

ORDINANCE NO. 20- 271

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PERMITTED MATERIALS FOR TOWNHOUSE, SINGLE-FAMILY AND TWO-FAMILY CANOPIES AND ACCESSORY BUILDINGS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE I, “IN GENERAL”, AT SECTION 13-1, “DEFINITIONS AND REFERENCES”, AND AT ARTICLE IV, “ZONING DISTRICT REGULATIONS”, DIVISION 3 “RU-TH TOWNHOUSE DISTRICT”, AT SECTION 13-442, “DEFINITIONS”, AND AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS” AT SECTION 13-1502, “ACCESSORY BUILDINGS”, AND AT SECTION 13-1506, “CANOPIES” PERMITTING ALUMINUM AND SYNTHETIC MATERIALS IN A STYLE THAT RESEMBLES WOOD CONSTRUCTION; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Jeffrey Rodriguez)

WHEREAS, section 13-442 of the Town’s Land Development Code provides for regulation of canopies in Townhouse districts; and

WHEREAS, sections 13-1506 of the Town’s Land Development Code provides for regulation of canopies in residential single-family and two-family districts; and

WHEREAS, building materials and methods of construction continue to evolve; and

WHEREAS, aluminum roofing for canopies and accessory buildings, without careful architectural design requirements, can lead to blight throughout the Town; and

WHEREAS, in order to allow the use of modern aluminum roofing materials for canopies and accessory buildings, it is necessary to amend the Town's Land Development Code, and provide for revised definitions and design criteria; and

WHEREAS, on October 6, 2020 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 October 20, 2020, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on November 17, 2020, 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. Sections 13.1, 13-442, 13-1502 and 13-1506, of the Town's Land Development Code 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.

FIRST READING

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

Mayor Manny Cid	yes
Vice Mayor Nelson Rodriguez	yes
Councilmember Carlos O. Alvarez	yes
Councilmember Luis E. Collazo	yes
Councilmember Josh Dieguez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed on first reading this 20th day of October 2020.

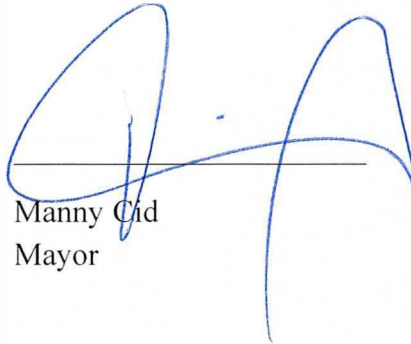
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SECOND READING

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

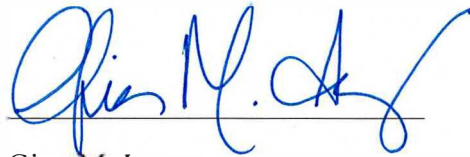
Mayor Manny Cid	yes
Vice Mayor Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	yes
Councilmember Josh Dieguez	yes
Councilmember Tony Fernandez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed and adopted on second reading this 17th day of November 2020.



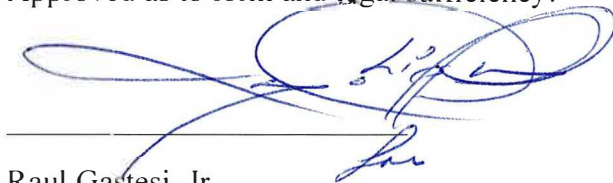
Manny Cid
Mayor

Attest:



Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez & Mestre, PLLC
Town Attorney

EXHIBIT A
ORDINANCE

Chapter 13 - LAND DEVELOPMENT CODE

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ARTICLE I. - IN GENERAL

Sec. 13-1. - Definitions and references.

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(33.5) *Canopy* means ~~a detachable, roof like cover, supported from the ground, or deck, or floor of a building, and from the walls of a building, for protection from sun or weather.~~ a covering that provides protection against the sun or weather that is installed on a frame, which may be made of metal, wood or other rigid material and supported both by posts attached to the ground, deck or floor of a building and, by the wall of the building.

