

ORDINANCE No. 09- ///

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING ARTICLE 5, ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS, OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; ALLOWING TEMPORARY PLAY EQUIPMENT WITHIN THE REQUIRED YARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Town Council desires to improve and protect the family atmosphere vital to the Town; and

WHEREAS, the Town Council wishes to allow the placement of certain types of play equipment within required yards in residential neighborhoods in order to improve and protect the family atmosphere vital to the safety and welfare of the Town's residents; and

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

WHEREAS, the Town Council has reviewed this Ordinance at a duly noticed hearing, considered the recommendations of the Local Planning Agency, the Town staff, and comments

from the public, and determined that it is consistent with all policies contained in the Town's Comprehensive Plan; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Amendment Changes. Article 5, Allowable Encroachments Into the Required Yards and Exceptions to the Maximum Permitted Heights, Division 5.3, Accessory Structures, of the Miami Lakes Land Development Code is hereby amended to read as follows:

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 built in barbecue grills or similar cooking equipment, 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 shall comply with the same height and setback regulations from adjoining properties as accessory buildings, except as provided for in this Division.
 - a. Above-ground swimming pools and hot tubs shall comply with the same setbacks as swimming pools in Section 5.13.
 - b. Accessory structures not permanently attached to the ground, including temporary play equipment, five (5) feet high or less , shall only be permitted in the rear or side yards and may be located two (2) feet from a rear or interior side property line and for corner lots shall comply with the side street setbacks for the main structure.

¹ / Additions to existing Town Code text are shown by underline; deletions from existing Town Code text are shown as ~~strikethrough~~.

- c. Temporary play equipment, that is higher than 5 feet but less than 12 feet in height, and which does not exceed the height of the principal residence and is not permanently attached to the ground shall be permitted in the rear or side yards provided such equipment is located a minimum of two (2) feet from a rear or interior side property line. For all corner lots, the play equipment shall be setback a minimum of five (5) feet from a street side property line. All temporary play equipment higher than 5 feet which includes any type of impervious roof area shall be included in the calculation of accessory buildings and lot coverage pursuant to Division 5.2(a)1.
- d. Play equipment shall mean materials or equipment designed for children's outdoor play activities.
- ee. Ornamental landscape features such as statues or fountains less than four (4) feet high and decorative ponds less than 24 inches deep are permitted as accessory structures within any required yard.

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Land Development Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town LDC and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its adoption on second reading.

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

Mayor Michael Pizzi	yes
Vice Mayor Richard Pulido	yes
Councilmember Mary Collins	absent
Councilmember George Lopez	yes
Councilmember Robert Meador	yes
Councilmember Nick Perdomo	yes
Councilmember Nancy Simon	yes

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

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


Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Richard Pulido	<u>no</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Nick Perdomo	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>

PASSED AND ADOPTED this 10 day of February, 2009.



MICHAEL PIZZI
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, P.L.
TOW