



MIAMI SHORES

DEPARTMENT OF PLANNING & ZONING
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PLANNING BOARD MEETING			
Miami Shores Village Town Hall Council Chambers 10050 NE 2 nd Avenue Miami Shores			
Meeting Date		March 26, 2015	
Subject	Review the current zoning code provisions for fences and consider amending the code; to permit 6 ft. fences in the side and rear yards; to allow board on board wood fences and other options on corner plots, to allow gate and post ornamentation in excess of the height limit; to allow additional building materials including pvc, plastic-composite, metal and metal plate.		
Action Required	Review code requirements, consider amendment and make a recommendation to the Village Council.		
Staff Report	David A. Dacquisto AICP, Director, Planning and Zoning	Report Date	March 19, 2015

Background

At the November 18, 2014 Village Council meeting, the village council requested that the planning board review the zoning code fence height limitation.

5) VILLAGE COUNCIL

A. DISCUSSION AND POSSIBLE ACTION REGARDING FENCE HEIGHTS.

Councilwoman Ledesma

Councilwoman Ledesma re-introduced the fence height issue subsequent to last Council Meeting's discussions and reiterated the information contained in Mr. Benton's memorandum relating to the issue. Councilwoman Ledesma stated that she has been contacted by numerous residents wishing to have the Code amended to allow for 6 foot fences in the side and rear yard, and that she is expecting to have a petition with 150 signatures presented by one of the residents. Individual Council Members expressed their views and opinions on whether or not the item should be referred to the Planning & Zoning Board for further review and consideration. The Council discussed various fence height issues including the fact that any decorative scroll work, newel posts, etc. currently are included in the 5' height limitation, and the fact that newer fence materials have been introduced and approved for use in Miami-Dade County over the last number of years. At the conclusion of the discussions, Councilwoman Ledesma moved to refer the issue of fence heights to the Planning & Zoning Board for their review and recommendations relating to fence heights, screening, fence materials and decorative details. Vice Mayor Walters seconded the motion and the vote was unanimous in favor of the motion.

Staff is requesting that the planning board also review fence requirements to consider allowing board on board wood fences and other options on corner plots, to allow gate and post ornamentation in excess of the height limit; to allow additional building materials including solid boards of pvc, cellular pvc and metal plate behind ornamental metal gates.

Analysis

The Planning and Zoning Board held workshops on February 18, 2015 and March 18, 2018 and considered the issues presented.

The Planning and Zoning Board concluded that no changes should be made to overall fence height, fence material or fence restrictions on corner plots.

1. Vinyl was not a suitable building material from a structural or durability standpoint.
2. Aluminum picket fences were easily damaged and hard to fix.
3. Solid wood fences on corners created a closed look while picket fences opened the area.
4. Solid wood fences on corners provided a maintenance problem and many on corners had noticeably deteriorated.
5. Hedges could provide privacy behind open fences.
6. The board had not received a petition requesting a change to fence height or requests in writing or in person at board workshops.
7. Taller fences were surmountable and did not increase protection while offering greater protection from view for criminal activity.

The Planning and Zoning Board determined that ornamentation may be a permissible addition to gates, gate posts and fence corner posts.

The following amendment allows for additional ornamentation to gates, gate posts and fence corner posts above the existing fence height restriction:

The following language is added or ~~deleted~~:

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 in any required front yard, five feet in any required side yard or rear yard; 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 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 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 five feet in height with a minimum five-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 12 feet in height and a ten-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.
- 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.
- 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 feet in height.
- g. Fences, walls or hedges for schools and playgrounds in CF districts and located in the required front yard 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 approved by the planning and zoning board and shall be constructed of ornamental masonry or ornamental metal, but not including any wire fence. Picket fences of 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 a spacing between pickets of not less than one inch and not more than two inches. Walls or fences in any side yard or rear yard, including the margining thereof, shall be constructed of chain-link, wood, composite board, composite material, ornamental iron or aluminum, precast concrete, concrete block, stucco, or ornamental masonry, except as hereinafter provided. Without limiting the forgoing, the following fence materials are specifically prohibited: lattice, bamboo, metal board, barbed wire or razor wire and similar fencing materials.
- (3) 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.
- (4) *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.
- (5) *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 finalling 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.
- (6) *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.

- (7) *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, 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.
 - b. On all other corner plots, walls and fences in the following areas shall be ornamental metal, ornamental masonry or picket fence as defined in section 518(b). Any wire fence is specifically prohibited.
 1. In any front yard or side yard the property line of which borders a side right-of-way other than an alley, including the margining thereof.

Recommendation of the Planning and Zoning Board

Having considered amending the code to increase fence height; the Planning and Zoning Board recommends to the Village Council the following zoning code text amendment:

New language is underlined, no language has been ~~deleted~~.

SEC. 518. FENCES, WALLS AND HEDGES.

(1) 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.