



TOWN OF MIAMI LAKES, FLORIDA

AGENDA

Planning and Zoning Board Meeting

April 7, 2020

6:30 PM

Government Center

6601 Main Street Miami Lakes, FL33014

- 1. Call To Order**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes**
 - a. Approval of Minutes**
 - March 3, 2020 Planning and Zoning Minutes**

- 4. Business Requiring Board Action**

QUASI-JUDICIAL PUBLIC HEARINGS -

Please be advised that the following items on the Board's agenda are quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

- a. Canopy Encroachments Into Required Rear Yards Ordinance (Yanes)**

b. Infinity Pools in Waterfront Properties Ordinance (Yanes)

5. Director's Report

6. Adjournment

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at www.miamilakes-fl.gov and is available at Town of Miami Lakes Town Hall, 6601 Main Street, Miami Lakes, FL 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting. Anyone wishing to appeal any decision made by the Miami Lakes Planning and Zoning Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



Town of Miami Lakes Memorandum

To: Planning & Zoning Board

From: Ashley Shepple, Deputy Town Clerk

Subject: Approval of Minutes

Date: April 7, 2020

Recommendation:

Attached please find the following minutes for your review and approval.

- March 3, 2020 Planning and Zoning Board Meeting Minutes

MINUTES
Planning and Zoning Minutes
March 3, 2020
6:30 P.M.
Government Center
6601 Main Street, Miami Lakes, FL 33014

1. Call to Order:

Vice Chairwoman Lynn Matos called the meeting to order at 6:53 p.m.

2. Roll Call:

The Deputy Town Clerk, Ashley Shepple, called the roll with the following Board Members being present: Juan Carlos Fernandez, Avelino Leoncio, Mariam Yanes, Vice Chairman Lynn Matos. Fred Senra, Raul De La Sierra, and Chairman Robert Julia were absent.

3. Pledge of Allegiance/Moment of Silence:

Vice Chairwoman Lynn Matos led the Pledge of Allegiance and the Invocation.

4. Approval of Minutes:

- January 7, 2020 Planning and Zoning Meeting minutes

Board Member Leoncio motioned to approve the minutes and Board Member Yanes seconded the motion. All present were in favor.

5. Business Requiring Board Action:

A. Varh2020-0102 Applicant: Randy Cano

AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-305(f)(1) OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; DENYING A VARIANCE REQUEST FROM SECTION 13-1509(B) TO PERMIT A FENCE TO ENCROACH FIFTEEN (15) FEET INTO THE MINIMUM REQUIRED 15-FOOT STREET SIDE YARD SETBACK, FOR THE PROPERTY LOCATED AT 7201 MIAMI LAKEWAY SOUTH, MIAMI LAKES, FLORIDA, IN THE RU-1 ZONING DISTRICT; PROVIDING FINDINGS; PROVIDING FOR DENYING THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Town Attorney, Lorenzo Cobiella, explained the applicant that was scheduled for this hearing was unable to present due to lack of quorum with board members.

Board Member Leoncio expressed that he had a conflict of interest and needed to recuse himself. The Deputy Town Attorney explained if board members need to recuse themselves, they need to fill out documentation the Deputy Clerk, Ashley Shepple can provide. This should be done ahead of time.

Vice Chairwoman Matos motioned for Board Members to check in with the Deputy Clerk the morning of meeting date. Board Member Leoncio seconded the motion.

Board Member Yanes made an amendment to the motion. She motioned to have the deputy Clerk reach out to all Board Members, once the agenda has been published, to ask if Board Members need to recuse themselves. Board Member Leoncio seconded the amended motion. All were in favor.

6. Ordinances

A. Landscape and Artificial Turf

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO LANDSCAPE REGULATIONS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VII, "ALTERNATIVE ENERGY SYSTEMS AND ENVIRONMENTAL REGULATIONS" PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Town Attorney, Lorenzo Cobiella, read the ordinance into the record.

Susana Alonso, Principal Planner, explained the ordinance and answered questions posed by the Board. Mrs. Alonso stated Town of Miami Lakes adopted Miami Dade County Land Development Code twenty years ago. She has been working on incorporating the amendments the Board would like to see in the Town Development Code. One of these amendments is landscape and artificial turf. She recommended that backyards would be allowed to have 60 percent coverage of artificial turf with a 3 feet barrier of natural landscape, and the material under the turf would need to be environmentally friendly. Board Member Yanes motioned to approve the ordinance with staff recommendations but would like to see decorative turf allowed for front yards incorporated into the ordinance, with the staff recommendation of stripping not to extend more than 4 inches. Board Member Leoncio seconded the motion. All were in favor.

B. West Lakes Driveways

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO DRIVEWAYS IN RESIDENTIAL DISTRICTS ; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS” PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Deputy Town Attorney, Lorenzo Cobiella, read the ordinance into the record.

