

RESOLUTION NO. 07- 586 Z

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING, APPROVING WITH CONDITIONS, DENYING VARIANCES SUBMITTED IN ACCORDANCE WITH DIVISION 3.5 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE TO WAIVE 1) DIVISION 5.7.A.2 TO PERMIT THE MAINTENANCE AND CONTINUED USE OF AN EXISTING 5 FOOT WIDE PAVED WALKWAY WITHIN THE (NORTH) SIDE YARD WHERE 3 FEET IS PERMITTED; 2) DIVISION 5.7.A.3 TO PERMIT THE MAINTENANCE AND CONTINUED USE OF AN EXISTING PAVED REAR DECK SETBACK 2 FEET FROM THE REAR PROPERTY LINE WHERE A 3 FOOT SETBACK IS REQUIRED; 3) DIVISION 4.2.E. TO PERMIT THE MAINTENANCE AND CONTINUED USE OF AN EXISTING PAVED REAR YARD DECK SETBACK 2.15 FEET FROM THE REQUIRED INTERIOR SIDE (SOUTH) PROPERTY LINE WHERE 4 FEET IS REQUIRED; 4) DIVISION 4.2.E TO PERMIT THE MAINTENANCE AND CONTINUED USE OF AN EXISTING PAVED REAR YARD DECK SETBACK 2.05 FEET FROM THE INTERIOR SIDE (NORTH) PROPERTY LINE WHERE 4 FEET IS REQUIRED; AND 5) DIVISION 5.7.A.5 TO PERMIT LOT COVERAGE OF 69.7% WHERE LOT COVERAGE OF 50% IS PERMITTED FOR A SINGLE FAMILY RESIDENCE IN THE RU-1Z ZONING DISTRICT (COLLECTIVELY REFERRED TO AS THE "VARIANCE"), FOR PROPERTY LOCATED AT 14969 NW 92<sup>ND</sup> AVENUE, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL, APPROVAL WITH CONDITIONS, DENIAL; 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 (the "Town LDC"), Rangel Coto, Jr. and Tania Coto (the "Applicant") has applied to the Town of Miami Lakes (the "Town") for approval of several variances to waive certain requirements of Division 5.7.A.2 to permit the maintenance and continued use of an existing 5

foot wide paved walkway within the (north) side yard where 3 feet is permitted; 2) Division 5.7.A.3 to permit the maintenance and continued use of an existing paved rear deck setback 2 feet from the rear property line where a 3 foot setback is required; 3) Division 4.2.E. to permit the maintenance and continued use of an existing paved rear yard deck setback 2.15 feet from the required interior side (south) property line where 4 feet is required; 4) Division 4.2.E to permit the maintenance and continued use of an existing paved rear yard deck setback 2.05 feet from the interior side (north) property line where 4 feet is required; and 5) Division 5.7.A.5 to permit lot coverage of 69.7% where lot coverage of 50% is permitted for a single family residence in the RU-1Z zoning district (collectively referred to as the "Variance") for property located at 14969 NW 92<sup>nd</sup> Avenue, Miami Lakes, Florida, Folio #32-2021-027-0300 legally described as Lot 30, Block 1 of GENESIS GARDENS according to the Plat thereof recorded in Plat Book 151 Page 48 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 LDC, proper notice has been mailed to the appropriate property owners of record; the public hearing on the Variance has been noticed for October 16, 2007 at 7:00 p.m. at Miami Lakes Middle School, 6425 Miami Lakeway North, Miami Lakes, Florida 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 denial without prejudice of requests #1, #2 and #4, approval of request #3 and modified approval with conditions of request #5, of the Variance 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 LDC, 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 LDC, 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 Town LDC. 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 LDC, but the Town Council has determined that:

- a. Objections have not been filed by adjoining or directly affected property owners; and
- b. Approval of parts of this Variance is justified by practical difficulty on the part of the Applicant.

