

ORDINANCE NO. 25-348

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, AMENDING SECTION 13-1509. FENCES, WALLS AND GATES OF THE CODE OF THE TOWN OF MIAMI LAKES; AMENDING THE REGULATIONS FOR FENCES ON SIDEYARDS FACING A STREET, EAST OF THE PALMETTO EXPRESSWAY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council has determined that fences walls and hedges should be developed and maintained in consistent height, design, and color; and

WHEREAS, the Town Council in 2004, adopted an ordinance prohibiting fences, walls or hedges within the required setbacks; and

WHEREAS, at the time of adoption in 2004 communities within the Town existed that could not comply with the 2004 prohibition; and

WHEREAS, in 2008, an ordinance was adopted to permit walls, fences, and hedges on zero lot line properties; and

WHEREAS, the Town Council in 2013 adopted an ordinance amending the code to allow fences in side yards facing a street with a setback of 18 inches from the property line for certain properties West of the Palmetto; and

WHEREAS, since that time the Planning and Zoning board has heard multiple requests for variances, and granted several, for properties East of the Palmetto desiring privacy and protection for residential facades and windows facing a street; and

WHEREAS, the Town council wishes to grant relief to all similarly affected properties, and provide protection for facades facing a street; and

WHEREAS, the Town's Planning and Zoning Board, as the Local Planning Agency (LPA), reviewed the proposed amendments at a duly advertised Public Hearing on November 12, 2025 and voted to recommend adoption of the proposed ordinance; and

WHEREAS, after conducting a properly noticed public hearing and considering the recommendations of the public, the Local Planning Agency (LPA) and Town staff, the Town Council wishes to adopt the amendments to the Town LDC attached hereto as Exhibit A; and

WHEREAS, the proposed amendments are in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

WHEREAS, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

WHEREAS, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. **Findings.** Pursuant to Subsection 13-306(b) of the Town Code, the Town Council finds that the proposed amendments to the text of the Land Development Code, are consistent with the Town of Miami Lakes Comprehensive Plan and the criteria for evaluation of an amendment to the text of the Land Development Code and to the Official Zoning Map found in Subsection 13-306(b) of the Town Code.

Section 3. **Adoption of Amendments to Town Code.** The Town Council hereby adopts the amendment to Article IV, attached as Exhibit “A”, hereto and are incorporated herein¹.

Section 4. **Direction to the Administrative Official.** Pursuant to Subsection 13-306(d), the Town Council hereby directs the Administrative Official to make the appropriate changes to the Land Development Code to implement the terms of this Ordinance.

Section 5. **Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 6. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. **Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of Exhibit “A”, of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Article”, “Division” or other appropriate word.

Section 9. **Effective date.** This Ordinance shall become effective immediately upon its adoption on second reading.

¹ Additions to the text are shown in underline and deletions from the text are shown in ~~strikethrough~~.

FIRST READING

The foregoing ordinance was moved by Councilmember Alex Sanchez who moved its adoption on first reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Absent
Councilmember Ray Garcia	Yes
Councilmember Alex Sanchez	Yes
Councilmember Steven Herzberg	Yes

Passed and adopted on first reading this 21 day of October 2025

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SECOND READING

The foregoing ordinance was moved by Councilmember Sanchez who moved its adoption on second reading. The motion was seconded by Councilmember Fernandez and upon being put to a vote, the vote was as follows:

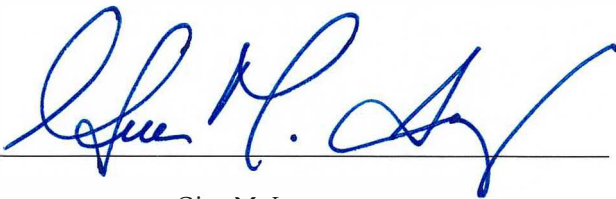
Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Absent
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed and adopted on second reading this 18th day of November 2025



Joshua Dieguez
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY

EXHIBIT A

Sec. 13-1509. Fences, walls and gates.

(a) This Subsection (a) applies to all districts.

