

ORDINANCE NO. 08-107

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE (THE "TOWN LDC") TO UPDATE AND AMEND: ARTICLE 4. ZONING DISTRICT REGULATIONS, DIVISION 4.2 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS; ARTICLE 5. ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS; ARTICLE 6. SUPPLEMENTARY REGULATIONS; AND ARTICLE 9. SIGNS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the "Town") adopted Chapter 33 of the Miami -Dade County Code (2000), entitled "Zoning" as the Town of Miami Lakes Land Development Code ("the Town LDC") by Section 8.3 of the Town Charter; and

**WHEREAS**, subsequent to its adoption, the Town LDC has been amended by various ordinances adopted by the Town of Miami Lakes (the "LDC Ordinances") to better address and serve the needs of the Town; and

**WHEREAS**, the Miami Lakes Civic Homeowners Association tasked a committee of Association presidents (the "Committee") with reviewing and researching various provisions of the Town LDC; and

**WHEREAS**, the Committee was expanded to allow participation by volunteers from throughout the Town; and

**WHEREAS**, the Town Council reviewed the findings and recommendations of the Committee at its July 8, 2008 meeting and July 10, 2008 workshop; and

**WHEREAS**, the Local Planning Agency reviewed this request at its September 16, 2008 meeting, and voted to recommend approval; and

WHEREAS, the Town Council finds that the proposed changes to the Town LDC are in the best interest of the Town's residents.

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. Amendments to Article 4, Zoning District Regulations.** Division 4.2, Single-Family And Two-Family Residential Districts, of Article 4, Zoning District Regulations, of the Town LDC is hereby amended as follows<sup>1</sup>:

**DIVISION 4.2 - SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICTS**

**RU-1, RU-1A, RU-1B, RU-1Z & RU-2**

**(a) Main Permitted Uses**

**1. RU-1, RU-1A, RU-1B, RU-1Z**

- a. Single-Family Residences: Said uses may be permitted according to the development regulations of a district with equal or larger lot size requirements, subject, however, to the development regulations applicable to that larger lot size district, including but not limited to, lot width, area, setbacks, accessory uses, yard areas, height, density and lot coverage. Thereafter, the development regulations of the larger lot size district under which the area was developed shall be enforced.

\* \* \*

**2. RU-2**

- a. Any use permitted in an ~~RU-1, RU-1A, RU-1B, RU-1Z~~ zoning district.

\* \* \*

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<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

(c) **Prohibited Uses**

The following uses shall be prohibited in any RU-1, RU-1A, RU-1B, RU-1Z, and RU-2 Residential Districts:

\* \* \*

4. The raising of poultry, or fowl, or livestock: No animals, livestock, fowl or poultry of any kind shall be raised, bred, or kept on any lot, except for dogs, cats, or other household pets. No animals of any kind may be kept, bred, or maintained for any commercial purpose. All pets shall be maintained in a quiet and orderly fashion so as to not disturb other property owners. Pet owners shall comply with all governmental regulations concerning the proper care, maintenance, licensing, and control of their individual pets.

\* \* \*

(e) **Development Regulations for Single-Family and Two-Family Districts**

\* \* \*

5. ~~For corner lots, the front shall be the narrowest portion facing a street unless otherwise determined by the Town. Corner lots shall have the main entrance mailing address as per the narrowest portion of the lot and the lots setbacks shall be provided as per zoning district requirements.~~

For corner lots, the front of a lot shall be the narrowest portion facing the street or as otherwise designated by the owner/developer and approved by the Administrative Official or Town Council. Once the lot front is designated, said designation shall apply for purposes of all development regulations including the front yard setback. The main entrance to the residence shall face the front of the lot and no other doorway, other than the main entrance shall be provided a walkway directly to the sidewalk edge.