**Section 3. Approval/Denial.**

The Variance for the:

1) maintenance and continued use of an existing 5 foot wide paved walkway within the (north) side yard, is hereby denied without prejudice; and

the 2) maintenance and continued use of an existing paved rear deck setback 2 feet from rear property line is hereby denied without prejudice; and

3) maintenance and continued use of an existing paved rear yard deck setback 2.15 feet from the required interior side (south) property line is hereby approved; and

4) maintenance and continued use of an existing paved rear yard deck setback 2.5 feet from the interior side (north) property line is hereby denied without prejudice; and

5) lot coverage of 59.7% for the total impervious areas (including brick pavers set in sand) of all the required yards is hereby approved with conditions.

**Section 4. Conditions.**

*[If Town Council approves Variance in Section 3 with conditions, the following conditions, if any, in this Section shall apply.]*

1. The site plan shall be submitted to and meet the approval of the Building Official, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy. The site plan shall include among other things, but not limited to, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping.
2. The approvals granted herein shall be in accordance with the submitted "Boundary Survey" for 14969 NW 92<sup>nd</sup> Avenue, Miami Lakes FL., as prepared by Caribbean Building Inspections & Survey, Registered Land Surveyor State of Florida, No. 5571, Job No. E-14969, dated and last revised January 12, 2006, and consisting of 1 sheet.
3. The Applicant shall record this Resolution in the Official Records of Miami-Dade County, Florida and shall return a copy of the recorded Resolution to the Town Clerk before a permit is issued.
4. The Applicant shall obtain a building permit within one year of the date of this approval for the paved areas at the setbacks approved herein. If a building 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 LDC, 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 LDC, 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 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 LDC.

**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 as provided herein by the application of the practical difficulty standard in Division 3.5(f)(2) of the Town LDC by MARY COLLINS and Seconded by MICHAEL PIZZI, and upon being put to a vote the motion carried 7-0 with each Council Member voting as follows:

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

PASSED AND ADOPTED this 16 day of Oct. 2007.

This Resolution was filed in the Office of the Town Clerk on this 19 day of Oct., 2007

Wayne Slaton  
WAYNE SLATON  
MAYOR

ATTEST:

Debra Eastman  
DEBRA EASTMAN, MMC  
TOWN CLERK

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

Nancy Styrish  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.L.  
TOWN ATTORNEY



# EXHIBIT A

## TOWN OF MIAMI LAKES MEMORANDUM

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**To:** Honorable Mayor and Town Council

**From:** Alex Rey, Town Manager

**Subject:** Hearing # - ZH 07- 30  
Rangel Coto Jr. and Tania Coto  
14969 NW 92<sup>nd</sup> Avenue  
Miami Lakes, FL 33018

**Date:** October 16, 2007

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### Request:

The applicants, Rangel Coto Jr. and Tania Coto are requesting the following variances submitted in accordance with the Town of Miami Lakes Land Development Code ("Town Code") to permit the maintenance and continued use of paved deck areas in connection with an existing single family residence:

1. A Variance pursuant to Division 3.5 of the Town Code from Division 5.7.A.2, of the Town Code for Single Family and Two Family Residences; Decks and Walkways: Required Side Yard; 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.

Variance Request:

To permit the maintenance and continued use of an existing 5.00' feet wide paved walkway, (3' permitted) within the required (north) side yard.

2. A Variance pursuant to Division 3.5 of the Town Code from Division 5.7.A.3, of the Town Code for Single Family and Two Family Residences; Decks and Walkways: Required Rear Yard; 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.

Variance Request:

To permit the maintenance and continued use of an existing paved rear deck set back two (2') feet from the rear property line, (3' permitted) from the rear property line.

3. A Variance pursuant to Division 3.5 of the Town Code from Division 5.7.A.3, of the Town Code for Single Family and Two Family Residences; Decks and Walkways: Required Rear Yard; 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.

