



## MEMORANDUM

To: Honorable Mayor and Council

From: Roger C. Pou and Haydee Sera, Office of the City Attorney

Date: March 10, 2025

RE: Ordinance Amending Chapter 150, "Zoning Code" to Correct Scrivener's Errors in Ordinance No. 1109-2018 Relating to the Minimum Building Site Area and Nonconforming Setback Regulations within the R-1A, R-1B, R-1C, and R-1D Single-Family Residential Zoning Districts

**Recommendation:** Adopt on first reading the proposed Ordinance Amending Chapter 150, "Zoning Code," to correct scrivener's errors in Ordinance No. 1109-2018 relating to the minimum building site area and nonconforming setback regulations within the R-1A, R-1B, R-1C, and R-1D Single-Family Residential Zoning Districts.

**Background:**

On September 10, 2018, the City Council of the City of Miami Springs (the "City") considered Ordinance No. 1109-2018 (the "Ordinance") on First Reading to update and clarify Sections 150.041, "R-1A District"; 150.042, "R-1B District"; 150.043, "R-1C District"; and 150.044, "R-1D District" by fixing inconsistencies or omissions that were found by City Staff. During discussion of the Ordinance, City Staff specifically recommended adopting the Ordinance to allow the continuation of legal, nonconforming rear and/or side yard setbacks within the single-family residential zoning districts as long as the provided setback did not exceed 50% of the required horizontal and/or vertical setback.

On September 24, 2018, the City Council adopted the Ordinance on Second Reading. However, the Ordinance, as adopted, mistakenly included scrivener's error relating to the legal, nonconforming rear yard setbacks and minimum building site area regulations within single-family residential zoning districts. To address these errors, the proposed ordinance amends Chapter 150, "Zoning Code," to correct scrivener's errors in Ordinance No. 1109-2018 relating to the minimum building site area and nonconforming setback regulations within the R-1A, R-1B, R-1C, and R-1D Single-Family Residential Zoning Districts.

ORDINANCE NO. \_\_\_\_\_ - 2025

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 150, "ZONING CODE" OF THE CITY'S CODE OF ORDINANCES TO CORRECT SCRIVENER'S ERRORS IN ORDINANCE NO. 1109-2018 RELATING TO THE MINIMUM BUILDING SITE AREA AND NONCONFORMING SETBACK REGULATIONS WITHIN THE R-1A, R-1B, R-1C, AND R-1D SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Miami Springs (the "City") has adopted land development regulations, which are codified in Chapter 150 of the Code of Ordinances of Miami Springs, Florida (the "Code"), to facilitate safe and orderly growth which forms an integral part of the community; and

**WHEREAS**, on September 10, 2018, the City Council considered Ordinance No. 1109-2018 (the "Ordinance") on First Reading; and

**WHEREAS**, during discussion of the Ordinance, City Staff explained that it recommended adopting the Ordinance to allow the continuation of legal, nonconforming rear and/or side yard setbacks within the single-family residential zoning districts as long as the provided setback did not exceed 50% of the required horizontal and/or vertical setback; and

**WHEREAS**, on September 24, 2018, the City Council adopted the Ordinance; and

**WHEREAS**, the Ordinance, as adopted, contained scrivener's errors relating to the City's minimum building site area and nonconforming setback regulations within the R-1A, R-1B, R-1C, and R-1D single family residential zoning districts; and

**WHEREAS**, the City Council desires to correct scrivener's errors in Ordinance No. 1109-2018 relating to the City's existing minimum building site area and nonconforming setback regulations within the R-1A, R-1B, R-1C, and R-1D single family residential zoning districts; and

**WHEREAS**, after reviewing the Local Planning Agency's recommendations, the recommendations of City staff, and comments from the public, the City Council finds that the proposed amendments to its Code of Ordinances and Land Development Regulations are in compliance and consistent with Florida law and with its adopted Comprehensive Plan; and

**WHEREAS**, the City Council finds that this Ordinance is in the best interest and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:<sup>1</sup>**

**Section 1. Recitals.** That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2. Amending Chapter 150 of the Code.** That the Code of Ordinances of Miami Springs, Florida, is hereby amended by amending Sections 150-041 through 150-044, which said sections reads as follows: See Exhibit A, attached hereto and incorporated herein by reference.

**Section 3. Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4. Severability.** That 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 5. Codification.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City 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 6. Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

**PASSED ON FIRST READING** on the \_\_ day of \_\_\_\_\_, 2025, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**PASSED AND ADOPTED ON SECOND READING** this \_\_\_\_ day of \_\_\_\_\_, 2025, on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_. Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Jacky Bravo	_____
Councilmember Dr. Walter Fajet, Ph.D.	_____
Councilmember Jorge Santin	_____
Councilmember Dr. Victor Vazquez, Ph.D.	_____
Mayor Maria Puente Mitchell	_____

<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with yellow highlighted ~~double strikethrough~~ and double underline.

