

ORDINANCE No. 07-91

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES FLORIDA, PROVIDING RECITALS; PROVIDING FINDINGS; APPROVING THE REQUEST FOR A REZONING FROM GU (INTERIM DISTRICT) TO RU-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) ON A 0.9 +/- ACRE PARCEL LOCATED AT 7450 NW 144th STREET; APPROVING THE MODIFICATION OR ELIMINATION OF CONDITIONS OR COVENANTS OF PREVIOUSLY APPROVED MIAMI-DADE COUNTY RESOLUTION No. 4-ZAB-182-83 TO PERMIT THE APPLICANT TO SUBMIT AN AMENDMENT TO THE OFFICIAL ZONING MAP FILED IN ACCORDANCE WITH THE TOWN DEVELOPMENT CODE; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.6 of the Land Development Code (the "LDC") of the Town of Miami Lakes ("Town "), Javier J. Laffont and Eva M. Laffont (the "Applicants") have applied to the Town for an amendment to the official zoning map (the "Rezoning") from GU (Interim District) to RU-1 (Single Family Residential District) on the 0.9± acre parcel located at 7450 N.W. 144th Street, Miami Lakes, Florida (the "Property") as legally described in Exhibit "A" attached hereto and incorporated by reference herein; and

WHEREAS, the Applicants have provided a map depicting the Property to be re-zoned attached as Exhibit "B" and incorporated by reference herein; and

WHEREAS, the Property is subject to conditions previously approved by Miami-Dade County Resolution No. 4-ZAB-182-83, which is attached as Exhibit "C" and incorporated by reference herein; and

WHEREAS, pursuant to Division 3.6 of the LDC, all proposed amendments to the official zoning map shall be evaluated by the Administrative Official, the Local Planning Agency, and the Town Council; and

WHEREAS, the Administrative Official has reviewed the Application and recommends approval with conditions, as set forth in the Staff Analysis and Recommendation dated February 20, 2007, (the "Staff Analysis"), attached as Exhibit "D," and incorporated into this Ordinance by this reference; and

WHEREAS, the Town Council has been designated as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes; and

WHEREAS, in accordance with Division 3.9 of the LDC proper notice has been mailed to the appropriate property owners of record, the Property has been posted and the public hearing before the LPA and the Town Council on the Application was held on Tuesday, November 21, 2006, at 6:30 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014 with Second Reading and adoption scheduled for February 20, 2007; and all interested parties have had the opportunity to be heard; and

WHEREAS, the Town Council finds that the Application is consistent with the Town's Comprehensive Plan.

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

Section 1. Recitals.

The foregoing whereas clauses are hereby ratified and incorporated within this Ordinance.

Section 2. Findings.

Pursuant to Division 3.6 of the LDC, the Town Council finds that Application No.Z-06-44 for rezoning meets the criteria in Division 3.6(b) of the LDC.

Section 3. Approval of Rezoning.

Pursuant to Division 3.6 (c) of the LDC, the Town Council hereby approves the rezoning of the Property legally described in Exhibit A, from GU (Interim District) to RU-1 (Single Family Residential District) subject to the conditions set forth in Section 5 below.

Section 4. Approval of Modifications to County Resolution.

The Town Council approves the modification or elimination of conditions of Miami-Dade County Resolution No.4-ZAB-82-83, as specified in the attached Exhibit "C."

Section 5. Conditions.

The approval granted by this Ordinance for the rezoning is subject to the Applicants' compliance with the following, to which the Applicants stipulated at the public hearing:

1. That all conditions and requirements of the previous Resolution No. 4-ZAB-182-83 not otherwise modified in this Ordinance shall remain in full force and effect, except as herein modified.
2. That in the approval of the plan the same be in accordance with the plans submitted entitled, "Boundary Survey", as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated September 22, 2005.
3. That the Use be established and maintained in accordance with the approved plan.
4. That the use conform with all requirements of the Miami-Dade County Department of Environmental Resource Management and the Miami-Dade County Water and Sewer Department.
5. That the applicant, successors or assigns shall comply with all platting and subdivision requirements as per Division 3.8 of the Town Development Code.
6. That the use conform with all the requirements of the Town Public Works Department.

7. The applicant shall record at their expense the Ordinance in the public records of the Clerk of the Circuit and County Court and shall return the original Ordinance to the Town Clerk.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions of this ordinance shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of this ordinance. The Applicants understand and acknowledge that they must comply with all other applicable requirements of the Town before they may commence construction or operation, and this ordinance may be revoked by the Town Council at any time upon a determination that Applicants are in non-compliance with the Town Code.

Section 7. Recording.

The Applicants shall be responsible for recording this ordinance in the Public Records of Miami-Dade County, Florida at their sole cost.

Section 8. Severability.

If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 9. Exclusion.

This Ordinance shall be excluded from the Town of Miami Lakes Code, except that the Town Manager shall cause to be shown on the Official Zoning Map of the Town the rezoning from GU to RU-1 for the parcel legally described in Exhibit "A."

Section 10. Effective Date.

This Ordinance shall take effect thirty (30) days following the date it is filed with the Town Clerk. If during that time frame, the decision of the Town Council is appealed as provided in the Land Development Code and the Florida Rules of Appellate Procedure, the appeal shall stay the effectiveness of this Ordinance until said appeal is resolved by a court of competent jurisdiction.

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

| | |
|-------------------------|-----|
| Mayor Wayne Slaton | yes |
| Vice Mayor Mary Collins | yes |

Councilmember Roberto Alonso yes
Councilmember Robert Meador yes
Councilmember Michael Pizzi absent
Councilmember Richard Pulido yes
Councilmember Nancy Simon yes

PASSED AND ADOPTED on first reading this **21st** day of November, 2006.

