

6. ORDINANCE TO MODIFY THE HEIGHT OF ALLOWABLE FENCING AND SHRUBBERY OF OCEANFRONT PROPERTIES FACING THE BEACHWALK TO IMPROVE SIGHTLINES FOR PEDESTRIANS

Applicable Area:

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Tanya K. Bhatt  
DATE: May 15, 2024

SUBJECT: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD –  
ORDINANCE TO MODIFY THE HEIGHT OF ALLOWABLE FENCING AND SHRUBBERY OF  
OCEANFRONT PROPERTIES FACING THE BEACHWALK TO IMPROVE SIGHTLINES FOR  
PEDESTRIANS.

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### **BACKGROUND/HISTORY**

Was Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?  
No

If so, specify name of lobbyist(s) and principal(s): N/A

### **ANALYSIS**

Please place on the May 15, 2024 agenda a referral to the Land Use and Sustainability Committee (“LUSC”) and the Planning Board to discuss an ordinance modifying the land use regulations governing maintenance of oceanfront properties facing the Miami Beach Beachwalk. Specifically, the proposed ordinance seeks to modify maximum allowable height of fencing, walls, gates, shrubbery, hedges, and trees to ensure clear and unobstructed sightlines for all who are on, or entering/exiting the Beachwalk.

### **SUPPORTING SURVEY DATA**

N/A

### **FINANCIAL INFORMATION**

The Fiscal Impact to be determined at Committee.

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

No

**Does this item utilize G.O. Bond Funds?**

No

### **Legislative Tracking**

Commissioner Tanya K. Bhatt

**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 within a minimum 25 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 25 foot visibility triangle requirement 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 property line fronting the beach walk. Notwithstanding the foregoing, trees and palms with a minimum clear trunk height of ten (10') feet, and 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.

\* \* \*

**Companion LDR Amendment:**

7.3.1.2 OCEANFRONT

\* \* \*

- b. Additional regulations for oceanfront lots (Oceanfront Overlay).  
Oceanfront lots shall have a minimum required rear yard setback of 50 feet at grade and subterranean levels measured from the bulkhead line in which there shall be no construction of any dwelling, hotel, apartment building, commercial building, seawall, parking areas, revetment or other structure incidental to or related to such structure except in accordance with the following provisions:

\* \* \*

10. Comply with Section 14-1 of the Miami Beach Code.



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

**MIAMI BEACH**  
 Planning Department

**3** 1775 Collins Avenue example

**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

**MIAMI BEACH**  
 Planning Department

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1775 Collins Avenue example

**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.