

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Gulfport, Mississippi, held the 19th day of September, 2017.

ORDINANCE NO. 2919

AN ORDINANCE AMENDING THE OFFICIAL TEXT OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GULFPORT, MISSISSIPPI ADOPTED THE 29TH DAY OF JUNE, 1979, AS AMENDED, SECTION I. DEFINITIONS. AND SECTION IV. SUPPLEMENTARY REGULATIONS, (D) SUPPLEMENTARY YARD REGULATIONS, (7) FENCES, WALLS, AND HEDGES.

WHEREAS, the Mayor and City Council of the City of Gulfport, Mississippi, find and do so determine, based upon the recommendation of the Gulfport City Planning Commission, that the text of the Comprehensive Zoning Ordinance, to add text amendments to the existing Comprehensive Zoning Ordinance. The case file number of 1708PC091.

In Appendix A – Zoning, Section I. Definitions, (B) Words and Phrases, should be amended to add a definition for the phrase “Fences, Walls, And Hedges.”

And, on page 1553, in Appendix A – Zoning, Section IV. Supplementary Regulations, (D) Supplementary yard regulations, (7) Fences, walls, and hedges. should be replaced and expanded.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GULFPORT, MISSISSIPPI, AS FOLLOWS:

SECTION 1: That the Official text of the Comprehensive Zoning Ordinance of the City of Gulfport, adopted the 29th day of June, 1979, as amended, be and the same is hereby amended to read as follows under Section I – Definitions, (b) Words and Phrases add a definition for Fences, Walls, And Hedges, as follows:

Fences, walls, and hedges: Accessory uses designed to provide top-open enclosures, barriers, boundaries, screening, or ornamental features, to include retaining walls.

SECTION 2: That Section IV. Supplementary Regulations, (D) Supplementary yard regulations, (7) Fences, walls, and hedges. of the Official text of the Comprehensive Zoning Ordinance of the City of Gulfport, adopted the 29th day of June, 1979, as amended, be and the same is hereby amended to read as follows:

EXISTING:

~~(7) Fences, walls, and hedges. No fence, wall or hedge that obstructs sight shall be erected, altered or placed in or around any required front yard to exceed a height of three (3) feet above grade. The maximum height of a fence in all residential zones including R-O and R-B is eight (8) feet. Barbed wire is expressly prohibited in all residentially zoned districts including R-O and R-B districts. The maximum height of a fence in B-1, B-2, B-4, I-1, I-2 and I-3 zoning districts is ten (10) feet which may include two (2) feet of barbed wire.~~

AMEND TO READ:

(7) Fences, walls, and hedges.

(a) General design and material regulation.

1. All privately owned fences, walls, and hedges must be on the property owned by the owner of the subject fence and must not be in any right-of-way.

2. Ground level may not be altered for purposes of allowing a higher fence, wall, or hedge.

3. Unless otherwise stated in this section and where the maximum heights allowed for any fence, wall, or hedge are in conflict; the shortest maximum height shall apply.

4. Customary fencing around tennis courts and other recreational amenities shall follow the height restrictions and setbacks of the district and shall comply in all other respects with the terms of this section.

5. Subdivision entrance features—commonly used to identify subdivisions—must only be at the entrances to a subdivision and must not be higher than *six* (6) feet above grade. The feature may be on any property line adjacent to a right-of-way provided it does not inhibit the visibility of traffic, is compliant with Section (D) (4) *Visibility at intersections*, and shall otherwise comply in all other respects with the terms of this section.

6. Gates must not be designed to swing across property lines or to swing into any right-of-way.

7. Fences, walls, and hedges adjacent to a less intense zoning designation must follow the fencing regulations of the less intense zone.

8. Fencing and wall material must be an imitation of or be actual brick, wood, stucco or wrought iron. Fence types include stockade, split rail, picket, wrought iron, decorative bollard, and chain link and are typically constructed of wood, vinyl, and veneered metal. In industrial districts, painted metal panels may be allowed with the exception that no unarticulated length shall exceed *one-foot* (1'). Walls are typically solid-opaque structures constructed of stone or masonry. Materials and finishes should be durable and easily maintained and fencing and walls shall be compatible with the design of the principle building.

