

RESOLUTION NO. 07-560Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING WITH CONDITIONS VARIANCE(S) FILED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE DIVISION 4.2.E TO PERMIT AN ACCESSORY STRUCTURE IN THE RU-1 ZONING DISTRICT WITH (1) 248 SQUARE FEET OF TOTAL AREA WHERE THE CODE ALLOWS 150 SQUARE FEET OF AREA PER STRUCTURE; (2) A PLAYHOUSE SWING SET THAT IS SETBACK 3 FEET 6 INCHES FROM THE RU-1 REQUIRED REAR PROPERTY LINE WHERE 5 FEET IS REQUIRED AND (3) A PLAYHOUSE SWING SET THAT IS SETBACK 3 FEET 8 INCHES FROM THE RU-1 REQUIRED INTERIOR SIDE PROPERTY LINE WHERE 5 FEET IS REQUIRED (COLLECTIVELY REFERRED TO AS THE "VARIANCE"), FOR PROPERTY LOCATED AT 13948 LAKE GEORGE COURT, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL WITH CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATION OF CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Division 3.5 of the Town of Miami Lakes Land Development Code ("Town LDR"), Christine Cruz (the "Applicant") has applied to the Town of Miami Lakes ("the Town") for approval of the following variance(s) to waive certain requirements of Division 4.2.E of the Town LDC to permit an accessory structure in the RU-1 zoning district: (1) with 248 square feet of total area where the Town LDC allows 150 square feet of area per structure; (2) with a playhouse swing set that is setback 3 feet 6 inches from the RU-1 required rear property line where 5 feet is required; and (3) with a playhouse swing set that is setback 3 feet 8 inches from the RU-1 required interior side property line where 5 feet is required (collectively hereinafter referred to as "the Variance"), for property located at 13948 Lake George Court,

Miami Lakes, Florida, Folio #32-2024-003-1540; legally described as Lot 1, Block 6, of Miami Lakes Section 1, according to the Plat thereof recorded in Plat Book 75, Page 35, of the Public Records of Miami-Dade County, Florida; and

WHEREAS, Division 3.5 of the Town LDC sets forth the authority of the Town Council to consider and act upon an application for a Variance; and

WHEREAS, in accordance with Division 3.9 of the Town LDR, proper notice has been mailed to the appropriate property owners of record; the public hearing on the Variance has been noticed for Tuesday, August 21, 2007 at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, FL 33014; and all interested parties have had the opportunity to address their comments to the Town Council; and

WHEREAS, Town Staff has reviewed the application and recommends approval of the Variance with conditions as set forth in the Staff Analysis and Recommendation (the “Staff Analysis”), attached as Exhibit “A,” and incorporated into this Resolution by reference.

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

Section 1. Recitals.

The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Findings.

1. In accordance with Division 3.5(f) of the Town LDR, the Town Council, having considered the testimony and evidence in the record presented by all parties, finds that the Applicant does not meet all of the requirements of Division 3.5(f)(1)(a) thru (g) of the Town LDR, which are as follows:

- a. Variance Consistent with Authorized Powers. That the variance is in fact a variance as set forth in the Land Development Code and within the province of the Town Council; and
 - b. Existence of Special Conditions or Circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district; and
 - c. Conditions Not Created by Applicant. That the special conditions and circumstances do not result from the actions of the Applicant; and
 - d. Special Privileges Not Conferred. That granting the variance requested will not confer on the Applicant any special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district; and
 - e. Hardship Conditions Exist. That literal interpretation of the provisions of this Land Development Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant. The purchase of property which is an illegal nonconformity with this Land Development Code shall not be considered a hardship for granting of a variance, nor shall conditions peculiar to the property owner be considered; and
 - f. Only the Minimum Variance Granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
 - g. Not Injurious to Public Welfare or Intent of the Land Development Code. That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and this Land Development Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare
2. The Applicant does not meet all of the criteria in Division 3.5(f) (1) (a) thru (g) of the Town LDR, but the Town Council determines that:
- a. Objections have not been filed by adjoining or directly affected property owners; and
 - b. Approval of this Variance is justified by practical difficulty on the

part of the Applicant.

Section 3. Approval/Denial.

