



Planning Office
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Staff Analysis and Recommendation

To: Honorable Mayor and Councilmembers
From: Edward Pidermann, Town Manager
Subject: Eight-foot fences
Date: December 10, 2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PERMITTED FENCE HEIGHTS FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE V, “ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS”, AT SECTION 13-1509, “FENCES, WALLS AND GATES,”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Cid)

A. BACKGROUND

On September 10, 2019 Mayor Cid introduced a new business item instructing staff to prepare an ordinance for consideration by the Town Council allowing for fences eight feet in height wherever a single family home abuts a different use.

On October 23 2019 the Planning and Zoning Board in their capacity as the Local Planning Board Considered the item as proposed and recommended amending the proposed ordinance to include additional language allowing hedges up to 8 feet in height in all interior side or rear single family property lines that do not abut a water way or are located in the required front yard.

On November 12, 2019 the Town Council heard the item on first reading and voted to approve the ordinance.

B. PROPOSED CHANGES

The following described elements are presented in the same order that they appear in the proposed ordinance.

Sec. 13-1509. - Fences, walls and gates. Language was added and amended to allow walls and fences up to eight feet in height wherever single-family homes abut a property with a different use.

C. STAFF RECOMMENDATION

Based on the analysis provided below and other factors contained in this report, Staff recommends approval of the ordinance amending Section 13-1509 as it relates to height of walls and fences.

E. ANALYSIS

The Land Development Code provides that all proposed amendments to the LDC shall be evaluated by the Administrative Official, the Local Planning Agency and the Town Council, and that, in evaluating the proposed amendment, the criteria in Subsection 13-306(b) shall be considered. All portions of this report are hereby incorporated into all portions of this analysis. The following is a staff analysis of the criteria as applied to this ordinance.

1. Whether the proposal is consistent with the Comprehensive Plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. the proposal has no impact on levels of service or concurrency management programs.

Finding: Complies

2. Whether the proposal is in conformance with all applicable requirements of this Code of Ordinances, including this chapter.

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance seeks to clarify and extend existing regulations regarding walls and fences in residential districts. The proposed amendment does not conflict with any of the Town’s existing provisions.

Finding: Complies.

3. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed change in land use policy.

Analysis See Sections “A”, Background; and “B”, Proposed Changes, of this report. The existing regulations allow for six-foot fences along interior side and rear property lines and eight-foot hedges wherever a single-story home abuts a two-story home. Single-family homes that abut multifamily, commercial, or industrial uses, have the option to erect eight-foot hedges, but not walls or fences. Under some conditions, hedges are insufficient as a barrier as they fail to block smells and noise.

Finding: Complies.

4. **Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land use.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed amendment seeks to remedy existing de-facto incompatibilities between adjoining land uses of different natures.

Finding: Complies.

5. **Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including schools, transportation, water and wastewater services, solid waste disposal, drainage, water supply, recreation, education, emergency services, and similar necessary facilities and services.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance does not impact the above systems.

Finding: Complies.

6. **Whether, and the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of any groundwater aquifers, wildlife habitats, and vegetative communities.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. The proposed ordinance does not impact the above systems.

Finding: Complies.

7. **Whether, and the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes, of this report. Single family properties that share property lines with more intensive uses can have their property values adversely affected if proper barriers are not allowed by the Town Code. As such, the proposed ordinance is in the interest of the general welfare of the Town and its residents.

Finding: Complies.

8. **Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on such pattern shall be identified.**

Analysis: See Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, 4, and 7 of this report.

Finding: Complies.

9. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of this chapter.

Analysis: See Sections “A”, Background; and “B”, Proposed Changes; and Criteria 1, 2, 4, 6, and 7 of this report.

Finding: Complies.

10. Other matters which the Local Planning Agency or the Town Council, in its legislative discretion, may deem appropriate.

Analysis: See all portions of this analysis. The Local Planning Agency and the Town Council may consider other appropriate factors to determine whether the proposed amendment is appropriate and consistent with the public interest.

Finding: As determined by the Town Council.