

<b>Date:</b> 05/06/2025		<b>AGENDA ITEM</b>		<b>Item:</b> 09	
<input checked="" type="checkbox"/> Ordinance		<input type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution	
<input type="checkbox"/> Other					
<b>County Goals</b>					
<input checked="" type="checkbox"/>	More Efficient Regulatory Framework	<input type="checkbox"/>	Increase Efficiency and Effectiveness of Government Operations	<input type="checkbox"/>	Implement a Plan for Expanded Recreation
<input type="checkbox"/>	Enhance Fiscal Stewardship	<input type="checkbox"/>	Support a Solution-Oriented Culture	<input type="checkbox"/>	NA
<b>Department:</b> Growth And Resource Management <b>Division:</b> Planning and Development Services					
<b>Subject:</b> Ordinance 2025-13 - Reducing accessory sheds and fence permitting requirements (Case O-25-005).					
Clay Ervin Director Growth and Resource Management Approved by:  <i>Clay Ervin</i> Department Approval		Approved By:		<b>Legal</b>  Paolo Soria Senior Assistant County Attorney Approved By:  <i>Paolo Soria</i>	
Carol McFarlane Director Planning and Development Approved By:  <i>Carol McFarlane</i> Division Approval		Approved By:		<b>County Manager's Office</b>  Ryan Ossowski Chief Financial Officer Approved By:  <i>Ryan Ossowski</i>	
<b>Approved as to Form and Legality</b>					
<b>Council Action:</b>					
<b>Modification:</b>					
<b>Account Number(s):</b> NA <b>Total Item Budget:</b> NA					
<b>Staff Contact(s):</b> Clay Ervin Carol McFarlane				<b>Phone:</b> 386 822 5013 386 736 5942	<b>Ext.</b> 12000 12736
<b>Summary/Highlights:</b> On October 1, 2024, the County Council directed staff to evaluate opportunities to reduce the need for a building permit for certain accessory sheds and residential fences. In response, staff have prepared a revision to Chapter 72 of the Volusia County Code of Ordinances to eliminate the requirement for a building permit for sheds that are 480 square feet or less, and eliminate the requirement for a residential fence permit, except in cases where the fence functions as a pool safety barricade.					

As directed, staff evaluated the implications of eliminating shed and fence permits for residential properties. The Florida Building Code does not require a permit for fences unless they serve as a safety barrier for a swimming pool. Permits are typically used to ensure compliance with zoning requirements, such as location, maximum height, and that the "good side" of a fence faces out. Sheds are required to be anchored if they are 120 square feet or larger.

Without a building permit requirement, individual property owners will be responsible for ensuring their sheds and fences comply with all applicable zoning regulations. Additionally, the Flood Hazard Management provisions and minimum environmental requirements of the Land Development Code will still apply. If a property owner fails to comply and a valid complaint is received, Code Enforcement staff will initiate a code violation. Compliance may require the fence or shed to be removed and/or reinstalled to meet all applicable requirements.

The Planning and Land Development Regulation Commission (PLDRC) heard this item on March 20, 2025. There was no public participation. The PLDRC voted unanimously (5:0, one member absent) to forward the item to the County Council with a recommendation of approval with commission comments. This item was advertised for County Council on April 25, 2025. A business impact estimate was posted on the County website.

