

**ORDINANCE NO. 1137 – 2024**

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS,  
FLORIDA, AMENDING CHAPTER 150, “ZONING CODE,”  
OF THE CITY’S CODE OF ORDINANCES TO UPDATE  
ACCESSORY STRUCTURE AND SWIMMING POOL  
REGULATIONS; PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CODIFICATION; AND PROVIDING FOR AN EFFECTIVE  
DATE.**

**WHEREAS**, the City of Miami Springs (the “City”) finds it periodically necessary to amend its Code of Ordinances (the “Code”) in order to update regulations and procedures to implement municipal goals and objectives; promote the health, safety, order, convenience, comfort, and general welfare of the public; and promote and preserve the character and quality of the City as articulated in the City’s Comprehensive Plan; and

**WHEREAS**, the City Council desires to update and revise the City’s Zoning Code to address various community needs as set forth in Exhibit A attached hereto and incorporated herein; and

**WHEREAS**, at a duly noticed public hearing in accordance with law, the City Council, sitting in its capacity as the Local Planning Agency, reviewed and recommended approval of this Ordinance, and determined that it is consistent with the City’s Comprehensive Plan; and

**WHEREAS**, the City Council finds that this proposed Ordinance serves to further enhance the protection of the public health, safety and welfare.

**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 Code.** That Chapter 150, “Zoning Code,” of the Code of Ordinances of Miami Springs, Florida, is hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein.

**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ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.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

---

<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.

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 11<sup>th</sup> day of December, 2023, on a motion made by Councilman Vazquez and seconded by Councilman Fajet.

**PASSED AND ADOPTED ON SECOND READING** this 8<sup>th</sup> day of January, 2024, on a motion made by Councilman Vazquez and seconded by Councilman Fajet. Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Jacky Bravo	<u>YES</u>
Councilman Jorge Santin	<u>YES</u>
Councilman Dr. Walter Fajet, Ph.D.	<u>YES</u>
Councilman Dr. Victor Vazquez, Ph.D.	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>

  
\_\_\_\_\_  
MARIA PUENTE MITCHELL  
MAYOR

ATTEST:

  
\_\_\_\_\_  
ERIKA GONZALEZ, 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

EXHIBIT A

**Sec. 150-014. - Swimming pools and safety barriers.**

- ~~(A) Inspection and approval. Unless the swimming pool area is entirely enclosed and surrounded by a safety barrier of sufficient strength to prevent small children from reaching or entering the pool, except through a lockable gate or door, no final inspection and approval shall be given by the building inspector.~~
- ~~(B) Safety barrier. The safety barrier shall take the form of a fence or wall constructed of approved materials, completely surrounding either the pool/patio area or yard of the property whereon the swimming pool is located, as further specified in division (E) below.~~
- ~~(C) Height. The minimum height of any fence or wall shall be not less than four feet.~~
- (A) ~~(D)~~ It shall be unlawful to construct an underground swimming pools are prohibited in the front yard or in the front yard setback of any residential dwelling in the City.
- ~~(E) Enclosure. The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected; in either event, it shall enclose the swimming pool area entirely, prohibiting unrestrained admittance to the enclosed area.~~
- ~~(F) Gates. Gates shall be of the self locking type so that they shall automatically be in a closed position at all times, and shall also be equipped with a safe lock.~~
- (B) Residential swimming pools must meet at least one of the requirements relating to pool safety features required by [Section 515.27](#), Florida Statutes, as amended.
- (C) ~~(G)~~ Fences and walls. A fence or wall that is to be utilized as a safety barrier shall be constructed and maintained in accordance with the provisions of [§ 150-013](#).
- (D) ~~(H)~~ Permits. Before any work is commenced, permits shall be secured for all swimming pools and for safety barriers. Plans shall contain all details to show compliance with the terms and conditions of these regulations. No swimming pool permit shall be issued unless ~~simultaneously~~ a permit is simultaneously secured for the erection of the safety barrier. If the premises are already enclosed, as hereinabove provided, a permit for the safety barrier shall not be required, if upon inspection of the premises, the existing barrier complies with the provisions of this section.
- ~~(I) Existing pools. The owner of any swimming pool which shall have been completed prior to the adoption of this section shall erect the safety barrier herein required within six months of the adoption hereof.~~
- (E) ~~(J)~~ A swimming pool with screen enclosure may be constructed in the rear yard of a single-family dwelling. Screen enclosures shall have a maximum height of 12 feet and the following minimum setbacks: The pool shall be located so that the enclosure is not less than seven and one half feet from an interior side lot line or 15 feet from a side lot line adjacent to a street, and is not less than ten feet from the rear lot line; provided, however, that the pool enclosure may be within five feet of a rear lot line which is

