MEMORANDUM

Agenda Item No. 7(F)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	December 7, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance pertaning to zoning; regulating the appearance and maintenance of walls and fences in all districts; amending Section 33-11 of the Code

The substitute differs from the original in that it (1) requires all fences and walls to be maintained in good, clean, and finished condition, (2) deletes the requirement that all fences and walls shall be constructed with uniform materials and color, (3) requires that fences with finished and unfinished sides shall be erected so that the unfinished side and supporting members face the interior of the property, and that the finished side shall face the neighboring property or street, (4) deletes the requirement that both sides of fences and walls visible from a public street or open space be finished, and (5) deletes the requirement that continuous fences and walls with multiple or common ownership shall be constructed with uniform materials and color.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: December 7, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance regulating the appearance and maintenance of walls and fences in all districts

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The proposed ordinance regulating the appearance and maintenance of walls and fences in all districts will not have a fiscal impact to the County. The ordinance only applies prospectively in the unincorporated areas of Miami-Dade County.

Alex Muñoz,
Assistant County Manager

Fis8210

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: December 7, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(F)

Please note any items checked.

_____ **"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**

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

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous_____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 7(F)

12-7-10

ORDINANCE NO. _____

ORDINANCE PERTANING TO ZONING; REGULATING THE APPEARANCE AND MAINTENANCE OF WALLS AND FENCES IN ALL DISTRICTS; AMENDING SECTION 33-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

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.

* * *

(b) [[~~*Exterior finish of walls.*~~]] >>*Exterior finish of walls and fences.*<<[2] [[~~*Appearance of walls and fences.*~~]] >>All walls and fences shall be<< [[~~constructed and~~]] >>maintained<< [[~~with uniform materials and color~~]] >>in good, clean and finished condition.<< >>A fence with a finished and unfinished side shall be erected so that the unfinished side and supporting members face inward toward the interior of the property. Furthermore, all<<[[~~All~~]] >>fences shall have the finished side facing the neighboring property or street (outward).<<[[~~When a fence is located in a manner that both sides are visible from a public street or open space, both sides of the fence shall be finished.~~]]>>A continuous wall or fence that is owned by multiple property owners or held in common ownership shall<< >>be of uniform construction and materials and<<>>its exterior<< >>shall also<< >>be<< [[~~constructed and~~]] >>maintained<<[[~~with uniform color and materials~~]]>>in good, clean and finished condition<< >>for the entire length of said wall or fence<< Each side of a CBS wall shall be completely finished with stucco and paint. Each side of a decorative masonry wall shall be completely painted>>; however, walls comprised of decorative brick and natural stone may be left unpainted provided

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[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.

[2] The differences between the substitute and the original item are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

the cement and grout are finished on both sides.<< If a wall is to be placed on a shared property line, consent for access must be obtained from the adjoining property owner(s) prior to finishing the opposite side of the wall. If such consent cannot be obtained, the property owner erecting the wall must present proof that a request for access approval was mailed to every adjacent property owner, by certified mail, return receipt requested, to the mailing address(es) as listed in the most current Miami-Dade County tax roll, and the mailing was returned undeliverable or the adjacent property owner(s) failed to respond to the request within thirty (30) days after receipt. Upon such a showing, the property owner erecting the wall shall not be required to finish the opposite side of the wall.

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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 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:

JM

John McInnis
Prime Sponsor

Chairman Dennis C. Moss

5