

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, Public Health and Safety Committee, and City Council its comments and recommendations on:

ORDINANCE 2013-802

AN ORDINANCE CONCERNING THE SUPPLEMENTARY AND MISCELLANEOUS REGULATIONS OF THE ZONING CODE; AMENDING SECTION 656.402 (RESIDENTIAL DISTRICTS), SUBPART B (MISCELLANEOUS REGULATIONS), PART 4 (SUPPLEMENTARY REGULATIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE TO ALLOW FOR A FENCE UP TO SIX FEET IN HEIGHT IN ONE REQUIRED YARD OF A CORNER LOT UNDER CERTAIN CIRCUMSTANCES; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends Ordinance Code Chapter 656 Zoning Code Part 4 Supplementary Regulations to permit fences in residential zoning districts to be up to six feet in height on one side of a front yard of a corner lot if the fence is along a roadway classified as a collector or higher. However, the fence cannot be located forward of the front plane of the principal structure.

II. EVALUATION

- A. The need and justification for the change* Section 656.402(b) of the Zoning Code allows fences in residential zoning districts to be located in required yards (often called setbacks) provided that no fence shall be taller than eight feet and further provided that fences shall be no taller than four feet in required front yards. Based on existing development patterns, there are numerous corner lots where one of the front yards is along a roadway classified as collector or higher and where the principal structure is oriented towards either the local roadway or the intersection of the local and collector roadway. While the frontage along the collector roadway is technically a front yard, for the property owner it functions as a side yard. Additionally, roadways classified as collector or higher typically have higher volumes of traffic and activity compared to local roadways. This creates a need for privacy and enhanced buffering. This bill would allow corner lots to have fences up to six feet tall within the front yard along the collector roadway frontage provided that the portion taller than four feet is behind the front plane of the principal structure.
- B. Summary of Bill* The bill amends Ordinance Code Chapter 656 Zoning Code Part 4 Supplementary Regulations to permit fences in residential zoning districts to be up to six feet in height on one side of a front yard of a corner lot if the fence is along a roadway classified as a collector or higher. However, the fence cannot be located forward of the front plane of the principal structure.

- C. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

This bill is consistent with Future Land Use Element Policy 2.2.4 which calls for the City to protect residential areas from encroachment by incompatible land uses through proper zoning and from through or heavy traffic by use of buffers and other mitigating measures. Allowing a slightly taller fence for residential properties with secondary frontage along a collector roadway will provide an appropriate buffer from traffic using the collector roadway.

- D. Consistency with the Comprehensive Plan.

The Comprehensive Plan is essentially silent with regard to this topic, but as previously stated, this bill is consistent with FLUE Policy 2.2.4.

III. RECOMMENDATIONS

The Planning and Development Department recommends that Ordinance 2013-802 be **APPROVED.**

1 Introduced by Council Member Crescimbeni & Co-sponsored by CM
2 Redman:
3

4 **ORDINANCE 2013-802**

5 AN ORDINANCE CONCERNING THE SUPPLEMENTARY AND
6 MISCELLANEOUS REGULATIONS OF THE ZONING CODE;
7 AMENDING SECTION 656.402 (RESIDENTIAL
8 DISTRICTS), SUBPART B (MISCELLANEOUS
9 REGULATIONS), PART 4 (SUPPLEMENTARY
10 REGULATIONS), CHAPTER 656 (ZONING CODE),
11 *ORDINANCE CODE* TO ALLOW FOR A FENCE UP TO SIX
12 FEET IN HEIGHT IN ONE REQUIRED YARD OF A
13 CORNER LOT UNDER CERTAIN CIRCUMSTANCES;
14 PROVIDING AN EFFECTIVE DATE.
15

16 **WHEREAS**, Section 656.402, *Ordinance Code*, among other things,
17 sets forth the requirements for fence heights in residential
18 districts; and

19 **WHEREAS**, Section 656.402, *Ordinance Code*, limits fences in
20 front yards of properties in residential districts to be no more
21 than four feet in height, except in circumstances where a lot has
22 more than one front yard, in which case the approval for a fence up
23 to eight feet in height is allowed if approved as part of a site or
24 sketch plan approval pursuant to Section 656.404 or Chapter 654,
25 *Ordinance Code*; and

26 **WHEREAS**, corner lot properties with more than one front yard
27 in residential districts in some cases abut to streets, roads or
28 roadways classified as a collector or higher, and such situated
29 residences deserve the privacy and protection of appropriate
30 buffering mechanisms; and

31 **WHEREAS**, it is the intent of Council to afford such situated

1 residences such security under certain circumstances; now therefore

2 **BE IT ORDAINED** by the Council of the City of Jacksonville:

3 **Section 1. Section 656.402 (Residential Districts),**
4 **Ordinance Code amended.** Section 656.402 (Residential Districts),
5 Subpart B (Miscellaneous Regulations), Part 4 (Supplementary
6 Regulations), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby
7 amended as follows:

8 **CHAPTER 656**

9 **ZONING CODE**

10 * * *

11 **PART 4**

12 **SUPPLEMENTARY REGULATIONS**

13 * * *

14 **SUBPART B**

15 **MISCELLANEOUS REGULATIONS**

16 * * *

17 Sec. 656.402. Residential districts.

18 In addition to other provisions of the Zoning Code, the
19 following supplementary regulations shall apply to all residential
20 districts:

21 (a) Unless otherwise specifically permitted by the Zoning
22 Code, no person shall sell or conduct the sale of household or
23 personal property, not including animals, in a residential district
24 for more than ten days during a calendar year. For the purposes of
25 this Section, an advertisement or announcement pre-offering of the
26 sales placed in a medium for more than ten days during a calendar
27 year shall be prima facie evidence of a violation of this Section.
28 Not more than two motor vehicles or boats may be sold from the
29 premises during a 12-month period.

30 (b) Notwithstanding other provisions of the Zoning Code,
31 fences, walls and hedges may be permitted in a required yard;

1 provided, however, that no fence or wall in excess of eight feet in
2 height shall be permitted in a residential district; and provided
3 further, that no fence in excess of four feet in height shall be
4 permitted in a required front yard in a residential district except
5 that a fence up to eight feet in height may be allowed in one
6 required front yard of a lot with more than one front yard if such
7 fence is approved as part of the site plan or sketch plan approval
8 pursuant to Section 656.404 or Chapter 654 (Subdivision
9 Regulations). Notwithstanding, a fence up to six feet in height
10 shall be allowed in one required front yard of a corner lot if such
11 fence is along a street, road or roadway classified as a collector
12 or higher, and provided that the principal structure is facing a
13 street, road or roadway that is not classified as a collector or
14 higher. Such fence shall not be located forward of the front plane
15 of the principal structure as further illustrated below in Figure
16 A. This provision shall not be construed to supersede the
17 requirements of Chapter 804 and, in the case of conflict, the more
18 restrictive requirement shall apply. The height of a fence shall be
19 measured from the existing grade to the top of the fence, excluding
20 pilasters or other architectural features, on the property owner's
21 side of the fence.

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25 **FIGURE A**
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Illustration 1

