

ORDINANCE NO. 02-2021

AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING SECTIONS 21-51, 21-72, AND 21-87 OF THE CITY'S CODE OF ORDINANCES, REGARDING FENCE REQUIREMENTS IN RESIDENTIAL SINGLE FAMILY ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City's Land Development Code currently includes regulations on fences in residential single family zoning districts; and

WHEREAS, the current regulations provide for front yard fences only upon approval by the development review board of a special exception; and

WHEREAS, based upon research and review of fence requirements in other jurisdictions and to relieve the burden on citizens, the City Council finds that the special exception for front yard fences should only be required if the fence is greater than four feet in height; and

WHEREAS, the City Council finds further that unmaintained fences constitute a public nuisance and should be subject to abatement through the City's code enforcement proceedings; and

WHEREAS, the City Council desires to clarify the fence regulations with regard to maintenance standards, height determinations, and the necessity of permits for repair or replacement; and

WHEREAS, the City Council finds the fence regulations in residential single family zoning districts should be amended to address the findings and needs set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gulf Breeze, Florida, as follows:

SECTION 1 – RECITALS. The foregoing recitals are hereby ratified and confirmed as true and correct and are incorporated herein by this reference.

SECTION 2 – AMENDMENT AND RESTATEMENT.

A. Words with underlined type shall constitute additions to the original text and ~~strike through~~ shall constitute deletions to the original text.

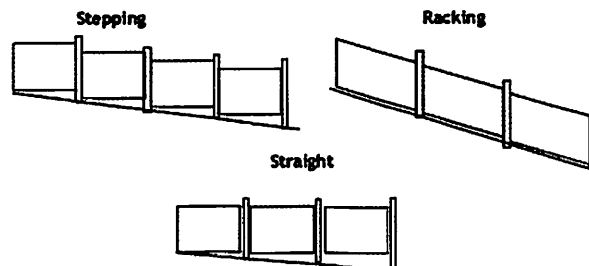
B. Section 21-51 of the City of Gulf Breeze Code of Ordinances is hereby amended and restated to read as follows:

Sec. 21-51. - Fence requirements.

~~No fence shall be built without first obtaining a permit from the city. The fee for processing said fence permit application is \$25.00. This amount may be adjusted from time to time by a resolution duly adopted by the city council. No fence of any description shall be erected nearer to the front lot line than the front of the house on the lot or, in the case of a vacant lot, nearer to the front lot line than that point on the lot where a house could be located when and if built, or, in the case of a corner lot, nearer to the side street line than the side street setback line for that particular lot. Once a certificate of occupancy is issued for a residence on a vacant lot, all fences must comply with this section. The maximum height of such fence shall be eight feet, except that on a corner lot, the height of such fence that protrudes beyond the side of the house facing the side street where the fence joins the house, and that portion of the fence that runs parallel with the side street of the lot, shall not exceed 6½ feet in height. All other sections of a fence located on the lot shall not exceed the maximum height of eight feet. In those instances in which any property in a R-ES, R-1-A, R-1-AA, R-1, TH, or RC district has a common property line with a C-1, C-2, M or P district, then a fence will be allowed along the common property line regardless of setbacks; however, if said fence extends past the front of the house or the front setback line, then the maximum height of the fence shall not exceed 6½ [feet] in height and must be terminated at the front property line in such a manner as not to interfere with the line of sight of adjacent driveways and roads.~~

(a) General Requirements.

