

R5 F SHRUBBERY AND FENCING HEIGHTS – CHAPTER 14

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A OF THE CODE OF THE CITY OF MIAMI BEACH ENTITLED “GENERAL ORDINANCE,” CHAPTER 14, ENTITLED “BUILDING REGULATIONS,” ARTICLE I, ENTITLED “IN GENERAL,” BY CREATING SECTION 14-1, ENTITLED “BEACHWALK ACCESS AND VISIBILITY,” TO ESTABLISH MINIMUM REQUIREMENTS FOR PEDESTRIAN VISIBILITY TO AND FROM THE BEACHWALK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: February 3, 2025 9:40 a.m. Second Reading Public Hearing

TITLE: SHRUBBERY AND FENCING HEIGHTS – CHAPTER 14
AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A OF THE CODE OF THE CITY OF MIAMI BEACH ENTITLED “GENERAL ORDINANCE,” CHAPTER 14, ENTITLED “BUILDING REGULATIONS,” ARTICLE I, ENTITLED “IN GENERAL,” BY CREATING SECTION 14-1, ENTITLED “BEACHWALK ACCESS AND VISIBILITY,” TO ESTABLISH MINIMUM REQUIREMENTS FOR PEDESTRIAN VISIBILITY TO AND FROM THE BEACHWALK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the Mayor and City Commission (City Commission) adopt the ordinance.

BACKGROUND/HISTORY

On May 15, 2024, at the request of Commissioner Tanya K. Bhatt, the City Commission referred an item pertaining to visibility sight lines from private property and street ends entering the beach walk (C4 AE) to the Land Use and Sustainability Committee (LUSC) and the Planning Board. On July 9, 2024 the LUSC discussed and continued the item to the September 5, 2024 LUSC meeting with direction to the Administration to develop options for addressing safety and visibility at access points to the beach walk.

September 5, 2024, the LUSC discussed and continued the item to the October 14, 2024 meeting with direction to the Administration to prepare graphics and amend the text of the proposed code section to better reflect a visibility triangle. On October 14, 2024, the LUSC recommended that the City Commission approve the proposed amendment to Chapter 14 of the General Ordinances of the City Code (City Code), with the following modifications:

1. The 10-foot visibility triangle shall apply to properties with at least 100 feet of frontage on the beach walk.
2. The 6-foot visibility triangle shall apply to properties with less than 100 feet of frontage on the beach walk.
3. The measurement of the visibility triangle shall be taken from the western edge of the beach walk.
4. The regulations shall also apply to future sections of the bay walk and cut walk, as well as city owned properties.

The LUSC also recommended that the Planning Board transmit a companion amendment to the Land Development Regulations of the City Code (LDRs), amending the Oceanfront Overlay regulations to reference compliance with Chapter 14 of the City Code.

ANALYSIS

Currently, fences and gates located in the rear of oceanfront properties are limited to a maximum height of seven (7') feet if they are setback at least four feet from the property line. If placed along a property line, the maximum height cannot exceed five (5') feet. All fences and gates require certificate of appropriateness or design review, depending on the location of the property, as part of the permit process and are generally required to consist of an open design, such as aluminum picket.

Regarding shrubbery and hedges, pursuant to section 7.5.3.2 of the (LDRs, there is no height limitation for hedge material located within a required yard in any district. However, since new development along the ocean requires either Design Review Board (DRB) or Historic Preservation Board (HPB) approval, these boards have the latitude to regulate the dimensions and design (including overall height) of all landscape material.

Attached is a proposed amendment to Chapter 14 of the City Code, which would establish regulations for structures and landscape within 6-10 feet (depending on beach frontage) of a street-end or public access point to the beach walk. The purpose of these regulations is to ensure pedestrian visibility between a height of 2 feet and 10 feet above the adjacent grade.

For properties with more than 100 feet of frontage on the beach walk a 10-foot visibility triangle shall be required and for properties with less than 100 feet of frontage on the beach walk, a 6-foot visibility triangle shall be required. However, trees and palms with a minimum clear trunk height of ten (10') feet, as well as aluminum picket fences with gaps of at least four (4") inches, may be permitted at a height exceeding 2 feet, subject to all applicable regulations set forth in the LDR's.

Two diagrams illustrating the proposed site triangle are attached for informational purposes; one illustrates a ten (10') foot triangle and the other illustrates a six (6') foot triangle. These diagrams show the measurements associated with the 6- and 10-foot visibility triangle options only and are not indicative of variations in ocean frontage.

The proposed ordinance would require property owners to trim back any future or currently installed landscape (whether approved or not) in the identified areas, to ensure adequate visibility. Also, any future physical (non-landscape) improvements, including fences and walls, would need to meet the visibility triangle requirements set forth in the ordinance. These amendments are also consistent with Crime Prevention Through Environmental Design (CPTED) compliant landscaping design guidelines.

To ensure that future development projects are consistent with these proposed standards, a separate companion amendment to Section 7.3.1.2 of the LDRs, pertaining to development regulations in the Oceanfront Overlay, is also proposed.

