

ORDINANCE NO. 2024-11

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, AREA AND HEIGHT LIMITATIONS, SECTION 16-630, YARDS, RECREATIONAL AND ATHLETIC FACILITIES IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (Zoning Code); and

WHEREAS, in general, section 16-630(h) regulates the height, location, and appearance of fences throughout the City; and

WHEREAS, subsection 16-630(h)(6) regulates fence height limitations with respect to property located in residential zoning districts, but does not specifically regulate fences surrounding athletic facilities; and

WHEREAS, it is the desire of the City Council to amend section 16-630(h)(6) to provide for such regulation in a manner consistent with that of other types of recreational facilities; and

WHEREAS, the Planning and Zoning Board of Appeals sitting as the Local Planning Agency at a public hearing reviewed this Ordinance and recommended approval of the same; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the health, safety, and welfare of the residents and citizens of the City of Greenacres and the public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. 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.
 - e. *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.

Section 2. Repeal of Conflicting Ordinances

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 4. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 5. Effective Date

The provisions of this Ordinance shall become effective immediately upon its adoption.

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Passed on the first reading this 4th day of March, 2024.

PASSED AND ADOPTED on the second reading this ___day of ____, 2024.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Suzy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney