



# Town of Miami Lakes

6853 Main Street • Miami Lakes, Florida 33014  
(305) 364-6100 / Fax: (305) 558-8511  
[www.townofmiamilakes.com](http://www.townofmiamilakes.com)

Date: February 12, 2004

To: Alex Rey  
Town Manager

From: Armando Valdes  
Town Planner

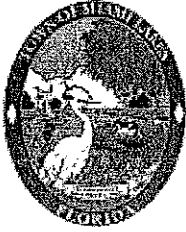
Subject: **Administrative Interpretation 2004-01**  
**"Allowable Heights of Gates"**

In order to clarify and standardize various interpretations that have been made by Miami-Dade County in reference to maximum the permitted height of gates in residential districts the Town needs to issue a written interpretation.

The following additional language should be applied with respect to height of hedges:

**"Within the RU zoning districts decorative open type gates shall be permitted to exceed the maximum allowable fence height by eighteen (18) inches."**

The clarification of the heights of fences and gates will be incorporated into the re-write of the Miami Lakes Land Development Regulations that is currently underway.



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Date: February 12, 2004

To: Town Staff

From: Alex Rey  
Town Manager

Subject: **Administrative Interpretation 2004-02**  
**"Certificate of Uses for Special Events on Town Parks"**

The following interpretation, as per powers granted to the Administrative Official under Division 2.3(b) of the Town of Miami Lakes Land Development Regulations, clarifies as to when Special Events which are held on Town Parks require a Certificates of Use.

Special Events held on Town Park properties do not have to obtain an individual Certificate of Use.

Special events are accessory uses customarily associated with the use of public parks. Once a public park has a valid certificate of use, a special event shall not be considered a new use therefore does not need an additional certificate of use approval. This is analogous to a banquet hall renting out spaces for events. Each individual event at the banquet hall does not have to obtain a certificate of use once the banquet hall obtains its own certificate of use.

However, special events which require the temporary placement or erection of structures will be required to obtain all necessary building permits and inspections before the event can be held.

Special events on private properties that are held on right-of-ways, outside of existing structures and change, exceed or increase the intensity of the existing certificate of use will require approval by the Town's Administrative Official and a new Certificate of Use.

All special events are still required to obtain approval from the Town's Park and Recreation Department.



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Date: July 27, 2004

To: Town Staff

From: Alex Rey  
Town Manager

Subject: **Administrative Interpretation 2004-03**  
**"Rear patios for lakefront townhouses"**

Although the code does not allow the changing of the established lake front slopes past the "tie line" or top of slope shown on the survey, this regulation shall not apply to the area between the original wing walls of lakefront townhouses. The wing walls act as a bulkhead and therefore any filling or grading between the walls will not affect any adjoining properties. The Code permits director approval of site plan change such as patio slabs, swimming pools, hot tubs, awnings, etc. and accessory structures between the walls with adjoining property owner's and homeowner's association approval.

This clarification of the lakefront slopes for townhouses will be incorporated into the re-write of the Miami Lakes Land Development Regulations that is currently underway.



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Date: December 22, 2004

To: Town Staff

From: Alex Rey  
Town Manager

Subject: **Administrative Interpretation 2004-04**  
**"Projections for awnings in the rear yard"**



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(305) 364-6100 / Fax: (305) 558-8511

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Date: February 3, 2005

To: Town Staff

From: Alex Rey  
Town Manager

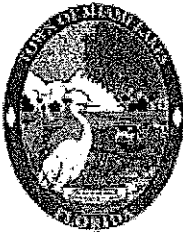
Subject: **Administrative Interpretation 2005-01**  
**"Projections for awnings in the required yards"**

The Land Development Code was recently changed to permit awnings for single family residences in the rear yard to project a maximum of 7' into the required rear yard setback if the awning doesn't cover more than 70% of the rear façade. Additionally, awnings for single family residences are allowed to project 3' into the required side setbacks, 5' into the required side setbacks of zero lot line developments and 5' into the required front setback areas. If the residence was not located at the required setback line and provided a larger setback than required, the intent of the code change was to allow structural supports to be placed at the required setback lines and then allowable awning projections into the setback areas would be permitted.

Since awnings are defined in the code as "a temporary, movable, detachable canvas or other cloth protection against sun or weather, supported by a metal frame, or wood, metal or other rigid material used similarly as protection against sun or weather and must be supported entirely from the walls of the building to which attached", it could be interpreted that the portion projecting is no longer an awning since it is not attached to a building but rather to a canopy. A canopy is defined as "a temporary detachable canvas or other cloth protection against the sun or weather on a rigid metal frame, which may be of metal or other rigid material used similarly as protection against the sun or weather which is supported in part by metal or wood posts attached to the ground or to deck or floor of a building and, in part, on the wall of the building.

Since, the existing residence could be expanded up to the setback lines with permanent construction and then an awning installed which projects into the setback areas, a canopy structure, as defined above, attached to a building should be permitted with the same allowable projections into the required setback areas as awnings as long as the supports are not located within any required setback area.

The Land Development Code will be amended to clarify the above situation.



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Date: April 26, 2005

To: Town Staff

From: Alex Rey  
Town Manager

Subject: **Administrative Interpretation 2005-02**  
**"Registration of Boats"**

Division 6.6(E) of the Town Codes which allows the registration of existing legal boats states, "the boat or personal watercraft must be registered to the owner of the real property." This language in the Code was added at the meeting and staff did not at that time have the benefit of all possible legal scenarios that could arise during the registration process such as married couples, not joined on home title, but one owns boat; or boats that are financed and have a lien with the titleholder, or boat in the name of adult child living at the home, equitable title but not legal title to the boat.

Therefore, since it was the Council's intent to allow the existing boats to remain, even though the property owner does not have actual title to the boat, but has documentation evidencing that he/she is for all purposes the beneficial/equitable owner of the boat, then providing that documentation to staff should satisfy the registration requirement.

Since 90 days have passed since the new code was enacted, no new applications for boat registration should be processed. However, staff should reevaluate any applications for registration that were denied due to the boat not being registered to the owner of the property where the boat is to be registered.



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Date: June 23, 2005

To: Town Staff

From: Alex Rey  
Town Manager

Subject: **Administrative Interpretation 2005-03**  
**"Certificates of Use for Special Events in Town Parks"**

All Town Parks have valid Certificates of Use that permit the park to function on a daily basis and host park related activities. By nature parks are designed to hold gatherings and events. **Therefore, special events that are held in Town of Miami Lakes Parks will no longer be required to obtain a separate Certificate of Use for the respective special event and will be permitted to operate under the existing Certificate of Use for the respective park.**

However, all special events will be required to obtain a Special Events Permit that will be issued through the Town of Miami Lakes Parks Department after a review by all applicable Town Departments. Building Permits may be required for temporary equipment, tents, staging, etc. associated with the special event as determined by the Town's Building Official in accordance with the Florida Building Code.



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Date: February 3, 2006  
To: Town Staff  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2005-04**  
**Update: "Repair of Non-conforming Fences"**

The zoning code was changed on January 18, 2005 concerning the permitted location of fences or walls for single family residences. The new code prohibits fences or walls within the front yard setback of a residence and for corner lots within the street side setback area. Basically this means that fences are no longer permitted along a front property line or along a side street property line.

As a result of the code change, existing fences within the front or side street yards that received a building permit from the County or the Town became legal nonconforming structures that are permitted to remain unless damaged by more than fifty (50%) percent of its reasonable market value. If damaged by more than 50% of its market value the fence will be considered a new fence and can only be replaced in compliance with the current code. Essentially, this means the fence could no longer be situated along a side street setback area or the front setback area.

Since many fences were damaged as a result of hurricane Wilma, the following procedure will be used to determine whether a non-conforming fence was damaged by more than 50% and whether a building permit can be issued to repair the fence in the original location without the need of a variance.

1. Submit proof that a building permit for the fence was issued by either the County or the Town of Miami Lakes.
2. The entire fence on a lot will be treated as one structure and therefore, the damaged sections of the fence must be less than 50% of the linear footage of the fence on the lot.
3. The non-conforming fence cannot be replaced with a different type of fence. For example, sections of damaged wood fences must be repaired with wood fences and cannot be replaced with metal or concrete fences.
4. The building permit must indicate a "repair of XX linear feet of existing fence". The site plan shall indicate the linear feet of fence to be repaired and the location of the existing fence that was not damaged and not part of the repair permit.





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Date: November 22, 2005

To: Town Staff

From: Armando Valdes, AICP  
Town Planner

**Subject: Administrative Interpretation 2005-04  
"Repair of Non-conforming Fences"**

The zoning code was changed on January 18, 2005 concerning the permitted location of fences or walls for single family residences. The new code prohibits fences or walls within the front yard setback of a residence and for corner lots within the street side setback area. Basically this means that fences are no longer permitted along a front property line or along a side street property line.

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1. Submit proof that a building permit for the fence was issued by either the County or the Town of Miami Lakes.
2. The entire fence on a lot will be treated as one structure and therefore, the damaged sections of the fence must be less than 50% of the linear footage of the fence on the lot.
3. The non-conforming fence cannot be replaced with a different type of fence. For example, sections of damaged wood fences must be repaired with wood fences and cannot be replaced with metal or concrete fences.
4. The building permit must indicate a "repair of XX linear feet of existing fence". The site plan shall indicate the linear feet of fence to be repaired and the location of the existing fence that was not damaged and not part of the repair permit.