The Variance, as described above, is approved with conditions.

Section 4. Conditions.

1. That the plan be submitted to and meet the approval of the Town Zoning Official. Upon the submittal of an application for a permit and/or Certificate of Use and Occupancy; said plan to include among other things but not limited thereto, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping.
2. That in the approval of the single family residence accessory structure dollhouse deck and playhouse swing set, the same be in accordance with the plans submitted for the hearing entitled "Sketch of Survey" for 13948 Lake George Court, Miami Lakes Fl., as prepared by Nova Surveyors, Inc., Registered Land Surveyor State of Florida, No. 5204, Survey No. 03-5609, and consisting of 2 sheets; Approving the requested single family residence, 248 square foot dollhouse accessory structure with a minimum eight foot setback from rear and interior side property lines.
3. That no additional accessory structures shall be permitted on the subject site, and that the applicant shall buffer the Playhouse Swing Set with two trees in compliance with Chapter 18-A Landscaping Requirements for lot trees, said trees to be located along the rear property line, maintaining the playhouse swing set at the setbacks approved herein.
4. The applicant shall record the Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original resolution to the Town Clerk before a permit is issued for the dollhouse & playhouse swing set accessory structures.
5. The applicant shall obtain a zoning permit and all requisite inspections for the requested accessory structures, at the size and setbacks approved herein, within one year of the date of this approval. If a permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

Section 5. Appeal.

In accordance with Division 3.10 of the Town LDR, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Council by filing a Writ

of Certiorari to the Circuit Court of Miami-Dade County, Florida, in accordance with the Florida Rules of Appellate Procedure.

Section 6. Violation of Conditions.

Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town LDC and persons found violating the conditions shall be subject to the penalties prescribed by the Town LDR, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town LDC before it may commence construction or operation, and that the foregoing approval(s) in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town LDR.

Section 7. Effective Date.


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

The foregoing Resolution was approved by the application of the practical difficulty standard in Division 3.5(f)(2) of the Town LDC by Mary Collins and Seconded by Richard Pulido, and upon being put to a vote the motion carried with each Council Member voting as follows:

Mayor Wayne Slaton	yes
Vice Mayor Mary Collins	yes
Councilmember Roberto Alonso	yes
Councilmember Robert Meador	yes
Councilmember Michael Pizzi	yes
Councilmember Richard Pulido	yes
Councilmember Nancy Simon	absent

PASSED AND ADOPTED this 21st day of August, 2007.

This Resolution was filed in the Office of the Town Clerk on this 30th day of
August, 2007.




Wayne Slaton
MAYOR

ATTEST:



Debra Eastman, MMC
TOWN CLERK

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



Mary Serota Helfman Pastoriza
Cole & Boniske, P.L.
TOWN ATTORNEY



EXHIBIT A

**TOWN OF MIAMI LAKES
MEMORANDUM**

To: Honorable Mayor and Town Council

From: Alex Rey, Town Manager

**Subject: Hearing # - ZH 07-20
Christine Cruz
13948 Lake George Court
Miami Lakes, FL 33014**

Date: August 21, 2007

Request:

The applicant, Christine Cruz is requesting the following non-use variance to permit the maintenance and continued use of a dollhouse structure and playhouse swing set in connection with an existing single family residence:

1. A Variance pursuant to Division 3.5 of the Town Code from Division 4.2.E., of the Town Code for Single Family and Two Family Residences; RU-1 Accessory Structures:

Accessory structures such as barbecue grills, play equipment, tents, detached canopies, trellises, etc. whether or not permanently attached to the ground, shall only be permitted in the rear or side yards and must comply with the regulations for accessory structures.

To permit an accessory structure dollhouse and deck with 248 square feet of total area where 150 square feet of area per structure is allowed.

2. A Variance pursuant to Division 3.5 of the Town Code from Division 4.2.E., of the Town Code for Single Family and Two Family Residences; RU-1 Accessory Structures:

To permit an existing accessory structure playhouse swing set to the RU-1 residence as per Division 4.2.E., setback three feet six inches (3'-6") from the RU-1 required rear (west) property line where five (5') feet is required.

