

ORDINANCE 91-02

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, REPEALING PARAGRAPH #22 OF SECTION 1, GARAGE APARTMENTS, AND AMENDING ZONING ORDINANCE NO. 282, OF THE CITY OF WEST MIAMI, BY AMENDING SECTION 1, DEFINITION OF ACCESSORY BUILDING; BY AMENDING SUBSECTIONS 4.11 THROUGH 4.19, SECTION 4.1 OF SECTION 4 AND 4A.4 BY ALLOWING ONE UTILITY SHED AND ONE DETACHED ACCESSORY BUILDING: GARAGE, GAZEBO, SHADE HOUSE, PLAYHOUSE OR CHICKEE; PROVIDING FOR LOT COVERAGE, SETBACK AND OTHER RESTRICTIONS; PROVIDING NO ACCESSORY STRUCTURE IN "A" USE DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That Section 1, Definitions, paragraph 2. of Ordinance No. 282, of the City of West Miami, be and is hereby amended:

Section 1. DEFINITIONS

2. ACCESSORY BUILDING. A subordinate building or portion of the main building not accessible by way of a door or other entrance directly from the main building, which is located on the same lot as the main building or on an adjacent lot, the use of which building is clearly incidental to the use of the main building.

Section 2. That paragraph #22 of Section 1, DEFINITIONS, of Ordinance #282 of the City of West Miami be and the same is hereby repealed.

Section 3. That subsections 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.18, and 4.19 of Section 4.1 of Ordinance No.

282, of the City of West Miami, be and is hereby amended as follows:

Section 4. USE DISTRICT REGULATIONS.

4.1 "R" USE DISTRICTS.

4.11 In the "R" residence or single-family districts no building or land shall be used and no building be hereafter erected, constructed, reconstructed, or structurally altered which is designed or intended to be used or occupied for any purpose except "R" use, unless otherwise provided for in this ordinance.

4.12 (a) Not more than one principal building shall be erected on a lot in "R" Use District; except that one utility shed as provided in subsection 4A.4 and one of the following detached buildings may be constructed on a residential lot: garage, gazebo, shade house, playhouse and chickee. Such utility shed and detached accessory building shall not be constructed unless in conjunction with or as an accessory to the principal building. No utility shed, or an allowed detached accessory building described above, shall be used or occupied as living quarters nor shall any commercial use or activity be conducted therein in "R" Use District. Except for a utility shed, the area of a accessory building shall be included and become a part of the allowed maximum of 35% lot coverage as set forth in subsection 4.17 of this ordinance. The setback thereof shall be the same as principal building except garages may have 3 foot side yard and 3 foot rear yard setbacks.

(b) A detached garage, gazebo, shade house, playhouse or chickee may contain electrical or plumbing

facilities, except there shall be no electrical or plumbing facilities or fixtures for bathroom or kitchen use.

4.13 Every principal building in "R-1" Use District shall contain not less than 1,000 square feet of floor area exclusive of porches, garages or porte cocheres.

4.14 Every principal building in "R-2" Use District shall contain not less than 700 square feet of floor area per dwelling unit exclusive of porches, garages or porte cocheres.

4.15 In "R" Use 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 lines and 15 feet from the rear 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" Use 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.

4.16 In the principal building constructed on a lot in "R" Use District, no individual room shall be completely separated from the remainder of the principal building. Only one kitchen shall be provided on any lot in "R-1" Use Districts and only one kitchen shall be provided per dwelling unit on any lot in "R-2" Use District.

4.17 No R-1 or R-2 USE shall exceed one (1) story, and each residential improvement on 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 building, and an accessory building except a utility shed is excluded.

(c) Maximum of 30% of the net residential land area may be covered with open parking areas, vehicular drives, 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.

4.18 Inside lots in "R" Use Districts shall have a depth of not less than one hundred (100) feet, a frontage of not less than sixty (60) feet and an area of not less than six thousand (6,000) square feet. Corner lots in "R" Use Districts shall have a depth of not less than one hundred (100) feet, a frontage of not less than seventy (70) feet, and an area of not less than seven thousand (7,000) square feet.

4.19 (a) No auxiliary use shall be permitted in an "R" Use District which requires manual labor, the storage or transfer

of goods or materials, the carrying on of a trade in its ordinary sense or the use of a workshop. This does not prohibit the maintenance of a personal or hobby workshop from which no profit is derived and which does not create a nuisance; nor does it prohibit Home Occupations within the principal dwelling as defined below.

(b) Home Occupation. Any occupation within the principal dwelling and clearly incidental thereto, carried on by the members of the family residing on the premises, provided that no other person is employed, that no stock in trade is kept or commodities sold, no mechanical equipment is used except such that is normally used for family, domestic, or household purposes, and there is no exterior indication other than a sign permitted by the Use District regulations that the building is being used for any purpose other than a dwelling. When within the above requirements, a home occupation includes but is not limited to the following: (a) art studio; (b) dressmaking; (c) professional office of a lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation; however, a home occupation shall not be interpreted to include barber shops, beauty parlor, restaurants, or office of a physician or dentist where mechanical equipment is used, teaching of music, or any other occupation requiring loud and disturbing sounds.

Section 4. That subsection 4A.4, Section 4-A General Regulations Common to "R-1", "R-2" and "A" Use Districts, of Zoning Ordinance 282 be and is hereby amended as follows:

4A.4 No utility shed shall be permitted in "A" Use District. In "R-1" and "R-2" Use Districts a utility shed shall be permitted upon the following conditions:

(a) Only one utility shed shall be permitted per building site in "R-1" and "R-2" Use Districts.

(b) Utility shed shall not exceed 12 feet in width, 12 feet in length, and 8 feet 6 inches (8"6") in height.

(c) Utility shed shall be constructed or installed in accordance with the Metropolitan Dade County Building Code, known as South Florida Building Code.

(d) Utility shed may contain electrical and plumbing facilities except there shall be no electrical or plumbing facilities or fixtures for bath room or kitchen use.

(e) Utility shed which is 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. All utility sheds attached to buildings shall conform to side setbacks and in no event shall be nearer than three feet to the rear property line. Detached utility sheds may be installed only to the rear of existing buildings and shall not be closer than three feet to the existing building. All detached utility sheds shall be installed no nearer than three feet to the rear property line and shall conform to side setbacks. Attached sheds shall be installed so that the side adjacent to the building shall be flush with and contiguous to the wall of the building to which it is attached.

Section 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

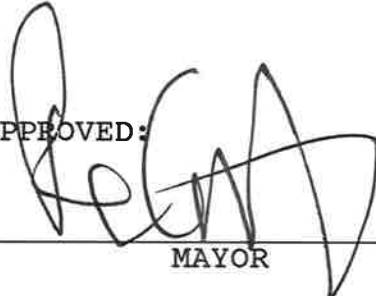
Section 6. If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 7. It is the intention of the City Commission that the provisions of this ordinance shall not be codified as a part of the West Miami Code.

Section 8. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 16 day of January, 1991.

APPROVED:

  
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MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

Approved as to form and sufficiency

  
\_\_\_\_\_  
CITY ATTORNEY

Roll Call Vote:

Mayor Reboredo Y

Vice Mayor Sosa NO

Commissioner Busse Y

Commissioner Hickey-Patton NO

Commissioner Trigo Y

Date of 1st reading: 1-2-91

Date of Publication: \_\_\_\_\_

Date of 2nd reading: 1-16-91

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