

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, RELATING TO ZONING, APPENDIX "A", AMENDING ARTICLE V, DIVISION 4, "AREA REGULATIONS", SECTION 518, "FENCES, WALLS AND HEDGES"; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on May 7, 2013, the Miami Shores Village Council adopted Ordinance 700-13, which established supplementary regulations, as part of the Village's Land Development Code; and

WHEREAS, the Village Zoning Code currently does not address fences located on commercially zoned areas; and

WHEREAS, the Village Council now seeks to provide authority for commercial property owners whose property is in the process of being redeveloped, and only in cases where the existing structure has been demolished, to allow temporary construction fences in order to secure their property; and

NOW, THEREFORE, BE IT ENACTED BY THE VILLAGE COUNCIL OF MIAMI SHORES VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Section 518 (1) of the Zoning Appendix of the Village Code shall be amended as follows:

**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 of fences and walls in R districts:*

- a. Three and one-half feet in the front yard.
- b. Six feet in the side yard, rear yard, and the margining thereof.

(2) *Maximum height of hedges in R districts:*

a. Eight feet within the front yard in the following locations:

1. Biscayne Boulevard: NE 92<sup>nd</sup> Street to NE 105<sup>th</sup> Street;
2. NE 2<sup>nd</sup> Avenue: NE 90<sup>th</sup> Street to NE 94<sup>th</sup> Street and NE 101<sup>st</sup> Street to NE 115<sup>th</sup> Street;
3. NE 6<sup>th</sup> Avenue: NE 93<sup>rd</sup> Street to NE 107<sup>th</sup> Street;
4. N Miami Avenue;
5. NE 10<sup>th</sup> Avenue: NE 91<sup>st</sup> Street to Biscayne Boulevard;
6. 111<sup>th</sup> Street;

- 1 7. 103<sup>rd</sup> Street: NW 2<sup>nd</sup> Avenue to NE 6<sup>th</sup> Avenue;  
2 8. 96<sup>th</sup> Street: N Miami Avenue to NE 12<sup>th</sup> Avenue;  
3 9. 95<sup>th</sup> Street: N Miami Avenue to Grand Concourse;  
4 10. 107<sup>th</sup> / 108<sup>th</sup> Streets: NE 10<sup>th</sup> Court to NE 11<sup>th</sup> Avenue;  
5 b. Three and one-half feet in the front yard in all other locations.  
6 c. Twelve feet in the side yard or rear yard.
- 7 (3) Fences, walls and hedges are subject to the safe site distance/triangle  
8 requirements of Subsection 521(b)(1)f. and no such feature higher than  
9 three and one-half feet shall be established or maintained, whether  
10 previously existing or not, on any corner plot within a distance of 20 feet,  
11 measured along plot lines, from the point of intersection of the street lines  
12 bounding the plot.
- 13 (4) Fences, walls and hedges along a side plot line in an R, A or PRO  
14 district that is contiguous to or across an alley from a business or  
15 commercial district may be erected to a height not exceeding eight feet (1)  
16 along any rear plot line, or (2) along any side plot line rearward from a  
17 point ten feet distant from the front plot line.
- 18 (5) A wall not to exceed six feet in height is permitted in the front yard of  
19 all A-1 zoned properties that abut property lying outside village limits  
20 provided the wall is set back not less than five feet from the front property  
21 line. A chain link fence not to exceed 12 feet in height may be constructed  
22 around tennis courts located on A-1 zoned properties that abut property  
23 lying outside village limits provided the fence is set back not less than ten  
24 feet from the front property.
- 25 (6) *Maximum height for fences, walls or hedges in CF districts:*
- 26 a. Eight feet in the required side yard outside the required front yard or in  
27 the rear yard.
- 28 b. Three and one-half feet in the front yard.
- 29 c. Twelve feet or as required for fences serving village owned parks and  
30 recreational activities.
- 31 d. Eight feet in required front, side or rear yards for universities, schools  
32 and playground.
- 33 (7) *Notwithstanding any other provisions to the contrary:*
- 34 a. On gate posts and fence corner posts not wider than six inches by six  
35 inches, finials, post caps, luminaries, or similar decorative features as  
36 determined by the planning director, may exceed the maximum allowed  
37 height for the yard of any fence and/or wall by not more than 12 inches.  
38 Luminaries shall have a maximum output of 1,000 lumens per fixture (the  
39 approximate output of one 60 watt incandescent bulb), shall be fully or  
40 partially shielded such that the bulb is not visible, and the fixture shall  
41 have an opaque top to keep light from shining directly up.