3. A Variance pursuant to Division 3.5 of the Town Code from Division 4.2.E., of the Town Code for Single Family and Two Family Residences; RU-1 Accessory Structures:

To permit an existing accessory structure playhouse swing set to the RU-1 residence as per Division 4.2.E., setback three feet eight inches (3'-8") from the RU-1 required interior side (south) property line where five (5') feet is required.

Applicable Code Section:

4.2.E. Development Regulations for Single Family and Two Family Districts (Attachment A: Division 4.2.E)

	Min. Lot Size	Min. Lot Width (4)	Front Setback (5)	Rear Setback (7)	Interior Side Setback	Street Side Setback	Max. Lot Coverage (1) (2) (3)	Building Size	Max. Height (6)
RU-1	7,500 sq. ft.	75'	25'	25'	10% of lot width, 5' min. 7.5' Max.	15'	40% for 1 story/ 35% for 2 story	2,000 sq. ft. min.	35' 2 stories
<u>RU-1 Access. Structures</u>			Not permitted	5'	5'	15'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story

Request #1: Division 5.7 Decks and Walkways

A. Single Family and Two Family Residential lots or parcels shall comply with the following for at-grade decks. At-grade decks and walkways are defined as decks or walkways that are not more than six (6) inches above the established grade. Decks or walkways higher than six (6) inches above the established grade shall be considered accessory structures and must comply with the setback and lot coverage restrictions for accessory structures elsewhere in this code. (Attachment B: Division 5.7)

Request #2 & #3: Division 5.3 Accessory Structures

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

- Accessory structures such as barbecue grills, play equipment, tents, detached canopies, trellises, etc. whether or not permanently attached to the ground, shall only be permitted in the rear or side yards and must comply with the same height and setback regulations from adjoining properties as accessory buildings. (Attachment C: Division 5.3)

Above-ground swimming pools and hot tubs shall comply with the same setbacks as swimming pools in Section 5.13.

Accessory structures not permanently attached to the ground, including temporary play equipment, 5' high or less, shall only be permitted in the rear or side yards and may be located 2' from a rear or interior side property line and for corner lots shall comply with the side street setbacks for the main structure.

Ornamental landscape features such as statues or fountains less than four (4) feet high and decorative ponds less than 24 inches deep are permitted as accessory structures within any required yard.

2. Accessory storage sheds which are no larger than 30 sq. ft. and 5' high or less and not visible from the street or adjoining properties, may be located 2' from a rear or interior side property line and for corner lots shall comply with the side street setbacks for the main structure and are not required to match the architectural style and construction materials of the main residence.
Storage sheds larger than 30 sq. ft. and or higher than 5' are not permitted.

Background:

Folio No. 32-2024-003-1540

Legal Description:

24 52 40 MIAMI LAKES SEC ONE PB 75-35 LOT 1 BLK 6 LOT SIZE SITE VALUE F/A/U 30-2024-003-1540 COC 23260-0470 04 2005 1

Zoning of Property: RU-1 – Single Family Residential

Future Land Use Designation:

The future land use designation In the Town's Comprehensive Plan for the Subject property: LD – Low Density Residential and the property is zoned (RU-1 – Single Family Residential)

Surrounding Property:

North: Low Density Residential; (Pocket Park)
East: Low Density Residential; (RU-1)
South: Low Density Residential; (RU-1)
West: Low Density Residential; (RU-1)

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

Subject Property:

The subject property is a single family residential parcel and is located within a fully developed subdivision. The applicant's property is a one story, 3 bedroom, 2 bath residence located south of Lake Patricia Drive, on Lake George Court. The residence as per County Tax Assessors records was constructed in 1964 and contains approximately 1,726 sq. ft. on an approximately 7,875 sq. ft. lot.

