ORDINANCE NO. 2013-05-293

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING CHAPTER 16 OF ARTICLE III OF THE CITY'S CODE OF ORDINANCES TO ADD SECTION 16-65 "MINOR REPAIR OF AUTOMOBILES IN RESIDENTIAL"; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE

WHEREAS, automotive repair is prohibited in residential districts in accordance with the City's Land Development Code, and

WHEREAS, it is being recommended that the City Code amended to clarify that major automotive repair is not permitted in residential districts; however minor vehicle repairs by persons who own the vehicle and who reside in the residence at issue, be permitted, and

WHEREAS, it is being recommended that the City Council approve an amendment to Section 16-65 of the City's Code of Ordinances, to clarify that major automotive repair is prohibited in residential districts, provide definitions for minor auto repair, and to outline specific requirements to permit vehicle owners to make minor repairs to automobiles in residential neighborhoods,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: Chapter 16 of Article III of the City's Code of Ordinances is hereby amended to add Sec. 16-65 as follows:

Sec. 16-65 – Minor repair of automobiles in residential districts.

Major automobile repair is not permitted in residential districts. However, in residential zoning districts, a property owner or tenant on improved property having a principal building, may repair or otherwise put into operative condition an automobile on his/her property, only if all of the following requirements are met:

(1) The property owner or tenant of the relevant property owns the automobile being repaired;

(2) The repair activity takes places only during daylight hours;

(3) While under repair the automobile shall not be parked in front of the principal building on the property unless the side yard and/or the rear yard are not accessible; and

(4) The work undertaken at the premises to repair or otherwise put the automobile into operative condition shall be limited to minor repairs only. The term "minor repair" includes any work, which is completed within twenty-four (24) hours including, but not limited to, change of tires, replacement of batteries, change of oil, and replacement of brakes. Any other work, including work wherein the vehicle engine or transmission is removed or lifted from the vehicle for repair or replacement, or the vehicle is placed on blocks with the tires removed, is prohibited. Minor repairs shall not involve the use of heavy equipment or loud noises.

Sec. 16-~~65~~6 – Penalties for violations.

Unless otherwise specified herein, the failure to strictly comply with any provision of this article shall result in a fine of $250.00 per day imposed in accordance with chapter 8, code enforcement.

Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 27th DAY OF FEBRUARY, 2013.

PASSED ON SECOND READING ON THE 13th DAY OF MARCH, 2013.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 13th DAY OF MARCH, 2013.

OLIVER GILBERT, III, MAYOR

ATTEST:

RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Councilman Williams
Second by: Councilwoman Odom

VOTE: 6-1

Mayor Oliver Gilbert, III	X (Yes)	____ (No)
Vice Mayor Lisa Davis	X (Yes)	____ (No)
Councilwoman Lillie Q. Odom	____ (Yes)	X (No)
Councilman David Williams Jr	X (Yes)	____ (No)
Councilwoman Felicia Robinson	X (Yes)	____ (No)
Councilman Rodney Harris	X (Yes)	____ (No)
Councilman Erhabor Ighodaro, Ph.D.	X (Yes)	____ (No)