- (1) The erection of all new fences and walls and repair of twenty-five percent (25) or greater of an existing fence or wall, shall require a permit. The fee for processing said fence permit application is \$25.00. This amount may be adjusted from time to time by a resolution duly adopted by the city council.
- (2) No fence, wall or other obstruction shall be erected or maintained at a corner within 15 feet from the intersection of the right-of-way lines. Exceptions to this provision may be allowed by written approval from the City Manager or their designee.
- (3) All fences and walls must be maintained in good repair and safe condition at all times. Damaged or missing elements shall be repaired, removed, or replaced. Fences in disrepair shall be deemed a public nuisance and abated pursuant to sections 8-28 and 8-29 of the Code of Ordinances.
- (4) Repairs to existing fences shall be made of the same or similar material and consist of the same design elements including color, material, and height as the remainder of the existing fence or wall.
- (5) Height is measured from the natural grade of the adjacent ground without fill to the highest point, except that decorative posts of a fence or wall may exceed the maximum height by one (1) foot. Walls and fences constructed on a slope shall be of the racking design so that they follow the contour of the ground. Stepping or straight fencing designs shall not be allowed.

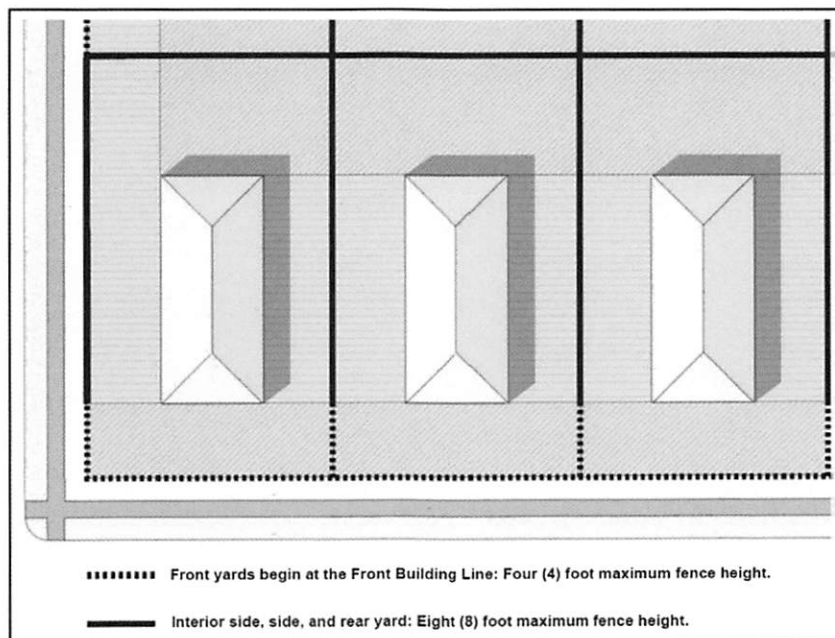


- (6) Walls and fences shall be constructed with approved materials and workmanship as approved by the City. Horizontal and vertical support posts shall be placed facing the inside of the fenced area when the fence abuts a street, except where the fence is designed such that both sides are finished with alternating vertical fence supports and those vertical supports are covered by the alternating pattern.

