



MIAMI SHORES

DEPARTMENT OF PLANNING & ZONING
10050 NE 2nd Avenue
Miami Shores FL 33037-2304
www.miamishoresvillage.com

David A. Dacquisto AICP, Director

Main Number: 305-795-2207 Fax Number: 305-756-8972

PLANNING BOARD HEARING			
Miami Shores Village Town Hall Council Chambers 10050 NE 2 nd Avenue Miami Shores			
Hearing Date	March 24, 2016		
Subject	Hedge height and fence material. Amending Sec. 518. – Fences, walls and hedges, corner plots.		
Action Required	Planning and Zoning Board review and consideration of amendment for recommendation to Village Council.		
Staff Report	David A. Dacquisto AICP, Director, Planning and Zoning	Report Date	March 14, 2016

Background

The planning and zoning board held workshops on January 11, 2016, January 18, 2016 and January 25, 2016 to discuss the issue.

At their hearing of February 25, 2016 the village planning and zoning board directed staff to draft a code amendment.

The amendment as drafted would permit hedges as tall as 6 ft. in front yards along specified streets. This amendment recognizes the need to provide a greater level of sound attenuation and privacy along busy streets as identified by the board.

The amendment as drafted also allows for multiple types of fencing in the front yard and introduces the use of metal boards. This amendment provides more material options when constructing a fence.

The amendment as drafted allows more fence material options for fences on corner plots and clarifies corner plot fence and hedge height requirements.

Amendment

The village planning and zoning board after careful consideration developed the following amendment for consideration by the Village Council:

New text is underlined and deleted text is ~~struck through~~.

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. ~~On Biscayne Boulevard where fences and walls are five feet and hedges are seven feet. Maximum height of hedges in any required side yard or rear yard is seven feet and maximum height of fences or walls in any required side or rear yard is five feet. The maximum height for fences in the required front, side and rear yards shall be six (6) feet along Biscayne Boulevard.~~
 - e. Hedges in R districts and located in the required side yard outside the front yard or in the rear yard, shall not exceed seven (7) feet in height. with the following exceptions:
 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 six (6) feet in height, subject further to the provisions of Section 521 (b)(1)f. safe site distance/triangle:
 - i. Biscayne Boulevard; NE 92nd Street to NE 105th Street

II. NE 2nd Avenue; NE 90th Street to NE 94th Street; NE 101st Street to NE 115th Street.

III. NE 6th Avenue; NE 93rd Street to NE 107th Street

IV. N Miami Avenue.

- 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~~ 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 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 or fence.

- (4) Without limiting the forgoing, the following fence materials are specifically prohibited: lattice, bamboo, 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 finishing 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, hedges, walls, and fences in the following areas shall not exceed 3.5 feet in height, walls and hedges shall be constructed of materials as permitted in Sec. 518 (2) and (3) except that they shall not be constructed of chain link or

~~any wire fence material 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 and along the side property line of the adjoining property 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.~~
4. Plots separated by an alley shall not be considered adjoining and the provisions of Sec. 518 (9) 1. and 2. Shall not apply.

Recommendation

Should the Village Council consider amendment of the code of ordinances Appendix A, Sec. 518 Fences, walls and hedges, the Planning Board recommends amending Sec. 518. Fences, walls and hedges as proposed.

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. The maximum height for fences in the required front, side and rear yards shall be six (6) feet along Biscayne Boulevard.
- e. Hedges in R districts and located in the required side yard outside the front yard or in the rear yard, shall not exceed seven (7) feet in height. with the following exceptions:
 - 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 six (6) feet in height, subject further to the provisions of Section 521 (b)(1)f. safe site distance/triangle:
 - i. Biscayne Boulevard; NE 92nd Street to NE 105th Street
 - II. NE 2nd Avenue; NE 90th Street to NE 94th Street; NE 101st Street to NE 115th Street.
 - III. NE 6th Avenue; NE 93rd Street to NE 107th Street
 - Iv. N Miami Avenue.
- 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. Fences of Polyvinyl Chloride (but not Vinyl Chloride), metal board, wood, composite board or composite material may be permitted in the front yard. 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 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 or fence.
 - (4) Without limiting the forgoing, the following fence materials are specifically prohibited: lattice, bamboo, 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 finishing 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, hedges, walls, and fences in the preceding areas shall not exceed 3.5 feet in height, walls and hedges shall be constructed of materials as permitted in Sec. 518 (2) and (3) except that they shall not be constructed of chain link or any wire fence material:
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. Plots separated by an alley shall not be considered adjoining and the provisions of Sec. 518 (9) 1. and 2. shall not apply.