

ORDINANCE NO. 93-04

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA AMENDING SECTIONS 5-102, 5-104, 5-105 AND 5-106, ARTICLE IX, CHAPTER 5 OF THE WEST MIAMI CODE BY PROVIDING INCREASES IN SERVICES FEES FOR ZONING CERTIFICATE OF USE AND OTHER SERVICES; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING EFFECTIVE DATE.

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

Section 1. That Section 5-102, Article IX, Chapter 5, of the Code of the City of West Miami, Florida, be and is hereby amended as follows:

Sec. 5-102. Inspection and Service fees for Certificate of Use and annual renewals.

Section 2. That Section 5-104 Article IX, Chapter 5, of the Code of the City of West Miami, Florida, be and is hereby amended as follows:

(a) All persons applying for a certificate of use required under section 5-101 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	\$ 50.00
13-50 dwelling units	100.00
51 dwelling units or more	100.00
Plus, per unit over 50	2.00

(2) Hotel, motel, rooming house:

2-12 rental sleeping units	\$ 200.00
13-50 rental sleeping units	400.00
51 rental sleeping units or more	400.00
Plus, per unit over 50	2.00

(3) Retail and/or wholesale sales and services, including public service utilities and storage:

Not exceeding 500 square feet of floor area	\$ 30.00
Exceeding 500 square feet but less than 2,500 square feet of floor area	50.00
Exceeding 2,500 square feet but less than 5,000 square feet of floor area	70.00
Exceeding 5,000 square feet but less than 15,000 square feet of floor area	100.00
Exceeding 15,000 square feet but less than 25,000 square feet of floor area	110.00
Exceeding 25,000 square feet but less than 50,000 square feet of floor area	

square feet of floor area	200.00
Exceeding 50,000 square feet area	400.00

(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	\$ 30.00
Exceeding 500 square feet but less than 2,500 square feet of floor area	40.00
Exceeding 2,500 square feet but less than 5,000 square feet of floor area	60.00
Exceeding 5,000 square feet but less than 15,000 square feet of floor area	80.00
Exceeding 15,000 square feet but less than 25,000 square feet of floor area	100.00
Exceeding 25,000 square feet but less than 50,000 square feet of floor area	120.00
Exceeding 50,000 square feet area	140.00

(5) Restaurant renewal fees are as follows:

a. Restaurants with seats, including bars, lounges, nightclubs, cafeterias, delicatessens and other food and beverage service establishments:

First 60 seats	\$ 80.00
Each additional 20 seats or portion thereof.....	30.00

b. food and beverage service establishments without seats:

First 1,000 square feet of floor area	80.00
Each additional 1,000 square feet or part in excess of 1,000 square feet of floor area	30.00

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

Not for profit, first 1,000 square feet of floor space	\$ 80.00
For profit, first 1,000 square feet of floor space	110.00
Each additional 1,000 square feet or part in excess of 1,000 square feet.....	20.00

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

Not exceeding 20,000 square feet of site area...	\$ 30.00
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- Not exceeding 20,000 square feet but less than 50,000 square feet of site area\$ 40.00
 Exceeding 50,000 square feet of site area..... 70.00
- (8) Amusement parks, including off-street parking areas and all retail outlets located at principal building structure..... 700.00
- (9) Arenas, dance halls, skating, pool halls and bowling lanes:
- Not exceeding 20,000 square feet of floor area.. 110.00
 Exceeding 20,000 square feet but less than 50,000 square feet of site area..... 220.00
 Exceeding 50,000 square feet of floor area..... 400.00
- (10) Theaters (live and Film):
- First 100 seating capacity 200.00
 100-500 seating capacity 400.00
 Exceeding 500 seating capacity 600.00
- (11) Private hospitals, adult congregate living facilities, nursing homes and other health care centers with beds:
- Not exceeding 100 beds 200.00
 Exceeding 100 beds but less than 200 beds 400.00
 Exceeding 200 beds 600.00
- (12) Private schools:
- Not exceeding 10,000 square feet of floor area.. 100.00
 Exceeding 10,000 square feet but less than 50,000 square feet of floor area 200.00
 Exceeding 50,000 square feet of floor area..... 400.00
- (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) Fees imposed in cases of prior occupations. 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 article.

Sec. 5-104. Fees for accessory use certificates.

Section 3. That Section 5-105 Article IX, Chapter 5, of the Code

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

(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 one hundred dollars (\$100.00) 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 occupations, 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 an 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 article.

Sec. 5-105. Zoning inspection fees.

Section 4. That Section 5-106 Article IX, Chapter 5, of the Code of the City of West Miami, Florida, be and is hereby amended as follows:

(a) The City of West Miami will provide, upon request of the owner or owner's agent, an onsite 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 zoning inspection fee to be paid prior to each such inspection for each lot shall be one hundred sixty dollars (\$160.00).

(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 the zoning ordinance and shall not be conclusive proof of compliance/noncompliance with said ordinance.

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

Sec. 5-106. Fee for inspections and examinations of plans for compliance with the provisions of the City of West Miami Zoning Ordinances.

(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 a certificate of occupancy and subsequent thereto to assure original and continued compliance with the provisions of the city zoning ordinance:

Single-family and duplexes (owner occupied)..... \$0.007
All other uses 0.01

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

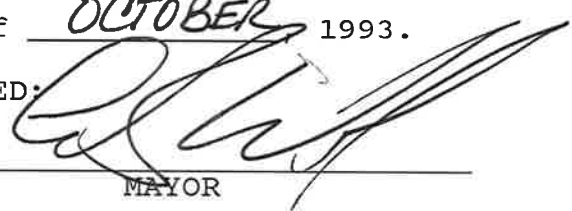
Section 6. If any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

Section 7. It is the intention of the City Commission that the provisions of this ordinance shall 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 8. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 27 day of OCTOBER 1993.

APPROVED:



MAYOR

ATTEST:



CITY CLERK

Approved as to form and sufficiency



CITY ATTORNEY

Roll Call Vote:

Mayor Diaz-Padron	<u>absent</u>
Vice Mayor Trigo	<u>✓</u>
Commissioner Sosa	<u>✓</u>
Commissioner Herbert	<u>✓</u>
Commissioner Bonich	<u>✓</u>

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