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**ORDINANCE
NUMBER 2019-12**

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**AN ORDINANCE OF THE CITY OF LABELLE,
FLORIDA; AMENDING THE CITY OF LABELLE
LAND DEVELOPMENT CODE, CHAPTER 4;
AMENDING ARTICLE IV, DISTRICT
REGULATIONS, SECTION 4-60, SINGLE-FAMILY
RESIDENTIAL ZONE DISTRICTS; SECTION 4-64,
USE REQUIREMENTS FOR RESIDENTIAL
DISTRICT R-2, DUPLEX AND SINGLE-FAMILY;
SECTION 4-65, R-2T RESIDENTIAL ZONE
DISTRICT; SECTION 4-66, USE REQUIREMENTS
FOR R-3, MULTI-FAMILY RESIDENTIAL ZONE;
AMENDING CHAPTER 4, ARTICLE V,
SUPPLEMENTARY DISTRICT REGULATIONS;
AMENDING SECTION 4-80, LANDSCAPING;
AMENDING SECTION 4-84 TO ADD WALLS AND
FENCES SUPPLEMENTARY REGULATIONS; AND
AMENDING SECTION 4-85, SUPPLEMENTAL
REGULATIONS; PROVIDING FOR CODIFICATION,
SEVERABILITY, CONFLICTS AND AN EFFECTIVE
DATE.**

RECITALS

WHEREAS, the City of LaBelle, Florida has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 and 166; and Section 381.986 Florida Statutes; and

WHEREAS, the City Commission desires to amend the existing walls and fence standards to ensure positive aesthetics and security to uphold the City’s vision for a well-planned and attractive built environment; and

WHEREAS, the City of LaBelle desires to maintain minimum regulations to ensure compatibility and consistency, to ensure the protection of public health, safety and welfare; and

WHEREAS, the proposed ordinance was properly advertised and has received public hearings before the Local Planning Agency and the City Commission on July 11, 2019 and August 8, 2019; and

WHEREAS, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of LaBelle, Florida:

47 **Section 1.** Recitals. The forgoing recitals are hereby ratified and confirmed as
48 being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

49
50 **Section 2.** Amendment to the City Code. Chapter 4, Article V, Supplementary
51 Regulations of the City of LaBelle is hereby amended as set forth in Exhibit A attached hereto.

52
53 **Section 3.** Codification. This ordinance shall be incorporated into the City of
54 LaBelle Land Development Code. The sections of this Ordinance can be renumbered or re-lettered
55 to the appropriate word or phrase to accomplish codification. Omissions, grammatical, and
56 typographical errors, as well as clarifications of ambiguous wording that do not affect the intent
57 of this Ordinance, may be authorized by the Mayor without need for a public hearing.

58
59 **Section 4.** Severability. In the event that any portion of this Ordinance is for any
60 reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
61 be deemed a separate, distinct and independent provision, and such holding shall not affect the
62 validity of the remaining portions of this Ordinance.

63
64 **Section 5.** Conflicts. The provisions of this article shall supersede any provisions
65 of existing ordinances in conflict herewith to the extent of said conflict.

66
67 **Section 6.** Effective Date. This Ordinance shall take effect immediately upon its
68 adoption by the City Commission.

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72 **PASSED AND DULY ADOPTED** this ____ day of _____, 2019.

73

74

75

CITY COMMISSION OF THE CITY OF LABELLE,
FLORIDA

76

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By: _____
David A. Lyons, Mayor