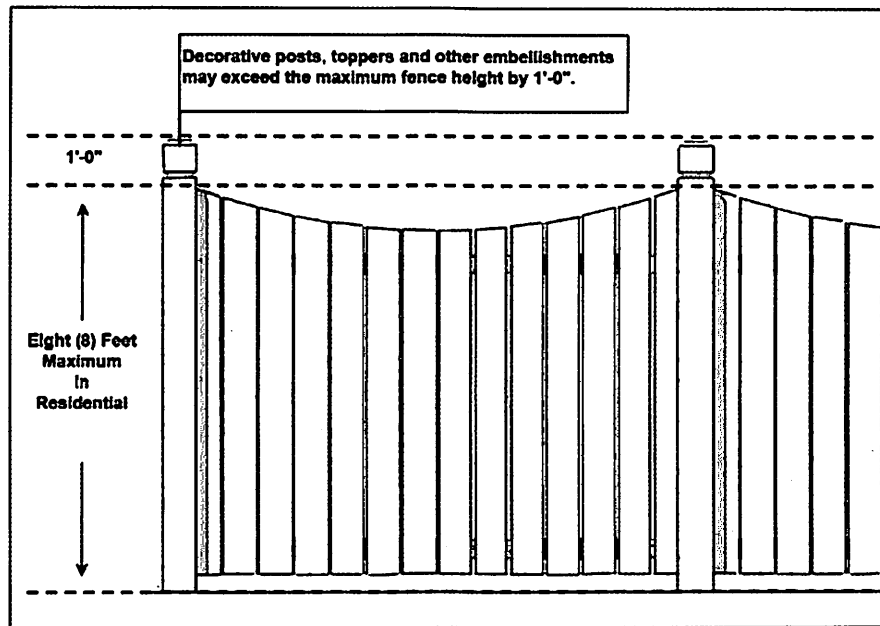
(b) Heights of Fences and Walls

(1) Fence Height

- i. Fences, walls, and other obstructions erected along the side lot lines beyond the front building plain shall be limited to a maximum height of four (4) feet, except where a residential structure is located adjacent to a nonresidential use. Where a residential structure is located adjacent to a nonresidential use or structure, an eight (8) foot fence shall be permitted along the common lot line; provided such fence does not create a traffic hazard.
- ii. In the interior side, side, and rear yards, a fence wall is permitted up to a maximum height of eight (8) feet.



- iii. Decorative fence posts, post toppers and other similar embellishments shall be permitted to exceed the maximum height by one (1) foot.



(c) Fence and Wall Construction and Design Requirements.

- (2) A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located.
- (3) The following fence types shall not be allowed past the front plain of the building: chain link, wood privacy, wire farm fencing.
- (4) No fence may be electrified.
- (5) No barbed wire, razor wire, concertina wire or similar security wire fencing shall be allowed.

(d) Special exceptions. Fences greater than four (4) feet in height meeting the following criteria may be located forward of the front of the house but not forward of the front lot line. The development review board will determine in a quasi-judicial proceeding if the criteria listed below have been met.

- (1) The fence shall be decorative or ornamental in design and match the overall architectural style of the principal structure. No chain link, wire, wooden panel or picket fence shall qualify for a special exception. The design of the fence must be brick, stone or stucco columns joined by metal panels. The metal panels must be less than 33 percent opaque.
- (2) Landscaping must be installed on the street side of the fence in such a manner as to shield the metal panels from view within three years from the date of construction. Plant material must consist of ornamental shrubs which grow to a height of five to six feet under normal conditions (recommended species are included in Table 1. Other species with similar attributes may be utilized).

- (3) The maximum height of the fence panels shall not exceed six feet in height; however, columns may be up to ten feet high. The height will be measured from the natural grade of the adjacent ground without fill to the highest point.
- (4) The minimum distance between columns shall be eight feet. The maximum distance between columns shall be fifteen feet.
- (5) The property owner must demonstrate the existence of a public safety concern, such as trespassing that frequently occurs about his property which would be significantly mitigated by construction or erection of a fence contemplated in this subsection (b).
- (6) Any fence that utilizes a gate or similar device to restrict access to the driveway shall be equipped with a rapid entry system as specified in section 21-278.
- (7)

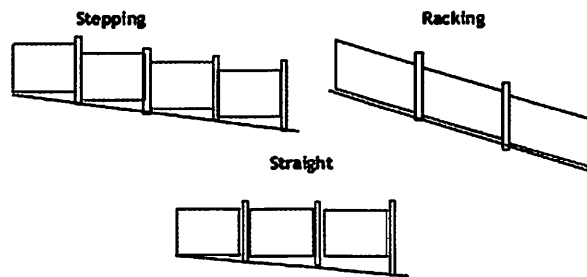
C. Section 21-72 of the City of Gulf Breeze Code of Ordinances is hereby amended and restated to read as follows:

- ~~(a) No fence shall be built without first obtaining a permit from the city. The fee for processing said fence permit application is \$25.00. This amount may be adjusted from time to time by a resolution duly adopted by the city council. No fence of any description shall be erected nearer to the front lot line than the front of the house on the lot or, in the case of a vacant lot, nearer to the front lot line than that point on the lot where a house could be located when and if built, except as follows: in the case where a house is built closer to the setback limit than a house immediately abutting, then the house further away from the front street may extend the side yard fence to a point equal to the extent of the abutting front yard fence which extends further toward the street. In no case can a side yard fence extend closer to the right-of-way than the setback limit. In the case of a corner lot no fence shall be erected nearer to the side street line than the side street setback line for that particular lot. In those instances on a corner lot in which the front of the house faces the side street lot line, then the section of fence that faces the front lot line shall not be located any closer to the front lot line than 15 feet. Once a certificate of occupancy is issued for a residence on a vacant lot, all fences must comply with this section. The maximum height of such fence shall be eight feet, except that on a corner lot, the height of such fence that protrudes beyond the side of the house facing the side street where the fence joins the house, and that portion of the fence that runs parallel with the side street side of the lot, shall not exceed six feet in height. All other sections of a fence located on the lot shall not exceed the maximum height of eight feet.~~

(a) General Requirements.

- (1) The erection of all new fences and walls and repair of twenty-five percent (25) or greater of an existing fence or wall, shall require a permit. The fee for processing said fence permit application is \$25.00. This amount may be adjusted from time to time by a resolution duly adopted by the city council.

- (2) No fence, wall or other obstruction shall be erected or maintained at a corner within 15 feet from the intersection of the right-of-way lines. Exceptions to this provision may be allowed by written approval from the City Manager or their designee.
- (3) All fences and walls must be maintained in good repair and safe condition at all times. Damaged or missing elements shall be repaired, removed, or replaced. Fences in disrepair shall be deemed a public nuisance and abated pursuant to sections 8-28 and 8-29 of the Code of Ordinances.
- (4) Repairs to existing fences shall be made of the same or similar material and consist of the same design elements including color, material, and height as the remainder of the existing fence or wall.
- (5) Height is measured from the natural grade of the adjacent ground without fill to the highest point, except that decorative posts of a fence or wall may exceed the maximum height by one (1) foot. Walls and fences constructed on a slope shall be of the racking design so that they follow the contour of the ground. Stepping or straight fencing designs shall not be allowed.

