

2. REVIEW EXISTING FENCING REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS FOR VACANT AND ABANDONED PROPERTIES, AS WELL AS CONSTRUCTION SITES; AND CONSIDER AMENDMENTS TO STREAMLINE THE EXISTING REQUIREMENTS FOR APPLICANTS AND PROPERTY OWNERS (DUAL REFERRAL TO THE PLANNING BOARD)

Applicable Area:

## PRIORITY ITEMS 2

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: April 1, 2026

TITLE: REVIEW EXISTING FENCING REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS FOR VACANT AND ABANDONED PROPERTIES, AS WELL AS CONSTRUCTION SITES; AND CONSIDER AMENDMENTS TO STREAMLINE THE EXISTING REQUIREMENTS FOR APPLICANTS AND PROPERTY OWNERS (DUAL REFERRAL TO THE PLANNING BOARD)

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendments to the Land Development Regulations of the City Code (LDRs) and provide a favorable recommendation to the Planning Board and the Mayor and City Commission (City Commission).

### **BACKGROUND/HISTORY**

On February 5, 2026, at the request of Commissioner Joseph Magazine, the City Commission referred a proposed amendment to the LDRs pertaining to temporary fence requirements (C4 T) to the LUSC and the Planning Board.

### **ANALYSIS**

As noted in the attached referral memo, the sponsor has requested that the LUSC review the City's fencing requirements and consider any amendments to streamline the requirements for applicants and property owners. Specifically, the sponsor would like to consider instances where one fencing type could apply to both vacant/abandoned properties as well as construction sites. Additionally, the sponsor would like to discuss how construction fencing can be used to showcase information/visuals relating to a proposed development project.

Section 7.5.1.6 of the LDRs establishes fencing and landscaping requirements for vacant and abandoned properties, as well as construction sites. Additionally, Section 6.3.2 of the LDRs contains dimension and design standards for allowable signs on construction fences.

Attached is draft text for amendments to each of the aforementioned sections of the LDRs, to expand and clarify the noted regulations. The following is a general summary of the proposed draft text:

#### Chapter 6 – Construction Fence Signage

Currently, images of a proposed building approved for a development site are included within the allowable sign area for construction signs. The proposed modifications would allow for these images to be treated the same as murals or artistic graphics, which do not have an overall size limitation. However, the images of a proposed building approved for a development site would not be able to exceed 50% of the size of the artistic murals or graphics.

#### Chapter 7 – Provisions for Construction and Vacant Lot Fencing

Currently applications for a demolition permit must include either a construction fence or an aluminum picket fence. If the intent of the demolition is to have a vacant lot for the foreseeable future, an aluminum picket fence (along with associated landscape) would satisfy the vacant lot provisions of the LDRs. However, if new construction will immediately follow the demolition of a building, installing and maintaining a construction fence would be required.

The proposed modifications are intended to address instances where there is a lag between the demolition of a building and the commencement of new construction. In this regard, the following standards are proposed for properties seeking a demolition permit:

- All properties with an approved permit for the demolition of an existing building can install either a construction fence or an aluminum picket fence.
- If a construction fence is installed and maintained after demolition is complete, a building permit for improvements to the property must be issued within one year of the completion of the demolition and remain active for the construction fence to remain.
- If a building permit for improvements to the site is not issued within one year of the date of the issuance of a certificate of completion for the demolition, or the building permit for improvements to the site expires, an aluminum picket fence, as well as minor landscape enhancements, would be required.

If there is consensus on the proposed draft text, an ordinance can be prepared and presented to the Planning Board for review and recommendation.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

### **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends that the LUSC endorse the proposed LDR amendments and provide a favorable recommendation to the Planning Board and the City Commission.

### **Applicable Area**

Citywide

### **Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

Yes

### **Is this item related to a G.O. Bond Project?**

No

**Was this 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 the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

Commissioner Joseph Magazine

**Co-sponsor(s)**

**Condensed Title**

Review Existing Fencing Requirements In The Land Development Regulations For Vacant And Abandoned Properties, As Well As Construction Sites; And Consider Amendments To Streamline The Existing Requirements For Applicants And Property Owners (Dual Referral to the Planning Board)

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Joseph Magazine

DATE: February 5, 2026

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE AND PLANNING BOARD – REVIEW EXISTING FENCING REQUIREMENTS IN THE LAND DEVELOPMENT REGULATIONS FOR VACANT AND ABANDONED PROPERTIES, AS WELL AS CONSTRUCTION SITES; AND CONSIDER AMENDMENTS TO STREAMLINE THE EXISTING REQUIREMENTS FOR APPLICANTS AND PROPERTY OWNERS.

