

**ORDINANCE OF THE TOWN OF WEST MIAMI AMENDING
ORDINANCE NO. 209 BY CLARIFYING PROCEDURES
INVOLVING CHANGES OF ZONING USE DISTRICTS.**

WHEREAS, Ordinance 209 as presently written does not provide for specific methods of rezoning of use districts upon application of property owners, and

WHEREAS, it is the desire of the Town Council to provide such procedure,

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL of the Town of West Miami, Florida:

1. Ordinance 209 of the Town of West Miami, Florida, be and it is hereby amended by adding thereto as Section 18.8-1, the following:

"(a) All applications for exceptions and variances involving a change in use districts as above provided, shall be filed with the Town Clerk, accompanied by a filing fee of \$25.00 and cash deposit in an amount to be determined by the Town Clerk for Court Reporter's attendance fee and charges for preparation of transcript, not to exceed \$100.00. The Town Clerk shall thereupon give notice of hearing before the Planning and Zoning Board as set forth in Paragraph 18.7 hereof.

"(b) At the time and place set forth in the notice of hearing the Board shall conduct a hearing which shall be open to the public. The Board shall receive testimony and evidence of both proponents and opponents of application. The Board shall not be bound by strict rules of evidence.

"(c) All proceedings shall be reported by a competent reporter who shall thereafter transcribe his notes of the proceedings and file the original with the Town Clerk under the reporter's certificate. Upon receipt of the transcript the Town Clerk shall pay from the deposit of the applicant the charges of the Court Reporter for attendance and transcript and

shall remit the balance if any to the applicant; and if the charges of the Court Reporter shall exceed the deposit the Town Clerk shall thereupon obtain the difference from the applicant and the matter shall not be set for hearing before the Council until such difference is paid by the applicant.

"(d) The Board shall promptly render its recommendations upon such application to the Town Council either by dictating same to the Reporter at the close of the hearing, or by separate written report prepared following the meeting. In all events such report of recommendations shall be filed with the Town Clerk no later than one week following the date of hearing on the application or last continuance thereof, and the Clerk shall thereupon furnish a copy to the applicant. The report shall include findings of fact and law made by the Board.

"(e) The Town Clerk shall place upon the meeting agenda of the Town Council no later than the second meeting following filing of the report of the Board as an item of 'old business' consideration of the application in question. Notice in writing of such meeting shall be given the applicant and owners of property within 500' of the property in question, and such notice shall recite whether Board recommends approval or denial of the application.

"(f) At such Council meeting the Council shall consider the recommendations of the Board and shall hear arguments of both proponents and opponents of the application upon the record of the proceedings before the Planning and Zoning Board. No new evidence or testimony will be permitted or taken at the hearing before the Council. After all argument has been heard

and after continuance to further meetings, if any, the Council shall render its decision by vote upon resolution to approve or deny the application."

2. This Ordinance shall become effective April 3, 1963.

PASSED AND ADOPTED this 3rd day of April, 1963.

s/ Matthew M. Slepik
President

ATTEST:

s/ Bessie Koogan
Town Clerk

APPROVED:

s/ Edmund P. Cooper
Mayor