Susana Alonso, Principal Planner, explained the ordinance and answered questions posed by the Board. Mrs. Alonso stated this comes before the Board due to the amount of complaints from residents having to re-do their driveways and bring them up to code when the Town re-did the sidewalks in this area. She recommends for homes that have a width of 50 feet wide or less be allowed to do a driveway with a curb cut totaling up 30 feet wide in total. The front yard of these homes would need to be 60 percent parking and 40 percent greenspace.

Board Member Fernandez motioned to approve the ordinance with staff recommendations and Board Member Yanes approved this motion. The motioned passed with 3-1, with Board Member Leoncio in opposition.

6. New Business Items

A. Cul-de Sac Driveways (Board Member Dehghani Yanes)

Board Member Yanes stated there have been several applicants in the past that have applied to ask for a variance for a cul-de-sac driveway. She motioned for Town Staff to study if our code needs to include some exceptions for cul-sac-driveways and report back to the Board. Board Member Fernandez seconded the motion. All were in favor.

B. Town Signage (Board Member J.C. Fernandez)

Board Member Fernandez would like Town staff if it would be possible to have additional Town Signage installed. This would be to inform where the Town boundaries are. Board Member Leoncio made motion to approve Board Member Fernandez recommendation and Board Member Yanes seconded the motion. All were in favor.

Deputy Town Attorney, Lorenzo Cobiella, advised the signage placement and regulation would have to be approved by the Miami Dade County, due to rights-of-way.

C. Canopies (Board Member Dehghani Yanes)

Board Member Yanes motioned to direct Town Staff to amend the Town Land Development Code regarding structures', such as gazebos or porches, encroachments. Currently, the maximum is 7 feet and she would recommend changing the maximum to 10 feet. Board Member Leoncio seconded the motion. All were in favor. Susana Alonso, Principal Planner, suggested not pick exact maximum and just increase it based on the property size.

D. Infinity Edge Pools (Board Member Dehghani Yanes)

Board Member Yanes motioned to direct Town staff to incorporate Infinity Edge Pool into the Town's Land Development Code. Vice Chairwoman Matos seconded the motion. All were in favor.

7. Director's Report:

Susana Alonso, the Principal Planner, stated Business Master List Ordinance in Second Reading passed at the last council meeting in February. The Mobility Fee Ordinance she is still working on. Deputy Town Attorney, Lorenzo Cobiella, explained the fees need to be worked on as they include projects not approved by the Town Council and there is meeting setup with the Graham Companies to hear some of their concerns.

8. Adjournment:

There being no further business to come before the Board, the meeting adjourned at 8:35 P.M.

Robert Julia
Chairman

Attest:

Gina M. Inguanzo
Town Clerk



Town of Miami Lakes Memorandum

To: Honorable Chair and Members of the Local Planning Agency

From: Susana Alonso, AICP, Principal Planner

Subject: Canopy Encroachments into Required Rear Yards

Date: April 7, 2020

Recommendation:

Staff recommends approval of the ordinance amending the maximum allowable encroachment for attached canopies from seven (7) feet to a maximum of 50% of the existing rear setback, while restricting additional detached structures in cases where attached canopies are larger than seven (7) feet.

Background:

At the March 3, 2020, Planning Board meeting, a New Business item was introduced directing staff to explore a recommendation to the Town Council to increase the allowable encroachment for attached canopies for properties where detached accessory structures are impractical.

The Town code currently allows attached canopies to encroach into a required rear yard (i.e. the required rear setback) a maximum of seven (7) feet. The current code also allows for accessory buildings, such as gazebos and detached canopies, to cover a maximum 20 % of the required rear yard up to a maximum 350 square feet, but they must be separated from the main structure by a minimum of either 10 feet or six (6) feet in zero lot line districts, as well as five (5) feet from all property lines.

Current single-family trends to add summer kitchens in rear yards have increased demand for accessory buildings, but the current LDC requirements make them unfeasible or impractical in yards with rear setbacks below 25 feet. This has resulted in several variance requests over that last five years, requesting either decreases in the distance from the accessory building to the main structure or increased encroachments for attached canopy or open porch structures.

This report and attached ordinance reflect Planning Board direction to staff to provide a recommendation to the council adding options in the LDC regarding increasing the allowable encroachment for attached canopies for properties where detached accessory structures are impractical

Attachments:

Ordinance

Staff Report



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Canopy encroachments into required rear yards
Date: April 7, 2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ATTACHED CANOPIES 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 13-1506, "CANOPIES,"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A. BACKGROUND

At the March 3, 2020, Planning Board meeting, a New Business item was introduced directing staff to explore a recommendation to the Town Council to increase the allowable encroachment for attached canopies for properties where detached accessory structures are impractical.

The Town code currently allows attached canopies to encroach into a required rear yard (i.e. the required rear setback) a maximum of seven (7) feet. The current code also allows for accessory buildings, such as gazebos and detached canopies, to cover a maximum 20 % of the required rear yard up to a maximum 350 square feet, but they must be separated from the main structure by a minimum of either 10 feet or six (6) feet in zero lot line districts, as well as five (5) feet from all property lines.

