

ORDINANCE NO. 1033-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-025, AWNINGS AND CANOPIES IN ALL ZONING DISTRICTS, TO PROVIDE CLARIFYING LANGUAGE TO BETTER DIFFERENTIATE AND DESCRIBE PORTABLE AND PERMANENT SELF-SUPPORTING AND FREE-STANDING CANOPIES; ESTABLISHING RULES AND REGULATIONS FOR THE LOCATION, PLACEMENT, AND INSTALLATION OF SELF-SUPPORTING AND FREE-STANDING CANOPIES ON PROPERTIES IN THE SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS OF THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

WHEREAS, there has been some confusion regarding the rules and regulations applicable to portable and permanent self-supporting and free-standing canopies located, placed and installed on properties in the single-family zoning districts of the City; and,

WHEREAS, it has become apparent that many portable self-supporting and free-standing canopies have already been placed on single-family residential properties in the City without permitting; and,

WHEREAS, the Building and Code Compliance Departments of the City have recommended to the City Council that portable and permanent self-supporting and free-standing canopies should be subject to separate rules and regulations; and,

WHEREAS, the City Council has considered the differences between the types of self-supporting and free-standing canopies and is desirous of providing appropriate rules and regulations for the location, placement and installation of each of the types of canopies; and,

WHEREAS, the City Council of the City of Miami Springs has determined that the amended rules and regulations for the location, placement and installation of portable and permanent self-supporting and free-standing canopies is appropriate and in the best interests of the City and its citizens:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 150-025, Awnings and Canopies in all Zoning Districts, shall be amended as follows:

- (A) ...
- (B) ...
- (C) ...
- (D) ...
- (E) ...
- (F) ...
- (G) ...

(H) Location of Awnings.

(1) Single-family residential and duplex zoned districts.

(a) All window and door awnings shall be attached to the building, ~~and may be located on the front, side, or rear of said building, and may be located in required setback areas.~~

(b) ~~No self-supporting or free-standing shelter canopy, carport canopy or entrance canopy is permitted in the required front yard area.~~

(b) The awnings may be located on the front, side, or rear of said building, and may extend into required setback areas.

~~(c) No self-supporting or free-standing canopy or carport canopy is permitted in the required side yard setback or rear yard setback area. However, the City Board of Adjustment may grant a variance from this side and rear yard restriction if the requested awning or canopy will be properly screened from adjoining properties and streets, will not create a violation of the public health, safety and welfare, and is supported by the establishment of a hardship in accordance with the standards set forth in this Code.~~

(2) All other zoned areas.

~~(a) All window and door awnings and canopies shall be attached to the building, and may be located on the front, side or rear of that building.~~

~~(b) No self-supporting or free-standing canopy shall be erected without a variance having been approved by the Board of Adjustment.~~

~~(b) The awnings may be located on the front, side or rear of the building.~~

- (I) ...
- (J) ...
- (K) ...
- (L) ...
- (M) ...

(N) Self-supporting and free-standing canopies in the residential districts of the City.

(1) Self-supporting and free-standing canopies shall be permitted in the single-family residential zoning districts of the city in accordance with the following rules and regulations.

(2) Portable or temporary self-supporting and free-standing canopies shall not require permanent anchoring to the ground or an approved cement slab and shall be capable of being completely disassembled and stored within a period of three hours.

(a) Such canopies shall not require permitting prior to placement.

(b) No such canopies shall be permitted to be located in the front yard area of any single-family residential property.

- (c) Such canopies may not be placed or located closer than five (5) feet from any side or rear property line of any single-family residential property.
- (3) Permanent self-supporting and free-standing canopies shall be required to be anchored to the ground, an approved cement slab, or other permanent support structure authorized and approved by the City Building Department.
 - (a) The installation of such canopies shall require proper permitting and inspection by the City Building Department.
 - (b) No such canopies shall be permitted to be located in the front yard area of any single-family residential property.
 - (c) Such canopies may not be permanently installed within the required side or rear yard setback areas of any single-family residential property.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

THIS SPACE INTENTIONALLY LEFT BLANK

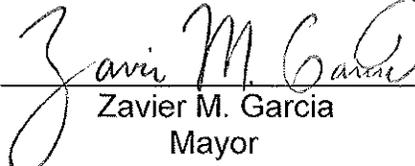
PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this

9th day of April, 2012.

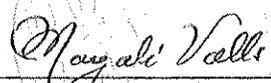
The motion to adopt the foregoing ordinance was offered on second reading by Vice Mayor Lob, seconded by Councilman Best, and on roll call the following vote ensued:

Vice Mayor Lob	"aye"
Councilman Best	"aye"
Councilman Espino	"aye"
Councilwoman Ator	"aye"
Mayor Garcia	"aye"




Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Jan K. Seiden, Esquire
City Attorney

First reading: 03/26/2012
Second reading: 04/09/2012

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.