

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

20 August 2020

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2020-27**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve as amended**

Planning Commission Recommendation: **Approve as amended**

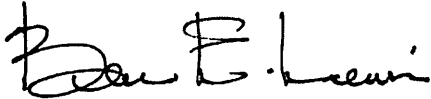
Planning Commission Commentary: There were no speakers in opposition. The Commissioners felt the amendment will solve future issues in developing areas.

Planning Commission Vote: 6-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Ian Brown	Aye
Alex Moldovan	Aye
Jason Porter	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Lewis". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

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

ORDINANCE 2020-27

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

I. GENERAL INFORMATION

Current regulations limit fence height to no more than four feet in front yards of properties in residential districts, except when the lot has more than one front yard. Thus, the fence can be up to eight feet in height. Many single-family standalone lots abut streets and roads in rural and agricultural areas. The increase in fence height would provide appropriate buffering for privacy and protection in the front yard. The fence must follow the set back guidelines from the roadway to eliminate safety issues for motorists, bicyclists and the general public. The height requirement is restricted to single-family use lots in Rural Residential-Acre (RR-Acre) or Agriculture (AGR) Zoning District. The fence could be up to six feet in height in the required front yard, provided it is set back at least fifteen feet from the primary structure and at least ten feet from the right-of-way.

II. EVALUATION

A. The need and justification for the change

Single-family subdivisions are frequently built in rural and suburban areas while neighboring lots already containing large lots and single family homes remain zoned RR-Acre. The new subdivisions often contain a fence along right-of-ways classified as collector roadways or higher in order to meet the requirements of Section 656.1222 (Buffer requirements for residential subdivisions). Section 656.402 normally restricts the height of fences in the front yard setback to four feet in height. However, 656.402 also allows fences up to eight feet tall in the front yard setback if the fence is approved as part of the as part of the site plan or sketch plan approval of a subdivision pursuant to Section 656.404 or Chapter 654 (Subdivision Regulations). In rural and suburban areas, this leads to an inconsistent pattern of development where subdivisions have six to eight foot tall fences along the right-of-way while single-family standalone lots zoned RR-Acre are limited to four foot tall fences along the same plane of development.

As amended, this bill would allow property zoned RR-Acre to have a fence up to six-feet tall in the front yard setback provided there is an abutting single-family subdivision with a six to eight foot tall fence along the right-of-way. In addition to allowing continuity of fencing along the

right-of-way, this change will allow homeowners on rural lots to enjoy additional buffering and sound attenuation to mitigate for the impact of increased vehicular traffic due the development of subdivisions.

It should be noted that the Agriculture (AGR) zoning district is not a residential district even though single-family dwellings are permitted. Property zoned AGR is not subject to the restrictions on fence height in the front yard setback and can already have a fence up to eight feet tall anywhere on the property. Therefore, the reference to AGR in this bill can be stricken.

B. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent regarding fence height.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2020-27 be APPROVED as amended:**

Further, for single family use lots located in the Rural Residential-Acre (RR-Acre) or Agriculture (AGR) zoning district, a fence up to six feet in height shall be allowed in the required front yard so long as the fence is set back at least fifteen feet of the primary structure and at least ten feet from the right-of-way there is a residential subdivision on the adjacent property with a fence at least six feet along the same right-of-way approved through the site plan or sketch plan approval process.

1 Introduced by Council Member Ferraro:
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3

4 **ORDINANCE 2020-27**

5 AN ORDINANCE CONCERNING THE SUPPLEMENTARY AND
6 MISCELLANEOUS REGULATIONS OF THE ZONING CODE;
7 AMENDING SECTION 656.402 (RESIDENTIAL
8 DISTRICTS), PART 4 (SUPPLEMENTARY
9 REGULATIONS), SUBPART B (MISCELLANEOUS
10 REGULATIONS), CHAPTER 656 (ZONING CODE),
11 ORDINANCE CODE, TO ALLOW FOR A FENCE UP TO SIX
12 FEET IN HEIGHT IN THE REQUIRED FRONT YARD OF A
13 SINGLE FAMILY USE 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 in one required yard; and

24 **WHEREAS**, many single family use standalone lots abutting
25 streets or roads are located in rural and agricultural areas and as
26 such these lots deserve the privacy and protection of appropriate
27 buffering mechanisms and should be allowed to construct fences in
28 the required front yard provided they are set back from the roadway
29 so as not to create safety issues for motorists, bicyclists and the
30 general public; 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. Amending Section 656.402 (Residential**
4 **Districts), Ordinance Code.** Section 656.402 (Residential
5 Districts), Part 4 (Supplementary Regulations), Subpart B
6 (Miscellaneous Regulations), Chapter 656 (Zoning Code), *Ordinance*
7 *Code*, is hereby amended as follows:

8 **CHAPTER 656. ZONING CODE.**

9 * * *

10 **PART 4. SUPPLEMENTARY REGULATIONS.**

11 * * *

12 **SUBPART B. MISCELLANEOUS REGULATIONS.**

13 **Sec. 656.402. Residential districts.**

14 In addition to other provisions of the Zoning Code, the
15 following supplementary regulations shall apply to all residential
16 districts:

17 * * *

18 (b) Notwithstanding other provisions of the Zoning Code, fences,
19 walls and hedges may be permitted in a required yard;
20 provided, however, that no fence or wall in excess of eight
21 feet in height shall be permitted in a residential district;
22 and provided further, that no fence in excess of four feet in
23 height shall be permitted in a required front yard in a
24 residential district except that a fence up to eight feet in
25 height may be allowed in one required front yard of a lot
26 with more than one front yard if such fence is approved as
27 part of the site plan or sketch plan approval pursuant to
28 Section 656.404 or Chapter 654 (Subdivision Regulations).
29 Notwithstanding, a fence up to six feet in height shall be
30 allowed in one required front yard of a corner lot if such
31 fence is along a street, road or roadway classified as a

1 collector or higher, and provided that the principal
2 structure is facing a street, road or roadway that is not
3 classified as a collector or higher. Such fence shall not be
4 located forward of the front plane of the principal structure
5 as further illustrated below in Figure A. Further, for single
6 family use lots located in the Rural Residential-Acre (RR-
7 Acre) or Agriculture (AGR) zoning district, a fence up to six
8 feet in height shall be allowed in the required front yard so
9 long as the fence is set back at least fifteen feet of the
10 primary structure and at least ten feet from the right-of-
11 way. This provision shall not be construed to supersede the
12 requirements of Chapter 804 and, in the case of conflict, the
13 more restrictive requirement shall apply. The height of a
14 fence shall be measured from the existing grade to the top of
15 the fence, excluding pilasters or other architectural
16 features, on the property owner's side of the fence.

17 * * *

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

21 Form Approved:

22
23 /s/ Paige H. Johnston

24 Office of General Counsel

25 Legislation prepared by: Paige H. Johnston

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