Variance Request:

To permit the maintenance and continued use of an existing paved rear yard deck as per Division 4.2.E., set back (2.15) feet from the RU-1Z required interior side (south) property line where four feet (4.00') is required.

4. A Variance pursuant to Division 3.5 of the Town Code from Division 5.7.A.3, of the Town Code for Single Family and Two Family Residences; Decks and Walkways: Required Rear Yard; 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.

Variance Request:

To permit the maintenance and continued use of an existing paved rear yard deck as per Division 4.2.E., set back (2.05) feet from the RU-1Z required interior side (north) property line where four feet (4.00') is required.

5. A Variance pursuant to Division 3.5 of the Town Code from Division 5.7.A.5, of the Town Code for Single Family and Two Family Residences; Decks and Walkways:  
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%.

Variance Request:

To permit a lot coverage of 69.70% (50% permitted) for a single family residence.



## Applicable Code Section:

**Request #1, #2, #3, #4 & #5: Division 5.7 Decks and Walkways**

### 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 A: Division 5.7)
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.  
(Attachment B: Division 4.2.E.)
  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%.

## **Background:**

**Folio No. 32-2021-027-0300**

**Zoning of Property:** RU-1Z – 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-1Z – Single Family Residential)

### **Surrounding Property:**

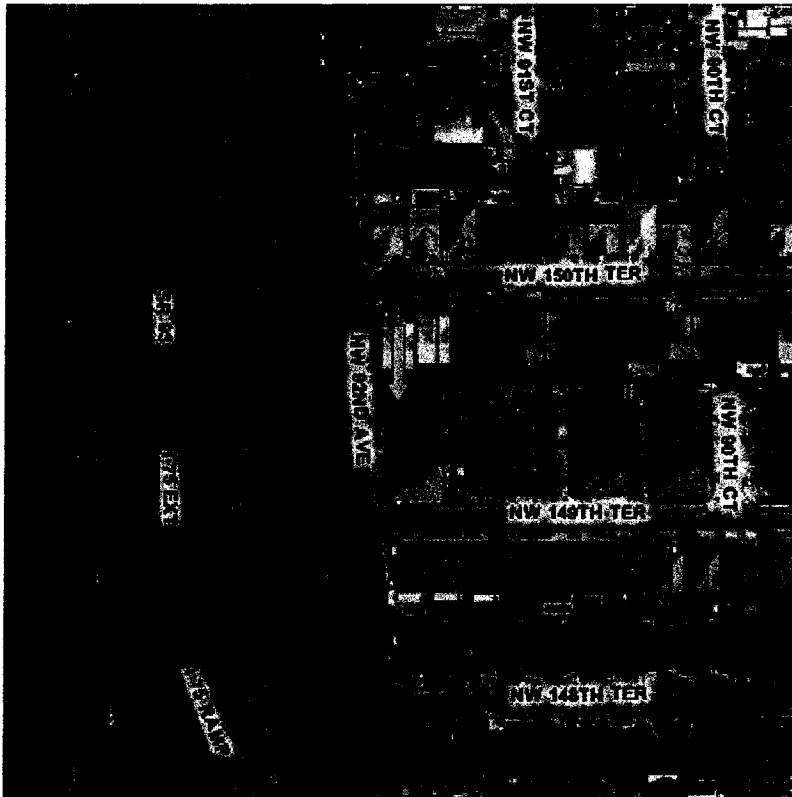
North: Low Density Residential; (RU-1Z)  
East: Low Density Residential; (RU-1Z)  
South: Low Density Residential; (RU-1Z)  
West: Interstate I-75

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 zero lot line parcel and is located within a fully developed zero lot line subdivision. The applicant's property is a one story, 4 bedroom, 2 bath residence located on the N.W. 92<sup>nd</sup> Avenue and N.W. 149<sup>th</sup> Terrace. The residence as per County Tax Assessors records was constructed in 2005 and contains approximately 2,529 sq. ft. on a 6,023sq. ft. lot.

