

ORDINANCE NO. 04-53

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO LAND DEVELOPMENT CODE; PROVIDING FOR ADOPTION OF PROVISIONS RELATING TO SINGLE FAMILY AND TWO FAMILY RESIDENTIAL ZONING DISTRICT REGULATIONS INCLUDING, BUT NOT LIMITED TO, PERMITTED AND ACCESSORY USES, SETBACKS, BUILDING HEIGHTS, AND LOT COVERAGE, ALL AS INCLUDED IN EXHIBIT “A” HEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) upon incorporation adopted Chapter 33 “Zoning” of the Code of Miami-Dade County to serve as the Town’s Land Development Code; and

WHEREAS, the Town desires to update and streamline the existing Town Land Development Code and to tailor it to the Town’s particular needs and community vision; and

WHEREAS, the Town has undertaken a comprehensive rewriting of the Land Development Code, after having conducted workshops and public hearings regarding the Code, and having adopting its Comprehensive Plan pursuant to state statutes; and

WHEREAS, as part of the ongoing work to revise the Town Land Development Code, new single family and two family residential zoning district regulations have been completed, which regulations include provisions relating to permitted and accessory uses, setbacks, building heights, and lot coverage, attached as Exhibit “A” hereto; and

WHEREAS, after conducting a properly noticed public hearing the Town Local Planning Agency has recommended that the referenced regulations are consistent with the Town Comprehensive Plan; and

WHEREAS, after conducting a properly noticed hearing and considering the recommendations of the public, the Local Planning Agency and the Town staff, the Town Council wishes to adopt the regulations for including in the Land Development Code as attached hereto as Exhibit "A."

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Single Family and Two Family Residential Zoning District Regulations. The Town Council hereby adopts new single family and two family residential zoning district regulations for inclusion in the Town Land Development Code, which are attached as Exhibit "A" hereto and are incorporated herein.

Section 2. 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 All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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 3. 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 4. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provision of this Ordinance shall become and made part of the Town of Miami Lakes, Florida Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on second reading.

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

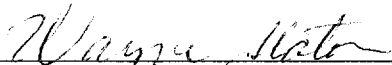
Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on first reading this 17th day of **June**, 2004.

The foregoing Ordinance was offered by Councilmember Collins, who moved its adoption on second reading. The motion was seconded by Councilmember Simon, and upon being put to a vote, the vote was as follows: 6-0-1

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Absent
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

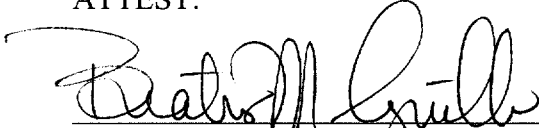
PASSED AND ADOPTED on second reading this 8th day of **July**, 2004.



Wayne Slaton
MAYOR

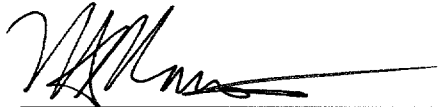
Ordinance No. 04-53

ATTEST:



Beatris M. Arguells, CMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza, Guedes
Cole & Boniske, P.A.
TOWN ATTORNEY

H:\Administration\ValdesA\Code Rewrite\Sections Ready for Council Adoption\Ord. Single and Two Family Residential Zoning District
Regulations - Bulk Regulations.doc

EXHIBIT "A"

Division 4.1 Purpose

This article describes the purpose and intent of each zoning district; identifies permitted, conditional, and prohibited uses by zoning district; and presents densities and development regulations for each zoning district.

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
- b. A group home shall be permitted in a dwelling unit provided:
 - (1) That the total number of resident clients on the premises shall not exceed six (6) in number.
 - (2) That the operation of the facility be licensed by the State of Florida Department of Health and Rehabilitative Services and that said Department or sponsoring agency promptly notify the Town Manager of said licensure no later than the time of home occupancy.
 - (3) That the structure used for a group home shall be located at least one thousand (1,000) feet from another existing, unabandoned, legally established group home. The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the structure of the proposed use to the nearest portion of the structure of the existing use.
- c. Municipal recreation building, playgrounds, parks or reservations owned and operated by a municipality, County, State or the United States Government.
- d. Private recreation area, private recreation building or playground owned and maintained by a homeowner's or tenant association, provided same is approved in conjunction with approval of the subdivision at time of site plan approval or plat.

