

ORDINANCE NO. 21-12

AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING § 90-05 OF THE TOWN CODE RELATING TO FENCE CONSTRUCTION; RENAMING CHAPTER 63 AS BUILDING CODE AND CONSTRUCTION REGULATIONS; RELOCATING PARTS 1 AND 2 OF CHAPTER 90 TO CHAPTER 63; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Shores regulates the construction and maintenance of fences in § 90-05 of the Town Code; and

WHEREAS, the Town Commission desires to revise the Town's fence regulations so as to clarify standards related to fence construction, and to allow for greater flexibility for property owners in the style of fences they install; and

WHEREAS, the Town's Building Official has recommended language to amend § 90-05 to accomplish these goals; and

WHEREAS, the Town Commission has tasked the Town Attorney with reviewing the Town Code and recommending organizational and substantive changes to the code to make it better organized and legally compliant, and to remove redundant, outdated or inconsistent provisions; and

WHEREAS, the Town Attorney has recommended moving the Town's building codes from Chapter 90 into a separate chapter only addressing building codes and standards; and

WHEREAS, the Town Commission has considered the recommended fence regulations and recommended relocation of its building codes; and

WHEREAS, based on the foregoing, the Town Commission has determined that it is in the best interests of the Town, its residents, businesses and property owners to adopt the code amendments set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Shores, Florida, that:

Section 1. Section 90-05 of the Redington Shores Town Code is hereby amended to read as follows:

Sec. 90-05. – Construction Standards.

~~Fences constructed within the town shall be constructed and located in the following manner:~~

- A. *Definitions.* For the purpose of this article, certain words and terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory. Said definitions are as follows:

Fence—A manmade barrier, of manmade materials, erected for the purposes including, but not limited to, enclosure, exclusion, protection, privacy, security, retainment, and aesthetics and located at the perimeter of or within the required yards of private property. This definition shall include the term "wall" as it is commonly used.

Structure—Anything constructed, erected, or installed, whether permanent or portable, the use of which requires a location on the ground or attached to something having a location on the ground. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building. "Structure" includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. "Structure" also includes signs and swimming pools, etc.

Yard, front—That area of a lot, open, unoccupied and unobstructed by any structure or use, extending between side lot lines across the front of a lot adjoining a public or private street.

Yard, rear—That area of a lot extending between side lot lines and lying between the rear lot line and the nearest foundation of the primary building or structure.

Yard, secondary front—For corner lots, that area of the lot located adjacent to a right-of-way and perpendicular to, or most closely thereto, the front yard.

Yard, side—That area of a lot extending the length of the primary structure and being the minimum horizontal distance from the respective side lot line to the primary structure.

B. *Material.*

- (1) Fences shall be constructed of plastic, masonry, metal or wood fencing materials of open design which will allow for the not interfere with air movement of air, and which meets one of the following criteria:(at least 45 percent of the fence shall be open space).
 - (a) at least 40 percent of the fence area is open space.
 - (b) the fence is a shadow-box or similar design, or
 - (c) the fence is confirmed by the applicant's contractor, engineer, or the manufacturer to be designed to fail under base flood conditions.

Exception: If any portion of a fence is located within 25 feet of any seawall, waterway, or property line (whichever is most restrictive) adjacent to or fronting on the Gulf of Mexico, the inland waterway or any bays or canals within the Town of Redington

Shores, then that portion only shall be required to have at least 70 percent open space. In no case shall any fence constructed or erected within the town have an open area between planks or other construction material greater than four inches.

- (2) No fence may be constructed of scrap materials.
- (3) Within the limits of the Gulf Boulevard Overlay District (GBOD), any fence shall be designed and constructed of masonry, wood or other appropriate materials as approved by the building official that meet the design intent of section 90-107.
- (4) All fences and walls shall be maintained in good appearance and condition by the property owner.

