

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF INDIAN HARBOUR BEACH AMENDING ORDINANCE NO. 81-4, ZONING CODE OF THE CITY; AMENDING ARTICLE XIII, SECTION 2 OF THE SUPPLEMENTARY DISTRICT REGULATIONS, OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY ENTITLED FENCES AND WALLS ON PROPERTY OTHER THAN THAT ABUTTING SR A1A, SOUTH PATRICK DRIVE AND SR 3; PROVIDING THAT ALLOWING UP TO SIX INCHES OF ALLOWABLE FENCE AND WALL HEIGHT FOR CAPS, FINIALS, POSTS, AND DECORATIVE ITEMS AND AMENDED SETBACK REQUIREMENTS FOR FENCES ON SIDE CORNER LOTS; PROVIDING FOR CONFLICTING PROVISIONS SEVERABILITY; CODIFICATION AND AN EFFECTIVE DATE;

NOW, THEREFORE, BE IT ORDAINED BY THE City of Indian Harbour Beach of Brevard County, Florida, as follows:

SECTION 1. Article XIII, Section 2 of Appendix A of the Code of Ordinances of the City is amended to read as follows:

"Sec. 2. - Fences and walls on property other than that abutting SR A1A, South Patrick Drive and SR 3.

Notwithstanding other provisions of this ordinance, fences and walls maybe permitted in the side and rear yards of property not abutting SR A1A, South Patrick Drive or SR 3; provided, that no fence or wall or support structures thereof or decorative feature thereon, shall be over six (6) feet in height, excluding caps, finials, posts, etc. which may extend up to six (6) inches above the maximum six (6) foot height provided for herein. ~~except f~~ Fences for tennis courts and other recreational facilities, which may be ten (10) feet in height. For purposes of this section, the height of the fence or wall shall be measured from the highest normal elevation of the ground in the adjacent yards. No fence shall be installed closer than twenty-five (25) feet to a street right-of-way line except where for side corner lots the setback yard requirements are less than twenty-five (25) feet, in which case the fence shall be no closer to the street right-of-way line than ten (10) feet and must be to the rear of the front building setback ~~the existing building line.~~

~~Notwithstanding the restriction on fences being installed closer than twenty-five (25) feet to a street right-of-way line, a~~Any fence installed on property in the M-1, Light Industrial District, may be located within ten (10) feet of a street right-of-way line. Provided; however, that any fence installed in the front yard of the property shall be of a chain link style.

Material for any fence or wall shall be chain link, wood, PVC, aluminum or concrete block. Any fence or wall constructed of other materials must first be approved by the city council before a permit is issued. The fence or wall shall be installed so that the exposed framing, stringers, and posts to support each section face the interior of the yard of the lot on which the fence or wall is placed, regardless of whether or not another fence or wall already exists."

SECTION 2. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION 3. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. Codification. The City Clerk of the City is hereby directed to incorporate this Ordinance into the Zoning Code of the City.

SECTION 5. Effective Date. This ordinance shall take effect in accordance with the City Charter.


PASSED AND ADOPTED by the City Council of the City of Indian Harbour Beach, Brevard County, Florida, this 10th day of March, 2020.



ATTEST:

X 

Scott Nickle
Mayor

X 

Sue Frank, MMC
City Clerk

First Reading:
Second Reading Public Hearing:

February 25, 2020
March 10, 2020