

**ORDINANCE NO. 11-2013**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE IV, SECTION 78-111(b)(1) OF THE TOWN'S CODE OF ORDINANCES ESTABLISHING STANDARDS FOR THE FENCE HEIGHT OF MULTI-FAMILY STRUCTURES; 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) of the Code of Ordinances, known as the Zoning Code; and

**WHEREAS**, the amendments to the Zoning Code add front yard fence height requirements for multi-family structures; and

**WHEREAS**, the Town's Planning and Zoning Board has reviewed the proposed amendments to the Town's 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) is 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 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 inches in height above grade level. *Multi-family buildings 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.* 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.

**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 relettered 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 21 day of August, 2013, the foregoing Ordinance was offered by Vice-Mayor Glas-Castro who moved its approval. The motion was seconded by Commissioner Rapoza and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER ERIN FLAHERTY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER MICHAEL O'ROURKE	<u>Absent</u>	<input type="checkbox"/>
COMMISSIONER KATHLEEN RAPOZA	<input checked="" type="checkbox"/>	<input type="checkbox"/>

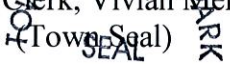
**PUBLISHED IN THE PALM BEACH POST THIS 31 DAY OF August, 2013**

Upon Second Reading this 10 day of September, 2013, the foregoing Ordinance, was offered by Vice-Mayor Glas-Castro, who moved its adoption. The motion was seconded by Commissioner O'Rourke and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER ERIN FLAHERTY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER MICHAEL O'ROURKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
COMMISSIONER KATHLEEN RAPOZA	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Mayor thereupon declared **Ordinance No.** 11-2013 duly passed and adopted this 10 day of September, 2013.

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

ATTEST:  
Vivian Mendez  
 Town Clerk, Vivian Mendez  
 (Town Seal) 

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

FLORIDA

## RECEIPT

Ad Name: 249471A

Ad ID: 249471

Original Ad ID:

Start: 08-31-2013  
Stop: 08-31-2013  
Issues: 1  
Words: 364  
Dimension.. 1 X 90  
Color:

Editions:  
PB Post  
PB Post Web

**LEGAL NOTICE OF PROPOSED ORDINANCE**  
**TOWN OF LAKE PARK**

Please take notice that on Tuesday, September 10, 2013 at 6:30 p.m. or soon thereafter the Town Commission of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Ordinance on second reading and proposed Ordinance No. 11-2013:

**ORDINANCE NO. 11-2013**  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE VI, SECTION 78-11(D)(1) OF THE TOWN'S CODE OF ORDINANCES ESTABLISHING STANDARDS FOR THE FENCE HEIGHT OF MULTI-FAMILY STRUCTURES, PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 12-2013**  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE VI, SECTION 78-18A OF THE TOWN'S CODE OF ORDINANCES, CREATING CERTAIN REQUIREMENTS FOR THE SUBMISSION OF SPECIAL EXCEPTION USE APPLICATIONS, PROVIDING FOR A REQUIREMENT FOR CERTIFIED MAIL, COURTESY NOTICES TO OWNERS OF PROPERTY WITHIN 100 FEET OF A PROPOSED SPECIAL EXCEPTION USE, PROVIDING FOR SEVERABILITY, PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT, PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE NO. 13-2013**  
AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 78, ARTICLE V, SECTION 78-144 OF THE TOWN'S CODE OF ORDINANCES TO AUTHORIZE AND ENCOURAGE THROUGH INCENTIVES THE PROVISION OF GROSS ACCESS AND JOINT ACCESS EASEMENTS BETWEEN THE OWNERS OF TWO OR MORE PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. If a person decides to appeal any decision made by the Town Commission with respect to any proceeding, they will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. For additional information, please contact Vivian Mendez, Town Clerk at 561-581-3111, Vivian.Mendez@CLC.TownClerk.TownofLakePark.Florida

PUB: The Palm Beach Post  
8-31-2013 #117026

Ad shown is not actual print size.



# Town of Lake Park Community Development Department



Meeting Date: September 10, 2013  
**2<sup>nd</sup> Reading**

Nadia Di Tommaso  
Community Development Director

---

To: Town Commission

Re: **Changes to Section 78-111**  
*Multi-Family Front Yard Fence Height Provisions*

---

**Town Commission 1<sup>st</sup> Reading (August 21, 2013): Approved unanimously (4-0).**

**Planning and Zoning Board Recommendation (August 5, 2013): Approved unanimously (4-0) with the addition of the "greater than three stories" provision to the proposed language.**

I have come across what I believe to be a problem in the Code that needs to be fixed. The problem is in regards to the fence/wall height requirements for multi-family structures. The current Code contains regulations for fences/walls in 'residential' and commercial districts. Multi-family structures are located within the 'residential' districts. The regulations limit the height of front yard fences in the residential districts to 40 inches with an additional 6 inches for decorative caps. While these regulations are suitable for single-family and duplex lots, and may also be suitable for two or three-storey multi-family structures that are newly developed, or developed with interior parking areas, the regulations are not appropriate for higher intensity (more than three-story) multi-family buildings with parking areas facing the street. Generally, these types of multi-family buildings require front yard security which is accomplished through a combination of landscaping with a fence and a gate. Consequently, staff is recommending a modification to the Town's Code of Ordinances to provide for an increased height limitation for multi-family residential structures with parking areas facing the street 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 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 inches in height above grade level. Multi-family buildings 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. 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.

Several condominium buildings which are more than three stories along Lake Shore Drive already have five or six foot high fences/gates which were permitted long ago. Throughout time, the regulations have been modified; however, this has only recently come to staff's attention. The amendment recommended by staff would provide for a commonly accepted security practice for the condominium buildings along Lake Shore Drive that are designed with parking areas adjacent to the street, whereby a combination fence/gate at a maximum height of six feet is a common practice. Staff's intent is to allow what appears to have been permitted many years ago.

**STAFF RECOMMENDATION: I MOVE TO ADOPT ORINANCE NO. 11-2013 on second reading.**