

ORDINANCE NO. 23-693

AN ORDINANCE OF THE CITY OF PORT RICHEY, FLORIDA, AMENDING SECTION 127-90 OF ARTICLE IV OF CHAPTER 127 OF THE CITY OF PORT RICHEY CODE OF ORDINANCES MODIFYING WHICH BUILDING MATERIALS MAY BE USED TO CONSTRUCT A FENCE AND ENSURE OPEN SPACE REMAINS; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 127, Article IV, Section 127-90 of the City's Code of Ordinances contains provisions allowing for fencing to be erected on residential property along a canal or on any natural body of water; and

WHEREAS, the City Council recognizes that the current Code allows fencing material of chain link or decorative wrought iron so as not to obstruct the view of the waterway by adjacent property owners; and

WHEREAS, the City Council wishes to permit the use of additional types of fencing material while ensuring the fence does not obstruct the view of the waterway by adjacent property owners; and

WHEREAS, the City Council has determined that amendment to Chapter 127, Article IV, Section 127-90 of the City of Port Richey's Code of Ordinances, is necessary to effect these changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT RICHEY AS FOLLOWS:

Section 1. That Chapter 127, Article IV, Section 127-90 of the City's Code of Ordinances of the City of Port Richey, Florida, shall be amended to read as follows:

Sec. 127-90. General provisions.

- (a) *Division of lots.* It shall be prohibited to divide any lot for new use or ownership which would result in any portion of said lot failing to meet the requirements herein established for the zoning district in which said lot is located.
- (b) *Base building line requirements.* In order to provide for necessary street improvements and extensions to streets, certain base building lines may be established from time to time as part of the comprehensive plan. Where any base building line has been so established, all required setbacks shall be measured from said line, and in no case shall any part of a building, structure, parking area or other site improvement of a permanent nature be constructed or extended streetward beyond said line.
- (c) *Setback required from natural or manmade body of water.* The full extent of all required yards and setback areas shall be maintained landward from the mean high-water line of any

natural or manmade body of water, irrespective of whether the parcel ownership involved may include all or part of said body of water; provided that an exception may be applied as part of a marina or marina-associated structure. This requirement shall not preclude the construction of a seawall on any property, in conformance with all applicable requirements of law.

- (d) *Special yard requirement for a corner lot.* For any corner lot, the full front yard depth requirement shall also apply to the side yard facing the secondary street, wherever said corner lot adjoins or faces a lot having its principal frontage upon said secondary street; provided, however, that no setback shall be required along a secondary street which exceeds the established setback of a building upon said adjoining or facing lot.
- (e) *Visibility at intersections in all zoning districts.* No fence, wall, hedge or shrub planting which obstructs sight lines and elevations between two feet and six feet above the roadways shall be placed or permitted to remain on any corner lot in any zoning district within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten feet from the edge of a driveway or alley. No tree shall be permitted to remain within the above-described limits of intersections unless the foliage line is maintained at or above six feet above the roadway intersection elevation, to prevent obstruction of sight lines.
- (f) *Fences, walls, shrub plantings and hedges.* Except as otherwise provided herein, fences, walls, shrub plantings and hedges may be located within any property, subject to the provisions of subsections (b) and (e) of this section.
 - (1) No fence or wall shall exceed four feet in height beyond the front of any building. Except as otherwise provided herein for property located on a canal or a natural body of water, no fence or wall shall exceed six feet in height from the front of any building to the rear property line.
 - (2) No fence shall be erected at a height greater than four feet on residential property, along a canal or on any natural body of water. The limitation on the height of any such fence shall apply to fences constructed along and from the waterfront property line to the nearest building line on the property. It is further provided that any such fence shall be constructed with traditional building fencing materials, including metal, vinyl, wood (natural, stained, or painted), and composite products manufactured specifically for fences such as chain link or decorative wrought iron, and so as not to obstruct the view of the waterway by adjacent property owners the fence should have at least 50 percent open space and in no case shall any fence have an open area between planks or other construction material greater than four inches.
 - (3) No natural fences (plantings, shrubs or hedges) established after the effective date of the ordinance from which this chapter is derived shall be planted and maintained at a height greater than four feet along and from the waterfront property line to the nearest building line on residential property.
 - (4) No fence, wall or natural fence may be erected in any recorded easement unless verification that all utility users have no objection to its construction and that the fence

will not impede the functioning of drainage systems. No fence may be allowed in an easement recorded for ingress/egress access purposes. Maintenance of easements and replacement of any fence removed, by any utility, shall be the responsibility of the property owner.

