

ORDINANCE NO. 308

ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA  
AMENDING THE CITY ZONING ORDINANCE, ORDINANCE  
282, PERTAINING TO DEFINITION OF CONDOMINIUM  
AND COOPERATIVE APARTMENT; SETBACKS, HEIGHT  
RESTRICTIONS, LOT COVERAGE, AND MINIMUM FLOOR  
AREAS OF RESIDENTIAL BUILDINGS; REGULATING  
DRIVEWAY OPENINGS IN COMMERCIAL WALLS;  
REGULATING OUTDOOR STORAGE OF BOATS AND CAMPING  
EQUIPMENT IN RESIDENTIAL DISTRICTS; REGULATING  
PARKING DISTRICTS; REGULATING INSTALLATION OF  
STORAGE SHEDS IN RESIDENTIAL DISTRICTS; REQUIRING  
ACCESS TO REAR YARDS; REGULATING OFF-STREET  
PARKING; PROHIBITING FENCES IN UTILITY EASEMENTS  
AND PROVIDING PENALTY FOR VIOLATIONS; AND  
PROVIDING EFFECTIVE DATE.

WHEREAS, the City Council is of the opinion that certain  
amendments to the Zoning Ordinance of the City of West Miami are  
necessary and desirable for the protection, health and welfare  
of the residents and to further preserve the residential character  
of the city, and

WHEREAS, public hearings were held by the Planning and Zoning  
Board of the city after legal notice to consider such amendments  
and the need therefor:

NOW, THEREFORE BE IT ENACTED BY THE MAYOR AND CITY COUNCIL  
OF WEST MIAMI, FLORIDA, AS FOLLOWS:

Section 1. Section 1 of Ordinance 282 be and is hereby  
amended by adding thereto as Subsection 4A and 4B as following:

"4A. CONDOMINIUM A multi-unit residential building submitted to condominium usage as provided by the laws of Florida. All regulations of this ordinance applicable to apartment houses shall be applicable to condominiums."

"4B. COOPERATIVE APARTMENT A multi-unit residential building owned by a cooperative apartment corporation as defined by the laws of Florida. All regulations of this ordinance applicable to apartment houses shall be applicable to cooperative apartments."

Section 2. Subsection 4.15 of Ordinance 282 be and is hereby amended to read as follows:

"4.15 In 'R' districts the front setbacks shall be not less than 25 feet from the zoned street line, 7.5 feet or 10% of lot width, whichever is greater, from the side property line, except for swimming pools and swimming pool enclosures as set forth in Section 11.3. On corner lots, the front setback shall be 25 feet from the zoned street line and the exterior side setback shall be 15 feet from the zoned street line. The interior side setback shall be 7.5 feet, and the rear setback shall be 15 feet." In 'R-3' districts the side setbacks shall be not less than 15 feet or 10% of lot width, whichever is greater. Front and rear setbacks shall be as set forth above."

Section 3. Subsection 4.17 of Ordinance 282 be and is hereby amended to read as follows:

"4.17 No 'R-1' or 'R-2' use shall exceed two stories and 25 feet in height, and the combined area occupied by all principal and accessory buildings shall not exceed thirty-five (35%) of the lot area."

Section 4. Subsections 4.22 and 4.23 of Ordinance 282 be and are hereby amended to read as follows:

"4.22 Two story apartment buildings shall not exceed a height of 25 feet and three story buildings shall not exceed a height of 35 feet; provided, however, that where parking is provided within the building an additional 5 feet height is permitted. In no event shall any building exceed 40 feet."

"4.23 Apartment units shall provide a minimum floor area of not less than 550 square feet for units not containing more than one bedroom. Apartment units shall provide floor area of not less than 650 square feet per unit for units containing two bedrooms and an additional 100 square feet for each additional bedroom contained in each such unit. Living units containing bathroom facilities and kitchen facilities with no separate bedrooms shall be known as efficiency units, and shall provide floor area of not less than 450 square feet per unit. Hotel rooms shall provide a floor area of not less than 300 square feet including closet and bathroom."

Section 5. Section 4. of Ordinance 282 be and is hereby amended by amending subsection 4.25 and by adding subsections 4.26 and 4.27 to read as follows:

"4.25 In "A" districts the setbacks shall not be less than 25 feet from the zoned street line, and the side setback shall be 9 feet or 15% of the width of the lot, whichever is greater. On corner lots the exterior side setback shall be 15 feet from the zoned street line. Rear setbacks shall be 20 feet from the rear lot line plus an additional 1 foot for each 2 feet

of building height above 25 feet. Where more than one building is erected on a lot, a minimum spacing of ten feet shall be required between buildings."

"4.26 Apartment buildings shall not contain more than one dwelling unit for each 900 square feet of lot area."

"4.27 The combined area occupied by all principal and accessory buildings shall not exceed 30% of the lot area for buildings of a height less than 25 feet, and shall not exceed 28% of the lot area for three story structures."