**Attachments:**

1. PLDRC draft meeting minutes March 20, 2025
2. Proposed ordinance O-25-005
3. PLDRC staff report March 20, 2025

**Recommended Motion:** Approval.

**PLANNING AND LAND DEVELOPMENT REGULATION COMMISSION  
PUBLIC HEARING HELD  
March 20, 2025**

*All Members were present.*

**O-25-005** – Proposed Ordinance 2025-13, amending Chapter 72 regarding accessory structures and fences.

Scott Ashley, Senior Zoning Manager, presented the staff report. He noted two corrections to the staff report. The hearing date should be March 20, 2025, not March 18, 2025; and on page two the phrase “and allowing a more affordable housing option for residents of Volusia County” should be deleted from the last sentence before the staff recommendation. Mr. Ashley explained that during a workshop on July 23, 2024, the County Council discussed ways to reduce time and cost for the public in the permit review process by reducing and eliminating various land development regulations. On October 1, 2024, the County Council directed staff to draft multiple code of ordinance amendments. This proposed ordinance addresses two of those changes; 1. eliminating the requirement for a building permit for accessory sheds under 400 square feet in size, and 2. eliminating the requirement for fence permits on residential property, except those fences functioning as a pool safety barrier. Currently, regardless of size, sheds require a building permit which is reviewed for compliance with minimum setbacks, maximum building height, and maximum lot coverage, in addition to the provisions of the Florida Building Code. The code does allow for reduced setbacks for accessory structures less than 500 square feet. In the proposed ordinance, accessory sheds of less than 400 square feet would still need to comply with the accessory structure requirements, as well as Article III, Division 7, Flood Hazard Management, and Chapter 50 minimum environmental regulations, but would not require a building permit. A fence permit is required to verify compliance with height and location requirements. Fences are not defined as structures or referenced in the Florida Building Code. The proposed ordinance eliminates the fence permit requirement for chain-link, wood, or vinyl fences in residential zoning classifications but does not change the requirements for masonry or concrete walls as they are defined as structures. A definition for “wall” is added with this proposed ordinance to distinguish them from fences as walls still require a building permit. For fences and sheds less than 400 square feet in size, the property owner would still need to check with the County regarding setbacks, location, and height requirements. If a fence or shed is placed in violation of the setbacks, location and/or height requirements, upon receiving a complaint Volusia County Code Enforcement would seek compliance.

Member Costa inquired why the limit is 400 square feet as opposed to 500 square feet for sheds.

Mr. Ashley responded that 400 square feet is the size provided by the County Council during the workshop. He explained the changes in the permitting process from a single step to a two-step process and in the spirit of reducing time and costs, the County Council directed staff to eliminate permit requirements for fences as fences are the most common permit on residential use properties.

1 Member Costa mentioned that a standard two-car garage was 480 square feet which would  
2 be a decent sized shed. He suggested amending the size to 500 square feet or at least  
3 480 square feet. He also suggested changing “single-family residential” to  
4 “noncommercial” properties on page 3, lines 1 and 15 of the Ordinance seems to be  
5 restrictive and would be more encompassing than single-family residential.

6  
7 Mr. Ashley commented the distinction regarding the wording of “single-family residential” is  
8 for accessory structures there are specific zoning classifications listed that allow for single-  
9 family residential use whereas multi-family and mobile home park type zoning  
10 classifications are not included in the accessory structure section (Section 72-277). Under  
11 the fence section (Section 72-282) the property is either residential or nonresidential, the  
12 distinction here is that single-family residential use would get the exception from a fence  
13 permit where as multi-family or mobile home park which would be residential and the fence  
14 permit requirement would still apply.

15  
16 Member Craig inquired about the difference between an accessory shed and a garage. She  
17 thought a shed is something that is built off-site, whereas a garage is studier and built for a  
18 specific purpose and would need a building permit.

19  
20 Mr. Ashley explained the word “Shed” was specifically mentioned in the Council discussion.

21  
22 Member Shelley commented that the zoning requirements still apply, just now someone  
23 would have to file a complaint with the County to enforce Code Compliance.

24  
25 Chair Mills inquired if a property was zoned agricultural and did not have an agricultural tax  
26 exemption or a residence, could an accessory structure be placed without a building permit  
27 if it is limited to single-family residential use?

28  
29 Mr. Ashley stated that agricultural zoning classifications are considered single-family  
30 residential use, and would therefore fall under the provisions of this ordinance. Without a  
31 residence, the structure would be a nonresidential farm building and require storage of farm  
32 related items.

33  
34 Paolo Soria, Senior Assistant County Attorney commented that under the fence section it  
35 already exempts agricultural, conservation or public zoning classifications.

36  
37 Chair Mills asked Mr. Soria for his opinion on the distinction between “single-family  
38 residential” and “noncommercial”.

39  
40 Mr. Soria concurred with Mr. Ashley’s distinction as the concern is there are types of multi-  
41 family residential developments should still need fence permits.

42  
43 Chair Mills inquired if properties that have Accessory Dwelling Units (ADUs) are multi-  
44 family.

45  
46 Mr. Ashley commented that ADUs do not constitute multi-family use. Multi-family is where  
47 there is more than one primary dwelling unit, such as apartments.

