

**ORDINANCE NO. 20-05**

**AN ORDINANCE OF THE CITY OF FORT MEADE, FLORIDA; AMENDING THE CITY OF FORT MEADE UNIFIED LAND DEVELOPMENT CODE; AMENDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, SECTION 2.02.08 FENCE HEIGHT; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**BE IT ENACTED BY THE CITY COMMISSION OF FORT MEADE, FLORIDA:**

**SECTION 1. FINDINGS AND INTENT.** In adopting this Ordinance and amending the City's Unified Land Development Code, the City Commission of Fort Meade, Florida hereby makes the following findings:

(1) Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City.

(2) Pursuant to state law, the City adopted a unified land development code ("Land Development Code").

(3) The City has prepared a text amendment to Article 2, Regulations for Specific Districts, Section 2.02.08 to add regulations to address the location of fences and materials for fence construction.

(4) The City Commission of Fort Meade has determined it necessary and desirable to add regulations specific to locations for fences and materials for fence construction.

(5) Pursuant to Section 166.041(c)2, Florida Statutes, the Planning and Zoning Board and the City Commission have held duly advertised and noticed public meetings and hearings to obtain public comment for the purpose of amending the Unified Land Development Code as presented in the exhibit attached to and incorporated in this Ordinance as Exhibit "A".

(6) Having considered written and oral comments received during public hearings, the City Commission find the changes necessary and appropriate to the needs of the City.

(7) The City Commission finds that the proposed text amendment to the Land Development Code is in the best interests of the health, safety, and welfare of the general public and the City's residents, further the purposes of, and is consistent with the City's Land Development Code, and is consistent with and compliant with State law, including, but not limited to Chapter 163, Part II, Florida Statutes.

**SECTION 2. LAND DEVELOPMENT CODE AMENDMENT.** Article 2, Regulations for Specific Districts, Section 2.02.08 Fence Height is hereby amended to include the text set forth

in Exhibit "A", which is attached hereto and included herein by reference, which amends Section 2.02.08 Fence Height to add regulations to address the locations of fences and the materials for fence construction.

**SECTION 3. SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**SECTION 4. CONFLICTS.** All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

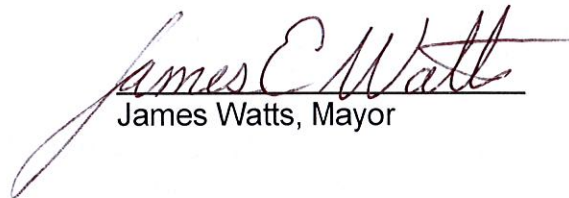
**SECTION 5. CODIFICATION.** An official, true and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk will make copies available to the public for a reasonable publication charge.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be effective 10 days after passage upon Second Reading.

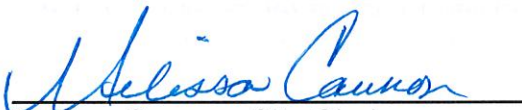
PASSED ON FIRST READING this 24<sup>th</sup> day of March, 2020.

PASSED ON SECOND READING this 14<sup>th</sup> day of April, 2020.


**CITY OF FORT MEADE, FLORIDA**

  
James Watts, Mayor

**ATTEST:**

  
Melissa Cannon, City Clerk

**APPROVED AS TO FORM AND LEGALITY:**

  
Thomas A. Cloud, Esquire  
City Attorney

**FORT MEADE ORDINANCE 20-05**  
**EXHIBIT "A"**  
**AMENDMENTS TO ARTICLE 2 – REGULATIONS FOR SPECIFIC DISTRICTS**

The proposed amendments to the City of Fort Meade Unified Land Development Code are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

**2.02.08 Fence Height, Location, and Materials Limitations**

A permit is required from the Building Official before erecting any fence.

