MEMORANDUM

Agenda Item No. 7(D)

(Second Reading 5-17-16)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	February 17, 2016
FROM:	Abigail Price-Williams County Attorney	**SUBJECT:**	Ordinance relating to zoning; revising the Ojus Urban Area District (OUAD) Regulations pertaining to walls, fences, and hedges of residential, single-family homes; amending section 33-284.99.20 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

Abigail Price-Williams
County Attorney

APW/cp

Memorandum

MIAMI-DADE COUNTY

Date: May 17, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Fiscal Impact for Zoning Ordinance Revising Ojus Urban Area District Regulations Pertaining to Walls, Fences, and Hedges of Residential, Single-Family Homes

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The proposed ordinance amends Section 33-284.99.20 of the Code of Miami-Dade County to allow all walls, fences and hedges associated with residential, single-family homes in the Ojus Urban Area District (OUAD), legally established prior to March 8, 2007, to a maximum height of six (6) feet, regardless of location.

Adoption of the proposed ordinance is not anticipated to have a significant impact on permitting or enforcement activities in the Department of Regulatory and Economic Resources. Therefore, the implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

Jack Osterholt
Deputy Mayor

fis03515 160240

Memorandum

MIAMI-DADE COUNTY

Date: May 17, 2016

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for Zoning Ordinance Revising Ojus Urban Area District Regulations Pertaining to Walls, Fences, and Hedges of Residential, Single-Family Homes

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The proposed ordinance adds language to Section 33-284.99.20 of the County Code that will allow all walls, fences and hedges associated with residential, single-family homes in the Ojus Urban Area District (OUAD) to a maximum height of six (6) feet, regardless of location, if the residential homes were legally established prior to March 8, 2007, which is the date the OUAD zoning regulations were approved. Currently, all walls, fences and hedges for single-family homes in OUAD must comply with the Standard Urban Center Regulations, which set the standards for such structures and also include specific restrictions related to the height and type of materials used.

More specifically, under the current Code, an owner with a legally established wall, fence or hedge not in compliance with the Standard Urban Center Regulations is allowed to replace it with one that is similar to that which is being replaced. However, if the wall, fence or hedge was not legally established or in existence prior to March 8, 2007, it shall conform with the Standard Urban Center Regulations.

With the approval of this proposed ordinance, owners of single-family homes legally established prior to March 8, 2007 may erect new walls, fences and hedges up to six (6) feet instead of the three (3) feet, six (6) inches required in the Standard Urban Center Regulations. This Code change directly benefits the owner of any single-family home in OUAD that was legally established through zoning approval prior to March 8, 2007. A specific burden cannot be identified at this time.

Jack Osterholt
Deputy Mayor

160240

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(D)

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

_____ Statement of social equity required

_____ Ordinance creating a new board requires detailed County Mayor'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(D)
5-17-16

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; REVISING THE OJUS URBAN AREA DISTRICT (OUAD) REGULATIONS PERTAINING TO WALLS, FENCES, AND HEDGES OF RESIDENTIAL, SINGLE-FAMILY HOMES; AMENDING SECTION 33-284.99.20 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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 33-284.99.20 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-284.99.20. - General Requirements.

In addition to the requirements in Section 33-284.86 of this code, and to retain the character of the development within the OUAD, all new development and redevelopment shall comply with the following:

* * *

>>C. *Walls, fences, and hedges.* All walls, fences, and hedges shall be provided in compliance with Section 33-284.86 of this code, except that walls, fences, and hedges associated with residential, single-family homes that were legally established prior to March 8, 2007, shall be permitted to a maximum height of seventy-two (72) inches, regardless of location.<<

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.

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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.

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:

APW

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Sally A. Heyman