1 Chair Mills asked if the apartments could erect a fence without a permit.

2  
3 Mr. Ashley stated as written, the proposed ordinance would require apartments to obtain a  
4 fence permit as the exemption is restricted to single-family residential use.

5  
6 Member Costa was concerned that “single-family residential use” may exclude someone  
7 unintentionally.

8  
9 Mr. Soria mentioned duplexes or townhomes. Townhomes are treated as multi-family use  
10 and duplexes are usually covered on common property.

11  
12 Mr. Ashley asked that if the Commission wanted to add “duplexes”, they are only allowed  
13 in the R-6 zoning classification which also allows for single-family residential.

14  
15 Member Costa was in favor of that suggestion to change the “single-family residential” use  
16 to “single-family residential and duplex residential uses” instead of “noncommercial use”.

17  
18 Member Costa inquired if there was a definition of “accessory shed”, and does it have four  
19 walls or could it have a canopy such as a carport structure?

20  
21 Mr. Ashley explained that the Zoning Ordinance does not define sheds, but it refers to  
22 Merriam-Webster’s 11<sup>th</sup> edition dictionary which defines a shed as “a slight structure built  
23 for shelter or storage, a single-story building with one or more sides enclosed.”

24  
25 Member Costa commented that a two-car carport with a back wall would be a shed and  
26 that is his reason for amending the size from 400 to at least 480 square feet.

27  
28 Chair Mills commented that this would address the 10x10 chicken coup having to have a  
29 permit in the RR zoning classification.

30  
31 Public Participation. None.

32  
33 *Staff understood the Commission comments to be that on Page 3 lines 1 and 15 to*  
34 *change “single-family residential” to “single-family and duplex residential”, and to increase*  
35 *the accessory shed size from 400 square feet to at least 480 square feet if not 500 square*  
36 *feet.*

37  
38 **Member Shelley MOVED to FIND Ordinance 2025-13 CONSISTENT with the**  
39 **Comprehensive Plan and FORWARD case O-25-005 to the County Council with a**  
40 **recommendation of APPROVAL with Commission comments. Member Sixma**  
41 **SECONDED the motion. Motion CARRIED unanimously (5:0).**

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**ORDINANCE 2025-13**

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA TO REMOVE PERMITTING REQUIREMENTS FOR RESIDENTIAL FENCING AND ACCESSORY SHEDS OF CERTAIN SIZE; AMENDING SECTION 72-2 DEFINITIONS; AMENDING SECTION 72-277, ACCESSORY STRUCTURES AND EXCEPTIONS TO MINIMUM DIMENSIONAL REQUIREMENTS; ACCESSORY DWELLING UNITS; AMENDING SECTION 72-282 FENCES, WALLS AND HEDGES; AMENDING SECTION 72-341 ADMINISTRATION; PROVIDING FOR LIMITATIONS ON USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Volusia County Council held a Growth and Resource Management and Permitting Workshop on July 23, 2024, at which they directed staff to bring back an ordinance which would allow the installation of fences and sheds under 400 square feet in size without a permit; and,

WHEREAS, the purpose of this ordinance amendment is to eliminate the requirement to obtain a permit to erect or install a fence or shed under 400 square feet in size according to Council's direction; and

WHEREAS, these proposed regulations are authorized under Chapter 163, Florida Statutes, to establish reasonable zoning regulations; and

WHEREAS, the Volusia County Council determines that obtaining permits for residential zoning classification may be overly burdensome and unreasonable to the citizens of unincorporated Volusia County; and

WHEREAS, this ordinance has met the notice and public hearing requirements of sections 125.66(4)(b), F.S., and was heard before the Planning and Land Development Regulation Commission pursuant to section 163.3174, F.S.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

**(Words in ~~strike-through~~ type are deletions; words in underscore type are additions.)**

1           **SECTION 1:** Incorporation of Recitals. The above recitals are incorporated in this  
2 Ordinance as legislative findings of fact and intent.

