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2 **ORDINANCE 2022 – 06**

3 **AN ORDINANCE OF THE CITY OF EDGEWOOD AMENDING**
4 **CHAPTER 134 OF THE CODE OF ORDINANCES RELATED TO**
5 **LOCATION, HEIGHT, AND CONSTRUCTION STANDARDS AND**
6 **REGULATIONS APPLICABLE TO FENCES AND SCREENING WALLS;**
7 **PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION,**
8 **CONFLICTS AND AN EFFECTIVE DATE.**

9 **WHEREAS**, the City Council of the City of Edgewood, Florida, finds it necessary and in
10 the best interests of the health, safety and welfare of the residents and visitors to the City to
11 update the standards applicable to the installation of fences and screening walls; and

12 **WHEREAS**, within this Ordinance, deletions are identified by strikethrough text and
13 additions are identified by underline text.

14 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
15 **OF EDGEWOOD, FLORIDA, AS FOLLOWS:**

16 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as legislative
17 findings of the City Council pertaining to this Ordinance.

18 **SECTION TWO.** Chapter 134-517 is hereby amended as follows:

19 **Sec. 134-517. - ~~Location of fences~~screening walls.**

20 ~~In any residential district, no closed fence or wall shall be erected or maintained within 20 feet~~
21 ~~from a corner intersection of street right of way. Fences or walls beyond the front building line~~
22 ~~shall be limited to a maximum height of four feet. A fence or wall shall be limited to a maximum~~
23 ~~height of eight feet in the rear and side yards. In any residential district, all chainlink fences shall~~
24 ~~be installed with the pointed ends to the ground. No electrically charged wire fence shall be~~
25 ~~erected in any residential district. No barbed wire fence shall be erected in any residential~~
26 ~~district, except for security of public utilities, provided such use is limited to three strands, a~~
27 ~~minimum of six feet above the ground. Barbed wire may be used on security fences erected in~~
28 ~~any commercial or industrial district provided such use is limited to three strands, a minimum of~~
29 ~~six feet above the ground.~~

30 **(a) Purpose and Intent.** The purpose and intent of this section is to regulate the location,
31 height, and appearance of fences and walls to maintain visual harmony within
32 neighborhoods and throughout the City, protect adjacent land from the indiscriminate
33 placement and unsightliness of fences and walls, and ensure the safety, security, and
34 privacy of properties.

35 **(b) Applicability.**

- 36 a. Unless exempted below, the provisions of this section shall apply to all new construction
37 or repair or replacement of 50 percent or more of any existing wall or fence. The term
38 wall in this section applies to screening walls and not walls required for support of a
39 principal or accessory structure.
- 40 b. Permit Required. All fences and walls subject to these standards shall obtain a building
41 permit prior to construction. Requests for permits for walls and fences must be
42 accompanied by a scaled site plan and drawings clearly showing the locations, heights
43 and materials for which approval is requested.

44 **(c) District Location Standards.**

45 1. **Residential Districts.**

- 46 a. Fences and Walls in a Required Front Yard: Except where allowed in this section,
47 fences and walls within the required minimum front setback shall not exceed 4 feet in
48 height.
- 49 b. For residential zoned lots with a front or side yard on a FDOT functionally classified
50 arterial or collector road, the maximum height for a fence or wall in a required
51 minimum front and street side yard may be increased to six feet if the following is
52 met.
- 53 1. Fences shall be of decorative materials such as wrought iron or powder coated
54 aluminum in a style of wrought iron.
- 55 2. Walls shall be concrete block, stone, cultured stone, brick, or prefabricated with a
56 textured manufactured finish. If concrete blocks are used, the wall shall have a
57 minimum 1” thick stucco finish or be clad in brick, stone and/or cultured stone
58 veneer.
- 59 3. Brick, stone and/or cultured stone columns shall be constructed when using either
60 a fence or a wall, and such columns shall, at a minimum, be placed where the
61 fence/wall ends at the property lines and at driveways. If the lot’s road frontage is
62 in excess of one hundred (100) feet, additional columns shall be required to be
63 spaced evenly along the frontage, with the wall/fence segment not exceeding 40
64 feet in length. The columns may extend up to 12 inches above the fence height.
- 65 4. The fence/wall shall be constructed a minimum of 7 feet from the road right-of-
66 way line.
- 67 5. One (1) evergreen shade tree shall be planted along the fence/wall, on the street
68 side of the fence/wall every 40 feet on center maximum. The tree shall be a
69 minimum caliper of 5 inches (as measured 1 foot above grade) and minimum 14
70 feet in height at planting with 6’ minimum clear trunk. If overhead utilities exist
71 along the right-of-way, the required shade trees shall be understory trees spaced
72 every twenty (20) feet on center, with said understory trees a minimum of nine

73 feet in height and at least a three-inch caliper (measured 6 inches above grade) at
74 planting if single stem; for multi-stem understory trees, at least three stems are
75 required with each stem at least of one-inch caliper (measured 6 inches above
76 grade).

