

ORDINANCE # 99-01

AN ORDINANCE OF THE CITY OF WEST MIAMI, FLORIDA, AMENDING ZONING ORDINANCE 282 BY ADDING TO SECTION 1. DEFINITIONS, 4A. BASEMENT AND 45A. STORY; AMENDING SUBSECTION 4.11 PROVIDING FOR SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT PROCEDURE; AMENDING SUBSECTION 4.12 PERCENTAGE OF LOT COVERAGE; BY INCLUDING R-2 FLOOR AREA REQUIREMENTS IN SUBSECTION 4.13; BY DELETING PORCHES, GARAGES AND PORT COCHERES AS AN EXCLUSION IN FLOOR AREA COMPUTATION IN "R-2" DISTRICTS; PROVIDING WITHIN SUBSECTION 4.13 THE DETERMINATION OF MINIMUM SQUARE FOOT FLOOR AREA; PROVIDING SUBSECTION 4.14 MAXIMUM SQUARE FOOT FLOOR AREA FOR SINGLE AND TWO FAMILY RESIDENCES IN "R-1" AND "R-2" ZONING DISTRICTS, EXTERIOR STEPS, STAIRS OR STAIRCASE PROHIBITION; AMENDING SUBSECTION 4.15, MINIMUM SETBACKS, CANTILEVERED PORTIONS OF A TWO STORY BUILDING; AMENDING SUBSECTION 4.17 TO ALLOW TWO STORY BUILDINGS WITHIN "R-1" AND "R-2" ZONING DISTRICTS; REPLACING SUBSECTION 4.17 (b) WITH NEW PROVISIONS FOR PRINCIPAL STRUCTURE LOT COVERAGE; AMENDING SUBSECTION 4A.4(b) TO ALLOW 9' HEIGHT FOR UTILITY SHEDS; PROVIDING FOR REPEAL OF ANY ORDINANCE IN CONFLICT THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after notice of public hearing duly published, a public hearing was held before the Planning and Zoning Board of the City of West Miami, on October 27, 1998 and November 3, 1998, at which hearings all interested persons were afforded an opportunity to be heard; and

WHEREAS, the Planning and Zoning Board at said Public Hearing of November 3, 1998 unanimously recommended that the amendment be approved.

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

SECTION 1. That from and after the effective date of this ORDINANCE, Ordinance # 282, as amended, shall be and the same is hereby amended by adding thereto Section 1., Definitions 4A and 45A as follows:

Section 1. Definitions

4A. BASEMENT. That portion of a building included between floor and ceiling which is so located that one-half ($\frac{1}{2}$) or more of the clear height from floor to ceiling is below grade. The basement shall not be used as a habitable room.

45A. Story.

(a) That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or if there be no floor above it, then the space between such floor and the ceiling next above it.

(b) A mezzanine which exceeds thirty-three and one third ($33 \frac{1}{3}$ %) percent of the total floor area in that room or story in which the mezzanine floor occurs shall be considered a story.

(c) That portion of a building between floor and ceiling which is so located that more than one-half ($\frac{1}{2}$) of the clear height from floor to ceiling is above grade.

SECTION 2. That from and after the effective date of this ordinance, Ordinance 282, as amended, shall be and the same is hereby amended to read as follows:

Section 4. USE DISTRICT REGULATIONS

4.11 In the "RI" 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 "RI" use, unless otherwise provided for in this ordinance. **No two story building shall be erected, constructed, reconstructed, enlarged or altered unless a Special Use Permit for Planned Development is obtained under Section 2B.**

4.12 (a) Not more than one principal building shall be erected on a lot in "RI" 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, carport, 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 "RI" Use District. **Except for a utility shed, the area of an accessory building shall not exceed ten (10%) percent of the net residential land area.** The setback thereof shall be the same as principal building except garages may have 3 foot side yard and 3 foot rear yard setback. **Utility sheds shall not exceed nine (9') foot in height. All other accessory buildings shall not exceed 15' in height.**

(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.

Every principal building in the "R-2" Use District shall contain not less than 700 square feet of floor area per dwelling unit.

