

ORDINANCE NO. 1026-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-092, NONCONFORMING USES, BY ADDING THERETO A PROVISION TO EXEMPT EXISTING SINGLE FAMILY RESIDENTIAL HOMESITE PROPERTIES FROM VARIANCE REQUIREMENTS CREATED BY A LONG-STANDING NONCONFORMITY OF THE WIDTH, DEPTH OR TOTAL AREA OF THE HOMESITE PROPERTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

WHEREAS, there are a number of “undersized and nonconforming” existing single family residential homesite properties in the City; and,

WHEREAS, although either deficient in width, depth or total required area, these homesite properties have been previously permitted for development and have continued to exist in their “nonconforming” status; and,

WHEREAS, the City has never required that any affirmative action be taken to correct

the “nonconforming” aspects of these existing single family residential homesite properties;
and,

WHEREAS, notwithstanding the foregoing, it has been the long-standing policy and practice of the City to require these homesite properties to apply for and secure variances for their existing “nonconformity” as a condition of being authorized to perform otherwise permitted construction and improvements to their properties; and,

WHEREAS, since the “nonconformities” of these homesite properties are long-standing, created without the fault or complicity of the current owner, and are not curable, the City administration and Board of Adjustment feel that it is not appropriate to require the traditional “nonconformity” variances for these properties; and,

WHEREAS, it is also felt that if the variance requirement for these ~~nonconforming~~ existing single family residential homesite properties are no longer required, then the activities

of the Board of Adjustment and the Building Department in regard to these properties can be more economically and efficiently administered; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to approve and enact an Ordinance Amendment eliminating the variance requirement for the long-standing “nonconformities” of the width, depth or total area of existing single family residential homesite properties in the City:

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

Section 1: That Code of Ordinance Section 150-092, Nonconforming Uses, is hereby amended as follows:

150-092. Nonconforming Uses.

(A) . . .

(B) . . .

(C) Nonconforming Homesite Exemption from Variance Requirement. Existing single family residential homesite properties that have previously been permitted to be developed on platted or unplatted lots, or portions of lots, that fail to meet the City’s minimum requirements for lot width, depth or total area, shall not be required to secure a variance for any such existing nonconformity as a condition

of securing a building permit for any otherwise authorized and code compliant improvements to the existing property or the structures thereon.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs,

Florida this 12th day of September, 2011.

The motion to adopt the foregoing ordinance was offered on

second reading by Councilman Espino, seconded by Vice Mayor

Best, and on roll call the following vote ensued:

Vice Mayor Best	"aye"
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Councilman Espino	"aye"
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Councilman Lob	"aye"
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Councilwoman Ator	"aye"
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Mayor Garcia	"aye"
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Zavier M. Garcia

Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

A handwritten signature in black ink, appearing to read "Jan K. Seiden".

Jan K. Seiden, Esquire
City Attorney

First reading: 08/22/2011

Second reading: 09/12/2011

Words ~~=stricken through=~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.