

# TAB 3

**Town of Lake Park Town Commission**  
**Agenda Request Form**

Meeting Date: November 19, 2003

Agenda Item No. 8

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING<br><input type="checkbox"/> Ordinance on Second Reading<br><input type="checkbox"/> Public Hearing | <input type="checkbox"/> RESOLUTION<br><br><input type="checkbox"/> DISCUSSION<br><br><input type="checkbox"/> BID/RFP AWARD<br><br><input type="checkbox"/> GENERAL APPROVAL OF ITEM<br><br><input type="checkbox"/> CONSENT AGENDA<br><br><input type="checkbox"/> Other: |
|---|---|

**SUBJECT:** Ordinance requiring that upon the construction of a fence that the finished sides face the adjoining lot or right-of-way.

**RECOMMENDED MOTION/ACTION:** Recommend Town Commission approves Ordinance 16-2003 for second reading.

Approved by Town Manager *J. Douglas Dwyer* Date: 11/12/03

Originating Department: Community Development	Costs: \$ _____  Funding Source: _____  Acct. # _____	
Department Review <input type="checkbox"/> City Attorney <input type="checkbox"/> Community Affairs <input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Department _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	<b>Finance Director Approval:</b>  	<b>Attachments:</b>  <u>32 Letter</u>

**Summary Explanation/Background:** Per the request of the Town Commission, this is an addition to Section 32-71 of the Town Code of Ordinances requiring that upon construction of a fence within the Town, the fence must be constructed so that the finished side of the fence is facing the adjoining lot or right-of-way. The Planning & Zoning Board approved this item in a 5-0 vote at the November 3, 2003 public hearing. Attached is an additional recommendation by the Planning & Zoning Board to consider a minimum set-back for fences to promote additional landscaping along fence lines. Staff is recommending approval of the proposed Ordinance.







# The Town of Lake Park

## Community Development Department

November 5, 2003

The Honorable Mayor Paul Castro and Town of Lake Park Commissioners  
Town of Lake Park  
535 Park Avenue  
Lake Park, Florida 33403

RE: Fence Ordinance

Dear Mayor and Commissioners:

On Monday November 3, 2003, the Planning and Zoning Board reviewed Ordinance No. 16-2003 pertaining to the construction of fences, and recommended approval in a 5-0 vote requiring that they be constructed to present the finished side to the adjoining lot or right-of-way. During the discussion, it was agreed that there should be future consideration to require a minimum setback for fences adjacent to a side or front yard right-of-way. The purpose is to require a 5-foot minimum setback for landscaping.

In closing, we respectfully request the Town Commission consider, and if agreed, direct Staff to initiate an Ordinance to require minimum setbacks for fences. Should you have any questions please feel free to contact me at 561-683-7000, at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Scheihing", written over a large, stylized circular flourish.

Mike Scheihing  
Chairman, Lake Park Planning and Zoning Board

**ORDINANCE NO. 16-2003**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 32, SECTION 32-71 OF THE CODE OF ORDINANCES OF THE TOWN OF LAKE PARK, PERTAINING TO WALLS AND FENCES TO ADD A REQUIREMENT THAT THEY BE CONSTRUCTED TO PRESENT THE FINISHED SIDE TO THE ADJOINING LOT OR RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 163.3202(2), Florida Statutes, municipalities are required to adopt specific and detailed land development regulations to implement their adopted comprehensive plans; and

**WHEREAS**, the objectives and policies of the Future Land Use Element of the Town's Comprehensive Plan, requires land development regulations be prepared to implement all provisions of the Comprehensive Plan; and

**WHEREAS**, the Town has previously adopted land development regulations in Chapter 32 of the Town Code to address the appearance and maintenance of the walls of fences in residential areas; and

**WHEREAS**, those standards require supplementation so that they may be effectively implemented, administered and enforced, and

**WHEREAS**, the Planning and Zoning Commission has reviewed the proposed amendments to Section 32-71 of the Town Code and has made its recommendations to the Town Commission; and

**WHEREAS**, the Town Commission, deems it to be in the best interest of the public to amend Section 32-71 of the Town Code to better implement and encourage the proper construction, erection, and display of walls and fences within the Town; to protect the

character of the neighborhoods of the Town; to preserve property values; and to clarify the Town's enforcement and implementation.

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

**Section 1.** The whereas clauses are hereby incorporated as true and correct as the findings and fact and conclusions of law of the Town Commission.

**Section 2.** Chapter 32, Section 32-71 of the Town Code of Ordinances of the Town of Lake Park, Florida is hereby amended to read as follows:

Sec. 32-71 Maintenance.

(d) All walls and fences shall be erected or constructed to present, face, or display the finished side of the wall or fence to the adjoining or abutting lot or right-of-way. When the wall or fence is located in a manner where both sides of the wall or fence are visible from a right-of-way, both sides of the wall or fence shall be finished.

**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.