### **RECOMMENDATION**

Please place the above item on the February 5, 2026 City Commission meeting agenda as a dual referral to the Land Use and Sustainability Committee (“LUSC”) and Planning Board.

Section 7.5.1.6 of the Resiliency Code establishes fencing and landscaping requirements for vacant and abandoned properties, as well as construction sites. A copy of these regulations is attached to this memorandum.

For vacant and abandoned properties, the Code establishes regulations on fence heights, materials, access, site conditions and landscaping, and lighting. Different height requirements apply depending on which zoning district the property is located in. Additionally, an aluminum picket fence is required.

For construction sites (i.e. properties with active building permits), the Code requires the installation of a construction fence, subject to compliance with height, materials, and access requirements. Construction fences “shall consist of an opaque screening, which may include plywood or aluminum panels, or the equivalent solid construction on a wood or metal frame. Alternatively, a chain link fence may be permitted, provided that it contains a horizontal top, opaque screening, and a rolling gate for access.” The exterior face of such fencing “shall at a minimum consist of a continuous color finish in single-family districts.” In all districts except single-family districts, an artistic mural is required.

I would like the LUSC to review the City’s fencing requirements, and consider any amendments to streamline the requirements for applicants and property owners. Specifically, I would like the LUSC to consider instances where one fencing type could apply to both vacant/abandoned properties as well as construction sites. I would also like the LUSC to discuss how fencing can be used to showcase information/visuals relating to a proposed development project. Following review and a recommendation by LUSC, an Ordinance may be transmitted to the Planning Board.

### **BACKGROUND/HISTORY**

### **ANALYSIS**

**FISCAL IMPACT STATEMENT**

NA

**Does this Ordinance require a Business Impact Estimate?**  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

**FINANCIAL INFORMATION**

**CONCLUSION**

**Applicable Area**

Citywide

**Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?**

No

**Is this item related to a G.O. Bond Project?**

No

**Was this 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 the name of lobbyist(s) and principal(s):

**Department**

Office of Commissioner Joseph Magazine

**Sponsor(s)**

Commissioner Joseph Magazine

**Co-sponsor(s)**

**Condensed Title**

Ref: LUSC/PB – Review/Streamline Fencing Requirements, Vacant Properties/Construction Sites. (JM)

**Previous Action (For City Clerk Use Only)**



### 7.5.1.6 Vacant and abandoned properties and construction sites.

- a. *Vacant and abandoned properties in all districts.* The following minimum fence requirements shall apply to all vacant lots, lots containing a structure that is subject to a permit that has been abandoned or that has expired (for more than 90 days in single-family districts and for more than 30 days in all other applicable districts) and which structure is unfit for human habitation, and lots containing buildings unfit for human habitation.
1. *Applicability.* With the exception of city owned properties. Fencing shall be required for all vacant and abandoned lots, as identified more specifically in subsection (a) above.
  2. *Height.* The height of all fences identified in subsection (a) above shall be measured from the yard elevation where the fence is installed. The minimum height requirement for fences in single-family districts shall be 4 feet and; the maximum height in single-family districts shall not exceed 7 feet, except for those portions of a lot that face a waterway, in which case the maximum height shall be 5 feet. In all other zoning districts, a minimum 7-foot high fence shall be constructed along all property lines, except those facing a waterway, in which case the minimum and maximum height shall be 5 feet. Outside of single-family districts, the planning director may approve a fence height not to exceed 10 feet in height, if the property owner can substantiate that the fence would address security or trespassing issues on the property. If a property contains a building that is setback less than 5 feet from a property line, or there is an existing CBS wall that is at least 5 feet in height, the planning director, or designee, may waive the minimum fence requirements along those property lines, provided that the property is secure from trespassing. In the event that an abutting property has an existing fence along an interior side and/or rear property line, and such fence provides adequate securing of the property, the planning director, or designee, may waive the requirement for a fence along such property lines. Within singlefamily, townhome, and all other residential districts, the fence shall be set back 4 feet from front and side street property lines.
  3. *Materials.* Along all of the property lines, including all required front yards, interior side yards, side street yards, and rear yards, an aluminum picket fence shall be required.
  4. *Construction requirements.* All fences required herein shall be of permanent-quality construction, including foundations.
  5. *Access.* Wherever there is a driveway approach to enter a lot, vehicular access onto the lot shall be required for maintenance purposes, with a locked gate.
  6. *Site conditions, and landscape.* The entire site shall be raised to sidewalk grade and sodded, in a manner to be approved by the Planning Director. Additionally, a landscape plan that includes shrubs and palm trees shall be required, subject to the approval of the Planning Director, and such landscape plan shall allow unimpeded visibility into the site at all times. All landscaping required herein shall be installed and maintained as required by the permit and the city's landscaping code, until such time as new construction is authorized and commences.

