

ORDINANCE NO. 2021-55

AN ORDINANCE BY THE CITY OF LARGO, FLORIDA AMENDING THE CITY OF LARGO COMPREHENSIVE DEVELOPMENT CODE BY AMENDING SUBSECTIONS 10.5.2.C(2)(c), 10.5.2.D(11)(d), 10.5.2.D(15), 10.5.2.F., 16.3.2., 16.3.3., 16.3.4.B(2), 16.3.4.B(6), 16.3.4.D, 16.3.4.E, AND FIGURE 16-3, TO REVISE BUFFER LANDSCAPE REQUIREMENTS, LANDSCAPING STANDARDS, PERMITTED DEVIATIONS FROM REQUIRED LANDSCAPE PLANTINGS, BUILDING PERMIT REQUIREMENTS AND CONSTRUCTION STANDARDS FOR FENCES, WALLS, AND OTHER MAN MADE BARRIERS AS ACCESSORY USES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Largo Comprehensive Development Code must be consistent with the City of Largo's Comprehensive Plan and its adopted goals, objectives, and policies, in order to protect the health, safety, general welfare, and quality of life of all existing and future residents and property owners of the City; and

WHEREAS, the City of Largo recognizes that accessory uses such as fences are incidental to but customarily associated with a specific principal use, located on the same lot or parcel; and

WHEREAS, the City Commission recognizes and supports the need for fences, walls or any other similar man-made barrier erected for the purpose of enclosure, exclusion, protection, privacy, security, retainment, buffering or aesthetics; and

WHEREAS, the City Commission wishes to amend development standards and regulations allowing the use of specific types of fences, walls, and other man-made barriers as an accessory use and where required to buffer certain land use classifications to protect the character of neighborhoods, businesses and public/semi-public places while mitigating any negative impacts upon adjacent properties.

NOW, THEREFORE, THE CITY OF LARGO CITY COMMISSION HEREBY ORDAINS:

SECTION 1. That above recitals are true and correct and are hereby incorporated by reference as the findings of the City Commission.

SECTION 2. That Section 10.5.2.C(2)(c) of the Comprehensive Development Code is amended to read as follows:

10.5.2 Citywide Design Standards for Non-Residential and Multi-Family Residential Sites

C. *Buffer landscape requirements*

...

(2) Types of site perimeter landscaping:

...

- (c) Fencing** - Fences are required for proposed non-residential uses and along non-residential parcels that abut residential land use. This requirement may be administratively waived where adjacent to the right-of-way or if the property abuts parcels that are non-residential in use. Fence height and material must be consistent with the requirements of this CDC.

SECTION 3. That Section 10.5.2.D(11)(d) of the Comprehensive Development Code is amended to read as follows:

10.5.2 Citywide Design Standards for Non-Residential and Multi-Family Residential Sites

- D. *General site landscaping standards* - The following standards are intended to ensure compatibility among uses while promoting creativity and flexibility that enhances the aesthetic appeal of the site and moderates the heat generated by asphalt parking areas.

...

- (11) Landscape of retention ponds - Retention ponds may be used for the planting of replacement trees subject to the following:

...

- d. Where fencing or wall enclosures are required, only decorative, aesthetically-pleasing fence railings or walls, as approved by the DCO, shall be approved. Neither opaque fences nor chain link fences are permitted along retention areas, provided however that for retention areas that abut a parcel's boundaries, perimeter or buffer fencing may be opaque or constructed of chain link as permitted by Section 10.5.2(15).

SECTION 4. That Section 10.5.2.D(15) of the Comprehensive Development Code is amended to read as follows:

10.5.2 Citywide Design Standards for Non-Residential and Multi-Family Residential Sites

...

- D. *General site landscaping standards* - The following standards are intended to ensure compatibility among uses while promoting creativity and flexibility that enhances the aesthetic appeal of the site and moderates the heat generated by asphalt parking areas.

...

- (15) Walls and fences within buffers - All walls or fences shall comply with the requirements of Section 16.3 of this CDC and the following requirements:

- a. Acceptable fence materials include: concrete aggregate, stucco finish (either colored or painted), brick, stone, PVC, or glass block.
- b. Concrete masonry shall be allowed only if split face design or stucco covered.
- c. No chain link (including chain link with slats) shall be allowed except in single-family residential, institutional, industrial, transportation/utility, preservation or recreational applications.
 - (i) The DCO may allow chain link fences where a commercial use abuts commercial uses and other nonresidential uses which are permitted to have chain link fences.
 - (ii) Chain link and associated posts must be vinyl-coated to blend into surroundings on all non single-family residential properties.
- d. Wood fences shall only be permitted on individual residential lots, but are not permitted as subdivision perimeter fencing.
- e. Required fences must be structurally safe and made of durable materials.
- f. Applicants shall provide visual relief from long expanses of walls, in excess of seventy-five (75) lineal feet, through the use of staggering, capping, recessing, or providing inlays, columns, texture or similar treatments.

