

**ORDINANCE #2011- 29**

**AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 74-105 OF THE LAND DEVELOPMENT CODE ENTITLED "SPECIAL SETBACKS ESTABLISHED"; TO PROVIDE SPECIFIC SETBACKS, HEIGHT AND QUANTITY FOR STATUES, MONUMENTS AND SCULPTURES, 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, Statues, Monuments and Sculptures are not listed as a permitted accessory use; and

WHEREAS, in order to permit Statues, Monuments and Sculptures within the City, it is in the best interest to amend the special setbacks established provision to provide Statues, Monuments and Sculptures as a permitted accessory use and to provide setback, height and size limitations; 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.

Sec. 74-104. - Purpose and intent.

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.

(Ord. No. 2007-12, exh. A(ch. VI, § 2), 8-22-2007; Ord. No. 2008-01, exh. A(amds. 9—11), 2-27-2008)

Sec. 74-105. - Special setbacks established.

The following are the special setback requirements:

Structure or Building Feature	Special Setback
Air conditioning unit	3.5 feet into setback <sup>(1)</sup>
Awning <sup>(9)</sup>	Three feet into setback <sup>(1)</sup>
Balcony, open three sides	Five feet into setback <sup>(1)</sup>
Boat dock and boathouse	Refer to article VIII of this chapter
Canopy, commercial <sup>(3)</sup>	
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) <sup>(3)</sup>	15 feet from rear property line five feet from side property line
Deck, wood (less than one foot above grade at property line) <sup>(2)(6)</sup>	Two feet from property line
Deck, wood (greater than one foot above grade at property line) <sup>(2)(3)</sup>	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 <u>ch. 68</u> , 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 <sup>(2)(7)(8)</sup>	
Nonresidential zones	Ten feet from property line

Gazebos <sup>(9)</sup>	Permitted only in rear yards; five feet from rear and side property lines
Outdoor play equipment <sup>(7)</sup>	7.5 feet from rear property line
Overhang	Three feet into yard <sup>(1)</sup>
Patio, at grade <sup>(2)</sup>	Two feet from property line, zero feet if surface is pervious
Pool, swimming <sup>(2)</sup>	Six feet from property line <sup>(4)</sup>
Whirlpool bath <sup>(9)</sup>	Six feet from property line <sup>(4)</sup>
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) <sup>(9)</sup>	Five feet from rear property line
Screen room, residential enclosure (three sides and roof is open) <sup>(2)(9)</sup>	Three feet from property line
<b><u>Statues, monuments and sculptures<sup>(10)</sup></u></b>	
<b><u>Residential uses</u></b>	<b><u><del>Five feet from property line</del> Five feet from property line for structure not exceeding 10 feet in height plus one foot for every one foot in height thereafter</u></b>
<b><u>Nonresidential uses</u></b>	<b><u><del>Ten feet from property line</del> Ten feet from property line for structure not exceeding 10 feet in height plus one foot for every one foot in height thereafter</u></b>
Storage building <sup>(2)(7)</sup>	
Residential uses (120 square feet or less)	Five feet from property line
Residential uses (121 to 250 square feet)	Ten feet from property line
Nonresidential uses (250 square feet or less)	Ten feet from property line
Tennis court, residential <sup>(2)</sup>	Ten feet from property line

Notes.

<sup>(1)</sup>In no case shall the special setback exceed 50 percent of the minimum yard dimension.

<sup>(2)</sup>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.

**(10) Maximum height of the structure shall be no greater than the height of the principal structure up to a maximum height of 35 feet. In no instance shall the size of the structure(s) exceed the maximum building coverage and/or minimum open space requirements established for the zoning district. This section does not regulate structures on publicly owned property. The minimum distance between structures shall be 200 feet.**

(Ord. No. 2007-12, exh. A(ch. VI, § 2), 8-22-2007; Ord. No. 2008-01, exh. A(amds. 9—11), 2-27-2008; Ord. No. 2010-18, § 1, 9-8-2010)

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

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.

The foregoing Ordinance was offered by Vice Mayor DiPietro, who moved its adoption. The motion was seconded by Councilwoman Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilmember Peter Cabrera	Yes
Councilwoman Luigi Boria	Yes
Councilmember Ana-Maria Rodriguez	Yes

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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

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BARBARA HERRERA, CITY CLERK

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

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JIMMY MORALES, CITY ATTORNEY