



# City Council of Fort Walton Beach

## GROWTH MANAGEMENT MEMORANDUM

**To:** Michael D. Beedie, City Manager

**From:** Christopher Frasseti, Growth Management Director

**Date:** August 9, 2022

**Subject:** 2102 Ordinance Amending LDC Chapter 5 - Fence Height & Facing

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### **1. BACKGROUND:**

- 1.1. Since the latest implementation of the Land Development Code (LDC) in 2012, Staff has amended the document as inconsistencies have been identified and improvements have been recognized in order to provide for the most streamlined, clear, user-friendly document possible.
  - 1.1.1. This update provides for clarification in procedures, reduces potential hardships on property owners and aids in streamlining the development review process.
- 1.2. In May 2022, Staff presented Ordinance 2101 to City Council to amend Chapter 5 of the LDC to allow for eight (8) foot fence heights in the R-1E, R-1, or R-2 residential zoning districts that abut a school that is exempt from the LDC under Chapter 1013.371 of the Florida Statutes.
  - 1.2.1. On May 24, 2022, City Council adopted Ordinance 2101 on second reading.
  - 1.2.2. During discussions of Ordinance 2101 and subsequent Council Member comments, Staff was directed to draft another ordinance to amend Chapter 5 of the LDC to allow eight (8) foot fences on all sides of residential properties.
- 1.3. During the drafting of the new ordinance, Staff identified several areas within this section of the LDC that needed to be clarified or updated.
- 1.4. Staff reviewed and evaluated the requested LDC changes to ensure consistency with the Code of Ordinances and Comprehensive Plan.

### **2. DISCUSSION:**

- 2.1. Staff compared the LDC requirements for various counties and municipalities in the region regarding fence height.
  - 2.1.1. Okaloosa County permits eight (8) foot fences in any zoning district.
  - 2.1.2. Santa Rosa County permits eight (8) foot fences for side or rear yards of residential properties. Front yard fences are limited to four (4) feet.
  - 2.1.3. City of Crestview permits eight (8) foot fences for side or rear yards of residential properties. Front yard fences are limited to four (4) feet.
  - 2.1.4. City of Gulf Breeze permits eight (8) foot fences for side or rear yards of residential properties. Front yard fences are limited to four (4) feet.

- 2.2. While not specifically residential properties, Staff updated the maximum fence height for all side and rear yards to be eight (8) feet. This provides consistency across the City.
- 2.3. During review of the other county and municipal Land Development Codes, Staff identified a difference in how communities regulate the construction of fences regarding the facing of the finished side of the fence.
  - 2.3.1. Okaloosa County does not address this in their LDC.
  - 2.3.2. Santa Rosa County states “Walls and fences must have finished side facing out for all projects requiring site plan review.”
  - 2.3.3. City of Crestview has the same requirement as the City’s LDC.
  - 2.3.4. City of Gulf Breeze states “Walls and fences shall be constructed with approved materials and workmanship as approved by the city. Horizontal and vertical support posts shall be placed facing the inside of the fenced area when the fence abuts a street, except where the fence is designed such that both sides are finished with alternating vertical fence supports and those vertical supports are covered by the alternating pattern.”
  - 2.3.5. City of Destin states “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.”
- 2.4. Based on Staff’s review of other jurisdictions’ LDCs, Staff recommends amending the language for fence finished side facing requirements to provide clarification. The goal is to simplify the requirements for citizens as well as Staff in administering the LDC.

**3. FINANCIAL INFORMATION:**

- 3.1. There is no direct financial impact to the City.

**4. RECOMMENDATION:**

- 4.1. Staff respectfully recommends that the Local Planning Agency make a recommendation to City Council to adopt Ordinance No. 2102 amending Chapter 5 of the City’s Land Development Code for maximum fence heights and direction requirements for finished sides of fences.

**SIGNATURE BLOCK:**

Tim Gibson	Completed	07/19/2022 7:05 AM
Christopher Frassetti	Completed	07/20/2022 2:47 PM
Finance	Completed	07/22/2022 8:47 AM
City Attorney	Completed	07/28/2022 4:07 PM
City Clerk	Completed	07/28/2022 4:58 PM
City Manager	Completed	08/04/2022 1:55 PM
Local Planning Agency	Pending	08/04/2022 5:30 PM
City Council	Pending	08/09/2022 6:00 PM
City Council	Pending	08/23/2022 6:00 PM

## ORDINANCE 2102

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING CHAPTER 5, ACCESSORY USES AND STRUCTURES, OF THE LAND DEVELOPMENT CODE TO AMEND FENCE HEIGHTS & FENCE FACING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA AS FOLLOWS:**

**WHEREAS**, the Growth Management Department consistently reviews and recommends revisions to the Fort Walton Beach Land Development Code (LDC) when areas of improvements are identified to provide for the most streamlined, clear, user-friendly document possible; and