Current single-family trends to add summer kitchens in rear yards have increased demand for accessory buildings, but the current LDC requirements make them unfeasible or impractical in yards with rear setbacks below 25 feet. This has resulted in several variance requests over that last five years, requesting either decreases in the distance from the accessory building to the main structure or increased encroachments for attached canopy or open porch structures.

This report and attached ordinance reflect Planning Board direction to staff to provide a recommendation to the council adding options in the LDC regarding increasing the allowable encroachment for attached canopies for properties where detached accessory structures are impractical

B. PROPOSED CHANGES

Sec. 13-1. Definitions and references. - Added definitions for *awning* and *canopy*

Sec. 13-1506. Canopies. - Increase allowable encroachment of an attached canopy into the required rear yard from seven (7) feet to a maximum of 50% of the existing rear setback, while restricting additional detached structures in cases where attached canopies are larger than seven (7) feet.

C. EVALUATION

In single-family residential districts the minimum required rear setback for the main structure (the residence) is 25 feet. Oversized lots can afford to increase this setback, and the Town includes many properties, that have setback as large as 40 or even 50 feet, but most standard-sized 6,000 to 7,500 square foot lots are built to the 25-foot setback line. Current LDC requires any accessory structure a minimum 5-foot setback from the interior side and rear property line, which leaves 20 feet available for accessory buildings; Since the accessory structure must also be separated from the main structure by a minimum of ten feet, it follows that the accessory structure can only be 10 feet wide. The square footage allowed by the LDC for accessory buildings is 20 % of the required rear yard or 350 square feet which-ever is smaller. 7,500 sf lots are usually 75 feet wide, and the required rear yard is, therefore,

$$25' \times 75' = 1,875 \text{ sf}$$

The allowable size of the accessory building is therefore,

$$1,875 \text{ sf} \times 20 \% = 375 \text{ sf}, \rightarrow \text{which is greater than the maximum } 350 \text{ sf} \rightarrow \text{so } \mathbf{350 \text{ sf}}.$$

In order for the property to avail itself of the allowable square footage for the accessory structure, while complying with all other setback and distance separation requirements, the gazebo would have to be built as 10' x 35', i.e. a structure three and a half times longer than wide, five feet from the rear property line and parallel to it for almost half of its length.

Similarly, in the 6,000 sf lots, which are usually 60 feet wide,

$$25' \times 60' = 1,500 \text{ sf}$$

The allowable size of the accessory building is therefore,

$$1,500 \times 20 \% = \mathbf{300 \text{ sf}}$$

And similarly, in order for the property to avail itself of the allowable square footage for the accessory structure while complying with all other setback and distance separation

requirements, the gazebo would have to be built as 10' x 30', also a structure three times longer than wide, five feet from the rear property line for half its length.

In addition to presenting an encumbrance on the rear neighbor with what would be perceived as a large structure close to the rear property line, this configuration is undesirable as well because it severely limits the available space for other accessory structures and amenities, such as swimming pools, which would inevitably, then, require variances to occur.

In these smaller rear yards, staff considered the following two alternatives as solutions:

1. Reducing the separation requirement between accessory buildings and main structures.
2. Increasing the allowable encroachment of attached canopies to 50 % of the existing rear setback, as an alternative to a detached structure.

The first option is already available to zero-lot-line districts, where accessory buildings require a distance separation of six (6) feet from the main structure. This option would allow the accessory building to have more proportional dimensions, i.e. 14' x 25' and 14' x 21' respectively, but still allows for a large structure very close to the rear property line.

The second option allows for the same or similarly sized structure, up to 12.5' x 28' in the 7,500 sf lots or 12.5' x 24' in the 60' lots, but attached to the main structure, and therefore 12.5 feet away from the rear property line. It creates a porch area large enough to house a summer kitchen and outdoor dining, while leaving more of the rear yard as an open unencumbered space.

D. STAFF RECOMMENDATION

Based on the analysis provided and other factors contained in this report, Staff recommends approval of the ordinance amending the maximum allowable encroachment for attached canopies from seven (7) feet to a maximum of 50% of the existing rear setback, while restricting additional detached structures in cases where attached canopies are larger than seven (7) feet.

E. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

- 1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.**

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The amendment allows for the same structure and lot coverage but merely shifts it closer to the main structure and away from the rear property line. In this light, the proposed ordinance conforms with the Town’s LDC’s. A review of the LDC’s found no conflicts.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation of this report. There have been no changes to the LDC or development conditions that necessitate this change, however, the existing LDC encourages a condition that is undesirable.

Finding: Complies.

4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The proposed ordinance does not change the main permitted use of the property; instead, it provides an alternative to the existing regulation which force accessory buildings to be located in close proximity to the rear property line, diminishing their impact on rear neighboring properties.

Finding: Complies.

5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

6. Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Criteria 1, 2, and 4, of this report. Staff believes the opposite is true. The accommodation of outdoor amenities, such as summer kitchens and outdoor dining areas, is important for the protection of property values in the area. The current ordinance provides for an improved configuration of these amenities, reducing impact on neighboring properties.

