

ORDINANCE NO. 25-343

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ATTACHED CANOPIES AND ACCESSORY BUILDINGS FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE,” AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS,” AT SECTION 13-1502 “ACCESSORY BUILDINGS,” AND AT SECTION 13-1506, “CANOPIES”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 19, 2020, the Town Council of the Town of Miami Lakes (“Town”) adopted Ordinance No. 20-261 amending Sections 13-1502 and 13-1506 of the Town’s Land Development Code to allow increased encroachment of attached canopies in single-family residential rear yards of 25 feet or less; and

WHEREAS, Objective 1.2 of the Town’s Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, since the time of incorporation, several Town properties have sought relief in the form of variances from either section 13-1502 “Accessory Buildings” or 13-1506 “Canopies,” in an effort to add summer kitchens or covered outdoor dining areas to the back yards.

WHEREAS, On March 18, 2025, the Town Council approved a new business item recommending that the Town Council consider the possibility of revising the allowable encroachments into the rear yards of single-family properties to allow additional

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

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

Section 1. Recitals. Each of the above-mentioned recitals is true and correct and is incorporated herein by this reference.

Section 2. Approval of Amendment. Section 13-1506, of the Town's Land Development Code is hereby amended as provided at Exhibit A.

Section 3. Authorization of Town Officials. The Town Manager and Town Attorney are hereby authorized to take all steps necessary to implement the terms and conditions of this Resolution and the attached Ordinance.

Section 4. Instructions to the Town Clerk. The Town Clerk is hereby directed to transmit a copy of this Resolution and the attached Ordinance to the appropriate entities in accordance with applicable law.

Section 5. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 6. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the

Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 8. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

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FIRST READING

The foregoing ordinance was offered by Vice Mayor Morera who moved its adoption on first reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Josh Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on first reading this 15th day of July 2025

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SECOND READING

The foregoing ordinance was offered by Vice Mayor Morera who moved its adoption on second reading. The motion was seconded by Councilmember Sanchez and upon being put to a vote, the vote was as follows:

Mayor Josh Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on second reading this 19th day of August 2025.



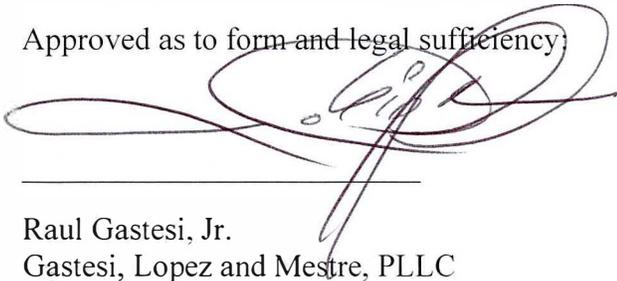
Joshua Dieguez
Mayor

Attest:



Gina M. Inguanzo
Town Clerk

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
Town Attorney

encroachment for attached canopies in properties with existing rear setbacks below 25 feet; and

WHEREAS, Town Staff studied the matter and found such a change would provide additional options to many single-family homes with rear yards that are less than 25 feet in depth; and

WHEREAS, the proposed ordinance establishes that in RU1-Z districts, zero-lot-line developments, and in properties with existing rear setbacks of twenty-five (25) feet or less, the maximum allowable canopy encroachment shall be 12.5 feet, with a minimum rear setback of 5 feet; and

WHEREAS, the proposed ordinance also reduces the minimum required distance between a detached accessory structure and the main residence from ten (10) feet to six (6) feet for the aforementioned properties; and

WHEREAS, the proposed ordinance allows properties with a side yard designated as the main yard to install attached canopies in such side yards; and

WHEREAS, the proposed ordinance provides greater flexibility for homeowners while ensuring the preservation of open space and maintaining aesthetic and safety standards; and

WHEREAS, on August 12, 2025, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

WHEREAS, on July 21, 2025, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on August 19, 2025, the Town Council considered the ordinance at a duly advertised public hearing on Second Reading; and

EXHIBIT A

ARTICLE V. - ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

Sec. 13-1502. Accessory buildings.

