

ORDINANCE NO. 15-187

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE IV, DIVISION 3, SECTION 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, the Town Council desires to modify the requirement for screening of rooftop air conditioning units in the RU-TH zoning district; 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 October 20, 2015, and voted 5-0 to recommend modified amendments that would require that rooftop air conditioning units on townhouses be screened when replacing or recovering the roof; 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.

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. Adoption. The Town Council hereby adopts the amendments to Article IV, of the Town LDC, which are attached as Exhibit A hereto and are incorporated herein.

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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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.

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FIRST READING

The foregoing ordinance was offered by Councilmember Pizzi who moved its adoption on first reading. The motion was seconded by Councilmember Mestre and upon being put to a vote, the vote was as follows:

Mayor Michael A. Pizzi, Jr.	<u>yes</u>
Vice Mayor Manny Cid	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

Passed and adopted on first reading this 6th day of October, 2015.

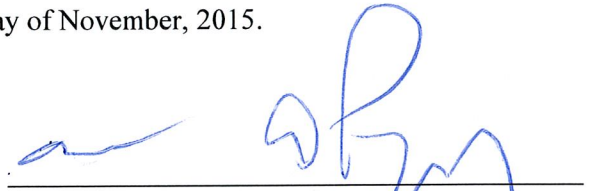
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SECOND READING

The foregoing ordinance was offered by Councilmember Pizzi who moved its adoption on second reading. The motion was seconded by Councilmember Mestre and upon being put to a vote, the vote was as follows:

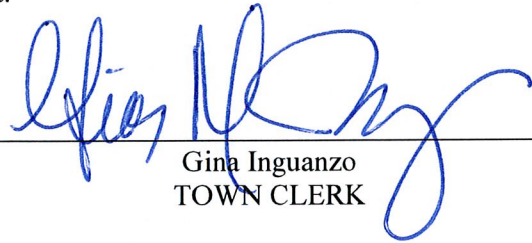
Mayor Michael A. Pizzi, Jr.	<u>YES</u>
Vice Mayor Manny Cid	<u>YES</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Tony Lama	<u>ABSENT</u>
Councilmember Ceasar Mestre	<u>YES</u>
Councilmember Frank Mingo	<u>YES</u>
Councilmember Nelson Rodriguez	<u>YES</u>

Passed and adopted on second reading this 3rd day of November, 2015.



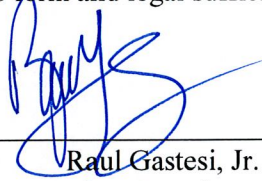
Michael A. Pizzi, Jr.
MAYOR

Attest:



Gina 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.

Sec. 13-444. Development regulations.

Townhouse developments are subject to the following restrictions:

* * *

- (21) *Air conditioning units.* All roof-mounted air conditioning A/C units visible from the public right-of-way shall be of a neutral color (i.e. white, black, gray, beige, or green).~~within a townhouse development should be substantially screened from view at eye level (five feet six inches above grade). The screening devices shall be similar throughout the townhouse development and approved by the Official Authorized Body designated in the townhouse development to approve architectural changes in the townhouse community. Ground-located A/C units shall be screened from view from the front of the property by landscaping.~~

- (22) *Ground-mounted air-conditioning units.* Ground-located air conditioning A/C units shall be screened from view from the front of the property with landscaping.