UPDATE

The subject ordinance was approved by the City Commission at First Reading with no changes. For Second Reading, the effective date has been adjusted to 90 days from the date of adoption, to allow time for affected properties to comply with the provisions of the ordinance.

FISCAL IMPACT STATEMENT

No Fiscal Impact Expected

Does this Ordinance require a Business Impact Estimate? Yes
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on: 1/6/2025

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

Not Applicable

CONCLUSION

The Administration recommends that the City Commission adopt the ordinance.

Applicable Area

Citywide

**Is this a "Residents Right to Know" item,
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,
includes a principal engaged in lobbying?**

If so, specify the name of lobbyist(s) and principal(s):

Department

Planning

Sponsor(s)

Commissioner Tanya K. Bhatt

Co-sponsor(s)

Condensed Title

9:40 a.m. 2nd Rdg, Shrubbery and Fencing Heights - Chapter 14. (Bhatt) PL



Proposed Line of sight 6' visibility triangle requirements for oceanfront properties

Section 14-1 Beachwalk access and visibility.

On all oceanfront properties, there shall be no structure or planting within a 6 foot visibility triangle from a street-end or upland property access point to the beach walk, which obstructs pedestrian visibility between a height of 2 feet and 10 feet above the adjacent grade. This 6-foot visibility triangle requirement shall be measured directionally from the intersection of the street-end, or public access point, as applicable, along the property line fronting the beach walk. Notwithstanding the foregoing, aluminum picket fences, with gaps of at least four (4") inches, may be permitted at a height exceeding 2 feet, subject to all applicable regulations set forth in the Land Development Regulations.



Proposed Line of sight 10' visibility triangle requirements for oceanfront properties

Section 14-1 Beachwalk access and visibility.

On all oceanfront properties, there shall be no structure or planting within a 10 foot visibility triangle from a street-end or upland property access point to the beach walk, which obstructs pedestrian visibility between a height of 2 feet and 10 feet above the adjacent grade. This 10-foot visibility triangle requirement shall be measured directionally from the intersection of the street-end, or public access point, as applicable, along the property line fronting the beach walk. Notwithstanding the foregoing, aluminum picket fences, with gaps of at least four (4) inches, may be permitted at a height exceeding 2 feet, subject to all applicable regulations set forth in the Land Development Regulations.

Shrubbery and Fencing Heights

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING SUBPART A OF THE CODE OF THE CITY OF MIAMI BEACH ENTITLED "GENERAL ORDINANCE," CHAPTER 14, ENTITLED "BUILDING REGULATIONS," ARTICLE I, ENTITLED "IN GENERAL," BY CREATING SECTION 14-1, ENTITLED "BEACHWALK ACCESS AND VISIBILITY," TO ESTABLISH MINIMUM REQUIREMENTS FOR PEDESTRIAN VISIBILITY TO AND FROM THE BEACHWALK; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach ("City") has established standards for Buildings and Structures in Chapter 14 of the City Code, entitled "Building Regulations"; and

WHEREAS, the Mayor and City Commission have determined that it is in the best interest of the City, and it serves the health, safety, and welfare of the City's residents and visitors, to create requirements for pedestrian visibility for individuals entering and exiting the beach walk from public street-ends and private property; and

WHEREAS, this Ordinance establishes a balance between (i) the public safety concerns associated with pedestrian visibility along the beach walk; (ii) the need for upland private properties to have adequate security and privacy; and

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

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

SECTION 1. That Chapter 14, entitled "Building Regulations," Article I, entitled "In General," of the City Code of the City of Miami Beach is hereby amended as follows:

CHAPTER 14. BUILDING REGULATIONS

ARTICLE I. IN GENERAL

* * *

Secs. 14-12—14-30. Reserved.

Section 14-1 Beachwalk access and visibility.

On all oceanfront properties, there shall be no structure or planting that obstructs pedestrian visibility between a height of 2 feet and 10 feet above the adjacent grade within the following minimum visibility triangles from a street-end or upland property access point to the beach walk:

- A. For properties with more than 100 feet of frontage on the beach walk, a 10-foot visibility triangle shall be required.

- B. For properties with less than 100 feet of frontage on the beach walk, a 6-foot visibility triangle shall be required.

The above noted visibility triangle requirements shall be measured diagonally from both sides of the intersection of the public access point on private property or on one side of a public street-end, as applicable, along the westernmost line of the beach walk. Notwithstanding the foregoing, trees and palms with a minimum clear trunk height of ten (10') feet, as well as aluminum picket fences with gaps of at least four (4") inches, may be permitted at a height exceeding 2 feet, subject to all applicable regulations set forth in the Land Development Regulations.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, 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, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and, the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 ninety (90) days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND LANGUAGE
AND FOR EXECUTION



City Attorney NK

1/23/2025

Date

First Reading: December 11, 2024
Second Reading: February 3, 2025