

ORDINANCE NO. 90-8

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING SECTIONS 5-86, 5-87, 5-88, 5-89, 5-90 AND 5-91 OF ARTICLE VII, ENTITLED ZONING INSPECTIONS AND SERVICES OF ORDINANCE NO. 89-08 OF WEST MIAMI ORDINANCES; PROVIDING FOR ZONING CERTIFICATE OF USE AND RENEWAL REQUIREMENTS; ANNUAL INSPECTION OF BUILDINGS AND PREMISES FOR COMPLIANCE WITH ALL CITY ORDINANCES; REPORTING TO APPLICABLE GOVERNMENTAL AUTHORITIES OF VIOLATIONS OF STATUTES, LAWS, CODES, ORDINANCES, RULES AND REGULATIONS OBSERVED DURING INSPECTIONS; FEES FOR INSPECTIONS AND OTHER SERVICES; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR PENALTY; PROVIDING FOR CODIFICATION; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that annual inspections of all buildings and premises with the exception of detached single family residents, located within the City of West Miami be made to insure compliance with all ordinances applicable thereto; and

WHEREAS, it is in the best interest of the public in order to protect the life, health, safety and general welfare of the people of this City, that such annual inspections be made before any building or premises be occupied or used or for any continued occupancy or use thereof;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA,

Section 1. Sections 5-86 through 5-91 of Chapter 5, Article VII of the West Miami Code, are hereby amended to read as follows:

ARTICLE VII. ZONING INSPECTIONS AND SERVICES

Sec. 5-86. Zoning certificate of use required; annual inspection of buildings and premises; issuance of certificates; renewals; non-transferable.

(a) No new buildings or premises and/or part thereof shall be occupied or used and no existing building or premises shall continue to be used until a zoning certificate of use shall have been issued by the building and zoning department. Certificates of use shall not be issued initially or annually until the building and premises have been inspected and found to comply with all ordinances of the City of West Miami that may be applicable to the particular building or premises.

(b) Buildings designed or proposed to be used as office buildings shall require one (1) zoning certificate of use for each separate office tenant and one (1) for each commercial activity contained therein acquired by the tenant or occupant. Each separate office tenant in existing office buildings shall obtain a certificate of use on the effective date of this section.

(c) Apartment buildings, hotels, and other multiple-residential occupancies containing two (2) or more units and occupied only by residential tenants shall require one(1) zoning certificate of use per building acquired by the property owner.

(d) Apartment buildings, hotels, and other residential occupancies containing two (2) or more units also containing commercial tenants shall require additional zoning certificates of use for each commercial activity contained therein acquired by the commercial tenant or occupant..

(e) Commercial buildings containing more than one(1) tenant shall require a zoning certificate of use for each tenant acquired by each tenant or occupant.

(f) Uses within a commercial building or portion of a commercial building occupied by a single tenant which are incidental to the principal use will not require a separate zoning certificate of use.

(g) Where individual zoning certificates of use are required for multiple tenant buildings, a zoning certificate of use shall be obtained and shall be charged for as established by this ordinance.

(h) Upon the issuance of a zoning certificate of use for a building and/or premises, an annual inspection schedule will be established and annual inspections will be conducted thereafter.

(i) Renewal zoning certificate of use will be required, on October 1st of each year and each existing use and/or premises shall be inspected annually to determine that it complies with the provisions of all municipal ordinances that may apply to the particular building or premises.

(j) The owner, tenant or occupant will be notified of any deficiencies found and the time that the deficiencies shall be corrected. Appropriate reinspections may be made to determine that the deficiencies have been corrected.

(k) Only those provisions of municipal ordinance which were in effect at the time a particular occupancy or use was established will be applicable unless otherwise provided in any subsequent amendments, modifications or additions thereto.

(l) Should there be observed by a City inspector during the course of an on-site inspection that there appears to be a violation of any applicable Federal, State and County statutes, codes, ordinances, laws, rules and regulations that may be applicable to the particular building or premises, the inspector shall report such alleged violation to the appropriate governmental authority or agency for enforcement action.

(m) No Certificate of Use or renewal thereof issued may be transferred.

