

ORDINANCE NO. 1109 - 2018

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS,
FLORIDA, AMENDING CHAPTER 150 OF THE CITY'S
CODE OF ORDINANCES BY UPDATING SECTION
150.041, "R-1A DISTRICT", 150.042, "R-1B DISTRICT",
150.043, "R-1C DISTRICT", 150.044, "R-1D DISTRICT",
UPDATING AND CLARIFYING SINGLE FAMILY
RESIDENTIAL PROPERTY REQUIREMENTS; UPDATING
SECTION 105.002, "DEFINITIONS"; PROVIDING FOR
IMPLEMENTATION; PROVIDING OF INCORPORATION
INTO THE CODE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, staff for the City of Miami Springs (the "City"), on numerous occasions, has encountered inconsistencies and/or omissions in the Land Use Code of Ordinance, particularly where it relates to single family residential areas; and

WHEREAS, omissions in the Code have created circumstances in which residents have been able to request a series of building improvements that involve setbacks and lot coverages that were typically thought to be out of character of the City, but the Code was silent on the matter, leaving staff no choice but to approve the request; and

WHEREAS, staff and the City Attorney's office have recommended that single family residential requirements be updated to plug in some of the holes in the Code, in an effort to safeguard various quality of life and aesthetic issues in the community; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS: ¹

Section 1. Recitals. The above-stated recitals are hereby confirmed, adopted and incorporated herein and made a part hereof by this reference.

Section 2. Amending Chapter 150 of the City Code. The Code of Ordinances of the City of Miami Springs, Florida, is hereby amended by as follows:

CHAPTER 150 – ZONING CODE

* * *

Sec. 150-002 Definitions

- (B) General rules of construction. The following general rules of construction shall apply to the regulations of this chapter

* * *

- (50) Lot Coverage. The area of the lot covered by the ground floor of all principal buildings, plus all areas covered by the roofs of such buildings, as for example, covered porches and terraces.

* * *

- (58) Pervious Area. A surface area that allows, without difficulty, penetration by water.

* * *

Sec. 150-041. - R-1A district.

- (A) *Uses permitted.*

- (1) Single-family dwelling. In no case shall there be more than one main building on a lot.
- (2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses,

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with ~~double strikethrough~~ and double underline.

tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. Accessory structures shall occupy not more than 15 percent of the area of the rear yard. Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. All additions constructed onto existing single-family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. The placement and location of all such accessory structures in rear yards of properties shall provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single-family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single-family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.

(a) Minimum Rear Yard Setback: Five feet.

(b) Minimum Side Yard Setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.

(c) Minimum Distance Separation From Main Residence: 10 feet.

(d) Maximum Number of Accessory Structures: Two.

(e) Maximum Rear Yard Lot Coverage: 15%.

(3) Signs. See Signs, § 150-030.

(B) *Building height limit.* The maximum building height of main buildings shall be two stories which shall not exceed 30 feet. For accessory structures, the roof tie beam shall not exceed ten feet in height, and the roof height shall not exceed 15 feet. Notwithstanding the foregoing, the Board of Adjustment and City Council

can approve additional heights for structures when the additional heights are for architectural design features which do not constitute living space and which are not inconsistent with the character of the surrounding neighborhood. Any application for approval pursuant to this provision shall not be considered a variance, but an exceptional approval by the Board and City Council.

(C) *Building site area required.* The minimum building site area shall be one lot or parcel of land 10,000 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 Section 150-092 (C)).

(D) *Front yard required.* There shall be a front yard of a depth of not less than 30 feet, unless the average depth of the front yard of the contiguous lot or lots is either greater or less than 30 feet, in which case the front yard shall be the average depth of the front yard of the contiguous lot or lots. In case there is no dwelling on the block, the depth of the front yard shall be a minimum of 30 feet. The maximum depth of the front yard permitted shall be not more than 50 percent of the depth of the lot or building site. ~~Notwithstanding the foregoing, porte cochere structures may be constructed up to the line of the required 30-foot front yard setback, so long as there is strict compliance with the following conditions and requirements:~~

