

## ORDINANCE C-444

### **AN ORDINANCE OF THE TOWN OF MEDLEY, FLORIDA, AMENDING CHAPTER 62 “ZONING” BY AMENDING SECTION 62-44 (A) AND (C) “FENCES OR WALLS” TO CHANGE THE MAXIMUM ALLOWABLE HEIGHT OF FENCES AND WALLS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Medley, Florida (“Town Council”) finds it periodically necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

**WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance thereof; and

**WHEREAS**, it is the intent of the Town Council to update and harmonize its fence height regulations with regulations used by municipalities in Miami-Dade County; and

**WHEREAS**, the Town Council, sitting as the Town’s Local Planning Agency, has reviewed this proposed Ordinance and recommended its approval; and

**WHEREAS**, pursuant to law, notice has been given by publication in a paper of general circulation in the Town, notifying the public of this proposed ordinance and of the public hearings; and

**WHEREAS**, two (2) public hearings before the Town Council were held pursuant to the published notice described above.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MEDLEY, FLORIDA, HEREBY ORDAINS AS FOLLOWS:<sup>1</sup>**

**Section 1.**     **Recitals Adopted.** Each of the above recitals is hereby confirmed and adopted.

**Section 2.**     **Code Amended.** Article II “Supplementary Regulations” of Chapter 62 “Zoning” of the Town of Medley Code of Ordinances is hereby amended to read as follows:

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<sup>1</sup> Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strikethrough~~. Changes between first and second reading are indicated with highlight.

## ARTICLE II. SUPPLEMENTARY REGULATIONS.

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### Sec. 62-44. – Fences or walls.

\* \* \*

(a) No fence, other than an ornamental open fence, and ~~not~~ no wall, structure or planting over ~~3½~~ 2½ feet in height, above the established top of the curb grade at any corner, shall be erected or maintained in any residential district within 20 feet of the intersection of the street lines or street lines produced.

\* \* \*

(c) No fence or wall in any district shall be erected along a lot line of an adjoining lot of a residential classification at a greater height than ~~five~~ six feet.

**Section 3. Repealer.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

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

PASSED AND ADOPTED this 4th day of May, 2020.

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ROBERTO MARTELL, MAYOR

ATTEST:

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VICTORIA MARTINEZ, FRP, CMC, TOWN CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.,  
TOWN ATTORNEY

**SUMMARY OF THE VOTE**

Mayor Roberto Martell	_____
Vice-Mayor Edgar Ayala	_____
Councilperson Griselia DiGiacomo	_____
Councilperson Ivan Pacheco	_____
Councilperson Lily Stefano	_____