(1) *Appearance.*

- a. The framework or structural supports for any permitted fence, wall or enclosure shall face the interior of the lot; or in the case of a double-faced fence, wall or enclosure, it shall have an identical design on both sides, so that the exterior of such improvement shall have a finished appearance. Each side of a CBS wall shall be completely finished with stucco and paint. Each side of a decorative masonry wall shall be completely painted. Chainlink fences must be either vinyl coated or covered by a hedge. Slats of vinyl, plastic or similar material shall not be permitted to be inserted or weaved into the chainlink fences.
- b. If a wall or fence is to be placed on a shared property line, consent for access must be obtained from the adjoining property owners prior to finishing the opposite side of the wall. If such consent cannot be obtained, the property owner erecting the wall must present proof that a request for access approval was mailed to every adjacent property owner, by certified mail, return receipt requested, to the mailing addresses as listed in the most current Miami-Dade County tax roll, and the mailing was returned undeliverable or the adjacent property owners failed to respond to the request within 30 days after receipt. Upon such a showing, the property owner erecting the wall shall not be required to finish the opposite side of the wall.
- c. Barbed wire fences and barbed wire topped fences or walls shall be permitted only in the AU and IU Zoning Districts. When mounted on top of fences or walls such barbed wire must be placed on an angle extension of not more than 16 inches on top of walls or fences at least eight feet in height. This extension shall contain no more than three strands of barbed wire and shall not extend over official rights-of-way or over property under different ownership. Fences charged with electricity shall not be permitted within the Town limits. Neither shall any wall, fence or similar structure erected in any district contain material or substance such as broken glass, spikes, nails or similar materials designed to inflict pain or injury on any person or animal.

(2) *Measurement of height.*

- a. The height of a wall or fence shall be the average vertical distance measured from the elevation of the property where the wall or fence is located to the top of the wall or fence. Average vertical distance shall be determined by taking elevations along both sides of the wall or fence line, except where a wall or fence is parallel to a street and within the required setback from said street for a principal structure, in which case the elevations shall be taken only along the street side of the wall or fence. Elevations shall be taken at five-foot intervals

and totaled and then divided by the total by the number of elevations which were taken. The maximum permitted height of a wall or fence on a property shall be measured from the natural height and contours of the land. Virgin land may not be increased or decreased in elevation to affect the permitted (or required) height of a wall, hedge or fence. A fence or wall shall not exceed the maximum permitted height when measured from the adjoining property.

- b. Fences, walls, gates or columns not located within the required yards may be constructed up to the maximum permitted height for the primary structures of the zoning district in which the property is located.
- (3) *Corner visibility.* No structure, fence or wall which obstructs sight lines at elevations between 2.5 and eight feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the outer edge of the paved streets extended and a line connecting them at points 25 feet from the intersection of the extended street lines. The same height sight-line limitations shall apply on any lot within ten feet from the intersection of a street right-of-way line with the edge of a driveway pavement. Waivers of the corner visibility requirements may be administratively approved by the Public Works Director.
- (4) *Perimeter walls surrounding subdivisions.*
- a. Walls surrounding subdivisions and abutting zoned or dedicated rights-of-way shall comply with Section 13-308(b)(16), pertaining to platting.
 - b. Any changes, alterations, or modifications of any kind to an existing perimeter wall surrounding a subdivision, or construction of a new or replacement perimeter wall, shall require site plan review and approval. Exterior surfaces of perimeter walls shall be of uniform colors to be determined by the homeowners association, or by the Town pursuant to color guidelines to be adopted by the Town Council, and the perimeter walls shall be maintained by the homeowners association or property owner if an association does not exist.
 - c. Walls surrounding subdivisions and abutting zoned or dedicated rights-of-way shall be consistent with respect to height, design and color along the entire frontage on the same side of the zoned or dedicated right-of-way, except where interrupted by an intersecting street. Where a subdivision wall along a zoned or dedicated right-of-way has been established, any new or replacement subdivision wall along the same side of the right-of-way shall match the existing wall in height, design and color except where interrupted by an intersecting street.
- (5) *Temporary construction fences.* A construction fence, to secure a construction site, on a site in a residential or non-residential zoning district may be approved by the Administrative Official in any required setback or yard in conjunction with a temporary certificate of use. Said fence approval shall be valid for a maximum of 180 days in connection with a valid building permit. However, a construction fence

approval may be extended by the Administrative Official for a second 180-day period provided that the building permit application has not expired.

(b) This Subsection (b) applies to single-family and two-family residences.