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


| | |
|------------------------------|------------|
| Mayor Wayne Slaton | <u>yes</u> |
| Vice Mayor Mary Collins | <u>yes</u> |
| Councilmember Roberto Alonso | <u>yes</u> |
| Councilmember Robert Meador | <u>yes</u> |
| Councilmember Michael Pizzi | <u>yes</u> |
| Councilmember Richard Pulido | <u>yes</u> |
| Councilmember Nancy Simon | <u>yes</u> |

PASSED AND ADOPTED this 20 day February 2007.


Wayne Slaton

Wayne Slaton
MAYOR

ATTEST:


DEBRA EASTMAN, MMC TOWN CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR USE ONLY BY THE
TOWN OF MIAMI LAKES:


WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE
TOWN ATTORNEY

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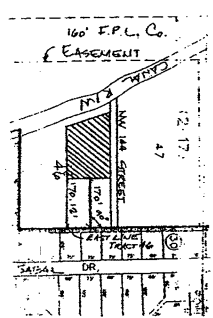
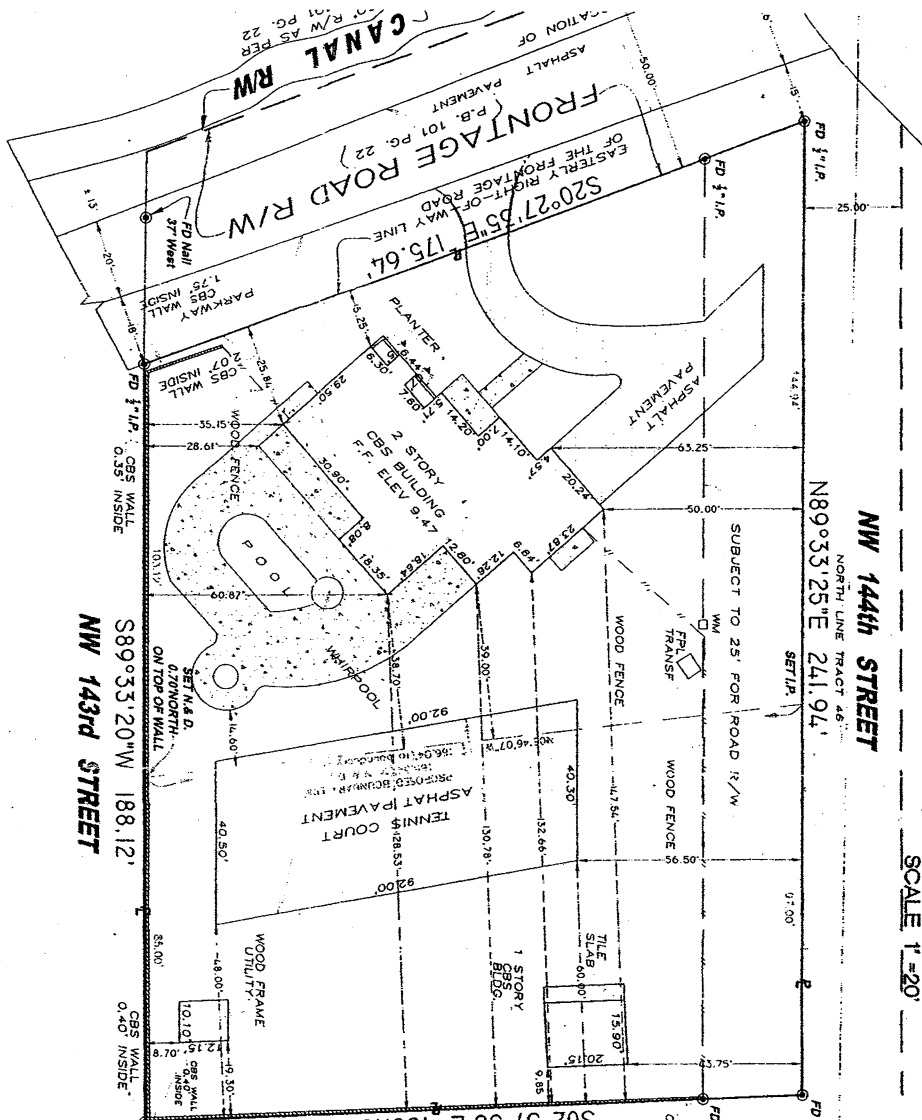
Exhibit "A"

All that portion of the North $\frac{1}{2}$, of Tract 46 "FLORIDA LANDS COMPANY'S SUBDIVISION NO. 1", of Section 23, Township 52 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 at Page 17, of the Public Records of Miami-Dade County, Florida. Lying Easterly of the Easterly right of way line of the Frontage Road for State Road No. 826, as shown on the Plat of the right of way map of State Road No. 826, as recorded in Plat Book 101, at Page 22, Sheet No. 2, of the Public Records of Miami-Dade County, Florida. Less and except the East 170.00 feet and subject to the North 25 feet for road right of way.

