

## **TOWN OF CUTLER BAY**

Mayor Paul S. Vrooman  
Vice-Mayor Edward P. MacDougall  
Councilmember Timothy J. Meerbott  
Councilmember Ernest N. Sochin  
Councilmember Peggy R. Bell

Town Manager Steve Alexander  
Interim Town Attorney Mitchell Bierman  
Interim Town Attorney Chad Friedman  
Town Clerk Erika Gonzalez-Santamaria

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

### **LOCAL PLANNING AGENCY**

#### **AGENDA**

Wednesday, January 17, 2007

7:00 PM

South Dade Government Center  
10710 SW 211 Street, Room 203  
Cutler Bay, Florida 33189

#### **I. CALL TO ORDER, ROLL CALL**

#### **II. PLEDGE OF ALLEGIANCE**

#### **III. ADDITIONS, DELETIONS, AND DEFERRALS**

#### **IV. CONSENT AGENDA**

A. December 20, 2006 – Minutes

#### **V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:**

A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ARTICLE I "IN GENERAL," SECTION 33-11 "FENCES, WALLS, BUS SHELTERS AND HEDGES" OF THE TOWN CODE OF ORDINANCES, TO PROVIDE THAT ALL FENCES BE ERECTED WITH THE FINISHED SIDE OUTWARD; PROVIDING THAT CHAIN LINK FENCES SHALL NOT BE LOCATED BEYOND THE FRONT FAÇADE OF THE BUILDING OR 25 FEET FROM THE FRONT PROPERTY LINE, WHICHEVER IS GREATER, AND SHALL BE PERMITTED ONLY ALONG INTERIOR SIDE PROPERTY LINES AND REAR PROPERTY LINES THAT ARE NOT ADJACENT TO A RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE.

## **VI. ADJOURNMENT.**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

**TOWN OF CUTLER BAY  
LOCAL PLANNING AGENCY MEETING  
MINUTES**

Wednesday, December 20, 2006

7:00 PM

South Dade Regional Library  
10750 SW 211 Street, 2<sup>nd</sup> Floor  
Cutler Bay, Florida 33189

**I. CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the mayor at 7:05 p.m. Present were the following:

Councilmember Peggy R. Bell  
Councilmember Timothy J. Meerbott  
Councilmember Ernest N. Sochin  
Vice Mayor Edward P. MacDougall  
Mayor Paul S. Vrooman

Town Manager Steven Alexander  
Interim Town Attorney Mitchell Bierman  
Interim Town Attorney Chad Friedman  
Town Clerk Erika Gonzalez-Santamaria

**II. PLEDGE OF ALLEGIANCE:** The Mayor led the pledge of allegiance.

**III. ADDITIONS, DELETIONS, AND DEFERRALS:** None at this time.

**IV. CONSENT AGENDA:**

**A.** Councilmember Meerbott made a motion approving the minutes of the meeting of November 15, 2006. The motion was seconded by Councilmember Bell and adopted by a unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

**V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:**

**A.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CREATING THE OLD CUTLER ROAD OVERLAY ZONING DISTRICT AND REGULATIONS; REZONING PROPERTIES ALONG OLD CUTLER ROAD FROM S.W. 184TH STREET SOUTH TO THE TOWN LIMITS, AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED IN EXHIBIT "B," TO THE OLD CUTLER ROAD

OVERLAY ZONING DISTRICT; AMENDING THE LIST OF PERMITTED, CONDITIONAL, AND PROHIBITED USES FOR PROPERTIES ALONG OLD CUTLER ROAD FROM S.W. 184TH STREET SOUTH TO THE TOWN LIMITS, AS SHOWN ON EXHIBIT "A" AND LEGALLY DESCRIBED IN EXHIBIT "B;" AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bell made a motion to adopt staff's recommendation to approve. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

VI. **ADJOURNMENT:** The meeting was officially adjourned at 7:10 p.m.

*Respectfully submitted:*

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*Erika Gonzalez-Santamaria, CMC  
Town Clerk*

*Adopted by the Town Local Planning Agency  
on this 17<sup>th</sup> day of January, 2007.*

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*Paul S. Vrooman, Mayor*

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



## MEMORANDUM

**To:** Steven Alexander, Town Manager

**From:** Don O'Donniley, AICP, Planning Director *DDR*

**Date:** January 17, 2006

**Re:** An Ordinance establishing revised standards prohibiting the use chain link fencing along the right of ways within the Town of Cutler Bay.

### REQUEST:

Adoption of the attached ordinance prohibiting the use of chain link fencing along the right of ways within the Town of Cutler Bay.