2. RU-2

- a. Any use permitted in an RU-1, RU-1A, RU-1B, RU-1Z zoning district.
- b. Two-Family Residential Structures

B. Conditional Uses:

None

C. Prohibited Uses:

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

1. All uses not specifically or provisionally provided for herein.
2. Bee hives or the breeding or raising of any insects, reptiles or animals other than customary pets.
3. The keeping, breeding, or maintaining of farm animals such as horses, cattle, goats, etc.
4. The raising of poultry or fowl.

D. Accessory Uses:

The accessory uses in the RU-1, RU-1A, RU-1B, RU-1Z and RU-2 residential districts are those uses customarily associated with single family residences such as, but not limited to, decks, swimming pools, spas, tennis courts, ornamental features, storage structures, non-commercial boat piers or docks. In addition, the following accessory uses are permitted:

1. Family day care and after-school care for children is permitted upon compliance with the following conditions:
 - (a) That the total number of children on the premises does not exceed five (5) in number, including in the count only preschool children of the resident family. Preschool children shall consist of children five (5) years of age or younger.
 - (b) That the age of the children, excluding those of the resident family, shall not exceed eleven (11) years of age.
 - (c) That the applicant secure a license from the Florida Department of Health and Rehabilitative Service to operate a family day care home at the subject property.
 - (d) Where applicable, compliance with the requirements of this Code pertaining to educational and child care facilities.
 - (e) Upon compliance with all conditions enumerated, a certificate of use and occupancy is secured from the Town.
 - (f) That the facility shall comply with the safety barrier requirements and restrictions enumerated in Division 5.x.
2. Home Based Office as defined in Division 6.x
3. Garage sales, estate sales, moving sales and yard sales shall not be deemed commercial activities and will be permitted, so long as they are conducted on the residential property no more than four (4) days per calendar year, per home, regardless of any change in ownership throughout the one year period and involve the sale of normal household items only. A garage sale permit from the Town of Miami Lakes is required.

E. Development Regulations for Single Family and Two Family Districts

	Min. Lot Size	Min. Lot Width (4)	Front Setback (5)	Rear Setback (7)	Interior Side Setback	Street Side Setback	Max. Lot Coverage (1) (2) (3)	Building Size	Max. Height (6)
RU-1	7,500 sq. ft.	75'	25'	25'	10% of lot width, 5' min. 7.5' Max.	15'	40% for 1 story/ 35% for 2 story	2,000 sq. ft. min.	35' 2 stories
RU-1 Access. Structures			Not permitted	5'	5'	15'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
RU-1B	6,000 sq. ft.	60'	25'	25'	6'	10'	40%	1800 sq. ft. min.	35' 2 stories
RU-1B Access. Structures			Not permitted	5'	5'	10'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
RU-1A	5,000 sq. ft.	50'	25'	25'	5'	10'	40%	1700 sq. ft. min.	35' 2 stories
RU-1A Access. Structures			Not permitted	5'	5'	10'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
RU-1Z (8)	4,500 sq. ft.	45'	20'	10' one story/ 15' two story	0' / 10'	15'	50%	1500 sq. ft. min.	35' 2 stories
RU-1Z Access. Structures			Not permitted	5'	5'	15'	20% of required rear yard	75 sq. ft. max. size per structure	15' 1 story
RU-2	7,500 sq. ft.	75'	25'	25'	7.5'	15'	40% for 1 story/ 35% for 2 story	900 sq. ft. min. per unit	35' 2 stories
RU-2 Access. Structures			Not permitted	5'	5'	15'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story

1. Maximum Lot Coverage

Lot coverage is defined as the percentage of the total area of a lot that, when viewed directly from above, would be covered by the principal residence. The lot coverage shall not include accessory structures in the required rear yard, roof overhangs, projecting unenclosed balconies, awnings, at grade walkways and decks, swimming pools, and canopies or porches open on at least two sides and not covered by an enclosed floor above.

