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|  | DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION |
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Subject/Agenda Item:

ZTA-24-02: Yards

Recommendation to City Council Second Reading: A City-initiated request for a Zoning Text Amendment to provide specific standards for fences surrounding athletic facilities within residential zones, ensuring consistency with the standards governing other types of recreational facilities.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

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| <p>Originating Department: Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Gionni Gallier, Senior Planner</p> | <p>Reviewed By:</p> <p>Director of Development & Neighborhood Services (DNS)</p> <p>_____</p> <p>Denise Malone, AICP, Director DNS</p> |
| <p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p> | <p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Date: 1/25/24, 2/22/24</p> <p>Paper: Lake Worth Herald</p> <p>Mailing</p> <p><input type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Notice Distance:</p> |
| <p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2024-11 | <p>City Council Action:</p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p> |

I. Executive Summary

The City-initiated request for a Zoning Text Amendment has been brought forth to provide specific standards for fences surrounding athletic facilities within residential zones. The amendment aims to address the unique requirements presented by fencing around athletic facilities when located within residential zones. Currently, these fences for athletic facilities are subject to a height limitation of four (4) feet when positioned in the front yard and this amendment aims to align these regulations with the standard requirements currently in place for fencing around public recreational facilities, ensuring a consistent approach citywide. Specifically, the proposed changes revolve around Chapter 16, Article IV, Section 16-630(h)(6), which typically governs fence height limitations in residential zoning districts.

To address the specific needs of athletic facilities, a new subsection (d) is being introduced to the code. This subsection establishes a maximum height of ten (10) feet for fences surrounding recreational and athletic facilities (excluding swimming pools) in all yards.

II. Proposed Zoning Text Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Items which are proposed for deletion are in ~~Strike-Through~~, items proposed for addition are in Single Underline.

Proposed Change

Chapter 16, Article IV, Section 16-630(h)(6) is hereby amended as follows:

- (6) *Residential zoning districts.* Fences, walls and hedges shall be limited in height as follows:
- a. *Yard, front:* fences located in the yard, front shall not exceed three (3) feet in height, except that chain link fences may be used not exceeding four (4) feet in height, so long as the same are not covered with vines or plants so as to obstruct vision. Fences taller than four (4) feet in height shall meet the established build to line of the existing residential structure. Fences on vacant lots shall be permitted to meet the required front setback of the existing zoning district, but are required to be moved to meet the build to line upon development of the property.
 - b. *Yard, side and rear:* not to exceed six (6) feet in height. ~~For public and private recreational facilities (excluding swimming pools), chain link fences, without slats, may be constructed up to a maximum of ten (10) feet in height and shall be black or green vinyl coated.~~ In no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines or plants so as to obstruct vision.
 - c. *Corner lots and rear of lots on street:* all fences and walls shall be located a minimum of one and one-half (1.5) feet inside the property lines for parcels abutting the right-of-way on the side, corner. For parcels abutting the right-of-way on the side or rear, in no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines or plants so

as to obstruct vision. Fences located outside of the safe sight triangle can be erected at the permitted maximum height for the yard area.

- d. Fences for recreational and athletic facilities (excluding swimming pools) in all yards: not to exceed eight (8) feet in height. However, chain link fences, without slats, may be constructed up to a maximum of ten (10) feet in height and shall be black or green vinyl coated. In no case shall a fence, wall or hedge exceed three (3) feet in height when it is located within a visibility triangle as defined in section 16-967 of this Code, except that chain link fences may be used not exceeding four (4) feet in height so long as they are not covered with vines, plants, or any opaque material so as to obstruct vision. This subsection applies to residential and nonresidential uses in residential zoning districts.
- de. *Nonresidential uses in residential zoning districts.* Side and rear setback areas and in rear setback areas of lots facing streets in both front and rear, chain link security fencing, without slats, may be constructed to a maximum of eight (8) feet in height and shall be black or green vinyl coated.

III. Zoning Text Amendment Criteria:

- A. *The need and justification for these changes:*

The principal intent of these proposed text amendments to the Zoning Code is to ensure consistency with the standards that govern the fencing provided for recreational facilities. The proposed zoning code modifications are to establish regulations in a manner consistent with that of other types of recreational facilities.

- B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City codes.

IV. Staff Recommendation:

Approval of ZTA-24-02 through the adoption of Ordinance 2024-11.

PLANNING AND ZONING BOARD OF APPEALS ACTION – February 8, 2024

The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Hayes, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-24-02** (*Fence Height – Athletic Facility*) as presented by staff.

CITY COUNCIL ACTION First Reading – March 4, 2024

The City Council on a motion made by Council Member Diaz and seconded by Council Member Bousquet, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-24-02** (*Fence Height – Athletic Facility*) as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 18, 2024