Finding: Complies.

8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. The proposed ordinance would be consistent of existing land use patterns.

Finding: Complies.

9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. The proposed ordinance would be in the public interest by allowing accommodation of popular outdoor amenities in a manner that does not create additional conflict with neighboring properties.

Finding: Complies.

10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed ordinance amendment is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.

ATTACHMENT A

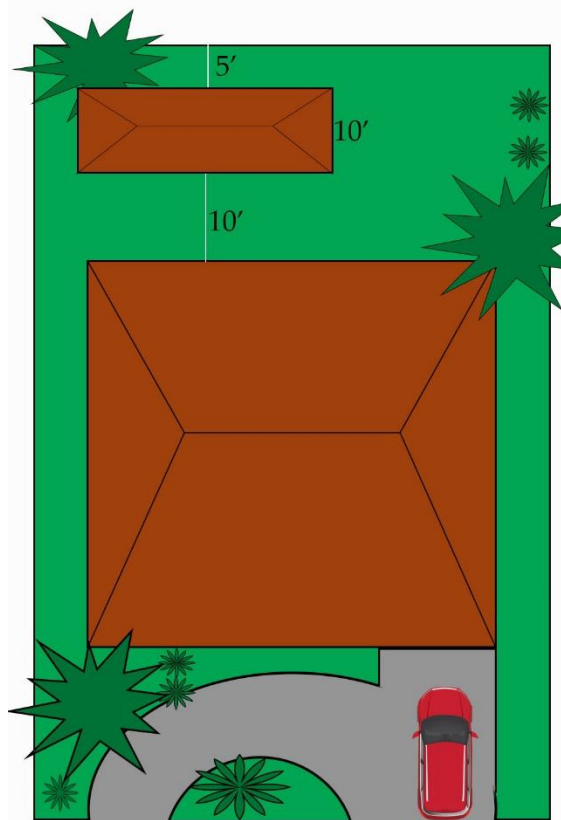


Figure 1. 10'x30' Detached canopy configuration on 60- foot lot.

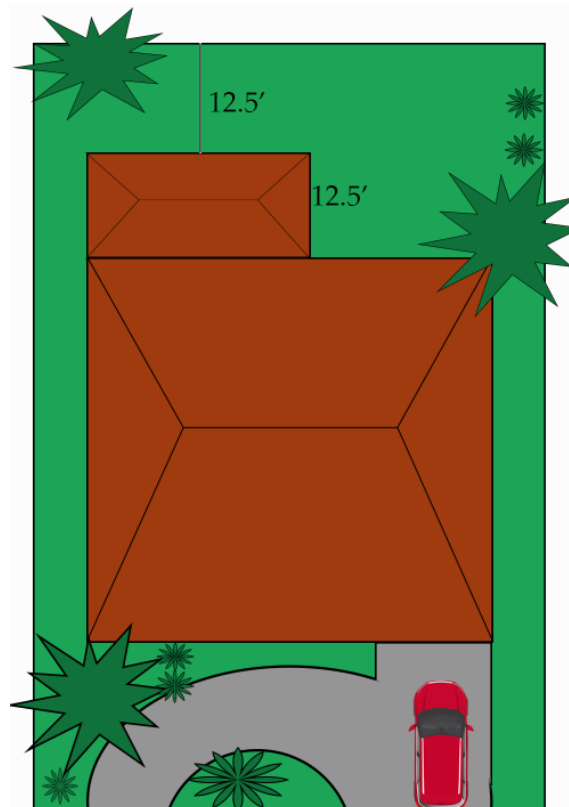


Figure 2. 12.5'x24' Attached canopy configuration as proposed on 60-foot lot

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ATTACHED CANOPIES 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 13-1506, “CANOPIES,”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (PIDERMANN)

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 3, 2020 the Planning Board 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 encroachment for attached canopies in properties where detached accessory buildings are impractical.

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.

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

WHEREAS, on _____, the Town Council considered the ordinance at a duly advertised public hearing; and

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 stated recitals is true and correct and is incorporated herein by this reference.

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

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

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

Section 5. Inclusion in the Town 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 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

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

FIRST READING

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

Mayor Manny Cid
Vice Mayor Nelson Rodriguez
Councilmember Carlos O. Alvarez
Councilmember Luis Collazo
Councilmember Joshua Dieguez
Councilmember Jeffrey Rodriguez
Councilmember Marilyn Ruano

Passed on first reading this _____ day of _____, 2020.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2020.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A

ORDINANCE

Chapter 13 - LAND DEVELOPMENT CODE

ARTICLE I. - IN GENERAL

Sec. 13-1. - Definitions and references.

(a) For purposes of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise.

* * * * *

Awning means a detachable, roof like cover, supported from the walls of a building for protection from sun or weather.

* * * * *

Canopy means a detachable, roof like cover, supported from the ground, or deck, or floor of a building, and from the walls of a building, for protection from sun or weather.