79

80

81

82

83 ATTEST:

84

85

86 By: _____
87 Thomas A. Smith, Clerk-Commissioner

88

89

90

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

91

92

93

94

By: _____
Derek Rooney, City Attorney

95

96

97

98 Vote: AYE NAY

99

100 Mayor Lyons _____ _____

101 Commissioner Smith _____ _____

102 Commissioner Wilkins _____ _____

103 Commissioner Akin _____ _____

104 Commissioner Zimmerly _____ _____

105

106

107 EXHIBIT A

108 CHAPTER 4 – ZONING

109 ARTICLE IV. – DISTRICT REGULATIONS

110 Sec. 4-60. - Single-family residential zone districts.

111 (a) through (d) [No changes]
112

113 (e) *Accessory uses for all single-family residential; purpose and intent.* It is the purpose of the
114 city to allow for accessory uses that will not negatively affect the neighborhood. It is the intent
115 to eliminate the use of additional building sites for storage sites, accessory building and uses
116 that detrimentally affect the neighboring properties. The primary residence shall be the
117 singular focal point of the property from street view. Accessory buildings and uses should not
118 draw attention from the primary residence.

119 (1) *Accessory buildings.*

120 a. Permitted accessory and storage buildings:

- 121 1. Children's playhouses.
- 122 2. Patios.
- 123 3. Gazebos.
- 124 4. Private barbeque pits or pavilions.
- 125 5. Carports must be enclosed on at least three (3) sides. Decorative material, such
126 as lattice may be used. Porticos, covered entries over driveways, are
127 permissible and not considered a carport. A portico must be enclosed on at
128 least two (2) sides (the exterior wall of the building would be considered one
129 (1) side of the portico) allowing for a vehicle to drive through.
- 130 6. Private garage.
- 131 7. Pump house.
- 132 8. Noncommercial greenhouses and plant nurseries.
- 133 9. Tool houses and garden sheds.
- 134 10. Garden work centers.
- 135 11. Swimming pool (aboveground, inground, with or without enclosure).
- 136 12. Similar type accessory uses.
- 137 [13.] Guesthouses shall be permitted in R-1AA only in compliance with the
138 following standards:
 - 139 A. Leasing or renting a guest accommodation facility shall constitute a
140 violation of this LDC (Land Development Code).
 - 141 B. If a main residence is leased or rented, a guest accommodation facility
142 accessory to it may not be occupied by the property owner, since that
143 would constitute the unlawful utilization of single-family zoned
144 property for two-family dwelling purposes.
 - 145 C. The following site design standards apply to all guest houses:
 - 146 1. Minimum lot area shall be thirty-two thousand six hundred seventy
147 (32,670) square feet ($\frac{3}{4}$ acre).

- 148 2. The maximum floor area shall be forty (40) percent of the air-
 149 conditioned, enclosed living area (excluding garages, carports,
 150 patios, porches, utility areas, and the like) of the principal dwelling.
 151 D. The principal residence must be owner occupied.
 152 E. No more than one (1) guesthouse per principal residence.
 153
- 154 b. Accessory buildings shall not be constructed on a home site or buildable lot prior to
 155 the construction of the residence. A special exception may be granted to allow for an
 156 accessory building prior to construction of the residence. If granted, it must conform
 157 to all other provisions herein.
- 158 c. Accessory buildings must be located in the rear or side yard, away from street
 159 frontages, not within setbacks and may not extend past the front face of the main
 160 building.
- 161 d. Any accessory use or accumulation of household goods, open storage areas, and work
 162 shops must be buffered from all adjacent properties with vegetative buffers (refer: to
 163 the landscape ordinance for list of acceptable buffers—prepare examples of
 164 screening and buffering).
- 165 e. Preengineered steel buildings and structural steel buildings must have permissible
 166 veneers or sidings. The veneers or sidings must be specifically manufactured or
 167 designed as siding materials.

