

RESOLUTION No. 18-13

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, TRANSMITTING WITHOUT A RECOMMENDATION, OF AN AMENDMENT TO SECTION 74-105, "SPECIAL SETBACKS ESTABLISHED," OF THE CITY'S LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures associated with changing technologies; and

WHEREAS, the City is proposing an amendment to the Code, as provided in Exhibit "A", to allow for a uniform and adequate area between the location of storage buildings or accessory structures and property lines; and

WHEREAS, on January 17, 2018, the City Council of the City of Doral sitting as the Local Planning Agency (LPA) at a properly advertised hearing received testimony and evidence related to the Application from the Applicant and other persons and found that the adoption of this Resolution is in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY, THAT:

Section 1. Recital. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Decision. The proposed text amendment to the Land Development Code, as provided in Exhibit is consistent with the City's Master Comprehensive Master Plan, and, therefore, it is recommended that the City Council transmit the amendment, or this Resolution to the local governing body (City Council) without a recommendation.

Section 3. Effective Date. This Resolution shall become effective immediately.

The foregoing Resolution was offered by Vice Mayor Rodriguez who moved its adoption.

The motion was seconded by Councilmember Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Ana Maria Rodriguez	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Claudia Mariaca	Yes

TRANSMITTED WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 17 DAY OF JANUARY, 2018.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

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



WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

EXHIBIT “A”

ORDINANCE No. 2018-01

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 74-105 "SPECIAL SETBACKS ESTABLISHED," OF THE CITY'S LAND DEVELOPMENT CODE; MODIFYING THE RESIDENTIAL USES SPECIAL SETBACK REQUIREMENTS AND SIZE LIMITATIONS FOR STORAGE BUILDINGS OR ACCESSORY STRUCTURES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral (the "City") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures associated with changing technologies; and

WHEREAS, the purpose of this Ordinance is to allow for a uniform and adequate area between the location of storage buildings or accessory structures and property lines; and

WHEREAS, pursuant to law, notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of the public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recital. The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Code Amended. The Code Ordinances of the City of Doral is hereby amended as follows:

CODING: Words in ~~struck through~~ type are deletions from existing law
Words in underscore type are additions

CHAPTER 74 – MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS

* * *

ARTICLE III – SPECIAL SETBACKS AND USES

* * *

DIVISION 2. – SPECIAL SETBACKS

* * *

Sec. 74-105 – Special Setbacks Established

Structure or Building Feature	Special Setback
Air conditioning unit	3.5 feet into setback ⁽¹⁾
Awning ⁽⁹⁾	Three feet into setback ⁽¹⁾
Balcony, open three sides	Five feet into setback ⁽¹⁾
Boat dock and boathouse	Refer to article VIII of this chapter
Canopy, commercial ⁽³⁾	
Bank drive-through	Five feet from side property line
Gasoline pump island	Five feet from side property line
Other	Five feet from side property line
Carport, residential (attached or freestanding) ⁽³⁾	15 feet from rear property line five feet from side property line
Deck, wood (less than one foot above grade at property line) ⁽²⁾⁽⁶⁾	Two feet from property line
Deck, wood (greater than one foot above grade at property line) ⁽²⁾⁽³⁾	Two feet from property line, plus two feet for every one foot above grade
Driveways, walkways, and/or any kind of impervious surface, except for townhomes (see Ch. 68, Art. II, Div. 7 MF-1, for townhouses)	Five feet from property line zero feet if surface is pervious
Driveway, residential	

Expansion of existing drive with pervious and nonpermanent surface	Four feet from property line
Fuel storage tank, aboveground ⁽²⁾⁽⁷⁾⁽⁸⁾	
Nonresidential zones	Ten feet from property line
Gazebos ⁽⁹⁾	Permitted only in rear yards; five feet from rear and side property lines
Outdoor play equipment ⁽⁷⁾	7.5 feet from rear property line
Overhang	Three feet into yard ⁽¹⁾
Patio, at grade ⁽²⁾	Two feet from property line, zero feet if surface is pervious
Pool, swimming ⁽²⁾	Six feet from property line ⁽⁴⁾
Whirlpool bath ⁽⁹⁾	Six feet from property line ⁽⁴⁾
Porch	
Entry (less than 12 square feet)	Three feet into front or rear yard
Covered, open three sides	Five 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) ⁽⁹⁾	Five feet from rear property line
Screen room, residential enclosure (three sides and roof is open) ⁽²⁾⁽⁹⁾	Three feet from property line
Statues, monuments and sculptures ⁽¹⁰⁾	
Residential uses	Five feet from property line for structure not exceeding ten feet in height plus one foot for every one foot in height thereafter
Nonresidential uses	Ten feet from property line for structure not exceeding ten feet in height plus one foot for every one foot in height thereafter
Storage building ⁽²⁾⁽⁷⁾	
Residential uses (120 square feet or less)	Five feet from property line

Residential uses (121 to 300 250 square feet)	<u>Seven and half</u> feet from property line
Nonresidential uses (250 square feet or less)	Ten feet from property line
Tennis court, residential ⁽²⁾	Ten feet from property line

* * *

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including but not limited to, renumbering or re-lettering sections, and use of appropriate word or phrase in order to accomplish the intent of the Ordinance.

Section 5. 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, if being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately.

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

Mayor Juan Carlos Bermudez	_____
Vice Mayor Ana Maria Rodriguez	_____
Councilman Pete Cabrera	_____
Councilwoman Christi Fraga	_____
Councilwoman Claudia Mariaca	_____

PASSED AND ADOPTED on FIRST READING this 17 day of January, 2018.

PASSED AND ADOPTED on SECOND READING this ____ day of _____, 2018.

JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

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