

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA AMENDING ORDINANCE 282 PERTAINING TO ZONING BY PROVIDING THAT ZONING VARIANCES AND EXCEPTIONS WILL EXPIRE AFTER NINETY (90) DAYS UNLESS APPLICATION IS MADE FOR A BUILDING PERMIT, AND AUTHORIZING EXTENSIONS UP TO FORTY-FIVE (45) DAYS UNDER CERTAIN CONDITIONS; INCREASING SIZE OF METAL UTILITY SHEDS PERMITTED IN R-1 AND R-2 USE DISTRICTS; LIMITING HEIGHT OF BUILDINGS IN R-1 AND R-2 USE DISTRICTS; LIMITING HEIGHT OF BUILDINGS IN C USE DISTRICTS; EXPRESSING INTENT OF SEVERABILITY; PROVIDING PENALTIES FOR VIOLATIONS; EXPRESSING INTENT THAT ORDINANCE NOT BE INCLUDED IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Ordinance 282 is hereby amended by adding thereto as Section 18.10-2, the following:

"18.10-2. Whenever an exception or variance is granted to an applicant as provided in this ordinance, said exception or variance shall expire and become null and void unless the applicant shall make application for a building permit within 90 days from the effective date of the exception or variance as determined by the terms of this ordinance. If the applicant can show that enforcement of the 90 day limitation will cause a hardship not the fault of the applicant, the Mayor, in his sole discretion, may extend the time up to but not exceeding 15 days and that thereafter during said 15 day period, the Council may grant an extension for an additional 30 days beyond the 15 days if granted by the Mayor."

Section 2. That Subsection 4A.4(b) of Ordinance 282 is amended to read as follows:

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

\* \* \* \* \*

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

Section 3. That Subsection 4.17 of Ordinance 282

is amended to read as follows:

"4.17. No 'R-1' Use shall exceed one-story. No 'R-2' Use shall exceed one-story. In 'R-1' and 'R-2' Use Districts the combined area occupied by all principal and accessory buildings shall not exceed thirty-five per cent (35%) of the lot area."

Section 4. That Ordinance 282 is amended by adding

thereto as Subsection 4.32-1, the following:

"4.32-1. No building in a 'C' Use District shall exceed 35 feet in height, nor shall any equipment on top of the building extend more than 35 feet above ground level; provided, however, that where parking is provided within the building an additional 5 feet height is permitted. In no event shall any building contain more than 3 stories or exceed 40 feet in height, including roof-top equipment."

Section 5. 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 6. 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 7. Because of the content and nature of

this ordinance it shall not be included in and made a part of the City Code.

Section 8. This Ordinance shall take effect  
July 1, 1975.

PASSED AND ADOPTED, this 18th day of June, 1975.

Kenneth C. Braidman  
President, City Council

ATTEST:

Betty S. Injapchock  
City Clerk

APPROVED:

Edward Cooper  
MAYOR