Permissible	Not Permissible
Lathe and stucco	Corrugated metal
Block and stucco	Corrugated fiberglass
Lap siding	5 V crimp
Brick	Aluminum
Vinyl lap siding	
Wood	
Any composite materials specifically manufactured or designed as siding	

- 168
- 169 f. Maximum building area, setbacks and proximity to main building:

Maximum Accessory Building (footprint)	Area	Setbacks	Roof Pitch	Maximum Opening Height	Maximum Height Roof Ridge/Peak
Total building area of all of the accessory buildings, may not exceed 50% of the single-family residence		15' side 10' rear	Minimum 2:12	15 feet	20 feet

170 (2) *Accessory uses.*

171 a. Within thirty (30) days from the date of adoption of this ordinance, recreational
 172 vehicles (all categories), trailers, equipment or watercraft parked or stored onsite,
 173 shall be in the rear yard away from street frontages. All vehicles must be registered
 174 in the name of the occupant(s). Notices of noncompliance shall include the following
 175 statement: "If you cannot comply within 60 days, please provide the city with your
 176 plan for compliance in writing. Your compliance plan must include how you will
 177 comply and how much time you will need to comply."

178 If rear yard is not accessible, then the side yard away from street frontage may be
 179 used. In either case, it (they) must be screened from neighbors' and street view with:

- 180 1. Privacy fencing (finished surface must face neighbors or street view); fencing
 181 must be finished, i.e. plastic or vinyl fencing material, if wood fencing it must be
 182 pressure treated in accordance with Section 4-84~~stained or painted~~);
 - 183 2. Lattice and vegetative buffers and vine-type plant material; or
 - 184 3. A combination thereof.
- 185 Screening must be of equal length of object being screened, and a minimum of
 186 six (6) feet in height. Screening must be along at least one (1) side of the object,
 187 screening on additional sides may be required to properly screen the object
 188 from the neighbors' and the street view.

189 b. Dog pens (including pens for other allowable pets) must be placed within thirty (30)
 190 feet of the main residence and in the rear yard, away from street frontages. Dog pens
 191 may not be within setbacks and may not exceed ten (10) percent of square feet of the
 192 residence. In R-1AA, pens must be within fifty (50) feet of the main residence.

193 c. Appliances, including but not limited to refrigerators, freezers, washers, and dryers
 194 must be enclosed, either in the main residence, an accessory building or an enclosed
 195 area of the rear porch.

196 (f) through (h) [No changes]
 197 *****

198 **Sec. 4-64. - Use requirements for residential district R-2, duplex and single-family.**

199 (a) through (c) [No changes]
200

201 (d) *Accessory uses; purpose and intent.* It is the purpose of the city to allow for accessory uses
202 that will not negatively affect the neighborhood. It is the intent to eliminate the use of
203 additional building sites for storage sites, accessory building and uses that detrimentally affect
204 the neighboring properties. The primary residence shall be the singular focal point of the
205 property from street view. Accessory buildings and uses should not draw attention from the
206 primary residence.

207 (1) *Accessory buildings.*

208 a. Permitted accessory and storage buildings:

- 209 1. Children's playhouses.
- 210 2. Patios.
- 211 3. Gazebos.
- 212 4. Private barbeque pits or pavilions.
- 213 5. Carports must be enclosed on at least three (3) sides. Decorative material, such
214 as lattice may be used. Porticos, covered entries over driveways, are permissible
215 and not considered a carport. A portico must be enclosed on at least two (2) sides
216 (the exterior wall of the building would be considered one (1) side of the portico)
217 allowing for a vehicle to drive through.
- 218 6. Private garage.
- 219 7. Pump house.
- 220 8. Noncommercial greenhouses and plant nurseries.
- 221 9. Tool houses and garden sheds.
- 222 10. Garden work centers.
- 223 11. Swimming pool (aboveground, inground, with or without enclosure).
- 224 12. Similar type accessory uses.

225
226 b. Accessory buildings shall not be constructed on a site or buildable lot prior to the
227 construction of the residence. A special exception may be granted to allow for an
228 accessory building prior to construction of the main building. If granted, it must
229 conform to all other provisions herein.

230 c. Accessory buildings must be located in the rear or side yard, away from street
231 frontages, not within setbacks and may not extend past the front face of the main
232 building.

233 d. Maximum building area, setbacks and proximity to main building.