- (5) Any conflict between the provisions of this section and any laws pertaining to the erection of a fence around any swimming pool, the requirements for erection of a fence for a swimming pool shall prevail, except that any such swimming pool fence erected on waterfront property shall be constructed so as not to obstruct vision from the waterfront property line to the nearest property line.
- (6) Upon a demonstration and written request by any property owner that compliance with the provisions of this section could create a potential health, safety or welfare hazard, the city manager is authorized to waive the height requirements of the erection of a fence, but in no event to exceed six feet in height. Further, the city manager may authorize the construction of a privacy fence, not to exceed six feet, along any residential property line which abuts a public park or trail.
- (7) In the event 50 percent or more of a nonconforming fence is destroyed or removed, whether by natural causes or otherwise, then such replacement fence shall be erected in conformance with the requirements of section 127-95.
- (8) No fence made with barbed wire, corrugated metal, or sheet aluminum or similar materials shall be permitted on any residential property. Barbed wire may be permitted when attached to fences around designated community facilities when used for security purposes. All barbed wire must be a minimum of six feet aboveground, and no more than eight feet as measured from the ground and shall not be included as part of the height of the fence.
- (9) In any zoning district, no fence, wall or hedge shall be installed on any public or private right-of-way used as a street, road, or highway.
- (10) All fences constructed with posts or other supporting structures shall be placed on the property so that the finished side of the fence without posts or supporting structures faces the adjacent property owner.
- (g) *Buildings, structures and uses to have access.* Every building, structure, or use hereafter erected, moved or established shall be on a lot adjacent to a public street or with access to a public street by means of an approved private street, and all buildings, structures and uses shall be so located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking and loading. No building, structure or use shall be erected on, moved onto, or established upon, a lot which does not abut on at least one public street or approved private street for a distance of at least 20 feet.
- (h) *Use of residentially zoned lot for access.* No lot which is residentially zoned shall be used for driveway, walkway or access purposes to any lot which is nonresidentially zoned, or used for any purpose not permitted within the applicable residential zoning district, except for ingress and egress to and from an existing use which does not abut on a street.
- (i) *Moving of buildings or structures.* No building or structure shall be moved from one lot to another lot or moved to another location on the same lot unless such building or structure

shall thereafter conform to all applicable provisions of this chapter and all other applicable requirements of the city.

- (j) *Essential services.* Essential services shall be permitted in any zoning district.
- (k) *Temporary buildings and structures.* Temporary buildings and structures in connection with land development, sales or construction projects, may be erected or placed within any zoning district for occupancy other than as dwelling or lodging units, provided that any said temporary building or structure shall be located only upon the actual site of development, sales or construction. Any such building or structure shall require a permit from the building and zoning official or the council's designee such permit to specify location, type of construction, maintenance requirements, and time period of utilization of said building or structure. No permit shall be for a period of more than six months, subject to renewal upon approval of the building and zoning official or the council's designee. Failure to obtain a permit or violation of any condition or requirement specified therein shall be a violation of this chapter.
- (l) *Storage and/or accumulation of materials, refuse and waste materials prohibited.* Except as may be expressly permitted within this chapter, no materials, refuse and waste materials, including inoperative equipment and vehicles, shall be stored or accumulated outside of a building within any zoning district.

Section 2. For purposes of codification of the Code of Ordinances, City of Port Richey, Florida, words **underlined** represent new text or additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

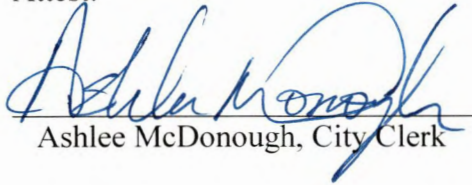
Section 3. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand and survive any severed provision, as the City Council would have adopted the Ordinance even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to Code of Ordinances, City of Port Richey, Florida contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses or any other sections not designated for codification.

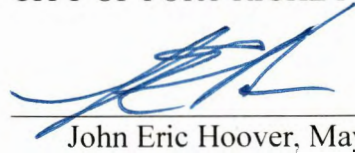
Section 5. Pursuant to § 166.041 (4), Fla. Stat., this Ordinance shall take effect immediately upon adoption.

The foregoing Ordinance No. 23-693 was read and passed on its first reading in an open and regular meeting of the City Council of Port Richey, Florida, this 28th day of November, 2023.

Attest:

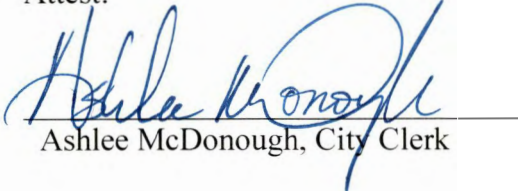

Ashlee McDonough, City Clerk

CITY OF PORT RICHEY


John Eric Hoover, Mayor

The foregoing Ordinance No. 23-693 was read and passed on its second reading in an open and regular meeting of the City Council of the City of Port Richey, Florida this 12th day of December, 2023.

Attest:

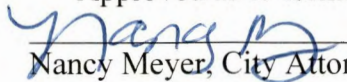

Ashlee McDonough, City Clerk

CITY OF PORT RICHEY


John Eric Hoover, Mayor



Approved as to form:


Nancy Meyer, City Attorney