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ATTEST:

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MARIA PUENTE MITCHELL  
MAYOR

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ERIKA GONZALEZ, MMC  
CITY CLERK

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

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WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
CITY ATTORNEY

**EXHIBIT A**

[ \* \* \* ]

**Section 150-041. R-1A district.**

[ \* \* \* ]

**(E) *Side yard requirements.***

~~(1) *Side yards required for one-story buildings.*~~ The width of the required side yards for one-story buildings shall each be ten percent of the average width of the lot, but in no case shall each side yard be less than five feet in width. Side yards adjacent to streets shall be not less than 15 feet. Side yards shall be measured from the closest point of the structure to the side lot line, on a bearing parallel to the front lot line, at ground level.

~~(2) *Continuation of a legal non-conforming setback.*~~

~~(a) A legal non-conforming setback may be continued horizontally as long as the provided setback is no less than 50% of the required setback.~~

~~(b) A legal non-conforming setback may be continued vertically as long as the provided setback is no less than 50% of the required setback.~~

**(F) *Rear yard required.*** There shall be a rear yard of not less than 25 feet in depth.

[ \* \* \* ]

**(J) *Continuation of Legal Non-conforming Setbacks.*** A legal non-conforming side yard and/or rear yard setback may be continued horizontally and/or vertically as long as the provided setback is no less than 50% of the required setback.

**Section 150-042. R-1B district.**

[ \* \* \* ]

**(C) *Building site area required.*** The minimum building site area shall be one lot or parcel of land 40,000 7,500 square feet in area for each single-family dwelling. The parcel shall have a minimum average width of at least 75 feet. (For exemptions for undersized legal non-conforming lots see § 150-092(C)).

[ \* \* \* ]

**(E) *Side yard requirements.***

(1) ~~Side yards required for one-story buildings.~~ The width of the required side yards for one-story buildings shall each be ten percent of the average width of the lot, but in no case shall each side yard be less than five feet in width. Side yards adjacent to streets shall be not less than 15 feet. Side yards shall be measured from the closest point of the structure to the side lot line, on a bearing parallel to the front lot line, at ground level.

(2) ~~Continuation of a legal non-conforming setback.~~

(a) ~~A legal non-conforming setback may be continued horizontally as long as the provided setback is no less than 50% of the required setback.~~

(b) ~~A legal non-conforming setback may be continued vertically as long as the provided setback is no less than 50% of the required setback.~~

(F) *Rear yard required.* There shall be a rear yard not less than 25 feet in depth.

[ \* \* \* ]

(J) Continuation of Legal Non-conforming Setbacks. A legal non-conforming side yard and/or rear yard setback may be continued horizontally and/or vertically as long as the provided setback is no less than 50% of the required setback.

#### **Section 150-043. R-1C district.**

[ \* \* \* ]

(C) *Building site area required.* The minimum building site area shall be one lot or parcel of land ~~10,000~~ 6,500 square feet in area for each single-family dwelling. The parcel shall have a minimum average width of at least 75 feet. (For exemptions for undersized legal non-conforming lots see § 150-092(C)).

[ \* \* \* ]

(E) *Side yard requirements.*

(1) ~~Side yards required for one-story buildings.~~ The width of the required side yards for one-story buildings shall each be ten percent of the average width of the lot, but in no case shall each side yard be less than five feet in width. Side yards adjacent to streets shall be not less than 15 feet. Side yards shall be measured from the closest point of the structure to the side lot line, on a bearing parallel to the front lot line, at ground level.

(2) ~~Continuation of a legal non-conforming setback.~~

(a) ~~A legal non-conforming setback may be continued horizontally as long as the provided setback is no less than 50% of the required setback.~~

~~(b) A legal non-conforming setback may be continued vertically as long as the provided setback is no less than 50% of the required setback.~~

(F) *Rear yard required.* There shall be a rear yard not less than 25 feet in depth.

[ \* \* \* ]

(J) Continuation of Legal Non-conforming Setbacks. A legal non-conforming side yard and/or rear yard setback may be continued horizontally and/or vertically as long as the provided setback is no less than 50% of the required setback.

#### Section 150-044. R-1D district.

[ \* \* \* ]

(C) *Building site area required.* The minimum building site area shall be one lot or parcel of land ~~10,000~~ 5,000 square feet in area for each single-family dwelling. The parcel shall have a minimum average width of at least 75 feet. (For exemptions for undersized legal non-conforming lots see § 150-092(C)).

[ \* \* \* ]

(E) *Side yard requirements.*

~~(1) Side yards required for one-story buildings.~~ The width of the required side yards for one-story buildings shall each be ten percent of the average width of the lot, but in no case shall each side yard be less than five feet in width. Side yards adjacent to streets shall be not less than 15 feet. Side yards shall be measured from the closest point of the structure to the side lot line, on a bearing parallel to the front lot line, at ground level.

~~(2) Continuation of a legal non-conforming setback.~~

~~(a) A legal non-conforming setback may be continued horizontally as long as the provided setback is no less than 50% of the required setback.~~

~~(b) A legal non-conforming setback may be continued vertically as long as the provided setback is no less than 50% of the required setback.~~

(F) *Rear yard required.* There shall be a rear yard not less than 25 feet in depth.

[ \* \* \* ]

(J) Continuation of Legal Non-conforming Setbacks. A legal non-conforming side yard and/or rear yard setback may be continued horizontally and/or vertically as long as the provided setback is no less than 50% of the required setback.