

ORDINANCE NO. 19-\_\_

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO ZONING; AMENDING CHAPTER 13, LAND DEVELOPMENT CODE, AT ARTICLE V, SECTION 13-1507, ENTITLED “DECKS AND WALKWAYS,” PERMITTING DECKS TO BE LOCATED WITHIN THE REQUIRED STREET SIDE YARD SETBACK OF CORNER LOTS FOR PROPERTIES ZONED RU-1Z; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE. (Cid)**

**WHEREAS**, on June 5, 2018, the Town Council of the Town of Miami Lakes directed the Town Manager to explore the possibility of permitting corner lots zone RU-1Z, Single Family Zero Lot Line, to have a patio slab within a required fifteen (15) street side yard where only a three (3) foot walkway is permitted today; and

**WHEREAS**, Town Staff studied the matter and found the impact of such a change would be minimal provided the change was limited to corner lots; and

**WHEREAS**, this proposed ordinance is reflective of the Town Council’s request by permitting a patio slab in a required street side yard, provided there is a minimum setback of three (3) feet to the property line, the impervious area of the street side yard does not exceed 60 percent, and the impervious area of all the yards combined does not exceed 60 percent; and

**WHEREAS**, on July 18, 2018, 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 April 9, 2019, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

**WHEREAS**, on May \_\_\_\_\_, 2019, 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 13-1507 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Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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 April, 2019.

[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 \_\_\_\_\_, 2019.

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Manny Cid  
MAYOR

Attest:

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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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

EXHIBIT A

ORDINANCE

CHAPTER 13 – LAND DEVELOPMENT CODE

\* \* \*

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

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Sec. 13-1507. - Decks and walkways.

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 inches above the established grade. Decks or walkways higher than six 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 of five feet into the required front yard. One walkway with a maximum width of six feet shall be permitted from the entrance of the residence to the front property line.
- (2) Required side yards. Except as provided below, Decks shall not be permitted within the required side yards. Three feet wide walkways, steps or entrance stoops shall be permitted within the required side yards, set back a minimum of two feet from the side interior property line.
- (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 set back a minimum of five feet from the rear and interior side property lines. For zero lot line developments the decks or walkways shall be set back three feet from the rear property line, zero feet from the zero-lot line side and four 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. However, corner lots zoned RU-1Z shall be permitted to have a deck or patio in the required street side yard area provided:
  - (a) a minimum setback of three feet is provided to the property line; and
  - (b) it is behind an opaque fence; and
  - (c) one of the following water-retaining improvements are built in the three-foot setback:
    - A berm of no less than twelve inches above adjacent grade at its highest point
    - A swale of no less than twelve inches below adjacent grade at its lowest point

- A retaining wall constructed of a single slab of concrete, on no less than twelve inches above adjacent grade at its highest point
- (4) The maximum impervious area permitted for driveways, walkways, porches, decks, etc. (including brick pavers set in sand), in the required front and side yards facing a street shall be 60 percent for each yard. This provision, as it pertains to RU-1Z zone corner lots shall be waived if the requirements of item (3) (c), above, are met.
- (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 percent. The total impervious areas (including brick pavers set in sand) of all required yards on a RU-1Z zoned lot shall not exceed 60%. This provision, as it pertains to RU-1Z zone corner lots shall be waived if the requirements of item (3)(c), above, are met.