3           **SECTION 2:** Section 72-2 of Chapter 72 of the Code of Ordinances of the County of  
4 Volusia is hereby amended to revise and add the following definitions:

5   **Sec. 72-2. – Definitions.**

6           \* \* \* \*

7           *Accessory dwelling unit:* An attached or detached residential dwelling unit, which  
8 provides independent living facilities for one (1) or more persons, and may include separate  
9 provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a  
10 single-family dwelling. Only one such accessory dwelling unit is allowed on the same parcel as  
11 a single family dwelling. Common names for an "Accessory Dwelling Unit" include secondary  
12 dwelling unit, accessory living space, garage apartment, ancillary apartment, mother-in-law  
13 apartment, guest house, carriage house, granny flat, servant's quarters and the like.

14          *Accessory shed:* A shed is an uninhabitable accessory structure used or designed to be  
15 used to provide storage of materials and belongings. Accessory sheds are fully enclosed, and  
16 do not include garages or carports.

17           \* \* \* \*

18          *Walkway:* Improved path of either concrete or asphalt which permits pedestrian access  
19 to the coastal beaches.

20          *Wall:* For the purposes of section 72-282, a masonry fence which is constructed on a  
21 footer serving as a means of protection or confinement.

1 Warehouse: A building or substantial portion of a building where goods, merchandise,  
2 products, supplies, or equipment are stored before distribution to manufacturers, retailers or  
3 wholesalers.

4 \* \* \* \*

5 **SECTION 3:** Section 72-277 of Chapter 72 of the Code of Ordinances of the County of  
6 Volusia is hereby amended to revise and add the following:

7 **Sec. 72-277. - Accessory structures and exceptions to minimum dimensional**  
8 **requirements; accessory dwelling units.**

9 \* \* \*

10 (c) Spires, belfries, cupolas, clerestory windows, antennas, water tanks, ventilators, solar  
11 panels, windmills, chimneys, penthouses or other similar accessory structures customarily  
12 required to extend above the roof level, may extend for an additional 25 feet above the  
13 maximum building height prescribed for the classification in which they are located.

14 (d) Accessory sheds equal to or less than 480 square feet in size, located on single-family and  
15 two-family residential use properties, are subject to the standards of this section and Article III,  
16 Division 7, Flood Hazard Management, but may be constructed without a building permit. Such  
17 sheds may not be constructed within any wetland or wetland buffer or within 25 feet of any  
18 gopher tortoise burrow.

19 ~~(d)~~ (e) Accessory Dwelling Units.

20 \* \* \*

21 **SECTION 4:** Section 72-282 of Chapter 72 of the Code of Ordinances of the County of  
22 Volusia is hereby amended to revise and add the following:

23 **Sec. 72-282. - Fences, walls and hedges.**



Fences, walls, and hedges may be permitted in any yard area, provided:

(1) Residential Classifications. Fences and walls in residential use zoning classifications are permitted in any yard area on residential lots provided they comply with the standards of this section and Article III, Division 7, Flood Hazard Management requirements. Chain link, wood or vinyl fences on single-family residential use properties are subject to the standards of this section but may be constructed without a Fence Permit. All other residential fences and walls, including residential project walls approved under subsection (8) below, are subject to the standards of this section and require a Fence and/or Building Permit:

~~(4)~~ a. Fences, walls and hedges, except those with an opacity of 25 percent or less erected only to meet the minimum safety requirements of the Florida Building Code, as amended, shall not exceed three feet in height when erected on an atypical lot rearward of the rearmost point of the principal structure as defined by the required yard area. Fences, walls and hedges in all other rear and side yards shall not exceed six feet in height.

~~(2)~~ b. Except as provided in subsection 72-284(2), fences, walls or hedges in a front yard shall not exceed four feet in height; however, on corner lots also refer to subsection 72-277(a)(8) for obstruction to visibility.

~~(32)~~ Retaining walls or retaining walls with fences on top shall not exceed the above height limitations measured from existing grade on both sides of the wall, except a guardrail or fence with an opacity of 25 percent or less erected to meet the minimum three-foot safety requirements of the Florida Building Code.

1       (43) Nonresidential Classifications and Uses: A nonresidential fence, wall, or hedge may  
2       be a maximum height of eight feet around the perimeter of the project if the fence  
3       does not interfere with vehicle visibility requirements at traffic access points as set  
4       forth in subsection 72-277(a)(8). If chain link fencing is used, then it shall be vinyl-  
5       coated black and all parts must match. For public utility uses and structures, a  
6       minimum fence height of six feet is required.

7       (54) This section shall not be applied to any agricultural, conservation or public use  
8       classifications.

