



City Council of Fort Walton Beach

GROWTH MANAGEMENT

MEMORANDUM

To: Michael D. Beedie, City Manager

From: Christopher Frasseti, Growth Management Director

Date: August 23, 2022

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

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.

HISTORY:

08/04/22

Local Planning Agency

ADOPTED

Jennifer Gutai Comella with the City Attorney's Office gave the Oath to Planning Supervisor, Tim Gibson.

Ms. Comella then read Ordinance 2102 by title.

Mr. Gibson provided background on the proposed Ordinance that started with Ordinance 2101, adopted by City Council in May, which amended Chapter 5 of the Land Development Code (LDC) to allow eight (8) foot fence heights for certain zoning districts that have fences that abut school properties. At that same City Council meeting, Council expressed interest in permitting 8 foot fences for all properties in the City, not just for properties that abut schools. Staff reviewed fence heights throughout the area. In Okaloosa County, 8 foot fences are allowed in any zoning district. Santa Rosa County, the City of Crestview, and the City of Gulf Breeze all allow

side and rear eight (8) foot fences with four (4) fence heights in the front yard (if the fence is in **front** of the structure).

Over the last several years, fence facing (finished side versus unfinished side) has also come up frequently. The same evaluation as with fence heights requirements was done with neighboring communities to see what the requirements are for the way a fence should face. Staff's goal is to clarify the finished side fence requirements in the LDC and simplify the requirements for citizens. The proposed changes for this are to Section 5.01.08 (b)(3), specifically that any fence located adjacent to a public right-of-way or private road be placed with the finished side facing that right-of-way. Mr. Gibson went over the other changes being proposed.

Staff recommends that the Local Planning Agency make a recommendation to City Council to approve Ordinance No. 2102, which requests amendments to Chapter 5 of the City's Land Development Code for maximum fence heights and direction requirements for finished sides of fences.

Board Member Ramon Quiray said the word gate should be added to the LDC because he interprets gates and fences to be different things. Mr. Gibson said the LDC language is clear about what is allowed in front of a structure and there has not been a fence versus gate wording issue with the LDC. Mr. Gibson clarified to Mr. Quiray that a fence would slope with a sloping ground. Mr. Quiray felt strongly that the word "slope" should be added to and described in the LDC, and Mr. Gibson said he will take the suggestion into consideration, but slopes have been handled for a long time with the verbiage as-is and not having that word has not been a problem to-date. Board Member Melinda Vazquez read to Mr. Quiray the section of the LDC that refers to this.

The vote on the motion to recommend approval of this Ordinance by City Council, as presented by Staff, carried 6 to 1; motion passed.

08/09/22

City Council

ADOPTED

City Attorney Dykes read Ordinance 2102 by title on first reading.

Mr. Frassetto said this Ordinance is an amendment to Chapter 5 of the Land Development Code (LDC) for to allow for eight (8) foot fence heights in any zoning district but only to the sides and rear yards of properties in the City. He provided background on this Ordinance and explained that it provides for consistency throughout the City and with neighboring communities, cities, and counties. He also explained proposed changes in the finished sides of fences and said that Staff made changes to this requirement as well, which is similar to the City of Destin's fence requirements regarding the requirements for direction of fence side facing "in" or "out." The Local Planning Agency recommended approval of all these changes.

Staff respectfully recommends adoption of the Ordinance as presented.

Discussion included four (4) foot and 50% visibility on the front of the fence if the fence sits in *front* of the house (this would remain the same).

The vote on the motion for adoption of 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 passed unanimously.

SIGNATURE BLOCK:

Tim Gibson

Completed 07/19/2022 7:05 AM

Christopher Frassetto	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	Completed	08/04/2022 5:30 PM
City Council	Completed	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 ¹ (feet)
R-1E	<u>8</u> 6	<u>6</u> 4-6
R-1	<u>8</u> 6	4
R-2	<u>8</u> 6	4
YC	<u>8</u> 6	<u>6</u> 4-6
CF	<u>8</u> 6	6
CG	8	6
MX-1	<u>8</u> 6	6
MX-2	<u>8</u> 6	6
CTP	8	8
MB	8	6
REC	<u>8</u> 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.		

¹ 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.

The City Council of the City of Fort Walton Beach, Florida, finds that all notice requirements for enactment of the ordinance have been met in accordance with the Florida Statutes and the City's Land Development Code.

Section 7. Effective Date

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: _____

Richard A. Rynearson, Mayor

Attest:

Approved for form, legal sufficiency

Kim M. Barnes, City Clerk

Hayward Dykes, Jr., City Attorney

Additions are underlined; deletions are stricken.