\* \* \*

(h) **Subdivision of RU-2 Lots**

Two-family uses which comply with the minimum standards for such uses in the RU-2 District and other districts where two-family uses are permitted may be subdivided so as to create one (1) lot for each dwelling unit, provided that the following conditions are met:

\* \* \*

8. Utilities and services. Each individual unit shall be independently served by separate heating, air conditioning, sewer, water, electric power, gas, and other facility and utility services, wherever such utilities and services are provided, and no individual unit shall be in any way dependent upon such services or utility lines located within another unit. All buildings on all lots must be served by underground utilities to the extent that such services are provided.

**Section 3. Amendments to Article 5, Allowable Encroachments Into The Required Yards and Exceptions To The Maximum Permitted Heights.** Division 5.12, Antennas And Satellite Dishes, of Article 5, Allowable Encroachments Into The Required Yards and Exceptions To The Maximum Permitted Heights, of the Town LDC is hereby amended as follows:

**DIVISION 5.12 - ANTENNAS AND SATELLITE DISHES (SDA)**

\* \* \*

- (b) Satellite Dish Antennas (SDA)

The standards of this section pertain to privately owned satellite dish antennas and are intended to enable clear television reception for the private use and enjoyment of the dish owner.

\* \* \*

5. Satellite Dish Antennas (SDA) which are not exempt from permit by Federal Law shall comply with the following:

\* \* \*

- b. As an accessory use to any single-family residence, two-family residence or townhouse, one (1) roof-mounted or wall-mounted SDA (a satellite dish that is attached to the side of a building and projects over the roof is considered to be wall mounted or roof mounted) is permitted per dwelling unit in lieu of a ground mounted SDA, subject to all the following conditions:

\* \* \*

- v. All cables attached to any structure shall be placed in a workmanlike manner.

**Section 4. Amendments to Article 6, Supplementary Regulations.** Division 6.1, Appearance And Care Of Premises, of Article 6, Supplementary Regulations, of the Town LDC is hereby amended as follows:

**DIVISION 6.1 - APPEARANCE AND CARE OF PREMISES FOR ALL DISTRICTS**

(a) Appearance of Buildings, Structures, Yards and Fences

1. Garage Doors: All garage doors shall be maintained in a closed position when not in use to ensure the attractive appearance of the property and to safeguard the occupants of the home and their property.
2. Clothes lines and outdoor clothes drying: Clothes lines shall be retractable and fully screened from public view at all times. Clothes or items may not be hung or draped on fences or hung from any tree, object, or structure where they may be visible from adjoining properties, parks, sidewalks or roads.
3. Holiday and Event Decorations and Lighting: Holiday and special event decorations and lighting may be displayed no more than 30 days prior to and no more than 30 days after the holiday or event. Said decorations shall carry no advertising matter.
4. Window Treatments: Windows of residential property may be covered by any type of window treatment which is in good repair and designed or intended to be a permanent or long term window treatment suitable for a residence. Windows shall not be covered by newspapers, aluminum foil or bed sheets.
5. Garbage and Trash Disposal: No garbage, trash, refuse, rubbish, or recyclables shall be deposited or kept on any lot except in a suitable sturdy container. Such container shall not be visible from any point on the front lot line, or from the lake or golf course, as applicable. Corner lots shall also not have garbage, trash, refuse, rubbish or other debris and discards, including recyclables, visible from the side yard which faces the street. Garbage, trash, refuse, rubbish, or recyclables may be placed in the collection area in front of the residence for collection no

earlier than 4:00 p.m. the night prior to the designated collection day. Containers for garbage, trash, refuse, rubbish, or recyclables must be removed from the collection area by no later than 7:00 pm on the collection day.

(b) Maintenance of Buildings, Structures and Fences.

**Section 5. Amendments to Article 9, Signs.** Article 9, Signs, of the Town LDC

is hereby amended as follows:

**DIVISION 9.3 - GENERAL REQUIREMENTS - ALL SIGNS**

\* \* \*

K. Signs Permitted Without a Sign Permit: The following signs may be erected or constructed without a permit when in accordance with the Florida Building Code and this Article:

\* \* \*

10. Temporary holiday and special event decorations and lighting provided said decorations and lighting carry no advertising matter and further ~~provided that such decoration is~~ are not up displayed no more than thirty (30) sixty (60) days for a single prior to and no more than 30 days after the holiday or event. and is removed within fourteen (14) days after the holiday ends. Said decorations shall carry no advertising matter.

