

**ORDINANCE #2006 – 31**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, CREATING AND ADOPTING A CODE SECTION ENTITLED “GOLF COURSE FENCES”; PROVIDING FOR DEFINITIONS; PROVIDING FOR DESIGN STANDARDS; PROVIDING FOR MAINTENANCE STANDARDS; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Doral is concerned about the safety and protection of residents who live in homes that surround golf courses which are adjacent to a major roadway; and

WHEREAS, the City of Doral believes that it is necessary to require golf courses whose exterior perimeter abuts a major roadway to protect the golf course and residents who live in or adjacent to the golf course; and

WHEREAS, the City of Doral wishes to provide adequate security measures that will safeguard golf courses and residents within a golf course community; and

WHEREAS, the Mayor and City Council through the adoption of this ordinance seeks to provide a level of security and safety for homeowners within a Golf Course Community;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DORAL:

Section 1. The foregoing “WHEREAS” clauses are hereby ratified and confirm as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. That a new ordinance of the City of Doral, entitled, "Golf Course Fences," shall be and it is hereby created to read as follows:

## **Article I Golf Course Fences**

### **Sec. 101 Definitions.**

*Golf Course.* Any private or public golf facility which contains nine (9) or more holes of golf.

*Fence Height.* To be determined by taking measurements from grade to the top of the fence.

### **Sec. 102. Golf Course Fences Design Standards.**

- a. Golf Courses must be secured with a fence around the perimeter boundary of the course. The fence shall be required to be placed within five feet of said property line or on the property line. Opaque materials which screen the view from the public right-of-way should be discouraged. Fences must be approved by staff consistent with the City's architectural standards.
- b. If landscaping will be placed on the exterior of the fence, the fence shall be setback a minimum two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a landscaped buffer which must be maintained in a good healthy condition by the property owner. The landscape buffer shall contain one (1) or more of the following planting materials:
  - (1) *Shrubs.* Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and be placed a minimum 6 feet – 3 feet intervals.
  - (2) *Hedges.* Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted a minimum 6 feet- 3 feet intervals.
  - (3) *Vines.* Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
  - (4) *Trees* must comply with the requirements of Chapter 18a of the Miami-Dade County Code or the city's street tree master plan if applicable.
- c. Any other type of fence or wall shall not be permitted within (5) feet of the property line. The height of the fence shall be 6 feet.



**Sec. 103. Maintenance Standards For Fences**

All fences shall be well maintained and free of graffiti, signs, posters etc. If fences are damaged as a result of storms, hurricanes, vehicles accidents, etc, the fence shall be repaired within thirty (30) days from the date of the incident. Fences shall be free of rust, mildew and in good aesthetic condition. The owner shall be responsible for removing unauthorized signs, posters and graffiti.

**Sec. 104. Enforcement**

- a. Violations of any provision of this code will result in enforcement action being taken by the Code Compliance Division in accordance with the Code Compliance procedures and ordinance adopted by the Mayor and City Council.
- b. All fences erected after enactment of this ordinance shall be constructed in a manner consistent with this section. Fences erected prior to enactment of this ordinance shall be replaced in a manner consistent with this section if more than 50% of the fence is damaged as a results of storms, hurricanes, vehicle accidents or any other means. If a fence erected prior to the enactment of this ordinance sustains less than 50% damage, it must be replaced, however it may be replaced in a manner consistent with the undamaged portion of the fence.

Section 3. Severability. That if any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 5. Inclusion in Code. It is the intention of the Mayor and City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section "or other appropriate word.

Section 6.      Effective Date. This Ordinance shall become upon adoption on second reading.

The foregoing Ordinance was offered by Councilman DiPietro who moved its adoption.

The motion was seconded by Councilwoman Ruiz and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	(Absent)
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

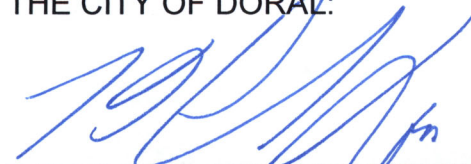
PASSED AND ADOPTED upon first reading the 13<sup>th</sup> day of December, 2006.

PASSED AND ADOPTED upon second reading the 10<sup>th</sup> day of January, 2007.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:  
  
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BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE OF THE CITY OF DORAL:

  
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JOHN J. HEARN, CITY ATTORNEY