- ~~(1) The structure shall be open on all sides except where attached to the front of the residential structure.~~
- ~~(2) The structure shall never be permitted to be enclosed.~~
- ~~(3) The structure shall be utilized for vehicular traffic flow and parking only.~~
- ~~(4) The structure shall not be utilized for storage, vehicular repairs, or recreational vehicle parking.~~
- ~~(5) The structure shall be supported by no more than two columns adjacent to the front yard setback line.~~
- ~~(6) The structure shall be no more than 30 feet in width and shall only be attached to the front of the residential structure.~~
- ~~(7) The structure and related parking areas, aisles, driveways, walkways and other impervious areas in the front yards of residential properties shall be in compliance with the provisions of Code § 150-016(F)(4).~~
- ~~(8) The structure shall conform in design and character to that of the residential structure to which it is attached and shall be located and constructed in accordance with all other applicable provisions of the City Code of Ordinances.~~
- ~~(9) The construction of a porte cochere structure in accordance with the foregoing conditions and requirements shall in no way authorize, permit, enable or create any special right or privilege in the property owner to construct any addition or other structure which encroaches into the established front yard setback of the residential~~

~~property that existed before the construction of the porte cochere structure, nor shall any adjacent property owner be permitted to consider the forward vertical line of the columns of the porte cochere structure as the new front yard setback line of the property.~~

(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.

~~(2) —Side yards required for two-story buildings. Except as provided in division (E)(3) below, the width of the required side yards for two-story buildings shall be ten percent of the average width of the lot, plus two and one-half feet, provided that in no case shall each side yard be less than ten 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's vertical outside wall to the side lot line, on a bearing parallel to the front lot line, at ground level.~~

~~(3) —Exceptions to additional side yard setback. No additional two and one-half foot side yard setback shall be required under the following circumstances:~~

~~(a) —The second-story addition covers less than one-half of the existing first floor area of the structure.~~

~~(b) —The second-story addition is recessed two and one-half feet from the vertical building line of the first floor of the existing structure on both side yard areas.~~

~~(c) —The second-story addition is located in such a manner that a side yard area of the structure abuts a street. However, the~~

~~requirement to provide an additional two and one-half feet of side setback for second-story additions remains applicable to the interior side yard areas of structures abutting streets.~~

~~(d) The provisions of subsection (c) above shall also be applicable to all appropriate instances of reverse frontage that may exist.~~

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

(G) Floor area requirements. The minimum floor areas of dwellings in this district shall be 1,800 square feet.

~~(H) Off-street parking requirement. See § 150-016(F) for off-street parking requirements for this district.~~

(H) Maximum Lot Coverage: There should be a maximum lot coverage of 40%.

(I) Minimum Landscaped Pervious Area: There should be a minimum landscaped pervious area of 30%.

* * *

Sec. 150-042. - R-1B district.

(A) *Uses permitted.*

* * *

(2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. Accessory structures shall occupy not more than 15 percent of the area of the rear yard. Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the

main building and be constructed in accordance with all other applicable provisions of City Ordinances. All additions constructed onto existing single-family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. The placement and location of all such accessory structures in rear yards of properties shall provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single-family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single-family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.

(a) Minimum Rear Yard Setback: Five feet.

(b) Minimum Side Yard Setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.

(c) Minimum Distance Separation From Main Residence: 10 feet.

(d) Maximum Number of Accessory Structures: Two.

(e) Maximum Rear Yard Lot Coverage: 15%.

* * *

(C) *Building site area required.* The minimum building site area shall be one lot or parcel of land 10,000 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 Section 150-092 (C)).

* * *

(D) *Front yard required.* There shall be a front yard of a depth of not less than 30 feet, unless the average depth of the front yard of the contiguous lot or lots is either greater or less than 30 feet, in which case the front yard shall be the average depth of the front yard of the contiguous lot or lots. In case there is no dwelling on the block, the depth of the front yard shall be a minimum of 30 feet. The maximum depth of the front yard permitted shall be not more than 50 percent of the depth of the lot or building site. ~~Notwithstanding the foregoing, porte cochere structures may be constructed up to the line of the required 30-foot~~

~~front yard setback, so long as there is strict compliance with the following conditions and requirements:~~

