

Sec. 518. Fences, walls and hedges.

Fences, walls and hedges may be located within any yard, including the margining thereof, subject to the following requirements:

- (1) Maximum height: Three and one-half (3.5) feet in any required front yard, six (6) feet in any required side or rear yard, subject further to the provisions of Section 521 (b)(1)f. safe site distance/triangle; except that:
 - a. Any such feature along a side plot line in an R, A or PRO district that is contiguous to or across an alley from a business or commercial district may be erected to a height not exceeding eight (8) feet (1) along any rear plot line, or (2) along any side plot line rearward from a point ten feet distant from the front plot line;
 - b. No such feature higher than three and one-half feet shall be established or maintained, whether previously existing or not, on any corner plot within a distance of twenty (20) feet, measured along plot lines, from the point of intersection of the street lines bounding the plot;
 - c. In A-1 zones which abut on property lying outside village limits the council may permit a wall of not more than six (6) feet in height with a minimum five (5) foot setback on the front property lines if the surrounding circumstances in the judgment of the council so justify. Under the same circumstances the council may also allow a chain link fence to be erected around tennis courts with a maximum of twelve (12) feet in height and a ten (10) foot minimum setback from the front property line of property in such zone and similarly situated.
 - d. Then maximum height for fences in the required front, side and rear yards shall be six (6) feet along Biscayne Boulevard.
 - ~~e.~~ e. — Hedges in R districts and located in the required side yard outside the front yard subject further to the provisions of Section 521 (b)(1)f. safe site distance/triangle, or in the rear yard, shall not exceed seven (7) feet in height with the following exception:
 - 1. Hedges in R districts and located in front yards where any part of the front yard abuts the following streets may be up to seven (7) feet in height, subject further to the provisions of Section 521 (b)(1)f. safe site distance/triangle:
 - i. NE 2nd Avenue; NE 90th Street – NE 111th Street
 - ii. N Miami Avenue; NE 90th Street – NE 111th Street
 - iii. NE 6th Avenue; NE 93rd Street - NE 107th Street
 - iv. Biscayne Boulevard; NE 92nd Street – NE 105th Street

Formatted: Indent: Left: 2.5"

Formatted: Indent: Left: 3"

v. NE 10th Avenue; 91st Street – Biscayne Boulevard

vi. NE 95th Street; NE 2nd Avenue to NW 2nd Avenue

vii. NE 96th Street; NE 2nd Avenue to NE 10th Avenue

viii. NE 103rd Street; NE 2nd Avenue - to NW 2nd Avenue
~~The maximum height for hedges in R districts and located in the required side or rear yards, shall be seven (7) feet.~~

- f. Fences, walls or hedges in CF districts and located in the required side yard outside the required front yard or in the rear yard, shall not exceed eight (8) feet in height: except that on village owned property the maximum height for fences, walls and hedges in CF districts and located in any yard, shall be twelve (12) feet or as required for fences serving parks and recreation activities.
- g. Fences, walls or hedges for schools and playgrounds in CF districts and located in the required front, side or rear yards shall not exceed eight feet in height.
- h. Notwithstanding the above provisions:
1. On gate posts and fence corner posts not wider than six (6) inches by six (6) inches, finials, post caps, luminaries, or similar decorative features as determined by the Planning Director, may exceed the maximum allowed height for the yard of any fence and/or wall by not more than twelve (12) inches. Luminaries shall have a maximum output of 1,000 lumens per fixture (the approximate output of one 60 watt incandescent bulb), shall be fully or partially shielded such that the bulb is not visible, and the fixture shall have an opaque top to keep light from shining directly up.
 2. Ornamentation on top of gates may exceed the maximum allowed height for the yard of any fence and/or wall by not more than twelve (12) inches.
- (2) All walls and fences in any front yard shall be constructed of ornamental masonry, ~~or~~ ornamental metal, but not including any wire fence. ~~Picket~~ Fences of Polyvinyl Chloride (but not Vinyl Chloride), metal board, wood, composite board or composite material may be permitted in the front yard ~~provided the pickets are two inches to four inches in width with spacing between pickets of not less than one inch and not more than two inches. All metal fences including posts must be colored with a factory finish or otherwise painted. Ornamental metal fences and gates in the front yard may have a solid metal privacy screen affixed to the inside of the gate or fence.~~
- (3) Walls or fences in any side yard or rear yard, including the margining thereof, shall be constructed of black or green colored chain-link, Polyvinyl Chloride (but not Vinyl Chloride), wood, metal board, composite board, composite

- material, ornamental ~~iron or ornamental aluminum~~ metal, precast concrete, concrete block, stucco, or ornamental masonry, except as hereinafter provided. Ornamental metal fences and gates in any yard may have a solid metal privacy screen affixed to the inside of the gate ~~or fence~~.
- (4) Without limiting the forgoing, the following fence materials are specifically prohibited: lattice, bamboo, ~~metal board~~, ~~screen mesh, fabric~~, barbed wire or razor wire and similar fencing materials.
 - (5) Any fence, wall or hedge hereafter established adjacent to a rear plot line along an alley there shall be provided a clear space of at least 40 square feet in area and not less than three feet in depth onto the plot along the alley line, available for the placing of waste materials for removal.
 - (6) *Orientation of fences.* The vertical and horizontal supporting members of a fence shall face the interior of the plot on which the fence is located and the finished side shall face the adjoining lot or any abutting right-of-way.
 - (7) *Temporary construction site fencing.* Temporary construction site fencing may be allowed on those sites for which an approved building permit has been issued by the building department and while the building permit remains active. The temporary fencing shall be permitted only with the issuance of a fence permit. Temporary fences shall be removed prior to expiration of the building permit or finaling the building permit whichever comes first. The building official may allow construction fencing to remain in place if existing safety hazards on the site warrant continued fencing of the site.
 - (8) *Calculating fence height.* The height of a fence, as defined herein, shall be measured from grade at the base of the fence to the topmost point on the fence or fence post. If the grade elevation at the plot line of the abutting plot is not a reasonable match to the grade elevation at which the wall, fence or hedge is to be placed, the height of the wall, fence or hedge shall be measured from the lower of the conflicting grade elevations. When a fence is installed at or near the top of a mound or retaining wall, both the mound or retaining wall and the fence shall be included in the height measurement for the purposes of this section.
 - (9) *On corner plots.*
 - a. Where the dwellings are oriented facing east or west, or the orientation of the corner dwelling is the exception to the prevailing orientation of homes in the surrounding area, ~~fences and walls in the following areas shall not exceed 3.5 feet in height, shall be constructed of materials as permitted in Section 518 (2) and (3) except that they shall not be constructed of chain link or any wire fence material~~walls, and fences in the following areas shall be ornamental metal or ornamental masonry, but not including any wire fence:
 1. In any side yard the property line of which borders a side right-of-way other than an alley, including the margining thereof.
 2. Along any portion of the rear property line of such corner lot which extends forward of the front building line of any adjoining property ~~and said fence shall not exceed three and one half feet in height.~~

3. In the side or rear yard of the abutting property that is located forward of the front building line of such corner property.