EXHIBIT B

SKETCH BOUNDARY SURVEY

SCALE 1" = 20'



ABBREVIATIONS:

| | |
|----|--------------------------|
| AS | ASBESTOS |
| BL | BLOCK |
| BR | BROKER |
| CA | CADASTRAL |
| CB | CADASTRAL BOUNDARY |
| CD | CADASTRAL DISTRICT |
| CE | CADASTRAL ELEMENT |
| CF | CADASTRAL FENCE |
| CG | CADASTRAL GROUND |
| CH | CADASTRAL HOUSE |
| CI | CADASTRAL INTEREST |
| CJ | CADASTRAL JUNCTION |
| CK | CADASTRAL KITCHEN |
| CL | CADASTRAL LIVING |
| CM | CADASTRAL MANSION |
| CN | CADASTRAL NEIGHBORHOOD |
| CO | CADASTRAL OFFICE |
| CP | CADASTRAL PARK |
| CQ | CADASTRAL QUARTERS |
| CR | CADASTRAL ROAD |
| CS | CADASTRAL SERVICE |
| CT | CADASTRAL TOWER |
| CU | CADASTRAL UTILITY |
| CV | CADASTRAL VILLAGE |
| CW | CADASTRAL WALL |
| CX | CADASTRAL WALKWAY |
| CY | CADASTRAL YARD |
| CZ | CADASTRAL ZONE |
| DA | DRAWING AREA |
| DB | DRAWING BLOCK |
| DC | DRAWING CENTER |
| DD | DRAWING CORNER |
| DE | DRAWING EDGE |
| DF | DRAWING FACE |
| DG | DRAWING FRAME |
| DH | DRAWING GROUP |
| DI | DRAWING IDENTIFICATION |
| DJ | DRAWING INTERSECTION |
| DK | DRAWING LABEL |
| DL | DRAWING LINE |
| DM | DRAWING MARK |
| DN | DRAWING NOTE |
| DO | DRAWING OBJECT |
| DP | DRAWING POINT |
| DQ | DRAWING POSITION |
| DR | DRAWING PROPERTY |
| DS | DRAWING SCALE |
| DT | DRAWING SET |
| DU | DRAWING SURFACE |
| DV | DRAWING SYMBOL |
| DW | DRAWING SYSTEM |
| DX | DRAWING TABLE |
| DY | DRAWING TITLE |
| DZ | DRAWING TYPE |
| EA | ENCLOSURE |
| EB | ENCLOSURE BLOCK |
| EC | ENCLOSURE CENTER |
| ED | ENCLOSURE EDGE |
| EE | ENCLOSURE FACE |
| EF | ENCLOSURE FRAME |
| EG | ENCLOSURE GROUP |
| EH | ENCLOSURE IDENTIFICATION |
| EI | ENCLOSURE INTERSECTION |
| EJ | ENCLOSURE LABEL |
| EK | ENCLOSURE LINE |
| EL | ENCLOSURE MARK |
| EM | ENCLOSURE NOTE |
| EN | ENCLOSURE OBJECT |
| EO | ENCLOSURE POSITION |
| EP | ENCLOSURE PROPERTY |
| EQ | ENCLOSURE SCALE |
| ER | ENCLOSURE SET |
| ES | ENCLOSURE SURFACE |
| ET | ENCLOSURE SYMBOL |
| EU | ENCLOSURE SYSTEM |
| EV | ENCLOSURE TABLE |
| EW | ENCLOSURE TITLE |
| EX | ENCLOSURE TYPE |

ABBREVIATIONS:

| | |
|----|------------------------|
| AS | ASBESTOS |
| BL | BLOCK |
| BR | BROKER |
| CA | CADASTRAL |
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| CY | CADASTRAL YARD |
| CZ | CADASTRAL ZONE |
| DA | DRAWING AREA |
| DB | DRAWING BLOCK |
| DC | DRAWING CENTER |
| DD | DRAWING CORNER |
| DE | DRAWING EDGE |
| DF | DRAWING FACE |
| DG | DRAWING FRAME |
| DH | DRAWING GROUP |
| DI | DRAWING IDENTIFICATION |
| EI | ENCLOSURE INTERSECTION |
| EJ | ENCLOSURE LABEL |
| EK | ENCLOSURE LINE |
| EL | ENCLOSURE MARK |
| EM | ENCLOSURE NOTE |
| EN | ENCLOSURE OBJECT |
| EO | ENCLOSURE POSITION |
| EP | ENCLOSURE PROPERTY |
| EQ | ENCLOSURE SCALE |
| ER | ENCLOSURE SET |
| ES | ENCLOSURE SURFACE |
| ET | ENCLOSURE SYMBOL |
| EU | ENCLOSURE SYSTEM |
| EV | ENCLOSURE TABLE |
| EW | ENCLOSURE TITLE |
| EX | ENCLOSURE TYPE |

CERTIFICATION:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

MARCEL Q. VERA
 MARCEL Q. VERA
 LICENSED SURVEYOR
 STATE OF FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PASTED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGAL DESCRIPTION:
 ALL THAT PORTION OF THE NORTH 1/4 OF TRACT 46, FLORIDA LAND COMPANY'S SUBDIVISION OF SECTION 23, TOWNSHIP 52 SOUTH, RANGE 40 EAST ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF THE FRONTAGE ROAD NO. 206, AS SHOWN ON THE PLAT OF THE RIGHT OF WAY MAP OF STATE ROAD NO. 206, COUNTY, FLORIDA, 1959, AND BEING THE WEST 17,000 FEET AND SUBJECT TO THE NORTH 1/4 OF ROAD RIGHT OF WAY.

SURVEYOR'S REPORT:
 EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THIS PROPERTY.

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 ELEVATIONS ARE RELATIVE TO THE 1929 N.G.V.D. OF MEAN SEA LEVEL AND ARE BASED ON A BENCH MARK SUPPLIED BY THE ENGINEERING DEPARTMENT OF MIAMI-DADE COUNTY, FLORIDA.
 BENCH MARK = N-632 ELEV. 7.28 (F.L.D.)
 ALL DIMENSIONS SHOWN HEREON ARE RELATIVE TO AN ASSUMED MERIDIAN ALONG THE NORTH LINE OF TRACT 46 WHICH IS N09°33'25\"/>

LEGAL DESCRIPTION FURNISHED BY CLIENT.
 THIS BOUNDARY SURVEY WAS PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS OF THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS PURSUANT TO SECTION 47.027, FLORIDA STATUTES AND TO CHAPTER 61S17 OF THE F.A.C.

