

ORDINANCE NO. 1044-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-002, DEFINITIONS; BY CLARIFYING AND UPDATING THE DEFINITIONS OF REAR YARD [SUBSECTION (C) (79)], AND SIDE YARD [SUBSECTION (C) (80)]; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, as a result of certain recent cases the City Planner, Building and Code Department, and other administrative officials of the city have had occasion to review the Code definitions of rear and side yards; and,

WHEREAS, the aforesaid reviews have resulted in various recommendations for the clarification and updating of the aforesaid Code definitions; and,

WHEREAS, although “regulatory provisions” are not normally included within provisions providing definitions, it is appropriate to include such “regulatory provisions” if such provisions are specifically separated from the definitions and such placement does not create interpretation issues for the definition; and,

WHEREAS, it was further agreed by the City Staff that the subject definitional provisions required updating; and,

WHEREAS, the City Council has been provided an explanation for the proposed clarification and updating of the subject definitions and determined that such actions are in the best interests of the City and its citizens; and,

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

Section 1: That Code of Ordinance Section 150-002, Definitions, is hereby amended as follows;

150-002. Definitions.

(A) . . .

(B) . . .

(C) The following words and phrases shall have the following meanings ascribed to them respectively:

(1) thru (78)

(79) Yard, rear. A yard extending across the rear of a lot, and being the required minimum horizontal distance between the rear lot line and the rear of the nearest part of the main building. ~~Eaves or overhangs may extend into any minimum rear yard setback, but shall not extend more than 30 inches into the minimum rear yard setback or closer than three feet to the rear property line. Stoops and steps may extend into any minimum rear yard setback, but shall not extend more than 36 inches into the minimum rear yard setback. No portion of a central air conditioning or heating unit shall be located in any minimum rear yard setback area. Window awnings and shutters may extend into any minimum rear yard setback. No other structures than those specifically permitted above shall be constructed or erected in any minimum rear yard setback. On all lots, the rear yard shall be that portion opposite and most distant from the front yard.~~

The rear yard shall be that portion of the lot that is opposite and most distant from the front yard. Despite the definition contained herein, for total rear yard area computation purposes only, the entire open and non-constructed areas behind the rear of the main building and extending to the rear lot line, shall be used for such calculations. The following shall constitute the only permitted encroachments into the minimum rear yard setback areas;

(a) Eaves and overhangs; not to exceed thirty inches into the minimum setback.

(b) Stoops and steps; not to exceed thirty-six inches into the minimum setback.

(c) Window awnings and shutters

(80) Yard, side. A yard between the main building and the side line of the lot, and extending from and between the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the nearest part of the main building. ~~Eaves or overhangs may extend no more than 30 inches into the minimum side yard setback, nor closer than three feet to the side property line. Stoops and steps may extend into any minimum side yard setback, but shall not extend more than 36 inches into the minimum side yard setback. Any portable air conditioning unit, whether installed through the wall or set into a window, may extend into the minimum side yard setback. Window awnings and shutters may extend into any minimum side yard setback. No other structures than those specifically permitted above shall be constructed or erected in any minimum side yard setback. It is contemplated that building indentations, niches, or~~

cutout areas may be provided adjacent within the side yards of properties and that such areas may constitute a part of the total side yard area, but shall not be permitted within the minimum side setback area. The following shall constitute the only permitted encroachments into the minimum side setback area;

(a) Eaves and overhangs; not to exceed thirty inches into the minimum setback, nor closer than three feet to any side property line.

(b) Stoops and steps; not to exceed thirty-six inches into the minimum setback.

(c) Window awnings and shutters

Section 2: 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 10th day of December, 2012.

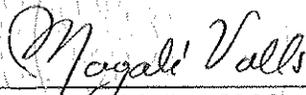
The motion to adopt the foregoing ordinance was offered on
second reading by Councilman Best, seconded by
Councilwoman Bain, and on roll call the following vote ensued:

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



Xavier M. Garcia
Mayor

ATTEST:



Magali Valls, CMC
City Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012
Second reading: 12-10-2012

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