Determination of minimum square foot floor area: The minimum square foot floor area of existing or proposed buildings and structures shall be the sum of the gross horizontal floor area of the multiple stories of the building or structure, measured from the exterior faces of the exterior walls. Garages attached to and made a part of the main building or structure, and screened porches, shall be computed as one-half (½) of the square foot floor area contained therein. Detached private garages, garage apartments and other subordinate accessory use buildings and open porches, patios, port-cocheres and area having plastic, glass, aluminum or screened roofs shall not be taken into account in calculating the minimum square foot floor area as required by this ordinance.

4.14 Maximum square foot floor area for single and two family residences in "R-1" and "R-2" zoning districts:

The maximum square foot of floor area permitted shall be equal to forty-eight (48%) percent for the first 5,000 square feet of building site area, and thirty-five (35%) percent for the next 5,000 square feet of building site area, and thirty (30%) percent for the remainder of the building site area.

Determination of maximum square foot of floor area.

The maximum square foot of floor area shall be the sum of the gross area of all the floors of the building or buildings, measured from the exterior faces of exterior walls and exterior faces of supporting columns for any floor not enclosed by exterior walls, but in no case shall the maximum square foot floor area in any category be less than the minimum required by this ordinance. Gross floor area shall include:

1. All floor space used for dwelling purpose, such as living rooms, bedrooms, kitchens, utility rooms, mechanical equipment rooms, and any other similar spaces, no matter where located within a building.
2. Elevator shafts and stairwells at each floor.
3. The floor space in penthouses, interior balconies and mezzanines.
4. The floor space in auxiliary or accessory buildings.
5. Screen porches.
6. The floor space in any garage or storage area.
7. Carports.
8. In those cases where the average floor to ceiling height exceeds 15'0", then that area shall be counted twice in the maximum floor area factor computation.

Exterior steps, stairs or staircases prohibited: No exterior steps, stairs or staircases shall be constructed on single-family and two-family use buildings, except to the ground floor.

4.15 In "R" Use Districts the front setbacks shall be not less than 25 feet from the zoned street line, **inside lots shall have minimum side setbacks which total twenty (20%) percent of the width of the lot measured across the front setback line, up to a maximum of twenty (20') feet. In no case shall a side setback be less than six (6') feet.** The rear setback shall be not less than 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 six (6') feet, or ten (10%) percent of the width of the lot, measured across the front setback line.** The rear setback shall be 15 feet.

No cantilevered portion of a two-story building above the ground floor, including roof overhang, shall extend into the building setback, except to allow a roof overhang not to exceed two feet and a balcony not to exceed five feet into the front setback; no balconies shall be permitted on any sides, exterior side or rear setback areas.

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 two (2) stories in height, except that no frame or wood structures or buildings shall exceed one (1) story in height. Two (2) story structures shall not exceed thirty-five (35') feet above established grade, including ridgeline, domes, steeples, towers, and such other similar structures.**

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. The building area utilized for calculating the maximum ground area coverage for the principal structure shall be**

computed from the exterior face or exterior columns of the ground floor of the structure. Cantilevered portions of the building above the ground floor, or roof overhangs which exceed five (5') feet shall be computed in the calculation of the ground coverage of the principal structure. Accessory buildings or structures permitted by Section 4.12 may occupy additional ground coverage up to ten (10%) percent of the building site. In no case shall the principal structure exceed thirty-five (35%) of the building site.

- (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.

4A.4 (91-02) No utility shed shall be permitted in "All 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 **9 feet (9')** 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. (91-02)

SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.


SECTION 4. 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 5. It is the intention of the City Commission that the provisions of this Ordinance shall take effect immediately upon passage.

This Ordinance, as amended, shall take effect on the 17 day of FEBRUARY, 1999.

PASSED AND ADOPTED this 17 day of FEB., 1999

APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form and sufficiency

1/3/ Jose Villalobos
CITY ATTORNEY

Roll Call Vote:

Mayor Rebeca Sosa	<u>Y</u>
Vice-Mayor Enrique Gonzalez	<u>NO</u>
Commissioner Carlos Diaz-Padron	<u>Y</u>
Commissioner Marco Rubio	<u>Y</u>
Commissioner Velia Yedra-Chruszcz	<u>Y</u>

Date of 1st reading _____
Date of publication _____
Date of 2nd reading 2-17-1999