

MEMORANDUM

Agenda Item No. 7(F)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: (Second Reading: 2-6-24)
November 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to zoning in the unincorporated area; amending section 33-11 of the Code; increasing maximum allowed height for hedges on residential properties in proximity to business or industrial properties under certain conditions; making technical changes

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


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: February 6, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive style.

Subject: Fiscal Impact Statement for Ordinance Relating to Height for Hedges on Residential Properties


The implementation of this Ordinance will not have a fiscal impact to the County.

A handwritten signature in blue ink, appearing to read "Jimmy Morales". The signature is written in a cursive style.

Jimmy Morales
Chief Operations Officer

Date: February 6, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning - Revising Regulations to Provide for a 10-Foot Hedge on Residential Properties Located within one block of a Property Zoned for Business or Industrial Use

The proposed ordinance amends Section 33-11 of the Code of Miami-Dade County (Code) to provide for a 10-foot hedge on residential properties located within one block of a property zoned for business or industrial use.

The purpose of this Code amendment is to provide homeowners with additional options for privacy screening from business and industrial uses. The proposed amendment would allow residential properties located within one block of a commercial or industrial property to have a 10-foot hedge. Currently, the Code allows for a 7-foot hedge.

A handwritten signature in blue ink, appearing to read "Jimmy Morales". The signature is written over a horizontal line.

Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 6, 2024

FROM: 
Gen Bonzon-Keenan
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
- 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)
2-6-24

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING MAXIMUM ALLOWED HEIGHT FOR HEDGES ON RESIDENTIAL PROPERTIES IN PROXIMITY TO BUSINESS OR INDUSTRIAL PROPERTIES UNDER CERTAIN CONDITIONS; MAKING TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, to provide compatibility between residential and business uses, sections 33-245, 33-251.3, 33-253.7, and 33-256.6 of the Code of Miami-Dade County (the “Code”) require businesses to provide a decorative masonry wall of at least five feet in height; and

WHEREAS, section 33-11(j) of the Code generally limits the height of walls and hedges in business (BU) zoning districts, as well as in industrial (IU) zoning districts, as follows: “Walls and hedges, when located within the required front or side street setback areas shall not exceed four (4) feet in height; when located between the building line and other property lines, walls and hedges shall not exceed eight (8) feet in height”; and

WHEREAS, while the existing compatibility requirements place the onus on businesses, the Code also provides residential homeowners with options to provide their own privacy screening through the uses of fences and hedges; and

WHEREAS, in particular, section 33-11(e) of the Code provides, “where an RU district abuts another district, a fence, wall or hedge on the RU property may be erected, or maintained on the common property line of the height permitted in the abutting district,” which generally means a maximum height of eight feet when abutting a BU or IU district, except as provided for front and side street setback areas; and

WHEREAS, in all other circumstances, section 33-11(h) of the Code currently limits hedges on properties in an RU district to a maximum height of seven feet; and

WHEREAS, this Board finds that it is in the public interest to specifically allow hedges on residential properties in an RU district abutting a BU or IU property to have a maximum height of ten feet,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. Section 33-11 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

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

* * *

(e) *Height between different districts.* Notwithstanding any provisions in this chapter to the contrary, where an RU District abuts another district, a fence, wall~~>>~~₁~~<<~~ or hedge on the RU property may be erected~~[[7]]~~ or maintained on the common property line ~~>>~~at the maximum~~<<~~ ~~[[of the]]~~ height permitted in the abutting district.

* * *

(h) *Heights in RU and EU-M Districts.*
~~>>~~(1)~~<<~~ In the RU and EU-M Districts, the height of any fence or wall shall not exceed ~~>>~~6~~<<~~ ~~[[six-(6)]]~~ feet.
~~>>~~(2)~~<<~~ In the RU and EU-M Districts, the height of any hedge shall not exceed ~~[[seven-(7)]]~~ ~~>>~~7~~<<~~ feet.
~~>>~~Notwithstanding the foregoing, where an RU District abuts, is adjacent to, or within a one block radius of a BU or IU District, or the municipal equivalent, the height of any hedge on the RU

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.

District facing such BU or IU District shall not exceed 10 feet.

(3)<< In the RU-5 and RU-5A Districts, fences, walls and hedges shall conform to these regulations, except as may otherwise specifically be required by the District regulations.

* * *

(j) *Height in BU and IU Districts.* In the BU and IU Districts[[-
the]]>>:

(1) The<< height of any wire fence shall not exceed >>8<< [[~~eight~~(8)]] feet when located within the required front or side street setback areas; when located between the building line and other property lines, not to exceed >>8<< [[~~eight~~(8)]] feet in height.

>>(2)<< Walls and hedges, when located within the required front or side street setback areas shall not exceed >>4<< [[~~four~~(4)]] feet in height; when located between the building line and other property lines, walls and hedges shall not exceed >>8<< [[~~eight~~(8)]] feet in height.

>>(3)<< It is provided, however, that electrically charged secondary wire fences in IU Districts shall not exceed >>10<< [[~~ten~~(10)]] feet or >>2<< [[~~two~~(2)]] feet above the height of primary perimeter fence, whichever is lower.

* * *

Section 3. 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 4. 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 5. 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:

GKS for GBK

Prepared by:

JEM

Lauren E. Morse

Prime Sponsor: Commissioner Raquel A. Regalado