(1) *Location restrictions.*

- a. No fences, walls or gates shall be permitted within a required front yard, side, or rear yard facing a street, except as provided in this section. However, perimeter walls surrounding subdivisions which are approved through the site plan review process are permitted along sides facing a street or rear yards facing a street and shall comply with Section 13-308, pertaining to platting, as applicable.
- b. In zero lot line developments, where a side and/or rear yard faces a street, a fence or wall shall may be permitted, with a zero setback, along the required side and rear yard property line facing a street, set back a minimum of 20 feet from the front property line, or even with the actual front setback of the portion of the house nearest to the side street yard, if other than 20 feet. Any such fence or wall shall comply with the corner visibility requirements of Subsection 13-1509(a)(3).
- c. In non-zero lot line developments, where a side and/or rear yard faces a street, a fence or wall shall be permitted along the required side and rear property line facing a street, with a setback of one and one-half feet, provided that:
 1. The property is located in one of the following two areas: west of the Palmetto Expressway and north of NW 154th Street; or, west of the Palmetto Expressway, south of 154th Street and west of NW 87th Avenue.
 2. The property owner installs and maintains a hedge between the property line and the fence or wall, to be maintained at a height of at least four feet but not higher than the height of the fence or wall, except where a higher hedge may be allowed pursuant to Subsection 13-1701(a)(4)e.; ~~and~~
 3. All other single family residential areas not included in 1, above, may construct a fence along a side facing a street with a minimum setback of 10 feet from the property line and a maximum distance of five (5) feet from the main structure.
 - ~~3.4.~~ Any such fence or wall shall be set back at least 25 feet from the front property line, or even with the actual front setback of the portion of the house nearest to the side street yard, if other than 25 feet.
 - ~~4.5.~~ Any such fence or wall shall comply with the corner visibility requirements of Subsection 13-1509(a)(3).
- d. On properties abutting lakefronts, fences or walls or rocks arranged to form a fence or wall or objects which restrict access or block views from adjacent properties are not permitted beyond the top of the slope toward the lake, or waterside of the survey tie line.

(2) *Height.*

- a. Where permitted, the maximum height of all fences, walls or decorative columns located within a required yard shall be six feet. Decorative open see-through type gates and decorative columns that are not more than 16 inches wide and spaced a minimum of eight feet apart, shall be permitted to exceed the maximum permitted height of the wall by 18 inches.
 - b. Hedges along interior and rear property lines and outside of the required front yard, may extend an additional two feet above the maximum allowed six feet, to a maximum of eight feet.
 - c. Height between different districts. Where an RU District abuts another district, a fence or wall on the RU property may be erected or maintained on the common property line at the height permitted in the abutting district.
- (c) *Height where residential use abuts a differing use.* Wherever any portion of a residential use rear or interior side property line abuts either a commercial, office, industrial use or multifamily residential use, a masonry wall, opaque fence or hedge of up to eight feet in height shall be permitted.
- (d) *Height in AU and GU Districts.* In AU and GU Districts, the height of any fence, wall or hedge shall not exceed six feet when located within the required front or side street setback areas; at other points in such districts, fences, walls or hedges shall not exceed eight feet in height. The Director may authorize hedges of a greater height for windbreaks for groves when necessary to protect same.
- (e) *Height in BU and IU Districts.* In the BU and IU Districts, the height of any wire fence shall not exceed eight feet when located within the required front or side street setback areas; when located between the building line and other property lines, not to exceed eight feet in height. Walls and hedges, when located within the required front and side street setback areas shall not exceed four feet in height; when located between the building line and other property lines, walls and hedges shall not exceed eight feet in height.
- (f) *IU Districts, fence in lieu of wall.* In IU Districts, a wire fence shall be permitted in lieu of a masonry wall as required in the Industrial Districts under the following conditions:
- (1) That the property concerned is zoned industrial and the adjacent property, either abutting on or across the street from where the fence is to be erected is zoned industrial.
 - (2) The storage within such fences be limited to vehicles, equipment and new materials.
 - (3) That all required parking be excluded from the fenced-in area, unless otherwise approved by the Director.
 - (4) Where abutting property is other than industrial, or where the property on the street opposite the industrial site concerned is zoned other than industrial, a concrete wall will be erected as otherwise provided for in this chapter.

(LDC 2008, Div. 5.9; Ord. No. 08-102, § 2(Div. 5.9), 6-17-2008; Ord. No. 13-155, § 2(Ex. A), 3-12-2013; Ord. No. 13-156, § 2, 4-23-2013; Ord. No. 14-171, § 2, 7-8-2014; Ord. No. 19-253, § 2(Ex. A), 12-10-2019)