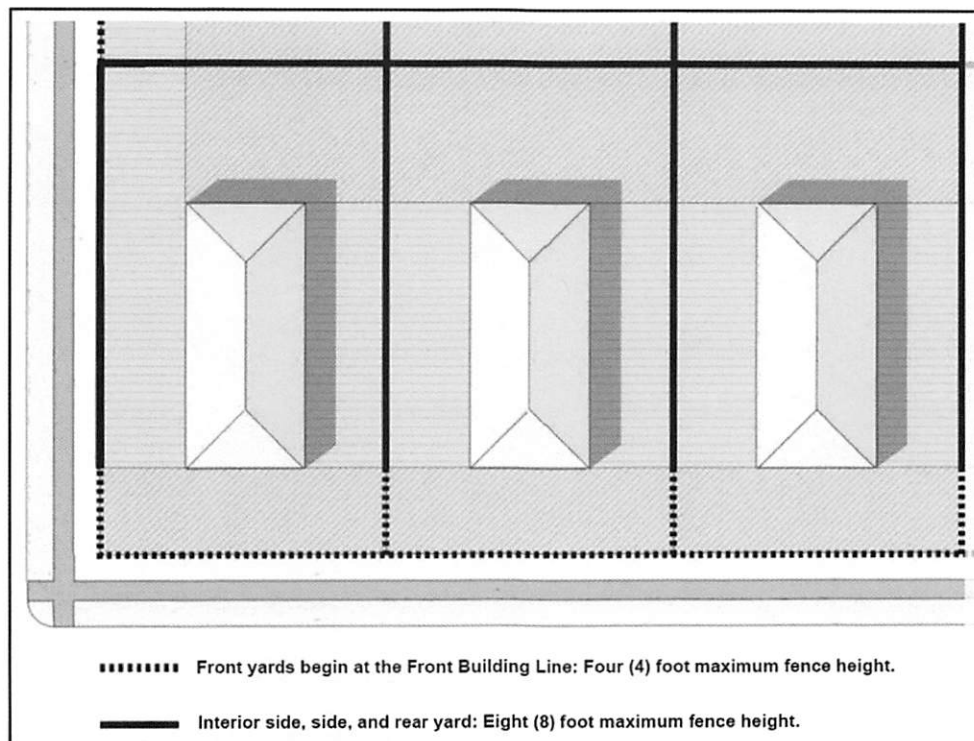


- (6) Walls and fences shall be constructed with approved materials and workmanship as approved by the City. Horizontal and vertical support posts shall be placed facing the inside of the fenced area when the fence abuts a street, except where the fence is designed such that both sides are finished with alternating vertical fence supports and those vertical supports are covered by the alternating pattern.

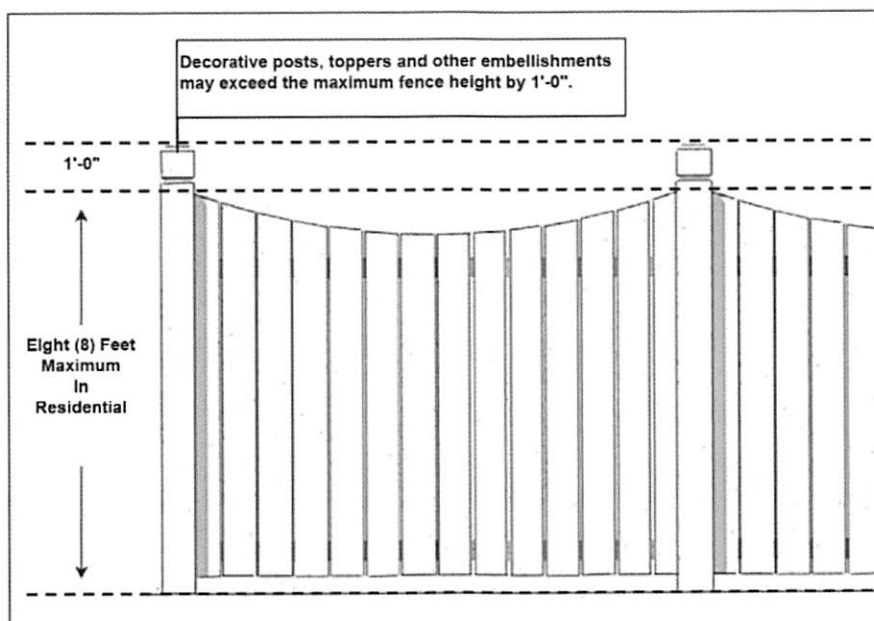
(b) Heights of Fences and Walls

(1) Fence Height

- i. Fences, walls, and other obstructions erected along the side lot lines beyond the front building plain shall be limited to a maximum height of four (4) feet, except where a residential structure is located adjacent to a nonresidential use. Where a residential structure is located adjacent to a nonresidential use or structure, an eight (8) foot fence shall be permitted along the common lot line; provided such fence does not create a traffic hazard.
- ii. In the interior side, side, and rear yards, a fence wall is permitted up to a maximum height of eight (8) feet.



- iii. Decorative fence posts, post toppers and other similar embellishments shall be permitted to exceed the maximum height by one (1) foot.



(c) Fence and Wall Construction and Design Requirements.

- (1) A fence or wall, including all posts, bases, and other structural parts must be located completely within the boundaries of the lot on which it is located.
- (2) The following fence types shall not be allowed past the front plain of the building: chain link, wood privacy, wire farm fencing.
- (3) No fence may be electrified.
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(d) Special exceptions. Fences greater than four (4) feet in height meeting the following criteria may be located forward of the front of the house but not forward of the front lot line. The development review board will determine in a quasi-judicial proceeding if the criteria listed below have been met.

