

ULDC FENCE-RELATED SECTIONS WITH PROPOSED AMENDMENTS

DRAFT (2/13/19)

Proposed additions are shown underlined and proposed deletions as ~~striketrough~~.
Instances when the height and location of fences, trees, or shrubs are mentioned and may need follow up based on Commission input are **highlighted in yellow**. Staff Notes are included in *red italics*.

Chapter 21 LANDSCAPING REGULATIONS

Sec. 21-9. Landscaping the perimeter of abutting land uses.

Landscape strips or buffers shall be created around the perimeter of abutting land uses as provided in this section:

G. *Height of planted buffers (hedges).*

- (1) The planting materials shall be at least **three (3) feet high when planted**. When abutting a right-of-way, shrubs are required to be **forty (40) inches above street grade**.
- (2) Berms utilized as planted buffers shall have **no maximum average height** and shall have sodded side slopes not less than four (4) feet horizontally for each one (1) foot vertically may be permitted if sufficient erosion control methods are taken and deemed to be maintainable.

Chapter 33 MINOR AND MAJOR SITE DEVELOPMENT REGULATIONS

ARTICLE I. MINOR SITE AND DEVELOPMENT PLAN

Sec. 33-7. Minor site and development plan design standards.

D. Piling and storage of debris; landscaped berms.

- (1) In clearing any site to be developed, whether approved via issuance of a land clearing or building permit, no land clearing debris shall be allowed to be placed or stored within twenty-five (25) feet of the front, side and rear property lines of the site, except in the form of a landscaped berm as described in this section. Land clearing debris may be stored on any site beyond this twenty-five (25) foot set back only under the following conditions:
 - (a) The debris is piled together in one (1) single mass in only one (1) location on the site.
 - (b) The pile of debris shall not exceed six (6) feet in height.
 - (c) The pile of debris shall be **completely enclosed on all four (4) sides by a solid, non-opaque six (6) foot high fence or similar structure**. A building permit shall be required for said fence or structure.
 - (d) The required fence or structure shall be constructed within thirty (30) days of completion of all land clearing activity on the site. The fence or structure used shall include a gate for Fire Department access.
 - (e) No burning of debris shall occur unless a valid permit has been secured from State, County and/or local jurisdictions where appropriate.

Chapter 53 ZONING REGULATIONS

ARTICLE VI. ILW LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT

Sec. 53-77. Permitted principal uses and structures.

- E. Outdoor storage yards and lots, provided that this provision shall not permit wrecking yards (including automotive wrecking yards), junkyards or yards used in whole or in part for scrap, or salvage operating or for processing, storage, display or sales of any scrap, salvage or secondhand building materials, junk automotive vehicles or secondhand automotive vehicle parts.
- (1) Outdoor storage areas shall be buffered with a type C buffer and have an eight (8) foot fence surrounding the entire storage area.
 - (2) Outdoor storage is not permitted in a Planned Community Development (PCD) zoning district.

ARTICLE XIV. NC-HI/NC-LI NEIGHBORHOOD COMMERCIAL HIGH/LOW INTENSITY DISTRICTS

Sec. 53-182. Buffer Zone and Landscaping.

A buffer zone is intended to provide noise abatement and an effective visual barrier between different land uses. A buffer zone shall consist of a landscaped strip and may include fences, walls or earthen berms which shall serve to provide a year-round visual screen at the time of installation. Visual screening comprised of a mixed planting of trees and shrubs in addition to walls, fences or berms shall serve to obstruct sightlines to and from adjacent properties, except in a required frontage buffer zone where the maximum height shall comply with Chapter 45 so as not to interfere with sight distance.

Land Development Code. Required buffering may include, but not be limited to, additional landscaping, opaque fencing or construction of a wall. Tree planting and removal shall conform to the requirements of Chapter 45 of this ULDC.

