

ORDINANCE NO. 19- _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PERMITTED FENCE HEIGHTS FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS”, AT SECTION 13-1509, “FENCES, WALLS AND GATES,”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Manny Cid)

WHEREAS, Objective 1.2 of the Town’s Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

WHEREAS, the Town Council desires to modify allowed fence and wall heights on single-family and two-family residences where an abutting property includes a more intensive use; and

WHEREAS, on October 23, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

WHEREAS, on _____, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

WHEREAS, on _____, the Town Council considered the ordinance at a duly advertised public hearing; and

WHEREAS, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN
OF MIAMI LAKES AS FOLLOWS:**

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Amendment. Section 13-1509, of the Town's Land Development Code is hereby amended as provided at Exhibit A:

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

The foregoing Ordinance was offered by Councilmember _____,
who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

FIRST READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on first reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid
Vice Mayor Nelson Rodriguez
Councilmember Carlos O. Alvarez
Councilmember Luis Collazo
Councilmember Joshua Dieguez
Councilmember Jeffrey Rodriguez
Councilmember Marilyn Ruano

Passed on first reading this _____ day of _____, 2019.

[THIS SPACE INTENTIONALLY LEFT BLANK]

SECOND READING

The foregoing ordinance was offered by Councilmember _____ who moved its adoption on second reading. The motion was seconded by Councilmember _____ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed on first reading this _____ day of _____, 2019.

Manny Cid
MAYOR

Attest:

Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A
ORDINANCE

Chapter 13 - LAND DEVELOPMENT CODE

* * *

ARTICLE V. - ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND
EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS

* * *

Sec. 13-1509. - Fences, walls and gates.

* * *

(b) This Subsection (b) applies to single-family and two-family residences.

* * *

(2) *Height.*

a. Where permitted, the maximum height of all fences, walls or decorative columns located within a required yard shall be six feet. Decorative open see-through type gates and decorative columns that are not more than 16 inches wide and spaced a minimum of eight feet apart, shall be permitted to exceed the maximum permitted height of the wall by 18 inches.

b. Height between different districts. Where an RU District abuts another district, a fence or wall on the RU property may be erected or maintained on the common property line at the height permitted in the abutting district.

(c) Height where residential use abuts a differing use. Wherever any portion of a residential use rear or interior side property line abuts either a commercial, office, industrial use or multifamily residential use, a masonry wall, opaque fence or hedge of up to eight feet in height shall be permitted.

(d) *Height in AU and GU Districts.* In AU and GU Districts, the height of any fence, wall or hedge shall not exceed six feet when located within the required front or side street setback areas; at other points in such districts, fences, walls or hedges shall not exceed eight feet in height. The Director may authorize hedges of a greater height for windbreaks for groves when necessary to protect same.

(e) *Height in BU and IU Districts.* In the BU and IU Districts, the height of any wire fence shall not exceed eight 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 eight feet in height. Walls and hedges, when located within the required front and side street setback areas shall not exceed four feet in height; when located between the building line and other property lines, walls and hedges shall not exceed eight feet in height.

(f) *IU Districts, fence in lieu of wall.* In IU Districts, a wire fence shall be permitted in lieu of a masonry wall as required in the Industrial Districts under the following conditions:

- (1) That the property concerned is zoned industrial and the adjacent property, either abutting on or across the street from where the fence is to be erected is zoned industrial.
- (2) The storage within such fences be limited to vehicles, equipment and new materials.
- (3) That all required parking be excluded from the fenced-in area, unless otherwise approved by the Director.
- (4) Where abutting property is other than industrial, or where the property on the street opposite the industrial site concerned is zoned other than industrial, a concrete wall will be erected as otherwise provided for in this chapter.