

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; and

**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; 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**, 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 in 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Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.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, Lopez, and Mestre, P.A.  
TOWN ATTORNEY

## EXHIBIT “A”

### 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, rooflike 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.~~

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Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.