9       (65) Prohibited fencing. Except for public utility uses and structures, barbwire or electric  
10       fences are prohibited in the R-1 through R-9, OCV, OMV, OTC, OUR, SWC, SWR,  
11       and MH-1, MH-2, MH-5, MH-6 and MH-7 classifications. No wall shall be erected in  
12       any platted easements.

13       (76) Fences and fence walls must be constructed of conventional and traditional materials,  
14       including, but not limited to, concrete block, brick, wood, decorative aluminum, iron or  
15       steel, chain link or composite products manufactured specifically for fences and walls.  
16       Nontraditional materials, including, but not limited to tires, mufflers, hubcaps, are  
17       prohibited. Fabric sheets nets, plastic, metal, vinyl sheets or slats may be used as  
18       part of the fence or attached to a fence for the purpose of enhancing privacy or  
19       required screening.

20       (87) Fences and walls must be constructed to present the finished side of the fence or wall  
21       to the adjoining lot or any abutting right-of-way. Where, there is an existing fence, wall  
22       or continuous landscape hedge on the adjoining parcel, this provision may be

1 administratively waived upon written request at the discretion of the zoning  
2 enforcement official.

3 (98) Residential project walls.

4 a. Definition: For the purposes of this section, a residential project fence means a  
5 wall or fence erected around a residential subdivision (excluding individual lots)  
6 or development of 20 or more dwelling units.

7 b. A residential project or entry fence:

- 8 1. May be a maximum height of six feet around the perimeter of the project  
9 upon a finding by the traffic engineer that the fence does not interfere with  
10 vehicle visibility requirements (see subsection 72-277(a)(8)) at traffic access  
11 points.
- 12 2. May include entryway structures, including but not limited to walls, columns,  
13 lighting and other decorative elements used to defined entrances to single-  
14 family or multifamily developments at a height not to exceed twice the fence  
15 or wall height allowed provided the features are compatible with the project.  
16 Entryway structures proposed at a greater height shall be subject to specific  
17 review and approval of the zoning enforcement official as part of the  
18 applicable land development review process. Entryway structures must be  
19 located outside of any required landscape buffer area.
- 20 3. Must be landscaped on the exterior side (between the wall and the abutting  
21 property or street right-of-way) according to section 72-284 of this article.

1                   Trees adjacent to a right-of-way must be appropriately sized to avoid  
2                   conflicts with overhead utilities, lighting and signs upon maturity.

- 3                   4.   May not be permitted until proper documents have been recorded providing  
4                   for the maintenance of the project fence and landscaping.

5       (409)   Method of measurement. In the event that a fence or wall is located at a common  
6                   property line with varying elevations, the height shall be measured from the existing  
7                   natural grade, as measured along the outside of the required yard area. A ground  
8                   clearance of two inches may be factored in to fence height calculations.

9       \* \* \* \*

10           **SECTION 5:** Section 72-341 Chapter 72 of the Code of Ordinances of the County of  
11   Volusia is hereby amended to revise and add the following:

1        **Sec. 72-341. – Administration.**

2        \*\*\*\*

3

4        (b)    Permits required. No structure, including any sign unless specifically exempted

5                   under subsection 72-298(1) of this article, shall be erected, moved or altered

6                   without first applying for and obtaining a building permit as required by the Florida

7                   Building Code, if applicable. No fence shall be erected, moved or altered without

8                   first applying for and obtaining a permit from the department for nonresidential

9                   zoning classifications and uses. No building permit shall be issued by the

10                  department until the zoning enforcement official signs the building permit

11                  application attesting to the fact that the proposed use or structure or sign conforms

12                  to this article, or unless the zoning enforcement official receives a written order

13                  from the county council or the planning and land development regulations

14                  commission, whichever is applicable. If the zoning enforcement official does not

15                  sign the building permit application, reasons for such action shall be stated in

16                  writing, upon request. No building permit shall be required to erect fences on any

17                  agriculturally classified lands.

18        \* \* \* \*

19        **SECTION 6: SEVERABILITY** - Should any word, phrase, sentence, subsection or section

20        be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional,

21        then that word, phrase, sentence, subsection or section so held shall be severed from this

22        ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full

23        force and effect.

**SECTION 7: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

**SECTION 8: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 9: EFFECTIVE DATE.** This ordinance shall take effect upon electronic filing of a certified copy with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2025.