77 6. If hedges are planted along the fence or wall, such shall be maintained at a height
78 not to exceed six feet in height in the required front setback or street side setback
79 and shall not exceed eight feet in other required setbacks.

80 7. If a gate is used, the gate shall be automated and setback a minimum of 20 feet
81 from the public sidewalk.

82 8. If on a corner lot, the fence/wall shall meet the Proximity to Right-of-Way
83 Intersection standard in Section Sec. 134-517(d).

84 c. Unless abutting a FDOT functionally classified arterial or collector, on any corner lot,
85 abutting the side of another lot, a fence/wall along the side street exceeding four (feet)
86 in height shall be setback 15 feet from the street side property line.

87 d. Maximum fence and wall height outside the minimum front setback shall be eight (8)
88 feet in height unless a more restricted height limit applies. A fence or wall height
89 greater than eight feet may be approved by special exception.

90 e. Subdivision walls and buffers.

91 1. Subdivisions that include lots with rear or side yards adjacent to a public right-of-
92 way must include a screen wall and vegetative buffer to provide both a desirable
93 buffer for the residents of the subdivision from the street as well as provide an
94 aesthetic buffer for the users of the adjacent right-of-way. Height of the screen
95 wall shall be six feet from the finished grade of the location of the wall or street,
96 whichever provides the highest screening height. Compliance with this section
97 will require a buffer with hedges, evergreen shade trees (at 40-foot on center
98 spacing) and one understory tree centered between the shade tree, on the street
99 side of the wall. The minimum width of the buffer shall be ten (10) feet, as
100 measured from the right of way line to the wall. The shade tree shall be a
101 minimum caliper of 5 inches (as measured 1 foot above grade) and minimum 14
102 feet in height at planting with 6' minimum clear trunk. If overhead utilities exist
103 along the right-of-way, the required shade trees shall be understory trees spaced
104 every twenty (20) feet on center, with said understory trees a minimum of nine
105 feet in height and at least a three-inch caliper (measured 6 inches above grade) at
106 planting if single stem; for multi-stem understory trees, at least three stems are
107 required with each stem at least of one-inch caliper (measured 6 inches above
108 grade).

109 2. The following are not considered adequate buffers for compliance with this
110 section:

- 111 • Chain linked fences;
- 112 • Wood fences;

- 113 • Painted or untreated block walls; and,
114 • Insufficient planting area for maturing landscaping.
115 3. Maintenance of these improvements will be the responsibility of the homeowners'
116 association and must be clearly defined on the preliminary subdivision plan and
117 final plat.
118 f. No barbed wire fencing shall be allowed except by special exception approval.

119 **2. Nonresidential Districts Except the ECD and Industrial districts.**

- 120 a. Fences or walls within the front setback shall be limited to a maximum height of four
121 (4) feet. For fences and walls, the front yard setback shall apply to all sides fronting a
122 road.
123 b. Outside the front or street side setback, the maximum height of a fence or wall shall
124 be eight (8) feet, except as noted for public utilities.
125 c. No barbed wire fence shall be allowed except for security of public utilities. Such
126 fencing around the public utility shall be consistent with the standards listed in
127 Section 134-517(d).

128
129 **3. Industrial Districts.**

- 130 a. Fences within the front setback shall be permitted to be a maximum height of eight
131 (8) feet provided such fencing is non-opaque. Opaque fences and walls shall be
132 limited to a maximum height of four (4) feet in the front setback.
133 b. If a landscape buffer is required by Chapter 114, the fence/wall shall be placed on the
134 lot side of the buffer yard.
135 c. Barbed wire along the top of a fence may be used provided following is met.
136 1. The barbed wire shall not exceed one additional foot in height of the fence and
137 the fence height shall be limited to a maximum height of nine feet without a
138 special exception approval.
139 2. The outward limit of the barbed wire shall not be within 20 feet of any street
140 right-of-way line, sidewalk, or adjacent property.
141 2. Without a special exception, no barbed wire may be used in locations adjacent
142 to a residential zoning or future land use designation.

- 143 4. **ECD.** Fences in the Edgewood Central District shall comply with ECD regulations.

144 **(d) Standards Applicable to All Districts.**

- 145 1. **Chain Link Fencing.** Except where specifically allowed by this section, chain
146 link fences are prohibited between the front lot line and the front of the structure in all
147 districts. Where chain link fencing is allowed, such shall be green, black, or brown vinyl
148 coated.
149 2. **Wood Fencing.** Wooden fences shall be constructed of stained or painted pressure
150 treated pine, cedar, or cypress. Plywood, particle board, or similar wood materials are