Sec. 13-1506. - Canopies.

This section applies to single-family and two-family residences.

- (1) *Required front and side yard.* ~~Detached or attached~~ canopies are not permitted within the required front and side yards.
- (2) *Required rear yard.*
 - a. Canopies attached to the main residence and open on at least three ~~two~~ 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 three feet to a property line, unless otherwise provided by (3) below. Any intrusion into a 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 twenty-five 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, provided no other detached accessory structure is proposed for the property. 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 CBS construction to match the residence. Any canopy with a pitch equal to or greater than two and one-half shall be constructed of ~~cement, ceramic, or metal~~ standing metal seam roof, barrel tile, flat tile or another material which simulates barrel tile or flat tile to match the residence ~~to simulate barrel tile or flat cement tile~~. ~~Use of other canopy roofing materials, approved under the Florida Building Code, may be approved by the Town at a public hearing through the variance process.~~



Town of Miami Lakes Memorandum

To: Honorable Chair and Members of the Local Planning Agency

From: Susana Alonso, AICP, Principal Planner

Subject: Infinity Pools in Waterfront Properties

Date: April 7, 2020

Recommendation:

Staff recommends approval of the ordinance allowing catch basins to encroach beyond the top of slope up to four (4) feet.

Background:

At the March 3, 2020, Planning Board meeting, a New Business item was introduced directing staff to explore a recommendation to the Town Council to allow an encroachment waterward of the tie-line or top of slope for the catch-basin of infinity edge pools in waterfront properties.

The request was initiated after two recent variances were granted for a pool and an infinity pool, and the board became aware that the LDC does not provide for catch basins at the moment.

This report and attached ordinance reflect Planning Board direction to staff to provide a recommendation to the council adding options in the LDC regarding allowing the catch basins of infinity pools as an encroachment beyond the top of slope in waterfront properties.

Attachments:

Ordinance
Staff Report



Department of Planning, Zoning and Code Compliance
6601 Main Street • Miami Lakes, Florida 33014
Office: (305) 364-6100 • Fax: (305) 558-8511
Website: www.miamilakes-fl.gov

Staff Analysis and Recommendation

To: Honorable Chair and Members of the Local Planning Agency
From: Susana Alonso, AICP, Principal Planner
Subject: Infinity pools in waterfront properties.
Date: April 7, 2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ENCROACHMENTS BEYOND THE TIE-LINE FOR WATERFRONT SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE VI, "SUPPLEMENTARY REGULATIONS", AT SECTION 13-1605, "WATERFRONT PROPERTIES"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A. BACKGROUND

At the March 3, 2020, Planning Board meeting, a New Business item was introduced directing staff to explore a recommendation to the Town Council to allow an encroachment waterward of the tie-line or top of slope for the catch-basin of infinity edge pools in waterfront properties. The request was initiated after two recent variances were granted for a pool and an infinity pool, and the board became aware that the Land Development Code (the "LDC") does not provide for said encroachments.

This report and attached ordinance reflect Planning Board's direction to staff to provide the Town Council with a recommendation to amend the LDC and allow catch basins of infinity pools to encroach beyond the top of slope and, or tie line on waterfront properties.

B. PROPOSED CHANGES

Sec. 13-1605. Waterfront properties. – Add definitions for *catch basin* and *infinity edge pool* and language allowing catch basins to encroach beyond the top of slope up to four (4) feet.

C. EVALUATION

An infinity pool creates a visual effect of a waterfall over one of its edges. In order to achieve the effect, the infinity edge is built lower than the water level, allowing the water to overflow into a catch basin located below; from there, water is pumped back into the upper pool to create a continuous overflow.

In the last few years, infinity edge pools, also known as endless pools, have become very popular. While in flat South Florida not every property can easily install an infinity pool, as they require slopes and terrain differentials, waterfront properties are naturally suited for them, and stand to take the most advantage of their visual appeal. However, as it stands today, the Town LDC effectively prohibits them by not including the catch basins in the list of structures that are allowed waterward of the top of slope. The current Town code allows very limited elements to encroach beyond the tie-line or top of slope in waterfront single-family and two-family properties. Allowable encroachments include, docks, limited landscaping, small open-sided gazebos (150 sf maximum), steps and decks (225 sf maximum and 18 inches over adjacent grade) and boat ramps. Swimming pools must end at the tie-line, and only the associated deck is allowed to encroach beyond the tie line, provided it is included in the maximum 225 sf allowed.

There are compelling reasons to limit these encroachments: maintaining the banks of lakes clear of obstructions preserves everyone's vistas, allows access to the water for maintenance, limits storm water run-off into the lakes, etc.; however, it is the opinion of Staff that the catch basins of infinity edge pools constitute a structure that could well be among those allowed. Furthermore, infinity pools are so well suited for waterfront properties, that in cases where the planning board has granted variances for pool encroachments beyond the top-of-slope, an infinity edge is often required as a condition in order to mask the inevitable wall that results from the slope differential.

