

ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA AMENDING SECTIONS 18.9 and 18.10 OF ORDINANCE 282 BY INCREASING FILING FEES FOR APPLICATIONS FOR VARIANCES AND FOR APPEALS TO THE CITY COUNCIL FROM TEN (\$10.00) DOLLARS TO TWENTY (\$20.00) DOLLARS; EXPRESSING INTENT OF SEVERABILITY; ESTABLISHING PENALTY; EXPRESSING INTENT THAT ORDINANCE NOT BE INCLUDED IN THE CITY CODE; AND ESTABLISHING EFFECTIVE DATE.

BE IT ENACTED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WEST MIAMI, FLORIDA:

Section 1. That Sections 18.9 and 18.10 of Ordinance 282 of the City of West Miami, Florida be amended to read as follows:

"18.9 All applications for exceptions and variances shall be filed with the City Clerk, accompanied by a filing fee of \$20.00. The City Clerk shall thereupon give notice to the applicant of the date of the hearing thereon and post a copy thereof in the City Hall, which hearing shall be had within thirty (30) days of the filing of the application, and transmit said application to the Board. All hearings will be conducted by the Board pursuant to rules and regulations adopted by the Board and will be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed with the City Clerk and shall be a public record. Within ten (10) days after the hearing the Board must render a written decision to the applicant, by Certified or Registered Mail, with copies to the Mayor and Council, and a copy thereof be posted in a public place within the City Hall; said decision to contain a comprehensive summary of the facts, the reasons for the application, the findings of fact made by the Board based on the applicable zoning ordinances and their decision. In the event, however, the Board refuses or fails to render any decision within thirty (30) days after the public hearing, the applicant may bring the matter directly to the attention of the Council at a regular meeting and request that the Council investigate the failure or refusal of the Zoning Board to render a decision. Decisions of the Zoning Board by

a majority vote thereof shall be final twenty (20) days after rendered unless appealed to the City Council within twenty (20) days of date of mailing of decision by Certified or Registered Mail to applicant. The receipt of decision by the City Clerk shall constitute due notice to the City."

"18.10 An appeal to the City Council from any adverse decision may be filed by any interested party by filing a notice of appeal with the City Clerk and paying an appeal fee of \$20.00; only one appeal fee to be paid in connection with each appeal regardless of the number of persons participating therein; provided, however, in the event of a protest against the granting of the exception or variance by the Board, signed by the owners of twenty percent (20%) or more of the lots within a radius of five hundred (500) feet from the respective corners, and the lot or lots for which the exception or variance has been granted, the appeal from said decision shall be taken to the City Council without the payment of an appeal fee. Within twenty (20) days after the filing of the appeal, it will be heard at a regular meeting of the Council, who shall hear arguments solely on the basis of the evidence produced before the Zoning Board as shown by the decision of the Board. Upon the conclusion of the arguments the Council will render its decision in open meeting. A three-fifths (3/5ths) majority of the entire Council shall be required to reverse the decision of the Zoning Board on all applications for an exception or variance."

Section 2. 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.

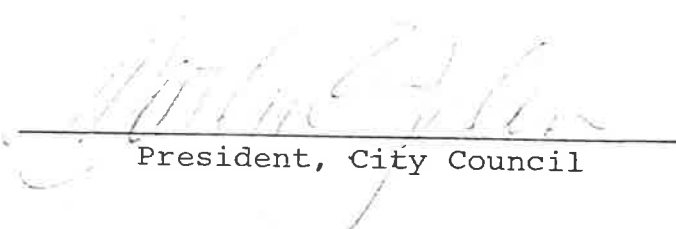
Section 3. Any person, firm or corporation who shall violate or fail to comply with any provisions of this ordinance shall be guilty of a misdemeanor and shall be fined by a fine of not more than Five Hundred (\$500.00) Dollars or imprisoned for not more than sixty (60) days, or both, in the discretion of the Judge of the City Court. Each day that a

violation is permitted to exist shall constitute a separate offense.

Section 4. Because of the content and nature of this ordinance it shall not be included in and made a part of the City Code.


Section 5. This Ordinance shall take effect August 15, 1973.

PASSED and ADOPTED this 1st day of August, 1973.



President, City Council

Attest:



City Clerk

APPROVED:



MAYOR