

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Commissioner Kristen Rosen Gonzalez
DATE: November 16, 2022

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO REVIEW AND CONSIDER POSSIBLE AMENDMENTS TO THE FENCING REQUIREMENTS FOR VACANT AND ABANDONED PROPERTIES, IN ORDER TO MAKE THESE FENCES MORE AESTHETICALLY APPEALING AND MINIMIZE THE BLIGHT ASSOCIATED WITH VACANT OR ABANDONED PROPERTIES.

BACKGROUND/HISTORY

Please place the above item on the November 16, 2022 City Commission meeting agenda as a referral to the Land Use and Sustainability Committee ("LUSC").

The City Code currently requires fencing for vacant and abandoned lots (See City Code Section 142-876, attached). The design of the fence is required to comply with the regulations in Sec. 142-876(a), which govern size (i.e., height), materials, construction requirements, and access.

I would like the LUSC to review the attached requirements and consider whether the Code should be amended to adopt stricter design standards for fencing for vacant or abandoned properties. For instance, the City could require design review or Certificate of Appropriateness approval, or require that property owners select from a range of designs approved by the City.

Vacant properties are a blight on the surrounding neighborhood and on the City at large. I would like the LUSC to consider how to make these properties more aesthetically appealing, and mitigate their impacts on residents' quality of life.

SUPPORTING SURVEY DATA

N/A

FINANCIAL INFORMATION

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Commissioner Kristen Rosen Gonzalez

ATTACHMENTS:

Description

- City Code Section 142-876

Sec. 142-876. Vacant and abandoned properties and construction sites.

- (a) *Vacant and abandoned properties in all districts.* The following minimum fence requirements shall apply to all vacant lots, lots containing a structure that is subject to a permit that has been abandoned or that has expired (for more than 30 days) and which structure is unfit for human habitation, and lots containing buildings unfit for human habitation.
- (1) *Applicability.* With the exception of single-family districts, fencing shall be required for all vacant and abandoned lots, as identified more specifically in subsection (a).
 - (2) *Height.* There shall be no minimum height requirement for fences in single-family districts; however, the maximum height in single-family districts shall not exceed seven feet. In all other zoning districts, a seven-foot high fence shall be constructed along all property lines, except those facing a waterway, in which case the height shall be five feet. If a property contains a building that is set back less than five feet from a property line, or there is an existing CBS wall that is at least five feet in height, the planning director, or designee, may waive the minimum fence requirements along those property lines, provided that the property is secure from trespassing. In the event that an abutting property has an existing fence along an interior side and/or rear property line, and such fence provides adequate securing of the property, the planning director, or designee, may waive the requirement for a fence along such property lines. Within single-family, townhome, and all other residential districts, the fence shall be set back four feet from front and side street property lines.
 - (3) *Materials.* Along the front, street side and any waterway portions of the property line, including all required front yards, side street yards, and rear yards facing a street or waterway, an aluminum picket fence (or equivalent standard) with permanent-quality construction shall be required. Along interior property lines, as well as rear property lines not facing a waterway or street, black or green vinyl coated chain-link fencing, of permanent-quality construction, may be permitted, provided such fencing is not located within a required front yard, street side yard, or rear yard facing a waterfront.
 - (4) *Construction requirements.* All fences required herein shall be of permanent-quality construction, including concrete foundations.
 - (5) *Access.* Wherever there is a driveway approach to enter a lot, vehicular access onto the lot shall be required for maintenance purposes, with a locked gate.
- (b) *Construction fences in all districts.* As applicable to all properties with active building permits that have been deemed unfit for human habitation, construction fences shall be required to be installed along all property lines:
- (1) *Height.* In single-family districts, construction fences shall be installed at a minimum height of six feet and maximum height of ten feet, as measured from the adjacent grade. In all other districts, construction fences shall be a minimum height of six feet and maximum height of 12 feet, as measured from adjacent grade.
 - (2) *Materials.* In all districts, construction fences located along a front, side facing a street, or waterfront property line, shall consist of an opaque screening, which may include plywood or aluminum panels, or the equivalent solid construction on a wood or metal frame. Alternatively, a chain link fence may be permitted, provided that it contains a horizontal top, opaque screening, and a rolling gate for access. The exterior face of such fencing shall at a minimum consist of a continuous color finish in single-family districts. In all districts, except single-family districts, an artistic mural, which is integral to the fence construction, shall be required, subject to design review approval or a certificate of appropriateness, as applicable.

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- (3) *Construction requirements.* All fences required to be installed pursuant to this section shall be of permanent-quality construction, including concrete foundations.
 - (4) *Access.* A rolling or rigid folding gate shall be placed at an opening in the fence wherever there is a vehicular access point for construction vehicles to enter the site. The width of the gate shall not be greater than what is required to allow access to construction vehicles; however, the height may be increased as necessary to provide a rigid frame that completely surrounds the vehicular access point. The gate shall not be of a swinging type.

(Ord. No. 2019-4307, § 2, 10-16-19)