(n) When a tenant or occupant fails to timely apply for and obtain a Zoning Certificate of Use, or renewal thereof, the property owner shall become responsible for obtaining such Zoning Certificate of Use, or renewal thereof for and on behalf of said tenant or occupant and payment of required fee.

Sec. 5-87. Inspection and Service Fees for Certificate of Use and Annual Renewals thereof:(a) All persons applying for a certificate of use required under Sec. 5-86 shall pay the following inspection and service fees which shall be valid through the following September 30th, and shall pay on the first day of October of each year thereafter the following renewal fees (all measurements of floor area are interior dimensions):

(1) Apartment building (including duplex):

1-12 dwelling units	\$25.00
13-50 dwelling units	50.00
51 dwelling units or more	50.00
Plus, per unit over 50	1.00

(2) Hotel, motel, rooming house:

2-12 rental sleeping units	100.00
13-50 rental sleeping units	200.00

51 rental sleeping units or more	200.00
Plus, per unit over 50	1.00

(3) Retail and/or Wholesale Sales and Services
(including public service utilities) and storage:

Not exceeding 500 square feet of floor area	\$15.00
Exceeding 500 square feet but less than 2,500 square feet of floor area	25.00
Exceeding 2,500 square feet but less than 5,000 square feet of floor area	35.00
Exceeding 5,000 square feet but less than 15,000 square feet of floor area	50.00
Exceeding 15,000 square feet but less than 25,000 square feet of floor area	55.00
Exceeding 25,000 square feet but less than 50,000 square feet of floor area	100.00
Exceeding 50,000 square feet of floor area	200.00

(4) Office building used for general office use for
services only without merchandise or storage on the
premises-

Less than 500 square feet of floor area . .	\$15.00
Exceeding 500 square feet but less than 2,500 square feet of floor area	20.00
Exceeding 2,500 square feet but less than 5,000 square feet of floor area	30.00
Exceeding 5,000 square feet but less than 15,000 square feet of floor area	40.00
Exceeding 15,000 square feet but less than 25,000 square feet of floor area	50.00
Exceeding 25,000 square feet but less than 50,000 square feet of floor area	60.00
Exceeding 50,000 square feet of floor area	70.00

(5)(a) Restaurants with Seats (including bars, lounges,
night clubs, cafeterias, delicatessen and other food and
beverage service establishments.

First 60 seats	40.00
Each additional 20 seats or portion thereof .	15.00

(b) Food and Beverage Service Establishments without
Seats.

First 1,000 square feet of floor area	40.00
Each additional 1,000 square feet or part in excess of 1,000 square feet of . . .	15.00
floor area	

(6) Day care center, fraternal lodges, churches and
meeting halls:

Not for profit, first 1,000 square feet . . .	40.00
of floor space	
For profit, first 1,000 square feet of . . .	55.00
floor space	
Each additional 1,000 square feet or part . .	10.00
in excess of 1,000 square feet	

(7) Parking lots, garages, vehicle and marine sales:

Not exceeding 20,000 square feet of site area	\$15.00
Exceeding 20,000 square feet but less than	
50,000 square feet of site area	20.00
Exceeding 50,000 square feet of site area .	35.00

(8) Amusement parks, including off-street parking areas and all retail outlets located at principal building structure, \$350.00

(9) Arenas, dance halls, skating, pool halls and bowling lanes:

Not exceeding 20,000 square feet of floor area	55.00
Exceeding 20,000 square feet but less than	
50,000 square feet of floor area	110.00
Exceeding 50,000 square feet of floor area	200.00

(10) Theaters (live and film):

First 100 seating capacity	\$100.00
100-500 seating capacity	200.00
Exceeding 500 seating capacity	300.00

(11) Private hospitals, Adult Congregate Living Facilities, Nursing Homes and other health care centers with beds:

Not exceeding 100 beds	\$100.00
Exceeding 100 beds but less than 200 beds .	200.00
Exceeding 200 beds	300.00

(12) Private schools:

Not exceeding 10,000 square feet of floor area	50.00
Exceeding 10,000 square feet but less than	
50,000 square feet of floor area	100.00
Exceeding 50,000 square feet of floor area	200.00

(13) Miscellaneous. All uses of buildings or premises not previously covered by this Section shall be assessed a fee as provided in (3) of this Section.

