



## Town of Miami Lakes Memorandum

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**To:** Honorable Mayor and Honorable Councilmembers

**From:** Edward Pidermann, Town Manager

**Subject:** Canopy encroachments into required rear yards

**Date:** May 19, 2020

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### **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.

On April 7 2020 the Planning Board in their capacity as the Local Planning Agency, recommended to approve the ordinance as presented.

On April 21, 2020 the Town Council moved the item on first reading.

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.

The 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