

ORDINANCE NO. 263

ORDINANCE OF THE TOWN OF WEST MIAMI, FLORIDA, AMENDING CERTAIN PROVISIONS OF ORDINANCE 209: PERTAINING TO THE REGULATION OF GASOLINE FILLING STATIONS, GASOLINE SERVICE STATIONS, MECHANICAL GARAGES, AND AUTOMOTIVE PAINT AND BODY SHOPS; PERTAINING TO THE REGULATION OF FENCES, WALLS AND HEDGES; AND PERTAINING TO REQUIREMENTS OF ARCHITECTS OR ENGINEERS, SEAL ON BUILDING PLANS AND SPECIFICATIONS IN CONNECTION WITH ISSUANCE OF BUILDING PERMITS.

NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF WEST MIAMI:

Section 1. That Section 1 of Ordinance 209 be and is hereby amended by adding thereto as Sub-paragraph 5A the following:

"5A. AUTOMOTIVE PAINT AND BODY SHOP. Any premises where the bodies, chassis, fenders, or other non-operating components of automotive vehicles are reconstructed, rebuilt, and/or painted."

Section 2. That Section 1 of Ordinance 209 be and is hereby amended by changing Sub-paragraph 19 thereof to read as follows:

"19. GARAGE, MECHANICAL. Any premises where the motor, transmission, and operating components of automotive vehicles are reconstructed, rebuilt or repaired."

Section 3. That Sub-paragraph 45 of Section 1 of Ordinance 209 be and is hereby amended to read as follows:

"45. SERVICE STATION. A building or place of business where gasoline, oils and greases are supplied and sold to the automobile trade."

Section 4. That Ordinance 209 be and is hereby amended by adding thereto as Sections 4.38 through 4.43 the following:

"4.38 No mechanical repairs of any kind shall be permitted on the premises of a gasoline and oil filling station or service station unless such station shall be licensed as a mechanical garage and shall comply with all requirements and restrictions pertaining thereto."

"4.39. Definitions pertaining to mechanical garages:

- (a) Open Bay shall mean a work area with a permanent roof of a design and construction permitted by the ordinances of the Town and paved with a loadbearing floor of concrete or asphalt. Open bays are permitted on the sides or rear of buildings.
- (b) Rear work area shall mean a work area with paved loadbearing floor of concrete or asphalt and are permitted in the rear of buildings.
- (c) Major automotive repair shall mean repairs which require the disassembly or removal of any of the following: engine, motor, transmission, rear end, drive shaft, radiator, brakes, master cylinder, wheel cylinders, axles, or other major operating components."
- (d) Minor automotive repairs shall mean all repairs not defined above as major automotive repairs and shall include the replacement of compact components such as distributors, starter motors, generators and the like, where disassembly of other components is not required."

"4.40. No major automotive repairs as herein defined shall be permitted except in an enclosed building, open bays, and in rear work areas; provided, that no major automotive repairs shall be allowed in rear work areas unless there is a five foot wall between said area and premises abutting or across the street from any property which is zoned for any use other than 'C'."

"4.41. No automotive vehicle which is damaged or wrecked and unable to operate lawfully under its own power shall be permitted upon, or stored upon the premises of any gasoline filling station, service station, or mechanical garage, except in a closed bay, or within an enclosed building, or within a completely enclosed walled area with walls not less than five feet in height."

"4.42. No gasoline filling station, service station, or mechanical garage shall operate as an automotive paint and body shop unless licensed as such and complies with all legal regulations pertaining thereto."

"4.43. No reconstruction, rebuilding or repair of body, fenders, chassis or other non-operating components of automotive vehicles commonly known as body and fender work shall be permitted except in a duly licensed automotive paint and body shop, and no such work shall be permitted except within an enclosed building. No painting of automotive vehicles or

components thereof shall be permitted except in an automotive paint and body shop and which has complied with all regulations of the Town, Metropolitan Dade County, and the State of Florida, pertaining thereto. No automotive vehicle which is damaged or wrecked and unable to operate lawfully under its own power shall be permitted upon the premises of any automotive paint and body shop except within a building or within a completely enclosed walled area with walls not less than five feet in height."

Section 5. That sub-section 4.33 of Section 4 of Ordinance 209 be and is hereby amended to read as follows:

"4.33. In every case where a 'C' use district abuts or faces either an 'R' use district or an 'A' use district a masonry wall shall be erected between the various use districts by the owner of the 'C' district property in order to provide a physical separation of the two districts. Such wall may be solid or horizontal louvers which overlap and shall be not less than five feet in height, nor more than eight feet in height. Any wall more than five feet in height but less than eight feet in height, may have erected on the top a wire chain link fence which together with the wall shall not exceed eight feet in height."

Section 6. That Section 7 of Ordinance 209 be and is hereby amended by amending sub-section 7.22 and adding sub-section 7.23 as follows:

"7.22. Walls, fences and hedges, and all living vegetation when used as a fence shall not exceed six feet in height above finished grade in residential uses except that such walls, hedges and fences shall not exceed four feet upon that portion of the property between the zoned setback line and abutting streets."

"7.23. In 'C' use districts, walls, fences and hedges between properties which abut or face one another, and both of which are zoned 'C' use, shall not exceed eight feet in height."

Section 7. That Section 15 of Ordinance 209 be and is hereby amended by changing sub-section 15.2 thereof to read as follows:

"15.2 Every application for a permit to erect, add to or materially alter a building or structure shall be accompanied by two sets of detailed plans and specifications. Where the value of such erection, alteration or addition shall exceed Five Thousand Dollars (\$5,000.00), the plans and specifications shall bear the seal of a Florida Registered Architect and/or Registered Engineer. A sketch of a lot survey by a Florida Registered Surveyor shall accompany each application except where proposed construction will not extend beyond the walls of an existing building. Where electrical and/or plumbing plans are required for construction, two (2) additional sets of plans must be furnished by applicant. Notwithstanding the foregoing, where the building alteration or addition shall be of such nature that in the opinion of the Town Engineer or Town Building officials the Public Health or Safety requires that plans and specifications therefore bear the seal of a Florida Registered Architect and/or Registered Engineer, such seal shall be required without regard to the value of the proposed building alteration or addition."

Section 8. VALIDITY AND EFFECT OF PRESENT ORDINANCES.

Should any section, clause, or provision of this Ordinance be declared and adjudged by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 9. PENALTIES. Any person, firm or corporation who shall violate or fail to comply with any provisions of this ordinance shall be guilty of a misdemeanor and shall be fined by a fine of not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00), or imprisoned for not more than sixty (60) days, or both, in the discretion of the Judge of the Municipal Court. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 10. This ordinance shall take effect September 1, 1965.

PASSED AND ADOPTED this 4th day of August, 1965.

/s/ Martin Yelen
President of the Town Council

Attest:

/s/ Bessie Koogan
Town Clerk

Approved:

/s/ Edmund P. Cooper
Mayor