- (1) The fence shall be decorative or ornamental in design and match the overall architectural style of the principal structure. No chain link, wire, wooden panel or picket fence shall qualify for a special exception. The design of the fence must be brick, stone or stucco columns joined by metal panels. The metal panels must be less than 33 percent opaque.
- (2) Landscaping must be installed on the street side of the fence in such a manner as to shield the metal panels from view within three years from the date of construction. Plant material must consist of ornamental shrubs which grow to a height of five to six feet under normal conditions (recommended species are included in Table 1. Other species with similar attributes may be utilized).
- (3) The maximum height of the fence panels shall not exceed six feet in height; however, columns may be up to ten feet high. The height will be measured from the natural grade of the adjacent ground without fill to the highest point..
- (4) The minimum distance between columns shall be eight feet. The maximum distance between columns shall be fifteen feet.
- (5) The property owner must demonstrate the existence of a public safety concern, such as trespassing that frequently occurs about his property which would be significantly mitigated by construction or erection of a fence contemplated in this subsection (b).
- (6) Any fence that utilizes a gate or similar device to restrict access to the driveway shall be equipped with a rapid entry system as specified in section 21-278.

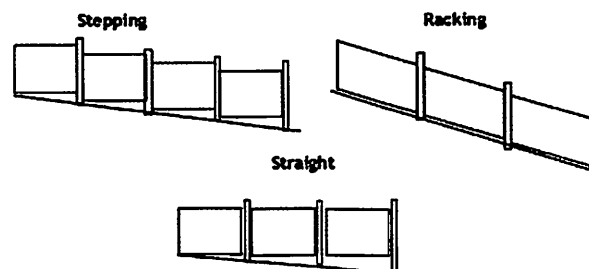
D. Section 21-87 of the City of Gulf Breeze Code of Ordinances is hereby amended and restated to read as follows:

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~~this section. The maximum height of such fence shall be eight feet, except that on a corner lot, the height of such fence that protrudes beyond the side of the house facing the side street where the fence joins the house, and that portion of the fence that runs parallel with the side street of the lot, shall not exceed 6½ feet in height. All other sections of a fence located on the lot shall not exceed the maximum height of eight feet. In those instances in which any property in a R-ES, R-1-A, R-1-AA, R-1, TH, or RC district has a common property line with a C-1, C-2, M or P district, then a fence will be allowed along the common property line regardless of setbacks; however, if said fence extends past the front of the house or the front setback line, then the maximum height of the fence shall not exceed 6½ [feet] in height and must be terminated at the front property line in such a manner as not to interfere with the line of sight of adjacent driveways and roads.~~

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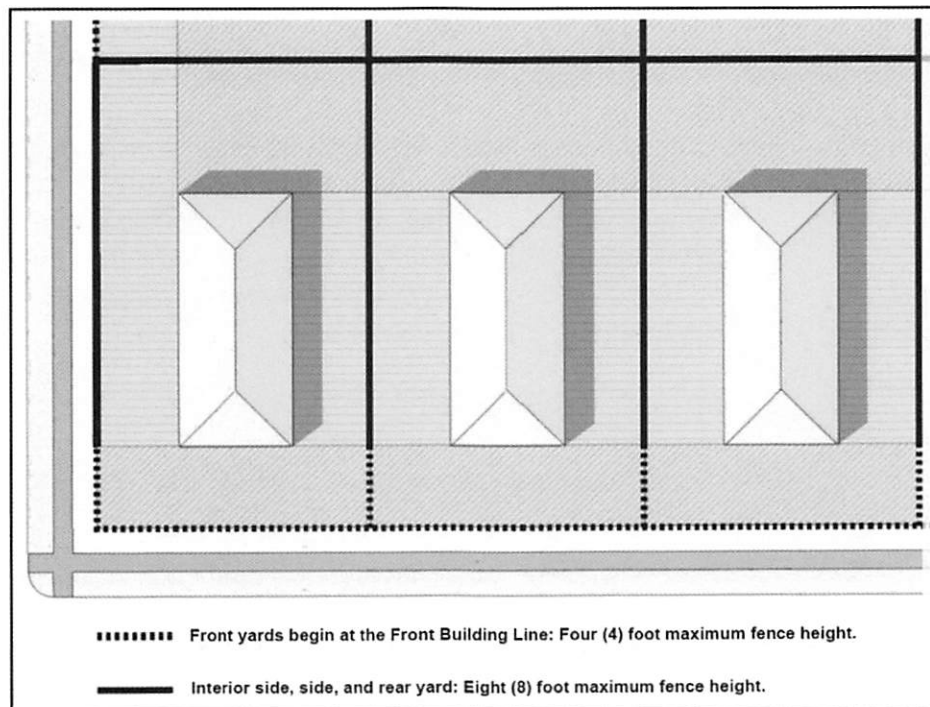


