1	ORDINANCE NO. 2023		
2	AN ORDINANCE OF THE CITY COMMISSION OF THE		
3	CITY OF SOUTH MIAMI, FLORIDA, AMENDING		
4 5	ARTICLE III "ZONING REGULATIONS", SECTION 20-		
<i>5</i>	3.6(I) OF THE LAND DEVELOPMENT CODE, ADDRESSING PERMISSIBLE HEIGHT OF AN		
7			
8	ACCESSORY STRUCTURE; PROVIDING FOR CORRECTIONS; SEVERABILITY; CONFLICTS;		
9	IMPLEMENTATION; AND AN EFFECTIVE DATE.		
10			
11	WHEREAS, the City of South Miami (the "City") has adopted a Land Development Code		
12	(the "LDC") to promote the health, safety, community acceptable standard of morals and general		
13	welfare of the residents of the City of South Miami through the stated regulations of this LDC; and		
14	WHEREAS, the City Commission finds it periodically necessary to amend the LDC in		
15	order to update regulations and procedures to implement planning goals and objectives; and		
16	WHEREAS, Section 20-3.6(I) of the LDC lists restrictions and permissible development		
17	criteria for accessory structures, including a height limitation of twelve (12) feet from grade for		
18	accessory structures constructed within the rear setback; and		
19	WHEREAS, modern homes, which are often constructed at a higher floor elevations that		
20	maximize the height allowed under the applicable zoning district, may benefit from compatible		
21	accessory structures with similar floor elevations; and		
22	WHEREAS, because height of accessory structures is measured from grade, higher floor		
23	elevations compress floor to roof/ceiling height; and		
24	WHEREAS, the City Commission finds the maximum height of accessory structures		
25	should apply to all accessory structures irrespective of where on the lot they are located and should		
26	be increased from twelve (12) feet to fifteen (15) feet to allow for more flexibility in providing		
27	greater elevations without foregoing usable or desirable floor to roof/ceiling heights; and		

28	WHEREAS, on October 10, 2023, the Planning Board, sitting in its capacity as the Local		
29	Planning Agency, reviewed this Ordinance and recommended approval by a vote of six (6) to zero		
30	(0); and		
31	WHEREAS, this Ordinance was duly noticed and presented to the City Commission in		
32	two readings, with second reading conducted as the required public hearing on		
33	, 2023; and		
34	WHEREAS, the City Commission finds that this Ordinance is in the best interest and		
35	welfare of the City.		
36	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE		
37	CITY OF SOUTH MIAMI, FLORIDA, AS FOLLOWS:1		
38	Section 1. Recitals. The above-stated recitals are true and correct and are incorporated		
39	herein by this reference.		
40	Section 2. Amending Article III of the Code. That Article III is hereby amended to		
41	read as follows:		
42	ARTICLE III – ZONING REGULATIONS		
43	* * *		
44	(I) Accessory Structure or Uses.		
45	* * *		
46	(4) Accessory structures or uses may be located in a required rear yard, provided such		
47	structures or uses do not occupy more than thirty (30) percent of required setback		

¹ Coding: Strikethrough words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Modifications proposed between Planning Board review and first reading are shaded in grey. Changes between first and second reading are indicated with <u>double strikethrough</u> and <u>double underline</u>.

48	areas and provided further that such accessory buildings do not exceed one (1) story		
49	or twelve (12) fifteen (15) feet in height above grade.		
50	* * *		
51	(7) No accessory structure or use may exceed fifteen (15) feet above grade.		
52	(8) Temporary structures.		
53	* * *		
54	Section 3. Corrections. Conforming language or technical scrivener-type corrections		
55	may be made by the City Attorney for any conforming amendments to be incorporated into the		
56	final Ordinance for signature.		
57	Section 4. Severability. If any section, clause, sentence, or phrase of this Ordinance		
58	is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding		
59	shall not affect the validity of the remaining portions of this Ordinance.		
60	Section 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts		
61	of resolutions, in conflict herewith, are repealed to the extent of such conflict.		
62	Section 6. Implementation. The City Manager is hereby authorized to take any and		
63	all necessary action to implement the purposes of this Ordinance.		
64	Section 7. Effective Date. This Ordinance shall become effective immediately upon		
65	adoption.		
66 67 68	PASSED on first reading on the 7 th day of November, 2023. PASSED AND ADOPTED on second reading on the day of, 2023.		
69 70 71 72	ATTEST: APPROVED:		
72 73 74	CITY CLERK MAYOR		
7 4 75	READ AND APPROVED AS TO FORM, COMMISSION VOTE:		

76	LANGUAGE, LEGALITY AND	Mayor Javier Fernández:
77	EXECUTION THEREOF	Vice Mayor Lisa Bonich:
78		Commissioner Steve Calle:
79		Commissioner Joshua Liebman:
80		Commissioner Brian Corey:
81	WEISS SEROTA HELFMAN COLE	·
82	& BIERMAN, P.L.	
83	CITY ATTORNEY	
84		
85		