

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Ordinance Fence Height PB

Date: 3/16/16

Date due for placement on agenda: _____

Requested by Allyson Cain

Phone Number: _____

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(LEGAL DEPARTMENT USE ONLY)

Legal Review by Kena A. Smith

Date Received: 3/15/16

Approved as to form and legal sufficiency. *As modified KAS*

Not approved.

Make subject to legal signoff.

Additional comments:

See Notes on original

ORDINANCE NUMBER 2016-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 5, SECTION 5-9.4, TO REDUCE THE MAXIMUM FENCE HEIGHT TO 6 FEET FOR SIDE AND REAR YARDS IN PENSACOLA BEACH RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners desires to preserve the county as a desirable community in which to live, vacation and do business; and

WHEREAS, the intent of this Ordinance is to allow a maximum fence height of 6 feet for side and rear yards in Pensacola Beach residential zoning districts; and

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 5, General Development Standards, Section 5-9.4 is hereby amended as follows (words underlined are additions and words stricken are deletions):

Sec. 5-9.4 Fences.

(a) Fence heights in residential districts. Maximum heights for fences constructed in residential districts, except those on Pensacola Beach, shall be:

	Opaque Materials	Transparent Materials Which Do Not Obstruct Light, Air and Visibility
Front yard	3 feet	4 feet
Side yard	8 feet	8 feet
Rear yard	8 feet	8 feet

Barbed wire and electrified fences are permitted in A RR and RMU rural districts. Below-ground electrified fences are permitted in all residential districts. Above-ground electrified fences are permitted in residential districts provided that such fences are located inside, are completely enclosed and do not come in contact with a perimeter fence erected according to the height standards above. Electrified fences in residential districts shall be of the type that are permitted under the

1 electrical building code listing and shall also meet fence height standards for regular
2 fences.

3 Height shall be measured and averaged at regular intervals along the property line.
4 The final height shall be determined by averaging the dimensions obtained at 8-foot
5 intervals along the property line. Height includes height of the berm and sloping
6 grounds.

7 **(b) Fence setbacks.** Fences shall be permitted to the street right-of-way or marine/
8 estuarine/riverine setback (MERS) line and common property lines. No fence shall
9 be permitted to obstruct visual clearance along a right-of-way. See "Visual
10 Clearance Along Rights-of-Way and at Sight Triangle Intersections." No fence or
11 hedge shall be constructed or installed in such a manner as to interfere with
12 drainage on the site.

13 **(c) Permitted fence materials.** Suitable fence materials are as follows: masonry, chain
14 link, chain link with slatting, wood, cast iron, aluminum, plastic, and precast concrete.

15 **(d) Fence heights in commercial and industrial districts.** There is no maximum
16 height for fences in commercial districts except that barbed wire is permitted only on
17 top of a solid or chain link fence at least six feet in height. Where a commercial
18 district borders a residential district, a fence may be constructed to a maximum
19 height of eight feet on the property line contiguous to the residential district. The
20 method of measurement shall be the same as for residential district fences.

21 **(e) Fences on Pensacola Beach.**

22 **(1) Responsibility.** Lessee assumes full responsibility for all fences and walls
23 erected on leasehold property.

24 **(2) Location.** Fences, walls, and similar construction may be erected outside
25 building setbacks, provided such construction shall not interfere with the
26 exposure or view, or reasonable privacy of adjoining or facing property, as shall
27 be determined by the architectural environmental committee.
28

29 **(3) Height.** Fences shall not exceed the maximum heights as follows. The overall
30 height of the fence is measured from the average elevation of the finished grade.

31 a. Front yard - three feet.

32 b. Side yard - ~~eight feet~~six feet.

33 c. Rear yard - ~~eight feet~~six feet.

34 **(4) Waterfront.** Fences to be erected on lots having water frontage must be
35 approved by the AEC prior to construction. Each proposal will be considered on
36 its own merit. Fences to be erected seaward of the coastal construction control
37 line must have FDEP permit.

38 **(5) Design.** All such structures shall be in harmony with surrounding property.

39 **(6) Standards for solid wooden fences.**

- 1 a. Palings to be not less than three-quarter-inch actual thickness and attached
2 with two galvanized nails per connection (no staples).
- 3 b. Stringers to be No. 2 grade or better; two by four inch nominal size pressure
4 treated pine; and three stringers to be used with fences more than three feet
5 in height.
- 6 c. Posts to be not less than four inches by four inches (square) nominal size or
7 six inches in diameter (round) and treated for below grade penetration;
8 spaced not more than eight feet apart; and not less than four-foot penetration,
9 or 2.5 feet penetration below grade if set in concrete.

10 **(7) Approval.**

- 11 a. Applications for fence approvals shall include fence details showing cross
12 sections, elevations and materials to be used.
- 13 b. If survey by registered Florida surveyor is not furnished to the county, such
14 fence is erected at lessee's own risk.
- 15 c. Fence construction shall require a final inspection by SRIA staff.

16
17 **Section 2. Severability.**

18 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
19 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
20 affect the validity of the remaining portions of this Ordinance.

21
22 **Section 3. Inclusion in Code.**

23
24 It is the intention of the Board of County Commissioners that the provisions of this
25 Ordinance shall be codified as required by F.S. § 125.68 (2015); and that the sections,
26 subsections and other provisions of this Ordinance may be renumbered or re-lettered
27 and the word "ordinance" may be changed to "section," "article," or such other
28 appropriate word or phrase in order to accomplish such intentions.

29
30
31 **INTENTIONALLY LEFT BLANK**

1 **Section 4. Effective Date.**

2
3 This Ordinance shall become effective upon filing with the Department of State.

4
5 **DONE AND ENACTED** this _____ day of _____, 2016.

6
7 **BOARD OF COUNTY COMMISSIONERS**
8 **OF ESCAMBA COUNTY, FLORIDA**

9
10 **By:** _____
11 **Grover C. Robinson, IV, Chairman**

12
13
14
15 **ATTEST: PAM CHILDERS**
16
17 **Clerk of the Circuit Court**

18
19 **By:** _____
20 **Deputy Clerk**

21
22 **(SEAL)**

23
24
25 **ENACTED:**

26
27
28 **FILED WITH THE DEPARTMENT OF STATE:**

29
30 **EFFECTIVE DATE:**