- A. If the landscape buffer area is adjacent to a residential zoning district, the landscape buffer area shall be a minimum twenty (20) feet in width. The buffer area shall not include any portion of the required easement. The landscape buffer and easement are separate areas which do not overlap and are mutually exclusive. Stormwater facilities shall be designed and utilized as an additional buffer to residential land uses.
- (1) The landscape buffer area shall contain at least one of the following to be approved by City Commission at the development master plan (DMP) application approval:
 - (a) An eight-foot wall, placed on the non-residential side of landscape buffer, with City approved landscape plantings to create an opaque screening to adjacent residential land uses.
 - i. Walls shall be solid masonry with cap and stucco, painted the same color as the building.
 - ii. Where natural vegetation creates an opaque screening, landscape plantings are not required.
 - iii. The opaqueness of the landscaping shall be determined by the City.
 - iv. The buffer shall be twenty (20) feet wide with two rows of trees planted in a staggered pattern. Each row of trees shall be planted every forty (40) feet on center. One (1) row

of trees shall be planted on the first ten (10) feet adjacent to the wall with major shade trees found in Sec. 45-19. The other row of trees shall be small and medium shade trees found in Sec. 45-19. Hedges shall be planted every thirty-six (36) inches on center in line with the major shade tree row, in accordance with Sec. 21-9.

- (b) A berm utilized as a planted buffer if sufficient erosion control methods are deemed maintainable.
 - i. Berms plus hedges on top of berm shall be maintained at a minimum of seven (7) feet from natural grade and trees shall be planted in a staggered pattern on the berm. Each row of trees shall be planted forty (40) feet on center. One (1) row of trees shall be planted on the commercial interior side with small and medium shade trees found in Sec. 45-19. The outer row of trees shall be planted with major shade trees found in Sec. 45-19.
 - ii. Minimum berm of four (4) feet, with hedges that shall be installed at three (3) feet and maintained at a minimum of seven (7) feet. Sodded slopes shall be no steeper than 4:1 plus a three-foot top. Berms shall be landscaped with plantings and/or other landscape materials, to ensure against erosion. Other landscape materials are not to be used in lieu of the required hedges. Sod, ground cover or other plant or landscape material as approved by the City shall be used to completely cover and stabilize the berm on all sides. The berm shall be graded to a smooth level to create a natural ground landscape.
 - v. A City approved six-foot decorative fence shall be provided along the property line adjacent to residential uses.

PART 3. SPECIAL DISTRICT REGULATIONS

ARTICLE XX. SPECIAL CIRCUMSTANCE REGULATIONS

Sec. 53-239. Special circumstances.

L. Yard encroachments.

(6) Fences, walls and hedges, subject to Sec. 53-240(M) are permitted in required yards.

Sec. 53-240. Special structures.

M. Fences, walls and hedges. Fences, hedges or walls located in Residential Single-Family (RSF) Districts of the City are not required to meet the applicable minimum setback requirements set forth elsewhere in these regulations.

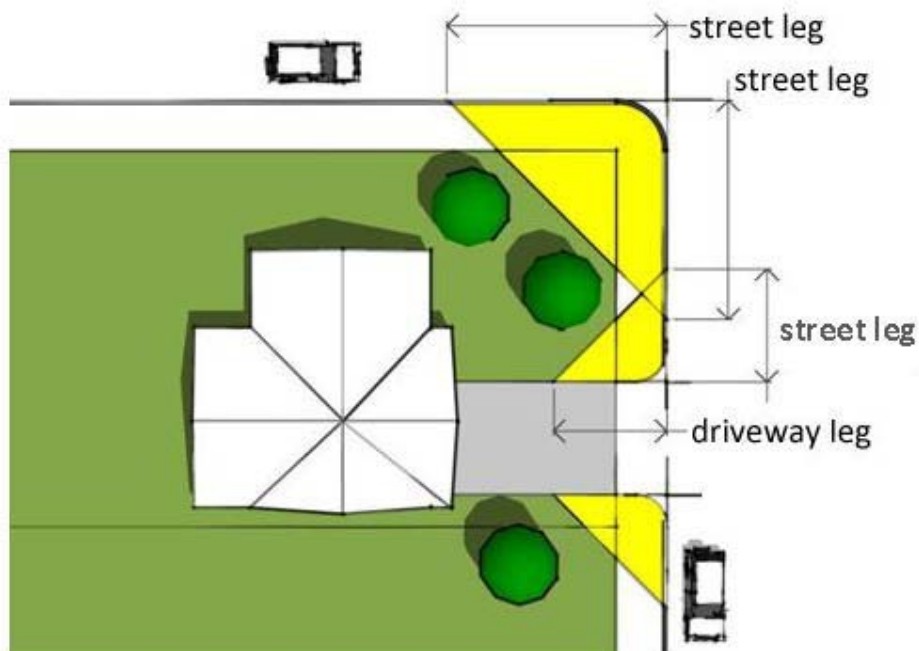
(1) Fences and hedges in residential zoning districts shall follow the restrictions as follows:

(a) Height.

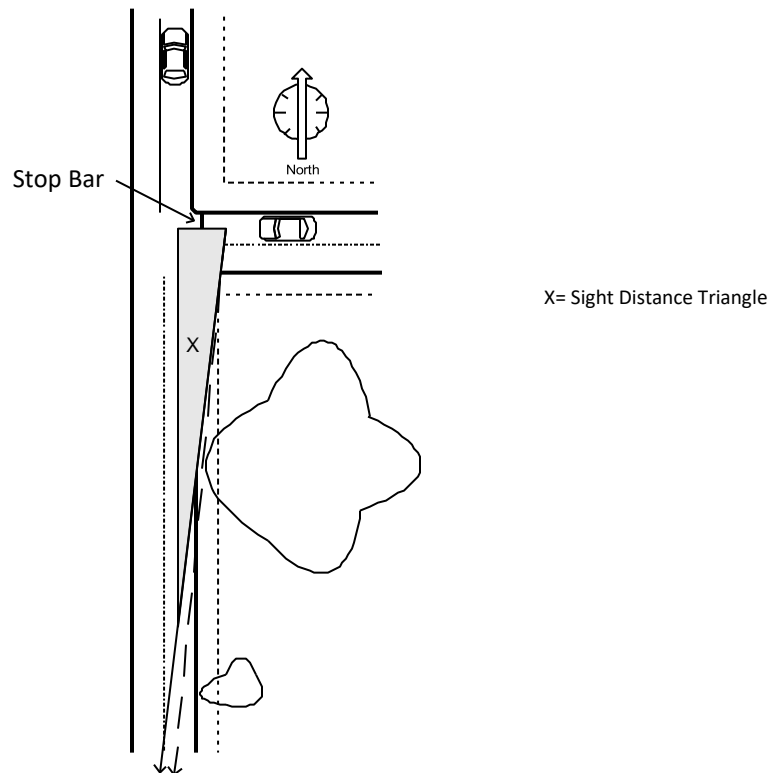
- (i) Front yard: If the fence or wall will not to exceed three (3) feet for solid fences, or four (4) feet for see-through-type fences with at least 50% transparency, such as but not limited to post/rail fencing, chain link, etc., where see through visibility is not substantially affected an additional review is required to evaluate the potential impact to the stopping sight distance triangle and visibility triangle.

A fence in the front yard (or side yard on a corner lot if that's where the driveway is) needs to provide a clear Visibility Triangle for the driveway so drivers can back out safely, i.e., to see and be seen by oncoming vehicles in the roadway as well as any pedestrians, strollers, dogs being walked, tricycles and bicycles that may be using the sidewalk, or where there is no sidewalk, the area between the pavement and the property line. The fence on the front property line could also affect the Visibility Triangle for the driveway on the adjacent lot, and if the lot is currently vacant, it would affect the placement of the driveway on the new home that will be built. The only way to address this is by having a front yard setback that is at least as deep as the distance needed for a driver backing out of the driveway to clearly see vehicles and pedestrians before they leave their property and enter the easement/right-of-way, which is approximately 15 feet.

VISIBILITY TRIANGLE DIAGRAM FROM ANOTHER JURISDICTION:



There is also a Stopping Sight Distance Triangle, which is the area that needs to be clear of visual obstruction to allow drivers to perceive a vehicle, person, animal, or object, react to it, and safely stop. This is especially important near intersections and if there are any curves in the roadway. If this is not provided, it could be a safety and liability issue for the City.



The following are three options that address the abovementioned issues for front yards, (also need to address yards along roadways and side yards with driveways); one or more could be included in the ULDC:

Option 1: Fence is no more than 3 feet if solid, or 4 feet if see-through type with at least 50% transparency; OR

Option 2: Fence can be 8 feet taller than the elevation of the ground at the location of their house, if set back at least 15 feet from the property line; OR

Option 3: Fence can be 8 feet taller than the elevation of the ground at the location of their house and will require submission of a Stopping Sight Distance Triangle analysis completed by a Traffic Engineer, and Visibility Triangle diagram for driveways and intersections, which will be reviewed by Public Works Engineering.

- (ii) Side and rear yards: The top of the fence shall be no more than eight (8) feet higher than~~Not to exceed six (6) feet~~ the ground elevation as measured at the location of the house. ***This removes existing restrictions on height related to the location of the fence, i.e., they would no longer have setback requirements regardless of height or location next to a roadway.***
 - ~~(iii) Fences and hedges must meet the Visibility Triangle requirements as described in 240(M)(4). ***This needs to be reviewed and revised in light of the lack of setback requirements for fences as it relates to driveways and also Stopping Sight Distance. This is a dangerous situation for pedestrians, strollers, dogs being walked, and bikes.***~~
 - ~~(iii) Hedges planted along side and rear property lines shall not exceed ten (10) feet in height. Hedges planted along the front property line shall not exceed three (3) feet in height. The overall height of allowable shrubbery shall include the height of any berm or any altered ground level.~~
 - ~~(iv) Waterfront yard: Not to exceed six (6) feet.~~
 - (iv) For the purpose of a boundary fence around a daycare or school playground area, the fence shall be **no less than six (6) feet in height.**
 - (vi) Recreational fencing. Fencing surrounding recreational facilities, such as but not limited to racquetball, tennis and basketball courts, shall be permitted **fencing not to exceed twelve (12) feet in height.**
 - (vii) Boundary walls and fences may be constructed along the perimeter boundary of a planned project or subdivision to create a gated community in appropriate residential districts. **The height of such boundary wall or fence is limited to eight (8) feet.** The fence or wall shall comply with Sec. 21-9(B)(3), Landscaping the perimeter of abutting land uses.
- (b) Location.
- ~~(i) For the purpose of locating fences only, the front lot line shall be defined as the lot line abutting the street right-of-way and running parallel to the front of the building. The front yard shall be defined as that area extending from the front property line as described above to the front building line.~~
 - ~~(ii) For buildings placed on the diagonal of a lot or parcel, the front lot line shall be defined as the line measured in a straight line from the right and left front corners of the building to the property line.~~
 - ~~(iii) Side yards shall be measured from the front plane to the rear plane to the property line.~~
 - ~~(iv) Rear yards shall be measured from the rear of the primary structure to the rear property line.~~
 - (iv.) No fence, wall, or hedge taller than 3 feet if solid, or 4 feet if see-through with at least 50% transparency, shall be located in a Visibility Triangle or Stopping Sight Distance Triangle.

(c) Design.

- (i) Waterfront yard: **Not to exceed six (6) feet**. Any fence to be installed in a public easement shall be chain link or see through material and must receive prior approval by the Public Works Director or designee as provided in Sec. 53-240(M)(1)(b)(vii).
- (v) Fences over six (6) feet in height shall be designed to withstand 140 to 150 mile per hour winds to prevent them from becoming projectiles during a wind storm event. To determine lateral wind loading, fences are measured from the lowest side of the fence.
This comes from language in the Florida Residential Building Code per the Building Official. Engineered plans must be provided to demonstrate that the fence is designed, constructed, and installed to meet the wind load requirements.

(d) Setback.

- (i) Fences on residential lots do not need to meet setback requirements but must not be located in the Visibility Triangle or Stopping Sight Distance Triangle unless they meet the requirements in (4) below.
~~All side yards abutting a roadway shall maintain the required twelve (12) foot setback. [Amended 11-24-2003 by Ord. No. 2002-56]~~ ***This was just added in 2003; it is a safety issue. This is similar to tall fences on property lines in the front yard.***
~~[1] If the fence is three (3) foot in height and solid or four (4) foot in height and see-through, the fence may be located on the lot line or any distance between the twelve (12) foot setback and the lot line.~~
- (ii) ~~All rear yards abutting a roadway shall maintain the required twenty five (25) foot setback. [Amended 11-24-2003 by Ord. No. 2002-56]~~ ***This was just added in 2003.***
~~[1] If the fence is three (3) foot in height and solid or four (4) foot in height and see-through, the fence may be located on the lot line or any distance between the twenty five (25) foot setback and the lot line.~~
- (iii) **Recreational fencing** surrounding recreational facilities, such as but not limited to racquetball, tennis and basketball courts, shall be a **minimum setback of ten (10) feet**.

(2) Security, charged and barbed wire fences. [Amended 11-24-2003 by Ord. No. 2002-56]

- (a) In all nonresidential districts, fences and walls shall not exceed **eight (8) feet in height**.
- (b) All fences must meet the visibility triangle requirements listed in subsection (5), below.
Need to add Stopping Sight Distance Triangle.

(3) Measurement.

- (a) Non-Residential districts: The height of a fence or wall shall be no greater than ~~six (6) feet in a residential district and~~ **eight (8) feet** ~~in a commercial district and it shall be measured from the ground elevation on the side of the fence that is at the lowest elevations~~ **However, if the director responsible for land development services determines that the ground level has been altered so as to provide for a higher fence or wall, the Director shall determine the ground level for purposes of measuring the fence height.**

~~(b)~~ In determining whether the ground level has been altered for the purpose of increasing the height of the fence, the Director may consider, but is not limited to, consideration of the following facts:

(i) General ground elevation of the entire lot.

(ii) In the case of a lot with varying ground elevations, the ground elevation at the fence location and at points in the vicinity of the fence location.

(iii) The ground elevation on both sides of the fence location.

(b) Residential districts: The top of the fence shall be no more than eight (8) feet higher than the ground elevation as measured at the location of the house.

~~In measuring the fence height, the ground elevation on the side of the fence location that is at the lowest elevation shall be used as the point from which the fence height is to be measured.~~ ***Combined with (a) above.***

(4) Visibility Triangle and Stopping Sight Distance Triangle.

(a) Within the visibility triangle of street and driveway intersections as defined in Chapter 61-Definitions ~~area formed by the right-of-way on intersecting roads and a straight line connecting points of such right-of-way lines at a distance of thirty (30) feet from the point of intersection, such connecting line extending beyond the points to the curblines, there shall be a clear space with no obstruction to vision between a height of three (3) feet and a height of eight (8) feet above the average grade of each road as measured at the center line thereof.~~ ***Need to add language for Stopping Sight Distance Triangle.***

(b) Trees and other landscaping shall be permitted in the clear space if foliage is cut away within the prescribed heights.

(c) The City Manager or designee shall determine if the visibility triangle is adequate for roadway speed and intersection design. If the City Manager or designee determines the visibility triangle is insufficient for roadway speed and intersection design, the visibility triangle shall be adjusted to ensure pedestrian and vehicular safety. ***Given that fences on all sides would be allowed on property lines (except easements), i.e., they would not need to meet setbacks along roadways, we need to explicitly address driveways, roads with curves, and intersections that are not at right angles. Our code language is currently inadequate in that regard.***

S. Mini storage facilities and mini warehousing.

(2) The principal use of the property shall be for storage and/or warehousing that is located within an enclosed building or buildings. Outdoor vehicle and boat storage is permitted as an accessory use only. Any outdoor storage area(s) shall be buffered with **an eight-foot fence or wall**. In Activity Centers #4 (Panacea) and #6 (The Shire), the fence shall be at least 95% opaque and shall be maintained in good repair.