ATTEST:

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

\_\_\_\_\_  
George Recktenwald  
County Manager

\_\_\_\_\_  
Jeffrey S. Brower  
County Chair



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT  
PLANNING AND DEVELOPMENT SERVICES DIVISION**  
123 West Indiana Avenue, DeLand, Florida 32720  
(386) 736-5959

**PUBLIC HEARING:** March 18, 2025 - Planning and Land Development Regulation Commission (PLDRC)

**CASE NUMBER:** O-25-005

**SUBJECT:** Ordinance 2025-13 – Amending Chapter 72 of the Code of Ordinances to amend Accessory structure and Fence permitting requirement

**APPLICANT:** Volusia County Growth Management Department  
Planning and Development Services Division

**COUNTY STAFF:** Scott Ashley, AICP, Zoning Manager  
Growth Planning and Development Services

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## **I. BACKGROUND**

At the October 1, 2024, County Council meeting, the Council directed staff to evaluate opportunities to reduce code requirements regarding the permitting of accessory sheds under 400 square feet and residential fences. In response to the Council's directive, staff has prepared a revision to Section 72-277 *Accessory structures and exceptions to minimum dimensional requirements; accessory dwelling units*, and Section 72-282 *Fences, walls and hedges* of the Zoning Ordinance of Volusia County, Florida, to eliminate the requirement for a building permit for accessory shed structures less than 400 square feet, and eliminate the requirement for a residential fence permit, except those functioning pool barricades.

Currently, all accessory structures, regardless of size, require a building permit to verify compliance with building setbacks, building height, and maximum lot coverage requirements of an applicable zoning classification, as well as the Florida Building Code. In residential classifications, a fence permit is required to verify compliance with specific fence height requirements.

## **II. ANALYSIS**

The County Council has instructed staff to reduce code requirements and introduce

procedural improvements to minimize or eliminate the delays for minor permit issuance. Staff has reviewed allowing placement of sheds without permits or additional permitting process and drafted the proposed ordinance in recognition of the requirements of the Council's mandate. Currently, the zoning ordinance does allow a lesser rear and side yard requirement for certain sized accessory sheds. This ordinance proposal will allow accessory sheds under 400 square feet in size, located on single-family residential use properties and in compliance with applicable accessory structure yard requirements, to be constructed without need of a building permit. However, all accessory sheds must still adhere to applicable county yard requirements; Article III, Division 7, Flood Hazard Management requirements of the Land Development Code; and sheds may not be constructed within any wetland or wetland buffer or within 25 feet of any gopher tortoise burrow.

As directed, staff evaluated the elimination of residential fence permitting. The Florida Building Code does not require a fence permit unless it is used as a barrier for a swimming pool. A fence permit is for verification of zoning requirements and location of the fence. By eliminating the permit review for chain link, wood or vinyl fences, it will be up to individual property owners to check with the County that the fence they are planning to install complies with the applicable location and height requirements. In addition, the Flood Hazard Management requirements of the Land Development Code still apply. Should the property owner fail to adhere to such requirements and upon receiving a valid complaint, Code Enforcement would initiate a case to seek compliance. By revising the ordinance to address the permit process for small sheds and residential fence, the County of Volusia will be providing excellence in government by reducing the cost to its citizens and allowing a more affordable housing option for residents of Volusia County.

### **III. STAFF RECOMMENDATION**

Staff recommends that the Commission find Ordinance 2025-13 consistent with the Comprehensive Plan and forward it to the County Council for final action with a recommendation of approval.

### **IV. ATTACHMENTS**

- Ordinance 2025-13



**ORDINANCE 2025-13**

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA TO REMOVE PERMITTING REQUIREMENTS FOR RESIDENTIAL FENCING AND ACCESSORY SHEDS OF CERTAIN SIZE; AMENDING SECTION 72-2 DEFINITIONS; AMENDING SECTION 72-277, ACCESSORY STRUCTURES AND EXCEPTIONS TO MINIMUM DIMENSIONAL REQUIREMENTS; ACCESSORY DWELLING UNITS; AMENDING SECTION 72-282 FENCES, WALLS AND HEDGES; AMENDING SECTION 72-341 ADMINISTRATION; PROVIDING FOR LIMITATIONS ON USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Volusia County Council held a Growth and Resource Management and Permitting Workshop on July 23, 2024, at which they directed staff to bring back an ordinance which would allow the installation of fences and sheds under 400 square feet in size without a permit; and,

