

ORDINANCE NO. #2010- 18

AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 47-105 OF THE LAND DEVELOPMENT CODE ENTITLED "SPECIAL SETBACKS ESTABLISHED"; TO PROVIDE SPECIFIC SETBACKS FOR CERTAIN ACCESSORY STRUCTURES FOR PROPERTIES LESS THEN 5,000 SQUARE FEET IN SIZE, PROVIDING FOR RENUMBERING, CODIFICATION, CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, at its meeting of August 22, 2007, the City Council of the City of Doral adopted its first Land Development Code; and

WHEREAS, the City's Land Development Code provides for special setbacks for accessory structures; and

WHEREAS, in some unique instances, it becomes difficult or impossible to install certain accessory structures within residential lots smaller than 5,000 square feet; and

WHEREAS, in order to provide those unique properties equal development opportunities within the confines the Land Development Code, it is in the best interest to amend the special setbacks established provision to provide flexibility among permitted accessory use for certain properties; and

WHEREAS, the City Council of the City of Doral has reviewed the proposed revision to the Land Development Regulations to confirm consistency with the City's Comprehensive Plan, and has conducted all necessary public hearings for the adoption by the City of the Land Development Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DORAL:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirm as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The City Council of the City of Doral hereby adopts the Land Development Regulations, below:

Sec. 74-105 Special setbacks.

(a) *In general.* This section provides for specific accessory structures and architectural appurtenances and features to be located within required building setback areas. Recorded easements and required landscaped buffers shall supersede the minimum dimensions permitted by this section.

(b) *Special setbacks.*

TABLE INSET:

Structure or Building Feature		Special Setback
Air conditioning unit		3.5 feet into setback (1)
Awning <u>(9)</u>		3 feet into setback (1)
Balcony, open three sides		5 feet into setback (1)
Boat dock/boathouse		Refer to Section 12 in Chapter VI
Canopy, commercial (3):		
	Bank drive-through	5 feet from side property line
	Gasoline pump island	5 feet from side property line
	Other	5 feet from side property line
Carport, residential (attached or freestanding) (3)		15 feet from rear property line 5 feet from side property line
Deck, wood (less than one foot above grade at property line) (2), (6)		2 feet from property line
Deck, wood (greater than one foot above grade at property line) (2), (3)		2 feet from property line, plus 2 feet for every 1 foot above grade
Driveways, Walkways, and/or any kind of impervious surface – except for town homes (see Section 6 of Chapter V for townhouses)		5 feet from property line 0 feet if surface is pervious
Driveway, residential :		

Structure or Building Feature		Special Setback
	Expansion of existing drive with pervious and nonpermanent surface	4 feet from property line
Fuel storage tank (aboveground) (2), (7) (8):		
	Non-residential zones	10 feet from property line
Gazebos <u>(9)</u>		Permitted only in rear yards; 5 feet from rear and side property lines
Outdoor play equipment (7)		7.5 feet from rear property line
Overhang		3 feet into yard (1)
Patio, at grade (2)		2 feet from property line, 0 feet if surface is pervious
Pool, swimming (2)		6 feet from property line (4)
<u>Whirlpool Bath (9)</u>		<u>6 feet from property line (4)</u>
Porch:		
	Entry (less than 12 square feet)	3 feet into front or rear yard
	Covered, open three sides	5 feet from rear property line
Screen room, terrace, residential (roof, open three sides or open two sides if dwelling is not parallel to rear lot line) <u>(9)</u>		5 feet from rear property line
Screen room, residential enclosure – three (3) sides and roof is open. (2) <u>(9)</u>		3 feet from property line
Storage building (2), (7):		
	Residential uses (120 square feet or less)	5 feet from property line
	Residential uses (121 to 250 square feet)	10 feet from property line
	Nonresidential uses (250 square feet or less)	10 feet from property line
Tennis court, residential (2)		10 feet from property line

NOTES:

- (1) In no case shall the special setback exceed 50 percent of the minimum yard dimension.
- (2) Location within required yards permitted in rear and side yards only.
- (3) Setback shall be measured from the leading vertical edge of the structure. Where the structure is movable, creating an adjustable vertical edge, the setback dimension shall be measured from the greatest possible vertical edge.
- (4) Structures elevated and attached to the top of aboveground pools shall be set back in accordance with the special setback provisions established for decks in this section.
- (5) Location within required yards permitted in rear yards only. Structures may be allowed in side yards provided they are screened from public view by an opaque fence.

- (6) Location within the side corner yard is allowed, provided that the deck is screened by an opaque fence.
- (7) Location within the required rear yard is prohibited on an atypical lot if structure is greater than four feet in height.
- (8) Shall be screened properly from the right-of-way.
- (9) **For properties less than 5,000 square feet, setback is 18 inches from the rear and side property lines. Maintenance and drainage easements must remain clear.**

Sec. 52-5 Definitions.

Swimming Pool. The term “Swimming Pool” shall mean a water-filled enclosure with a depth of 24 inches or more, used for swimming or recreation. This includes in-ground, and above ground swimming pools. This definition does not include “whirlpool Baths” as defined hereinafter.

Whirlpool Bath. The term “Whirlpool Bath” shall mean a bath in which the body is immersed in swirling water as therapy or for relaxation and in which all controls, water heating and water circulating equipment are an integral part of the product. The terms “Jacuzzi”, “Hot Tub” and “Spa” are defined as the same.

Section 3. Renumbering. To the extent necessary, the sections of the Land Development Regulations, as well as provisions of previously approved Ordinances to be included within the codified Land Development Regulations, may be renumbered or re-lettered to accomplish the codification authorized herein.

Section 4. Severability. That if any section, subsection, sentence, clause, phrase, word or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 5. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 6. Inclusion in Code. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section " or other appropriate word.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

[Section left blank intentionally]

The foregoing Ordinance was offered by Councilman Cabrera, who moved its adoption.

The motion was seconded by Vice Mayor Van Name and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Robert Van Name	Yes
Councilmember Peter Cabrera	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Michael DiPietro	Yes

PASSED AND ADOPTED upon first reading the 9th day of June, 2010.

PASSED AND ADOPTED upon second reading the 8th day of September, 2010.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE
OF THE CITY OF DORAL:



JIMMY MORALES, CITY ATTORNEY