ARTICLE IV. - ZONING DISTRICT REGULATIONS

* * * * *

DIVISION 3. - RU-TH TOWNHOUSE DISTRICT

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Sec. 13-442. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * * * *

Canopy means a temporary detachable canvas or other cloth protection against the sun or weather on a rigid ~~metal~~ frame, which may be made of metal, wood, or other rigid material ~~used similarly as protection against the sun or weather~~ which is supported in part by ~~metal or wood~~ posts attached to the ground or to deck or floor of a building and, in part, on the wall of the

Additions to the text are shown in underlined; deletions from the text are shown in strikethrough.
Omitted portions of this ordinance are shown as “* * *.”

building. A canopy-shutter is a canopy installed, over an opening (door or window) in a manner permitting raising and lowering to close entirely the protected opening.

* * * * *

ARTICLE V. - ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

Sec. 13-1502. - Accessory buildings.

One-story accessory buildings shall be permitted within the required rear yard of single-family or two-family residences if they comply with the following:

- (1) Each accessory building, and the total of all accessory buildings and any storage shed, located in the rear yard, shall not exceed 350 square feet of roofed area (including roof overhangs) or cover more than 20 percent of the required rear yard, whichever is less. Enclosed storage areas in each individual accessory building shall not exceed 100 square feet (60 square feet in the zero lot line developments).
- (2) Accessory buildings shall be set back a minimum of five feet from a rear or interior side property line or for corner lots shall comply with the side street setbacks for the main structure. Roof overhangs shall be permitted to project a maximum of 12 inches into the required five-foot side and rear setbacks.
- (3) Accessory buildings shall be detached a minimum of ten feet from the residence and a minimum of six feet from roof overhangs (detached six feet from the main residence and six feet from any roof overhangs in the zero lot line developments). Accessory buildings shall be spaced apart from each other the same distance requirements as from the main residence.
- (4) Accessory buildings shall be limited to one story with a maximum height of 15 feet.
- (5) Allowable accessory buildings, with the exception of chickee huts as defined in this Code, shall be constructed and finished to match the existing residence (including roofing material) or designed in an architectural style complimentary to the existing residence, using either wood or CBS construction to match the residence, or aluminum or synthetic materials in a style that resembles wood construction and compliments the architecture of the main residence. Any accessory building with a pitch equal to or greater than two and one-half shall be constructed of standing metal seam roof, barrel tile, flat tile or another material which simulates barrel tile or flat tile to match the main residence.
- (6) Accessory buildings shall be limited to uses that are accessory to the main use, including but not limited to garages, carports, pergolas, cabanas, gazebos, etc. Sleeping or guest rooms shall not be permitted in detached accessory buildings.
- (7) Accessory buildings may contain heating and air conditioning, washers and dryers, toilets, bar sinks and showers.

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

- (8) No permit shall be issued for an accessory building for any use unless the principal building exists on the lot, or unless a permit is obtained simultaneously for both buildings and construction progresses concurrently.

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Sec. 13-1506. - Canopies.

This section applies to single-family and two-family residences.

- (1) Required front and side yard. Canopies are not permitted within the required front and side yards.
- (2) Required rear yard.
- a. Canopies attached to the main residence and open on at least three sides shall not be included in the lot coverage calculations except for that portion projecting into a required rear yard setback as follows:
1. An attached canopy may project into the required rear yard setback a maximum of seven feet provided that no attached canopy projects any closer than three feet to a property line, unless otherwise provided by subsection (3) below. Any intrusion into a required rear yard setback shall be included in the lot coverage calculations.
 2. All attached canopies must comply with the required side street setbacks for the main residence.
 3. In lots where the rear setback is 25 feet or less, or where a detached gazebo as an accessory structure is unfeasible as determined by the Administrative Official, an attached canopy, open on at least three sides, may project into the rear setback up to a maximum of 50 percent of the required rear yard, provided no other detached accessory structure is proposed for the property. Each canopy located in the rear yard shall not exceed 350 square feet of roofed area (including roof overhangs) or cover more than 20 percent of the required rear yard, whichever is less.
- b. Detached canopies in the rear yards shall comply with the setback and lot coverage restrictions for accessory buildings.
- (3) Construction. With the exception of chickee huts as defined in this Code, all canopies, attached or detached, may only be constructed of canvas, fabric or vinyl and pipe or, wood or CBS construction to match the residence, or aluminum or synthetic materials in a style that resembles wood construction and compliments the architecture of the main residence. Any canopy with a pitch equal to or greater than two and one-half shall be constructed of standing metal seam roof, barrel tile, flat tile or another material which simulates barrel tile or flat tile to match the main residence.