

ORDINANCE NO. 23-NNN

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, CHAPTER 125 – ZONING, ARTICLE VI, EXCEPTIONS, SECTION 125-322, FENCES, WALLS; INSTALLATION, REPLACEMENT AND MAINTENANCE, ALLOWING FENCES TO BE ERECTED ON VACANT LOTS; PROVIDING STANDARDS FOR FENCES ON VACANT LOTS; PROVIDING STANDARDS FOR FENCES ON SITES UNDERGOING CONSTRUCTION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, un-secured vacant lots often result in dumping grounds that are difficult to properly maintain; and

WHEREAS, the City desires to implement standards to allow fences surrounding vacant property; and

WHEREAS, these proposed regulations will positively impact the general health, safety, and welfare of the residents of the City; and

WHEREAS, the City of Fort Pierce Planning Board held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their -----2023, meeting, voted _ to _ to recommend Approval of the request.

WHEREAS, the City Commission of Fort Pierce held a properly noticed hearing at a regularly scheduled meeting to consider the revisions, and at their -----, 2023, meeting, voted to recommend Approval of the request.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida:

SECTION 1. Chapter 125 – Zoning, Article VI, Exceptions, Sec. 125-322. Fences, walls and hedges; installation, replacement and maintenance is hereby amended as follows:

- (a) *Purpose.* It is the purpose and intent of this section to establish the requirements for the installation, replacement, and maintenance of fences, walls and hedges, in order to protect and preserve the health, safety, welfare, appearance and general wellbeing of the citizens of the city. For the purpose of this section a fence is not considered to be an accessory structure.
- (b) *General requirements.* The following requirements apply to all fences, walls and hedges in any zoning district, except as herein specified:
 - (1) *Placement.* All permitted fences, walls, and hedges shall be located on the property of the applicant and not within any public right-of-way. No fence, wall or hedge shall be permitted to be located within, or so as to enclose, a

drainage easement, except upon the written authorization of the city engineer. Fences, walls and hedges may be permitted within utility easements, subject to the right of the city, utilities authority, or franchised utility company to remove, without cost or obligation to replace or restore, any such fence or wall and landscaping as may be necessary to maintain the utilities located in a utility easement. A suitable gate to provide access will be provided when utility meters are located within a fenced enclosure.

- (2) *Clear vision areas.* All fences, walls and hedges shall conform to the clear vision provisions of section 125-308.
- (3) *Finish.* All fences and walls shall be constructed so that the side of the fence or wall facing or viewable from the public rights-of-way or an adjoining property shall be the finished side of the fence or wall, in terms of materials and their treatment. Fences shall have all support posts and stringers placed facing inward toward the applicant's property. All exterior faces of block walls shall be finished and of professional quality, such as stucco, prefinished block, stacked block with struck joints, shadow blocks, painted or similar, installed in a workmanlike manner.
- (4) *Construction.* All walls shall be erected in accordance with the requirements of the state building code, as adopted or amended by the city.
- (5) *Permit.* All new or substantially altered fences and walls shall require a construction permit issued by the building department. The application for permit shall accurately establish the location of the fence or wall on the property, and the applicant shall be responsible for compliance with the permit. ~~therefore.~~
- (6) *Conditional uses.* The maximum height for walls, fences, and hedges of a conditional use shall not exceed the maximum allowed in the zoning district, unless a greater height is approved in accordance with the requirements of section 125-313.
- (7) *Trellises, arbors, pergolas, etc.* Trellises, arbors, pergolas and similar garden structures, if erected along the property line or within the required yard, shall conform to the height requirements of this section; if they are not erected within the required yard, then this section is inapplicable.