**WHEREAS**, the City Council finds the majority of residents desire a higher fence option for residential property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA:**

### **Section 1. Authority and Intent**

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

### **Section 2. Amendment of Section 5.01.08 – Fence, Hedges, and Walls**

5.01.08 Fences, Hedges, and Walls.

- A. Location of fences, perimeter hedges, and walls.
1. Fences, perimeter hedges, and walls may be located on, at, or inside the property line.
    - a. All fence material must be located on, at or inside the property line and shall not be located outside of the property line.
  2. A fence located on the property line may be shared by adjacent properties.
  3. Owners of fences on adjacent properties that are not shared shall make provisions for maintenance.
  4. Setback requirements applicable to principal buildings shall not prohibit or restrict the installation of a retaining wall.
  5. Fences, perimeter hedges, and walls shall not be located within the required clear visibility area designed in Section 6.03.00.
  6. Fences, perimeter hedges, and walls shall not obstruct, hinder, or impede the safe movement of pedestrian, bicycle, or vehicular traffic.

B. Materials and appearance requirements.

1. Fences and walls shall be constructed of wood, masonry, stone, wrought iron, chain link, vinyl, or composite materials.
2. The following fence types are prohibited: wire and welded wire.
3. 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. All fences shall be installed with the finished side facing outward, except for the following:
  - a. ~~Where a fence cannot be constructed on the property line due to an existing fence on the adjacent property line, the finished side may face inward.~~
  - b. ~~When an applicant is not granted permission to access the adjacent property to install the fence, the finished side may face inward.~~
4. Fences located at the front yard setback or in the area between the front yard setback and the front property line shall not be solid and shall be a minimum of fifty (50) percent open.
5. A fence installed for security purposes for industrial uses may include barbed wire, provided that the barbed wire is eight (8) feet above ground.

C. Electrical fencing may be installed for security purposes and shall meet the following standards:

1. Electrical fencing may be installed on the top of a fence in the CG, CTP, or MB zoning districts, provided that the electrical fencing is a minimum of six (6) feet above the ground.
2. Electrical fencing may be installed in residential areas provided that such fencing shall be limited to rear yards and shall be contained within a fence structure.
3. All electrical fencing shall be accompanied by signs to provide a warning of the type of fence and the voltage of the fence. Warning signs shall be placed at each corner of the enclosed area; additional signs shall be placed fifteen (15) feet apart along the entire fence. Warning signs shall not exceed four (4) square feet in area each.

D. Mandatory fencing. Where the YC zoning district abuts property zoned to allow residential use, a fence or hedge shall be installed on or at the abutting property line. The fence or hedge shall be opaque and shall be a minimum of six (6) feet in height.

E. Height standards.

1. Fence and wall height shall be measured from the natural grade at the base of the fence to the topmost part of the fence.
2. ~~The maximum height for a fence on a lot line on property zoned R-1E, R-1, or R-2 and adjacent to a property zoned CG, MB, or CTP shall be eight (8) feet.~~
3. ~~The maximum height for a fence on a lot line on property zoned R-1E, R-1, or R-2 and adjacent to a school exempt from the LDC under Chapter 1013.371 of the Florida Statutes shall be eight (8) feet.~~
4. ~~The maximum height for a fence on a property with the existing use of medical facility for recovery or rehabilitation services shall be eight (8) feet in the side or rear yard.~~

25. Fence may contain decorative columns spaced no less than six (6) feet apart that shall not exceed ~~nine~~ ~~eight~~ (98) feet in height.

36. Height standards are provided in Table 5.01.08.

**Table 5.01.08. Standards for Fence Heights.**

Zoning District	Maximum Height in a Side or Rear Yard (feet)	Maximum Height in a Front Yard <sup>1</sup> (feet)
R-1E	8 6	6 4-6
R-1	8 6	4
R-2	8 6	4
YC	8 6	6 4-6
CF	8 6	6
CG	8	6
MX-1	8 6	6
MX-2	8 6	6
CTP	8	8
MB	8	6
REC	8 6	6
*The maximum height for a fence on a property with the existing use of medical facility for recovery or rehabilitation services shall be eight (8) feet.		

<sup>1</sup> The front yard is the area between the principal structure and the front property line.

**Section 3. Applicability**

For the purposes of jurisdictional applicability, this ordinance shall apply within the City of Fort Walton Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

**Section 4. Inclusion into the Land Development**

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Fort Walton Beach’s Land Development Code, and that the sections of this ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or such other appropriate word or phrase in order to accomplish such intentions.

**Section 5. Severability**

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

**Section 6. Findings**

The City Council of the City of Fort Walton Beach finds that the Local Planning Agency reviewed and recommended adoption of the ordinance on August 4, 2022.

The City Council of the City of Fort Walton Beach, Florida, finds that the proposed ordinance is consistent with the goals, objectives, and policies of the City’s Comprehensive Plan.