

**ORDINANCE NO. 03-2017**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE IV, SECTION 78-111(b)(1), (b)(3) AND 78-111(c)(1) OF THE TOWN'S CODE OF ORDINANCES TO INCREASE THE PERMISSIBLE HEIGHT OF FRONT YARD FENCES IN RESIDENTIAL AREAS FROM 40 TO 42 INCHES AND TO PROVIDE FLEXIBILITY TO THE PERMISSIBLE HEIGHT OF FRONT YARD FENCES OF MULTI-FAMILY RESIDENTIAL LOTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town Commission has adopted general provisions pertaining to land development and zoning, which have been codified in Chapter 78 of the Code of Ordinances of the Town of Lake Park; and

**WHEREAS**, the Town's Community Development Department has recommended amendments to Sections 78-111(b)(1), 78-111(b)(3) and 78-111(c)(1) to permit an increase in height of fences in the front yard within the Town's residential areas; and

**WHEREAS**, the Town's Planning and Zoning Board has reviewed the proposed amendments to the Town Code of Ordinances and has provided its recommendations to the Town Commission; and

**WHEREAS**, the Town Commission has determined that the recommended amendments would further the public's health, safety and general welfare.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE  
TOWN OF LAKE PARK, FLORIDA:**

**Section 1.** The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

**Section 2.** Chapter 78, Article IV, Section 78-111(b)(1), 78-111(b)(3) and 78-111(c)(1) are hereby amended to add the following definitions, as follows:

**Sec. 78-111. In residential areas.**

- (b) *Front yard walls and fences.* Front yard walls and fences are those that are located, erected, constructed, reconstructed or altered along the front property line and along the side property line between the front building line and front property line to enclose the front yard.
- (1) *Front yard fences.* The maximum height of front yard fences shall be 40 ~~40~~ 42 inches above grade level. Poles and decorative caps may extend an additional six inches above the top of the wall or fence to a maximum of 46 ~~46~~ 48 inches in height above grade level. Multi-family buildings, ~~two-stories or greater~~ two-stories or greater than three-stories with parking areas facing the street shall have a maximum front yard fence height of six feet and shall be set back ~~a minimum of three feet or~~ sufficiently to include a landscaped strip between the fence and the street right-of-way line that includes at least two landscape elements which comprise of grass, trees, hedges, vines or bushes. A front yard fence of a multi-family building with only two or three stories can only be six feet high if it is constructed of a decorative material that provides sufficient spacing for full transparency from the street into the lot. Front yard fences may be constructed of the following materials: painted/stained wood pickets, painted wrought iron, or painted aluminum. Front yard fences may not be constructed of chainlink fabric, chicken wire or unpainted/unstained wood material.
- (2) *Front yard walls.* Front yard walls may be constructed of painted and stuccoed concrete or other masonry, such as brick, but not brick facing, and shall have a maximum height of 30 inches above grade level. Decorative caps may extend an additional six inches above the top of the wall or fence to a maximum of 36 inches in height above grade level.
- (3) *Combination wall/fence.* A combination wall/fence consists of a short masonry wall which serves as a base for metal (wrought iron or aluminum) fencing material and shall have a maximum height of 40 ~~40~~ 42 inches. Poles and decorative caps may extend an additional six inches above the top of the fence material to a maximum of 46 ~~46~~ 48 inches in height above grade level. In a combination wall/fence, the solid wall portion shall be limited to a maximum height of 16 inches.

(c) *Corner lots.*

- (1) *Generally.* On a corner lot, walls and fences behind front yard building line with a maximum height of six feet may be constructed along the rear and side property lines, with the exception that all fences constructed on the side of the property next to the side yard street shall be set back ~~a minimum of three feet~~ ~~or~~ sufficiently to include a landscaped strip between the fence and the side street right-of-way line that includes at least two landscape elements which comprise of grass, trees, hedges, vines or bushes. Maintenance of the fence/wall and the associated landscaping is required. Side yard fences may not be constructed of chainlink fabric, chicken wire or unpainted/unstained wood material. Fences that are required in order to meet the requirement for barriers surrounding swimming pools constructed in the side yard shall meet the height and other requirements of the pool and spa code of the county and may be constructed of any of the materials listed in subsection (a) of this section.

**Section 3.**     **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4.**     **Repeal of Laws in Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.**     **Codification.** The sections of the Ordinance may be made a part of the Town Code of Laws and Ordinances and may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

**Section 6.**     **Effective Date.** This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 15 day of February, 2017, the foregoing Ordinance was offered by Commissioner Flaherty who moved its approval. The motion was seconded by Commissioner O'Rourke and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	_____

**PUBLISHED IN THE PALM BEACH POST THIS 5 DAY OF March, 2017**

Upon Second Reading this 15 day of March, 2017, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner Flaherty and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	_____
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	_____
COMMISSIONER ERIN FLAHERTY	<u>/</u>	_____
COMMISSIONER ANNE LYNCH	<u>/</u>	_____
COMMISSIONER MICHAEL O'ROURKE	<u>No longer a Commissioner</u>	_____

The Mayor thereupon declared **Ordinance No.** 03-2017 duly passed and adopted this 15 day of March, 2017.

TOWN OF LAKE PARK, FLORIDA  
BY: James DuBois  
Mayor, James DuBois

ATTEST:  
Vivian Mendez  
Town Clerk, Vivian Mendez  
(Town Seal)  
LAKE PARK  
FLORIDA

Approved as to form and legal sufficiency:  
Thomas J. Baird  
Town Attorney, Thomas J. Baird