- (A) *Residential Zoning Districts.* In all residential zoning districts, no fence or solid wall on any property shall exceed six feet in height. A solid fence may be added in the front yard as long as it does not exceed four feet in height and has a 10-foot minimum setback from the property line. A chain-link type fence (without slats) may be placed within the front setback area as long as it does not exceed four feet in height. Similarly, no fence shall exceed six feet in height in the side yard; and a solid fence may be added in the side yard as long as a 10-foot minimum setback from the front property line is maintained. A chain-link type fence (without slats) may be placed within the side yard setback area up to the front property line and may not exceed four feet in height for the first ~~ten~~ 10 feet from the front property line.
- (B) *Residential Subdivisions – Decorative Perimeter Fences and Walls.* Fences or walls enclosing residential subdivisions shall be of decorative fence where they front on a public right-of-way and shall maintain a minimum setback of 10 feet from the public right-of-way. The wall height shall be no greater than six feet and the poles/columns shall be no greater than eight feet in height provided all of the following criteria are met:
- (1) The wall shall be constructed of brick, stucco, split-face block, wrought iron, wood, or a combination thereof.
  - (2) The wall shall be designed in a manner that is residential in character.
  - (3) The wall shall be installed a minimum setback of five feet from the property line and 10 feet from the right-of-way.
  - (4) No portion of the wall shall be located within any easement.
  - (5) Placement of landscape material shall comply with the City's landscape regulations.
  - (6) Ground cover and irrigation shall be provided.

- (CB) Commercial and Industrial Other Zoning Districts. No fence or solid wall on any property shall exceed eight feet in height in any commercial or industrial zoning districts.
- (D) Property used for Agricultural Uses: Wire fencing such as barbed wire is allowed for properties with a bona fide agricultural exemption or zoned as Agriculture (AG). Pre-existing agricultural type fencing in non-agricultural zoned areas can remain until replaced; however, replacement fencing must comply with this section.
- (E) Materials. No fences shall be installed, constructed or erected without complying with the following regulations:
- (1) Fences must be constructed of new materials designed for the purpose of fencing or aged for proper architectural effect. Fences having a side with exposed or irregular structural components, and a more finished, uniform and aesthetically attractive side, shall be constructed and installed so that the more finished side faces outward from the fence's property toward the adjoining property.
  - (2) No fence shall contain any substance designed or reasonably likely to inflict injury to any person or animal, including, but not limited to razor or barbed wire, glass or electrically charged wire, with the exception that barbed wire and electrically charged wire may be used in the Agriculture (AG) zoning district and on properties that are with Section 2.02.10(B).
  - (3) Notwithstanding the provisions of this Section, the use of security fencing may be used at sites, such as electrical substations and communications facilities, where such fencing is required by Federal, State or local law, or other sections of this Code. Further, temporary security fencing may be utilized for construction sites while a permit for the work is active for the construction site. All temporary fences shall be removed prior to the issuance of a Certificate of Occupancy.
- (F) Maintenance. Fences and walls must be maintained in good repair and free from structural defects by the owner of the real property upon which they are located. Missing or damaged boards, pickets, posts, gates, rails, chain link, cementitious material, or other material parts of the fence or wall shall be replaced in a timely manner with material of the same type, quality, and finish as the existing fence or wall.
- (G) Permitting. Plans and specifications of fences and walls shall be submitted to the building official together with an application for a permit, on forms specified by the city or the building official. Said plans and specifications shall show the location of the proposed fence or wall in relation to the property boundaries and any structures

located thereon, the height of the proposed fence or wall and the materials to be used in its construction.

- (H) Locations. No fence, wall, or hedge shall be constructed or planted in any right-of-way, except as may be placed as part of a public highway safety or beautification project.
- (I) *Clear Visibility Triangle.* No fence or other obstruction, including signs (having less than 8 feet of ground clearance), walls, hedges, or other structures shall exceed two feet in height within 50 feet minimum of a street intersection in commercial and industrial districts and 30 feet minimum in residential districts. See Article 3, Section 3.02.03 for minimum standards for each street classification.
- (J) *Pools.* Unless the pool is entirely enclosed or screened-in with approved screen, it must be surrounded by a protective wall or chain link fence no less than four feet in height.
- (K) Nonconforming Fences: Fences that do not meet the requirements of Section 2.02.08 shall be considered nonconforming and shall be addressed consistent with Section 7.12.00, Nonconformities.
- (L) Variances. Variances from the terms of this article shall be considered pursuant to Section 7.11.00.