DATE OF SURVEY: 26-05

| | |
|-------------|-------------------------------------|
| PREPARED BY | MARCEL Q. VERA AND ASSOCIATES, INC. |
| DATE | 1982-05-27 |
| PROJECT | BOUNDARY SURVEY |
| REVISIONS | |
| NO. | |
| DATE | |
| DESCRIPTION | |

EXHIBIT C

3-52-40/83-208

RESOLUTION NO. 4-ZAB-182-83

The following resolution was offered by Mr. Jose A. Losa seconded by Mrs.

Joyce Masso and upon poll of members present, the vote was as follows:

| | | | |
|------------------|-----|-----------------------|--------|
| Thomas A. Conger | aye | Margaret Nelson | aye |
| Peter Goldring | aye | Mary Jean Risi | absent |
| Levi A. Johnson | aye | Murray Siaselman | aye |
| Jose A. Losa | aye | R. Jollivette Frazier | aye |
| Joyce Masso | aye | | |

WHEREAS, ADRIAN EXPOSITO has applied for the following:

- (1) NON-USE VARIANCE OF LOT FRONTAGE AND AREA REQUIREMENTS in the GU zone to permit the subdivision of a parcel of land into two building sites; proposed Tract "A" with a frontage of 107.36' and proposed Tract "B" with a frontage of 126' (200' required); and both Tracts with a lot area of .407 of an acre (5 acres required).
- (2) NON-USE VARIANCE OF LOT DEPTH REQUIREMENTS to permit the proposed tracts with a depth of 165.15' (330' required) as measured from the center line of the abutting right-of-way.
- (3) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the maintenance of the existing building setback 25' (50' required) from the front (north) property line and setback 15.25' (25' required) from the side street (west) property line on proposed Tract "B".

A survey indicating the proposed subdivision is on file and may be examined in the Zoning Department as prepared by Manual G. Vera and Assoc., Inc., dated Feb. 18, 1982.

SUBJECT PROPERTY: Tract "A": The east 107.36' of the following described tract. All that portion of the north 1/2 of Tract 46, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, NO. 1, of Section 23, Township 52 South, Range 40 East, Plat book 2, Page 17, lying E/ly of the E/ly right-of-way line of the frontage road for State Road No. 826, as shown on the plat of the right-of-way map of State Road No. 826, Plat book 101, Page 22, Sheet No. 2, less and except the east 170' and subject to the north 25' for road right-of-way.

AND

Tract "B": All that portion of the north 1/2 of Tract 46, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION, NO. 1, of Section 23, Township 52 South, Range 40 East, Plat book 2, Page 17, lying E/ly of the E/ly right-of-way line of the frontage road for State Road No. 826, as shown on the plat of the right-of-way map of State Road No. 826, Plat book 101, Page 22, Sheet No. 2, less and except the east 277.36' and subject to the north 25' for road right-of-way.

LOCATION: 7450 N.W. 144 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested non-use variances would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board, that the requested Non-Use Variances of lot frontage and area requirements, lot depth requirements and setback requirements be and the same are hereby approved subject to the following conditions:

1. That a plan be submitted to and meet with the approval of the Zoning Director.
2. That in the approval of the plan the same be substantially in accordance with a survey submitted for the hearing, as prepared by Manuel G. Vera and Assoc., Inc., dated Feb. 18, 1982.
3. That the use be established and maintained in accordance with the approved plan.
4. That a Waiver of Plat be obtained prior to final inspection of the residence under construction.
5. That the use conform with all requirements of the Department of Environmental Resources Management and the Public Works Department.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dada County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

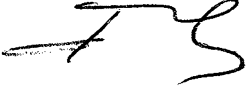
PASSED AND ADOPTED this 29th day of June, 1983.

Heard 6/29/83
Hearing No. 83-6-28
7/1/83 aa



EXHIBIT D

TOWN OF MIAMI LAKES MEMORANDUM

To: Honorable Mayor and Town Council
From: Alex Rey, Town Manager 
Subject: ZH06-44 Public Hearing for Rezoning Request
Javier J. Laffont & Eva M. Laffont
For Property located at 7450 N.W. 144th Street
Miami Lakes, FL 33014
Date: February 20, 2007

Request:

The above-referenced rezoning request for consideration on second reading received a recommendation for approval by the Local Planning Agency on November 21, 2006.

The applicants, Javier J. Laffont and Eva M. Laffont have applied for the following requests to amend the Official Zoning Map filed in accordance with the Town Development Code pursuant to Division 3.6 of the Town Code which provides that all proposed amendments to the official zoning map shall be evaluated by the Administrative Official, the Local Planning Agency, and the Town Council:

- (1). A District Boundary change from GU to RU-1
- (2). Modification or Elimination of Conditions or Covenants of previously approved Miami-Dade County Resolution No. 4-ZAB-182-83 to permit the applicant to submit and obtain approval for a revised site plan only as applied to the subject property as follows for Condition #2:

From: "2. That in the approval of the plan the same be substantially in accordance with a survey submitted for the hearing, as prepared by Manuel G. Vera and Assoc., Inc., dated Feb. 18, 1982."

To: "2. That said property shall be developed in accordance with the plans submitted entitled, "Boundary Survey", as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated September 22, 2005."

