

ORDINANCE 2102

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING CHAPTER 5, ACCESSORY USES AND STRUCTURES, OF THE LAND DEVELOPMENT CODE TO AMEND FENCE HEIGHTS & FENCE FACING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Growth Management Department consistently reviews and recommends revisions to the Fort Walton Beach Land Development Code (LDC) when areas of improvements are identified to provide for the most streamlined, clear, user-friendly document possible; and

WHEREAS, the City Council finds the majority of residents desire a higher fence option for residential property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA:

Section 1. Authority and Intent

The authority for enactment of this ordinance is contained in Chapter 166.021, 163.3202, and other provisions of the Florida Statutes and Section 2 of the City Charter.

Section 2. Amendment of Section 5.01.08 – Fence, Hedges, and Walls

5.01.08 Fences, Hedges, and Walls.

A. Location of fences, perimeter hedges, and walls.

1. Fences, perimeter hedges, and walls may be located on, at, or inside the property line.

a. All fence material must be located on, at or inside the property line and shall not be located outside of the property line.

2. A fence located on the property line may be shared by adjacent properties.

3. Owners of fences on adjacent properties that are not shared shall make provisions for maintenance.

4. Setback requirements applicable to principal buildings shall not prohibit or restrict the installation of a retaining wall.

5. Fences, perimeter hedges, and walls shall not be located within the required clear visibility area designed in Section 6.03.00.

6. Fences, perimeter hedges, and walls shall not obstruct, hinder, or impede the safe movement of pedestrian, bicycle, or vehicular traffic.

B. Materials and appearance requirements.

1. Fences and walls shall be constructed of wood, masonry, stone, wrought iron, chain link, vinyl, or composite materials.

2. The following fence types are prohibited: wire and welded wire.

3. 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. All fences shall be installed with the finished side facing outward, except for the following:

a. ~~Where a fence cannot be constructed on the property line due to an existing fence on the adjacent property line, the finished side may face inward.~~

b. ~~When an applicant is not granted permission to access the adjacent property to install the fence, the finished side may face inward.~~

4. Fences located at the front yard setback or in the area between the front yard setback and the front property line shall not be solid and shall be a minimum of fifty (50) percent open.

5. A fence installed for security purposes for industrial uses may include barbed wire, provided that the barbed wire is eight (8) feet above ground.

C. Electrical fencing may be installed for security purposes and shall meet the following standards:

1. Electrical fencing may be installed on the top of a fence in the CG, CTP, or MB zoning districts, provided that the electrical fencing is a minimum of six (6) feet above the ground.

2. Electrical fencing may be installed in residential areas provided that such fencing shall be limited to rear yards and shall be contained within a fence structure.

3. All electrical fencing shall be accompanied by signs to provide a warning of the type of fence and the voltage of the fence. Warning signs shall be placed at each corner of the enclosed area; additional signs shall be placed fifteen (15) feet apart along the entire fence. Warning signs shall not exceed four (4) square feet in area each.

D. Mandatory fencing. Where the YC zoning district abuts property zoned to allow residential use, a fence or hedge shall be installed on or at the abutting property line. The fence or hedge shall be opaque and shall be a minimum of six (6) feet in height.

E. Height standards.

1. Fence and wall height shall be measured from the natural grade at the base of the fence to the topmost part of the fence.

2. ~~The maximum height for a fence on a lot line on property zoned R-1E, R-1, or R-2 and adjacent to a property zoned CG, MB, or CTP shall be eight (8) feet.~~

3. ~~The maximum height for a fence on a lot line on property zoned R-1E, R-1, or R-2 and adjacent to a school exempt from the LDC under Chapter 1013.371 of the Florida Statutes shall be eight (8) feet.~~

4. ~~The maximum height for a fence on a property with the existing use of medical facility for recovery or rehabilitation services shall be eight (8) feet in the side or rear yard.~~

25. Fence may contain decorative columns spaced no less than six (6) feet apart that shall not exceed nine ~~eight~~ (28) feet in height.

36. Height standards are provided in Table 5.01.08.

Table 5.01.08. Standards for Fence Heights.

Zoning District	Maximum Height in a Side or Rear Yard (feet)	Maximum Height in a Front Yard ¹ (feet)
R-1E	8 6	6 4-6
R-1	8 6	4
R-2	8 6	4
YC	8 6	6 4-6
CF	8 6	6
CG	8	6
MX-1	8 6	6
MX-2	8 6	6
CTP	8	8
MB	8	6
REC	8 6	6
*The maximum height for a fence on a property with the existing use of medical facility for recovery or rehabilitation services shall be eight (8) feet.		

¹ The front yard is the area between the principal structure and the front property line.

Section 3. Applicability

For the purposes of jurisdictional applicability, this ordinance shall apply within the City of Fort Walton Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

Section 4. Inclusion into the Land Development

It is the intent of the City Council that the provisions of this ordinance shall become and be made a part of the City of Fort Walton Beach's Land Development Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 6. Findings

The City Council of the City of Fort Walton Beach finds that the Local Planning Agency reviewed and recommended adoption of the ordinance on August 4, 2022.

The City Council of the City of Fort Walton Beach, Florida, finds that the proposed ordinance is consistent with the goals, objectives, and policies of the City's Comprehensive Plan.

The City Council of the City of Fort Walton Beach, Florida, finds that all notice requirements for enactment of the ordinance have been met in accordance with the Florida Statutes and the City's Land Development Code.

Section 7. Effective Date

This ordinance shall take effect immediately upon approval on second reading by the City Council and signature of the Mayor.

Adopted: August 23, 2022

Richard A. Rynearson, Mayor

Attest:

Approved for form, legal sufficiency

Kim M. Barnes, City Clerk

Hayward Dykes, Jr., City Attorney

Additions are underlined; deletions are stricken.