- ~~(1) The structure shall be open on all sides except where attached to the front of the residential structure.~~
- ~~(2) The structure shall never be permitted to be enclosed.~~
- ~~(3) The structure shall be utilized for vehicular traffic flow and parking only.~~
- ~~(4) The structure shall not be utilized for storage, vehicular repairs, or recreational vehicle parking.~~
- ~~(5) The structure shall be supported by no more than two columns adjacent to the front yard setback line.~~
- ~~(6) The structure shall be no more than 30 feet in width and shall only be attached to the front of the residential structure.~~
- ~~(7) The structure and related parking areas, aisles, driveways, walkways and other impervious areas in the front yards of residential properties shall be in compliance with the provisions of Code § 150-016(F)(4).~~
- ~~(8) The structure shall conform in design and character to that of the residential structure to which it is attached and shall be located and constructed in accordance with all other applicable provisions of the City Code of Ordinances.~~
- ~~(9) The construction of a porte cochere structure in accordance with the foregoing conditions and requirements shall in no way authorize, permit, enable or create any special right or privilege in the property owner to construct any addition or other structure which encroaches into the established front yard setback of the residential property that existed before the construction of the porte cochere structure, nor shall any adjacent property owner be permitted to consider the forward vertical line of the columns of the porte cochere structure as the new front yard setback line of the property.~~

* * *

(E) *Side yard requirements.*

* * *

- (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.
- ~~(2) —Side yards required for two-story buildings. Except as provided in division (E)(3) below, the width of the required side yards for two-story~~

~~buildings shall be ten percent of the average width of the lot, plus two and one-half feet, provided that in no case shall each side yard be less than ten 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's vertical outside wall to the side lot line, on a bearing parallel to the front lot line, at ground level.~~

~~(3) *Exceptions to additional side yard setback.* No additional two and one-half foot side yard setback shall be required under the following circumstances:~~

~~(a) The second-story addition covers less than one-half of the existing first floor area of the structure.~~

~~(b) The second-story addition is recessed two and one-half feet from the vertical building line of the first floor of the existing structure on both side yard areas.~~

~~(c) The second-story addition is located in such a manner that a side yard area of the structure abuts a street. However, the requirement to provide an additional two and one-half feet of side setback for second-story additions remains applicable to the interior side yard areas of structures abutting streets.~~

~~(d) The provisions of subsection (c) above shall also be applicable to all appropriate instances of reverse frontage that may exist.~~

~~* * *~~

~~(H) *Off-street parking requirement.* See § 150-016(F) for off-street parking requirements for this district.~~

(H) Maximum Lot Coverage: There should be a maximum lot coverage of 40%.

(I) Minimum Landscaped Pervious Area: There should be a minimum landscaped pervious area of 30%.

~~* * *~~

Sec. 150-043. - R-1C district.

(A) *Uses permitted.*

~~* * *~~

(2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses,

tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. Accessory structures shall occupy not more than 15 percent of the area of the rear yard. Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. All additions constructed onto existing single-family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. The placement and location of all such accessory structures in rear yards of properties shall provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single-family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single-family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.

(a) Minimum Rear Yard Setback: Five feet.

(b) Minimum Side Yard Setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.

(c) Minimum Distance Separation From Main Residence: 10 feet.

(d) Maximum Number of Accessory Structures: Two.

(e) Maximum Rear Yard Lot Coverage: 15%.

* * *

(C) *Building site area required.* The minimum building site area shall be one lot or parcel of land 10,000 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 Section 150-092 (C)).

* * *

(D) *Front yard required.* There shall be a front yard of a depth of not less than 30 feet, unless the average depth of the front yard of the contiguous lot or lots is either greater or less than 30 feet, in which case the front yard shall be the average depth of the front yard of the contiguous lot or lots. In case there is no dwelling on the block, the depth of the front yard shall be a minimum of 30 feet. The maximum depth of the front yard permitted shall be not more than 50 percent of the depth of the lot or building site. ~~Notwithstanding the foregoing, porte cochere structures may be constructed up to the line of the required 30-foot front yard setback, so long as there is strict compliance with the following conditions and requirements:~~