2. Lot coverage requirements shall in no way affect existing setback or spacing requirements, or the requirements that residential uses must conform to residential setbacks when established in business or industrial districts.
3. For waterfront lots the lot area used for lot coverage calculations shall include all of the land up to the water's edge.
4. Lot width is measured at the required front yard setback and parallel to the front property line abutting the street. However, in the residential districts the lot width shall be the average of the front and rear lot widths if a lot meets the following criteria:
 - a. The side lot lines are not parallel.
 - b. The lots front a curvilinear street.
 - c. The width of the front lot line facing the street is at least:
 - 50' for RU-1 and RU-2
 - 40' for RU-1M(b)
 - 33' for RU-1M(a)
 - 31' for RU-1Z
5. For corner lots, the front shall be the narrowest portion facing a street unless otherwise determined by the Town.

Where a lot extends through from one (1) street to another, the rear yard shall be as determined by the original plat. For the purposes of locating accessory structures, the administrative official shall determine the rear yard from the development pattern of the adjoining lots. No accessory structure shall be placed on through lots if said structures would conflict with other building values or uses on the same streets.

6. The height of a building shall be measured from the crown of the road in front of the property to the highest ridge of a pitched roof or the highest point of a flat roof, not including the parapet. Exceptions to the height regulations are listed in Division 5.x.
7. For waterfront lots, the rear setback shall be measured from the water's edge. However, no structures are permitted past the top of the slope or tie line other than those permitted by Division 6.x entitled "Waterfront Lots".

F. Density

The Single Family and Two Family districts shall permit the following maximum densities:

RU-1	1 residence per 7,500 sq. ft. / 5.8 units per net acre
RU-1B	1 residence per 6,000 sq. ft. / 7.26 units per net acre
RU-1A	1 residence per 5,000 sq. ft / 8.7 units per net acre
RU-1Z	1 residence per 4,500 sq. ft. / 9.68 units per net acre
RU-2	1 duplex structure per 7,500 sq. ft. / 11.6 units per net acre

G. Additional Development Regulations for the RU-1Z - Zero Lot Line Districts

1. Openings prohibited on the zero lot line side. The wall of the dwelling unit located on the lot line shall have no windows, doors, air-conditioning units, or any other type of openings except for the following:
 - a. Atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit, and a solid wall of at least eight (8) feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.
 - b. Windows shall be permitted on the zero lot line side provided said windows are placed at a minimum height of six (6) feet above the finished floor level of any floor adjacent to the wall below the window.
 - c. Windows shall be permitted on a building wall which is located perpendicular to the zero lot line property line or where said windows are located at least ten (10) feet from the property line.
2. Maintenance and drainage easements. A perpetual four-foot wall-maintenance easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures, decks and paving. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two (2) affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area. Building footings may penetrate the easement on the adjacent lot a maximum of eight (8) inches.

H. Subdivision of RU-2 Lots.

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

1. Each individual lot must be subdivided in accordance with the Platting regulations of this Code.
2. Lot frontage. Each individual lot shall have a minimum frontage of thirty-seven and five-tenths (37.5) feet at the front property line and at the required twenty-five-foot front setback line.
3. Lot area. Each individual lot shall have a minimum area of three thousand seven hundred fifty (3,750) square feet.
4. Lot coverage. For each individual lot, the percentage of lot covered by structures shall not exceed thirty five (35) percent.
5. Parking. For each individual lot, a minimum of two (2) parking spaces per lot shall be provided.
6. Height. The maximum height shall be thirty-five (35) feet and two (2) stories.
7. Setbacks. 0' between units, all other setbacks shall comply with the minimum setbacks in this section.
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.
9. Walls. The individual units in a fee-simple duplex arrangement shall be separated by a party wall meeting all requirements of the Florida Building Code. Where units are offset from one (1) another and a common party wall is used, the wall may be placed equidistant on each side of the lot line not exceeding the length of the offset.