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Date: February 10, 2006  
To: Town Staff  
From: Alex Rey  
Town Manager  
Subject: **Administrative Interpretation 2006-01**  
**"Administrative Site Plan Approval Process"**

The following interpretation, as per powers granted to the Administrative Official under Division 2.3(b) of the Town of Miami Lakes Land Development Regulations, clarifies the approval procedure for Administrative Site Plan Approvals, I hereby delegate my authority to the Director of Planning and Zoning for Administrative Site Plan Approval as outlined below:

## DIVISION 3.2 DEVELOPMENT APPROVALS BY THE ADMINISTRATIVE OFFICIAL

- (a) Permitted Use. The Administrative Official shall have the authority to review and act on any application for development approval for a permitted use in the zoning district in which development is proposed. Every permitted use, except as exempted below, must receive site plan approval. After reviewing all staff comments, the Administrative Official shall act to approve, approve with conditions, or disapprove the site plan based on the criteria for site plan approval contained in Division 3.4 of this Land Development Code. The Administrative Official shall provide written comments documenting any conditions of approval. If the site plan is denied, the Administrative Official shall specify in writing the reasons for the denial. Notwithstanding the above, the Administrative Official shall have the authority to require that the Town Council review and act upon the site plan in cases where, in his opinion, the proposed site plan has a design, intensity or scale that may produce potential area-wide impacts that should be considered in a hearing before the Town Council. The Administrative Official shall not have the authority to approve site plan applications for those uses that require conditional use or variance approvals, with the exception of administrative setback variances pursuant to this Division.



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Date: May 4, 2006  
To: Town Staff  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2006-02**  
**Form Update: "Repair of Townhome Awnings"**

The zoning code was changed on May 17, 2005 concerning regulations for townhome single family residences. As a result of the code change, existing awnings that received a building permit from the County or the Town became legal nonconforming structures that are permitted to remain unless damaged by more than fifty (50%) percent of its reasonable market value. If damaged by more than 50% of its market value the awning will be considered a new awning and can only be replaced in compliance with the current code.

Since many awnings were damaged as a result of hurricane Wilma, the form below will be used to obtain administrative approval as per Code requirements for awning recovers only:

Review for the subject property folio# \_\_\_\_\_ has been approved administratively with the following conditions:

1. This approval is only for the townhome rear deck awning. The remainder of the proposed development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of the building permit.
2. That on May 17, 2005 the Town Council approved Ordinance 05-70 creating new development regulations for Townhouse Developments. The new regulations do not allow aluminum awnings or canopies for townhouse developments. All canopies and awnings must now consist of a metal frame covered with canvas, vinyl or cloth and be of a uniform size, color, pitch, pattern and design throughout the development or sections of the development. The new ordinance does not allow administrative site plan approval if the proposed improvements do not comply with the development regulations.
3. That existing legal awnings or canopies that do not comply with the above standards shall be permitted to remain, however they shall be painted or covered in vinyl or cloth to match the color and pattern approved for the townhouse development within 24 months of the adoption of this ordinance. When nonconforming awnings or canopies are replaced they shall be replaced with awnings or canopies that conform to the above regulations.
4. That the rear deck awning may only be installed over doors, windows or other openings and shall be permitted to project into required rear setback as follows: Maximum projection into rear setback is seven feet (7'). All roofs, with the exception of cloth/canvas awnings or canopies, with a pitch greater than 2 ½ shall be constructed of flat cement tile or barrel tile.
5. A permit for the above improvements must be obtained within 12 months of the date of this letter or this approval shall become null and void.

Please submit this form and a copy of the approved plans with your building permit application.

CC: Jose Heredia, Zoning Official



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Date: August 10, 2006  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2006-03**  
Update: **"Parking Determination for Folio 32-2023-003- 2630"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Section 33-124(d and m) "Parking Standards." Since Section 33-124 (d and m) provides for the following:

(d) *Churches.* At least one (1) parking space for each fifty (50) square feet or fractional part thereof of the seating area in the main auditorium (sanctuary), including adjacent areas which may be used as part of the auditorium.

(m) *Office, professional building or similar uses.* One (1) parking space for each three hundred (300) square feet of gross floor area of such building or fractional part thereof.

the above – referenced folio (32-2023-003-2630) is hereby determined to be in compliance with parking regulations and that Monday to Friday operations may proceed with the following conditions:

1. This Parking Determination is only for the allocation of surplus parking to accommodate overflow teacher parking for Miami Lakes Elementary School teachers during performance of construction work for the subject school during the fall and winter term 2006, and the church development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That as per 33-124 parking is permitted for each Monday through Friday calendar day within a span of six months, provided that the parking for church staff and administration is maintained as per the above-referenced 33-124 (m) regulation.
3. That upon any special event to occur at any time Monday through Friday during the period of 6 months from the date of this determination all church parking must be made available as per the above referenced 33-124 (d) regulation or this determination shall become null and void.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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**Date:** October 16, 2006  
**To:** Jose Heredia, Town Zoning Official  
**From:** Maria I. Crowley, AICP  
Director, Planning and Zoning  
**Subject:** **Administrative Interpretation 2006-04**  
**Temporary Certificate of Use: "Portable Storage Units"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Section 33-8(a) "Certificate of Use and Occupancy"; since Section 33-8 (a) provides for the following:

(a) No structure shall be used or occupied or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use and occupancy there for from the Department.

The above – referenced Portable Storage Units are hereby determined to be in compliance and may proceed provided that a valid Certificate of Use is obtained with the following conditions:

1. This Temporary Certificate of Use Determination is only for the placement of a Portable Storage Unit on a subject site within the Town of Miami Lakes, and the subject site development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That prior to placing a portable storage unit on any site, the site owner/occupier or the owner/operator of the portable storage unit must apply for a Certificate of Use permit. Application for the Certificate of Use permit shall be made to the Town of Miami Lakes Building and Zoning Department. The application shall include the signature of the site property owner in order to ensure that the site owner has full knowledge of, and consents to, placement of the portable storage unit on site and the provisions of this Determination. The issuance of a Certificate of Use shall allow the applicant to place a portable storage unit on the site in conformance with the Conditions of this Determination. The exterior of the portable storage unit shall have a weatherproof clear pouch, which must display the site Certificate of Use permit at all times, and which may not contain any advertising or signage other than that which is required by appropriate state agencies.
3. There shall be no more than one portable unit per site, no larger than 130 square feet total area. A Certificate of Use permit, as required in this Determination, for a portable storage unit to remain at a site in a residential or nonresidential zoning district shall be valid for a maximum of seven consecutive days.

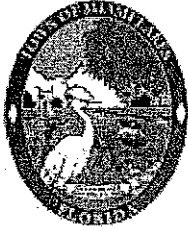
4. *Cumulative time restriction:* No portable storage unit shall be placed at any one site in excess of 21 days within any 12-month period. Except the 21 day limit may be extended, and the portable storage unit may be used only in conjunction with an open interior remodeling building permit. All sites are limited to the maximum number of two Certificate of Use permits for a portable storage unit within any 12-month period.
5. *Immediate removal for hurricane watch:* Notwithstanding the time limitations as stated above, all portable storage units shall be removed from the Town immediately upon the issuance of a hurricane watch by a recognized governmental agency. The removal of a portable storage unit during a hurricane watch is the responsibility of the owner/operator of the portable storage unit.
6. That in residential areas or zoning districts, a portable storage unit shall only be placed in a location where the storage unit is not visible from the street and must be set back a minimum of five feet from a property line. However, if the Town Zoning Official or his designee determines that there is no location where the storage unit is not visible from the street, the location shall be a paved area in a driveway, or other paved surface, and must be set back a minimum of five feet from a property line. The placement of such portable storage unit may not obstruct the free, convenient, and normal use of the public right-of-way.
7. That in nonresidential areas or zoning districts, a portable storage unit shall only be placed in the rear or side portion of a site. Under no circumstance shall a portable storage unit be placed in an area fronting a street or road, or in the front parking lot of a nonresidential site. The placement of a portable storage unit in fire lanes, passenger loading zones, commercial loading zones or public rights-of-way shall be strictly prohibited.
8. The owner/operator of a portable storage unit and/or the site owner/occupier at which a portable storage unit is placed shall be responsible for ensuring that the portable storage unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use, the portable storage unit shall be kept locked. The site owner/occupier on which a portable storage unit is placed shall also be responsible that no hazardous substances are stored or kept within the portable storage unit.

**Note:** For the purposes of this Determination the following definitions shall apply:

Portable storage unit means any container designed for the storage of personal property that is typically rented to owners or occupants of property for temporary use and that may be delivered and removed by vehicle.

Site means a piece, parcel, tract, or plot of land occupied, or that may be occupied, by one or more buildings or uses and accessory buildings and accessory uses that is generally considered to be one unified parcel.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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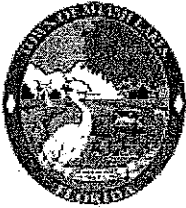
Date: December 7, 2006  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2006-05**  
**Site Plan Review Criteria for Public Hearing**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Section 3.2 "Development Approvals by the Administrative Official"; since Section 3.2 provides for the following:

- (a) **Permitted Use.** The Administrative Official shall have the authority to review and act on any application for development approval for a permitted use in the zoning district in which development is proposed. Every permitted use, except as exempted below, must receive site plan approval. After reviewing all staff comments, the Administrative Official shall act to approve, approve with conditions, or disapprove the site plan based on the criteria for site plan approval contained in Division 3.4 of this Land Development Code. The Administrative Official shall provide written comments documenting any conditions of approval. If the site plan is denied, the Administrative Official shall specify in writing the reasons for the denial. Notwithstanding the above, the Administrative Official shall have the authority to require that the Town Council review and act upon the site plan in cases where, in his opinion, the proposed site plan has a design, intensity or scale that may produce potential area-wide impacts that should be considered in a hearing before the Town Council. The Administrative Official shall not have the authority to approve site plan applications for those uses that require conditional use or variance approvals, with the exception of administrative setback variances pursuant to this Division.

