

City of Coral Gables Planning Department Staff Report

To: Planning and Zoning Board Members

From: Planning Department / Building and Zoning Department

Date: November 4, 2009

Subject: **Zoning Code Text Amendment – Article 5, Division 24, “Walls and fences”.** An Ordinance of the City of Coral Gables amending Zoning Code Article 5, “Development Standards”, Section 5-2403, entitled “Height of walls and fences”, to reduce the impact of fences along property lines on smaller lots; and providing for severability, repealer, codification, and an effective date.

Recommendation

The Planning Department in association with the Building and Zoning Department recommends approval of the amendment to Zoning Code Article 5, “Development Standards”, Section 5-2403, entitled “Height of walls and fences”.

Background

Attached is a proposed Zoning Code text amendment requested by the Building and Zoning Department on behalf of a local resident to reduce the impact of fences along property lines on smaller lots. The Building and Zoning Department has provided for the Planning and Zoning Board’s review and information a completed Zoning Code Text Amendment Request form (see Attachment A). A draft Ordinance containing specific language in ~~strike~~/underline format has been prepared for the proposed Zoning Code text amendment (see Attachment B).

The Building and Zoning Department will present the proposed amendment to the Board at the meeting and will secure input and testimony from the Board and public.

Public Hearing Timeline

This Zoning Code text amendment is under the purview of the Planning and Zoning Board and City Commission since it requires public hearing review. Upon recommendation from the Planning and Zoning Board, the proposed text amendment is tentatively scheduled to proceed forward for public hearing before the City Commission as follows:

City Commission, 1st Reading – November 17, 2009, 9:00 a.m.
City Commission, 2nd Reading – December 15, 2009, 9:00 a.m.

The above dates and times are subject to change.

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Public Notification

The Planning and Zoning Board meeting agenda has been advertised and posted on the City web page. The staff report and attachments are also posted on the City web page.

Respectfully submitted,

Eric Riel, Jr.
Planning Director

Martha Salazar-Blanco
Zoning Official

Attachments:

- A. Zoning Code Text Amendment Request form.
- B. Draft Ordinance.

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City of Coral Gables Zoning Code Text Amendment Request

Date of request:

January 9, 2009

Sponsoring department(s):

Zoning Department

Code section(s) to be amended (attach additional sheets as necessary):

5-2403 E & F (Height of walls & fences)

Purpose or explanation of text amendment (attach additional sheets as necessary):

- To reduce the impact of fences along the property line on smaller lots.
- Attention to this issue was initiated by a local resident.
- 30" wall height was determined in order to coordinate with the allowed height within the visibility triangle.
- Proposal has been reviewed by the Board of Architects.

Proposed text amendment (attach additional sheets as necessary):

E. Ornamental wrought iron, cast iron and/or aluminum fences may be erected to a maximum height of six (6) feet. The design of the fence may include columns minimum 16 inches square (with appropriate caps), at all corners and flanking all gates for vehicular and/or pedestrian access to the property. The design of such columns shall be compatible with the architecture of the building as determined by the Board of Architects

F. Ornamental wrought iron, cast iron and/or aluminum fences may be erected on top of a masonry wall provided that the height of the masonry wall shall not exceed four (4) feet and the maximum height of the wrought iron, cast iron, aluminum and masonry wall shall not exceed six (6) feet. When the Street Frontage is less than 85 feet wide, the maximum height of the masonry portion of the fence shall not exceed 30 inches above grade or established grade whichever is higher. When the grade varies along a property line, the wall shall step with the grade to maintain an average elevation as allowed by this code and approved by the Board of Architects.

Sponsoring department(s) signature:

Carlos Mindreau

Print name

Signature

1/09/09

Date

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CORAL GABLES AMENDING ZONING CODE ARTICLE 5, “DEVELOPMENT STANDARDS”, SECTION 5-2403, ENTITLED “HEIGHT OF WALLS AND FENCES”, TO REDUCE THE IMPACT OF FENCES ALONG PROPERTY LINES ON SMALLER LOTS; AND PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, on behalf of a local resident, the Building and Zoning Department has requested an amendment to the text of the Zoning Code to reduce the impact of fences along property lines on smaller lots; and

WHEREAS, after notice duly published, a public hearing was held before the Planning and Zoning Board on November 4, 2009, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the Board was presented with a text amendment to the Zoning Code, and after due consideration, recommended _____ (vote: _-_) of the amendment; and

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on November 17, 2009 at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, _____ the amendment on First Reading (vote: _-); and

WHEREAS, after notice duly published, a public hearing for Second Reading was held before the City Commission on December 15, 2009 at which hearing all interested parties were afforded the opportunity to be heard.

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

SECTION 1. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Zoning Code of the City of Coral Gables is hereby amended as follows (changes in ~~striketrough~~/underline format):

Article 5. Development Standards

Division 24. Walls and fences

Section 5-2403. Height of walls and fences.

- A. Ornamental wrought iron, cast iron and/or aluminum fences may be erected to a maximum height of six (6) feet. The design of the fence may include columns minimum sixteen (16) inches square (with appropriate caps), at all corners and flanking all gates for vehicular and/or pedestrian access to the property. The design of such columns shall be compatible with the architecture of the building as determined by the Board of Architects.

- B. Ornamental wrought iron, cast iron and/or aluminum fences may be erected on top of a masonry wall provided that the height of the masonry wall shall not exceed four (4) feet and the maximum height of the wrought iron, cast iron, aluminum and masonry wall shall not exceed six (6) feet. When the Street Frontage is less than eighty-five (85) feet wide, the maximum height of the masonry portion of the fence shall not exceed thirty (30) inches above grade or established grade whichever is higher. When the grade varies along a property line, the wall shall step with the grade to maintain an average elevation as allowed by this code and approved by the Board of Architects.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. This ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D., 2009.
(Moved: ____ / Seconded: ____)
(____, _____, _____, _____, _____)
(Vote: ____-____)
(Agenda Item ____)

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

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