Infinity pools work particularly well wherever a sloped property abuts a body of water, such as a lake, because the infinity edge seems to blend in with the waterbody, thus the name *endless pool*.

D. STAFF RECOMMENDATION

Based on the analysis provided and other factors contained in this report, Staff recommends approval of the ordinance allowing catch basins to encroach beyond the top of slope up to four (4) feet.

E. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be

considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The amendment allows for a structure very similar in nature to other structures already provided for as encroachments beyond the top of slope. In this light, the proposed ordinance conforms with the Town’s LDC’s. A review of the LDC’s found no conflicts.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation of this report. infinity edge pools have existed for a few years but are becoming more and more popular. The LDC does not currently mention or provide for this type of pool.

Finding: Complies.

4. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study; of this report. The proposed ordinance does not change the main permitted use of the property, and it creates no new conflicts with either adjoining properties or adjacent water bodies. Since the catch basins are similar in nature and construction as other currently allowable structures waterward of the top of slope, the proposal is consistent and compatible with existing development and land uses.

Finding: Complies.

5. Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation,

water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

- 6. Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: The proposed ordinance does not impact the above systems.

Finding: Complies.

- 7. Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Criteria 1, 2, and 4, of this report. Staff believes the opposite is true. The accommodation of new methods of construction and building trends is important for the protection of property values in the area. The current ordinance provides for a method of construction that has been widely used already, and that improves views of pools from the water.

Finding: Complies.

- 8. Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. The proposed ordinance would be consistent of existing land use patterns.

Finding: Complies.

- 9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and Study and Criteria 1, 2, and 4, of this report. The proposed ordinance would be in the public interest by allowing a method of pool construction that improves the views from the water.

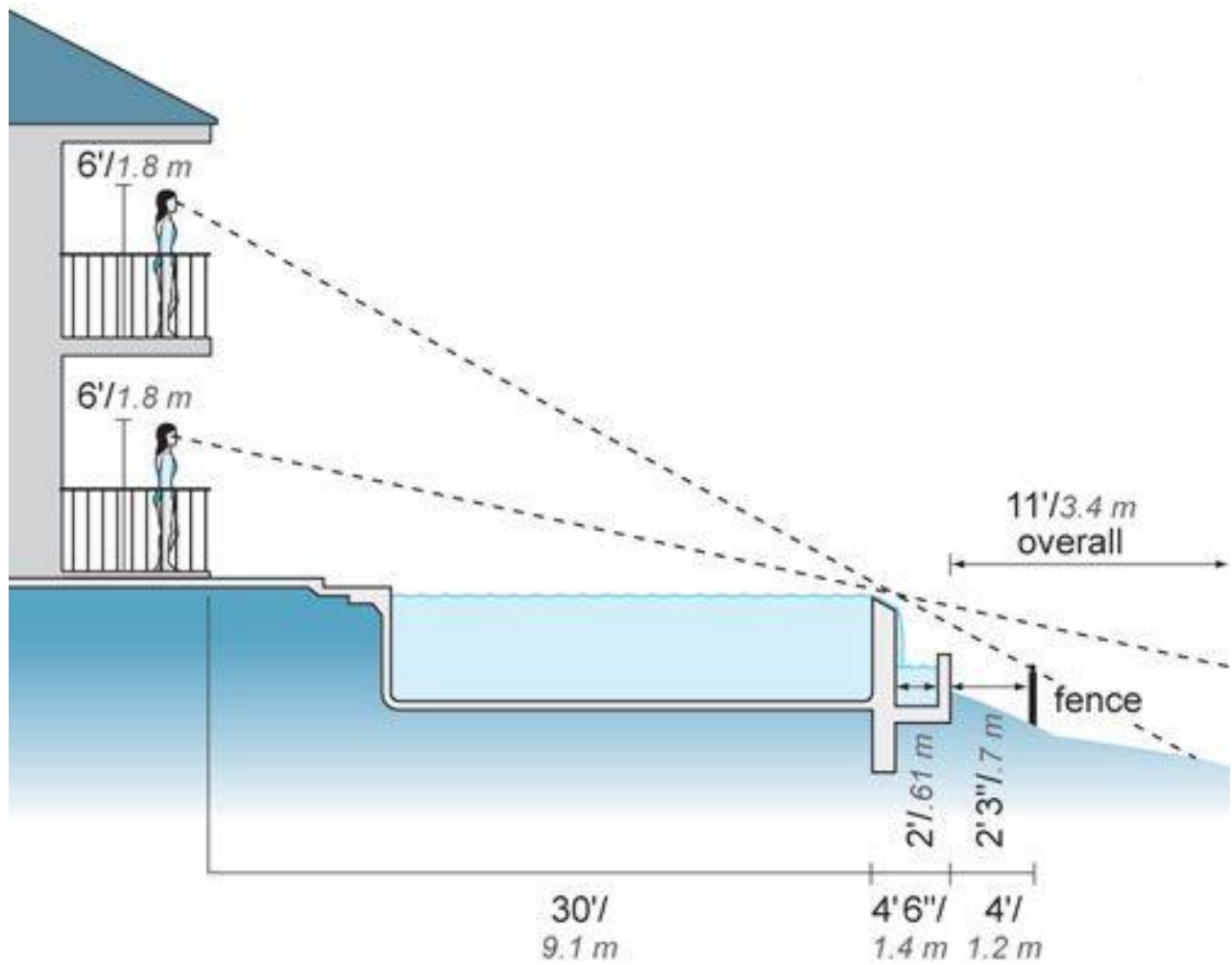
Finding: Complies.