Maximum Accessory Building (footprint)	Area	Setbacks	Roof Pitch	Maximum Height Opening	Maximum Height Roof Ridge
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May not exceed 50% of a single-family residence	15' side 10' rear	Minimum 2:12	15 feet	20 feet
May not exceed 10% of a duplex	15' side 10' rear	Minimum 2:12	15 feet	20 feet

- 234 e. Preengineered steel buildings and structural steel buildings must have permissible
235 veneers or sidings. The veneers or sidings must be specifically manufactured or
236 designed as siding materials.

Permissible	Nonpermissible
Lathe and stucco	Corrugated metal
Block and stucco	Corrugated fiberglass
Lap siding	5 V crimp
Brick	Aluminum
Vinyl lap siding	
Wood	
Any composite materials specifically manufactured or designed as siding	

237 (2) *Accessory uses.*

- 238 a. Within six (6) months from the date of enactment of this ordinance, any recreational
239 vehicles (all categories), trailers, equipment or watercraft, parked or stored onsite,
240 must be in the rear yard away from street frontages. All vehicles must be registered
241 in the name of the occupant(s). Notices of noncompliance shall include the following
242 statement: "If you cannot comply within 60 days, please provide the City with your
243 plan for compliance in writing. Your compliance plan must include how you will
244 comply and how much time you will need to comply.

245 If rear yard is not accessible, then the side yard away from street frontage may be
246 used. In either case, it (they) must be screened from neighbors' and street view with:

247 1. Privacy fencing (finished surface must face neighbors or street view); fencing
248 must be finished, i.e. plastic or vinyl fencing material, if wood fencing it must be
249 pressure treated in accordance with Section 4-84~~stained or painted~~);

250 2. Lattice and vegetative buffers and vine-type plant material; or

251 3. A combination thereof.

252 Screening must be of equal length of object being screened, and a minimum of six
253 (6) feet in height. Screening must be along at least one (1) side of the object,
254 screening on additional sides may be required to properly screen the object from the
255 neighbors' and the street view.

256 b. Dog pens (including pens for other allowable pets) must be placed within thirty (30)
257 feet of the main residence and in the rear yard, away from street frontages. Dog pens
258 may not be within setbacks and may not exceed ten (10) percent of square feet of the
259 residence. Dog pens are not permissible in a multifamily development regardless of
260 the zoning district.

261 c. Appliances, including but not limited to refrigerators, freezers, washers, and dryers
262 must be enclosed, either in the main residence, an accessory building or an enclosed
263 area of the rear porch.

264 (e) through (f) [No changes]

265

266 *****

267 **Sec. 4-65. - R-2T residential zone district.**

268 (a) through (c) [No changes]

269

270 (d) *Accessory uses; purpose and intent.* It is the purpose of the city to allow for accessory uses
271 that will not negatively affect the neighborhood. It is the intent to eliminate the use of
272 additional building sites for storage sites, accessory building and uses that detrimentally affect
273 the neighboring properties. The primary residence shall be the singular focal point of the
274 property from street view. Accessory buildings and uses should not draw attention from the
275 primary residence.

276 (1) *Accessory buildings.*

277 a. Permitted accessory and storage buildings:

278 1. Children's playhouses.

279 2. Patios.

280 3. Gazebos.

281 4. Private barbeque pits or pavilions.

282 5. Carports must be enclosed on at least three (3) sides. Decorative material, such
283 as lattice may be used. Porticos, covered entries over driveways, are permissible
284 and not considered a carport. A portico must be enclosed on at least two (2) sides
285 (the exterior wall of the building would be considered one (1) side of the portico)
286 allowing for a vehicle to drive through.

287 6. Private garage.

- 288 7. Pump house.
 289 8. Noncommercial greenhouses and plant nurseries.
 290 9. Tool houses and garden sheds.
 291 10. Garden work centers.
 292 11. Swimming pool (aboveground, inground, with or without enclosure).
 293 12. Similar type accessory uses.
- 294 b. Accessory buildings shall not be constructed on a site or buildable lot prior to the
 295 construction of the residence. A special exception may be granted to allow for an
 296 accessory building prior to construction of the main building. If granted, it must
 297 conform to all other provisions herein.
- 298 c. Accessory buildings must be located in the rear or side yard, away from street
 299 frontages, not within setbacks and may not extend past the front face of the main
 300 building.
- 301 d. Maximum building area, setbacks and proximity to main building.