Section 6. Subsection 4.33 of Ordinance 282 be and is hereby amended to read as follows:

"4.33 In every case where a 'C' use district abuts or faces either an 'R' use district or an 'A' use district a masonry wall shall be erected between the various use districts by the owner of the 'C' district property in order to provide a physical separation of the two districts. Such wall may be solid or horizontal louvers which overlap and shall be five feet in height. Any wall may have erected on the top a wire chain link fence which together with the wall shall not exceed eight feet in height. Not more than two driveway openings shall be permitted in such distance of four feet immediately adjacent to either side of driveway the height of such masonry wall shall be 2½ feet. Such driveway shall be located so as not to create a traffic hazard to vehicles or pedestrians, and the locations shall be approved by the building officer."

Section 7. Section 4 of Ordinance 282 be and is hereby amended by adding thereto as subsection 4.45 the following:

"4.45 In 'C' use districts, outdoor storage shall be permitted to the rear of the building provided that such storage area shall be enclosed on all sides not abutting

a building with a solid or louvered masonry wall not less than five feet in height, nor more than eight feet. When such wall abuts residential or apartment use districts height of wall shall comply with the requirements of Section 4.33 hereof. All openings in such walls shall have a gate of equal height to the wall and shall be solid in construction. Material stored shall not extend above the height of such wall."

Section 8. Ordinance 282 be and is hereby amended by adding thereto Section 4A entitled 'General Regulations Common to 'R-1, 'R-2' and 'A' use districts as follows:

4-A. GENERAL REGULATIONS COMMON TO 'R-1', 'R-2' AND 'A' USE DISTRICT.

4A. 1. No boat exceeding 23 feet in length shall be stored in 'R-1', 'R-2' and 'A' districts. Boats not exceeding 23 feet may be stored by occupants of premises upon the following conditions:

(a) The place of storage shall not be nearer than five feet from exterior side lot line of corner lots. All boats and trailers, if stored in front of the front building line, must be stored or parked lengthwise perpendicular to the front lot line, except where driveways on corner lots abut a side street equipment shall be stored perpendicular to such side street, and no portion of any equipment may extend over the sidewalk or public right-of-way. Equipment may be stored on circular drives provided no portion thereof may extend over the sidewalk or public right-of-way.

(b) No more than one boat may be stored for each dwelling unit in 'R-1' and 'R-2' districts, and not more than three boats may be stored upon the premises of an apartment house.

(c) Boats, trailers, and area of storage shall be kept in an orderly condition and loose articles of equipment shall be kept within a boat. Repairs of boats and equipment shall be done in an orderly manner so as not to constitute a

nuisance, and loose parts must be stored within the boat or other enclosed storage area except during the actual performance of repairs.

(d) Boats shall be stored upon a boat trailer, except that boats not exceeding 12 feet in length and commonly known as "car top" boats may be stored without a trailer.

(e) Boats and trailers shall be operable at all times.

(f) During hurricane warnings such equipment shall be so secured so that it will not be a hazard or menace during high winds or hurricane.

4A.2 In 'R-1' and 'R-2' and 'A' use districts recreational and camping equipment in the form of travel and camping trailers, truck trailers and motor travel homes, designed and used as temporary living quarters for recreation, camping or travel use may be parked upon the premises by occupants thereof upon the following conditions:

(a) No more than one such unit of equipment shall be parked for each dwelling unit in 'R-1' and 'R-2' districts, and not more than three such units may be stored upon the premises of an apartment house.

(b) Such parking shall be limited to equipment owned or leased by the occupant-owner or occupant-lessee of the site concerned, or owned or leased by a bona fide house guest of the occupant-owner or occupant lessee of the site concerned, with the parking of such equipment by guest not to exceed 14 days.

(c) The location for such parked equipment shall be set back at least five feet from exterior side lot lines of corner lots, and shall be set back from the rear property line at least 10 feet. All equipment if stored in front of the front building line must be stored or parked lengthwise perpendicular to the front lot line, except when drive-

ways on corner lots abut a side street equipment shall be stored perpendicular to such side streets, and no portion of any equipment may extend over the sidewalk or public right-of-way. Equipment may be stored on circular drives provided no portion thereof extends over the sidewalk or public right-of-way.

(d) Such equipment and the area of parking shall be kept in an orderly condition and loose articles of equipment shall be kept within the unit and the equipment shall be in a usable condition at all times.

(e) Such equipment shall be operable at all times.

(f) No major repairs or overhaul work on such equipment shall be made or performed on the site. Major repairs or overhaul work shall mean repairs which require the disassembly or removal of any of the following: engine, motor, transmission, rear end, drive shaft, radiator, brakes, master cylinder, wheel cylinders, axles, or other major operating components, and the removal or replacement of walls or outer shell of such equipment. Any other work performed shall be done in an orderly manner so as not to constitute a nuisance and loose parts and materials must be stored in the unit or other enclosed storage area except during actual performance of repairs.

(g) When parked on the site, such equipment shall not be used for living or sleeping quarters, or for housekeeping or storage purposes and shall not have attached thereto any service connection lines, except as may periodically be required to maintain the equipment and appliances.