**Subject Property Location Map:**



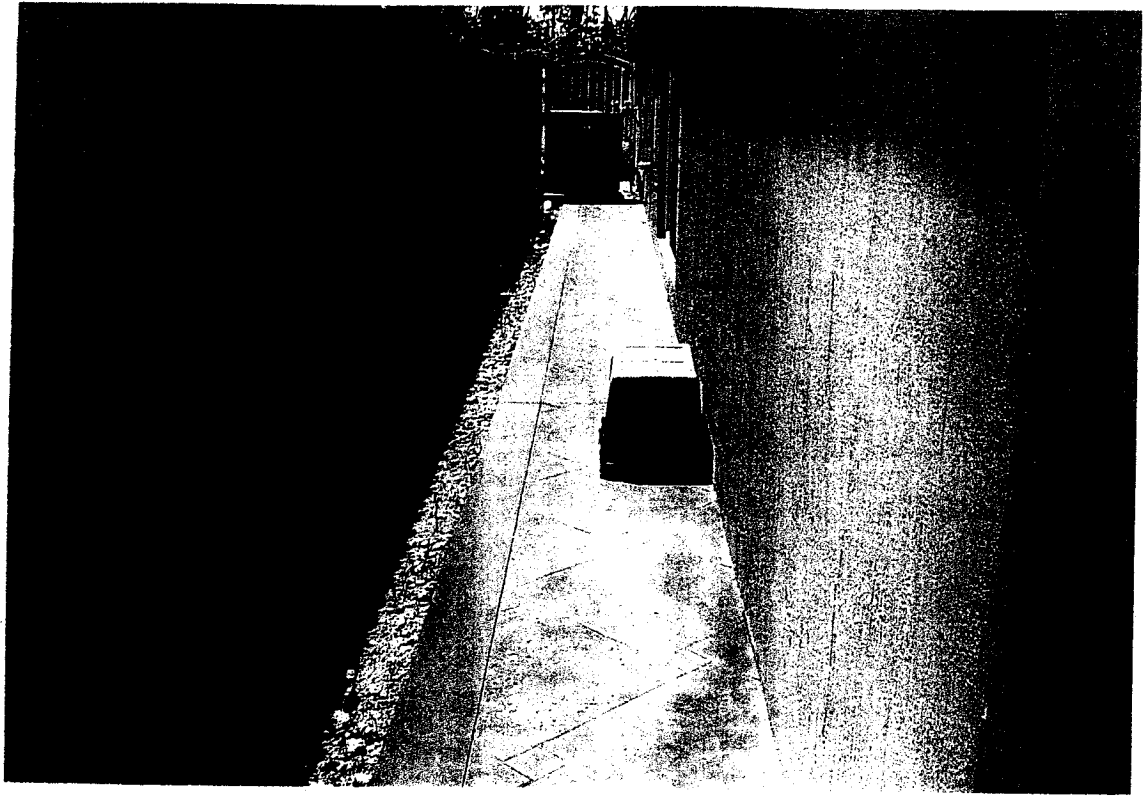
**Open Violations / Zoning History:**

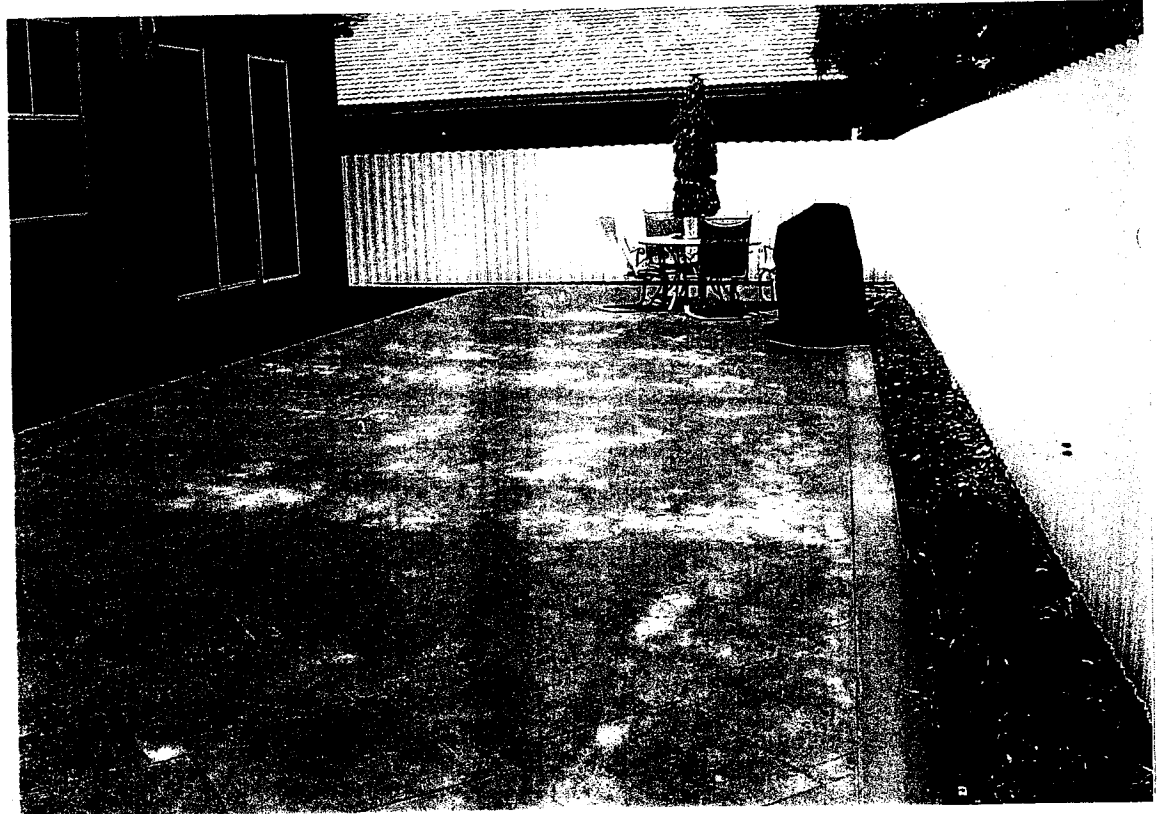
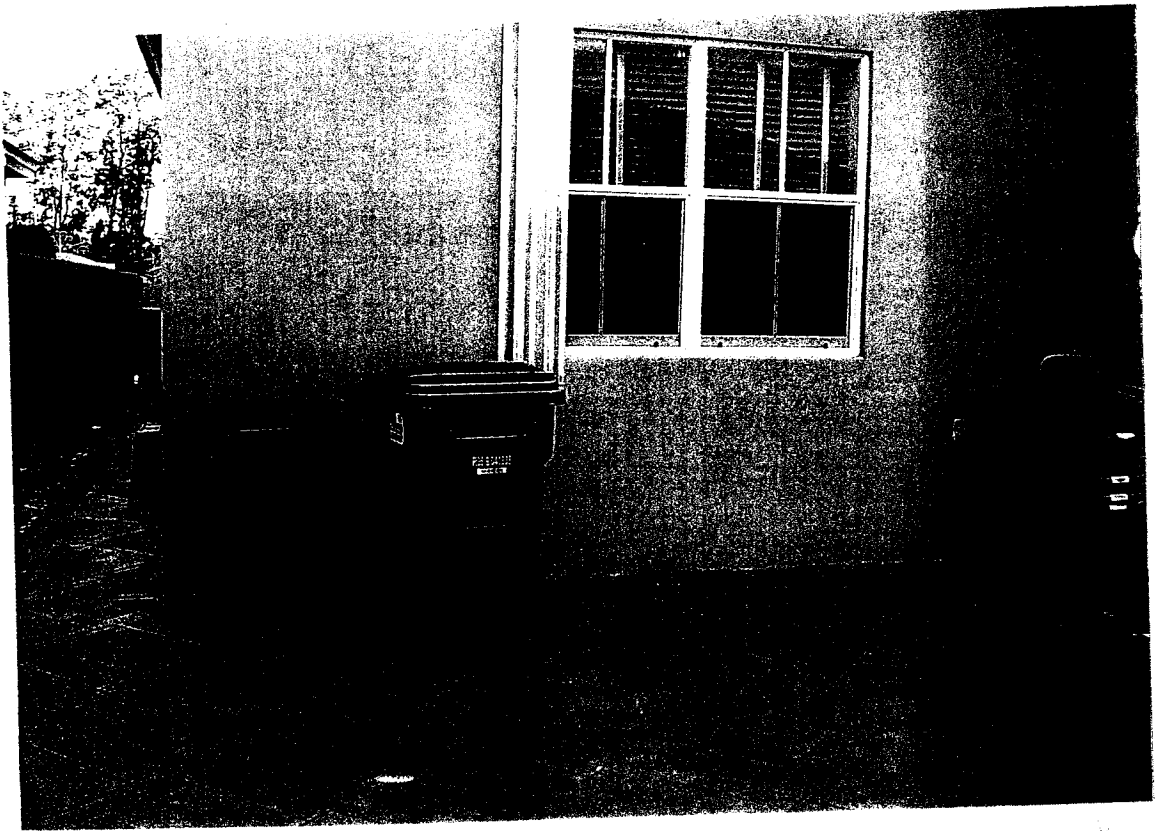
There is a Warning of Violation which was issued on December 28, 2005, Case Number C2006-0012 for installation of pavers on the subject property at 14969 N.W. 92<sup>nd</sup> Avenue without a permit.