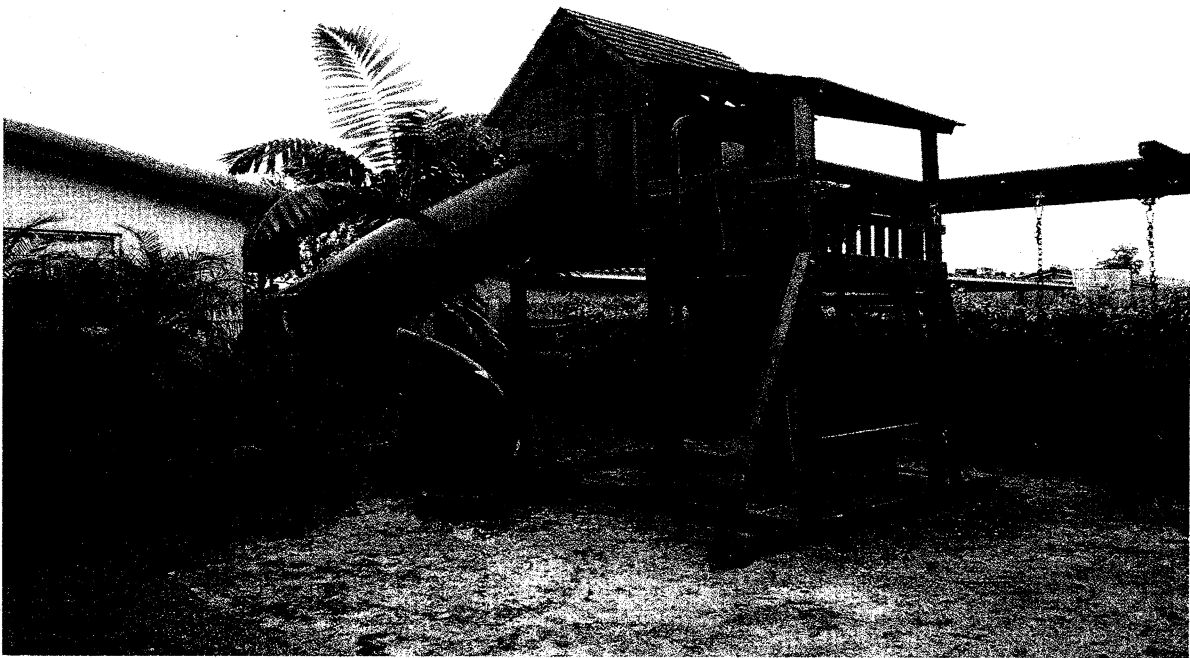
Subject Property Location Map:



Request #1: Doll House & Deck



Request #2 & #3: Playhouse Swing Set



Open Violations / Zoning History:

There is a Warning of Violation which was issued on January 25, 2007, Case Number C2007-0069 for maintaining an over sized accessory structure on the subject property, at 13948 Lake George Court without a permit.

Typical Deed Restrictions Summary:

The following deed restriction data is provided for informational purposes only, and shall not be considered by the Council in providing its determination.

Typical deed restrictions in the area provide that no storage shed of any kind or size shall be placed on any lot at any time, either temporarily or permanently except as may have been originally installed by the developer. Additionally, all games, toys and play apparatus which remain outdoors for more than three days shall be located at the rear or side of the dwelling, so as not to be visible from the street.

Proposal:

The applicant is requesting the maintenance and continued use of an existing oversized accessory structure dollhouse and deck located in the rear yard of a single family residential parcel as per Request #1 & a Playhouse Swing Set located closer than permitted to the rear and interior side property lines as per Request #2 & #3. The accessory structure Dollhouse and deck is larger than permitted, decks or walkways higher than six (6) inches above the established grade are considered accessory structures and must comply with the setback and lot coverage restrictions for accessory structures. Additionally, Section 5.3 of the Land Development Regulations for Accessory Structures provides that accessory structures such as barbecue grills, play equipment, etc. whether or not permanently attached to the ground, shall only be permitted in the rear or side yards and must comply with the same height and setback regulations from adjoining properties as accessory buildings. Therefore, the subject Playhouse Swing Set located 3'-6" from the rear property line and 3'-8' from the interior side property line does not meet the required 5' minimum setback from both the rear and interior side property lines. Additionally, the subject dollhouse and deck accessory structure with 248' square feet of total area which is located approximately 8' feet from the interior side and rear property lines is larger than the permitted 150' square feet of area per accessory structure. This application will allow the subject accessory structures to remain in the rear yard of the premises.

Variance Criteria:

Division 3.5(f) of the Town Code allows the Council to approve non-use variances based upon seven hardship criteria.

