

ORDINANCE No.

96-06

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING SECTION 4A, ZONING ORDINANCE 282, TO BE RETITLED "GENERAL REGULATIONS COMMON TO "R-1", "R-2", "A" AND "C" USE DISTRICTS, AND ADDING THERETO SECTIONS 4A.1(a), 4A.1(h), AND 4A.2(j), 4A.2(k); PROVIDING FOR A NON-CONFORMING USE PERMIT PROCEDURE; PROVIDING FOR A NON-CONFORMING USE PERMIT APPLICATION, FEE, INSPECTION AND RECORDS; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR NON-CODIFICATION; AND, PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 4-A of the Zoning Ordinance 282 now governs the general regulations common to R-1 and A use District, and

WHEREAS, there has been some confusion in the interpretation and application of the general regulations in Section 4-A, and

WHEREAS, in order to better define Section 4-A, it is necessary to expand implementation of the general regulations to include C Use District, and

WHEREAS, the proliferation of boats, trailers, recreational and camping equipment have impacted the general health, safety and welfare of the citizens of the community, and

WHEREAS, the lack of specificity has lead to the creation of health, safety and welfare hazards, and

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

Section 1. In order to procure better implementation of Zoning Ordinance 282, Section 4-A, Zoning Ordinance 282, is hereby amended as follows:

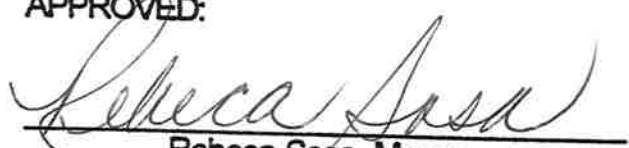
- Section 2. The provisions of the amendments of this ordinance shall not be applied retroactively except that all owners of boats, trailers, recreational and camping vehicles as described in Section 4-A.1 and Section 4-A.2 shall register with the City by applying and obtaining a Non-Conforming Use Permit as described in Section 4-A (5) for the non-conforming use created by this Ordinance within six (6) weeks of the effective date of the Ordinance.
- Section 3. The non-conforming use shall be allowed only to residents which have been grand-fathered by prior ownership and shall not be transferable once the property described in Section 4-A.1 and Section 4-A.2 is sold or the owner of said equipment either sells his real estate property or rents his real estate property or in case of any changes of its occupancy.
- Section 4. The registration with the City shall be accomplished by producing proof of ownership in the form of title and vehicle registration.
- Section 5. The City Manager or his designee, shall create the appropriate application and shall keep appropriate records of permit applications of the non-conforming uses and will be authorized to charge a nominal fee to service and cause the inspection of the premises subject to this application.
- Section 6. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.
- Section 7. 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 8. 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 9. 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, but not codified.

Section 10. This Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED this 4 day of SEPTEMBER, 1996.

APPROVED:

  
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Rebeca Sosa, Mayor

ATTEST:

  
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Felix Diaz, City Clerk

Approved as to form and sufficiency

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Jose Villalobos, City Attorney

ROLL CALL VOTE:

MAYOR SOSA	<u>  ✓  </u>
VICE MAYOR DIAZ-PADRON	<u>  ✓  </u>
COMMISSIONER GONZALEZ	<u>  ✓  </u>
COMMISSIONER MARTIN	<u>  ✓  </u>
COMMISSIONER ROZIO	<u>  ✓  </u>