

ORDINANCE NO.: 12-24

AN ORDINANCE AMENDING SUBSECTION 2.05.01 (FENCES AND WALLS), SECTION 2.05.00 (SUPPLEMENTARY REGULATIONS), ARTICLE II (ZONING), PART III (LAND DEVELOPMENT REGULATIONS), OF THE ORANGE PARK TOWN CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Town Council of Orange Park:

Section 1. Code Amended. Subsection 2.05.01 (Fences and Walls), Section 2.05.00 (Supplementary Regulations), Article II (Zoning), Part III (Land Development Regulations), of the Orange Park Town Code is hereby amended as set forth on Exhibit A attached hereto and incorporated herein.

Section 2. Conflict. If any portion of this ordinance is in conflict with any portion of any other ordinance, then the provisions of this ordinance shall govern.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

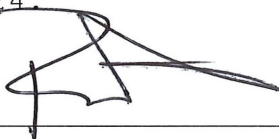
Section 4. Codification Instructions. The Codifier and the Town Attorney are authorized to make the Town Code "tables of contents" consistent with the changes set forth herein. Such

editorial changes and any others necessary to make the Town Code consistent with the intent of this ordinance are approved and directed herein.

Section 5. Effective Date. This ordinance shall become effective November 12, 2024.

Passed on first reading this 1st day of October, 2024.

Passed on second reading this 12th day of November, 2024.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
TOWN CLERK

FORM APPROVED:

  
\_\_\_\_\_  
TOWN ATTORNEY

## Exhibit A

### **2.05.01 Fences and walls.**

~~Notwithstanding other provisions of this zoning ordinance, fences and walls may be permitted in any required yard or along the edge of any yard, provided that no fence or wall in excess of eight feet shall be permitted in any district unless specified in this article, and further provided that no fence in excess of four feet in height shall be permitted to encroach into the required front yard of any lot in a residential district except as provided in section 2.05.09. No fence, wall, or other visual barrier exceeding 30 inches in height shall be permitted within 30 feet of any intersection as measured from the point of convergence of right-of-way lines. Chain link fences are prohibited in all commercial districts. All fences shall be properly maintained.~~

~~The construction of a fence or wall shall not begin prior to the issuance of a "fence permit" approved by the director of economic and community development. Fence permit fees shall be no more than the minimum fee set forth in chapter 7, building and building regulations, section 7-16 building code.~~

~~Chain link fences are not permitted in the CPO, CN, CG, and CI zoning districts. Any existing chain link fence which may become nonconforming as a result of these regulations or any amendment to these regulations may be continued in operation and maintained as a legal nonconforming fence.~~

(a) Permit required. A building permit is required for the construction of all outdoor fences and walls. The construction of a fence or wall shall not begin prior to the issuance of a "fence permit" approved by the director of economic and community development, or designee.

(b) Compliance with state building code. All fences and walls shall be constructed to comply with the state building code and in accordance with the dimensional and use regulations in this section. All posts must be made of materials rated to provide sufficient strength and endurance for outdoor use. The posts of each fence must be resistant to decay, corrosion, and termite infestation.

(c) General provisions.

(1) Height.

a. Notwithstanding other provisions of this zoning ordinance or this section:

(i) Fences or walls located within a side or rear required yard of any residential zoning district shall not exceed six (6) feet in height.

(ii) Fences or walls located within a front required yard adjoining a public or private street of a waterfront property shall not exceed four (4) feet in height.

(iii) Chain link fences located within a side or rear yard of any residential zoning district shall not exceed four (4) feet in height.

(iv) Fences or walls located within the front required yard of any residential zoning district shall not exceed four (4) feet in height, except for the following:

1. Decorative or ornamental fences made of aluminum, steel, vinyl, wood, or wrought iron may be a maximum of six (6) feet in height with columns or gates extending up to twelve (12) inches above the fence height. Decorative or ornamental fences shall be designed with picket spacing to provide an opacity of no greater than fifty (50) percent allowing unobstructed visibility into the property for public safety (see Diagram No.1).

2. Fences or walls permitted under Section 2.05.10.

(v) Fences or walls located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including, but not limited to,

subdivision entrances and subdivision walls, shall not exceed eight (8) feet in height, including columns.

