

ORDINANCE NO. 20-____

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES,
FLORIDA, AMENDING CHAPTER 13, ARTICLE IV,
DIVISION 3, RU-TH TOWNHOUSE DISTRICT, SEC. 13-444,
DEVELOPMENT REGULATIONS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN CODE;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Objective 1.2 of the Town's Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, consistent technological investments have led to development of roofing materials that approximate the aesthetics of more traditional roof materials and have gained product approval under the terms of the Florida Building Code; and

WHEREAS, the Town Council has already modified allowed roofing materials on single-family and two-family properties to allow for the use of newer technologies; and

WHEREAS, the Town Council wishes to modify allowed roofing materials on townhome properties to allow for the use of newer technologies; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), reviewed the proposed amendments at a duly advertised Public Hearing on _____, and voted to recommend adoption of the amendments with a modification; and

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

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

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

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

Section 2. Amendment. Sections 13-442 and 13-444 are hereby amended 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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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 Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2020.

[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 Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this ____ day of _____, 2020.

Manny Cid
Mayor

Attest:

Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
Town Attorney

EXHIBIT A

Chapter 13 - LAND DEVELOPMENT CODE

ARTICLE IV. - ZONING DISTRICT REGULATIONS

DIVISION 3. - RU-TH TOWNHOUSE DISTRICT

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Sec. 13-442. - Definitions.

Official Authorized Body means the body designated by the declaration of restrictions in the townhouse developments to approve architectural changes. If such a body does not exist, ~~the Town will appoint a board.~~ the Administrative official, the Building official and the Town Manager shall serve as de-facto board only for the purposes of consideration and approval of architectural changes as required by the declaration of restrictions. Decisions of the de-facto board are binding unless appealed to the Planning and Zoning Board within 30 days. The de-facto board shall make decisions on a majority basis and at least two (2) members must be present to make decisions.

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Sec. 13-444. - Development regulations.

Townhouse developments are subject to the following restrictions:

* * * * *

(20) *Building and roof colors.*

- a. All townhouse buildings within a development or within separate groupings in a development shall be painted in the same color or color scheme as approved by the Official Authorized Body.
- b. All roofs within a development shall be comprised or appear to be comprised of the same material and color as approved by the Official Authorized Body. All roofs, with the exception of cloth/canvas awnings or canopies, with a pitch greater than 2½ shall be constructed of either cement, ceramic, synthetic or metal to ~~simulate flat cement tile or barrel tile match~~ or replicate the material and color approved by the Official Authorized Body. All re-roofs shall match or appear to match the color and material of the existing attached roofs in the development.

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