Fences and walls shall not be constructed of electrically charged wire and wire fences such as those with hardware cloth, chicken wire, agriculture, or others. Moreover, materials not specifically manufactured for permanent fencing are not allowed, and no fence shall be made of, in whole or in part, cloth, canvas or other like material. The cut or selvage end of wire or metal fencing materials may not be exposed at the top of a fence if the height of the fence is less than *six and one-half* (6 1/2) feet.

9. Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed. All exposed steel, except galvanized metal fences, shall have a colored finished coat applied to them and be preserved against rust and corrosion.

10. Missing boards, pickets or posts shall be replaced within 45 days with material of the same type and quality.

11. Fences and walls shall be maintained in an upright condition.

12. Property owners shall be responsible for the maintenance of the fencing, walls and hedges on their property, and for removal of any fence, wall, or hedge if it becomes unsightly or a menace to public safety, health or welfare.

13. On a drainage or irrigation easement, an owner may fence their property, but the water flow cannot be interrupted and must allow full access to the holder of the easement for the purpose of the easement. This may require gates to access the property with both foot traffic and equipment required to maintain the ditch or pipe. It is the responsibility of the property owner to contact those who own the easements and get approval of the fence, gate, etc., design.

(b) Residential Districts including R-O, R-B, T4L and T4+.

1. Fences, walls, and hedges between the primary and continuous front façade line continuing to the rear of the property:

i. Must not be higher than *six* (6) feet above grade.

ii. A decorative topping of no less than *fifty* (50) percent transparency may be allowed but must not exceed *eight* (8) feet above grade.

iii. Fence, wall, and hedge posts may extend past *six* (6) inches above the absolute height of a fence above grade and must be of a decorative design where extended but in no case may it exceed *eight* (8) feet above grade.

2. Fences, walls, and hedges between the primary and continuous front façade line and the front property line must not be higher than *three* (3) feet above grade.

3. Barbed or razor wire is expressly prohibited.

(c) Business and Industrial Districts including E-G.

- 1. Fences, walls, and hedges between the primary and continuous front façade line continuing to the rear of the property must not be higher than *ten* (10) feet above grade including fence posts.
- 2. Fences, walls, and hedges between the primary and continuous front façade line and the front property line must not be higher than *three* (3) feet above grade.
- 4. A maximum of two feet of barbed or razor wire is allowed on fences or walls not less than *eight* (8) feet above grade. However, barbed or razor wire is not allowed on any fence or wall adjacent to a property belonging to a residential use or district including R-O and R-B.

(d) Standards for variance approval. When determining a variance to fence, wall, and hedge requirements, the zoning board shall consider the following:

- 1. Safety in regard to the subject property, adjacent properties, ingress and egress, streets, alleyways, and water bodies;
- 2. Visual impact on adjacent properties, streets, alleyways, and water bodies;
- 3. Design in relation to other structures on the same lot, adjacent properties, and the neighborhood;
- 4. Impact on ingress and egress, if applicable;
- 5. Screening, buffering or separation of any nuisance or hazardous feature.
- 6. Compatibility with adjacent properties.

SECTION 3: For good cause being shown and the interest and welfare of the City of Gulfport, the citizens thereof require that the said Ordinance be in full force and effect immediately upon its passage should it pass unanimously and this ordinance shall be in full force and effect from and after its passage, but shall nevertheless be published and enrolled as provided by law.

The above and foregoing Ordinance, after having been first reduced to writing, was introduced by Flowers, seconded by Walker and was adopted by the following roll call votes, to-wit:

YEAS:
Casey
Roland
Walker
Sharp
Flowers
Pucheu

ABSENCES:
Holmes-Hines (out of room)

NAYS:
None

WHEREUPON the President declared the motion carried and the Ordinance adopted this the 19th day of September, 2017.

(SEAL:)

ATTEST:

ADOPT:

/s/ Ronda S. Cole

/s/ F.B. “Rusty” Walker, IV

Ronda S. Cole, Clerk of Council

F.B. “Rusty” Walker, IV, President

The above and foregoing Ordinance, having been submitted and approved by the Mayor, this the 20th day of September, 2017.

APPROVED:

/s/ Billy Hewes

Billy Hewes, Mayor