- (vi) Fences or walls located in commercial or industrial zoning districts shall not exceed eight (8) feet in height. Fences within the parking areas of commercial or industrial development shall not exceed four (4) feet in height and an opacity of fifty (50) percent allowing unobstructed visibility across the property for public safety (see Diagram No. 1), except as provided for compliance with Section 2.04.07.01(a)(2).

- b. Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(2) Location and visibility.

- a. No permanent fence or wall shall be located within a town right-of-way line or utility easement.
- b. No fence, wall, or other visual barrier exceeding thirty (30) inches in height shall be permitted within thirty (30) feet of any intersection as measured from the point of convergence of right-of-way lines.
- c. No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this section.

(3) Design and maintenance.

- a. All fences and walls shall be designed to comply with the architectural and landscaping requirements of this Code.
- b. Allowable fence and wall types include wood, wrought iron, concrete wall, brick wall, vinyl, composite, steel and aluminum ornamental.
- c. All fences and walls shall be maintained in their original permitted condition.
- d. Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- e. Missing boards, pickets, posts or top rails and ties shall be replaced in a timely manner with material of the same type and quality.
- f. The smooth (finished) side of a fence or wall shall be installed facing outward towards an adjoining property to prevent an adverse visual impact to the adjoining property.
- g. 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.
- h. No fence or wall shall be constructed or installed in such a manner as to interfere with drainage on the site.
- i. Fences or walls lawfully existing prior to the effective date of this Article that do not conform to the height, location, or physical attributes or other requirements in this Article may be continued in a legal nonconforming status. Should the fence or wall be destroyed to such an extent that more than sixty percent (60%) of the structure is physically damaged, the fence or wall will lose its legal nonconforming status and be required to comply with this Article. A fence or wall will not be considered "destroyed" within the meaning of this section where the destruction is caused by vandalism or other criminal or tortious act.

(d) Restrictions.

1. Chain link fences shall not be permitted in any residential front yard or commercial zoning district, except as provided for in this Article.
2. No barbed wire, razor wire or similar material shall be allowed for residential uses. Temporary security fencing may be allowed for construction sites in residential zones.
3. Barbed wire shall be prohibited, except for commercial and industrial uses when installed at a six (6) foot height or greater. Any barbed wire shall be located at the top of the fence. If installed so that the barbed wire inclines outward, no portion may encroach into an adjacent property.
4. No doors, aluminum siding, corrugated roofing materials, plywood, OCB boards, or scrap materials shall be used in constructing fences or walls.

(e) Exemptions and exceptions.

The following exemptions and exceptions shall apply to this Section:

1. Customary fencing within the governmental use zoning district, around tennis courts and other approved recreational amenities; or public utility sites shall be exempt from height restrictions and prohibition against chain link fences.
2. A minimum six (6) foot high chain-link fence is permitted if required by the St. Johns River Water Management District around all stormwater retention ponds for public health and safety. Any newly constructed stormwater retention pond fences shall use vinyl coated (black, green or brown) chain link fencing.
3. Although not a preferred fencing material, vinyl coated (black, green or brown) chain link fences may be permitted for commercial and industrial uses for the limited purposes of screening, security, or storage. When approved as part of a Site Plan Review, in accordance with Article IV, a chain link fence may include slats consistent in color and design as the fence and include top rails for support and uniformity.
4. A fence or wall integrated into the architecture of a single family dwelling shall not exceed eight (8) feet in height.

(f) Waterfront Properties.

The following shall apply to the maximum allowable height and materials of fences located in the water -facing side of a waterfront lot located on navigable waterways including lakefront lots and riverfront lots:

1. Within seventy-five (75) feet from the river/lake, fences shall not exceed four (4) feet in height, shall have a maximum opacity of twenty-five percent (25%), and must be constructed with materials such as aluminum picket or wrought iron to allow visibility across property lines to the water (see Diagram No.1).
2. Between seventy-five (75) feet to one hundred (100) feet from the river/lake, fences shall not exceed six (6) feet in height, however, any portion of the fence over four (4) feet in height shall have a maximum opacity of twenty-five percent (25%).
3. Landward beyond 100 feet from the river/lake, fences may be up to six (6) feet in height and may be completely opaque.

Diagram No. 1

### Fence Opacity

Opacity (the degree to which light or views are blocked) is measured perpendicular to the fence for each fence section between supports.

