



City of Sunny Isles Beach

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MEMORANDUM

TO: Honorable Mayor and City Commissioners

VIA: Stan Morris, City Manager.

FROM: Amy Canales, Planning & Zoning Director.

DATE: September 18, 2025

RE: Amendment to Land Development Regulations for Setback Encroachments and Residential Fences

RECOMMENDATION:

Staff recommends approval of this Ordinance.

REASONS:

The Land Development Regulations currently define a setback or yard as, *"An open area between a building and a parcel, lot or street easement/right-of-way line, which is within a parcel boundary; or that area within a parcel between a building and another building. This area shall be unoccupied and unobstructed from the ground upward, except for permitted encroachments otherwise allowed in these LDRs. In measuring a required yard, the horizontal distance from the furthestmost projection of the main building shall be used."* The currently allowed encroachments include elements such as swimming pools, fences, gazebos, play equipment, screen enclosures, utility sheds, and mechanical equipment. However, additional encroachment standards are necessary for various elements related to single-family home, in order to support consistent interpretation of zoning regulations, improve clarity for residents and builders, and enhance the City's residential character.

Therefore, the attached ordinance proposes amendments to Chapter 265 of the City's Land Development Regulations with the following key revisions:

- **Definitions:** New definitions are added for the terms "deck," "terrace," and "walkway," to distinguish between elevated and at-grade elements in relation to setback compliance.

Item Number: 8.A

- **R-1 and R-TH Setback Encroachments:** The ordinance proposes newly permissible encroachments such as roof overhangs, pool decks, walkways, terraces, planters, and stairs into required setback areas within the R-1 (Single-Family) and R-TH (Townhouse) zoning districts.
- **Residential Fencing Standards:** Fencing regulations are refined to allow decorative columns in the front yard, establish picket spacing requirements, and clarify that all wall footings must be located within the property boundaries.
- **Mechanical Equipment Setbacks:** Utility and mechanical equipment placement is clarified with minimum setback distances and height limitations. This applies citywide, not only to the R-1 and R-TH zoning districts.

A public meeting was held on July 1, 2025, at Government Center, where the details of this ordinance was presented and public feedback was collected. Since that presentation, the ordinance has been revised to remove the changes to the type of pool safety barriers required and to better align the mechanical equipment setbacks with Florida Building Code requirements.

ADDITIONAL INFORMATION:

There have been no edits to the ordinance since first reading.

ATTACHMENTS:

[Ordinance](#)

[Zoning Map](#)

[Business Impact Estimate](#)