

ORDINANCE NO. 04-57

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE; PROVIDING FOR ADOPTION OF PROVISIONS FOR SINGLE FAMILY AND TWO FAMILY RESIDENTIAL ZONING DISTRICT REGULATIONS RELATED TO ALLOWABLE ENCROACHMENTS INTO REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS, 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, regulations have been drafted regarding allowable encroachments into required yards and exceptions to the maximum permitted heights for single and two family residential areas, all as included in 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 Residential Zoning District Regulations. The Town Council hereby adopts new regulations for single family and two family residential zoning districts related to allowable encroachments into the required yards and exceptions to the maximum permitted heights 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 Meador 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	Absent
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

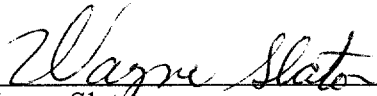
PASSED AND ADOPTED on first reading this 8th day of July, 2004.

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

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


PASSED AND ADOPTED on second reading this 20th day of July, 2004.

Ordinance No. 04-57




Wayne Slaton
MAYOR

ATTEST:



Beatris M. Arguelles, 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

702003\Ordinances\Single and two family encroachments into yards and exceptions to heights

Ordinance No. 04-57

**ARTICLE 5 ALLOWABLE ENCROACHMENTS INTO THE REQUIRED
YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED
HEIGHTS**

Division 5.1 Generally

In all single family and two family districts, every part of a required yard shall be landscaped and remain open to the sky and free of all structures and paving except as authorized by these land development regulations. The following items are permitted to be constructed, placed or encroach into the required yards or to exceed the height requirements of a district.

Division 5.2 Accessory Buildings

- A. One story accessory buildings shall be permitted within the required rear yard of single family or duplex residences if they comply with the following:
1. Each accessory building shall not exceed 150 sq. ft. (75 sq. ft. in the zero lot line developments) of roofed area (including roof overhangs) and enclosed storage areas in each individual accessory building shall not exceed 60 sq. ft (30 sq. ft. in the zero lot line developments).
 2. The total lot coverage of all accessory buildings in the required rear yard shall not exceed more than 20% of the area of the required rear yard.
 3. Accessory buildings shall be setback a minimum of five (5) 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 twelve (12) inches into the required 5' side and rear setbacks.
 4. Accessory buildings shall be detached a minimum of 10' from the residence and a minimum of 6' from roof overhangs (detached 5' from the main residence and 3' 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.
 5. Accessory buildings shall be limited to one story with a maximum height of 15'.
 6. 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.

7. 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.
8. Accessory buildings may contain heating and air conditioning, washers and dryers, toilets, bar sinks and showers. An outdoor built-in barbecue grill or similar cooking equipment shall be allowed as an accessory structure.
9. 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.

Division 5.3 Accessory Structures

A. Accessory structures associated with single family and two family residences shall comply with the following:

1. Accessory structures such as barbecue grills, play equipment, tents, detached canopies, trellises, etc. whether or not permanently attached to the ground, shall only be permitted in the rear or side yards and must comply with the same height and setback regulations from adjoining properties as accessory buildings.
Above-ground swimming pools and hot tubs shall comply with the same setbacks as swimming pools in Section 5.x.
Accessory structures not permanently attached to the ground, including temporary play equipment, 5' high or less may be located 2' from a rear or interior side property line and for corner lots shall comply with the side street setbacks for the main structure.
2. Accessory storage sheds which are no larger than 30 sq. ft. and 5' high or less and not visible from the street or adjoining properties, may be located 2' from a rear or interior side property line and for corner lots shall comply with the side street setbacks for the main structure and are not required to match the architectural style and construction materials of the main residence.
Storage sheds larger than 30 sq. ft. and or higher than 5' are not permitted.

Division 5.4 Air Conditioning or other Mechanical Equipment

A. Single Family and Two Family Residences:

1. Central Air-Conditioning or mechanical equipment shall not be located along the front façade of any single family or two family residence and shall be located at least 3' from an interior side or rear side property line and 10' from a side facing a street. Legally existing central air-conditioning or mechanical equipment that does not meet the above setbacks may be replaced in the existing locations

- provided that the setback is not reduced. All air-conditioning equipment shall be substantially screened, by landscaping, wall or similar device from view at eye level (5' – 6" above grade) from the front of the property or side facing a street.
2. Wall or window air conditioning units shall not be visible from a front or side street.
 3. Central air-conditioning or mechanical equipment located on the roof shall also be substantially screened from view at eye level (5' – 6" above grade) from adjoining properties. Roof mounted solar powered water heaters if possible shall be installed so that they are not visible at eye level from the front or side streets.

Division 5.5 Awnings

A. Single Family and Two Family Residences:

1. Awnings may only be installed over doors, windows or other openings and shall be permitted to project into any required setback as follows:

Maximum projection into front setback: 5'

Maximum projection into interior or street side setback: 3'

Maximum projection into rear setback: 7'

In no instance shall an awning project any closer than 3' to a property line.

2. An awning projecting into the rear setback of single family and two family residences may be installed along the rear façade regardless of whether there are doors, windows or other openings, however; the awning shall not cover more than 70% of the width of the rear façade of the residence.
3. All awnings affixed to a particular residence shall be of the same color.
4. The area covered by awnings shall not be included in the lot coverage calculations.

Division 5.6 Canopies

A. Single Family and Two Family Residences:

1. Required Front and Side Yard:
Detached or attached canopies are not permitted within the required front and side yards.
2. Required Rear Yard:

Canopies attached to the main residence and open on two sides shall not be included in the lot coverage calculations but must comply with the required rear and side setbacks for the main residence.

Detached Canopies in the rear yards shall comply with the setback and lot coverage restrictions for accessory buildings and with the exception of chickee huts as defined in this code may only be constructed of canvas and pipe or CBS construction to match the residence.