

Fencing Requirements for Vacant and Abandoned Lots

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, SUBPART B, ENTITLED “MIAMI BEACH RESILIENCY CODE,” CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” SECTION 7.5.1.6, ENTITLED “VACANT AND ABANDONED PROPERTIES AND CONSTRUCTION SITES”, BY AMENDING AND EXPANDING EXISTING REGULATIONS FOR MINIMUM FENCE AND SCREENING REQUIREMENTS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, there is a desire to amend and enhance the current requirements in the City Code pertaining to securing vacant lots and abandoned buildings; and

WHEREAS, a vacant lot that is not secured can become a dumping ground and/or public nuisance, the impacts of which can be difficult to control; and

WHEREAS, fences surrounding vacant lots and construction sites can negatively impact the visual character of neighborhoods and quality of life for surrounding residents and businesses; and

WHEREAS, the City of Miami Beach (“City”) desires to implement increased standards for construction fences and for fences surrounding vacant/abandoned properties; and

WHEREAS, the regulations set forth herein will promote the general health, safety and welfare of the residents of the City; and.

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” is hereby amended as follows:

7.5.1.6 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.

i. *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 above.

ii. *Height.* ~~There shall be no~~ The minimum height requirement for fences in single-family districts shall be 4 feet and ; however, the maximum height in single-family districts shall not exceed 7 feet, except for those portions of the lot facing a waterway, in which case the maximum height

shall be 5 feet. In all other zoning districts, a minimum 7-foot high fence shall be constructed along all property lines, except those facing a waterway, in which case the minimum and maximum height shall be 5 feet. Within non-single family districts, the planning director may approve a fence height not to exceed 10 feet in height, if the property owner can substantiate security and trespassing issues. If a property contains a building that is setback less than 5 feet from a property line, or there is an existing CBS wall that is at least 5 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 4 feet from front and side street property lines.

iii. ~~Materials.~~ Along ~~the front, street side and any waterway portions of the~~ all property lines, including all required front yards, interior side 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.~~

iv. *Construction requirements.* All fences required herein shall be of permanent-quality construction, including ~~concrete~~ foundations.

v. *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.

vi. *Site conditions and landscape.* The entire site shall be raised to sidewalk grade and sodded, in a manner to be approved by the Planning Director. Additionally, a landscape plan that includes shrubs and palm trees shall be required, subject to the approval of the Planning Director. Such landscape plan shall allow unimpeded visibility into the site at all times. All landscaping required herein shall be installed and maintained as required by the permit and the city's landscaping code, until such time as new construction is authorized and commences.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: _____
Second Reading: _____

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

T:\Agenda\2023\5 - June 2023\Planning\REF to PB - Fencing Requirements Vacant and Abandoned Lots - REF
ORD.docx