**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 provided that the plans, specifications, and location of all contemplated improvements and modifications shall be accordance with the terms hereof and shall meet the requirements of all applicable local codes and ordinances of the local governing agency issuing permits for construction or land alterations in effect at the time the approval is sought.





### **Proposal:**

The requests will allow the applicant the maintenance and continued use of several paved deck areas to an existing single family residence. The requested paved deck areas consist of an existing 5.00' feet wide paved walkway, (3' permitted) within the required side yard; and an existing paved rear deck area set back two (2') feet from the rear property line, (3' permitted) from the rear property line. The rear deck is also set back (2.15) feet from the RU-1Z required interior side (south) and (2.05) from the interior side (north) property line where as per Division 4.2.E., (4.00') feet is required. As a result, the paved areas encompass a greater lot coverage than permitted for the total impervious areas (including brick pavers set in sand) of all the required yards on a lot or parcel from Division 5.7 of the Town Code for Single Family and Two Family Residences this application would permit 69.70% paved deck coverage where 50% is permitted for a single family residence (See Attachment C). This application is part of the process in terms of assuring that the paved decks to the subject property are properly legalized.

### **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 review, 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 parcel of land is located at 14969 N.W. 92 Avenue, with dimensions of approximately 57.02' x 104.96', in this area the Town's Comprehensive Development Plan (CDP) 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 seeking non-use variances of the setback and lot coverage restrictions to allow the maintenance and continued use of several paved deck areas to an existing single family residence. The requested paved deck areas consist of an existing 5.00' feet wide paved walkway, (3' permitted) within the required side yard; and an existing paved rear deck area set back two (2') feet from the rear property line, (3' permitted) from the rear property line. The rear deck is also set back (2.15) feet from the RU-1Z required interior side (south) and (2.05) from the interior side (north) property line where as per Division 4.2.E., (4.00') feet is required. As a result, the paved areas encompass a greater lot coverage than permitted for the total impervious areas (including brick pavers set in sand) of all the required yards on a lot or parcel from Division 5.7 of the Town Code for Single Family and Two Family Residences this application would permit 69.70% paved deck coverage where 50% is permitted for a single family residence.