- 151 prohibited. The finished side shall face outward, and stringers and posts shall not be
152 visible from the outside.
- 153 3. **Masonry concrete block walls.** Concrete block walls shall be clad in brick, stone or
154 cultured stone veneer or have a 1 inch thick stucco finish with brick stone or cultured
155 stone accent features.
- 156 4. **Pre-cast Concrete Walls.** Pre-cast Concrete Walls shall have manufactured imprinted
157 texture and patterns to mimic brick, stone or cultured stone patterns.
- 158 5. **Barbed Wire.** The following standards apply when barbed wire fencing is used around
159 public utilities.
- 160 a. Without a special exception, no barbed wire may be used in locations within or
161 adjacent to a residential zoning or future land use designation.
- 162 b. The minimum fence height shall be eight (8) feet.
- 163 c. The barbed wire shall not exceed one additional foot in height without a special
164 exception approval.
- 165 d. The outward limit of the barbed wire shall not be within 20 feet of any street right-of-
166 way line, sidewalk, or adjacent property.
- 167 6. **Fence/Wall Colors.** Fence or wall colors shall be matte finish of any earth tone color
168 (i.e., color found in soil, such as sand, clay, slate), matte black, matte white, or pastels
169 with a minimum matte white content of 90 percent. Colors shall complement the primary
170 color of the development and shall not be so extreme in contrast or intensity that the color
171 competes with the building for attention or acts as a sign.
- 172 7. **Fences/Walls adjacent to Required Landscape Buffers.** Where landscape buffers are
173 required adjacent to public rights-of-way, the fence/wall shall be located on the lot side of
174 the buffer. Fences or walls located along interior side or rear lot lines may be placed atop
175 the property line with required plantings located inside the fence or wall.
- 176 8. **Proximity to Right-of-Way Intersections.** To prevent obstruction of view of an
177 oncoming vehicle or train at an intersection of two rights of way or a right-of-way and
178 ingress/egress access points, at a minimum, fences and walls shall comply with the most
179 current FDOT criteria and standards for Intersection Clear Sight Lines.
- 180 9. **Maximum Height in All Districts.** Outside the minimum yard standards (setbacks), the
181 maximum height of fences and walls shall be eight (8) feet unless specifically approved
182 by special exception or elsewhere in this code.
- 183 10. **Adjacent to Water Bodies.** All fences and walls located adjacent to water bodies shall
184 not extend into such water body beyond the normal high water elevation (NHWE). The
185 maximum height of a fence/wall within 10 feet of the NHWE shall be four (4) feet.
- 186 11. **Swimming Pools Fencing.** All swimming pools of any type whatsoever, including but
187 not limited to portable swimming pools, constructed in such a manner as to permit a
188 water depth of two (2) feet or more and an area of 36 sq. ft. or more shall be completely
189 enclosed by a minimum 48” high fence, wall, or other equivalent barrier with an access
190 gate designed in accordance with the current publication of the Florida Building Code

191 Swimming Pool Barrier Requirements, this code for fence and wall material
192 requirements, and as approved by the City Engineer.

193 12. **Firefighting access.** Fences and walls shall be designed and constructed so that adequate
194 access to buildings is maintained for firefighting purposes.

195 13. **Electric fences.** It shall be unlawful for any person to erect, install or maintain any
196 electrically charged fence within the city, except for an electrically charged fence to
197 retain animals upon proof submitted to City Council, that the fence will not be hazardous
198 to life.

199 14. **Temporary Fencing.**

200 a. A temporary fence not exceeding 8 feet in height may be erected during construction
201 in any district.

202 b. The temporary fence shall be restricted to chain link, vinyl picket, industrial
203 aluminum, or wrought iron. All other materials are prohibited. Orange construction
204 fencing for tree protection during construction shall be allowed.

205 c. Any portion of the temporary fencing facing a right-of-way must allow a reasonably
206 unrestricted view of the grounds of the undeveloped lot from the right-of-way. Picket-
207 style materials fronting a right-of-way shall have minimum spacing of four inches
208 between each picket with a maximum picket width of one inch.

209 d. A pedestrian access gate is required. The gate must swing into the lot.

210 e. At all times, the ground cover of the lot shall be maintained, and the lot shall be kept
211 free of trash and debris.

212 f. The temporary fence shall be removed prior to any Certificate of occupancy.

213 15. **Fences/Walls in regulated floodways.** Fences and walls in regulated floodways shall be
214 designed to avoid blocking the passage of floodwaters as determined by the City
215 Engineer.

216 16. **Maintenance.** All walls and fences shall be maintained at the proper height, in a plumb
217 and upright position, free of any defects, damage, mold and mildew and any other
218 discoloration.

220 **SECTION THREE.** The provisions of this Ordinance shall be codified as and become and be
221 made a part of the Code of Ordinances of the City of Edgewood.

223 **SECTION FOUR.** If any section, sentence, phrase, word or portion of this ordinance is
224 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
225 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
226 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

228 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby repealed.

230 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage and
231 adoption.

232

233 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City Council of
234 the City of Edgewood, Florida.

235

236 PASSED ON FIRST READING: _____

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238 PASSED ON SECOND READING: _____

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Richard A. Horn, Council President

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ATTEST:

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Sandy Riffle

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Interim City Clerk