Site Plan Reviews by the Administrative Official are hereby determined to be of a design, intensity or scale that may produce potential area-wide impacts and will be scheduled for a hearing before the Town Council if in keeping with the following criteria: the proposed new development application is for site plan review which encompasses two (2) or more acres of land within the application, proposes fifty (50) or more dwelling units and/or proposes twenty thousand (20,000) square feet of nonresidential building area.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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Date: December 8, 2006  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: Administrative Interpretation 2006-07  
Update: "Permitting Process for Repair of Non-conforming Fences & Awnings"

The zoning code was changed as per Ordinance 04-63 on January 18, 2005 concerning the permitted location of fences or walls for single family residences. The new code prohibits fences or walls within the front yard setback of a residence and for corner lots within the street side setback area. This means that fences are no longer permitted along a front property line or along a side street property line. Additionally, the zoning code was changed as per Ordinance 05-70 on May 17, 2005 concerning the regulations for townhome single family residences. As a result of the code change, townhome awnings must now consist of a metal frame covered with canvas, vinyl or cloth and be of a uniform size, color, pitch, pattern and design throughout the development or sections of the development as recommended by the Authorizing Body (HOA) of the development.

Therefore, existing awnings not in compliance with the above regulations, and fences within the front or side street yards that received a building permit from the County or the Town prior to the Ordinance (04-63 & 05-70) approval date, became legal nonconforming structures that are permitted to remain unless damaged by more than fifty (50%) percent of its reasonable market value. If damaged by more than 50% of its market value the awning or fence will be considered new and can only be replaced in compliance with the current code.

Since many fences and awnings were damaged as a result of hurricanes Wilma & Katrina, the following procedure will be used for zoning approval to determine whether a non-conforming awning or fence was damaged by more than 50% and whether a building permit can be issued to repair the fence in the original location or awning with original material without the need of a variance.

1. Submit proof that a building permit for the awning or fence to be repaired was issued by either the County or the Town of Miami Lakes.
2. The entire awning or fence on a lot will be treated as one structure. Therefore, damaged sections of a fence must be less than 50% of the linear footage of the fence on a lot, and a damaged awning repair must be for less than 50% of the supports and not involve roof frame replacement.
3. The building permit must indicate a "repair of XX linear feet of existing fence" and /or "repair of less than 50% of an existing awning". The site plan shall indicate the linear feet of fence to be repaired and the location of the existing fence that was not damaged and not part of the repair permit. In order to meet the 50% standard the non-conforming fence cannot be replaced with a different type of fence, for example, damaged wood fences must be repaired with a wood fence.
4. The zoning review and approval is for compliance with zoning regulations only such as setbacks and type of material, and shall be submitted as part of a building permit application. The fence or awning will have to comply with all present building Code (FBC Sec.407) regulations if repair is for more than 25% of the structure. Therefore, in order to ensure that the structure is safe and meets present standards the structure may be required to be modified in order to pass building Code inspection and receive a valid building permit.

(Please see attached Table for Applicable Code Summary)



<b>Permitting Process for Repair of Non-Conforming Fences &amp; Awnings: Code Summary</b>		
<b>Percentage of Repair</b>	<b>Applicable Zoning Code</b>	<b>Applicable Building Code</b>
0% to 25% Repair	Comply with Zoning Code prior to (Ord. 04-63 & Ord. 05-70)	Comply with Building Code at time of Original Permit
25% to 50% Repair	Comply with Zoning Code prior to (Ord. 04-63 & Ord. 05-70)	Comply with Building Code at Present Time
50% to 100% Repair	Comply with Zoning Code at Present Time	Comply with Building Code at Present Time



# Town of Miami Lakes

15700 NW 67<sup>th</sup> Avenue • Miami Lakes, Florida 33014

(305) 364-6100 / Fax: (305) 558-8511

[www.townofmiamilakes.com](http://www.townofmiamilakes.com)

**Date:** December 21, 2006

**To:** Jose Heredia, Town Zoning Official

**From:** Maria I. Crowley, AICP  
Director, Planning and Zoning

**Subject:** **Administrative Interpretation 2006-08**  
**Update: "Temporary Special Event Sign Determination"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Section 33-99 "Class A Temporary Signs" Since Section 33-99 provides for the following:

Special events signs include carnivals, concerts, public meetings, sports events, political campaigns, and other uses of a similar nature

The above – referenced Class A Temporary Signs for Special Events shall include Open House Showings, and are hereby determined to be in compliance with sign regulations and may be permitted with the following conditions:

1. This Determination is only for the use of temporary signs in connection with a open house showings, and the sign must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of permit.
2. That as per 33-99 the maximum sign size permitted shall be 22 inches by 28 inches except as to site of use which shall be governed by applicable district regulations, no permit required for signs that are no larger than 6 square feet and which are not electrically illuminated.
3. That as per 33-99 the required setback and spacing shall be 5 feet from official r.o.w. and 5 feet from property under different ownership, except for site of use which shall be governed by applicable district regulations.
4. That the above referenced temporary signs in connection with an open house showing shall be removed immediately after the special event. Additionally, any private owner who fails to remove an unlawful special events sign from his or her property shall be deemed in violation of this section.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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Date: January 22, 2007

To: Jose Heredia, Town Zoning Official

From: Maria I. Crowley, AICP  
Director, Planning and Zoning

Subject: Administrative Interpretation 2007-01  
Update: "Permitting Process Form  
for Fences located within a Utility Easement"

The Town of Miami Lakes Land Development Code provides as per Division 2.3 (a) for the Administrative Official or his designee, to prepare and provide forms for the development approvals authorized by this Land Development Code, and establish procedures for the processing of all applications. Since Division 3.8.B.24.(d) for Platting / Required Improvements and Design Criteria provides the following:

- (d) Construction within Easements. Utilities shall be constructed in easements as prescribed by the Town Code.

Therefore, please execute the attached "Fence Permit - Sunshine State ID Number & Easement Agreement" form that is hereby determined to be in compliance in order to provide the required approvals for any fence located within a utility easement. This Determination is only for the form to be used in the approval of fences located within a utility easement, and the fence must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of permit.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



TOWN of Miami Lakes

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**FENCE PERMIT - SUNSHINE STATE ID NUMBER & EASEMENT AGREEMENT**

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Process Number: \_\_\_\_\_

To Whom It May Concern:

The undersigned, as owner of the property located at \_\_\_\_\_, Town of Miami Lakes, Florida, hereby absolves the Town of Miami Lakes of any and all legal responsibility for any claims, loss, damage or expense which may arise as a result of the placement of a fence in the utility easement area for the above-referenced property. Furthermore, I have contacted the required utilities as per the Sunshine State Network Ticket Number below and have received their consent:

Sunshine State Network :

Contact Number – 1-800-432-4770

Ticket Number ID: \_\_\_\_\_

Date: \_\_\_\_\_

Sincerely,

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Print Name

**Note:** Please complete the above form, submit the executed easement agreement on the reverse side, and allow a minimum of four working days after ID Number is submitted for a field check to be completed prior to returning to the Department of Planning and Zoning for a final zoning approval.



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**EASEMENT AGREEMENT**

Miami Lakes, Florida

To Whom It May Concern:

I, \_\_\_\_\_, have applied for a building permit to erect or build a fence in the utility easement on my property at, \_\_\_\_\_, in the Town of Miami Lakes, Miami Dade County, Florida. A brief description of the location and type of construction of the proposed structure is a fence to be located within the existing utility easement. Access to the utility easement shall be made available at all times.

I understand that any removal or replacement of the structure necessary for use of the easement will be done at my expense. I further understand that I will assume full responsibility for any damage to the utility facilities during construction.

This is to certify that I am the owner of the subject property and I understand this easement agreement to be completed and accurate as described above.

---

Signature of Property Owner and Date

Miami Lakes, Florida

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_.

---

Notary Public  
Commission Expires: \_\_\_\_\_



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Date: January 24, 2007  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2007-02**  
**Update: "Driveway Determination for Side Yard Facing Garages"**

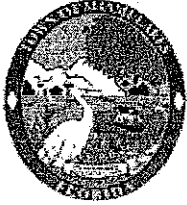
This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Article 5 - Allowable Encroachments into the Required Yards and Exceptions to the Maximum Permitted Heights, Division 5.8 Driveways and Parking Spaces, Section A (4) which provides for the following:

5.9.A.(4). Driveways and parking spaces parallel to a front property line or side property line facing a street shall be set back five (5) feet from the front or side street property line.