The approval of this application will allow the maintenance and continued use of additional paved areas however the encroachments into the corresponding setbacks could visually impact the surrounding residences and prevent proper drainage of the subject site. Staff is of the opinion that the subject requests should be approved on a modified basis, the existing 5.00' feet wide paved walkway, (3' permitted) within the required side yard should be reduced to comply with the 3' width required by Code therefore request #1, #2 and #4 are recommended to be denied. However staff supports request #3 for the continued use of an existing paved rear deck setback 2.15 feet where 4 feet is permitted from the interior side property line. Additionally request #5 is recommended for approval on a modified basis to allow for the reduction in the interior north side paved deck to the 3' required width, and the reduction of the rear deck to meet the required 3 foot rear property line setback, thereby reducing the lot coverage to 59.7% for the total impervious areas (including brick pavers set in sand) of all the required yards on a lot or parcel where 50% is permitted.

Staff notes that this application with the recommended denial of requests #1, #2, and #4 and modified approval of request #5 would be compatible with the area minimizing aural and visual impact on the adjacent properties while affording the applicant reasonable use of this land. The variance requests as modified based on practical difficulty are recommended, and would do substantial justice to the applicant as well as to other property owners in the district, a lesser relaxation is justified in order to give substantial relief. Accordingly, staff recommends modified approval of the subject application with conditions.

**Recommendation:** Denial without prejudice of Request #1, Request #2, and Request #4, Approval of Requests #3, and Modified approval with conditions of Request #5 to permit a lot coverage of 59.7% for the total impervious areas of all the required yards on a lot or parcel.

**Conditions:**

1. The site plan shall be submitted to and meet the approval of the Building Official, upon the submittal of an application for a permit and/or Certificate of Use and Occupancy. The site plan shall include among other things but not limited to, location of structure or structures, exits, entrances, drainage, walls, fences, landscaping.
2. The approval of the plan, the same be in accordance with that submitted for the hearing entitled "Boundary Survey" for 14969 N.W. 92<sup>nd</sup> Avenue, Miami Lakes Fl., as prepared by Caribbean Building Inspections & Survey, Registered Land Surveyor State of Florida, No. 5571, Job # E-14969, dated revised January 12, 2006, and consisting of 1 sheet. Except as modified herein to allow a lot coverage of 59.7% for the total impervious areas of all the required yards.
4. The applicant shall record the Resolution in the Official Records of Miami-Dade County, Florida and shall return a copy of the recorded Resolution to the Town Clerk before a permit is issued for the paved areas.
5. The applicant shall obtain a building permit within one year of the date of this approval for the paved areas, at the setbacks approved herein. If a building 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:**

### **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 B:**

**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)
<b>RU-1</b>	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
<b>RU-1 Access. Structures</b>			Not permitted	5'	5'	15'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
<b>RU-1B</b>	6,000 sq. ft.	60'	25'	25'	6'	10'	40%	1800 sq. ft. min.	35' 2 stories
<b>RU-1B Access. Structures</b>			Not permitted	5'	5'	10'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
<b>RU-1A</b>	5,000 sq. ft.	50'	25'	25'	5'	10'	40%	1700 sq. ft. min.	35' 2 stories
<b>RU-1A Access. Structures</b>			Not permitted	5'	5'	10'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story
<b><u>RU-1Z</u></b>	4,500 sq. ft.	45'	20'	10' one story/ 15' two story	0' / 10'	<b><u>15'</u></b>	50%	1500 sq. ft. min.	35' 2 stories
<b>RU-1Z Access. Structures</b>			Not permitted	5'	5'	15'	20% of required rear yard	75 sq. ft. max. size per structure	15' 1 story
<b>RU-2</b>	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
<b>RU-2 Access. Structures</b>			Not permitted	5'	5'	15'	20% of required rear yard	150 sq. ft. max. size per structure	15' 1 story