

MEETING DATE
August 28, 2017
Subject: Ordinance - Modification of Chapter 21 of the Code (Nonconforming Fences & Walls)



AGENDA REPORT

AGENDA
Section: Decisions
Item #: 1

Department/Office: Community Development

Requested Action or Motion: Move to introduce on first reading an ordinance modifying Section 21-5 Maitland City Code regarding nonconforming structures as related to fences and walls and establish September 11, 2017 as the public hearing date.

Summary Explanation & Background:

The proposed ordinance modifies Section 21-5(I)(d) - Nonconforming structures, to provide relief for property owners in areas annexed by the City, to repair or replace pre-existing fences in part, or whole, provided the repair or replacement does not increase the nonconformity with respect to height or setback, and subject to Section 21-6(II) - Visibility at Intersections.

In addition, a modification is proposed for Section 21-5(III)(a) - Fences and walls, to address pre-existing fences in the Winfield Subdivision as that area maintains fence requirements that were in place in Orange County at the time of annexation into the City of Maitland.

These modifications will eliminate the undue burden placed on property owners to seek variances to repair or replace pre-existing fences in an effort to adapt to current City of Maitland Code requirements for fence placement.

Actions to date:

- Ø Development Review Committee (DRC) recommended approval on August 17, 2017.
- Ø Planning & Zoning Commission (P&Z) held a public hearing and unanimously voted to forward the proposed Ordinance to City Council with a recommendation of denial on August 17, 2017.

At their meeting on August 17, 2017, the P&Z recommended denial of the proposed ordinance and determined that the exception provided in the draft ordinance was overly broad and that the circumstances under which the exception is used should be narrowed in scope such as:

- Ø Add criteria that if the lot is completely re-developed, the fence must be brought into compliance with the current code.
- Ø Add criteria to address scenarios when re-development is not occurring; and there are no conflicts with pre-existing structures or accessory structures prohibiting fence replacement consistent with the code; in those cases specific distance requirements from pre-existing structures should be delineated in the code and applied accordingly.

There was concern for inequity of fence requirements for annexed vs. non-annexed properties.

Next Steps:

1. Introduce the ordinance as proposed and set a public hearing date for adoption of the ordinance;
or
2. Introduce the ordinance, with modifications and set a public hearing date for adoption of the ordinance; or
3. Deny the proposed ordinance.

* If the ordinance is introduced, the public hearing to adopt the ordinance will tentatively be scheduled for September 11, 2017.

Staff Recommendation:

Staff recommends Council introduce the ordinance as proposed and set a public hearing date for adoption of the ordinance.

Fiscal Impact:

N/A

Exhibits: Ordinance - Chapter 21-5. Nonconforming and Fences (DOCX)

Contact Person: Sara Blanchard, Chief Planner

Commission/Board: Planning and Zoning Commission

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Reviewed by City Attorney

Yes N/A