

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: Not to exceed three (3) feet for solid fences, four (4) feet for see-through-type fences, such as but not limited to post/rail fencing, chain link, etc., where see-through visibility is not substantially affected.
- (ii) Side and rear yards: Not to exceed six (6) feet.
- (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.
- (v) 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 yard, shall be measured from the rear of the primary structure to the rear property line.
- (v) No fences shall be placed in the public right-of-way.

(vi) No fence shall be installed or constructed in a public easement, unless prior approval is granted by the Public Works Director or designee. The Public Works Director or designee may permit a fence in a public easement, if all of the following factors are met:

- a. The fence would not impede the flow of storm water within the drainage systems, i.e., swales, ditches, thereby reducing drainage performance;
- b. The ability of the City to access public utilities, whether above or below ground, is not hampered by the fence;
- c. The fence does not limit the ability of the City to properly maintain the easement area;
- d. The location of the fence in the easement is the minimum occupation necessary that will permit the reasonable use of the land.
- e. The location of the fence will not be injurious to the neighborhood or otherwise detrimental to the public welfare;
- f. Any fence occupying the City's easements is placed at the risk of the property owner;
- g. Fences located in any public easement shall not be closer than twenty (20) feet to a body of water.

(vii) Occupation of public easements in Waterfront yards are only permitted on a case by case basis and are subject to the following conditions.

- a. The owner of the fence shall be solely responsible for the maintenance and repair of the fence.
- b. The City may request removal of the fence at any time when needed to allow access.
- c. When possible, the City will give notification of "need to access" to allow proper time for removal of the fence. The cost of the removal and replacement shall be the sole responsibility of the owner or resident of the property.
- d. The owner of the fence shall indemnify and hold the City harmless from any and all claims, liabilities, losses or damages on account of or in any way arising from the existence of the fence in the easement.
- e. If the City removes the fence, the owner will be issued an invoice for the cost of the removal.
- f. If the City damages the fence in the course of maintenance, the cost of replacement is the sole responsibility of the owner.
- g. If the Public Works Director or designee determines in his/her sole discretion that area occupied by the fence is needed for any purpose whatsoever, the City shall have the sole and absolute right to terminate the occupation of the easement and require that the fence

be removed upon thirty (30) days written notice to the property owner. If the fence is not removed, the City may remove the fence and the owner will be issued an invoice for the cost of the removal.

(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).
- (ii) For the purpose of a boundary fence around a daycare or school playground area, the fence shall have an accessible gate, and shall be vinyl coated chain link or of similar material to allow surveillance from the roadway.
- (iii) The exposed fence posts and supports shall face toward the applicant's property.
- (iv) All chain link fencing located in non-residential districts shall be vinyl coated, and North Port City Center Green or black in color.

(d) Setback.

- (i) All side yards abutting a roadway shall maintain the required twelve (12) foot setback. [Amended 11-24-2003 by Ord. No. 2002-56]
 - [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]
 - [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. [Amended 11-24-2003 by Ord. No. 2002-56]
- (b) All fences must meet the visibility triangle requirements listed in subsection (5), below. [Amended 11-24-2003 by Ord. No. 2002-56]
- (c) Fences charged with electricity are permitted in agricultural districts only. [Amended 11-24-2003 by Ord. No. 2002-56]
- (d) Barbed wire fencing shall be permitted only: [Amended 11-24-2003 by Ord. No. 2002-56]

- (i) In agricultural districts. [Amended 11-24-2003 by Ord. No. 2002-56]
- (ii) In industrial districts on top of fences or walls. [Amended 11-24-2003 by Ord. No. 2002-56]

(3) Measurement.

- (a) 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 shall be measured from the contour of ground at the fence location. 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.
- (c) 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.

(4) Visibility triangle.

- (a) Within the 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.
- (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.