The above – referenced driveways for side yard facing garages are hereby determined to be in compliance with parking regulations and may be permitted with the following conditions:

1. This Side Yard Driveway Determination is only for the garages facing the side yard to provide proper entry, and the single family home must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That a driveway for a garage facing the side yard shall be set back from an interior side property line five (5') feet as per 5.9.A.(4)., which states that driveways and parking spaces parallel to a front property line or side property line facing a street shall be set back five (5) feet from the front or side street property line.
3. That the maximum permitted impervious area permitted for driveways, walkways, porches, decks, etc. (including brick pavers set in sand) in the required front yard or the required side yard facing a street shall be 60% for each yard.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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Date: January 22, 2007

To: Russell Barnes, P.E., Town Engineer

From: Maria I. Crowley, AICP  
Director, Planning and Zoning

Subject: Administrative Interpretation 2007-03  
Update: Process Form for "Final Plat Vacating of Right of Way or Easement Petition" In Compliance with State Statute 177 as per Ordinance 04-52 – Division 3.8 Platting

The Town of Miami Lakes Land Development Code provides as per Division 2.3 (a) for the Administrative Official or his designee, to prepare and provide forms for the development approvals authorized by this Land Development Code, and establish procedures for the processing of all applications. Since Division 3.8.F.3.Subdivision Final Plat Approval Procedures provides the following:

- (c) Required Compliance. The final plat shall conform to the approved subdivision master plan, shall meet the legal requirements of platting as defined by Chapter 177, Florida Statutes, as amended, and shall consist of a fully executed correct plat map, meeting all State and local standards, final engineering drawings and auxiliary submittals, and all required legal instruments. Notwithstanding, the final plat shall constitute only that portion of the approved preliminary plat and subdivision master plan which the applicant proposes to record and develop within a required time period.

Therefore, please provide to applicants the attached "Final Plat Vacating of Right of Way or Easement Petition" form and instructions that is hereby determined to be in compliance in order to provide the required approvals for any Right of Way or Easement vacation in connection with a Final Plat application. This Determination is only for the form to be used in the approval of a vacation of Right or Way or Easement in connection with a Final Plat application as per Ord. 04-52 –Division 3.8 Platting, and the development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of permit.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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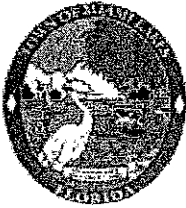
**FINAL PLAT VACATING OF RIGHT OF WAY OR EASEMENT  
PETITION FORM & INSTRUCTIONS**

(In Compliance with Chapter 177 Florida Statutes  
& Resolution No. 04-52 as amended)

**INSTRUCTIONS:** Upon receipt of the attached completely executed "Final Plat Vacating of Right of Way or Easement Petition Form", the Town of Miami Lakes Department of Planning and Zoning staff and Town Engineer shall review the petition for completeness and accuracy of the legal description along with the boundary survey accurately showing the property.

1. Upon the Town Engineer finding the petition complete, the Town Clerk shall transmit the notice of the public hearing to a Miami-Dade County newspaper to appear at least ten (10) days prior to the date of the public hearing, and the Department of Planning and Zoning will:
  - a. Request certification from the applicable public service agencies and public utility companies to ensure that the vacating will not interfere with the service provided or encroach unreasonable on any road right-of-way, utility and/or drainage easement.
  - b. Notify the Petitioner of the date, time, and location of the public hearing and forward the notice to be posted with instructions for requirements of posting the notice in a conspicuous and easily visible location on the property no later than ten (10) days prior to the public hearing.
2. At the public hearing the Town Council shall hear the Vacation Petition prior to consideration of the Final Plat, the Town Council may deny the petition or grant the petition to vacate all or any portion of the property and may attach such conditions as the Town Council may deem to be in the public interest.
3. If the Town Council grants the petition, the Town Council shall adopt a resolution granting the petition and the Clerk shall:
  - a. Record all necessary documents upon receipt of all documents.
  - b. Send a certified copy of the Town Council adopted resolution to the Petitioner and the Planning and Zoning Department.
4. If the Town Council denies the vacating, the Town Clerk will notify the Petitioner.





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**FINAL PLAT VACATING OF RIGHT OF WAY OR EASEMENT  
PETITION FORM**

(In Compliance with Chapter 177 Florida Statutes  
& Resolution No. 04-52 as amended)

The undersigned hereby petition(s) the Town of Miami Lakes Council to vacate an existing road, right-of-way or easement, and to disclaim any right of the Town of Miami Lakes and the public in that road, right-of-way or easement.

The undersigned hereby certify:

1. **LEGAL DESCRIPTION:** The complete and accurate legal description of the road, right-of-way or easement sought to be vacated will be attached as Exhibit "A" and a legal description is **provided below:**
2. **PUBLIC INTEREST IN ROAD, RIGHT-OF-WAY OR EASEMENT.** The title or interest of the Town of Miami Lakes and the public in the above described road, right-of-way or easement was acquired and is evidenced in the following manner (state whether public interest was acquired by deed, dedication or prescription and attach a copy of deed or plat as recorded in public records). Please attach proof of ownership of applicants property.
3. **BOUNDARY SURVEY.** The undersigned shall provide a boundary survey accurately showing and describing the above described road, right-of-way or easement, and its location and relation to surrounding property, showing all improvements and encroachments and easements which will be attached.
4. **ABUTTING PROPERTY OWNERS.** Attached as Exhibit "B" is a list which constitutes a complete and accurate schedule of all owners or property abutting upon or contiguous to the above described road, right-of-way or easement and all abutting owners have signed this petition or signed a separate consent attached to Exhibit "B". The applicant/petitioner shall make a good faith effort to obtain the signature of land owners abutting the property to be vacated.

5. **ACCESS TO OTHER PROPERTY.** The undersigned certifies that if this petition is granted, no other property owners will be denied access to and from their property.
  
6. **NOTIFICATION OF PROPERTY OWNERS.** In the vacation of roads and rights-of-way, the petitioner shall provide the completed certification, and the Town Clerk will advertise the Final Plat and Vacation Petition ten (10) days prior to the public hearing on the petition, the petition shall be notified to all property owners (regular mail) within five hundred (500) feet of the property sought to be vacated advising said property owners that petitioner seeks to have the Town of Miami Lakes vacate the subject property and renounce any rights in same.
  
7. **GROUNDS FOR GRANTING PETITION.** The undersigned submits as grounds and reasons in support of this petition the following (attached as "Exhibit "C" statement in detail why petition should be granted):

RESPECTFULLY SUBMITTED,

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 TELEPHONE: \_\_\_\_\_

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 TELEPHONE: \_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF PETITIONER

\_\_\_\_\_  
 SIGNATURE OF PETITIONER

**NOTE:** EACH PETITIONER MUST SIGN THIS PETITION, AND ALL PETITIONERS' SIGNATURES SHALL BE NOTARIZED.

STATE OF \_\_\_\_\_  
 COUNTY OF \_\_\_\_\_

I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, \_\_\_\_\_

\_\_\_\_\_,  
 who executed the forgoing Oath and acknowledged before me that he/she executed the same for the purpose(s) therein expressed, and who is personally known to me or who has produced

\_\_\_\_\_ as Identification.

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_  
 (NOTARY)

\_\_\_\_\_  
 NAME: (PRINTED)

\_\_\_\_\_  
 COMMISSION NUMBER



# Town of Miami Lakes

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Date: March 2, 2007  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2007-04**  
**Update: "Division 7.1 Landscape Requirements Determination for Hedges in Front and Side Yard Facing a Street"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Division 7.1 – Landscape Requirements, Section A (4) Hedges, which provides for the following:

**7.1.A.(4). Hedges:**

**(a) Hedges shall not be permitted parallel to the front or side street property line within the required front or side street required yards.**

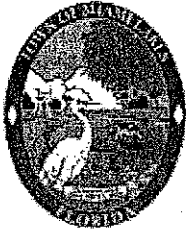
The above – referenced hedges for front and side yard facing streets are hereby determined to be in compliance with landscape regulations and may be permitted with the following conditions:

1. This Hedge Determination is only for the front and side yard hedges facing the street providing for proper conditions, and the single family home must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That the maximum height of hedges located within a required yard shall not exceed six (6) feet with the following exceptions:

Hedges along the side property lines within the required front yard or along the rear property line within the side yard facing a street shall not exceed a height of two and one half (2 ½) feet.

3. That plant islands parallel to the front property line shall not be considered a hedge provided that the landscape plantings shall be designed in the following manner: the landscaping shall not be continuously parallel to the front property line, and provide safe and unobstructed views at intersections of roadways, driveways, recreational paths, and sidewalks in accordance with Section 5.9.3. of the Code. A Plant Island shall include, but are not limited to plant material such as, grass, ground covers, shrubs, vines, trees, and rocks. Plant islands located within 10 feet of the front property line shall not comprise more than 50% of the front yard length, be spaced 10 feet apart, and not extend more than 10 feet in length per island. All planted materials shall be maintained, trimmed and irrigated as required to maintain a neat and safe landscape environment.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



# Town of Miami Lakes

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Date: April 5, 2007  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2007-05**  
**Update: "Single Family Residence Canopy Roofs"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Article 5 - Allowable Encroachments into the Required Yards and Exceptions to the Maximum Permitted Heights, Division 5.6 Canopies, Section A (2) which provides for the following:

#### 5.6.A.2. Required Rear Yard:

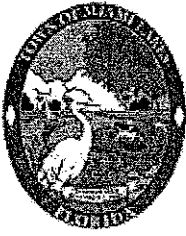
Canopies attached to the main residence and open on two sides shall not be included in the lot coverage calculations but must comply with the required rear and side setbacks for the main residence.

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, fabric or vinyl and pipe or CBS construction to match the residence.

The above – referenced single family residence canopies are hereby determined to be in compliance and may be permitted with the following conditions:

1. This Single Family Residence Canopy Determination is only for the rear yard canopies to provide proper roofing requirements, and the single family home must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That a driveway for a garage facing the side yard shall be set back from an interior side property line five (5') feet as per 5.9.A.(4), which states that driveways and parking spaces parallel to a front property line or side property line facing a street shall be set back five (5) feet from the front or side street property line.
3. That the maximum permitted impervious area permitted for driveways, walkways, porches, decks, etc. (including brick pavers set in sand) in the required front yard or the required side yard facing a street shall be 60% for each yard.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



# Town of Miami Lakes

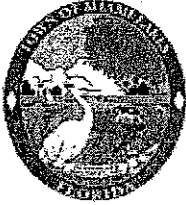
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**Date:** May 24, 2007  
**To:** Osdel Larrea, Director for Code Compliance & Public Works  
**From:** Maria I. Crowley, AICP  
Director, Planning and Zoning  
**Subject:** **Administrative Interpretation 2006-07 Update: "Noise Ordinance – Special Event Determination for Folio 32-2013-012- 0060 & Event Scheduled for June 1, 2007 at Rendezvous on the Lake Restaurant"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations Ordinance 04-50, Section 21-28(m) "Noises; unnecessary and excessive prohibited." Since Ordinance 04-50 Section 21-28.(2).(e) provides for Exemptions; Any special event or activity for which a permit has been obtained from the Town, pursuant to Section 21-28 (3), within such hours and in accordance with such restrictions as may be imposed as conditions to the issuance of the permit, the above – referenced folio (32-2013-012-0060) is hereby determined to be in compliance that the requested Special Event may proceed with the following conditions:

1. This Noise Ordinance Determination is only for the for property located at 6685 Eagle Nest Lane, and the development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of the building permit. (Refer to attached regulations; Ordinance 04-50)
2. That as per 21-28.(3).(a) the Special Event is permitted for June 1, 2007, provided that as per the application that Alvis Priegues, the General manager will be in charge of the activity to include outdoor seating and music in conjunction with Redezvous on the Lake restaurant and that the music shall conclude promptly at 11:00 p.m. on Friday, June 1, 2007.
3. That the Special Event activity shall be located in the courtyard facing Eagle Nest Lane and shall not diminish the required parking for the restaurant use.
4. A permit for the Special Event shall be obtained for the Event not to exceed a span of eight (8) hours total, and said Special Event shall not constitute a threat to public safety; constitute a danger or impediment to the normal flow of traffic; or constitute a potential disturbance of the peace and quite of persons outside the premises where the activity or event is located or this approval shall become null and void.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



Town of Miami Lakes

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**Date:** June 25, 2007  
**To:** Jose Heredia, Town Zoning Official  
**From:** Maria I. Crowley, AICP  
Director, Planning and Zoning  
**Subject:** Administrative Interpretation 2007-08  
Update: "Permitting Process for Temporary Use of Construction Fences"  
Folio#: 32-2023-008-0880

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Section 33-8(a) "Certificate of Use and Occupancy"; since Section 33-8 (a) provides for the following:

- (a) No structure shall be used or occupied or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use and occupancy there for from the Department.

The above -- referenced Construction Fences are hereby determined to be in compliance and may proceed provided that a valid Building Permit is obtained with the following conditions:

1. This Temporary Use Determination is only for the placement of a temporary construction fence on a subject site within the Town of Miami Lakes, and the subject site development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That prior to placing a temporary construction fence on any site, the site owner/occupier must apply for a Building Permit. Application for the Building Permit shall be made to the Town of Miami Lakes Building Department.
3. That the Temporary Use, as required in this Determination, for a construction fence to remain at a site in a residential or nonresidential zoning district shall be valid for a maximum of six consecutive months in connection with a valid Building Permit, and may be extended for a period not to exceed six months provided that the Building Permit Application has not expired.
4. A Final Permit for improvements at the above-referenced property with the following legal description (MIAMI LAKES SEC 7 PB 84-34 LOT 42 BLK 31 & PROP INT IN & TO LAKE LOT SIZE 24493 SQUARE FEET OR 17232-1929 0696 1 F/A/U 30-2023-008-0880) must be obtained within 12 months of the date of this determination or this approval shall become null and void.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



## Town of Miami Lakes

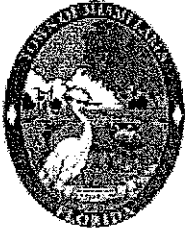
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Date: July 15, 2007  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2007-09**  
Update: **"Street Vendor Ordinance Determination for Designated Corridor Intersections"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations Ordinance 04-54, Section 21-27.3 "Right of way Vendors and Solicitors." Since Ordinance 04-54 Section 21-27.3 provides for the prohibition of right-of-way vendors and solicitors on certain streets located in the Town. The designated Corridor Intersections as outlined below are hereby determined to be included in the prohibited corridors and that right-of-way vendor permits may proceed with the following conditions:

1. This Right-of-Way Vendors Ordinance Determination is only for the prohibition of vendors and solicitors on certain roads in the Town as per Ordinance 04-54, and that applications must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of the permit. (Refer to attached regulations; Ordinance 04-54)
2. That as per Ord. 04-54 Section 21-27.3 (c) Prohibition on Right-of-Way Vendors or Solicitors on Certain Roads. It is a violation of this Section for any person to act as a Right-of-Way Vendor or Solicitor in, at or upon Red Road (57<sup>th</sup> Avenue), Ludlam Road (NW 67<sup>th</sup> Avenue), Miami Lakes Drive/ NW 154<sup>th</sup> Street, 79<sup>th</sup> Avenue, and 87<sup>th</sup> Avenue, including the swales and medians abutting such roads.
3. The prohibition of vendors or solicitors at or upon Red Road (57<sup>th</sup> Avenue), Ludlam Road (NW 67<sup>th</sup> Avenue), Miami Lakes Drive/ NW 154<sup>th</sup> Street, 79<sup>th</sup> Avenue, and 87<sup>th</sup> Avenue, including the swales and medians abutting such roads; shall include as per Section 3.8.B.(q)(2), the intersections of such roads for a distance of 400 feet in each direction of the streets associated with the subject intersections.
4. A vendor application for a non-prohibited corridor shall obtain as per Section 21-27.3 (d) a permit from the Town Manager or his designee in order to serve as a Right-of-Way vendor within the Town. Such permit shall only be issued for vending not prohibited by Section 21-27.3 (c), must state the locations where the person may vend and may be subject to conditions. The following criteria shall be applied in the issuance of such permit:
  - i. Availability of rights-of-way; Public health and safety; Obstruction of traffic; and Other Right-of-Way vendors within the same area

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



# Town of Miami Lakes

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Date: July 20, 2007  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2007-10**  
Update: **"Sign Code Administrative Review Form Determination for Standing Signs"**

The Sign Code was changed on May 22, 2007 concerning regulations for signage in all zoning districts. The Town of Miami Lakes Land Development Code provides as per Division 2.3 (a) for the Administrative Official or his designee, to prepare and provide forms for the development approvals authorized by this Land Development Code, and establish procedures for the processing of all applications. Since Division 9.4.C.3. provides that the Town Manager or his designee through the Administrative Site Plan Review process may, authorize a special permit for a standing sign for the MIX-USE (RO-13, RO-50); BUSINESS (BU-1, BU-1A, BU-2, BU-3) and INDUSTRIAL DISTRICTS (IU-1, IU-2, IU-3, IU-C), the form below will be used to obtain administrative approval as per Code requirements for standing signs only:

Review for the subject property folio# \_\_\_\_\_ has been approved administratively on \_\_\_\_\_ with the following conditions:

1. This site plan approval is only for free-standing monument sign area improvements. The remainder of the development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of the building permit.
2. That the total size of sign cannot exceed forty (40) square feet. All signs must be fabricated of 1/4" aluminum plate with appropriate internal structuring to properly support each sign face or concrete. All copy must be white on a dark background color (Matthew's Dark Bronze 41-313 or similar) or the reverse, dark copy on a background color resembling the building's color. The corporate logo is permitted as well as the corporate name.
3. That the height of the sign from its base to its top cannot exceed six (6) feet in height.
4. That if the sign is to be located on a mound or free standing wall, the height of the top of the sign cannot exceed eight (8) feet above the crown of the closest adjacent road.
5. That the sign location on site must respect a setback for all property lines of seven (7) feet for a sign not exceeding forty (40) square feet and not interfere with clear sight distance triangle for driveways. One additional standing sign may be permitted for sites with linear street frontage of two-hundred (200) feet or more, spaced one-hundred (100) feet from any standing sign.



6. That the copy for the sign shall include: the building's postal address number, the building name, and no more than four (4) major tenants' names or one name per 10,000 square feet of building.
  7. That the sign may be either illuminated or non-illuminated as per 9.4.C.4 & 9.4.C.5.
  8. The hours of construction and associated construction noise must comply with the Town of Miami Lakes Noise Ordinance 04-50.
  9. That the site plan shall comply with zoning district requirements, and be submitted to and meet the approval of the Building Director and Town Zoning Official, upon the submittal of an application for a building permit; said plan to include among other things but not limited thereto, location of sign structure or structures.
  10. A building permit for the above sign improvements must be obtained within 12 months of the date of this administrative review or this approval shall become null and void.
- Please submit this form and a copy of the approved plans with your building permit application.



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**Date:** July 12, 2007  
**To:** Jose Heredia, Town Zoning Official  
**From:** Maria I. Crowley, AICP  
Director, Planning and Zoning  
**Subject:** Administrative Determination 2007-11  
Update: "Permitting Process for After the Fact Addition Permit  
at 6312 Gage Place"  
Folio#: 32-2013-026-0060

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Section 33-8(a) "Certificate of Use and Occupancy"; since Section 33-8 (a) provides for the following:

- (a) No structure shall be used or occupied or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use and occupancy there for from the Department.

The above – referenced after-the-fact Addition is hereby determined to be in compliance and may proceed provided that a valid Building Permit is obtained with the following conditions:

1. This Determination is only for the zoning approval of a rear addition on the subject site within the Town of Miami Lakes, and the remainder of the subject site development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That the site owner/occupier must apply for a Building Permit in connection with the subject Addition. Application for the Building Permit shall be made to the Town of Miami Lakes Building Department.
3. That the Addition meets RU-2 zoning requirements, and as required in this Determination shall be maintained in keeping with the submitted plans A-0, A-1, A-2, A-3, E-1, Patio Addition Details by Edward A. Landers, P.E. dated signed and sealed 6-21-06. Said Plans having been submitted in compliance with Town Policy for Code Enforcement to bring a case into Compliance where records were destroyed by the County as per records retention requirements.
4. A Final Permit for the Addition improvements at the above-referenced property with the following legal description (MIAMI LAKES EAGLE NEST REPLT #1 PB 131-65 LOT 11B BLK 7 LOT SIZE 7743 SQ FT OR 16305-0707 0394 1 F/A/U 30-2013-026-0060) must be obtained within 12 months of the date of this zoning compliance determination or this approval shall become null and void.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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**Date:** July 16, 2007  
**To:** Jose Heredia, Town Zoning Official  
**From:** Maria I. Crowley, AICP  
Director, Planning and Zoning  
**Subject:** Administrative Interpretation 2007-12  
Update: "Update for Residential Driveway Approach Standards"

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Section 33-8(a) "Certificate of Use and Occupancy"; since Section 33-8 (a) provides for the following:

- (a) No structure shall be used or occupied or any existing use enlarged, or any new use made of any land, body of water, or structure, without first obtaining a certificate of use and occupancy there for from the Department.

The above – referenced Residential Driveway Approach Standards for maximum width are hereby determined to be in compliance and may proceed provided that a valid Building Permit is obtained with the following conditions:

1. This Determination is only for the maximum width of a residential driveway approach on a subject site within the Town of Miami Lakes, and the subject site development must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That prior to placing or replacing a residential driveway approach on any site, the site owner/occupier must apply for a Building Permit. Application for the Building Permit shall be made to the Town of Miami Lakes Building Department.
3. That as required in this Determination, the maximum residential district driveway approach width shall be 20 feet, circular driveways may be provided with a total approach including the entry & exit of a maximum 30 foot width, and that said driveway shall comply with section 5.8 of the Town Code. The paved areas may vary in size inside private property for any garage including 3-car garages but shall not to exceed 60 % of the required front yard or side yard facing the street, in keeping with Miami-Dade County Public Works Standard Residential Driveway Detail and Town Policy.
4. A Final Permit for the above-referenced residential driveway approach improvements must be obtained within 12 months of the date of the Building Permit Application as per this determination or this approval shall become null and void.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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Date: July 24, 2007  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2007-13**  
**Update: "Driveway Determination for Townhome Garages"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations, Division 4.3 – RU-TH, Townhouse District, Parking Requirements, Division 4.3.D.8 Front Yard Requirements and Parking, Section D (8) which provides for the following:

4.3.D.(8). **Front yard requirements and Parking.** If garages are provided the garage portion of the structure shall be set back twenty (20) feet from the nearest edge of roadway pavement or common access drive. Any portion of the townhouse building that is not located directly in front of parking spaces shall be set back a minimum of fifteen (15) feet from the nearest edge of roadway pavement.

The above – referenced garages and driveways for townhomes are hereby determined to be in compliance with parking regulations and may be permitted with the following conditions:

1. This Townhome Garage Determination is only for the townhome district garages to provide proper entry, and the townhome must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of building permit.
2. That the parking spaces shall be no deeper than twenty (20) feet with a maximum 20 foot approach, and a minimum five (5) feet of landscape buffer area shall be maintained adjacent to the townhouse building except for where there is a garage, mechanical equipment or entryway.
3. That if there is no garage and parking spaces are provided in front of the townhouse buildings, the required front setback of the building shall be a minimum of twenty-five (25) feet from the nearest edge of roadway pavement or common access drive for said parking area, and a minimum five (5) feet of landscape buffer area shall be maintained between the townhouse building and the end of the parking spaces.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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Date: July 15, 2007  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2007-14**  
Update: **"Overnight Parking on the Swale Areas & Parking of Commercial Vehicles in Residential Zones"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations Ordinance 04-64, Division 6-7 "Commercial and Recreational Vehicles" and Section 33-132 "Marking Parking Spaces; Backing out into Street and improvement of frontage. Since Ordinance 04-64, Division 6.7 provides that commercial vehicles, recreational vehicles and off-road vehicles shall not be permitted in the residential zones and since 33-132 provides for non-residential parking area arrangements for streets located in the Town. The parking of commercial vehicles is not permitted in residential zones & overnight parking is not permitted on swale areas as outlined below:

1. This Determination is only for the prohibition of overnight parking in the swale areas and the prohibition of commercial vehicle parking in the residential zones as per Ordinance 04-64 and Section 33-132, and that applications must comply with the Town of Miami Lakes Land Development Regulations in effect at the time of the permit. (Refer to attached regulations; Ordinance 04-64)
2. That commercial vehicles as defined in Division 6.7, shall not be permitted to be parked or to be stored at any place on any lot, common area or right of way within residentially zoned property in the Town unless they will fully fit inside the a garage and are stored with the garage door fully closed. This prohibition of parking shall not apply to temporary parking (no overnight parking) of trucks and commercial vehicles during the performance of commercial services and to the loading and unloading for no more than 24 hours of recreational vehicles. Further, marked and unmarked law enforcement and local government "take home" passenger vehicles may be permitted to be parked in driveways or parking spaces.
3. That for all uses other than single family, duplex or townhouse, in all districts, the parking area shall be so arranged that there is no backout into an adjacent private or public street, excepting designated on-street parking stalls. Therefore overnight parking in swale areas in the non-residential areas is prohibited between hours of 12:00am and 6:00am.

If you have any questions or need additional clarity on this matter please feel free to contact me at (305) 364-6100 ext. 241, at any time.



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Date: August 10, 2007  
To: Jose Heredia, Town Zoning Official  
From: Maria I. Crowley, AICP  
Director, Planning and Zoning  
Subject: **Administrative Interpretation 2007-15**  
Update: **"Hurricane Relief Ordinance Update"**

This determination is pursuant to Administrative Order 06-01, and the Town of Miami Lakes Land Development Regulations Division 4.16., that fences and awnings, as outlined below including permanent non-canvas townhome roofs and fences in the RU district provided that no plat restrictions exists are hereby determined to be in compliance and may proceed with the following conditions:

## **Division 4.16 HURRICANE RELIEF REGARDING EXISTING AND NONCONFORMING RESIDENTIAL STRUCTURES IN THE RU AND RU-TH DISTRICTS**

- A. Definitions. For the purposes of this Division, the following terms shall have the designated meanings.
- (a) Legal Non-Conforming Fence or Awning, shall mean a fence, and as defined in Division 4.3.D.17 an awning or patio covering that obtained and closed all proper permits for building and zoning.
  - (b) Illegal Non-Conforming Fence or Awning, shall mean a fence, and as defined in Division 4.3.D.17 an awning, or patio covering, which prior to December 5, 2000, was:
    - 1) built without a building permit or zoning permit and is a Legally Permissible Fence or Awning as defined herein ; or
    - 2) issued a building or zoning permit but the permit expired without an approved final inspection, and which was otherwise in compliance with all other provisions of the Miami-Dade County zoning code in effect on December 5, 2000, but no longer conforms to the Town code.
  - (c) "Hurricane" shall mean Hurricane Wilma or any storm that had an impact on the Town of Miami Lakes for which the Town Council has authorized by Resolution that the provisions of this Ordinance shall apply.

- (d) "Hurricane Damage" shall mean damage caused by Hurricane Wilma or any other storm designated as a Hurricane by the Town Council.
- (e) "Legally Permissible Fence" shall mean a fence either belonging to a single family in the RU District or belonging to a townhouse in the RU-TH District that was permissible under the Town Land Development Regulations in effect on December 5, 2000.
- (f) "Legally Permissible Awning" shall mean an awning or patio covering as defined in Division 4.3.D.17 belonging to a townhouse that was permissible under the Town Land Development Regulations in effect on December 5, 2000.
- (g) "RU District" shall mean all single and two-family residential districts, including RU-1, RU-1A, RU-1B, RU-1Z and RU-2.

B. Providing for Exemption from 33-35(c) of the Code and Providing Procedures for Legal and Illegal Non-Conforming Fences in the RU Districts and Fences and Awnings in RU-TH District to Obtain Permits or Final Inspection After Hurricane Damage.

- (a) Applicability. This Division shall apply to repairs or replacement of:
  - 1) Legal Non-Conforming Fences and Awnings in the RU an RU-TH District; and
  - 2) Illegal Non-Conforming Fences in the RU Districts built before December 5, 2000 and Illegal Non-Conforming Fences and Awnings in the RU-TH District built before December 5, 2000.
- (b) Time for application for building permit. Applications for building permits hereunder shall be made no later than one (1) year after the effective date of the Town Council Resolution authorizing application of this Division to the Hurricane Damage. However, persons affected by Hurricane Damage from Hurricane Wilma shall have one (1) year from the effective date of passage of this Ordinance to apply for a building permit.
- (c) The permit application shall comply with all requirements of the Florida Building Code (FBC) and the owner shall furnish to the Zoning Official and Building Official the following:
  - 1) Evidence satisfactory to the Zoning Official that the structure in question existed prior to December 5, 2000, and sustained damage due to a Hurricane by providing proof such as but not limited to aerial photographs, signed and sealed surveys, photographs, insurance claim applications, and affidavits from previous owners or neighboring property owners.