7. **Minimum lighting.** For Properties with a lot area greater than 100,000 square feet and located in multi-family residential or commercial districts, perimeter lighting shall be required in a manner consistent with all applicable city and State regulations
- b. **Construction fences in all districts.** As applicable to all properties with active building permits that have been deemed unfit for human habitation, construction fences shall be required to be installed along all property lines:
  1. **Height.** In single-family districts, construction fences shall be installed at a minimum height of 6 feet and maximum height of 10 feet, as measured from the adjacent grade. In all other districts, construction fences shall be a minimum height of 6 feet and maximum height of 12 feet, as measured from adjacent grade.
  2. **Materials.** In all districts, construction fences located along a front, side facing a street, or waterfront property line, shall consist of an opaque screening, which may include plywood or aluminum panels, or the equivalent solid construction on a wood or metal frame. Alternatively, a chain link fence may be permitted, provided that it contains a horizontal top, opaque screening, and a rolling gate for access. The exterior face of such fencing shall at a minimum consist of a continuous color finish in single-family districts. In all districts, except single-family districts, an artistic mural, which is integral to the fence construction, shall be required, subject to design review approval or a [certificate of appropriateness](#), as applicable.
  3. **Construction requirements.** All fences required to be installed pursuant to this section shall be of permanent-quality construction, including applicable foundations to prevent movement and sagging.
  4. **Access.** A rolling or rigid folding gate shall be placed at an opening in the fence wherever there is a vehicular access point for construction vehicles to enter the site. The width of the gate shall not be greater than what is required to allow access to construction vehicles; however, the height may be increased as necessary to provide a rigid frame that completely surrounds the vehicular access point. The gate shall not be of a swinging type.

# Updates to Temporary Fencing Requirements for Vacant Lots and Construction Sites and Construction Signs

## Chapter 6 SIGNS

### ARTICLE III - TEMPORARY SIGNS

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#### 6.3.2 Design standards

- a. *Purpose and intent.* The purpose of this section is to regulate temporary signs equally, ensuring the same setback, height, and other regulations for temporary signs. This section should be constructed consistent with Reed v. Town of Gilbert, Arizona, 135 S.Ct. 2218 (2015).
  - b. *Setback, height regulations for temporary signs.* Unless affixed to a fence or an existing building, detached signs shall be set back ten feet from any property line. Maximum height to the top of a detached sign affixed to posts or a fence shall be five feet above grade in single family and multifamily residential districts and 12 feet above grade in all other districts. Maximum height to the top of a flat sign affixed to a building shall not extend above the first floor in single-family and multifamily districts and shall not extend above the second story of such building in all other districts.
  - c. *Number.* There shall be a maximum of one temporary sign per street frontage, with the exception of election/free speech signs, which shall not exceed one temporary sign per residential or commercial unit.
  - d. *Copy.* Artistic murals or ornamental signs, and images of a proposed building approved for a development site, with no text, are permitted on construction fences surrounding a construction site, subject to the provisions contained herein and the design review or certificate of appropriateness process set forth in section 2.5.3. The images of a proposed building approved for a development site shall not exceed 50% of the size of the artistic murals or ornamental signs.
  - e. *Type.* Signs may be wall signs, part of a fence, or rigid detached signs, affixed to posts or a construction fence.
  - f. The maximum sign area for temporary signs shall be as follows except as provided in section 6.3.9:
    1. For window signs, 10% of total window area, measured by adding the area of each individual glass pane. This area is in addition to the maximum area for permanent window signs permitted in section 6.2.2.
    2. For non-window signs:
      - A. In a single-family residential district, four square feet.
      - B. In a multi-family residential district, 16 square feet, exclusive of images of a proposed building approved for a development site, with no text.
      - C. In all other districts, the sign area, exclusive of images of a proposed building approved for a development site, with no text, shall not exceed one square foot per three linear feet of street frontage, not to exceed 75 feet.
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## Chapter 7 ZONING DISTRICTS AND REGULATIONS

### Article V SUPPLEMENTARY DISTRICT REGULATIONS

#### 7.5.1 GENERALLY

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##### **7.5.1.6 Vacant and abandoned properties and construction sites.**

