

ORDINANCE NO. 387

ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING SECTION 4.17 OF ORDINANCE 282, THE ZONING ORDINANCE OF THE CITY, BY ESTABLISHING OPEN SPACE AND LOT COVERAGE REQUIREMENTS FOR R-1 AND R-2 DISTRICTS, EXPRESSING INTENT OF SEVERABILITY; EXPRESSING INTENT THAT ORDINANCE NOT BE INCLUDED IN CITY CODE; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR CERTIFICATION TO COUNTY COURT; AND ESTABLISHING EFFECTIVE DATE.

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

Section 1. That Section 4.17 of Ordinance 282 of the City of West Miami, as Amended by Section 3 of Ordinance 363, be and is hereby amended to read as follows:

"4.17 No R-1 or R-2 USE shall exceed one (1) story; and each residential improvement of an R-1 or R-2 Lot shall comply with the following open space and lot coverage requirements:

- (a) Minimum of 35% of the net residential land area shall be maintained in landscaped open space, which space may include recreation areas not paved with asphalt, concrete, or similar impervious materials and swimming pools excluding abutting apron areas; and setback areas.
- (b) Maximum of 35% of the net residential land area may be covered with or occupied by the principal residential structure(s).
- (c) Maximum of 30% of the net residential land area may be covered with open parking areas, vehicular drives, accessory and service structures and devices.

Provided, however, that no paved area shall be closer than three (3) feet to any side or rear lot line except for driveways providing ingress and egress across such side or rear property line."

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

Section 4. Any person, firm or corporation who shall violate or fail to comply with the provisions of this ordinance shall be guilty of a misdemeanor and shall be fined by a fine of not more than Five Hundred Dollars (\$500.00), or imprisoned for not more than sixty (60) days, or both, in the discretion of the Judge of the County Court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 5. The City Clerk is hereby instructed to transmit a certified copy of this ordinance to the Clerk of the County Court of Dade County for certification as an ordinance of the City.

Section 6. This ordinance shall take effect March 12, 1979.

PASSED AND ADOPTED, this 7th day of March, 1979.




President, City Council

ATTEST:



City Clerk

APPROVED:



MAYOR