- 2) Evidence satisfactory to the Zoning Official that the structure in question was a Legal Non-Conforming Fence or Awning as defined herein.
  - 3) Evidence satisfactory to the Building Official that the structure or repair to or replacement of the structure satisfies the requirements of the Building Code and the Florida Fire Prevention Code in effect at the time of the current building permit application. In no instance will a Non-conforming structure be allowed to be rebuilt, repaired or replaced without complying with the requirements of the Building Code and the Florida Fire Prevention Code in effect at the time of the current building permit application.
- (d) All permit applications. All repairs and/or replacement applications must secure a proper building permit and final approved inspection. The permit must be issued within six months of the application.
- (e) Fees. The Building Official shall calculate a fee for processing applications and to conduct any inspections done pursuant to this Division in accordance with the approved Building Department Fee Schedule.
- (f) Notice. The Town Manager or designee shall notify residents that previously applied for a variance for which this Division provides relief. The notice shall state the structures which may take advantage of the provisions of this Division; set forth the requirements of this Division, the time limits allowed, and the possible effects of the failure to comply with the Division provisions and the Florida Building Code. A public notice will be printed in a newspaper of general circulation advising residents of the relief provided by this Division due to future Hurricane Damage.
- (g) The provisions of this Division shall not be interpreted to supersede the following requirements, which must be complied with by all structures in question at all times:
- (1) Zoning requirements on December 5, 2000.
  - (2) Requirements of the Florida Building Code or federal or state laws or other preemptive laws, codes or standards.



  
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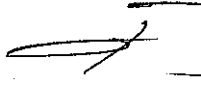
15150 NW 79<sup>th</sup> Court, Suite 185 • Miami Lakes, Florida, 33016

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Date: September 29, 2012

To: Jose Heredia, Town Zoning Official

From: Alex Rey, Town Manager  
Administrative Official 

Subject: Administrative Interpretation 2012-01  
Medical Offices in the RO Zoning Districts

The RO-13 and RO-50 zoning districts both include as a permitted use "Offices, where such offices are accessed from a common entrance to the building and from interior hallways. Office buildings shall not have individual storefronts facing the exterior of the building." (Sections 13-542(4) and 13-562(4)). Prior to the adoption of Ordinance 11-33 by the Town Council on May 10, 2011, medical offices were included as a type of office use.

Ordinance 11-133 provided separate definitions of "Office (Office Building)" (see Section 33-1(76.1)) and "Medical Office or Clinic" (see Section 33-1(69.1)), and "Medical Office or Clinic" was added to the BU and IU districts as a separate and distinct use from "Office (Office Building)" for the purpose of adding controlling regulations on their uses. However, due to a scrivener's error, the new use "Medical Office or Clinic" was not added as a permitted use in the RO-13 and RO-50 districts. It is clear from the review of the staff report and the minutes of the May 10, 2011 Town Council meeting, this was an inadvertent omission.

As such, "Medical Office or Clinic" shall continue to be a permitted use in the RO-13 and RO-50 zoning districts until such time as the Town Council may consider an ordinance that would correct the omission of the new use from the RO districts.



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Date: November 9, 2012  
To: Jose Heredia, Town Zoning Official  
From: Alex Rey, Town Manager *AR*  
Subject: Administrative Interpretation 2012-02  
Patos and Accessory Structures on End Unit Townhomes

The RU-TH zoning district regulations contain provisions that, when taken together and applied to some end units that exist in the Town of Miami Lakes, are incompatible. This interpretation provides guidance for these situations.

The provisions in question are as follows:

**Section 13-444(16):** "All patio outdoor living areas on each townhouse site be enclosed by a wall affording complete screening except in cases where a natural feature of the site such as a lake or golf course would suggest that complete screening would not be required..."

**Section 13-444(18)a:** "There shall be provided on each townhouse site at least 400 square feet of patio living area exclusive of parking and service areas for each townhouse; such footage may consist of one or more patio areas. Open and non-air-conditioned roof areas and balconies designed and planned for patio purposes may be credited toward patio area. The following features may also be included in the required patio area calculation: screen enclosures, canvas roofed areas, patio slabs, Jacuzzis, swimming pools, decks, garden features and hot tubs..."

**Section 13-444(19):** "... Accessory structures such as gazebos, trellises, Jacuzzis, hot tubs, decks, pools, etc., are only permitted within the patio walled areas and shall not extend above the height of the patio walls ..."

It appears that these regulations were drafted based on a typical interior townhouse unit. However, some end unit townhouses have been approved, under substantially the same regulatory provisions as cited above, without end walls enclosing the patio area but



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including typical patio amenities, and absent any apparent natural feature except a relatively large yard area.

Clearly, the intent of the Code is that each townhouse unit will have an outdoor patio area, even in the case of end units without an end patio wall. Further, the prohibition in s. 13-444(19) against accessory structures outside patio walled areas is written without proper consideration for such end units that were permitted and constructed without a second wall, and with a large side yard.


Therefore, it is consistent with the intent of the Code to approve minor site plan amendments for existing end-unit townhouses, to allow additional patio areas (including decks, trellises and the like), so long as those additional patio areas remain outside of required setbacks and required spaces between structures and, further, so long as these additional patio areas are screened from any adjacent right(s)-of-way by a wall, fence, landscaping or similar.

  
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Date: May 10, 2013

To: Jose Heredia, Town Zoning Official

From: Amber Riviere, Director of Budget, Administration, & Planning 

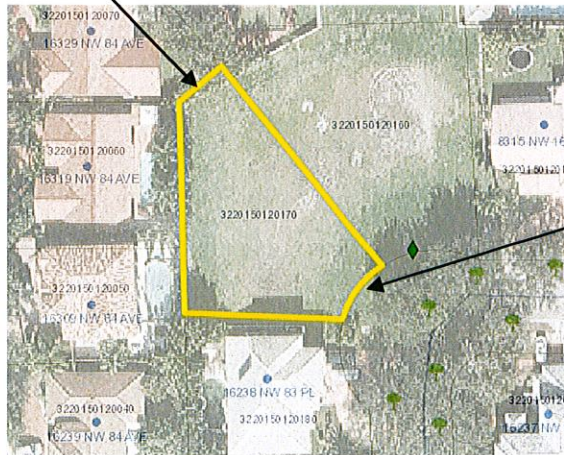
Subject: Administrative Interpretation 2013-01  
Rear Lot Line Determination: Folio 32-2015-012-0170

Zoning regulations require the identification of lot lines to establish the buildable area. The Town's zoning code defines the rear lot line(s) as follows: "The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, or any odd-shaped lot, the rear lot line shall be determined by the Director". "A side lot line is any lot boundary line not a front lot line or a rear lot line".

This interpretation provides a determination, establishing the rear lot line, for a singular odd-shaped residential lot, Folio 32-2015-012-0170.

The lot is situated on a cul-de-sac and has five sides; however the Northeastern side lot line is the longest, making the Northwestern portion of the lot the most distant from the front lot line. Therefore, it is determined that the rear lot line of the property is the Northwestern boundary of the parcel as indicated in the exhibit below. This makes the remainder of the lot boundary lines side lot line.

**Rear Lot Line**



**Front Lot Line**

  
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Date: March 14, 2014

To: Jose Heredia, Town Zoning Official

From: Brandon Schaad, AICP, LEED AP   
Town Planner

Subject: Administrative Interpretation 2014-01  
Retail Flower Sales at Cemeteries

This administrative interpretation addresses the question of whether the retail sale of flowers at a legally established cemetery is permitted under the Land Development Code (LDC), per the authority granted to the Administrative Official by Subsection 13-204(2) of the LDC.

The operation in question is at the Vista Memorial cemetery, located at 14200 NW 57<sup>th</sup> Avenue and 5755 NW 142<sup>nd</sup> Street, folio numbers 32-2024-001-0014, 32-2024-001-0370, 32-2024-001-0450, 32-2024-002-0010, 32-2024-002-0020, 32-2024-002-0030, 32-2024-002-0040, 32-2024-004-0010, 32-2024-004-0020, 32-2024-013-0010 and 32-2024-021-0010. The property is zoned GU (Interim District). Generally, the regulations to be applied in the GU district is based upon the "trend of development" in adjoining properties, per Section 13-861. However, a cemetery is a permitted use, after public hearing, in the GU district. In fact, GU is the only zoning district in which a cemetery is permitted.

Based on information provided to the Town, the small-scale retail sale of flowers, primarily for those visiting gravesites, has been occurring at Visa Memorial for several years. The proprietor of the flower sales operation recently approached the Miami Lakes Building Department regarding obtaining permits for new tents. At this time, it was discovered that the operation did not have a CU. The GU provisions of the LDC do not mention any type of retail sales in connection with a cemetery use, nor are retail sales a permitted use, or an accessory use in these circumstances, in the IU-C (Industrial Use-Conditional) zoning district which might be applied to the subject property based on the "trend of development."

Upon review, it has been determined that retail sales of flowers and similar materials, intended for use by those visiting gravesites at the cemetery at which the sales occur, for the



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purpose of honoring and remembering the dead, is a common and customary part of the operation of a cemetery. Therefore, such sales are to be considered incidental to, and part of, the cemetery use. The "incidental" nature of this use is contrasted with an "accessory" use, which is complimentary to a primary use (i.e. a snack bar accessory to a skating rink). Because the flower sales are considered incidental to, and part of, the cemetery use, it may operate under the existing CU of the cemetery, and does not require a separate CU.

