

VILLAGE OF EL PORTAL, FLORIDA

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE COUNCIL OF EL PORTAL, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 24: ZONING AND LAND DEVELOPMENT CODE, SECTION 24-B.15.(G), WALLS, FENCES AND HEDGES STANDARDS (Z3), PROVIDING FOR UPDATED SPECIFIC REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Village of El Portal has established regulations for walls, fences and hedges for Zone 3 in Chapter 24, Appendix B, of the Village of El Portal, Florida Code of Ordinances; and

WHEREAS, the current language in these regulations does not allow for the construction of privacy fences;

WHEREAS, the provisions for the regulations for walls, fences, and hedges need revision to allow for the construction of privacy fences; and

WHEREAS, the Village of El Portal desires to amend Chapter 24: Zoning and Land Development Code, Sec. 24-B.15(g), Walls, Fences and Hedges Standards (Z3), of the Village of El Portal, Florida Code of Ordinances in order to address the requests for the construction of privacy fences along interior and rear lot lines of properties.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, THAT:

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.

SECTION 2. The provisions and language currently contained in Chapter 24: Zoning and Land Development Code, Section 24-B.15(g), Walls, Fences and Hedges Standards (Z3), of the Village of El Portal, Florida Code of Ordinance are hereby amended to read as set forth in “Exhibit A” to this Ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

SECTION 4. It is the intention of the Village Council that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2020-XX, as amended and known as the "Code of Ordinances" of the Village of El Portal, 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 5. If the Official Code of Ordinances of the Village of El Portal Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 6. This Ordinance shall become effective upon its passage and adoption by the Village Council.

PASSED, FIRST READING this ___ day of _____, 2020.

PASSED, SECOND READING this ___ day of _____, 2020.

Claudia Cubillos, Mayor

ATTEST: _____
Yenise Jacobi, Village Clerk

Approved as to form and legal sufficiency:
Interim Village Attorney

By: _____
Norman C. Powell, Esq.

Vote:

Councilperson Pirela :	_____ (Yes)	_____ (No)
Councilperson Urbom:	_____ (Yes)	_____ (No)
Councilperson Roman:	_____ (Yes)	_____ (No)
Vice Mayor Nickerson.:	_____ (Yes)	_____ (No)
Mayor Cubillos:	_____ (Yes)	_____ (No)

I, Yenise Jacobi, Village Clerk of the Village of El Portal, Miami-Dade County, Florida, do hereby certify that this is a true and correct copy of Ordinance No.: 2020-__ adopted on _____, 2020, as shown in the Official Records of the Village of El Portal, Miami-Dade County, Florida. Given under my hand and seal, this _____ day of _____, 2020.

Yenise Jacobi
Village Clerk

“Exhibit A”

Sec. 24-B.15. - ZONE 3 (Z3) SUB-URBAN RESIDENCE

(g) WALLS, FENCES AND HEDGES STANDARDS (Z3).

(1) Location:

C. Wire Fences and Privacy Fences. Wire fences and privacy fences may be erected at the following locations on any premises:

- i. On lots that are not corner lots, wire fences may be erected anywhere along boundaries of a rear yard as defined in this chapter, or within such rear yard; or alongside lot lines from the rear lot line to the front line of building extended to the nearest point in the side lot line, provided that a masonry or coral rock wall connects such wire fence with the building if such wire fence extends forward beyond the rear corner of the building closest to the side lot line.
- ii. On lots that are corner lots, wire fences or privacy fences shall not be erected in any yard or in any yard areas where such areas abut upon a street intersection. Where the rear line of a corner lot abuts upon the side line of the adjoining lot no wire fence in the rear yard or along the rear line may extend closer to the street line than the front setback distance applicable to the lot abutting upon rear of such corner lot, and such front setback distance shall be construed as the required setback if the adjoining lot is unimproved, and the actual front setback ~~of~~ if the adjoining lot is improved.

(3) Material: Except as may be otherwise provided herein, walls and/or fences may be constructed of coral rock, concrete block stuccoed on both sides with concrete cap, slump or adobe brick, precast concrete, ~~polyvinyl chloride (PVC), composite material,~~ ornamental wrought iron, ornamental aluminum cast iron, cast aluminum, wire, or wood.

B. Wood fences. Wood fences shall be permitted on residential lots subject to the following conditions:

- i. Such fence shall be of cedar, cypress, redwood or pressure-treated pine, with four-inch by four-inch terminal posts, two-inch by four-inch intermediate posts, wood rails and pickets one (1) inch thick. Pickets shall be placed so as to provide a space between of not less than one-half (0.50) the width of the picket.
- ii. All such fences shall be painted on each side with an appropriate and harmonious color, and shall be maintained and kept in repair by replacing all rotting wood. Construction and painting shall be completed within a reasonable time after issuance of permit therefore, to be determined by the building inspector.
- iii. The structural side of a fence shall be facing the owner's lot.
- iv. Manager's administrative variance: An administrative variance may be granted at the manager's discretion when access to the adjacent property is denied, or existing landscaping or fence structure, or other facts make compliance with Section 24-B.15. (G)(3) i., ii., and iii., and ii., above, not possible. The following requirements apply: The permit applicant shall provide documentation to building, planning and zoning director that good faith effort was made to obtain adjacent owner's approval to access adjacent property. In regards to existing fence structures, landscaping and other obstacles a code enforcement officer shall provide photo documentation of location in question and serve as a witness.

C. Privacy fences. Privacy fences shall be permitted on residential lots subject to the following conditions:

- i. Privacy fences may be constructed of polyvinyl chloride (PVC), composite material, and aluminum panels in addition to the materials addressed in Sec. 24-B.15. (g) (3) above.
- ii. The structural side of a fence shall be facing the owner's lot.