WHEREAS, the purpose of this ordinance amendment is to eliminate the requirement to obtain a permit to erect or install a fence or shed under 400 square feet in size according to Council's direction; and

WHEREAS, these proposed regulations are authorized under Chapter 163, Florida Statutes, to establish reasonable zoning regulations; and

WHEREAS, the Volusia County Council determines that obtaining permits for residential zoning classification may be overly burdensome and unreasonable to the citizens of unincorporated Volusia County; and

WHEREAS, this ordinance has met the notice and public hearing requirements of sections 125.66(4)(b), F.S., and was heard before the Planning and Land Development Regulation Commission pursuant to section 163.3174, F.S.

BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

(Words in ~~strike-through~~ type are deletions; words in underscore type are additions.)

**SECTION 1:** Incorporation of Recitals. The above recitals are incorporated in this Ordinance as legislative findings of fact and intent.

**SECTION 2:** Section 72-2 of Chapter 72 of the Code of Ordinances of the County of Volusia is hereby amended to revise and add the following definitions:

**Sec. 72-2. – Definitions.**

\* \* \* \*

*Walkway:* Improved path of either concrete or asphalt which permits pedestrian access to the coastal beaches.

Wall: For the purposes of section 72-282, a masonry fence which is constructed on a footer serving as a means of protection or confinement.

*Warehouse:* A building or substantial portion of a building where goods, merchandise, products, supplies, or equipment are stored before distribution to manufacturers, retailers or wholesalers.

\* \* \* \*

**SECTION 3:** Section 72-277 of Chapter 72 of the Code of Ordinances of the County of Volusia is hereby amended to revise and add the following:

**Sec. 72-277. - Accessory structures and exceptions to minimum dimensional requirements; accessory dwelling units.**

\* \* \*

(c) Spires, belfries, cupolas, clerestory windows, antennas, water tanks, ventilators, solar panels, windmills, chimneys, penthouses or other similar accessory structures customarily required to extend above the roof level, may extend for an additional 25 feet above the maximum building height prescribed for the classification in which they are located.

(d) Accessory sheds under 400 square feet in size, located on single-family residential use properties, are subject to the standards of this section and Article III, Division 7, Flood Hazard Management, but may be constructed without a shed building permit. Such sheds may not be constructed within any wetland or wetland buffer or within 25 feet of any gopher tortoise burrow.

~~(d)~~ (e) Accessory Dwelling Units.

\* \* \*

**SECTION 4:** Section 72-282 of Chapter 72 of the Code of Ordinances of the County of Volusia is hereby amended to revise and add the following:

**Sec. 72-282. - Fences, walls and hedges.**

Fences, walls, and hedges may be permitted in any yard area, provided:

(1) Residential Classifications. Fences and walls in residential use zoning classifications are permitted in any yard area on residential lots provided they comply with the standards of this section and Article III, Division 7, Flood Hazard Management requirements. Chain link, wood or vinyl fences on single-family residential use properties are subject to the standards of this section, but may be constructed without a Fence Permit. All other residential fences and walls, including residential project walls approved under subsection (8) below, are subject to the standards of this section and require a Fence and/or Building Permit:

~~(4)~~ a. Fences, walls and hedges, except those with an opacity of 25 percent or less erected only to meet the minimum safety requirements of the Florida Building Code, as amended, shall not exceed three feet in height when erected on an atypical lot rearward of the rearmost point of the principal structure as defined by the required

yard area. Fences, walls and hedges in all other rear and side yards shall not exceed six feet in height.

~~(2)~~ b. Except as provided in subsection 72-284(2), fences, walls or hedges in a front yard shall not exceed four feet in height; however, on corner lots also refer to subsection 72-277(a)(8) for obstruction to visibility.

~~(32)~~ Retaining walls or retaining walls with fences on top shall not exceed the above height limitations measured from existing grade on both sides of the wall, except a guardrail or fence with an opacity of 25 percent or less erected to meet the minimum three-foot safety requirements of the Florida Building Code.

