MEMORANDUM

Agenda Item No. 6(D)

(Second Reading 7-8-03)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: April 8, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Ordinance relating to zoning; restricting use of chain link fences in certain residential zoning districts

---

The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.

Robert A. Ginsburg
County Attorney

RAG/bw

MEMORANDUM

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 8, 2003

SUBJECT: Ordinance relating to zoning; restricting use of chain link fence in certain residential zoning districts

FROM: George M. Burgess
County Manager

This proposed ordinance restricting the use of chain link fences in certain residential zoning districts will have no fiscal impact on Miami-Dade County.

MEMORANDUM
(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 8, 2003

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(D)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(D)
7-8-03

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ZONING; RESTRICTING THE USE OF CHAIN LINK FENCES IN CERTAIN RESIDENTIAL ZONING DISTRICTS; PROVIDING EXCEPTIONS; AMENDING SECTION 33-11, CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-11 of the Code of Miami-Dade County is hereby amended to read as follows:[1]

Sec. 33-11. Fences, walls, bus shelters and hedges.

(a) *Permits; conformance to requirements; erection on property lines.* Permits shall be required for all walls and fences, and except as may be approved as a result of public hearings, walls, fences, which obscure or obstruct vision, and hedges shall be restricted to the height, location and type as indicated hereinafter, and except when a higher wall, fence or hedge is required as a visual screening buffer at the rear of double frontage lots under Chapter 28 of this Code. Except as hereinafter restricted, all walls, fences and hedges may be placed on the property lines. This section, however, shall not be construed to permit such walls, fences and hedges to extend beyond the official right-of-way lines or property lines. >>Notwithstanding anything in the code to the contrary, chain link fences in residential zoning districts shall be permitted only behind the front building line. It is provided, however, that the

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

aforementioned restriction on chain link fences shall not apply in AU and GU zoning districts. It is further provided that the aforementioned restriction shall not apply to chain link fences surrounding a residential community maintained by a condominium or homeowners association or by a special taxing district.<<

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by: CHC

Craig H. Coller

Sponsored by Sen. Javier D. Souto