

## **MEMORANDUM**

Agenda Item No. 5(D)

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

**DATE:** September 17, 2024

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Ordinance relating to zoning in  
the unincorporated area;  
amending section 33-11 of the  
Code; revising requirements and  
restrictions pertaining to fences;  
providing additional allowances  
for fences at certain historically  
designated properties

Ordinance No. 24-94

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.

  
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Geri Bonzon-Keenan  
County Attorney

GBK/uw



# MEMORANDUM

(Revised)

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

**DATE:** September 17, 2024

**FROM:**   
Glen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 5(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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, majority plus one \_\_\_\_, 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) \_\_\_\_, 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. 5(D)  
9-17-24

ORDINANCE NO.      24-94

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REQUIREMENTS AND RESTRICTIONS PERTAINING TO FENCES; PROVIDING ADDITIONAL ALLOWANCES FOR FENCES AT CERTAIN HISTORICALLY DESIGNATED PROPERTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, section 33-11 of the Code regulates the height, type, and material of fences in the unincorporated area of the County, and these limitations vary by location and zoning district; and

**WHEREAS**, section 33-11 may not fully provide the necessary flexibility for fences installed at certain historically designated sites, particularly historic cemeteries; and

**WHEREAS**, historic cemeteries bear great significance to the culture and heritage of the County, and it is important that the Code provide allowances to ensure the preservation and maintenance of such sites through the use of historically appropriate fencing; and

**WHEREAS**, in addition to bearing historic significance, fencing at historic cemeteries may help protect such sites from vandalism and ensure the overall security of the property; and

**WHEREAS**, accordingly, this Board wishes to amend the Code to provide additional flexibility pertaining to fences installed at historically designated cemeteries,

**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, Florida, is hereby amended to read as follows:<sup>1</sup>

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

\* \* \*

>>(m) Fences for historically designated cemeteries.  
Notwithstanding anything in this Code to the contrary, the  
requirements of this section shall not apply to fences for  
historically designated cemeteries where a determination has  
been made by the Historic Preservation Board or Historic  
Preservation Chief, as applicable, that a particular height,  
material, or type of fence is historically appropriate. It is  
provided, however, that no such fence shall exceed 8 feet in  
height, absent a variance of this provision.<<

\* \* \*

**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.

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<sup>1</sup> 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 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:

September 17, 2024

Approved by County Attorney as  
to form and legal sufficiency:

*MAG for GBK*

Prepared by:



James Eddie Kirtley

Prime Sponsor: Commissioner Keon Hardemon