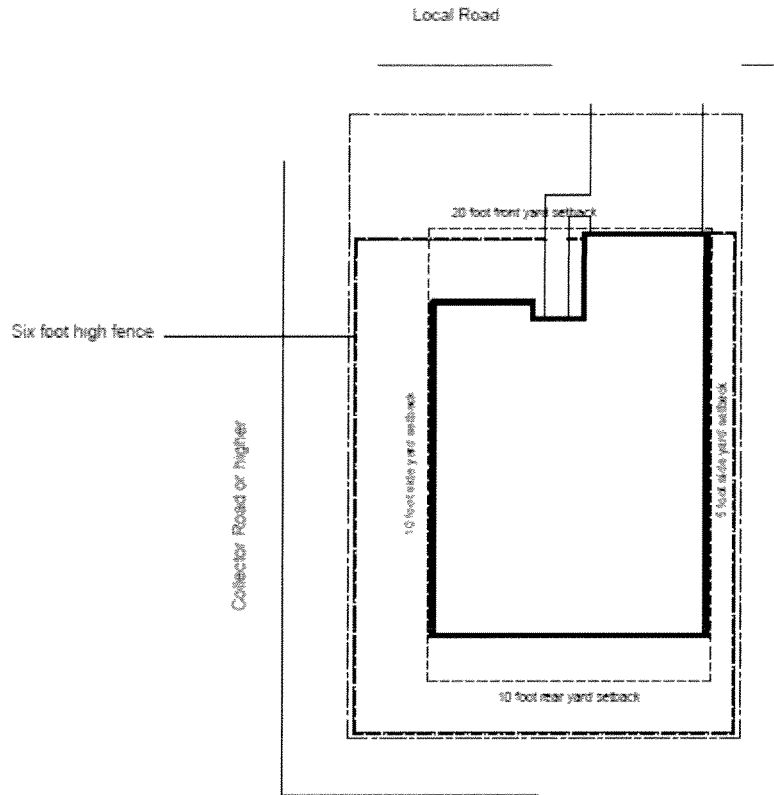


Illustration 2

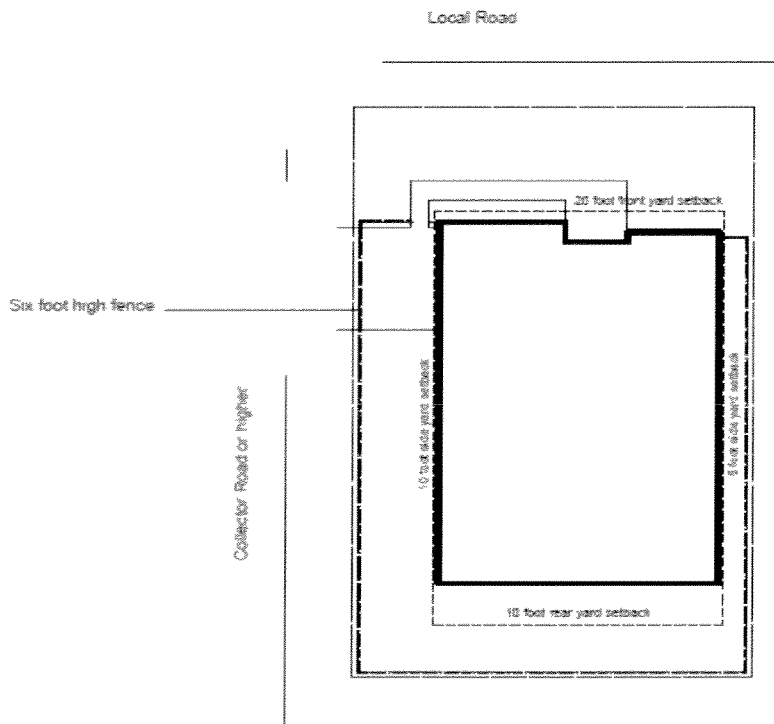
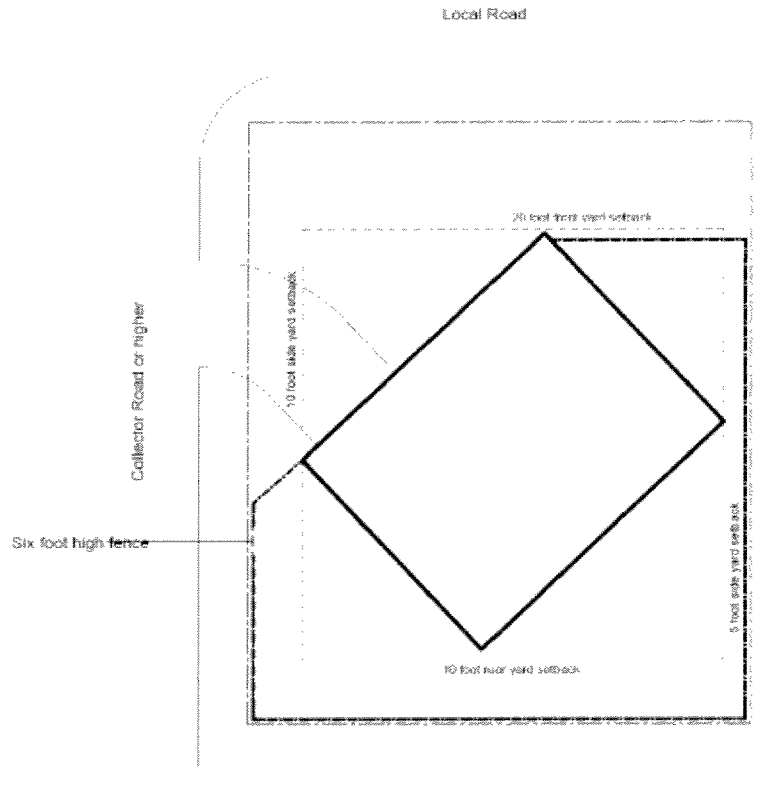


Illustration 3



* * *

Section 2. Effective Date. This ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

/s/ Jason R. Gabriel
Office of General Counsel

Legislation prepared by: Jason R. Gabriel

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CITY COUNCIL RESEARCH DIVISION

LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2013-802

Introducer/Sponsor(s): Council Member Crescimbeni

Date of Introduction: December 10, 2013

Committee(s) of Reference: PHS, LUZ

Date of Analysis: December 12, 2013

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 656 – Zoning Code – in Part 4 – Supplementary Regulations – to permit fences in residential zoning districts to be up to 6 feet in height on one side of a front yard of a corner lot if the fence is along a roadway classified as a collector or higher and provided that the principal structure on the lot is facing a roadway that is not classified as a collector or higher. The fence may not be located forward of the front plane of the structure.

Background Information: Current zoning regulations prohibit fences taller than 4 feet in required front yards in residential zones. Corner lots have 2 front yards, 1 facing each street. This bill will permit a 6 foot fence to be erected in a required front yard on a corner lot if the front of the house faces a local street and the side of the house faces a collector or arterial road in order to provide additional screening of the property from the collector or arterial road.

Policy Impact Area: Zoning regulation of residential properties

Fiscal Impact: None

Analyst: Clements