X. Residential entry features. Residential entry features shall include but not limited to walls, decorative posts, gates, and decorative markers. These features are permitted in RSF Zoning districts provided that:

- (1) The maximum height of the structure at the entry opening shall be eight (8) feet to accommodate gated entries, including any decorative mounting or lighting. If a gated entry is not utilized, the maximum height shall be the six (6) feet.
- (5) Maximum fence height shall be regulated by subsection (M) of this section.

BB. Swimming pools, tennis courts and other recreational facilities.

- (3) Fencing.
 - (a) Fenced enclosures or components attached to or part of a recreational facility shall not exceed the height limitations for the zoning district in which the facility is located.
 - (b) Setbacks for fenced enclosures shall be the same for accessory structures; provided, however, that for everyone (1) foot increase in height of the fenced enclosure over fifteen (15) feet, an increase of one (1) foot in the side yard setback requirement shall be maintained.

Chapter 55 ACTIVITY CENTER DESIGN REGULATIONS

ARTICLE IV. PANACEA (Activity Center #4)

B. Permitted uses are as follows:

- (43) Outdoor storage yards and lots but not automobile wrecking or storage yards and junkyards. All storage is to be completely enclosed by an eight (8) foot fence or wall not less than ninety-five percent (95%) opaque. The fence shall not be chain link or wood.

ARTICLE VI. THE SHIRE (Activity Center #6)

B. Permitted principal uses are as follows:

- (28) Outdoor storage yards and lots including automobile wrecking or storage yards and junkyards (but not scrap processing yards) if storage is completely enclosed by an eight (8) foot fence or wall not less than ninety-five percent (95%) opaque. The fence shall not be chain link or wood.

Chapter 61 DEFINITIONS

Sec. 61-3. Definitions and word usage.

BOUNDARY WALLS AND FENCES — A wall or fence constructed along the full perimeter of the property under unified ownership or by controlling home owners association, community development district or other entity to create a gated community.

FENCE — Any artificially constructed barrier of any material or combination of materials constructed along the full length, or portion thereof, of any or all property line(s), or within the property for the purpose of protection or confinement or as a boundary or for the purpose of blocking part of the property from view or access. For the purposes of these land development regulations, a boundary fence is considered to be an accessory structure.

STOPPING SIGHT DISTANCE — The distance it takes to notice a problem, realize a stop is necessary, and come to a complete stop. It is defined as the sum of two distances:

1. Reaction Distance -- the distance traveled by the vehicle from the instant the driver sees an object necessitating a stop to the instant the brakes are applied, which is based on the reaction time of the driver and the speed of the vehicle, plus
2. Braking Distance -- the distance traveled by the vehicle from the instant brake application begins to the instant when the vehicle has come to a complete stop, which is dependent upon the vehicle speed and the coefficient of friction between the tires and the roadway.

STOPPING SIGHT DISTANCE TRIANGLE – The area that needs to be clear of visual obstruction to allow drivers adequate time to perceive a problem (e.g., vehicle, person, animal, or object), react to it, and safely stop to avoid collision or injury. The length and shape of the triangle is affected by the speed of the vehicle, pavement conditions, curves in the road, and other factors.

STRUCTURE — A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, wall, fence, or other man-made facilities or infrastructures (Chapter 53).

VISIBILITY TRIANGLE — At street intersections, an area bounded by the first thirty (30) feet along each right-of-way line, projected where rounded and a diagonal line extending across the property and connecting the ends of such thirty (30) foot lines. At intersections of driveways with streets, an area bounded by the first ten (10) feet along the intersection edges of the right-of-way and the driveway, projected where rounded, and a diagonal line extending across the property and connecting the ends of such ten (10) foot lines. ***With no front yard setback, and no setback for fences along roadways, this is no longer adequate to protect pedestrians, bicycles, strollers, and dogs being walked, especially when vehicles are backing out of driveways.***

The aerial photo below illustrates several issues: (1) Curve in roadway which affects the stopping sight distance of oncoming vehicles; (2) short distance between property line and roadway which would be a safety issue for vehicles, pedestrians, tricycles/bicycles, strollers, dogs being walked when a vehicle is pulling out; (3) fence on front property line on a lot that would restrict the new driveway location on the adjacent vacant lot due to the need for a clear Visibility Triangle.

