



Office of the Town Manager

Rafael G. Casals
Town Manager

MEMORANDUM

To: Honorable Mayor and Town Council
From: Rafael G. Casals, Town Manager
Date: June 15, 2016
Re: Amending Article IV Districts and Development Standards Sec. 3-168 Walls, Fences and Hedges: 2nd Reading (*Additions to existing code text are shown by underline*)

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-168 OF THE TOWN CODE OF ORDINANCES, ENTITLED “WALLS, FENCES AND HEDGES;” PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

On June 20, 2012, the Town Council adopted the Town of Cutler Bay Land Development Regulations (the “Land Regulations”). The Supplemental Standards under Article XI of the Land Regulations applies to development not specifically addressed elsewhere in the Land Regulations. Article XI assists with regulating the use and development of the lands and waters of the Town. Furthermore, these regulations are established for the purpose of protecting, promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals, and general welfare of the community.

The scope of this analysis and recommendation should not be interpreted as a re-write of Article XI, but rather an evaluation of the existing development requirements.

The goal of the proposed ordinance is to amend subsection 3-168, entitled “Wall, Fences and Hedges” of Article XI of the Town’s Land Development Regulations to provide clear and balanced regulations that reflect the vision of the Town while meeting the needs of the residents.

Town staff has reviewed and prepared recommendations to update the Town’s existing Section 3-168, Walls, Fences and Hedges. The purpose of this analysis is to identify where the application of the Land Regulations has raised concerns and questions, with a focus on Section 3-168, entitled





“Walls, Fences and Hedges.” When staff reviewed Section 3-168, staff found that regulations regarding the maintenance of shared walls were missing from the current Land Regulations. Therefore, staff is requesting the inclusion of regulations pertaining to such maintenance.

Sec. 3-168. Walls, Fences and Hedges

All walls, fences and hedges placed within required yard areas shall conform to the following regulations, except where special requirements are set forth for specific buffering or screening purpose elsewhere in this Article.

- (A) In residential districts the maximum height for walls, fences and hedges shall not exceed four (4) feet in height, measured from the final grade in front yards and six (6) feet in height in side and rear yards.
- (B) Walls and fences shall be erected with the finished side outward.
- (C) Chain link fences in residential zoning districts shall not be located beyond the front façade of the building and shall be permitted only along interior side property lines and rear property lines that are not adjacent to a right-of-way. Any chain link fence that is visible from off-site shall be concealed by landscaping.
- (D) In non-residential districts walls or fences shall be constructed of brick, stucco, wrought iron, cast iron, stone or similar combination, and shall be a minimum of five (5) feet and not exceed a maximum height of eight (8) feet.
- (E) The use of barbed wire or similar is prohibited in all applications.
- (F) All walls, fences and hedges may be placed on the property lines, but may not extend into the right-of-way or beyond property lines. No wall, fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site. Any encroachment of a wall, fence or hedge into a utility easement shall be supported by a letter from the respective utility authorizing such encroachment, prior to obtaining the building permit.
- (G) Exterior finish of walls and fences. All walls and fences shall be maintained in good clean and finished condition. 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 maintained 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 in a neutral earth tone color, uniform with the entire length of said wall; However, walls comprised of decorative brick and natural stone may be left unpainted provided the cement and grout are finished on both sides.
- (H) If a wall is to be placed on a shared property line, consent for construction must be obtained from the adjoining property owner(s).





- (I) Chain link fences shall not have the application of cloth, fabric, canvas, silt screens, mesh, plastic cross mats or other such material unless permitted as a temporary construction fence by the Building Department.
- (J) A temporary construction fence is not permitted on a property without an active building permit.

RECOMMENDATION

Town Staff is recommending the adoption of the Attached Town Ordinance on first reading Amending Section 3-168 of the Town Code of Ordinances Relating to “Walls, Fences, and Hedges”.

ATTACHMENTS

- Attachment “A” – Photos of Existing Conditions
- Attachment “B” – Advertisement (Miami Herald Neighbors – June 5, 2016)