Applicable Code Section:

DIVISION 3.6 AMENDMENT TO THE OFFICIAL ZONING MAP OR THE TEXT
OF THE LAND DEVELOPMENT CODE
(See Attachment A – Town Development Code Division 3.6)

- (a) **Application.** Application for an amendment to the text of this Land Development Code or to the Official Zoning Map shall follow the general procedures of Division 3.1, except that the Town or its representatives shall not be required to submit an application. The application shall contain at least the following information:
1. A statement identifying the text or map area proposed to be amended.
 2. An explanation of the text of the amendment desired.
 3. An explanation of the need and justification for the proposed change.
 4. For an amendment to the Official Zoning Map, the application shall also include the following information:
 - a. A legal description and a description by street address of the property whose zoning designation is proposed to be changed.
 - b. Current and proposed Comprehensive Plan land use map designation for the subject property.
 - c. The existing and proposed zoning designation for the subject property.
 - d. The existing and proposed use of the subject property, if applicable.
 - e. A verified statement showing each and every individual person having a legal or equitable ownership interest in the property upon which the amendment is sought. In the case of publicly held corporations, the names and addresses of the principal corporate officers, directors and any shareholder owning more than ten percent (10%) of the interest in the corporation shall be disclosed.

Background:

Folio No. 32-2023-001-0473 & 32-2023-001-0474

Legal Description:

23 52 40 .4073 AC M/L SUB OF PB 2-17 PORT OF N1/2 TR 46 DESC -
BEG 170.12FTW OF NE COR TR 46 S165.12FT W188.13FT NWLY
175.62FT E241.94FT TO POB LESS E107.36FT & 23 52 40 .4073 AC
M/L SUB OF PB 2-17 E107.36FT OF N1/2 OF TR 46 OF FOL DESC
BEG 170.12FTW OF NE COR TR 46 S165.12FT W188.13FT
NWLY175.62FT E241.94FT TO POB

Zoning of Property: GU – Interim District

Future Land Use Designation: LR – Low Density Residential

Low Density (LD) - The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, zero lot-line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

Subject Property:

The subject property fronts N.W 74th Avenue, and the Palmetto Expressway Canal right-of way. The property is located, east of the Palmetto Expressway, and south of N.W. 144th Street. This area is predominated by large residential parcels with office residential uses to the north along N.W. 77th Avenue. There is an existing FPL Substation to the north of the subject site.

The subject property encompasses approximately 35,504 sq. ft., containing a vacant parcel approximately 17,743 sq. ft. in size (Parcel A), and a two story, 4 bedroom, 5 bath residence located on the corner of N.W. 74th Avenue and N.W. 144th Street situated on a site approximately 17,761 sq. ft. in size (Parcel B). The residence as per County Tax Assessors records contains approximately 3,496 sq. ft and was constructed in 1983.

Subject Property Location Map:



Open Permits / Violations & Zoning History:

There is a Warning of Violation which was issued on August 15, 2005, Case Number C2005-1166 for improper roof maintenance on the subject property at 7450 N.W. 144th Street.

In 1983, the Miami Dade County Zoning Appeals Board granted several Non-Use Variances with respect to Lot Frontage, Lot Depth and Lot Setback Requirements (Resolution 4-ZAB-182-83) for the subject property.

Proposal:

The applicant seeks approval of a district boundary change from GU (Interim District) to RU-1 (Single Family Residential District), to rezone the subject property encompassing approximately 35,504 sq. ft, for a proposed Vacant Parcel (A) and an Existing Single Family Residence Parcel (B). The applicant also is requesting to modify the previously approved conditions as per Resolution 4-ZAB-182-83 which was passed on June 29, 1983, prior to the Town's incorporation. The vacant parcel (A) contains approximately 17,743 sq. ft., and the residence parcel (B) contains approximately 17,761 sq. ft. The previously approved resolution from the Miami-Dade County Zoning Appeals Board granted lot frontage, lot depth and lot setback variances regarding GU regulations for the subject property. A rezoning from GU to RU-1 is requested and modification of resolution 4-ZAB-182-83 to modify the previously approved site plan for the subject property. The revised site plan would modify the size of the vacant parcel "A" to 15,018, and modify the size of the residence parcel "B" to 20,486 sq. ft.



7450 NW 144 St.



Process and Criteria for Review:

AMENDMENT TO THE OFFICIAL ZONING MAP OR THE TEXT OF THE LAND DEVELOPMENT CODE

All proposed amendments, regardless of the source, shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council. In evaluating proposed amendments, the Town Council shall consider the following criteria:

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

- The subject rezoning application is consistent with the Comprehensive Plan. The modification to res. 4-ZAB-182-83 would assure a site plan is approved for development of this 35,504 sq. ft. subject property comprised of two parcels in keeping with the requested RU-1 zoning, the Comprehensive Plan Low Density Residential Designation, and adopted infrastructure minimum level of service standards.

The future land use designation in the Town's Comprehensive Plan for the Subject property: LD – Low Density Residential and the property is zoned (GU- Interim District) – Vacant / Residence

Surrounding Property Designation and Existing Uses:

North: Low Density Residential; (GU)

Single family Residence and FPL Substation

East: Low Density Residential; (GU)

Single family Residence

South: Low Density Residential; (GU)

Single Family Residence

West: Transportation; (None)

Palmetto Expressway Canal Right-of-Way

Low Density (LD) - The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, zero lot-line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

(See Attachments B & C – GU and RU-1 Development Regulations)

2. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances, including the Land Development Code.

