

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

<u>Recommendation:</u> 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.

1	ORDINANCE NO 2025
2 3 4 5 6 7 8 9 10 11	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.
13 14 15 16	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
17 18	WHEREAS, on September 10, 2018, the City Council considered Ordinance No. 1109-2018 (the "Ordinance") on First Reading; and
19 20 21 22 23	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
24	WHEREAS, on September 24, 2018, the City Council adopted the Ordinance; and
25 26 27	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
28 29 30 31	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
32 33	WHEREAS, after reviewing the Local Planning Agency's recommendations, the recommendations of City staff, and comments from the public, the City Council finds that

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

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

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Plan; and

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NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:1
<u>Section 1.</u> <u>Recitals.</u> That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.
<u>Section 2.</u> <u>Amending Chapter 150 of the Code.</u> 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.
<u>Section 3.</u> <u>Conflicts.</u> 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.
<u>Section 4.</u> <u>Severability.</u> 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.
<u>Section 5.</u> <u>Codification.</u> 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.
<u>Section 6.</u> <u>Effective Date.</u> 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,

roll call vote, the vote was as follows:

Vice Mayor Jacky Bravo

Councilmember Jorge Santin

Mayor Maria Puente Mitchell

Councilmember Dr. Walter Fajet, Ph.D.

Councilmember Dr. Victor Vazquez, Ph.D.

on a motion made by _____ and seconded by _____. Upon being put to a

¹ Coding: Strikethreugh words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Changes between first and second reading are indicated with yellow highlighted deuble strikethreugh and double underline.

		Ordinance No	-2025 Page 3 of 6
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77		MARIA PUENTE MITCHELL	
78		MAYOR	
79	ATTEST:		
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82		<u>_</u>	
83	ERIKA GONZALEZ, MMC		
84	CITY CLERK		
85			
86	APPROVED AS TO FORM AND LEGAL SUFFICIENCY		
87	FOR THE USE AND RELIANCE OF THE CITY	Y OF MIAMI SPRINGS ONLY:	
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91	WEISS SEROTA HEI FMAN COLE & BIERMA	AN PI	

CITY ATTORNEY

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93	EXHIBIT A
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95	[* * *]
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97	Section 150-041. R-1A district.
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99	[* * *]
100 101	(E) Side yard requirements.
101	(L) Side yard requirements.
103	(1) Side yards required for one-story buildings. The width of the required side
104	yards for one-story buildings shall each be ten percent of the average width
105	of the lot, but in no case shall each side yard be less than five feet in width.
106	Side yards adjacent to streets shall be not less than 15 feet. Side yards shall
107	be measured from the closest point of the structure to the side lot line, on a
108	bearing parallel to the front lot line, at ground level.
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110	(2) Continuation of a legal non-conforming setback.
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112	(a) A legal non-conforming setback may be continued horizontally as long
113	as the provided setback is no less than 50% of the required setback.
114 115	(b) A legal non-conforming setback may be continued vertically as long as
116	the provided setback is no less than 50% of the required setback.
117	the provided setback is no less than 50% of the required setback.
118	(F) Rear yard required. There shall be a rear yard of not less than 25 feet in depth.
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120	[* * *]
121	
122	(J) Continuation of Legal Non-conforming Setbacks. A legal non-conforming side yard
123	and/or rear yard setback may be continued horizontally and/or vertically as long as the
124	provided setback is no less than 50% of the required setback.
125	Ocation 450 040, D.4D district
126	Section 150-042. R-1B district.
127	[* * *]
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130	(C) Building site area required. The minimum building site area shall be one lot or
131	parcel of land 10,000 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

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(E) Side yard requirements.

legal non-conforming lots see § 150-092(C)).

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(1) Side yards required for one-story buildings. The width of the required side 139 yards for one-story buildings shall each be ten percent of the average width 140 of the lot, but in no case shall each side yard be less than five feet in width. 141 Side yards adjacent to streets shall be not less than 15 feet. Side yards shall 142 be measured from the closest point of the structure to the side lot line, on a 143 bearing parallel to the front lot line, at ground level. 144 145 (2) Continuation of a legal non-conforming setback. 146 147 (a) A legal non-conforming setback may be continued horizontally as long 148 as the provided setback is no less than 50% of the required setback. 149 (b) A legal non-conforming setback may be continued vertically as long as 150 the provided setback is no less than 50% of the required setback. 151 152 (F) Rear yard required. There shall be a rear yard not less than 25 feet in depth. 153 154 [* * *] 155 156 Continuation of Legal Non-conforming Setbacks. A legal non-conforming side yard 157 (J) and/or rear yard setback may be continued horizontally and/or vertically as long as the 158 provided setback is no less than 50% of the required setback. 159 160 Section 150-043, R-1C district. 161 162 [* * *] 163 164 165 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 166 shall have a minimum average width of at least 75 feet. (For exemptions for undersized 167 legal non-conforming lots see § 150-092(C)). 168 169 170 171 (E) Side yard requirements. 172 (1) Side yards required for one-story buildings. The width of the required side 173 yards for one-story buildings shall each be ten percent of the average width 174 of the lot, but in no case shall each side yard be less than five feet in width. 175 Side yards adjacent to streets shall be not less than 15 feet. Side yards shall 176 be measured from the closest point of the structure to the side lot line, on a 177 bearing parallel to the front lot line, at ground level. 178 179 180 (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.

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185 186	(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.				
187 188	(F) Rear yard required. There shall be a rear yard not less than 25 feet in depth.				
189	[* * *]				
190 191	L J				
192	(J) Continuation of Legal Non-conforming Setbacks. A legal non-conforming side yard				
193	and/or rear yard setback may be continued horizontally and/or vertically as long as the				
194	provided setback is no less than 50% of the required setback.				
195	Onetion 450 044 D 4D district				
196 197	Section 150-044. R-1D district.				
198	[* * *]				
199	L J				
200 201	(C) Building site area required. The minimum building site area shall be one lot or				
202	legal non-conforming lots see § 150-092(C)).				
204 205	[* * *]				
206	l I				
207	(E) Side yard requirements.				
208					
209	(1) Side yards required for one-story buildings. The width of the required side				
210	yards for one-story buildings shall each be ten percent of the average width				
211	of the lot, but in no case shall each side yard be less than five feet in width.				
212213	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				
213	bearing parallel to the front lot line, at ground level.				
215	bearing parametre the front let line, at ground level.				
216	(2) Continuation of a legal non-conforming setback.				
217					
218	(a) A legal non-conforming setback may be continued horizontally as long				
219	as the provided setback is no less than 50% of the required setback.				
220					
221	(b) A legal non-conforming setback may be continued vertically as long as				
222	the provided setback is no less than 50% of the required setback.				
223 224	(F) Rear yard required. There shall be a rear yard not less than 25 feet in depth.				
4	(i) Modi yara regaired. There shall be a real yara not less than 20 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.

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