Notwithstanding the hardship criteria should the Town Council by extraordinary (5 votes) vote determine that the variance is justified by practical difficulty on the part of the applicant, and no objections from adjoining or directly affected property owners have been filed to the application, a variance may be approved as requested or approved with conditions.

Compliance of request with variance criteria:

- a. Variance Consistent with Authorized Powers. **YES** – The variance requests are correctly in front of the Council.
- b. Existence of Special Conditions or Circumstances. **NO** – The property is the same size and shape as other lots in the subdivision.
- c. Conditions Not Created by Applicant. **NO** – The applicant could comply with the requirements to what is permitted by code.
- d. Special Privileges Not Conferred. **NO** – If hardship variances are granted the property would have a special privilege that is denied by this Land Development Code to other similarly situated lands, buildings, or structures in the same zoning district.
- e. Hardship Conditions Exist. **NO** - A literal interpretation of the provisions of this Land Development Code would not deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and would not create unnecessary and undue hardship on the applicant.
- f. Only the Minimum Variance Granted. **NO** – The requested variances are not necessary to allow the reasonable use of the land, building, or structure.
- g. Not Injurious to Public Welfare or Intent of the Land Development Code. **YES** - If granted the variances will not be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the above analysis, it is staff's opinion that the variance requests do not meet all of the hardship variance criteria. However, should the Council desire to approve the application by practical difficulty on part of the applicant and approve by extraordinary (5 votes) vote of the Council the following analysis is provided.

Analysis:

The subject RU-1 zoned parcel of land is located at 13948 Lake George Court, with dimensions of 75.0' x 105.0', in this area the Town's Comprehensive Development Plan (CDP) designation is Low Density Residential which permits development up to a maximum of 6.0 dwelling units per gross acre. The variance request for the subject residence within this development is consistent with the CDP and does not create any impact on the levels of service (LOS) standards.

The applicant is requesting the maintenance and continued use of an existing oversized accessory structure dollhouse and deck located in the rear yard of a single family residential parcel as per Request #1 & a Playhouse Swing Set located closer than permitted to the rear and interior side property lines as per Request #2 & #3. The requested dollhouse accessory structure is larger than permitted, accessory structures and decks or walkways higher than six (6) inches above the established grade are considered accessory structures and must comply with the setback and lot coverage restrictions for accessory structures. Additionally, Section 5.3 of the Land Development Regulations for Accessory Structures provides that accessory structures such as barbecue grills, play equipment, tents, detached canopies, trellises, etc. whether or not permanently attached to the ground, shall only be permitted in the rear or side yards and must comply with the same height and setback regulations from adjoining properties as accessory buildings. The subject dollhouse and deck accessory structure with 248.0 square feet of total area is located approximately eight (8') feet from the interior side and rear property lines and is larger than the one-hundred and fifty (150') square feet of area which is permitted per accessory structure.

Additionally, as per request #2 & #3, the subject Playhouse Swing Set located 3'-6" from the rear property line and 3'-8' from the interior side property line does not meet the accessory structure required 5' minimum setback from both the rear and interior side property lines. The approval of this application will allow the legalization of the above mentioned existing accessory structures to this single family residence which would provide recreational enjoyment for the residents.

Staff is of the opinion that the subject application should be approved subject to conditions, the dollhouse is well maintained and well screened from view of the street. Staff feels that the impact to surrounding properties is minimized by the eight foot setbacks that are provided from the rear and interior side property lines, and the interior rear yard location of the dollhouse structure. Similarly the requested setback variances from the rear and interior side property lines for the playhouse swing set is supported by staff with the provision of additional landscaped buffering. Therefore approval of the requested additional size to allow 248' square feet of area including the deck, where 150 square feet of area is permitted is recommended and the Playhouse Swing Set setback 3'-6' from the rear property line, and 3'-9' from the interior side property line where a 5' setback is required is also recommended for approval. Staff notes that this application with the recommendation that no further accessory structures be permitted in the property would be compatible with the area. The location of the subject structures and provision of landscaped buffering will minimize aural and visual impact on the adjacent properties while affording the applicant reasonable use of this land. Accordingly, staff recommends approval of the subject requests with conditions.