(8) *Fences located on vacant lots.* Fences are allowed to be erected on vacant lots subject to the following requirements:

a. *Height.* Notwithstanding the zoning district, the maximum height of fences within twenty-five (25') feet of the lot frontage (including double lot frontage) on vacant lots shall be four (4') feet. Interior, side or rear fences may be a maximum height of six (6') feet.

b. *Design.* A fence on a vacant lot shall not be opaque or of solid construction. Acceptable designs are black or green vinyl coated chain-link fencing, aluminum picket, wood picket, PVC picket or other similar design or material as approved by the Planning Director.

c. *Access.* A gate or other means of access, of not less than eight (8') feet wide, shall be provided and maintained at all times.

d. *Maintenance.* The fence shall be maintained and kept in good condition, The vacant lot kept free of weeds and overgrowth, with no outdoor storage.

e. *Enforcement.* Should the vacant lot require landscape or other maintenance through code enforcement action, then the City shall be permitted to enter the lot with any cost associated with the remedial action levied upon the owner of the lot.

(9) *Fences on construction sites.* Property the subject of an active building permit shall be exempt from front yard area height requirements for construction fences which may be a maximum height of eight (8') feet.

- (c) *Requirements by zoning districts.* The following maximum fence, wall and hedge heights are allowed by zoning district, as follows:

- (1) *Single-Family Zoning Districts (E-1, R-1, R-2, R-3)*. Fences or walls may be erected or maintained along property lines or within the required yards, to a maximum height of six feet above finished grade of the abutting parcel, except as follows:
 - a. *Front yards*. The maximum height for fences, walls or hedges in the required front yard shall be four feet.
 - b. *Waterfront lots*. The maximum height for fences, walls or hedges in the required building setback distance from the water shall be four feet.
 - c. *Double frontage lots*. The maximum height for walls, fences or hedges in the required rear yard, as defined by the basic use standards, shall be four feet.
- (2) *Medium and High-Density Residential Zoning Districts and Office, Neighborhood and Tourist Commercial Zoning Districts (R-4, R-4A, R-5, C-1, C-2, C-5)*. Fences or walls may be maintained along property lines or within the required yards, to a maximum height of six feet above finished grade of the abutting parcel, except the maximum height for walls, fences and hedges in the required setback distance from the yard shall be four feet and providing, further, that the maximum height for fences, walls or hedges in the front yards of single-family or duplex residences located in R-4, R-4A or R-5 districts shall be four feet.
- (3) *General and Central Commercial, Industrial and Open Space Zoning Districts (C-3, C-4, I-1, I-2, OS-1, OS-2)*. Fences and walls in the C-3, C-4, OS-1, and OS-2 Zoning Districts may be maintained along property lines or within the required yard, to a maximum height of eight feet above finished grade of the abutting parcel, except vehicular access suitable for emergency vehicles shall be provided. Fences and walls in the I-1 and I-2 zoning districts may be maintained along property lines or within the required yard, to the maximum heights specified in subsection (e)(5) of this section finished grade of the abutting parcel, except vehicular access suitable for emergency vehicles shall be provided.
- (4) *Planned Unit Development and Redevelopment Zoning Districts (PUD and PUR)*. Fences or walls may be maintained along property lines or within the required yards, to a maximum height of six feet above finished grade of the abutting parcel, when consistent with the purpose and intent of the approved development or redevelopment plan.
- (d) *Special requirements*. In addition to the general requirements of section 125-322(b) and specific height requirements by zoning district of section 125-322(c), the following requirements are applicable as indicated:
 - (1) *Landscaping*. All fences and walls constructed generally parallel to the public right-of-way and having a length of 100 feet or more shall be landscaped along not less than 50 percent of the linear distance. This landscaping shall consist of shrubs and not less than one tree for each 50 feet of fence or wall so landscaped. All landscaping shall conform to the standards of section 125-314(b). Fences and walls enclosing single-family or duplex uses are exempt from the landscape requirement.
 - (2) *Security fences*. Security fences designed to preclude entry into hazardous locations or facilities or to protect the exterior storage of materials or equipment from vandalism or theft may not be erected, except that upon application to the director of planning a security fence may be permitted upon determination that such fence is necessary in the interest of public safety or the protection of public or private property and does not have a negative impact on the general appearance of the area. If permitted, such a fence shall not provide more than three strands of barbed wire above a fence not exceeding six feet in height. Barbed wire fences, otherwise allowed under this section, are not permitted in residential neighborhoods, downtown or in areas of the city which have been targeted for redevelopment.
 - (3) *Retaining walls*. Retaining walls shall be approved by the city engineer.