\* \* \*

**DIVISION 9.4 - SIGNS - ADDITIONAL REQUIREMENTS**

No sign shall be permitted except signs that meet the General Requirements of Section 9.3 and the following additional requirements:

\* \* \*

D. Miscellaneous Type Signs:

\* \* \*

6. Flagpoles:

(a). The flags must be flown on a regular daily basis or the poles must be removed.

- (b). No more than three (3) flagpoles will be allowed per non-residential site, with corporate logos permitted, and one (1) flagpole per residential site. A maximum of two flags shall be allowed per flag pole. If a flag is flown in conjunction with the United States flag, the United States flag shall be equal to or larger than any additional flag.

References to flagpole height in this division refer to vertical flagpoles. References to the number of flags and flag poles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles (staffs extending at an angle from a building). On United States and Florida Holidays, there shall be no maximum flag size or number or other limitation on manner of display for U.S., State or Town of Miami Lakes flags.

- (c). Height will be as follows: one story building will be allowed fifteen (15) feet height maximum, with an additional ten (10) feet allowed for each additional floor up to a maximum of fifty (50) feet in height. Except as otherwise provided herein flags shall be displayed on flag poles. Flag poles shall not be placed on top of buildings or light poles. Flag poles in residential districts shall not exceed twenty (20) feet and shall be permitted holiday flags in conjunction with holiday decorations. A vertical flag pole must be setback from all property boundaries a distance that is at least equal to the height of the pole.
- (d). The flag and flag pole or other permanent mounting shall be maintained in good repair. Flag poles with broken halyards shall not be used, and torn or frayed flags shall not be displayed. Giant oversized flags of any type will not be allowed. The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag shall not exceed 25% of the vertical height of the pole. In addition flags are subject to the following dimensional limitations:

Pole Height: Up to 20 feet with Maximum Flag Size of ~~25~~ 27 total square feet

Pole Height: 21 to 30 feet with Maximum Flag Size of 50 total square feet

Pole Height: 31 to 40 feet with Maximum Flag Size of 75 total square feet

Pole Height: 31 to 50 feet with Maximum Flag Size of 100 total square feet

**Section 6. Inclusion In The Town Land Development 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 LDC 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 7. 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 8. 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 9. Effective Date.** This Ordinance shall be effective upon adoption.

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The foregoing Ordinance was offered by Councilmember Mary Collins, who moved its adoption on first reading. The motion was seconded by Vice Mayor Nancy Simon and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	Yes
Vice Mayor Nancy Simon	Yes
Councilmember Mary Collins	Yes
Councilmember Robert Meador	Absent
Councilmember Michael Pizzi	Yes
Councilmember Richard Pulido	Absent
Councilmember Roberto Alonso	Absent

PASSED AND ADOPTED on first reading this 16 day of September, 2008.

The foregoing Ordinance was offered by Councilmember MARY COLLINS, who moved its adoption on second reading. The motion was seconded by Councilmember NANCY SIMON, and upon being put to a vote, the vote was as follows:

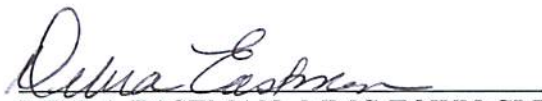
Mayor Michael Pizzi	<u>yes</u>
Vice-Mayor Richard Pulido	<u>absent</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Nick Perdomo	<u>absent</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember	<u>-</u>

PASSED AND ADOPTED on second reading this 21st day of October, 2008.




\_\_\_\_\_  
MICHAEL PIZZI  
MAYOR

ATTEST:



\_\_\_\_\_  
DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND BENEFIT OF THE TOWN OF MIAMI LAKES ONLY:



\_\_\_\_\_  
WEISS, SEROTA, HELFMAN, PASTORIZA,  
COLE & BONISKE, P.L.  
TOWN ATTORNEY