- ~~(1) The structure shall be open on all sides except where attached to the front of the residential structure.~~
- ~~(2) The structure shall never be permitted to be enclosed.~~
- ~~(3) The structure shall be utilized for vehicular traffic flow and parking only.~~
- ~~(4) The structure shall not be utilized for storage, vehicular repairs, or recreational vehicle parking.~~
- ~~(5) The structure shall be supported by no more than two columns adjacent to the front yard setback line.~~
- ~~(6) The structure shall be no more than 30 feet in width and shall only be attached to the front of the residential structure.~~
- ~~(7) The structure and related parking areas, aisles, driveways, walkways and other impervious areas in the front yards of residential properties shall be in compliance with the provisions of Code § 150-016(F)(4).~~
- ~~(8) The structure shall conform in design and character to that of the residential structure to which it is attached and shall be located and constructed in accordance with all other applicable provisions of the City Code of Ordinances.~~
- ~~(9) The construction of a porte cochere structure in accordance with the foregoing conditions and requirements shall in no way authorize, permit, enable or create any special right or privilege in the property owner to construct any addition or other structure which encroaches into the established front yard setback of the residential property that existed before the construction of the porte cochere structure, nor shall any adjacent property owner be permitted to consider the forward vertical line of the columns of the porte cochere structure as the new front yard setback line of the property.~~

* * *

(E) *Side yard requirements.*

* * *

(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.

~~(2) — Side yards required for two-story buildings. Except as provided in division (E)(3) below, the width of the required side yards for two-story buildings shall be ten percent of the average width of the lot, plus two and one-half feet, provided that in no case shall each side yard be less than ten 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's vertical outside wall to the side lot line, on a hearing parallel to the front lot line, at ground level.~~

~~(3) — Exceptions to additional side yard setback. No additional two and one-half foot side yard setback shall be required under the following circumstances:~~

~~(a) — The second-story addition covers less than one-half of the existing first floor area of the structure.~~

~~(b) — The second-story addition is recessed two and one-half feet from the vertical building line of the first floor of the existing structure on both side yard areas.~~

~~(c) — The second-story addition is located in such a manner that a side yard area of the structure abuts a street. However, the requirement to provide an additional two and one-half feet of side setback for second-story additions remains applicable to the interior side yard areas of structures abutting streets.~~

~~(d) — The provisions of subsection (c) above shall also be applicable to all appropriate instances of reverse frontage that may exist.~~

* * *

~~(H) — Off-street parking requirement. See § 150-016(F) for off-street parking requirements for this district.~~

(H) Maximum Lot Coverage: There should be a maximum lot coverage of 40%.

(I) Minimum Landscaped Pervious Area: There should be a minimum landscaped pervious area of 30%.

* * *

Sec. 150-044. - R-1D district.

(A) *Uses permitted.*

* * *

(2) Accessory structures and uses incidental to the single-family dwelling when placed on the same lot or parcel of land and not used or operated commercially, including, private garages, children(s) playhouses, tool sheds, and workshops. Accessory structures and uses such as servant(s) quarters, guest houses, and any other type of dwelling or dwelling unit are prohibited. Accessory structures shall occupy not more than 15 percent of the area of the rear yard. Notwithstanding any other definition or provision contained within the Code of Ordinances to the contrary, the "total rear yard area" for the purposes of the calculations required for the determination of the percentage of rear yard occupancy shall include all areas of property on the site from the vertical walls of structure backward to the rear property line, regardless of whether any such wall is recessed behind the part of the structure from which the required rear yard setback is measured. Accessory structures and all constructed additions shall conform in design and character to that of the main building and be constructed in accordance with all other applicable provisions of City Ordinances. All additions constructed onto existing single-family residences shall conform to the minimum habitable space provisions set forth in the South Florida Building Code. The placement and location of all such accessory structures in rear yards of properties shall provide a separation of at least ten feet from the main building, from other accessory structures and from utility sheds, and shall not be located closer to the side yard boundary line than the required side yard setback for the main building, nor closer than five feet to the rear yard boundary line of the property. Each single-family residential homesite may contain a maximum of two accessory structures, so long as such structures comply with the foregoing construction and location limitations and restrictions. Single-family residential homesites that already maintain a utility shed thereon may only contain one accessory structure which meets the construction and location limitations and restrictions previously set forth herein.

(a) Minimum Rear Yard Setback: Five feet.

(b) Minimum Side Yard Setback: 10% of lot width. No less than five feet for interior lot lines and no less than 15 feet for corner lot lines.