- 10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.**

Analysis: See Sections “A”, Background; “B”, Proposed Changes, and Section “C”, Evaluation and all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed ordinance amendment is appropriate and consistent with the public interest. The Analysis Section addressed the conditions suggested by the Planning and Zoning Board.

Finding: As determined by the Town Council.

ATTACHMENT A



ORDINANCE NO. 20- _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ENCROACHMENTS BEYOND THE TIE-LINE FOR WATERFRONT SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE VI, “SUPPLEMENTARY REGULATIONS”, AT SECTION 13-1605, “WATERFRONT PROPERTIES”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (PIDERMANN)

WHEREAS, On March 3, 2020 the Planning Board approved a new business item recommending that the Town Council consider the possibility of revising the allowable encroachments waterward of the top of slope of single-family properties to allow the catch basins of infinity edge pools.

WHEREAS, Town Staff studied the matter and found that without such a change allow infinity edge pools are effectively not allowed to be built in the town, as they require the slope in order to create the “infinity” visual effect.

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

WHEREAS, on _____, the Town Council considered the ordinance at a duly advertised public hearing; and

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 stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Amendment. Section 13-1605, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

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

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

Section 5. Inclusion in the Town 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 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

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

FIRST READING

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

Mayor Manny Cid
Vice Mayor Nelson Rodriguez
Councilmember Carlos O. Alvarez
Councilmember Luis Collazo
Councilmember Joshua Dieguez
Councilmember Jeffrey Rodriguez
Councilmember Marilyn Ruano

Passed on first reading this _____ day of _____, 2020.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

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

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this _____ day of _____, 2020.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
ORDINANCE

Chapter 13 - LAND DEVELOPMENT CODE

Sec. 13-1605. - Waterfront properties.

- (a) This section shall govern the placement of accessory improvements and landscaping waterward of the top of the slope or tie line in the rear or side yards of lake front or canal front properties. This section shall not apply to the placement of accessory improvements landward of the top of the slope of such lakes or canals, which are permitted as accessory structures and uses otherwise under this Code. This section shall also apply to improvements into lakes or canals which are privately or publicly owned or maintained. No permit shall be issued for improvements into a lake or canal until the applicant receives approval from the owner of the portion of the lake or canal or the governmental authority or homeowners association having jurisdiction over the portion of the lake or canal where the proposed improvements will be constructed.
- (b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Catch Basin means the reservoir or well into which water from an infinity edge pool drains off.

Dock means that portion of a horizontal deck or structure constructed on pilings, floated or cantilevered past the water's edge into a lake or canal.

Infinity Edge Pool means a swimming pool that produces a visual effect of water extending to the horizon or vanishing into a lake or canal.

Lake means a body of water, whether or not connected to a canal or other body of water, and all water areas specified on a plat to the shoreline, whether or not the water area is over a portion of a lot. When a lake abuts a body of water designated by a governmental authority to be within the geographical limits of or defined as a canal, that portion designated as a canal shall not be considered a part of a lake unless that body of water is specifically designated as such by the Town.

Top of slope means the survey tie line shown on the plat or the established point on the lot or property where the elevation of the property starts sloping towards the water's edge. In the event that the survey tie line and actual top of slope shown on the survey differ, the top of slope for zoning purposes will be determined by the Administrative Official.

Water's edge means the average high ground water elevation. For properties originally developed with a bulkhead or seawall, the water's edge shall be the waterside of the existing bulkhead or seawall.

Watercraft means any boat, dinghy, raft, or other vessel or structure of any size, shape, material or configuration which is designed to float or travel on water and carry or transport one or more persons on water, whether or not it is motorized.

Waterfront lot means a lot any part of which touches the high-water mark of a lake, or a lot which has a seawall beyond which is a lake, canal or other body of water.

(c) Development and use restrictions.