SECTION 5. That Section 10.5.2.F. of the Comprehensive Development Code is amended to read as follows:

10.5.2 Citywide Design Standards for Non-Residential and Multi-Family Residential Sites

F. *Deviations from required landscape plantings* - Deviation from the above requirements may be allowed or required, at the discretion of the DCO or his/her designee, in situations such as the following:

- (1) A masonry wall may be required where a fence will not adequately provide a buffer between the proposed use and adjacent existing uses.
- (2) Tree substitution - Canopy trees may be substituted for understory trees and vice versa where safety is impacted by the strict interpretation of the CDC. This includes, but is not limited to, situations where an understory tree would obstruct the line of sight from a vehicle, pedestrian or bicyclist.
- (3) Preservation of existing plantings - This CDC requires the preservation of trees and other plantings where the existing native vegetation fulfills the intent of the CDC, or where replacement of the existing native vegetation fulfills the intent of the CDC, or where replacement of the existing vegetation along with required plantings would result in a less-intensive buffer.
- (4) Increased building visibility - In order to minimize conflicts with monument signs and to allow better visibility of buildings, the DCO or his/her designee has the discretion to reduce the quantities of any plant materials required in the street frontage buffer by up to thirty (30) percent and to approve a landscape plan that provides for staggered spacing of landscaped materials in the street frontage area.
- (5) Blank wall screening - Windows and architectural detailing are encouraged on building walls facing the public right-of-way. To reduce the negative effect of blank, windowless building walls facing the public right-of-way, the DCO or his/her designee have the discretion to require additional evergreen shrubs and trees to screen such walls from public view.

SECTION 6. That Section 16.3.2 of the Comprehensive Development Code is amended to read as follows:

16.3.2 Applicability

Fences, walls or any other similar man-made barrier erected for the purpose of enclosure, exclusion, protection, privacy, security, retainment, buffering or aesthetics in accordance with Section 10.5.2 of this CDC.

SECTION 7. That Section 16.3.3 of the Comprehensive Development Code is amended to read as follows:

16.3.3 Required Permits

A building permit is required to install a fence, wall or other man-made barriers with the following exception:

Single-family residential properties are exempt from required permitting for maintenance or replacement of fencing with like for like materials not to exceed ten (10) linear feet (including 2 posts) and fence access gates not to exceed six (6) feet (including 2 posts). Repair, installation, or replacement of fences and gates that are part of a swimming pool barrier are not exempt from permitting.

SECTION 8. That Section 16.3.4.B(2) of the Comprehensive Development Code is amended to read as follows:

16.3.4 Standards

B. *Maximum height*

...

- (2) Multifamily, subdivisions, and mobile home communities - The maximum fence height is six (6) feet on all lot sides. Decorative columns, gates and gate support posts, or other similar embellishments may extend up to eight (8) feet in height.

SECTION 9. That Section 16.3.4.B(6) of the Comprehensive Development Code is amended to read as follows:

16.3.4 Standards

B. *Maximum height*

...

- (6) Approval to exceed maximum height limitations may be administratively granted by the DCO, upon receipt of satisfactory evidence of the need to exceed height standards.

SECTION 10. That Section 16.3.4.D. of the Comprehensive Development Code is amended to read as follows:

16.3.4 Standards

...

- D. *Wood Quality (if applicable)*** - Support posts must be resistant to decay, corrosion, and termite infestation. Wooden posts must be pressure-treated for strength and endurance. Wood fences are only allowed on single-family, duplex and triplex properties.

SECTION 11. That Section 16.3.4.E of the Comprehensive Development Code is amended to read as follows:

16.3.4 Standards

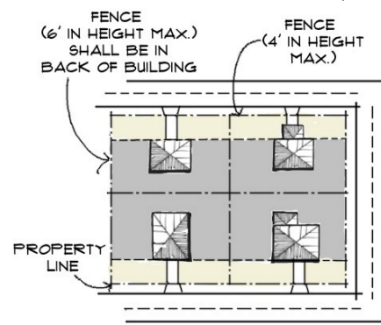
...

- E. *Orientation*** - All fences and walls must be constructed and installed with the finished side facing towards the exterior or adjoining properties and rights-of-way. For fences and walls between adjoining properties, this requirement may be waived by the DCO and with the written, signed approval of the adjoining property owners.

SECTION 12. That Figure 16-3 contained in Section 16.3.4. of the Comprehensive Development Code is amended to read as follows:

16.3.4 Standards

Figure 16-3: Residential Fence Placement, Scenario 3



SECTION 13. That all ordinances or parts thereof inconsistent herewith are hereby repealed and superseded.

SECTION 14. That it is the intention of the Largo City Commission that each provision hereof be considered severable, and, if any section, subsection, sentence, or provision of this ordinance is held invalid, the remainder of the ordinance shall not be affected.

SECTION 15. That this ordinance shall become effective immediately upon its final passage and adoption.

APPROVED ON FIRST READING _____

PASSED AND ADOPTED ON
SECOND AND FINAL READING _____

CITY OF LARGO, FLORIDA

Louis ("Woody") L. Brown, Mayor

ATTEST:

REVIEWED AND APPROVED:

Alan S. Zimmet, City Attorney

Diane Bruner, City Clerk