(h) Such equipment shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the Motor Vehicle Laws of the State of Florida; provided, however, the maximum length shall not exceed 23 feet and the maximum height shall not exceed 11 feet from ground.

(i) During hurricane warnings such equipment shall be so secured so that it will not be a hazard or menace during high winds or hurricane.

4A.3. It shall be unlawful for any person to park any truck, trailer, or other commercial type vehicle in or upon any property public or private in an 'R-1', R'2' or 'A' use except in a completely enclosed garage; provided, however, that this prohibition shall not apply in cases of loading or unloading such vehicles between the hours of 7 o'clock a.m. and 7 o'clock p.m. of the same day and such loading or unloading takes no more than 4 hours. The four hour loading limitation shall not apply to trucks in actual use during construction or repair of improvements upon such property. Notwithstanding the foregoing, occupants of dwelling units within such use districts when not in violation of other ordinances of the city may park not more than one such vehicle per dwelling unit upon the premises provided such vehicle complies with the following:

- (a) Height shall not exceed 8 feet including ladders or other attachments to the top of the vehicle.
- (b) Width shall not exceed 6 feet 10 inches excluding mirrors.
- (c) Overall length does not exceed 18 feet 6 inches.
- (d) Open trucks shall not have load space exceeding 9 feet 6 inches in length.



(e) Dual wheels are prohibited.

(f) More than two axles are prohibited.

Further provided, that all equipment or materials stored or carried upon or used in connection therewith shall be stored in a neat orderly manner so as not to be unsightly or constitute a nuisance."

"4A.4 In 'R-1', 'R-2' and 'A' use districts metal utility or storage sheds shall be permitted upon the following conditions:

(a) Only one shed shall be permitted per building site in 'R-1' and 'R-2' use districts and none shall be permitted in 'A' use districts.

(b) Sheds shall not exceed 8 feet in width, 10 feet in length, and 7 feet in height.

(c) Sheds shall be installed upon and affixed to a poured concrete slab and shall be constructed and installed according to the Metropolitan Dade County Building Code.

(d) Sheds which are attached to the building shall not be attached to the front of the building and if located on the side of the building shall be concealed by trees or shrubs so as not to be visible from the street. Detached sheds may be installed to the rear of the back of existing buildings. All sheds attached or detached shall conform to side and rear setbacks."

"4A.5 In all 'R-1', 'R-2' and 'A' use districts, an area or passageway not less than three feet in width on one side of the building from the front lot line to the rear yard behind the building shall be kept open and unobstructed to enable city police, firemen, garbage collectors, and other city officials and employees to have ready access to the rear yard for the performance of their official duties. Such area or passageway shall be kept free of trees, shrubs, and trash, and all other obstructions."

Section 8A. Section 5 of Ordinance 282 be and is hereby amended by adding thereto as subsection 5.6, 5.7, 5.8, and 5.9 the following:

"5.6 Plans for off-street parking in 'C' and 'A' use districts shall not provide for egress to any street which would require vehicles to back onto such street."

"5.7 Any parking areas or loading areas within the zoned street right-of-way shall not be considered in computing the parking spaces or loading areas required under the terms of this ordinance."

"5.8 Where parking spaces head into and abut a sidewalk the paved 20 feet length of the parking space shall be curbed at 17 feet in order to prevent extension of the vehicle over the sidewalk."

"5.9 All interior driveways and ingress and egress driveways shall be at least 23 feet wide between paved parking spaces."

Section 9. Subsections 7.12 and 7.13 of Ordinance 282 be and are hereby amended to read as follows:

"7.12 Such utility easement may be used for yard purposes or for off-street parking purposes, and hedges and ornamental shrubs may be placed therein but the owner of the premises shall bear full responsibility for their protection and shall assume all costs of repair, removal or replacement of such hedges, ornamental shrubs in the event their removal is required for the installation, repair, removal or replacement or inspection of utilities in said easement."

Section 10. Subsection 7.21 of Ordinance 282 be and is hereby amended to read as follows:

"7.21 Painted concrete block walls, stone walls and wire fences may be erected. Where a wire fence abuts the utility easement it shall contain at least one gate for ingress and egress to the easement; and all such gates shall not be locked, fastened or otherwise obstructed in any manner that

will prevent access, ingress or egress to such easement by any properly authorized city employee or public utility employee."

Section 11. Should any section, clause, or provision of this Ordinance be declared and adjudged by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 12. Because of the content and nature of this ordinance it shall not be included in and made a part of the City Code.

Section 13. Any person, firm or corporation who shall violate or fail to comply with any provisions of this ordinance shall be guilty of a misdemeanor and shall be fined by a fine by a fine of not more than Five Hundred (\$500.00) Dollars,

or imprisoned for not more than sixty (60) days, or both, in the discretion of the Judge of the City Court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 14. This ordinance shall take effect January 1, 1970.

PASSED AND ADOPTED this 5th day of November, 1969.

  
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President, City Council

ATTEST:

  
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CITY CLERK

APPROVED:

  
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MAYOR