



THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

To: The City Commission, City of Key West

Sponsor: Commissioner Davila

From: George B. Wallace, Assistant City Attorney

Date: April 26, 2019

RE: Proposed revision of Section 122-1183, Amending Fence Ordinance in Single Family (SF) and Medium Density Residential (MDR) Zoning Districts

Action statement:

Approve an Ordinance revision to Section 122-1183 to allow solid Six (6) foot fences along the front property line of residential properties in the single family (SF) and Medium Density residential (MDR) districts under certain conditions.

Background

The impact of Hurricane Irma on September 10, 2017 caused wide spread loss of front and side yard fences in the SF, single family residential district and the Medium Density residential (MDR) and particularly in the residential community often referred to as "Smurf Village". Many residents in these districts quickly replaced their front and side yard fences with fences the residents believed were compliant with the City Code of Ordinances as to height and manner of construction. Some of the residents obtained building permits seemingly approving the design of the proposed replacement fences.

Many other residents proceeded to repair or replace their fences without first obtaining the proper building permits.

Current City Code Section 122-1183 requires front yard fences to be no higher than six (6) feet in height and 50% impervious in the SF and MDR districts. The impervious requirement is often satisfied by spacing of fence boards or by providing an impervious area along the top two (2) feet of the fence. Nearly all of the fences repaired or replaced in the “Smurf Village” neighborhood failed to satisfy this requirement resulting in the issuance of 38 separate notice of code violations.

In order for these individual property owners to become compliant with existing code each and every owner would be required to file for an after-the-fact variance with the Planning Department for Planning Board consideration and to pay a filing fee in the amount of \$2,000.00 plus \$150.00 for advertising expenses.

In light of these considerations it is recommended that Section 122-1183 be amended to allow solid six (6) foot high fences in the SF and MDR districts provided all neighboring property owners and first floor property owners located across the street from the applicant consent, the Chief Building Official determine that the proposed fence is in harmony with the surrounding properties and providing for an appeal to the Board of Adjustment by any aggrieved interested party.

Recommendation:

To approve the proposed amendment to Section 122-1183 of the City Code of Ordinances.
