wholesale, distribution, assembly, manufacturing, storage, or similar uses. This definition does not include those uses which meet the definition of a Commercial Use.

Kitsch shall mean excessively garish or sentimental art, usually considered in bad taste.

Mixed Use shall mean any development project or building that mixes Commercial and Multifamily Residential uses on a development site.

Multifamily Residential shall mean a development or project of with more than one two-family building or any building with three or more attached residential units on a development site, or any combination thereof.

Open Space shall mean areas of a lot dedicated to landscaping, or otherwise unencumbered by either structures or paving.

Principal Façade shall mean that portion of the building facing a street where primary access is provided to patrons and visitors.

Roof height shall mean the height of any given portion of a building or structure, as measured from the average site elevation, vertically to the uppermost point of that portion of the building or structure.

Replacement Value shall equal the cost of the building or structure to be replaced as provided by the Florida Building Code.

Roof pitch shall mean the slope of the roof.

Screening or Buffering shall mean visual barriers that obscure views of other structures or equipment.

Understory Parking shall mean surface level parking areas that exist underneath a building. This definition does not include garage parking facilities which provide parking for vehicles on multiple levels.

Vista shall mean a view corridor between buildings.

(c) Building Scale and Massing. Building layout should, where appropriate, ensure the gradual transition of building height and mass in relation to ~~adjoining properties,~~ adjacent districts, water bodies and rights of way, and include the following:

- (1) For all developments adjacent to a zoning district(s) with a lower maximum permitted building height, ~~the~~ the proportional relationship between the proposed building(s) ~~and to the adjoining buildings~~ adjacent district(s) should be enhanced by transitioning or buffering building height(s) away from the adjacent district to the greatest extent possible ~~in a manner reflective of the predominant development pattern of the area.~~
- (2) The Massing of Commercial, Multifamily Residential, and Mixed-Use ~~Massing~~ buildings must be partitioned to appear smaller through the use of architectural devices such as shifting wall planes, differing roof heights and pitches, fenestration and other architectural detailing. To such end, at least two of the following methods shall be ~~used~~ applied to the greatest extent possible on ~~all~~ the Principal Facades of a building.
 - a. A minimum recess or projection of the facade ~~three~~ two (2) feet or more for at least 33 percent of the facade area for any building façade longer than 75 feet.
 - b. Architectural design elements, such as porches, canopies, towers, dormers, bay windows, balconies, and distinctive entry features that provide depth to the facade by breaking up a minimum of 33 percent of the facade area.
 - c. Variation of roof height to visually break up at least 33 percent of the facade, by use of multiple roofs, roof pitches, dormers, and/or parapet heights.
 - d. Horizontal and/or vertical variation in texture, or materials and architectural detailing to distinguish floors and adjoining units or to signify various elements of the building.
- (3) For Multifamily Residential and Mixed Use which include residential, semi-private areas such as covered front porches and/or courtyards are highly encouraged. Commercial properties are encouraged to include public plazas and courtyards.
- (4) For industrial uses, the Principal Facade should provide for variation in architectural detailing to visually breakup the horizontal appearance of the building, and to the greatest extent possible, locate service/loading bays and other similar service areas at the back of the building and designed in such a way to screen such areas from the public rights-of-way.

(d) Façade treatments and materials.

- (1) Building facades identified in subsection (c) above which ~~face~~ing roadways and pedestrian corridors, shall incorporate appropriate architectural elements consistent with the overall design concept and architectural style of the development.
- (2) These architectural elements must include fenestrations, recessed planes, ornamentation, moldings, changes in materials, textures and colors, or other architectural sculpting that enhances the ground level and adds human scale and interest to the building's exterior. Large areas of flat, blank, untreated walls or surfaces are strongly discouraged.
- (3) Variation in color texture and materials shall be used to create visually engaging facades, to accentuate entrances, exits, windows, corners, level changes, and other architectural features and to differentiate between commercial and residential portions of mixed use buildings.
- (4) High quality and durable materials, such as stone, brick, and cementitious siding shall be used.

- (5) Appropriate use of plaster and stucco finishes that add visual depth and texture are highly encouraged.
 - (6) Appropriate and complimentary use of color is encouraged.
 - (7) Variation in exterior treatment of adjacent buildings is encouraged.
 - (8) Facade materials that vary in texture and type to accentuate entrances, exits, windows, corners, level changes, and other architectural features are highly desired and recommended.
- (e) *Windows and doors.* Notwithstanding mechanical and service deliver areas which should be screened from view, ~~W~~windows and doors shall be emphasized with decorative details such as frames, sills, lintels, shutters, planters, relief trims, or moldings. Commercial and multifamily residential uses ~~shall~~ should provide for a minimum of 30% fenestration on all such facades. Industrial uses should provide for 25% fenestration along their Principal Façade.
- (f) *Building entrance and parking.*
- (1) Main building entries should be emphasized to allow easy identification from the street and parking lot, and to provide for convenient access of pedestrians.
 - (2) Building entrances shall provide a safe pedestrian connection (sidewalks and paved crosswalks) to the adjoining public sidewalk or street, and to the private parking areas~~and to any adjoining commercial properties.~~
 - (43) ~~Ground level u~~Understory parking ~~Parking shall be prohibited~~fronting a public street shall have a Ground Floor Liner, however this shall not preclude a small portion of the upper stories to overhang a small parking or customer drop off area. Garage parking facilities are permitted, however to the greatest extent possible, shall be constructed with a Ground Floor Liner at those ~~all~~ portions of the ~~building~~ garage fronting a street ~~shall have a ground floor liner.~~ Exposed portion of a garage to a public street shall be softened or screened through the use of landscaping, or other façade treatments.
- (g) *Ancillary design regulations.*
- (a) Mechanical equipment shall be either roof mounted and screened using architectural features such as parapets or gables or, at minimum, screened with either landscaping or a wall. All wall mounted mechanic equipment must be painted to match the building and shall be placed on the side and/or rear of the building, not visible from the right of way. Townhomes shall meet the provisions in this section.
 - (b) All downspouts shall be architecturally compatible with the building.
 - (c) Dumpster enclosures shall be architecturally compatible with the principal building, and must include an opaque gate.
 - (e) All ~~permanent~~ electrical installations between the Florida Power and Light transformer and the service side of the metering device shall be installed underground. No ~~permanent~~ overhead installation of electrical services shall be allowed. Existing services/meter undergoing replacement or repairs shall comply with this requirement.
 - (f) The installation of centralized distribution is required for video and internet satellites, terrestrial antenna, cable TV provider, and wireless signal in new residential and commercial developments, as well as in restoration work comprising of more than 50 percent of the building value.

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- (g) All buildings and associated landscaping ~~must~~ should, to the greatest extent possible, be oriented and placed to minimize direct daily sunlight on walls and windows during the May-October period, and maximize solar exposure of the roof area year-round.
- (h) *Prohibited features.* ~~Elevated~~ Horizontal uninterrupted or continuous banding of windows, exterior access corridors along a building facade, and/or uninterrupted horizontal expression of floor slabs are prohibited. This prohibition does not apply to promenades and colonnades.
- (i) *Review procedure and appeal.* Staff shall perform an analysis for compliance with section 13-311, and the Town may employ the expertise of a design professional at the applicant's expense. Final decision authority shall be as prescribed by Article III for each application type. As provided at section 13-310, appeal of an Administrative or Board decision shall be to the Miami Lakes Town Council, and an appeal of a final decision of the Town Council shall be by writ of certiorari. All appeals must be filed within 30 days of the final development order.