

ZTA-22-04 (Ord. 2022-04)
Exhibit "A"
Date: February 14, 2022

Revised: 02/24/2022
03/21/2022



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 20022-04: Yards

Second Reading & Adoption: A City-initiated text amendment to the Zoning Code in order to address allowable structures in the setback and accessory structures within residential zoning districts.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department:

Planning & Engineering

Project Manager

Kara L. Irwin-Ferris, AICP

Reviewed By:

Director of Planning & Engineering

Kara L. Irwin-Ferris, AICP

Approved By:

City Manager

Andrea McCue

Public Notice:

☒ Required

☐ Not Required

Dates: 2/10/22, 3/24/22

Papers: Lake Worth Herald

Mailing

☐ Required

☒ Not Required

Notice Distance: _____

Attachments:

City Council Action:

☐ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: _____

I. Executive Summary

A City-initiated request to amend the City's Zoning Code to provide for amendments to address issues with current Yard regulations. The Code is being amended to address accessory unit structures within larger lots in the City where the existing regulations are not adequate due to the size of the lot. In addition, the Code is being updated to address mechanical, architectural, and structural appurtenances within the setbacks, especially generators for single-family homes.

II. Background

The yards criteria was adopted in 1966. Since that time, there have been three (3) amendments; Ordinance 1995-01, Ordinance 2010-09, and most recently Ordinance 2019-03. The proposed amendment will address architectural and mechanical features that project or are placed in the setback. This includes generators, which due to effects of a hurricane, are being installed on many single-family lots. The city has been applying the codes used for air conditioners, trellis features, etc., but is currently addressing them specifically within the code. In addition, the City is addressing accessory structures on large lots within the city. Previously, the code was changed to address large lot zoning districts that have more area to accommodate larger accessory structures. Currently, staff is proposing to increase the square footage allowed for accessory structure at a ratio consistent with smaller single family lots, as opposed to the current maximum for smaller single-family lots of 600 square feet.

III. Proposed Zoning Code Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Text shown in ~~strike through~~ is to be deleted. Text shown in underline is to be added.

Proposed Change #1

Sec. 16-630. Yards.

- (a) *Projecting architectural and anchored mechanical features.* The space in any required yard shall be open and unobstructed except for the ordinary architectural projections of windowsills, belt course, cornices, eaves and other architectural features provided that such features shall not project more than four (4) feet into any required yard.
 - (1) The following structures, projections and improvements may be allowed within the required setbacks for single family residential properties located in the residential zoning districts.
 - a. Arbors and trellises less than ten (10) feet in height, subject to a minimum three (3) feet setback in the rear yard.

- b. Balconies with support structures projecting a maximum of four (4) feet into the rear yard setback.
 - c. Bay windows projecting a maximum of three feet into a rear yard setback, measured at the point at which the face of the building or structure touches the ground.
 - d. Chimneys projecting a maximum of three feet into a rear yard setback.
 - e. Fountains, subject to a minimum three (3) feet setback in the rear yard.
 - f. Heating, ventilation and air conditioning units, including compressors and condensers in the side yard setback. Visual screening from the right-of-way and adjacent property shall be provided. Screening shall be opaque in nature, blends in with the architecture of the building, and be constructed in conformity with materials approved by the Florida Building Code, or shall be composed of vegetation.
 - g. Pool equipment, pumps, heating units and related mechanical equipment in the side yard setback. Visual screening from the right-of-way and adjacent property shall be provided. Screening shall be opaque in nature, blends in with the architecture of the building, and be constructed in conformity with materials approved by the Florida Building Code, or shall be composed of vegetation.
 - h. Permanent standby generators consistent with the building, electrical and manufacturer's installation and maintenance requirements in the side yard setback. Visual screening from the right-of-way and adjacent property shall be provided on single family lots with a 7.5 foot side yard setback. Visual screening from the adjacent property shall be provided on single family residential lots with a 5.0 foot side yard setback where space is available and safety permits installation of plant materials. Screening shall be opaque in nature, blends in with the architecture of the building, and be constructed in conformity with materials approved by the Florida Building Code, or shall be composed of vegetation.
 - i. Moveable Recreational equipment and structures in the rear yard setback, subject to a minimum three (3) feet setback in the rear yard.
 - j. Sculptures and other similar objects of art in the rear yard, subject to a three (3) feet minimum.
 - k. Landscape planted in the ground or in planters in the rear and side yard.
 - l. Basketball goals provided there is a minimum of three foot setback from the rear and side property lines, and a minimum of ten (10) foot setback from the front and side street property lines.
 - m. Utility, Electric and Gas, cable and similar transmission lines, distribution lines, meters and associated structures.
- (b) *Porches.* A porch open on only one (1) side and having a roof shall be considered a part of the building for the determination of lot coverage and zoning setbacks.
- (c) *Pools, terraces, and patios/decks.* A pool, terrace or patio/deck shall not be considered in the determination of yard sizes or lot coverage provided that such area is unroofed and without walls or parapets or other forms of enclosure. Such areas shall not project into any yard to a point closer than five (5) feet from any lot line. In no instance shall there be less than five (5) feet of pervious area sodded or otherwise landscaped with plant material between the pool, terrace or patio/deck and the property line(s). However, when located within a zero lot line development a patio may extend up to the subject property's zero side

property line provided a six-foot high solid opaque fence and/or wall is constructed on the zero lot line and it does not conflict with a previously approved development order. Townhouse developments with approved site plans providing specific yard requirements are exempt from this sub-section.

