



## Legislation Details (With Text)

**File #:** 19-0097      **Version:** 1      **Name:**  
**Type:** General Business      **Status:** Passed  
**File created:** 2/6/2019      **In control:** City Commission Regular Meeting  
**On agenda:** 3/7/2019      **Final action:** 3/7/2019  
**Title:** Commission-directed ULDC Revisions to Fence Height and Location Requirements (TXT-18-296)  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. DRAFT ULDC text amendments with staff comments, 2. November 5, 2018 Commission Meeting Minutes

Date	Ver.	Action By	Action	Result
3/7/2019	1	City Commission Special Meeting		
3/7/2019	1	City Commission Special Meeting	consensus	
3/7/2019	1	City Commission Special Meeting	motion to approve	Pass
3/7/2019	1	City Commission Special Meeting	motion to approve	Pass
3/7/2019	1	City Commission Special Meeting		

**TO:** Honorable Mayor & Members of the North Port Commission

**FROM:** Peter D. Lear, CPA, CGMA, City Manager

**TITLE:** Commission-directed ULDC text amendments related to fence height and location

### Recommended Action

Discuss and provide staff with direction via consensus.

### Background Information

At the November 5, 2018 Commission Meeting, staff was directed to bring forward ULDC text amendments related to fence height and location. Specifically, per the approved minutes:

- (1) Allow eight-foot fence from the elevation of the house and around all sides;
- (2) Remove hedges from the language;
- (3) Be sure to cross reference the landscaping section of the code bringing any necessary changes there to be consistent;
- (4) Make sure the code is consistent within the language itself; and
- (5) Review the visibility triangle language to be consistent with the changes.

Staff drafted the proposed amendments and checked in with staff in other departments with expertise in traffic safety and State Building Code requirements before finalizing them. During that process, several issues and potentially unintended consequences were identified that staff would like to discuss with the Commission prior to finalizing the Ordinance. The issues generally fall into two categories: (A) Public and Traffic Safety, and (B) Construction and Site Development.

#### A. Public and Traffic Safety-Related Issues

- *Visibility Triangle:* If tall solid fences are allowed on all property lines, the visibility triangle language currently in

the ULDC is not adequate to protect the safety of pedestrians, tricycles/bicycles, dogs being walked, strollers, etc. from drivers pulling out onto the street, especially when backing out. Another potential consequence is that a fence on the front property line could affect the visibility triangle of driveways on adjacent property and limit the safety and location of those driveways.

- *Stopping Sight Distance Triangle*: This is 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 roadway, and other factors. If there are no longer any fence setback requirements along roadways, new language will be needed to address how this is measured and applied in cases where there are curves in the road, irregular intersections, or any circumstances that would potentially affect the stopping sight distance triangle due to the location of the fences.

B. Construction and Site Development-Related Issues

- *State Building Codes-Wind Shear*: Fences over 6 feet in height are required to be built so they can withstand wind speeds of 140-150 mph in this area. This will require that the fence construction and installation be engineered, which will require additional construction costs, inspections, and permit fees.
- *Floodplain*: In most cases, when fill is placed on a lot that is below base flood elevation, only the building site is filled, which then slopes down to the property line. In those cases, the location of the fence is still below base flood elevation and the fence will need to be built so it complies with the Federal Emergency Management Agency's National Flood Insurance Program regulations. This will also require additional construction cost, inspections, and permit fees.
- *Houses on small lots or with minimum setbacks*: The amount of fill placed on residential lots varies from 0-6 feet, so a fence that could be as much as 14 feet tall will have a negative impact on the adjacent property owner by shading their yard and pool and blocking airflow.
- *Houses that are lower than the house next door*: This is the situation in many areas of town where homes were built in the 1960s and 1970s, and when the vacant lots are developed, there is often fill placed where the house will be built, which results in the new house being at a higher elevation than the existing house next door. Residents in this situation cannot build a taller fence to shield the view from their new neighbor's house into their house or yard.
- *Two and Three-Story Homes*: If the objective is to allow fences that will be tall enough to afford privacy between neighbors' homes and yards, what if the house has 2 or 3 stories as allowed in all residential districts?

**Strategic Plan:**

Staff has concerns about being able to meet the following goals of the Strategic Plan if the Ordinance is drafted exactly as directed.

- Health & Public Safety: Create and sustain a safe and healthy environment for residents and visitors of North Port.
- Neighborhood Enhancement: Support the beautification and revitalization of our neighborhoods.

**Attachments**

1. Draft ULDC text amendments with staff comments
2. November 5, 2018 Commission meeting minutes

**Prepared by:** Heather Hansen, Senior Planner

**Department Director:** Frank Miles, MPA, Director, Neighborhood Development Services