**CITY OF MIAMI SPRINGS**

**December 11, 2023**

~~adjacent to a dedicated alley or alley easement, or to a golf course, lake, or similar dedicated open space.~~

<u>Yard</u>	<u>Single-Family Districts – Screen Enclosure Setbacks</u>
<u>Rear</u>	<u>5 ft</u>
<u>Side, interior</u>	<u>5 ft</u>
<u>Side, street</u>	<u>15 ft</u>

(F) Setbacks. Swimming pools shall have minimum setbacks, which shall be measured from the swimming pool’s waterline to the property line, as follows:

	<u>Single-Family Districts – Swimming Pool Setbacks</u>
<u>Rear</u>	<u>7.5 ft</u>
<u>Rear - alley, lake, golf course, or similar dedicated open space</u>	<u>5 ft</u>
<u>Side</u>	<u>7.5 ft</u>

(G) Decking surrounding a swimming pool shall have a minimum setback of 2.5 feet from any property line.

\* \* \*

**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, 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

**CITY OF MIAMI SPRINGS**

**December 11, 2023**

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. Except for swimming pools and decks setbacks,~~ The placement and location of all such accessory structures in rear yards of properties shall be as follows: ~~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 and other accessory structures: 10 feet.
- (d) Maximum number of accessory structures: ~~Two~~ Three.
- (e) Maximum rear yard lot coverage: 15%.

\* \* \*

(H) *Maximum lot coverage.* There ~~should~~ shall be a maximum lot coverage of 40%.

(I) *Minimum landscaped pervious area.* There ~~should~~ shall be a minimum landscaped pervious area of 30%.

\* \* \*

**Sec. 150-042. - R-1B 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, 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. Except for swimming pools and decks setbacks, ~~the~~ the placement and location of all such accessory structures in rear yards of properties shall be as follows: ~~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.

**CITY OF MIAMI SPRINGS**

**December 11, 2023**

(c) Minimum distance separation from main residence and other accessory structures: 10 feet.

(d) Maximum number of accessory structures: ~~Two~~ Three.

(e) Maximum rear yard lot coverage: 15%.

\* \* \*

(H) *Maximum lot coverage.* There ~~should~~ shall be a maximum lot coverage of 40%.

(I) *Minimum landscaped pervious area.* There ~~should~~ shall be a minimum landscaped pervious area of 30%.

\* \* \*

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

(A) *Uses permitted.*

(1) One 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, 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.~~ Except for swimming pools and decks setbacks, ~~T~~the placement and location of all

**CITY OF MIAMI SPRINGS**

**December 11, 2023**

such accessory structures in rear yards of properties shall be as follows: ~~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 and other accessory structures: 10 feet.
- (d) Maximum number of accessory structures: ~~Two~~ Three.
- (e) Maximum rear yard lot coverage: 15%.

\* \* \*

(H) *Maximum lot coverage.* There ~~should~~ shall be a maximum lot coverage of 40%.

(I) *Minimum landscaped pervious area.* There ~~should~~ shall be a minimum landscaped pervious area of 30%.

\* \* \*

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

(A) *Uses permitted.*

- (1) Any use permitted in the R-1C district.
- (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



**CITY OF MIAMI SPRINGS**

**December 11, 2023**

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.~~ Except for swimming pools and decks setbacks, ~~the~~ the placement and location of all such accessory structures in rear yards of properties shall be as follows: ~~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 and other accessory structures: 10 feet.
- (d) Maximum number of accessory structures: ~~Two~~ Three.
- (e) Maximum rear yard lot coverage: 15%.

\* \* \*

(H) *Maximum lot coverage.* There ~~should~~ shall be a maximum lot coverage of 40%.

**CITY OF MIAMI SPRINGS**

**December 11, 2023**

- (l) *Minimum landscaped pervious area.* There ~~should~~ shall be a minimum landscaped pervious area of 30%.