- (d) *Fire escapes and stairways.* Fire escapes and outside stairways shall not project into any front or side yard setback nor more than five (5) feet into any rear yard setback.
- (e) *Residential Accessory buildings.* Accessory buildings, structures or uses shall be compatible with the principal building and shall not be established prior to the completion of the construction of a principal building. Buildings, structures or uses accessory to dwelling units or a principal use must observe the following standards:
 - (1) A maximum of two (2) detached accessory buildings shall be permitted on any residential lot and in total shall not exceed the size established in subsection 16-630(e)(5).
 - (2) No detached accessory building, structure or use shall be erected within the front and side yards of the zoning lot.
 - (3) No accessory building, structure or use shall encroach on a drainage or utility easement. Accessory buildings shall be located completely within the rear yard and shall be located not less than five (5) feet from the property line.
 - (4) No detached accessory building, structure or use shall exceed a height of fifteen (15) feet.
 - (5) An accessory building, structure or use shall be no greater than two hundred (200) square feet. Single-family lots which do not have attached garages are exempted from the above two hundred-square foot maximum and shall be allowed to construct up to a maximum six hundred (600) square feet of detached garage structure within all residential zoning districts except Agricultural Residential (AR), Residential Low—1 (RL-1) and Residential Estate (RE).
 - (6) No detached accessory building, structure or use shall be erected, altered or moved within five (5) feet of the nearest wall of an accessory or principal building except where the proposed accessory structure meets or exceeds the required yard setbacks for the zoning district.
 - (7) No detached or attached accessory building may be rented or used as a separate dwelling unit.
 - (8) Accessory buildings located within mobile home parks shall adhere to the following guidelines:
 - a. Shall not be erected within the front yard of the individual mobile home site.
 - b. Must be located five (5) feet from any lot line of the individual mobile home site.
 - (9) Accessory structures on a corner lot shall not be erected nearer to the side street than the minimum front setback line of the adjoining lot to the rear of the corner lot.
 - (10) Accessory buildings located within Agricultural Residential (AR), Residential Estate (RE) and Residential Low—1 (RL-1) zoning districts shall be separated from the

main structure by not less than five (5) feet and are of a nature customarily incidental and clearly subordinate to a permitted or permissible principal use or structure. Unless otherwise provided herein, accessory structures shall be located on the same lot as the principal structure. Accessory structures or uses shall be compatible with the zoning district where located and shall comply with the standards listed below:

- a. Shall not be erected in the front or side yard.
- b. Shall be located five (5) feet from any lot line of the rear yard, both sides and rear property lines.
- c. A detached accessory building, structure or use on lots less than 0.5 acres shall be no greater than six hundred (600) square feet of detached garage/shed structure and structure or use on lots greater than 0.5 acres shall be no greater than one thousand two hundred (1200) square feet of detached garage/shed structure within the RL-1, AR, and RE zoning district.

[(f) thru (i) Omitted for Brevity]

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IV. Staff Analysis:

After reviewing the City's current standards, staff determined that there was a need to revise the current yards language of the Zoning Code by providing regulations to address architectural and mechanical appurtenances that are permitted to encroach into the setback area. Additionally, it has been determined that the size limitations accessory structures are not adequate for lot greater than 0.5 acres.

Land Development Staff Comments:

The petition was reviewed by the Development Review Committee with no adverse comments.

Planning and Engineering Department:	Incorporated into Staff Report.
Building Department:	No objections.
PBSO District 16	No objections.
Fire Rescue Department:	No objections.
Public Works Department:	No objections.

V. 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 provide for unified standards that can be applied within multiple zoning districts.

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. The change promotes and improves the public health, safety, comfort, good order, appearance and general welfare of the citizens of the city.

VI. Staff Recommendation:

Approval of ZTA-22-04 through the adoption of Ordinance 2022-04.

PLANNING AND ZONING BOARD OF APPEALS RECOMMENDATION–February 24, 2022

The Planning and Zoning Board of Appeals 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-22-04** (*Yards*) as presented by staff.

CITY COUNCIL ACTION First Reading – March 21, 2022

The City Council on a motion made by Councilmember Noble and seconded by Deputy Mayor Tharp, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-22-04** (*Yards*) on first reading as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – April 4, 2022