Maximum Accessory Building (footprint)	Area	Setbacks	Roof Pitch	Maximum Height Opening	Maximum Height Roof Ridge
May not exceed 50% of a single-family residence		15' side 10' rear	Minimum 2:12	15 feet	20 feet

- 302 e. Preengineered steel buildings and structural steel buildings must have permissible
 303 veneers or sidings. The veneers or sidings must be specifically manufactured or
 304 designed as siding materials.

Permissible	Nonpermissible
Lathe and stucco	Corrugated metal
Block and stucco	Corrugated fiberglass
Lap siding	5 V crimp
Brick	Aluminum
Vinyl lap siding	
Wood	

Any composite materials specifically manufactured or designed as siding	
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305 (2) *Accessory uses.*

306 a. Within six (6) months from the date of enactment of this ordinance, any recreational
 307 vehicles (all categories), trailers, equipment or watercraft, parked or stored onsite,
 308 must be in the rear yard away from street frontages. All vehicles must be registered
 309 in the name of the occupant(s). Notices of noncompliance shall include the following
 310 statement: "If you cannot comply within 60 days, please provide the city with your
 311 plan for compliance in writing. Your compliance plan must include how you will
 312 comply and how much time you will need to comply."

313 If rear yard is not accessible, then the side yard away from street frontage may be
 314 used. In either case, it (they) must be screened from neighbors' and street view with:

- 315 1. Privacy fencing (finished surface must face neighbors or street view); fencing
 316 must be finished, i.e. plastic or vinyl fencing material, if wood fencing it must
 317 pressure treated in accordance with Section 4-84~~stained or painted~~;
- 318 2. Lattice and vegetative buffers and vine-type plant material; or
- 319 3. A combination thereof.

320
 321 Screening must be of equal length of object being screened, and a minimum of six
 322 (6) feet in height. Screening must be along at least one (1) side of the object,
 323 screening on additional sides may be required to properly screen the object from the
 324 neighbors' and the street view.

325 b. Dog pens (including pens for other allowable pets) must be placed within thirty (30)
 326 feet of the main residence and in the rear yard, away from street frontages. Dog pens
 327 may not be within setbacks and may not exceed ten (10) percent of square feet of the
 328 residence. Dog pens are not permissible in a multifamily development regardless of
 329 the zoning district.

330 c. Appliances, including but not limited to refrigerators, freezers, washers, and dryers
 331 must be enclosed, either in the main residence, an accessory building or an enclosed
 332 area of the rear porch.

333 (e) through (f) [No changes]

334
 335 *****

336 **Sec. 4-66. - Use requirements for R-3, multifamily residential zone.**

337 (a) through (c) [No changes]

338
 339 (d) *Accessory uses; purpose and intent.* It is the purpose of the city to allow for accessory uses
 340 that will not negatively affect the neighborhood. It is the intent to eliminate the use of

341 additional building sites for storage sites, accessory building and uses that detrimentally affect
 342 the neighboring properties. The primary residence shall be the singular focal point of the
 343 property from street view. Accessory buildings and uses should not draw attention from the
 344 primary residence.

345 (1) *Accessory buildings.*

346 a. Permitted accessory and storage buildings:

- 347 1. Children's playhouses.
- 348 2. Patios.
- 349 3. Gazebos.
- 350 4. Private barbeque pits or pavilions.
- 351 5. Carports must be enclosed on at least three (3) sides. Decorative material, such
 352 as lattice may be used. Porticos, covered entries over driveways, are permissible
 353 and not considered a carport. A portico must be enclosed on at least two (2)
 354 sides (the exterior wall of the building would be considered one (1) side of the
 355 portico) allowing for a vehicle to drive through.
- 356 6. Private garage.
- 357 7. Pump house.
- 358 8. Noncommercial greenhouses and plant nurseries.
- 359 9. Tool houses and garden sheds.
- 360 10. Garden work centers.
- 361 11. Swimming pool (aboveground, inground, with or without enclosure).
- 362 12. Similar type accessory uses.

363
 364 b. Accessory buildings shall not be constructed on a site or buildable lot prior to the
 365 construction of the residence. A special exception may be granted to allow for an
 366 accessory building prior to construction of the main building. If granted, it must
 367 conform to all other provisions herein.

368 c. Accessory buildings must be located in the rear or side yard, away from street
 369 frontages, not within setbacks and may not extend past the front face of the main
 370 building.

371 d. Maximum building area, setbacks and proximity to main building.

Maximum Accessory Building (footprint)	Area	Setbacks	Roof Pitch	Maximum Height Opening	Maximum Height Roof Ridge
May not exceed 10% of a multiple-family building		15' side 10' rear	Minimum 2:12	15 feet	20 feet

372 e. Preengineered steel buildings and structural steel buildings must have permissible
 373 veneers or sidings. The veneers or sidings must be specifically manufactured or
 374 designed as siding materials.

Permissible	Nonpermissible
Lathe and stucco	Corrugated metal
Block and stucco	Corrugated fiberglass
Lap siding	5 V crimp
Brick	Aluminum
Vinyl lap siding	
Wood	
Any composite materials specifically manufactured or designed as siding	

375 (2) *Accessory uses.*

376 a. Within six (6) months from the date of enactment of this ordinance, any recreational
 377 vehicles (all categories), trailers, equipment or watercraft, parked or stored onsite,
 378 must be in the rear yard away from street frontages. All vehicles must be registered
 379 in the name of the occupant(s). The storage is only permissible with a single-family
 380 use in the R-3 district. The storage is not permitted within a multifamily development
 381 refer to nonpermitted uses. If rear yard is not accessible, then the side yard away from
 382 street frontage may be used. In either case, it (they) must be screened from neighbors'
 383 and street view with:

- 384 1. Privacy fencing (finished surface must face neighbors or street view); fencing
 385 must be finished, i.e. plastic or vinyl fencing material, if wood fencing it must be
 386 pressure treated in accordance with Section 4-84~~stained or painted~~;
 - 387 2. Lattice and vegetative buffers and vine-type plant material; or
 - 388 3. A combination thereof.
- 389 Screening must be of equal length of object being screened, and a minimum of
 390 six (6) feet in height. Screening must be along at least one (1) side of the object,
 391 screening on additional sides may be required to properly screen the object from
 392 the neighbors' and the street view.

393 b. Appliances, including but not limited to refrigerators, freezers, washers, and dryers
394 must be enclosed, either in the main residence, an accessory building or an enclosed
395 area of the rear porch.

396 (e) through (f) [No changes]
397

398 *****

399 **Sec. 4-80. – Landscaping**

400
401 Secs. 4-80.1 through 4-80.9.11 [No changes]
402

403 **Sec. 4-80.9.12. – Required Walls and Fences**

404
405 A. Walls and fences shall be a minimum height of six (6) feet when used in Type C, D or
406 E buffer yards.

407
408 B. No wall or fence is required if an existing wall or fence on an abutting property meets
409 the requirements of this section.

410
411 C. Walls and fences that are required by this section to meet the minimum landscape
412 buffer standards shall be solid and one hundred (100) percent opaque, except where
413 otherwise required. Fence materials shall be made of wood, vinyl, vinyl coated chain
414 link, metal or wrought iron. Corrugated and galvanized steel or metal sheets are not
415 permitted. Fence support posts shall be placed on and faced toward the inside of the
416 developing property so that the surface of the fence is smooth on the abutting property
417 side. Walls may be concrete, concrete block with stucco, masonry, stone or a
418 combination of these materials.

419
420 D. Required landscaping shall be placed on the external side of the required wall or fence
421 and abutting the adjacent property or right-of-way. The property owner shall provide
422 sufficient width of the planting area and/or landscape buffer easement for plant sizes at
423 the time of maturity, and for access for maintenance activities. property side of the wall
424 or fence.

425
426 E. Fences, walls, gates, and all other landscaping improvements shall be placed so as not
427 to block any Fire Department appliances (fire hydrants and Fire Department
428 connections), when constructed/planted and at maturity. The minimum clearance
429 around all Fire Department appliances shall be seven and one - half feet on each side,
430 seven and one - half feet in front, and four feet in the rear.

431
432 F. Please also refer to Section 4-84 for wall and fence design standards, including
433 regulations for optional walls and fences not required by Sec. 4-80.

434
435 **Secs. 4-80.9.13 through 4-80.16 [No changes]**

436
437 *****

438 **Sec. 4-84. - Fences and walls.**
439

440 Sec. 4-84.1. Purpose and intent. The purpose of this section is to specify minimum design
441 standards applicable to all walls and fences to mitigate their visual impact on surrounding
442 land uses and provide for consistent regulations.
443

444 Sec. 4-84.2. Applicability. Fences and walls are permitted in the required yards of all
445 zoning districts in accordance with the following regulations. Fences for agricultural uses
446 qualifying for the exemption from regulations in F.S. § 604.50 shall not be subject to
447 requirements set forth herein.
448

449 Sec. 4-84.3. General fence and wall standards. The following standards are applicable to
450 all fences and walls, regardless of the underlying zoning district.
451

452 A. All fences and walls shall be maintained in sound condition and good repair no matter
453 when they were constructed. Any fence or privacy wall found to be in disrepair must
454 be repaired or removed within 14 days of written notification to the property owner.
455

456 B. All fences and walls on each property shall be of uniform materials, design and color.
457 Fence and walls may consist of natural wood, neutral, black or white colors.
458 Galvanized/metallic, green and black coated chain link fences are also permitted Neon
459 and multi-colored fences or walls are prohibited.
460

461 C. The use of unfinished or bare wood, chicken wire or agricultural grade fence material
462 is specifically prohibited unless exempt from these regulations pursuant to F.S. §
463 604.50.
464

465 D. Fences along front, side, and street yards shall be finished wood, metal, vinyl or similar
466 material. All wood fencing shall be constructed using decay-resistant or pressure-
467 treated material and shall be maintained without discolored or rotting wood.
468

469 E. Walls may be constructed brick, stucco, stone, pre-cast concrete, or similar
470 combination.
471

472 F. Chain link fences are only permitted in side and rear yards, except for schools,
473 playgrounds and/or outdoor recreation areas where chain link fencing is permitted in
474 the front yards. Fences for recreation areas which exceed 4 feet in height must be set
475 back a minimum of 25 feet from the property line.
476

477 G. Except for decorative post and split rail, fences and walls shall be installed with the
478 structural supports facing inside the subject property and the finished surface facing
479 adjacent properties and public rights-of-way.
480

481 H. Non-traditional materials are prohibited, including but not limited to tires, wood pallets,
482 plywood, hubcaps, etc. Fabric sheets or nets, or plastic, metal or vinyl sheets may not

483 be used as part of the fence, except in industrial zoning districts (I-1, I-1A and I-2 and
484 industrial PUDs) for the purpose of required screening only.

485
486 I. Fences and walls shall not be placed in a manner that obstructs the sight distance
487 triangle, as defined in Chapter 2.

488
489 Sec. 4-84.4. Residential fence and wall standards. Walls and fences are permitted in the
490 required yards in residential zoning districts and residential portions of Planned Unit
491 Developments districts in accordance with the following regulations.

492
493 A. The maximum height for residential fences and walls shall be four (4) feet along
494 waterways and within front/street yards; and eight (8) feet in side and rear yards. Fences
495 which are six (6) feet in height or higher shall not extend beyond the architectural front
496 of the principal structure in the front yard.