One-story accessory buildings shall be permitted within the required rear yard of single-family or two-family residences if they comply with the following:

- (1) Each accessory building, and the total of all accessory buildings and any storage shed, located in the rear yard, shall not exceed 350 square feet of roofed area (including roof overhangs) or cover more than 20 percent of the required rear yard, whichever is less. Enclosed storage areas in each individual accessory building shall not exceed 100 square feet; in RU1-Z districts, zero-lot-line developments, or properties with existing rear setbacks of 25 feet or less enclosed storage areas in each individual accessory building shall not exceed 60 square feet. in the zero-lot-line developments.
- (2) Accessory buildings shall be set back a minimum of five feet from a rear or interior side property line or for corner lots shall comply with the side street setbacks for the main structure. Roof overhangs shall be permitted to project a maximum of 12 inches into the required five-foot side and rear setbacks.
- (3) Accessory buildings shall be detached a minimum of ~~ten (10) feet from the residence and a minimum of six (6) feet from roof overhangs~~ of six (6) feet from the residence and three (3) feet from roof overhangs. ~~(detached six feet from the main residence and six feet from any roof overhangs in the zero lot line developments).~~ Accessory buildings shall be spaced apart from each other the same distance requirements as from the main residence.
- (4) Accessory buildings shall be limited to one story with a maximum height of 15 feet.
- (5) Allowable accessory buildings, with the exception of chickee huts as defined in this Code, shall be constructed and finished to match the existing residence (including roofing material) or designed in an architectural style complimentary to the existing residence, using either wood or CBS construction to match the residence, or aluminum or synthetic materials in a style that resembles wood construction and compliments the architecture of the main residence. Any accessory building with a pitch equal to or greater than two and one-half shall be constructed of standing metal seam roof, barrel tile, flat tile or another material which simulates barrel tile or flat tile to match the main residence.
- (6) Accessory buildings shall be limited to uses that are accessory to the main use, including but not limited to garages, carports, pergolas, cabanas, gazebos, etc. Sleeping or guest rooms shall not be permitted in detached accessory buildings.
- (7) Accessory buildings may contain heating and air conditioning, washers and dryers, toilets, bar sinks ~~and showers~~ and summer kitchens.
- (8) No permit shall be issued for an accessory building for any use unless the principal building exists on the lot, or unless a permit is obtained simultaneously for both buildings and construction progresses concurrently.

- (1) *Required front and side yard.* Canopies are not permitted within the required front and side yards. Except in RU1-Z districts, zero-lot-line developments, or properties with existing rear setbacks of 10 feet or less, where a side yard may be treated as a rear yard and follow the regulations of (2) below.
- (2) *Required rear yard.*
 - a. Canopies attached to the main residence and open on at least three sides shall not be included in the lot coverage calculations except for that portion projecting into a required rear yard setback as follows:
 1. An attached canopy may project into the required rear yard setback a maximum of seven feet provided that no attached canopy projects any closer than ~~five~~ three feet to a property line, unless otherwise provided by subsection (3) below. Any intrusion into the required rear yard setback shall be included in the lot coverage calculations.
 2. All attached canopies must comply with the required side street setbacks for the main residence.
 3. In lots where the rear setback is 25 feet or less, or where a detached gazebo as an accessory structure is unfeasible as determined by the Administrative Official, an attached canopy, open on at least three sides, may project into the rear setback up to a maximum of ~~50 percent of the required rear yard~~ 12.5 feet, provided no other detached accessory structure is proposed for the property and provided that it allows for a minimum five (5) foot setback. Each canopy located in the rear yard shall not exceed 350 square feet of roofed area (including roof overhangs) or cover more than 20 percent of the required rear yard, whichever is less.
 - b. Detached canopies in the rear yards shall comply with the setback and lot coverage restrictions for accessory buildings.
- (3) *Construction.* With the exception of chickee huts as defined in this Code, all canopies, attached or detached, may only be constructed of canvas, fabric or vinyl and pipe or, wood or CBS construction to match the residence, or aluminum or synthetic materials in a style that resembles wood construction and compliments the architecture of the main residence. Any canopy with a pitch equal to or greater than two and one-half shall be constructed of standing metal seam roof, barrel tile, flat tile or another material which simulates barrel tile or flat tile to match the main residence.