(14) In the event that any building or premises is used or occupied prior to issuance of a Zoning Certificate of Use or renewal thereof, there shall be imposed, charged

and collected an additional fee of double the amount required under this section of this ordinance.

Sec. 5-88. Exceptions.

The owner residing in a detached single family residence or residing in a duplex unit shall not be required to comply with Sec. 5-87 of this ordinance, but annual inspections and other provisions of this ordinance shall be applicable. However, any rental unit owner or tenant shall comply with Sec. 5-87 of this ordinance.

Sec. 5-89. Fees for Accessory Use Certificates.

(a) All persons desiring to use a residential building structure located within a residential zone permitting a home occupation shall apply to the building and zoning department for an accessory use certificate, which shall be granted upon payment of an annual fee of Fifty Dollars (\$50.00) to the city and when issued shall be valid through the following September 30. In instances where a person sixty-five (65) years of age or over is engaged in the conduct of home occupation, there shall be no required payment of an accessory fee in conjunction with the issuance of an accessory use certificate or the subsequent renewal of such certificate. All renewals of Accessory Use Certificates shall be made on or before October 1 of each calendar year.

(b) In the event that any building or premises is used or occupied prior to issuance of Accessory Use Certificate or renewal thereof, there shall be imposed, charged and collected an additional fee of double the amount required under this section of this ordinance.

5-90 Zoning Inspection, fees.

(a) The City of West Miami will provide, upon request of the owner or owner's agent, an on-site inspection of properties within the City of West Miami, by the Building and Zoning Department, to ascertain whether zoning violations openly exist on the real property.

(b) The following fee shall be paid prior to each such inspection for each lot:

Zoning inspection fee \$80.00

(c) A report on the results of each such inspection will be issued to the owner or owner's agent and shall only constitute prima facie evidence of compliance/noncompliance with Zoning Ordinance 282 and shall not be conclusive proof of compliance/noncompliance with said Ordinance 282.

(d) Should a zoning violation be observed by a city zoning inspector during the course of an on-site inspection, the property owner will be summoned to appear before the code enforcement board of the City of West Miami.

Sec. 5-91. Fee for Inspections and Examinations of Plans for Compliance with the Provisions of the City of West Miami Zoning Ordinance.

(a) There is hereby established the following fee per square foot of total land area encompassed in the project at the time the application is made for the construction of a new building, change of use of building, or an addition to an existing building, for the purpose of examination of the plans and site development and subsequent inspections of the building site prior to the issuance of the Certificate of Occupancy and subsequent thereto to assure original and continued compliance with the

provisions of the city zoning ordinance, Ordinance No. 282:

<u>Single-family</u> and duplexes (owner occupied)	\$0.007
<u>All other uses</u>	0.008

(b) This fee shall be in addition to the building permit fee.

Section 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 3. If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

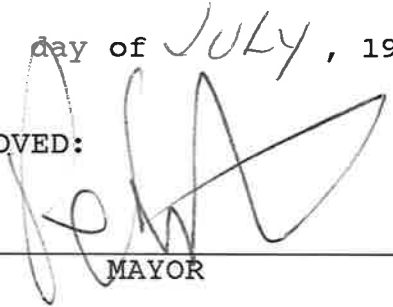
Section 4. Any person violating the provisions of this Code or any ordinance where no other penalty is prescribed, shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) or be imprisoned for not more than sixty (60) days, or shall be both fined and imprisoned, in the discretion of the court. Each day that such violation shall continue shall constitute a separate offense.

Section 5. It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the West Miami Code; and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section, article" or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 11 day of JULY, 1990.

APPROVED:



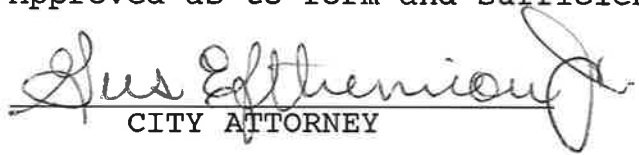
MAYOR

ATTEST:



CITY CLERK

Approved as to form and sufficiency



CITY ATTORNEY

Roll Call Vote:

Mayor Reboredo Y
Vice Mayor Sosa Y
Commissioner Busse Y
Commissioner Hickey-Patton Y
Commissioner Trigo Y

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