- a. *Vacant and abandoned properties in all districts.* The following minimum fence requirements shall apply to all vacant lots, lots containing a structure that is subject to a permit that has been abandoned or that has expired (for more than 90 days in single-family districts and for more than 30 days in all other applicable districts) and which structure is unfit for human habitation, and lots containing buildings unfit for human habitation.
1. *Applicability.* With the exception of city owned properties, fencing shall be required for all vacant and abandoned lots, as identified more specifically in subsection (a) above.
  2. *Height.* The height of all fences identified in subsection (a) above shall be measured from the yard elevation where the fence is installed. The minimum height requirement for fences in single-family districts shall be 4 feet and the maximum height in single-family districts shall not exceed 7 feet, except for those portions of a lot that face a waterway, in which case the maximum height shall be 5 feet. In all other zoning districts, a minimum 7-foot-high fence shall be constructed along all property lines, except those facing a waterway, in which case the minimum and maximum height shall be 5 feet. Outside of single-family districts, the planning director may approve a fence height not to exceed 10 feet in height, if the property owner can substantiate that the fence would address security or trespassing issues on the property. If a property contains a building that is setback less than 5 feet from a property line, or there is an existing CBS wall that is at least 5 feet in height, the planning director, or designee, may waive the minimum fence requirements along those property lines, provided that the property is secure from trespassing. In the event that an abutting property has an existing fence along an interior side and/or rear property line, and such fence provides adequate securing of the property, the planning director, or designee, may waive the requirement for a fence along such property lines. Within single family, townhome, and all other residential districts, the fence shall be set back 4 feet from front and side street property lines.
  3. *Materials.* Along all of the property lines, including all required front yards, interior side yards, side street yards, and rear yards, an aluminum picket fence shall be required.
  4. *Construction requirements.* All fences required herein shall be of permanent-quality construction, including foundations.
  5. *Access.* Wherever there is a driveway approach to enter a lot, vehicular access onto the lot shall be required for maintenance purposes, with a locked gate.
  6. *Site conditions and landscape.* The entire site shall be raised to sidewalk grade and sodded, in a manner to be approved by the Planning Director. Additionally, a landscape plan that includes shrubs and palm trees shall be required, subject to the approval of the Planning Director, and such landscape plan shall allow unimpeded visibility into the site at all times. All landscaping required herein shall be installed and maintained as required by the permit and the city's landscaping code, until such time as new construction is authorized and commences.
  7. *Minimum lighting.* For Properties with a lot area greater than 100,000 square feet and located in multi-family residential or commercial districts, perimeter lighting shall be required in a manner consistent with all applicable city and State regulations

- b. *Construction fences in all districts.* As applicable to all properties with active building permits that have been deemed unfit for human habitation, construction fences shall be required to be installed along all property lines in accordance with the following:
1. *Height.* In single-family districts, construction fences shall be installed at a minimum height of 6 feet and maximum height of 10 feet, as measured from the adjacent grade. In all other districts, construction fences shall be a minimum height of 6 feet and maximum height of 12 feet, as measured from adjacent grade.
  2. *Materials.* In all districts, construction fences located along a front, side facing a street, or waterfront property line, shall consist of an opaque screening, which may include plywood or aluminum panels, or the equivalent solid construction on a wood or metal frame. Alternatively, a chain link fence may be permitted, provided that it contains a horizontal top, opaque screening, and a rolling gate for access. The exterior face of such fencing shall at a minimum consist of a continuous color finish in single-family districts. In all districts, except single-family districts, an artistic mural, which is integral to the fence construction, shall be required, subject to design review approval or a certificate of appropriateness, as applicable.
  3. *Construction requirements.* All fences required to be installed pursuant to this section shall be of permanent-quality construction, including applicable foundations to prevent movement and sagging.
  4. *Access.* A rolling or rigid folding gate shall be placed at an opening in the fence wherever there is a vehicular access point for construction vehicles to enter the site. The width of the gate shall not be greater than what is required to allow access to construction vehicles; however, the height may be increased as necessary to provide a rigid frame that completely surrounds the vehicular access point. The gate shall not be of a swinging type.
- c. *Demolition permit requirements.* All properties with an approved permit for the substantial demolition of an existing building shall install a fence in accordance with section a or b above prior to the approval of a final planning inspection for the demolition permit. If a construction fence is installed in accordance with section b, a building permit for improvements to the property must be issued within one year of the completion of the demolition and remain active for the construction fence to remain. If a building permit for improvements to the site is not issued within one year of the date of the issuance of a certificate of completion for the demolition, or the building permit for improvements to the site expires, for any reason, a new fence, in accordance with section a above, shall be required.