(c) Minimum Distance Separation From Main Residence: 10 feet.

(d) Maximum Number of Accessory Structures: Two.

(e) Maximum Rear Yard Lot Coverage: 15%.

* * *

(C) *Building site area required.* The minimum building site area shall be one lot or parcel of land 10,000 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 Section 150-092 (C)).

* * *

(D) *Front yard required.* There shall be a front yard of a depth of not less than 30 feet, unless the average depth of the front yard of the contiguous lot or lots is either greater or less than 30 feet, in which case the front yard shall be the average depth of the front yard of the contiguous lot or lots. In case there is no dwelling on the block, the depth of the front yard shall be a minimum of 30 feet. The maximum depth of the front yard permitted shall be not more than 50 percent of the depth of the lot or building site. ~~Notwithstanding the foregoing, porte cochere structures may be constructed up to the line of the required 30-foot front yard setback, so long as there is strict compliance with the following conditions and requirements:~~

- ~~(1) The structure shall be open on all sides except where attached to the front of the residential structure.~~
- ~~(2) The structure shall never be permitted to be enclosed.~~
- ~~(3) The structure shall be utilized for vehicular traffic flow and parking only.~~
- ~~(4) The structure shall not be utilized for storage, vehicular repairs, or recreational vehicle parking.~~
- ~~(5) The structure shall be supported by no more than two columns adjacent to the front yard setback line.~~
- ~~(6) The structure shall be no more than 30 feet in width and shall only be attached to the front of the residential structure.~~
- ~~(7) The structure and related parking areas, aisles, driveways, walkways and other impervious areas in the front yards of residential properties shall be in compliance with the provisions of Code § 150-016(F)(4).~~
- ~~(8) The structure shall conform in design and character to that of the residential structure to which it is attached and shall be located and constructed in accordance with all other applicable provisions of the City Code of Ordinances.~~
- ~~(9) The construction of a porte cochere structure in accordance with the foregoing conditions and requirements shall in no way authorize, permit, enable or create any special right or privilege in the property owner to construct any addition or other structure which encroaches into the established front yard setback of the residential~~

~~property that existed before the construction of the porte cochere structure, nor shall any adjacent property owner be permitted to consider the forward vertical line of the columns of the porte cochere structure as the new front yard setback line of the property.~~

~~* * *~~

(E) *Side yard requirements.*

~~* * *~~

(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.

~~(2) —Side yards required for two-story buildings. Except as provided in division (E)(3) below, the width of the required side yards for two-story buildings shall be ten percent of the average width of the lot, plus two and one-half feet, provided that in no case shall each side yard be less than ten 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's vertical outside wall to the side lot line, on a hearing parallel to the front lot line, at ground level.~~

~~(3) —Exceptions to additional side yard setback. No additional two and one-half foot side yard setback shall be required under the following circumstances:~~

~~(a) —The second-story addition covers less than one-half of the existing first floor area of the structure.~~

~~(b) —The second-story addition is recessed two and one-half feet from the vertical building line of the first floor of the existing structure on both side yard areas.~~

~~(c) —The second-story addition is located in such a manner that a side yard area of the structure abuts a street. However, the requirement to provide an additional two and one-half feet of side setback for second-story additions remains applicable to the interior side yard areas of structures abutting streets.~~

~~(d) —The provisions of subsection (c) above shall also be applicable to all appropriate instances of reverse frontage that may exist.~~

~~* * *~~

~~(H) Off-street parking requirement. See § 150-016(F) for off-street parking requirements for this district.~~

(H) Maximum Lot Coverage: There should be a maximum lot coverage of 40%.

(I) Minimum Landscaped Pervious Area: There should be a minimum landscaped pervious area of 30%.

* * *

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Miami Springs. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. 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 6. **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

PASSED ON FIRST READING this 10th day of September, 2018, on a motion made by Councilman Petralanda and seconded by Councilwoman Mitchell.

PASSED AND ADOPTED ON SECOND READING this 24th day of September, 2018, on a motion made by Councilman Best and seconded by Councilwoman Mitchell.

Vice Mayor Mara Zapata	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Maria Mitchell	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>



BILLY BAIN, MAYOR

ATTEST:



ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK

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



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