



# City of Miami

## Legislation

### Ordinance

**File Number: 17025**

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY AMENDING ARTICLE 5, TITLED "SPECIFIC TO ZONES," TO ALLOW INCREASED HEIGHT FOR SOLID WOODEN FENCES IN THE FIRST LAYER FOR PROPERTIES IN THE "T3," SUB-URBAN TRANSECT ZONE; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 20, 2024, at a duly notice public meeting, the Planning, Zoning and Appeals Board ("PZAB") considered the Miami 21 Code text amendment, item PZAB.7, and passed PZAB-R-24-085, recommending denial, by a vote of seven to zero (7-0); and

WHEREAS, on October 22, 2009, the Miami City Commission adopted Ordinance No. 13114 as the Zoning Ordinance of the City of Miami, Florida, which has been amended from time to time ("Miami 21 Code"); and

WHEREAS, the Miami 21 Code provides that Fences and walls may be located up to and including the Frontage Line in "T3," Sub-Urban Transect Zone, but limits the height of Fences and walls to four (4) feet within the First Layer, except aluminum or iron picket and post Fences with or without masonry posts shall not exceed six (6) feet; and within the Second and Third Layers, fences and walls shall not exceed eight (8) feet; and

WHEREAS, this Miami 21 Code text amendment would allow solid wooden Fences along the Frontage Line of the property in the "T3," Sub-Urban Transect Zone to be six (6) feet in height, while maintaining the eight (8) foot height limitation in the Second and Third Layers; and allow City of Miami ("City") residents an opportunity for additional privacy of their home; and

WHEREAS, the City Commission has considered whether the proposed text amendments will further the goals, objectives, and policies of the Miami Comprehensive Neighborhood Plan ("MCNP"), the Miami 21 Code, and other City of Miami regulations; and

WHEREAS, the City Commission has considered the need and justification for the proposed text amendment, including changed or changing conditions that make the passage of the proposed text amendment necessary;

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

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. It is recommended that the City Commission deny an ordinance amending Article 5 of the Miami 21 Code in the following particulars:<sup>1</sup>

“ARTICLE 5. SPECIFIC TO ZONES

\* \* \*

5.3 SUB-URBAN TRANSECT ZONES (T3)

\* \* \*

5.3.2 Building Configuration (T3)

\* \* \*

- h. Fences and walls may be located up to and including the Frontage Line to the following maximum Height. Height of fences and walls shall not exceed four (4) feet within the First Layer, except solid wooden Fences and aluminum or iron picket and post Fences with or without masonry posts shall not exceed six (6) feet. Within the Second and Third Layers, Fences and walls shall not exceed eight (8) feet.

\* \* \*”

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Zoning Ordinance of the City of Miami, Florida, which provisions may be renumbered or relettered and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word to accomplish such intention.

Section 5. This Ordinance shall become effective immediately upon its adoption.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

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<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.