~~(43)~~ Nonresidential Classifications and Uses: A nonresidential fence, wall, or hedge may be a maximum height of eight feet around the perimeter of the project if the fence does not interfere with vehicle visibility requirements at traffic access points as set forth in subsection 72-277(a)(8). If chain link fencing is used, then it shall be vinyl-coated black and all parts must match. For public utility uses and structures, a minimum fence height of six feet is required.

~~(54)~~ This section shall not be applied to any agricultural, conservation or public use classifications.

~~(65)~~ Prohibited fencing. Except for public utility uses and structures, barbwire or electric fences are prohibited in the R-1 through R-9, OCV, OMV, OTC, OUR, SWC, SWR, and MH-1, MH-2, MH-5, MH-6 and MH-7 classifications. No wall shall be erected in any platted easements.

(76) Fences and fence walls must be constructed of conventional and traditional materials, including, but not limited to, concrete block, brick, wood, decorative aluminum, iron or steel, chain link or composite products manufactured specifically for fences and walls. Nontraditional materials, including, but not limited to tires, mufflers, hubcaps, are prohibited. Fabric sheets nets, plastic, metal, vinyl sheets or slats may be used as part of the fence or attached to a fence for the purpose of enhancing privacy or required screening.

(87) Fences and walls must be constructed to present the finished side of the fence or wall to the adjoining lot or any abutting right-of-way. Where, there is an existing fence, wall or continuous landscape hedge on the adjoining parcel, this provision may be administratively waived upon written request at the discretion of the zoning enforcement official.

(98) Residential project walls.

- a. Definition: For the purposes of this section, a residential project fence means a wall or fence erected around a residential subdivision (excluding individual lots) or development of 20 or more dwelling units.
- b. A residential project or entry fence:
  1. May be a maximum height of six feet around the perimeter of the project upon a finding by the traffic engineer that the fence does not interfere with vehicle visibility requirements (see subsection 72-277(a)(8)) at traffic access points.

2. May include entryway structures, including but not limited to walls, columns, lighting and other decorative elements used to defined entrances to single-family or multifamily developments at a height not to exceed twice the fence or wall height allowed provided the features are compatible with the project. Entryway structures proposed at a greater height shall be subject to specific review and approval of the zoning enforcement official as part of the applicable land development review process. Entryway structures must be located outside of any required landscape buffer area.
3. Must be landscaped on the exterior side (between the wall and the abutting property or street right-of-way) according to section 72-284 of this article. Trees adjacent to a right-of-way must be appropriately sized to avoid conflicts with overhead utilities, lighting and signs upon maturity.
4. May not be permitted until proper documents have been recorded providing for the maintenance of the project fence and landscaping.

(409) Method of measurement. In the event that a fence or wall is located at a common property line with varying elevations, the height shall be measured from the existing natural grade, as measured along the outside of the required yard area. A ground clearance of two inches may be factored in to fence height calculations.

\* \* \* \*

**SECTION 5:** Section 72-341 Chapter 72 of the Code of Ordinances of the County of Volusia is hereby amended to revise and add the following:

**Sec. 72-341. – Administration.**

\*\*\*\*

(b) Permits required. No structure, including any sign unless specifically exempted under subsection 72-298(1) of this article, shall be erected, moved or altered without first applying for and obtaining a building permit as required by the Florida Building Code, if applicable. No fence shall be erected, moved or altered without first applying for and obtaining a permit from the department for nonresidential classifications and uses. No building permit shall be issued by the department until the zoning enforcement official signs the building permit application attesting to the fact that the proposed use or structure or sign conforms to this article, or unless the zoning enforcement official receives a written order from the county council or the planning and land development regulations commission, whichever is applicable. If the zoning enforcement official does not sign the building permit application, reasons for such action shall be stated in writing, upon request. No building permit shall be required to erect fences on any agriculturally classified lands.

\* \* \* \*

**SECTION 6: SEVERABILITY** - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

**SECTION 7: CONFLICTING ORDINANCES** - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

**SECTION 8: AUTHORIZING INCLUSION IN CODE.** The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the County of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 9: EFFECTIVE DATE.** This ordinance shall take effect upon electronic filing of a certified copy with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2025.

ATTEST:

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

\_\_\_\_\_  
George Recktenwald  
County Manager

\_\_\_\_\_  
Jeffrey S. Brower  
County Chair