

**ORDINANCE No. 2019-05**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING TEXT AMENDMENTS TO THE CITY OF DORAL LAND DEVELOPMENT CODE BY AMENDING CHAPTER 74 “MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS”, ARTICLE III “SPECIAL SETBACKS AND USES”, DIVISION 2 “SPECIAL SETBACKS”, SECTION 74-105 “SPECIAL SETBACKS ESTABLISHED” PERTAINING TO ZONING REGULATIONS OF PERMANENTLY INSTALLED STAND-BY GENERATORS AND PERGOLAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in 2007, the City of Doral (the “City”) adopted its own Land Development Code; and

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

**WHEREAS**, permanently installed stand-by generators and pergolas are not listed as an ancillary use or accessory structure, and

**WHEREAS**, in order to permit stand-by generators and pergolas, it is in the best interest to amend Section 74-105 of the Land Development Code to provide permanently installed stand-by generators and pergolas as a permitted ancillary uses and to provide setback, size and height limitations; and

**WHEREAS**, the City Council of the City of Doral has reviewed the proposed revisions to the Land Development Code 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 Code; and

**WHEREAS**, the City Council of the City of Doral has reviewed the proposed text amendment to the Land Development Code and find the amendment to be in the best interest and welfare of the City and its residents.

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

**Section 1. Recitals.** The above Recitals are confirmed, adopted, and incorporated herein and made a part of hereof by this reference.

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

**CHAPTER 52 – GENERAL PROVISIONS**

Sec. 52-5. – Definitions.

*Pergola.* A freestanding structure usually consisting of parallel colonnades supporting an open roof of girders and cross rafters. A pergola is built as an outdoor sitting area with lattice or open slat roof for partial shade. Structures with a thatch-type roof, including, but not limited to, tiki huts, shall not constitute a pergola.

**CHAPTER 74 – MISCELLANEOUS AND SUPPLEMENTARY REGULATIONS**

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**ARTICLE III – SPECIAL SETBACKS AND USES**

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**DIVISION 2. – SPECIAL SETBACKS**

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Sec. 74-105. – Special Setbacks Established

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

CODING: Words in ~~struck through~~ type are deletions from existing law;  
Words in underscored type are additions.

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 Ch. 68, Art. II, Div. 7 MF-1, for townhomes)	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
<u>Pergola not larger than 100 square feet and not exceeding 10 feet in height <sup>(9)</sup></u>	<u>Permitted only in rear yards; five (5) feet from rear and interior side property lines; 10 feet from side street</u> <u>Setback shall be measured from the outermost edge of cross rafters, beams or any member of the roof support to the property line.</u>

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<u>Pergola larger than 100 square feet</u>	<u>Permitted only in rear yards; five (5) feet from rear and interior side property lines; 10 feet from side street</u>  <u>Setback shall be measured from the outermost edge of cross rafters, beam or any member of the roof support to the property line.</u>
<u>Permanently installed stand-by generators</u>	
<u>Residential zones (A maximum of one (1) generator may be permitted for a single-family residence, individual duplex unit or individual townhouse unit) <sup>(11)</sup></u>	<u>Front - behind the front building line</u> <u>Rear – Five feet</u> <u>Interior side – 3 feet</u> <u>Side Street – behind the side street building line</u>
<u>Nonresidential zones</u>	<u>Permanent generator must comply with principal building setbacks, except that there shall be no spacing requirement from the principal building to the generator.</u>
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
Statues, monuments and sculptures <sup>(10)</sup>	
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 <sup>(2)(7)</sup>	
Residential uses (120 square feet or less)	Five feet from property line
Residential uses (121 to 300 square feet)	Seven and one half 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.
- <sup>(3)</sup> 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.
- <sup>(4)</sup> 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.
- <sup>(5)</sup> 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.
- <sup>(6)</sup> Location within the side corner yard is allowed, provided that the deck is screened by an opaque fence.
- <sup>(7)</sup> Location within the required rear yard is prohibited on an atypical lot if structure is greater than four feet in height.
- <sup>(8)</sup> Shall be screened properly from the right-of-way.
- <sup>(9)</sup> For properties less than 5,000 square feet, setback is 18 inches from the rear and side property lines. Rear and interior side setbacks may be reduced to 18 inches provided an affidavit is submitted indicating consent from the owner of the property that directly abuts the property boundary where the reduction is requested. Maintenance and drainage easements must remain clear.
- <sup>(10)</sup> 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.

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(11) Permanently installed generators fueled by propane gas or natural gas not exceeding five (5) feet in height from finished grade to the top of the generator shall be permitted as an accessory use in conjunction with a permitted residential use. Side street setback shall be behind the side street building line, unless completely screened from view by a wall or hedge. In no event shall a permanently installed generator be placed closer than ten (10) feet to the side street property line. These requirements are in addition to all applicable county, state or federal requirements.

**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 any and 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 to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

**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, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Conflicts.** All ordinances or parts of ordinances, resolution 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 upon adoption.

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

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Absent/Excused
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED on FIRST READING this 23 day of January, 2019.


PASSED AND ADOPTED on SECOND READING this 27 day of March, 2019.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
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CONNIE DIAZ, MMC  
CITY CLERK

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

  
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LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY