



Legislation Text

File #: 23-547, Version: 1

CITY COUNCIL AGENDA ITEM

Memo Date: September 5, 2023
Agenda Date: September 12, 2023
Prepared By: Charlene Neuterman, Community Services Director
Through: Stockton Whitten, City Manager
Requested Action:

Adopt on **Second and Final Reading** Ordinance 19-2023, a Zoning Text Amendment regarding height and placement of Visual screens, including fences and walls, for certain residential uses.

BACKGROUND:

The subject of this Zoning Text Amendment is a result of multiple residences being cited by Code Enforcement for existing and newly installed fences on side corner lots that do not meet the height and setback requirements as required in Appendix A, Zoning, Article XIII, Supplementary District Regulations, Section 5. After a brief examination of properties around the city, a zoning text amendment was proposed to create a new standard for Visual Screens that will allow homeowners increased flexibility with front and corner lot fencing.

Project Name: Zoning Ordinance Text Amendment - Visual Screens
Project No.: PZ-23-02000006
Meeting Date: August 16, 2023
Applicant: City of Cocoa
Property Owner: N/A
Project Location: Various Residential Zoning Districts

Future Land Use Designation: Various

Zoning District: Various

Existing Land Use: N/A

Council District: City-wide

Legal Ad Date: September 1, 2023

I. Zoning Ordinance Amendment Analysis

In accordance with Section 1(G)(2), Article XXII, Appendix A (Zoning), of the Code of the City of Cocoa, the Planning and Zoning Board shall consider and study the following when an amendment to the zoning code is proposed:

- a. The need and justification for the change.

b. The relationship of the proposed amendment to the purposes and objective of the comprehensive planning programs and to the comprehensive plan, with appropriate consideration as to whether the proposed changes will further the purposes of [the] zoning code and other codes, regulations, and actions designed to implement the comprehensive plan.

Need and justification for change

Code Enforcement has cited many local residents in the past six (6) months whose properties are situated on corner lots and do not comply with the current maximum height and setback regulation for fences. Through this proposed code update, the requirements can be more clearly understood while bringing multiple properties in to compliance. Additional changes are proposed to modify or eliminate requirements that are not necessary. Visual Screen requirements can be found in Appendix A, Article XIII, Section 5 of the City of Cocoa Code of Ordinances. The specific requirements are below:

Sec 5. - Visual Screens (fences, walls, hedges)

a) Applicability. This section shall apply to the erection, construction, installation, maintenance or replacement of any fence or wall.

b) Definitions. For the purpose of this section, the following word or phrases shall have the meaning provided below, unless the context clearly indicates otherwise:

Fence shall mean a vertical or horizontal barrier of nonliving material erected to enclose or screen from view areas of land.

Wall shall mean a vertical or horizontal opaque barrier of stone, brick, concrete block.

c) Permit required. No fence or wall shall be erected, constructed installed or replaced unless specifically excepted herein, without first obtaining a building permit. Any application for a fence or wall permit shall include a certified boundary survey or other accurate and drawn to scale plan, which at a minimum includes the following:

- 1) Location of all property lines;
- 2) Exact location and dimension of the proposed fence or wall;
- 3) The location, dimension, and set-backs for all structures and easements located upon the property; and
- 4) The type of construction to be used for the fence or wall.

Following Staff analysis, the proposed amendments to the Zoning Ordinance, attached as Exhibit A, Ordinance 19-2023, are recommended for corner lot side yards:

- Remove the specific requirement in fence and wall bulk regulations described as “in front of a principal structure”.
- Clarify the height maximum requirement for fences located behind the front building as 6’. Eliminate the 4’ max requirement for fences located on the side corner setback to avoid confusion.
- Provide for a fence to be located with a minimum of 5’ from the nearest edge of a sidewalk within the side corner setback, or at the property line within the side corner setback if no sidewalk exists.
- Provide direction that the site visibility triangle must be maintained.

If approved, the proposed amendment will impact residential zoning districts for single-family, duplex dwellings, and 3 to 9-dwelling unit developments.

Relationship and consistency with Comprehensive Plan Policies and Objectives

The proposed changes will not negatively impact existing neighborhoods and will help to clarify requirements regarding Visual Screens. Having clear requirements will help with the enforcement of regulations for the Permitting and Code Enforcement Divisions. Furthermore, there will be no negative impacts on the City's level of service standards regarding these changes.

- Objective 3.2.4: Neighborhood Preservation. The City of Cocoa shall promote neighborhood preservation through the continued application and enforcement of zoning district regulations, land development regulations, and nuisance abatement regulations

At the August 16th Planning and Zoning Meeting, Board members voted to recommend approval by City Council. At the August 22nd Council meeting, Council approved the First Reading of Ordinance 19-2023.

Staff recommends consideration of the Second and Final Reading of Ordinance 19-2023. .

STRATEGIC PLAN CONNECTION:

N/A

BUDGETARY IMPACT:

N/A

PREVIOUS ACTION:

Ordinance 03-2009 for Visual Screens was approved on January 14, 2009
Planning and Zoning Board recommended approval to the City Council on August 16, 2023.
City Council approved First reading on August 22nd, 2023.

RECOMMENDED MOTION:

Adopt on **Second and Final Reading** Ordinance 19-2023, a Zoning Text Amendment regarding height and placement of Visual screens, including fences and walls for certain residential uses.