C. Location and height.

- (1) Height measurements. All height measurements for purposes of this article will be from the average ground elevation. These measurements are to be established by the building official based on the existing average ground elevation of the property abutting the lot on which the fence is erected, or the average ground elevation of the property on which the fence is erected, whichever is lower, at the time immediately prior to the erection of the fence.
- (2) Front yards and secondary front yards. No fence may be constructed on, within, or enclosing the front yard or secondary front yard of any lot in residential zones, except as buffer requirements for vehicular use areas, or as approved by site plan.
- (3) Side yards. Side yard fences (except as otherwise provided) may run from the rear lot line to a point in line with the nearest adjacent front corner of the main structure and may be returned to the primary structure at that point. If the fence is returned to the primary structure on both sides, a three-foot wide pass-through or gate shall be provided in one side return to provide access to the rear yard in an emergency. Any fence which is constructed on, within, or enclosing the side yard of any lot shall not exceed six feet in height.
- (4) Rear yards facing water. Any fence constructed on, within, or enclosing the rear yard of any lot adjacent to or fronting on the Gulf of Mexico, the inland waterways or any bays, canals or seawalls within the Town of Redington Shores shall not exceed four feet in height.
- (5) Rear yards not facing water. Any fence constructed on, within, or enclosing the rear yard of any lot which is not adjacent to or fronting on the Gulf of Mexico, the inland waterways or any bays, canals or seawalls within the Town of Redington Shores shall not exceed six feet in height. Exception: If the primary structures on two adjoining lots are so situated that they are perpendicular to each other, such that the rear yard of one lot would be the side yard of the other lot, then any fence which is erected or constructed on this rear yard/side yard lot line may not exceed four feet in height. The intent of this

exception is to ensure that any fence constructed or erected adjacent to any side yard of any property within the town shall not exceed four feet in height, and this exception shall be interpreted in conformity with such intent.

(6) Any lot not containing a primary structure. Any fence which is constructed on, within or enclosing any lot which is undeveloped or which does not contain a primary structure shall not exceed four feet in height.

(7) Under no circumstances shall any fence constructed or installed within the Town of Redington Shores exceed six feet in height.

(8) Fences may be built to enclose rear and side yards, but not front yards.

D. *Retaining walls.* A retaining wall not exceeding two feet in height may be constructed anywhere within the confines of an owner's property.

E. *Permits.* No fence or retaining wall shall be constructed until a plot plan of the lot on which the fence or retaining wall is to be built, showing the existing buildings, if any, proposed location, height, construction and material of the fence or retaining wall, shall be submitted in triplicate to the building department with an application for a building permit. ~~Upon approval of the building inspector or, in his or her absence, the building commissioner, a building permit will be issued for erection of the fence or retaining wall.~~

Section 2. Chapter 63 of the Town Code, currently entitled “BUILDINGS, NUMBERING OF”, shall be renamed: “BUILDING CODE AND CONSTRUCTION REGULATIONS.”

Section 3. Parts 1 (BUILDINGS AND BUILDING REGULATIONS) and 2 (FLOOD DAMAGE PREVENTION) of current Chapter 90, inclusive of all Articles therein and inclusive of § 90-1 through and including § 90-66 of the Town Code shall be moved to Chapter 63 and renumbered as § 63-1 through § 63-66 of the Town Code.

Section 4. Article VII of Part I of Chapter 63 (currently reserved) shall be entitled NUMBERING OF BUILDINGS.

Section 5. Current Code sections 63-1 through 63-3 shall be renumbered as sections 63-28 through 63-31 and placed in Article VII of Part I of Chapter 63 (NUMBERING OF BUILDINGS).

Section 6. Parts 4 (SUBDIVISION OF LAND) through 7 (CONCURRENCY MANAGEMENT) of Chapter 90 shall be renumbered as Parts 1 through 4. However, § 90-71 through § 90-196, and the Article numbers wherein these sections are housed, shall *not* be renumbered.

Section 7. For purposes of codification of any existing section of the Redington Shores Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 8. 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 any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 9. The Codifier shall codify the substantive amendments to the Redington Shores Town Code contained in Sections 1 through 6 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 10. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the day of December, 2021, by the Board of Commissioners of the Town of Redington Shores, Florida.

ADOPTED ON SECOND AND FINAL READING on the 20th day of December, 2021,
by the Board of Commissioners of the Town of Redington Shores, Florida.

ATTEST:

Marybeth Henderson, Mayor

Mary Palmer, MMC, Town Clerk