This interpretation does not relieve the obligation of all uses and improvements on the property to comply with other requirements of the LDC, including but not limited to, setbacks and parking, as well as requirements of the Building Code and any other applicable regulations. As such, administrative site plan review shall be required to ensure compliance with applicable regulations.





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Date: August 14, 2014  
To: Jose Heredia, Town Zoning Official  
From: Brandon Schaad, AICP, LEED AP   
Town Planner  
Subject: Administrative Interpretation 2014-02  
Permit Requirements for Roll-off and Other Mobile Trash Containers

This administrative interpretation addresses the need to obtain a permit, and related requirements and limitations, when placing a roll-off and other mobile trash containers (as defined herein).

The Land Development Code (LDC) establishes in Section 13-204 that the Administrative Official or his/her designee, among other powers and duties, shall provide administrative interpretations of the LDC, shall review and approve building permits for zoning compliance and shall review and approve certificates of occupancy and certificates of use.

The Town, via Ordinance 08-102, established requirements for the use of portable storage units, now codified as Section 13-1603 of the LDC. These provisions include requirements for application and permit, duration, removal during hurricane watch, location of the unit and condition of the unit, and provisions for violation of the section. Roll-off and other mobile trash containers present substantially the same aesthetic, functional and nuisance issues as portable storage units. Therefore, roll-off and other mobile trash containers shall be subject to the same restrictions as portable storage units, except for the following modifications:

- *Roll-off and other mobile trash container* shall mean a container designed to be transported by motorized vehicle and used in the collection and removal of construction waste debris.
- A roll-off and other mobile trash container may be up to 185 square feet; however, the unit shall meet all locational requirements, including setbacks.
- A roll-off and other mobile trash container may be no greater than six (6) feet in height above grade.



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- The Administrative Official may approve a roll-off and other mobile trash container remaining on a property for a longer duration than otherwise prescribed by Section 13-1603, when all of the following are true: the presence of the roll-off and other mobile trash container is in connection with an active building permit; the roll-off and other mobile trash container is necessary to the completion of the work approved under said building permit; and, the holder of the building permit has acted in good faith to complete the work approved under the building permit without unnecessary delays.





MIAMI LAKES  
Growing Beautifully


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Date: January 20, 2015

To: Jose Heredia, Town Zoning Official

From: Brandon Schaad, AICP, LEED AP   
Town Planner

Subject: Administrative Interpretation 2015-01  
Clarification Regarding Xeriscape Landscaping

This administrative interpretation clarifies what may be allowed under the Land Development Code's allowance for the use of xeriscape to meet landscaping requirements on single-family and two-family properties, particularly the use of non-organic material.

The Land Development Code (LDC) establishes in Section 13-204 that the Administrative Official or his/her designee, among other powers and duties, shall provide administrative interpretations of the LDC, shall review and approve building permits for zoning compliance and shall review and approve certificates of occupancy and certificates of use.

Subsection 13-1701(a)(2) requires minimum amounts of landscaping in the required yards of single-family and two-family properties, and specifically provides that "Landscaping can include all natural native plant materials including grass, ground cover, flowers, shrubs, hedges and others **including xeriscape ...**" (emphasis added). The LDC does not define "xeriscape."

The Town has received frequent requests to consider required yards largely or wholly covered by rocks or similar materials to be landscaped, citing as justification the xeriscape provision of Subsection 13-1701(a)(2). This appears to be based on a common misconception about xeriscape. While the LDC does not define xeriscape, many sources make clear that xeriscape is a *type of landscaping* (and thus plant material) and not an alternative to landscaping.

The South Florida Water Management District's publication "Waterwise: South Florida Landscapes" says that "Xeriscape is quality landscaping that conserves water and protects the environment," and goes on to say that "The main objective of Xeriscape is to establish and maintain a healthy landscape by matching the right plants with existing site conditions



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...". With regard to the use of rocks and similar materials, the publication says that "In Florida, Xeriscape can be as lush as Florida itself – Xeriscape is rocks and cactus only where they naturally occur."

The Florida Department of Environmental Protection (DEP) in 2009 published the "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants and Restrictions." This publication, whose language is used as a model in many municipal ordinances, points out that inorganic materials do not have the same environmental value as organic materials, because the inorganic material "absorbs and re-radiates heat from the sun and increase[s] water loss from plants and soil. [Inorganic materials] increase the need for herbicide use, have no habitat value, and do not produce oxygen like plants." Based on this reasoning, the DEP provided the following model ordinance language:

Gravel, river rock, shell and similar materials should not be used as a major landscape ground cover or mulch. In no case may these materials occupy over (to be inserted by the local government) % of the landscape surface area as they increase the need for herbicide use, have no habitat value, reflect rather than absorb heat, and do not produce oxygen like plants.

#### Official Interpretation

"Xeriscape" in the LDC shall be construed based on the guidance provided in the South Florida Water Management District's publication "Waterwise: South Florida Landscapes." Further, gravel, rocks and similar materials may constitute no more than ten percent of required landscaped areas on single-family and two-family properties, unless it can be clearly demonstrated that additional areas of gravel, rocks and similar materials are needed to prevent washout of organic materials, but in no case shall such areas exceed 20 percent of required landscaped areas.


For example, if the area within the front setback is 2,500 square feet, 40 percent of said area must be landscaped, or 1,000 square feet. No more than ten percent of this may be gravel, rocks, etc., or 100 square feet, unless it is clearly demonstrated that additional such area is needed to prevent washout, in which case there may be no more than 200 square feet.



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Date: June 22, 2020

To: Fred Endara, Town Zoning Official

From: Susana Alonso, AICP  
Principal Town Planner 

Subject: Administrative Interpretation 2020-01  
Clarification Regarding Circular Driveway Island Ground Cover.

This administrative interpretation clarifies what may be allowed under the Land Development Code as decorative and planting materials within circular driveway islands in single-family and zero lot line developments.

The Land Development Code (LDC) establishes in Section 13-204 that the Administrative Official or his/her designee, among other powers and duties, shall provide administrative interpretations of the LDC, shall review and approve building permits for zoning compliance and shall review and approve certificates of occupancy and certificates of use.

Subsection 13-1508(5) provides for driveways and parking spaces that are parallel to the front property line to be set back a minimum of five feet from either the front or the side property lines. This configuration creates a semicircular "island" between the driveway and the right-of-way where parking or driving is not allowed. The materials used within this area must assist in compliance with two conditions: 1. They must fulfill and contribute towards overall landscaping and permeability requirements for the property in general and the front yard in particular and 2. They must discourage or difficult parking or driving vehicles on or over it.

Subsection 13-1701(a)(2) requires minimum amounts of landscaping in the required front yards of single-family and two-family properties, and specifically provides that "Landscaping can include all natural native plant materials including grass, ground cover, flowers, shrubs, hedges and others including xeriscape. Impervious areas, including brick pavers set in sand, will not be considered landscaped."



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Subsection 13-1701(a)(4) prohibits hedges parallel to the front property line within the required front yard that are longer than ten feet in length, so as not to create a de-facto fence.

Subsection 13-1701(g) provides for ornamental landscape features such as statues or fountains that are less than four (4) feet in height, and ornamental ponds that are less than 24 inches deep as allowable accessory structures within any required yard.

Miami Dade County Subsection 18-A-6 provides for **maximum permitted** lawn area (emphasis added) for single-family properties as 50% of the lot area and for zero-lot line developments as 35% percent of the lot area. In multifamily and commercial properties, the maximum lawn area is similarly a percentage of the required open space. Lawn area is defined as "An area planted with lawn grasses". The only areas that are allowed as exceptions to these maxima are those intended for organized sports.

Miami Dade County Landscape Manual published in 2005 is offers guidelines geared toward compliance with the Landscape ordinance, including suggestions and lists of native and allowable planting materials. Page 123 offers a list of 90 non-grass ground covers that do well in South Florida conditions.

The Florida Department of Environmental Protection (DEP) in 2009 published the "Florida-Friendly Landscape Guidance Models for Ordinances, Covenants and Restrictions." This publication, whose language is used as a model in many municipal ordinances, points out that inorganic materials do not have the same environmental value as organic materials, because the inorganic material "absorbs and re-radiates heat from the sun and increase[s] water loss from plants and soil. [Inorganic materials] increase the need for herbicide use, have no habitat value, and do not produce oxygen like plants." Based on this reasoning, the DEP provided the following model ordinance language:

Gravel, river rock, shell and similar materials should not be used as a major landscape ground cover or mulch. In no case may these materials occupy over (to be inserted by the local government) % of the landscape surface area as they increase the need for herbicide use, have no habitat value, reflect rather than absorb heat, and do not produce oxygen like plants.





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### Official Interpretation

Circular driveway islands in single-family and zero lot line developments are permitted to contain natural native plant materials as per subsection 13-1701(a)(2), with the exception of hedges that are more than ten (10) feet in length. Sod or lawn grasses are not prohibited, but are also not required, encouraged or suggested by the LDC. Instead, non-grass ground covers, and other planting materials, as well as decorative statues, rocks, fountains or ponds within the requirements of Subsection 13-1701(g), are allowed. Prohibited materials include gravel, pavers, and any material otherwise allowed as parking surface. Where decorative rocks are desired, the minimum rock size must be no smaller than one (1) inch in diameter, and it must comply with previous 2015 official interpretation regarding maximum surface of non-organic materials allowed at 20% of the required landscape area, unless it is clearly demonstrated that additional such area is needed to prevent washout .