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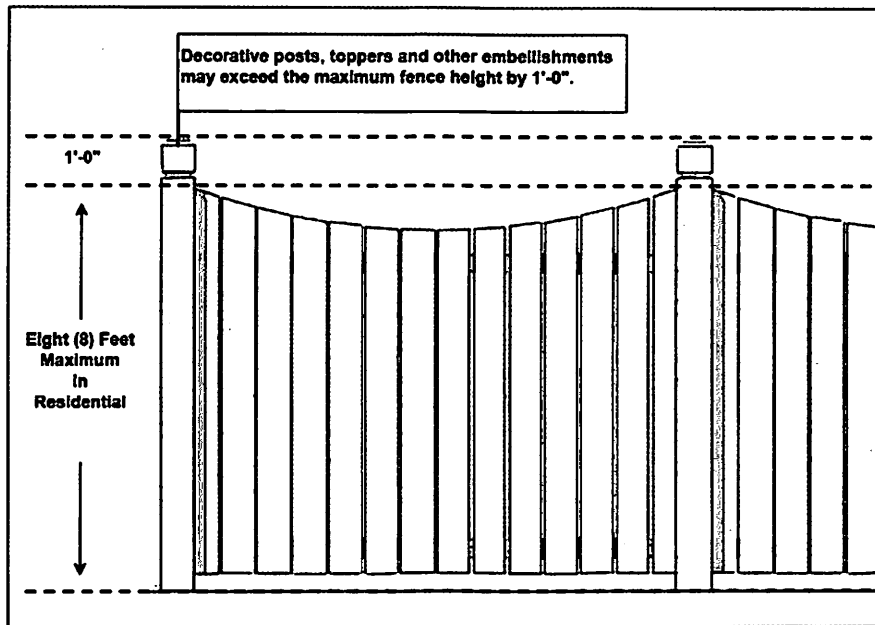
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- (5) The property owner must demonstrate the existence of a public safety concern, such as trespassing that frequently occurs about his property which would be significantly mitigated by construction or erection of a fence contemplated in this subsection (b).
- (6) Any fence that utilizes a gate or similar device to restrict access to the driveway shall be equipped with a rapid entry system as specified in section 21-278.

SECTION 3 - SEVERABILITY. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

SECTION 4 - CONFLICT. The provisions of this Ordinance will be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms hereof.

SECTION 5 – CODIFICATION. It is the intention of the City Council that the provisions of this Ordinance shall be codified.

SECTION 6 - EFFECTIVE DATE. This Ordinance shall become effective upon its adoption by the City Council.

PASSED ON THE FIRST READING ON THE 5th DAY OF April, 2021.

ADVERTISED ON THE 8th DAY OF April, 2021.

PASSED ON THE SECOND READING ON THE 19th DAY OF April, 2021.



ATTEST

CITY OF GULF BREEZE, FLORIDA

By: Cherry M. Fitch
Cherry M. Fitch, Mayor

Stephanie D. Lucas
Stephanie D. Lucas, Deputy City Clerk