### BACKGROUND AND ANALYSIS:

The Town Council has requested staff to review existing standards for fencing in general and chain link fencing in particular.

The strategic Plan, goal 5.1, states as a "Strategic Initiative" that the town should develop and implement a Town beatification program'. Staff has inquired how nearby jurisdictions address chain link and found that South Miami prohibits chain link fencing in front set backs and Palmetto Bay is currently considering restrictions on the use of chain link fencing. Increasing restrictions relating to chain link fencing may increase cost to consumers but clearly is in keeping with regulatory trends in comparable jurisdictions.

The attached Ordinance sets limitations that prohibit using chain link fence for a distance of at least twenty five (25) feet or the front façade of a structure, which ever is greater along frontages within the Town of Cutler Bay, In addition, all fences are required to face finished side out.

### RECOMMENDATION:

Approval

### CONDITIONS:

N/A

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ARTICLE I "IN GENERAL," SECTION 33-11 "FENCES, WALLS, BUS SHELTERS AND HEDGES" OF THE TOWN CODE OF ORDINANCES, TO PROVIDE THAT ALL FENCES BE ERECTED WITH THE FINISHED SIDE OUTWARD; PROVIDING THAT CHAIN LINK FENCES SHALL NOT BE LOCATED BEYOND THE FRONT FAÇADE OF THE BUILDING OR 25 FEET FROM THE FRONT PROPERTY LINE, WHICHEVER IS GREATER, AND SHALL BE PERMITTED ONLY ALONG INTERIOR SIDE PROPERTY LINES AND REAR PROPERTY LINES THAT ARE NOT ADJACENT TO A RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the "Town") currently permits chain link fences in residential zoning districts behind the front building line; and

**WHEREAS**, in order to enhance the character and aesthetics of the Town, Town staff has recommended that all chain link fences should not be located behind the front building line, and that all fences be erected with the finished side outward; and

**WHEREAS**, Town staff has further recommended, that within residential zoning districts, chain link fences should not be located beyond the front façade of the building or 25 feet from the front property line, whichever is greater, and should be permitted only along interior side property lines and rear property lines that are not adjacent to a right-of-way; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, this Ordinance was heard and recommended by the Town Council, in its capacity as the Town's Local Planning Agency; and

**WHEREAS**, after due notice and hearing, the Town Council finds this Ordinance to be consistent with the Miami-Dade County Comprehensive Development Master Plan, which now functions as the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council finds these changes to be in the best interest and welfare of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:**

**Section 1. Findings.** The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. Amendment to Section 33-11 of the Town Code.** Article I “In General,” Section 33-11 “Fences, walls, bus shelters and hedges” of the Town Code is hereby amended to read as follows:

**ARTICLE I. IN GENERAL**

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

(a) *Permits; conformance to requirements; erection on property lines.* Permits shall be required for all walls and fences, and except as may be approved as a result of public hearings, walls, fences, which obscure or obstruct vision, and hedges shall be restricted to the height, location and type as indicated hereinafter, and except when a higher wall, fence or hedge is required as a visual screening buffer at the rear of double frontage lots under Chapter 28 of this Code. Except as hereinafter restricted, all walls, fences and hedges may be placed on the property lines. This section, however, shall not be construed to permit such walls, fences and hedges to extend beyond the official right-of-way lines or property lines. All fences shall be erected with the finished side outward. Notwithstanding anything in the code to the contrary, chain link fences in residential zoning districts shall not be located beyond the front façade of the building or 25 feet from the front property line, whichever is greater, and shall be permitted only along interior side property lines and rear property lines that are not adjacent to a right-of-way behind the front building line. ~~It is provided, however, that the aforementioned restriction on chain link fences shall not apply in AU and GU zoning districts zoned agricultural. It is further provided that the aforementioned restriction shall not apply to chain link fences surrounding a residential community maintained by a condominium or homeowners association or by a special taxing district.~~ Chain link fences lawfully existing prior to the effective date of this ordinance which as a result of this ordinance become nonconforming shall be exempt from Section 33-35(c).

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**Section 3. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 4. Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
PAUL S. VROOMAN, Mayor

Attest:

\_\_\_\_\_  
ERIKA GONZALEZ SANTAMARIA, CMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN PASTORIZA  
COLE & BONISKE, P.A.  
Interim Town Attorney

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman \_\_\_\_\_

Vice Mayor Edwards P. MacDougall \_\_\_\_\_

Councilmember Peggy R. Bell \_\_\_\_\_

Councilmember Timothy J. Meerbott \_\_\_\_\_

Councilmember Ernest N. Sochin \_\_\_\_\_