- 1 b. Ornamentation on top of gates may exceed the maximum allowed  
2 height for the yard of any fence and/or wall by not more than 12 inches.
- 3 (8) *The following fence and wall materials are permitted:*
- 4 a. Ornamental masonry.
- 5 b. Precast concrete.
- 6 c. Ornamental metal, metal board and metal posts; all exposed metal shall  
7 have a colored finished coat applied to them and be preserved against  
8 rust and corrosion.
- 9 d. Polyvinyl chloride (but not vinyl chloride).
- 10 e. Metal board.
- 11 f. Wood, composite board or composite material.
- 12 g. Ornamental metal fences and gates in the front yard may have a solid  
13 metal privacy screen affixed to the inside of the gate or fence.
- 14 h. Ornamental metal fences and gates in any yard may have a solid metal  
15 privacy screen affixed to the inside of the gate or fence.
- 16 i. Black or green colored chain-link is permitted outside the front yard  
17 within the side and rear yards.
- 18 (9) *Any fence material not specifically permitted is prohibited.* Without  
19 limiting the forgoing, the following fence and wall materials are among  
20 those prohibited:
- 21 a. Lattice, bamboo, reed, screen mesh, fabric, barbed wire or razor wire  
22 and similar fencing materials.
- 23 (10) *Waste material removal area required.* A clear space of not less than  
24 40 square feet in area, not less than six feet in width and not less than  
25 three feet in depth onto the plot along the alley line, must be provided  
26 along any fence, wall or hedge hereafter established adjacent to a rear  
27 plot line along an alley.
- 28 (11) *Orientation of fences.* The vertical and horizontal supporting  
29 members of a fence shall face the interior of the plot on which the fence is  
30 located and the finished side shall face the adjoining lot or any abutting  
31 right-of-way.
- 32 (12) *Temporary construction site fencing.* Temporary construction site  
33 fencing may be allowed on those sites for which an approved building  
34 permit has been issued by the building department and while the building  
35 permit remains active. The temporary fencing shall be permitted only with  
36 the issuance of a fence permit. Temporary fences shall be removed prior  
37 to expiration of the building permit or finalizing the building permit  
38 whichever comes first. The building official may allow construction fencing  
39 to remain in place if existing safety hazards on the site warrant continued  
40 fencing of the site.
- 41 (13) *Calculating fence height.* The height of a fence, as defined herein,  
42 shall be measured from grade at the base of the fence to the topmost

1 point on the fence or fence post. If the grade elevation at the plot line of  
2 the abutting plot is not a reasonable match to the grade elevation at which  
3 the wall, fence or hedge is to be placed, the height of the wall, fence or  
4 hedge shall be measured from the lower of the conflicting grade  
5 elevations. When a fence is installed at or near the top of a mound or  
6 retaining wall, both the mound or retaining wall and the fence shall be  
7 included in the height measurement for the purposes of this section.

8 (14) Repair of existing non-conforming chain link fences (i.e. non-coated  
9 exposed chain link) shall be permitted, provided the repair does not  
10 exceed 20 percent of the overall fence length for the property line on  
11 which it is located; however, no more than two such repairs to the same  
12 property, within a single calendar year, shall be allowed.  
13

14 (15) Location and Maximum height of temporary fences in Commercial  
15 districts for locations where an existing structure has been demolished and  
16 where new construction is intended:  
17

18 a. Six feet in all areas not abutting a residential district.  
19

20 Only the following materials are permitted for temporary fences:

21 a. Black or green colored vinyl chain-link.  
22

23 \* \* \*  
24  
25

26 **Section 1. Conflicting Provisions.** The provisions of the Code of  
27 Ordinances of Miami Shores Village, Florida and all ordinances or parts of  
28 ordinances in conflict with the provisions of this ordinance are hereby  
29 repealed but only to the extent of such conflict.  
30

31 **Section 2. Severability.** The provisions of this Ordinance are declared to  
32 be severable, and if any sentence, section, clause or phrase of this Ordinance  
33 shall, for any reason, be held to be invalid or unconstitutional, such decision  
34 shall not affect the validity of the remaining sentences, sections, clauses or  
35 phrases of the Ordinance, but they shall remain in effect it being the  
36 legislative intent that this Ordinance shall stand notwithstanding the invalidity  
37 of any part.  
38

39 **Section 3. Codification.** It is the intention of the Village Council and it is  
40 hereby ordained that the provisions of this Ordinance shall become and be made  
41 part of the Zoning Appendix to the Code of Ordinances of the Miami Shores

Village, Florida, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.


**Section 4. Effective Date.** This ordinance shall take effect immediately after enactment, on second reading.

**PASSED and ENACTED** this 17th day of March, 2020.

First Reading: March 3, 2020  
Second Reading: March 17, 2020

Attest:

  
Ysabely Rodriguez, CMC  
Village Clerk

  
Crystal Wagar  
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

  
Richard Sarafan  
Village Attorney

FINAL VOTES AT ADOPTION	
Council Member Sean Brady	<u>Absent</u>
Council Member Stephen Loffredo	<u>Yes</u>
Council Member Jonathan Meltz	Yes
Vice-Mayor Alice Burch	<u>Yes</u>
Mayor Crystal Wagar	<u>Yes</u>