Staff notes that the subject site is currently proposed to be developed with 2 parcels. The submitted site plan provides for the RU-1 rezoning of vacant parcel "A" at 15,018 sq. ft. in size, and the residence parcel "B" at 20,486 sq. ft. in size. The proposed rezoning request for RU-1 zoning with respect to the approximately 35,504 sq. ft. site, meets the minimum parameters in terms of size and frontage for RU-1 development, please see the analysis table below:

| DEVELOPMENT CODE RU-1 PARAMETER ANALYSIS | | | | |
|---|------------------------------------|-----------------|------------------------------------|-----------------------|
| | Parcel A | | Parcel B | |
| USE: | Vacant | | Single Family Residence | |
| RU-1 Criteria | Required | Provided | Required | Provided |
| Minimum Lot Size | 7500 Sq. Ft. | 15,018 Sq. Ft. | 7500 Sq. Ft. | 20,468 Sq. Ft. |
| Minimum Lot Width | 75 Feet | 97 Feet | 75 Feet | 144.94 Feet |
| Minimum Front Setback | 25 Feet | 50 Feet | 25 Feet | 50 Feet |
| Minimum Rear Setback | 25 Feet | Undeveloped | 25 Feet | 28.61 Feet |
| Minimum Interior Side Setback | 7.5 Feet | Undeveloped | 7.5 Feet | 38.70 Feet |
| Minimum Side Street Setback | 15 Feet | Undeveloped | 15 Feet | 15.25 Feet |
| Maximum Lot Coverage | 40% for 1 Story 35% for 2 Story | Undeveloped | 40% for 1 Story 35% for 2 Story | 12.22% |
| Minimum Building Size | 2,000 Sq. Ft. | Undeveloped | 2,000 Sq. Ft. | 3,496 Sq. Ft. |
| Maximum Height | 35 Feet (2 Story) | Undeveloped | 35 Feet (2 Story) | Existing (2 Story) |
| Provided Parameters Meet or Exceed Minimum Development Requirements: | Yes | | Yes | |

3. **Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.**

Staff notes that the existing GU zoning has been in place since 1983 and the property has been in use as a single family residence. The surrounding area has been developed with a series of large residential single family home sites; there is an FPL Substation to the north, single family residences to the east and south, and the Palmetto Expressway Canal Right-of-Way directly to the west of the subject site. Based on the existing land use development trends for this portion of the NW 74 Avenue corridor towards a more residential development pattern staff is supportive of the RU-1 rezoning application. The proposed RU-1 rezoning would be generally in keeping and supportive of the existing land use conditions.

4. **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

- The Comprehensive Plan states that the Low Density Land Use Category "is generally characterized by single family housing, e.g., single family detached, cluster, zero lot-line and townhouses."

Considering the type of surrounding uses which are residential to the east and south of the subject site, and infrastructure uses to the north and west of the subject site the impact of the rezoning request on the adjacent or neighboring properties should be beneficial and in keeping with the Comprehensive Plan Low Density residential designation. In fact, GU zoning which is the present designation of the subject vacant parcel and residential parcel is an interim zoning district and the requested RU-1 zoning designation would allow for development which would be compatible with the present land uses. The proposed RU-1 zoning would provide uses with setbacks and buffers more in keeping with the existing development pattern for the area than the afore-mentioned present GU zoning district.

5. **Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.**

- Staff has reviewed the subject application pursuant to consistency with the adopted infrastructure minimum levels of service standards and the concurrency management program. (See Site Plan – Exhibit 1 and Staff Review Memorandum Exhibit 2).

The rezoning request for the proposed RU-1 residential development is to be located on the south side of NW 144th Street, east of NW 174th Avenue consisting of a vacant parcel "A" at 15,018 sq. ft. in size, and a residence parcel "B" at 20,486 sq. ft. in size. The subject site encompasses approximately 35,504 square feet.

The proposed 2 parcels of residential development is anticipated to be placed within the existing infrastructure framework, at an acceptable level of service and will continue to operate adequately with the proposed project in place.

6. **Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.**

The proposed rezoning is requested for an existing residential parcel and a vacant parcel that is not designated as protected or wetland, and would not be anticipated to result in adverse impacts to the aquifer, wildlife habitats, and vegetative communities. The subject site to the best that can be determined would not generate hazardous waste or use hazardous materials, said location shall only be located in the Town unless the specific location is consistent with the Comprehensive Plan, Land Development Code, and does not adversely impact well fields, aquifer recharge areas, or other conservation resources, as may be applicable now or in the future.

7. **Whether, and to the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

The application is in keeping with the Comprehensive Plan designation of Low Density Residential. The development of the 2 residential parcels as per the requested RU-1 zoning is not anticipated to adversely affect property values, staff notes surrounding RU uses in the area. The proposed redesignation from GU to RU-1 to the best as can be determined should not generate hazardous waste or require use of hazardous materials in its operation unless as per legislative requirements the Town Council approves conditions requiring mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare.

8. **Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Staff notes that based on the current zoning designation of GU that residential development is currently permitted as a matter of right and that the subject property is in use as a single family residence. The subject request for RU-1 zoning is anticipated to be a positive effect on the land use pattern for the area. The surrounding area has been developed with a series of RU-1 residential subdivisions, the residential subdivision along Sabal Drive is directly to the east of the subject site. The recent existing land use development trends for this portion of the N.W. 144th Street corridor towards a residential development pattern indicates that the RU-1 rezoning application should be an orderly and compatible redesignation.

9. **Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this Land Development Code.**

Based on the previous land development approvals in the area the proposal is anticipated to be in harmony with the purpose and intent of this Land Development Code and not in conflict with the public interest, incorporating generally less intensive uses within adequate infrastructure.

10. **Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

The Town Council has been presented with and approved the Land Development Code regulations for RU-1 property at public hearing and will be provided further input on development approval at public hearings as may be required. Specifically the Town Council will be providing input regarding the subject property site plan approval should there be a request for modification of the site plan in the future, subject to Town review criteria as per Town Code Division 3.4 of the Town Development Code.

Analysis:

The proposed District Boundary Change from GU (Interim District) to RU-1 (Single Family Residential), and modification to the previously approved Resolution No. 4-ZAB-182-83 if approved is consistent with the Comprehensive Development Plan and upon preliminary analysis falls within acceptable impacts on the levels of service (LOS) standards.

