
Sec. 23-90. Fences, walls and hedges.

- (a) *Applicability.* All fences, walls and hedges shall be regulated by the provisions contained in this section.
- (b) *Permit.* All fences and walls shall require a building permit prior to the installation or erection and, prior to the issuance of such permit, plans for the fences, or walls shall be determined to be in compliance with the requirements of this section and all applicable requirements of the City's code, and the South Florida Building Code. Application for such permit shall accurately identify the property upon which the fence, wall or hedge is to be placed, and the actual location on the property of the fence, wall or hedge which shall be clearly inside of the property line.
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- (f) *Height and location on lot.* Fence and wall heights shall be measured from the existing finished first floor level and the top of the fence or wall shall not exceed six feet above the said first floor level nor exceed seven feet above grade when abutting a residential lot. For double frontage lots along SW 100th Avenue between SW 49th Street on the north to SW 53rd Street on the south, fence and wall heights along rear property lines may not exceed six feet as measured from the finished elevation of the abutting sidewalk. **Hedge height shall not exceed eight feet above grade, unless otherwise specified by Code.** For the safety of the adjacent roadways and neighborhood:
- (1) No fence, wall or hedge will be allowed to be installed or constructed within the setback area from a street right-of-way, except as provided for in subsection (3) hereof.
- (2) No fence or wall will exceed six feet in height, except as permitted in subsection (f) above or subsection (j)(2) below. Any fence or wall which exceeds six feet in height shall require a signed plan from a licensed architect or engineer.
- a. Fences or walls in U-1 (utility) district, CS (community services) district, on any municipally-owned property regardless of its zoning district designation, and surrounding swimming pools that are open and available for public or semi-private use (i.e., swimming pools in common areas owned by homeowners' associations for the exclusive use of the residents and invitees of the subdivision), shall be permitted to be eight feet in height.
- (3) On a corner lot in a residential district, fences, walls or hedges may be erected in the side yard abutting the street. On corner lots in a residential district, the location of fences, walls and hedges shall conform to district regulations, except if the fence, wall or hedge will not obstruct the view of a driver approaching the intersection, only then may the fence, wall or hedge be brought out to the property line, but may never extend past the front of the house. When the corner lot is other than rectangular in shape, prior approval by the Building Official and the Police Chief, or their designees, shall be required to ensure adequate vision to a driver of a vehicle.
- (4) Where a hedge is required to screen an off-street parking area or other vehicular use area from a public right-of-way or abutting property in a residential district, the hedge shall be maintained at height of not less than four feet. Provided, however, that where hedge materials are planted within 30 inches of a free-standing masonry wall, the hedge shall be maintained at a height equal to the height of the wall. This section is not intended to amend the provisions of the landscaping code which shall prevail as to the minimum required height of hedges at the time of installation. Property owners, including homeowners' association, which violate the provisions of this section, shall be subject to an administrative fine of \$300.00 per violation, said fine to be expended on the purchase and installation of additional plant materials within the development or property subject to the fine.