- (1) In all zoning districts, allowable structures and improvements waterward of the top of the slope or waterward of a bulkhead on a lake or canal shall require approval through the site plan review process.
- (2) No powerboat or other mechanically powered watercraft or device propelled by anything other than manpower, sail or 12-volt electric trolling motor shall be used or operated on a privately owned lake. Where a lake abuts a body of water designated by a governmental authority to be within the geographical limits of or defined as a canal, power boats or mechanically powered craft are permitted.
- (3) Shoreline contours and established slopes of any lake or canal and the lots above or below water may not be changed or modified with the exception of interlocking block, concrete, wood or similar material bulkheads or decks as permitted in this section.
- (4) Townhouse properties that have side privacy walls extending past the residence towards the lake may construct decks between the walls that modify the established slope.
- (5) No lot shall be increased in size by filling in the water upon which it abuts.
- (6) The placement of the following accessory improvements and landscaping shall be permitted waterward of the top of slope on a lot, parcel or tract, subject to the following conditions:
 - a. Docks.
 1. Docks shall either be floated or be placed on pilings at right angles to the water's edge or shoreline, except as otherwise provided herein.
 2. The width of all docks on a single lot, parcel or tract collectively shall not exceed 30 percent of the lot's width at the water's edge. However, a dock that is placed parallel to the lot and that does not extend more than six feet beyond the water's edge may exceed 30 percent of the lot's width but may not encroach into the required side setbacks for docks in this section.
 3. No dock shall project past the water's edge more than one-half the length of the lot's shoreline frontage as measured at the water's edge, or 20 percent of the lake or canal width at its widest point, whichever is smaller. In no event shall a dock exceed 25 feet in length. For purposes of this section, the length shall be the perpendicular dimension measured from the water's edge (the average low ground water elevation) to the farthest point of the dock (including floating docks) extending into the lake.
 4. Docks in all zoning districts shall be set back 7.5 feet on interior side property lines and 15 feet on side property lines facing a street.

5. Only one dock shall be permitted for each principal building on the subject lot, parcel or tract.
 6. Enclosed or roofed structures, or open-sided gazebos shall not be permitted on docks or waterward of the water's edge.
- b. Landscaping, hedges, rocks, riprap, bulkheads.
1. Landscaping or hedges waterward of the top of slope but landward of the water's edge are allowed; however, hedges or plant groupings shall be placed no closer than ten feet from the water's edge. No hedge or plant groupings shall exceed two and one-half feet in height waterward of the top of the slope. Fences, walls or rocks arranged to form a fence or wall or objects which restrict access or block views from adjacent properties are not permitted beyond the top of the slope toward the lake, or waterside of the survey tie line.
 2. A riprap, interlocking block, concrete, wood or similar material bulkhead running parallel to the water's edge is permitted waterward of the top of slope. The bulkhead shall not extend more than one foot below the water's edge and no higher than one foot above the existing grade.
- c. Open-sided structures, gazebos. Only one open-sided structure shall be permitted waterward of the top of slope but landward of the water's edge, subject to compliance with the side setback requirements for decks in this section and accessory building lot coverage requirements of the zoning district in which the structure is located; provided, however, the rear setback requirement from the water's edge shall be zero feet. In no event shall an open-sided structure or gazebo that is placed waterward of the top of slope exceed 15 feet in height, measured from the height of the undisturbed land where it is placed, nor shall it exceed 150 square feet in area. Open-sided structures, 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.
- d. Steps and decks and catch basins associated with an infinity edge pool.
1. At grade steps no wider than four feet, and leading from the top of the slope or tie line towards the lake, dock, open-sided structure, gazebo or deck, shall be permitted waterward of the top of slope and landward of the water's edge.
 2. Decks that do not alter the established slope by more than 18 inches at any point along the deck, with a maximum size of 225 square feet per lot or parcel, including the footprint of a gazebo, shall be permitted waterward of the top of slope. The deck area shall be set back a minimum of 7.5 feet from the interior side property lines and 15 feet from a side street property line and subject to all lot coverage requirements for impervious area contained elsewhere in this Code.
 3. A catch basin associated with an infinity edge pool up to four (4) feet wide shall be permitted and counted in the total 225 square feet of deck area allowed under 2, above. All other components of the infinity edge pool shall remain landward of the top of slope.

- e. Boat ramps.
 - 1. Boat ramps shall be permitted providing no filling of the slope area occurs. Ramps shall be set back a minimum of 7.5 feet from adjacent properties.
 - 2. Filling waterward of the top of slope shall be prohibited.
- (7) Structures or improvements other than those specifically listed above are prohibited from placement within the area waterward of the top of slope.
- (d) Nonconforming structures or improvements that were constructed without a building permit waterward of the top of the slope.
 - (1) Notwithstanding the provisions of Subsection (c) of this section, existing structures or improvements located waterward of the top of the slope that have modified the existing slope of the lake or canal and that existed prior to December 5, 2000, and that received approval from the Town prior to January 18, 2006, or have received subsequent approval from the Town Council, shall be considered legal nonconforming structures with respect to all zoning requirements in this section. No variances to this section shall be permitted.
 - (2) Fences or walls constructed along the side property line or parallel to the water's edge past the top of the slope without a building permit may not be legalized and must be removed. Hedges that do not comply with the regulations contained in this section must be removed or trimmed and may not be legalized.



Town of Miami Lakes Memorandum

To: Honorable Chairman and Members of the Planning Board

From: Susana Alonso, AICP, Principal Planner

Subject: Director's Report

Date: April 3, 2020

Recommendation:

This oral report is intended to be informational. However, actions may result of this item.