



Stephen R. Olmsted, AICP  
Planning Director  
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MEMORANDUM

Department of Building and Planning

DATE: January 2, 2024

TO: Yocelyn Galiano, ICMA-CM  
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA  
Planning Director

RE: Ordinance Amending Chapter 30, Land Development Regulations -  
Division 5.5, Fences, Walls, and Hedges

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The Village's Land Development Regulations currently restrict the maximum height of a perimeter wall in the PS, Public Service zoning district to 8 feet adjacent to the side and rear property lines, and 4 feet adjacent to the front and side street property lines. Chain link or wire fences are currently permitted to be constructed at a maximum height of 8 feet on all sides of a property.

With the understanding and expectation that a higher perimeter wall adjacent to the front and side street property lines may further enhance the safety and security of schools and places of worship in the PS, Public Service zoning district, the Village Council has been asked to consider increasing the maximum permitted height of a wall adjacent to the front and side street property lines from 4 feet to 8 feet. The Building and Planning Department has considered the request and recommends that the maximum permitted height of perimeter walls in the PS, Public Service zoning district be increased from 4 feet to 8 feet if designed with aesthetically appealing architectural features, and subject to review and approval of the Administrative Official. A proposed amendment to Division 5.5 of the Village's Land Development Regulations allowing for an increase in height is attached for the Village Council's consideration. Proposed amendments are shown in underlined text and highlighted in yellow.

Amendment of the Land Development Regulations will require approval of an ordinance at two readings. If approved at first reading on January 9, 2024, staff will schedule required public hearings before the Local Planning Agency and Village Council for final consideration of the proposed ordinance at second reading on February 14, 2024.



ORDINANCE 2024-\_\_\_\_

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING THE VILLAGE CODE OF ORDINANCES, CHAPTER 30, LAND DEVELOPMENT REGULATIONS, ARTICLE 5, ADDITIONAL REGULATIONS; DIVISION 5.5, FENCES AND WALLS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the Village of Pinecrest, Florida (the "Village"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provides municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, the Village Charter empowers the Village Council to adopt, amend or repeal its ordinances and resolutions as may be required for the benefit of the residents of the Village; and

WHEREAS, the Village Council finds it periodically necessary to amend its Code of Ordinances and Land Development Regulations ("Code") in order to update regulations and procedures necessary to implement municipal goals and objectives; and

WHEREAS, the Village Council has identified amendments to the Village's Code that are necessary to implement the goals, objectives, and policies of the Village's Comprehensive Development Master Plan; and

WHEREAS, in order to protect the public health, safety, and general welfare of the citizens of the Village, the Village Council finds that it is necessary to increase the height of protective walls and fences in the PS, Public Service District; and

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words, **highlighted in yellow** are additions to the existing words. Changes between first and second reading are indicated with **green highlight** and ~~double-strikethrough~~ or double underline.

WHEREAS, the Local Planning Agency, held a duly advertised public hearing on \_\_\_\_\_, 2024; and

WHEREAS, after reviewing the Local Planning Agency’s recommendations, the recommendations of Village staff, and comments from the public, the Village Council finds that the proposed amendments to its Code are in compliance and consistent with Florida law, and its adopted Comprehensive Development Master Plan; and

WHEREAS, the Village Council further finds it to be in the best interest of the public health, safety and welfare of the citizens to adopt this Ordinance amending the Village’s Code.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA:

**Section 1. Recitals.** That the above stated recitals are hereby adopted and confirmed.

**Section 2. Village Code Amended.** The Village Council of the Village of Pinecrest hereby amends Article 5, “Additional Regulations,” of Chapter 30 of the Code of Ordinances as follows:<sup>1</sup>

## CHAPTER 30 – LAND DEVELOPMENT REGULATIONS

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### ARTICLE V. – ADDITIONAL REGULATIONS

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#### Div. 5.5. Fences, walls and hedges.

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- (i) *Height of hedges in all districts.* The height of any hedges shall be a maximum of 14 feet.
- (i) *Heights of walls and fences in BU and PS districts.* **Wire and Transparent Metal Picket Fences:** In the BU and PS districts, any wire **or transparent metal picket** fence shall not exceed eight feet in height. **when located within the required front or side street setback**

areas. When located between the building line and other property lines, a wire fence shall not exceed eight feet in height. **Walls and Hedges:** **In the BU and PS districts,** Walls and hedges, when located within the required front or side street setback areas, shall not exceed four feet in height, **except that a wall in the PS district may be constructed to a maximum of 8 feet in height when designed to include decorative architectural features including columns, landscaped insets, scored block or surface, and/or other similar aesthetically appealing architectural design details. The architectural design of walls higher than 4 feet in height shall be subject to review and approval of the Administrative Official prior to issuance of a building permit.** ~~When~~ When located between the building line and other property lines, walls and hedges shall not exceed eight feet in height.

- (k) *Height of gates and columns.* The height of any column shall not exceed eight feet in any district. **Within all districts except the PS district,** ~~the~~ the height of any gate shall not exceed six feet in ~~any district,~~ **height** except that gates adjacent to a street or road that are designed to include an arch or other ornamental feature or design element may extend to a maximum of seven feet at the peak of such feature. **Within the PS district, gates shall not exceed the height of the permitted fence or wall.**

\* \* \*

**Section 3. Codification.** It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the Village of Pinecrest; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 4. Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 5. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the

remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 6.** **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 9<sup>th</sup> day of January, 2024.

PASSED AND ADOPTED on second reading this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2024.

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Joseph M. Corradino, Mayor

ATTEST:

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Priscilla Torres, MMC  
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Mitchell Bierman  
Village Attorney

Motion on Second Reading by:  
Second on Second Reading by:

Vote: