

INTRODUCED BY:

Mayor Pruette



ORDINANCE NO. 2016-10

A BILL ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS; ARTICLE V, ACCESSORY STRUCTURES AND USES, SECTION 27-330, FENCES, WALLS, AND HEDGES; AND PROVIDING AN EFFECTIVE DATE.**

**Whereas**, the City Council of the City of Neptune Beach, Florida has determined that it is necessary to amend the following:

**Now, therefore**, be it ordained by the City Council of the City of Neptune Beach, Florida:

**Section 1.** Chapter 27, Unified Land Development Regulation, Section 27-330. Fences, Walls, and Hedges is hereby amended as follows:

**Sec. 27-330. – Fences, Walls, and Hedges.**

- (a) Fences, walls or hedges may be located in all front, side and rear yard setback areas, subject to the following conditions:
- (1) Height of fences, walls or hedges. Fences, walls or hedges shall not exceed four (4) feet in height when placed in the front yard, six (6) feet in height when placed in the side yard, and six (6) feet in height when placed in the rear yard. In the event that a rear yard of a residentially zoned property abuts commercially zoned property, an eight-foot fence for only the rear yard may be constructed with the approval of the city manager. If a building is situated on the lot closer to the front setback line than the currently required setback, the fence shall not exceed four (4) feet in height forward of the front building line. ~~In addition, no fence or hedge on a corner lot in a residential district shall exceed the four-foot height within the required front yard building setback for either exterior lot line~~ (refer to Figure 27-330-1 at the end of article V).
  - (2) Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way. In residential zoning districts, fences walls or hedges shall not exceed six (6) feet in height when placed in exterior side yards abutting a principal arterial (Third Street). Such fences or walls are encouraged to meet higher quality construction standards in order to provide genuine sound attenuation. Such fences or walls shall be erected at least three (3) feet inward from the property line and shall be landscaped on the exterior (highway) side by the property owner using evergreen or other perennial plants.

- (3) Fences designed to have airflow, such as shadow box or lattice style fences are to be encouraged to allow for the free flow of breezes. Picket, shadow box and other decorative style fences in keeping with the character and context of the neighborhood are encouraged; chain-link fences are generally discouraged.
  - (4) No fence, wall, or hedge shall be located in the clear visibility triangle on corner lots or in such a way to block the line of sight for motorized vehicles leaving driveways.
  - (5) No fence, wall, or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.
  - (6) Fence posts shall be resistant to decay, corrosion, and termite infestation. The posts must also be pressure-treated for strength and endurance.
  - (7) Fences installed on the ocean side of ocean front lots shall not exceed four (4) feet in height within the required front setback.
  - (8) All replacement fences must meet current zoning requirements.
  - (9) The use of barbed-wire and razor wire is prohibited by section 8-4 in all zoning districts.
  - (10) All fences shall be maintained in a good state of repair and structurally sound condition, including but not limited to, painting and repainting; replacement of missing, decayed, corroded, or damaged component parts, and keeping level. Failure to maintain and repair fences may result in the fence being declared a nuisance and abated in accordance with the provisions of chapter 28 of this Code.
- (b) Point of reference for measurement. The point of reference for determining the height of a fence, wall, or hedge shall be the natural lay of the land along the fence, wall or hedge.
- (c) A fence required for safety and protection of hazard by a public agency may not be subject to the height limitations above. Approval to exceed minimum height standards may be given by the city upon receipt of satisfactory evidence of the need to exceed height standards for safety/security.

**Section 2.** This ordinance shall take effect upon its adoption.

**VOTE RESULTS OF FIRST READING:**

Mayor Harriet Pruette  
Vice Mayor Richard Arthur  
Councilor John Jolly  
Councilor Kara Tucker  
Councilor Scott Wiley

Passed on First Reading this 1<sup>st</sup> day of August, 2016

**VOTE RESULTS OF SECOND AND FINAL READING:**

Mayor Harriet Pruette  
Vice Mayor Richard Arthur  
Councilor John Jolly  
Councilor Kara Tucker  
Councilor Scott Wiley

Passed on Second and Final Reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Harriet Pruette, Mayor

ATTEST:

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Karla Strait, CMC, City Clerk

Approved as to form and content:

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Patrick Krechowski, City Attorney