The subject site is located at 7550 N.W. 144th Street, and is comprised of two parcels, a vacant parcel and a parcel improved with a single family residence. The submitted modification to previously approved Resolution 4-ZAB-182-83 provides for a revised site plan depicting two parcels proposed to be developed as per the requested RU-1 zoning regulations. (See Attachment D – Resolution 4-ZAB-182-83)

In this area the Town's Comprehensive Development Plan (CDP) designation is Low Density Residential which permits residential development as per the subject RU-1 rezoning request. Residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 6.0 dwelling units per gross acre. This density category is generally characterized by single family housing, e.g., single family detached, cluster, zero lot-line and townhouses. It could include low-rise apartments with extensive surrounding open space or a mixture of housing types provided that the maximum gross density is not exceeded.

The rezoning request to RU-1 proposes to rezone the subject property encompassing approximately 35,504 sq. ft. for a proposed Vacant Parcel (A) and an Existing Single Family Residence Parcel (B), and to modify the previously approved conditions as per Resolution 4-ZAB-182-83 which was passed on June 29, 1983, prior to the Town's incorporation. The vacant parcel (A) contains approximately 17,743 sq. ft., and the residence parcel (B) contains approximately 17,761 sq. ft. The previously approved resolution from the Miami-Dade County Zoning Appeals Board granted lot frontage, lot depth and lot setback variances regarding GU regulations for the subject property. A rezoning from GU to RU-1 is requested and modification of resolution 4-ZAB-182-83 to modify the previously approved site plan for the subject property. The revised site plan would modify the size of the vacant parcel "A" to 15,018, and modify the size of the residence parcel "B" to 20,486 sq. ft. The subject application has been reviewed by staff pursuant to consistency with the adopted infrastructure minimum levels of service standards and the concurrency management program as per the submitted site plan. (See Site Plan - Exhibit 1, and Staff Review Memorandum Exhibit 2). The proposed rezoning request for RU-1 zoning with respect to the approximately 35,504 sq. ft. site, meets the minimum parameters in terms of size and frontage for RU-1 development.

Said modification to previously approved Resolution 4-ZAB-182-83 would permit the applicant to submit and obtain approval for a revised site plan only as applied to the subject property as per Condition #2, and assure that the use is established and maintained in accordance with the Site Plan submitted for approval in compliance with Section 3.4 of the Town of Miami Lakes Adopted Development Code. In staff's view based on the GU residential uses that are currently permitted as a matter of right and that the subject property is designated in the Comprehensive Development Master Plan for Low Density Residential the subject request for RU-1 zoning would be a positive effect on the land use pattern for the area. The surrounding area has been developed with a series of residential subdivisions including the Sabal Drive residential subdivision directly to the east of the subject site. The existing land use development trends for this portion of the N.W. 74th Avenue corridor towards a residential development pattern

indicates that the RU-1 rezoning application would be an orderly and compatible redesignation providing needed housing for the workers and firms of the surrounding area. Accordingly, staff recommends that this rezoning be approved subject to conditions.

Recommendation: Approval with Conditions

Conditions:

1. That all conditions and requirements of the previous Resolution No. 4-ZAB-182-83 not otherwise modified in this Ordinance shall remain in full force and effect, except as herein modified.
2. That in the approval of the plan the same be in accordance with the plans submitted entitled, "Boundary Survey", as prepared by Manuel G. Vera and Associates, Inc., consisting of 1 sheet and dated September 22, 2005.
3. That the Use be established and maintained in accordance with the approved plan.
4. That the use conform with all requirements of the Miami-Dade County Department of Environmental Resource Management and the Miami-Dade County Water and Sewer Department.
5. That the applicant, successors or assigns shall comply with all platting and subdivision requirements as per Division 3.8 of the Town Development Code.
6. That the use conform with all the requirements of the Town Public Works Department.
7. The Applicant shall record at their expense the Ordinance in the public records of the Clerk of the Circuit and County Court and shall return the original Ordinance to the Town Clerk.

AR:MIC

ATTACHMENTS & EXHIBITS:

ATTACHMENT "A" – Town of Miami Lakes Development Code
(Division 3.6)

ATTACHMENT "B" – GU Regulations

ATTACHMENT "C" – RU-1 Regulations

ATTACHMENT "D" – Resolution 4-ZAB-182-83

EXHIBIT "1" – Site Plan

EXHIBIT "2" – Staff Review Memorandum

ATTACHMENT A: TOWN of MIAMI LAKES DEVELOPMENT CODE
DIVISION 3.6 CRITERIA

DIVISION 3.6 AMENDMENT TO THE OFFICIAL ZONING MAP OR THE TEXT OF THE LAND DEVELOPMENT CODE

- (a) **Application.** Application for an amendment to the text of this Land Development Code or to the Official Zoning Map shall follow the general procedures of Division 3.1, except that the Town or its representatives shall not be required to submit an application. The application shall contain at least the following information:
1. A statement identifying the text or map area proposed to be amended.
 2. An explanation of the text of the amendment desired.
 3. An explanation of the need and justification for the proposed change.
 4. For an amendment to the Official Zoning Map, the application shall also include the following information:
 - a. A legal description and a description by street address of the property whose zoning designation is proposed to be changed.
 - b. Current and proposed Comprehensive Plan land use map designation for the subject property.
 - c. The existing and proposed zoning designation for the subject property.
 - d. The existing and proposed use of the subject property, if applicable.
 - e. A verified statement showing each and every individual person having a legal or equitable ownership interest in the property upon which the amendment is sought. In the case of publicly held corporations, the names and addresses of the principal corporate officers, directors and any shareholder owning more than ten percent (10%) of the interest in the corporation shall be disclosed.
- (b) **Process and Criteria for Review.** All proposed amendments, regardless of the source, shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council. In evaluating proposed amendments, the Town Council shall consider the following criteria:

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.
2. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances, including the Land Development Code.
3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.
4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.
5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.
6. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.
7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.
8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.
9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this Land Development Code.
10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

- (c) **Final Action by the Town Council.** The applicant shall be advised of the time and place of the Town Council hearings. The notice and hearings on the proposed amendment shall be provided pursuant to this Land Development Code and the Florida Statutes. After the necessary public hearing(s), the Town Council shall take action to deny or approve the application, or approve it with modifications or conditions. If denied, the applicant may resubmit the application after a period of one (1) year from the denial.