Recommendation: Approval of Request #1, #2 & #3 with Conditions

Conditions:

1. That the plan be submitted to and meet the approval of the Town Zoning Official. Upon the submittal of an application for a permit and/or Certificate of Use and Occupancy; said plan to include among other things but not limited thereto, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping.
2. That in the approval of the single family residence accessory structure dollhouse deck and playhouse swing set, the same be in accordance with the plans submitted for the hearing entitled "Sketch of Survey" for 13948 Lake George Court, Miami Lakes Fl., as prepared by Nova Surveyors, Inc., Registered Land Surveyor State of Florida, No. 5204, Survey No. 03-5609, and consisting of 2 sheets; Approving the requested single family residence, 248 square foot dollhouse accessory structure with a minimum eight foot setback from rear and interior side property lines.
3. That no additional accessory structures shall be permitted on the subject site, and that the applicant shall buffer the Playhouse Swing Set with two trees in compliance with Chapter 18-A Landscaping Requirements for lot trees, said trees to be located along the rear property line, maintaining the playhouse swing set at the setbacks approved herein.
4. The applicant shall record the Resolution in the public records of the Clerk of the Circuit and County Court and shall return the original resolution to the Town Clerk before a permit is issued for the dollhouse & playhouse swing set accessory structures.
5. The applicant shall obtain a zoning permit and all requisite inspections for the requested accessory structures, at the size and setbacks approved herein, within one year of the date of this approval. If a permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

AR:MIC

ATTACHMENT A:

4.2.E. Development Regulations for Single Family and Two Family Districts

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

ATTACHMENT B:

Division 5.7 Decks and Walkways

- A. Single Family and Two Family Residential lots or parcels shall comply with the following for at-grade decks. At-grade decks and walkways are defined as decks or walkways that are not more than six (6) inches above the established grade. Decks or walkways higher than six (6) inches above the established grade shall be considered accessory structures and must comply with the setback and lot coverage restrictions for accessory structures elsewhere in this code:
1. Required Front Yard:
At-grade decks shall be permitted to project a maximum five of (5') feet into the required front yard.
One walkway with a maximum width of six (6) feet shall be permitted from the entrance of the residence to the front property line.
 2. Required Side Yards:
Decks shall not be permitted within the required side yards.
Three (3') feet wide walkways, steps or entrance stoops shall be permitted within the required side yards.
 3. Required Rear Yard:
At grade decks or walkways constructed of wood, concrete, brick pavers set in sand or of similar impervious materials shall be setback a minimum of 5' from the rear and interior side property lines. For zero lot line developments the decks or walkways shall be setback three (3) feet from the rear property line, zero (0') feet from the zero lot line side and four (4) feet from the other interior side property line. For all corner lots the decks shall comply with the required street side setbacks for the main structure.
 4. The maximum permitted impervious area for driveways, walkways, porches, decks, etc. (including brick pavers set in sand) in the required front yard or a required side yard facing a street shall be 60%.
 5. In no instance shall the total impervious areas (including brick pavers set in sand) of all the required yards on a lot or parcel exceed 50%.

ATTACHMENT C:

Division 5.3 Accessory Structures

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

1. Accessory structures such as barbecue grills, play equipment, tents, detached canopies, trellises, etc. whether or not permanently attached to the ground, shall only be permitted in the rear or side yards and must comply with the same height and setback regulations from adjoining properties as accessory buildings.

Above-ground swimming pools and hot tubs shall comply with the same setbacks as swimming pools in Section 5.13.

Accessory structures not permanently attached to the ground, including temporary play equipment, 5' high or less, shall only be permitted in the rear or side yards and may be located 2' from a rear or interior side property line and for corner lots shall comply with the side street setbacks for the main structure.

Ornamental landscape features such as statues or fountains less than four (4) feet high and decorative ponds less than 24 inches deep are permitted as accessory structures within any required yard.

2. Accessory storage sheds which are no larger than 30 sq. ft. and 5' high or less and not visible from the street or adjoining properties, may be located 2' from a rear or interior side property line and for corner lots shall comply with the side street setbacks for the main structure and are not required to match the architectural style and construction materials of the main residence.

Storage sheds larger than 30 sq. ft. and or higher than 5' are not permitted.