497
498 B. For corner lots within residential zoning districts, fences along the secondary street
499 frontage shall be permitted to a height of eight (8) feet. In no case shall a fence eight
500 (8) feet in height extend beyond the architectural front of the principal structure. For
501 the purposes of this subsection, the primary street frontage shall be defined as the side
502 of the structure that is the architectural front of the house. The secondary street frontage
503 shall be defined as the architectural side of the house.

504
505 C. Any fence or wall being used as a residential swimming pool barrier in accordance with
506 State law shall be permitted to meet the minimum barrier requirements required by the
507 “Residential Swimming Pool Safety Act” codified as Chapter 515, Florida Statutes and
508 Sections 454.2.17.1.1 through 454.2.17.14, Florida Building Code.

509
510 Sec. 4-84.5. Non-residential fence and wall standards. Walls and fences are permitted in
511 the required yards in non-residential zoning districts, for non-residential uses permitted in
512 residential zoning districts, and non-residential portions of Planned Unit Developments in
513 accordance with the following regulations.

514
515 A. The maximum height for non-residential fences and walls shall be eight (8) feet unless
516 a variance is approved by the Board of Adjustments.

517
518 B. Security fencing, when required by the Fire Code, State or Federal laws, may be chain
519 link, vinyl or finished wood solid panel, welded wire, metal mesh or metal picket and
520 may be up to eight feet in height in any yard. Electrically charged and barbed wire
521 fencing are specifically prohibited.

522
523 Sec. 4-84.6 Measurements. Walls and fences will be measured by the following standards:

524
525 A. The height of a fence or wall shall be measured from the contour of existing ground at
526 the fence or wall location. However, if the Superintendent of Public Works, or their
527 assigns, determines that the ground level has been altered so as to provide for a higher

528 fence or wall, the Superintendent of Public Works, or their assigns, shall determine the
529 ground level for purposes of measuring the fence or wall height.

530 B. In determining whether the ground level has been altered for the purpose of increasing
531 the height of the fence or wall, the Superintendent of Public Works, or their assigns,
532 may consider, but is not limited to, consideration of the following facts:

533
534 (1) General ground elevation of the entire lot.

535 (2) In the case of a lot with varying ground elevations, the ground elevation at the
536 fence, hedge or privacy wall location and at points in the vicinity of the fence,
537 hedge or privacy wall location.

538 (3) The ground elevation on both sides of the fence, hedge or privacy wall location.

539
540 C. In measuring the fence or wall height, the ground elevation on the side of the fence,
541 hedge or privacy wall location that is at the lowest elevation shall be used as the point
542 from which the fence, hedge or privacy wall height is to be measured.

543
544 D. No fence, hedge or privacy wall shall be constructed or installed in such a manner as
545 to interfere with drainage on the parcel. Fences, hedges and privacy walls shall not be
546 installed in curbing running the length of any property line.

547
548 Sec. 4-84.7. Landscaping. When landscaping is required by Section 4-80.9.5 and 4-80.9.6,
549 all required landscaping shall be placed on the external side of the fence or wall to abut the
550 adjacent property and/or right-of-way. Landscaping must be placed on the subject parcel
551 containing the fence or wall in a manner that allows for long-term maintenance of the
552 landscaping and fence or wall by the property owner. This provision does not apply to the
553 landscaping of optional fences and walls, which are not required by Section 4-80.9.5 and
554 4-80.9.6.

555
556 *****

557 **Sec. 4-85. - Supplemental regulations.**

558
559 4-85.1 through 4-85.2 *No changes.*

560
561 4-85.3. *Fences, walls and hedges.* ~~Notwithstanding other provisions of this chapter,~~
562 ~~fences, walls, and hedges may be permitted in any required yard, or along the edge of any~~
563 ~~yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard~~
564 ~~shall be over two and one half (2½) feet in height. See Section 4-84 for supplemental~~
565 ~~standards for fences and walls.~~

566
567