- (4) *Construction fences.* Temporary fences may be permitted by the director of building and code enforcement to enclose construction sites as necessary in the interest of public safety or the protection of public or private property. Such fences shall not exceed eight feet in height.
 - (5) *Chain link fences.* On lots fronting Delaware Avenue, Orange Avenue, Avenue D and U.S. 1, or on lots determined by the director of planning to be in the downtown area or in an area targeted for redevelopment, chain-link fences are permitted only if located no closer than 25 feet to any public right-of-way, are painted or coated, and screened from the public right-of-way with shrubs and no less than one tree for each 50 linear feet.
- (e) *Required fences, walls, or hedges.*
- (1) *Junkyards.* Junkyards shall comply with the requirements of section 22-327(d).
 - (2) *Swimming pools.* Swimming pools shall comply with all applicable requirements of the state building code.
 - (3) *Parking lots.* Parking lots shall comply with the requirements of section 125-315.
 - (4) *Residential buffers.* Buffers between residential or open space areas and commercial or industrial areas shall conform with the requirements of section 125-314(c)(4).
 - (5) *Commercial and industrial buffers.* Outside storage of materials for commercial and industrial uses shall be screened with a sight-obscuring fence or wall which is not less than six feet to a height equal to the height of the material being stored, whichever is greater, except the storage of materials may not exceed a height of 15 feet. Outside storage of cargo containers shall be screened with site-obscuring fence or wall at least eight feet in height or with a landscape strip at least ten feet in width. The top of the highest stored or stacked cargo container may not exceed a height of 30 feet. Such limitation on the storage or stacking of cargo containers is effective as of October 16, 2007, notwithstanding any other provision in the Code of Ordinances, whether any such contrary provision relates to nonconformity or not. For all fences and walls constructed generally parallel to the public right-of-way or parallel to a lot that is not zoned I-1 or I-2, there shall be a hedge planted along the outside of such barrier to form a 36-inch or higher continuous, unbroken solid screen and one tree planted for an average of every 20 feet along the outside of such barrier. Such fence, wall, landscape strip, and/or landscaping required by this section also shall meet the requirements of article I of chapter 123 and section 125-314(g)(7) and (8).
- (f) *Prohibited fences, walls, hedges, or characteristics of fences, walls or hedges.*
- (1) *Electric fences.* Electric fences shall not be permitted.
 - (2) *Concertina wire.* Barbed wire fences using concertina-type wire shall not be permitted, except within the interior of a prison or jail compound area.
 - (3) *Signs.* No signs or advertisements, excepting 'no trespassing' or the address of the property shall be located on a fence or wall without an appropriate sign permit.
- (g) *Exceptions.*
- (1) Fences and walls located on publicly-owned property shall be exempt from the requirements of section 125-322(c), pertaining to height, and section 125-322(4)(b), pertaining to security fences.
 - (2) Height of hedges or other vegetative screening shall be limited only by health and safety factors, unless specifically limited herein.
 - (3) Fences and walls used for recreational purposes such as around a tennis court are exempt from the maximum height requirements of section 125-322(c).

SECTION 2. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. This Ordinance shall take effect immediately upon passage.

APPROVED AS TO
FORM AND CORRECTNESS:

Tanya M. Earley, Esq.
City Attorney

STATE OF FLORIDA COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 23-019 was duly advertised by title only in the St. Lucie News Tribune on _____, 2023; copy of said Ordinance was made available at the Office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on _____, 2023; and was duly introduced, read by title only, and passed on second and final reading on _____, 2023, by the City Commission of Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this _____ day of _____, 2023.

Linda Hudson, Mayor

ATTEST:

Linda W. Cox
City Clerk

(SEAL)