- (d) **Official Zoning Map.** Each amendment to zoning district boundaries or other zoning requirement as portrayed on the Official Zoning Map shall be entered promptly on the Official Zoning Map after the amendment has been approved by the Town Council. The Administrative Official shall be responsible for assuring that the physical updating and amendment of the Official Zoning District Map is carried out in a timely manner.

- (e) **Zoning in Progress, Hold on Permits or Certificate of Uses.** When an amendment to this Code or a rezoning of a parcel of land has been approved on first reading by the Town Council, no development application pending before the city with respect to the area or text which is the subject of the proposed amendment shall be approved unless the development application would be in conformity with both the existing legislation and the proposed legislation for a period of six months from the date of the approval on first reading by the Town Council. This period may be extended one time for an additional three months by resolution of the Town Council.

ATTACHMENT B: GU DEVELOPMENT CRITERIA

GU, INTERIM DISTRICT*

* **Cross References:** Circuses and carnivals in GU Districts without public hearing, § 33-13(f); public hearing required for establishing cemeteries, mausoleums or crematories, § 33-23; height and type of fences in GU Districts, § 33-11(h); variances granted in GU Districts, § 33-36(b).

Sec. 33-194. Boundary.

The boundary of GU Interim District shall be the entire unincorporated area of the County, excepting the area specifically covered by another district.
(Ord. No. 57-19, § 6(A), 10-22-57)

Sec. 33-195. Reserved.

Editors Note: Section 33-195, derived from Ord. No. 57-19, § 43, adopted 10-22-57 and Ord. No. 58-17, § 1, 5-20-58, zoning the Town of Pennsuko GU, was repealed by Ord. No. 66-19, § 1, enacted April 26, 1966, effective 10 days thereafter. The section number has been reserved to maintain continuity.

Sec. 33-196. Standard for determining regulations to be applied.

If a neighborhood in GU District is predominantly one (1) classification of usage, the Director shall be governed by regulations for that class of usage in determining the standard zoning regulations to be applied, including setbacks, yard areas, type of structures, height, limitations, use, etc. For the purposes of this section, "trend of development" shall mean the use or uses which predominate in adjoining properties which because of their geographic proximity to the subject parcel make for a compatible use. The Director shall be guided in determining what constitutes a neighborhood by limiting his evaluation to separate geographic areas which may be designated by natural boundaries (rivers, canals, etc.) and/or man-made boundaries (roads, full- and half-section lines, etc.). The Director's decision shall be subject to appeal pursuant to the provisions of Section 33-311 of the Code. If no trend of development has been established in the neighborhood, minimum standards of the EU-2 District shall be complied with. Lots platted prior to the effective date hereof, or lots for which tentative plats have been approved as of the effective date hereof and finally approved and recorded within ninety (90) days of the effective date hereof, or lots purchased under a contract for deed or deeded prior to the effective date of the ordinance, shall comply with the minimum standards of the EU-1 District; provided, however, if contiguous property of more than the minimum area required herein, but less than the minimum required by the EU-2 Zone, is under one (1) ownership on April 12, 1974, such property shall be considered as one (1) parcel of land and cannot be divided or used except as one (1) lot.
(Ord. No. 57-19, § 6(B), 10-22-57; Ord. No. 74-17, § 1, 4-2-74; Ord. No. 77-65, § 1, 9-20-77)

Sec. 33-196.1. Group homes.

A group home shall be permitted in a dwelling unit provided:

- (a) That the total number of resident clients on the premises not exceed six (6) in number.
- (b) 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 Director of said licensure no later than the time of home occupancy.
- (c) 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.

(Ord. No. 81-26, § 10, 3-17-81; Ord. No. 91-51, § 2, 3-7-91; Ord. No. 95-215, § 1, 12-5-95)

Sec. 33-196.2. Reserved.

Editors Note: Ord. No. 91-51, § 3, adopted May 7, 1991, repealed former § 33-196.2, relative to elderly adult congregate living facilities in a GU District, which derived from Ord. No. 81-25, § 1, adopted March 17, 1981; and Ord. No. 81-60, § 1, adopted June 2, 1981.

Sec. 33-197. New district classifications.

Subdivisions in GU Districts shall be governed by the provisions of Chapter 28 of the Miami-Dade County Code. Where applications for building permits indicate the need for reclassification of an area in GU District, the Director may initiate an application for a change of zoning.

(Ord. No. 57-19, § 6(C), 10-22-57; Ord. No. 77-46, § 1, 7-5-77)

Sec. 33-198. Public hearing on refusal to issue permit.

Whenever a permit to construct, alter, move or use a building or premises in a GU District is refused because the proposed use would conflict with regulations contained herein, the person desiring a permit may apply for a public hearing.

(Ord. No. 57-19, § 6(D), 10-22-57)

ATTACHMENT C: RU-1 DEVELOPMENT CRITERIA

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 | 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-1B
 - 33' for RU-1A
 - 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 5.15.
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.